



PUBLIC HEARING

A public hearing was held by the Spalding County Board of Commissioners in their office in the Courthouse Annex, Thursday, May 22, 2003 beginning at 6:00 o'clock p.m. with Commissioners Dick Morrow, Michael Kendall, Johnnie McDaniel, and Eddie Goss present. Commissioner Davis was absent. Also present were County Manager William Wilson, Community Development Director Chuck Taylor, Zoning Attorney Newton Galloway and County Clerk Phyllis Doane.

A G E N D A

A. Call to order: Chairman Morrow

B. Old Business:

1. **Application #03-01Z: Lift from the table** - McCamy, Phillips, Tuggle & Fordham Self-Employed Retirement Trust/Carole C. Carlisle, Owners – Harp-Jones Development, Agent – Westmoreland Road (50 acres, more or less, located in Land Lot 36 of the 3rd Land District) - requesting a rezoning from R-2, Single Family Residential and AR-1, Agricultural and Residential, to R-2, Single Family Residential.
2. **Application #03-01AZ: Lift from the table** - McCamy, Phillips, Tuggle & Fordham Self-Employed Retirement Trust/Carole C. Carlisle, Owners – Harp-Jones Development, Agent – Westmoreland Road (50 acres, more or less, located in Land Lot 36 of the 3rd Land District) - requesting a rezoning from AR-1, Agricultural and Residential, to R-2, Single Family Residential.

Community Development Chuck Taylor stated that there were two (2) letters by the owners requesting to leave these applications on the table as the developers were working on a revision to their plan. Mr. Carlisle addressed the request to table. We said that the owners had understood that the applicants that the plan was continuing to evolve and that it was in everybody's best interest to have the matter continued. He said the developers were present and he would let them address whether to hear now or keep the applications on the table.

Mr. Mark Jones of Harp-Jones Development came forward and gave his address as 547 Ebenezer Road, Fayetteville, GA along with Ricky Harp who gave his address as 155 Buckeye Lane, Fayetteville, GA. Mr. Jones commented that they are constantly revising the plat but did not feel the need to table these items tonight. They understand that the landowner has the right to table. Mr. Carlisle withdrew the request to table.

*Motion made by Commissioner McDaniel to lift **Application #03-01Z** from the table. Motion made by Commissioner McDaniel to lift **Application #03-01AZ** from the table to hear both applications simultaneously. Commissioner Goss seconded the motions and motions were unanimously approved by a vote of 4-0.*

Mr. Mark Jones, developer, commented that they understand where the community is on this issue. He said they hope they have addressed a lot of the issues and the revised plat presented before you tonight includes residents' as well as Planning's recommendations. He said they had addressed density from 123 lots to 99 lots, one lot per acre Conservation, which is in the Future Land Use Plan for Spalding County. With sewer it allows between 150 to 160 lots. They addressed property value concerns, educational concerns, traffic concerns and zoning classification concerns. This property is bordered to the north, east and south by R-2 classification and is bordered to the west by an AR-1 classification. The average assessed value within a 1.5-mile radius was \$83,829 with an average dwelling size of the home of 1389 square

feet. As far as educational concerns, the Board of Commissioners has approved twelve (12) subdivisions over the past two (2) years. As far as traffic concerns, this development will not significantly impact the traffic flow on Highway 92 as shown by the transportation study. He addressed house specifications. He said that they have gone up to a minimum of 1750 sq. ft., which is actually R-1 zoning, a minimum of 6:12 roof pitch, paved driveways, two car garages, all homes shall have a masonry accented front, no exposed foundations visible on the front corners, sodded yards, underground utilities and strict covenants. He said that they were going to start up a homeowners association that they would fund and not turn over to residents of the community until the subdivision is built-out. He addressed development specifications stating that all detention facilities shall be landscaped to minimum visibility. He presented pictures of the design of the subdivision entrance to the property. He discussed the buffering of property with berms and vegetation. He said there would be streetlights and sidewalks throughout the subdivision. The open space between lots has been reduced and has made the lots larger up to 20,000 sq. ft. He presented the Board revised plats showing the design and layout of the proposed development.

Those signed up to speak against these applications were as follows:

Mr. Raymond Ray came forward and gave his address as 1000 Springer Drive and said he was speaking as a concerned taxpayer. He asked that the Commissioners give him the same amount of time as was given to the developer, which was approximately ten (10) minutes. He said he was not against growth but for controlled properly coordinated informed growth in this community. He said it was not in the best interest of our community to approve this subdivision. He addressed (1) inadequate sewage treatment, (2) county road network to impact the taxpayer, (3) water capacity considerations, (4) impact on public safety such as medical and social services and (5) school system impact. He said that we must be able to afford our growth, if not we won't make it.

Mr. Bob Burke came forward and gave his address as 120 King Richard Drive. He stated that there was not a home in Nottingham Estates, where he resides, that is under \$200,000. There is only a tiny bit of R-2 zoning that surrounds this property. He asked that the Board leave the zoning as is, which is AR-1. He said he has concerns with lot size, density and house size.

Ms. Jane Westmoreland came forward and gave her address as 1194 Vineyard Road. She stated that she was opposed to the rezoning and stated that the Westmoreland group has spoken with legal counsel and a list of questions has been prepared by them to ask you.

Zoning Attorney Newton Galloway spoke up and commented that he and Mr. Taylor had received the counsel's list of the questions. As you know you face risk of litigation from either side. They had reviewed those questions and had concerns about responding to questions such as this in this format. Mr. Taylor and I, under the belief that we had a request to table this, met this afternoon to discuss responding to Ms. Westmoreland's questions and how to respond with Mr. Wilson. He said it was our intent to respond to those questions but not in this forum. He said we were not prepared to respond them today and will not tonight.

Ms. Westmoreland said that she would respect that. She said on the zoning application it asks what is the threat to public health, safety and welfare, if any, if the property is rezoned. The applicant's response was there is none. She asked at the last meeting at the request of the Westmoreland family be shown the respect of not having this called "The Westmoreland Subdivision"; however, she noticed on the new plat that it still has that name.

Mr. Frank Westmoreland came forward and gave his address as 2530 West McIntosh Road. He presented a petition to Chairman Morrow with 344 signatures and read the contents of the petition for the minutes as follows:

"I am opposed to the rezoning of the approximately 100 acres on Westmoreland Road and Highway 92, referred to as the proposed Westmoreland Conservation Subdivision.

1. It is not consistent with the existing uses of nearby property (For example, approximately 200 nearby acres called R-2 is actually AR-1 in nature and current use due to cattle farming grand fathered in, and there are typically homes on one-acre or more lots in that area).

2. Rezoning would allow more than three times as many homes to be built on the property as can currently be built, which is a threat the public health, safety and welfare of the community in terms of traffic problems on Highway 92, water availability, a history of sewage spills into creeks that feed into Head's Creek reservoir where we get our drinking water, overburdening the Cowan Road schools, and particularly overburdening property owners with taxation to support the services required.

3. There would be more benefit to the public in not rezoning (see item 2) than there would be hardship on the property owner who can still develop a subdivision on his land under the current zoning, but with fewer homes.”

He said if the rezoning were approved tonight, it would not be with the blessing of the Westmoreland group.

*Motion made by Commissioner Goss to deny **Application #03-01Z and Application #03-01AZ.***

Chairman Morrow stated his preference was to have an opportunity to discuss the legal issues and answer these questions and look at this a little more thoroughly and also think we should allow Commissioner Davis to be here as this is an important decision and he should have his input. He said he would like to see us table this for another month.

There was no second to his motion; therefore, motion died for lack of a second.

*Motion made by Commissioner Morrow to table **Application #03-01Z and Application #03-01AZ** until the June 26th meeting. Commissioner McDaniel seconded the motion. The question was called and the vote was 2-2 with Commissioner Morrow and Commissioner McDaniel voting for the motion and Commissioner Kendall and Goss voting against the motion. No action was taken.*

*Commissioner Goss resubmitted his motion to deny **Application #03-01Z.** There was no second to the motion; therefore, motion died for lack of a second.*

*Commissioner Goss resubmitted his motion to deny **Application #03-01AZ.** There was no second to the motion; therefore, motion died for lack of a second.*

There were no other motions made. Zoning Attorney Newton Galloway advised the Board that they do not have to vote tonight. You have conducted two (2) hearings and no further hearings in terms of new testimony are required. Mr. Galloway recommended that they just move on to the next item and this just sits until it comes back up again.

C. New Business:

Chairman Morrow recessed the meeting to get the Westmoreland Road group a chance to clear the room.

Chairman Morrow called the meeting back to order.

1. **Application #03-16S:** Ray Alan Jr. and Tiffany Smith, Owners – 19 Ballard Drive (10 acres located in Land Lot(s) 175 and 178 of the 4th Land District) – requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

Chuck Taylor came forward and presented Staff report and Planning Commission report. There have been no site-built homes built since 1994. He said the current make up of the area within the half-mile radius is 38% manufactured vs. 40% conventional construction, which leads staff to believe there is no discernable trend in the area. The home replaces an existing singlewide mobile home with two singlewide mobile homes on each side of it. Staff recommends conditional approval of this application. Board of Zoning Appeals recommended denial by a vote of 4-3.

Mr. Ray Alan Smith, Jr., the owner, came forward and gave his address as 19 Ballard Drive. He said he was replacing this with an 1800 sq. ft. mobile home. There are no proposed development plans in this area. There are no true architectural styles in this area.

Mr. Tony Bailey came forward and gave his address as 24 Leianne Drive. He stated he was a neighbor to Ray Smith and said he was present to support Mr. Smith. He said he thinks this a good improvement to the neighborhood.

There was no one signed up to speak against this application.

*Motion made by Commissioner McDaniel to approve **Application #03-16S** with condition of removal and demolition of existing mobile home. Commissioner Goss seconded the motion and motion was unanimously approved by a vote of 4-0.*

2. **Application #03-02Z:** Clara Company, Owner – Triad Investments, LLC – Agent – Teamon Road (70.321 acres located in Land Lot 201 of the 3rd Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to R-2 Conditional, Single Family Residential.
3. **Application #03-07S:** Clara Company, Owner – Triad Investments, LLC, Agent – Teamon Road (70.321 acres located in Land Lot 201 of the 3rd Land District) – requesting a Special Exception to allow 1 acre lots in the R-2 District.

Chairman Morrow stated without objection both of the above applications would be heard as one hearing.

Chairman Morrow stated that several of the Commissioners had requested a brief recess before beginning the Public Hearing. Chairman Morrow recessed the meeting and then called the meeting back to order.

Chuck Taylor came forward and gave Staff report and Planning Commission report. Both recommended conditional approval. Staff's recommendations were as follows:

- (1) The make up of the house sizes shall be as follows:
 - (a) 50% - minimum 1,400 square feet.
 - (b) 25% - minimum 1,500 square feet
 - (c) 25% - minimum 1,600 square feet
- (2) All homes constructed shall have 6:12 minimum roof pitch.
- (3) All driveways shall be paved and all homes shall have two-car garages.
- (4) All homes shall have brick, stone or masonry stucco accents on their front elevation. The remainder of the exterior walls shall consist of cement plank (cemplank) siding.
- (5) Exposed concrete foundations shall not be allowed on front and corner elevations.
- (6) All lots developed shall have sodded front yards.
- (7) All lots developed shall be served by underground utilities.
- (8) All detention facilities shall be landscaped and/or screened to minimize their visual impact.
- (9) Provide an access easement (fifty (50) feet) along the property line adjoining lots 24 and 25 for a future road to allow another access into the Spring Lake Subdivision.
- (10) Provide two (2) entrances into the subdivision from Teamon Road. Each entrance shall include an accel/decel lane.

(11) A no-access easement must be recorded with the Final Plat for all lots fronting on Teamon Road.

The Planning Commission recommended some conditions in addition to these that were different from Staff's recommendation. They recommended heavy-gauge vinyl siding on homes, additional requirement for no curb cuts being allowed on Teamon Road and a landscape buffer along Teamon Road.

He also gave Staff report and Board of Zoning Appeals report for the Special Exception application. Both recommended conditional approval. The difference between both recommendations is the development should have streetlights and sidewalks within the subdivision. The Board of Appeals conditions were that the park design and landscaping of the buffer design will be included on the preliminary plat and lots along Teamon Road shall be developed with the houses facing Teamon Road and shall be accessed with an "alley" along the rear of the dwellings.

Chairman Morrow stated that he would be recusing himself from this issue stating conflict of interest.

Mr. Greg Hecht, Attorney with Fincher and Hecht came forward and gave his address as 2216 Mt. Zion Road, Jonesboro, GA. He was present on behalf of the petitioner, Triad Investments, LLC. He presented an update site plan of this project. He stated that they had eliminated 33 driveways on Teamon Road to address traffic conditions. He said they would address accel/decel lanes to accommodate traffic and also inserted an internal road. There is also a park area to accommodate family concerns and recreation concerns. The buffers are very large. He said that they are proposing larger square footage than the close by Seven Forks area. They are requesting only 59 units.

He said that the Board of Appeals did not require the streetlights and sidewalks and that is because they wanted to maintain a more rural character. They preferred not to do these.

Mr. Steve Moore of Moore Bass Consulting, Inc. addressed the park area. He gave his address as 165 Forest Drive, Locust Grove, GA. He said that the Planning Commission requested this park. We agreed to provide a playground facility in this park and it is about 1.5 acres. In addition we also agreed to provide the Planning Commission a landscape plan with a buffer along Teamon Road and have agreed to re-vegetate any areas that are absent from vegetation. He said that there would be a homeowners association to maintain this park facility. It was not made a part of the conditions.

There was no one signed up to speak against these applications.

Commissioner McDaniel stated that we were looking for creativity of the land, not manipulation of the land and are trying to get away from "cookie cutter" subdivisions. He said with a Special Exception we also like to see common greenspace and the design of the houses. He said that except for the alley way everything else is "cookie cutter". He said that the Board was having a joint meeting with Planning Commission on June 10th to discuss this issue so we can develop criteria to receive a Special Exception. He asked if his client would be willing to put this off and go back to the drawing board.

Mr. Hecht took a few minutes to talk with his client and came back and stated that they would take another look at this if the Commissioners so desire; however, the way the land is laid out makes it very difficult to necessarily achieve a distinguishing characteristic in that manner. Commissioner McDaniel invited Mr. Moore and Mr. Hecht to the joint meeting on June 10th at 6:00 P.M to be an observer.

*Motion made by Commissioner McDaniel to table **Application #03-02Z** until the June 26, 2003 meeting. Commissioner Kendall seconded the motion and motion was approved by a vote of 2-1-0 with Commissioner Goss voting in opposition and Commissioner Morrow abstaining from the vote.*

*Motion made by Commissioner McDaniel to table **Application #03-07S** until the June 26, 2003 meeting. Commissioner Kendall seconded the motion and motion was approved by a vote of 2-1-0 with Commissioner Goss voting in opposition and Commissioner Morrow abstaining from the vote.*

4. **Application #02-05Z:** L. Jack Clark and Regenia S. Clark, Trustee of the Regenia S. Clark Trust, Owners – C. Mark McCullough, Agent – 1941 Zebulon Road (14 acres, more or less, located in Land Lot 105 of the 2nd Land District) – requesting approval of revisions to development plan.

Chuck Taylor gave the Staff report and Planning & Zoning Board report and stated both recommended conditional approval with the following conditions: to add at least one additional park/playground/recreation area other than the pool area; add playground to the pool area; to provide a streetscape plan with decorative streetlights and tree plantings for both sides of the drives; trees should be planted at 50-foot intervals; trees should be hardwood species with a minimum 2-inch caliper; to align the drives to decrease the general traffic utilizing drives accessing the rear entry units and consider a boulevard entrance to increase green space to add street appeal and to add a at least three (3) sides of fencing with a 8 ft. fence along the east side and a 6 ft. fence along the north and west sides of the property with no fencing being required along the front.

The revised plan being presented tonight reflects most of those changes with the exclusion of the boulevard entrance.

Commissioner Morrow questioned the allowable density of seven (7) units per acre as shown on the revised plan as he feels that the allowable density was changed to six (6) units per acre as we did with the apartments. Mr. Taylor stated that as the ordinance reads now indicates that there the allowable density is seven (7) units per acre; however, that does not preclude you from setting a different density limits with your approval of the revised plan or preclude you from holding off until we can research this further.

Speaking for the application was Mr. W. L. Brannon, Jr., who gave his address as 1831 Zebulon Road. He said that he lives adjacent to the property and his main concern was the fence that would be put between the property lines. He said the property was shaped like a piece of pie and excluding the 200 ft. of frontage, everything else was going to be in his backyard. The shortest trip to Ingles of his convenience store was through his front yard. He requested the 8 ft. chain link fence as he did before with the rezoning.

Mr. Mark McCullough came forward and gave his address as 800 Springer Drive and stated that he had no problems with any of the conditions except for the boulevard entrance as there is some trees already there that screen the property and that would eliminate the trees.

Commissioner McDaniel commented that the revised plat looks good on the front part but the back part is in a straight line. He wanted to know if there was anything else he could do with that. Commissioner Morrow commented that he has walked this property and there is a creek drainage ditch through here and that is why the design is like it is. Commissioner McDaniel suggested maybe staggering these houses on the back to get them out of the straight line. Mr. McCullough said he would agreeable to that.

There was no one signed up to speak against this application.

Motion made by Commissioner McDaniel, seconded by Commissioner Morrow to approve **Application #02-05Z** (site plan approval) with the following conditions and passed by a vote of 3-1 with Commissioner Goss voting in opposition.

The conditions are:

- 1) Include at least one additional park/playground/recreation area other than the pool area; add playground to the pool area;

- (2) Provide streetscape plan with decorative streetlights and tree plantings for both side of the drives. Trees to be planted at 50-foot intervals. Trees to be hardwood species with minimum 2-inch caliper;
- (3) Align the drives to decrease the general traffic utilizing drives accessing the rear entry units;
- (4) Fence at least three sides of the property with an 8' chain link fence on the east side, 6' on the north side and 6' on the west side and no required fencing on the front;
- (5) All of the other conditions placed on the zoning still apply.

5. **Application #03-10S:** Crescendo Land, LLC, Owner – Next Generation Properties, Agent – Georgia Highway 155 (41.26 acres, more or less, located in Land Lot 111 of the 2nd Land District) – requesting a Special Exception to allow 1-acre lots in the R-2 District.

Chuck Taylor stated that the applicants are requesting a Special Exception to allow for the development of 41.26 acres of land with 33 lots at a minimum of one-acre lots. Staff recommends denial of the request because the one-acre lots do not fit in with the general area as the majority of the property in the area is rather large tracts and there are no subdivisions after 1994 that have been approved in that area. The Board of Zoning Appeals recommended approval of the request.

Mr. Andre Douglas, the developer, gave his address as 3608 Oakvale Falls Court, Decatur, GA. Mr. Douglas gave a background history on the way they came about purchasing this property. He said that they secured a contract on the property in January 2002. Before obtaining the property they met with Mr. Michael Sabine and staff to make sure that they could develop the property as Spalding County requested per their recommendations. We discussed the layout for a Conservation Subdivision and because of the shape of the property there was not too much more we could do with it. It was recommended that we go towards half-acre lots at that time and 10% back towards green space. He said that in June 2002 they purchased the property and after that point we went through the engineering to develop the property. Mr. Sabine told us there would have to be some minor changes to fully meet the green space requirements as 50% of the land had to be donated back to green space, which all 50% had to be outside the proposed lots. In January 2003 we came in to submit all the plans ready for development and found at that time we could no longer do the half-acre lots and had to be up to an acre because the Health Department had changed the rule. They went back and changed the plans to be all one-acre lots. He said they have done everything requested of them and have met with all the neighbors and have tried to meet all their concerns and they support what we are actually doing. He said that DOT has told them from Teamon Road going back past the school there will be passing lanes constructed between July and October 2004 and that should coincide with the construction of their subdivision. He asked the Board to allow them to approve their project so they can move forward.

Ms. Debra Jo Steele came forward and gave her address as 1819 North Walkers Mill Road. She said that she had a meeting at her house with the surrounding landowners on March 28, 2003 with Crescendo Land, LLC. She gave each Board member a copy of those minutes taken at that meeting and asked that they be made a part of the Planning Commission minutes. Present from Crescendo land, LLC/Next Generation Properties was Andre Douglas, John Fleitz and Jzonn Curetan. She said Mr. Douglas gave an overview report of the proposed project including a copy of the "Preliminary Plat" for the subdivision. She said timber will be selectively cut and will include maintaining green space throughout the project with buffers on back boundary and also a two-lane bridge will be built across the creek, preserving the integrity of the waterway. Their main concern was there is a very lovely lake that is very deep and they are concerned about the safety regarding children that will be coming to the new development. It was suggested that a secure privacy fence be placed along the back boundary line and Mr. Douglas had no problem accommodating our request. She asked if this could be made a part of the approval of the subdivision. They are planning to build 33 homes instead of 38 homes, and they were in favor of the layout and design of the homes and also the cost of the homes in the subdivision. The landowners recommended that the Board approve this application.

Those speaking against this application were as follows:

Mr. Tom Spangler came forward and gave his address as 107 Paul Circle. He said that he owns 78 acres on the south side of the Crescendo Development. He said that he was not invited to the meeting that was held March 28th. He said that he has been hunting on his land for the past

thirty-five years and knows the land better than any of the other landowners do. He said his main concern was that he has an artesian well (1400 ft. deep) on his property and he was concerned about its contamination by the septic tanks. He said both creeks come through his property and go into the main branch of water, which is Troublesome Creek on his property. He said he was not against the subdivision but requested the required two-acre lots.

Mr. Tilman Blakely came forward and gave his address as 599 Smoak Road. He said he was against this proposed subdivision as this area is rural and there are larger tracts of land. He said that the important thing is that this is a relatively undeveloped part of Spalding County and we need to protect it and does not feel that a "cookie cutter" one-acre lot subdivision is in the best interest of Spalding County and the best interest of this area of Spalding County. He asked that this application be denied.

Ms. June Davis came forward and gave her address as 2260 N. McDonough Road and stated her property is adjacent to this property. She too was never contacted about the meeting held March 28th. She said she opposed this because of the contamination of her water supply, the traffic problem and impact of wildlife as there is hunting on property in this area. She said that the passing lane could not be built because of the Manley Cemetery, which Mr. Spangler owns. She asked for a big fence from Troublesome Creek all the way up to the road. She is favor of keeping the two-acre lots and keeping some wetlands for the wildlife in this area.

Mr. Jerry Savage came forward and gave his address as 425 Audubon Circle. He said he was speaking on behalf of his wife who owns property at 2617 N. McDonough Road, a mile north of this site. He reiterated what Mr. Blakely said earlier. He asked the Board to deny this application for one-acre lots.

Commissioner Morrow said that we have adopted the two acres to reduce density in Spalding County and try to keep some rural character to our County and preserve some of the wildlife. We made the one-acre exception to allow us some flexibility; however, it is a special exception and we look for special features. He said that he understands this is a very difficult piece of land to develop and is geographically challenging but we are trying to avoid "cookie cutter" subdivisions. He said he was against this kind of development as he has always been.

Commissioner Goss commented that the traffic is bad out in this area and it is only going to get worse until they do something with Highway 155 North and Teamon Road.

*Motion made by Commissioner Goss to deny **Application #03-10S**. Commissioner Morrow seconded the motion.*

Commissioner Kendall asked if this was one of the developments that got caught up in the Health Department? Zoning Attorney Newton Galloway commented that no formal application had been filed on this property and had not been approved so there was nothing pending when the Health Department ruled to require one-acre lots, which was June 2002 at the time Crescendo was buying the property. The ordinance requires a preliminary discussion at the zoning office before the first plan is submitted for Planning & Zoning approval. Since there was nothing filed they have no vested right.

Commissioner McDaniel commented that this is not the best developable piece of property and they have designed too many lots. Some of the lots look pretty bad. He said that as before he does not see anything special.

Chairman Morrow called the question and the vote was 2-2 with Commissioners Goss and Morrow voting in favor of the denial and Commissioners McDaniel and Kendall voting in opposition. No action was taken on this motion.

Commissioner McDaniel hoped they understand that we are trying to do something special. The land is different but the layout is not as shown on this site plan. The house size for R-2 is a minimum of 1400 square feet; however, Mr. Douglas stated that there were intending to build a minimum of 2,000 square feet homes. The Board was working from what was on the site plan and did not show the 2,000 square feet homes.

Commissioner Kendall asked the developers to go out and bring some pictures of what they are intending to build as that goes a whole lot further than looking at a site plan because people want to see what is coming to the community.

*Motion made by Commissioner McDaniel to table **Application #03-10S** until the June 26, 2003 meeting. Commissioner Kendall seconded the motion and motion was approved by a vote of 3-1 with Commissioner Goss voting in opposition.*

6. **Application #03-11S:** Byron F. Smith, Owner – McKinley Drive (3.61 acres, more or less, located in Land Lot 150 of the 2nd Land District) – requesting a Special Exception to allow condominium dwelling, patio dwelling, or zero lot line dwelling in the R-1 District.

Chuck Taylor stated that he had received a memo from Commissioner Davis requesting that this application be tabled until June 26, 2003 as he would be out of town and unable to attend this meeting.

*Motion made by Commissioner McDaniel to table **Application #03-11S** until the June 26, 2003 meeting. Commissioner Goss seconded the motion and motion was unanimously approved by a vote of 4-0.*

7. **Application #03-17S:** Ruth Rice Bonnell and Richard Donald Bonnell, Etal, Owners – Minerva Properties, L.L.P., Agent – Teamon Road and Smoak Road (100.67 acres located in Land Lot(s) 231 and 232 of the 3rd Land District) – requesting a Special Exception to allow 1 acre lots in the R-2 District.

Chuck Taylor stated that we had received a letter this afternoon from the applicant requesting that this application be tabled and placed on the next agenda.

*Motion made by Commissioner McDaniel to table **Application #03-17S** until the June 26, 2003 meeting. Commissioner Kendall seconded the motion and motion was approved by a vote of 3-1 with Commissioner Goss voting in opposition.*

Commissioner Kendall made a recommendation that all applications that have a request to be tabled be moved up to the front of the agenda so everyone involved including citizens can go home. It was quite unfair to make them sit through the whole meeting and then table an application they were waiting to hear. The Board agreed to his recommendation.

8. **Amendment to UDO #A-03-06:** Appendix A: Subdivision Ordinance – Section 505:B and Appendix J: Commercial/Industrial Development Ordinance – Section 408:B – add provision requiring Dekalb Rational Method or Soil Conservation Service Method for hydrology and add provision requiring a drainage map indicating drainage areas to be submitted with hydrology report.

Chuck Taylor stated that Paragon Consulting has made us aware that in the program that reviews hydrology reports there is an error with the method that is currently be allowed by our ordinance. This is to change our ordinance.

There was no one signed up to speak for or against this amendment to the UDO.

*Upon motion by Commissioner McDaniel, seconded by Commissioner Goss amendment to **UDO #A-03-06** was unanimously approved by a vote of 4-0. **The Resolution will be incorporated into the minutes on second and final reading.***

9. **Amendment to UDO #A-03-07:** Article 11: R-5 – Section 1103(A)(10) – add conservation subdivision as principal use, and Article 7: R-1 – Section 704(B), Article 8: R-2 – Section 804(B), Article 10: R-4 – Section 1004(B), & Article 11: R-5 – Section 1104(B) – amend density allowances for sewered property within conservation subdivisions.

Chuck Taylor said the intent was to add Conservation Subdivision to the R-5 zoning district, which was an apparent oversight; however, we did take this opportunity to clarify confusion

density with lot sizes. This separates lot size from density as they are two (2) very different things.

There was no one signed up to speak for or against this amendment to the UDO.

Commissioner Morrow requested that a change be made in Sub-Part B' Density Calculations in each section that is referenced to strike 1.75 lots per acre and add 1.0 lot per acre, which treats sewer lots as non-sewer lots and neutralizes the City's sewer lines.

After a discussion of this recommendation, Commissioner Morrow made a motion to amend Amendment to UDO #A-03-07 to strike 1.75 lots per acre and add 1.0 lot per acre in Sub-Part B' Density Calculations in each section referenced. Commissioner McDaniel seconded the motion and motion was unanimously approved by a vote of 4-0.

Motion made by Commissioner Morrow to adopt the amended Amendment to #UDO #A-03-07. Commissioner McDaniel seconded the motion and motion was unanimously approved by a vote of 4-0. The Resolution with amendment will be incorporated into the minutes on second and final reading.

10. **Amendment to UDO #A-03-13:** Article 6. AR-2 Rural Reserve – Section 603:A(7) – add revision for equestrian use.

There was no one signed up to speak for or against this amendment to the UDO.

Upon motion by Commissioner Morrow, seconded by Commissioner McDaniel amendment to UDO #A-03-13 was unanimously approved by a vote of 4-0. The Resolution will be incorporated into the minutes on second and final reading.

11. **Amendment to UDO #A-03-14:** Article 11. R-5 Single Family District – Section 1103:A(3) – delete Class A Manufactured Home as principal use.

Chuck Taylor stated that this limits mobile homes to mobile home parks and AR-1 with a Special Exception.

There was no one signed up to speak for or against this application.

Upon motion by Commissioner McDaniel, seconded by Commissioner Morrow amendment to UDO #A-03-14 was approved by a vote of 3-1 with Commissioner Goss voting in opposition. The Resolution will be incorporated into the minutes on second and final reading.

12. **Amendment to UDO #A-03-16:** Quarterly adoption of Zoning Map.

Chuck Taylor stated this amendment updates changes made on zoning map as the Board approves rezoning. He recommended that this be done on a quarterly basis.

Upon motion by Commissioner McDaniel, seconded by Commissioner Morrow amendment to UDO #A-03-16, which is the adoption of quarterly changes to the Zoning Map, was unanimously approved by a vote of 4-0. The Resolution will be incorporated into the minutes on second and final reading.

D. Other Business: n/a

E. Adjournment.

Upon motion by Commissioner Goss, seconded by Commissioner McDaniel the meeting was unanimously adjourned at 9:46 P.M.

County Clerk

Chairman

Please send comments to webmaster@spaldingcounty.com
Copyright © 2000 Spalding County all rights reserved