



Spalding County online

Board of Commissioners

PUBLIC HEARING

A public hearing was held by the Spalding County Board of Commissioners in their office in the Courthouse Annex, Thursday, May 27, 2004 beginning at 9:00 o'clock a.m. with Commissioners Michael Kendall (a portion of the meeting) Cecil Davis, Eddie Goss, Johnie McDaniel and Dick Morrow present. 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: Vice Chairman Davis in the absence of Chairman Kendall.**
- B. **Old Business:**
 1. **Application #04-06S: Lift from the table** – C. E. Williams, Owner – American Housing Group, Agent – County Line Road and Ethridge Mill Road (128.46 acres, more or less, located in Land Lot(s) 137 & 138 of the 2nd Land District) – requesting a Special Exception to allow 1-acre lots (Traditional Design) in the R-1 District.

Upon motion by Commissioner McDaniel, seconded by Commissioner Morrow item was lifted from the table by a unanimous vote of 4-0 (Commissioner Kendall absent).

Community Development Director Chuck Taylor gave the Staff Report. He stated Mr. Williams originally made application for a 75 lot, one acre minimum lot Traditional Subdivision. The development plan was reviewed by Commissioners McDaniel and Davis on April 8, 2004 but no new plan was submitted as a result of this meeting to address issues. Mr. Taylor discussed the elevation plans of the houses with the Board and recommended that only the first four plans were defined as traditional and recommended that applicant bring back substitute plans for the ones that do not fit this design. The developer submitted a revised plan on May 13th that shows the entrance moved to County Line Road, additional details on the landscaping of the site and the greenspace meeting the minimum 25% of the site acreage requirement. Also the revised plan resulted in an additional two lots, bringing the development total to 77 lots.

Those speaking in favor of the application were:

Mr. Mark McCullough came forward and gave his address as 800 Springer Drive. He said that he feels that staff has covered all the issues. Mr. McCullough addressed the house designs and stated as he got closer to construction, he would know what would be best to place there and would submit those to staff for approval.

Commissioner Davis commented since the subdivision would not be exiting onto Ethridge Mill or Meadowvista, there needs to be some buffer along Meadowvista. There needs to be some type of screening along the entire length on Meadowvista.

Mr. Ray Browning came forward and gave his address as 128 Meadowvista Drive. He said this piece of property abuts his property, which is eight acres. He said that he feels this is a quality development and approves the design of homes submitted as they are comparable to the existing neighborhood.

Those speaking in opposition to the application were:

Mr. Steve Manley came forward and gave his address as 200 Meadowvista Drive. He was also for screening or buffering along Meadowvista. He said that almost every one in this neighborhood have two acres and disagrees with one acre lots. He said that he appreciates the effort on the access changes and other issues looked at.

*Motion made by Commissioner Morrow to approve **Application #04-06S** conditioned upon a screening plan along Meadowvista Drive that meets with staff approval. Commissioner McDaniel seconded the motion and motion was unanimously approved by a vote of 4-0 (Commissioner Kendall absent).*

2. **Application #04-03Z: Lift from the table** – Norman G. Echols, Etal, Owner – Admiral Company, Inc., Agent – Teamon Road (34.38 acres located in Land Lot 170 of the 3rd Land District) – requesting a rezoning from AR-1, Agricultural and Residential to R-4, Single Family Residential.
3. **Application #04-12S: Lift from the table** – Norman G. Echols, Etal, Owner – Admiral Company, Inc., Agent – Teamon Road (34.38 acres, more or less, located in Land Lot 170 of the 3rd Land District) – requesting a Special Exception to allow 1-acre lots (Life Estate Neighborhood) in the R-4 District.

Zoning Attorney Galloway stated that these two applications could be heard together with separate votes taken on the applications.

*Upon motion by Commissioner McDaniel, seconded by Commissioner Morrow **Application #04-03Z** and **Application #04-12S** was unanimously lifted from the table by a vote of 4-0 (Commissioner Kendall absent).*

Community Development Director Chuck Taylor gave the Staff Report. Mr. Taylor stated that the applicant is requesting a rezoning and special exception for a 34.38 acre tract in order to develop a 22 lot minimum one acre lot subdivision. The requested was tabled at the last meeting. The applicant has not submitted any new information to the staff for inclusion in our report. He said that Staff met with the applicant on Tuesday and went over a plan that looks better, however is lacking in detail to check for compliance with our ordinance. Staff is also working with building elevations. Mr. Taylor recommended that the items be tabled again to give Staff an opportunity to get with the applicant to make sure the revised plans meet the requirements.

*Motion made by Commissioner Goss to table **Application #04-03Z** and **Application #04-12S**. Commissioner Morrow seconded the motion and motion was unanimously approved by a vote of 4-0 (Commissioner Kendall absent).*

County Manager Wilson asked that we address an item before we go to the next application. He stated that we have had a request from the applicant to table Application #04-17S and asked that it be addressed to allow citizens to leave if they are here to address this application.

Motion made by Commissioner McDaniel to amend the agenda to move Item No. 11, Application #04-17S to Item No. 4 on the agenda in order to take action. Commissioner Morrow seconded the motion and motion was unanimously approved by a vote of 4-0 (Commissioner Kendall absent).

11. **Application #04-17S:** Wilma A. Hollberg, Owner – Next Generation Properties, LLC, Agent – Georgia State Route 155 (North McDonough Road – 142.98 acres, more or less, located in Land Lot(s) 81 and 251 of the 2nd and 3rd Land Districts) – requesting a Special Exception to allow 1-acre lots (Country Club Subdivision) in the R-4 District.

Motion made by Commissioner McDaniel to table Application #04-17S to the June 24th Public Hearing. Commissioner Morrow seconded the motion and motion was unanimously approved by a vote of 4-0 (Commissioner Kendall not present).

Vice Chairman Davis recognized Ms. Debra Brown from the audience and she asked to speak on the Echols applications. She gave her address as 4344 Philadelphia Drive, Dayton, Ohio. She owns three acres of land that will be affected. She stated she was present to speak in opposition to the Teamon Road rezoning and was speaking on behalf of the entire community. She said they had been coming here for four months going through this process and it was unfair to table again. She said Mr. Echols has had thirty days from the last table to get his application in order and feels it is unfair to keep tabling this proposal because it is incomplete. She asked the Board to deny this application and not keep tabling. Ms. Brown stated that he has a bad design and it is not going to get any better.

Commissioner Morrow addressed these concerns. He said that our procedure is to allow the developer to submit a final proposal for the Board to approve or disapprove and Mr. Echols has not come up with the final proposal. He said that this is unfair to the citizens in this area but we can't vote on an incomplete project.

County Manager Wilson stated that one way we can possibly prevent this is if we do not have the complete plan submitted to us in time for review before the deadline for the next agenda, we will not place it on the next agenda. We will hold the plan until the applicant submits one that is complete.

Ms. Belinda Williams gave her address as Teamon Road and also stated it was unfair to table as well as Sara Wimbush whose address is 1286 Teamon Road.

4. **Application #04-04S:** High Top Holdings, Inc., Owner – Shawshank, Ltd., Agent – Off Stephens Street (19.96 acres located in Land Lot 126 of the 3rd Land District) – requesting a Special Exception to allow 1-acre lots (Urban Proximity) in the R-2 District.
5. **Application #04-04AS:** High Top Holdings, Inc., Owner – Shawshank, Ltd., Agent – Off East McIntosh Road (13.82 acres located in Land Lot 126 of the 3rd Land District) – requesting a Special Exception to allow 1-acre lots (Urban Proximity) in the R-2 District.

6. **Application #04-04BS:** High Top Holdings, Inc., Owner – Shawshank, Ltd., Agent – Off East McIntosh Road (17.51 acres located in Land Lot 126 of the 3rd Land District) – requesting a Special Exception to allow 1-acre lots (Urban Proximity) in the R-2 District.
7. **Application #04-04CS:** High Top Holdings, Inc., Owner – Shawshank, Ltd., Agent – Off East McIntosh Road (23.83 acres located in Land Lot 126 of the 3rd Land District) – requesting a Special Exception to allow 1-acre lots (Urban Proximity) in the R-2 District.
8. **Application #04-04DS:** High Top Holdings, Inc., Owner – Shawshank, Ltd., Agent – Off East McIntosh Road (1.23 acres located in Land Lot 126 of the 3rd Land District) – requesting a Special Exception to allow 1-acre lots (Urban Proximity) in the R-2 District.

Zoning Attorney Galloway stated that the above applications could be heard simultaneously but voted on separately.

Community Development Director Community Development Director Chuck Taylor gave the Staff Report. He stated that the applicant is requesting approval of special exception in order to develop a 63 minimum one-acre lot subdivision on a 76.35 acre tract, utilizing the Urban Proximity design theme. The Urban Design theme, while requiring the traditional neighborhood architectural design does not require any common space of amenities. The provision of common space in this plan is due because the zoning requires it. Mr. Taylor stated at the last month's Board of Commissioners Public Hearing no action was taken on the request. Since then, staff has learned that Shawshank Ltd. is no longer involved in the request. The owner, Mike Jackson, has subsequently submitted revised building elevations that he feels are not as good as the ones Shawshank had submitted. Staff recommends if approved that Mr. Jackson resubmit some elevations with architectural designs. Staff does recommend approval of the request provided that the developer shall pave Lakeview Street to Spalding County standards during the construction of the interior streets and that the garages be located to the rear of the building either attached or detached.

Mr. Michael Jackson spoke in favor of his applications. He gave his address as 5138 Old Atlanta Highway, Sunny Side, GA. He stated he brought the plans tonight to mix with the previous plans. He said that he was not opposed to staff reviewing plans.

Those speaking in opposition to the applications were:

Mr. Sidney Peach came forward and gave his address as 390 S. Lakeview Street. He said this was the fifth time here to hear the comments made concerning the construction of the subdivision. Mr. Peach said that he has traffic concerns at the entrance to the subdivision. He recommended that Mr. Jackson get with GDOT and have approved a four-way stop at Lakeview Street and East McIntosh. He wanted to know if there would be availability for two cars to park at residence and addressed the 35 MPH speed limit on East McIntosh Road and limited visibility.

Commissioner Morrow requested if approved to get Major Wendell Beam to look at this and see if a four-way stop is appropriate and also express our concerns to Sheriff Stewart on the speeding on East McIntosh Road.

Ms. Doris Gossett came forward and gave her address as 1405 N. Lee Street at Stephens Street. She addressed her concerns of construction and the impact that it will have on her Mother as she has extensive breathing problems. She said that there still is only one entrance to the construction

site off of Stephens Street and was concerned with air quality and in and out traffic. She stated she feels that the proposed homes to be built are not comparable to the homes in the existing area.

Mr. Julius C. Dunn came forward and gave his address as 1405 N. Lee Street. He was against one acre lots with special exception. He stated the houses will be small and concerned about the one entrance in and out of the subdivision. He asked the Board to deny these applications for one-acre.

It was noted that this is one subdivision divided by the railroad with an entrance coming out on Stephens Street and Lakeview Street.

Ms. Annie Bransford came forward and gave her address as 28 Bleachery Street. She addressed if there was going to be an entrance on Bleachery Street and was told there was not.

Mr. William T. Vickery came forward and gave his address as 1409 N. Lee Street. He stated that he had presented a petition at the last zoning meeting stating that this development would be unsafe to the neighborhood. He asked the Board to consider the citizens' needs and feelings, not the developers.

Ms. Trudy Vickery came forward and gave her address as 1409 N. Lee Street. She address traffic, safety and air quality concerns and also over population of school in the area. She stated she was against one acre lots and small houses.

Mr. Jackson asked to readdress comments made. Mr. Jackson stated that he met with the Roosevelt Railroad and listened to their plans about the scenic railroad and talked to them about doing an at-grade crossing at Lakeside Street with concerns with additional traffic. The Railroad asked us to leave a buffer on the back of the lots that adjoin the railroad. Mr. Jackson stated he would put a 40 ft. buffer in back of the lots adjoining the Railroad just in case the railroad comes to fruition. He does not plan on doing a mass cutting. He said that he would be glad to provide an easement from Dale Street to allow future development to tie in.

*Motion made by Commissioner Morrow to approve **Application #04-04S** subject to the following conditions: proposed easement as depicted to Dale Street; (2) houses shall be the previously submitted plans plus Briar Hill and Ashburn plus other designs approved by staff; (3) 40 ft. buffer along the Roosevelt Railroad; (4) developer will pave Lakeview Street to Spalding County standards during construction of the interior streets; (5) garages shall be located behind the rear building line of the homes and can either be attached or detached; (6) no exposed foundations; (7) front and side porches underpinned and finished with character of the house.*

*Motion made by Commissioner Morrow, seconded by Commissioner McDaniel to approve **Application #04-04AS** with same conditions as listed in motion to approve Application #04-04S. Motion passed by a vote of 3-2 with Commissioners Kendall and Goss voting in opposition.*

*Motion made by Commissioner Morrow, seconded by Commissioner McDaniel to approve **Application #04-04BS** with same conditions as listed in motion to approve Application #04-04S. Motion passed by a vote of 3-2 with Commissioners Kendall and Goss voting in opposition.*

*Motion made by Commissioner Morrow, seconded by Commissioner McDaniel to approve **Application #04-04CS** with same conditions as listed in motion to approve Application #04-04S. Motion passed by a vote of 3-2 with Commissioners Kendall and Goss voting in opposition.*

Motion made by Commissioner Morrow, seconded by Commissioner McDaniel to approve Application #04-04DS with same condition as listed in motion to approve Application #04-04S. Motion passed by a vote of 3-2 with Commissioners Kendall and Goss voting in opposition.

Vice Chairman Davis called for a ten minute recess to allow Chairman. Kendall to take over the meeting as he came in during the discussion of the above applications.

Chairman Kendall called the meeting back to order and presided over the remainder of the meeting.

- 9. Application #04-13S:** M.R.D. Realty, Inc., Owner – John G. Pruitt, Agent – Tract 84 West McIntosh Road (25.53 acres located in Land Lot 62 of the 3rd Land District) – requesting a Special Exception to allow condominium dwelling, patio dwelling or zero lot line dwelling (County Club Subdivision) in the R-1 District.

Community Development Director Chuck Taylor gave the Staff Report. He stated the applicant is requesting approval of a special exception for a 25.53 acre tract that would allow the development of a 58 minimum 6,000 sq. ft. lot subdivision using the Country Club design theme. At the last Board of Commissioners' meeting no action was taken on this request. On May 13, 2004 Zoning Attorney Galloway conducted a mediation session between the developer and several area residents. As a result of the meeting the applicant is working on an alternative design plan that would reduce the number of lots. He stated that the alternative plan would not work out economically for the developer. Staff recommendation is for denial for the request as while the design of the subdivision exceeds our standards, the density is inconsistent with the area and with the development trend. A trend to increase density would result in significantly increase traffic in the area.

Zoning Attorney Galloway came forward and gave a brief summary of the mediation session between developer and area residents. Mr. Galloway stated that this hour to hour and half session was well attended by both developers and the opponents. He felt the discussions were productive with the ground rule being that much of the substance would stay in the room. The session included significant contributions from Mr. Green, the McGuffey's, Mr. Burke and others with the main complaint dealing with density. It became clear that the opponents had rather see less density and no amenities. The opponents also stated they could accept a development that was more on the lines of a conservation subdivision with a density of about one unit to the acre, which would allow approximately 25 houses. The conservation subdivision was discussed and looked into by developer and Staff and it came to be less than 25 houses, more like 17 or 18 houses, which the developer did not feel would be economically viable. Mr. Galloway stated there was no agreement reached but the effort was fruitful.

Those speaking in favor of the application were as follows:

Mr. Wes Treadway came forward and gave his address as 313 Gail Drive. He addressed three issues, livelihood, profits from a developer's standpoint, morally the right thing to do and depreciation value versus appreciation on this piece of property. He stated that he works for MRD Realty and would be the one to develop the property if it is approved. From a profitable standpoint, everybody in this room has the responsibility to have a livelihood to make money and no developer is going to develop a subdivision and not make a profit. From a moral standpoint, the Board has the decision to do the right thing and from the standpoint of depreciation value versus appreciation value, if we do approve this subdivision, he feels that it will attach an enormous appreciative value to the county.

Mr. Greg Pruitt, agent came forward and addressed the Board. He said what they were trying to do was use the special exception to create a neighborhood that was really special with the amenities and the landscaping. He stated that they had met the UDO requirements and exceeded the criteria for a Special Exception and he thought that is why the County put that in place. This project is on our current Land Use Map which is medium density which allows 1 to 4 homes per acre and we did 2.27 homes per acre. The community wants one acre lots and we looked at the Conservation Subdivision and this would not be feasible with only 18 lots. He said that they are not totally unreasonable as they want this 58 lot deal with the amenities. He said they are willing to work out an agreement but we cannot go as far as the area residents want them to. He requested if this continues past the June 1 square footage increase that they be allowed to keep the current square footage. Mr. Pruitt presented the Board a copy of a Constitutional Challenge that was placed in the application file.

Mr. Chad Pruitt came forward and gave his address as 914 West Taylor Street. He asked to refer his comments at the end of the hearing.

Those speaking in opposition to the application were as follows:

Mr. Tilman Blakely came forward and gave his address as 599 Smoak Road. He said from a landowner point of view the east side of the County is being threatened by a large high density in their area and he can sympathize with the neighborhood in the western side of the County being threatened by high density. He asked the Board to carefully consider how these high density developments affect the existing area in compatibility. He said no matter how these plans are drawn and how successful they are to our surrounding counties doesn't mean they are appropriate for Spalding County. He asked the Board to stay true to the current Land Use Plan and act on adopting the new Land Use Plan that reflects the wishes of the citizens of Spalding County.

Mr. James Green came forward and gave his address as 2437 West McIntosh Road. He presented the Board with some handouts showing a two acre conceptual layout along with a petition signed by thirty eight people. He addressed wetlands on the property, limited sight distance and availability of sewer. Mr. Green stated this subdivision belongs in an urban setting and asked the Board to deny this special exception.

Ms. Joyce King came forward and gave her address as 2355 West McIntosh Road. She made a quote, "The future depends on what we do in the present". She said that she was against this development and against the density in her backyard. She addressed traffic concerns, limited sight distance, wetlands and sewer concerns that could become a problem in this area. She also asked if this application is approved, that the entrance and exit be relocated.

Mr. Lee Southern came forward and gave his address as 2375 West McIntosh Road. He addressed safety issues, cluster home subdivision, fire protection concerns, limited sight distance and public safety. He asked the Board to deny this special exception application as he feels it is a great risk to public safety.

Mr. Bob Burke came forward and gave his address as 120 King Richard Drive. Mr. Burke addressed density versus amenities. He feels that the special exception is a marketing tool to sell the subdivision. He too said that this development is a good plan but just in the wrong spot. He said that it doesn't fit and asked the Board do deny this application for special exception.

Mr. Chad Pruitt asked to address some of the comments that were made. Mr. Pruitt discussed the increase in the tax base with development of this proposed subdivision with 58 homes. He discussed the current Land Use Map which allows one to four units per acre and they were only placing 2.27 units per acre. He discussed the issue of sight distance on McIntosh Road. He said that McIntosh Road is a county road not a state road and the sight distance on a county road is 300 feet, not 325 feet as a D.O.T. requirement. He said that the sight distance is not an issue. He discussed the wetlands and they would delineate them. If they get into the wetlands they will get permits to disturb them and they will have to buy mitigation banks elsewhere. He addressed the amenity package they are offering to enhance this subdivision which he understands the present neighborhood doesn't want.

Commissioner Morrow commented that M.R.D. Realty has a right to develop this property in some reasonable economic fashion and he would like to see them be able to do that; however, we have to look at compatibility. The density in this is driven by the development amenities and feels that this is a weakness in the UDO that needs to be addressed with infill development. Mr. Morrow said if you look at the land in the area you have a demarcation line where it becomes much less dense than the one acre lots in this area and allowing this density would only set a dangerous preference in this area.

*Motion made by Commissioner Morrow to deny **Application #04-13S**. Commissioner Davis seconded the motion and motion to deny passed by a vote of 3-2 with Commissioners Kendall and McDaniel voting in opposition.*

Chairman Kendall called for a fifteen (15) minute recess and then called the Public Hearing back to order.

- 9. Application #04-14S: Lift from the table** – Ricky C. and Cathy A. Conaway, Owners – John G. Pruitt, Agent – 996 Vineyard Road (7.03 acres located in Land Lot 60 of the 3rd Land District) – requesting a Special Exception to allow condominium dwelling, patio dwelling or zero lot line dwelling (County Club Subdivision) in the R-2 District.

*Upon motion by Commissioner McDaniel, seconded by Commissioner Kendall **Application #04-14S** was lifted from the table by a vote of 3-2 with Commissioners Davis and Morrow voting in opposition as Commissioner Morrow felt like that there maybe some way to come to a compromise so the Conaway's can sell their property and Mr. Pruitt can be able to develop his subdivision.*

Commissioner Kendall asked Commissioner Morrow if he had some interest in trying to resolve something because from the expression of the faces of the citizens signed up to speak against this application, he does not get any impression that he has talked to any of them about a possible compromise. Commissioner Kendall stated he was all in favor of doing what he suggests if these people want to work out something.

Zoning Attorney Galloway gave a brief summary of the mediation session that was held on this application between the developers and the opponents. He said there are legal issues on this application. He said this session was constrained because of the news media present. He said there was a discussion on density with neighborhood's perspective, which is the development of amenities, was a value. He said they walked through the property as it is presently zoned and reviewed what the opponents could live with. On this property with roughly seven acres with existing zoning you could get two lots with 3.5 acres with subdivisions on the east and west with

less acreage. Mr. Galloway stated you have again where the amenities package increases the cost such that the developer's return is premised on more density. The opponents favored the amenities but felt like the density should be cut in half.

Commissioner Morrow commented that he goes on the record that he is against the way the development plan is now as it is way too dense. He has concerns regarding the Conaway's difficult personal position and two lots under present zoning is not a reasonable use of their land. At present we do not have a mechanism to change this because of a weakness in the present UDO. There are some very serious legal ramifications with this that we have to deal with. The developers have offered to consider a compromise and work with reducing the number of units and looking at some options and he personally thinks it is worth one more try at this to work this out for the developer, the opponents and the Conaway's.

The spokesperson for the Will's Walk Subdivision, who is Stacy Newstead, came forward as well as Shannon Brady. Ms. Newstead gave her address as 110 Sammy Circle and Mr. Brady gave his address as 106 Kayla Court, both residing in Will's Walk. She said from the session, where the neighborhood stands, there is some willingness to work with the Conaway's and make a settlement.

Mr. Brady commented that he feels that the compromise is a mute point. He said he was not contacted about the mediation session as well as others until the day before the session. He said that he feels that the County has gone beyond what it really needs to mediate this. He said that the County has taken a step forward already as they gave the developers another thirty days to talk to the neighbors and work out an agreement on density, which they have not done.

Commissioner Morrow stated that if it is approved, the opponents are going to be very dissatisfied and if it is disapproved, the Conaway's are stuck in a very difficult position and do have some legal redress and feels that neither of these are acceptable solutions. He hopes that there is something in between.

Ms. Newstead stated that she feels like there is something in the middle but what do we have to guarantee us that the Pruitt's are going to come to us in good faith and say we are concerned about the neighbors also. Ms. Newstead stated if there was another meeting, they would like to have ample notice of the meeting.

Commissioner Kendall commented there seems to be some need to find some middle ground here if at all possible before everybody resorts to pulling out ammunition. Mr. Kendall commented that we have heard all your concerns, your time concerns, your notice concerns and feels like that we can accommodate one another and continue to try to dialogue in this situation. A compromise is a better solution than going through the public hearing again and voting on this application. He asked Ms. Newstead if they had any problem tabling this application for another thirty days to try to reach a compromise and she representing Will's Walk stated they were willing to try to work something out to help the Conaway's.

*Motion made by Commissioner Morrow to table **Application #04-14S** to the June Public Hearing. Commissioner Kendall seconded the motion and motion was unanimously approved by a vote of 5-0.*

- 12. Amendment to UDO #A-04-09: Lift from the table – Appendix A. Subdivision Ordinance – Section 502:E' – amend Acceleration/Deceleration Lane requirements.**

Upon motion by Commissioner Kendall, seconded by Commissioner Goss the item was lifted from the table by a unanimous vote of 5-0.

Community Development Director Chuck Taylor stated that the amendment was drawn up requiring that all new streets in subdivisions to have accel/decel lanes on county roads. There was a concern from the Planning Commission that having accel/del lanes on all county roads would have us putting them where there is not a need for them. The Planning Commission recommends the revised where a new subdivision will intersect an existing street or road, accel/decel lanes would be required with the criteria of the following safety issues being reviewed by the Public Works Director: speed, sight distance or traffic volume. This is very close to the current wording in our Subdivision Ordinance with the only difference is it gives the Public Works Director some specific criteria as to what to review for.

After discussion, Mr. Taylor made the recommendation that this decision rest upon the Zoning Administrator or his designee. The Zoning Administrator is the County Manager. County Manager Wilson stated that he would probably designate the new county engineer to get some technical expertise involved in this as well. The Board agreed with this recommendation.

*Motion made by Commissioner Morrow to approve Amendment to **UDO #A-04-09** with revision to read "Zoning Administrator or his designee" in lieu of Public Works Director. Commissioner McDaniel seconded the motion and motion was unanimously approved by a vote of 5-0. **The Resolution will be incorporated into the minutes on second and final reading.***

C. Other Business:

Consider Resolution to Extend Moratorium on the Acceptance and Approval of Rezoning Applications and the Acceptance and Approval of Development Plans, Construction Plans and Building Permits for Developments in the R-3 Multiple-Family District.

Community Development Director Chuck Taylor stated that the Zoning Attorney is still working on R-3 requirements for multiple family housing and because of this would recommend extending the moratorium until September 30, 2004.

Motion made by Commissioner Morrow to approve the following Resolution to extend the Moratorium on R-3 until September 30, 2004. Commissioner McDaniel seconded the motion and motion was unanimously approved by a vote of 5-0.

**RESOLUTION TO ENACT A
MORATORIUM ON THE ACCEPTANCE AND APPROVAL OF REZONING
APPLICATIONS AND THE ACCEPTANCE AND
APPROVAL OF DEVELOPMENT PLANS, CONSTRUCTION PLANS AND
BUILDING PERMITS FOR DEVELOPMENTS IN THE
R-3 MULTIPLE-FAMILY DISTRICT
WITHIN SPALDING COUNTY, GEORGIA**

WHEREAS, the Board of Commissioners of Spalding County, Georgia under the Constitution and Laws of the State of Georgia is empowered by virtue of its police power to regulate the health, safety and welfare of the citizens of Spalding County to provide for and enact zoning and developmental regulations;

WHEREAS, the Board of Commissioners of Spalding County, Georgia enacted the current Zoning Ordinance of Spalding County, Georgia on January 4, 1994 and therein adopted the Official Zoning Map of Spalding County, Georgia, in Article 23, Section 2301, et. seq.;

WHEREAS, Spalding County desires to increase the standards of amenities and construction for multi-family developments proposed to be located within Spalding County;

WHEREAS, Spalding County desires to implement more detailed and appropriate planning procedures and criteria which will govern the location and placement of multi-family residential developments within Spalding County in conjunction with its comprehensive plan;

WHEREAS, Spalding County desires to briefly control and restrict multi-family residential development until such time as it may consider, implement and adopt Zoning Ordinance text amendments required to carry out its goals, stated above;

NOW THEREFORE, IT SHALL BE AND IS HEREBY RESOLVED by the Board of Commissioners of Spalding County, Georgia, that a moratorium restricting certain development pertinent to multi-family residential development shall be enacted, as follows:

Section 1: Enactment of a Rezoning Moratorium: The Board of Commissioners of Spalding County, Georgia hereby enacts and directs any and all applicable personnel and agencies of Spalding County, Georgia to enforce a moratorium on receipt, acceptance, consideration and approval of any application seeking the rezoning of property to the R-3 Multiple Family District, as defined by Article 9 of the Zoning Ordinance of Spalding County.

Section 2: Enactment of a Moratorium on Plan Review and Approval: The Board of Commissioners of Spalding County, Georgia hereby enacts and directs any and all applicable personnel and agencies of Spalding County, Georgia to enforce a moratorium on the receipt, acceptance, consideration and approval of any Plan of Development for any proposed development under the R-3 Multiple Family District, as required and set forth in Section 904 of the Zoning Ordinance of Spalding County.

Section 3: Enactment of a Moratorium on Construction Plan Approval: The Board of Commissioners of Spalding County, Georgia hereby enacts and directs any and all applicable personnel and agencies of Spalding County, Georgia to enforce a moratorium on receipt, acceptance, consideration and approval of any construction plans required for any proposed development under the R-3 Multiple Family District.

Section 4: Enactment of a Moratorium on Building Permits: The Board of Commissioners of Spalding County, Georgia hereby enacts and directs any and all applicable personnel and agencies of Spalding County, Georgia to enforce a moratorium on receipt, acceptance, consideration and issuance of any building permit requested to construct any improvement on any real property which is zoned R-3 Multiple-Family District.

Section 5: Impact on Other Development Ordinances. The provisions of this resolution shall not restrict or prohibit any other development of any real property except that specifically stated herein.

Section 6: Effective Date and Duration. The provisions of this Resolution and the effects of the moratorium set forth herein shall commence on Wednesday, December 17, 2003 at 11:15 a.m. or upon its passage and adoption, whichever shall later occur and shall terminate on

Thursday, September 30, 2004 at 11:59 p.m., unless extended by the Board of Commissioners of Spalding County, Georgia.

Upon motion by Commissioner Kendall, seconded by Commissioner McDaniel the Board voted unanimously to go into a Closed Meeting to discuss pending litigation.

The Zoning Attorney desires a Closed Meeting to discuss pending litigation.

Those present were Commissioners Dick Morrow, Michael Kendall, Johnie McDaniel, Cecil Davis and Eddie Goss. Also present were County Manager William Wilson, Zoning Attorney Newton Galloway, Community Development Director Chuck Taylor and County Clerk Phyllis Doane.

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 May 27, 2004.

2.

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

3.

The executive session was called to order at 12:35 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)_____.

Spalding County Board of Commissioners

Sworn to and subscribed
Before me this 27th day of
May 2004
Phyllis P. Doane

Dick Morrow
Cecil L. Davis
Edward Goss, Jr.
Johnie A. McDaniel

Notary Public
My commission expires: March 13, 2006

M. Michael Kendall

Upon motion by Commissioner Kendall, seconded by Commissioner McDaniel the Board voted unanimously to come out of Closed Meeting and go back into Open Session.

No business was transacted at this time.

D. Adjournment.

Upon motion by Commissioner McDaniel, seconded by Commissioner Goss the meeting was unanimously adjourned at 12:40 p.m.

County Clerk

Chairman

Please send comments to webmaster@spaldingcounty.com
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