

## ZONING PUBLIC HEARING

A public hearing was held by the Spalding County Board of Commissioners in Room 108 in the Courthouse Annex, Thursday, September 25, 2008 beginning at 6:00 o'clock p.m. with Commission Chairman Edward Goss, Jr. presiding and Commissioners David Phillips, Gwen Flowers-Taylor and Eddie Freeman present. Absent was Commissioner Johnie McDaniel. Also present were Assistant to the County Manager Paul Van Haute, Community Development Director Chuck Taylor and Executive Secretary Teresa Watson.

### A. Call to Order.

Note: Persons desiring to speak must sign in for the appropriate application. When called, speakers must state their names and addresses and direct all comments to the Board only. Time allotted to speakers will be five minutes each, unless otherwise noted at the Board's discretion. No speakers will be allowed to readdress the Board without express consent from a Board member. Outbursts from the audience will not be tolerated. Common courtesy and civility area expected at all times.

### B. Old Business:

1. **Amendment to FLA-08-01: Lift from the table** – Fayette Environmental, LLC, Owner – Bucksnot Road (28.428 acres located in Land Lot 115 of the 3<sup>rd</sup> Land District) – from Forestry to Industrial.

*Motion/second to lift Amendment to FLA-08-01 and Application #08-02Z by Commissioners Phillips and Freeman, carried by a vote of 4-0.*

The two above-mentioned items will be discussed collectively with a separate vote taken on each application.

Mr. Taylor advised the applicants have initiated a request to allow for the amendment of the Spalding County Future Land Use Map and the Comprehensive Plan amendment for their property on Bucksnot Road in order to rezone the property to C-2 Manufacturing and develop warehousing and manufacturing sites. This item was tabled at the June Board of Commissioners meeting at the request of the applicant so that land uses for the Bailey Jester/Bucksnot Road area can be studied. The applicant again asked and received tabling of the request in July and August. Staff recommends approval of the request, and the Planning Commission recommended approval of the request, as well, by a 3-2 vote after extensive discussion.

As far as the zoning aspect, Mr. Taylor explained the applicant requests C-2 zoning to develop the property with five industrial lots. The largest lot (#5) is planned for a Forest Material Recycling facility. This item was tabled at the June Board of Commissioners meeting at the request of the applicant so that land uses for the Bailey Jester/Bucksnot Road area can be studied. The applicant again requested and received tabling of the issue in July and August.

The Planning Commission took no action on the request, after a failed motion to approve was not followed up by a motion to deny, and Staff recommends conditional approval of the request with the following stipulations:

- a. A minimum 100' natural vegetative buffer shall be provided along the property lines of lot #5.
- b. If a single detention pond is used for the development, a reciprocal maintenance agreement will be provided to Community Development at the time of final plat.
- c. Site lighting to be designed so as to not glare in adjacent residential areas or onto public streets.
- d. Acceleration/deceleration lane will be provided along Bucksnot Road.

Mr. Taylor noted for commissioners this property was about .25 mile from the site of the existing landfill which has plans for expansion in the near future. The Butts County line is also in close proximity to this property.

Dawn Black, Fayette Environmental, LLC, 270 North Jeff Davis, Fayetteville, Georgia  
This request is a reasonable transitional use considering its proximity of the landfill. Traffic and noise are main concerns of residents, and they will be willing to limit to some degree expansion of the site and reduce trips to help alleviate these factors. Also, the grinder will not be running all day, every day, but rather is brought into the property approximately once a

week. This grinder services several locations since it is a very expensive piece of equipment. The 25-foot buffer area and the 100-foot setback around the property will help insulate the property from the neighbors, as well. The property is currently zoned AR-1 which could allow substantial impacts such as chicken houses, hog farms and timbering.

Lukas Johnson, Envira Recyclers, 610 Bohannon Road, Fairburn, Georgia

These facilities take the place of illegal dumping or illegal landfills, offering viable options for recycling. They expect initially 4 to 5 trucks per day with the ultimate being up to 20 per day. Hours of operations should be around 7 a.m. to 5 p.m. with no extended hours. Stumps and brush are stockpiled until the grinder arrives for processing. A two-week compilation of brush, etc. would generally be enough material to keep the grinder operating for about three-quarters of a day. They receive some concrete as a byproduct of development sites, but they would not be crushing any concrete on site. They have been in business for about ten years, and their personnel are well versed in their operations. His office is directly across the street from their largest facility, and the noise is not intrusive at all. Additionally, the material produced through this recycling process is used as a fuel source.

Drew Whalen, attorney representing Fayette Environmental, 1126 Pine Valley Road

Mr. Whalen noted that the landfill actually owns property beyond its current site that, in effect, wraps around this operation. Manufacturing is currently ongoing on adjacent property at the Buck Nekkid site. He echoed Ms. Black's comments that many undesirable uses could occur as a matter of right in the existing AR-1 classification. This proposed operation would not be nearly as invasive as many of these allowed uses. For instance, a sawmill, chicken houses, governmental facilities (as in a jail or correctional institution), hog farms would all be allowed uses in AR-1. Mr. Whalen cited constitutional objections should the rezoning and land use amendment not be successful, specifically denial of due process and denial of equal protection. If there is no substantial rationale for denial, the due process prong of the constitutional objections would be invoked.

Brian Granger, 488 Bucksnot Road, Griffin, Georgia

He reiterated the successful rezoning of this operation would negatively impact all the area residents, and he urged the Board keep him and his neighbors in mind as they decide.

Joy Goins, 500 Bucksnot Road, Griffin, Georgia

She voiced support for the comments of Mr. Granger.

Jesse Maddox, Bucksnot Road, Griffin, Georgia

Mr. Maddox echoed the sentiments of Mr. Granger, as well.

Commissioners discussed at length.

*Motion to approve, Amendment to FLA-08-01: – Fayette Environmental, LLC, Owner – Bucksnot Road (28.428 acres located in Land Lot 115 of the 3<sup>rd</sup> Land District) – from Forestry to Industrial, by Commissioner Flowers-Taylor, seconded by Commissioner Freeman, failed by a tie vote of 2-2.*

*Motion to table Amendment to FLA-08-01: – Fayette Environmental, LLC, Owner – Bucksnot Road (28.428 acres located in Land Lot 115 of the 3<sup>rd</sup> Land District) – from Forestry to Industrial to the next regularly scheduled Zoning Public Hearing on October 23, 2008 (since a tie vote resulted tonight), by Commissioner Freeman, seconded by Commissioner Phillips, carried 3-1 with Commissioner Flowers-Taylor opposing.*

- 2. Application #08-02Z: Lift from the table** – Fayette Environmental, LLC, Owner – Scarbrough Development, Agent – Bucksnot Road (28.428 acres located in Land Lot 115 of the 3<sup>rd</sup> Land District) – requesting a rezoning from AR-1, Agricultural and Residential, to C-2, Manufacturing.

*Motion to table Application #08-02Z to the next regularly scheduled Zoning Public Hearing on October 23, 2008 (since a tie vote resulted tonight), by Commissioner Freeman, seconded by Commissioner Phillips, carried by a vote of 3-1 with Commissioner Flowers-Taylor opposing.*

- 3. Amendment to UDO #A-08-18: Lift from the table** – Article 5. AR-1 Agricultural and Residential – amend to allow Rodeos as special exception use.

***Motion to lift Amendment to UDO #A-08-18: – Article 5. AR-1 Agricultural and Residential – amend to allow Rodeos as special exception use, by Commissioner Phillips, seconded by Commissioner Freeman, carried by a vote of 4-0.***

Mr. Taylor stated that Mr. Galloway, Zoning Attorney, could not be present tonight but wanted to relay some information. He recommends tabling this ordinance indefinitely to get it off the table, then to work toward addressing rodeos as special events. Changes will have to be made to the ordinance and process to accommodate these changes.

***Motion to table indefinitely Amendment to UDO #A-08-18: – Article 5. AR-1 Agricultural and Residential – amend to allow Rodeos as special exception use, by Commissioner Phillips, seconded by Commissioner Freeman, carried by a vote of 4-0.***

Commissioner Flowers-Taylor advised she wanted to see all the problem areas of security, cleanup, restroom facilities, hygiene enforcement, etc. addressed effectively.

**C. New Business:**

- 1. Application #08-14S:** Jeffery Lamar Ellis, Owner – Satonya Payne, Agent – 104 Meghan Place (0.55 acre located in Land Lot 60 of the 3<sup>rd</sup> Land District) – requesting a Special Exception to allow a Child Care Placement Facility in the R-2 District.

Mr. Taylor advised that the applicant, Ms. Satonya Payne, proposes to provide a foster care placement facility at 104 Meghan Place. The property consists of approximately .55 acres, and the applicant proposes to use the existing 1525 square foot home on the property to house up to ten juveniles.

Staff and the Board of Appeals, by a 4-3 vote, recommend conditional approval of the request with the following stipulations:

- a. Proof of compliance with all DHR and other State regulations prior to application of business license.
- b. Proof of State Fire Marshall inspection.

Ms. Payne was actively involved in the development of the child care placement facility amendment that was recently put in place. The application has met the ordinance criteria.

Satonya Payne, 201 S. Stewart Lane, Griffin, Georgia

Ms. Payne said neighbors were in support of this endeavor and in agreement with this rezoning, some even offering assistance and volunteer service. She has worked diligently to exceed state requirements. She has no problem with the stated stipulations as they have already complied with or exceeded state regulations and the State Fire Marshall has already inspected. Ms. Payne stated the state requires a 1 to 10 ratio during daytime hours, and she plans to have three personnel to every ten, one with a degree in child care for these ten girls. During nighttime hours, there will be an intern and the house parent. One side of the house has a privacy fence on the adjacent property and there could conceivably be one on the other side.

***Motion to conditionally approve Application #08-14S: Jeffery Lamar Ellis, Owner – Satonya Payne, Agent – 104 Meghan Place (0.55 acre located in Land Lot 60 of the 3<sup>rd</sup> Land District) – requesting a Special Exception to allow a Child Care Placement Facility in the R-2 District, by Commissioner Flowers-Taylor, seconded by Commissioner Phillips, carried by a vote of 4-0 with the following stipulations:***

- a. ***Proof of compliance with all DHR and other State regulations prior to application of business license.***
- b. ***Proof of State Fire Marshall inspection.***

- 2. Application #08-15S:** Jay W. Bethune, Owner – 1650 Rehoboth Church Road (1.01 acres located in Land Lot 106 of the 3<sup>rd</sup> Land District) – requesting a Special Exception to allow a commercial kennel in the AR-1 District.

Mr. Taylor noted that the applicant proposes to operate a commercial kennel on the subject property, which consists of approximately .99 acres. Mr. Taylor responded to questions about the operation, the privacy fence, etc. Staff recommends denial of the request, and the Board of Appeals recommends conditional approval, by a 6-1 vote, of the request with the following stipulations:

- a. A 6-foot high privacy fence along the back property line and along 100 feet of the East and West property lines.
- b. A planted buffer area along the required fence.

Jay Bethune, 1660 Rehoboth Church Road, Griffin, Georgia

Mr. Bethune referenced the packet he prepared for commissioners and noted he is licensed by the state already. He adheres to their regulations. He is a breeder but does not board dogs for any others.

***Motion to approve Application #08-15S: Jay W. Bethune, Owner – 1650 Rehoboth Church Road (1.01 acres located in Land Lot 106 of the 3<sup>rd</sup> Land District) – requesting a Special Exception to allow a commercial kennel in the AR-1 District with removal of the stipulations requested by the Board of Appeals, by Commissioner Phillips, seconded by Commissioner Flowers-Taylor, carried by a vote of 4-0.***

- 3. **Application #08-17S:** Billy Anderson, Owner – Charles Penny, Paragon Consulting Group, Inc., Agent – 2491 Teamon Road (3.75 acres, more or less, located in Land Lot(s) 217 and 232 of the 3<sup>rd</sup> Land District) – requesting a Special Exception to allow a Church in the AR-1 District.

Mr. Taylor stated the applicant is requesting a Special Exception for the erection of a church within an AR-1 district. The property consists of approximately 3.75 acres and is close in proximity to an existing church on Teamon Road. In review of the application, it does meet the criteria set forth for Special Exception. Staff and the Board of Appeals, by a vote of 7-0, recommends conditional approval of the request with the following stipulations:

- a. The plan shall incorporate an acceleration/deceleration lane to the site.
- b. Any expansion of the facilities or use shall require an additional Special Exception.

Tyson Roache, Pastor, 1502 Birdie Road, Griffin, Georgia

Pastor Roache passed unless commissioners had questions, which did not materialize.

David Varila, 2491 Teamon Road, Griffin, Georgia

He supported this use of the property.

Steve Clark, 2523 Teamon Road, Griffin, Georgia

Mr. Clark owns the property adjacent to the property. The Sun City driveway will exit just at the site of this proposed church, and to have a church locating there would adversely affect the value of his property since it will negatively impact the commercial nature of the area. Some object, as well, to the traffic and noise which is already problematic in this area. The proposed accel/decel lane will not serve to improve this issue. He felt the bottom line was this was a good idea but a wrong location.

Charles Penny, Agent, Paragon Consulting Group, 106 Maplewood Drive, Griffin

Mr. Penny addressed the accel/decel lane, the purpose of which was to alleviate problems with ingress and egress to the property.

Pastor Roache answered his congregation was a new congregation, currently meeting in a shopping center location on the North Expressway, and his congregants come from all over the County. They would like to remove themselves from the rental situation and would like to purchase this property should be rezoning be successful.

Mr. Penny stated the 37 parking spaces meet the criteria based on square footages and ADA requirements. The church is purchasing the property.

Scott Montgomery, 2515 Teamon Road, Griffin, Georgia

He lives to the right of Mr. Varila and, before Sun City, he would have had no problem with the location of his church. However, that huge development changes the dynamic of the area so tremendously and this will be a second entry point. He will live between the two churches and that would be ideal in a rural setting, but not coupled with the traffic patterns and congestion that will result from Sun City.

Mr. Taylor said Sun City will have three entrances, the primary at Baptist Camp and the other two as secondary. The nature of the clientele for Sun City will lend itself to minimal traffic since retirees don't travel at specific times and don't usually travel at peak times, thereby not contributing to congestion significantly.

*Motion to approve Application #08-17S: Billy Anderson, Owner – Charles Penny, Paragon Consulting Group, Inc., Agent – 2491 Teamon Road (3.75 acres, more or less, located in Land Lot(s) 217 and 232 of the 3<sup>rd</sup> Land District) – requesting a Special Exception to allow a Church in the AR-1 District, by Commissioner Flowers-Taylor, seconded by Commissioner Freeman, carried by a vote of 4-0, with stipulations noted:*

- a. *The plan shall incorporate an acceleration/deceleration lane to the site that effectively addresses safety requirements and site distance issues, moving this fluid plan further away from the curb. Mr. Taylor assured Commissioner Flowers-Taylor this could be accomplished when the development plan is approved.*
- b. *Any expansion of the facilities or use shall require an additional Special Exception.*

4. **Application #08-08Z:** Paul W. Bell and Nicole R. Bell, Owners – Rannie Dean, Agent – 238 Airport Road (.66 acre located in Land Lot 117 of the 2<sup>nd</sup> Land District) – requesting a rezoning from R-1, Single Family Residential Low Density, to O & I, Office and Institutional.

Mr. Taylor said this is one of a series of requests from the Airport Road area, and the Board actually amended the Future Land Use Map to reflect this trend. The applicant has requested approval to rezone the property from R-1 to O-I for purposes of converting an existing single family residential home into an office for a carpet cleaning business. The request is consistent with the Future Land Use Map classification of commercial. Staff and the Planning Commission, by a 5-0 vote, recommend conditional approval with the following stipulations:

- a. A front-yard setback variance shall be applied for and approved.
- b. No additional curb cuts shall be allowed for the subject property.
- c. The pool shall be removed.
- d. No chemicals shall be stored on site.

Mr. Taylor advised O-I is an office type of zoning that is closely compatible with residential uses, which are in close proximity in this instance, and storing chemicals on site presents a more industrial, potentially hazardous element to the business which is the rationale for the fourth stipulation. Much discussion followed regarding the feasibility of restricting the on site storage of chemicals for a carpet cleaning business versus the storage of chemicals on the trucks used in the operation. Some questioned how this would be different from the pest control company in a renovated residence just down the street where they obviously store chemicals for their operation, as well.

Paul Bell, 238 Airport Road, Griffin, Georgia

Mr. Bell relayed he is the owner of the property but is leasing to a carpet cleaning business, and he noted the chemicals are biodegradable. There are two box trucks that transport the chemicals for cleaning jobs, but one will be parked in the back when not in use where there will be a buffer area and one will be driven home by the operator. The chemicals stored in the trucks are safe and biodegradable, with nothing more dangerous than what is found in the average home. Some discussion followed. The recent situation on O'dell Road was more of an industrial type use and not similar to this, because of processing on site. Mr. Bell said if a fence was required, he would be glad to do that and fill in the pool, as well, but requested a 60-day period in which to do these things. The leasee has already cleaned up the property, painting and clearing trees in anticipation of this operation being approved.

Chairman Goss noted that if the chemicals are stored in the trucks, and a truck is sitting on site, then chemicals are actually being stored on site, even if not in the building. Mr. Taylor noted that commissioners could reword that recommendation as they saw fit. Mr. Taylor said no on site chemical storage in trucks was an issue on which the County's ordinance was silent, as well as the allowance of panel trucks. He agreed that to say that no chemical shall be stored on site would mean the truck storing chemicals could not be left on the site, as well.

Ronnie Dean, 3119 Colonial Way, Atlanta, Georgia and 238 Airport Rd., Griffin, Georgia

Most of the chemicals used in this carpet cleaning process are found in the average home and not nearly as problematic as those used in the pest control business should a spill occur. In his work as an appraiser, he knew the chemicals involved in this proposed use are not considered hazardous. The house is to be used as a sales office; chemicals would only be stored on the truck and not in the house.

Barbara Wise, 217 Roberts Street, Griffin, Georgia

One of her three properties on Roberts Street is adjacent to this property on the back side, and she owns two properties, as well, on Airport Road. She was concerned that local properties

seemed to attract less than desirable tenants. She asked if the Board would consider tabling this application and revisit the UDO to put better teeth in the ordinances that regulate this type business. She has visited a Duraclean operation in Macon that appeared to be much more industrial than this application seems to convey. They utilized six trucks behind a chain link fence with razor wire that enclosed a 120' x 200' building. She urged the Board to please adhere to more of an office and institutional proposed use instead of this one which appeared to be more industrial and commercial in nature. She wanted to ensure they took into consideration where the septic tank and drain fields were for this property before parking heavy trucks on either. She was very opposed to storing the chemicals on site whether they be in trucks or not. Chairman Goss explained to Ms. Wise that should the business not adhere to the restrictions that will be imposed, they could seek recourse through Code Enforcement. Ms. Wise asked commissioners to firmly state in writing what conditions would be imposed.

Michael Talley, 236 Airport Road, Griffin, Georgia

He lives next door to the business, and the Bells, owners of this business, have been around the property for a couple of weeks. He has no issue with the chemicals, but cranking up equipment early in the morning would disrupt sleep for the residents, and the pest control business already fires up their vehicles as early as 6 a.m. and work sometimes until 9 or 10 p.m. Mr. Talley wanted to ensure there would not be invasive lighting into this bedroom window on the front, and he also would like a privacy fence of wood or masonry between him and the business to protect his property and his privacy. There is minimal room between the properties that would preclude a natural vegetative buffer, so a fence would probably be the only solution. He does not object to the business as long as there are controls in place to address these concerns.

Much discussion followed regarding the number of trucks to be allowed that would store the chemicals on the property.

***Motion to conditionally approve Application #08-08Z: Paul W. Bell and Nicole R. Bell, Owners – Ronnie Dean, Agent – 238 Airport Road (.66 acre located in Land Lot 117 of the 2<sup>nd</sup> Land District) – requesting a rezoning from R-1, Single Family Residential Low Density, to O & I, Office and Institutional, by Commissioner Freeman, seconded by Commissioner Phillips, with the following stipulations:***

- a. No chemicals shall be stored in any structures on site but will be allowed to remain in vehicles on the property.*
- b. Inspections shall routinely be performed by the Fire Marshal.*
- c. A front-yard setback variance shall be applied for and approved.*
- d. No additional curb cuts shall be allowed for the subject property.*
- e. The pool shall be removed.*
- f. A privacy fence of wood or masonry shall be installed between this property and that of Mr. Michael Talley at 236 Airport Road.*
- g. Three trucks shall be allowed, with only one left overnight at the business and the remaining to be taken home at night by the operators or otherwise removed from property.*
- h. No truck parking shall be allowed in the front area of the property.*
- i. No site lighting shall glare into adjacent property.*

Commissioner Flowers-Taylor felt this request has been totally micromanaged to the point of being ridiculous. She agreed there are some issues that may need to be addressed in a change to the Future Land Use Map, but that can be done in another forum. These things are not required in the ordinance, and she felt the Board was nitpicking this application to the nth degree. The Board is adjudicating all these conditions based on the remote possibility that something may or may not occur. Commissioners should be consistent and they did not require a limit on the number of vehicles for the pest control company.

***Motion to approve with conditions carried unanimously by a vote of 4-0.***

- 5. Application #FLA-08-04:** Allen W. Marshall III, Etal; G. Niles Murray III, Etal; James R. Fortune, Jr., Etal; Louise Cole Parham, Richard R. Jr. and Kathryn Kleinkauf; and Kelly A. and Adam J. Bence, Owners – 205 Birdie Road, 209 Birdie Road, 213 Birdie Road, 215 Birdie Road and 219 Birdie Road – from Crossroad Commercial, Agriculture and Low Density Residential to Crossroad Commercial.

In the interest of time, Application #FLA-08-04 and Application #08-09Z will be discussed collectively and voted on separately. Mr. Taylor advised the applicant, Halpern Enterprises, Inc., has requested approval from Spalding County to change the Future Land Use Map from

Crossroad Commercial and Agricultural to Crossroad Commercial in order to rezone a collection of properties for purposes of developing a 72,150 square-foot retail center, 45,600 square foot grocery store complemented by small retail shops. The County will have to remain aware that infrastructure will need to be improved for traffic congestion in the coming years. Staff and Planning Commission recommend approval of the change to the Future Land Use Map. Median striping will be resolved by the parties collectively for this property that actually consists of five (5) parcels. The entrance that is designed may require some modification, but that can be resolved at a later time.

The rezoning application seeks to rezone 14.63 acres of land from C-1, Highway Commercial, and AR-1, Agricultural and Residential, to C-1, Highway Commercial, to permit the development of Birdie Village. The Crossroads Commercial category encourages the very type of commercial development proposed here. Mr. Taylor answered questions of commissioners regarding overall design, greenscape to break up the impervious surfaces, parking,

Chad Torri, Smith, Gambrell & Russell, LLP, 208 La Grande Cove, Atlanta, Georgia  
The two applications concern the northwest corner of Birdie Road and Highway 19/41. He oriented commissioners to the property via overheads. Approximate 9 of the 14.63 acres are already zoned C-1 and they seek to put the remainder into the same designation. Commercial Crossroads, such as this one for the Pomona area, are designed to serve the needs of the immediate surrounding area. The anchor grocery store will be complemented by related businesses. The two outparcels will probably be restaurants or banks, or a combination of both. The retail stores will carry on the same architectural theme established by the anchor grocery store. The comprehensive plan supports this project, and he requested favorable consideration.

*Motion to approve Application #FLA-08-04: Allen W. Marshall III, Et al; G. Niles Murray III, Et al; James R. Fortune, Jr., Et al; Louise Cole Parham, Richard R. Jr. and Kathryn Kleinkauf; and Kelly A. and Adam J. Bence, Owners – 205 Birdie Road, 209 Birdie Road, 213 Birdie Road, 215 Birdie Road and 219 Birdie Road – from Crossroad Commercial, Agriculture and Low Density Residential to Crossroad Commercial, by Commissioner Flowers-Taylor, seconded by Commissioner Freeman, carried by a vote of 4-0.*

6. **Application #08-09Z:** Allen W. Marshall III, Etal; G. Niles Murray III, Etal; James R. Fortune, Jr., Etal; Louise Cole Parham, Richard R. Jr. and Kathryn Kleinkauf, and Kelly A. and Adam J. Bence, Owners – 205 Birdie Road, 209 Birdie Road, 213 Birdie Road, 215 Birdie Road and 219 Birdie Road for a total of 14.628 acres, more or less, located in Land Lot 105 of the 3<sup>rd</sup> Land District) – requesting a rezoning from C-1, Highway Commercial, and AR-1, Agricultural and Residential, to C-1, Highway Commercial.

*Motion to approve Application #08-09Z: Allen W. Marshall III, Et al; G. Niles Murray III, Et al; James R. Fortune, Jr., Et al; Louise Cole Parham, Richard R. Jr. and Kathryn Kleinkauf, and Kelly A. and Adam J. Bence, Owners – 205 Birdie Road, 209 Birdie Road, 213 Birdie Road, 215 Birdie Road and 219 Birdie Road for a total of 14.628 acres, more or less, located in Land Lot 105 of the 3<sup>rd</sup> Land District) – requesting a rezoning from C-1, Highway Commercial, and AR-1, Agricultural and Residential, to C-1, Highway Commercial, by Commissioner Phillips, seconded by Commissioner Freeman, carried by a vote of 4-0 with the following conditions:*

- a. *The Future Land Use Map for the subject property shall be amended to Commercial.*
- b. *All site lighting shall be designed so as not to glare onto adjacent residential properties.*
- c. *The development shall be served by a sewer system.*
- d. *The developer will meet with County staff to resolve the maneuvering and stacking problems at the drive-through window on the east side of the grocery store. This shall be accomplished through a combination of striping signage and raised medians.*
- e. *The developer will meet with County staff and, if needed, Georgia Department of Transportation Staff to resolve the median striping issue at the first, eastern most, entrance of Birdie Road.*
- f. *The Developer agrees to work with the Georgia Department of Transportation to modify the left-turn median on southbound U.S. 19/41. Such modifications shall be designed to prevent traffic making a right turn out of the southern most exit from the shopping center site and then turn left onto eastbound Birdie Road.*
- g. *The curved access road from the north entrance into the shopping center shall be eliminated in favor of a driveway that runs south from the entrance road, parallel to U.S. 19/41, to the east side of the parking field at the shops. (Note this item has been addressed on the revised site plan. This condition can be discarded.)*

- h. Strongly worded signage at the driveway to the delivery area behind the shops shall be used to limit access for vehicles that are not loading or unloading.*
- i. Out-parcel design shall maximize cross parcel access with the main shopping center.*
- j. Curb cuts shall be limited to two per frontage.*

- 7. Amendment to UDO #A-08-19:** Article 19. Office and Institutional – Section 1902:A(4) – delete two-family dwelling (site built, industrialized, or Class A manufactured home) with a heated floor area of at least 1,400 square feet and amend to allow animal hospital.

Mr. Taylor stated this amendment was an attempt to clean up issues with the allowance of Class A manufactured homes in the O-I district.

*Motion to approve Amendment to UDO #A-08-19: Article 19. Office and Institutional – Section 1902:A(4) – delete two-family dwelling (site built, industrialized, or Class A manufactured home) with a heated floor area of at least 1,400 square feet and amend to allow animal hospital, by Commissioner Phillips, seconded by Commissioner Freeman, carried by a vote of 4-0.*

- 8. Amendment to UDO #A-08-20:** Article 19. O & I Office and Institutional – Section 1902:A(3) – amend to delete Class A manufactured home with heated floor area of at least 1,000 square feet.

Mr. Taylor said this again was an attempt to clean up issues with allowance of manufactured homes with regard to square footages.

*Motion to approve Amendment to UDO #A-08-20: Article 19. O & I Office and Institutional – Section 1902:A(3) – amend to delete Class A manufactured home with heated floor area of at least 1,000 square feet, by Commissioner Phillips, seconded by Commissioner Freeman, carried by a vote of 4-0.*

- 9. Amendment to UDO #A-08-21:** Appendix A. Subdivision Ordinance – Section 301:F – amend fee schedule and Appendix J. Commercial/Industrial Development – Article 3 – amend fee schedule.

Mr. Taylor advised there was a real problem with engineers who submit the exact same plans as previously submitted, resulting in their charging their customers additional fees. This also results in the County’s losing money to engineering consulting fees only to be told the plans have not been adjusted as previously requested. In some instances, such as with hydrology reports, Staff cannot recognize that adjustments have not been made.

*Motion to approve Amendment to UDO #A-08-21: Appendix A. Subdivision Ordinance – Section 301:F – amend fee schedule and Appendix J. Commercial/Industrial Development – Article 3 – amend fee schedule to apply from the second failed review forward, by Commissioner Phillips, seconded by Commissioner Freeman, carried 4-0.*

**D. Other Business:**

Commissioner Freeman mentioned an instance whereby a property was subdivided by deed, which planners do not see, so there is no opportunity to tell the homeowner that their subdivision will be problematic. The issue will be brought before the Board at a future date to resolve this issue.

Commissioner Flowers-Taylor suggested they look at specifics for the O-I classification due to the issues brought to light by tonight’s application and others.

**E. Adjournment.**

*Motion to Adjourn at 9:29 p.m., by Commissioner Freeman, seconded by Commissioner Goss, carried by a vote of 4-0.*

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Chairman

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County Clerk

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