

# After Agenda

**Board of Commissioners of Spalding County  
Zoning Public Hearing  
Thursday, March 24, 2022  
6:00 PM  
Room 108, Annex Building**

**The Spalding County Board of Commissioners held their Zoning Public Hearing in Room 108 of the Spalding County Annex on Thursday, March 24, 2022, at 6:00 p.m. with Acting Chairman James Dutton presiding. Commissioners Rita Johnson, Ryan Bowlden and Gwen Flowers-Taylor were present for the meeting. Also present were County Manager, Dr. Steve Ledbetter, County Attorney, Stephanie Windham, County Zoning Attorney, Newton Galloway, Acting Director of Community Development, Bradford Vaughn and County Clerk, Kathy Gibson to record the minutes.**

**A. Opening (Call to Order) by Acting Chairman James Dutton.**

**PLEASE SILENCE YOUR CELL PHONES AND ALL OTHER ELECTRONIC DEVICES.**

**B. Invocation**

1. Commissioner Gwen Flowers-Taylor, District #1 delivered the Invocation.

**C. Pledge to Flag**

1. Commissioner Rita Johnson, District #3, led the Pledge to the Flag.

**D. Public Hearings**

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. Speakers will be allotted three (3) minutes to speak on their chosen topics as they relate to matters being considered by the Board of Commissioners on this Agenda. No questions will be asked by any of the commissioners during citizen comments. Outbursts from the audience will not be tolerated. Common courtesy and civility are expected at all times during the meeting.

***Motion/Second by Bowlden/Flowers-Taylor to amend the agenda to include a new application for a special exception to add a manufactured home at 158 Grizzley Lane. Motion carried unanimously by all.***

**E. New Business**

1. Application 21-11Z: Christopher Edwards, Owner - 3317 & 3305 Fayetteville Rd (Approximately 2.35 acres located in Land Lot 28 of the 3rd Land District)- Requesting a rezoning from R-2 TO C- 1A for the purposes of opening a legal office.

Mr. Vaughn stated that this application requests the rezoning of two parcels, the parcels combined is approximately 2.35 acres in size. The property is currently zoned R-2 and it has approximately 715 feet of road frontage on Hwy 92/Fayetteville Road and approximately 625 feet along Vineyard Road. The requestor is Christopher

Edwards who currently resides in Fayetteville, Georgia. This property has been in his name since 2018. There is no developer involved, it is Mr. Edwards former residence. Application is to rezone the entire property to C-1(a) which is neighborhood commercial. The purpose of the request for this rezoning is he wants to use the home as a home law office. Subject property is R-2 Single Family Residential, adjacent parcels are all zoned R-2 as well.

Pursuant to the Spalding County Comprehensive Plan for the 2017 update, the request is consistent with associated Future Land Use Maps in the classification of Rural Neighborhood. The purpose of the C-1(a) is to keep the aesthetics of a neighborhood. In the C-1(a) district a legal office is acceptable as a primary use. The requirements dictated for this is a minimum heated square foot area of at least 1,000 square feet, this house currently exceeds this minimum. The minimum lot size as defined by the Spalding County Health Department is less than an acre and at 2.35 acres this is compliant with that use.

Utilities and infrastructure is currently a single tenant office with a gross floor area of 2,000 square feet. A maximum of 63 trips anticipated weekday total is for this location. It is accessible to county water and the site is not accessible to sewer. There is an existing septic system on the property, and we will be getting an updated letter on that system from the Georgia Department of Environmental Health prior to the issuance of a business license. Neither parcel lies within a flood zone, however, both parcels do lie in the watershed protection district.

Per the Spalding County Comprehensive Plan everything is “good to go” with the aesthetics for the use of the proposed property. Staff does not feel there is a significant threat to public health, safety or welfare if the property were to be rezoned. The applicant does not wish to reside at this location any longer, so it makes no sense to zone it as a general home office.

Staff recommends approval with the following conditions: (1) Additional parking shall be governed by standards of Appendix G of the Spalding County UDO. Section 103R: 1 space per 300 square feet of gross floor area, plus 1 space for each 2 employees on the premises. There is a paved driveway that comes off of Hwy 92 which will be fine for employee parking and a driveway and parking area will be accessed from Vineyard Road and the applicant has already contacted public works regarding a new driveway cut and the parking lot to be added at this location. (2) An annual business license shall be required. (3) Any future change of use outside the scope of an office shall require a rezoning application.

Commissioner Flowers-Taylor expressed her concern over the traffic that would be turning into the location off of Hwy 92.

Mr. Galloway then advised that there was a condition from the Planning Commission to require access off of Vineyard Road.

Mr. Vaughan advised that the address for the business would be based on the curb cut on Vineyard Road so the address would be a Vineyard Road address.

Mr. Edwards, the property owner, advised that he would have signage on Hwy 92 directing people to the parking area off of Vineyard Road and in addition, he will instruct and have his staff instruct anyone coming to the office to access the building off of Vineyard Road.

***Motion/Second by Flowers-Taylor/Johnson to approve Application 21-11Z: Christopher Edwards, Owner – 3317 & 3305 Fayetteville Road, approximately 2.35 acres located on Land Lot 28 of the 3<sup>rd</sup> Land District requesting rezoning from R-2 to C-1(a) for the purpose of opening a legal***

***office with conditions of staff and the Planning Commission for the main entrance to be off Vineyard Road. Motion carried unanimously by all.***

2. Application 21-68S: Frank Cable , Owner- 1183 North Walkers Mill Rd ( Approximately 7.03 acres located in Land Lot 46 of the 2nd Land District)- Requesting a Special Exception to construct a Barndominium style house within the AR-1 district.

Mr. Vaughan stated that this property was reviewed by the Board of Appeals for a Barndominium in an A1 District. It is a permitted use under the Special Exception process only. This property is located at 1183 North Walkers Mill Road, the property is approximately 7.03 acres in size. Mr. Frank Cable is the owner and there is no developer associated with this project. The lot is currently vacant and there are no known violations at the time of this report.

Mr. Vaughn then stated that the stipulations for a Barndominium in Appendix 4, Article 5, Section 503(B)(25) of the Spalding County UDO states that the parcel must have a minimum lot size of five acres and at seven acres the lot is compliant with this stipulation. It must have a minimum front yard setback of two hundred feet. The roof pitch of the dwelling must have a true 4/12 roof pitch and porch with a depth of at least six feet located on the front of the structure with a roof pitch with a minimum rise of three feet for each twelve feet of horizontal run. At least twenty-five percent of each side of the structure must be constructed of conventional exterior materials. Exterior columns and/or posts must be at least six inches by six inches in size, or greater if required by an applicable building code, the current building code is 6X6. All industrial or garage bay doors must be located on the side or back of the structure. The roof of the structure may be finished with a type of shingle commonly used in conventional residential construction or a metal consisting of 26-gauge steel or 0.040 aluminum standing seam.

Considerations to be considered in an exception request include that it must not be detrimental to the use or development of adjacent properties, or to the general neighborhood and it must not adversely affect the health or safety of residents or workers. The proposed use for this property will not provide any of those detriments to the surrounding parcels, nor will it have an adverse use in development of the adjacent parcels.

It must not be that any possible depreciating effects and damages to the neighboring properties are greater than the benefits or need for the Special Exception. Staff does not anticipate any depreciating effects on neighboring properties with the requested use.

It must not adversely affect existing uses, and it must be proposed to be placed on a lot of sufficient size to satisfy the space requirements of the use. The subject property is approximately 7 acres in size which is two acres more than the minimum required by the code. The proposed site plan is compliant with code regarding setbacks.

It must meet all other requirements of this ordinance. The application is compliant with the requirements of the ordinance and staff recommends approval of this application as did the Board of Appeals.

Dr. Ledbetter advised that Chris Cable had signed up to speak in favor of this application, we have no one who has signed up to speak in opposition.

Chris Cable, 1137 North Walkers Mill Road, advised that this property is adjacent to the current parcel that he is living on. This is actually his mom and dad's project that they are trying to get done. The thought process is that when he and his wife built their home it was going to be their forever home and their parents wanted to live beside them and they want them to be there. Also, as they get older and they pass on, we will

then have that building for storage to keep their equipment in to keep the entire property up. We are doing a standing seam roof on this building so it will be more of a residential style. We are also doing wainscoting around it so the whole bottom of the building will be a different color from the area above. He then advised he would answer any questions the board may have regarding this request.

Commissioner Flowers-Taylor then asked if they would be having any livestock on the property.

Mr. Cable advised that at this time they had no plans for livestock.

***Motion/Second by Flowers-Taylor/Bowlden to approve Application 21-68S: Frank Cable , Owner- 1183 North Walkers Mill Rd ( Approximately 7.03 acres located in Land Lot 46 of the 2nd Land District)- Requesting a Special Exception to construct a Barndominium style house within the AR-1 district. Motion carried unanimously by all.***

3. Application 21-70S: Joseph and Jane Bailey, Owners - Chad Caudill, Agent- 4075 Newnan Rd (Approximately 26.91 acres located in the Land Lot 30 of the 1st Land District)- Requesting a Special Exception to construct a proposed fenced telecommunications tower.

Mr. Vaughan advised that the applicants are requesting a special exception to construct a new cell phone tower. In all of the rezoning districts, you have to have a Special Exception if you want to put up a new tower. This application was reviewed by the Board of Appeals and one of the things that the Board of Appeals did have the authority to do was the height of the proposed tower. The proposed tower is 195 feet and will have up to four carriers on the tower. The Ordinance stipulates that for 3 or more carriers tower heights are limited to 150 feet, but the Board of Appeals has the authority to waive that right if there is a need. Mr. Caudill is here this evening and he can answer any questions you may have regarding the technical aspects of the need for the additional height for the broadcast depth, but the Board of Appeals did approve it at the 195 foot height.

Mr. Vaughan then stated that the proximity of the tower to other residential structures is approximately 371 feet. The uses of the surrounding properties are predominantly single family detached residences. This property is located approximately one-half mile west at the intersection of Rover Zetella and Newnan Roads and there is a commercial note of properties at that intersection zoned C-1. The topography of the area contains gentle rolling slopes and the northeast corner of the subject property falls towards a lake on an adjacent property. There are no significant features surrounding the property. There are some existing trees and foliage around the proposed site location. Staff will be okay if they leave some of those trees as a natural buffer on two sides and they can still have the planted buffer on the remaining sides to the south and to the west.

Mr. Vaughan then stated that the design of the tower would be a monopole design that will be painted grey or sky blue in order to minimize the visual obtrusiveness of the tower. The cost to upgrade the nearest tower to accommodate the same amount of carriers is greater than the cost of constructing a new tower. So per our telecommunication ordinance that is considered a hardship and they should be allowed to proceed with construction of a new tower.

Acting Chairman Dutton asked if the County would have access to the tower to install on the tower.

Mr. Vaughan stated that if the County needs to install equipment on the tower, it is a provision in our code. We would have to purchase whatever equipment that would

need to be installed, but they would be able to accommodate it at no cost to the County.

Mr. Galloway then advised that the average the County has seen for this type tower is 150-200 feet.

Dr. Ledbetter advised there are two individuals to speak for this application and no one to speak in opposition.

Mr. Joe Bailey stated that he would let his agent, Mr. Caudill speak on his behalf.

Mr. Chad Caudill representing AT&T and Mr. and Mrs. Bailey, 202 Marina Drive, St. Simons Island, GA. The reason we are proposing this site is because there is a 250' American Tower site approximately 1.8 miles north of this location and we're already on that tower. There is a tower 6/10ths of a mile to the south owned by Crown-Castle and it is 193' and that is the tower that has structurally failed so bad that it is going to cost over \$270,000 to fix the tower to allow for their equipment to be mounted on it. The signal works by line of site so if the signal goes out and if it is blocked by trees or other building structures the signal can be blocked. We actually wanted a 250' tower but being sensitive to the community we asked them to drop the height down a little over 50' to 195'. Respectfully, we would ask that you consider approving this request.

Acting Chairman Dutton asked what carriers will be on the tower?

Mr. Caudill stated that it would be designed to house AT&T and at least three other carriers.

***Motion/Second by Johnson/Flowers-Taylor to approve Application 21-70S: Joseph and Jane Bailey, Owners - Chad Caudill, Agent- 4075 Newnan Rd (Approximately 26.91 acres located in the Land Lot 30 of the 1st Land District)- Requesting a Special Exception to construct a proposed fenced telecommunications tower to include a condition to allow Spalding County access on the tower should it be needed at no cost to Spalding County. Motion carried unanimously by all.***

4. Application 22-1S: L&C Partnership, LLP, Owner- Taylor English Duma, LLP, Agent- 203 Lakeside Dr (Approximately 10.78 acres located in Land Lot 75 in the 2nd Land District)- Requesting a Special Exception to allow office for Commercial Activity conducted off premise.

Mr. Vaughn stated that the application before the Board this evening is to change the proposed use of the property. Currently, the property is a single detached residence that they plan to use in the AR1 zone as an office. This is permissible via the Special Exception process and there were two associated variances that came through with this request before it went before the Board of Appeals.

We have a variance to the minimum tract size of 25 acres. The property is actually two parcels one is 3.01 acres in size and the other is 7.70 acres in size. One has the house and the other has the driveway on it. However, it is part of an assemblage of approximately 256.5 acres under common contiguous ownership that operate as a farm. The remainder of the property is in a Conservation Agreement with the Tax Assessors office and the hardship for the client would be they would have to breach that agreement on the larger parcel of land to try to replat it so there would be a minimum tract of 25 acres. Therefore the request for 10.85 acres was requested as a variance for a minimum tract size.

The other variance was regarding the maximum size allowable for use as an office space. Code stipulates that you must have no more than 2000 square feet, the house is 2,164 square feet. There is no sense in deconstructing the house to get them within

the requirement. The Board of Appeals granted both of those variances.

The other stipulations from code for use as an office are it has to be located within an existing structure; this condition is satisfied. The persons employed in the premises of the office shall not exceed four, this condition is satisfied. Office hours will be limited to 7 a.m. to 7 p.m. and they have no problem with this condition. The office must not change the agricultural or residential character of the property, they will not be adding anything to the outside, it will retain the same appearance. Outdoor storage associated with the office use is prohibited. They have no intention of storing anything for this business. Parking for the office will be to the side or to the rear of the building. There is already a side entry carport and there is ample enough yard to park the people that come and go. Equipment related to the off-premises business is not allowed on the site except for the personal vehicles of those who actually work in the office. The office cannot create or generate any increase in traffic or noise except for that associated with the use of personal vehicles and people employed on the premises.

Staff does recommend approval of the application and the variances have both been approved.

Dr. Ledbetter advised that Steven Jones is signed up to speak for the application and no one has signed up to speak opposed to the application.

Steven Jones is with the law firm of Taylor, English, Duma, 1600 Parkwood Circle, Suite 200, Atlanta, Georgia. He is accompanied this evening by Mr. Wall, he and his family live on this 250-acre farm. He and his family operate a few different businesses, mainly land ownership businesses. The application before you this evening is for an office. They currently have an office in a store front in McDonough and they want to move that office to an existing single-family house off of Lakeside Drive. They have recently renovated the home to make it look nicer from the road. They will be the only ones to use the office, there will be three employees' full time. There will be no visitors to the property, it will be the three of them on computers doing administrative work. No equipment will be stored there. Staff believes that all of the criteria for Special Exception have been met and we have submitted a letter outlining the criteria and stand behind the analysis set out in the letter and in the staff report. He would respectfully ask that the Board approve this request with staff's and the Board of Appeals Recommendation.

Commissioner Flowers-Taylor stated that the variance was allowed because of the tract size. What does the ordinance state regarding the tract size?

Mr. Jones stated that the Ordinance requires that an office of this kind be on a minimum of 25 acre tract. This parcel is only 10.78 acres, but it is part of a larger assemblage of 250 acres. So, for that reason the Board of Appeals felt that it met the hardship criteria, because the remainder of the acreage is under a Conservation Use Agreement with the Tax Assessor. If that use changes, then the tax covenant is breached and there are penalties assessed by the Tax Commissioner.

Commissioner Flower-Taylor then stated if they had gotten the additional acreage from the land in conservation, they would have only have breached for the 15 or so acres is that correct?

Mr. Jones then explained that the covenant is applied by tax parcel and the other contiguous parcels are of substantial acreage, so we wouldn't be able to pull out any part of it.

Commissioner Flowers-Taylor then stated that she understands what is being said, but what she doesn't understand is how this can be defined as hardship when all it is going to do to comply with the Ordinance is cost them money. We have had someone else

come and want to do something of this nature and because they weren't on a 25-acre tract, we did not do it. The same hardship would have existed for them, and she doesn't understand why we are taking a turn now and saying its okay with 10 acres when the ordinances requires 25 acres.

Mr. Jones then stated that the Board of Appeals granted the variance with respect to that criteria, so what is before you now is the use. The Special Exception use.

Commissioner Flowers-Taylor stated that she feels that not only the Board of Zoning Appeals, but the Planning Commission should not be making variances that go against what the ordinance says. If we are not going to be consistent with every zoning that we have of this nature, she doesn't see how what is before us this evening can be defined as a hardship. She is sure it was going to be a hardship in the other case, and we did not allow him to do that.

Mr. Jones then stated that he understands Commissioner Flowers-Taylor's concern and what he would propose is a condition of approval on the Special Exception condition since the variances have already been decided. On the Special Exception they would be agreeable to it saying the special exception would only apply while L&C Partnership owns 25 acres additional that is contiguous to this property. That ensures that the owner of the parcel you are granting Special Exception for will have a total of at least 25 acres next to it. As further assurance, the applicant has not intent to sell any part of this property, it is his and his family's forever home.

Acting Chairman Dutton then stated that he was excited that they came before the Board and asked. A lot of folks would simply have 3 people on computers, they would have simply done it out of the house. They would not have come and asked. So, the fact that you did come and go through the process, he feels it really says something. How many people today are working out of their house today and it is simply 3 people on a computer would go to this trouble?

Commissioner Flowers-Taylor then stated if you are operating a business and if you are going to get a business license to run that business out of a location, you have to go through this process. She is simply saying that she believes in consistency and if we did not do this for someone in the past, then we shouldn't do it this time.

Acting Chairman Dutton then stated that he feels there is enough land out there for them to be able to meet the requirement.

Commissioner Johnson then stated that she is concerned if we have denied something like this in the past, she isn't sure what it is going to open up based on that decision was that could come back.

Mr. Galloway stated that he does not recall that particular application, but whatever happened on the application in the past is final because there was no appeal taken and you will hear that again and the variances are discretionary with the Board of Appeals. They make the calls, so the only thing before you this evening is the Special Exception, and he can confirm that you are not able to play with your property lines after you have put the property into Conservation Use Evaluation Assessment.

Acting Chairman Dutton stated that the purpose of the Conservation Use is to exempt people from property taxes and to provide Conservation. People with this special exception do not have to pay property taxes and that is not fair to everybody else. That said, he feels there is a way to do this and not count what is in the easement. How much of the total acreage is not in the Conservation District.

Mr. Jones stated there are other parcels that are not contiguous that are not in conservation. There is other acreage well above 25 acres of a farm that is not in the

conservation use easement, so to satisfy this Board's concern, there could be a condition stating that while the special exception is active the L&C designate 25 acres that is owned and not designated in conservation use be applied. That would satisfy the Board's concern that we are abiding by consistency.

Acting Chairman Dutton then stated that there is acreage outside of conservation that they can assign to this request to fulfill the 25-acre requirement and they are willing to assign some of that land to accommodate the 25-acre requirement for the Special Exception. If we approve the Special Exception tonight it will attach to that parcel of property, and they can't move it into a tax-exempt status.

Mr. Jones stated that they would consent to the condition that there will remain part of this farm at least 25 acres which is not in the Conservation Easement, therefore you are guaranteed that there will be the acreage that the ordinance requires, had the variance not been granted taxable at the regular tax rate.

Mr. Galloway then advised that the variance is approved, but the Board does have the authority to agree to the condition that has been proposed by the applicant to preserve the other property that is required to get to the 25 minimum that is not in CUVA. The Board can agree with that and have a condition imposed if the applicant is agreeable to it. That keeps the taxed properties at status quo.

Mr. Jones then added that the parcel they are substituting is over 40-acres, so in realization there would be close to 50 acres being committed to fulfill the 25-acre requirement. Mr. Jones stated it is the only parcel off Carver Road, 40-acres, Parcel #233-02-006J.

***Motion/Second by Bowlden/Johnson to approve Application 22-1S: L&C Partnership, LLP, Owner- Taylor English Duma, LLP, Agent- 203 Lakeside Dr (Approximately 10.78 acres located in Land Lot 75 in the 2nd Land District)- Requesting a Special Exception to allow office for Commercial Activity conducted off premise and Parcel #233-02-006J will be assigned to the Special Exception to satisfy the 25-acre requirement. Motion carried unanimously by all.***

5. Consider discussion to include a new application for a special exception to add a manufactured home at 158 Grizzley Lane.

***Motion/Second by Flowers-Taylor/Johnson that this Board initiate a special exception application to allow to be placed on a property where an existing mobile home was at 158 Grizzley Lane.***

Commissioner Flowers-Taylor advised that this came before the Board and she feels that the Board did not receive accurate information and the decision that was made was not the correct decision for this parcel.

Mr. Vaughan advised that this was actually a Special Exception Application.

Mr. Galloway stated there is a provision in the Special Exception Section, Section 413 which provides that once an application for Special Exception is denied, it cannot be brought before the Board for consideration for a year. Now, what is unclear is whether it applies to the applicant, or whether it carves out an exception for the Board to be able to do it. The other thing that you need to be cognizant of is that we received a similar request from Ms. Brack in the east part of the County at the end of 2020 where she had been denied a Manufactured Home and subsequently, she requested similar relief, reconsideration from BOC and she was told no, and she sued in Superior Court. The case was dismissed because it had not been filed properly. He just wanted the Board to be cognizant of that.

Ms. Johnson stated that this is a case where they are replacing a manufactured home that was already on the property, what Ms. Brack was requesting was to put a manufactured home on a vacant property.

Mr. Galloway stated that she wanted to place a new home on a piece of property that had no improvement and we tried to encourage her to pursue any number of other options. She did not because of economic reasons and ultimately initiated a law suit challenging it.

Commissioner Flowers-Taylor stated that in her case the Board did look at the numbers and there was not a trend for mobile homes. However, if you are replacing an existing home, you are not changing the trend.

Ms. Johnson stated that in that area, it was 60% mobile homes, so it was with the trend and we are replacing not adding to it.

***Motion carried unanimously by all.***

**F. Other Business:**

Newton Galloway, County Zoning Attorney asked that the items under this category be reversed for consideration and that Item #2 be moved to Item #1 for discussion and consideration.

***Motion/Second by Dutton/Johnson to swap items 1 & 2 under Other Business. Motion carried unanimously by all.***

1. Amendment A21-03 North Expressway Improvement Ordinance.

Mr. Galloway stated that this is back on the agenda from January. We had hoped to have a community meeting, but we were not able to do this. He was in discussion with Mr. Bedi and with his departure that did not get done. The text amendment you have in front of you this evening is essentially the same as it was in January regarding the North Expressway improvement overlay. We did go back and proof the document and caught some minor things to clean up before this meeting.

Mr. Galloway then advised that they were tasked with providing an overlay district that substantially increased the aesthetics and quality bar related to development on the North Expressway. The ordinance before you this evening does that. It is a standard ordinance that comes from input and review of other county's ordinances with this type of overlay, and it is heavy on aesthetics, construction materials and landscaping to improve the way 19-41 looks.

Mr. Galloway then stated that the only controversy is the fact, which came from your direction, that we delete outside storage from the properties that were along the corridor. Outside storage being defined as either material or finished product. This would knock out a car lot, it would knock out the business that has utility storage buildings on the road, and it would also exclude the travel trailer business currently on 19-41.

Mr. Galloway then advised that the Board needs to approve this Ordinance. If you are desiring to still allow outside storage, then there is only one amendment that is necessary. Look at "Planned Commercial Development" on page 4 in definitions under permitted uses. If you want to allow outside storage, it requires one amendment that you can make tonight and that is that we include Heavy Commercial as one of the districts where one of the permitted uses are allowed,

which is the zoning district where outside storage is allowed up 19-41.

Acting Chairman Dutton then asked if that designation could be placed under “D” under Extraordinary Developments and say we will allow the Heavy Commercial for the purpose of outside storage. The Heavy Commercial is the only controversial part of this as applied to the uses. That is what Travel Park was talking about when we were here before.

Mr. Galloway then stated that the only other thing that he has heard regarding the overlay is that there would be some desire for it to be extended to the east to cover Old Atlanta Road. What he would ask there is, if there is the desire to extend it that it not go to Old Atlanta Road as the boundary, but to the railroad on the other side of Old Atlanta Road, and that we do a separate amendment to identify a new map. We can get the ordinance approved with the current proposed map and then we can come back and quickly go through the Ordinance process to extend the boundaries of the district to the railroad to the east of Old Atlanta Road. He doesn't view that as a significant change as resolving whether the Board is willing to allow outside storage within the overlay and whether we add in the uses for Heavy Commercial or the other option being add it in as an extraordinary consideration. Those can be done quickly and with the addition of one zoning district on Section 3 Page 4 or the addition of one number under D on page 5. You can approve it tonight with the amendments that you advise staff to make.

Acting Chairman Dutton stated he would like to do it under D and have it at a higher bar than have it under a standard use.

Acting Chairman Dutton then advised that he has written some possible language and wanted to “run it by” Mr. Galloway: On page 4 (B) #3, for planning commercial developments any principal we add an (a) underneath there that says: C1B is allowed for the purpose of outside storage only with a Special Exception approval conditioned upon aesthetic requirements as specified at the time that approval is granted.

Mr. Galloway stated we can do that, but he would take the content of what Acting Chairman Dutton said but place it as B4 as it properly follows planned commercial development, and it would be a separate section to allow a commercial development with outside storage as a Special Exception and then subject to the other architectural criteria. That would require them to have to come to the Board, it doesn't eliminate outside storage, but they have to come to the Board to ask for authority to be able to have it.

Mr. Galloway then stated that if the Board approves the Amendment, the Moratorium will expire own its on at the end of March 31<sup>st</sup>. However, because we do not have the townhome or condominium provision completed, he does have a limited Moratorium to apply for 60 more days on condominium and residential development.

***Motion/Second by Dutton/Johnson to approve with the amendment to add a B4 to allow planned commercial developments with outside storage as special exceptions under Heavy Commercial with aesthetic requirements and to the map. Motion carried unanimously by all.***

2. Consideration of 19-41 Moratorium.

Dr. Ledbetter advised that Nadine Graham had signed up to speak.

Nadine Graham, 811 Ashton Place, spoke in favor of lifting the moratorium on 19-41.

Mr. Galloway stated that we no longer need the general Moratorium that has been taken care of. We do have Resolution to enact a moratorium on residential development on properties located within the North Expressway Improvement District Overlay that would give us 60 days to get the townhomes and condo section completed and back to you for approval. Mr. Galloway stated he would have the map and the condo section back to the Board at that time.

***Motion/Second by Flowers-Taylor/Johnson to approve a resolution to enact a moratorium on residential properties located within the North Expressway Improvement District overlay for a period of 60 days and to make the requested changes to the overlay map to be presented at the same time. Motion carried unanimously by all.***

**G. Closed Meeting – None.**

**H. Adjournment**

***Motion/Second by Flowers-Taylor/Johnson adjourn the meeting at 8:23 p.m. Motion carried unanimously by all.***