

Chairman Fricks welcome Sue Hiller, Planning Director, Rome-Floyd Planning Commission, to the meeting.

**FILE #13-2002Z, MELODY LANE,
TAX MAP 452, AREA 008, PARCEL 001,
REQUESTS REZONING FROM S-R
(SUBURBAN RESIDENTIAL) TO L-I
(LIGHT INDUSTRIAL).
(FIRST READING HELD FEBRUARY 12, 2002
AT 2:00 P.M.)
(PLANNING COMMISSIONER RECOMMENDATION:
APPROVE [UNANIMOUS VOTE])**

Sue Hiller, Planning Commission, presented a map showing the area in question. The property is surrounded by S-R zoning to the west and to the south. At the same hearing the same applicant requested that the property to the west be zoned M-R and that was recommended for approval. However, the city/county line goes right through there so that parcel will be presented to the City Commission. To the west is potentially M-R property also. To the north is M-R and the property to the north and to the far west is also the subject of rezoning petition #15-2002Z, requesting that all of that be rezoned to L-I as well. The applicant wishes to rezone it to L-I for the purposes of consolidating a larger parcel and he will then market it for a Light Industrial use, which is not specified in the application. There had been a fair amount of discussion from the Planning Commission and there were two members of the neighborhood present who had questions, but did not state any strong objections. Staff recommendation was to deny only because of the rezoning to the east for residential use and residential uses to the south, with the comment that it represents further encroachment of L-I into a residential area. The Planning Commission had recommended it be approved with no conditions.

Commissioner Jennings asked the location of the Tamassee Apartments. Ms. Hiller replied that they are to the east and she pointed to the location on the map. Chairman Fricks called for a Motion to open the Public Hearing. MOTION was made by Commissioner Mayes to open the Public Hearing. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

Chairman Fricks stated the Public Hearing was now open and asked if there was anyone who would like to address in support or opposition of this item.

SUPPORT

Rob Smith, Beech Creek, stated that he lives not far from the property. He stated that the property is basically behind the new Lowe's store. They are actually buying several parcels from several people and putting one large parcel together. This parcel is a portion which is currently L-I and he noted on the map the location. He stated that their plans are for this to be residential since it is already zoned for that. They want to tie this small parcel in with the other parcel and make that L-I. He pointed out businesses in the area such as Garner Brother, Eagle Equipment, North Georgia Distributing and a house which was previously Thurmond Morris' Pest Control and to the south is Morrison Construction and several things which fit the L-I zoning. They are hoping to develop that in the future and have no exact plans now, they are working on going through the new zoning codes to see what they can work. Since they will own both pieces, they will make it so that it flows well. Any buffers they feel are needed, they will put up. He noted on the map Lyons Drive and roads which are unopened. The power line runs in the area and is at the crest of the hill, so any single family residences will not have a view of it. It is a natural break. Mr. Smith asked if there were any questions.

Chairman Fricks asked the location of the access for the Light Industrial zoned area. Mr. Smith replied that they will have an access off Huffaker, which is a possibility. Light Industrial is a broad term, they do not want anything like GE or Kraft, they do not want anything of that nature, it is small stuff which hopefully would be only used during daylight times. They do have the potential to come in off Lyons Drive and both would go back to Shorter with a red light. The one on Huffaker, they are getting zoning to see what they can do, they will have to meet any county guidelines regarding site distance and things of that nature, so he did not have a guarantee as to the exact entrance now. Commissioner Jennings asked if the road which he had shown them was Lyons Drive. Mr. Smith replied that it is Melody Lane and they have no intention of coming off of it. Mr. Smith stated that he would support a petition to close an unopened part of Melody Lane if the others would cooperate. He noted that at the previous meeting there had been one neighbor who did not want much traffic on it. Commissioner Mahanay asked if this is the part of Huffaker which is close to Technology Boulevard. Mr. Smith replied that Shorter Industrial is very close, but Technology is a similar development.

There being no one present wishing to speak in opposition, MOTION was made by Commissioner Hufstetler to close the Public Hearing. SECOND by Commissioner Mayes. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes
Chairman Fricks

Motion Carried

MOTION was made by Commissioner Mayes to **approve** the zoning request.
SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

**FILE #14-2002Z, 1715, 1719, 1721, 1725
1729, AND 1755 WILKERSON ROAD,
TAX MAP 620, AREA 00, PARCELS 34,
57, 77, 80, 86, 87, 88, 89, REQUESTS
REZONING FROM S-R (SUBURBAN
RESIDENTIAL) TO D-R (DUPLEX
RESIDENTIAL).**

**FIRST READING HELD FEBRUARY 12, 2002
AT 2:00 P.M.)**

**(PLANNING COMMISSION RECOMMENDATION:
APPROVE WITH CONDITION THAT NO MORE
THAN ONE DUPLEX BE BUILT ON THE BACK
OF THE PROPERTY [UNANIMOUS VOTE]).**

Sue Hiller, Planning Commission, stated that the actual parcel includes lots across the front which are already developed with six duplexes, so part of the request is to make the property consistently zoned with the use that is already existing. The applicant stated that because of the strip, he could possibly put one more duplex in that area. She presented pictures of the area noting where the existing duplexes are located and across the street is single family residential. Commissioner Jennings asked if basically what the Planning Commission said is to approve the rezoning on the one duplex be built on the back of the property. The access to it would be through the sixty foot strip. Ms. Hiller replied that is correct, that part of the lot number 57 extends out to the street. Lot number 34 is separate and has no frontage on the street so it is not really a developable lot just now unless it is re-platted in that area. She noted that the applicant indicated that at this

time he did not know if he would ever build any more duplexes or not, but he felt that there is a possibility of one more back there. So the Planning Commission had conditioned it on one more, but no others. Commissioner Jennings asked if the 60 foot strip is wide enough for a drive-way according to the code. Ms. Hiller replied that they only require 60 feet of frontage on the road as long as it opens up wide enough back at the building line. It is also wide enough to develop a road back there if someone wanted to develop it or come back and try to develop it at a later date.

MOTION was made by Commissioner Hufstetler to open the Public Hearing.
SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

SUPPORT

Rob Smith, stated that he built the existing apartments in 1995 and finished the last one in 1996. There are five on one side and one in another area. This is basically a correction since they have been there for a while. The back parcel he thinks is approximately 6 acres and he asked that they not follow suit with what the Planning Commission did. He stated that he did not know that he fully understands their condition. The condition was placed after the Public Hearing and he was not allowed to address them about that or quiz them. His understanding is that with 60 feet of roadway, they would be able to build one duplex if they just went over to build a building as the lot is now. If they were to build a road, which he currently does not have any plans to do, but he might in the future, all of the construction issues would have to go before the Planning Commission or Aaron Carroll or John Stewart. It would all have to be approved. There is certainly room to put a small cul-de-sac and improve that property. He would prefer, rather than have that condition of just one duplex, that it remain with the current S-R zoning as it is. A condition of that nature really limits them. D-R allows for a lot of things, single family home is one of the things it allows, but he would ask that it be approved as requested, D-R, or leave it S-R, one of the two, no conditions. Mr. Smith asked if there were any questions.

Commissioner Hufstetler asked Ms. Hiller to enlighten them on the types of zoning. Ms. Hiller replied that D-R allows for duplexes or single family, and there are only two uses allowed in D-R. In terms of future development, the only improvement over S-R is that it would allow duplexes, which are not allowed under S-R. She stated that she thinks that part of this was based on some of the neighbors who came and

objected to the idea of this piece of land being developed and at that point the Planning Commission felt that if only one more were allowed to be developed there would not be much impact on the surrounding properties. Commissioner Mahanay asked that Mr. Smith show where additional duplexes would be built on the property. Mr. Smith replied that he does not have any plans at this point, he brought this up as a correction. There is a 60 foot entrance, and he noted on the map where they would have to come and make a cul-de-sac and loop back out. That would allow a 100 foot square lot around the perimeter and he noted that the apartments are nice and well kept. Commissioner Mayes asked how many apartments/building would fit on the property. Mr. Smith replied that he would guess 12 to 18 buildings. He personally does not plan to build those at this point. He does not intend to overbuild, he has had other properties where they tried to get the density higher to save on street cost, and it appears that it is not as nice a development. Mr. Smith asked Ms. Hiller what the road frontage or build line had to be. Ms. Hiller replied that it has to be an 8,500 square foot lot to put a duplex in that zoning district. She thinks that the width is 80 feet, and would guess that with a road and cul-de-sac it would be 10 maximum. Mr. Smith stated that they currently have 6 on Wilkerson Road so, considering roadway, 10 to 12 would probably be reasonable. He reiterated that he has not done any preliminary plans. This property is at the foot of Mount Alto, and some of the rear of the property is fairly steep. In the area of Wilkerson Road is fairly level, but in this area it is not level, but very tolerable. Commissioner Jennings asked if water and sewer are available at the location. Ms. Hiller replied that all public services are available. Mr. Smith stated there are fire hydrants, but he did not know the water line size. Commissioner Hufstetler asked the number and location of the duplexes. Mr. Smith replied that there are 5 on one side and 1 on the other side, for a total of 6, plus 60 feet. On 600 feet of road frontage, they put six buildings and also left an entrance to a rear parcel. Commissioner Mahanay stated that in order to leave room for additional buildings, even though he may not plan to now, but in the future, what would be the location of the first building. Mr. Smith, replied that at this point, before he would do any other construction, from the road back being approximately 140 feet, there is a wide right-of-way, so he would have to build county maintained or county approved road before the first building could be built. Because it is more than one lot deed there would have to be a cul-de-sac, so a bare minimum he would have to build probably 300 feet of road plus a cul-de-sac or possibly a little less than that with a cul-de-sac. Commissioner Jennings asked Ms. Hiller if it would make sense for them to rezone the existing use of the front part of the property and then invite the applicant, if he desires, to come back with his plans for the development of the rear section. Ms. Hiller replied that is certainly a possibility, since it is divided into the lots as long as the zoning lines follow the lot lines, she thought some could be rezoned, without rezoning all of them. That would afford the neighborhood another chance to comment if a development was going to go in the back portion. Commissioner Jennings stated they would have more definitive information about what the plans were, he is not adverse to this, but wants to see what he plans to do there. Mr. Smith asked that, along those lines, if they do not want to grant the D-R zoning, just leave it S-R without any prejudice, about a time limit when he could come back. He stated that he has no immediate plans, but would prefer D-R zoning. It is expensive to develop the plans. Commissioner Hufstetler asked if Parcel 55 is property of a single owner. Mr. Smith replied that he thought Parcel 55 is vacant and he is not

sure about the roadway, but thinks it is access to the rear property and thinks that the entire property is wooded. He pointed out the location of two single-family homes which were built after the duplexes were built. There is also a home in a wooded area. The owner of that property had objected to the rezoning at the Planning Commission Meeting and had objected previously when the duplexes were built. Mr. Smith asked Ms. Hiller what would be allowed under S-R. Ms. Hiller replied, single-family residential. He asked if this would include double-wide trailers. She replied that in the county you can put a manufactured home on that lot. He then stated that he could, to some degree, put in double-wide trailers, but it would have to be approved. Commissioner Hufstetler asked when the existing duplexes were built. Mr. Smith replied they were built in 1995, with the last one being completed in 1996, so they are fairly new and in good shape. The yards are sodded, maintenance is provided, they keep them clean and have good renters, which they do not want to upset. County Attorney Hoyt asked Mr. Smith if he is saying to the Board that if they do not want to approve his whole request, he wants them to simply deny his request without prejudice, but reduce the time from twelve months to six months. Mr. Smith replied that he was just asking that a time limit not be put on it. Actually he feels that it needs to be broken up, since there are eight parcels there. Six parcels are individual buildings and he thinks they need to go ahead and approve those. That is his main reason for coming for the zoning. If there was a kitchen fire in one of the apartments, it is his understanding, with the current zoning, a building permit could not be obtained to start repairing it. They would have an unsightly mess there for two to three months until the zoning could be corrected in order to buy a building permit. County Attorney Wade Hoyt asked if he wants to rezone to D-R, parcels 34 and 57. Mr. Smith replied that parcels 34 and 57 had the condition put on them. Rather than have the conditions on parcels 57 and 34, he would rather have it left S-R as it currently is. Mr. Smith stated that he would like to have everything D-R. He noted that it still would not be unconditional, he cannot build just anything, he would only be allowed to build one duplex building, unless a set of plans were presented to the Planning Commission for a final plat and Aaron Carroll or John Stewart, depending upon whether it remained in the county or went to the city, would have to approve any plans. It is not that he could seek it in on anybody, there is a long process involved. Commissioner Hufstetler asked Ms. Hiller for clarification on Mr. Smith's comment about if there was a fire. Ms. Hiller replied that if is destroyed to more than 50% of its value at the time, it cannot be replaced as a non-conforming use. Mr. Smith stated that he is not sure on that, but is concerned about it. Chairman Fricks asked that, on that tract, if the use is established, even if is a non-conforming use, it could be expanded. County Attorney Hoyt replied that assuming the amendment put forth, passes at some point, you may be able to do that, but as it stands now, it is clear that if it is more than 50% destroyed, it cannot come back. Mr. Smith stated that he has asked his insurance representative and you can use a lot of record as long as it meets the current setbacks, and he understands the Board may be working to change that, but if the building were destroyed by a tornado, his insurance company would build it back to the current setbacks and he might lose, in some cases, half of his building and they will only pay to replace the wall to where it now meets the guideline. So you could go from an 1,800 square foot home, not in this case, but in other cases, and if it doesn't meet the current setback lines they may only let you build back 1,000 square feet. That is theoretical, but there are questions there which have to be answered. Ms.

Hiller stated that the way it stands right now, if it were damaged to less than 50%, and if that meant that a quarter of it fell down, you could put it back exactly the way it was. If it were gone and you were going to redevelop the lot he would have to meet current setback. Commissioner Hufstetler noted that there is no one present to speak against this rezoning, he is fine with D-R, there are duplexes there already.

There being no one present to speak in opposition, MOTION was made by Commissioner Hufstetler to close the Public Hearing. SECOND by Commissioner Mahanay. VOTING:

	YES	NO
Commissioner Hufstetler		
" Jennings		
" Mahanay		
" Mayes		
Chairman Fricks		

Motion Carried

MOTION was made by Commissioner Hufstetler to approve the rezoning request from S-R to D-R and not put in the stipulations. SECOND by Commissioner Mahanay. Commissioner Jennings offered an amendment to the Motion, that they approve rezoning of parcels 77, 80, 86, 87, 88 and 89 only to D-R. Commissioner Mayes asked for clarification on the amendment. Commissioner Jennings replied that he thinks they should rezone the existing duplexes to D-R and they maintain parcels 34 and 57 as S-R under the undeveloped parcels as Suburban Residential. He stated that he is not saying that at some point they should not be rezoned to Duplex Residential, but without a site plan in terms of what is going to happen there, he is uncomfortable rezoning the whole parcel to Duplex Residential. There is single-family to the north, to the east single-family, to the west single-family and to the south is vacant, but there are single-families all around the location. County Attorney Wade Hoyt stated they will vote on the amendment first, and will have to get a second. If it does not pass they will have to go back to the original Motion. Chairman Fricks called for a Second on the amendment. SECOND was made by Commissioner Mayes. Chairman Fricks stated they will be voting on the Amended Motion. VOTING:

	YES	NO
Commissioner Jennings		Commissioner Hufstetler
" Mayes		" Mahanay
		Chairman Fricks

County Attorney Hoyt stated they are back to the original Motion. Chairman Fricks asked for a roll call on the original Motion. VOTING:

YES	NO
Commissioner Hufstetler	Commissioner Jennings
" Mahanay	" Mayes
Chairman Fricks	

Motion Carried

**FILE #15-2002Z, HUFFAKER ROAD,
TAX MAP 452, AREA 006, PARCEL 001
AND AREA 007, PARCEL 001, REQUESTS
REZONING FROM M-R (MULTI-RESIDENTIAL)
AND S-R (SUBURBAN RESIDENTIAL) TO L-I
(LIGHT INDUSTRIAL).
(FIRST READING HELD FEBRUARY 12, 2002
AT 2:00 P.M.)
(PLANNING COMMISSION RECOMMENDATION:
APPROVE [UNANIMOUS VOTE])**

Chairman Fricks called for a Motion to open the Public Hearing. MOTION was made by Commissioner Jennings. SECOND by Commissioner Hufstetler. VOTING:

YES	NO
Commissioner Hufstetler	
" Jennings	
" Mahanay	
" Mayes	
Chairman Fricks	

Motion Carried

Chairman Fricks stated the Public Hearing is now open and asked if there was anyone wishing to speak in support.

SUPPORT

Rob Smith, stated that this is similar to his first rezoning request. He is joining the parcels and the only reason it comes up before the Board twice is because he is buying property from different owners to combine them. He asked if there were any questions.

MOTION was made by Commissioner Mayes to close the Public Hearing.
SECOND by Commissioner Hufstetler. VOTING:

	YES	NO
Commissioner Hufstetler		
" Jennings		
" Mahanay		
" Mayes		
Chairman Fricks		

Motion Carried

MOTION was made by Commissioner Mayes for **approval**. SECOND by Commissioner Mahanay. VOTING:

	YES	NO
Commissioner Hufstetler		
" Jennings		
" Mahanay		
" Mayes		
Chairman Fricks		

Motion Carried

**FILE #16-2002Z, HALSTEAD SMITH
ROAD, TAX MAP 620, AREA 00,
PARCEL 084, REQUESTS REZONING
FROM S-R (SUBURBAN RESIDENTIAL)
TO M-R (MULTI-RESIDENTIAL).**

(FIRST READING HELD FEBRUARY 12, 2002

AT 2:00 P.M.)

(PLANNING COMMISSION RECOMMENDATION:

DENY [UNANIMOUS VOTE])

Sue Hiller, Planning Commission, stated that the property is a long narrow property and it has frontage off of the main street. The road which runs along the south of the property is currently a private road, which is not open to the public. The request by the applicant was to make this M-R so that he can build a duplex. She stated that M-R allows a lot of uses besides duplexes and it would allow apartments, quadruplexes, triplexes, and it is a big enough lot to be developed for some of those uses, and she thinks that is partly why two of the neighbors expressed objections at the Planning Commissioner Meeting. That probably also explains why the Planning Commission is recommending denial of the petition. She presented pictures of the property and surrounding area. It was noted that there are single-family dwellings to the left and across the street from the property.

MOTION was made by Commissioner Hufstetler to open the Public Hearing.
SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

There was no one present to speak in support of the rezoning request.

OPPOSITION

Jerry McDonald, 149 Holbrook Drive, stated that he owns Parcel 73. He stated that he bought the land and it was supposed to be one house per tract of land and he would like to keep it the way it is.

Brian Pelfrey, 221 Holbrook Drive, stated that he owns property to the left of the back half, of the property and at this time he and his wife are building a house there. Had they know there were plans for duplexes, they would not be building their house. He stated that is their private drive and if duplexes are built, all of them will be facing their private drive and he does not want to have to worry about children or people out in the road. That is why he bought the land. It is off the road, it is away from everything else, and it gives him his privacy.

MOTION was made by Commissioner Hufstetler to close the Public Hearing.
SECOND by Commissioner Mahanay. VOTING:

	YES	NO
Commissioner Hufstetler		
" Jennings		
" Mahanay		
" Mayes		
Chairman Fricks		

Motion Carried

MOTION was made by Commissioner Jennings to **deny** this request to rezone from Suburban Residential to Multi-Residential. SECOND by Commissioner Mahanay. VOTING:

	YES	NO
Commissioner Hufstetler		
" Jennings		
" Mahanay		
" Mayes		
Chairman Fricks		

Motion Carried

**FILE #10-2002Z, DOGWOOD STREET,
TAX MAP 500, AREA 00, PARCEL 021,
REQUESTS REZONING FROM O-I
(OFFICE INDUSTRIAL) TO D-R
(DUPLEX RESIDENTIAL).
(FIRST READING HELD FEBRUARY 12, 2002
AT 2:00 P.M.)
(PLANNING COMMISSION RECOMMENDATION:
DENY [8 – 1 VOTE])**

Sue Hiller, Planning Commission, responded to Commissioner Mayes question regarding the difference between Duplex Residential and Multi-Residential. She stated

that according to the code, Duplex Residential allows duplexes and single family residential and the idea that duplexes in D-R will be developed in such a way that they will fit well into a single family residential area or adjacent to single family residential. They are considered to be a suitable buffer between single family residential and other uses. M-R is multi-family, typically multi-family is three or more, however, their multi-family allows duplexes as well as triplexes, quadruplexes, multi-family, and town home development. Ms. Hiller presented information on this site. It is between Veterans Highway and Riverside, also called Celanese Village. She noted the location of single family residential properties, there is a church across the street and the highway is to the north, with undeveloped land across the highway and is zoned Community-Commercial. The property is currently zoned O-I, which would allow development with some office park type uses or office uses. Commissioner Jennings asked the access to the property. Ms. Hiller replied it would be via Dogwood Street. It borders on the Rome Connector, but it is a limited access roadway. Staff recommendation was for approval. D-R is developed to be sort of a buffer, a way to allow some mixed density in some residential areas, and since this fronts on a highway, there is a possibility this will be developed in the future, and the recommendation is based on the fact that duplex residential is probably a lower intensity use than any kind of commercial or office use which might go there. There were a number of neighbors at the Planning Commission Meeting and the Planning Commission recommended denial. Commissioner Jennings asked if they could get access to the Connector. Ms. Hiller replied that he did not think they can since it is a limited access roadway. It was noted that the property consists of four acres.

MOTION was made by Commissioner Mahanay to open the Public Hearing.
SECOND by Commissioner Hufstetler. VOTING:

	YES	NO
Commissioner Hufstetler		
" Jennings		
" Mahanay		
" Mayes		
Chairman Fricks		

Motion Carried

Chairman Fricks explained the rules for speaking and asked the number of people wishing to speak.

SUPPORT

Jason Free, 273 Marion Dairy Road, stated that their plan is to rezone this from O-I to D-R. He noted the location of the baseball stadium. It is a great location; they have four acres of undeveloped property that at some point will be developed. Under the current zoning, things allowed there are things such as a hotel, motel with full service

restaurant, health clubs or fitness clubs, or crematoriums. All kind of things are permitted under the existing zoning, but it really does not make sense for that property. In looking at the property they considered doing M-R zoning which would allow them to put 14 units per acre, a total of approximately 56 units on the property, but it did not seem to fit with the Riverside community. Neither does the hotel. There is a possibility of gaining access through some adjoining properties. But the preference is for duplexes. D-R allows single family residential as well, so that is also an option for them. He noted that they have access on Dogwood Street and some will be accessed from Cypress. In front of the property are two churches as well as a property owner who is for the duplexes and rezoning. There are two properties which are almost a natural buffer. Information was presented showing the style of duplex planned. They will be all brick with some vinyl on the eaves; they will have a carport or garage; they will be two and three bedrooms. They will be top of the line buildings with a rental range of \$600 for two bedrooms, \$700 for three bedrooms. Duplexes of the same size, same style are renting on Technology Parkway for those same rental rates. The duplexes they are looking at building have also sold in the neighborhood of \$125,000 to \$135,000. They are very nice quality buildings and they believe they will be an asset to the community, as opposed to other options they would have under the existing zoning. That is the reason they have decided to choose this project and go with duplexes and a D-R zoning for the property. Commissioner Mayes noted that the information Mr. Free presented shows that 48% of the homes in this community are rental property. Mr. Free stated that based on the information for the Tax Assessor's Office, only 52% of the 459 homes in the Riverside Community are homesteaded, indicating that 48% of them are rental property, at this time, so it is already an area with a lot of rental property so it seems to be a natural fit.

Chairman Fricks stated that those wishing to speak in opposition will be allowed three minutes each.

OPPOSITION

Nathan Self, 29 Dogwood Street, stated that he lives adjacent to this property. Mr. Self stated that this is a confusing situation, considering it is I-O already within the closed confines of their subdivision. There are only three roads that access the entire subdivision. According to the tax map they had, just on their side of Chatillion there are 486 single dwelling homes on that side of Celanese/Chatillion. The property in question would have to There is already a lot of traffic which runs up and down both of the streets, Beech Street or Dogwood Street. There is one property in the entire subdivision that is commercial, and it is Jason Free's Real Estate, which is at a very dangerous intersection where a lot of the traffic comes in and out. The have painted yellow curbs throughout the subdivision, except on that corner where his commercial property is, where they need a yellow curb. He has been victim of and witnessed many accidents that have happened because of the traffic coming in and out of the subdivision at that point. They feel that if they put this many units in on this property, it will greatly increase that traffic flow at that point. A lot of seniors have moved back into this neighborhood because of location, ease of upkeep, the small yards and they are upgrading these homes. Seniors are moving back in because of the ease of the access and that there are no

duplexes on that side of the subdivision. There has been many families move back in because of the uniqueness of the history of the subdivision. It is one of the oldest subdivisions in the community. All the houses are built of brick; there are sidewalks; there are a lot of seniors; a lot of children play on the streets and sidewalks day to day. He noted that Area 6 shown on the map is owned by the church, Riverside Community Baptist Church. Next to it is a Methodist church. The property just behind it is a single family dwelling that, as they understand it, he plans to divide it off and try to build another house next to it or whatever he can at a later date. That property or the property in question does not have any access to sewer or anything of that nature at this point. The house that is behind the small church has a septic tank and has had repeated problems. That is a low area there. That is why it was never developed to begin with, because it is the lowest point in the neighborhood. They do not have any access and have denied access twice to the Veterans Memorial. Mr. Self presented a petition signed by homeowners who were not unable to attend the meeting.

Melanie Lambert, 40 Ash Street, which is next door to the Methodist Church. The property she assumes they are talking about that they want to develop is behind her house, and runs to Dogwood Street. She also owns a house on Dogwood Street, across from the property being discussed. Ms. Lambert stated that she had information she would like to share with the Board. The community's concerns against the rezoning are as follows: 1) The increase in traffic activity along Dogwood and Beech Street. This increase is a probability in accidents involving one of community's children and adding congestion to already narrow streets. She had been informed that they would be putting possibly 12 duplexes there. If you have 12 duplexes, you will have at least 12 cars there and possibly 24 if you have two cars for every duplex. 2) The devaluation of homeowners property. More rental property would only drag down the value of their homes. 3) Unwanted cosmetic changes if they added the duplexes. She feels that adding the duplexes would be unwanted cosmetic changes to their very old community. 4) The homeowners of the Riverside Community would like to ask the Commission and the County Manager to turn down the request to rezone the property for the purpose of constructing these duplexes. And also they would like to ask that you place yourself in their shoes. Would you want duplexes going up across the street from your home and run the risk of lowering the value of your property? She thanked the Board.

Michaele Flynn, 4 Kirkwood Street, stated that in her opinion the duplexes would alter the character of their neighborhood. They really want to keep a balance and they would appreciate that being taken into consideration. They would like more single family homes detached, occupant owned homes rather than duplexes. If it has to stay commercial, in her opinion, a nursing home or retirement home would be perfect for the area. People could stay, they are moving back in, they could stay in their community, their buddies are still there, if is going to stay commercial. Ms. Flynn stated that she hopes they do not get access to the bypass, and it is her understanding that should not happen. She would hate to see an increase in density in that neighborhood. It is crowded as it is, if the land could be used with more land around it, a single family type home. If that is possible that would be a good thing. She stated they will appreciate their

consideration in her matter. Commissioner Hufstetler explained that the Board does not get to pick what is done in O-I, they could do anything in that category.

Joan Rush, 27 View Drive, stated she is speaking on behalf of a group against it. To her that means something. She stated that Mr. Free had mentioned the person who lives behind the property is in support and she asked if that person was there; he was not present. She stated that they have several folks there and they requested denial of the request. She grew up in this village. This village is Celanese to her. A lot of the people in attendance grew up there, her mother still lives there at 4 Norwood Street. She noted the proximity of Norwood Street to Dogwood Street. Her mother is an elderly lady and she is really concerned about safety issues, she is concerned about traffic in and out. She stated that she goes by to check on her practically every morning and the traffic is terrible now. Access to here is not adequate to support this building. She is really concerned about safety because the more people, you never know what sort of people, you have more probability of things happening that you do not want to happen. The Baptist Church is there and she feels that this does not fit. She stated that she did not know what other things were included in the industrial zoning and she asked their other plans for the property if they do not build the duplexes. She stated that she respectfully requested the denial of this request.

REBUTTAL

Jason Free, stated that they may be battling uphill and they have brought a large audience for them. Their intent is not to disrupt the community. The first house that he ever owned was in Celanese. As someone mentioned, his family's real estate business is in the community, so it is not a community that they want to disrupt. They believe that it is something that they think makes better sense than the current zoning. Some of the things mentioned were the traffic increase. Yes, if you put 12 duplexes as had been discussed, they may not end up with 12 duplexes, because they still have to go through the process of determining if a drainage ditch will be needed, they may lose a couple of sites. All will have a garage or carport and a pad large enough to park two cars on. Currently most of the properties in Celanese have street parking. Some have garages, some have carport, but most have street parking. There are existing duplexes inside the community that were there before any zoning took place. There are mobile homes in the community, so it is not a community that is saying, "preserve what is there and don't change." He understands what when anytime there is a change, there is a fear of what is going to happen. He wonders if all the people who signed the petitions were aware that, yes, if you asked the question, do you want duplexes, they answer no they do not want duplexes. He wonders if the question was posed, do you want a hotel? Mr. Free stated that he does not think any of that information was disclosed. It may or may not have been. There is a possibility of gaining access through a piece of property which is O-I and the adjoining property which is O-I and gaining an access road and put a hotel there. A hotel probably makes more sense than anything does on the list for uses for O-I because of the things going on across the road with the Braves Stadium and the development that will go there. It is a great site, but what fits best is multi-family or single family, and that is something allowed under D-R. They also understand the

principles of conformity. He understands, being in real estate and having a real estate background, that they do not do themselves a good service if they put something in there that looks totally abnormal to the community. What they are going to do is put brick duplexes there which will look nice and be a good quality. Regarding the access, he stated that Cypress and Dogwood would be an access. If they come in anything else, it would have an access road and those roads will still get a lot of traffic access. In response to some of the other issues, he noted that the location of the Floyd County Baptist Association and location of 12 duplexes that are already adjoining the community, that were there before any zoning took place. Regarding the question of home values. Mr. Free stated that 48% of the community is already rental property. There are already duplexes in there and surrounding it and on Poplar Street which adjoins Redwood Street where the 12 duplexes have been constructed. He mentioned that 123 Poplar Street sold for \$67,000, which was the highest recorded sales prices for a two bedroom, one bath home in Celanese. So it doesn't show a direct correlation with sale prices in homes because the quality is equal to the properties that are going in there. The homes in that area have gone through a transition. What has happened is a lot of people have lived there all of their lives and when they sell their homes or at some point remodel them, a lot of things go on. They put in central heat and air, strip the floors back to the original hardwood, put sheetrock up and they look great. When they have done that, they sell in the high \$60's for a two bedroom and for a three bedroom, up into the \$80's, maybe \$85,000 for a three bedroom. The ones which have not been remodeled, do not have central heat and air, that still have panel board, that have old carpet, the ones that have not been repaired or remodeled do not sell anywhere close to that. What happens when they go on the market is that they are picked off by either people who plan on fixing them up or people that plan on renting them out. That is where there is a heavy concentration of rental property already in the community. The building that they construct will be in excess of \$125,000, if they were to sell. Their intention is not to sell all of these off. They would like to rent them out and keep them. It is a good place to be, it is a good community to be in, and it is safe community. That is why they have chosen this community for this project.

Commissioner Jennings asked if they had explored the possibility of single family residential in this area. Mr. Free replied that he has explored single-family residential. The preference is duplex for the simple reason that he is in the business of holding something that is going to be something that he can generate income on. If it is a single-family, then that means they build them and sell them all, and that is not the direction they want to take. Commissioner Hufstetler asked how many single-family units would be allowed on that four acres. Mr. Free pointed out the property on the map and stated that if he took the property and placed it in another area with homes, there are 20 to 21 homes in the area. It was noted that those are small lots. Commissioner Mayes asked if, based on a cost of building, what price they have to sell a single-family home if they were built. Mr. Free replied that is the area which makes it more beneficial for them to go with multi-family with duplexes. If they build single-family, obviously they cannot expect someone to pay more for a home than they would another home in the same community and the high end on a three bedroom, which they would have to build, is \$85,000 and for them, the margins are too close. Duplexes are a way that they can take a piece of

property and make it profitable for them and also make it something that blends better with the community than what it could be used for now. Commissioner Jennings asked if, other than in the Planning Commission meeting and this meeting, he had met with the neighborhood at one of the churches or the Baptist Association and talked with them about this. Mr. Free replied that he had not. Before this went to the Planning Commission, he made a phone call to most of the residents that he could get in touch with on Dogwood Street and at the time most of the responses were, that they knew it would be developed at some point, but, "I don't want anybody in there that is going to be drinking and causing all kinds of trouble." Since then, he thought that most of them had come together and are in opposition of their position. Basically, all he did was make a phone call to the residents on Dogwood, he did not assume it would be a big issue to the rest of the community because the church is kind of a natural buffer. Commissioner Hufstetler noted that the lot sizes in the community are small, it is a compact community, and ask if it is possible to build on that size lot today under current zoning. Ms. Hiller replied she did not know exactly how big the lots are. That is HTR zoning and requires only a 5,000 square foot lot, 50 by 100 feet. Commissioner Jennings asked if this were Suburban Residential zoned, they could not put a single family home on that size lot. Ms. Hiller replied that she is guessing they are 5,000 square feet, so, yes, you could put a single-family home. She stated that they do not put a minimum size on the, but Building Inspection might. Commissioner Jennings asked how many single-family residences could be put on the property. Ms. Hiller replied that if it were rezoned to HTR, currently you could not put any because it is zoned O-I, it could be divided into 5,000 square foot lots. Because water and sewer are available, it might have to be extended. Assuming that some is lost for streets, sidewalks, etc., basically an acre would have about 8. Developing 3 acres would be 24, duplexes could be approximately five per acre, if all of it can be developed. Commissioner Jennings stated that 24 single-family residences could be developed there or 20 duplexes on all, which would be double the number of people with the duplexes. Commissioner Hufstetler stated that the part he is trying to understand is they will have 12 duplexes, which will be 24 residences. 8 per acre single-family, there could be 24 residences as well. Mr. Free stated that going residential is about the same thing, but with duplexes it makes sense with what they want to do with the property. With the lot sizes they have, some are 18,000 square feet, some of them are 8,500, depending on where they are located. All of the lots have to be 8,500 square feet minimum, which they have met. Several of them have 18,000 or 14,000 square feet. Commissioner Hufstetler stated that since most of the others in the neighborhood are not 8,500 since this is an old neighborhood, they are close together. He wanted to know if there is some sort of compromise if they approved them being in similar fashion to what is in the neighborhood, but only single family residences. Would that be an option? Mr. Free replied that would mean changing the zoning as well, but their preference and the main way that they have done their research, is to put duplexes in there. It is the same number of homes. There are several of ways they could have gone with zoning, tried to petition for M-R, but that would have put 56 units there instead of 24 units. They have already made an adjustment for that in thinking that they do not want to overcrowd it. If they put in 21 homes, it will look a lot more crowded than if there are 12. Commissioner Jennings asked if the proposed site plan had been shared with the neighbors. Mr. Free replied that it had not. He was not able to make it to the first hearing and they have given

the Planning Commission a copy of it and he thought it was going to be included in the PowerPoint presentation. Ms. Hiller stated that it was not included. Mr. Free stated that the staff of the Planning Commission recommended this change. There was no opposition from law enforcement or any public utilities or anything like that. The residents were given the opportunity to view the information presented to the Commissioners by Mr. Free. Commissioner Jennings asked if they had engineered into the area any kind of open space or greenspace. Mr. Free replied that with the plats the way they are, some of the property, where it goes to the road and several other properties will have a lot of extra space to them, so they would be greenspace. They would like to have a buffer on the road side, so that obviously they will not be seen from the road and they are not dealing with a lot of traffic. On the side which borders the church, they would like to have some nice tall cedars or something like that. It was noted there will be no common space. Commissioner Mahanay noted that they are considering that the cost per square foot for building the duplexes will be more favorable than building single-family units.

Commissioner Hufstetler stated that the normal procedure is that opposition and support have ten minutes each to speak and then ten for rebuttal. He stated that he is very familiar with the Celanese neighborhood. It is a great neighborhood and he is trying to look at it from their position.

Commissioner Jennings stated that he wondered if it would be in the best interest of the Commission to just defer this decision and give you an opportunity, with our Planning Commission as the facilitator of a meeting, to look at this four acres and to see if we can come up with some agreeable compromise that meets some of the concerns of the neighbors and yet make productive use of the property. Mr. Free asked, regarding Greenspace, what kind of requirements they would deem appropriate. Commissioner Jennings replied that he did know the answer to that, but the Planning Commission is highly qualified and they understand creative uses of land and space. They are experts in the county and they may very well be able to give some help and advice. Commissioner Jennings stated he did not have a preconceived notion since he had just looked at the plans and had not seen the property itself, but wondered if there is something they can do creatively there. Mr. Free stated that the only objection he has to that is that in order to do that they would have to spend a considerable amount of money on engineering and environmental reports to prepare for that. They would be willing to put up some natural buffers along the back side of the church property. There would only be five properties that bordered Dogwood. The rest of them would be internal to each other, coming off of Cypress Street and facing each other and not any other properties in the community. Their preference would be to proceed at this time with the vote at this point, but they would be willing to compromise and put natural buffers, which is their plan anyway. Commissioner Hufstetler asked Mr. Free if he had a choice between O-I and S-R on this property what would he pick. Mr. Free stated that if those were the two options, he would go with O-I. Commissioner Jennings asked Mr. Free if he is agreeing to meet with this group with the experts from the Planning Commission as facilitators, or no he is unwilling to do that and wants a vote tonight. Mr. Free replied that he would like a vote tonight because for them to continue with the research on how many properties they will

put in there, they will be spending a considerable amount on engineering reports and figuring out where they will have to put drainage ditches, if they are going to have to put any. They may not be able to put twelve on there. That was only taken off of a tax map, taken to a surveyor and the surveyor said, based on the dimensions of the lot and the requirements of D-R, this is the maximum they can put in there. Commissioner Jennings stated that the staff can help in that process, that ultimately you will have to make the decision as far as retention ponds, etc. He stated that he does not feel there would be extra expense to have the meeting, to meet with their professional staff and the residents. Ms. Hiller stated that her recommendation would be that he brings a site plan and speaks to the Building Permit Department about what the requirements would be. Commissioner Jennings noted that is their job to review the plan and site and make any recommendations. Mr. Free stated that the Planning Commission has already received the information, the plats that they have and at that point passed on it. He did not know if they had looked at the property and said there were no drainage ditches needed or what their process was like. Ms. Hiller stated that at that point they do not go out and do that. County Manager Kevin Poe noted that is not done until a grading report is submitted. Commissioner Jennings stated that he is suggesting that, in light of the circumstance, that the Planning Department be asked to pursue looking at the property and what can be done out there, to help the Board to make a good decision out there to maintain some integrity of the neighborhood. It is probably not in the best interest of the neighborhood that it is zoned O-I. Mr. Free asked who would vote later, and if it would be the same Board. Commissioner Jennings stated that he would come back to the same Board. Mr. Free asked if they would go before the Planning Commission again. Commissioner Jennings replied, no. It was noted that the next scheduled meeting will be in two weeks, so this meeting would have to take place in the next two weeks. Chairman Fricks stated that basically it will be tabled at this point until the next meeting. County Attorney Wade Hoyt requested that Ms. Hiller prepare a simplified list for the people in the neighborhood, so that they do not have to read the dots, and the zeros and the squares of all the things that can go in, if the motion is denied, they need to see a list. They have just talked about a hotel, they have not talked about drug stores or hospitals, which could go in O-I.

Comments from the audience were not audible. Mr. Free stated that he can answer the question, the access to that property, Veterans Memorial Highway, is supposed to be a limited access property. This means that there is not supposed to be access to it, which is the way it was when it was built. When they made the phone calls and inquiries about putting a road there, the answer was that is a limited access road, which means they do not want you to. But, since it has been a limited access road, Rome High School, the Honda dealership and several other property have gone there and now the Braves Stadium is going across the road. *Comments from the audience were not audible.* Chairman Fricks called for a Motion to close the Public Hearing. MOTION was made by Commissioner Hufstetler to close the Public Hearing. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler
" Jennings
" Mahanay
" Mayes
Chairman Fricks

Motion Carried

Chairman Fricks stated that no action will be taken. Commissioner Jennings asked Ms. Hiller and the Planning Department to facilitate a meeting between now and March 12th and take a list of what is acceptable in O-I, to look at the plans with the Building Inspection Department so they know exactly what can be done there. They should also look at the possibility of greenspace and common space which might be available and see if they can work out some kind of agreement/compromise with the residents and the applicants.

**FILE #17-2002Z, 4753 MARTHA BERRY
HIGHWAY, TAX MAP 512, AREA 00,
PARCEL 118, REQUESTS REZONING
FROM S-R (SUBURBAN RESIDENTIAL)
TO H-C (HEAVY COMMERCIAL).
(FIRST READING HELD FEBRUARY 12, 2002
AT 2:00 P.M.)
(PLANNING COMMISSION RECOMMENDATION:
APPROVE WITH CONDITION THAT THE MINI
WAREHOUSE OPERATION BE ENCLOSED IN
A SECURITY FENCE [UNANIMOUS VOTE])**

Chairman Fricks called for a Motion to open the Public Hearing. MOTION was made by Commissioner Hufstetler. SECOND by Commissioner Mahanay. VOTING:

YES NO

Commissioner Hufstetler
" Jennings
" Mahanay
" Mayes
Chairman Fricks

Motion Carried

Chairman Fricks asked the number of people wishing to speak in support and opposition of the issue.

Sue Hiller, Planning Commission, stated that the property as shown shows rezoning the complete parcel, actually the meeting before this came to the Planning

Commission, there was a subdivision, and she noted the area to be rezoned. The front part of the property has not been requested for rezoning. They noted on the map the actual total lot for the mini warehouse. It will be attached to property currently with mini-warehouses owned by the applicant. Ms. Hiller stated they no longer do split-lot zoning, but it has been subdivided. Commissioner Hufstetler asked what is around the property. Ms. Hiller replied, single-family residential to the east, to the west and to the south, agricultural residential, there is also a nursery, which is commercially zoned. Commissioner Mahanay asked the location of the access. Ms. Hiller replied that it will be the current access, which is off the highway. It was noted there is a pond in the area. It was noted that the cross street shown on the map is the Old Summerville Road. Commissioner Mahanay asked where the security fence they were talking about would be located. Ms. Hiller replied, the proposal was to put it around the property, to separate the property from residential uses. She stated that there were two conditions with the approval that the Planning Commission gave. One was that this could be used only for mini-warehouse properties, not for any other agency uses, and the second was that the mini-warehouse operation would be enclosed in a security fence. Commissioner Jennings asked the type of lighting which currently exists there. Ms. Hiller replied that she visited the site during the day so she would let the applicant answer that.

SUPPORT

Cecil Burk, 211 Hawkins Road, stated that he and his son own the property. He noted the location on the map of Highway 27, they have access from Highway 27. They currently have five buildings with 138 units. They are now in the process of building two climate controlled buildings. They had bought property from his mother, all of the property noted belongs to his mother, but she sold them only the back portion, 1.8 acres. It just goes logically with this project, and his mother has been really impressed with the project. She helped operate it and she has been very enthused about this project because she gets to meet a lot of the people that rent from them. Their rent is not cheap rent. Their rent is a higher rent than other self-storage buildings in the area. They want a top quality mini-warehouse in the area. Their roots in Armuchee go back way over three centuries. His grandfather, great-grandfather, all of them were born in Armuchee and they are proud of the community. He noted on the map where his mother lives, and next to her is the Summerville Gas Office, which is commercial, but is zoned Single Residential. He noted the property of the only person who opposed this is Mrs. Moore and her concern was about security and they are willing to comply and put up the security fence because they want security on her side and their side. They have lived in this community, lived next to her, and want everything to be harmonious. He stated that basically, they are just adding 1.8 acres to something that has been zoned Heavy Commercial and just extend what they have. He stated that it was his mother's idea to sell it and she wanted them to do this project. Chairman Fricks asked, in a situation when a lot is cut as this, in road frontage, what is the setback, which is the front of the lot and which is the back of the lot. Ms. Hiller replied that the front would only be the portion along the highway. There would be two sides and the rest would be rear property lines. It is always very difficult on an odd shape lot like that. Mr. Burk stated that they will have to setback 35 feet, so will be setback 35 feet from Mrs. Moore. It was noted that

currently this property is pasture and the project will take about three years to develop, they are trying a pay-as-you-go process. Mr. Burk stated they had spent a lot of money on the access to the highway. He stated that currently the property is a pasture. There is a pasture also adjoining the property. Mrs. Moore also has a lake there. There is a very nice subdivision nearby which does not adjoin their property. Commissioner Hufstetler asked why people wanted to pay them more rent for their warehouses. Mr. Burk replied that theirs has easy access. They are right on 27 and it is location. Commissioner Jennings asked about the lighting. Mr. Burk stated that he would let his son answer that.

Robin Burk, 100 Baby Doe Drive, stated that he is partners with his Dad. He described the type of lighting and stated that the power bill runs about \$250 per month. They had spent \$10,000 on putting the electrical underground and making everything look good, to make it look like a superior location. They provide the customers with the locks that are nearly impossible to cut off. That is the reason they have such influential customers, they have several doctors, several attorneys, pest control people, medical supply company and individuals who run their business out of the storage building. Each individual unit is not lit. There are lights on the outside, but they have had people come in at nighttime to move, because they had to close on a house or something they had to get out, but that is rarely. Pictures had been presented at the Planning Commission Meeting showing they have an office trailer installed there now. There is very little traffic at all. The reason they do demand the high rent is that they do have the better product. They do have a more secure product than their competitors. Commissioner Mahanay asked if they were going to build climate controlled. Mr. Burk replied that they were. It would be on the Heavy Commercial zoned property, and will have a 35 foot setback. He stated that his grandmother sold them the property. They have had such a request from the customers, they do not have any more than one or two units available, unless they were rented today. Commissioner Fricks informed Mr. Burk that he has 3 minutes to talk. Mr. Burk stated that there is a convenience store, Trailer's, across the way and a pool company, a hardware store, as well as a church north of them and another one to be built. He stated there is a four-lane highway with a turn lane in the middle, as well as an accel/decel lane which was approved by the DOT when they first started the project three years ago. They have had tenants who have been with them three years and also several who have been with them two years.

Frances Herron, 1093 Cheney Place, Marietta, stated that she owns the property across the street from the warehouses and she has probably the closest residential house to the property. This property is well lighted, she feels secure about it, there is no threat to the community and since her mother's house is there, she wants everything to be in the best condition. She thinks that the rezoning will benefit the area and also the community.

OPPOSITION

Jim Moore, 4155 Old Dalton Road, pointed out the area where his mother, Carolyn Jones, lives and stated that the back part of her property joins Mr. Burk's property. Mr. Burk did a good job of pointing out all of the commercial development,

but did not point out other development. He pointed out a subdivision which has been developed by Mr. Clonts. To establish the relationship between their property and the warehouses, he presented pictures showing his mother's house, the Gas Company and Mrs. Burk's house. Regarding access, he had a picture from the intersection showing their access road, which is not seen since it sits on a hill. You don't see automobiles trying to access the highway, from that area, and it is even worse at night because of the bright lights which illuminate the entire area already. He also had pictures showing the existing properties from their back yard, showing clearly that they are intruding on their backyard space. He had pictures taken from the back window of, he assumed a \$200,000 home, in Mr. Clont's subdivision. He agreed that these are nice mini-warehouses, but they are still mini-warehouses. They do have people moving in and moving out. Nice places, nice folks, but they still intrude, they still pose a threat. Commissioner Jennings asked for clarification on the location on one of the pictures. Mr. Moore replied that it was taken from the mini-warehouses toward the back of the subdivision. He said the thing to remember is that the mini-warehouses are located in the area which is already developed, so the new development would be closer to the homes.

Bill Thornton, 12 Stonegable Drive, which is in the subdivision and at the cul-de-sac, and he noted the approximate location of his house. He said he has known these people all of his life and they are friends of his. The only complaint he has is concern for his property. He recently bought the house and he does not know that he would have bought the house and for the amount he did, if he had known they were going to be that many units that close to him. It is approximately 150 feet from his property to the corner of Mr. Burk. He is concerned about what it will do to the value of his property. If it does devalue, he hopes the Tax Assessor will take that into account. Another concern is the lighting, they have done a great job of lighting, in fact it is so good that one of his bedrooms is so illuminated he cannot get it dark at night in the bedroom that faces the property. He would like to see the lights turned away from the subdivision. If they were facing away from the subdivision, back towards the units, then it would not illuminate the subdivision. That is a problem and he does not know how that can be addressed. If you go and look at the subdivision, it is awfully close to the property, especially the ones on the very end. There is one other concern, he doesn't know this for a fact, but he is always hearing about people breaking in these units. If there are going to be this many units, is it going to bring crime into their neighborhood. He did not know until he got there, that there is supposed to be a fence around it and he wanted to know if there will be control as to when you can come in and out of the property at night or how they will handle that. He does have concern with that many units and the more you charge, the better clients you have and that sounds to him like it will be more inviting for criminals to want to get in the units, but he will leave that up to someone who knows more.

David Clonts, the real estate developer who developed the Stonegable Subdivision stated he also lives in the subdivision. Since 1996 he has spent over \$4 million on that 3 1/2 acres, which is pretty sizeable investment and he understands that the Burks would like to conduct business there. He stated that he owns and operates the pool company that is across the highway along with a construction office in the

subdivision where his home is. He is a businessman, he does know them and he grew up in the Armuchee community so he has an interest there too. They are right about the lights, the day they turned lights on, he wondered what is going on over there. This is now a couple of hundred yards further away than the next building is going to be, they are moving their way. The light is impossible to endure. Fortunately, in his case, Ms. Jones' house shelters his home from the brunt of that light, and he has to go into his upstairs bedroom really to be offended by the amount of light that comes in there at night. He felt like the way the lights were positioned originally showed no consideration for the homeowners in the Stonegable Subdivision, and that was his opinion. He would like to see operational business hours because he actually lives there and from time to time he will be coming through there late at night and he will see people there in the middle of the night, standing around outside their cars. That type of activity is not being restricted. There is no fence. He understands there was not to be any more construction until that takes place. He would like to see some hours of operation. He has had storage building properties before and that was always the case, if someone wanted to get in, there had to be business hours. That controls the activity there. That is his complaint, he would love to see them do well. He knows they will be a little close. There is no economic importance for him. He is actually building the last residence now in there that is a pre-sale, so he is not doing this to help out his home sales. He is doing it as a homeowner and speaking for the rest of the homeowners of Stonegables because he is the President of the Architectural Control Committee. So speaking on their behalf that the light is extremely offensive, that there is some nighttime loitering taking place down there, and he has seen cars out there. He has one day a week where he gets out early and he has seen cars there at 4 o'clock in the morning. He does not have the documentation to support that, but it is an extreme concern of his to know that people are hanging out in the middle of the night in an unpatrolled, or unsecure place, no fence whatever. He has lived in Armuchee all of his life. Security was not an issue and robbery was not an issue. He can remember a half dozen robberies in the 30 years he has lived in Armuchee. That is his opinion. He would love to see them do something with the lights and he would like to work with them or for somebody to work with them to provide a pollution free setup. Commissioner Mahanay asked the hours of operation they were talking about and he assumed that would be the purpose of the security fence, and they have already heard about the good locks on the individual units. The security fence would then give them the ability to lock the whole compound and that would be the hours of operation. Mr. Clonts stated that there is no language that details those restrictions, so he is in favor of seeing some type of dialogue as to regulations as to when people could actually come in and if each renter could have a key to the gate. He does not want to deny them access, he just doesn't want people hanging around there that are smoking crack. Commissioner Hufstetler asked what type of hours was he looking at. Mr. Clonts replied, extended business hours. He operates his business across the street from 8 a.m. to 6 to 6:30 at night and he thinks that provides plenty of time for people to come in. He stated that he has three small children ranging from 10 to 5 and he really does not want to see people loitering around in the middle of night when he has three little girls who actually have been playing in the woods and since this has taken place, they now have them two-way radio dispatched so they can instantly get them on the radio so they can go play in the woods and be kids. When he was growing up in Armuchee, that wasn't an issue, but now

obviously times have changed. With the influx of traffic, all strangers, or a lot of it is strangers, to our community, moving in, moving out. A lot of storage building activity is transients. They do not and will never know the people and their children are exposed to the transient community and that bothers him. When he paid \$65,000 for a 3 ½ acre piece of property and then spent \$4 million on top of that to build one of the nicest subdivisions in Armuchee. He wants to do everything he can to protect the interest of the homeowners who have entrusted him to build them a nice place to live, and himself as well.

Carolyn Jones, 2021 Old Summerville Road, next door to the Burk's property. Since this has happened, she has been robbed. They backed a truck up from the mini-warehouses, cleaned out everything. She constantly finds people in her yard looking for an office. She hasn't found any lawyers or doctors, they have been scary looking people that she sees there. They come to her door. Last week about 1:30 in the morning, there were two that came to her door. She lives alone, and they came to her door and were knocking, she did not answer the door, but could hear them talking, "we got to have a key, what happened to our key, why won't they open up and let us have a key". She does not have anything to do with that place. They have just been harassing her and it is scary. Her children cannot play, they can't go play in the woods or the pasture, because they do not know what is down there. They talk about the fact that Mrs. Burk's home is there and Frances talks about how she owns the home across the road and how nice everything is. They do not live there, not a one of them. Even Mrs. Burk doesn't live there any more. They got Mrs. Burk out of there the week before her house was robbed. We have to live with the bright lights, people walking around. They can say how nice it is, but you don't see them spending the night there.

REBUTTAL

Cecil Burk, stated that one of the things he would like to say up front and tell Mrs. Moore is that the reason his mother went to Riverwood is because her sister is there and her sister needed her and that is why she is at Riverwood. He stated that his mother got upset with that comment and they do not appreciate it. Another thing is the Clonts say you have \$4.5 million spent on ten houses. Regarding the lighting, not a one of the people in the subdivision, has talked to him. They have been there since 1999. If any of them had ever come to him complaining about the lights, that they were shining up to their house, they would have worked something out. They are not the kind of people they can talk to them. They would have corrected it. They will comply with the security fence, they will comply with the zoning committee recommendations and they think they have added a lot to the community. His brother built Northwood, one of the finest subdivisions in Armuchee. They want to continue to be a good resident in that area. Commissioner Mayes asked if lighting had been addressed. It was noted that the lighting had been addressed. Commissioner Hufstetler asked about the hours and Commissioner Mayes asked about the type of security. Mr. Burk replied that they are in the process of setting up an office. They are going to have some heat and cool units. They are going to set up an office. There will be office hours. That will be before the end of this year. Commissioner Mayes asked if they would have it computerized where each person will

have access after hours. Mr. Burk replied that he will leave that up to his son. He is very technical and he works with that type of thing.

Robin Burk, stated if there is the possibility of having a fence around the whole area and it will be a keypad or like a credit card. If they don't pay the card could be deleted. They would love to limit the hours. He looks at this a lot like a post office. There are going to be office hours, but there are going to be some times that someone will have to get in there and get their things. There are builders in there and if they need to get something out at night, they need to get in then. They want to make it available for everyone, safe for everyone. He did not know the lighting was a problem, and he will correct it. He would like to meet with Mr. Thornton. He has known him since he was a child and was his teacher in high school. He would like to meet with him there the following night so he can point out which light is a problem, and he will have that fixed as fast as he can. Commissioner Hufstetler asked what would be reasonable on the hours, other than three or four in the morning. Chairman Fricks stated that he uses a storage unit which says daylight hours. Commissioner Jennings stated that with a keypad operation, someone could get in anytime. It was asked if the keypad could be programmed for certain hours. It was mentioned that they would wait until they had many more units before they would go to the expense of the keypad installation.

MOTION was made by Commissioner Hufstetler to close the Public Hearing.
SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

Chairman Fricks called for a Motion. MOTION was made by Commissioner Mahanay to approve with the conditions of self-storage only and a security fence, with hours of operation. Commissioner Hufstetler stated that he was not ready to vote since they don't have an answer on the security fence. Commissioner Mahanay stated that the only reason a security fence would be needed would be to keep everyone out. County Attorney Wade Hoyt suggested taking no action and having the applicant present to the Board, through the Clerk's Office, before the next meeting, his plan to fix the lighting situation and his plan for the security and the entrance, and times of operation. Commissioner Jennings added as well as a plan for a vegetative pine tree buffer between the fence and the residential neighborhood where this commercial operation is located in. Commissioner Mahanay changed his MOTION to table. They will take a look at lighting, security, buffer, hours of operation and vegetation. Commissioner Jennings

stated that he is concerned about an expanding commercial operation in a residential area, and the residential area has been there for some time, and deserves some consideration.

Chairman Fricks stated the item is tabled and action will be taken at the next meeting. He asked the Burks to get their plans on security fencing, and/or the possibility of buffers, and/or lighting plans as well as hours of operation.

CHAIRMAN'S REPORT.

APPOINTMENTS.

Chairman Fricks stated that there were no appointments to be made.

**AUTHORIZE LETTER OF INTENT
ON PURCHASE OF BASEBALL
STADIUM SITE.
(4/5 VOTE REQUIRED)**

County Manager Kevin Poe requested adding Item Number 9 on the Manager's Report by a 4/5 vote, taking action on a Letter of Intent to purchase the Evans site for the Floyd County Baseball Stadium. MOTION was made by Commissioner Hufstetler to place the item on the Agenda. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

County Manager Poe stated they had been presented with the Letter of Intent between

Floyd County and owners of the Evans property, Donald L. Evans, Kevin C. Evans and Robert E. Evans. The Letter of Intent sets forth all of the different terms of agreement relating to purchase price, donated property, lease property, shared parking, further development of the site, what is included in the purchase price and all of the issues which have been reviewed previously. He recommended authorizing the Chairman to enter into this Letter of Intent and with that as they continue to develop the plans, there will be formal legal documents drawn to where they can finalize the purchase of the property based on official surveys and official plans and the title search. They also have the zoning contingent on them getting the proper zoning changed. Commissioner Hufstetler asked County Manager Poe to summarize the key points, such as the price, the water and

sewer, the dirt, and the land as far as what is bought, and what is donated. County Manager Poe reviewed the Letter of Intent, stating that the cost of the 11 acres is \$2.2 million. Evans will donate 5 acres. They will lease an additional 3 acres for shared parking and they will be responsible for paving the parking lot. The parking will be shared 50/50 on the leased acreage. They will also be donated roughly 19 acres of the site that is under a Corps of Engineers Permit and any parking that they develop on that is acreage which is currently under the Corps of Engineers jurisdiction they will offset in the future from their shared parking. The Evans are required to do all of the sub-grade earth work on the stadium site per the specifications of the designers, which is the placement of approximately 140,000 cubic yards of fill material. The work is to be completed before May 16, 2002. The Evans, working with the City of Rome will extend the water and sewer service to the property line of the stadium property. The Evans have agreed to height restrictions, architectural review and signage restrictions on the development of the rest of the property that remains under their control. County Manager Poe was asked what kind of Motion was needed. He stated a Motion to authorize the Chairman to enter into a Letter of Intent to purchase the portion of the Evans site for the Floyd County Baseball Stadium. MOTION was made by Commissioner Mahanay. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

MOTION was made by Chairman Fricks to recess the meeting. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

MOTION was made by Commissioner Hufstetler to reopen the Meeting. SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler
" Jennings
" Mahanay
" Mayes
Chairman Fricks

Motion Carried

**HIRING RESOLUTION FOR COUNTY PHYSICIAN.
(DEFERRED FROM FEBRUARY 12, 2002 MEETING)**

This item was deferred.

**REQUEST FROM JUVENILE COURT FOR
LETTER OF SUPPORT FOR THE UP2US
PROGRAM PROPOSED BY BOYS AND
GIRLS CLUB OF ROME AND ROME/FLOYD
COUNTY BIG BROTHERS BIG SISTERS.
(4/5 VOTE REQUIRED)**

**REQUEST FROM JUVENILE COURT FOR
LETTER FOR CONSENT FOR THE BOYS
AND GIRLS CLUB OF ROME TO BE
DIRECT RECIPIENT OF GRANT FUNDS
FROM THE GOVERNOR'S CHILDREN
AND YOUTH COORDINATING COUNCIL.
(4/5 VOTE REQUIRED)**

MOTION was made by Commissioner Hufstetler to add items three and four on the Chairman's Report on the Agenda. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler
" Jennings
" Mahanay
" Mayes
Chairman Fricks

Motion Carried

Chairman Fricks presented these two requests and called for a Motion. MOTION was made by Commissioner Mayes authorize the Chairman to sign a letter of support for the UP2US Program by the Boys and Girls Club of Rome and Rome/Floyd County Big Brothers Big Sisters and for a letter of consent for the Boys and Girls Club of Rome to be

direct recipient of grant funds from the Governor's Children and Youth Coordinating Council. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

ADMINISTRATIVE/FINANCE COMMITTEE.

Commissioner Hufstetler, Committee Chairman, stated that he did not bring this up in Caucus, but wanted to bring them up-to-date on the hospital. They had lost \$9 million a little over a year ago and came back this last year and had a profit of \$1 million. They are now seven months into this fiscal year and their profit is \$3.2 million. He stated that they had budgeted \$3.6 million for the whole year, so the hospital is above budget.

AUTHORIZE AN AGENT OF RECORD FOR THE INSURANCE PROGRAM. (4/5 VOTE REQUIRED)

Commissioner Hufstetler requested that Commissioner Jennings read the stipulations for this. Commissioner Jennings stated that for the Agent of Record the stipulations would be:

- a. The agent provides us with a quarterly claims review.
- b. That they participate in a yearly policy review to be sure that the insurance policies conform with the actions that are taking place within Floyd County.
- c. That they participate in training for us as Commissioners, with our Department Heads and employees, either providing the training themselves or getting insurance carriers to give us the appropriate training.
- d. That we submit to our agent Commission minutes for each of our meetings and they give us some feedback on insurance related issues.
- e. They meet with us at budget time in August/September and help us make good decisions as far as the liability insurance budget; how much it is going to cost.
- f. That they review contracts from an insurance liability perspective (for example: the stadium construction contract).
- g. They help us and participate in conducting safety audits of our various departments.

- h. That on a regular basis they inventory our vehicles and make sure that there is timely the adding and deleting of vehicles from our policies.

MOTION was made by Commissioner Hufstetler to authorize Huffman & Associates to be the Agent of Record with the stipulations stated by Commissioner Jennings. Commissioner Jennings also added that other organizations, (for example: ACCG) could potentially come to us for quotes on our insurance. County Attorney Wade Hoyt stated that the only thing he would add would be basically as stated but that the Agent of Record be required to identify to the Board any other markets that would be available to provide insurance to the county so that the county would not miss low bids, if in fact, they were out there. As they had discussed, it is not correct that every agent has access to every company. Commissioner Mahanay expressed concern with the fact that they may not get low bid because they will not have access to every insurance company. Commissioner Jennings stated that he thinks that is basically the ACCG situation and perhaps others. County Attorney Hoyt stated that the market changes so drastically, companies come in and out of this market all the time and they need to make sure the Agent of Record presents to you, if you ask him, the rest of the market, not only just the market that he can bring to you. Commissioner Hufstetler amended his MOTION to include the additional items mentioned by Commissioner Jennings and County Attorney Hoyt. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler

" Jennings

" Mahanay

" Mayes

Chairman Fricks

Motion Carried

PUBLIC SAFETY COMMITTEE.

Commissioner Mahanay, Committee Chairman, stated that they had met with the President of Coosa Valley Tech, at the Prison. The meeting was attended by Craig McDaniel, Chairman Fricks, Commissioner Mahanay and County Manager Kevin Poe. The meeting was to discuss courses to be taught to train and certify prisoners in certain skills and vocations that they can use when they go back into society and possibly not return to prison. The next Public Safety Committee meeting will be the March 13, 2002.

PUBLIC WORKS COMMITTEE.

Commissioner Mayes, Committee Chairman, reported that the next meeting will be March 14, 2002.

WATER COMMITTEE.

Commissioner Jennings, Committee Chairman, stated that as presented in Caucus, they had discussed the Brown and Caldwell study. He noted that the report is in and it confirms what is being done in Floyd County, as far as groundwater exploration and seeking permit for the Armuchee Creek Reservoir Project. Secondly, the Northwest Georgia Water Resources Partnership is underway and a representative from Floyd County is on the Executive Committee.

CLERK’S REPORT

CONSENT AGENDA.

County Clerk Michele Fountain stated there are four items on the Consent Agenda which were submitted to the Board for approval.

MOTION was made by Commissioner Hufstetler to approve the Consent Agenda. SECOND by Commissioner Mahanay. VOTING:

	YES	NO
Commissioner Hufstetler		
" Jennings		
" Mahanay		
" Mayes		
Chairman Fricks		

Motion Carried

1. Tax Refunds:
 - a. James B. Milner, 10 Turner Chapel Road, NE, \$78.15
 - b. Mary Ethelyn Christol, 13 Watts Way, \$32.05
 - c. Bivian J. Carter, 327 East 11th Street, \$7.49
 - d. Clyde & Mildred Mitchell, 906 Magnolia Avenue, \$5.01
 - e. Brian H. & Mary H. Rogers, 147 Doctor Moore Road, Silver Creek, \$302.68
 - f. Airtouch Cellular of Georgia #230, 1350 North Meadow Parkway, Suite 110, Roswell \$1,855.06
 - g. Virginia E. Gribble, % James R. Freeman, Jr., 3 Hearthwood Drive, \$1,013.32
 - h. Frances Wood, P.O. Box 691, Lindale, \$153.70
 - i. Frances Ann Carter Kirtland, 116 Treeside Drive, \$317.54

Request from Tax Commissioner for relief of taxes on 15 parcels of property sold at the December 4, 2001 tax sale, total amount \$4,674.65.

3. Application for Malt Beverage License: Gail Hand, Golden Gallon, LLC, d/b/a Golden Gallon #161, 3070 Cedartown Highway, Rome (convenience store).
4. Refund of County's portion of Freeport Taxes and penalties to Dayton Steel.

MANAGER'S REPORT

AUTHORIZE EXECUTION OF STATEWIDE MUTUAL AID AND ASSISTANCE AGREEMENT WITH GEMA. (DEFERRED FROM FEBRUARY 12, 2002 MEETING)

County Manager Kevin Poe recommended authorization for the Chairman to sign the Statewide Mutual Aid and Assistance Agreement submitted by GEMA.

AUTHORIZE EXECUTION OF LIGHTING RETROFIT CONTRACT WITH SOUTHERN COMPANY FOR FLOYD COUNTY GOVERNMENT BUILDINGS.

County Manager Kevin Poe recommended authorization for the Chairman to sign the contract with Southern Power for Lighting Retrofit of the Floyd County government buildings.

AWARD BID FOR INSTALLATION OF PIPING IN ARMUCHEE PARK.

County Manager Kevin Poe recommended awarding the contract for installation of piping at the North Floyd Park on the entrance road to Cash Construction Company for a cost not to exceed \$45,827.66.

CHANGE ORDERS #4, #5 AND #6 FROM PINSON'S, INC. ON THE PRISON PROJECT.

County Manager Kevin Poe recommended authorizing the Chairman to sign Change Orders #4, #5 and #6 from Pinson's, Inc on the Prison Project.

MOTION was made by Commissioner Hufstetler to accept the Manager's recommendations on these four items. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler
" Jennings
" Mahanay
" Mayes
Chairman Fricks

Motion Carried

FORUM TICKETING OPTION.

No action taken.

**DISCUSS CORRECTION OFFICERS PAY
FOR PARKS AND RECREATION.**

Deferred to next meeting.

AWARD BID FOR LEASE OF TOWER SPACE.

Deferred to next meeting.

**AUTHORIZE EXECUTION OF DEPARTMENT
OF TRANSPORTATION DOCUMENTS
REGARDING BERT ROAD CULVERT
REPLACEMENT. [PR-144-1 (115) C1]
(4/5 VOTE REQUIRED)**

MOTION was made by Commissioner Hufstetler to place this item on the
Agenda. SECOND by Commissioner Mahanay. VOTING:

YES

NO

Commissioner Hufstetler
" Jennings
" Mahanay
" Mayes
Chairman Fricks

Motion Carried

County Manager Kevin Poe recommended authorization for the Chairman to sign
the Department of Transportation Documents regarding Bert Road Culvert Replacement.
MOTION was made by Commissioner Jennings for approval. SECOND by
Commissioner Hufstetler.

YES

NO

Commissioner Hufstetler
" Jennings
" Mahanay
" Mayes
Chairman Fricks

Motion Carried

**AUTHORIZE CHAIRMAN TO EXECUTE
DEPARTMENT OF TRANSPORTATION
CONTRACTS REGARDING RESURFACING
PROJECTS FOR 2002.
(LAR 32-14-2 [115] AND PR 14-3 [115])**

MOTION was made by Commissioner Hufstetler to place this item on the Agenda. SECOND by Commissioner Jennings. VOTING:

YES

NO

Commissioner Hufstetler
" Jennings
" Mahanay
" Mayes
Chairman Fricks

Motion Carried

County Manager Kevin Poe recommended pre-authorizing the Chairman to execute all Department of Transportation documents on resurfacing projects related to project LAR 32-14-2 (115) Floyd County and PR 14-3 (115) Floyd County.

MOTION was made by Commissioner Mayes to approve these items as recommended by County Manager Poe. SECOND by Commissioner Hufstetler. VOTING:

YES

NO

Commissioner Hufstetler
" Jennings
" Mahanay
" Mayes
Chairman Fricks

Motion Carried

ADJOURNMENT:

There being no further business to come before the Board, MOTION was made by Chairman Fricks, SECOND by Commissioner Jennings, that the meeting be adjourned. VOTING:

YES

NO

Commissioner Hufstetler

" Fricks

" Jennings

" Mahanay

Motion Carried

COMMISSIONERS

FLOYD COUNTY BOARD OF

GARRY E. FRICKS, CHAIRMAN