

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2015-123

RESOLUTION OF THE BOARD OF COMMISSIONERS OF CLAYTON COUNTY OBJECTING TO THE ANNEXATION REQUEST OF CITY OF JONESBORO TO ANNEX 6.25 ACRES OF PROPERTY LOCATED ALONG NORTH MAIN STREET AND DIXIE DRIVE FOR MULTIFAMILY RESIDENTIAL PURPOSES.

WHEREAS, the Clayton County Board of Commissioners (the “**Board of Commissioners**”) received a request from City of Jonesboro via certified mail proposing to annex 6.25 acres of property located along North Main Street and Dixie Drive; and

WHEREAS, the proposed zoning classification for the request is Multifamily Residential (RM) and will serve adjacent to a tract of land currently residing within the city limits of Jonesboro; and

WHEREAS, the proposed zoning classification is designed to accommodate residential development at a maximum density of eight units per acre and is intended to serve a rental market in which attached units are available in a setting with common amenities and greenspace; and

WHEREAS, the property to be annexed is currently zoned general business and is located within the unincorporated area of Clayton County; and

WHEREAS, the current zoning classification is designed to promote an appropriate mixture of commercial uses that will allow for improved vehicular circulation and pedestrian movements within Clayton County; and

WHEREAS, Section 36-36-113 of the Official Code of Georgia Annotated permits the county governing authority to vote to object to proposed annexation because of the proposed change in zoning or land use; and

WHEREAS, the county governing authority is authorized to object to a proposed change in zoning or land use if there is a material increase in burden upon the county and a change to a significantly different allowable use; and

WHEREAS, the phrase “material increase in burden” is not defined by the statute or by case authority; and

WHEREAS, the Board of Commissioners finds that a decrease in the health, safety and welfare of the citizens of Clayton County is a “material increase in burden” to the County; and

WHEREAS, the property requested to be annexed is on a major highway with dense traffic; and

WHEREAS, the proposed zoning classification allows up to 64 housing units on the property requested to be annexed; and

WHEREAS, the detriment to the public with the proposed zoning classification would be substantial with increased congestion; and

WHEREAS, the increased congestion may cause a decrease in property values of the proposed zoning classification; and

WHEREAS, the current permitted or conditional uses of the property requested to be annexed are commercial and there are no allowances for multifamily residential development; and

WHEREAS, the proposed zoning classification for the property requested to be annexed are multifamily residential and there are no allowances for commercial development; and

WHEREAS, the Board of Commissioners finds that elimination of the commercial uses of the property requested to be annexed is a significantly different allowable use than the current permitted and conditional uses of the property; and

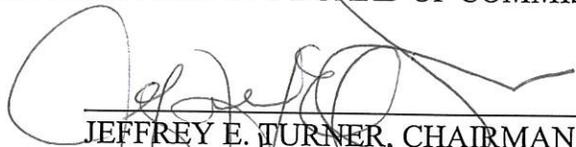
WHEREAS, the proposed multifamily residential use of the property requested to be annexed constitutes a material increase in burden on the County as it affects the health, safety and welfare of the citizens of the County.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Clayton County (the “**Board of Commissioners**”) as follows:

1. The Board of Commissioners as the governing authority for Clayton County **OBJECTS** to the City of Jonesboro’s proposed annexation request to annex 6.25 acres of property located along North Main Street and Dixie Drive for a proposed classification of Multifamily Residential (RM) under the zoning code of City of Jonesboro;
2. The Chairman of the Board of Commissioners is hereby authorized on behalf of the County to transmit this objection to the City of Jonesboro in accordance with state law; and
3. The Chairman, County Attorney, Clerk, and such other officials as may be required are directed to take such actions as may be required in accordance with the intents and purposes of this resolution.

SO ORDAINED, this 5th day of May, 2015.

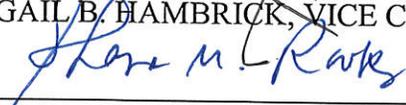
CLAYTON COUNTY BOARD OF COMMISSIONERS



JEFFREY E. TURNER, CHAIRMAN



GAIL B. HAMBRICK, VICE CHAIRMAN



SHANA M. ROOKS



MICHAEL EDMONDSON



SONNA SINGLETON GREGORY

Attest:



Sandra Davis, Clerk of Commission