

**NEWTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
FEBRUARY 15, 2005**

MINUTES

Newton County Historical Courthouse
Covington, Georgia
Chairman Aaron Varner, Presiding

Present: Chairman Varner, Commissioners' Mort Ewing, Ronnie Dimsdale, Ester Fleming, Jr., J.C. Henderson, Monty Laster, Administrative Assistant John Middleton, Attorneys' Tommy Craig, Scott Cole and Acting Clerk Susan Nolley.

Also present: Crystal Tatum, Will Whitehorn (Covington News)

Chairman Varner called the meeting to order, welcomed everyone and read the thought for the day.

Commissioner Mort Ewing gave the invocation.

APPROVAL OF PUBLIC HEARING MINUTES DATED FEBRUARY 1, 2005

Motion: To approve minutes as written.

Proposed by: Commissioner J.C. Henderson, District Four

Seconded by: Commissioner Monty Laster, District Five

Motion Carried Unanimously

APPROVAL OF BOC MINUTES DATED FEBRUARY 1, 2005

Motion: To approve minutes as written.

Proposed by: Commissioner Mort Ewing, District One

Seconded by: Commissioner J.C. Henderson, District Four

Motion Carried Unanimously

APPROVAL OF SPECIAL CALL MTG. MINUTES DATED FEBRUARY 8, 2005

Motion: To approve minutes as written.

Proposed by: Commissioner Ewing, District One

Seconded by: Commissioner Laster, District Five

Motion Carried Unanimously

AMENDMENT TO IMPACT FEE ORDINANCE

Motion: To approve the original draft document as proposed February 1, 2005.

Proposed by: Commissioner Dimsdale, District Two

Seconded by: Commissioner Laster, District Five
Motion Carried Unanimously

TAX ASSESSOR WEB SITE DEVELOPMENT

Motion: To approve the application services agreement of BianryBus, LTD as presented for the Tax Assessor web site not to exceed the amount of \$21,195.00.

(Funding allocated in FY '05 budget of the Tax Assessor and Information System Technology Fund)

Proposed by: Commissioner Dimsdale, District Two

Seconded by: Commissioner Henderson, District Four

Motion Carried Unanimously

LIBRARY APPOINTMENT- DISTRICT THREE

Motion: To appoint Debbie Anderson to serve on Library Board as representative for District Three.

Proposed by: Commissioner Fleming, District Three

Seconded by: Commissioner Dimsdale, District Two

Motion Carried Unanimously

STREETLIGHTS

Longview Creek Subdivision

District Three

Glen Echo Phase I

District Two

Motion: To approve streetlights for Longview Creek and Glen Echo Phase I subdivisions as requested.

Proposed by: Commissioner Fleming, District Three

Seconded by: Commissioner Dimsdale, District Two

Motion Carried Unanimously

COUNTY CHECKS

Motion: To approve checks as read.

Proposed by: Commissioner Laster, District Five

Seconded by: Commissioner Dimsdale, District Two

Motion Carried Unanimously

ZONINGS

REZ04-059

FLU04-053

Resource Piedmont, Inc.

Marion Eisenberg reported this petition was deferred to the Planning Commission on December 21, 2004 to allow the applicant to revise his site plan. The Planning Commission has recommended approval of the request as presented.

Lewis Withrow petitioner, made a request to the Board to remand his petition back to Planning Commission.

Motion: To approve the request of the petitioner to remand back to the Planning Commission.

Proposed by: Commissioner Ewing, District One

Seconded by: Commissioner Laster, District Five

REZ04-061

Thompson Builders, Inc.

AR (Agricultural-Residential) to R-1 (Single Family Residential)

Marion Eisenberg reported; the petitioner, Thompson Builders is requesting to rezone approximately 21.41 acres from AR (Agricultural-Residential) to R-1 (Single Family Residential) to develop a 21-lot subdivision. The Planning Commission has recommends approval of this request.

Tommy Alexander addressed the Board stating the proposed 21-lot subdivision will be located at the corner of Smith Store and Oak Hill Roads. The petitioner has addressed the relocation of a road in which the Planning Commission expressed concern. Buffer adjustments were made at the request of the staff. The petitioner agrees to follow the recommendations of the Planning staff.

The following concerns were expressed by the Board:

- Location of road entrance (distance from 4-way stop)
- If buffers are a lot of record

RECOMMENDED CONDITONS

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Single family detached dwellings and accessory uses and structures.
 - b. The minimum lot size shall be 25,500 square feet.
 - c. No more than 21 total dwelling units, at a maximum density of 0.89 dwelling units per acre, whichever is less based on the total acreage zoned.

- d. The minimum heated floor area per dwelling unit shall be 1,850 square feet.
2. To the owner's agreement to abide by the following:
 - a. To the revised site plan received by the Planning and Development Department on February 1, 2005. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.
 3. To the owner's agreement to the following development standards.
 - a. Provide a 25-foot planted buffer along Smith Store Road and Oak Hill Road. Planting and specifications subject to the approval by the Arborist.
 - b. Provide an undisturbed buffer, replanted where sparsely vegetated along the north and east property line. Planting and specifications subject to the approval of the Arborist. The buffers may encroach upon if secondary septic field is needed.
 - c. Dedicate at no cost to Newton County right-of-way along Smith Store and Oak Hill Roads, as may be required by the Director.
 - d. All lots shall access the internal subdivision street except the existing residence along Oak Hill Road.

Motion: To approve request with recommendations of Planning staff.

Proposed by: Commissioner Dimsdale, District Two

Seconded by: Commissioner Fleming, District Three

Motion Carried Unanimously

REZ04-62

FLU04-056

R-2 (Single Family Residential) to C (Commercial)

The Mansfield Group

Marion Eisenberg reported the petitioner is requesting to rezone property currently zoned R-2 to CG to develop 53.145 acres; 240,800 square feet for commercial use and 102,800 square feet for office use. This request is also to amend the Future Land Use Map from MHDR to C. The property is located on Brown Bridge Road. The Planning Commission recommends approval of this request with staff recommendations.

Frank Turner addressed the Board on behalf of The Mansfield Group stating that the petitioner has agreed to comply with the recommendations of the Planning staff. Although, the requirement of the zoning ordinance states **to provide a 75-foot buffer**,

the staff has also recommended that a fence be provided in addition to the requirement. The petitioner feels that this is a dual requirement, and asked the Board for consideration of this recommendation.

Commissioner Fleming commented on the dual requirement and suggested the 75-foot buffer be reduced to a 55-foot buffer and for the petitioner to provide fencing.

Commissioner Fleming also commented that he felt the zone change in the affected community would be the best use for Newton County.

RECOMMENDED CONDITIONS

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Retail, service commercial and/or office and accessory uses, including all exterior food and beverage service areas, at a maximum density of 6,665.94 gross square feet per acre zoned or a total of 34,600 square feet, whichever is less, but excluding the following uses:
 - a. Campground, recreation vehicle park
 - b. Flea market
 - c. Funeral home
 - d. Modular, manufactured unit
 - e. Pawn shop
 - f. Temporary commercial use
 - g. Produce stand
 - h. Auto wash
 - i. Bus terminal
 - j. Sawmill, planning mill
 - k. Mini-warehouses
 - l. Drive-in theater
 - m. Indoor skating rink
 - n. Parking garage
 - o. Building supplies
 - p. Electric, petroleum, gas substation
 - q. Commercial outdoor recreational facility
 - r. Tattoo-personal services
 - s. Massage parlors
 - t. Any sexually explicit business to include bookstores and video/DVD rental.
 - b. A maximum of 3 outparcels shall be allowed on the subject site, provided they are located as shown on the site plan referenced in Condition 2.a. The total gross square footage shall be calculated as part of the total floor area allowed in Condition 1.a.
2. To the owner's agreement to abide by the following:

- a. To the revised sit plan received by the Department of Planning and Development on January 25, 2005. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.
3. To the owner's agreement to the following development standards:
 - a. Provide along the west property line a **55-foot buffer with a fence**. Plantings and specifications subject to the approval of the Arborist.
 - b. Dedicate at no cost to Newton County at least 35 feet of additional right-of-way along Brown Bridge Road. Additional right-of-way may be required to provide a shoulder adjoining road improvement.
 - c. Provide a 50-foot landscape buffer along the right-of-way of Brown Bridge Road. Planting and specifications subject to the approval of the Arborist.
 - d. Buildings shall be brick on fronts and sides. No metal or vinyl.
 - e. Provide a planted median on the main entrance.
 - f. Signs shall be a monument type constructed of brick and architecturally compatible to the buildings.
 - g. Sidewalks provided on internal drives connecting to Brown Bridge Road and Kirkland Road.
 - h. Lighting shall be pedestrian friendly in scale. Approval of the lighting types and heights is subject to the approval of the Director.
 - i. Provide a left-turn lane at the main entrance(s).
 - j. Provide a deceleration lane at each project entrance.

Motion: To approve REZ04-062 (with revision of buffer requirement of 75-foot to 55-foot) and FLU04-056 with conditions of the Planning staff.

Proposed by: Commissioner Fleming, District Three

Seconded by: Commissioner Laster, District Five

Motion Carried Unanimously

REZ04-063
FLU04-058
Robert Lanier
AR (Agricultural Residential) to R-1 (Single-Family)

Miriam Eisenberg reported; petitioner Robert Lanier is requesting to rezone a 69.60 acre tract from AR to R1 for the development of a 37 lot subdivision and to amend the Future Land Use Map from A (Agricultural) & PRC (Parks, Recreation and Conservation) to LDR (Low Density Residential). The undeveloped acreage will remain green space. The Planning Commission recommends approval of the requests.

Kathy Zickert addressed the Board on behalf of petitioner Robert Lanier, requesting approval rezone approximately 69.60 acres to construct 37 single-family residential lots at a density of 0.54 units per acre. The undeveloped acreage of approximately 41.35 acres will remain green space. The proposed development is an expansion of open space subdivision previously approved in Rockdale County.

Several residents with adjoining properties and of the community expressed their concern of the following:

- Utility and telephone services
- 911 and emergency response
- increase in traffic
- location of entrance/exit
- road capacity
- sewer/solid waste
- buffer requirements
- density of property
- vegetation
- lot size
- complication of entrance/exit of school busses

Speaking in opposition of the request were:

M. A. Turner
Linda Sikes
Rick Kelly

Chairman Varner questioned if the property is located in the Newton County school district and if busses would be required to go into Rockdale County in order to exit the development.

Kathy Zickert answered yes the property is located in the Newton County school district. Also, stating due to findings of an analysis the property is land-locked and it will require the need for busses to cross the Rockdale County boundary line to access an exit to the proposed development.

Motion: To deny request of REZ04-062 and FLUM 04-058.

Proposed by: Commissioner Fleming, District Three

Seconded by: Commissioner Ewing, District One

Motion Carried: 3-2

Opposed:

Commissioner Henderson, District Four

Commissioner Dimsdale, District Two

CUP04-057

Dianne T. Bently

R-2 (Single Family Residential)

Miriam Eisenberg reported; petitioner Suzette Monk is requesting approval of a Conditional Use permit to construct an 11,000 square foot daycare center on Fairview Road on approximately 3.16 acres. The Planning Commission recommends denial of this request.

Suzette Monk addressed the Board for approval of a Conditional Use permit to construct a 11,000 square foot daycare center on approximately 3.16 acres on Fairview Road. The petitioner agrees to meet the 20-foot buffer as recommended by the Planning staff and feels the request is compatible and stated there are 5 existing daycare centers in the surrounding area.

Residents of the community and adjoining property owners expressed their concern of the following:

- excessive traffic
- entrance/exit access
- danger impairment to the community
- traffic congestion
- vandalism
- buffer requirements

Speaking in opposition of this request were:

Louise McGraw

Vivian Cartledge

Motion: To deny CUP04-057.

Proposed by: Commissioner Fleming, District Three

Seconded by: Commissioner Dimsdale, District Two

Motion Carried: 4-1

Opposed:

Commissioner Henderson, District Four

EXECUTIVE SESSION**Time:** 8:45 P.M.**Motion:** To adjourn and enter into Executive Session for discussion of land acquisition personnel matters and threatened litigation.**Proposed by:** Commissioner Ewing, District One**Seconded by:** Commissioner Henderson, District Four**Motion Carried Unanimously****REGULAR SESSION****Time:** 9:58 P.M.**Motion:** To enter into regular session.**Proposed by:** Commissioner Ewing, District One**Seconded by:** Commissioner Henderson, District Three**Motion Carried Unanimously****NEW BUSINESS**

Towing Contract with K2 Towing

Motion: To ratify letter of February 3, 2005 and the action taken by Chairman Varner.**Proposed by:** Commissioner Laster, District Five**Seconded by:** Commissioner Dimsdale, District Two**Motion Carried Unanimously****ADJOURN****Time:** 10:05 P.M.**Proposed by:** Commissioner Ewing, District One**Seconded by:** Commissioner Henderson, Three One**Motion Carried Unanimously**

Respectfully submitted,

Susan G. Nolley, Acting Clerk