

**NEWTON COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
**May 17, 2005**  
**MINUTES**

Newton County Historic Courthouse  
1124 Clark Street  
Covington, Georgia  
Presiding: Chairman Aaron Varner

Present: Chairman Varner, Commissioners' Mort Ewing, Ronnie, Dimsdale, Ester Fleming, Jr., J.C. Henderson, and Monty Laster; Administrative Assistant John Middleton, County Attorney Tommy Craig and Clerk Jackie Smith

Chairman Varner extended a welcome an overflow crowd and read the thought for the day. Rev. Eric Lee, Springfield Baptist Church gave a beautiful invocation and the chairman led the Pledge of Allegiance. Chairman Varner, on behalf of the board, gave appreciation to Pastor Lee for his prayer and the great influence his church has on Newton County.

**APPROVAL OF BOC MINUTES DATED MAY 3, 2005**

**Motion:** To approve the minutes as written.

**Proposed by:** Commissioner Mort Ewing, District One

**Second by:** Commissioner Monty Laster, District Five

**Motion Carried Unanimously**

**APPROVAL OF BOC W/S MINUTES DATED MAY 5, 2005**

**Motion:** To approve the minutes as written.

**Proposed by:** Commissioner Monty Laster, District Five

**Second by:** Commissioner J.C. Henderson, District Four

**Motion Carried Unanimously**

**AMENDMENT TO THE VIOLENCE AT COUNTY RECREATION FACILITIES ORDINANCE**

After some discussion the board decided to table this issue until the second meeting in June. The board would like to hold a work session and invite the Recreation Commission to participate.

**Motion:** To table amendment to the Violence at County Recreation Facilities Ordinance until a work session can be held. The board would like to consider this amendment at their regularly scheduled meeting, which is to be held on June 21.

**Proposed by:** Commissioner Mort Ewing, District One

**Second by:** Commissioner Ronnie Dimsdale, District Two

**Motion Carried Unanimously**

### **E911- RADIO SYSTEM CONSULTANT APPROVAL**

Administrative Assistant John Middleton presented this request to the board. He noted the following.

- Received a proposal from GTRI (Georgia Tech Research Institute)
- GTRI is a non-profit research organization and an integral part of Georgia Tech.
- Chartered in 1919 by the General Assembly
- Proposal is to assist the E911 Board of Governors in the selection process.
- GTRI's proposal for developing an RFQ for a County-wide Communications System for Law Enforcement and Public Safety.
- A RFQ process, lead by an independent team that will assist in the development of the document; will lead to the selection of the technology provider that allows for the most effective outcome.
- For city and county agencies, the communications system will provide:
  - Interoperable countywide communications for law enforcement and first responders at the local level
  - Interoperability with neighboring agencies
  - Interoperable communications statewide in major events
- GRTRI will provide leadership in the technical writing of the RFQ as well as technical/business consulting throughout the selection of the vendor
- Cost not to exceed \$12,159.31

Commissioner Ewing questioned out of their 1200 employees how many would be assisting Newton County? Mr. Middleton stated there would be one project leader and whoever else is needed.

Commissioner Ewing questioned the timing? 2-1/2months

Funding? SPLOST

Newton County's liaison: Mike Smith, Director of E911

Commissioner Dimsdale commented how fortunate Newton County is to have GTRI's assistance with such a complex project.

**Motion:** To uphold the recommendation of the E911 Board of Governors and approve the request to contract with Georgia Tech Research Institute (GTRI) for technical assistance and consulting for a cost not to exceed \$12,159.31. Funded through the 2005 SPLOST.

**Proposed by:** Commissioner Ronnie Dimsdale, District Two

**Second by:** Commissioner Monty Laster, District Five

**Motion Carried Unanimously**

### **RFP #05-13 CONSULTING FORESTER FOR TIMBER @ GAITHER PLANTATION**

Purchasing Director Tina McDonald addressed the board with RFP#05-13. She noted the following:

- Total of nine (9) bidders
- Evaluation Committee (Mort Ewing, Tommy Craig, John Middleton, Ben Cobb and Tina McDonald) interviewed the four (4) lowest bidders.
- Unanimous agreement to award the bid to Barber Forest Consultants, Inc.

- They will oversee the harvesting operation at Gaither Plantation and the Bear Creek Reservoir.
- Mack Barber has managed timber for over eighteen (18) years
- Excellent negotiator
- Percentage fee: 9.6%
- Funding: Bear Creek Reservoir – Fund 505

**Motion:** To uphold the recommendation of the evaluation committee and approve RFP #05-13 Consulting Forester for Timber @ Gaither Plantation and the Bear Creek Reservoir and award the contract to Barber Forest Consultants, Inc., at a percentage fee of 9.6%.

**Proposed by:** Commissioner Mort Ewing, District One

**Second by:** Commissioner Ester Fleming, Jr., District Three

**Motion Carried Unanimously**

### **FACTORY SHOALS CARETAKER HOUSE**

Purchasing Director, Tina McDonald appeared before the board with the proposal from America's Home Place with a cost not to exceed \$98,815.00.

After much discussion some members of the board wanted to reject the bid and focus on getting a stick built house through the bidding process. Commissioner Dimsdale asked that the builders in Newton County be made aware of this project. Ms. McDonald stated she had previously notified the Home Builders Association, placed an ad in the newspaper, placed an ad in the Homebuilders Monthly Newsletter and posted a notice in the Planning Department, however none of the Newton County builders submitted a bid. She will re-bid the Caretaker's house and get back with the board when the proposals come in.

**Motion:** To reject the bid of \$98,815.00 from America's Home Place for the Factory Shoals Caretaker House and re-bid the project.

**Proposed by:** Commissioner Mort Ewing, District One

**Second by:** Commissioner Ronnie Dimsdale, District Two

**Motion Carried with Commissioner Laster voting for the motion and**

**Commissioners' Fleming and Henderson voting in opposition to the motion.**

### **ZONINGS:**

Chairman Varner read the following regarding the procedure to speak in favor or in opposition of a petition.

The applicant and those in favor of the petition are allowed ten-minutes to address the board. In addition, ten-minutes is allotted for those in opposition to the petition. This ten-minute allotment does not include a response to any questions raised by commission members. Additional discussion may be held should the chairman be called upon to break a tie vote.

Speaker Cards: Cards are available on the information table. Should you desire to address the board regarding a Rezoning, Future Land Use Map Amendment, or a Conditional Use Permit, please complete the card and give to the clerk at the beginning of the meeting. Thank you for your kind cooperation in this matter.

Zoning Director Marian Eisenberg presented the following requests:

**REZ04-049**

REL Development (Court remand of Petition for REL Development, Inc.)

Owner: Robbie Lanier

Brown Bridge Road

South Side: 716 Feet of Frontage

R-2 (Single Family & formerly R-40) to **CORD-PRD R-3 (Planned Residential Development)**

FLUM: N/A

Existing Land Use Map: Development Node and Medium to High Density Residential

Parcel Size: 81.9 Acres

Tax Parcel: 27-119

Applicant's Intent: To develop a planned residential development with a total of 237 units, 172 Single Family and 65 Townhouses. Twenty percent (20%) of the property shall remain as Greenspace.

District Two

Petitioner: Robbie Lanier

- Reiterated acreage size to be 81.9 acres
- They have made many changes to project.
- 181 detached and 47 attached townhouses
- Attached garage for at least one car
- Brick, stone
- No vinyl siding
- Sodded yards
- Provide a 20-foot landscape buffer along all neighboring residential lots
- Price: Upper 100's on detached houses and middle 100's on town homes.
- Most of the revisions have come out of meeting with members of this board and planning staff.

Opposition:

Reginald Smith

Steve Sherwood

Len Colbert

- Presented a petition with 57 signatures in opposition to request.
- Overcrowding of schools
- Porterdale is 39% over capacity
- Veteran's Memorial is 24% over capacity with ten trailers on property
- Newton High is 37% over capacity with five trailers on property
- Well being and health of residents in area

- At least two cars per house will add 500 more vehicles on the roads
- Air quality
- Not oppose to growth, but this is too much
- Will not enhance the area
- Safety of children and residents
- Roads cannot handle any more traffic
- Single family dwelling community and should remain
- Concerned about crime
- Water & Sewerage concerns
- Buffers are needed if approved
- Presents another problem for schools
- Concerned for overcrowding schools and the quality of education provided for children

Discussion:

Commissioner Dimsdale

- Traffic calming devices
- Large lots
- Walking trails
- Pool and club house

Commissioner Fleming

- Out of the norm for the third district to step into another district, but this has been heard several times and remanded back to this board for action by the courts.
- Concern was for the number of townhouses, and appreciates developer reducing, at board's request, the reduction of the town homes from 65 to 47.
- 26 acres of open space
- Plan calls for medium to high density.
- Would like for county to remain the same but we are not a bedroom community any longer and we must try and make the best decisions for all of us.

Commissioner Laster

- Clarified the total number of houses detached and attached to be 229.

Commissioner Henderson

- Questioned who would keep up the Greenspace? Homeowners Association (mandatory)

**Motion: To approve REZ04-049 and change the zoning from R-2 Single Family & formerly R-40 to **CORD-PRD R-3, Planned Residential Development with the following conditions:****

Where these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Board of Commissioners.

1. To the owner's agreement to restrict the use of the subject property as follows:
  - a. Single family detached dwellings and town homes, and accessory uses and structures.

- b. The minimum lot size shall be 6,500 square feet.
  - c. No more than 181 single family dwelling units, and no more than 47 total town homes, at a maximum density of 2.78 dwelling units per acre, whichever is less based on the total acreage zoned.
  - d. The minimum heated floor area per dwelling unit shall be 1,200 square feet for town homes and 1,800 square feet for single-family dwellings.
2. To the owner's agreement to abide by the following:
- a. To the site plan submitted with this petition. 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 abide by the following development standards:
- a. The subject property shall be developed substantially in accordance with the site plan dated May 6, 2005 by Clark Design Group, P.C., provided that a through road be inserted between the westernmost cul-de-sac and the main entry road to facilitate emergency vehicle access to the rear of the development, or as may be approved by the Director.
  - b. Clearing shall be held to the minimum required to grade the house pads, streets, amenities, utilities and stormwater facilities, subject to the approval of the Director.
  - c. Dedicate at no cost to the County future right-of-way along Brown Bridge Road.
  - d. Provide a 20-foot landscape buffer along all neighboring residential lots, replanted where sparsely vegetated. Plantings and specifications subject to the approval of the Arborist.
  - e. A minimum of 35% of the front facade of each house shall be constructed primarily of brick, stone, cedar shake, or masonry stucco. The sides and rear of each unit may be cementous siding (a/k/a "hardiplank").
  - f. No vinyl siding.
  - g. All detached houses shall have 2-car garages. All townhouses shall have at least 1-car garages.

- h. Two exit/entrances to Brown Bridge Road. Provide a deceleration lane at each entrance and a left-turn lane at the main entrance. Location and related improvements are subject to the approval of the Director.
- i. One entrance shall have a decorative brick or stone entrance feature with landscaping. The applicant shall file a landscape plan for the entrance at the time of filing for development permits.
- j. Outdoor lighting shall be screened, shielded, and/ or shaded so as to minimize glare and casting of light outside to development.
- k. All front yards shall be sodded.
- l. A mandatory homeowners' association shall be created by the developer under restrictive covenants for the subdivision.
- m. Amenities shall consist of two tennis courts, a swimming pool and a bathhouse. A separate Land Disturbance Permit is required.
- n. Sidewalks shall be installed on both sides of the interior streets.
- o. No less than 20% of the site shall be preserved as open space, as shown on the site plan referenced in Condition 3.a. Greenspace, including walking trails, shall be provided and include areas for both passive and active recreation, subject to the approval of the Director.
- p. Minimum (2) two-inch caliper DBH street trees shall be allowed between the curb and the sidewalk at a minimum of 20 feet on center.
- q. All utilities shall be underground.
- r. Developer shall install streetlights within the development.
- s. Redesign the interior streets to comply with 2003 Development Regulations for right-of-way and pavement width, and cul-de-sac length.

**Proposed by:** Commissioner Ester Fleming, Jr., District Three

**Second by:** Commissioner J.C. Henderson, District Two

**Motion Carried with Commissioner Dimsdale voting for the motion and Commissioners' Ewing and Laster voting in opposition to the motion.**

**CUP05-004**

Cross Pointe Baptist Church

Byrd Road (East Side): 2,462 Feet of Frontage

Gum Creek Road (North Side): 123 Feet of Frontage

AR (Agricultural) REZ05-006

Parcel Size: 72.17 Acres

Tax Parcel: 59-35 A, B, and C

Applicant's Intent: To develop a private school associated with the church, for 75 students from Pre-K to 8<sup>th</sup> grade.

Planning Commission Recommendation: Approval with conditional use permit  
District Five

Petitioner: Darrel Head

- Requesting variance
- Operate a private school
- In the future go through the 12<sup>th</sup> grade
- Would like to start school in September of 2005
- 75 students
- Would like a walking trail around the property with undisturbed buffer

Opposition:

Daron Bates

- Requesting that, if approved, they would have to conclude any outdoor gathering at a reasonable time.
- Requesting that disturbed buffer be 10 feet high

Darrell Head

- There will be select times that anything gathering will go past 9:00 p.m.
- Desire to be good neighbors

**Motion:** To approve CUP05-004 for Cross Pointe Baptist Church located at Byrd Road and Gum Creek Road to develop a private school with the following conditions:

Where these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Board of Commissioners.

1. To the owner's agreement to restrict the use of the subject property as follows:
  - a. Private School and accessory uses.
  - b. Limit the number of students to 75.
2. To the owner's agreement to abide by the following:
  - a. To the site plan received by the Department of Planning and Development on February 4, 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 abide by the following development standards:
- a. The detention pond shall be screened from view by a minimum 20-foot planted buffer. Plantings and specifications subject to the approval of the Newton County Arborist.
  - b. Dedicate at no cost to Newton County 10 additional feet of right-of-way along Byrd Road.
  - c. Provide a deceleration lane at the project entrance.
  - d. Provide a 50-foot undisturbed buffer along all interior property lines. No administrative reduction with a fence shall be allowed. Provide a six-foot wide impervious-surface walking trail inside the buffer. Approval of County Arborist must be obtained before removing any trees inside buffer.
  - e. Provide security lighting such that the light source is not visible from adjacent properties.

**Proposed by:** Commissioner Monty Laster, District Five

**Second by:** Commissioner J.C. Henderson, District Four

**Motion Carried Unanimously**

**REZ05-001 & FLU05-001**

DEHU Properties

Cook Road (East & West Side) 5,100 Feet of Frontage

AR (Agricultural Residential) to R-2 (Single Family Residential)

FLUM: A (Agricultural, LDR (Low Density Residential) and DN (Development Node)

Parcel Size: 280.22 Acres

Tax Parcel: 41-010, 42,002, 42-002B, 41-007A, and 41-7E

Applicant's Intent: To develop a 518-lot conservation subdivision, with 98.3 acres (35.1%) open space.

Planning Commission Recommendation: Denial

District Three & Four

Petitioner Representative: Jimmy Alexander, Attorney

- Provided handout with highlights of Cook Road Zoning Request
- Original request was for 518 houses
- Held meetings with neighborhood steering committee
- Neighborhood steering committee has worked hard with developer to come up with a plan that is suitable for them as well as developer.

- Beautiful plan with many amenities.

Discussion:

Commissioner Dimsdale

- Commented he was uncomfortable about voting for a plan that is different from what the Planning Commission reviewed and voted on.
- Would like to see it go back before Planning Commission for their consideration.
- Would not have time at this meeting to digest the changes.

Jimmy Alexander

- Met with homeowners three (3) times with 50-100 people in attendance.
- A consensus was reached with the steering committee as to the plan that is presented before you tonight.
- Developer has agreed to lower the lot count from 518 to 395
- The project will be divided into five (5) distinct neighborhoods.

Commissioner Mort Ewing

- Regarding the traffic light...what is the timetable for installation? Mr. Alexander said the developer has agreed to install the traffic light early on in the project.

Chairman Varner

- Questioned the amount of r.o.w. needed for the extension of the road? 80 feet, 2 lanes plus a turn lane

Commissioner Dimsdale

- Questioned if there would be turn lanes with the traffic signal? Yes

Discussion:

Tommy Knight (not in opposition)

- Lives in Tabor Forest
- Representing Tabor Forest and other neighborhoods in area (Cook Road, Mt. Tabor Road, Tabor Bluff, Blue Grass)
- Expressed appreciation to neighbors for placing their trust and respect in allowing him to speak for them.
- Spoke with developer and developer requested a meeting to discuss his plan.
- Met with Mr. White at Mr. Alexander's office.
- They were seeking input from the community
- Met with neighborhood six (6) times
- 2<sup>nd</sup> meeting selected a steering committee
- Personally spent over 160 hours and other people have spent many hours too.
- Meetings held and talked about everything imaginable. Last meeting the traffic light was discussed for safety.
- Mr. White has committed to a traffic signal.
- Traffic light is a condition that will benefit everyone's safety.
- Expressed appreciation to Mr. White for his willingness to work with community.
- We expect the changes to be very positive and ask that this board consider the long hours that the community has put into this petition.
- Requested that all conditions be placed in the official minutes.

Opposition:

Jane Parker

Virgil Eady (submitted a paper on “Thoughts about the Cook Road Zoning) made part of these minutes.

- Water concerns
- Traffic concerns
- Safety concerns
- School concerns
- Health & Safety concerns
- Hospital rooms full

Note: The following citizens requested their names to be listed in the official minutes requesting a traffic light be installed.

Tara Mitsa – 1465 Cook Road

Kristen Heil – 230 Tabor Forest Drive

Devin & Jayne Lawson – 140 Tabor Forest Drive

Kathy ? – 200 Tabor Forest Drive

Greg Richardson

Ernest Underwood

Kim?

Henry & Edith Parker – 1490 Cook Road9-\*

Jimmy Alexander went over further amenities in the project.

Discussion:

Commissioner Henderson

- Questioned who selected the committee? The homeowners selected two (2) members. The developer selected two (2) members and those four (4) selected member number five (5).

Commissioner Ewing

- Questioned if the 80 foot r.o.w. for extending the road would be suffice if the road became a By-Pass Road?

Kevin Walter, County Engineer

- By-Pass Road has been planned for some time now, but the route has not been selected. Envisions a two-lane road with a 120-foot r.o.w. (20-30 years from now)

Commissioner Ewing

- Concerned about road connectivity

Commissioner Henderson

- Would like to see walking trail and tot lots and developer has agreed to this request.

Commissioner Ewing

- Can't support for a number of reasons.
  1. Same concerns that Commissioner Dimsdale has about Planning Commission reviewing a different plan.
  2. Feels it is unfair for Planning Commission to look at “A” and the BOC look at “B”.
  3. Has a great deal of respect for the people on this committee.

4. Has received more calls on this project than any other project since being on this board.
5. Feels there are a lot of people who oppose this request.

Commissioner Fleming

- Expressed appreciation to the committee for the many hours and hard work they put into this project.
- He stated that “zonings” are the most difficult issue the board deals with.
- Lives in area and very concerned if this project is not passed what could be developed on property. If denied and developed as it is currently zoned there will **not be a traffic light installed**, as well as many other upgrades the developer has wants to do.

Commissioner Dimsdale

- Petition is different than what first reviewed and the Planning Commission has not seen this petition. There is a legal process to follow and that is first it goes to the Planning Commission and then to the Board of Commissioners.
- Feels we are being asked to circumvent the legal process.
- Wants to take time to study the changes.
- Wants to hear what the P.C. has to say.
- Cannot vote on this because I don't know what I'm voting on, if not given the chance to study it.

Commissioner Fleming

- Served on this board for many years and does not believe there is a legal avenue that dictates remanding this back to the Planning Commission.
- The buck stops with this board and the same plan would come back to this board for us to hear.

Tommy Craig, County Attorney

- Acquired the r.o.w. over the river. There was hope at that time that Sockwell Road could be extended. Would like to ask that the number of lots being same, but would ask for 120 foot r.o.w.

Jimmy Alexander, Attorney

- Looked at plan on north side of Sockwell. Would like to include additional r.o.w. in Greenspace allocation.

Commissioner Fleming

- R.O.W. to change from 80 foot to 120 foot (reducing Greenspace amount)

**FLU05-001**

**Motion:** To approve FLU05-001 Future Land Use Change from A (Agricultural, LDR (Low Density Residential) and DN (Development Node) to MDR (Medium Density Residential) as requested.

**Proposed by:** Commissioner Ester Fleming, Jr., District Three

**Second by:** Commissioner J.C. Henderson, District Four

**Motion Carried**

**REZ05-001**

**Motion:** To approve REZ05-001 located at Cook Road from AR (Agricultural Residential) to **R2 (Single Family Residential) with the following conditions:**

Where these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Board of Commissioners.

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 10,000 square feet, except that all lots north of the Sockwell Road extension will contain at least 21,750 square feet.
  - c. No more than 395 total dwelling units, at a maximum density of 1.41dwelling units per acre, whichever is less based on the total acreage zoned.
  - d. The minimum heated floor area per dwelling unit shall be as follows:

In the Gum Creek Estates Neighborhood (shown as Section 1 on the Site plan referenced in Condition 2.a), the minimum heated square footage on each home shall be not less than 2,000 square feet and not less than 2,200 square feet on two-story homes.

In the Village Center at Gum Creek Neighborhood (shown as Section 2 on the site plan referenced in Condition 2.a.), the minimum heated square footage on each home shall be not less than 1,750 square feet.

In the Creekside at Gum Creek Neighborhood (shown as Section 3 on the site plan referenced in Condition 2.a.), the minimum heated square footage on each home shall be 2,000 square feet.

In the Riverbend North at Gum Creek Neighborhood (shown as Section 4 on the site plan referenced in Condition 2.a.), the minimum heated square footage on each home shall be 2,000 square feet.

In the Riverbend South at Gum Creek Neighborhood (shown as Section 5 on the site plan referenced in Condition 2.a.), the minimum square footage on each home shall be 1,800 square feet.

2. To the owner's agreement to abide by the following:
  - a. To the site plan received by the Department of Planning and Development on May 20, 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 abide by the following development standards:
  - a. All front and side yards to the rear building line of the house shall be sodded.
  - b. A four-foot sidewalk will be on both sides of the streets
  - c. Provide an amenity area similar in size and scope to Northwood amenity area (including but not limited to double, lighted tennis court, a swimming pool and a clubhouse with brick veneer). The amenity area shall be located in proximity to the open space to allow access and passive recreation. Amenity area shall not be part of the open space.
  - d. Developer will record the protective covenants in the form attached hereto on the property upon filing of the final plat on any phase, and shall provide a copy of the recorded covenants to the Newton County Planning and Development Department.
  - ~~f.~~ Developer to construct Sockwell Road extension as shown on site plat at its expense. Developer will dedicate to Newton County 80 feet of right-of-way along the Sockwell Road extension. Developer will also reserve Greenspace of 40-foot width adjacent to the right-of-way. The Greenspace shall not be part of any lots.
  - ~~g.~~ e. Developer to install at no cost to Newton County traffic controls at the Cook Road/Sockwell Road intersection as recommended by the Newton County Traffic Engineer up to and including a single traffic light at that intersection.
  - h. Developer to install at its expense not less than two left turn lanes at subdivision entrances on Cook Road, subject to approval of County Engineer. Developer to install at its expense left turn lanes at subdivision entrances on Sockwell Road extension as required by County Engineer.
  - i. Developer to maintain 25-foot natural buffer on northern and western boundaries of Section 1 (as shown on the site plan referenced in Condition 2.a.) where abutting residential property. Buffer will be dedicated as an

easement to Newton County or its designee. Buffer can be included as part of lots. Buffer shall not be part of open space.

- j. Developer to establish planted berm buffers along frontage of Cook Road. Berms may be included as part of lots. Berms shall not be part of open space. Height and slope of berm subject to the specifications of the County Engineer and plantings subject to the specifications of the County Arborist.
- k. Developer to commence construction of the planned amenity area when 25% of the planned residences are occupied.
- k. Developer to install planted berm buffers where appropriate along Sockwell Road extension, except in areas of open space. Plantings subject to the specifications of the County Arborist.
- l. Ninety-three (93) acre conservation area to be deeded to Newton County or its designee.
- m. Prior to issuance of a building permit, the builder shall show evidence of approval from the Architectural Control Committee.

**Proposed by:** Commissioner Ester Fleming, Jr., District Three

**Second by:** Commissioner J.C. Henderson, District Four

**Motion Carried with Commissioner Laster voting in favor of motion and Commissioner Ewing voting in opposition of the motion. Commissioner Dimsdale abstained from voting.**

**REZ05-002 FLU05-008**

DEHU Properties

Cook Road (East & West Side): 1800 Feet of Frontage

Sockwell Road (North Side): 250 Feet of Frontage

Sockwell Road (South Side): 270 Feet of Frontage

AR (Agricultural Residential) to CG (General Commercial)

FLUM: A (Agricultural), LDR (Low Density Residential) and DN (Development Node) to C (Commercial)

Parcel Size: 12.47 Acres

Tax Parcel: 41-007, 41-007E, F, G, H

Applicant's Intent: To develop 100,000 square feet of commercial on 12.41 acres at a density of 8,058.02 square feet per acre.

Planning Commission Recommendation: Denial

District Three & Four

**FLU05-008**

**Motion:** To table request for FLU05-008. \_\_\_\_\_

**Proposed by:** Commissioner Ester Fleming, Jr., District Three

**Second by:** Commissioner J.C. Henderson, District Four

**Motion Carried Unanimously**

**REZ05-002**

**Motion:** To table REZ05-022 at the request of the petitioner.

**Proposed by:** Commissioner Ester Fleming, Jr., District Three

**Second by:** Commissioner J.C. Henderson, District Four

**Motion Carried with Commissioners' Ewing and Dimsdale voting in opposition to the motion.**

**REZ05-003**

Kenneth Braswell

Highway 278 (North Side): 461.11 Feet of Frontage

A (Agricultural and AR (Agricultural Residential) to AR (Agricultural Residential)

Parcel Size: 11.69 Acres

Tax Parcel: 124.3

Applicant's Intent: To develop a 5-lot subdivision with each lots a minimum of 2 acres.

Planning Commission Recommendation: Approval with conditions.

District One

Petitioner: Kenneth Braswell

- Want to build a five lot subdivision
- 2 acres each lot
- Meet minimum standards of Newton County

Commissioner Ewing

- Questioned the materials the homes would be constructed with and the petitioner did not know as he was the developer and does not know who the builder will be.

Opposition: None

Commissioner Dimsdale

- Ask if in the motion there could be a stipulation that "no vinyl" siding could be used. Yes.

**Motion:** To approve REZ05-003 zoning change from A (Agricultural) and AR (Agricultural Residential) to **AR (Agricultural Residential) with the following conditions:**

Where these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Board of Commissioners.

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 2 acres.
  - c. No more than 5 total dwelling units, at a maximum density of 0.43 dwelling units per acre, whichever is less based on the total acreage zoned.
  - d. The minimum house size shall be 2,200 square feet.
2. To the owner's agreement to abide by the following:
- a. To the site plan received by the Planning and Development Department on February 4, 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.
  - b. To provide an easement for a waterline extension to neighboring property.
  - c. To the owner's agreement to abide by the following development standards:
  - d. No vinyl siding.

**Proposed by:** Commissioner Mort Ewing, District One

**Second by:** Commissioner Monty Laster, District Five

**Motion Carried Unanimously**

**REZ05-007, FLU05-015**

Tony Allen

Georgia Highway 36 (West Side): 243.34 Feet of Frontage

Scout Road (Southwest Side): 563.17 Feet of Frontage

Pickett Bridge Road (North Side): 2,065.14 Feet of Frontage

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

FLUM: A (Agricultural) to LDR (Low Density Residential)

Parcel Size: 55.64 Acres

Tax Parcel: 70.09

Applicant's Intent: To develop a 57-lot subdivision on 56.7 acres at a density of 1.0 unit per acre.

Planning Commission Recommendation: Approval with conditions.

District One **Proposed by:** Commissioner Mort Ewing, District One

**Second by:** Commissioner Monty Laster, District Five

**Motion Carried Unanimously**

Petitioner: Tony Allen

- Decel lane (left turn lane)
- Raised house size to 1750 square feet minimum
- 57 lot subdivision
- P.C. approved

Discussion:

Commissioner Ewing

- No vinyl siding? Petitioner agreed
- Spoke with constituent that is concerned about a buffer down her property line.
- Thought we had a buffer all the way around property? No

Opposition:

Lou Pulliam Treadaway

- Owns land adjacent to property
- Would like to see the house size increase.
- Discrepancy in landline.
- Was told by Mr. Patrick there would be a buffer between Mr. Allen's property and Mr. Traedway's property.
- Would like written assurance this would be cleared up.

Ms. Eisenberg

- A certified survey will have to be done.
- County has legal description as part of application.

Commissioner Ewing

- Asked if house size could be increased, but Mr. Allen said he couldn't make the numbers work.

### **FLU05-015**

**Motion:** To approve FLU05-015 Future Land Use Change from A (Agricultural) to LDR (Low Density Residential).

**Proposed by:** Commissioner Mort Ewing, District One

**Second by:** Commissioner Monty Laster, District Five

**Motion Carried Unanimously**

### **REZ05-007**

**Motion:** To approve REZ05-007 zoning changed from AR (Agricultural to R1 (Single Family Residential) with the following conditions.

Where these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Board of Commissioners.

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, except that lots located within the Alcovy River Watershed Protection District shall be 2 acres.
  - c. No more than 57 total dwelling units, at a maximum density of 1.0 dwelling unit per acre, whichever is less based on the total acreage zoned.
  - d. The minimum heated floor area per dwelling unit shall be 1,750 square feet.
2. To the owner's agreement to abide by the following:
- a. To the site plan received by the Department of Planning and Development on February 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 abide by the following development standards:
- a. Provide deceleration lane, left-turn lane and right-of-way dedication per the Engineer or Georgia Department of Transportation.
  - b. Provide a 25-foot undisturbed buffer, replanted where sparsely vegetated along Pickett Bridge Road and along the northern property line. Buffers will not be part of any lots. Plantings and specifications subject to the approval of the County Arborist. Buffers will be dedicated to Newton County or its designee.
  - c. Provide brick or stone accents on front side of the buildings.
  - d. Provide sodded yards.
  - e. Provide underground utilities.
  - f. No vinyl siding. Hardiplank only.
  - g. Placement of visible markers delineating northern property line prior to approval of preliminary plat.

**Proposed by:** Commissioner Mort Ewing, District One

**Second by:** Commissioner Ester Fleming, Jr., District Three

**Motion Carried Unanimously**

**REZ05-008, FLU05-016**

Plum Creek Land Company

SR 162 (West Side): 1,357.62 Feet of Frontage

Pickett Bridge Road (South Side): 3,147.78 Feet of Frontage

A (Agricultural) to AR (Agricultural Residential)

FLUM: A (Agriculture) to RR (Rural Residential)

Parcel Size: 209.32 Acres

Tax Parcel: 51-31, 51-32

Applicant's Intent: To develop 154 lots on the subject property (Phase I), and develop 216 lots on the property on the east side of SR 162 (Phase II & III), which is already zoned, for a total of 370 lots. The combined development includes 137.53 acres of opens space, and the total density is 0.9 units per acre.

Planning Commission Recommendation: Approval with conditions

Petitioner Representative: Frank Turner, Jr., Attorney

- Handout of conditions as recommended by Planning Commission 4/26/05 and as Revised by Applicant 5/16/05) Attached and made part of these minutes.
- Went over statistics
- 40% would be protected and deeded to Newton County or its designee as Greenspace.
- Square footage: ½ would be 1800 sq ft.; ½ would be 2000 sq ft.
- Average lots over an acre
- Open space
- No vinyl siding
- No opposition

**FLU05-016**

**Motion:** To approve FLU05-016 Future Land Use change from A (Agricultural) to **RR (Rural Residential)**.

**Proposed by:** Commissioner Mort Ewing, District One

**Second by:** Commissioner Monty Laster, District Five

**Motion Carried Unanimously**

**REZ05-008**

**Motion:** To approve REZ05-008 zoning change from A (Agricultural) to **AR (Agricultural Residential)** with the following conditions:

Where these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Board of Commissioners.

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 154 total dwelling units, at a maximum density of 1.33 dwelling units per acre, whichever is less based on the total acreage zoned.
  - d. The minimum heated floor area per dwelling unit shall be 1,800 square feet for no more than ½ of the dwelling units. The minimum heated floor area per dwelling unit shall be 2,000 square feet for all remaining dwelling units.
2. To the owner's agreement to abide by the following:
- a. To the site plan received by the Department of Planning and Development on March 4, 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 50-foot undisturbed buffer along SR 162 and a 25-foot buffer along all perimeter property lines, replanted where sparsely vegetated, subject to the approval of the County Arborist.
  - b. All buffers and open space shall (a) be dedicated to Newton County in fee simple subject to a conservation easement in favor of a qualified land trust or (b) subjected to a conservation easement in favor of Newton County or its designee. The election of whether to accept fee simple title shall be made by Newton County in its sole discretion. In the event Newton County accepts fee simple title to the buffers and open space, the conservation easement may, at the owner's election, limit access to county agents and residents of the development.
  - c. Provide a left-turn lane at the entrances on of Highway 162 and Highway 212, subject to the approval of the Georgia Department of Transportation.
  - d. Second entrance along Highway 162 shall be limited to right-in-right-out only, subject to the approval of the Engineer and Georgia Department of Transportation.
  - e. Vinyl siding shall not be used in home construction.

**Proposed by:** Commissioner Mort Ewing, District One

**Second by:** Commissioner J.C. Henderson, District Four

**Motion Carried Unanimously**

**REZ05-009, FLU05-017**

Clarksdale, LLC

Georgia Highway 81 (West Side): 1,682 Feet of Frontage

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

FLUM: LDR (Low Density Residential) to RR (Rural Residential)

Parcel Size: 44.766 Acres

Tax Parcel: 30-21

Applicant's Intent: To develop a 50-lot residential subdivision on 44.766 acres for a density of 1.12 lots per acre

Planning Commission Recommendation: Approval with conditions.

District One

Petitioner Representative: Frank Turner, Jr.

- Already AR development to the north and east of subject property.
- R-2 to North does not comply with FLUM
- Staff said the developer does not have to increase the house size from 1550 to 1750, but the developer has agreed to increase the house size to 1750.

Discussion:

Commissioner Dimsdale

- Since the Planning Commission considered this request a couple of property owners came to see me regarding their concerns.
- Access to their property

Mr. Turner:

- We have been in active contact with owners to the west/
- Our intention that we would stub a street
- They will never be landlocked (State law does not allow this.)

Commissioner Dimsdale

- Would like to see something in writing about their property being protected.

Commissioner Ewing

- Wants the developer to insure that a minimum of a 25-foot access to property owners west of adjacent property. Property is never to be landlocked.
- These 25 feet can be taken from the undisturbed buffer.

**FLU05-017**

**Motion:** To approve the Future Land Use Change from LDR (Low Density Residential) to RR (Rural Residential).

**Proposed by:** Commissioner Mort Ewing, District One

**Second by:** Commissioner Monty Laster, District Five

**Motion Carried Unanimously**

**REZ05-009**

**Motion: To approve REZ05-009 AR (Agricultural Residential) to R-1 (Single Family Residential) with the following conditions:**

Where these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Board of Commissioners.

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 50 total dwelling units, at a maximum density of 1.12 dwelling units per acre, whichever is less based on the total acreage zoned.
  - d. The minimum heated floor area per dwelling unit shall be 1,750 square feet.
  
2. To the owner's agreement to abide by the following:
  - a. To the site plan received by the Department of Planning and Development on April 12, 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 abide by the following development standards:
  - a. Provide a 25-foot undisturbed buffer adjacent to all perimeter property lines, and a 50-foot buffer adjacent to Highway 81. Said buffer shall be undisturbed and replanted where sparsely vegetated. Plantings and specifications subject to the approval of the Newton County Arborist.
  - b. Buffers shall be located outside of lots and be dedicated to Newton County, or its designee.
  - c. Provide a left-turn lane if required by the Georgia Department of Transportation.
  - d. In the event either of the two parcels west of and adjacent to the subject property are landlocked, provide minimum 25' access to such landlocked parcel. The otherwise undisturbed buffers provided herein may be used to provide such access.

**This correction was made at the June 7, 2005 BOC Meeting regarding (3d) by Commissioner Mort Ewing. It should read as follows:**

**In the event either of the two parcels west of and adjacent to the subject property are landlocked, provide minimum 25' access to such landlocked parcel. Perpendicular crossings of buffers are allowed.**

e. Property owners are never to be landlocked.

**Proposed by:** Commissioner Mort Ewing, District One  
**Second by:** Commissioner Ester Fleming, Jr., District Three  
**Motion Carried Unanimously**

**MOD05-003**

Dale Miller

Georgia Highway 212 (East Side): 316.71 Feet of Frontage

Modification of Zoning Condition on Petition #04-021

CG (General Commercial) with a Conditional Use Permit for a Car Wash within a Watershed

Parcel Size: 3 Acres

Tax Parcel: 91-45A, 45B

Applicant's Intent: To modify the condition requiring a 75-foot buffer along the north and east property lines.

Planning Commission Recommendation: Approval with Staff Conditions  
District One

Petitioner Representative: Jimmy Alexander, Attorney

- Owns 150-acre farm behind land.
- When constructing detention pond he encroached on his own land.
- Met with Chairman Varner, Marion Eisenberg and Jenny Carter regarding this issue.
- Petitioner is fine with all the conditions except the chain link fence. He feels he is fencing himself in on his own property.
- Would like to suggest it makes little sense to plan this type of suggested vegetation.
- Has a water reclaimer already.
- Doesn't know of another car wash being requested to do this.

Commissioner Ewing

- Regarding the detention pond, it is huge and unsightly.
- Concerned if there was a separation of the farm and the car wash it could be a problem.
- Suggest a binding covenant. Mr. Alexander accepts suggestion.

**MOD-05-003**



**Motion:** To approve MOD05-003 modifying a zoning condition of petition #04-021 previously approved. This approval is subject to the following conditions being met:

1. Provide a 55-foot replanted buffer, without a fence, along the north property line.
2. The 55-foot buffer shall be planted with a variety of plant materials approved by the Arborist. Planting and specifications subject to the approval of the Arborist.
3. A 75-foot buffer surrounding the detention pond. The outside of the buffer will be protected around its perimeter with a chain link fence which shall be installed by owner of car wash when there is a change of title for either the car wash (M&P 91-45E) or the adjacent property (M&P 91-45A).
4. The interior slope of the pond shall be replanted with a mixture of River Birch, Virginia Pine, Loblolly, and Red Maple, six feet high at time of planting. Planting and specifications subject to the approval of the Arborist.
5. Provide an oil/grit separator on the inlet pipe to the detention pond.
6. A detailed landscape plan showing replanting of the buffers shall be submitted within 30 days of the approval of this modification.

**Proposed by:** Commissioner Mort Ewing, District One

**Second by:** Commissioner J.C. Henderson, District Four

**Motion Carried Unanimously**

**MOD05-004**

John Dearing & Sam B. Hay, Jr.

Covington Bypass (South Side): 1215.76 Feet of Frontage

PUD (Planned Unit Development) approved December 6, 1988 to Modification of the Approved Site Plan.

Parcel Size: 13.407 Acres

Tax Parcel: 82-49A

Applicant's Intent: To modify the site plan to change a pod designated for a multi-family to single-family.

Planning Commission Recommendation: Approval

District Five

**MOD-05-004**

**Motion:** To table MOD05-044 until the June 21<sup>st</sup> meeting at the request of the petitioner.

**Proposed by:** Commissioner Monty Laster, District Five

**Second by:** Commissioner J.C. Henderson, District Four

**Motion Carried Unanimously**

### **MOD05-005**

Alcovy Green, LLC

Todd Drive (South Side): 60 Feet of Frontage

Highway 278 (South Side) 550 Feet of Frontage

Mason Drive (East Side) 950 Feet of Frontage

R-3 (Single Family Residential) approved November 19, 2002 to

Modification of Condition 5., and the Site Plan

Parcel Size: 466.6 Acres

Tax Parcel 82.006

Applicant's Intent: To modify the condition requiring access to Highway 278 and revise the site plan.

Planning Commission Recommendation: Approval

District Five

Petitioner: R.J. Fields

- Acquired Woodland Park Development in February 2005
- Desire is to approve the design
- Have successfully negotiated with the school board to access school road by East Side High School as a secondary access.
- Better option than accessing Hwy. 278
- Hwy. 278 exit is awkward.
- In addition to school road access...currently working on several other access roads.
- We have an agreement to access easement through Mormon Church property.
- Expanded r.o.w. from 60 foot to an 80 ft. r.o.w.

No opposition

### **MOD-05-005**

**Motion:** To uphold the recommendation of the Planning & Development Board and approve MOD05-005 with the following condition:

**Access to the Subdivision:** There will be at least two access roads into the subdivision. One shall be via "School Road" on the northern side of Eastside High School connecting to County Road 142, also known in various places as Martin Luther King Drive and Eagle Drive, and commonly referred to as the East Covington Bypass ("the By-Pass Road"). Both roads shall be installed substantially as shown on the site plan, referenced in MOD05-005, subject only to engineering consideration and other governmental

requirements. Right-of-way along “Road A” (as shown on the site plan submitted with this modification) shall be 80 feet.

**Proposed by:** Commissioner Monty Laster, District Five

**Second by:** Commissioner Mort Ewing, District One

**Motion Carried Unanimously**

**CUP05-003**

Joseph & Sherry Dudley

Benton Road (North Side): 182.51 Feet of Frontage

AR (Agricultural Residential) to Commercial Farming, Sec. 510-270

Parcel Size: 5 Acres

Tax Parcel: 104.38

Applicant’s Intent: To produce fresh water shrimp within one to four greenhouses totaling 3,000 square feet.

Planning Commission Recommendation: Denial

District One

Commissioner Laster stated he had met with the Dudley’s and they have requested this petition be withdrawn.

**Motion:** To accept the request by the petitioner to withdraw CUP05-003.

**Proposed by:** Commissioner Monty Laster, District Five

**Second by:** Commissioner J.C. Henderson, District Four

**Motion Carried Unanimously**

**STREETLIGHTS**

South Links – Unit III

District Five

**Motion:** To approve the streetlights for South Links – Unit III as requested.

**Proposed by:** Commissioner Monty Laster, District Five

**Second by:** Commissioner J.C. Henderson, District Four

**Motion Carried Unanimously**

**COUNTY CHECKS**

**Motion:** To approve the county checks as read.

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

**Second by:** Commissioner Monty Laster, District Five

**Motion Carried Unanimously**

**ALCOHOL LICENSE**

**First Reading**

North Fork

3078 Highway 81 South

Oxford, Georgia 30054  
Owner: Rafiq Farishta (100%)

**EXECUTIVE SESSION**

**TIME: 10:40 p.m.**

**Motion:** To enter into Executive Session for the purpose of pending litigation.

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

**Second by:** Commissioner Monty Laster, District Five

**Motion Carried Unanimously**

**REGULAR SESSION**

**TIME: 11:45 p.m.**

**Motion:** To enter into Regular Session.

**Proposed by:** Commissioner Mort Ewing, District One

**Second by:** Commissioner J.C. Henderson, District Four

**Motion Carried Unanimously**

**ADJOURN**

**Motion:** To adjourn.

**Proposed by:** Commissioner Mort Ewing, District One

**Second by:** Commissioner Monty Laster, District Five

**Motion Carried Unanimously**

Respectfully submitted,

Jackie Smith  
County Clerk