

**CONYERS/ROCKDALE PLANNING COMMISSION MEETING
ROCKDALE COUNTY ADMINISTRATION AND SERVICES BUILDING
901 NORTH MAIN STREET
CONYERS, GEORGIA 30012
December 9, 2004
7:00 P.M.**

PRESENT:

Dr. Steve Weinstein, Chairman
Charlotte Kinsey
Chuck Russell
Shane Baxter
Dr. Carter Rogers
Ed Messer

STAFF PRESENT:

Bunny Harbin, Zoning Administrator
Marshall Walker, Principal Planner
Denise Kemp, Recorder

1. OPENING STATEMENT

Dr. Weinstein called the meeting to order and read the Rules of Procedure to be followed in the meeting.

2. MINUTES OF THE NOVEMBER 11, 2004, PLANNING COMMISSION MEETING

Dr. Carter Rogers made a motion to approve the minutes. Chuck Russell seconded the motion, and it carried unanimously.

OLD BUSINESS:

A. ROCKDALE COUNTY

ITEM R-1	PRELIMINARY PLAT APPROVAL – GRIST MILL HOLLOW
APPLICANT:	DONALD K. MURPHY 1101 LAKE HAYNES CT. CONYERS, GEORGIA 30012
AGENT:	WPG DEVELOPMENT & CONSTRUCTION 1100 WEST PEACHTREE STREET ATLANTA, GEORGIA 30309 404-874-0555
LOCATION:	COSTLEY MILL ROAD
PARCEL:	85-2-35A
LAND LOT:	396 - 4TH DISTRICT
ZONING:	WP-NR

PRESENTATION:

Marshall Walker stated that the plat was not ready yet and staff recommended denial.

Mr. Russell made a motion to accept staff's recommendation and deny the plat. Dr. Carter Rogers seconded the motion and it carried unanimously.

Dr. Weinstein said there would be a change in the agenda. First the commission would hear Old Business item R-2 case number 2004/29 and then they would hear New Business item R-9, case number 2004/36.

ITEM R-2

CASE 2004/29 REZONING OF 159 +/- ACRES FROM AT TO R1 ON DENNARD ROAD

APPLICANT: HOWARD & MARTHA ANN THOMAS, 3059 DENNARD RD., WILLARD & PEGGY TANNER, 3131 DENNARD RD., HAROLD & DEBORAH FORD & MARY COUCH, ALICE CLEMENTS SHINALL, DENNARD RD. 6464 BELLEVUE DR. CONYERS, GEORGIA 30094 404-765-5145

DEVELOPER: R.J. FIELDS DEVELOPMENT, INC. 1141 CLARK STREET COVINGTON, GEORGIA 30014 770-787-2006

LOCATION: 3059, 3089, 3099, 3131 & UN-NUMBERED PROPERTY ON DENNARD RD.

PARCELS: 89-1-15E, 89-1-15A & 15B, 89-1-14 & 89-1-3

ACREAGE: 159 +/- ACRE TOTAL

ZONING: AR

LAND LOT: 372, 373 – 10TH DISTRICT

NO. OF LOTS: 258

PRESENTATION:

Marshall Walker stated that this had been before the planning commission in October 2004 and the commission had recommended denial of the rezoning from AR to R1. At the Board of Commissioners meeting on November 18, 2004 the applicant presented a revised plan showing a lower density. The Board of Commissioners action was to send it back to the Planning Commission for further review. Instead of 258 lots there are now approximately 195 lots on 159 acres. The current zoning classification would yield a maximum 159 lots. Mr. Walker went over the development standards for AR and R1. He stated that the developer said that he could have sewer. He said it is within the density of Conservation Subdivision.

APPLICANT'S STATEMENT:

Mr. Daniel Digby stated that the Board of Commissioners thought this should come back to you and we agree. On the concept plan you have there are 183 lots and Mr. Fields is looking at 170-183 lots. We are asking for R1, which is in compliance with the Comprehensive Land Use Plan and is necessary to develop this land and be able to supply sewer. The original plan had too many lots. There is a large open space, the rock outcropping will be owned by the Home Owners Association. This is a swim tennis community, with covenants and architectural controls. He said there would be

one-acre lots adjoining the two subdivisions on either side of the property. This would be a quality development. He showed pictures of homes Mr. Fields had built. He said that they agree with staff's conditions, the important one being materials used on the outside of the homes.

Ms. Kinsey asked them to show her the areas set aside. Mr. Digby showed her where they were. There was general discussion among the commission.

Mr. R.J. Fields said that they were back to discuss the project on Dennard Rd. He stated that the zoning request was consistent with the Comprehensive Land Use Plan. He said they were in agreement with the staff conditions. They have reflected the ones that affected density, such as one-acre lots bordering the adjacent neighborhoods. They will have side entry garages unless impossible. He said they have listened to the community and the Planning Commission. The original plan was just to see what the density would be and they have addressed no houses on the outcroppings. He said this would be a quality development; it will be upscale and have a positive impact. They have tried to comply with all concerns and would like to have about 170-180 lots.

Dr. Weinstein asked if he had met with any of the surrounding homeowners and Mr. Fields said that he had.

OPPOSITION:

Mr. Wayne Madsen stated the last three times this has been heard; there have been large crowds. Our lives and properties are in danger of changing for the worse. The property in question has a higher elevation and there are concerns of run offs. Mr. Fields did have a meeting with us and when asked about the damage that would be done to our homes and wells from the blasting, he said he would not be held responsible. I have talked to the Board of Education; the schools will have to accommodate the new students. Remember there are 155 lots on Hi Roc waiting to be sold. We are asking to keep one-acre lots throughout the whole development. He said there is concern for the water treatment plants and the smell that is already coming from them. He said he thought they were already both at capacity. There is concern for security, the infrastructure, water and gas. He asked the commission to think about how they would feel if they were living in this area.

Carl Stacher, 1679 Fern Creek Rd., stated that this area is one of the counties largest financial endeavors. He said that lots of people drive through the area. He said Newton County has a minimum of one-acre lots in the developments and wondered why Rockdale didn't do the same. He said the reservoir is in this area and Big Haynes Creek. One-acre lots are better.

REBUTTAL:

Mr. Fields said that he did not say any damage would not be his problem. He said if activities involved blasting, there is equipment to detect these things and insurance programs. He said the homes would be between \$250-300,000. Some of you have seen our product and it's a good product. There is the opportunity for a nice development. There will be an inferior product if it is AR zoning. We want to do this right.

COUNTY'S RECOMMENDATION:

Mr. Walker stated that there was no change to the Comprehensive Land Use Plan and R1 is compatible. Based on the revised site plan, we have revised the recommendation slightly, but it is still for approval with the following conditions:

1. One-acre lots to be located along the property lines adjoining Fern Creek and Gleaton Manor.
2. Minimum home size 2,000 square feet for a one story, 2,200 square feet for a two story.
3. No garage entrances on fronts of homes, except where side garage entrance is not feasible.
4. Sidewalks on both sides of the street throughout the development.
5. The total surface area of the front and sides of each home be 50% brick, stone or stucco with the remainder of the home being wood siding or hardy plank. No vinyl siding shall be permitted on the exterior of any home.
6. Two trees shall be located in the front yard of each home.
7. Mandatory Home Owners Association.

Dr. Weinstein asked Mr. Walker who determines whether side or front entry garage is used. Mr. Walker said it would be staff. He also asked why the 5th condition was changed from 3 sides brick, stone or stucco to the 50%. Mr. Walker said that as Dr. Rogers has pointed out, all brick, stucco and stone does not always work on all houses. Mr. Walker said it allows for some variety. Mr. Walker said they did add no vinyl siding.

Dr. Weinstein asked what the reasons were for R1 being appropriate. Mr. Walker said it is because it is a rough topographical piece and the lot widths are going to be a problem. He said the 183 lots is only a 1.13 density and far below a normal R1 development. Mr. Fields knows that he may not get 180 lots, but R1 gives some flexibility to lot width and size.

Ms. Kinsey asked about the agreement with the City of Conyers for sewer. Mr. Walker said Mr. Fields has been talking to the City and they are agreeable to that. Mr. Walker said Mr. Fields has been talking to them about a possible entry from Centennial Olympic Blvd.

Mr. Russell asked why staff did not ask for one-acre lots on Dennard. Mr. Walker said they only asked for one-acre lots where they abut adjacent residential lots.

Mr. Messer said that he thought there should be sewer and not septic. Mr. Walker said that Mr. Fields is going to bring in sewer and that it will need to be done that way. Mr. Fields can only do what the land dictates.

Dr. Rogers asked if the Homeowners Association would maintain the rock outcroppings. Mr. Walker that the Homeowners Association would.

Dr. Weinstein asked if there were any other questions.

DISCUSSION/MOTION:

Ms. Baxter said that it would be nice to leave it as a preserve but it is going to be developed. She said they couldn't stop development from coming. At least Mr. Fields has a reputation as a good developer and there can be a quality development.

Dr. Rogers said that he would have to agree because he has seen Mr. Fields work. He said the amount of lots is more reasonable now. Dr. Rogers said he feels that this will be a much nicer development.

Dr. Weinstein said that he is pleased with the reduction in lots and has seen other developments Mr. Fields has done. He is pleased with the one-acre lots backing the two subdivisions on either side.

Dr. Weinstein said that the density is almost the same as AR and is better that way. He said that if Mr. Fields does anything to damage the adjacent property when blasting, Mr. Fields will be held responsible for that.

Dr. Weinstein asked if there were additional comments.

Mr. Russell said the properties on the other side of the road were bigger lots and he would like to see one-acre lots along Dennard Rd.

Ms. Baxter asked if a couple of people got together and decided to rezone their pieces of property could they then just cram houses in.

Mr. Walker said that if someone else came in and rezoned to R1, they could do that.

Dr. Rogers asked if some of the people selling the land also own land on the other side of Dennard Rd. Mr. Walker said they did.

Dr. Weinstein said that he had been looking to see how many less lots there would be if the lots were one acre on Dennard. Dr. Rogers had figured there would be about four less.

Mr. Russell said that just the interior lots should be less than one acre. He felt that the entrance from Centennial Olympic Blvd would be used as a cut through.

Dr. Carter said if they did that, it would take some of the traffic off of Dennard and onto Centennial Olympic Blvd. There was some discussion about this.

Ms. Baxter said that she would like to make a motion for approval with the conditions staff had recommended. Dr. Rogers seconded it.

Mr. Russell said that he would like to add the one-acre lots on Dennard. Ms. Baxter said that she thought the smaller lots were fine and would be better taken care of by the individual homeowners. Ms. Baxter said she did not want to amend her motion.

Mr. Russell voted against the motion. All others voted in favor. Dr. Weinstein noted the opposition was about the one-acre lots on Dennard Rd.

ITEM R-9

CASE 2004/36

**A COMPREHENSIVE LAND USE PLAN AMENDMENTS AND
REZONING FOR A TOTAL OF 22.09 ACRES OF LAND AS
FOLLOWS:**

- 1. A COMPREHENSIVE LAND USE PLAN AMENDMENT
APPLICATION FOR 4.83 ACRES FROM OFFICE
PROFESSIONAL TO COMMERCIAL LAND USE AND
REZONING OF 4.84 ACRES FROM AR TO C1.**

**APPLICANT: SHERRY HILL
913 DOESKIN DR. NW
CONYERS, GA 30012
770-486-8713**

AGENT: TALA CORP, GENERAL PARTNERS FOR THE DANA GROUP
GREG HIGHTOWER, VP
600 HOIZE WAY B-6
ROSWELL, GA 30076
770-650-1044
LOCATION: 2659 DENNARD RD.
PARCEL: 87-1-60
LAND LOTS: 362- 16TH DISTRICT

2. A COMPREHENSIVE LAND USE PLAN AMENDMENT APPLICATION FOR 3.89 ACRES FROM OFFICE PROFESSIONAL TO COMMERCIAL LAND USE AND REZONING OF 3.89 ACRES FROM AR TO C1.

APPLICANT: MR. & MRS. STANLEY SCHWARTZ
2649 DENNARD RD.
CONYERS, GA 30013
770-483-0312

AGENT: TALA CORP, GENERAL PARTNERS FOR THE DANA GROUP
GREG HIGHTOWER, VP
600 HOIZE WAY, B-6
ROSWELL, GA 30076
770-650-1044
LOCATION: 2649 DENNARD RD.
PARCEL: 87-1-59
LAND LOTS: 362 – 16TH DISTRICT

3. A CONDITIONAL ZONING CHANGE FROM C1 CONDITIONAL TO C1 ZONING FOR 5.84 ACRES.

APPLICANT: THE ESTATE OF JAMES MCGARITY – AUDREY ANDREWS, EXECUTRIX
2100 GA HWY 138 NORTH AT DENNARD RD.
770-483-8799

AGENT: TALA CORP, GENERAL PARTNERS FOR THE DANA GROUP
GREG HIGHTOWER, VP
600 HOIZE WAY, B-6
ROSWELL, GA 30076
770-650-1044
LOCATION: SE CORNER OF GA HWY 138 NORTH AND DENNARD RD.
PARCEL: 87-1-58 & 64-1-55
LAND LOTS: 351, 352, 361, 362 – 16TH DISTRICT

4. A CONDITIONAL ZONING CHANGE FROM C1 CONDITIONAL TO C1 ZONING FOR 7.528 ACRES

APPLICANT: **ROCKDALE GREENS LIMITED PARTNERSHIP**
 600 HOUZE WAY, B-6
 ROSWELL, GA 30076
 770-650-1044

AGENT: **TALA CORP, ITS GENERAL PARTNER**
 GREG HIGHTOWER
 600 HOUZE WAY, B-6
 ROSWELL, GA 30076
 770-650-1044

LOCATION: **GA HWY 138 NORTH, NORTH OF AND ADJACENT TO**
 CENTENNIAL OLYMPIC BLVD.

PARCEL: **64-1-22B**

LAND LOTS: **351 – 16TH DISTRICT**

PRESENTATION:

Mr. Walker stated the agent for all the properties was Greg Hightower. The request is for C1 zoning to remove conditions from the McGarity and Rockdale Greens property and to amend the Comprehensive Land Use Plan from Office Professional to C1 and the zoning of the Schwartz's property from AR to C1. To the north is Conservation Residential land use with AR zoning, to the south is the city limits of Conyers and Centennial Olympic Blvd. With multi-family zoning in the city. To the east is Conservation Residential with AR zoning and to the west is commercial land use and zoning, office institutional land use and zoning and single family residential with R1, R1a and R1b conditional zoning. Also the Meridian property with commercial and R3 for 258 apartments, the Crossroads United Methodist Church, Hightower Trail Elementary School and River Ridge Subdivision are to the west. Public water is available, sewer will be needed. This is the last major intersection going toward Walton County on GA Hwy 138 that is slated for commercial development in Rockdale County. Staff believes major service should be planned in this area in order to provide services to the residents of the area and those located in the watershed protection area to the north. With each prior rezoning application, architectural guidelines, signage, parking and traffic circulation were reviewed and agreed upon by the applicants prior to the signing of each of the zoning cases. Staff still feel these need to be taken into consideration and can be adequately addressed with fewer restrictions. Tala Corp has asked to amend a number of previously required conditions based on their desire to develop a major shopping development. They have gone through the previously placed conditions and have marked the ones they are not willing to abide by or would like to amend. Staff has gone through these and has concluded that addressing these issues on an item-by-item basis would not adequately address conditions as they exist today for four separate properties and will consider it as a whole. Staff has re-reviewed the original conditions of zoning and some of them are obsolete. Rather than adding conditions to each piece of property, staff recommends the four properties be viewed as one proposal. Since the original rezoning, the county has instituted a tree ordinance. Staff believes the property across the street and to the northeast and southeast and this one should be developed consistent to each other.

APPLICANT:

Mr. Greg Hightower stated that he was the vice president of Tala Corp. He said Tala Corp is a corporation and is not a general partner for the Dana Group, but is the general partner for Rockdale Greens. He said the intent is to bring a shopping center to the north of I-20. They would like to have a major grocery store and would like to develop it with the needs of the residents.

Dr. Weinstein asked if they had a potential grocery store going in. Mr. Hightower said they have two potentials, but no one locked down yet.

Dr. Weinstein said they have received a few letters about the architecture of the store. He asked if Mr. Hightower had anything in mind. He said he did, that they would like to do the shopping center the same as the one done in Alpharetta on Windward Pkwy. Dr. Weinstein asked if he had brought any photos. Mr. Hightower said no, but there were some on their website, www.danainvestments.com.

Dr. Weinstein said that Mr. Breedlove, of Breedlove Land Planning, had some suggestions and that Mr. Hightower was in agreement with them. Dr. Weinstein said people did not want another Home Depot, Wal-mart shopping center.

Ms. Kinsey said that according to the site plan it looks like the property goes down Dennard Rd. for a piece. Mr. Hightower showed Ms. Kinsey the properties on her papers and explained how they are laid out.

Dr. Weinstein asked about the size of the store. Mr. Hightower said it is the size of a basic grocery store.

SUPPORT:

Mr. Robert Mumford, 884 Green St., stated that he was there to represent Crossroads United Methodist Church. He said that he wanted to read some provisions that they wanted. Cut off luminaries for parking lot and building using anti-glare fixtures, pedestrian scale lighting, reflective lighting where the lighting source is not visible, provide earth berming and landscape planning to give a filtered view of the parking and gas pump area. He said they would like to see increased tree islands in the parking lots. He said they are concerned about water quality because it will run directly into the Yellow River. They would like to make sure pervious pavement is used. Pedestrian linkage with the residential developments would be something they would like to see with sidewalks on the entire road frontage. Participate in a pedestrian overpass linking both sides of the streets. They would like the county to approve the architectural façade with stone or brick and the signage be monument signs with landscaping. They asked for a sanitary sewer manhole be provided on the east side of the right of way opposite Crossroads Dr. be provided. He also asked that the buildings be equal to that of the Fulton Greens development. His church has looked at the Fulton Greens development and was impressed.

Gary Alexander, 2669 Dennard Rd., stated he has lived in the area since 1982. He said they were very upset about the letter. But they know they cannot stop progress. He said they do not want to live behind the Kroger and they are going to move. He asked that this property be conditioned to his property getting rezoned. Dr. Weinstein told him that they couldn't condition this rezoning to his property getting rezoned. Mr. Alexander said he understood that.

Mr. Franklin Fambrough, 2600 Dennard Rd., stated that he lives across the street from the properties. He has lived there eighteen years and is concerned about the pollution. He does not know if he is for or against it. He said across the road is 18 acres that joins his property and goes up the hill. He said the county should just take the whole corner and they would all be out of there.

REBUTTAL:

Mr. Hightower said it is always troubling to come into a community and know that you are impacting people. He said that they want to be a positive impact. Dr. Weinstein asked if this would be similar to the Fulton Greens development. Mr. Hightower said that it would be.

RECOMMENDATION:

Mr. Walker said staff's recommendation is for approval to change the four parcels to C1, as there is a need for a shopping center in the north end of the county. He said they are also recommending approval for the land use plan amendments and listed all the rezonings and the land use plan amendments. Conditioned to the following conditions:

1. Conditioned upon development of each site as part of a 22-acre shopping center with a 70,000 square foot grocery store as presented by the applicant and out parcels.
2. Limited access to Dennard Rd. The shopping center shall be limited to two curb cuts on Dennard Rd. Location to be determined by Transportation Engineering for the Department of PS&E. Interior access to the out parcels only.
3. Freestanding ground supported signs to be monument style only. They shall adhere to the Salem Rd. Corridor Overlay requirements. No exterior neon lighting.
4. The massing of building facades oriented to public streets shall incorporate modulation with horizontal breaks at least every one hundred feet. Building materials for facades oriented toward public streets shall be constructed of brick, stone, textured concrete masonry units, stucco or glass. They shall have pitched roofs with a minimum pitch of 6/12.
5. Road frontages shall be bermed within the 25 foot landscape buffer the entire length of Dennard Rd. and along the frontage of GA Hwy 138 from the northwest property corner to a point where the development is 2 feet or less above the grade from the existing roadway to provide a visual screening of parking lots. The code required 50-foot buffer is to be enhanced with vegetation/trees to provide an 89% visual screening against adjacent residential property. Said buffer & enhancements to be protected by the use of tree protection fencing prior to any grading of the site.

Ms. Kinsey asked if sewer is available. Mr. Walker said that it was. Dr. Weinstein suggested making them follow the Salem Rd. corridor, but that it would change some of staff's conditions. Mr. Walker said that it would change some of the conditions. Mr. Walker said some of the conditions are taken from the Salem Rd. Overlay code.

DISCUSSION/MOTION:

Dr. Weinstein said that he wished he knew what the Fulton Greens development looked like. Mr. Walker said the staff's recommendations are trying to give a little flexibility, but enough structure to make sure it is a nice development. Dr. Weinstein said that he likes what Crossroads United Methodist has to say, but it's hard to condition this to something he has never seen.

Ms. Kinsey asked if Mr. Walker had taken what the Board of Education had to say. Mr. Walker said they had received a letter from the school system, church and Mr. Breedlove's recommendations the day before and had not necessarily included these in staff's recommendation. Dr. Weinstein said the school was concerned with alcohol sales, but he noted that the county would make sure that the distance requirements would be met. Mr. Walker said they would have to comply with the alcohol ordinance.

Ms. Kinsey asked if any pedestrian paths had been addressed. Mr. Walker said they do not have a site plan, so no, there had not been discussion of additional paths. Mr. Walker said that there had been no discussion of an overhead pass. He said that was something that the County and GDOT would have to look in to.

Ms. Baxter asked if it was the opinion of staff that this was the best intersection north of I-20 for this development. Mr. Walker said the majority of this site and right across the street has been designated for commercial development since the early 90's. It is the last major commercial area before you get into the watershed.

Dr. Weinstein said with the Salem Rd. Corridor the gas pumps could not be located in the front. Mr. Walker said that there are certain requirements of the Salem Rd. Corridor that may or may not be appropriate on 138.

Dr. Rogers asked what the parking requirements were. Mr. Walker said that parking is dependent on the square footage and the county is willing to look at a reduction in the number of parking spaces. Mr. Walker reiterated that the out parcels would have inter parcel access.

Mr. Russell asked where it was planned on stopping so there was not a domino effect down Dennard Rd. Mr. Walker said they would have to look at the land use plan and see what they can do. Mr. Russell said that a lot of times there is activity going on 24 hours a day. Ms. Baxter asked if the last condition was there to help with that. Mr. Walker said yes and the earlier the buffer is put in place, the better it will be.

Dr. Weinstein said that he would like to see the Fulton Greens and is for the shopping center. He wonders if the conditions go far enough for architectural controls. Mr. Walker said there might not have been a lot of conditions, but maybe it was in an overlay. Dr. Weinstein asked if Mr. Hightower had those conditions. Mr. Hightower said that there is a codebook that the county goes by. He said they have a design review board and we show the presentation and it is discussed with the board. Mr. Hightower said there is a standard code to be met in Alpharetta. Mr. Hightower said that he would like to leave it to staff to measure if they have met what they want. Mr. Walker said he has not looked at Alpharetta's code recently.

Dr. Weinstein asked if there were any other comments. Mr. Walker said that he would check the Alpharetta code. Dr. Weinstein asked for motions.

Dr. Rogers made a motion that we approve CLUP amendments and the rezonings with the conditions stipulated by the county. The motion was amended by Dr. Rogers to include the condition of having sewer to the development. Ms. Baxter seconded the motion. Dr. Weinstein, Ms. Kinsey, Mr. Messer and Mr. Russell abstained from voting, while Ms. Baxter and Dr. Rogers voted to recommend approval.

ITEM R-3

CASE 2004/30

COMPREHENSIVE LAND USE PLAN AMENDMENT FROM CONSERVATION/RESIDENTIAL TO HIGH DENSITY RESIDENTIAL AND REZONING OF 32.8 ACRES FROM R1 TO R3 FOR THE PURPOSE OF CONSTRUCTING 177 TOWNHOMES

APPLICANT: ALTONA MCCARTNEY HOLLAND
445 WOODS RD., NW
ROME, GEORGIA 30165
706-232-0905

AGENT: DANIEL S. DIGBY, ATTORNEY AT LAW
946 MAIN STREET
CONYERS, GEORGIA 30012
770-760-1771

LOCATION: 2484 OLD COVINGTON RD., NE
LAND LOT: 248 – 10TH DISTRICT
PARCEL: 92-1-2

PRESENTATION:

Mr. Walker stated that back on November 11th, the applicant asked for a deferral for a new site plan. On November 16th, at the Board of Commissioners Public Hearing, the applicant asked to be allowed to amend the application. On the 23rd the Board referred the application back to the Planning Commission for a revised site plan. At this point there has not been a new site plan.

APPLICANT:

Mr. Daniel Digby, agent, stated that they did ask for a deferral to get a new site plan together. The developer has been struggling with the new R3, which was enacted about a year and a half ago. They have met with staff to help them work through this. The problem is with the attached part. He said they are again asking for a deferral. They have met with staff to ask about a text amendment and have filed one. He said they would like it similar to what is already near them.

Dr. Weinstein asked if the applicant was going to be building townhomes. Mr. Digby said they would prefer not to build townhomes, but rather something detached.

RECOMMENDATION:

Mr. Walker said that Mr. Digby had filed a text amendment to R3 and it would come before them next month. He said the application had been deferred once and then sent back to you by the Board of Commissioners. He said staff recommends denying the deferral request. Staff still feels what they are asking for is inappropriate and recommend denial of this application.

Dr. Weinstein said their previous recommendation was denial. Mr. Walker said yes. Dr. Carter asked if denying the deferral would mean not seeing this again soon. Mr. Walker said a denial would cause them to go one year before reapplying. Ms. Baxter asked if it was more cost effective to deny it. Mr. Walker said the property has to be readvertised and the property will need to be posted again for the meeting it was deferred to. Ms. Baxter asked if it would mean that we would not see it again for another six months to a year. Mr. Walker said yes.

Mr. Russell said they do not have their act together because they still do not have a new plat. He said he did not see why they should keep deferring it.

Mr. Messer made a motion to deny the CLUP and the rezoning. Ms. Kinsey seconded the motion and it passed unanimously.

4. NEW BUSINESS

B. CITY OF CONYERS

ITEM C-1

CASE # 2004/11 **A REQUEST TO CHANGE THE ZONING OF 27.27 ACRES FROM RM CONDITIONAL ZONING TO RM TO INCLUDE TWO SPECIAL USE PERMITS – ONE FOR GROUP HOME FACILITIES AND ANOTHER TO PERMIT A DAY CARE FACILITY.**

APPLICANT: **SMYRNA CAMPGROUND AND PRESBYTERIAN CHURCH INC.
2920 GA HWY 212, SW
CONYERS, GEORGIA 30094
770-483-8962**

AGENT: **MICHAEL W. TYLER, ESQ.
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
ATLANTA, GEORGIA 30309**

LOCATION: **541 SIGMAN ROAD**

PARCEL: **57-3-94**

LAND LOTS: **292 AND 303 – 16TH DISTRICT**

PRESENTATION:

Marvin Flanigan stated that this was an application to go from RM conditional to RM with two special use permits. There are five units proposed (with two future) and a daycare. It is located on Sigman Rd. adjoins Sugar Hill and Callaway Crossing Subdivisions. There would be 30 apartment units. 27.2 acres of property with lots of trees and rock. It eventually adjoins the Old Dinky Trail by the Yellow River. Decel lanes and center turning lanes would be required if approved for rezoning. He said there were three other entities involved in this: Rockdale Emergency Relief, Dreamhouse for Medically Fragile Children Inc. and Rockdale Cares Inc. The site plan shows an administration building and a chapel with walking trails.

Ms. Kinsey asked where Rockdale Emergency Relief would be. Mr. Flanigan said RER was Rockdale Emergency Relief and they were the apartments.

Dr. Weinstein asked if each type of group home would have to get a permit. Mr. Flanigan said they would. He said the ordinance says the homes have to be 1,000 feet apart and the applicant is asking for a variance on that.

APPLICANT:

Michael Tyler, Attorney, stated that he was representing the Smyrna Campground and Presbyterian Church. He said that he was there with two of his law partners, Pete Glass and Trey Dye. There is 1,400 feet of road frontage. He said the property is densely forested and the northern property line is the Milstead Railroad bed to provide an additional buffer. To the south are a daycare and a church. To the east is Office Institutional. He said this basically amounts to a downzoning due to

lesser density than allowed. The property is currently approved for 132 units of multi-family housing and 30 units of multi-family housing. They are proposing 30 units of multi-family housing, a day care and a potential for seven group homes. One of them would be a combination day care center/group home. He stated they were not only asking for the rezoning, but also for two special use permits. One permit for the day care and one for the group homes. There is an ordinance that states how far group homes have to be from each other and they are also asking for a variance on this.

Rev. Glenn Busby, Pastor of Smyrna Presbyterian Church, stated that he was looking at the next step in their vision. They had received the property some time ago as a gift and thought at some point they would sell it. But after five or six years, did not sell it. He said they decided to try Senior Housing, but it did not pan out. He said they were back to square one and they began to pray about it. After a period of study, they decided there was a need in the community for them to develop this in order to help other entities in the community. He thought this development would serve a need in Conyers/Rockdale County.

Jeff Beech, Elder at Smyrna Presbyterian Church and project coordinator for all the entities, stated that he was going to give a brief overview. He said this is a vision for a model development that the community will be proud of and able to get involved in. Twelve other churches have expressed an interest in getting involved with this. He said it was amazing to see what is happening with it. He said their intent was to maintain the heavily wooded atmosphere in order to create a nurturing atmosphere. They want to provide residential housing such as respite care, emergency and transitional housing and specialized medical care for medically fragile children who would otherwise have to live in hospitals. They want to have a chapel. They believe this model will be desired and sought after by other communities locally and nationally.

SUPPORT:

Dean Alford, 1555 Reagan Circle, Conyers, stated that he was representing Rockdale Emergency Relief. He said they have a long history in the county supporting families in times of need. He said that this would allow them to give a place for people in times of need so they would not have to sleep in their cars. He said they are a helping hand and not a hand out.

Ms. Kinsey asked if they had a location in Conyers. Mr. Alford said they have a building where the food closet is and that would stay there. Ms. Kinsey asked if they would have that location and then this one. Mr. Alford said yes.

Dave Buser, 1127 Brookfield Dr., Conyers, Rockdale Cares, Inc., said that the reason they exist is to advocate for those who need people to advocate for them. He said respite is an opportunity to give special need citizens and their caregivers a better quality life. This home is a vision of their group, all volunteers.

Michele Glaser, executive director for The Dreamhouse. She said they are non-profit and their operations are currently in Lilburn in Gwinnet County. They have a corporate office there and a facility, which provides short-term transitional care and allows children to move out of the hospital and into a stable home environment and attend school while they are waiting for long term placement. She said they supply education to people who provide care. They alert people through community awareness that there are so many children living in our hospital system or in adult nursing homes that need to be transitioned into family home settings. She said they are heavily licensed by the state and the state has annual inspections. Most of the children will be in state

custody. This piece of property is ideal because it is so close to the hospital for when they go in for appointments. The Dreamhouse exists due to lack of resources.

RECOMMENDATION:

Mr. Flanigan stated that the applicant is asking that the zoning be changed from RM conditional to RM to include two special use permits. One to permit group home and the other for a day care. The purpose is to develop a multi-family campus designed to accommodate families with medically fragile children and special needs adults. The applicant is also seeking a variance on the 1,000 feet between group homes. It is the opinion of the city-planning department to recommend approval of this application and also waive the 1,000-foot separation.

DISCUSSION/MOTIONS:

Dr. Weinstein said that he thought it was a great concept and was very welcome in Rockdale County.

Dr. Rogers said that he too thought it was a wonderful concept and made a motion to approve with the variance. Mr. Messer seconded it and the motion passed unanimously.

ITEM C-2	PRELIMINARY PLAT APPROVAL – BRIDGESTONE BUSINESS PARK
APPLICANT:	SOUTHERN EMPIRE EGG FARM, INC. AND DAVIS FAMILY FOUNDATION
	1561 TANGLEBROOK DRIVE
	ATHENS, GEORGIA 30606
	770-617-2652
DEVELOPER:	SAME
AGENT:	PATRICK & ASSOCIATES
LOCATION:	EAST VIEW ROAD & GA HWY 138 NORTH
PARCEL:	68-1-3 & 3A
ACREAGE:	25.66
ZONING:	BG CONDITIONAL
LAND LOTS:	326, 341 & 342
TOTAL LOTS:	8

PRESENTATION:

Mr. Flanigan stated that this is a preliminary plat and was part of a road extension from the subdivision that would tie into the retail development. The applicant will require a variance on some of the lots. It is to be allowed to be less than 310' deep, which is required by the overlay district it is in. This would be lot 1, 7 & 6. The lot depth would be reduced to 257'.

Dr. Weinstein asked what would be going in there. Mr. Flanigan said that he did not know. Ms. Baxter asked what could go there. Mr. Flanigan said office, retail and limited commercial. This is going to be a quality development. They also are putting in bike lanes going back into the development.

APPLICANT:

The applicant or its agent was not at the meeting.

DISCUSSION/MOTION:

Dr. Carter Rogers said that the variance is not unreasonable. Dr. Rogers made a motion to approve the plat. Ms. Baxter seconded it and the motion passed unanimously.

C. ROCKDALE COUNTY

ITEM R-4 **PRELIMINARY PLAT APPROVAL – SHADOW LAKE, UNIT 6**
APPLICANT: **RAY HILL**
 JUDORAY DEVELOPMENT CO., INC.
 1201 NEWTON DRIVE
 MADISON, GEORGIA 30650
 770-342-1286
AGENT: **SAME**
LOCATION: **TREELINE DRIVE THROUGH UNIT 5 SHADOW LAKE**
 SUBDIVISION; MAIN ENTRANCE TO DEVELOPMENT
 FROM COWAN ROAD.
ZONING: **R1**
ACREAGE: **27.58**
NO OF LOTS: **15**
LAND LOTS: **114 – 10TH DISTRICT**

PRESENTATION:

Mr. Walker stated that this a preliminary plat and was phase six of this development. It meets all the code divisions and all departments have signed off on it, therefore staff recommends approval.

DISCUSSION/MOTION:

Dr. Weinstein asked if there were questions or motions. Dr. Rogers made a motion to approve. Ms. Kinsey seconded it and it passed unanimously.

ITEM R-5 **PRELIMINARY PLAT APPROVAL – SOUTH MILL, UNIT 2**
APPLICANT: **SCOTT HUFF**
 3109 GREEN GATE WAY
 CONYERS, GEORGIA 30013
 770-760-1603
AGENT: **SAME**
LOCATION: **TUCKER MILL RD AND LETHA MARIE WOODS DR.**

ZONING: R1 CONDITIONAL
ACREAGE: 54.84 ACRES
NO OF LOTS: 54
LAND LOTS: 172, 181 – 11TH DISTRICT

PRESENTATION:

Mr. Walker stated that there had been a slight change in the plat and he had given them new ones. The only difference was the right of way in the upper right hand corner. The plat has gone through review by all departments and all departments have signed off on it. Staff recommends approval.

DISCUSSION/MOTION:

Dr. Weinstein asked if there were any questions or motions. Ms. Kinsey made a motion to approve. The motion was seconded by Mr. Russell and passed unanimously.

ITEM R-6 A COMPREHENSIVE LAND USE PLAN AMENDMENT FOR
CASE 2004/33 71.08 ACRES FROM LOW DENSITY RESIDENTIAL TO
CONSERVATION/RESIDENTIAL AND REZONING OF 71.08
ACRES FROM AR TO R1.
APPLICANT: HENRY & ODELIA LAND
3800 GA HWY 138 SOUTH
STOCKBRIDGE, GEORGIA 30281
770-923-9636
AGENT: WES BONNER
885 BETHANY RD.
COVINGTON, GEORGIA 30016
770-527-6466
LOCATION: 3800 GA HWY 138 SOUTH
PARCEL: 15-3-12B
LAND LOTS: 151, 152 – 11TH DISTRICT

PRESENTATION:

Mr. Walker stated that staff had received a request from the engineer that the application be withdrawn without prejudice and staff supports the proposal.

Dr. Weinstein asked if this meant they could come back in six months and Mr. Walker said that is what it means.

APPLICANT:

Dr. Weinstein asked if the applicant was here. A man stood up and said he was there. But then his name was on a card to oppose. Dr. Weinstein moved on to discussion.

DISCUSSION/MOTION:

Dr. Weinstein asked if there were comments or a motion. Dr. Rogers made a motion to allow the applicant to withdraw without prejudice. Ms. Baxter asked what the difference was between allowing them to withdraw without prejudice and to withdraw with prejudice. Dr. Rogers told her with prejudice was a one year wait to come back and without prejudice allowed them to withdraw and come back in six months. Dr. Weinstein clarified by saying with prejudice was denial. The motion was seconded by Mr. Russell and passed unanimously.

ITEM R-7 REZONING OF 3.634 ACRES FROM M1 TO M2

CASE 2004/34

APPLICANT:

**DIVERSITECH, INC.
1512 OLD COVINGTON HIGHWAY
CONYERS, GA 30012
770-483-8720**

AGENT:

**GREER, STANDFIELD & TURNER, LLP, ATTORNEYS AT
LAW
P.O. BOX 1617
COVINGTON, GEORGIA 30015-1617
770-786-4390**

LOCATION:

**1434 OLD COVINGTON HWY., TO BE ADDED TO 1512 OLD
COVINGTON HWY.**

PARCEL:

PRESENTATION:

Mr. Walker stated that the application was asking for rezoning from M1 to M2. He said there was also a comprehensive land use plan amendment that was left off of the agenda. The purpose is to add this tract of land in to the plant facility for product storage and is currently undeveloped. Public water is available and sewer is on site. In 1966 this area was blanket zoned for M1 and many properties have become more intensive manufacturing. Rockdale County will require a 75' buffer against the residentially zoned property.

APPLICANT:

Mr. Turner, agent, stated that he was there on behalf of Diversitech, Inc. The property is bordered on the south and west by Diversitech's current facilities, north by Old Covington Hwy and east by three residential properties in the city of Conyers. It is currently M1 with no conditions and he said they were seeking M2 with conditions for storage of materials. He said the use they are seeking is outdoor storage, which is only allowed in M2. Diversitech has outgrown their facility and would like to keep their business in Rockdale County so they are asking for this rezoning. They will limit the use to just outdoor storage. They are also seeking a reduction of the buffer from 75' to 25' with the condition they erect a six-foot high fence and a row of evergreens. It is currently wooded with pine trees. He said they have spoken to all three neighbors. He said Mr. Lavigno said that he does not oppose the reduction in the buffer with the fence. He stated there were three representatives from Diversitech there. Ms. Kinsey asked if they could tell her more about Diversitech. Mr. Chuck Cox stated that Diversitech manufactures heating, ventilation and air conditioning business. He said currently they are manufacturing concrete pads that are to set under the air conditioning unit. They also do some plastic manufacturing including drain pans, tubing and conduit.

RECOMMENDATION:

Mr. Walker stated that staff did not have knowledge of Diversitech's contact with the R1 adjacent neighbors. He said that he understood that Mr. Turner had spoken to them and that one of them said they had no problem with the reduced buffer. Mr. Walker said if the other two are in agreement with that then staff has no problem with it. Staff would be in support of the change in the land use plan and the zoning change to M2 conditioned to a reduction of the buffer from 75' to 25' with enhanced landscaping and the 6' foot fencing.

Dr. Weinstein said Diversitech proposed uses not permitted. Mr. Walker said that staff does not feel it is necessary to condition them to the use they are using it for. Diversitech does what Diversitech does and staff does not feel they need to go into restriction of uses. Dr. Weinstein said they are allowed to do quarrying and land fills. Bunny Harbin and Marshall Walker reminded him that they would need a special use permit for either of those. Dr. Weinstein said if an applicant is willing to restrict it, why wouldn't you want to restrict it. Mr. Walker said that he does not feel it is necessary.

DISCUSSION/MOTION:

Dr. Weinstein said that he was of the opinion to approve it with the reduction of buffer but with the proposed prohibited uses by the applicant. That way if they ever sell it, the restriction will protect the surrounding neighbors. Dr. Weinstein asked for any other comments or motions. Dr. Rogers made a motion to approve the application with the conditions set forth by the applicant, seconded by Mr. Messer and approved unanimously.

ITEM R-8 REZONING OF 259 +/- ACRES FROM R1 TO R1B WITH AN AMENITIES PACKAGE

CASE # 2004/34

**APPLICANT: MARILYN T. KELLY & EAST SIDE LAND DEVELOPMENT CO.
P.O. BOX 458
CONYERS, GA 30012
770-760-0446**

**AGENT: I-20 EAST, INC.
KATHRYN M. ZICKERT, ATTORNEY AT LAW
FOR ROBBIE LANIER
755 COMMERCE DRIVE, SUITE 700
DECATUR, GA 30030
404-373-9411**

LOCATION: FARMER RD. AND IRWIN BRIDGE RD.

PARCELS: 41-1-4 & 41-1-8B

LAND LOT(S): 247, 263, 279 – 16TH DISTRICT

PRESENTATION:

Mr. Walker stated that this was rezoned in 1966 to R1. Surrounding these two properties is predominantly conservation residential with a mobile home park having high density to the north, to the south is conservation residential future land use with mostly R1 zoning, to the east is

conservation residential land use with an R1 zoning and to the west is conservation residential land use with an R1 zoning. Public water will be available. The applicant is requesting R1b, which requires sewer. Mr. Walker went over the requirements for R1 and the requirements for R1b. He said both R1 and R1b are consistent to the land use plan. Currently these are two separately recorded parcels of land. One of them is a heavily wooded lot with significant amounts of rock and access to Farmer Rd. The other section is accessed by Irwin Bridge Rd. and backs up to the Farmer Rd. portion. There are easements across the property.

APPLICANT:

Mr. Victor Ellis, lawyer and agent, stated that the 376 units on 259 acres would be a density of 1.45 units an acre, well within the 2.72 units allowed in conservation residential. There are two Georgia Power easements and a couple of streams, which is why we feel the 16,000 sq. ft. lots are more appropriate than the 20,000 sq. ft. lots. It will keep the individual lots out of those areas and will allow us to use that area for passive recreation. He said they would also have active recreation in the form of swim/tennis. He said currently they are looking at prices in the mid 100's. The R1 subdivision closest to them was built in the 70's in the 60,000-dollar range. This project would help meet some of the housing requirements of the future. The project will help preserve about 17 acres of green space and this is buildable Greenspace. Mr. Ellis said that this project is appropriate because of what is surrounding them and what is in the comprehensive land use plan. He said Ms. Harbin had given them a list of the five conditions proposed by staff and they are in agreement with them.

Ms. Baxter asked if there would be a mandatory homeowners association. Mr. Lanier said there would be.

Dr. Rogers asked if there was a 100-year flood mark where the streams go through. Mr. Aaron Frampton said that there is not a flood plain impacting the property except on one corner.

Dr. Weinstein asked if you could build a road over a power easement. Mr. Ellis nodded yes. Dr. Weinstein asked about the schools. Ms. Kinsey said the project is split zoned.

Dr. Weinstein said that he would like from the church down on Irwin Bridge to remain R1 in order to prevent a domino effect. He thought from the church to the creek would be good. Mr. Ellis thought that would be able to be done. Dr. Weinstein asked about sewer capacity. Mr. Ellis said it was available. Mr. Russell said it was not currently shown on the property. Mr. Ellis said they would have to bring it. Mr. Russell said it would be a long way to get it. Mr. Ellis said that it would be, but that is the price you pay.

Mr. Russell asked if they had done soil analysis. Mr. Frampton said they were not planning to have septic. They have done preliminary rock studies. There is a lot of rock and they will have to see if there is any trench rock. Mr. Russell said he was sure they were going to have trench rock.

Dr. Weinstein said they showed 376 lots, but did they know they were going to get that yield. Mr. Frampton said that is what they are proposing and they are hoping to move around some of the open space to accommodate the lots and the total amount of lots will not change.

Ms. Kinsey talked about concerns for the schools and asked if Mr. Ellis knew what the schools were for sure. Mr. Ellis said they get their information from the school system so that must be the schools.

Dr. Weinstein asked if there were any other questions.

OPPOSITION:

Mr. Donnie Adamson, 2160 Forest Rd., stated that he had lived there for 15 years and was adjacent to the property. He said his questions had been answered. But his concern was where Farmer and Rockbridge meet because it was a blind area.

Barron Williams, 2806 Irwin Bridge Rd., stated that he was currently building a home at 2806 Irwin Bridge Rd. Mr. Williams asked that they not allow R1b in the area and have them build homes that are in the mid 200's. He said that he was hoping the area would attract more expensive housing. He would like bigger lots and more upscale housing.

REBUTTAL:

Mr. Ellis said in response that compared to what is out there now, it is an upgrade. He said it might not be what Mr. Williams is hoping for, but it is an upgrade.

RECOMMENDATION:

Mr. Walker said that he would like to point out that there is a letter from Mr. Charles McGiboney addressing some of the concerns about this development from a transportation standpoint. It says any significant increase in traffic at the intersection of Farmer Rd. and Irwin Bridge Rd. could warrant a traffic signal. Similar conditions could exist at the intersection of Rockbridge and Farmer. Accel and decel lanes are recommended for entrances in to the subdivision. A traffic study will be needed to determine the impact of the development. Having said that, staff recommendation is for approval with the following six conditions.

1. A minimum home size of 1,600 sq. ft.
2. Sidewalks on both sides of the street throughout the development.
3. The fronts of all homes to be constructed with a minimum of brick, stone or stucco accents.
4. Two trees in the front yard of each lot to be selected from the Rockdale County plant palette.
5. Prior to issuance of any permits for this development, a traffic study satisfactory to Rockdale County will be submitted for review and approval. Developer to address impacts and signal warrants identified by the study.
6. A mandatory homeowners association to maintain all open spaces, amenities and common areas.

DISCUSSION/MOTIONS:

Mr. Messer asked about making the mandatory homeowners association function. He said that some of them don't. Mr. Walker agreed that some of them do not function.

Dr. Weinstein said that the Conyers development (the adjacent subdivision) had 1,800 sq ft. for a ranch and 2,000 for a two story. He also asked why garages were not asked for. Mr. Walker told him he could include that. Ms. Baxter asked if it would be two car garages. Mr. Walker asked if Dr. Weinstein asked if he would like to add that to number one. He said that he would. The conditions were amended to include that. Dr. Weinstein said he would also like the square footage to be 1,800. Ms. Baxter said that she thought it would be better to be more compatible with the

adjoining subdivision. Mr. Russell said that he thought that would help Mr. Williams with his home. Ms. Baxter said that if it was a more expensive home, would you want to live so close to a mobile home park. Dr. Weinstein said that he would also like the property along Irwin Bridge to remain R-1. Mr. Walker asked if that was from Irwin Bridge to the creek. Dr. Weinstein said yes. That was added as seven to the list of conditions.

Dr. Weinstein asked for other comments or motions. Someone asked about the changes. Dr. Weinstein said the changes he had asked for were R1 along Irwin Bridge to the first creek, 1,800 sq ft house and a two-car garage. Mr. Walker clarified the changes. Dr. Weinstein said yes, those were his thoughts.

Dr. Weinstein asked for any other comments or thoughts. He then asked for motions. Mr. Russell and Ms. Baxter said they were fine with the conditions. There was then general discussion to clarify why there were seven conditions and not 8. Mr. Russell made a motion to approve with the seven conditions. It was seconded by Dr. Rogers and passed unanimously.

Dr. Weinstein asked for a motion to adjourn. The motion was made by Mr. Russell and seconded by Dr. Rogers and passed unanimously.

The meeting adjourned at 10:58 P.M.

Dr. Steve Weinstein, Chairman

Denise Kemp, Recorder