

## **MINUTES**

### **HENRY COUNTY ZONING ADVISORY BOARD**

The Henry County Zoning Advisory Board held a Public Meeting with a Work Session at 6:30 p.m. and a Public Hearing at 7:30 p.m. on Thursday, January 25, 2007, in the Community Meeting Room, Henry County Administration Building, 140 Henry Parkway, McDonough, Georgia. Notice of these meetings was posted in the entrance foyer of the County Administration Building. *The Daily Herald* was notified of these meetings. Those present were:

Scott McCarter, District I, Chairman - presiding  
Pamela White, District II  
Charles Mobley, District III, Vice-Chairman  
William Herndon – District IV  
Michael Hightower, District V  
Ray McDonald, City of Stockbridge  
Andy Calhoun, County at Large  
Allen Guimarin, Board of Education

Also attending were Ray Gibson, Planning & Zoning Director; Cheri Hobson-Matthews, Planning and Zoning Assistant Director; David Simmons, Engineering Manager, Department of Transportation; Doug Gilbert, Building Department Director; Chief Joe Kelly, Fire Department; Jessica Guinn, Planner II; Andrella Slaughter, Planner II; Brecca Sherow, Planner I.

(NOTE: An audio of this meeting is available with the County Clerk in the Board of Commissioners' Office and will be retained for a period no less than twelve (12) months from the date of this meeting.)

A public Work Session was held at 6:30 p.m. The Zoning Advisory Board discussed the Agenda and staff recommendations, with no votes taken during the meeting.

Scott McCarter, Vice-Chairman, called the meeting to order at 7:30 p.m.

Vice-Chairman McCarter announced that the first order of business would be to elect a Chairman and Vice-Chairman for the ensuing year. The Vice-Chairman called for nominations for the Chairman of the Zoning Advisory Board.

Ray McDonald nominated Scott McCarter.

Charles Mobley seconded the nomination of Scott McCarter.

Vice-Chairman McCarter asked if there were any other nominations for the Chairman's position.

William Herndon moved that nominations for the Chairman be closed. Charles Mobley seconded the motion. Michael Hightower moved to elect the Chairman by acclamation. Charles Mobley seconded. The vote was unanimous to elect Scott McCarter by acclamation.

Chairman McCarter asked for nominations for the Vice-Chairman.

Andy Calhoun nominated Michael Hightower for Vice-Chairman. Charles Mobley seconded the motion.

Pamela White nominated Charles Mobley for Vice-Chairman. Michael Hightower seconded the motion.

Chairman McCarter asked for a motion to close the nominations.

William Herndon moved to close the nominations. Andy Calhoun seconded the motion to close the nominations for Vice-Chairman.

Michael Hightower asked to be withdrawn from consideration. Andy Calhoun withdrew his nomination of Michael Hightower.

Chairman McCarter stated that the motion would be for Mr. Mobley to be the Vice-Chairman. The vote was unanimous for Charles Mobley to be the Vice-chairman for the ensuing year.

Reverend William Herndon gave the invocation. Chairman McCarter led the Pledge of Allegiance to the Flag.

Chairman McCarter stated the next item on the Agenda was the acceptance of the Agenda, and asked for any changes that might need to be made. Hearing none, the Chairman entertained a motion for the acceptance of the Agenda.

William Herndon moved to accept the Agenda as amended. Michael Hightower seconded the motion. The vote was unanimous to accept the Agenda as amended.

Chairman McCarter stated the next item was the approval of the January 11, 2007 minutes, and asked if there were and additions or corrections.

Michael Hightower moved to approve the January 11, 2007 Zoning Advisory Board minutes. William Herndon seconded the motion. Chairman McCarter asked for any further discussion. Hearing none, the Chairman called for the vote. The minutes from January 11, 2007 stand approved as printed.

Chairman McCarter asked for any comments from Staff.

Ray Gibson, Director, stated there were no comments.

Chairman McCarter gave a brief explanation to the audience on how the meeting would be conducted. The Chairman stated that Staff would give a presentation for each item. Then there would be ten (10) minutes for the applicant and anyone else wishing to speak in favor of each item, followed by ten (10) minutes for anyone wishing to speak in opposition to the item. There would then be questions from the Board for the applicant. The Chairman asked that anyone speaking please fill out the speaker cards and leave them on the podium or give them to staff. He also asked that they state their name and address for the record before making their address to the Board.

Chairman McCarter called for the first item, Conditional Use, **CU-06-33**.

**CU-06-33**

David Gardner of McDonough, GA requests a conditional use for property located on the east side of Highway 155, north of Bill Gardner Parkway. The property is located in Land Lots 210 and 211 of the 2<sup>nd</sup> District, consisting of 2.76+/- acres. The request is for a veterinary clinic. **District 2**

Jessica Guinn, Planner II, introduced the item; Brecca Sherow, Planner I, represented Staff.

Brecca Sherow stated the applicant was requesting a Conditional Use for a veterinary clinic within a C-2 Zoning district. The Zoning Map shows the property as C-2, with C-2 to the immediate south, and one M-1 property that is currently vacant, which is proposed for a self-storage facility. Ms. Sherow stated the applicant was proposing a 6,000 square foot building that would facilitate about thirty (30) animals. Ms. Sherow stated that the area is transitioning from rural to commercial, to the west of the property is the new Publix shopping center, to the north the property is vacant, to the south is C-2 for future commercial uses with the self-storage facility being M-1, and to the north of the property

it is zoned RA. However, the Future Land Use Map does designate that parcel for commercial and services, so at some point that property may be rezoned for commercial. Ms. Sherow stated that according to the Ordinance at this time, the applicant would be required to have a forty foot (40') buffer along the northern property line where there is residentially zoned property; however staff recommended removal of that condition since it is a requirement of the ordinance.

Chairman McCarter asked for questions from the Board for Ms. Sherow. Hearing none, the Chairman asked the representative for the applicant to come to the podium.

**David Gardner**, 275 Butler Bridge Road, stated they were proposing to build a veterinary clinic on the 2.76 acres for the treatment of animals. He stated that condition #1, about there being no outside pens and runs; that they agreed with that part of the condition. Mr. Gardner stated they had concern with the condition regarding the segment about 'no animals shall be boarded overnight at the proposed veterinary clinic', stating that there would be animals that would need to stay overnight as part of their treatment, and would ask that condition #1 be modified to allow overnight stay of animals under direct veterinary care. Mr. Gardner asked that the exterior façade be similar to stone and modified logging material to have the appearance of a horse barn to fit into the area. Mr. Gardner expressed concern over the forty foot (40') buffer zone along the residential piece of property to the north as it will probably be rezoned commercial as well. He stated they would need to apply for an administrative variance to reduce that buffer area in order to accommodate the building location.

Chairman McCarter asked for anyone in the audience wishing to speak in favor of the request. Hearing none, the Chairman asked for anyone wishing to speak in opposition to the request. Hearing none, the Chairman entertained questions from the Board for the applicant.

Chairman McCarter stated that the applicant was requesting that on condition #1, the phrase 'no animals shall be boarded overnight' was interpreted to mean boarding animals just for the sake of boarding animals, and that animals being boarded for part of their treatment would be allowed. The Chairman asked Mr. Gardner if that answered his concern regarding that phrase in condition #1.

Mr. Gardner stated that it satisfied his concern regarding that condition.

Chairman McCarter asked Mr. Gardner if all four sides of the proposed building be of the same material he had proposed. Mr. Gardner stated that all four sides would be constructed out of the same materials.

William Herndon asked if the building would be similar to the McDonough Animal Hospital.

Mr. Gardner stated it would be pretty much the same barn type atmosphere; stating that his would look a little more like a horse barn than what McDonough had. The proposed structure would be brick/stone up to a certain point and then the log type structure going up from there. Mr. Gardner placed some pictures on the viewer for the Board and the audience to see what was being proposed.

Chairman McCarter asked if it were a log material.

Mr. Gardner stated it was not true log, but a cross section of them to give the appearance of logs, but it was actually log cabin type but would have that look to it.

Pamela White stated that on condition #2 they would basically need to state the building would be constructed of brick, stone, stucco, logging materials, or any combination of these materials.

Ray Gibson, Director, asked that the exhibit be included as part of the condition.

Chairman McCarter asked for any further comments.

Pamela White asked if the applicant had any other veterinary clinics.

Mr. Gardner stated there were three in the County, Eagle's Landing Veterinary Hospital located at 1635 Highway 42 North, which is at the corner of Jodeco Rd. and Highway 42; two vaccination clinics in shopping centers, one at the Kroger Shopping Plaza at Highway 155 and East Lake called Eagle's Landing Vet Express, and one at Locust Grove in the Ingles shopping center, Eagle's Landing Vet Express, South. Mr. Gardner stated his wife was Dr. Lisa Chambers, who is the veterinarian.

Pamela White asked the applicant if he would have a problem with being conditioned to sidewalks along Highway 155.

Mr. Gardner stated he would not mind, as long as everyone else was being required to put sidewalks in. He stated he didn't want to be the only one to have sidewalks.

Ms. White stated the new developments on the other side of the street were required to put in sidewalks.

Chairman McCarter asked for any further comments from the Board or Staff. Hearing none, the chairman reread the item and entertained the motion.

Pamela White moved to approve with the conditions that Staff has recommended along with a few changes: to eliminate condition #6, modify #2 to read, "All buildings shall be constructed of a combination of two or more of brick, stone, stucco, glass or logging veneers as shown in photo."; and add an additional condition that states sidewalks shall be installed along Highway 155."

Chairman McCarter stated there was a motion for approval with 13 conditions. William Herndon seconded the motion. The Chairman asked for any further discussion.

Charles Mobley stated condition #6 had been deleted and asked if there would be any landscaping.

Ray Gibson stated he would be giving the administrative approval and would make that condition as to what should be added.

William Herndon commented that there would be an administrative approval instead of a variance request.

Mr. Gibson stated that was correct.

Andy Calhoun asked if right-of-way needed to be preserved for the future widening of State Route 155.

Chairman McCarter stated that would be covered under condition #10. The Chairman asked for any further discussion. Hearing none, the Chairman stated there was a motion for approval and a second, and called for the vote. The vote was unanimous to approve the request.

**The Zoning Advisory Board APPROVED CU-06-33 with the following thirteen (13) conditions:**

1. No outside runs or pens shall be placed on the property and no animals shall be boarded overnight at the proposed veterinary clinic.
2. All buildings shall be constructed of a combination of two or more of the following material: brick, stone, stucco, glass or logging veneers as shown in Exhibits "A" and "B".
3. All building, fire and accessibility codes shall be met for the proposed veterinary clinic.

4. All signage, not attached to a building, shall be monument-based not to exceed ten feet (10') in height and shall be constructed of materials consistent with the architectural design of the primary building(s).
5. A detailed landscape plan shall be submitted to and approved by the Development Plan Review Department per the requirements set for within Article X. Buffer Areas of the Henry County Ordinance. Provided that the natural buffer along the eastern portion of the property is adequate, an additional buffer may not be required.
6. An exterior lighting plan shall be submitted to the Development Plan Review Department and shall require that all lighting be of moderate brightness and consist of downcast lighting.
7. Parking requirements shall be addressed during the Development Plan Review stage in accordance with *Section 3-7-212. Parking and Loading Requirements* of the Henry County Code of Ordinances.
8. Any dumpster(s) shall be placed on a concrete pad and enclosed on three sides. The enclosure shall be a minimum of six (6) feet in height and the materials shall be consistent with that of the primary structure.
9. The applicant shall coordinate with the Georgia Department of Transportation and SPLOST regarding road access via ingress/egress lanes from State Route 155 and the preservation of right-of-way for future road improvements along State Route 155.
10. Parking for the development shall meet the requirements of the Henry County Code of Ordinances.
11. The conditional use, under the C-2 (General Commercial) zoning designation shall allow for the use of a veterinary clinic only.
12. Sidewalks shall be installed along Highway 155, in accordance with the standards set forth in the Ordinance.
13. Notwithstanding anything to the contrary herein, no zoning conditions imposed herein shall be interpreted or applied in such a manner so as to require any violation of any existing building, development, stormwater and/or any other applicable codes.

Chairman McCarter called for the first item under Rezoning, **RZ-06-67**.

**RZ-06-67**

Hudgins Communities, Inc. of McDonough, GA requests a rezoning from RA (Residential-Agricultural) to R-2 (Single-Family Residence) for property located on the south side of King Mill Road, west of Iris Lake Road. The property is located in Land Lot 217 of the 7<sup>th</sup> District, consisting of 30.62+/- acres. The request is for the development of a single-family residential subdivision. **District 1**

Ray Gibson introduced the item; Jessica Guinn, Planner II, represented Staff.

Jessica Guinn stated the applicant was requesting to rezone 30.62+/- acres on King Mill Road from RA to R-2 for Phase V of Lake Iris @ Williamsburg Plantation Development. Ms. Guinn stated the property was currently zoned RA and is surrounded by properties that are also RA. She stated that to the south was the existing Lake Iris development which is zoned PD (Planned Development). Ms. Guinn pointed out on the Future Land Use Map that the subject property is designated for industrial and wholesale land uses; however, the existing industrial land uses are concentrated on Highway 42 and also on the west side of King Mill Road. The subject property is surrounded by residential land uses and Staff feels that a residential land use would be more appropriate for the subject property than an industrial land use would be. Ms. Guinn directed attention to the site

plan, stating the applicant was proposing 46 homes with a minimum lot size of 18,000 square feet, and that the property is serviced by the County sewerage system. She stated the net density of the proposed development would be 1.74 dwelling units per acre. Ms. Guinn stated the property was located within the Tussahaw Creek Watershed Protection District, and that the proposed net density met Watershed Ordinance requirements. She stated the applicant was proposing homes with a minimum size of 2,000 square feet with the front elevation consisting of brick and the remaining sides being constructed of brick and cement fiber board as is currently existing in the Lake Iris development. Staff recommended approval of the request with the conditions that are listed in the Staff report; however Ms. Guinn recommended a change to condition #3. She stated that currently condition #3 called for a fifty foot (50') wide undisturbed buffer on the east and west property lines, where the site meets residential land uses; however, upon visiting the site, and further consideration, Ms. Guinn thought that a buffer along the King Mill Road frontage would be more appropriate. Ms. Guinn recommended changing condition #3 to read: 'that a twenty-five foot (25') wide vegetated buffer shall be required along the sites frontage on King Mill Road', and from that point the rest of the condition would be as it is in the report.

Chairman McCarter entertained questions from the Board for Ms. Guinn. Hearing none, the Chairman asked the representative for Hudgins Communities to step up to the podium.

**Mike Horne** represented Hudgins Communities. He stated they were located at 125 Westridge Industrial Boulevard in McDonough. Mr. Horne stated they were requesting rezoning from RA to R-2. He stated the proposed development would be Phase V of the Williamsburg Plantation Development, the Lake Iris portion. Mr. Horne stated they were first rezoned in December of 2000 as a Planned Development that was 480 lots, and this development would add another 46 lots to the Planned Development, which received a DRI (Development of Regional Impact) approval in 2000. He stated that by adding Phase V they were essentially trying to get access to the north side of Lake Iris. Mr. Horne stated that just below the proposed development was a portion of Phase IV of Lake Iris, stating that portion was 105 lots and currently the only access to that property was through a private driveway that extends behind the back of Lake Iris and into the existing subdivision. Mr. Horne stated he had an overall Master Plan of Williamsburg Plantation that he placed on the viewer and indicated the proposed Phase V, and pointed out Phase IV which was highlighted in yellow. He indicated the location of the drive, which was actually a private road that gave access, and this development would give public access to a county road, which was the reason for adding this site to the development. Mr. Horne stated they felt that was the best way to get access to the north end of the lake. He stated they did have a small portion of right-of-way just north of the lake on Lake Iris Road, but after looking at that access point it was not wide enough for a public road, so that was essentially why they were adding this 30 acres to the plan. Mr. Horne stated that Phase V would essentially be an exact mirror of the Lake Iris development. He stated that currently the homes in that development were exceeding 350k and up, and that every home site north of the lake would mirror those covenants and restrictions. Mr. Horne stated they didn't really have a problem with the 25' buffer on King Mill Road, and were actually considering extending a buffer all the way down the road anyway. He stated that along the Lee Wall property, the property to the west of the thirty (30) acres, which he indicated on the site plan; that the buffer be done away with. He stated that currently that property was not developed and was RA, and as staff had said was an investor property and that he believed the owner was holding onto the property for an industrial type use, and that the proposed development would not impose any negative impact on the property. Mr. Horne asked that they be allowed to do away with that buffer.

Chairman McCarter asked for anyone in the audience wishing to speak in favor of the request. Hearing one, the Chairman asked for anyone wishing to speak in opposition to the request.

**Michael Burns** stated he lived at 313 Galahad Court, which is directly behind the proposed development. Mr. Burns had several comments as far as the evaluation report, stating he was a little confused. "It says on page 4 that the proposed development, the average house size is a minimum of 2,000 square feet, and on page 2 it says the minimum

house sizes will be as follows: 1/3 1,500 square feet, 1/3 1,600 and 1/3 1,800. Is it 1,500 or is it 2,000? I don't understand, and to hear the developer tell me that those houses are going to cost 350k and they are 1,500, 1,600, and 1,800 square feet.... Amenities are great, but I don't understand how that is possible."

**Donna Cannon**, 435 Lancelot Trail in King Forest Estates, stated her concern was the road. Ms. Cannon stated that in talking with staff and with the DOT, that none in the County had any plans to make any improvements to the road. She stated the road was a small county road. Ms. Cannon stated that when she goes down the road everyday she hugs the right line, that if there is any type of a large vehicle, like an Excursion, she would be hugging the side of the road so that she didn't hit the side of the other car. Ms. Cannon stated that if the developer wanted to come in and put an access into the subdivision, she felt like there would be so much construction traffic going in and out that there would be accidents. She stated the amount of traffic on the road had increased dramatically since they had moved into the subdivision about four and a half years ago. Ms. Cannon stated the traffic had an exponential amount of cars and trucks along the road. She stated they moved to the area to be out in the country where they could enjoy seeing the deer and other animals. Ms. Cannon stated one of the first things that happened to them when they first moved into their home was a farmer was riding his tractor down the road and he stopped us to ask if we had seen his lost cow. She stated she didn't want to see that atmosphere lost, and with what the developer wanted to do that the natural buffer along King Mill Road that they so dearly enjoyed would be gone, sacrificed to another subdivision which the infrastructure can't support in that area. She stated that Williamsburg already had an entry point there and at some point along the road the DOT put in a really nice entry point that she was sure cost at least a million plus along Highway 42, that was a really nice way of getting into and out of the subdivision there and she would like to encourage them to use that entry point. She stated there was also an entry point on the back side on Lake Iris Road, and also on Harris Road. Ms. Cannon pointed out that with so many ways in and out of the subdivision, it would make it easy for anyone wishing to come in and commit a crime to get out of the area. Ms. Cannon respectfully asked the Board not to allow the entry access on King Mill Road, and she concurred with the other items the previous speaker brought up.

**Jim Lee**, 218 Arthur Drive, lives around the corner. He didn't want to argue against the developer's right to develop land as he sees fit. Mr. Lee stated his concern was the traffic. He had lived there for seven years and had watched the County explode. He stated he too felt like road improvements should be done. Mr. Lee pointed out that all access to the new neighborhoods, and those proposed in the future, the only access to the Highway 42 or I-75 is north on Iris Lake, which comes out onto Racetrack, which is a two lane country road. He stated that Racetrack is a little wider than a typical two lane country road. Mr. Lee pointed out that to the south access was onto 42. He pointed out that there were three entry/exit ways for all the neighborhoods and the road was not being widened and no traffic regulation, turn lanes, etcetera. Mr. Lee stated that with the rapid population growth in the area that time was against them and it was only a matter of time. He stated that with building new neighborhoods come children, and with children more traffic going to school and school buses. The roads are not wide enough and it is evident by the County continuously going out to fill in the tracks where cars are running off the sides of the road because the roads are not wide enough. In difference to the builder, Mr. Lee wasn't going to argue as to his right to build. Mr. Lee asked the Zoning Advisory Board to put as a stipulation to any further development anywhere in the County is that when you approve these type of neighborhoods, along with it comes the traffic study to see what is going to happen after the neighborhood is completed and everybody is commuting back and forth to work, school, etcetera. That is what is worrisome out there. Mr. Lee stated that for those who lived out that way they knew that making the turn onto Racetrack everyday was taking a chance, and if you really wanted to take a chance on your life then try and make a left turn onto Highway 42. Mr. Lee stated that when I-75 got clogged up, Highway 42 was the alternate going south, which is exactly where King Mill comes out to. He also pointed out that further industrial development would be there in the future. Mr. Lee asked the Board to consider what was going to happen three, four, five years from now after all the developments out there are finished. He asked what was the county going to do about the traffic, fire, police, etcetera, etcetera.

**JoAnn Randall**, 212 Arthur Drive, stated she confirmed everything that had been said. Ms. Randall stated the two lane road that comes in, King Mill, is such a narrow road that it is almost impossible to pass a large vehicle going in the opposite direction, and to get even more traffic on that road, it just couldn't hold anymore traffic. She stated it was impossible to get out on Highway 42 if you had to make a left-hand turn, and traffic from a subdivision coming in that way would just make it extreme. She asked that there not be access to their subdivision from King Mill Road.

**Carla Armour**, 447 Lancelot Trail, stated she agreed with her neighbors. Ms. Armour stated her family had been there for almost six years and had watched it grow, and the traffic has increased a lot. Ms. Armour stated that turning off Highway 42 onto King Mill was a risky turn. She stated that even taking a right turn off of King Mill, or a left turn onto Highway 42, was very risky and asked that there be a lot of restrictions placed on putting access onto King Mill Road.

Chairman McCarter asked Mr. Horne back to the podium.

Chairman McCarter asked Jessica Guinn to address the house sizes in the report.

Jessica Guinn stated the smaller house sizes that were listed were actually part of the conditions on the original rezoning. She stated the original rezoning included the Lake Iris development as well as the Colonies development. Ms. Guinn stated that the

Colonies had smaller homes than Lake Iris and the homes the applicant was proposing were the 2,000 square feet which would be consistent with what is currently in Lake Iris.

Chairman McCarter further clarified, stating the smaller house sizes listed in the report were just a condition placed on the overall PD. The Chairman asked if there were any references to any proposed road improvements in the area, or were there any the DOT may have information on.

**David Simmons** stated one that he had become aware of was part of the DRI concerning the box warehouse on Highway 42, was that the Georgia Department of Transportation had plans to signalize both King Mill intersections at Highway 42. He stated he did not know the exact timing for the project, but would try to find that information out before the Board of Commissioners meeting. Mr. Simmons stated he thought it might be the next two to three years.

William Herndon asked if King Mill Road was somehow structurally different in size, since everyone seems to say exactly the same thing.

David Simmons stated that King Mill was probably 19' wide, a standard two lane road that if it were new would be 24' wide, so yes, it is narrow. Mr. Simmons stated there were several narrow roads, probably more so in the southern end of the county, but they could be found county wide. Mr. Simmons stated he did not know of any plans to widen King Mill.

William Herndon asked if it would be realistic to say that two SUVs meeting each other would have difficulty passing.

David Simmons stated if the driver were paying attention to what he was doing there wouldn't be a problem, that he would be more concerned about big trucks, such as construction vehicles, tractor trailer traffic at the industrial properties.

Chairman McCarter stated that the property was designated as industrial property on the Future Land Use Map and asked Ms. Guinn for her thoughts on recommending this a residential rather than industrial.

Jessica Guinn stated the area adjoins the existing Lake Iris to the south, and the properties to the north, east and west are all zoned residential-agricultural. Ms. Guinn pointed out on the Future Land Use Map that the property was the only property on the south side that far to the east that was designated for industrial uses. She stated that given the



existing uses of the area, and also the size of the property, she didn't know how much industrial use you would be able to get on that property. Ms. Guinn felt like residential use would be more appropriate for the area.

Chairman McCarter asked Mr. Horne to review the house sizes in reference to the original house sizes in the PD, and what had actually been constructed in the PD.

Mike Horne stated that obviously much larger houses than that. He stated that was was zoning condition back in 2000, and he was not sure of the exact square footages as far as minimums and maximums of what had been built. He stated that even most houses in the Colonies are approaching 1,800 to 2,000 square feet and are currently selling in the high 190s up to about 250k. Mr. Horne stated in the Lake Iris portion of the development there were homes around the lake that were over 4,000 square feet that are a half a million dollars. He stated they tried to set a minimum in there that will obviously be above the 2,000 range. He stated they weren't going to degrade the subdivision in any way.

Chairman McCarter inquired about the east side of the property stating that it looked as if, based on their survey, that it did not go all the way to Lake Iris Road.

Mike Horne stated there was actually an old hunting lodge there, Dogwood Plantation. He stated there was approximately a ten acre parcel that would be between the subdivision and Iris Lake Road and King Mill Road. He stated Mr. Lambert was actually keeping that property and it will remain there as a special event type place.

Chairman McCarter asked for any further questions from the Board.

Ray McDonald asked about coming off of King Mill Road to get to this area. Mr. McDonald asked Mr. Horne how they were going to get to it.

Mike Horne stated at the north end of the property there was like a private driveway that goes around the back of the lake. He stated that was why they were proposing the development. Mr. Horne stated the parkway going through the middle of the development was not a county parkway, the developer actually built that. He stated it was a mile long parkway specifically for the development and to help with the traffic congestion. Mr. Horne stated that there were three pretty good roads that could be accessed to get to McDonough or to the interstate.

William Herndon asked if there was a way to get the potential new homeowners out of the development faster and easier.

Mike Horne stated that with the road network they had it was certainly a plus, not all developments had that many entry points. Without the road, residents would have to use the private drive and go around the lake and everybody come out onto the John R. Williams Parkway. Mr. Horne stated there were four subdivision entries onto John R. Williams Parkway now, and the majority of the people actually used that road and a small portion of the Colonies uses Harris Road.

Chairman McCarter asked for any further questions from the Board.

Andy Calhoun asked Mr. Horne if they would be willing to work with the County for widening King Mill Road.

Mike Horne stated he had talked with David Simmons before the meeting and there might be a right-of-way donation they might need to get the road up to perfect right-of-way standards. Mr. Horne stated they planned on having a buffer in front of the subdivision, so he didn't think it would be difficult to work with the County on some sort of improvement out there, a right-of-way donation.

David Simmons stated what they were talking about would strictly be a right-of-way donation type issue, also in combination with the condition of sidewalks there might be an additional ten feet (10') of right-of-way in order to put the sidewalk in.

Andy Calhoun asked if they would consider two feet of pavement on each side of the road, stating that might address some of the concerns of the citizens.

Mike Horne stated he would have to take that back to the owner and propose that to him as far as actually physically widening the road.

Chairman McCarter recommended they work with DOT prior to going to the Board of Commissioners to try and find some solution.

Chairman McCarter reiterated to the audience that the Zoning Advisory Board made recommendations on rezonings, and that the final decision was made by the Board of Commissioners when the request was presented to the Board

Chairman McCarter asked for any further comments from the Board. Hearing none, the Chairman turned the meeting over to the Vice-Chairman as this request was in his District.

Vice-chairman Mobley reread the item and entertained the motion.

Scott McCarter, District I, moved to approve the request with the seven (7) conditions that Staff has recommended, making adjustments to two of those conditions. Condition #3, change to read "A twenty-five foot wide undisturbed buffer shall be required along the frontage of King Mill Road"; amending condition #4 to add "applicant shall work with the Henry County Department of Transportation about right-of-way for road widening"; and add additional condition that the house sizes in this subdivision shall be a minimum of 2,000 square feet and shall be constructed of in the same manner as the subdivisions in the related Planned Development. Andy Calhoun seconded the motion.

Vice-Chairman Mobley asked for any discussion from the Board.

William Herndon stated he wanted to be sure on the square footage that that was heated space.

Vice-Chairman Mobley stated that it was heated space.

William Herndon asked if condition #3 stated vegetated buffer.

Ms. Guinn stated that was addressed it in the condition.

Scott McCarter amended the motion. Andy Calhoun seconded the amended motion.

Vice-Chairman Mobley called for the vote. The vote was 5-2-0, with Mr. McDonald and Mr. Guimarin in opposition.

**The Zoning Advisory Board recommended APPROVAL with the following conditions:**

1. Streetlights and underground utilities shall be required.
2. Lawns shall be fully sodded.
3. A twenty-five foot (25') wide vegetative buffer shall be required along the frontage of King Mill Road; however, if the existing buffer is inadequate, as determined by the Planning and Zoning Department, additional planting shall be required. The following number of plant materials shall be required for each fifty linear feet (50'), or portion thereof, of the required property buffers:
  - a. One canopy tree
  - b. One evergreen tree

- c. One understory tree
  - d. Five shrubs
4. Sidewalks shall be required along all interior streets within the development, as well as along the site's frontage on King Mill Road. The applicant shall work with the Henry County Department of Transportation about right-of-way for the road widening.
  5. Any access onto King Mill Road shall be located such that the minimum intersection sight distance is met per the posted speed limit of King Mill Road.
  6. Entrance(s) shall have acceleration taper/deceleration lane, to be constructed to Henry County Department of Transportation standards.
  7. Notwithstanding anything to the contrary herein, no zoning conditions imposed herein shall be interpreted or applied in a manner so as to require any violation of any existing building, development, stormwater and/or any other applicable codes.
  8. The house sizes in the subdivision shall be a minimum of 2,000 square feet of heated space, and shall be constructed in the same manner as in the subdivision in the adjacent Planned Development.

Chairman McCarter called for the next item under Rezoning, **RZ-06-68**.

**RZ-06-68**

William and Cathy Graham of Locust Grove, GA request a rezoning from RA (Residential-Agricultural) to R-2 (Single-Family Residence) for property located at 2467 Hampton-Locust Grove Road. The property is located in Land Lot 209 of the 2<sup>nd</sup> District, consisting of 22.0+/- acres. The request is for the development of a single-family conservation residential subdivision. **District 2**

Cheri Hobson-Matthews introduced the item; Andrella Slaughter, Planner II, represented Staff.

Chairman McCarter took the opportunity to welcome Commissioner Bowman, District IV; and Commissioner Basler, District V, to the meeting.

Andrella Slaughter stated the applicant was seeking to rezone 22.0+/- acres at Hampton-Locust Grove Road from RA to R-2 for a single-family Conservation Residential Subdivision. Ms. Slaughter stated the zoning on the property was currently RA and it is surrounded by RA properties to the south, and the west; to the north, Wycliffe is zoned R-1 and R-2, and to the east is RA which is adjacent to R-1 zoned property. She stated the Future Land Use Map designates the property as low-density residential and is also surrounded by low-density residential properties. Ms. Slaughter stated the applicant is proposing 38 lots with a minimum square footage of 10,890, with a net density of 1.98 dwelling units per acre. The proposed minimum house size is 2,000 square feet heated space. The construction materials are masonry materials with cement fiberboard or some combination of these materials. Amenities will include a walking trail, a playground area and possible a covered picnic area and tables. Ms. Slaughter stated that as part of the conservation subdivision there was 8.98 +/- acres of open space, which is equivalent to 40.2% of the gross land area, pointing out the ordinance requires 40%. She stated there was a 100' buffer proposed along the front of the property and a 50' buffer proposed along the perimeter of the property. Ms. Slaughter stated the request was consistent with the Future Land Use Map and Staff recommends approval for rezoning to R-2 with conditions listed in the Staff report.

Chairman McCarter entertained questions from the Board for Ms. Slaughter. Hearing none, the Chairman asked the representative for William and Cathy Graham to step up to the podium.

**Joey Scanlon**, 448 Moreland Rd., Griffin, Georgia, stated he was the engineer for the project and represented the owner. Mr. Scanlon stated the owner apologized for not

being able to attend the meeting. Mr. Scanlon stated there was not much additional to add; however, they had worked with Commissioner Mathis and there was some discussion with SPLOST about the right-of-way. Mr. Scanlon indicated on the site plan where SPLOST would like to have right-of-way, and stated Mr. Ivey (property owner) had agreed to allow the county to have that (indicating on the site plan). He stated there had been some difficulty getting right-of-way out there just east of the property.

William Herndon asked Mr. Scanlon if he represented Mr. Ivey and the Grahams

Mr. Scanlon stated he represented the applicants and Mr. Ivey.

Chairman McCarter asked for anyone in the audience wishing to speak in favor of the request. Hearing none, the Chairman asked for anyone wishing to speak in opposition to the request.

**Calvin Cain**, 808 Haygood Court, stated he was not against having homes on this particular parcel of property, but the current proposal of homes was not up to the standards as the Westin Park Subdivision which is on the western side of it, or the Wycliffe Subdivision that is behind it. Mr. Calvin stated the square footage of the houses in the proposal was 2,000 square feet, pointing out that Westin Park has a 2,200 square foot minimum and Wycliffe has a 2,400 square foot minimum. He stated there was a lot of difference in the lot sizes shown on page 3 of the report. He pointed out that the exterior of the homes in Westin Park and Wycliffe is three sides stone with brick or stucco, and this proposal for these homes is either a masonite or a hardi-plank siding, which is not of the same standards as the two adjacent properties. He stated Wycliffe Subdivision has always had a water runoff problem due to poor engineering and design. Mr. Cain stated the detention pond was a major problem and the developer and County had had to go back in and fix it and spent a lot of money to do that. He stated the detention pond would runoff into the ditch and there would be problems again. Mr. Calvin stated he was not against having homes on the property, but they needed to be up to the standards of what was already there.

**Scott Bennett**, 317 Norway Spruce Court, stated he lived in Weems Plantation Subdivision, just up the road from Westin Park. Mr. Bennett stated that under the yield plan, and he assumed there would be discussion under the conservation part of the request, but the property is in the Towaliga Watershed and he believed that in the R-2 allowed is 0.9 units per acre. He stated the yield plan he saw showed 1.98 units per acre. He stated the yield plan in the report showed 41 lots in what he estimated to be 19 acres after removing roads, right-of-way, sidewalks, etcetera. Mr. Bennett stated there were flag lots shown on the plan. He stated he didn't see how they could put that many lots on that property in the Watershed. Mr. Bennett thought there were going to be real problems with how it was laid out and the conservation subdivision stipulations.

**B. B. Morrison, Jr.**, 397 Gloucester Drive in the Wycliffe Subdivision, stated his main concern was the water runoff. Mr. Morrison stated there had been a number of problems with stormwater drainage in Wycliffe and Whispering Willows. He stated that after he moved into his house, Mr. Rex Dickie caught the fact that when they built Whispering Willows the detention area was not constructed properly and they had to come back and reverse the plan for the drainage and greenbelt area for Whispering Willows so it would drain properly. That was the only way to take care of the water problem and prevent a lot of water from being dumped on Gloucester Drive and that area. Mr. Morrison would like to see a condition that the water be required to drain to the north to Locust Grove rather than to Wycliffe, Weems Plantation, or Whispering Willows. There are already a number of problems back in that area and this would exasperate the problems. There has been a lot of work done, but the runoff issues are still not all taken care of in the subdivision. Mr. Morrison stated concern about the house values and how this subdivision would affect their homes. Mr. Morrison inquired if the right-of-way donation was just for road widening and if there would be sidewalks.

Chairman McCarter asked for anyone else wishing to speak in opposition to the request. Hearing none, the Chairman asked Mr. Scanlon back to the podium.

Chairman McCarter asked Staff to comment on the proposed density Mr. Bennett asked about.

Andrella Slaughter stated the proposed density was from the proposed plan for the conservation subdivision. Ms. Slaughter stated the yield plan did not give the information on it.

Ray Gibson stated that looking at the yield plan, there were going to be stormwater issues that Staff would not be able to address, but those issues would be addressed when it goes through Development Plan Review when they start looking at the drawings.

Chairman McCarter asked if Ordinances would limit the number of units that would be allowed.

Ray Gibson stated the Comprehensive Plan would allow a net density of up to 2.5 dwelling units per acre, and looking at the Land Use Plan that area would be allowed to have up to 2.5 units per acre.

Chairman McCarter stated the proposal was for masonry material on all sides, with some fiber board or some combination. The Chairman asked Mr. Scanlon what his actual thoughts for the houses were.

Joey Scanlon stated he had discussed that with the owner earlier in the afternoon. He stated he had a list of conditions from staff. Number 10, the houses shall be constructed on all sides, a combination of two (2) or more of the following materials: brick, stone, stucco, or cement fiberboard. Vinyl shall only be used for soffits, eaves, and fascia. Mr. Scanlon stated the owner was concerned that if a buyer wanted to build brick on four sides if that would be okay.

Mr. Gibson stated the condition could be modified to include that as an option.

William Herndon asked if the owner would consider 2,200 square feet as the minimum house size.

Pamela White stated that the way the proposed subdivision was planned, the green space is what pulled the whole thing together. The situation with the right-of-way will change the whole character of the development as well as everything in the surrounding area.

Joey Scanlon stated they had originally looked at bringing the plan in as an R-3 subdivision. He stated they took that to Commissioner Mathis originally and she brought up the issue of right-of-way and SPLOST and asked him to look at the request as an R-2 conservation subdivision. Mr. Scanlon gave a brief description of what the R-3 development would look like, pointing out there would be no greenspace. He stated they had worked with SPLOST on the entry way and right-of-way.

Charles Mobley asked if the density had been calculated on the Conservation Residential Subdivision standards.

Ms. Slaughter stated she had calculated the density based upon the development being a conservation subdivision.

Charles Mobley asked what the density would be if this were a straight R-2 subdivision.

Ray Gibson stated that he did not have that calculation and would have to ask the applicant. He stated that looking at the yield plan, it would be hard to calculate 18,000 square foot lots as there is some discrepancy, and there is no scale.

Charles Mobley asked if this were to be an R-2 if something would have to be negotiated with the right-of-way. Eventually that will be widened and that will cut into the amount of land for use. Mr. Mobley asked if that would reduce the number of lots allowed in an R-2.

Ray Gibson stated it was R-2 compatible with what is out there now.

Chairman McCarter asked if there were any further questions from the Board. Hearing none, the Chairman reread the item and entertained the motion.

Pamela White moved to recommend approval for the R-2 rezoning with the sixteen (16) conditions that Staff has recommended along with an additional condition, the minimum lot size shall be 18,000 square feet.

Chairman McCarter asked if the sixteen conditions had been put into the minutes since they were part of the original report, or do they need to read those conditions.

Ray Gibson asked the Chairman to read them all into the record.

Chairman McCarter read the sixteen conditions as follows:

1. There shall be a mandatory Homeowners' Association (HOA) that shall oversee the maintenance of all common areas of the proposed development, including open space areas.
2. The development shall have uniform mailboxes throughout.
3. Streetlights and underground utilities shall be required.
4. All yards shall be sodded to the rear drip line of the houses.
5. The entrance shall have a deceleration lane/acceleration taper, which shall be constructed to Henry County Department of Transportation standards.
6. The entrance shall meet the minimum intersection sight distance required per the posted speed limit of Hampton-Locust Grove Road.
7. The applicant will work with the Henry County Department of Transportation and SPLOST to preserve right-of-way for the widening of Hampton-Locust Grove Road (4+ lanes and a concrete median) and to locate the proposed entrance to the subdivision where it will line up with Luella Road (if Luella Road is relocated as part of the road plans) or relocated to provide adequate separation.
8. The subdivision entrance may be restricted to a right-in/right-out only with the proposed roadway widening of Hampton-Locust Grove Road.
9. Notwithstanding anything to the contrary herein, no zoning conditions imposed herein shall be interpreted or applied in a manner so as to require any violation of any existing building, development, stormwater and/or any other applicable codes.
10. Houses shall be constructed on all sides brick, or a combination of two (2) or more of the following materials: brick, stone, stucco, or cement fiberboard. Vinyl shall only be used for soffits, eaves, and fascia.
11. The minimum house size shall be 2,000 square feet of heated floor space.
12. There shall be a walking trail in the development.
13. Primary ground signage shall consist of a monument-based sign that is consistent in design with the primary structure, constructed of brick, stone, stucco, or any combination thereof, and shall not exceed eight feet (8') in height.
14. An amenity package, to include playground (slides, swing set) covered picnic area with tables, shall be provided to residents within the development.
15. Sidewalks shall be installed on both sides of the street within the development.

16. Minimum lot sizes shall be 18,000 square feet.

Pamela White stated that the conditions were written up before they addressed the situation about the right-of-way, so she understood that some of these things were going to change, but the important point was to get it approved for R-2 and then when the applicant goes before the Board of Commissioners they can work things out.

Chairman McCarter stated there was a motion on the table with sixteen (16) conditions. The Chairman called for a second.

William Herndon seconded the motion.

Chairman McCarter asked for any further discussion from the Board. Hearing none, the Chairman called for the vote. The vote was 5-2-0. The motion carried with Mr. Calhoun and Mr. Guimarin in opposition.

Chairman McCarter called for the next item on the Agenda under Conditional Use.

**CU-06-34 Associated Conditional Use for RZ-06-68**

William and Cathy Graham of Locust Grove, GA requests a conditional use for property located at 2467 Hampton-Locust Grove Road. The property is located in Land Lot 209 of the 2<sup>nd</sup> District, consisting of 22.0+/- acres. The request is for a single-family conservation residential subdivision. **District 2**

Cheri Hobson-Matthews introduced the item; Andrella Slaughter, Planner II, represented Staff.

Andrealla Slaughter stated this Conditional Use was part of the rezoning request to allow for a conservation residential subdivision on the request the Board just heard (RZ-06-68).

Chairman McCarter asked for questions for Ms. Slaughter from the Board. Hearing none, the Chairman asked Mr. Scanlon back to the podium.

**Joey Scanlon**, 448 Moreland Rd., Griffin, Georgia, stated they would like to request a Conservation Residential Subdivision with the layout being shown (plan was on the viewing screen). He stated they were showing 38 single family residential lots, with 40.2% open space. He stated there was 22.0 acres total for the project, with 8.98 in conservation as the property is today. Mr. Scanlon asked if it were a good time to address the stormwater issue.

Ray Gibson advised it was not necessary to address the stormwater issue as it would be dealt with during Development Plan Review stage.

Mr. Scanlon said he would work with Staff and his engineer to get an accurate yield plan, and would provide that to staff if it were different from what had been provided. He stated this property was not in the critical watershed area; however it was in the watershed.

Chairman McCarter inquired from staff that since they had approved the previous item with a minimum of 18,000 square foot lots, was it necessary to discuss this item in depth.

Ray Gibson stated that it could still be moved forward as a conservation residential subdivision, it would just have to have 18,000 square foot lots.

Chairman McCarter entertained comments from anyone wishing to speak in favor of the request.

**Wood Hughes**, 211 Whitesand Bay Drive, stated he was with Metro Brokers GMAC and represented both the sellers of the property and the developer of the property. He wanted to point out that there is no current approved plan for moving the road. He also wanted to get a copy of the roadbed plan showing how it is being shifted out of its current roadbed into another roadbed, which is right in the middle of the sellers property. If this were not

done it would be a lot easier on everyone. Mr. Hughes also wanted to point out that with the Future Land Use Plan, which is not what is being looked at, there is an overlay district which would allow a different usage.

Chairman McCarter asked for anyone wishing to speak in opposition to the request.

**Scott Bennett**, 317 Norway Spruce Court, stated he was a local attorney practicing in McDonough, and represented developers. Mr. Bennett stated he was normally in front of the Board representing developers trying to get something approved. He stated he had real problems with this conservation subdivision; that he thought it was a sham, thought it was illegal, and there were a lot of problems with it. Mr. Bennett stated the whole notion of a conservation subdivision is meant to preserve open space in perpetuity for ever. How can you have a condition of zoning reserving right-of-way to pave it and call it open space in perpetuity? He stated that was the biggest sham around. He stated the bottom line was the County has got to pay for that if they want to widen it. Mr. Bennett stated he lives in Weems Plantation. Lots #1 and #24 are the first two lots going into Weems Plantation. He stated he represented Randy Gibby, who owns those lots. He stated they were closing on the sell of those two lots to the County next week. Mr. Bennett stated you can't call it open space preserved in perpetuity by your codes and then have conditions about giving it to SPLOST. He stated that if you were going to preserve 40% you had to go outside of what was going to be paved. He stated that the open space was a long road that was going to be a parkway. He stated that once they took out the road, there would no longer be 40%. Mr. Bennett stated it had already been brokered that if they give them smaller lots they will give the right-of-way. It is just a sham. There is no conservation here. They are trying to call it R-2 conservation, but they will not end up with 40% open space. Mr. Bennett stated that on the yield plan, this is what the code says (putting it on screen): the following shall not be included in the net acreage of the parcel, #5, anticipated right-of-way for anticipated roads and utilities. Mr. Bennett stated the developer was giving a yield plan that used the entire parcel. Mr. Bennett stated that they knew it was anticipated right-of-way as the Board had just put it in the conditions, yet it was being used as part of the yield plan to calculate lot numbers. Mr. Bennett stated the detention was not in accordance to the ordinance as it would require an acre for the size of the development. There are real problems with this conservation plan, there are lots that are half the size of everything that is around it. The lots are half the size of those lots right up the street. It is part of a bargain to get the right-of-way. Just do an R-3 and give the right-of-way. The developer knew this wouldn't be approved as R-3 so he brought in an R-2 as a conservation subdivision. The Commissioners say that want to make the developers accountable and then they approve of something like this. If this is an R-2 conservation subdivision, where is the 40% after they give the right-of-way? Mr. Bennett stated it was a nice area and it should be kept consistent. Mr. Bennett reviewed the subdivision in the area, stating it was a great area of the County, and this should have to fit. He stated that if the developer was going to develop it as R-2, then make it a true R-2. Mr. Bennett stated the developer was just looking at the numbers. He implored the Board to do the right thing.

Chairman McCarter asked for anyone else wishing to speak in opposition to the request. Hearing none, the Chairman asked Mr. Scanlon back to the podium, and entertained questions from the Board.

William Herndon asked Mr. Gibson about the right-of-way and areas that should be excluded from the conservation subdivision. Mr. Herndon asked if you could exclude the fifty foot right-of-way and then have another one hundred feet, would it fit.

Ray Gibson asked Mr. Herndon to repeat the question.

Mr. Herndon asked if you subtracted out the anticipated right-of-way, does the hundred feet for the Conservation Residential Subdivision start at that point, or does it start at the road.

Ray Gibson stated it would start where the property line is right now. He stated that like Mr. Bennett had said, they are not taking out the right-of-way.



Mr. Herndon stated his question was could they consider taking that out and then start from where the road right-of-way will be taken out.

Ray Gibson stated that is how it should be.

Michael Harris asked if he were asking for Staff to go back and look at it as if the right-of-way were removed.

Chairman McCarter stated he thought Mr. Herndon was asking that if the Board deemed to approve the conservation Subdivision, could one of the conditions be that the hundred foot buffer start at the proposed donated right-of-way.

Ray Gibson reminded the Board that they had already recommended 18,000 square foot lots and that had pretty much wiped out anything else.

Ray Gibson stated his recommendation would be that the Board move for denial and let the Board of Commissioners deal with the applicant.

Chairman McCarter asked if there were anything else from the Board or Staff. Hearing none, the Chairman reread the item and entertained the motion.

Pamela White stated that due to the right-of-way the development would not meet the requirements for a Conservation Residential Subdivision and therefore moved for denial. Michael Hightower seconded the motion.

Chairman McCarter asked for any further discussion on the item. Hearing none, he called for the vote. The vote was unanimous for denial.

**The Zoning Advisory Board DENIED Conditional Use CU-06-34.**

Chairman McCarter opened the floor for Public Comment. There being none wishing to make Public Comment, the Chairman adjourned the meeting at 9:33 p.m.

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Scott McCarter, Chairman

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Ray Gibson, Director

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Cheri Hobson-Matthews, Assistant Director

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Transcribed by Dianne Pinson,  
Secretary to the Board

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Shay Mathis, County Clerk