

June 19, 2006

LAND ISSUES/ZONINGS/ANNEXATIONS:

- (A) ~~Public Hearing Rezoning Request Z06-010 - R-15 to RAD Conditional - 3.03-acre tract Highland Avenue - DGD Holdings, Inc.~~

Mr. Wright stated the current plan for the subject property calls for 10 single-family residences at a density of 3.81 units per acre. Mr. Wright stated the Planning and Zoning Board (PZB) recommended denial of the request. Mr. Wright stated staff supports the rezoning request for 10 units subject to a number of conditions. Mayor Bacon asked Mr. Wright how many dwellings were requested when the rezoning application for this property was initially submitted, and Mr. Wright stated the original plan specified 12 dwellings.

Mayor Bacon stated this is a public hearing and asked for public comment, and the oath was administered to several persons by Mr. Cochran.

Council Member Scoggins recognized Mr. Dudek, and Mr. Dudek stated a through street from Marston Street to Highland Avenue will be included in the updated version of this development plan. Mr. Dudek stated the lot sizes for the planned structures have been increased, and the cul-de-sac originally planned has been eliminated. Mr. Dudek stated the configurations of the planned lots are expected to function well with the lower-profile architecture planned for them. Council Member Scoggins asked Mr. Dudek if he owns the Riley's Walk property. Mr. Dudek stated the referenced property was sold to Monte Hewitt Homes. Council Member Scoggins asked Mr. Dudek if the property under consideration is part of Riley's Walk, and Mr. Dudek answered in the affirmative. Mr. Dudek stated the subject property will be covered by the Riley's Walk homeowners association (HOA) regulations. Mr. Dudek used a graphic representation of the proposed development to help explain some of the development's features. Mr. Dudek stated the plan calls for 9,000 s.f. of greenspace. Mr. Dudek stated the plan as presented includes provisions for preservation of older trees in the subject area.

Mayor Bacon recognized Ms. Candy Henry, residing on Marshall Street, and Ms. Henry presented a petition to the present officials signed by persons opposed to the opening of Marston Street. Ms. Henry expressed opposition to the opening of Marston Street and expressed concerns about traffic problems which she believes could materialize if this street is opened. Mr. Henry expressed concerns about children living in the affected area whom he believes could be subjected to traffic hazards as a result of this proposal. Mr. Henry asked the City's officials to keep Marston Street closed.

Mayor Bacon recognized Ms. Gillam, residing on Marshall Street, and Ms. Gillam asked the City's officials to keep Marston Street closed.

Mayor Bacon recognized Ms. Virginia Bogue, residing at 2587 Highland Avenue, and Ms. Bogue stated she would prefer that the new houses face Highland Avenue and for Marston Street to be a cul-de-sac.

Mayor Bacon recognized Ms. Patricia Barfield, residing at 2590 Gilbert Street, and Ms. Barfield asked if it is correct that the property under consideration is part of Riley's Walk. Mr. Dudek stated the property under consideration is part of Riley's Walk. Ms. Barfield expressed concerns about cul-de-sacs being built in the subject area. Ms. Barfield expressed concerns about vehicular traffic on Gilbert Street. Ms. Barfield stated there are three speed breakers and some speed limit signs on Highland Avenue, but there is only one sign on Gilbert Street. Ms. Barfield

expressed the view that opening up Marston Street will have an unfavorable impact on vehicular traffic in the subject area.

Mayor Bacon recognized Mr. Nick Young, residing at 1349 Marstson Street, and Mr. Young expressed concern about traffic in the subject area.

Mayor Bacon recognized Mr. Mike Kemp, residing at 2620 Highland Avenue, and Mr. Kemp expressed support for the rezoning request under consideration. Mr. Kemp commended Mr. Dudek for making efforts to improve the plan, and expressed the view that Marston Street will be safer when it will have more access for emergency vehicles.

Mayor Bacon recognized Ms. Evans, residing at 1320 Roswell Street, and Ms. Evans asked whether or not the planned structures will have basements.

Mayor Bacon recognized Ms. Patty Hurley, residing at Windown Trail, and Ms. Hurley stated she would like to see speed humps and traffic signs installed in the subject area. Ms. Hurley expressed concerns about vehicular traffic going through neighborhood streets to avoid the nearby railroad crossing. Ms. Hurley commended Mr. Dudek for making efforts to improve the plan for the subject property.

Mayor Bacon recognized Mr. Henry, and Mr. Henry expressed concerns about the safety of children in the subject area being jeopardized by motorists.

Council Member Scoggins stated he takes his responsibility as an elected official seriously.

MOTION: ~~Council Member Pritchett made a motion to approve Rezoning Request Z06-010 from R-15 to RAD Conditional for a 3.03 acre tract on Highland Avenue for DGD Holdings, Inc. subject to the condition that construction traffic coming in on Hawthorne Avenue will be controlled by taking it down Highland Avenue, the new street coming in, and bringing it back out.~~ Mr. Dudek stated he will accept the specified stipulation. Council Member Pritchett stated the motion is subject to all special conditions and applicable standard conditions. (Clerk's Note: A copy of the conditions of this rezoning are appended hereto as Exhibit A) Mr. Dudek stated he will accept the stipulations as specified. The motion was seconded by Council Member Newcomb. Council Member Newcomb asked if the plan as submitted is to be approved, and Council Member Pritchett answered in the affirmative. Council Member Newcomb stated he appreciates the viewpoints of Council Member Scoggins and the residents of the affected area. Council Member Newcomb commented favorably about efforts made by Mr. Dudek to try to address various concerns raised about the proposed development. Council Member Smith stated 12 residents in the subject area want Marston Street to remain closed. Council Member Smith stated Martson Street has been a dead-end street for 50 years, and as far as he is concerned it is a dead-end street. Council Member Smith stated he objects to the plan as proposed because it includes a through street. Council Member Pritchett stated the motion made is for approval of the plan as presented. Mayor Bacon stated a motion has been made and seconded, and that discussion can occur among the elected body. Council Member Smith stated he can only vote on proposals as presented. Council Member McNabb stated the plan as presented at this meeting is the best version he has seen. Council Member McNabb stated the residents of Marston Street can petition the City for installation of speed-breakers on that street to slow down traffic. Council Member McNabb commented on what he believes will be the favorable effect of this development on traffic in the subject area. Council Member Lnenicka commented on the improvements the development proposal under consideration has undergone. Council Member Lnenicka stated he believes the plan as presented meets the objectives of the City's *Livable*

Centers Initiative (LCI) study. Motion was approved 5-1, with Council Member Scoggins in opposition and Council Member Smith abstaining.

Exhibit "A"
Z06-010 Stipulations

Standard Conditions

(Requirements # 2, 8, 9, and 17 from Section 1201 of the Zoning Code are not applicable)

1. The composition of the homes in a residential subdivision shall include a mixture of elements including; but not limited to: brick, stone, shake, hardy plank and stucco. No elevation shall be comprised of 100% hardy plank siding. The residences whose lots abut external roadways shall not be permitted to utilize hardy plank for any elevation facing these roads.
2. There shall be protective covenants with a mandatory homeowners association on all lots. These protective covenants shall be supplied to the City prior to the issuance of a building permit.
3. The developer shall provide at least 200 square feet of common space per lot. This common space shall be developed with improvements for the residential subdivision such as: gazebos, fountains, recreational/playground equipment or walking trails. The common space shall be controlled and maintained by the Homeowners Association.
4. The retention pond shall be placed and screened appropriately to be unobtrusive to homes inside and outside the development. The storm water detention plan shall be designed to create at least a 10% reduction in a 2-year to 100-year storm event. The City Engineer shall approve all plans.
5. All utilities within the development shall be underground.
6. The developer shall be responsible for any traffic improvements (including additional right-of-way dedications) deemed necessary by either the City or the County during construction plan review. Sidewalks shall be provided by the developer inside the subdivision and outside the subdivision adjacent to any public right-of-way consistent with City's requirements for the extent of the development. A grass buffer with a minimum width of 2' shall be provided between the back of curb and sidewalk.
7. The development of any streets (including private) shall conform to the City's standards for public right-of-ways.
8. No debris may be buried on any lot or common area.
9. The developer will install decorative streetlights within the development, subject to approval by the City Engineer. Utilization of low intensity, environmental type

lighting, the illumination of which shall be confined within the perimeter of the subject property through the use of "full-cutoff lighting".

10. The developer will comply with the City's current tree ordinance (unless noted elsewhere). All required tree protection measures shall be adhered to by the developer during construction.
11. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
12. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.
13. All single-family and/or duplex residential lots shall provide the following at the time of certificate of occupancy: either four 3" caliper trees or three 4" caliper trees, unless otherwise approved by the City's Arborist. The following species of trees may be used: Nuttall Oak, Swamp Chestnut Oak, Allee Elm, and Village Green Zelkova. Other species may be used if approved by the City.

Special Conditions

14. The development shall maintain the following setbacks:

Front	15' (from the back of sidewalk)
Rear	20'
Side	7.5' (15' between buildings)
15. The right-of-way along Highland Avenue shall be increased to 50 feet to match other residential road right-of-ways. Therefore a dedication of 5 feet is required.
16. The developer shall have the option to count existing specimen trees toward the minimum tree density requirements under the following conditions:
 - No land disturbance occurs within the Critical Root Zone (CRZ), or;
 - Land disturbance occurs within the CRZ and a five-year tree bond or letter of credit is provided to City. This bond or letter of credit shall be equal to the replacement cost associated with the specimen tree (with 4" caliper trees), physical tree removal and an inspection by a certified arborist after the final certificate of occupancy is issued and when the bond/letter of credit is requested to be released.
17. All homes on Highland Avenue shall have usable front porches.
18. Where possible rear or side loaded garages will be constructed thought-out the development. If front loaded garages are used, they shall be recessed from the front building line wherever possible. All homes in the subdivision shall be craftsman/bungalow style.
19. Driveway – 22' minimum length from building face to edge of sidewalk. Each unit shall have a two-car garage.

20. No monument sign or entry signage shall be permitted.
21. Overstory trees shall be planted along Highland Avenue at a rate of one tree every thirty-five feet.
22. Any tree listed as saved on the tree protection plan shall be protected during construction via hard fencing. The undisturbed buffer shall be delineated using orange cyclone fencing.
23. Weekly inspections of the construction site shall be conducted by City staff to ensure all tree protection safeguards remain in place. Furthermore, the developer shall post work hours at the subdivision entrance and shall restrict development traffic into the neighborhood via Hawthorne Avenue.
24. A ten-foot landscaped buffer shall be installed along the development's northern boundary (Lots #8 and 9).
25. Building heights shall be limited to a maximum of 35' to the highest point of the roof.
26. Construction traffic coming in on Hawthorne Avenue will be controlled by taking it down Highland Avenue, the new street coming in, and bringing it back out.