

**NEWTON COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
January 16, 2007
MINUTES**

**Excerpt from Official Minutes Regarding REZ06-029 (Wal-Mart Super Center)
Brown Bridge & Salem Road**

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

Present: Chairman Aaron Varner, Commissioners Mort Ewing, Earnest Simmons, Ester Fleming, Jr., J.C. Henderson, and Monty Laster, Administrative Officer John Middleton, County Attorney Tommy Craig, Scott Cole, Jenny Carter and County Clerk Jackie Smith

Newspaper: Covington News – Rachel Osborn
Newton Citizen – Crystal Tatum
Very Large group of citizens

REZ06-028

Existing Land Use Map: DN (Development Node)

Proposed Zoning: CG (General Commercial)

Existing Zoning: R2 (Single Family Residential)

Watershed: Yellow River

Location: Brown Bridge Road (South Side)

1,222.72 Feet of Frontage

Salem Road (East Side)

741.40 Feet of Frontage

Parcel Size: 33.127 Acres

Tax Parcel: 13-115, 13-116, 13-117, 13-118, 13-119, 13-122, 14-9, 14-10, 14-11, 14-12, 14-15

Owner: Bertha Viola Humble, et al

Petitioner: Chris Callaway / Wal-mart Stores

Applicant's Intent: To develop a 203,710 square foot Wal-mart Super Center and four (4) out parcels, with 64,000 square feet total, for a total of 267,710 gross square feet, on 33.127 acres, at an overall density of 8,081.33 square feet per acre.

Planning Commission Recommendation: Approval with Staff Recommended Conditions on November 28, 2006.

District Two

Petitioner Representative: Attorney Pete Hendricks

- Displayed of drawing
- Development Node
- Recent zonings in area (Publix, Waffle House)

- N.W. Corner – Highway Commercial Zoning
- Complies with FULM
- Applicant has offered up a number of self-improved conditions
- Look & feel will be compatible with Public
- Supercenter & 4 out-parcels
- No curb cut directly on Salem or Brown Bridge Road
- All recommendations made by Traffic Study have been addressed
- Internal roadway
- Side walk
- Infrastructure improvements totaling \$1.4 million dollars.
- Enter into separate agreement for improvements of Smith Store Road realignment, for a total of \$50,000.
- Population Growth within two (2) miles: 10,000 – 16,000

Commissioner Simmons

- Reiterated that full traffic signaling @ Salem/Brown Bridge would be at the cost of Wal-Mart. Turn Lanes.
- Questioned possibility of Wal-Mart putting in a gas station? No, and Wal-Mart would have to come before board for a variance.

Commissioner Fleming

- Accel/Decel Lanes would be a requirement by the county. Yes
- Concerned about more traffic in an already over-congested area
- Has a strong conviction about this particular zoning since back in 2004-05 we denied unanimously a Wal-mart request due to traffic. Feels this is identical.

Wal-Mart (David)

- Market demands show the need in area.
- Much of the traffic will stop at this Wal-Mart and not go into Rockdale County at the Wal-Mart located there.

Commissioner Ewing

- Questioned annual revenue, detention ponds and water quality, buffers, tree ordinance.
- Tree area is 13 feet wide, will abide by tree ordinance
- Would like another condition – NO ADULT ENTERTAINMENT STORES.
- Condition will be added to approval

Commissioner Henderson

- Questioned Chairman Varner on road plans and his recommendation.
- Traffic concerns is major concern of citizens in area.
- Jobs will be created

Chairman Varner

- Smith Store Road in process of intersection improvements and a light installed.
- GDOT has intention of improvements @ Spring Road.
- All of this will not solve problem, but it will help until long-range plan can be accomplished.

- Chairman Varner said that he and County Engineer Kevin Walter had a meeting with GDOT today. They were hopeful about getting some of the projects moved back up to a more reasonable time period.

Kevin Walter

- County Engineer reiterated that County Forces do as much as they possibly can, i.e., Smith Store Road, Old Salem Road, Spring Road.

Opposition

Lester Spatt

Jerry & Dolly Wooten

Morris Allen

Barry Hamlen

Kevin Harlek

- Covington already has a Wal-mart
- Safety Issue: Turning into driveway. Wal-Mart agreed to provide them a turn lane.
- Traffic
- School concerns
- Against a lot of out-parcels i.e., Conyers has 28 stores
- Safety

Favors Wal-mart

Flemmie Pitts

- County would greatly benefit from SPLOST (1% Sales Tax)

Rev. Smith

- FYI – met with churches in that area and they are supporting Wal-mart

Geoff Griffin

- In favor of Wal-mart, but would like to see them do more to improve roads.

Motion: To approve REA06-028 and change the zoning from R2 (Single-Family Residential) to CG (General Commercial) with the following conditions:

CONDITIONS OF ZONING

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

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Retail, service commercial and/or office and accessory uses, including all exterior food and beverage service areas, at a maximum density of 8,081.33 gross square feet per acre zoned or a total of 267,710 square feet (203,710 for the Wal-mart Supercenter and 64,000 square feet total for the outparcels), whichever is less.

- b. A maximum of four (4) outparcels shall be allowed on the subject site, provided they are located as shown on the site plan referenced in Condition 2.a. The total gross square footage shall be calculated as part of the total floor area allowed in Condition 1.a.
 - c. The following uses are prohibited:
 - (1) Amphitheaters, Stadiums
 - (2) Animal Hospitals, Vet Clinics
 - (3) Auto Repair, Auto Sales (Except as an Accessory to Anchor Store)
 - (4) Bar, Night Club
 - (5) Auto Service Station
 - (6) Campground, RV Park
 - (7) Private Club, Order, Lodge
 - (8) Electric Station; Gas Pumps Not Related to Anchor Store
 - (9) Flea Market
 - (10) Funeral Home
 - (11) Hospital
 - (12) Manufactured Home Sales, Rental, Repair
 - (13) Kennel
 - (14) Manufactured Home Display
 - (15) Personal Care Home
 - (16) Produce Stands
 - (17) Farm Equipment Sales
 - (18) Dry Cleaning, Institutional
 - (19) Light Manufacturing
 - (20) Commercial Outdoor Recreational Facilities
 - (21) Place of Worship
 - (22) Private Recreation Center or Club
 - (23) Temporary Religious Meeting
 - (24) Sawmill, Planing Mill
 - (25) Mini-Warehouses
 - (26) Tattoo Parlors
 - (27) Adult Entertainment
2. To the owner's agreement to abide by the following:
- a. To the revised site plan submitted on November 14, 2006 and the legal description submitted on September 25, 2006 to the Department of Planning & Development. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval

of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.

3. To the owner's agreement to abide by the following development standards:
 - a. Stormwater and water quality plan to be reviewed and approved by County Engineer.
 - b. Provide left turn lanes and accel/decel lanes on Brown Bridge Road and Salem Road as required by the County Engineer and GDOT as applicable.
 - c. Provide inter-parcel access with future commercial development on adjacent parcels at time of future development.
 - d. Dedicate at no cost to Newton County, additional right-of-way as may be required to provide a total of 65 feet from the centerline of Salem Road or as may be required by GDOT.
 - e. Dedicate at no cost to Newton County, additional right-of-way as may be required to provide a total of 65 feet from the centerline of Brown Bridge Road.
 - f. All curb cuts shall be located at sufficient distance from the intersection to provide for turn lanes, and stacking to the development.
 - g. A 3-lane thoroughfare through the site shall be constructed as depicted on the site plan referenced in Condition 2.a. to serve the Wal-mart Supercenter and outparcels.
 - h. Provide, at no cost to the County, traffic signals at the intersection of the 3-lane thoroughfare referenced in Condition 3.g. with Salem Road and Brown Bridge Road. Signals to be synchronized with existing signal at intersection of Salem Road and Brown Bridge Road, and with signal at intersection of Salem Road and Smith Store Road when installed.
 - i. Provide inter-parcel access with future commercial development on adjacent parcels at time of development. Should the adjoining property immediately to the south of the subject property be developed commercially, at the time of such

development, Wal-Mart shall grant a reciprocal access easement to such adjoining property at a location which extends the alignment of the proposed internal three-lane roadway depicted on the approved site plan generally southward to the Wal-Mart property line. Should the owner of such adjoining property immediately to the south construct or cause to be constructed an inter-parcel roadway connection to the Wal-Mart property line, Wal-Mart shall construct or pay the cost of constructing the extension of such new inter-parcel roadway into the Wal-Mart property.

- j. The Wal-mart garden center shall have a drive-in for customer loading.
- k. Vehicular access to the outparcels shall be from the internal street only. The outparcels shall have no direct vehicular access to GA Highway 162 (Salem Road) or to Brown Bridge Road
- l. Exteriors of the buildings located on the outparcels shall be brick and/or stucco on all four sides. Brick and stucco shall match the colors of those used by Publix at the intersection of Brown Bridge Road and Salem Road, subject to the approval of the Director of Planning & Development. Metal roofs must match type and color of Publix's roof.
- m. Exterior of the Wal-mart shall be substantially similar to the elevations/renderings submitted to the Department of Planning and Development on November 15, 2006. Colors shall match those used by Publix at the intersection of Brown Bridge Road and Salem Road, subject to the approval of the Director of Planning and Development. Metal roofs must match type and color of Publix's roof.
- n. Developer shall submit a landscaping plan, which will include tree islands in parking areas. Landscaping plan subject to the approval of the County Arborist.
- o. Transitional buffers may be disturbed and replanted, subject to approval by the County Arborist.
- p. Provide downcast lighting similar in architectural style and color to the Publix at the intersection of Brown Bridge Road and Salem Road, subject to the approval of the Director of Planning & Development.

- q. Outdoor storage bins shall be located only in the rear yard.
 - r. Overnight parking of commercial vehicles is prohibited.
 - s. Provide southbound left-turn lane on Salem Road immediately south of new signalized intersection referenced in condition 3.g. to serve adjacent residential property.
4. Should Wal-mart vacate the building, the following conditions shall apply:
- a. Maintain the exterior of the building, landscaped areas, detention pond, and parking areas at the same standard as when the building was fully occupied.
 - b. Provide security patrols on the site to deter vandalism or other illegal activities on the property, and confer with the County Sheriff regarding such patrols.
 - c. Use commercially reasonable efforts to market the property, for sale or lease, at fair market value and with reasonable terms, to any party and for any use acceptable to the owner and permitted under applicable County ordinances.

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

Second by: Commissioner Mort Ewing, District One

Motion Carried with Commissioners Fleming & Simmons in opposition to motion.

Respectfully Submitted,

Jackie B. Smith
County Clerk