

NEWTON COUNTY
BOARD OF COMMISSIONERS
REQUEST FOR REZONING

CASE NUMBER	REZ20-000003
EXISTING LAND USE MAP	COM (Commercial)
EXISTING ZONING	AR (Agricultural Residential)
PROPOSED ZONING	CH (Highway Commercial)
WATERSHEDS	Big Haynes Creek
LOCATION	41 Kent Rock Rd (West Side) & Hwy 138 (North Side)
PARCEL SIZE:	5.11 acres (36-23) & 5.11 acres (36-23A) 10.22 total acres
TAX PARCEL:	36-23 & 36-23A
COMMISSION DISTRICT:	(3) Three
OWNER	Alexandr Rusu
PETITIONER	Alexandr Rusu
REPRESENTATIVE:	Daniel Peret

APPLICANT'S INTENT:	To seek rezoning from AR (Agricultural Residential) to CH (Highway Commercial) to establish a truck repair with fleet parking business.
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HISTORY:

- **On April 28, 2020 the Planning Commission tabled the petition until May 26, 2020 to allow the applicant time to work with the community on the public concerns. Petition was tabled.**
- **On May 26, 2020 the applicant requested the Planning Commission to table the petition until the June 23, 2020 to update the request. Petition was tabled.**
- **As of today, June 16, 2020, & the updating of this report, staff has not received any additional information from the applicant(s); and therefore, have not revised the staff report except to enumerate the concerns raised by the community prior to, in between and at each of the public hearings.
The Community' concerns are:
1. Increased traffic**

2. Traffic at a dangerous intersection
 3. Traffic on a substandard county road, Kent Rock Road (Northside of Hwy 138)
 4. How the proposed use may affect property values in the area as most properties regardless of zoning designation are still being used as primarily residential
 5. Noise
- Citizen concerns for both this Rezoning petition and the companion petition, CUP20-000002, are in a separate memo accompanying the staff reports.

SUBJECT SITE AND SURROUNDING AREA:

SUBJECT SITE: The subject site contains two separate parcels. Parcel 36-023 (5.11 acres) and parcel 36-023A (5.11 acres) for a combined 10.22 acres total. The property is zoned AR (Agricultural Residential) and is located in an area surrounded by both commercial and residential properties. The subject site is currently undeveloped vacant land.

NEARBY AND ADJACENT PROPERTIES/ZONINGS:

North

Use: Single Family Residential Homes

Zone: AR (Agricultural Residential)

East, across Kent Rock Rd

Use: Single Family Residential Home & large undeveloped tracts

Zone: AR (Agricultural Residential) & CH (Highway Commercial)

South, across 138 at the intersection

Use: Vacant Undeveloped Property on the southwest side and residential home use on the southeast side of Mt Zion Rd

Zone: CH (Highway Commercial)

West

Use: Vacant Undeveloped Property, scattered single-family, and legal non-conforming Auto-Auction

Zone: CH (Highway Commercial) & AR (Agricultural Residential)

FINDINGS:

Planning Staff, concerning each application, investigate and present a finding with respect to the factors below, as well as any other factors it may find relevant, pursuant to **Sec. 620-060**.

- A. WHETHER THE ZONING PROPOSAL WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY.

FINDING: Although there are existing similar commercial zonings & uses in the area, the proposed commercial use may be unsuitable for the subject site given the existing low density residential developments in the area. Should the Board of Commissioners approve the rezoning, staff has incorporated recommended conditions to mitigate the impact to the nearby residential uses.

- B. WHETHER THE ZONING PROPOSAL WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY.

FINDING: It is Staff's opinion that the proposed use will not adversely affect adjacent and nearby uses if developed in accordance with the attached Recommended Conditions.

C. WHETHER THE PROPERTY TO BE AFFECTED BY THE ZONING PROPOSAL HAS A REASONABLE ECONOMIC USE AS CURRENTLY ZONED.

FINDING: The subject site may have a reasonable use as currently zoned.

D. WHETHER THE ZONING PROPOSAL WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS.

FINDING: Staff does not anticipate a significant impact on public services and facilities. However, some impact on the surrounding transportation system is expected which should be mitigated with compliance to the attached Recommended Conditions for project improvements.

E. WHETHER THE ZONING PROPOSAL IS IN CONFORMITY WITH THE POLICIES AND INTENT OF THE FUTURE LAND USE PLAN.

FINDING: Staff is of the opinion that the proposed use is consistent with the Future Land Use Map, but is inconsistent with the surrounding land uses and the transition policy and intent of the Comprehensive Plan.

F. WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER APPROVAL OR DISAPPROVAL OF THE ZONING PROPOSAL.

FINDING: The site's proximity to other commercial zonings and legal non-conforming uses encourage similar developments; however, the site's encroachment into a stable single family area is inconsistent with established Board and Plan policies.

G. WHETHER THE ZONING PROPOSAL WILL PERMIT A USE WHICH CAN BE CONSIDERED ENVIRONMENTALLY ADVERSE TO THE NATURAL RESOURCES, ENVIRONMENT AND CITIZENS OF NEWTON COUNTY.

FINDING: The proposed development/use is not considered environmentally adverse in terms of affecting natural resources, the environment, or the citizens of Newton County.

CONCLUSION TO FINDINGS:

There are factors which support the rezoning request as the Future Land Use Map already has identified this area for commercial development; however, the properties in the area have remained as residential uses or undeveloped/vacant land indicating the transition of land uses have not occurred in the immediate area.

SITE PLAN ANALYSIS:

Based on the site plan submitted on February 5, 2020 by the applicant to the Planning and Development Department, Staff offers the following considerations:

LAND USE

The applicant is proposing to rezone the two 5.11 acre tracts to CH (Highway Commercial) for development for a truck repair with fleet parking business. The site plan shows development of a small office with a setback of 75 feet from the property lines and a proposed graveled parking area for the trucks.

Access to the subject site will be from a proposed commercial driveway located on Kent Rock Rd. The use of a county road as access will require the applicant to make roadway improvements (i.e. pavement, curb, gutter) to bring the county road up to a typical standard section along the frontage of the proposed property in accordance with the classification of the road and the standards of the Development Regulations.

MAXIMUM IMPERVIOUS SURFACE

The subject property is in the Big Haynes Creek Watershed and is allowed up to 25% impervious surface. The applicant is proposing to use a gravel parking area for the fleet parking.

MINIMUM BUILDING SETBACKS

The minimum building setbacks for the CH (Highway Commercial) district are:

Front Yard – Twenty-five (25) feet

Side Yard – Zero (0) feet with party walls; ten (10) feet from property line and no less than twenty (20) feet between buildings

Rear Yard – Fifteen (15) feet

OTHER CONSIDERATIONS

- Due to the amount of rock known to be in the area it may challenge the land to support multiple septic systems to develop for residential use which may support a non-residential use on the property.
- Within the Big Haynes Creek Watershed Truck Terminals and Repair Uses shall require a Conditional Use Permit and the applicant has applied for the Conditional Use Permit along with the Rezoning.

RECOMMENDED CONDITIONS

Should this petition be approved by the Board of Commissioners, it should be approved CH (Highway Commercial) CONDITIONAL subject to the owner's agreement to the following enumerated conditions. Where these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Board of Commissioners.

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Truck Repair with Fleet Parking
 - b. The following uses shall be prohibited:
 1. Adult Bookstore/Entertainment
 2. Auto Auction
 3. Bar, Night Club
 4. Campground, RV Park
 5. Flea Market
 6. Go Kart Facility
 7. Homeless Shelter
 8. Kennel
 9. Manufactured Home or Modular Home Sales, Rental, Repair
 10. Manufactured Home or Modular Home Display
 11. Mini-warehouses
 12. Pawn Shop, including Title Loan businesses
 13. Salvage Operation/Junk Yard
 14. Tattoo Body Piercing Parlor/Studio
 15. Tree Service
2. To the owner's agreement to abide by the following:
 - a. To the legal description received February 5, 2020 by the Department of Development Services. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.
3. To the owner's agreement to abide by the following development standards:
 - a. Provide a proper ingress and egress to the site as required.
 - b. Required improvements to Kent Rock Rd shall be approved by the Department of Transportation.

- c. Storm water plan to be reviewed and approved by the Newton County Storm Water Manager.
- d. Provide downcast lighting.
- e. Refuse areas and receptacles shall be placed in an accessible location in the corner farthest from any public streets and shall be enclosed on three sides with solid opaque walls. The fourth side shall be a self-closing opaque gate. The walls and gate shall be a minimum of 12 inches higher than the receptacle.
- f. Landscape plan to be approved by the Newton County Landscape Architect.
- g. Minor plat of the combined parcels must be submitted and approved.

Aerial Map



Future Land Use Map



Zoning Map



Watershed Map



Survey Plat



Letter of Intent

March 5th, 2020

Alexandr Rusu
41 Kent Rock Road
Oxford, GA 30054

Dear Newton County Planning & Zoning Committee,

My name is Alexandr Rusu. I recently purchased the two parcels of land at the corner of Ga Hwy 138 and Kent Rock Road (Parcels 003600023000 & 003600023A00). I am asking the committee to approve a rezoning request from the current zoning for the land to Commercial. I run a trucking company and currently rent a property in the vicinity of this land. I intend to build a small shop on the property and bring in gravel to allow for my company trucks to be able to park on our own business property when they are in town spending time with their families and not out on the road delivering goods throughout the country.

Several properties bordering/surrounding this parcel of land have already been zoned commercial and the two 5+ acre parcels that I have purchased are the perfect pieces of land for commercial use due to the fact that they are surrounded on 3 sides by streets/highway.

Thank you in advance for considering and approving this rezoning request so I can move my merchandise/goods transportation company to this location.

With Appreciation,

Alexandr Rusu



IMPACT ANALYSIS FOR REZONING APPLICATIONS

Complete the following questions 1 through 7:

- 1. Map and Parcel #: 0036000023 & 0036000023 A
- 2. Road Name(s): 41 Kent Rock Rd & Adjacent parcel
- 3. Zoning Request: From RES/AG- to Commercial
- 4. Petitioner's Name: ALEXANDER RUSI
Address: 5181 BAY CREEK CHURCH RD. LOGANVILLE, GA 30052
Daytime Telephone No: 503-572-2712

Analyze the impact of the proposed rezoning and answer the following questions:

- 1. Does the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby property?
YES. Adjacent properties surround our 10 Acres
ARE MOSTLY ALREADY ZONE COMMERCIAL.
- 2. Does the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?
NO. WE FEEL IT ENHANCES AND COMPLIES W/
FUTURE USE FOR AREA GROWTH.
- 3. Does the property to be rezoned have a reasonable economic use as currently zoned?
IT HAS BEEN IDENTIFIED AS FUTURE COMMERCIAL AND
FITS W/ COMMERCIAL USE AS IT LIES ON A
MAJOR HWY (HWY 138).
- 4. Will the zoning proposal result in a use that could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?
NO. PROPOSED USE IS FOR A FAMILY OWNED TRUCKING
CO. ; WILL CONTAIN/CONSIST OF SMALL STOP &
PARKING FOR TRUCKS OVER WEEKENDS W/ DRIVERS
ARE NOT OUT ON DELIVERIES.
- 5. Are there existing or changing conditions that affect the use and development of the property which support either approval or denial of the zoning proposal?
NONE KNOWN.

6. Does the zoning proposal permit a use that can be considered environmentally averse to the natural resources, environment and citizens of Newton County?

NO. PROPOSED USE WILL HAVE NO ADVERSE EFFECTS ON THE AREA BUT WILL INSTEAD CREATE OTHER GROWTH OPPORTUNITIES.

7. Any other standards of review that may be relevant to your petition, pursuant to Section 620-020, Newton County Zoning Ordinance? NONE KNOWN.

Concept Plan

