

NEWTON COUNTY  
BOARD OF COMMISSIONERS

CONDITIONAL USE PERMIT

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CASE NUMBER: CUP20-000002

PROPOSED USE: Truck Repair with Fleet Parking

LOCATION: 41 Kent Rock Rd & Hwy 138

PARCEL SIZE: 5.11 acres (36-23) & 5.11 acres (36-23A)  
10.22 total acres

TAX PARCEL: 36-023 & 36-023A

FUTURE LAND USE: COM (Commercial)

EXISTING ZONING: AR (Agricultural Residential)

WATERSHED: Big Haynes Creek

COMMISSION DISTRICT: 3 (Three)

OWNER: Alexandr Rusu

PETITIONER: Alexandr Rusu

REPRESENTATIVE: Daniel Peret

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APPLICANT'S INTENT 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 Conditional Use petition and the companion petition, REZ20-000003, 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.

**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)

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**CONDITIONAL USE STANDARDS OF REVIEW**

Sec.620-060 B.

Planning Staff shall, with respect to each conditional use permit application, investigate and determine that satisfactory provision and arrangements have been made concerning the factors below (as applicable).

**1. The size of the site for the use contemplated is adequate land area for the proposed conditional use.**

The property is a total of 10.22 acres in size, and the proposed truck repair with fleet parking business will be located within the proposed building with the fleet parking located on a designated graveled area of the lot. The property appears to be adequately sized for the proposed use with sufficient green/landscape areas available.

**2. This use is compatible with adjacent properties and with other properties in the same zoning district.**

The property is located in an area surrounded by commercial zonings with residential uses and Agricultural zonings with legal non-conforming commercial uses. The area has been slated for commercial development for over 20 years; however, development has not occurred in the area except for scattered single-family homes.

- 3. The public street on which the use is proposed to be located is adequate and there is sufficient traffic-carrying capacity for the use proposed.**

The subject property is located at the intersection of State Hwy 138 and Kent Rock Rd which has sufficient traffic carrying capacity for this use.

- 4. The proposed site plan allows for satisfactory ingress and egress, with particular reference to pedestrian and automotive safety, traffic flow and emergency access.**

The proposed driveway will be located off of Kent Rock Rd which is a substandard county road that will need improvements. Hwy 138 has turning lanes on both sides to allow for egress and ingress onto Kent Rock Rd, however upon further site visits to the property there is some limited sight issues coming from the east if turning onto Hwy 138 from Kent Rock Rd. The proposed use for the subject site may have a negative impact on public services and facilities; however, these impacts should be mitigated with the incorporation of Staff's Recommended Conditions.

- 5. This use should not create unreasonable adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use.**

The applicant is proposing to use gravel for the parking area which is an acceptable parking lot material. All repairs are to be conducted inside the building, so there should not be any adverse impacts from the repairs, however trucks would cause some noise when entering and existing from the property. Fleet parking is proposed to be only be on the weekends.

- 6. The proposed use will not create unreasonable adverse impacts upon any adjoining land use by reason of the manner of the hours of operation of the proposed conditional use.**

Fleet parking and repair will only be taking place during normal business hours; therefore, there should be no adverse impacts on any adjoining land.

- 7. The proposed use will not create unreasonable adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use.**

As noted above, no adverse impacts are anticipated. However, there could be some noise when the trucks are entering and leaving the property.

- 8. The proposed site plan provides adequate refuse and service areas.**

There is adequate area to provide refuse and service areas.

- 9. Whether the length of time for which the conditional use permit is granted should be limited in duration.**

Staff recommends that the duration of the use should extend until the site is no longer being used as a fleet parking and repair shop.

- 10. The size, scale and massing of the proposed buildings are appropriate in relation to the subject site and adjacent sites.**

There will only be one proposed 6,000 square foot building constructed on the property that would be for the repairs and with a small office space inside.

11. **The proposed site plan and use will not adversely affect historic buildings, sites, districts or archaeological resources.**

The proposed site plan and use will not impact any resources.

12. **The proposed use will not have an unreasonable adverse impact on environmentally sensitive areas, including the watershed as long as the wastewater is pretreated as required by the Newton County Health Department.**

It will not. The property will be developed with an onsite detention/storm water pond.

## **SITE PLAN ANALYSIS**

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

### **FENCING, PROPERTY DEVELOPMENT STANDARDS, GENERAL DESIGN STANDARDS AND SIGNAGE.**

The site plan and the letter of intent indicates the property will be used for a truck repair with fleet business. The applicant has provided Development Services with a survey plat. The property will have an approved paved entrance off Kent Rock Road with parking located in front of the building close to Highway 138. There will also be a graveled parking lot for the parking of the trucks.

### **SIGNAGE**

Any signage will meet the signage requirements of the Newton County Ordinance, Sec. 525-020 D.

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### **Sec. 415-040 USE RESTRICTIONS (Big Haynes Creek)**

**B.** Unless existing and legally established prior to the adoption of the Watershed Protection Overlay District for Small Water Supply Watersheds, and notwithstanding anything contained in the Use Table (Division 505) to the contrary, the following uses shall require a Conditional Use Permit:

- 9. Truck terminals.
- 11. Auto and truck sales, rental and repair shops.

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## **CONCLUSION:**

Should the companion rezoning, REZ20-000003, be approved, Staff requests to incorporate the following Recommended Conditions.

## **RECOMMENDED CONDITIONS**

Should this petition be approved by the Board of Commissioners, it should be approved for a Conditional Use Permit for a Truck repair and fleet parking business 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.

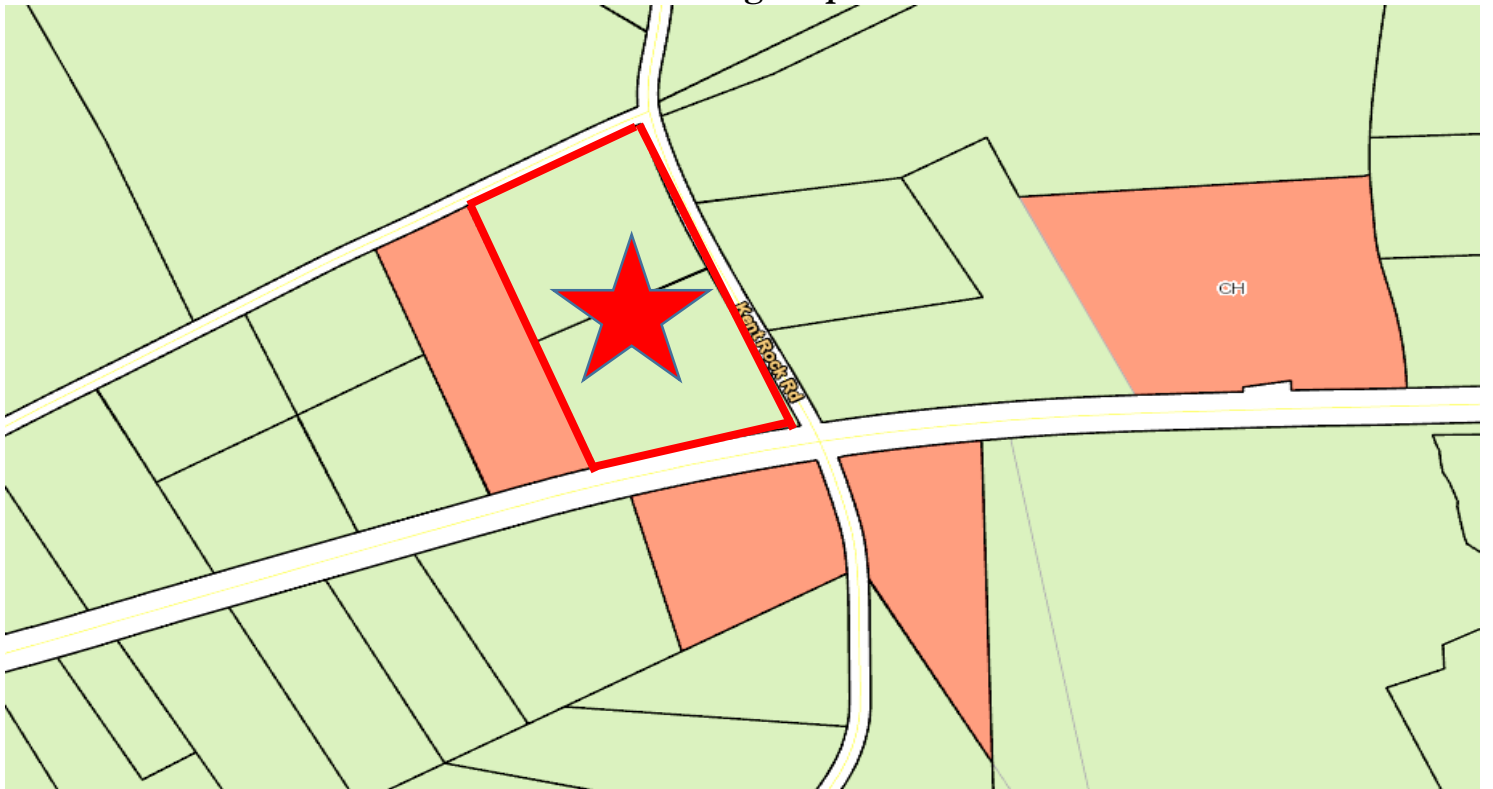
To the owner's agreement to abide by the following development standards and regulations:

1. All activities for Truck repair shall be carried on entirely within the enclosed building.
2. Prior to the allowance of any outdoor storage on the property, the applicant will provide a plan showing the area in which the storage will occur to be approved by the Department of Development Services.
3. Outdoor storage is limited to 25% of the total lot.
4. Outdoor storage areas and refuse containers shall be screened and buffered so as not to be visible from public right of ways or abutting residentially zoned property.
5. Wrecker service, salvage, abandonment, recovery or repossession of automobiles and trucks, and temporary storage of said vehicles is prohibited.
6. Truck parking and repair is limited to the fleet owned by the applicant.
7. Truck repair is limited to normal hours of operation.
8. Prior to the issuance of a land disturbance permit the owner will record a new Minor Plat showing the combination of the 2 parcels.
9. Must abide by all conditions of companion case REZ20-000003.

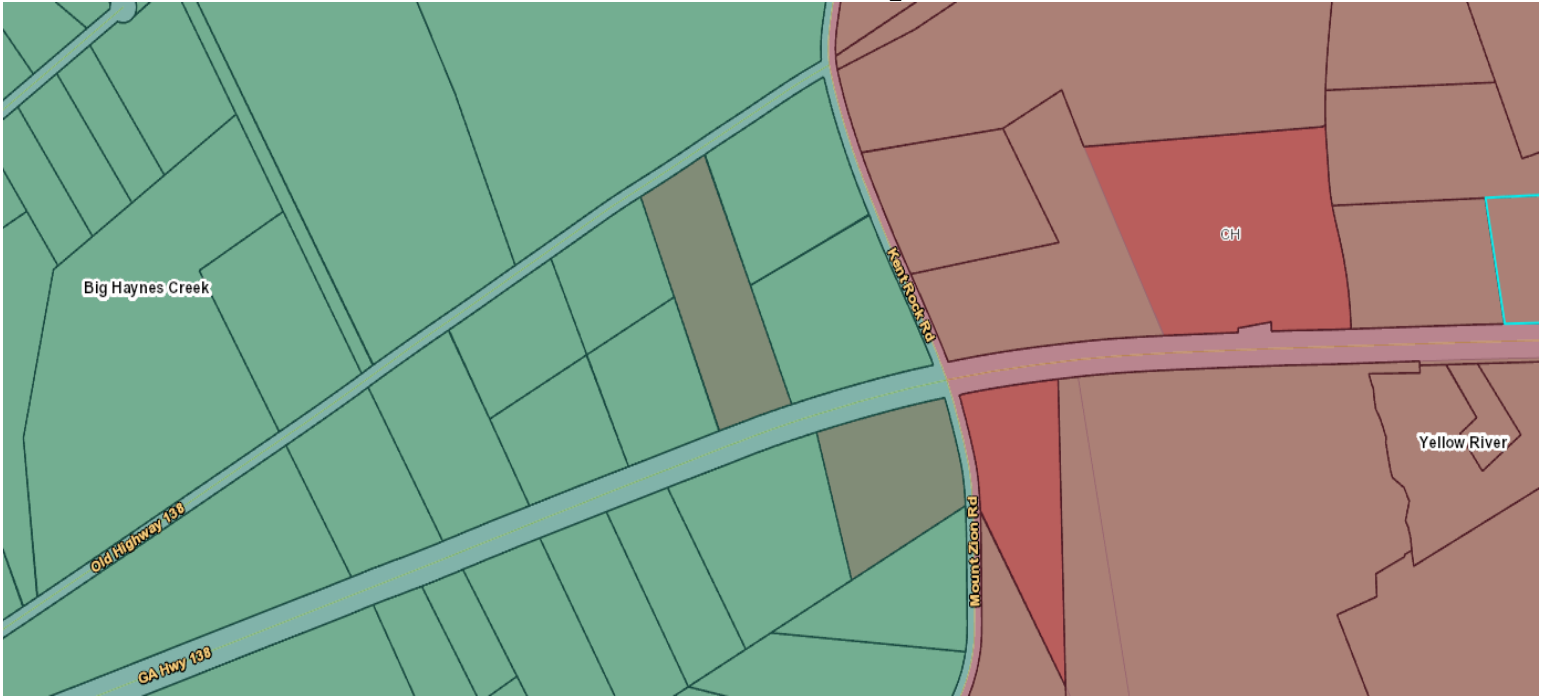
# Aerial Map



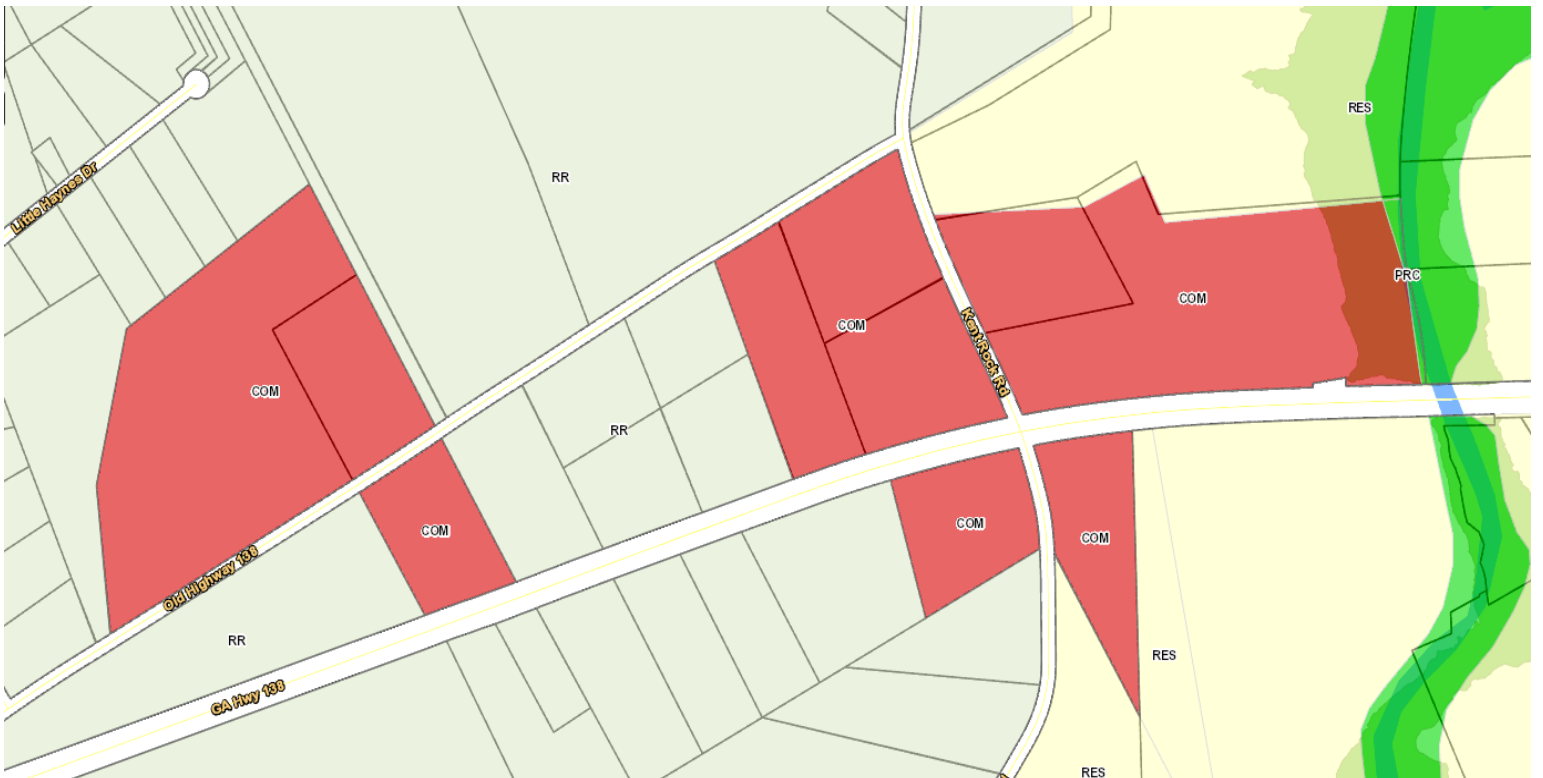
# Zoning Map



# Watershed Map



# Future Land Use Map





# Survey Plat



## Letter of Intent

March 6<sup>th</sup>, 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 conditional use permit for these two parcels of land allowing me to build a small shop and office for my company to run the transportation company from the premises. I also plan on leveling out and graveling a section of the property so my drivers can park the trucks on our property when they are in town spending time with their families which is usually on weekends and holidays.

The property runs along Ga Hwy 138 at the intersection with Kent Rock Road. We plan on having the entrance and exit from our business onto Kent Rock Road with easy access for the trucks to get onto and off of Hwy 138.

Thank you in advance for your consideration and approval for this Business Use Permit so I can move my transportation company from another very close by location in Oxford on Ga Hwy 138 that we have been renting and onto our own business property here at the corner of Ga Hwy 138 and Kent Rock Road.

With Appreciation,

Alexandr Rusu



IMPACT ANALYSIS FOR CONDITIONAL USE PERMIT APPLICATIONS

*Complete the following questions 1 through 15 (as applicable):*

1. Petitioner's Name: Alexander Rusk
2. Road Name(s): Hwy 138, Kent Rock Rd
3. Map and Parcel #: 036000023A, 036000023
4. Conditional Use Request: \_\_\_\_\_

*Analyze the impact of the proposed use and answer the following questions:*

1. The size of the site for the use contemplated is adequate land area for the proposed conditional use. CONCRETE. PROPOSED A SMALL OFFICE AND A SHOP FOR TRUCK REPAIR AS WELL AS GARAGE PARKING.
2. This use is compatible with adjacent properties and with other properties in the same zoning district. CONCRETE. FUTURE USE IS COMMERCIAL - THERE ARE MANY TRUCK COMPANIES IN THE AREA ALL ALONG HWY 138.
3. The public street on which the use is proposed to be located is adequate and there is sufficient traffic-carrying capacity for the use proposed. PROPERTY IS AT CORNER OF STATE HWY 138 & KENT ROCK RD.
4. The proposed site plan allows for satisfactory ingress and egress, with particular reference to pedestrian and automotive safety, traffic flow and emergency access. COMPLETELY.
5. This use should not create unreasonable adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use. CONCRETE. TRUCK PARKING ON WEEKENDS WHEN DRIVERS ARE IN TOWN.
6. The proposed use will not create unreasonable adverse impacts upon any adjoining land use by reason of the manner of the hours of operation of the proposed conditional use. CONCRETE. DRIVERS COME TO PROPERTY DURING NORMAL OPERATING HOURS.

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Newton County Department of Development Services  
113 Latta Street, Covington, Georgia 30014  
878-426-1320

# Concept Plan

