

**NEWTON COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING  
February 20, 2007  
MINUTES**

**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, Jenny Carter and County Clerk Jackie Smith

**Newspaper:** Covington News – Rachel Osborn

Newton Citizen – Crystal Tatum

Large group of citizens

Chairman Varner called the meeting to order, extended a welcome and read the thought for the day. Commissioner Mort Ewing gave the invocation and Chairman Varner led the Pledge of Allegiance to our great Flag.

Chairman Varner addressed the board and asked that two corrections be made to the agenda. 1. CUP-009 was incorrectly noted on home occupation re skin care services. It should have read CUP-015.

2. Correct information for CUP-009 added to the agenda. (Mt. Pleasant LLC)

Board concurred.

**APPROVAL OF BOC MINUTES DATED FEBRUARY 6, 2007**

Motion: To approve Board of Commission Minutes dated February 6, 2007 on pages 1-10 in agenda packet.

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Mort Ewing, District One

Motion Carried

**APPOINTMENT TO ELECTION BOARD**

Chairman Varner addressed the board with two names (Mr. Stanley Edwards Sr. & Mrs. Charles Strickland) submitted by the Republican Party to be considered for appointment to the Election Board

Motion: To appoint Mr. Stanley Edwards, Sr. to serve on the Newton County Board of Election. Mr. Edwards's term will expire on December 31, 2010.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Ester Fleming, Jr., District Three

(Commissioner Henderson noted that he did not know Mr. Edwards and would abstain from the vote. Commissioner Simmons also abstained.

Motion Carried

## **TAX COMMISSIONER – USAGE OF DEBIT -CREDIT CARD**

Tax Commissioner Barbara Dingler appeared before the board to present her request. She noted this would be good for the citizens of the county and a fee will be charged to cover the expense. She will review the cost and success after several months and will adjust the fee accordingly.

Motion: To approve the proposal presented by Tax Commissioner Barbara Dingler allowing the Tax Office to utilize the debit/credit card system of payment for taxes. This will be at a breakeven cost for the county.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

## **CUP06-013**

### **LAFARGE AGGREGATES, S.E., INC.**

County Attorney Tommy Craig addressed the board regarding the petition and presented several exhibits for the record and are made a part of these minutes.

Exhibit A: True & Correct Copy of the 2003 Newton County Zoning Ordinance

Exhibit B: Copy of Zoning Map of CUP06-013

Exhibit C: Copy of Zoning & Vicinity Map for CUP06-013

Exhibit D: True & Correct Copy of Minutes & Attachment dated February 19, 1980

Exhibit E: True & Correct Copy of Minutes dated October 1, 1991

Exhibit F: Copy of a Memorandum to Board of Commissioners dated February 20, 2007 from David S. Eady, City of Oxford Planning Department

Exhibit G: Copy of Correspondence dated November 19, 1997 from Cook Engineering Services to then Chairman Davis Morgan

Exhibit H: Copy of Civil Action File Number 97-001678-3 Application for Writ of Mandamus – Stamped 98 FEB – 3 PM 12:59 - Moore Brothers Paving, Inc. Plaintiff vs. Newton County, Georgia; Don Helm, Kay Martynuska, Charlie Hardy, John Chestnut, Ron Dimery and L.H. Cook, Members of the Planning Commission of Newton County, Georgia – Defendants

Attorney Wayne Phears presented the following exhibits on behalf of LaFarge and made part of these minutes.

Exhibit A: Motion For Recusal

Exhibit B: Correspondence dated February 19, 2007 – Application of Lafarge Aggregate Southeast, Inc. to Members of the Board of Commissioners

Exhibit C: Correspondence dated February 20, 2007 – Application of LaFarge Aggregates Southeast, Inc.

Court Report Dianna M. Cormier - verbatim minutes of this issue and made part of these minutes.

Motion: To deny request for CUP06-013 – Lafarge Aggregates, S.E., Inc.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Ester Fleming, Jr., District Three

Motion Carried with Commissioner Simmons abstaining from vote.

Motion: To adopt the written decision prepared by County Attorney and including the supplemental finding that the variance appeal be denied because it is not ripe for review.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Ester Fleming, Jr., District Three

Motion Carried

### **EXCHANGE SERVER – IT DEPARTMENT**

IT Director Tim McCart appeared before the board to present his request. The board previously received information regarding this project for their consideration.

Commissioner Simmons

- Questioned cost and Mr. McCart noted it would be approximately \$1500.00 per month.
- IT Department will complete conversion

Commissioner Fleming

- Noted this will save county dollars. (Yes) Budgeted \$75,000 for this.
- Expressed appreciation to Tim and his staff for the great job they do for the county.

Motion: To approve the request for Exchange Server – IT Department as proposed by NTT Communications Hosted Exchange and presented by IT Department Director Tim McCart.

Proposed by: Commissioner Monty Laster, District Five

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

Motion Carried

### **NEWTON TRAILS – SEGMENT 2: WEST CLARK ST. TO MOORE ST.**

Administrative Officer John Middleton addressed the board regarding Newton Trails and noted:

- Raised \$67,000
- \$29,000 from college faculty and staff, Oxford citizens
- \$20,000 from Arnold Fund
- \$18,000 from various foundations and corporations.
- Very pleased with support of community
- Requesting \$10,000 from BOC
- Funding Source would come from the SPLOST Program Greenspace & Trails

Motion: To approve the funding match of \$10,000 for Newton Trails – Segment 2: West Clark Street to Moore Street as requested and presented by Mr. Middleton.

Proposed by: Commissioner Ester Fleming, Jr., District Three

Second by: Commissioner Monty Laster, District Five

Motion Carried

**R022007b CERTIFICATION LETTER – CDBG APPLICATION FOR COUSINS GYM**

Administrative Officer John Middleton presented request and noted the following:

- Third time applying for this grant
- NEGRDC will write grant and process for us
- \$500,000

Recreation Director Tommy Hailey

- Rec Commission fully supports this endeavor

Commissioner Henderson

- Gym in desperate need of restoration/repairs
- The gyms we use are already overcrowded
- Will benefit the citizens in community greatly.

Motion: To approve Resolution R022007b Certification Letter – CDBG Grant Application for \$500,000 to go towards Cousins Gymnasium project.

Proposed by: Commissioner Monty Laster, District Five

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

Motion Carried

Note: The original ordinance is contained in file number R022007, incorporated herein by reference and expressly made a part of these minutes.

**N.C. UPDATES 2007 – PROPOSAL #G043.07 – PHOTO SCIENCE**

Ernie Smith from the GIS department addressed the board regarding this proposal and noted the following:

- Aerial photograph and photogrammetric mapping services
- New vertical color aerial photography
- Create digital orthophotogramph from 100 tiles provide to them
- Orthophotograph delivered in TIF and Mr.Sid format
- Planimetry delivered in format complaint with previous yearly updates
- Focus on community based information
- Joint effort between City of Covington, NCW&SA and County

Cost:

Aerial Photography & Lab:	\$ 9,000.00
Digital Orthophotography:	29,000.00
Supplemental Ground Control:	3,000.00
Planimetric Updates:	41,500.00

Total Cost:	\$82,000.00
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County's Portion is 40% = \$33,000

Motion: To approve Newton County Updates 2007 Proposal #G043.07 from Photo Science for \$82,000 with Newton County's portion being 40% for a total of not to exceed \$33,000.00.

Proposed by: Commissioner Monty Laster, District Five

Second by: Commissioner Ester Fleming, Jr., District Three

Motion Carried

### **TREE REMOVAL ON SQUARE & JUDICIAL CENTER PARKING LOT**

Administrative Officer John Middleton presented this request to the board and noted the following:

- Needs to remove Elm that was struck by lightning on north side of square.
- Pecan tree @ Judicial Center Parking Lot is in danger as well
- Received quotes and discussed with County Arborist Debbie Bell.
- Recommend Williamson Tree Service for a total cost of \$2,850.00.
- Funding: General Fund, Public Works

Motion: To approve tree removal on Square and Judicial Center Parking Lot for a not to exceed cost of \$2,850.00 by Williamson Tree Service.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

### **N.C. (ID#2170097) FLUORIDATION GRANT – CORNISH CREEK**

Administrative Officer John Middleton presented this request to the board and noted the following:

- Reviewed with Jimmy Matthews, Executive Director, GRWA
- Will bring up to minimum standards
- Digital Scales
- County chosen to receive \$7800.00 to purchase two sets of scales for use with fluoridation system.
- Grant Money Available
- Should not exceed \$7400.00
- Will come back to this board if bid is higher cost.

Motion: To approve N.C. (ID#2170097) Fluoridation Grant of \$7800.00 offered to Newton County by Georgia Rural Water Association for the purchase of two sets of scales for use with fluoridation system.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

**7:30 P.M.**  
**ZONINGS:**

Chairman Varner noted that each side would have ten minutes to present their issues, and it would not include board discussion.

Planning Director Marian Eisenberg addressed the Board and sounded the following zonings:

**R022007 – RESOLUTION TO CORRECT NEWTON COUNTY ZONING MAP**

MC06-003  
District Three

Director Eisenberg

- Correcting map to bring into compliance

No Opposition

Motion: To approve Resolution R022007 directing the Planning Director to correct the 2003 Official Zoning District Map of Newton County, Georgia changing the zoning district designation for parcel 0042-053 to CG as approved on August 1, 2000.

Proposed by: Commissioner Ester Fleming, Jr., District Three

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

Motion Carried

Note: The original ordinance is contained in file number R022007, incorporated herein by reference and expressly made a part of these minutes.

**R022007A – RESOLUTION TO CORRECT NEWTON COUNTY ZONING MAP**

MC06-004  
District Five

Director Eisenberg

- Correcting map to bring into compliance

No Opposition

Motion: Motion: To approve Resolution R022007a directing the Planning Director to correct the 2003 Official Zoning District Map of Newton County, Georgia changing the zoning district designation for parcel 0067-111 to MHP (Manufactured Home Park) as approved in 1971.

Proposed by: Commissioner Monty Laster, District Five

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

Motion Carried

Note: The original ordinance is contained in file number R022007A, incorporated herein by reference and expressly made a part of these minutes.

### **CUP06-009**

Existing Land Use Map: Development Node

Existing Zoning: AR (Agricultural Residential)

Proposed Use: Wastewater disposal facility

Watershed: Little River

Location: GA. Highway 11 (East Side)

113.71 Feet of Frontage

Parcel Size: 73.43 Acres

Tax Parcel: 112-09

Owner: Mount Pleasant, LLC

Petitioner: Brick Store Utility Company, Inc.

Representative: Frank Turner, Jr.

Applicant's Intent: To construct a wastewater treatment and dispersal system. This is a 4- phase project. The first phase will serve Perimeter College and future phases will be constructed as needed for future development.

Planning Commission Recommendation: Approval with Staff Conditions on January 23, 2007

District One

Petitioner Representative: Attorney Frank Turner, Jr.

- Basically reviewed letter of intent which is part of these minutes
- Project will be driven by demand
- Only developers who own the land will be allowed to tap on.
- GPC plans to open doors in May.

No Opposition

Motion: To approve CUP06-009 for the purpose of a Wastewater Disposal Facility with the following conditions:

If the Board of Commissioners approves this petition, it should be approved as a Conditional Use Permit for a Wastewater Treatment Facility in a Protected Watershed 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. Wastewater Treatment and Dispersal System and accessory uses and structures.
  - b. Development shall meet all requirements of the Environmental Protection Division of the Department of Natural Resources.
2. To the owner's agreement to abide by the following:
  - a. To the site plan and legal description received by the Department of Planning and Development on August 4, 2006. 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. The existing wooded area shall remain undisturbed and the cultivated area replanted with pine trees. Planting and specifications are subject to the approval of the County Arborist.
  - b. Stormwater plan to be reviewed and approved by County Engineer.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

### **CUP06-015**

Proposed Use: Home Occupation (Skin Care Therapist) w/Customer Contact on Property

Existing Zoning: AR (Agricultural Residential)

Watershed: Alcovy River

Location: Alcovy Circle (Northwest Side)

119.00 Feet of Frontage

Parcel Size: 2.27 Acres

Tax Parcel: 98-165

Owner: Audrey M. Cooke

Applicant's Intent: To allow a home occupation (Skin care services) with customer contact on the property.

Planning Commission Recommendation: Approval with Amended Staff Conditions on January 23, 2007.

District One



Petitioner: Audrey Cooke

- Home business
- One chair
- One person
- Alternate on Friday and Saturday's
- Two – three days per week
- No impact
- Home sits 119 feet from road
- Owns lots on both sides of her home

Commissioner Fleming

- Questioned if Ms. Cooke was licensed and she confirmed that she was
- Confirmed this will be a part-time business. Yes

No Opposition

Attorney Jenny Carter

- This will also require a written decision from the board and I have taken the liberty to draft one for you for your approval.

Motion: To approve the written decision as attached and to include all planning commission recommendations as read aloud by Commissioner Ewing.

If this petition is approved by the Board of Commissioners, it should be approved for a Conditional Use Permit for a Home Occupation with Customer Contact on Property 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. A single-family residence with a home occupation (skin care services).
  - b. Comply with the standards of section 510-310 of the Newton County Zoning Ordinance, as applicable.
2. To the owner's agreement to abide by the following:
  - a. To the site plan and legal description received by the Department of Planning and Development on December 1, 2006. 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.

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

Hours of operation shall be 9:00 a.m. to 4:00 p.m. no more than 3 days a week.

b. No signage related to home occupation shall be allowed.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Ester Fleming, District Three

Motion Carried

### **REZ06-026**

Existing Land Use Map: DN (Development Node)

Existing Zoning: RMF (Multi-Family Residential), R1 (Single Family Residential),  
CN (Neighborhood Commercial), and CH (Highway Commercial)

Proposed Zoning: CORD – PRC

Watershed: Alcovy & Bear Creek

Location: Interstate 20 (South Side)

1,989.03 Feet of Frontage

GA. Hwy. 11 (West Side)

3,143.78 Feet of Frontage

GA. Hwy. 278 (North Side)

205.68 Feet of Frontage

Cedar Lane (Southeast Side)

2,535.26 Feet of Frontage

Parcel Size: 230.45 Acres

Tax Parcel: 112-09, 112-11, 112-18

Owner: Mount Pleasant, LLC

Representative: Frank Turner, Jr.

Applicant's Intent: To develop a mixed use "College Town" in conjunction with  
Perimeter College. The development includes a mix of residential, commercial and civic  
uses.

Planning Commission Recommendation: Approval with Staff Conditions on  
January 23, 2007.

District One

Petitioner Representative: Attorney Frank Turner, Jr.

- Represents Arnold Fund and Mt. Pleasant, LLC
- Very proud of this project
- Meets all requirements of Brick Store Overlay
- Mt. Pleasant has been a community for a long time
- Mixed Use Community
- Purchased 400 acres six years ago
- Gave 100 acres to GPC
- All frontage on Hwy. 11 is Greenspace
- Slide presentation
- Housing for seniors
- No apartments
- 90 town homes
- 90 cottages

- 261 stand along homes
- 77 large homes
- Price Range: \$150,000 to \$500,000
- Alleys
- Parking in rear
- Parks
- Two lakes
- Greenspace in walking distance of every home
- Approval from Planning Commission
- Pasture land provided to keep the cows in
- Parks around lakes and smaller parks around property

No Opposition

Micheal Penland

- Highly favors project
- Sets a benchmark for eastern side of county
- Questioned the type of development that will be going down Hwy. 278

Commissioner Ewing

- Noted that the Development Node is the same that was approved in 1999 and approved by this current board three times.
- First Planned Community that started in 1999.
- Commend the 1999 Board of Commissioners for appointing committee to study area called a Charette
- 25-30 people committee
- Tonight's request is almost identical to what was presented in 1999 from that committee
- Very please this board saw fit to adopt charette from 1999 and to adopt Development Node in 1999-2000
- Also, adopted Rural Village Overlay
- Mt. Pleasant, LLC has agreed to follow Overlay verbatim as approved by the Board of Commissioners.
- This board is trying to prevent urban sprawl.
- This board has agreed to support GPC coming to area and supports decision with \$2.5 million dollars to help with project.

Board is very pleased with proposed project.

Motion: To approve rezoning RE06-026 with following conditions placed on zoning by petitioner and planning commission as read by Commission Ewing.

If this petition is approved by the Board of Commissioners, it should be approved CORD –PRC (Community Oriented Residential with 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:
  - c. No more than 750 total dwellings and accessory uses and structures, at a maximum density of 3.25 units per acre, whichever is less based on the total acreage zoned.
  - d. No more than 134,960 total square feet of retail/office and accessory uses and structures, at a maximum density of 24,500 square feet per acre designated for non-residential uses.
  - e. The minimum lot size shall be as follows:
    - Cottage – 4,000 square feet
    - House – 6,500 square feet
    - Large House - 12,900 square feet
    - Townhouse – 2,300 square feet
    - Side Yard House – 9,600 square feet
  - e. The minimum heated floor area per dwelling unit shall be as follows:
    - Cottage – 900 square feet
    - House – 1,600 square feet
    - Large House- 2,200 square feet
    - Townhouse – 1,200 square feet
    - Side Yard House – 1,600 square feet
    - Senior Flats – 500 square feet
2. To the owner's agreement to abide by the following:
  - a. To the site plan and legal description received by the Department of Planning and Development on August 4, 2006. 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.
4. To the owner's agreement to abide by the following development standards:
  - a. Reduce, if necessary, rules applying generally by the Newton County Ordinance, to comply with the Master Plan referenced in condition 2.a. Any reduction or variance to rules is subject to approval of the Director, and in compliance with Sec. 300-040 H.

- b. Provide the following building setbacks:

Large House lot  
Front Yard – 15 feet  
Side Yard – 5 feet  
Rear Yard – 17 feet, including 5-foot alley easement.

Side Yard House lot  
Front Yard – 10 feet  
Side Yard – 0 feet, 15 feet between buildings, and from side yards adjacent to streets.  
Rear Yard – 17 feet, including 5-foot alley easement.

Townhouse House lot  
Front Yard – 0 feet  
Side Yard – 5 feet from side yards adjacent to streets.  
Rear Yard – 12-foot alley easement.

Commercial  
There are no building setbacks for commercial and office uses.

- f. Provide off-street and on street parking as shown in the master plan referenced in Condition 2.a. All off-street parking for commercial shall be located in the rear of the buildings.
- g. Provide a 5-foot planting strip between the sidewalk and back of curb along all residential streets.
- h. Provide the following road improvements as recommended by the Mount Pleasant Traffic Impact Study.

SR11 at Driveway 3 (per Traffic Study)

- i. Install traffic signal if warranted by owner's development activity prior to installation by Georgia Perimeter College, Georgia DOT or third parties.
- ii. Construct a northbound left-turn lane along SR11.
- iii. Construct a southbound right-turn lane along SR11.
- iv. Construct at the eastbound approach of Driveway 3 a minimum of one ingress lane and two egress lanes. (Separate left-turn lane and right-turn lanes)

US278/SR12 at Driveway 1 (per Traffic Study)

- v. Construct an eastbound left-turn lane along US278/SR12.

- vi. Construct at the southbound approach of Driveway 1 a minimum of one ingress lane and two egress lanes. (Separate left-turn lane and right-turn lanes)

US278/SR12 at Driveway 2 (per Traffic Study)

- vii. Construct at the eastbound approach of Driveway 2 a minimum of one ingress lane and one egress lane. (Shared left-turn lane/right-turn lane)
  
- i. Stormwater plan to be reviewed and approved by County Engineer.
  
- j. Comply with all development standards as required Sec. 300-020, A. through P.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

**REZ06-031**

Existing Land Use Map: C (Commercial)

Existing Zoning: R3 (Single-Family Residential) MHP (Manufactured Home Park)

Proposed Zoning: CN (Neighborhood Commercial)

Watershed: South River

Location: Old Concord Drive (South Side)

265.35 Feet of Frontage

Salem Road (West Side)

469.41 Feet of Frontage

Parcel Size: 3.25 Acres

Tax Parcel: 12-34, 12A-1, 2

Owner: H.K. Elliott, Jr.

Representative: United Retail Development Company, LLC – Russell W. Rankenburg

Applicant's Intent: To develop a 14,820 square foot drug store and one outparcel with 2700 square feet of retail space for a total of 17,520 square feet at an overall density of 5,390.78 square feet per acre

Planning Commission Recommendation: Deferred until January 23, 2007 on November 28, 2006. January 23, 2007 - Withdrawal

District Two

Motion: To accept the requested withdrawal.

Proposed by: Commissioner Earnest Simmons, District Two

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

Motion Carried

**FLU06-018**

**REZ06-034**

Proposed Land Use Map: I (Industrial)  
Existing Land Use Map: RR (Rural Residential)  
Proposed Zoning: M1 (Light – Industrial)  
Existing Zoning: AR (Agricultural Residential)  
Watershed: Bear Creek  
Location: GA. Hwy. 11 (West Side)  
149.65 Feet of Frontage  
Parcel Size: 17.86 Acres  
Tax Parcel: 127-34  
Owner: Randy Boatenreiter, et al  
Petitioner: Snapping Shoals EMC  
Representative: Charles N. Woodard

Applicant’s Intent: To gravel less than one acre of the property for a drive and to store power poles, transformers and smaller items. One 40-foot x 8-foot container (320 square feet) will be placed on the property for the storage of small items such as bolts wire, connectors, cross arms, insulators, etc. One 10-foot x 20-foot concrete pad (200 square feet) will be poured for the storage of transformers and a rack will be provided for the storage of power poles.

Planning Commission Recommendation: Approval with Staff Conditions on January 23, 2007  
District One

Petitioner Representative: Charles Woodward

- Determined a need for a storage area to store apparatus in eastern side of county.
- This will help us provide better service to our customers.
- Request that one-acre be removed and replaced with three acre.
- Clean place
- Trucks will be in and out only on a as needed basis
- No impact

No Opposition

**FLU 06-018**

Motion: To approve the change in the Future Land Use Map from RR to I (Industrial).  
Proposed by: Commissioner Mort Ewing, District One  
Second by: Commissioner Ester Fleming, Jr., District Three  
Motion Carried

**REZ06-034**

Motion: To approve the zoning change from AR to M1 (Light Industrial) with the following conditions:

If this petition is approved by the Board of Commissioners, it should be approved M1 (Light Industrial) 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. Storage for power poles, transformers, and smaller items.
  - b. Containers for storage of smaller items shall be placed in accordance with the building setbacks of the M-1 (Light Industrial) district.
2. To the owner's agreement to abide by the following:
  - a. To the site plan, legal description and Letter of Intent (with exception that more than one acre of property may be graveled) received by the Department of Planning and Development on November 16, 2006. 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.
5. To the owner's agreement to abide by the following development standards:
  - c. Stormwater plan to be reviewed and approved by County Engineer.
  - d. No more than one curb-cut on Georgia Highway 11.
  - e. Planting of buffer adjacent to agricultural/residential properties subject to the approval of the County Arborist.

Proposed by: Commissioner Mort Ewing, District One

Second by: Ester Fleming, Jr., District Three

Motion Carried

### **REZ06-036**

Existing Land Use Map: C (Commercial)

Proposed Zoning: CH (Highway Commercial)

Existing Zoning: MHP (Manufactured Home Park)

Watershed: South River

Location: Salem Road (West Side))

589.01 Feet of Frontage

Parcel Size: 5.83 Acres

Tax Parcel: 12-34

Owner: H. K. Elliott, Jr.

Petitioner: H.K. Elliott, Jr.

Representative: James B. Alexander

Applicant's Intent: To develop 39,200 square feet of commercial in 5 buildings at an overall density of 6,723.84 square feet per acre.



Planning Commission Recommendation: Approval with Changed Conditions  
January 23, 2007  
District Two

Petitioner Representative: Attorney Jimmy Alexander

- Well received by Planning Commission
- Mr. Elliott hemmed in by commercial
- Front part of Wagon Train MPH
- Site Plan will come back after use has been identified
- Adult Entertainment Store will be excluded

No Opposition

Motion: To approve REZ06-036 with the following conditions as read by Director Marian Eisenberg:

If this petition is approved by the Board of Commissioners, it should be approved CH (Commercial Highway) 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. Retail, service commercial and/or office and accessory uses, including all exterior food and beverage service areas, at a maximum density of 6,723.84 gross square feet per acre zoned or a total of 39,200 square feet, whichever is less.
  - b. The following uses are prohibited:
    - (1) Amphitheaters, Stadiums
    - (2) Animal Hospitals, Vet Clinics
    - (3) Auto Repair, Auto Sales
    - (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 site plan and legal description received by the Department of Planning and Development on December 1, 2006. 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.
  - b. Any revision to the site plan referenced in Condition 2.a., and any proposed change to other Conditions of Zoning deemed a Major change by the Planning Director must be approved by the Board of Commissioners as a Modification, as regulated by Section 620-070 of the Newton County Zoning Ordinance.
  
- 6. To the owner's agreement to abide by the following development standards:
  - f. Stormwater and water quality plan to be reviewed and approved by the Planning & Development Engineer.
  - g. All curb cuts shall be located at sufficient distance from the intersection to provide for turn lanes, and stacking to the development.
  - h. Provide the necessary right-of-way, at no cost to Newton County, necessary for future improvements to Salem Road as proposed by DOT.
  - i. Developer shall submit a landscaping plan, which will include tree islands in parking areas. Landscaping plan subject to the approval of the County Arborist.
  - j. Provide downcast lighting.
  - k. Provide interparcel access with adjacent commercial properties along north and south property lines, as required by the Planning Director.

Proposed by: Commissioner Earnest Simmons, District Two

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

Motion Carried

**REZ06-037**

Existing Land Use Map: RR (Rural Residential)

Existing Zoning: A (Agricultural)

Proposed Zoning: RE (Rural Estate)

Watershed: Alcovy River

Location: Blackwell Road (South Side)

307.60 Feet of Frontage

Parcel Size: 2.00 Acres (Parent Parcel is 14 Acres)

Tax Parcel: 88.6

Owner: Bryant Blackwell, Jr. & Marlene Blackwell

Petitioner: William M. Lawson & Aimee M. Lawson

Representative: William M. Lawson

Applicant's Intent: To create a 2-acre lot for a family member to construct a 2,800 square foot house.

Planning Commission Recommendation: Approval with Staff Conditions on January 23, 2007

District One

Petitioner: Bill Lawson

- Request two acres to be zoned for a family member to build a house.

No Opposition

Motion: To approve zoning REZ06-037 from A (Agricultural) to RE (Rural Estate) with the following conditions as read by Commissioner Ewing.

If this petition is approved by the Board of Commissioners, it should be approved RE (Rural Estate) 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:
  - k. No more than one single family detached dwelling and accessory uses and structures.
  - b. The minimum lot size shall be 2 acres.
  - c. The minimum heated floor area per dwelling unit shall be 2,800\_\_ square feet.
2. To the owner's agreement to abide by the following:
  - a. To the site plan and legal description received by the Department of Planning and Development on November 30, 2006. 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.

Proposed by: Commissioner Mort Ewing, District One  
Second by: Commissioner Monty Laser, District Five  
Motion Carried

**FLU06-019**

**REZ06-038**

Proposed Land Use Map: PI (Public/Institutional)

Existing Land Use Map: C (Commercial)

Proposed Zoning: OI (Office-Institutional)

Existing Zoning: C (Commercial)

Location: Kirkland Road (South Side)

100.00 Feet of Frontage

Parcel Size: 0.46 Acres

Tax Parcel: 13-140

Owner/Petitioner/Representative: Lorna Richardson

Applicant's Intent: To use the existing single-family residence for offices.

Note: This property is incorrectly shown as CG (Commercial General) on the current Official Zoning Map. The applicant purchased the property based on the Map with the intention of using the property for office space. This rezoning will correct the Zoning Map and allow for the proposed office use in the least intense district possible.

Planning Commission Recommendation: Approval w/Staff Conditions on January 23, 2007

District Three

Petitioner not present

Opposition:

Jake Hardy

- Owns duplexes across street from property
- Street is residential property
- Would like to ask petition to be tabled
- Will start benchmark for Kirkland Road
- Salem Road is poster child for urban sprawl
- We want to protect Kirkland Road
- Traffic concerns
- Need sidewalks
- If approved would like for parking to be in back of business

Ann

- Displayed two maps
- Concerned about traffic
- Road currently cannot accommodate traffic
- Not a safe area for children

Commissioner Fleming

- Owner purchased property with understanding it was commercial.
- It is surrounded by commercial.
- I don't like it and I did not support it

**FLU06-019**

Motion: To amend the Future Land Use Map and change from C (Commercial) to PI (Public Institutional).

Proposed by: Commissioner Ester Fleming, Jr, District Three

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

Motion Carried

**REZ06-038**

Motion: To approve REZ06-038 from C (Commercial) to OI (Office Institutional) with the following conditions as read by Commissioner Fleming:

If this petition is approved by the Board of Commissioners, it should be approved O-I (Office-Institutional) 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. Offices in the existing single family residence.
2. To the owner's agreement to abide by the following:
  - a. To the applicant's Letter of Intent received on November 30, 2006.
  - b. Parking shall be restricted to the rear buildable area of the lot.

Proposed by: Commissioner Ester Fleming, Jr, District Three

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

Motion Carried

**REZ06-040**

Existing Land Use Map: DN (Development Node)

Proposed Zoning: OI (Office-Institutional)

Existing Zoning: R2 (Single-Family Residential); CN (Neighborhood Commercial)

Location: GA Hwy. 20 (West Side)

195.0 Feet of Frontage

GA Hwy. 212 (North Side)

729.0 Feet of Frontage

Parcel Size: 3.62 Acres

Tax Parcel: 17A-63

Owner: Rockdale Health System, Inc.

Petitioner: Newton County Board of Commissioners

Representative: Marian Eisenberg

Applicant's Intent: To rezone the property from R2 and CN (Single –Family Residential) to O-I (Office-Institutional) to bring the existing medical office use into compliance.

Note: Rockdale Health System, Inc. owns the professional medical office located at the intersection of GA Hwy. 20 and GA Hwy. 212, which has been in operation since 1998.

Recently, the Planning & Development Department discovered that this property is zoned R2, a district in which a medical office is not a permitted use. It appears the property owner went before the Board of Zoning Appeals (BZA) in 1997, however, there is no documentation as to what the request was nor the BZA's action on the request.

On December 19, 2006, the Board of Commissioners directed staff to prepare a petition to rezone the property from R2 to O-I for a medical office building.

Planning Commission Recommendation: Approval with Staff Conditions on January 23, 2007

District Two

Motion: To approve REZ06-040 with the following conditions:

If this petition is approved by the Board of Commissioners, it should be approved O-I (Office-Institutional) 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:
  - b. Existing medical office building.

Proposed by: Commissioner Earnest Simmons, District Two

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

Motion Carried

**CUP06-012**

Debra & Sherman Carr

Proposed Use: Home Occupation in Accessory Building  
(Pharmacy/Home Health Care Distribution)

Existing Zoning: AR (Agricultural Residential)

Watershed: South River

Location: 2018 Butler Bridge Road (East Side)

182.42 Feet of Frontage

Parcel Size: 4.17 Acres

Tax Parcel: 9-35

Applicant's Intent: To allow a home occupation in an accessory building. The applicant's Letter of Intent describes the proposed business as pharmacy/home health care distribution.

Planning Commission Recommendation: Denial (November 28, 2006)

District One

Motion: To uphold the recommendation of the Planning Commission and deny CUP06-012.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Ester Fleming, Jr., District Three

Motion Carried with Commissioners Simmons and Henderson voting in opposition to the motion.

Note: Written opinion to deny is attached and made part of these minutes.

**COUNTY CHECKS:**

Motion: To approve the county checks as read by the chairman.

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

Second by: Commissioner Mort Ewing, District One

Motion Carried

**STREETLIGHTS:**

Hodges Circle Subdivision

Mattie Court, Mansfield, GA

District One

Motion: To approve the streetlight request for Hodges Circle Subdivision located on Mattie Court in Mansfield, Georgia.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

**ADJOURN**

**Time: 11:40 p.m.**

Motion: To adjourn the meeting.

Proposed by: Commissioner Mort Ewing, District One

Second by: Commissioner Monty Laster, District Five

Motion Carried

**Respectfully Submitted,**

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**Jackie B. Smith, County Clerk**

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**Aaron Varner, Chairman**