



Map & Parcel: 28-77  
Watershed: South River  
Location: 2536 Hwy. 81 S (North Side)  
Salem Road (South Side)  
Parcel Size: 2.63 acres  
Owner: Henry Anderson  
Petitioner: Mark Friedman  
Representative: Jim Alexander & Jim Hardeman  
Applicant's Intent: to operate a Title Loan Business  
Planning Commission Recommendation: Approval (5-0) with Staff  
Recommendations (February 25, 2014)  
District Two

30-49

16. **Case Number: FLU13-000140**  
**REZ13-000139**  
**CUP13-000141**

Existing Land Use Map: RES (Residential)  
Proposed Land Use Map: COM (Commercial)  
Existing Zoning: R2 (Single Family Residential)  
Proposed Zoning: CG (General Commercial)  
Watershed: South River  
Location: 13125 Brown Bridge Road (South Side)  
165.52 Feet of Frontage  
Parcel Size: 1.08 acres  
Tax Parcel: 13-128  
Owner: Michael Pressley  
Applicant's Intent: To operate a small auto sales lot.  
Planning Commissioner Recommendation: Approval (4-1)  
w/Conditions  
District Two

17. **ALCOHOL LICENSE:**

First Reading  
Pure Food Mart  
4129 Guinn Street, NW  
Covington, GA 30014  
Owner: Dhanane Rupai Enterprises, Inc.  
District Two

18. Commissioner's Comments  
19. Executive Session  
20. Adjourn

**NEWTON COUNTY BOARD OF COMMISSIONERS**  
**1124 Clark Street**  
**Covington, Georgia**

**REGULAR MEETING**  
**March 4, 2014**  
**MINUTES**

**Present:** Chairman Keith Ellis, Commissioners John Douglas, Lanier Sims, Nancy Schulz, J.C. Henderson, Levie Maddox; County Manager John Middleton, Assistant County Manager Tom Garrett, Attorney Jenny Carter, & Clerk Jackie Smith

Newspaper: Newton Citizen  
Citizens

Chairman Ellis called the meeting to order, extended a welcome, and read the thought for the day. The invocation was given by Pastor Ronny Brannen, Prospect United Methodist Church, and the Pledge of Allegiance was led by Todd Teasley, Director of FFA-FCCLA

**CHAIRMAN'S COMMENTS**

- County received two checks from the Vampire Diaries totaling \$1500. Funds go towards the employee events fund.
- A Scholarship Fund has been set up for Braden Eavenson, son of Newton County firefighter Brad Eavenson who was recently killed in a vehicle accident.
- Fishing tournament will be held on March 15<sup>th</sup> @ Lochwalde from 7am – 5pm. No entry fee...donations only.
- Dedication of the Pierce Cline Memorial Garden will be at 3:00 pm on March 5<sup>th</sup> at Georgia Perimeter College
- Received a framed resolution celebrating ACCG's 100<sup>th</sup> Anniversary to hang in courthouse

**COUNTY MANAGER'S REPORT**

- Website update handout
- Information Systems employee Kevin Criswell has accepted the position as IS director replacing Mandy Mitchell who is moving to another county.
- Gary Massey addressed the board regarding employee group health insurance. Presently everything is in the insurance company's hands to make a proposal. Mr. Massey will make a presentation to the board in April and make a recommendation at that time.
- Commissioner Schulz stated that she would like for the board to receive a report from the Wellness Committee.

Washington Street Center: Director Bea Jackson and board members provided the BOC an update the WSC.

- Expressed appreciation to the commission for their support over the years.
- County has been so faithful to support us and we need more support now than ever before.

- Introduced all the board members present to the BOC.
- Very active board of directors who set policies and who are fiscally responsible. Always looking for ways to raise funds, i.e. casino night
- WTC has served over 1000 children. Serves the families of the children.
- Year round program
- Works with school system with a group of volunteers who tutor the children.
- WTC provides a safe and productive place for the children to come every day from 3pm-6pm.
- Provides a nutritious and healthy snack for the children who attend.
- State of the Art facility
- WTC is also a polling place and a “gathering” place for the community where people come and use the computer labs to apply for jobs.
- Active Girl Scout Program
- Waiting list to attend because we can’t serve all the children who want to come to WTC.
- Strong and vital program, but quickly depleting resources.
- Asked BOC for continued support and more if possible
- Commissioner Henderson noted the great job that WTC does and recapped WTC’s historical value...wishing that Forest Sawyer, Sr. was alive to see the great things that have happened at the old Washington Street School...noting that this was his dream.
- SPLOST provided funding for the renovation of the building. At that time it was located in district two, and now in district four...the great thing is that it was and still is about the children. I just want to thank the past and current board for their support. I am thankful for Washington Street.

### CITIZEN COMMENTS

Dennis Taylor  
North Newton

- Voiced complaint about “no parking” places out front for people who attend the meetings.
- Voiced complaint and concern about county attorney legal fees.
- Voiced complaint and concern about high taxes in Newton County.

Jessicah Pierson  
North Newton

- Through an open records request reviewed county attorney fees and concerned over cost.

Thomas Buckner  
165 Fleeta Drive

- Voiced concerns that he doesn’t feel like the citizens are not being heard.
- Voiced complaint about amending the agenda

Chairman Ellis closed the public comment period at 7:56 p.m.

**COUNTY CLERK: APPROVAL OF WS MINUTES DATED FEBRUARY 18, 2014**

Motion by Commissioner Henderson, second by Commissioner Sims, to approve the Work Session Minutes dated February 18, 2014.

Motion carried unanimously

**COUNTY CLERK: APPROVAL OF MINUTES DATED FEBRUARY 18, 2014**

Motion by Commissioner Douglas, second by Commissioner Maddox, to approve the Minutes dated February 18, 2014.

Motion carried unanimously

**COUNTY CLERK: APPROVAL OF ES MINUTES DATED FEBRUARY 18, 2014**

Motion by Commissioner Douglas, second by Commissioner Sims, to table the Executive Session Minutes dated February 18, 2014 until the March 18<sup>th</sup> meeting.

Motion carried unanimously

**ADMINISTRATIVE: CIVIC ENGAGEMENT PROGRAM**

Handout: GovComms – attached and made part of these minutes

Commissioner Sims noted that he and the chairman have met with representatives from GovComms in an effort to see what they could offer for Newton County regarding communications.

- Have wanted to look into this for the past three years.
- Communication gap in county
- Very difficult to reach everyone
- Would like to see board move forward with social media plans.
- Have spoken with Jeremy Brand from this company and excited to work with him and company.
- They will help us in writing statements and press releases when there are difficult issues facing the county.
- They will work with the IS department to design social media for the county.
- They have provided two options for us to consider and I recommend Option 1.
- Will help the county with one voice, one message going out to public.
- Can help us in getting the message out, i.e. most recent storm. We could provide citizens storm information i.e., road closings, etc.
- Noted that we (county) needs to tell our own story...no one can do it better than us. GovComms will help us develop a strategy.
- All comments will be reviewed before being quoted with social media.
- Their cost is standard in industry.
- Commissioner Maddox noted that in 2013 (Savannah ACCG Conference) had the opportunity to speak with Mr. Brand and he provided a very good list of references.
- Feels like moving forward on this helps us to follow through on getting message out to the citizens and that is something we promised them we would do. Supports moving forward.

Motion by Commissioner Sims, second by Commissioner Maddox, to proceed in discussing social media strategy with GovComms for next four months.

Commissioner Douglas requested the motion be amended to include an end date for final action.

Commissioner Schulz wants to make sure it will not exceed the \$20,000 in the next four months.

Final Motion

Motion by Commissioner Sims, second by Commissioner Maddox, to proceed in discussing social media strategy with GovComms and to bring back before board for final action at the April 1, 2014 board meeting.

Motion carried unanimously

**JUVENILE COURT: REQUEST APPROVAL TO APPLY FOR DHS GRANT**

Juvenile Court Judge Sherri Roberts appeared before the board to present this request.

- 6<sup>th</sup> year to apply and receive this grant.
- DHS Promoting Safe and Stable Families
- Purpose: To fund Girl STEPS Program
- Girl STEPS Program support group counseling, parent education, and mentoring and community service for at risk girls.
- Grant Amount: \$35,250
- Required Match: \$11,750 (in-kind services by the Juvenile Department)
- Handout: Program Evaluation – attached and made part of these minutes

Motion by Commissioner Schulz, second by Commissioner Sims, to approve the Juvenile Court's request to apply for the DHS Grant in the amount of \$35,250.

Motion carried unanimously

**JUVENILE COURT: REQUEST APPROVAL TO APPLY FOR SAMHSA TREATMENT COURT GRANT**

- Federal grant
- Purpose: To expand drug court services to a day treatment program
- Intensive services for youth with substance abuse and dependence, including treatment, life skills, education, recreation, transportation and job coaching
- Grant Amount: \$320,560
- Required Match: None

Motion by Commissioner Douglas, second by Commissioner Sims, to approve the Juvenile Court's request to apply for the SAMHSA Treatment Court Grant in the amount of \$320,560.

Motion carried unanimously

**DEVELOPMENT SERVICES: UPDATE OF THE CAPITAL IMPROVEMENT ELEMENT (CIE) OF THE IMPACT FEE & SHORT TERM WORK PROGRAM (STWP) OF THE COMPREHENSIVE DEVELOPMENT PLAN**

Assistant County Manager Tom Garrett appeared before the board regarding the update on the CIE/STWP.

- Provided handout and briefly summarized.
- Required to submit to DCA each year
- Will bring resolution to the board on March 18<sup>th</sup> for approval.
- Submit to NEGRC after board approval.

Motion by Commissioner Sims, second by Commissioner Maddox, to table any action until the March 18<sup>th</sup> meeting.

Motion carried unanimously

**ADMINISTRATIVE: AGREEMENT BETWEEN NCBOC & ICMA RETIREMENT CORPORATION**

County Manager John Middleton presented to board for approval the Administrative Services Agreement between ICMA Retirement Corporation and the county.

- Agreement is attached and made part of these minutes.

Motion by Commissioner Maddox, second by Commissioner Sims, to approve the Agreement between Newton County and ICMA Retirement Corporation as presented.

Motion carried unanimously

**RESOLUTION R030414 – TO APPROVE & AUTHORIZE THE TERMS OF A MASTER – LEASE & RELATED DOCUMENTS FOR A ROSENBAUER CUSTOM PUMPER APPARATUS BODY W/A ROSENBAUER COMMANDER CHASSIS.**

Attorney Jenny Carter presented to board for approval a resolution to approve and authorize the terms of a master lease and related document for a Rosenbauer Custom Pumper Apparatus Body with a Rosenbauer Commander Chassis.

- Interest Rate: 2.75%
- Bank of North Georgia

Motion by Commissioner Douglas, second by Commissioner Sims, to approve Resolution R030414 authorizing the terms of a Master Lease and related documents for a Rosenbauer Custom Pumper Apparatus Body with a Rosenbauer Commander Chassis.

Motion carried unanimously

**COMMISSIONER'S COMMENTS**

Commissioner Douglas

- Complimented the Burge Plantation located in the first district.
- Crown Jewel of District One and run exceptionally well by Sandy & Betsy Morehouse
- The Burge brings people in from all over Georgia.

- Recently Senator Isakson visited there a Sandy & Betsy invited us out to be a part of the day which was very enjoyable.

Commissioner Sims

- Announced that he qualified to run again for the district two seat and looking forward to running and to continue serving the citizens.
- Putting on a car show to help raise money for Braden Evaenson's college fund. Tentative date is the 3<sup>rd</sup> Sunday in May.
- Hopes to make this an annual event.

Commissioner Schulz

- Reminder that the Leadership Collaborative Meeting is Friday and Saturday of this week.
- Town Hall Meeting, here in the courthouse on Saturday @ 10:00 a.m. hosted by Representative Pam Dickerson and Senator Ronald Ramsey.
- Expressed appreciation to Chairman Ellis and entire board for rescheduling the work session.

Commissioner Henderson

- Expressed appreciation again for the Washington Street Center
- They are a pillar of strength in our community.

Commissioner Maddox

- Echoed Commissioner Henderson's comments about the Washington Street Center.
- Voiced concern again about employee retention. Has spoken with constitutional officers and county manger and hopes we can come up with a solution to help and keep our employees.

**REGULAR SESSION**

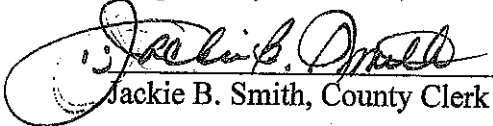
Time: 10:10 p.m.

Motion by Commissioner Douglas, second by Commissioner Maddox, to enter into regular session.

Motion carried unanimously

With no further business, a motion by Commissioner Sims, seconded by Commissioner Maddox, the meeting adjourned at 8:45 p.m.

Respectfully submitted,

  
Jackie B. Smith, County Clerk



Newton County Board of Commissioners

Request for Placement as Agenda Item

Date of Request BOC Meeting: March 18, 2014

Originating Department/Entity: Administrative Services

Contact Person/ Phone / Email: Michelle Kelly 678-625-1219 mkelly@co.newton.ga.us

Brief Description of Item/ Issue:

Requesting permission to apply for ACCG Internship Grant. This grant will allow the finance department to hire a college student aspiring to enter the field of Accounting. This will benefit both the student and the county. The student will receive hands on experience with our Financial software by assisting with data entry.

Deadline Requirement?  NO  YES Date: March 21, 2014

List Pertinent Facts (bullet-point style)

Pros:

Intern will help with data entry into the new financial software.  
ACCG grant award covers 200 intern hours at \$10.00 per hour. (\$2,000.00 total cost)  
   
   
   
   
   
 

Cons:

County must front expenditures totaling \$2,000.00  
   
   
 

Describe Funding Requirements

Cost: Cost is fronted by the County and Reimbursement will be sent after Internship is complete

M&O:  

Source: ACCG Civic Affairs Foundation for GCIP grant funding

Budgeted?  Yes

Additional Funds General Fund will front the expenditures

Other:

Upon internship completion an eligible expenditure report is sent to ACCG once reviewed  
ACCG will send reimbursement check for the counties expenditures.

Chairman's Comments:

# Newton County Board of Commissioners

## Request for Placement as Agenda Item

**Date of Requested BoC Meeting:** March 18, 2014

**Originating Department/Entity:** Administrative Services for Sheriff's Office

**Contact Person / Phone / Email:** Mary Ann Patterson / 678-625-1230 / mpatterson@co.newton.ga.us

**Brief Description of Item/Issue:** Declaration of Surplus Property-Seized Motorcycle placed on GovDeals.com

This motorcycle has been awarded to the Sheriff's Office by the Superior Court; 1999 Honda CBR F4X

Vin #JH2PC3508XM002184. This motorcycle would not be beneficial to add to the Sheriff's fleet for use and

therefore being requested to sell on GovDeals for cash.

Deadline Requirement?  No  Yes      Date: \_\_\_\_\_

**List Pertinent Facts (bullet-point style)**

Pros: Cash from sale

Cons: \_\_\_\_\_

Free up valuable storage space

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Describe Funding Requirements**

Cost: \_\_\_\_\_

M&O: \_\_\_\_\_

Source: \_\_\_\_\_

Budgeted?  No  Yes

Applicable to Existing Service Agreement?  No  Yes      Compliant? \_\_\_\_\_

Other: Please find copies of equipment form, Court Award & photos of motorcycle attached.

**Chairman's Comments:**  
\_\_\_\_\_  
\_\_\_\_\_

# GovDeals Equipment Inspection Form

<b>Inventory ID:</b> _____	<b>Asset Number</b> _____	<b>Fair Market Value: \$1,500.00</b>
----------------------------	---------------------------	--------------------------------------

**Short Description:**  
 Year 1999      Manufacturer Honda Motorcycle      Model 600 F4

**Please fill in or check**      **Long Description:**

This Equipment:    Starts    Starts with a Boost &    Is Operable    Is not operable    For Parts Only

**Engine**   L, V    Gas    Diesel engine    Hours \_\_\_\_\_    Miles 72352

This vehicle was maintained every \_\_\_\_\_  Hours

**Engine Manufacture:** \_\_\_\_\_   **Condition:**    Is Operable    Needs repair    Is in Unknown Condition

Repairs needed: Needs New Battery. Runs great just needs battery.

**Transmission**

Transmission:    Automatic    Manual      Speed    Transmission:    Hours \_\_\_\_\_    Miles \_\_\_\_\_

**Transmission Manufacture:** \_\_\_\_\_   **Condition:**    Is Operable    Needs Repair    Is Unknown

Repairs Needed: \_\_\_\_\_

**Interior:**    Color \_\_\_\_\_    Cloth    Vinyl    Leather

Minor damage to: \_\_\_\_\_

Major damage to: \_\_\_\_\_

Radio: Brand \_\_\_\_\_    AM    AM/FM    AM/FM Cassette    AM/FM CD

Cruise Control    Power:    Steering    Seats    AC    No AC   **Condition:**    Cold    Unknown

**Exterior:**    Color Red and Black    **Windows:**    No cracked glass    Cracked \_\_\_\_\_

Minor    Dents    Scratches    Dings    **Tire Condition:**    Low    Flat \_\_\_\_\_

Minor dents to: \_\_\_\_\_

Major damage to: \_\_\_\_\_

# Of Wheels 2                      # Of Axles \_\_\_\_\_                      # Of Tracks \_\_\_\_\_

Dimensions: \_\_\_\_\_

Decals:    None    Have been sprayed    Have been removed    Impressions remain    No impressions

**Additional Equipment:**    **Manufacturer** \_\_\_\_\_    **Model** \_\_\_\_\_

**Serial #** \_\_\_\_\_    **Condition:**    Is Operable    Needs repair    Is in Unknown Condition

**Description:** \_\_\_\_\_

**Location of Asset:** \_\_\_\_\_

**For more information contact:** \_\_\_\_\_

IN THE SUPERIOR COURT OF NEWTON COUNTY  
STATE OF GEORGIA  
Alcovy Judicial Circuit

STATE OF GEORGIA,  
ex rel  
LAYLA H. ZON  
DISTRICT ATTORNEY,  
ALCOVY JUDICIAL CIRCUIT,  
Plaintiff,

vs.

FOUR HUNDRED AND FOUR DOLLARS  
(\$404) IN U.S. CURRENCY; ONE (1) 1999  
HONDA CBR F4X, VIN JH2PC3508XM002184

RE: JOSHUA SHATTERLY

Purported Owner/Interest Holder

CIVIL ACTION NO. 2012-2372-2

FILED IN OFFICE  
CLERK SUPERIOR COURT  
NEWTON COUNTY GEORGIA  
2012 DEC 13 PM 3:02  
REC'D IN BR  
PAGE#  
DATE  
LINDA D. HAYS, CLERK

ORDER OF FORFEITURE

The State's Motion for Forfeiture and Disposition having been read and considered, the Court hereby finds as follows:

1.

That the State has complied with the provisions of O.C.G.A. § 16-13-49 with respect to the Four Hundred and Four Dollars (\$404.00) in U.S. Currency and One (1) 1999 Honda CBR 4FX, VIN: JH2PC3508XM002184 (hereinafter "the defendant property") and

2.

No claim has been made to the defendant property pursuant to the provisions of O.C.G.A. §16-13-49(n)(3) and (4) by said owner and the time period for filing a claim has elapsed.

WHEREFORE, it is hereby ordered and declared as follows:

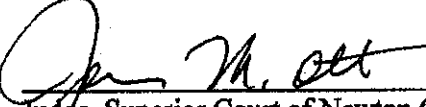
a. That the defendant property, and all right, title, and interest thereto stands and is forfeited

to the State of Georgia pursuant to the provisions of O.C.G.A. §16-13-49(n)(6).  
I HEREBY CERTIFY THAT THE  
above and foregoing is a  
true copy of the original  
filed in this office.


LINDA D. HAYS, CLERK  
Date 2/26/2014 By *Linda D. Hays*

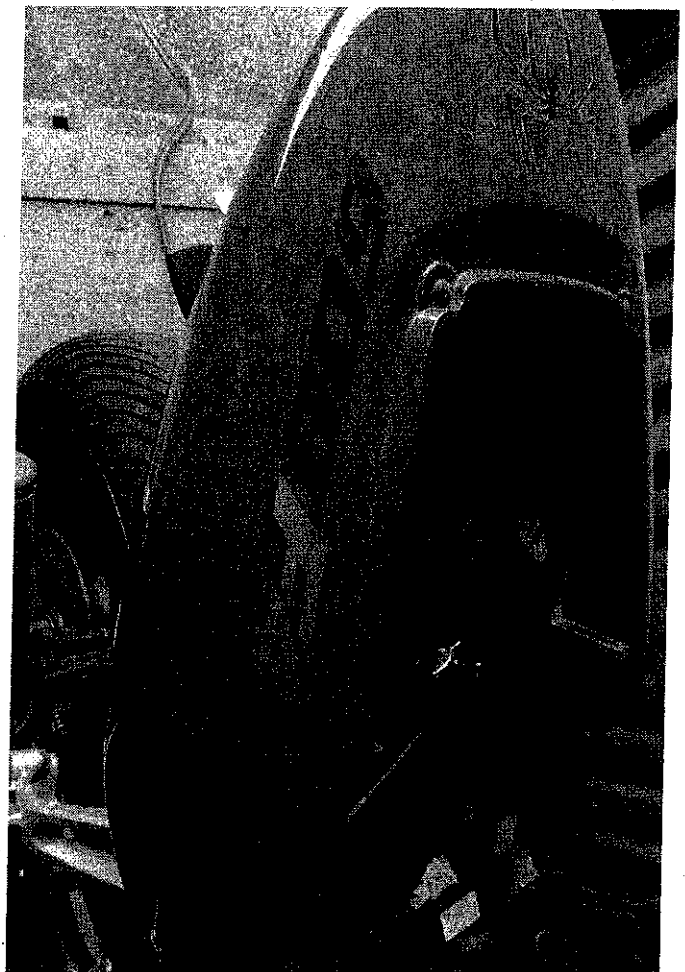
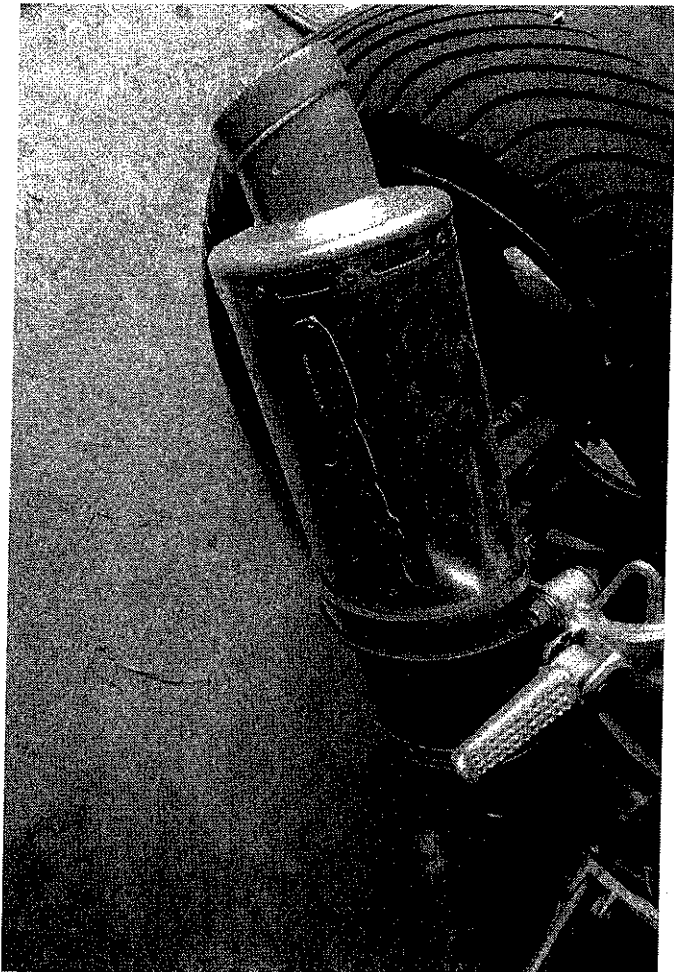
- b. That the Court retain jurisdiction of this action to direct the proper disposition and distribution of the forfeited property as provided by O.C.G.A. §16-13-49(u)(4).

SO ORDERED this 3<sup>rd</sup> day of Dec., 2012

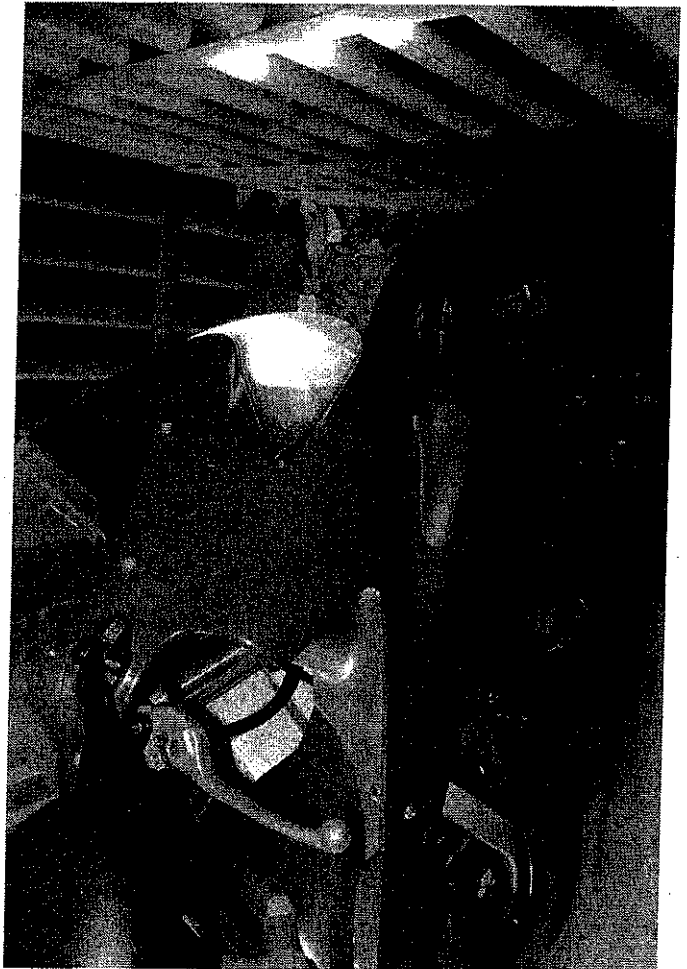
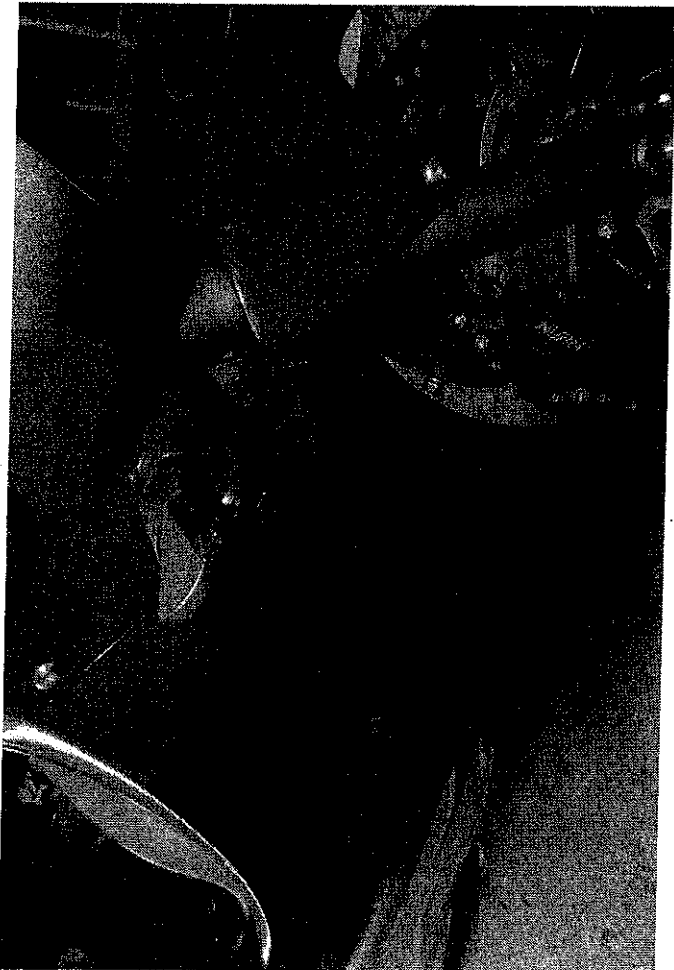
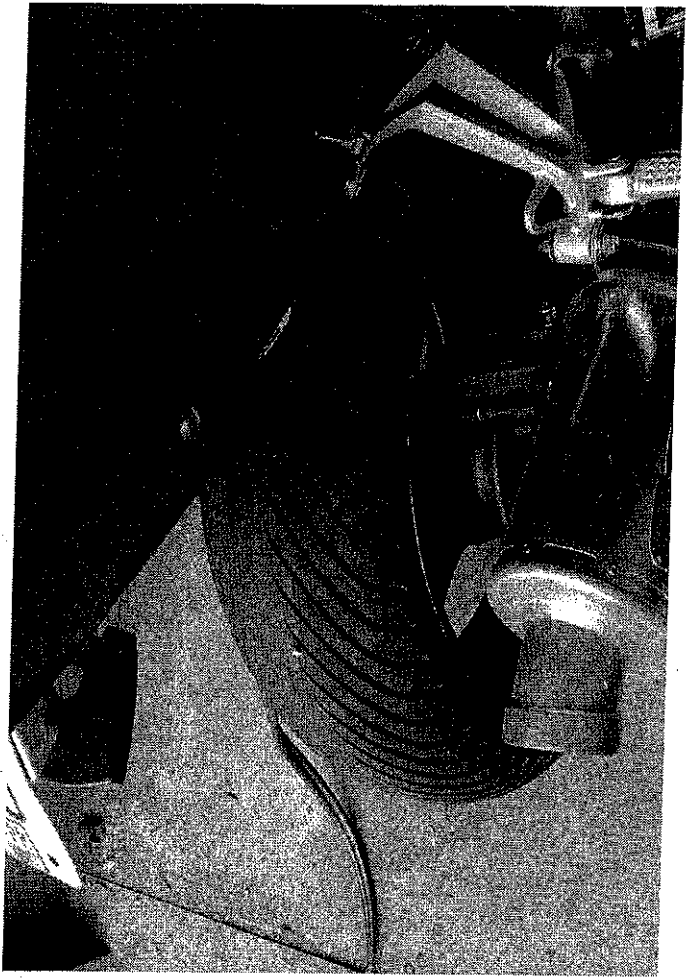
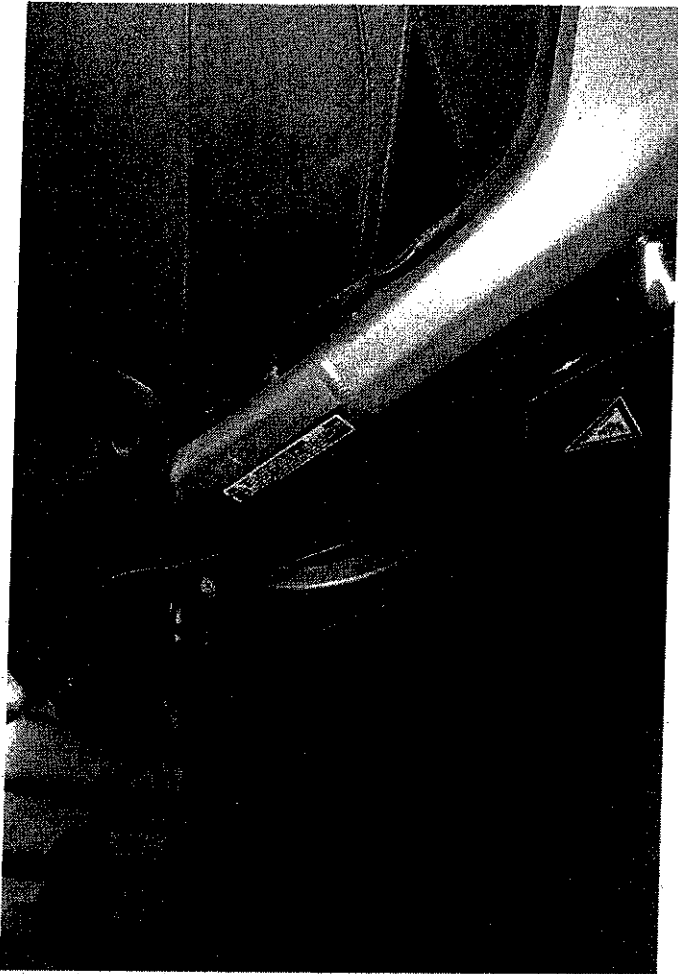
  
\_\_\_\_\_  
Judge, Superior Court of Newton County  
Alcovy Judicial Circuit

*Prepared by:*

  
\_\_\_\_\_  
MARIE E. GREENE  
Assistant District Attorney  
Georgia Bar No. 538751  
Alcovy Judicial Circuit  
Walton County Judicial Center  
303 South Hammond Drive - Suite 334  
Monroe, GA 30655  
(770) 267-1548









Newton County Board of Commissioners

Request for Placement as Agenda Item

Date of Request BOC Meeting: March 18, 2014

Originating Department/Entity: BOC/Senior Services/NC DFACS

Contact Person/ Phone / Email: Cathy Davis 678-625-1216 cdavis@co.newton.ga.us

Brief Description of Item/ Issue:

**\*\*CHANGE TO RESOLUTION\*\***

This is to request permission to apply for the FY2015 Community Service Block Grant to cover Senior Services Meals on Wheels program and Rent/Utility assistance (funds to be distributed by the Newton County Department of Family and Children's Services.)

Deadline Requirement?  NO

YES

Date: March 18, 2014

List Pertinent Facts (bullet-point style)

Pros:

Funds will be used to support the Meals on Wheels program through Newton Co. Senior Services and the Newton Co. Department of Family & Children Services issues funds to help Newton Co. families with their rent and utilities during these hard financial times.

Cons:

Due to the decrease in funding Newton Co. Senior Services will no longer be requesting funding for Transportation Services.

Describe Funding Requirements

Cost: If awarded funding, there would be no cost to the county.

M&O: \_\_\_\_\_

Source: State of Georgia Department of Human Services

Budgeted?  Yes

Additional Funds \_\_\_\_\_

**\*\* Other:**

Resolution Amount has been changed due to decrease in funding issued by the State of Georgia . Newton County's award amount for FY2015 is \$103,039.00.

Chairman's Comments:

\_\_\_\_\_  
\_\_\_\_\_

**R031814**  
**RESOLUTION**  
**COMMUNITY SERVICES BLOCK GRANT PROGRAM –FFY 2015**  
**\$103,039.00**

RESOLVED at the meeting of the Newton County Board of Commissioners held on March 18, 2014 the following resolution was offered, seconded and passed.

WHEREAS, the Newton County Board of Commissioners desires to provide necessary Community based services which impact on the causes and effects of poverty for low income citizens of Newton County; and

WHEREAS, the Newton County Board of Commissioners desires to submit a Project Application Plan (application) seeking FFY2015 Community Services Block Grant Program (CSBG) funds to assist the County in its efforts to assist low income citizens of Newton County;

WHEREAS, the Newton County Board of Commissioners desires to enter a contractual arrangement with the Georgia Department of Human Services for the provision of said services during the contract period October 1, 2014 – September 30, 2015;

NOW, THEREFORE, BE IT RESOLVED that the Newton County Board of Commissioners approves:

- (1) The preparation and submission to the State of Georgia of the FFY 2014 Community Services Block Grant (CSBG) Revised Project Application Plan, Budget and other documentation prepared by Newton County's Financial Department. (The CSBG Administrator for Newton County during FFY 2015)
- (2) Authorization for the Chairman to execute the DHR CSBG revised application, contracts and all accompanying assurance and certifications and any subsequent contract or application amendments for additional CSBG FFY 2015 funds for the contract period October 1, 2014 – September 30, 2015.

BE IT FINALLY RESOLVED that the Chairman and Clerk for the Newton County Board of Commissioners are duly authorized to execute said application and contractual documents with the approval of and on behalf of the Newton County Board of Commissioners.

**NEWTON COUNTY BOARD OF COMMISSIONERS**

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**William K. Ellis, Chairman**

**Certified True and Correct**

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**Jackie B. Smith, Clerk**

Newton County, Georgia

R031814a

Transmittal Resolution

**Whereas**, Newton County, Georgia has prepared an annual update to a Capital Improvements Element and Short Term Work Program; and

**Whereas**, the annual update of the Capital Improvements Element and Short Term Work Program was prepared in accordance with the Development Impact Fee Compliance Requirements and the Minimum Planning Standards and Procedures for Local Comprehensive Planning established by the Georgia Planning Act of 1989, and a Public Hearing was held on March 18, 2014 at the Newton County Historic Courthouse, Commission Meeting Room.

**Be It Therefore Resolved**, that the Newton County Board of Commissioners does hereby submit the annual update of the Capital Improvements Element and Short Term Work Program covering the five year period of 2014-2018 to the Northeast Georgia Regional Commission for regional review, as per the requirements of the Georgia Planning Act of 1989, specifically including rule 110-12-1.04(2)(b)1. ("Annual Update Option").

Adopted this 18<sup>th</sup> day of March, 2014.

**The Newton County Board of Commissioners**

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William K. Ellis, Chairman

ATTEST:

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Jackie B. Smith, County Clerk

**MEMORANDUM**

To: Newton County BOC

From : John Middleton, County Manager

Date: March 14, 2014

RE: Washington Street Community Center – Budget Amendment

As a follow up to the recent presentation by the Washington Street Community Center and their request for you to provide additional program funding for FY2014, I recommend the following Budget Amendment for the BOC's consideration:

That \$ 8,000.00 be reallocated from Contingency and appropriated to the Washington Street Community Center for FY2014. This would make their total annual appropriation for the current fiscal year \$40,000. You may recall that a similar request and adjustment was recently provided to the Nelson Heights Community Center.

Please let me know if you need additional information.

NEWTON COUNTY  
BOARD OF COMMISSIONERS  
CONDITIONAL USE PERMIT

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CASE NUMBER	CUP13-000157
PROPOSED USE	Operation of a title loan business in Tier 2 of the Salem Overlay
EXISTING ZONING	CG – General Commercial (Salem Overlay Tier 2)
MAP & PARCEL	28-77
WATERSHED	South River
LOCATION	2536 Hwy 81 S (North Side) Salem Rd (South Side)
PARCEL SIZE	2.63 Acres
COMMISSION DISTRICT	2
OWNER	Henry Anderson
PETITIONER	Mark Friedman
REPRESENTATIVE	Jim Alexander and Jim Hardeman

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APPLICANT'S INTENT	To operate a Title Loan Business
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**PLANNING COMMISSION RECOMMENDATION:** On February 25, 2014 the Planning Commission recommended approval (5-0) with Staff's Recommended Conditions

## **SUBJECT SITE AND SURROUNDING AREA:**

**SUBJECT SITE:** The subject site is located at 2536 Hwy 81 S. It is zoned CG and is in Tier 2 of the Salem Overlay. The property is currently developed with a convenience store, Bailey's, and 3 tenant spaces. Currently the tenant spaces are occupied with Gold Guys and Holifield's Deer Processing. The applicant is proposing to occupy a front tenant space on the south side of the building near Hwy 81 S.

## **NEARBY AND ADJACENT PROPERTIES/ZONINGS:**

### **North**

Use: Salem Auto & Tire (Existing), Food Pride Grocery (Existing), Hawkeye Farms Landscaping (Existing)  
Zone: CG (Commercial General)

### **East**

Use: Dollar General(Existing) and Pizza Inn (vacant)  
Zone: CG (Commercial General)

### **South**

Use: Convenience Store (Existing) and Wacky Wings (Existing)  
Zone: CG (Commercial General)

### **West**

Use: Single-family homes (Existing)  
Zone: R2 (Single-family residential)

## **Sec. 105 Definitions**

### **Pawnshop**

An establishment engaged in the business of lending money on the deposit or pledge of tangible personal property or in the business of purchasing tangible personal property on the condition of reselling the property to the seller at a stipulated price, where any of the income received by the establishment is generated through these activities.

## **Sec. 460-030 USES AND STRUCTURES**

**A. Tier Planning & Map:** In order to address the purpose and goals of the Overlay, the Overlay is divided into individual tiers which represent the different variations in use within the Overlay. Tier 1 contains predominantly residential uses with appropriate neighborhood commercial uses to promote walkability. Tier 2 is a moderate commercial area that provides for mixed use development and less intense commercial uses. Tier 3 is primarily a more intense commercial area that promotes mixed-use development and features that encourage walkable development. The Historic District is intended to protect historic areas in the Overlay from development pressure. The designation of Tiers within the Overlay can be viewed in the map entitled "Newton County Salem Overlay District Tiers".

## **B. Uses**

### **2. Tiers 2 and 3**

- b. Non-residential:** Except as otherwise noted herein, non-residential development may occur per section 460-030 B.1.b. or based on the underlying zoning district in accordance with Division 505. In addition, development shall comply with all other applicable standards of the Overlay.

ii. The following uses shall require a Conditional Use Permit in accordance with the procedures of the Newton County Zoning Ordinance, Division 625.

g. Pawn shop

## **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.

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

The subject site is 2.63 acres and is adequate for the proposed use for a Title Loan Business; however, there is not adequate room for any storage or sale of any pawned automobile on site. Staff has incorporated into recommended conditions that no storage of automobiles may occur on the property.

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

The proposed use is compatible with adjacent properties and with other properties in the same zoning district.

**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 property is served by Salem Road and Hwy 81 S which is sufficient for the 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.**

Yes, the property is developed with 2 existing entrances.

**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.**

No adverse impacts are anticipated.

**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.**

None anticipated. However, the applicant did not indicate hours of operation. Staff has added a condition for hours of operation should the Planning Commission desire to incorporate business days and hours into added conditions.

- 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.**

No impacts anticipated if recommended conditions are met.

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

Adequate refuse and service areas are provided.

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

The length of time should not be limited.

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

The existing buildings are appropriate.

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

Staff is not aware of any historic resources in the area.

- 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.**

No adverse impacts should occur if operated with Staff's recommended condition for no storage of automobiles on site.

- 13. For proposals in the CN, CH, CG or M1 zoning district, the use satisfies the applicable additional criteria in Article Two.**

The use will satisfy these additional criteria, as long as developed in accordance with Recommended Conditions.

## **ANALYSIS:**

### **Sec. 105 Definitions**

#### **Pawnshop**

An establishment engaged in the business of lending money on the deposit or pledge of tangible personal property or in the business of purchasing tangible personal property on the condition of reselling the property to the seller at a stipulated price, where any of the income received by the establishment is generated through these activities.

### **Sec. 460-030 USES AND STRUCTURES**

- A. Tier Planning & Map:** In order to address the purpose and goals of the Overlay, the Overlay is divided into individual tiers which represent the different variations in use within



the Overlay. Tier 1 contains predominantly residential uses with appropriate neighborhood commercial uses to promote walkability. Tier 2 is a moderate commercial area that provides for mixed use development and less intense commercial uses. Tier 3 is primarily a more intense commercial area that promotes mixed-use development and features that encourage walkable development. The Historic District is intended to protect historic areas in the Overlay from development pressure. The designation of Tiers within the Overlay can be viewed in the map entitled "Newton County Salem Overlay District Tiers".

**B. Uses**

**2. Tiers 2 and 3**

**b. Non-residential:** Except as otherwise noted herein, non-residential development may occur per section 460-030 B.1.b. or based on the underlying zoning district in accordance with Division 505. In addition, development shall comply with all other applicable standards of the Overlay.

**ii.** The following uses shall require a Conditional Use Permit in accordance with the procedures of the Newton County Zoning Ordinance, Division 625.

**g. Pawn shop**

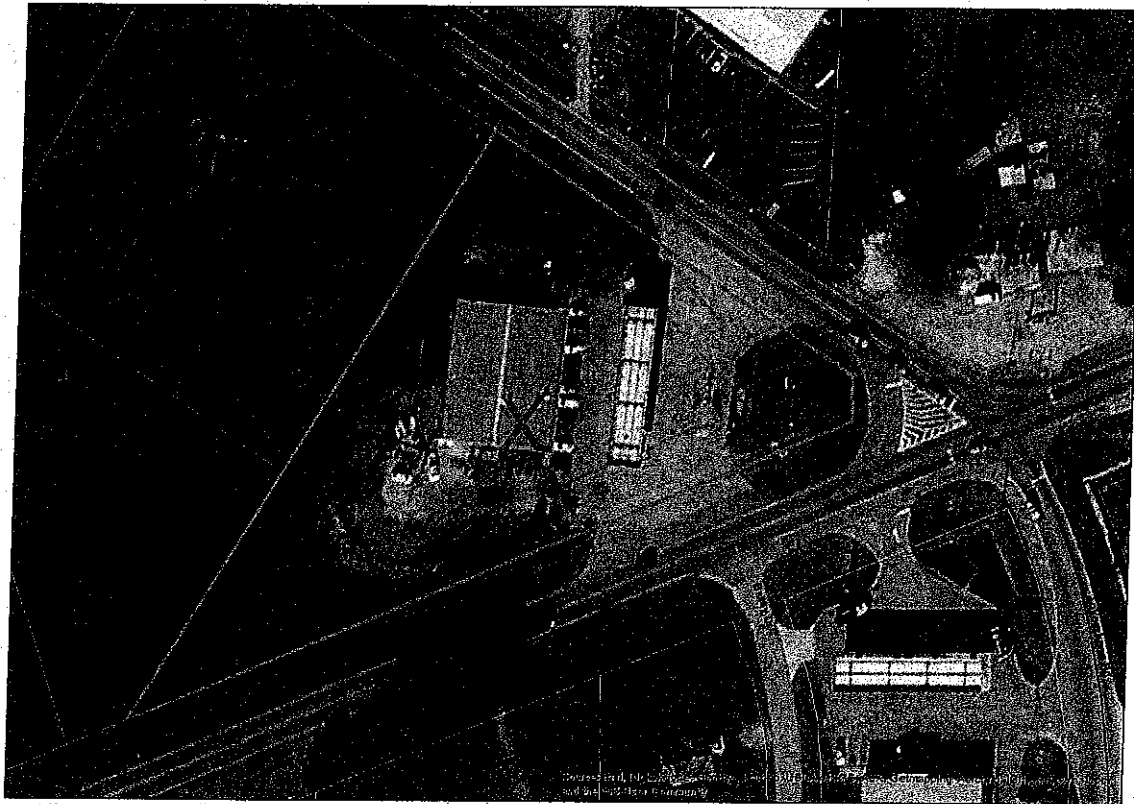
**CONCLUSION:**

Given that the proposed use does not conflict with the standards of the Newton County Zoning Ordinance, it is Staff's opinion the request for a Conditional Use Permit should be approved at this location.

## RECOMMENDED CONDITIONS

If this petition is approved by the Board of Commissioners, it should be approved for a Conditional Use Permit for a Title Loan 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 abide by the following development standards:
  - a. The Conditional Use approval is specific to a Title Loan Business. Any change of use or expansion would require a zoning review for compliance to the Newton County Zoning Ordinance.
  - b. No storage of automobiles may occur on the property.
  - c. All signs must meet the requirements under Section 460-050 P. of the Zoning Ordinance prior to issuance of a sign permit.
  - d. For any structural modifications to the building, the applicant must obtain a permit from the office of Development .
  - e. Hours of Operation shall be .



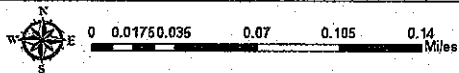
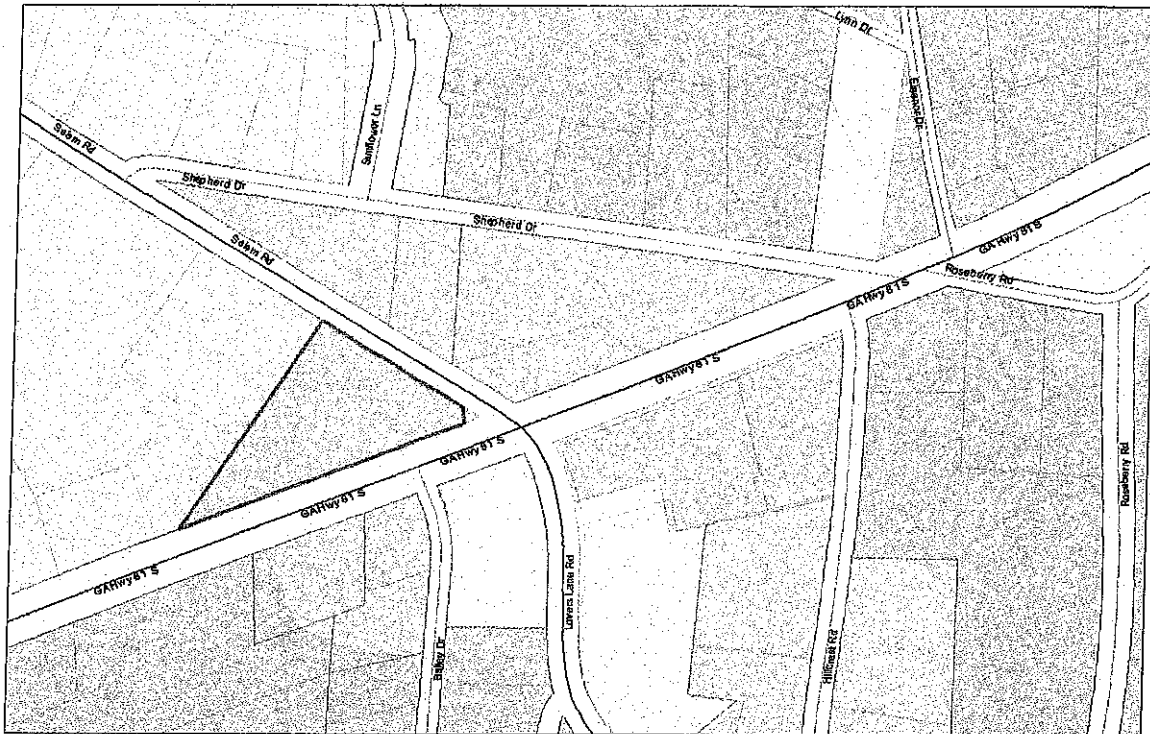
CUP13-000157  
Aerial Map

Newton County, City of Conover, and all other cities involved in the GIS mapping process hereby disclaim any warranty or representation for the accuracy of this data, whether in printed or digital format. All data provided by all entities is for informational planning purposes only and may not be relied upon as evidence of the location of property lines, topographical features, and other structures or for any other legal purpose. Any questions about the GIS mapping process can be answered by calling Newton County, City of Conover, GIS at 888-843-1848.



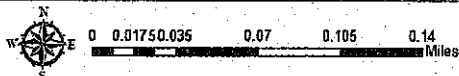
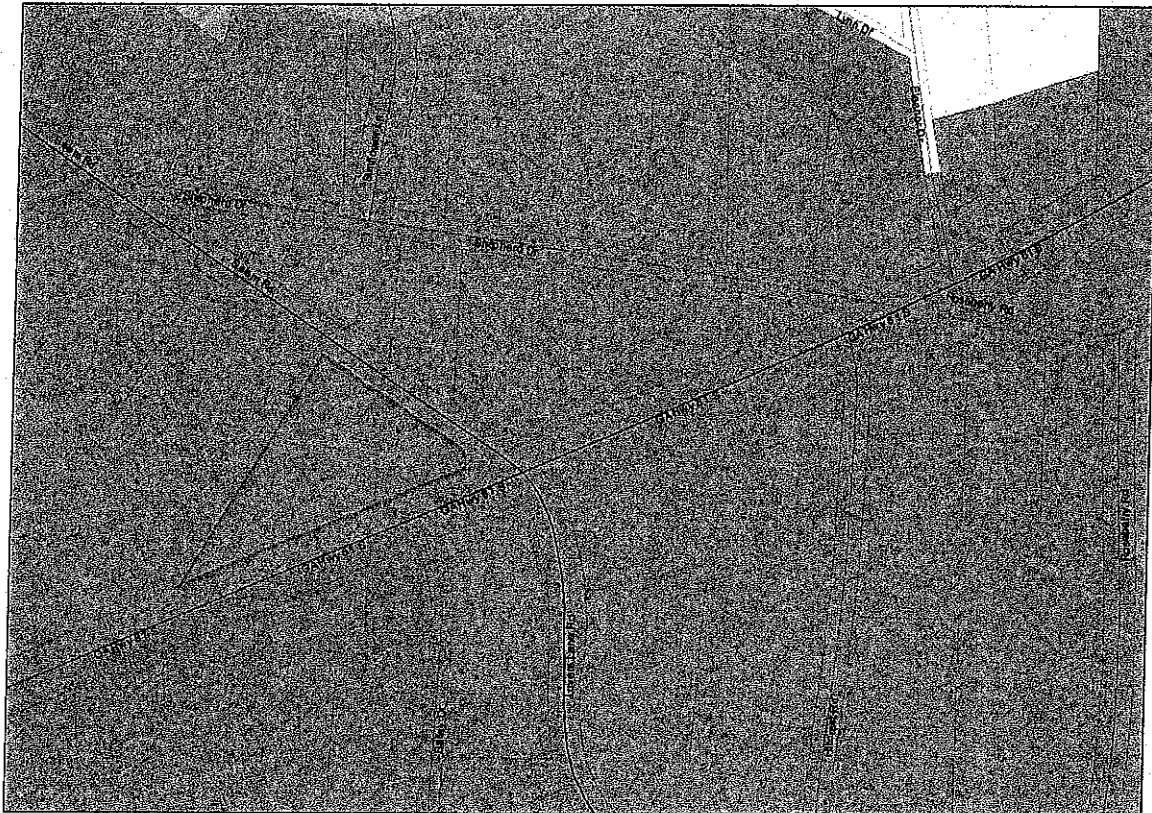
CUP13-000157  
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**CUP13-000157**  
Zoning Map

Newton County, City of Covington, and all other entities involved in the planning process hereby disclaim any liability for the accuracy of this data, whether prepared or digital format. All data provided by all services is for informational / zoning purposes only and may not be relied upon as evidence of the location of property lines, topographic features, landmarks, monuments or for any other legal purpose. Any questions about the planning process can be answered by calling Newton County, City of Covington at 888-22-443-1830



**CUP13-000157**  
Tier 2 Salem Overlay

Newton County, City of Covington, and all other entities involved in the planning process hereby disclaim any liability for the accuracy of this data, whether prepared or digital format. All data provided by all services is for informational / zoning purposes only and may not be relied upon as evidence of the location of property lines, topographic features, landmarks, monuments or for any other legal purpose. Any questions about the planning process can be answered by calling Newton County, City of Covington at 888-22-443-1830

# Alexander Royston

LLP-Attorneys at Law

James B. Alexander  
Kenneth C. Royston  
James E. Hardman, Jr.  
William H. Mathies, PC  
Hillary W. Edgar

January 2, 2014

Judy T. Johnson  
Zoning Administrator  
Newton County Development Services  
1113 Usher Street, Suite 204  
Covington, Georgia 30014

Re: Letter of Intent  
Conditional Use Permit Request  
Tax Map and Parcel Number 28/77 (Southernmost Portion of existing building)

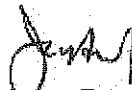
Dear Ms. Johnson:

Please accept this letter as our official letter of intent written on behalf of our client, Mark Friedman, for Title Loans of Atlanta, Inc. This property is located in Commercial General (CG) Zoning District and is located at 2536 Highway 81 S, Covington, Georgia. This letter is written to support our client's request for conditional use on subject property in order to engage in a title pawn business, which is an establishment engaged in the business of lending money on the deposit or pledge of tangible personal property. This use is already a permitted use in CG zoning, but is not allowed in this situation due to the Salem Road Overlay zoning designation. The Petitioner will not change the exterior of the portion of the commercial building that he will occupy nor will he have vehicles stored on site at any time. There are already adequate parking spaces for this commercial site to accommodate the anticipated business.

This letter is written to comply with Item 3 of the Application above referenced.

Sincerely,

ALEXANDER ROYSTON, LLP

  
James E. Hardman, Jr.

JEH/lq

**IMPACT ANALYSIS FOR CONDITIONAL USE PERMIT APPLICATIONS**

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

1. Map and Parcel #: 28/77

2. Road Name(s): Hwy. 81 South

3. Conditional Use Request: to permit title pawn business (pawn shop)

4. Petitioner's Name: Mark Friedman

Address: 1410 Klondike Rd., Conyers, GA 30094

Daytime Telephone No.: 770-277-9711 or 404-840-9577

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.  
Business is to use just an existing storefront, a portion of existing building on site.

2. This use is compatible with adjacent properties and with other properties in the same zoning district.  
Adequate parking lot exists at present.

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.  
This business will not generate excessive trips per day.

4. The proposed site plan allows for satisfactory ingress and egress, with particular reference to pedestrian and automotive safety, traffic flow and emergency access.  
Yes; property has been in compliance for various businesses for several years.

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.

Business will use current approved sanitation system currently operating on the site.

13. For proposals in the CN, CH, CG or M1 zoning district, the use satisfies the applicable additional criteria in Article Two. the use satisfies the provisions in 270-040 (Additional use in CG Zone) and qualifies under the provisions of Division 505 and 510 of the ordinance as well as additional requirements in 270-010 (General Commercial Zone)

14. For proposals for a Personal Care Home for the handicapped which do not meet the above criteria, whether the County can make reasonable accommodations in it rules or policies to provide the handicapped with equal opportunity to use and enjoy dwellings while not abrogating the purposes of this ordinance. N/A

15. For proposals for a Place of Worship which do not meet the above criteria, whether the regulation imposes a substantial burden on the exercise of a religion and does not serve a compelling government interest or is not the least restrictive means to serve that interest. N/A

NEWTON COUNTY  
BOARD OF COMMISSIONERS

REZONING AND FUTURE LAND USE MAP AMENDMENT

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CASE NUMBER	FLU13-000140 REZ13-000139 CUP13-000141
EXISTING LAND USE MAP	RES (Residential)
PROPOSED LAND USE MAP	COM (Commercial)
EXISTING ZONING	R2 (Single Family Residential)
PROPOSED ZONING	CG (General Commercial)
WATERSHED	South River
LOCATION	13125 Brown Bridge Road (South Side) 165.52 Feet of Frontage PARCEL SIZE: 1.08 Acres TAX PARCEL: 13-128 COMMISSION DISTRICT: (2) Two
OWNER	Michael Pressley
PETITIONER	Michael Pressley
REPRESENTATIVE	Michael Pressley

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APPLICANT'S INTENT	To operate a small auto sales lot.
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**PLANNING COMMISSION RECOMMENDATION:** Petition was deferred from November 26, 2013 meeting until January 28, 2014 Planning Commission Meeting to allow the applicant time to meet with County Engineer.

**PLANNING COMMISSION RECOMMENDATION:** On February 25, 2014 the Planning Commission recommended approval (4-1) of all three petitions with an added condition to restrict the number of automobiles on the sales lot to a maximum of 10 and the total number of automobiles on the parcel to 15.



**SUBJECT SITE AND SURROUNDING AREA:**

**SUBJECT SITE:** The subject site is 1.08 acres with road frontage on Brown Bridge Road. There is currently a single-family home and accessory building.

**NEARBY AND ADJACENT PROPERTIES/ZONINGS:**

**North, Across Brown Bridge Road**

Use: Church (existing)

Zone: R-2 (Single Family Residential)

**South**

Use: Single Family Homes (existing)

Zone: R-2 (Single Family Residential)

**East**

Use: Slades Mill Residential Subdivision

Zone: R-2 (Single Family Residential)

**Further East (at intersection of Salem Road)**

Use: Commercial – Publix, Wal-Mart, Waffle House, Service Stations, CVS, Walgreens, McDonalds, Car Lot, Carwash

Zone: CG (General Commercial) and CH (Highway Commercial)

**West**

Use: Single Family Home (existing)

Zone: R-2 (Single Family Residential)

**Further West**

Use: Commercial – Insurance Agency and undeveloped commercial (REZ06-003), Veterans Memorial Middle School, West Newton Elementary School

Zone: CN (Neighborhood Commercial), OI (Office Institutional) & CH (Highway Commercial), R2 (Single Family Residential)

**FUTURE LAND USE MAP AMENDMENT:**

Existing: RES (Residential)

Proposed: COM (Commercial)

To the north (across Brown Bride Road) the Land Use Plan suggests PUB (Public) and MX (Mixed Use). To the west the Land Use Plan suggests COM (Commercial) and RES (Residential). To the immediate east the Land Use Plan suggests RES (Residential) for the existing subdivision, and predominately MX (Mixed Use) in the areas beyond. The Comprehensive Plan shows this area as a Village Center at the intersection of Salem Road and Brown Bridge Road and considers Commercial as an appropriate land use. Furthermore, the land use

map amendment is supported by the 2050 Plan suggesting this area will be a planned development.

Given there are other properties suggested for COM (Commercial) in the vicinity and a large amount of MX (Mixed Use) in the immediate area, this amendment may be appropriate for this property.

**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:** The proposed rezoning to CG (General Commercial) for a small car lot, if developed with Staff's Recommended Conditions, may be suitable for the subject site given the existing and anticipated non-residential uses in the surrounding area, the Salem Overlay, and the 2050 Plan.

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

**FINDING:** In Staff's opinion, the proposed development will not have an adverse effect on the use or usability of adjacent and nearby properties if developed in accordance with the Recommended Conditions. The subject site is within 500 feet east or west of commercial zoning and developments, directly across Brown Bridge Road from a church and a Planned Commercial Development at the entrance of the Silos. The existing subdivision, Slades Mill, has an internal road that serves the homes and should not be directly affected by this proposal.

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 but should be mitigated with compliance to the attached Recommended Conditions for project improvements.

**Water and Sewer** – The Newton County Water and Sewerage Authority serves the subject site.

**Fire Marshal** – Shall meet the following codes that have been adopted by the State of Georgia, GA Title 25 and their amendments, Georgia Accessibility Code 1997, International Building Codes 2006, International Fire Codes 2006, and Newton County Sprinkler Ordinance and any revisions or updates prior to issuance of the Certificate of Occupancy. For permit and inspection policies see our website [www.newtoncountymfireservice.org](http://www.newtoncountymfireservice.org).

**County Engineer** – The applicant has completed a trip generation report by a qualified engineer based on the ITE guidelines. Based on the report the Newton County Transportation department recommends the requirement for the deceleration lane be waved specifically for the use presented in this petition. Any future sale, redevelopment or expansion of use on the property would require further review to determine the need for auxiliary lanes as outlined in the Development Regulations.

**County Arborist** – Current site plan does not allow for landscaped buffer and landscaping.

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

**FINDING:** Although the Future Land Use Map suggests the property as suitable for Residential, Staff believes the request is consistent with the policies and intent of the Comprehensive Plan as this property was formerly in a Development Node until the adoption of the Salem Overlay District. The Comprehensive Plan shows this area as a Village Center and considers Commercial as an appropriate land use. Furthermore, the 2050 Plan suggests this area will be a planned development.

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:** Existing zonings, current non-residential development trends in the area, and adopted land use policies support this request for office development.

**EXISTING CONDITIONS:** The subject site is nearby non-residential uses to the north, east, and west, high-density residential uses to the northwest (across Brown Bridge), and existing and potential commercial development prompted by the existing commercial development at the intersection of Brown Bridge Road and Salem Road to the east.

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.

## 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 parcel size of 1.08 acres is adequate area for the proposed use as a small auto sales lot if developed with Staff's Recommended Conditions.

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

The property neighbors commercial and non-residential uses. The residential subdivision, Slades Mill, is accessed from an internal street off Brown Bridge Road.

- 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.**

Brown Bridge Road is sufficient for the 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 current driveway was developed for a single-family home and is located at the western side of the property. The site plan shows the use of the existing driveway with an extension along the western property line to the rear of the structure where parking spaces would be provided for patrons. The applicant has provided to the Newton County Transportation Department the required trip generation report based on the ITE guidelines by a qualified engineer. The Transportation Department has waived the requirement for a deceleration lane at this time based on the report. However, the Transportation Department does request any future sale, redevelopment or expansion of use on the property to require further review based on the Newton County Development Regulations at the time of change to determine the need for auxiliary lanes. Staff has incorporated this into 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.**

No adverse impacts are anticipated.

- 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.**

No adverse impacts are anticipated if developed with recommended conditions.

- 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.**

No adverse impacts are anticipated.

- 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.**

Should the Board approve the petition, there should not be a limited time duration.

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

The size, scale and massing of the buildings are appropriate.

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

The proposed 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.**

The proposed use should not affect any environmentally sensitive areas.

**CONCLUSION TO FINDINGS:**

Provided Staff's Recommended Conditions are incorporated into the development of the site, the proposed commercial use is consistent with the policies and intent of the Comprehensive Plan and with approved zonings in the area.

**SITE PLAN ANALYSIS:**

Based on the site plan submitted on October 25, 2013 by the applicant to the Planning and Development Department, Staff offers the following considerations:

**LANDSCAPE AND BUFFERS**

Pursuant to Section 460-050 M. of the Newton County Zoning Ordinance, a 15-foot planted or natural vegetated buffer strip will be required along the east, south and west property lines where they are adjacent to residential properties. This vegetative strip must meet the requirements of Sec. 510-105 D., "an opaque evergreen planting strip that is a minimum of five (5) feet high upon planting and can be expected to be eight (8) feet high within two (2) years of planting", or a fence must be installed per Sec. 460-050 H.8.a.

## IMPERVIOUS SURFACE

Pursuant to Section 460-050 F., the maximum amount of impervious surface for a property within Tier 2 of the Salem Overlay is 75%. Staff notes the site plan does not show more than 75% impervious surface.

## STAFF COMMENTS

This property was brought before the Planning Commission by the applicant in September 2013 for a Special Exception Request to design standards of Tier 2 of the Salem Overlay: 1. Relief from the requirement of exterior sidewalk along Brown Bridge Rd (Sec. 460-050 C. 1. – requirement of exterior sidewalk); 2. Allow the existing structure to be used for business office of auto sales (Sec. 460-050 H.2.& 5. – Building Façade & Materials.)

It was approved with the following conditions:

### **RECOMMENDED CONDITIONS FOR OSPEC13-000091**

1. The applicant must obtain an approved rezoning and conditional use permit prior to using the property as an auto sales lot.
2. The Special Exceptions listed above are specific to the applicant's request and does not follow future uses or businesses on the property.
3. Should adjoining properties rezone and/or redevelop, the applicant will install sidewalks at that time along Salem Road to provide connectivity with adjoining properties.
4. Upon sale or expansion of the property, the entire property is required to comply with the Salem Road Overlay District's requirements in its entirety.

## NEWTON COUNTY ZONING ORDINANCE REGULATIONS FOR AUTO SALES:

### **Sec. 510-105 AUTOMOBILE SALES, RENTAL**

- A. All sales operations shall have direct access to at least a minor collector street.
- B. All sales operations shall be required to provide a paved display area with appropriate drainage (water quality measures).
- C. All lighting for vehicle sales shall be in accordance with the Newton County Development Regulations.
- D. All sales operations shall be screened from view of any adjacent residential use with a minimum six (6) foot high opaque decorative fence or an opaque evergreen planting strip that is a minimum of five (5) feet high upon planting and can be expected to be eight (8) feet high within two (2) years of planting.
- E. Outdoor paging systems are prohibited in any business district; in any industrial district outdoor paging systems are allowed.

**CONCLUSION:**

Given the existing CG (General Commercial), CN (Neighborhood Commercial) and PUD (Planned Unit Development) zonings, as well as other non-residential land uses (two public schools, a church) in the area, Staff is of the opinion that the request may be appropriate for the area.

Staff recommends should the petitions listed within this staff report be granted, the approval should be a conditional rezoning specific for a small auto sales lot and developed with Staff's Recommended Conditions. Should any future request desire to change the use other than what is approved in this petition, it would be a Modification to the Conditions of Zoning and would come back before the Board of Commissioners for review and approval.



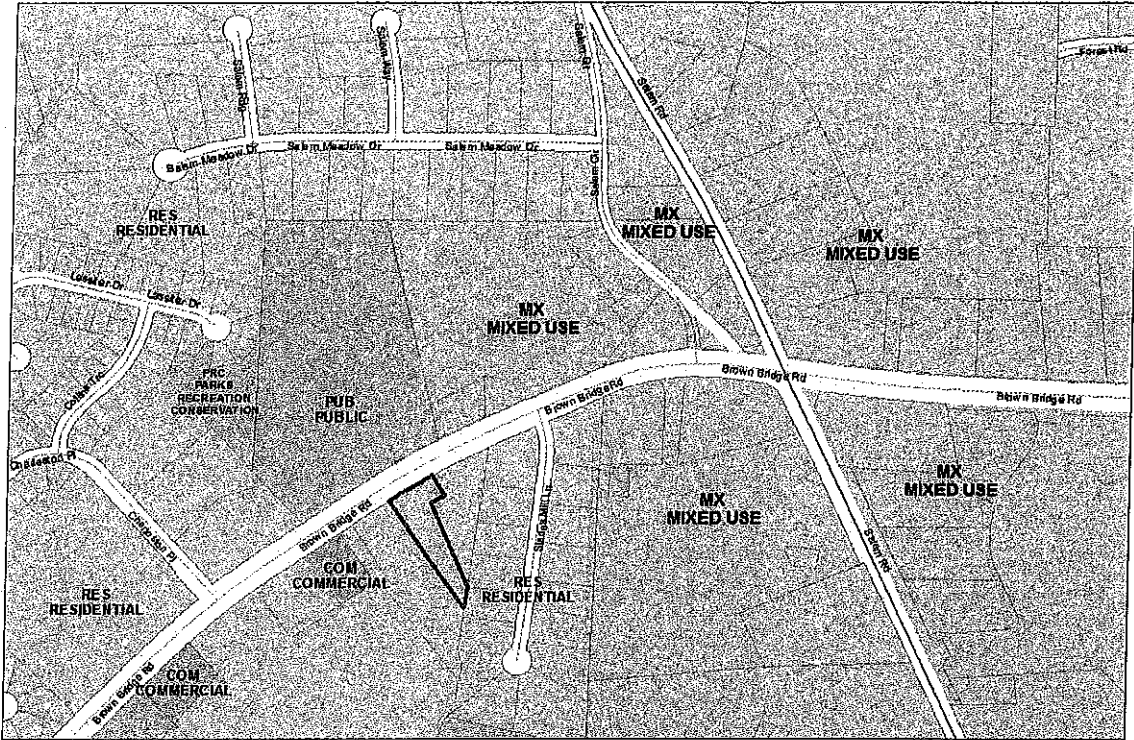
## RECOMMENDED CONDITIONS

If this petition is approved by the Board of Commissioners, it should be approved CG (General 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 abide by the following:
  - a. To the site plan and legal description received by the Department of Planning and Development on October 25, 2013. 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.
  
2. To the owner's agreement to abide by the following development standards:
  - a. Maximum of 10 automobiles allowed on sales lot and a total of 15 automobiles on parcel.
  - b. Provide satisfactory ingress and egress for the site approved by the County Transportation Department.
  - c. Any future sale, redevelopment, or expansion of use on the property requires a review by the County Transportation Department for satisfactory ingress and egress, including but not limited to:
    1. All aspects will have to meet the development regulations.
    2. Driveway separation will have to meet development regulations.
    3. A traffic generation analysis will have to be performed, based on ITE guidelines to determine the need for auxiliary lanes.
  - d. Stormwater plan to be reviewed and approved by County Engineer.
  - e. Provide screening along the adjoining residential property lines to the east, south and west. Screening must meet the standards of Sec. 510-105 D. and Sec. 460-050 H.8.a. Screening is subject to the approval of the Newton County Landscape Architect.
  - f. Provide downcast lighting.

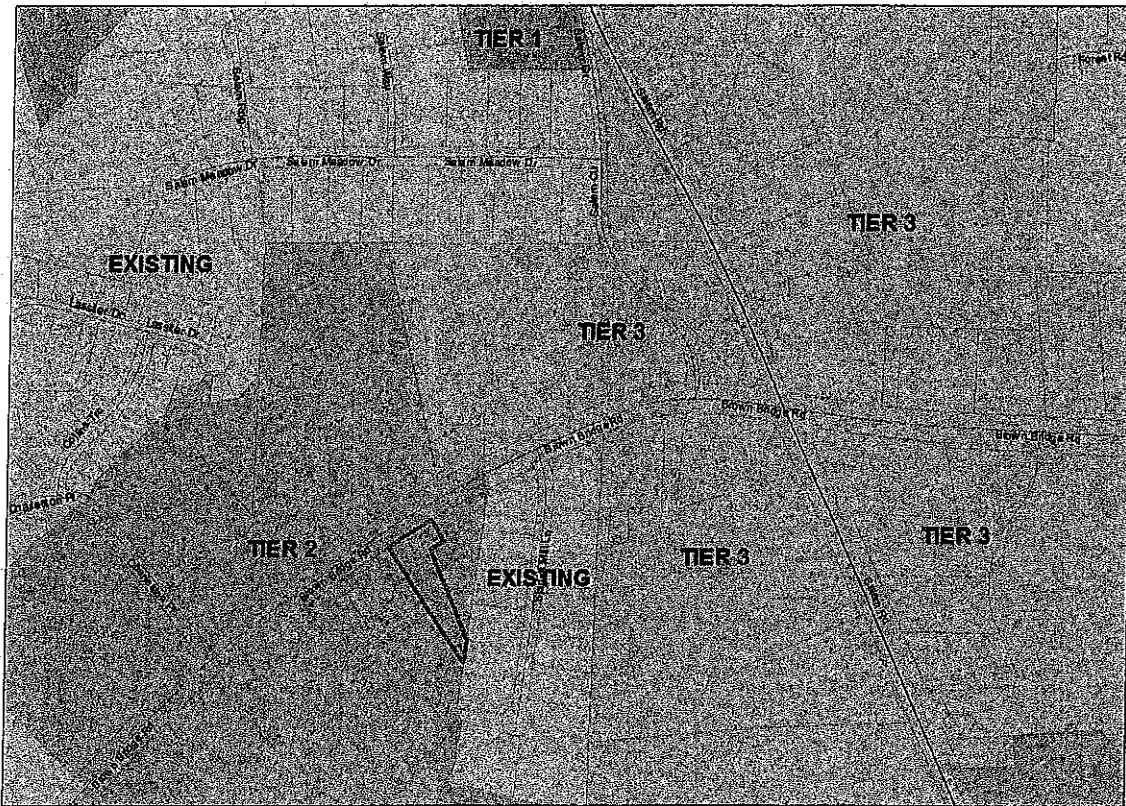
**RECOMMENDED CONDITIONS (continued)**

- g. Adhere to all conditions of OSPEC13-000091:
1. The applicant must obtain an approved rezoning and conditional use permit prior to using the property as an auto sales lot.
  2. The Special Exceptions listed above are specific to the applicant's request and does not follow future uses or businesses on the property.
  3. Should adjoining properties rezone and/or redevelop, the applicant will install sidewalks at that time along Salem Road to provide connectivity with adjoining properties.
  4. Upon sale or expansion of the property, the entire property is required to comply with the Salem Road Overlay District's requirements in its entirety.



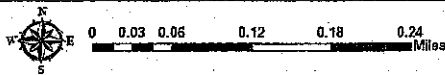
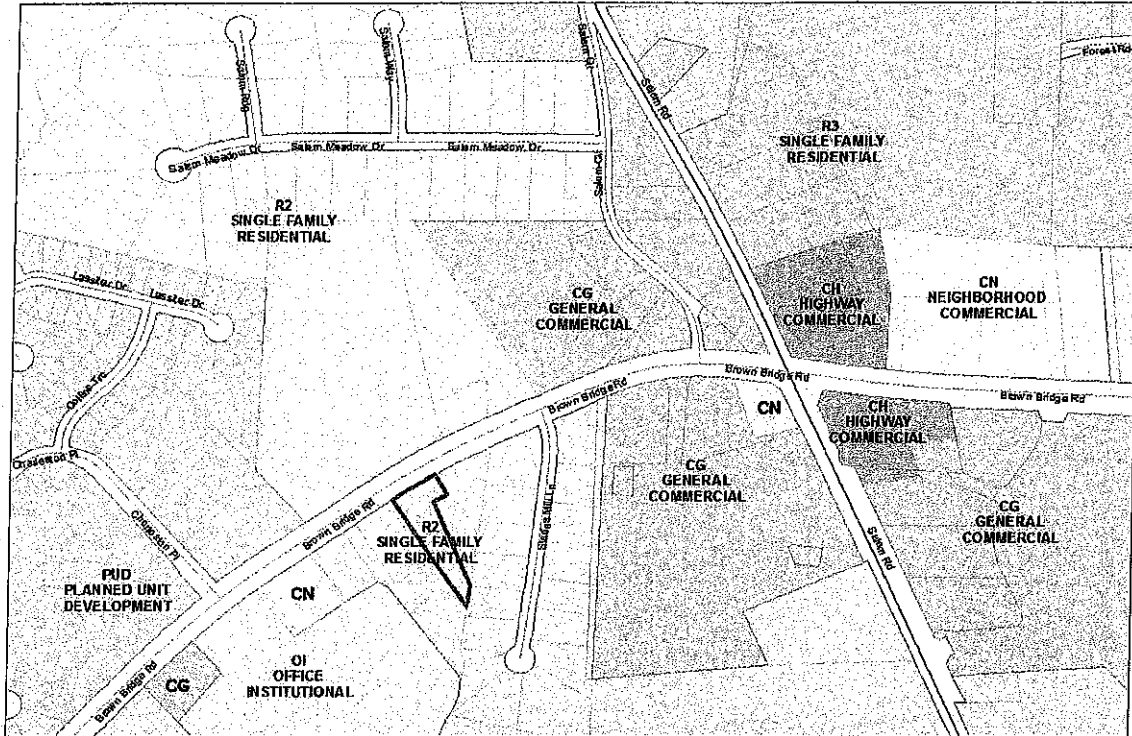
**REZ13-000139, FLU13-000140,  
CUP13-000141  
FUTURE LAND USE MAP**

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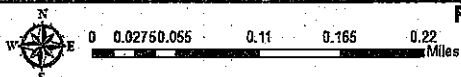
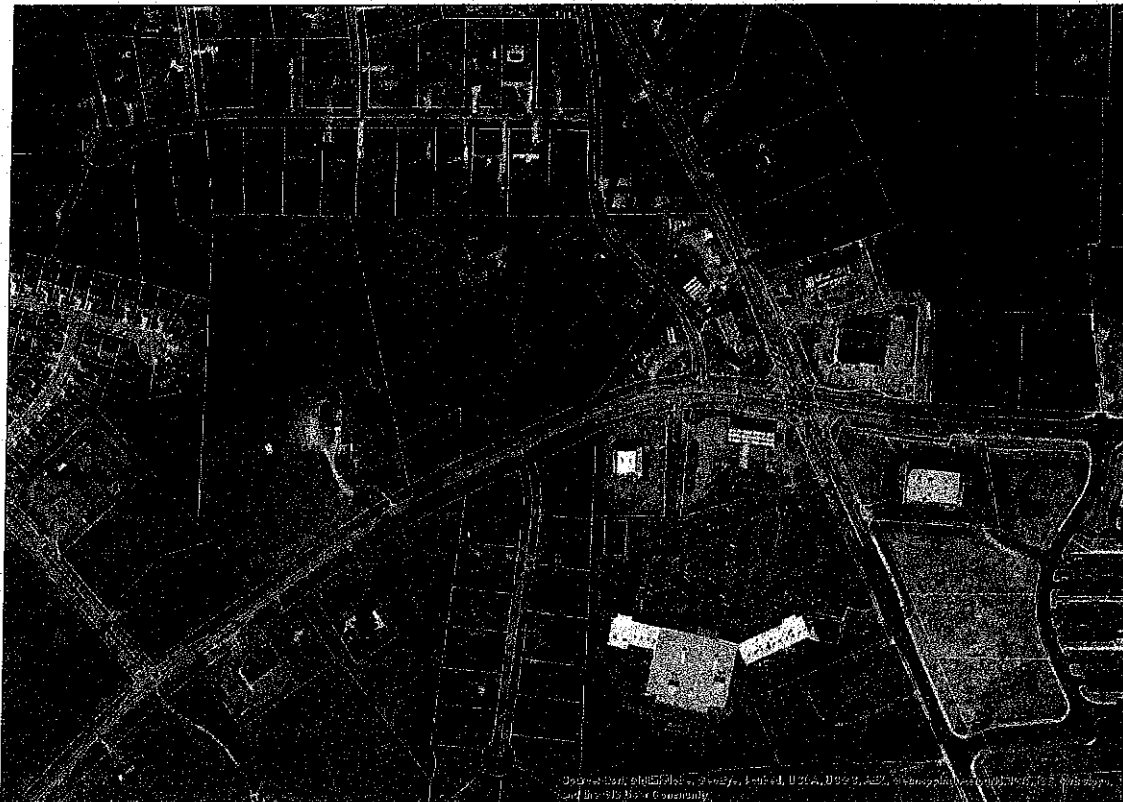
**REZ13-000139, FLU13-000140,  
CUP13-000141  
SALEM OVERLAY MAP**

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**REZ13-000139, FLU13-000140,  
CUP13-000141  
ZONING MAP**

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**REZ13-000139, FLU13-000140,  
CUP13-000141  
AERIAL MAP**

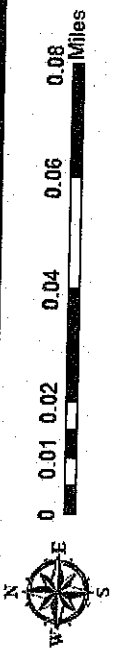
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Sources: Esri, DeLorme, GeoEye, IGN, AeriFi, IGN, USGS, FSA, AeroGRID, IGN, Esri, Swire

**REZ13-000139, FLU13-000140,  
CUP13-000141  
OVERVIEW MAP**



Michael A. Penning  
1325 Brown Bridge Rd  
Covington Ga. 30016

Letter of Intent

AGENCY FOR THE STATE FROM RESIDENTIAL TO COMMERCIAL

My name is Michael Penning. I was born and raised in  
Covington. I went to grammar school and graduated in  
Newton Co. AND I have lived ~~here~~ <sup>the</sup> better part of my life.

I am retired from Corus Rubber Co. where I worked for  
31 yrs. I started as an hourly employee and was soon promoted  
to Supervisor. My dedication to working with people and  
developing their skills helped in accomplish my duties from  
this Co.

I ~~am presently~~ <sup>am</sup> presently looking back to what I love  
to do. People and Cars are two things I am passionate  
about. I have purchased many <sup>cars</sup> these few years and have  
been told many times you would do good in this  
business. I purchased this home in Newton Co. on  
Brown Bridge Rd and have watched the traffic there  
I have slowly did improvements and have got to know  
my neighborhood. This area is a mixed use between  
Commercial and Residential. It has many people in the  
area and it is very convenient.

I believe that this is not just I can work and  
grow my business with cars and people. I will work  
to be a good neighbor and for the better of  
the neighborhood if you allow me to develop this into  
my dream.

Thank You ... D.

**IMPACT ANALYSIS FOR REZONING APPLICATIONS**

Complete the following questions 1 through 7:

- 1. Map and Parcel #: 13-128
- 2. Road Name(s): 13125 Brown Bridge Rd
- 3. Zoning Request: From R2 to CG
- 4. Petitioner's Name: Michael Allen Presley  
 Address: 13125 Brown Bridge Rd  
 Daytime Telephone No.: 770-868-9149

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, The area is mixed use there are commercial business in the area AND residential.
- 2. Does the zoning proposal adversely affect the existing use or usability of adjacent or nearby property? No
- 3. Does the property to be rezoned have a reasonable economic use as currently zoned?  
Yes
- 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
- 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?  
Yes, this is a growing area where the street property has been rezoned to commercial and residential to a road access and limited travel for the people who live in the area.
- 6. Does the zoning proposal permit a use that can be considered environmentally adverse to the natural resources, environment and citizens of Newton County?  
No

9  
 Newton County Department of Development Services  
 1118 Usher Street, Conington Georgia 30014  
 678-626-1850

7. Any other standards of review that may be relevant to your petition, pursuant to Section 620-020, Newton County Zoning Ordinance? I have got the support of the community and will continue to work towards a common goal to improve the property for the needs of my business and the people that live in that area. I will be a good neighbor and strive to impress the county.



**IMPACT ANALYSIS FOR CONDITIONAL USE PERMIT APPLICATIONS**

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

- 1. Map and Parcel #: 13-128
- 2. Road Name(s): 13125 Brown Bridge Rd
- 3. Conditional Use Request: Auto Sales

- 4. Petitioner's Name: \_\_\_\_\_
- Address: \_\_\_\_\_
- Daytime Telephone No.: \_\_\_\_\_

*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. Yes

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

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- 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. Yes

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

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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. No

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. No, I have my neighbors support AND HAVE BEEN IN CONTACT WITH EACH OF THEM.

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. No

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

9. Whether the length of time for which the conditional use permit is granted should be limited in duration. IF I sell the property, the next owner would have to re-apply.

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

11. The proposed site plan and use will not adversely affect historic buildings, sites, districts or archaeological resources. No

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Newton County Department of Planning and Development  
1112 Ulmer Street, Covington Georgia 30014  
878-625-1850

