

Rezone Z21030019
Staff Analysis

Commission District: 1 Warren

Planning Commission Hearing Date: 05-06-2021

Board of Commissioners Hearing Date: 06-01-2021

Parcel ID: Map C0610090

Acreage: 5.26

Applicant:

Atlanta's Best Construction Inc.
1630 New Hope Church Road
Monroe, Georgia 30656

Owner:

Atlanta's Best Construction Inc.
3135 Double Springs Road
Monroe, Georgia 30656

Property Location: 1630 New Hope Church Road

Current Character Area: Neighborhood Residential

Current Zoning: A

Request: Rezone 1 acre from A to R1 and 4+ acres from A to A1.

Staff Comments/Concerns:

Site Analysis: The 5.26 acre tract is located on 1630 New Hope Church Road. The surrounding properties are zoned A1 and City of Between.

Zoning History:

220120019	Atlanta's Best Construction Inc.	Rezone from A2 to A to grow & sell plants	C0610019 1630 New Hope Church Road	Approved w/conditions
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Conditions were:

1. LIMITED TO THE USE OF A WHOLESALE PLANT NURSERY. NO OTHER USES ALLOWED IN THE A ZONING DISTRICT SHALL BE ALLOWED ON THE PROPERTY.
2. RETAIL SALES SHALL BE PROHIBITED.
3. EQUIPMENT OR VEHICLES PARKED OR STORED ON THE PROPERTY SHALL BE LIMITED TO THOSE NECESSARY FOR THE OPERATION OF A WHOLESALERS PLANT NURSERY. NO EQUIPMENT OR VEHICLES ASSOCIATED WITH ANY OTHER BUSINESS TYPE, INCLUDING BUT NOT LIMITED TO CONCRETE INSTALLATION OR FINISHING OR A CONTRACTOR'S OFFICE, SHALL BE PARKED OR STORED ON THE PROPERTY.
4. A 30' UNDISTURBED BUFFER SHALL BE REQUIRED ADJACENT TO THE ST MARTIN ESTATES SUBDIVISION. THE BUFFER SHALL BE PLANTED WITH EVERGREEN SCREENING TREES WHERE SPARSELY VEGETATED. IF THERE ARE ANY BUILDING ENCROACHMENTS CURRENTLY EXISTING IN THE REQUIRED BUFFER THEY SHALL BE ALLOWED TO REMAIN BUT MAY NOT BE EXPANDED.
5. DRIVEWAYS SHALL BE REVIEWED FOR COMPLIANCE BY PLANNING AND DEVELOPMENT AND/OR WALTON COUNTY TRANSPORTATION.

Character Area: The character area for this property is Neighborhood Residential.

Comments and Recommendations from various Agencies:

Public Works: Public Works has no issue with approval.

Sheriffs' Department: Will not impact the Walton County Sheriff's Office.

Water Authority: This area is served by an existing 6" diameter water main along New Hope Church Rd. (static pressure: 85 psi, Estimated fire flow available: 2,000 gpm @ 20 psi). No system impacts anticipated.

Fire Department: No issues

Fire Code Specialist: No comment

Board of Education: No impact on the Walton County School System.

Development Inspector: No comment received

DOT Comments: Will not require DOT coordination.

Archaeological Information: No comment received

PC ACTION 5/6/2021:

1. **Rezone – Z21030019– Rezone 1 acre from A to R1 and 4+ acres from A to A1 for residential use – Applicant/Owner: Atlanta’s Best Construction Inc – Property located on 1630 Hew Hope Church Rd-Map/Parcel C0610090 – District 1.**

Presentation: Chris Sands represented the case. He wants to rezone 1 acre to R1 and the remaining 4 plus acres to A1. Pete Myers asked if he wanted to sell the R1 property and build a home on the A1 property. Chris Sands stated that was correct.

Speaking: Brian Rueben VP of St Martin Estates HOA represented the community. He stated concerns that the community has and feels like the board should deny the rezone. He gave a recap of the rezone request from February of 2021 that was approved with conditions. Mr. Rueben said that the conditions haven’t been addressed and it’s negatively affecting the neighbors. He said Mr. Sands has removed many trees and dumped gravel on the property and its causing runoff that was not previously there. It’s also affecting their privacy and causing expense for landscape repairs. Mr. Adams backyard flooded due to the land topo changing. The change in topo has also affected Sweetwater Trail and St Martin Way. It also will affect property values.

Tim Hinton stated that this application was a change of zoning and the previous conditions would not apply. He verified if there had been any complaints to Code Office. Charna Parker stated yes only after this past week's rain. He also verified no permits were required for cutting trees or adding gravel. Charna Parker stated that was correct.

Mr. Sands came back for rebuttal. He stated that there were no issues with water until the Adams' changed their fence. He said the old fence had a dirt berm they removed causing increased water flows.

Recommendation: Pete Myers made a motion to recommend approval as submitted with a second by Timothy Kemp. John Pringle opposed.

Rezone Application # Z 21030019

Planning Comm. Meeting Date 5-6-21 at 6:00PM held at **WC Board of Comm. Meeting Room**

Board of Comm Meeting Date 6-1-21 at 6:00PM held at **WC Historical Court House**

You or your agent must be present at both meetings

Map/Parcel C0610090

Applicant Name/Address/Phone #

Atlanta Best Construction inc
1630 New Hope Church Rd
Morrow, GA 30656

Property Owner Name/Address/Phone

Atlanta Best Construction inc
3135 Dunwoody Rd
1630 New Hope Church Rd
Morrow, GA 30656

(If more than one owner, attach Exhibit "A")

Phone # 404-597-6549

Phone # SAME

Location: 1630 New Hope Church Rd. Requested Zoning A2A1R1 Acreage 5.26

Existing Use of Property: Zone A

Existing Structures: 3 bedroom home

The purpose of this rezone is to split property to Rezone to Residential

Property is serviced by the following:

Public Water: Provider: Walton County Water Dept Well: _____

Public Sewer: _____ Provider: _____ Septic Tank:

The above statements and accompanying materials are complete and accurate. Applicant hereby grants permission for planning and zoning personnel to enter upon and inspect the property for all purposes allowed and required by the Comprehensive Land Development Ordinance

Signature [Signature] Date 3/16/21 Fee Paid \$ 250.00

Public Notice sign will be placed and removed by P&D Office
Signs will not be removed until after Board of Commissioners meeting

Office Use Only:

Existing Zoning A Surrounding Zoning: North A1/Between South Between
East Between West Between

Comprehensive Land Use: Neighborhood Res. **DRI Required?** Y _____ N

Commission District: 1-Warren Watershed: Alcovy River TMP _____

I hereby withdraw the above application _____ Date _____

Article 4, Part 4, Section 160 Standard Review Questions:

Provide written documentation addressing each of the standards listed below:

1. Existing uses and zoning of nearby property;

A-2

2. The extent to which property values are diminished by the particular zoning restrictions;

no

3. The extent to which the destruction of property values of the plaintiffs promotes the health, safety, morals or general welfare of the public;

no

4. The relative gain to the public, as compared to the hardship imposed upon the individual property owner;

split to 2 Residential properties

A1 & R1

5. The suitability of the subject property for the zoned purposes; and

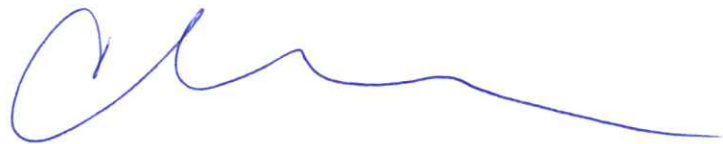
Chart

6. The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property

N/A

I'm agreeing to A1/R1 because
I want it to be Residential
Only. I'm selling R1 property
and plan to build my home on

A1

A handwritten signature in blue ink, consisting of a large, stylized initial 'A' followed by a long, horizontal, wavy line that tapers to the right.

LEGEND

R/W 80'-0" R/W
 P/L PROPERTY LINE
 B/L BOUNDARY LINE
 C/S CENTERLINE
/>
 CH/200 CONCRETE MONUMENT FOUND
 C CENTER LINE
 DB ROAD BOOK
 FFE FRESH PAVED ELEVATION
 FFB FRESH PAVED SIDE OF PAVEMENT
 FPC FRESH PAVED CURB
 FPD FRESH PAVED DRIVE
 FPR FRESH PAVED ROAD
 FPS FRESH PAVED SIDEWALK
 FPCOMPUTER COMPUTER DRAWER
 FBR BRICK



RECORD NORTH

SURVEYORS CERTIFICATION (11):

This plat is a recertification of an existing parcel of property of land and does not constitute a new survey or any other change to any plat property. The recertification is based on the original plat and any subsequent amendments or corrections which have been made to the original plat. THE PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS, REQUIREMENTS, OR STANDARDS FOR SURVEYING, ENGINEERING, OR ANY OTHER PROFESSIONAL SERVICE. THE SURVEYORS AND ENGINEERS ASSUME NO LIABILITY FOR ANY DAMAGE TO PERSONS OR PROPERTY, INCLUDING THE CONSTRUCTION OF ANY STRUCTURE OR IMPROVEMENT, OR ANY OTHER ACT OR OMISSION, ARISING OUT OF OR FROM THE USE OF THIS PLAT OR ANY INFORMATION THEREON, OR FROM ANY NEGLIGENCE OR RECKLESS DISREGARD OF DUTY, OR FROM ANY OTHER CAUSE, INCLUDING THE NEGLIGENCE OR RECKLESS DISREGARD OF DUTY OF ANY PERSON, INCLUDING THE SURVEYORS AND ENGINEERS, OR FROM ANY OTHER CAUSE, INCLUDING THE NEGLIGENCE OR RECKLESS DISREGARD OF DUTY OF ANY PERSON, INCLUDING THE SURVEYORS AND ENGINEERS, OR FROM ANY OTHER CAUSE, INCLUDING THE NEGLIGENCE OR RECKLESS DISREGARD OF DUTY OF ANY PERSON, INCLUDING THE SURVEYORS AND ENGINEERS.

ZACHARY R. GARRETT
 REGISTERED LAND SURVEYOR #2169
 03/30/2021
 JME



SURVEY NOTES:

- THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF 1 FOOT IN 10,000 FEET AND WAS NOT ADJUSTED.
- MARK AN ACCURACY OF 1 FOOT IN 10,000 FEET AND IS FOUND TO BE WITHIN THE TOLERANCE OF 1 FOOT IN 10,000 FEET.
- LINEAR AND ANGULAR MEASUREMENTS WERE OBTAINED WITH A TRIMBLE 5600C TOTAL STATION.
- ALL DISTANCES WERE MEASURED WITH A 100' STAINLESS STEEL TAPE.
- THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CERTIFIED TAPE PACKAGE. ALL MATTERS OF TAPE ARE DISREGARDED.
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ZONING NOTES:

REQUIREMENTS FOR ZONING 8-100 AND 41 ARE AS FOLLOWS:

FRONT SETBACK 15'-0"

REAR SETBACK 15'-0"

DUED AND PLAT REFERENCES:

1. LARGED WARRANTY DEED FOR ATLANTA'S BEST CONSTRUCTION, INC. RECORDED IN DEED BOOK 4731, PG. 324 OF WALTON COUNTY, GEORGIA LAND RECORDS.

RESERVED FOR COURT CLERK USE

NEW HOPE CHURCH ROAD
 80' R/W



TRACT 1
 186,257 SF
 4.278 ACRES
 ZONED A1 (RURAL ESTATE)

EXISTING SINGLE FAMILY HOME

TRACT 1A
 43,700 SF
 1.004 ACRES
 ZONED R-100

POND
 30,164 SF
 0.693 ACRES

OWNER'S NAME: ATLANTA'S BEST CONSTRUCTION, INC.
 1830 NEW HOPE CHURCH ROAD MONROE, CA 30656

MINOR SUBDIVISION PLAT FOR:

STATE: GEORGIA LAND LOT: 28 REVISION INDEX:
 COUNTY: WALTON GME: 415
 LAND DISTRICT: 4 DRAWN BY: ZAG
 DATE OF FIELD WORK: 3/20/2021

GARRETT LAND SURVEYING, LLC
 604 WARREN WAY
 MONROE, LA 70647
 770-483-2809
 garrettlandsurveying@gmail.com

TAX ID: 02610031
 N/F Brock Cliff Reserve, LLC

TAX ID: N29'28'26"W 370.75'

TAX ID: N29'40'05' 118.94'
 N/F Jeffery T. Brattstone

TAX ID: N29'40'05' 143.79'
 N/F Brenda S. Avery

TAX ID: N29'40'05' 131.58'
 N/F Alan Clarence Adams & Shirley Gay Adams Trustees

TAX ID: N29'40'05' 87.81'
 N/F John T. Dodson & Aida P. Dodson

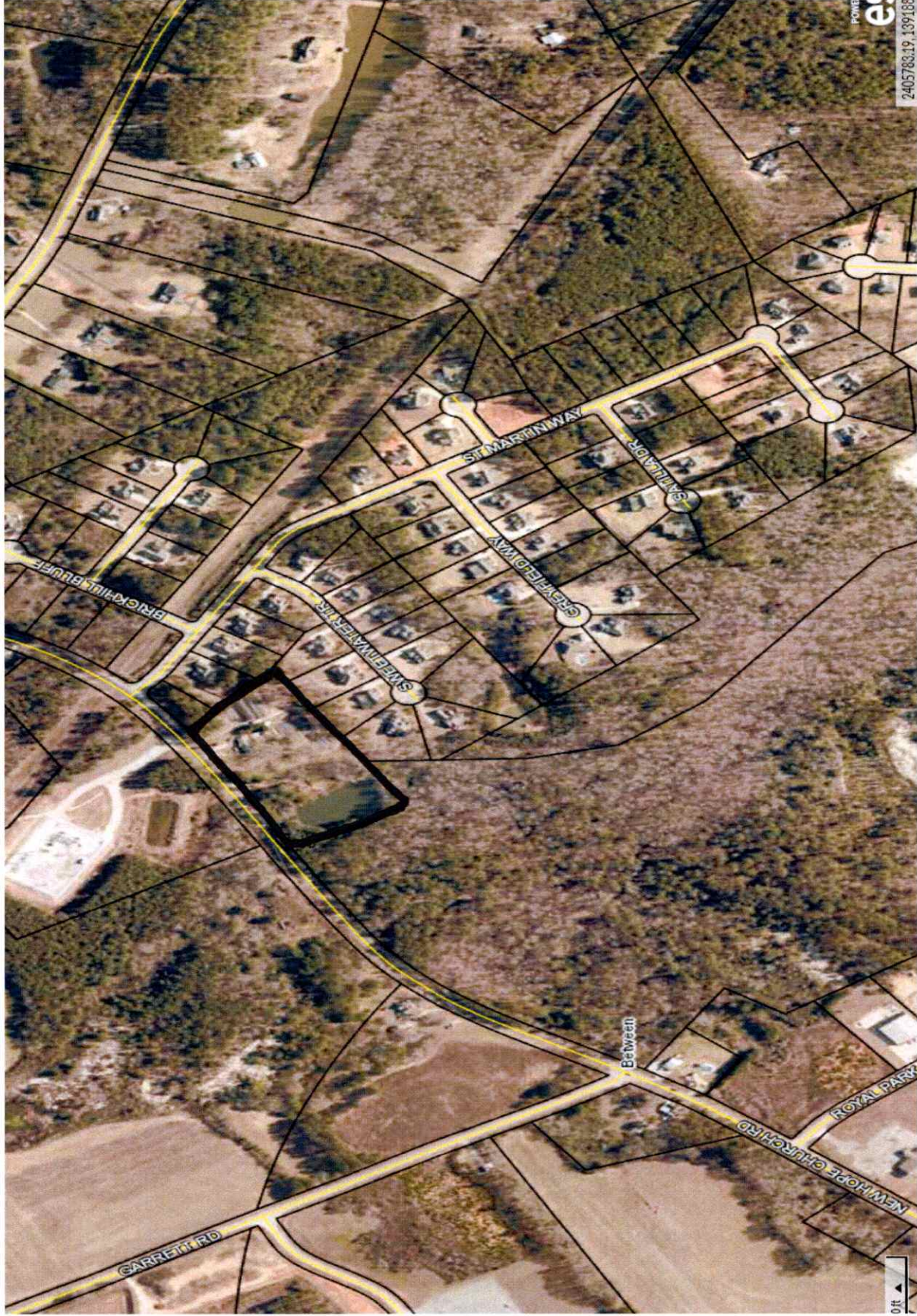
TAX ID: N29'40'05' 58.81'
 N/F Stephanie Sagner & Robert A. Sagner

TAX ID: N29'40'05' 100.00'
 N/F Warner Family Estates, LLC

TAX ID: N29'40'05' 100.00'
 N/F Genica Malbin & Wayne Malbin

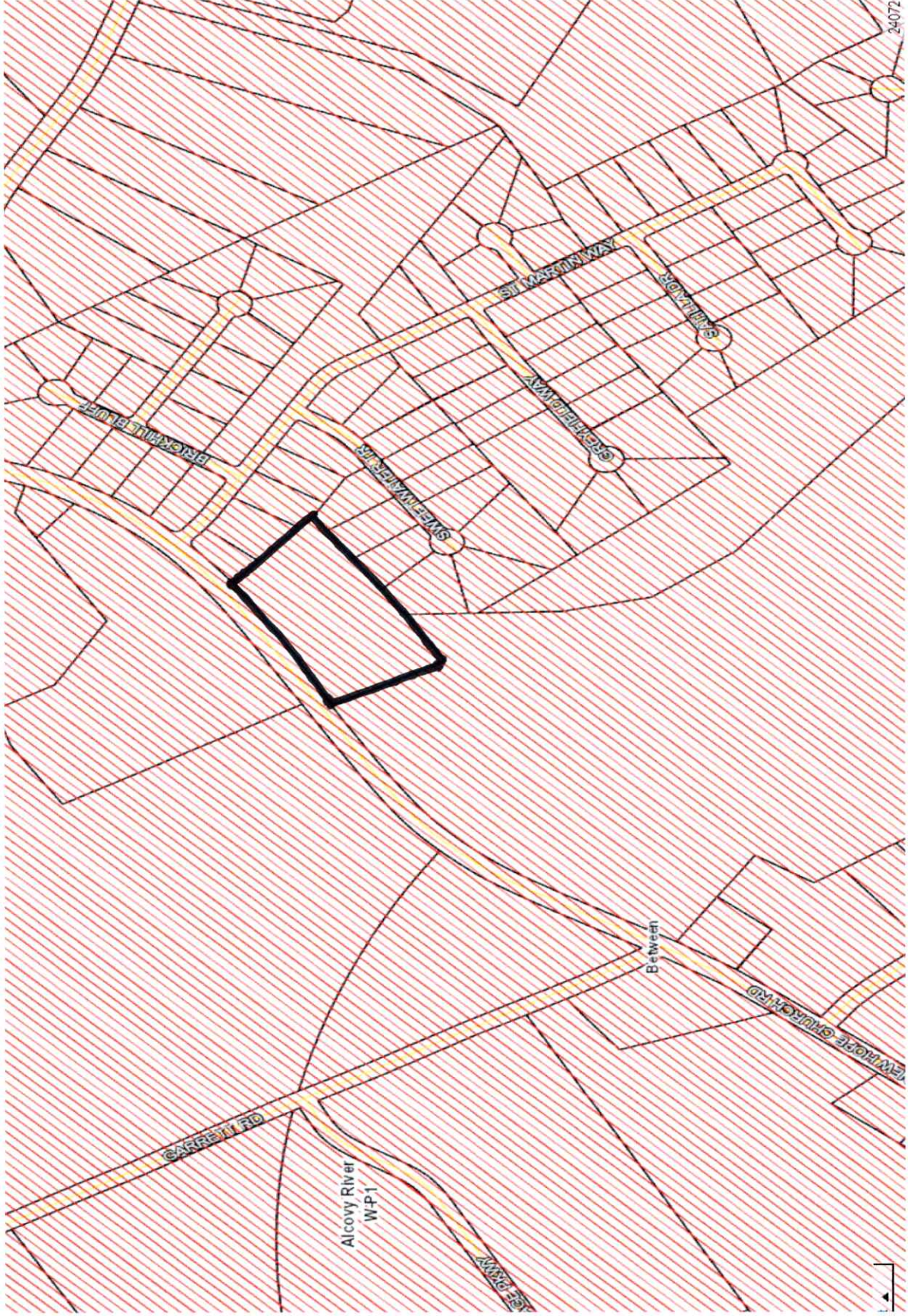
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Z21030019 – 1630 New Hope Church Road

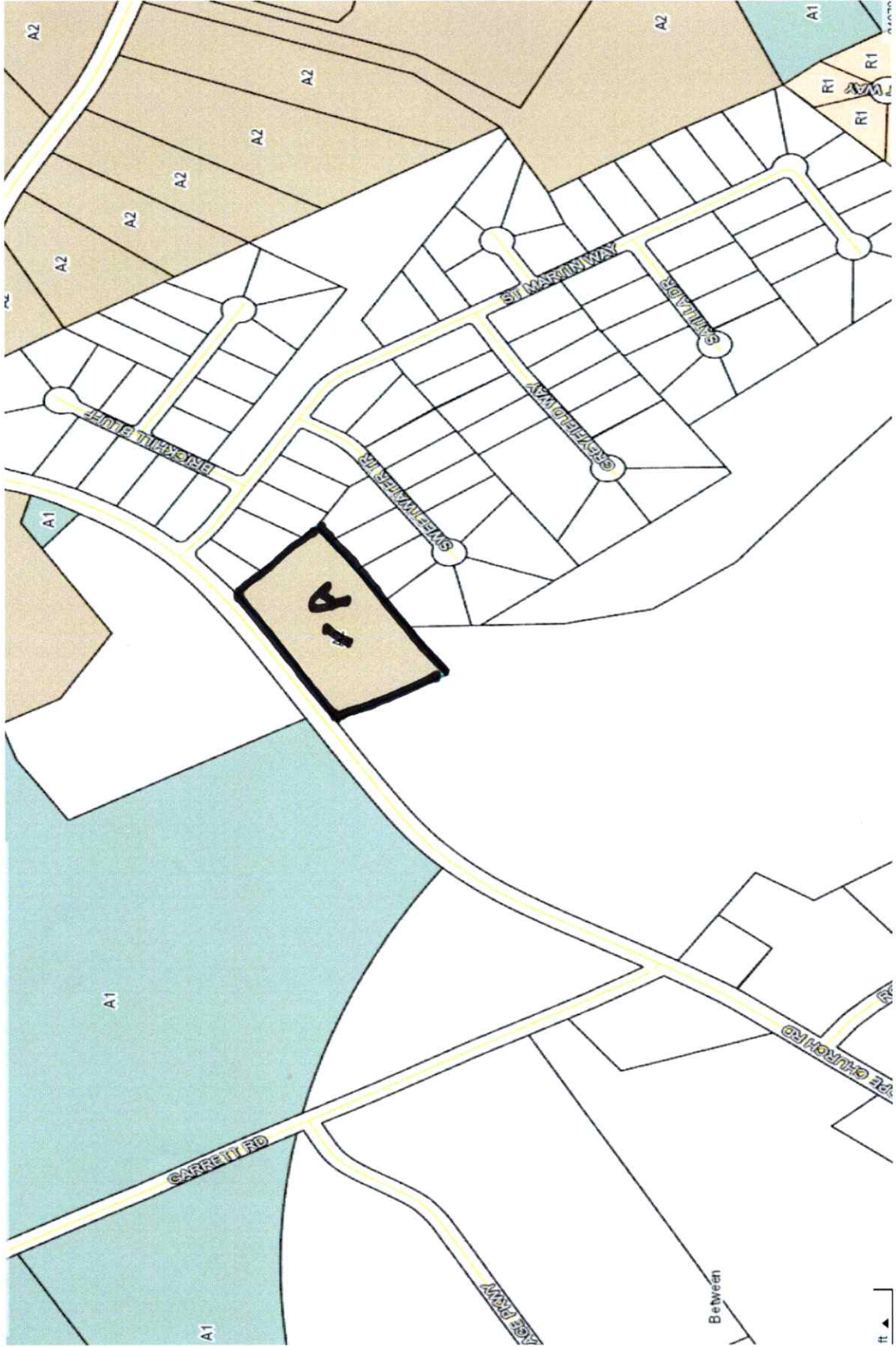


Z21030019 – 1630 New Hope Church Road





Z21030019 – 1630 New Hope Church Road





Tracie Malcom <tracie.malcom@co.walton.ga.us>

Re: Rezone Z21030019 - 1630 New Hope Church Road

1 message

Between Mayor <betweengamayor@gmail.com>
To: Tracie Malcom <tracie.malcom@co.walton.ga.us>

Thu, Apr 15, 2021 at 2:15 PM

I have turned this over to the Saint Martin Estates Homeowners Association. I do not have time to deal with this non-town limit rezoning at this time. I will say that I don't think there is any issue with the A to R1 rezoning for the one acre. There is a problem with the rezoning from A to A1. It Board of Commissioner rejected this when the applicant tried this last time. It appears that this is being done again to try to bypass the restrictive conditions the Planning Commission place on the property when he wanted to rezone it from A1 to A. This is my personal opinion but I will let the HOA Board deal with this.
Thanks for making me aware of this issue. I will pass this on to the HOA.

On Thu, Apr 15, 2021 at 10:53 AM Tracie Malcom <tracie.malcom@co.walton.ga.us> wrote:

Mayor Post: I am sending you this Rezone to see if you had any comments that you wanted me to add to the case.

Attached is the Rezone. Mr. Sands wants to rezone 1 acre from A to R1 - He wants to sell this. He also wants to rezone 4+ acres from A to A1 for residential use.

-

Tracie Malcom
Zoning Coordinator
Walton County Planning & Development
303 S Hammond Drive, Suite 98
Monroe, GA 30655
770/267-1319
Fax#770/267-1407
tracie.malcom@co.walton.ga.us
www.waltoncountyga.gov