

Rezone Z22020018

Staff Analysis

Commission District: 4 - Bradford

Planning Commission Hearing Date: 03-03-2022

Board of Commissioners Hearing Date: 04-05-2022 – Board of Commissioners reverted this case back to the Planning Commission for their 05-05-2022 Meeting

Planning Commission Hearing Date: 05-05-2022

Board of Commissioners Hearing Date: 06-07-2022

Parcel ID: Map C1400090

Acreage: 8.68

Applicant:

Jason Atha

2370 Nunnally Shoals Road

Good Hope, Georgia 30641

Owner:

Don Moon & David Samples

P.O. Box 243

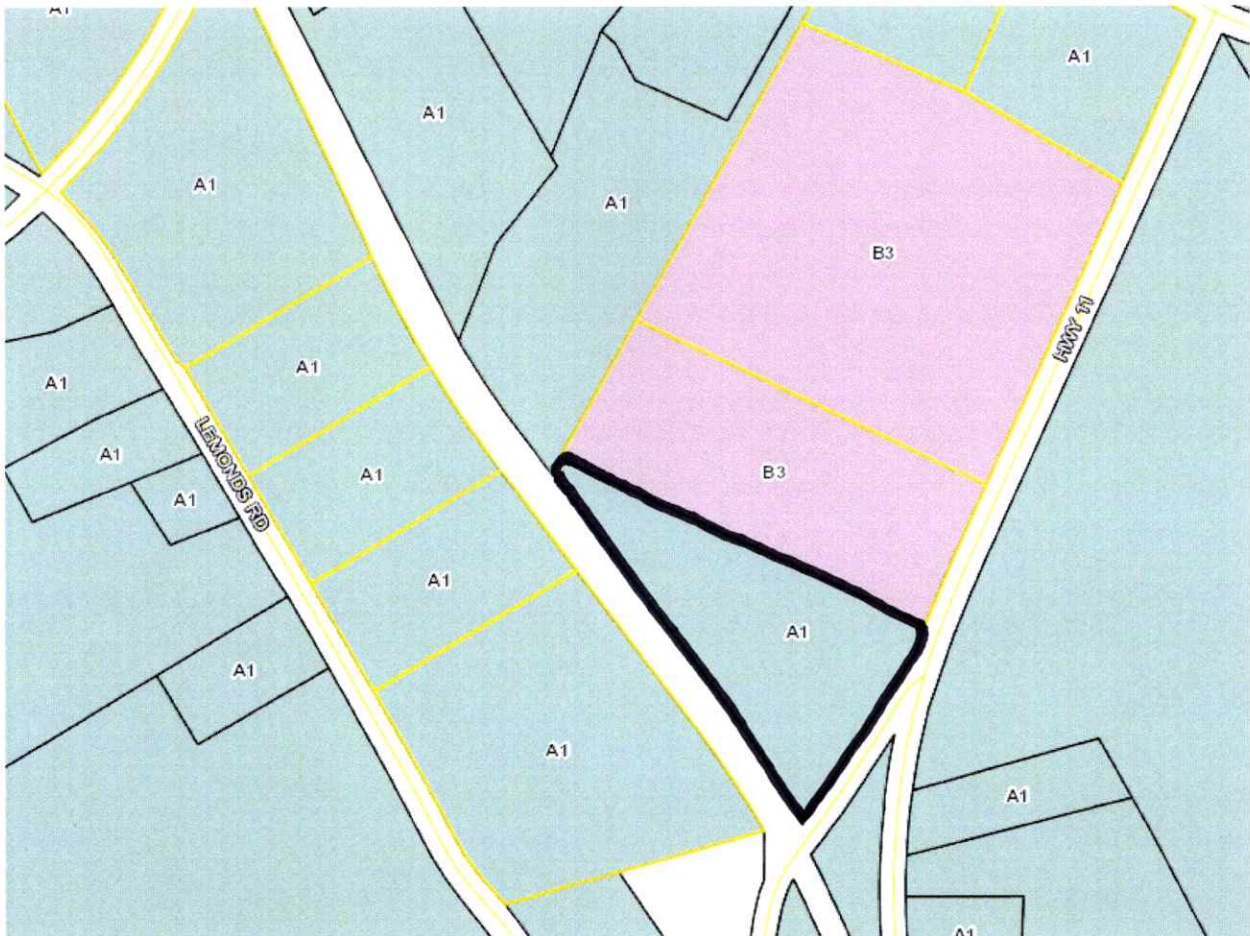
Good Hope, Georgia 30641

Property Location: GA Hwy 11 and Mahlon Smith Road



Current Character Area: Neighborhood Residential

Current Zoning: A1



Request: Rezone 8.68 acres from A1 to B2 with conditional use for outside storage. Applicant is okay with condition of no tractor trailer parking.

Staff Comments/Concerns:

Article 6 - Outdoor Storage (20)

- A. Outdoor storage yards shall be set back at least 15 feet from any side or rear property lines.
- B. Use shall be screened by a solid fence at least eight (8) feet high.
- C. The setback distance shall be appropriately landscaped to provide a vegetative screen.
- D. Outdoor storage shall not be located in any required front yard building setback area.

Site Analysis: The 8.68 acre tract is located on Highway 11 & Mahlon Smith Road. The surrounding properties are zoned A1 and B3.

Zoning History: No History

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

Comments and Recommendations from various Agencies:

Public Works: Public Works recommends if approved that proper right of way abandonment be completed per requirements and that any new right of way acquisition and roadway realignment be properly deeded and dedicated to Walton County prior to a C/O and that a De-Cell lane be installed at the Ingress/Egress portion of Mahlon Smith Road. May need comments from GDOT. See above comments and add comments that the Commercial Traffic access only from the new aligned intersection location with no trucks allowed from the opposite or south end of Mahlon Smith Road.

Sheriffs' Department: This will have no impact on the Walton County Sheriff's Office.

Water Authority: This area is served by an existing 10" diameter water main along on Highway 11. (static pressure: 90 psi, Estimated fire flow available: 800 gpm @ 20 psi. No system impacts anticipated.

City of Monroe: No conflict with the water, sewer nor gas departments of the City of Monroe.

City of Social Circle: This could affect Social Circle and could increase traffic outside the city limits of Social Circle.

Fire Department: Walton County Fire Rescue has no issues.

Fire Code Specialist: 1) All proposed facilities shall meet International Fire Code (2018), Life Safety Code (2018), and the Georgia Accessibility Code
2) The code compliance shall be subject to a plan review.

Board of Education: This will have no effect on the Walton County School District.

Development Inspector: No comment received.

DOT Comments: Will require GDOT coordination.

Archaeological Information: No comment received.

PC ACTION 3/3/2022:

1. Rezone – Z22020018 – Rezone 8.68 acres from A1 to B2 to park trucks, campers & boats with conditional use for outside storage– Applicant: Jason Atha/Owners: Don Moon & David Samples – Property located on Georgia Hwy 11 and Mahlon Smith Rd - Map/Parcel C1400090 – District 4.

Presentation: Dylan Ivey represented the case on behalf of Jason Atha. He would like to rezone property from A1 to B2 to park trucks, trailers, boats and campers. To the left is a railroad and to the right is zoned B-3. There is frontage on Highway 11 and they would fence it in with an 8 foot fence with a screen.

Brad Bettis asked if it was for commercial trucks and vehicles. His concern is off Mahlon Smith Road, he feels trucks shouldn't be going down Mahlon Smith Road. He also stated on the site plan it shows 138 spaces. Mr. Ivey stated yes and that there is traffic but the trucks would come out on Highway 11 and go in to property on Highway 11.

Speaking: Alexandra Callaway who lives on Mahlon Smith Road stated that the comp plan is Neighborhood Residential. The entrance there about 80 % on Mahlon Smith Road. The county road is narrow and she is worried about tractor trailer traffic. Ms. Callaway stated that the end of her street goes to Highway 11. She stated that as far as Tractor Trailers that the roads there are narrow and she is wondering if the trucks are going to be able to make the turn. She also asked if GDOT has done a survey. She stated that they have worked to maintain their small quiet street. She stated that this will negatively affect the high water table and they are all on wells. She also wondered if they were going to do maintenance on the trucks and if it was going to be a gravel lot and if they are going to be on a well. She said look at Highway 78 going toward Loganville and you will see something just like what they want to do. She would recommend something to protect the water and that an 8 mm plastic be put down and then the gravel and then concrete to protect the ground and not allow tractor trailers and have a 50 ft. buffer with evergreens around the site.

Ron Bryce lives at 287 Highway 11 directly across from this property and he stated it is not conducive to large trucks. He asked if they would have a de-cell lane. He would also like to have an 8' chain link fence where it will block the trucks and trailer. He would like 6ft tall trees on 10 ft. centers all around the property and that the buffer out there is not a buffer – you can see right through the trees. This will diminish the property values on existing properties and it would set precedence for zoning on nearby properties.

Elaine Burris has lived on Lemonds Road for 65 year which is a residential community. She is not against growth. She said houses around there are \$400 thousand dollar homes and there are 3 churches in the community. She has picked up trash for 50 years on Mahlon Smith Road. She is a master gardener and feels that this would be a safety issue because of the horrible curve. She is also concerned about the run-off. She said her father was crossing Highway 11 and was hit by an 18 wheeler and spent time in the hospital. The property at the

corner has a huge gulley and there is a river that runs under their property at Lemonds. She said all the good citizens are against this.

Dylan Ivey came back for rebuttal and stated that he completely understands the concerns about traffic. He has plans to re-align Mahlon Smith Road. He will have no cuts through on Mahlon Smith but it will come straight onto Highway 11 and he will comply with GDOT. He will put up an 8 ft. chain link fence with any trees recommended.

Recommendation: Brad Bettis made a motion to deny with a second by John Pringle. The motion carried unanimously.

BOC MEETING 4/5/2022:

CASE WAS REVERTED BACK TO THE 5/5/2022 PLANNING COMMISSION MEETING.

PC ACTION 5/5/2022:

1. **Rezone – Z22020018 – Rezone 8.68 acres from A1 to B2 with conditional use for outside storage– Applicant: Jason Atha/Owners: Don Moon & David Samples – Property located on Georgia Hwy 11 and Mahlon Smith Rd - Map/Parcel C1400090 – District 4.**

Presentation: Gerald Atha represented the case. They would like to do mini-warehouses with outside storage for boats and campers.

Speaking: Alexandra Callaway spoke. She stated that the entrance on Mahlon Smith is very small and she is opposed of it. She stated with a business zoning the entrance should be on Highway 11 and not a small county road.

Gerald Atha came back for rebuttal. Mr. Atha stated that the mini storage would have very little traffic and he has talked to GDOT about a de-cell lane. Josh Ferguson asked if the plan was different than the site plan that was turned in and Mr. Atha stated no. Josh Ferguson asked about storing trucks on the property and Mr. Atha stated that they were not. John Pringle stated that his paperwork says trucks and Charna Parker, Director, advised that they had turned in a letter that no trucks would be stored on the property. Pete Myers asked about re-alignment on Mahlon Smith and Mr. Atha stated that he has coordinated with GDOT. It was

asked if Mr. Atha had a problem with an 8 ft. solid fence and he stated that he did not.

Recommendation: Pete Myers made a motion to approve with conditions of the following:

- 1.** Realignment of Mahlon Smith Road to allow Ingress/Egress from Highway 11 only to be coordinated with Ga. DOT.
- 2.** No commercial vehicle storage allowed.
- 3.** 8' high screened/solid fence around entire perimeter. Art 6-B
- 4.** Vegetative screen on property adjacent to A1 parcels.
with a second by John Pringle. Josh Ferguson opposed. The motion carried 5-1.

Jason Atha

2370 Nunnally Shoals Rd

Good Hope, GA 30641

770/206/0978

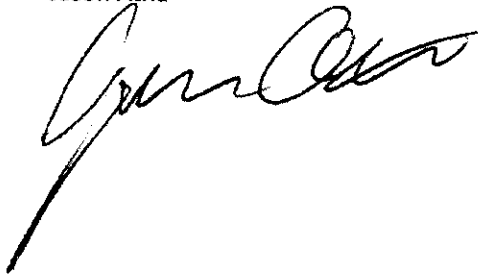
To Whom It May Concern;

Letter Of Intent:

I am wanting to purchase the land off Hwy 11 Social Circle/Mahlon Smith Rd (8.68 acres) from Don Moon/David Samples and have it rezoned to B2 with no intentions of parking tractor trailers.

Thank you for your time,

Jason Atha

A handwritten signature in black ink, appearing to read 'Jason Atha', written in a cursive style.

Rezone Application # Z22D20018
Application to Amend the Official Zoning Map of Walton County, Georgia

Planning Comm. Meeting Date 3-3-22 at 6:00PM held at ~~WC Board of Comm. Meeting Room~~
 Board of Comm Meeting Date 4-5-22 at 6:00PM held at **WC Historical Court House**

1115.
 Broad St
 M. G.
 30655

You or your agent must be present at both meetings

Map/Parcel C1400090

Applicant Name/Address/Phone #

Jason Atha
2370 Munnally Shoals Rd
Good Hope GA 30641

E-mail address: _____

Phone # 770-206-0978

Location: 0 HWY 11 C1400090 Requested Zoning B3 B2 Acreage 8.675

Existing Use of Property: A1 - Vacant

Existing Structures: N/A

The purpose of this rezone is To construct a parking lot for
trucks, campers, Boats & conditional use for
Outdoor Storage

Property is serviced by the following:

Public Water: Provider: Walton County Well: _____

Public Sewer: N/A 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 2/4/22 Fee Paid \$550.00

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 A1 Surrounding Zoning: North A1 South A1
 East B3 West A1

Comprehensive Land Use: Neighborhood Residential **DRI Required?** Y _____ N —

Commission District: 4-Bradford Watershed: Hard Labor Creek WPA TMP —

I hereby withdraw the above application _____ Date _____

**AUTHORIZATION
BY PROPERTY OWNER**

I swear that I am the property owner of the property which is the subject matter of the attached Petition for Rezoning/Conditional Use Application, as is shown in the records of Walton County, Georgia.

I authorize the named below to act as Applicant in the pursuit of a Petition for Rezoning/Conditional Use Application.

Name of Applicant: Jason Atha

Address: 2370 Nunally shoals rd Good Hope 30641

Telephone: 770-206-0978

Location of Property: 0 HWY 11 Monroe, Ga 30655

Map/Parcel Number: C1400090

Current Zoning: A1 Requested Zoning: B3 B2^{DX}

[Signature]
Property Owner Signature

[Signature]
Property Owner Signature

Print Name: Don Moon

Print Name: David Samples

Address: PO Box 243 Good Hope, GA

Address: 1775 Queens Cemetery Rd. Good Hope, Ga

Phone #: (404) 276-4595

Phone #: (678) 858-7783

Personally appeared before me and who swears that the information contained in this authorization is true and correct to the best of his/her knowledge.

[Signature] 2/4/2022
Notary Public Date



Brandy L Atha
exp. Aug 16, 2022

Exhibit "A"
0 HWY 11
Monroe, Ga 30655
Parcel: C1400090

Second Property Owner Name/Address:

David Samples
1775 Queen Cemetary Road
Good Hope, Ga 30641
(678) 858-7783

Walton County Planning and Development would suggest:

Before you apply for a **Conditional Use Permit** or a **Rezone** or a **Change of Occupancy** on your property, that you do the following.

NOTE: ALL ITEMS WILL BE REQUIRED ONCE THE APPLICATION IS APPROVED.

The Site

Step one:

Meet with an Engineer or Landscape Architect and develop a site plan for the development.

- Will there need to be improvements to the driveway entrance? Will the Georgia Department of Transportation need to approve a driveway plan?
- What are regular parking and handicap parking requirements for the site?
- Will the site require grading, storm drain, erosion control, storm water detention?
- Will the site require additional septic tank and septic field drain lines?
- Will the site require Landscape screening, tree save or replacements?

Step two:

Have your Engineer or Landscape Architect submit development plans that meet all the current requirements for the Walton County Land Development Ordinance.

- Pay development and review fees for permit.
- Submit plans to Georgia Soil and Water Conservation Commission.
- Submit plans to the Walton County Environmental Health Department.

Step three:

Once you obtain the site development permit, you are ready to begin development on the site.

- Schedule a pre-construction meeting with the Development Inspection Department.
- Install all BMP's per your approved Erosion Control Planning.
- When all site work is complete and inspection are signed off, you will receive a certificate of completion.

The Building(s)

Step one:

Obtain a commercial/Non-Residential Construction Packet. Meet with an Architect or Contractor and develop a plan for the building to be used for your Event Center.

- If you are building a new facility, plans will need to be submitted for approval.
- If you are converting an existing facility, you will need an Architectural stamped floor plan that meets current code requirements for the type of occupancy.
- You will need to meet all ADA requirements.
- Obtain approval from the Walton County Environmental Health Department.

Signature of Applicant: _____

Date: _____

2/4/22

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;

B3 Adjacent

AG

Railroad

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

No diminishing values will occur

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

It will not affect any of the adjoining properties negatively.

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

Providing a space for this needed use and there will be no hardship imposed upon property owners.

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

No economic value

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

20+ years

Authorization Letter

To Whom It May Concern:

764 Michael Rd, Monroe, Ga. 30656

I, Jason Atha, authorize Dylan Ivey or Attorney of choice to represent me throughout the rezone process.

Thank You,



Jason Atha

Letter Of Intent

0 HWY 11 Monroe, Ga 30655 Parcel:C1400090

To Whom It May Concern:

The rezone application being submitted is to rezone the subject property from A1 to ~~B3~~ ^{B2 D1} in order to construct a truck, camper, and boat parking facility.

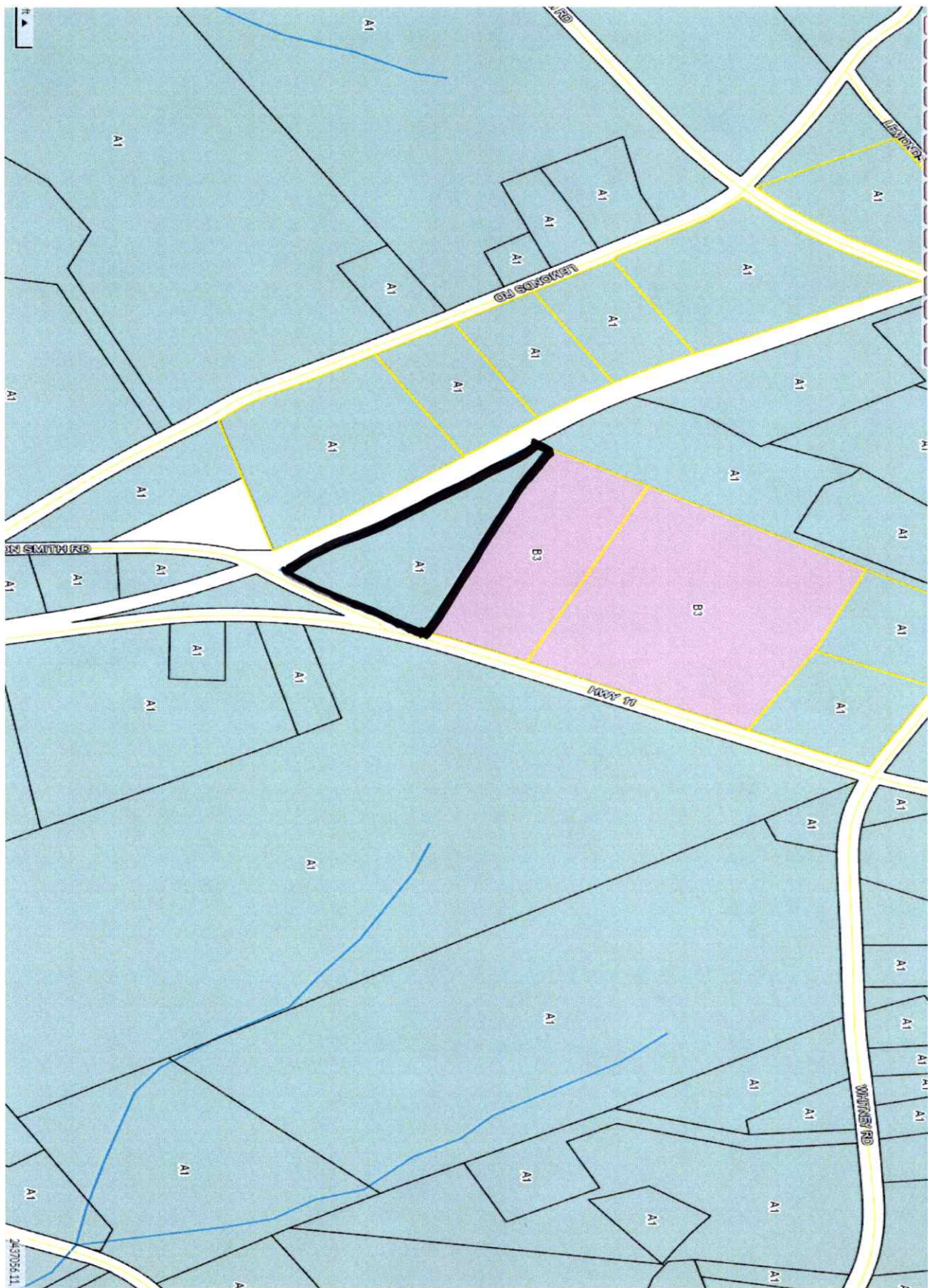
Thank You,



Jason Atha

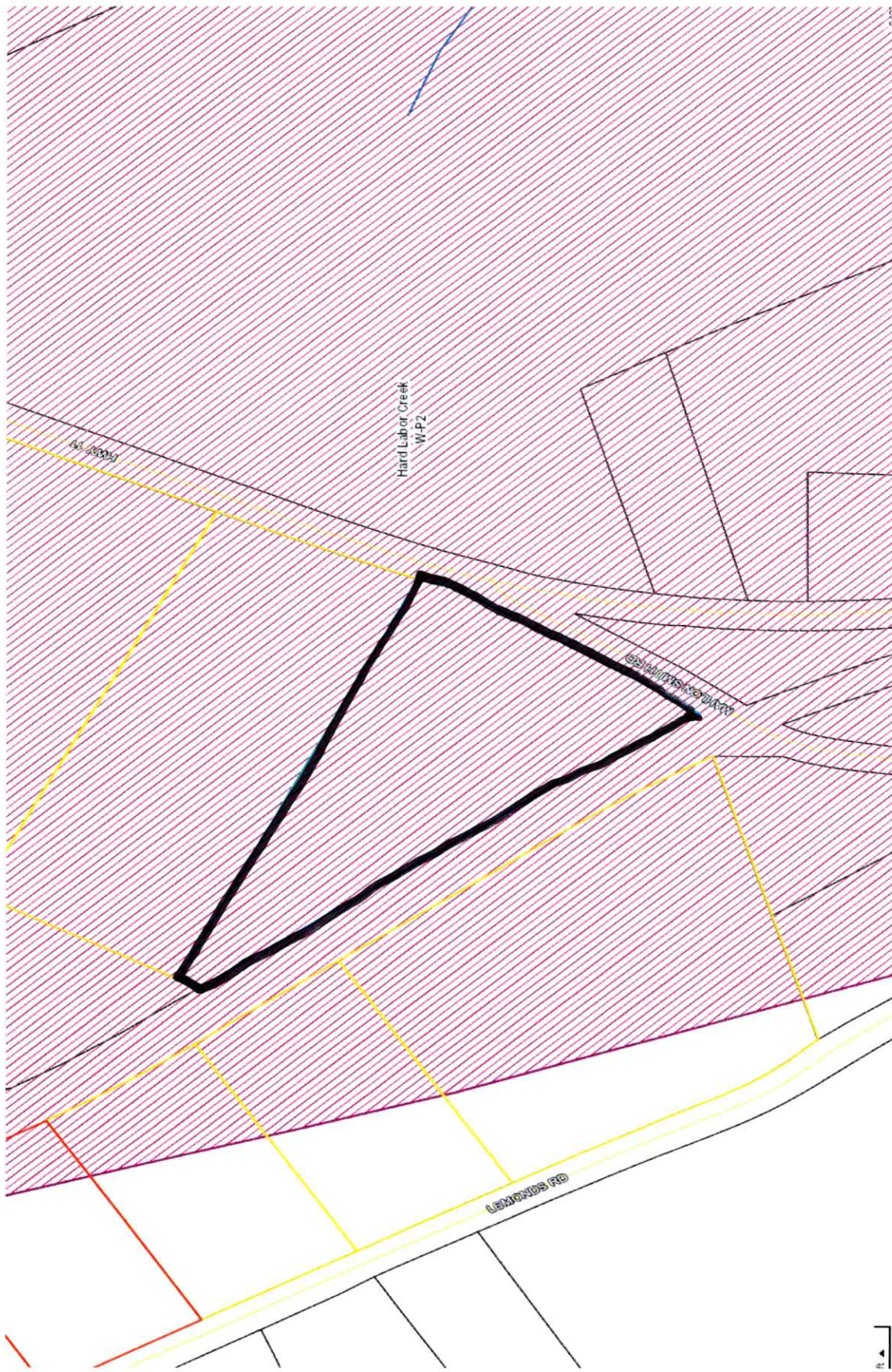
Z22020018 – Hwy 11 & Mahlon Smith Road







Z22020018 – Hwy 11 & Mahlon Smith Road





303 South Hammond Dr.
Dept. 460
Monroe, Georgia 30655

Office 770.267.1315
770.267.1311
Fax 770.267.1405

Walton County Fire Rescue

Z22020018
0 Hwy 11
Fire Code Specialist Review
02/15/2022

- 1) All proposed facilities shall meet International Fire Code(2018), Life Safety Code(2018), and the Georgia Accessibility Code
- 2) The code compliance shall be subject to a plan review

Jonathan Fuqua
Fire Code Specialist
Walton County Fire Rescue
470-779-3994

