



**Planning Department  
Oconee County, Georgia  
STAFF REPORT**

**REZONE CASE #:** 7657

**DATE:** January 4, 2019

**STAFF REPORT BY:** Grace Tuschak, Planner

**APPLICANT NAME:** Smith Planning Group, LLC

**PROPERTY OWNER:** Magnolia Valley Properties, LLC

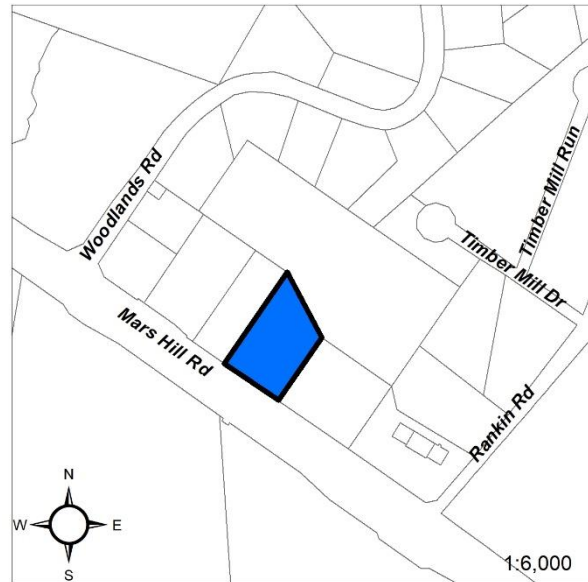
**LOCATION:** Along Mars Hill Road

**PARCEL SIZE:** ± 0.94 Acres

**EXISTING ZONING:** B-1 (General Business District)

**EXISTING LAND USE:** Undeveloped

**ACTION REQUESTED:** Rezone from OIP to OIP with modifications to rezone no. 1814



**REQUEST SUMMARY:** The applicant is petitioning for a modification to the conditions of rezone no. 1814 to allow for an increase in the allowed total square footage of the building on the B-1 – zoned portion of the subject parcel.

**STAFF RECOMMENDATION:** Staff recommends conditional approval of the present request.

**DATE OF SCHEDULED HEARINGS**

**PLANNING COMMISSION:** February 18, 2019

**BOARD OF COMMISSIONERS:** March 5, 2019

**ATTACHMENTS:**

- Application
- Narrative
- Zoning Impact Analysis
- Site Review
- Aerial Photo
- Tax Map
- Plat of Survey
- Concept Plan
- Copy of Rezone No. 1814

*Note: The present rezone request was submitted in conjunction with rezone modification request no. 7656, which addresses the OIP-zoned portion of the subject parcel.*

## **BACKGROUND INFORMATION & FINDINGS OF FACT**

### **HISTORY**

- The subject site consists of ± 0.94 acres located towards the front of the 5-acre parcel no. B-02-045A along Mars Hill Road. The BOC approved rezone no. 1814 on August 1, 2000, rezoning the subject portion of the property from AR-1 (Agricultural Residential One Acre District) to B-1 (General Business District) in order to allow for the development of a retail/professional office building.

### **SITE VISIT DESCRIPTION**

- As of the site visit on 02/01/2019, the subject site is undeveloped and heavily wooded.
- The subject site appears substantially below the grade of Mars Hill Road and slopes moderately to the northwest.

### **SURROUNDING LAND USE AND ZONING**

	<b>EXISTING LAND USES</b>	<b>EXISTING ZONING</b>
<b>NORTH</b>	Single-family residential subdivision (Woodlands)	AR-1 (Agricultural Residential One-Acre District)
<b>SOUTH</b>	Single family residential Commercial offices	B-1 (General Business District) AR-1 (Agricultural Residential One-Acre District) OIP (Office Institutional Professional District)
<b>EAST</b>	Multi-family residential	R-3 (Multi-Family Residential District)
<b>WEST</b>	Multi-family residential Single family residential Veterinary Office Well lot	R-3 (Multi-Family Residential District) B-1 (General Business District)

### **PROPOSED MODIFICATION TO REZONE NO. 1814**

- The applicant proposes to make the following changes to the previously approved plans for the B-1-zoned portion of the property:
  - Move the proposed commercial building to the northwest side of the site
  - Move the proposed project entrance to the southeast side of the site
  - Increase the total allowed square footage of the proposed commercial building from 5,500 to 11,000 by adding a basement but retaining the same building footprint

### **TRAFFIC PROJECTIONS**

- An average of 28 additional weekday vehicle trips are projected above the traffic estimated to be generated by the previously approved development (see calculations below)
- Traffic Calculations (based on the ITE Trip Generator Manual, 9<sup>th</sup> Ed.)
  - Proposed Use: Furniture Store (Flooring/Carpeting)
  - Land Use Code 890

	Units of 1,000 sf	ADT Ratio	Total estimated weekday vehicle trips
Rezone no. 1814	5.5	5.06	5.5 x 5.06 = 28
Current request	11.0	5.06	11 x 5.06 = 56

- Staff notes that the applicant, in a later submission dated 02/08/19, is amending the present rezone request to allow other uses in addition to the flooring store use within separate suites of the same building. However, estimated traffic counts shown above do not reflect this change to the request.

### **PUBLIC FACILITIES**

#### **Water:**

- Water service is proposed to be provided by the County. The Oconee County Water Resources Department has indicated via a water availability letter dated 11/27/2018 that adequate water capacity currently exists for the proposed development.

- An existing 16” water line is located along Mars Hill Road, and the applicant proposes to extend a water line into the development.

**Sewer:**

- If approved, the proposed development would be served by private septic tanks and drain fields, as sanitary sewer connection is currently unavailable at the subject site.
- No septic tanks are planned for installation within 100 feet of an existing well in compliance with EPD regulations.

**Roads:**

- One project entrance is proposed along Mars Hill Road which will serve the entirety of the subject parcel.
- Concrete curb and gutter are proposed throughout the development.

**ENVIRONMENTAL**

- Stormwater is proposed to be collected in swales or in drains and pipes and directed to the proposed stormwater detention pond, as depicted on the concept plan submitted 12/04/2018.
- No flood plains, jurisdictional wetlands, or state waters exist on the subject parcel.

**STAFF ANALYSIS**

THE ANALYSIS OF THE APPLICATION IS MADE BASED UPON THE “STANDARDS FOR REZONING CONSIDERATION” AS SET FORTH IN SECTION 1207.01 OF THE *OCONEE COUNTY UNIFIED DEVELOPMENT CODE*.

- A. How does the current request compare to the existing uses and zoning of nearby properties?** Compatible commercial zoning districts including B-1, B-2, and OIP exist to the south and west of the subject property and are common along the Mars Hill Corridor. The current request is a slight modification of the retail/professional office use previously approved under rezone no. 1814. Staff concludes that the proposed use is consistent with the existing uses and zoning of nearby properties.
- B. To what extent are property values diminished by the particular zoning restrictions of the current zoning category?** The current zoning restricts development to 5,500 square feet of commercial space as reflected on the original concept plan submitted with rezone no. 1814. It is reasonable to believe that the subject property values could be diminished by limiting the allowed building area to 5,500 square feet.
- C. To what extent does the destruction of the property values of the individual property owner promote the health, safety, or general welfare of the public with consideration to:**
  - 1. Population density and effect on community facilities such as streets, schools, water, and sewer?** If approved, the current request could be expected to slightly increase demand for County water and marginally increase traffic to the subject site above the previously approved development. The current request should not have any significant negative impacts on population density or schools in the area.
  - 2. Environmental impact?** No adverse environmental impacts are expected as a result of the proposed changes to the development.
  - 3. Effect on adjoining property values?** It is not anticipated that approval of the present request should have any negative effect on adjoining property values.
- D. What is the relative gain to the public in maintaining the current zoning category, as compared to the hardship imposed upon the current property owner?** The hardship imposed upon the current property owner by maintaining the current zoning conditions would be the restriction of development to 5,500 square feet for the B-1-zoned portion of the subject property. Staff holds that there is no significant gain to the public in maintaining the current zoning.

- E. What is the length of time that the property has been vacant as currently zoned, considered in the context of land development in the area of the vicinity of the property?** The subject property has been vacant since the approval of rezone no. 1813 in August of 2000. Vicinal development within the last twenty years has consisted of the construction of the CVS pharmacy at the Butler’s Crossing commercial node and the development of the Mander’s Crossing shopping center starting in 2005.
- F. Is the proposed use consistent with the stated purpose of the zoning district that is being requested?** Wood or ceramic tile flooring stores are allowed by right in B-1 zoning districts, and the subject property is already zoned for retail use under rezone no. 1814. Staff holds that the proposed commercial use and the requested increase in building square footage remain consistent with the stated purpose of the B-1 zoning district.
- G. How does this request conform with or diverge from established land use patterns?** The Mars Hill Road corridor contains numerous commercial properties, particularly in the vicinity of the subject parcel. Limited commercial development of the area began in the 1980s and Butler’s Crossing Shopping Center was constructed in the late 1990s, establishing a commercial node at the intersection of Mars Hill Road and Hog Mountain Road. The trend of commercial development along the Mars Hill Corridor has continued over the past two decades, including the construction of CVS Pharmacy in 2007 and Mander’s Crossing Shopping Center in 2005. Based on these trends and considering the recent widening of Mars Hill Road, it is reasonable to assume that this corridor will continue to commercialize. Staff therefore holds that the requested small increase in the intensity of proposed commercial use on the subject property is in conformity with established land use patterns in the area.
- H. How does this request conform with or diverge from the Future Land Use Map or the goals and objectives of the Comprehensive Plan?** The 2040 Future Development Map designates the subject property a character area of Civic Center. The 2040 Community Agenda describes this character area as a “relatively high-intensity mix of business, retail shopping, offices and recreational complexes...” with “consumer-based commercial establishments that offer goods and services to the residents of central Oconee” as a primary land use. Staff holds that the current request is in conformity with the goals and objectives of the Comprehensive Plan for this character area.
- I. What is the availability of adequate sites for the proposed use in districts that permit such use?** There are numerous sites vacant sites zoned B-1 throughout the County. However, given the prevalence of existing conditional zoning, it is unlikely that these sites would permit such use as proposed.
- J. Is the site suitable for the proposed use relative to the requirements set forth in the Unified Development Code (off-street parking, setbacks, buffer zones, open space, etc.)?** The associated concept plan does not depict the required 50-foot incompatible-use buffer required along the adjoining single-family residential use on parcel number C 02 045B. Furthermore, staff notes that previously approved 10-foot incompatible-use buffers depicted on the same plan are not compliant with the UDC and will be required to meet current standards as set forth in Article 8 of the UDC. However, staff holds that the site is suitable for the proposed development relative to the requirements set forth in the UDC and should not require any variances if the forgoing deficiencies are adequately addressed.

## **STAFF RECOMMENDATION & CONDITIONAL REQUIREMENTS**

Staff recommends **conditional approval of this rezone request**, subject to the following conditions to be fulfilled by the owner/developer at their expense:

1. Development design and structures shall meet or exceed the standards indicated on the concept plan, narrative, representative architectural sketches, and other documents submitted with the zoning application and attached hereto. This condition shall not construe approval of any standard that is not in conformity with the Unified Development Code.
2. The development shall be connected to the Oconee County water system in a manner approved by the Oconee County Water Resources Department and the Oconee County Public Works Department. Accordingly, no building permits shall be issued without prior approval of the Oconee County Water Resources Department.

3. Development structure exteriors shall meet, at a minimum, the development standards required within the Mars Hill Zoning Overlay.
4. All vegetative screening, landscaping, and buffers shall meet the design standards as set forth in Article 8 of the Unified Development Code.
5. Collection services for any on-premises dumpsters and/or waste receptacles shall only be permitted between the hours of 7:30 AM and 6:00 PM. No such collection shall be permitted on Saturdays or Sundays. Furthermore, dumpsters shall be screened from view of all streets and neighboring properties.
6. All site lighting shall consist solely of full cutoff luminaires as defined by the Illuminating Engineering Society of North America.
7. The total building floor area of the development shall not exceed 11,000 square feet.
8. The following uses, allowed by right in the B-1 zoning district, shall be prohibited on the subject site:

<b>LIST OF DISALLOWED USES – REZONE NO. 7657</b>	
Group Day Care Home	Bed-and-Breakfast Inns
Day Care Center	General Automotive Repair
Automotive Oil Change and Lubrication Shops	Car Washes
Electronic and Precision Equipment Repair and Maintenance	Automobile Driving Schools
Automobile Commercial Parking Lots and Garages	Adult Entertainment
Taxidermists	Museums
Amusement and Theme Parks, Fairgrounds	Archery or Shooting Ranges
Batting Cages	Outdoor Power Equipment Store
Convenience Food Stores with Fuel Pumps	Beer and Wine Stores
Gasoline Stations, Full Service	Gasoline Stations with Convenience Stores, no repairs
Cigar and Tobacco Stores	Restaurants, Limited-Service, including Fast Food and Take Out, with drive-through windows
Interurban Bus Transportation and Bus Stations	Fraternal Lodges, VFWs, Ethnic Associations and Other Civic and Social Organizations
Family Planning Centers	Prescription Shops
Freestanding Ambulatory Surgical and Emergency Centers	Assisted Living Facility
Personal Care Homes, Group	Personal Care Home, Congregate
Employment Services/Temporary Help Services	Bungee Jumping
Neighborhood Recreation Centers (for profit)	Softball, Baseball, Football, and Soccer Fields
Show Arena for Horses	Private Schools: Junior Colleges
Private School: Kindergarten, Elementary, and Secondary	Religious Exempt Nonpublic Postsecondary Institutions
Private Schools: Colleges and Universities	