



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

REZONE CASE #: 7656

DATE: January 3, 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: ± 4.06 Acres

EXISTING ZONING: OIP (Office Institutional Professional District)

EXISTING LAND USE: Undeveloped

ACTION REQUESTED: Rezone from OIP to OIP with modifications to rezone no. 1813.

REQUEST SUMMARY: The applicant is petitioning for a modification to the conditions of rezone no. 1813 to allow for an increase in the total square footage of buildings on the OIP portion of the subject parcel.

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

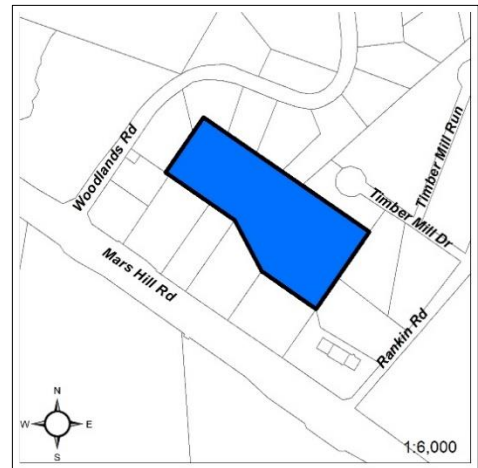
DATE OF SCHEDULED HEARINGS

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. 1813



Note: The present rezone request was submitted in conjunction with rezone modification request no. 7657, which addresses the B-1-zoned portion of the subject parcel.

BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- The subject site consists of ±4.06 acres located toward the rear of a 5-acre tract, tax parcel no. B-02-045A, on Mars Hill Road. The BOC approved rezone no. 1813 on August 1, 2000, rezoning the subject portion of the property from AR-1 (Agricultural Residential One Acre) to OIP (Office Institutional Professional) in order to allow for the development of commercial condominiums.

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

	EXISTING LAND USES	EXISTING ZONING
NORTH	Single-family residential subdivision (Woodlands)	AR-1 (Agricultural Residential One-Acre District)
SOUTH	Single family residential, commercial offices	B-1 (General Business District) AR-1 (Agricultural Residential One-Acre District) OIP (Office Institutional Professional District)
EAST	Multi-family residential	R-3 (Multi-Family Residential District)
WEST	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. 1813

- The applicant proposes to make the following changes to the previously approved plans for the OIP-zoned portion of the property:
 - Reduce the number of commercial buildings from seven to five
 - Add basements to two of the commercial buildings, thereby increasing the total allowed building area from 16,800 square feet to 18,900 square feet
 - Reconfigure the arrangement of buildings as reflected in the concept plan submitted on 12/04/2018

TRAFFIC PROJECTIONS

- An average of 23 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, 9th Ed.)
 - Proposed Use: Office Park
 - Land Use Code 750

	Units of 1,000 sf	ADT Ratio	Total estimated weekday vehicle trips
Rezone no. 1813	16.8	11.42	16.8 x 11.4 = 192
Current request	18.9	11.42	18.9 x 11.4 = 215

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 modification.
- 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 commercial office use previously approved under rezone no. 1813. 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 16,800 square feet of commercial space, as reflected on the original concept plan submitted with rezone no. 1813. It is reasonable to believe that the subject property values could be diminished by limiting the allowed building area to 16,800 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.
 - 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 16,800 square feet for the OIP-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?** Commercial office condominiums are allowed by right in OIP zoning districts. The proposed use was previously approved under rezone 1813; the present request constitutes a small increase in the allowed square footage of commercial buildings. Staff holds that the requested increase in commercial building square footage to 18,900 remains consist with the stated purpose of the OIP 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 small office complexes such as “office condominiums” as a typical nonresidential use. Staff holds that the present 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?** Given the prevalence of existing conditional zoning, it is unlikely that other properties exist in the county that 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.)?** 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.

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 18,900 square feet.
8. The following uses, allowed by right in the OIP zoning district, shall be prohibited on the subject site:

LIST OF DISALLOWED USES – REZONE NO. 7656	
Continuing Care Retirement Community	Neighborhood Scale Church
Assisted Living Facility	Freestanding Ambulatory, Surgical, and Emergency Centers
Personal Care Homes, Group (up to 15 under care)	Cemeteries and Mausoleums
Personal Care Homes, Congregate (more than 15 under care)	Private School: Kindergarten, Elementary, and Secondary
Banks, Credit Unions, and Savings Institutions	Private Schools: Junior Colleges
Automobile Commercial Parking Lots and Garages	Private Schools: Colleges and Universities
Automobile Driving Schools with Classroom and “On-the-Road” Training only	Private Business Schools and Computer and Management Training
Community Recreation Facility (non-profit), including YMCA, Senior Centers, Area-wide Recreation Center	Family Planning Centers
Prescription Shops	Outpatient Mental Health and Substance Abuse Centers
Cafeterias	Nursing Care Facilities
Intercity Couriers, (FedEx, UPS), Package Drop-off only	Private Technical and Trade Schools