



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

REZONE CASE #: 7702

DATE: February 25, 2019

STAFF REPORT BY: Guy Herring, Director
Gabriel Quintas, Assistant Director
Grace B. Tuschak, Planner

APPLICANT NAME: JPC Designs, LLC

PROPERTY OWNER: William B. Jones

LOCATION: Southwest corner of the intersection of US Highway 78 and Mars Hill Road

PARCEL SIZE: ± 32.079

EXISTING ZONING: A-1 (Agricultural District) and B-2 (Highway Business District)

EXISTING LAND USE: Undeveloped agricultural land, single-family residential, retail establishments, and gas station

FUTURE DEVELOPMENT MAP CHARACTER AREA DESIGNATION: Technology Gateway

ACTION REQUESTED: Rezone from A-1 and B-2 to B-2

REQUEST SUMMARY: The property owner is petitioning for a zoning change from A-1 and B-2 to B-2 for five contiguous parcels in order to allow for a commercial development as reflected on the attached concept plan.

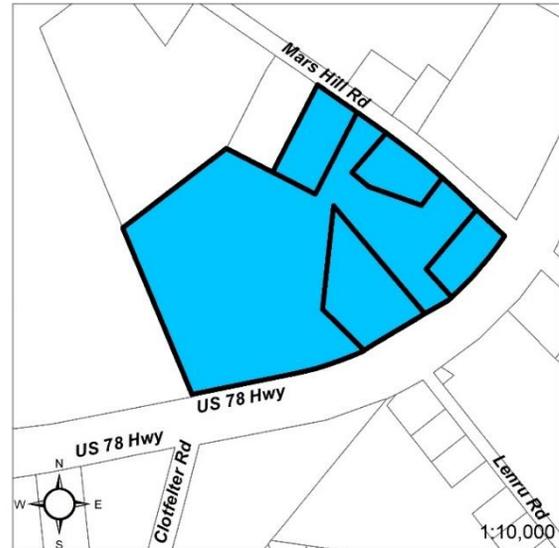
STAFF RECOMMENDATION: Staff recommends conditional approval of the present request.

DATE OF SCHEDULED HEARINGS

PLANNING COMMISSION: March 18, 2019

BOARD OF COMMISSIONERS: April 2, 2019

ATTACHMENTS: Application
Zoning Impact Analysis
Narrative
Site Review
Aerial Photo
Tax Map
Plat of Survey
Concept Plan
Representative Photos
Figure 5 from Traffic Study Submitted 1/31/2019



BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- Tax parcel no. B-02-46, B-02-046A, B-02-046B, B-02-046C have been zoned A-1 since the original adoption of the zoning map in 1968.
- Tax parcel no. B-02-061 have been zoned B-2 since the original adoption of the zoning map in 1968.
- A retail building and gas station were constructed on the B-2 zoned parcel in 1959.
- The majority of the subject site has been used for hay production for the past 20 years.
- The two single-family residences on the subject property were built in 1956 and 1972.

SITE VISIT DESCRIPTION

- Three businesses are currently in operation on the B-2 zoned portion of the site: a convenience store and gas station with fueling stations, a florist, and a beauty salon.
- Two single-family residences and various outbuildings currently exist on the A-1 zoned portion of the site.
- The subject site is mainly open pastureland, with a heavily wooded area along the northern property line.

SURROUNDING LAND USE AND ZONING

	EXISTING LAND USES	EXISTING ZONING
NORTH	Single-family residences on wooded tracts	A-1 (Agricultural District)
SOUTH	Single-family residences Retail establishments Undeveloped pastureland	A-1 (Agricultural District) B-1 (General Business District)
EAST	Single-family residences Undeveloped pastureland	A-1 (Agricultural District) I (Industrial District)
WEST	Undeveloped pastureland	A-1 (Agricultural District)

PROPOSED PROJECT DESCRIPTION

The applicant proposes to convert the entirety of the subject site into a commercial development with a total of 173,400 square feet of retail, office, hotel, and restaurant space.

- Phase I of the development is proposed to include the following, to be completed in 2019:
 - Demolition of the existing retail building and gas station
 - Construction of a 7,200 sq. ft. convenience store, a gas station with 20 fueling positions, and a 2,800 sq. ft. Burger King with a drive through lane
- Phase II is proposed to include construction of the following, to be completed by 2022:
 - One 68,000 sq. ft. big box anchor store
 - Two 12,000 sq. ft. retail stores
 - One 5,000 sq. ft. commercial office and institutional building
 - One 50,400 sq. ft. hotel with 200-rooms
 - Five retail/commercial fast food restaurants, 3000-3500 sq. ft. each
- The total estimated value of the project at completion is \$75,000,000
- The applicant intends to own and operate the convenience store, gas station, and Burger King proposed for Phase I. Future ownership of outparcels proposed for Phase II is yet to be determined.

PROPOSED TRAFFIC PROJECTIONS

According to a traffic impact study conducted by A&R Engineering, Inc., the proposed development is projected to have the following traffic impacts:

- 19,939 ADT; 1474 A.M. and 1762 P.M. peak hour trips.
- With daily pass-by trip reductions factored: 11,835 ADT; 920 A.M. and 974 P.M. peak hour trips.
- Source: ITE Trip Generation Manual, 10th Edition; ITE Land Uses: 310-Hotel, 710- General Office Building, 820 - Shopping Center, 850 – Supermarket, 933 – Fast Food Restaurant without Drive-Through Window, 934 –Fast-Food Restaurant with Drive-Through Window, and 960 – Super Convenience Market/Gas Station.
- Staff notes that the applicant, in a later submission dated 02/27/19, amended the present rezone request to decrease the total square footage of the proposed development. However, estimated traffic counts shown above do not reflect this change to the request.

PUBLIC FACILITIES

Water:

- The Oconee County Water Resources Department has indicated in a water and sewer availability letter dated 01/22/2019 that sufficient potable water is available to serve the proposed development.

Sewer:

- The Oconee County Water Resources Department has indicated in a water and sewer availability letter dated 01/22/2019 that wastewater treatment/sewer collection and transmission capacity is currently available for the proposed development.

Roads:

- The existing retail building and gas station on tax parcel no. B-02-061 are currently accessed from US Highway 78 and from Mars Hill Road.
- Parcel no. B-02-046A and parcel no. B-02-046 are currently accessed from US Highway 78.
- Parcel no. B-02-046C and B-02-046B are currently accessed from Mars Hill Road.
- Three entrances are proposed on Mars Hill Road and two right in/right out entrances on US Highway 78. One entrance (site entrance 3) is requested by OC Public Works Department to be removed.
- The proposed development will require deceleration lanes at each entrance in compliance with UDC Article 10.

ENVIRONMENTAL

- No state waters or jurisdictional wetlands are located on the site.
- No 100-year flood plains are located on the site.

COMMENTS FROM OTHER DEPARTMENTS & AGENCIES

GEORGIA DEPARTMENT OF TRANSPORTATION

- This rezone request will require GDOT coordination. We will provide more specific and in-depth comments when the layout is submitted to us for review.

OCONEE COUNTY PUBLIC WORKS DEPARTMENT

- Public Works recommends eliminating Site Driveway 3 due to its close proximity to the intersection of Mars Hill Road and US 78/SR 10/Monroe Highway. An internal connection should be made to Site Driveway 2 for access. Public Works recommends implementation of the other improvements proposed in the Traffic Impact Study.
- The consultant submitted a right turn analysis (contained in the Traffic Study) which concluded that a right turn lane was not warranted. Even though the study showed that right turn lanes are not warranted, deceleration lanes and acceleration tapers are required per the UDC.

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?

Lots surrounding the subject site are primarily zoned A-1, B-2, and I. The existing uses surrounding the subject site are primarily agricultural and single-family residential, with the exception of several properties in commercial use to the south of the subject property, including a bank and several small retail establishments. Additional compatible uses exist in the general vicinity of the subject property, including a convenience store and gas station, veterinary hospital, and numerous other commercial properties along US Hwy 78 and GA SR 316. Staff believes that the present request is compatible with the vicinal pattern of transitioning land use from low-density residential and agricultural uses to commercial use.

- B. To what extent are property values diminished by the particular zoning restrictions of the current zoning category?**
The majority of the subject site is currently zoned agricultural and is being used for its intended purpose. However, given the location of the property at a commercial node, it is reasonable to believe that it would be more valuable as a commercial property than an agricultural property.
- 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:**
- i. Population density and effect on community facilities such as streets, schools, water and sewer?**
County officials have indicated that existing county water capacity, sewer treatment capacity, and emergency services should be adequate for the proposed development. The current request should not have any significant impact on the local school district and local population densities should not be adversely impacted.
 - ii. Environmental impact?**
No known environmental areas exist on the site; staff does not anticipate any significant adverse environmental impacts.
 - iii. Effect on adjoining property values?**
Incompatible land use buffers required by the UDC should be sufficient to protect adjoining properties from any adverse effects of the proposed development. The current request is in keeping with the ongoing commercialization of the general vicinity surrounding the subject property; therefore, new commercial development should not impair vicinal 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?**
Should the present request be denied, the portions of the subject site zoned A-1 could not be developed for commercial purposes, and the scale of the development would have to be restricted to the 1.5-acre parcel that is currently zoned B-2. Conversely, by maintaining the current zoning restrictions, usage of nearby County roads and demands for County services such as water, sewer, fire suppression, and emergency services would not be additionally burdened by new commercial development.
- 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 is not currently vacant and appears to be actively used for agricultural, residential, and commercial uses. Therefore this question is not applicable.
- F. Is the proposed use consistent with the stated purpose of the zoning district that is being requested?**
The B-2 (Highway Business District) is intended to serve those business activities generally oriented to the highways. Convenience stores with fuel pumps, commercial offices, and retail uses are common in this district and staff believes that the proposed development is consistent with the stated purpose of the zoning district.
- G. How does this request conform with or diverge from established land use patterns?**
The proposed development is consistent with transitioning land use in the vicinity of the subject property. Commercial and industrial uses continue to advance from the commercial node at GA-SR 316 and US-Hwy 78, and limited development has occurred at Mars Hill Road and US Hwy 78 over the last several decades. To the south of the subject property across US Hwy 78, a commercial bank was constructed in 1983, a small retail building was constructed in 2006, and a convenience store with fuel pumps were constructed in 2012. The Comprehensive Plan encourages this transition of land use from low intensity residential and agricultural uses to commercial and industrial uses through the designation of this area as a Technology Gateway Character Area (see below). Furthermore, it is reasonable to believe that the surrounding area could experience substantial commercial, professional, and/or industrial growth at some point in the future due the location of the subject property near the intersection of two arterial roadways.
- 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 tracts with the character area “Technology

Gateway.” The 2040 Comprehensive Plan describes this character area as an area intended for professional office buildings, research facilities, and light industrial development. The 2040 Comprehensive Plan also states that in the Technology Gateway Area, “retail and residential uses are appropriate secondary uses that complement these employment centers... Redevelopment of low-density residential uses to employment-based uses are anticipated as the area develops.” Staff believes that this request conforms to the Future Land Use Map and the goals and objectives set forth for the Technology Gateway character area.

- I. What is the availability of adequate sites for the proposed use in districts that permit such use?**
There are several other large vacant sites zoned B-2 along US Hwy 78. However, due to 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.)?**
The concept plan appears to be compliant with the requirements set forth in the UDC. Staff believes that the site is suitable for the proposed use relative to the requirements set forth in the UDC.

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 his 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. At least 80 percent of exterior wall surfaces of all buildings and structures are to be designed to incorporate one or more of the following finish materials: brick veneer, stone veneer; natural wood siding or cement-board siding (such as hardy-plank). The remaining 20 percent of each wall may be stucco. Metal siding on any building is strictly prohibited.
3. Gas station canopy support columns shall be entirely covered in brick and/or stone.
4. Any allowed freestanding signs shall only be permitted as ground (monument) signs and shall not exceed twenty feet in height. Pole signs are prohibited.
5. Illuminated and LED signage is prohibited.
6. All vegetative screening, landscaping, and buffers shall meet the design standards as set forth in Article 8 of the Unified Development Code, except that all required landscape strips shall contain one tree per 25 lineal feet of landscape strip. Said trees shall be a mixture of evergreen and deciduous trees, and of species that will attain a normal height at maturity of more than 40 feet.
7. The developer shall eliminate Site Driveway 3 (depicted in Figure 5 of the traffic impact analysis submitted on 01/31/2019 and attached hereto) and install an internal connection via Site Driveway 2 (depicted in Figure 5 of the traffic impact analysis submitted on 01/31/2019) for access to Phase 1 of the development.
8. All site lighting shall consist solely of full cutoff luminaires as defined in the Unified Development Code.
9. Parking lot lighting structures shall not exceed twenty feet in height.
10. Service areas and dumpsters shall be visually screened from public view by a six-foot masonry wall with façade materials matching the exterior of the principal structure with black painted metal/steel enclosure doors. Enclosure doors made of wood or chain link are prohibited.
11. The following uses, allowed by right in B-2 zoning district, shall not be allowed on the subject property:

(see next page)

TABLE OF DISALLOWED USES	
RV (Recreational Vehicle) Parks	Pawnshop or Loan Brokers, other than Mortgage Loan Brokers
Automotive Repair and Maintenance, except Car Washes	Car Washes
Automotive Parts, Accessories, and Tire Stores	Family Planning Centers
General Automotive Repair	Automotive Transmission Repair
Automotive Exhaust System Repair	Automotive Body, Paint and Interior Repair and Maintenance
Automotive Glass Replacement Shops	Automotive Oil Change and Lubrication Shops
Tractor and Other Farm Equipment Repairs and Maintenance	Home and Garden Equipment Repair and Maintenance
Home Appliance Repair and Maintenance	Automobile Commercial Parking Lots and Garages
Passenger Car Rental and Leasing	Truck, Utility Trailer and RV (Recreational Vehicle) Rental and Leasing
General Equipment and Tool Rental Centers	Construction, Transportation, Mining and Forestry Machinery and Equipment Rental and Leasing
Construction Contractors, Builders and Developers, with outdoor storage	Adult Entertainment
Taxidermists	Radio and Television Broadcasting Stations
Used Car Dealers	Archery or Shooting Ranges
Motorcycle Dealers	New Car Dealers
All Other Motor Vehicle Dealers	Recreational Vehicle Dealers
Lumber Yards	Boat Dealers
Truck Stops and Other Gasoline Stations	Auction Houses
General Freight Trucking, Local	School and Employee Bus Transportation
General Freight Trucking, Long-Distance	Motion Picture Theaters (except Drive-Ins)
Community Food and Housing, and Emergency and Other Relief Services	Motion Picture Theaters, Drive-In
Taxi and Limousine Service	Shuttle Services, Vanpools and Other Ground Passenger Transportation
Charter Bus Industry	Fraternal Lodges, VFWs, Ethnic Associations and Other Civic and Social Organizations
Scenic and Sightseeing Transportation	Outpatient Mental Health and Substance Abuse Centers
Specialized Freight (except Used Goods) Trucking, Local	General Medical and Surgical Hospitals
Private Schools: Junior Colleges	Private Schools: Colleges and Universities
Private Schools: Kindergarten, Elementary and Secondary	Private Schools: Religious Exempt Nonpublic Post-Secondary Institutions