

**ACTION DENYING SPECIAL USE APPROVAL REQUEST**

APPLICATION SUBMITTED BY: Benjamin Hanley

APPLICATION SUBMISSION DATE: March 25, 2019

RE: Request for Special Use Approval no. 7766 on a  $\pm$  1.35 acre tract of land located at the southeast corner of the intersection of Salem Road and US Highway 441 in the 222<sup>nd</sup> G.M.D., Oconee County, Georgia, (tax parcel no. A-09A-004), on property owned by Mike Thornton and Tommy Saxon, for the purpose of allowing an automobile storage lot.

After consideration and a motion and second, the Oconee County Board of Commissioners does hereby deny the above-referenced request for a Special Use Approval.

This 4<sup>th</sup> day of June, 2019.



ATTEST:

*Kathy Hayes*  
Kathy Hayes  
Clerk, Board of Commissioners

**OCONEE COUNTY BOARD OF COMMISSIONERS**

BY:

*John Daniell*  
John Daniell, Chairman

*Mark Thomas*  
Mark Thomas, Member

*Chuck Horton*  
Chuck Horton, Member

*William E. Wilkes*  
William E. Wilkes, Member

*Mark Saxon*  
Mark Saxon, Member



**Planning and Code Enforcement Department  
Oconee County, Georgia  
STAFF REPORT**

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**SPECIAL USE CASE NO. 7766**

**DATE:** May 8, 2019

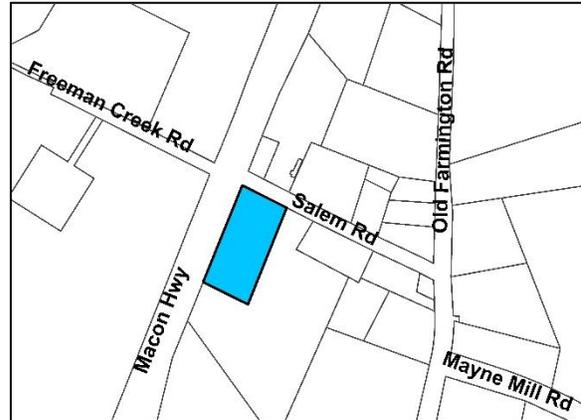
**STAFF REPORT BY:** Grace Tuschak, Planner

**APPLICANT NAME:** HPC Auto Services, Inc.

**PROPERTY OWNER:** Mike Thornton and Tommy Saxon

**LOCATION:** 1010 Salem Road, southeast corner of the intersection of Macon Highway and Salem Road

**PARCEL SIZE:** ± 1.35 acres



**EXISTING ZONING:** B-2 (Highway Business District)

**2040 CHARACTER AREAS MAP:** Agricultural Preservation

**EXISTING LAND USE:** Vacant/undeveloped

**SPECIAL USE REQUESTED:** Motor vehicle towing and wrecker services (vehicle impoundment lot)

**REQUEST SUMMARY:** The owner is petitioning for a special use permit in order to operate a motor vehicle impoundment lot on the property.

**STAFF RECOMMENDATION:** Denial

**DATE OF SCHEDULED HEARINGS**

**PLANNING COMMISSION:** May 20, 2019

**BOARD OF COMMISSIONERS:** June 4, 2019

**ATTACHMENTS:**

- Application
- Narrative
- Special Use Impact Analysis
- Concept Plan
- Aerial Photo
- Tax Map
- Plat

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

### **HISTORY**

On May 18, 1978, the subject property was rezoned from I-1 (Industrial District) to B-2 (Highway Business District) in order to allow for installation of a billboard.

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

	<b>EXISTING LAND USES</b>	<b>EXISTING ZONING</b>
<b>NORTH</b>	Art Gallery/Antique Store and Post Office	R-2 (Two Family Residential)
<b>SOUTH</b>	Pastureland/Vacant	B-2 (Highway Business)
<b>EAST</b>	Pastureland/Vacant	B-2 (Highway Business)
<b>WEST</b>	Pastureland/Agricultural Production	AR-1 (Agricultural Residential One Acre)

### **PROPOSED PROJECT DESCRIPTION**

The applicant is proposing to establish a vehicle impoundment lot on the site. No buildings are currently proposed, and the lot is proposed to be graveled with a chain link fence and black fibermesh around all four sides of the lot. Companion variance no. 7789 has been requested in order to allow for the above-mentioned fencing, as it is not compliant with UDC Sec. 311.d which requires a solid masonry wall or imitation-wood vinyl fence.

### **PUBLIC FACILITIES**

#### **Water:**

- Water usage is proposed to be roughly 10 GPD, and will be drawn from an existing onsite well.

#### **Sewer:**

- No sewer is proposed as part of this special use.

#### **Roads:**

- One graveled entrance is proposed off of Salem Road.

### **TRAFFIC PROJECTIONS**

- The applicant estimates 4-5 ADT as a result of the proposed special use.

### **ENVIRONMENTAL**

- No 100-Year Flood Plain is located on the site.
- No Jurisdictional Wetlands areas are located on the site.

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## **COMMENTS FROM OTHER DEPARTMENTS & AGENCIES**

#### **Water Resources Department:**

- No comments

#### **Public Works Department:**

- Show all existing driveway near the site to show there is adequate driveway separation
- The design professionals stamp is cut off on the sheet. Please make sure the stamp, signature is visible.

#### **Fire Department:**

- No comments

## **STAFF ANALYSIS**

THE ANALYSIS OF THE APPLICATION IS MADE BASED UPON THE “STANDARDS FOR SPECIAL USE CONSIDERATION” AS SET FORTH IN SECTION 1207.02 OF THE *OCONEE COUNTY UNIFIED DEVELOPMENT CODE*.

**A. Will the proposed special use be consistent with the stated purpose of the zoning district in which it will be located?**

The B-2 zoning district is intended to serve those business activities generally oriented to the highways. Related automobile-oriented uses such as commercial parking lots and garages, automotive repair and maintenance establishments, and motor vehicle dealers are allowed by right in B-2 and are common uses of the B-2 zoning district. Staff holds that the proposed special use is consistent with the stated purpose of the zoning district in which it will be located.

**B. Is the proposed special use compatible with the goals, objectives, purpose, and intent of the Comprehensive Plan?**

The 2040 Character Areas Map designates this site with a character area of Agricultural Preservation. The 2040 Comprehensive Plan describes this character area as intended for “open land and active agricultural production,” with primary land uses of active agricultural crop and animal production and homesteads on large individual lots. Compatible secondary land uses are “compatible ‘cottage’ industries and semi-public and institutional uses.” A vehicle impoundment lot does not fit into any primary or secondary land uses intended for the Agricultural Preservation Character Area, and therefore this special use is not compatible with the goals, objectives, purpose, and intent of the 2040 Comprehensive Plan.

**C. Will the establishment of the special use impede the normal and orderly development of surrounding property for uses predominate in the area?**

Predominant uses in the immediate vicinity of the subject property are low-intensity commercial, institutional, residential, and agricultural. A vehicle impoundment lot is not compatible with these uses and could impede the normal and orderly development of surrounding property for residential and/or agricultural use.

**D. Is the location and character of the proposed special use consistent with a desirable pattern of development for the locality in general?**

Based on the Character Area designation of Agricultural Preservation (see above), a desirable pattern of development for the general area is considered to be open land and agricultural production. Furthermore, the proposed high-intensity commercial use is not compatible with the predominant light-commercial and agricultural character of the immediate vicinity. For these reasons, the proposed special use is not consistent with the desired pattern of development for the general area.

**E. Is or will the type of street providing access to the use be adequate to serve the proposed special use?**

Between 4-5 average daily trips are projected to be generated by the vehicle impoundment lot; the proposed project entrance should be sufficient to access the proposed special use.

**F. Is or will access into and out of the property be adequate to provide for traffic and pedestrian safety, the anticipated volume of traffic flow, and access by emergency vehicles? Based on the negligible pedestrian foot traffic present along Salem Road and the limited vehicular traffic projected to be generated by the proposed special use, the proposed project entrance should be adequate to provide for traffic and pedestrian safety, traffic flow and emergency vehicle access.**

**G. Are or will public facilities such as schools, water or sewer utilities, and police or fire protection be adequate to serve the special use? The special use request does not require service by County water or sewer; impact to police and fire protection services should be minimal. Public facilities should be adequate to serve this special use.**

**H. Are or will refuse, service, parking and loading areas on the property be located or screened to protect other properties in the area from such adverse effects as noise, light, glare, and odor?**

In order to protect surrounding properties from adverse effects of the proposed special use, UDC Section 311.d specifies that an 8-foot-tall solid masonry wall or imitation-wood vinyl fence must be used for screening of automobile storage yards. Staff notes that a companion variance has been requested in order to allow for the installation of a chain link fence with black fibermesh. Staff holds that such a fence would not adequately screen

the proposed special use from adjoining properties in the area and would not contribute to high quality development in the vicinity.

**I. Will the hours and manner of operation of the special use have no adverse effects on other properties in the area?**

The hours of operation may be disruptive to other properties in the area, as vehicle impoundment lots generally operate at any time of the day or night. The manner of operation should not adversely impact other properties in the area.

**J. Will the height, size, or location of the buildings or other structures on the property be compatible with the height, size or location of buildings or other structures on neighboring properties? No structures are proposed as part of this special use.**

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**STAFF RECOMMENDATION & CONDITIONAL REQUIREMENTS**

Based on Board of Commissioners policies, decision-making criteria, and standards outlined in the development codes of Oconee County, staff recommends denial of the present special use request. However, should the present special use request be approved, staff recommends it be subject to the following conditions to be fulfilled by the developer/owner at his or her expense:

1. In addition to fencing in compliance with Sec. 311.d. or an approved variance, landscaping in compliance with the vegetative structural buffer requirements UDC Sec. 808.04 shall be installed along all subject property lines. Such landscaping shall be installed between the fence and the property line, facing surrounding properties/rights-of-way.



# OCONEE COUNTY ZONING CHANGE APPLICATION

Requested Action:

- Rezoning from: \_\_\_\_\_ to \_\_\_\_\_  Change in Conditions of Approval for Case #: \_\_\_\_\_
- Special Use Approval for: Towing wrecker services. in the B-2 Zoning District

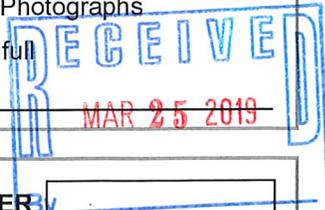
<b>Applicant</b>	<b>Property Owner</b>
Name: <u>HPC Auto Services.</u>	Name: <u>Mike Thorton.</u>
Address: <u>7356 Hwy 106 South</u> <u>Hull GA 30646</u> <small>(No P.O. Boxes)</small>	Address: <u>620 Agricultural Drive</u> <u>Athens GA 30605</u> <small>(No P.O. Boxes)</small>
Telephone: <u>706-549-7406</u>	Telephone: <u>706-940-4235</u>
Applicant is (check one): <input type="checkbox"/> the Property Owner <input checked="" type="checkbox"/> Not the Property Owner (attach Property Owner's Authorization)	
Applicant's Certification: I hereby certify that the information contained in and attached to this application is true and correct.	
Signature: <u>[Signature]</u>	Date: <u>5 mar 19</u> Notarized: <u>[Signature]</u> <u>Exp. 5-5-20</u>

<b>Property</b>	<b>Use</b>
Location: <u>1010 Salem Bld</u> <u>Watkinsville GA 30677</u> <small>(Physical Description)</small>	Current Use: <u>Vacant</u>
Tax Parcel Number: <u>A09A004</u>	Proposed Use: <u>Towing storage lot</u> <u>for Oconee Co.</u>
Size (Acres): <u>1.35</u> Current Zoning: <u>B-2</u>	
Future Development Map—Character Area Designation: <u>Neighborhood Village</u>	

**Attachments** (check all that apply)

<input checked="" type="checkbox"/> Property Owner's Authorization (if applicable)	<input type="checkbox"/> Narrative (Detailed Description of the Request) <span style="background-color: yellow;">    </span>
<input type="checkbox"/> Application Fee <span style="background-color: yellow;">    </span>	<input type="checkbox"/> Concept Plan <span style="background-color: yellow;">    </span>
<input checked="" type="checkbox"/> Warranty Deed	<input type="checkbox"/> Attachments to the Concept Plan:
<input checked="" type="checkbox"/> Typed Legal Description	<input type="checkbox"/> Water and/or Sewer Capacity Letter from OCUD
<input checked="" type="checkbox"/> Plat of Survey	<input type="checkbox"/> Representative Architecture/Photographs
<input checked="" type="checkbox"/> Disclosures (Interest & Campaign Contributions)	<input checked="" type="checkbox"/> Proof all property taxes paid in full
<input type="checkbox"/> Zoning Impact Analysis	<input type="checkbox"/> Other Attachments: _____

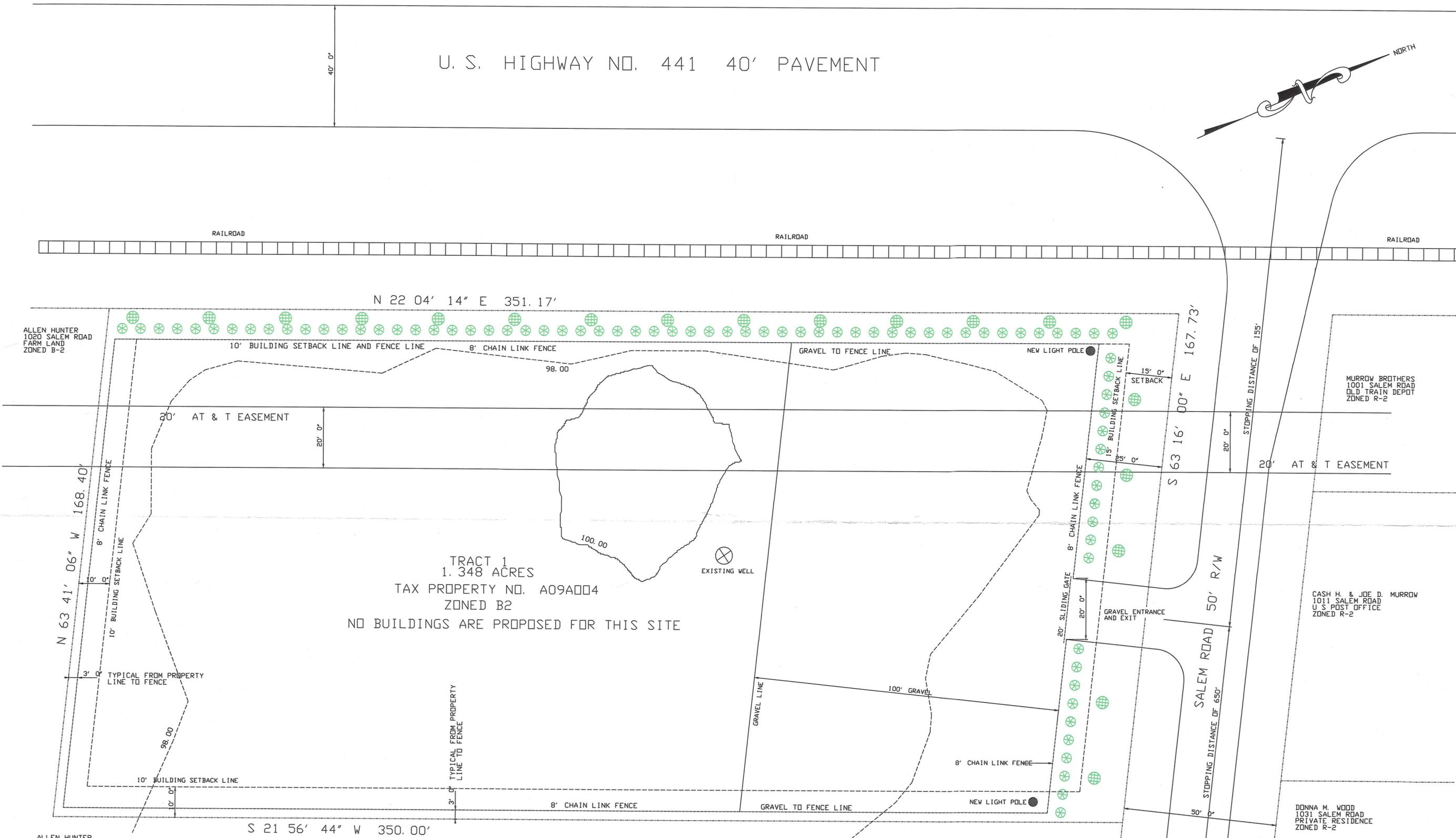
Special Use



*For Oconee County Staff Use Only*

<b>Application</b>	Date Received: _____ Date Accepted: _____	<b>APPLICATION NUMBER:</b> <span style="border: 1px solid black; padding: 2px;"> </span>
	DRI Transmitted to RDC <input type="checkbox"/> Date: _____ <input type="checkbox"/> N/A	<b>Planning Commission</b> Date: _____
	Date Submitted: _____ <input type="checkbox"/> Findings Complete	<input type="checkbox"/> Approval <input type="checkbox"/> With Conditions <input type="checkbox"/> Denial
	Posted: _____ Ad: _____ Ad: _____	<b>Board of Commissioners</b> Date: _____
Application Withdrawn <input type="checkbox"/> Date: _____	<input type="checkbox"/> Approved <input type="checkbox"/> With Conditions <input type="checkbox"/> Denied	

U. S. HIGHWAY NO. 441 40' PAVEMENT



TRACT 1  
1.348 ACRES  
TAX PROPERTY NO. A09A004  
ZONED B2  
NO BUILDINGS ARE PROPOSED FOR THIS SITE

SPECIAL NOTE: ALL 8' TALL CHAIN LINK FENCING TO BE COVERED WITH BLACK FIBERMESH FOR VISION BLOCKAGE

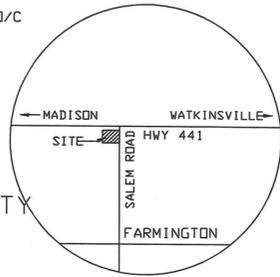


PROPOSED SITE PLAN  
SCALE 1:20

NOTES:

1. TOPOGRAPHIC DATA WAS TAKEN FROM QPUBLIC
2. EXISTING USE OF PROPERTY IS FARM LAND AND FUTURE USE WILL BE FOR STORAGE OF CARS FOR A WRECKER SERVICE
3. STOPPING DISTANCE COMING FROM THE EAST IS 650' AND COMING FROM THE WEST IS 155'
4. THE EXISTING PROPERTY OWNERS ARE MIKE THORNTON AND TOMMY SAXON AND THE APPLICANT IS HPC AUTOMOTIVE

VACINITY MAP



SPECIAL USE CONCEPT PLAN FOR  
H P C AUTOMOTIVE  
OPERATED BY H P C AUTO SERVICES

BUILDING DESIGN  
**SANDBOX DESIGNS**  
HOME DESIGN

7705 NOWHERE ROAD ■ HULL, GEORGIA  
THIS DRAWING AND ITS REPRESENTATION IS THE SOLE PROPERTY OF SANDBOX DESIGNS AND THE ENTITY INDICATED IN THIS TITLE BLOCK. DUPLICATION WILL NOT BE ALLOWED UNDER ANY CONDITIONS WITHOUT WRITTEN PERMISSION

RECEIVED  
APR 10 2019  
By \_\_\_\_\_

DATE	JOB NUMBER	DRAWN BY	SHEET
041019	1904	SDS	A-1 OF

sandboxdesigns@aol.com

HPC Auto Services Inc

**METES AND BOUNDS FOR  
TAX PARCEL A 09A 004**

STARTING AT AN IRON PIN AT THE NORTHWEST CORNER  
OF THE PROPERTY GO SOUTH 63 DEGREES 16 MINUTES  
00 SECONDS 167.73 FEET EAST TO AN IRON PIN THEN GO  
SOUTH 21 DEGREES 56 MINUTES 44 SECONDS WEST  
350.00 FEET TO AN IRON PIN THEN GO NORTH 63 DEGREES  
41 MINUTES 06 SECONDS WEST 168.40 FEET TO AN IRON  
THEN GO NORTH 22 DEGREES 04 MINUTES 14 SECONDS  
351.17 FEET BACK TO THE STARTING POINT.

THE TRACT IS 1.348 ACRES AND IS ZONED B2



# HPC Auto Services, Inc

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**HPC Auto Services Inc**

7356 Hwy 106S

Hull, GA 30646

706-549-7406

hpcautoservices@gmail.com

NARRATIVE

April 18, 2019

**Dear Oconee County BOC,**

HPC Auto Services, Inc(towing division) and Ben Hanley are applying to use the land at 1010 Salem Road Watkinsville, Ga for a storage/impound lot for our towing division.

The property is 1.35 acres. It is currently a vacant lot. The property will not need to be re-zoned for this special use. The surrounding properties will not be affected by the property and its uses proposed. The current street will be adequate to serve the proposed special use. Our average daily trips will be 4-5 per day. The current access in and out of the property is adequate for proposed special use. The traffic and safety should not be impacted by proposed special use. There will not be any impact on the school system. There is currently a working well on the property. The water usage will be minimal approximately less than 10 gallons per day. There is currently not any sewage disposal on site. The only utilities needed will be electricity for a security light. The lot will be fenced in and there will be Cypress trees and American boxwoods planted to maintain the beautification of the area. The property will be surrounded by a barrier to reduce noise, light, and glare. The following are not applicable to the special use of the property. Storm Water drainage. Multiple lots, common/open areas, sidewalks, recreation areas, or any items related to multiple lots/residential issues.

The proposed special use is compatible with the goals, objectives, purpose and intent with the Community Agenda. The current public facilities are adequate for the proposed special use. The house and manner of operations of the special use will have no adverse effects on the other properties in the area. Any buildings or other structures on the property will be compatible with the height, size, or location of other buildings and/or structures on neighboring properties.

The property is zoned B-2. One side of the property is Salem Road frontage. One side of the property is the rail road owned by CSX. The two other sides of the property are surrounded by property owned by the owner of the property we are interested in and are zoned B-2. The property is currently a vacant lot. The entrance/access location will remain where it is currently on Salem Road. At this time, there is not any proposed buildings on the site.

There is a companion variance request in order to allow for a chain link fence.

If you have any questions or request further details, do not hesitate to contact us at the number listed above.

Sincerely,

Benjamin Hanley  
HPC Auto Services, Inc

2004-20

**CERTIFICATION OF APPROVAL, STREETS AND UTILITIES**

I hereby certify, based on the Design Professional's Report, that the streets, utilities and other required improvements in this subdivision have been installed in an acceptable manner in substantial compliance with the requirements of the Land Subdivision Regulations of Oconee County, Georgia.

OWNER - JEFF GOLD  
 35 58  
 030404

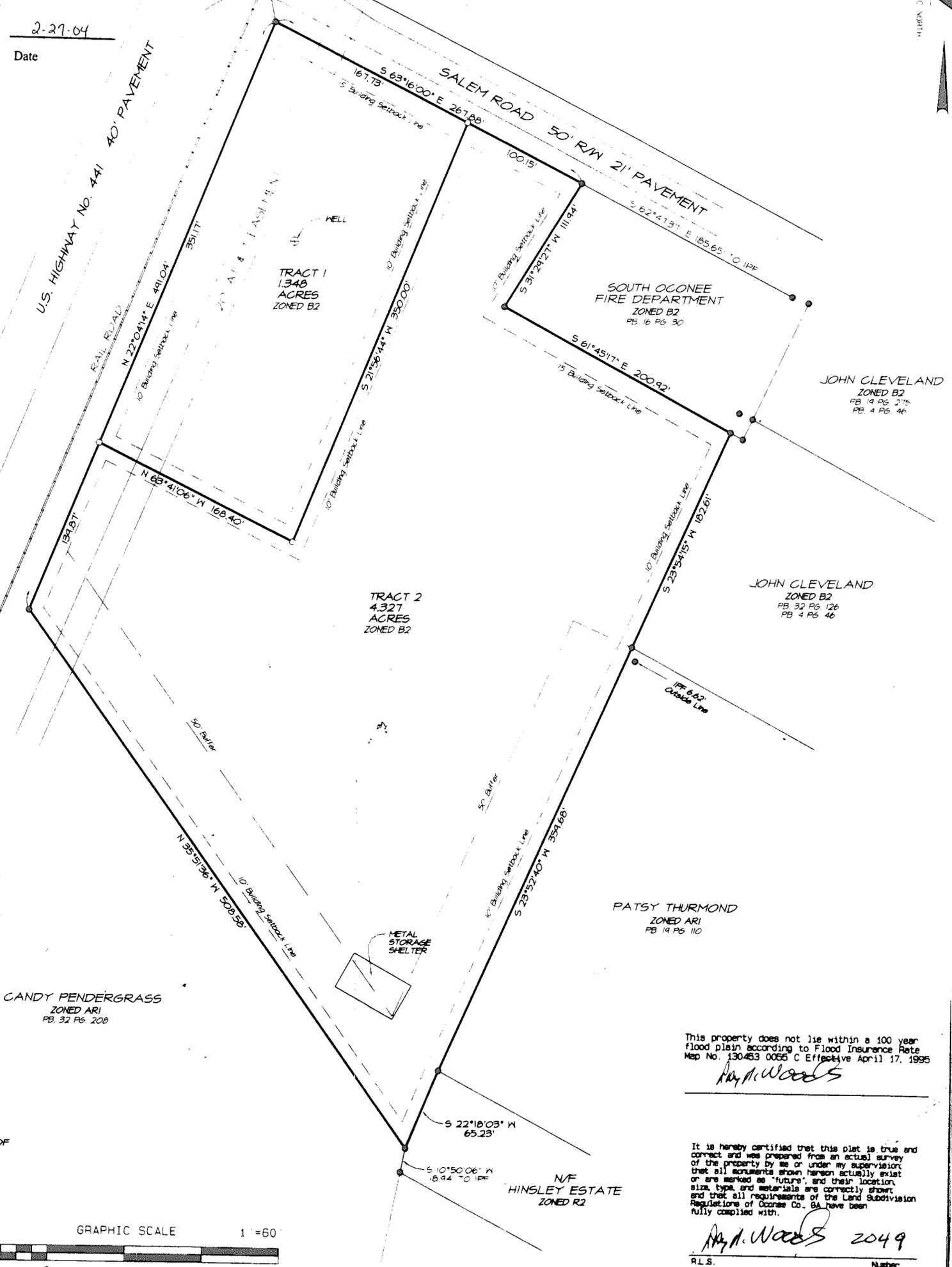
*Melvin Damm*  
 Chairperson, Board of Commissioners

2-27-04  
 Date

OCONEE COUNTY BUILDING OFFICIAL  
 DATE APPROVED 2/27/04

*Melvin Damm*

U.S. HIGHWAY NO. 441 40' PAVEMENT  
 RAILROAD  
 N 22° 04' 14" E 441.04'  
 10' Building Setback Line



The lots shown have been reviewed by the Oconee County Health Department and, except for the following lots, are approved for subdivision development. Each lot must be reviewed for final septic tank system placement prior to the issuance of a building permit.

*[Signature]* 2-25-04  
 Health Officer Date  
 Health Department Notes

CANDY PENDERGRASS  
 ZONED ARI  
 PB. 32 PG. 208

PATSY THURMOND  
 ZONED ARI  
 PB. 19 PG. 110

This property does not lie within a 100 year flood plain according to Flood Insurance Rate Map No. 130463 0055 C Effective April 17, 1995

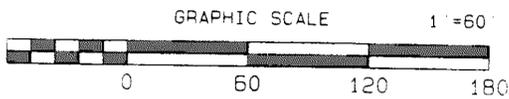
*[Signature]*

It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments shown herein actually exist or are marked as "future", and their location, size, type, and materials are correctly shown; and that all requirements of the Land Subdivision Regulations of Oconee Co., Ga. have been fully complied with.

*[Signature]* 2049  
 R.L.S. Number

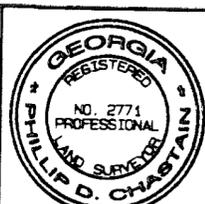
NOTE: THIS PLAT REPRESENTS A SUBDIVISION OF TAX MAP 49A, PARCEL 4.

REFERENCES:  
 DEED BOOK 446 PAGE 328  
 PLAT BOOK 14 PAGE 154



● IFF-Iron Pin Found ○ IPS-Iron Pin Set ◊ - Traverse Point ☒ R/W Monument

ADMINISTRATIVE SUBDIVISION PLAT FOR				
<b>JEFF GOLD</b>				
GND: 222	COUNTY: OCONEE	STATE: GEORGIA	DATE: 02-18-2004	INSTRUMENT: LEICA
DRAWN BY: MIKE W.	WOODS & CHASTAIN SURVEYORS, INC. PROFESSIONAL LAND SURVEYORS			PLAT CLOSURE: 1/356.848
OWS NAME: JEFF GOLD	125 SMITHONIA ROAD WINTERVILLE, GEORGIA 30683 (706) 442-8596			FIELD CLOSURE: 1/104.075
FIELD BOOK: D-114				ANGLE CLOSURE: 1" per Angle



Owner's Certification

State of Georgia, County of Oconee

The owner of the land shown on this Plat and whose name is subscribed herein, in person or through a duly authorized agent, certifies that this Plat was made from an actual survey, that all states and county taxes or other assessments now due on this land have been paid.

Agent: \_\_\_\_\_ Date: \_\_\_\_\_  
 Date: \_\_\_\_\_ Date: \_\_\_\_\_

# HPC Auto Services, Inc

HPC Auto Services Inc

SPECIAL USE IMPACT ANALYSIS

7356 Hwy 106S  
Hull, GA 30646  
706-549-7406  
hpcautoservices@gmail.com

March 25, 2019

**Dear Oconee County BOC,**

HPC Auto Services, Inc(towing division) and Ben Hanley are applying to use the land at 1010 Salem Road Watkinsville, Ga for a storage/impound lot for our towing division.

Upon review of the Standards for special use consideration Sec. 1207.02 of the Oconee County Unified Development Code, our use of the land in question will give due consideration to all emphasized criteria listed in referenced section.

The proposed special use will be consistent with the state purpose of the zoning district. The proposed special use is compatible with the goals, objectives, purpose and intent with the Community Agenda. The establishment of the special use will not impede the normal and orderly development of the surrounding properties. The current street will be adequate to serve the proposed special use. The current access in and out of the property is adequate for proposed special use. The traffic and safety should not be impacted by proposed special use. The current public facilities are adequate for the proposed special use. The property will be surrounded by a barrier to reduce noise, light, and glare. There will be cypress trees and boxwood hedges planted to protect the beautification of the area. The house and manner of operations of the special use will have no adverse effects on the other properties in the area. Any buildings or other structures on the property will be compatible with the height, size, or location of other buildings and/or structures on neighboring properties.

If you have any questions or request further details, do not hesitate to contact us at the number listed above.

Sincerely,

  
Benjamin Hanley  
HPC Auto Services, Inc



# Special Use #7766 - Mike Thornton Aerial View

Tax Parcel #  
A 09A 004

Freeman Creek Rd

US 441 Hwy

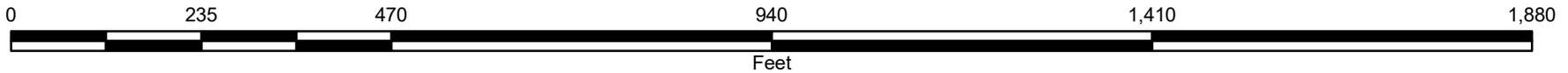
Salem Rd

Old Farmington Rd

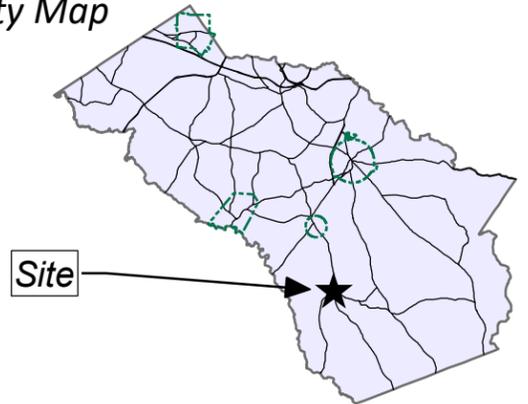
Mayne Mill Rd

A 09A 004

1:2,500



*Vicinity Map*



Site

# Oconee County Planning Department



This map is a representation of the future development map and should be used for planning purposes only



**Agricultural Preservation**

**Agricultural Preservation**

**Agricultural Preservation**

**Agricultural Preservation**

**Agricultural Preservation**

**Agricultural Preservation**