

**ACTION DENYING SPECIAL USE APPROVAL REQUEST**

APPLICATION SUBMITTED BY: Michael B. Thurmond

APPLICATION SUBMISSION DATE: September 10, 2020

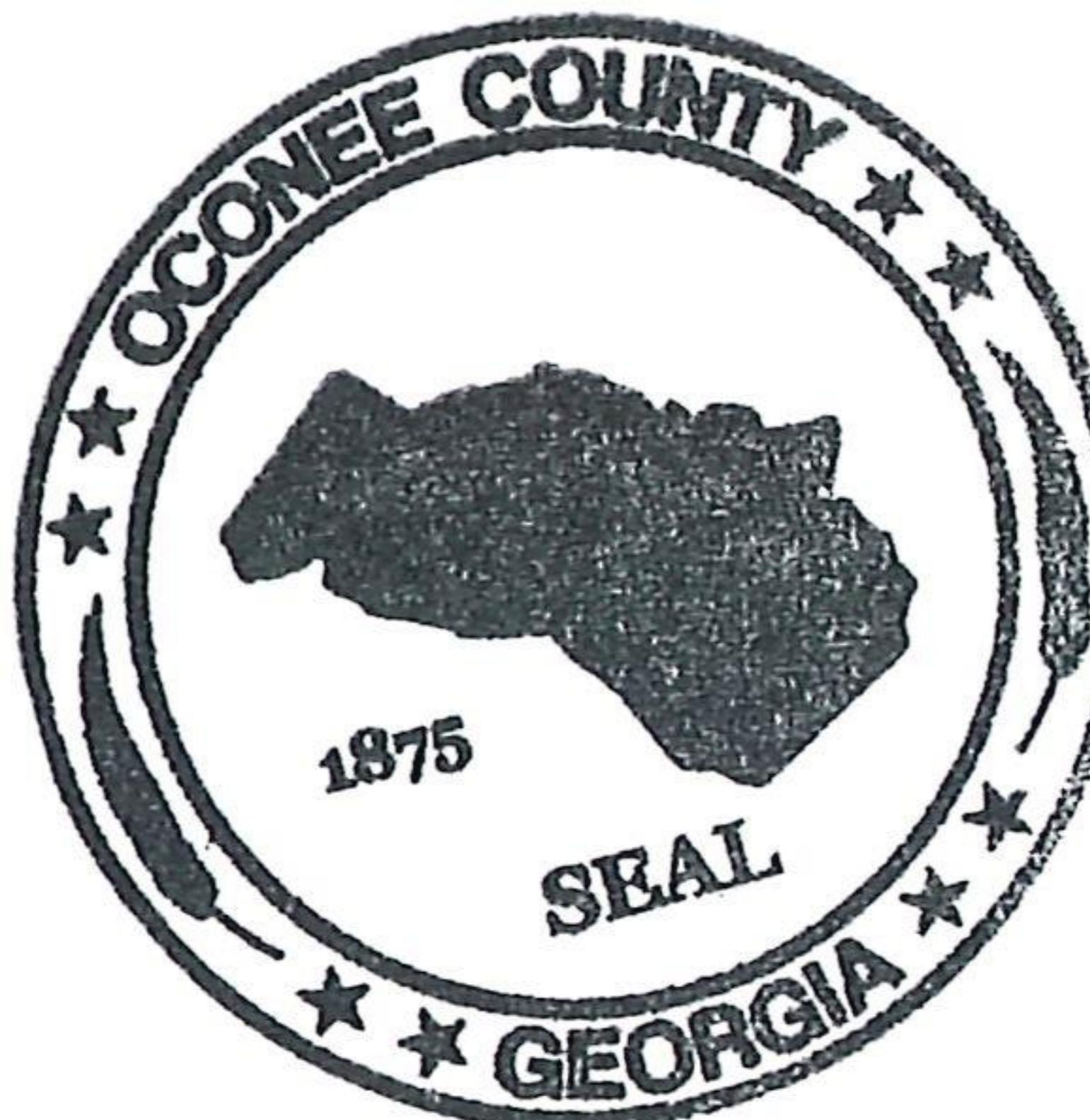
RE: Request for Special Use Approval no. on a ±1.82-acre tract of land located 2891 Monroe Highway in the 240<sup>th</sup> G.M.D., Oconee County, Georgia, (tax parcel no. B-02-039), on property owned by Sapphire Properties, LP, for the purpose of outdoor storage.

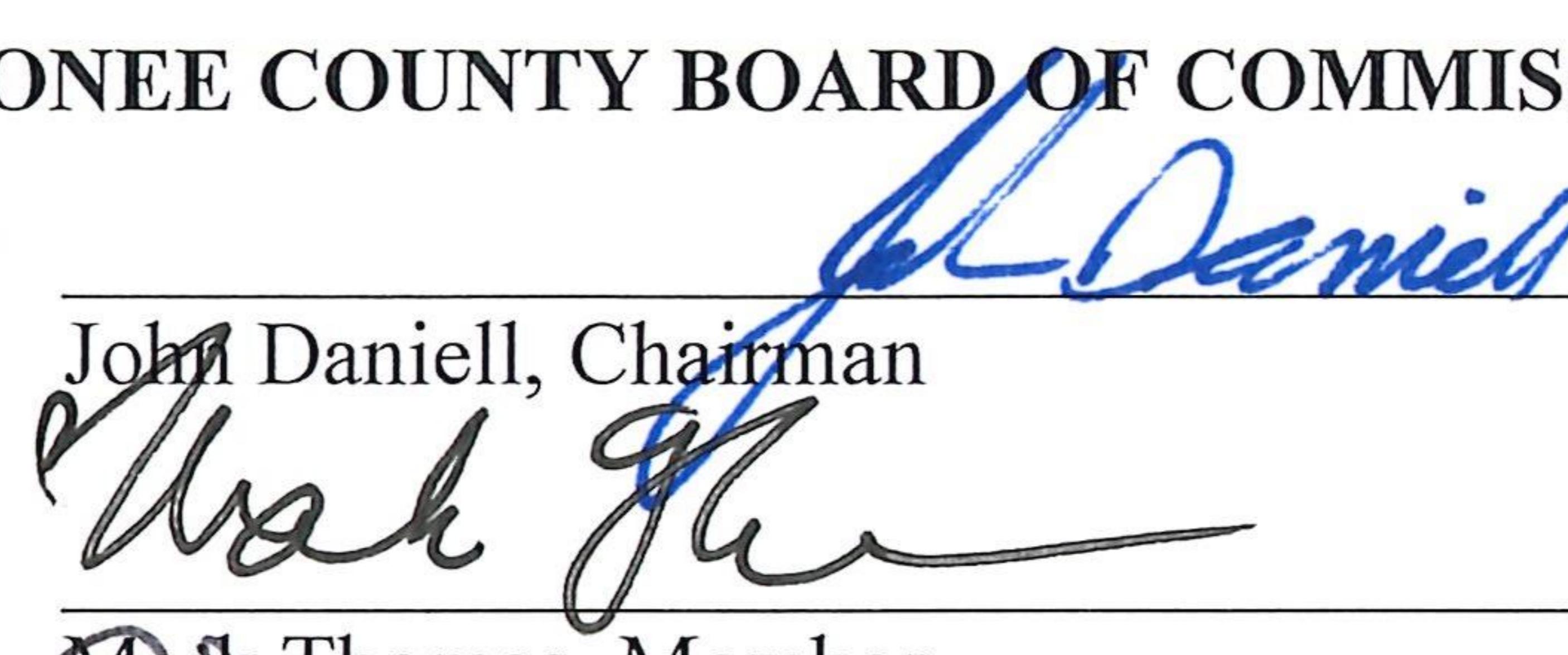
After consideration and a motion and second, the Oconee County Board of Commissioners does hereby deny the above-referenced request for a Special Use Approval.

This 3<sup>rd</sup> day of November 2020.

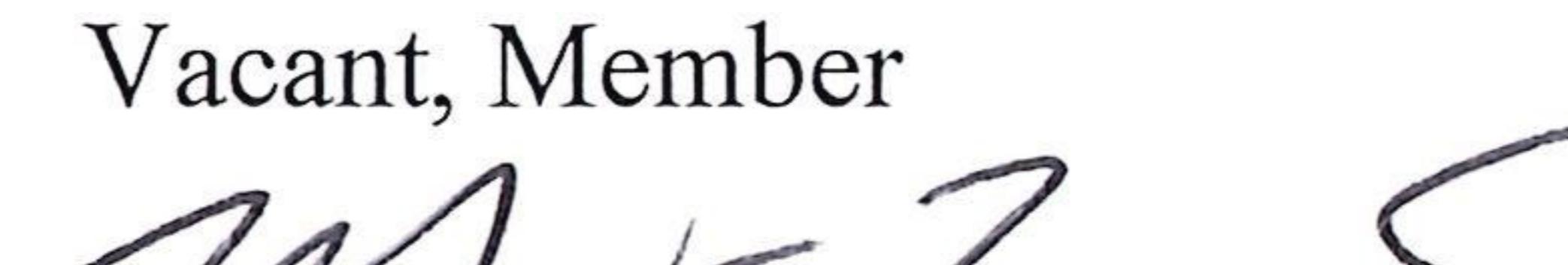
**OCONEE COUNTY BOARD OF COMMISSIONERS**

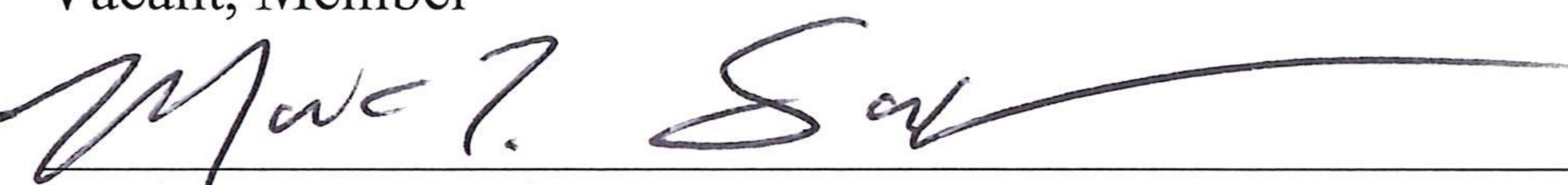
BY:

John Daniell, Chairman

Mark Thomas, Member

Chuck Horton, Member

Vacant, Member

Mark Saxon, Member

ATTEST:

  
Kathy Hayes  
Clerk, Board of Commissioners



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

**SPECIAL USE CASE #:** P20-0189

**DATE:** October 1, 2020

**STAFF REPORT BY:** Grace Tuschak, Senior Planner  
Monica Davis, Planner

**APPLICANT NAME:** Michael B. Thurmond, P.E.

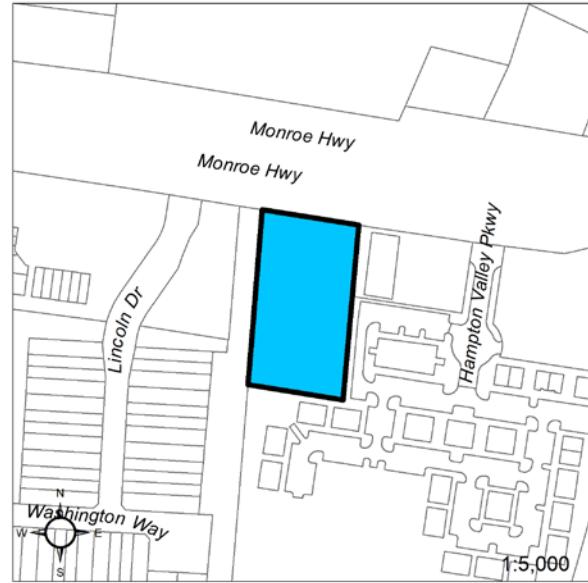
**PROPERTY OWNER:** Sapphire Properties, LP

**LOCATION:** 2891 Monroe Highway

**PARCEL SIZE:**  $\pm 1.82$  acres

**EXISTING ZONING:** AG (Agricultural District)

**EXISTING LAND USE:** Residential



**FUTURE DEVELOPMENT MAP CHARACTER AREA DESIGNATION:** Community Village Center

**ACTION REQUESTED:** The applicant is requesting special use approval for outside storage associated with a contractor's office. Two companion requests accompany this special use: rezone #P20-0173, to rezone from AG (Agricultural District) to B-2 (Highway Business District) to allow for a contractor's office with outdoor storage and general offices; and special exception variance #P20-0188, to waive the required 25-foot incompatible use landscape buffer along the western property line.

**STAFF RECOMMENDATION:** Staff recommends denial of the request

**DATE OF SCHEDULED HEARINGS**

**PLANNING COMMISSION:** October 19, 2020

**BOARD OF COMMISSIONERS:** November 3, 2020

**ATTACHMENTS:**

- Application
- Narrative
- Special Use Impact Analysis
- Aerial Imagery
- Zoning Map
- Future Development Map
- Plat of Survey

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

### **HISTORY**

- The property has been zoned AG since the original adoption of the zoning map in 1968.
- A single-family residence was constructed on the property in 1967.
- A guesthouse was constructed on the property in 2015.

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

<b>EXISTING LAND USES</b>		<b>EXISTING ZONING</b>
<b>NORTH</b>	Residential Monroe Highway	AG (Institutional District) GDOT Right of Way
<b>SOUTH</b>	Commercial/Office	OIP (Office Institutional Professional District)
<b>EAST</b>	Commercial/Office and Assisted Living/Continuing Care Facility (Hampton Valley Business Park)	OIP (Office Institutional Professional District)
<b>WEST</b>	Residential and Commercial (Franklin Grove Subdivision)	R-2 MPD (Two-Family Master Planned Development)

### **PROPOSED SPECIAL USE**

- The applicant is requesting a special use permit to build a 6,000 square foot outdoor storage area behind the principal office building. The outdoor storage is associated with the proposed contractor's office the request is accompanied by #P20-0173 to rezone from AG (Agricultural District) to B-2 (Highway Business District) to allow for contractor's office with outdoor storage and general offices, and a special exception variance #P20-0188 to waive the required 25- foot incompatible use landscape buffer.

### **PROPOSED TRAFFIC PROJECTIONS**

- An additional 242 average daily trips including AM peak hour and PM peak hour trips are projected should the project be approved (10<sup>th</sup> Edition ITE Trip Generation Manual).

### **PUBLIC FACILITIES**

#### **Water:**

- The property is served by Oconee County Water Resources Department.
- The Water Resources Department has indicated in a letter dated 08/06/2020 that potable water is available at his location.

#### **Sewer:**

- The property is served by the Oconee County Water Resources Department
- The Water Resources Department has indicated in a letter dated 08/06/2020 that wastewater treatment/sewer collection and transmission capacity are currently available for the proposed project.

#### **Roads:**

- Access is proposed along Monroe Highway/US Hwy 78 and will require GDOT approval.

### **ENVIRONMENTAL**

- No jurisdictional wetlands, 100-year flood plain, or state waters are known to exist on the site.

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

### **OCONEE COUNTY PUBLIC WORKS DEPARTMENT**

- No Comments

## OCONEE COUNTY FIRE DEPARTMENT

- No comments

## OCONEE COUNTY WATER RESOURCES DEPARTMENT

- Recommended condition: The owner at their own expense shall construct the improvements required by the County for public water and public waste services for the subject property shall convey same to the County, free of all liens. Said improvements shall include all on-site improvements and such off-site improvements as are required by the County to provide service to subject property.

## GEORGIA DEPARTMENT OF TRANSPORTAION

- The proposed driveway will not meet the minimum spacing or deceleration lane length requirements. The Georgia Department of Transportation recommends access through inter-parcel connectivity due to the safety concerns of not meeting the above requirements.

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## **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” (UDC Sec. 205.10.a). Highway-oriented commercial development serves the traveling public through retail or service oriented business activities. An outdoor storage facility is not considered to be a retail and service use and is not 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 subject property lies within the “Community Village” Character Area (2040 Future Development Map). This area is intended for “mixed-use developments that integrate and link together a compatible assortment of higher intensity commercial (such as larger-scaled shopping centers, professional offices, and services), residential, and recreation uses.” This Character Area is intended to create “a small community where it is possible to live, work, and play through a variety of housing options, small businesses, offices, retail shops, services, well-placed parks, plazas, and open spaces” (2018 Comprehensive Plan p. 46). The office component of the proposed development is considered to be compatible with this retail- and service-oriented Character Area, while outdoor storage is not considered to be compatible with this Character Area. Staff holds that the proposed special use is not in conformity with the Future Development Map and the goals and objectives of the 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?**

Nearby properties are primarily mixed commercial and residential. Outdoor storage is allowed by right only in OBP (Office Business Professional) and I (Industrial) zoning districts. It is possible that the proposed outdoor storage on the property may impede the normal and orderly development of surrounding property by introducing higher intensity land use to the area.

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

A desirable pattern of development for this area is considered to be a mixture of residential and commercial uses to serve the nearby population, as outlined above. The proposed special use is a higher-intensity land use and is not consistent with this pattern of development.

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

The proposed access off of Monroe Highway should be adequate to provide for traffic and pedestrian safety, the

anticipated volume of 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?**

County sewer and water service already serves the property and the Water Resources Department has indicated that capacity is available to serve the proposed project. No impacts on local schools and minimal impact on police and fire protection services is expected. Staff holds that public facilities should be adequate to serve the 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?**

The proposed outdoor storage area would be subject to the restrictions of UDC Sec. 362.01, outdoor storage in commercial zoning districts, including an 8 foot tall opaque fence as shown on the associated concept plan. Staff notes that adjacent property to the east contains a three-story assisted living facility with potential for an additional three-story building to be built in the future. With no required vegetated buffer along the eastern property line the storage area would be within the line of site of assisted living residents. Staff holds that the storage area may not be adequately screened to protect all adjacent properties from adverse impacts.

**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 are anticipated to be Monday-Friday from 8am-5pm and should have no adverse effects on other properties. It is possible that the manner of operation may create noise pollution for adjacent properties depending on whether equipment or heavy trucks are to be regularly accessing the site.

**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 buildings are proposed as part of the present special use application.

## **STAFF RECOMMENDATION & CONDITIONAL REQUIREMENTS**

**The proposed special use does not meet the goals and objectives of the 2018 Comprehensive Plan and staff recommends denial of the present special use request. Should the present request be approved, staff recommends it be subject to the following conditions to be fulfilled at the owner/developer's 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.



# OCONEE COUNTY ZONING CHANGE APPLICATION

## Requested Action:

Rezoning from: \_\_\_\_\_ to \_\_\_\_\_  Change in Conditions of Approval for Case #: \_\_\_\_\_

Special Use Approval for: **Outdoor Storage** in the **B2** Zoning District

## Applicant

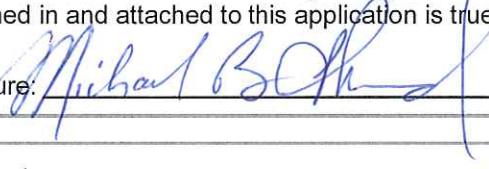
Name: **Michael B. Thurmond, P.E.**  
 Address: **Armentrout Matheny Thurmond**  
(No P.O. Boxes)  
**330 Research Drive, Suite A240**  
**Athens, GA 30605**

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

Applicant is (check one):  the Property Owner  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:  Date: 9/10/20

## Property Owner

Name: **Sapphire Properties, LP**  
 Address: **149 Ben Burton Circle**  
(No P.O. Boxes)  
**Bogart, GA 30622**

Telephone: **706-355-3178**



## Property

Location: **2891 Monroe Hwy**  
(Physical Description)  
**Watkinsville, GA 30677**

Tax Parcel Number: **B02 039**

Size (Acres): **1.818** Current Zoning: **AG**

Future Development Map—Character Area Designation: **Community Village Center**

## Use

Current Use: **Residential**

Proposed Use: **General Office and Contractors office with Outdoor Storage**

## Attachments (check all that apply)

- Property Owner's Authorization (if applicable)
- Application Fee
- Warranty Deed
- Typed Legal Description
- Plat of Survey
- Disclosures (Interest & Campaign Contributions)
- Zoning Impact Analysis
- Narrative (Detailed Description of the Request)
- Concept Plan
- Attachments to the Concept Plan:
  - Water and/or Sewer Capacity Letter from OCUD
  - Representative Architecture/Photographs
- Proof all property taxes paid in full
- Other Attachments: \_\_\_\_\_

For Oconee County Staff Use Only

Application Date Received: \_\_\_\_\_ Date Accepted: \_\_\_\_\_  
 DRI Transmitted to RDC  Date: \_\_\_\_\_  N/A  
 Date Submitted: \_\_\_\_\_  Findings Complete  
 Posted: \_\_\_\_\_ Ad: \_\_\_\_\_ Ad: \_\_\_\_\_  
 Application Withdrawn  Date: \_\_\_\_\_

APPLICATION NUMBER   
 Action Planning Commission Date: \_\_\_\_\_  
 Approval  With Conditions  Denial  
 Board of Commissioners Date: \_\_\_\_\_  
 Approved  With Conditions  Denied



Subject: Revise Special Use Narrative for Outdoor Storage  
2891 Monroe Highway, Watkinsville, GA 30677  
AG to B-2 – 1.818 acres; Tax Parcel B02 039  
*Armentrout Matheny Thurmond, P.C., Project No. 20145*

A rezoning application is submitted concurrently with this application for Special Use Approval for Outdoor Storage in a B-2 Zone.

The Owner of the parcel intends to construct a contractor's office with inside storage and outside storage. Outside Storage is an allowed use in B-2 but it requires a Special Use Approval. This narrative is specific to the requested Outdoor Storage.

The concept plan shows a proposed 10,000 square foot building which contains two floors of office space (4,000 square feet/floor) and 6,000 square feet of inside storage. The plan also shows 6,000 square feet of fenced outside storage directly behind the proposed office building.

The outdoor storage will be constructed to the Oconee County Unified Development code Section 362. The storage is only in the rear yard of the main building. It does not extend into the side yards. The fence shown in the concept plan will meet the Oconee Standard of an opaque vinyl fence and it will be 8 feet tall. The proposed outdoor storage ends at the approximate property line separating the commercial part of the adjacent MPD-R2 property from the residential part of the property. There is an existing 50 foot buffer along the shared property line. As a result, the outdoor storage will not be viewable from the MPD-R2 property. In addition, to the east and south there is an existing O-I-P development with an existing 10 foot evergreen screen which obstructs view from the O-I-P parcel to the proposed outdoor storage.

The rezone is intended to allow the owner's use of the property for his contracting office and storage. The plan has interior and exterior storage so, therefore, a special use application is required for exterior storage. This special use application is submitted simultaneously with this rezone application and special variance.

MBT/ls/20145/Docs/SUV/Revised SUV 09.23.2020



Subject: Zoning Impact Analysis for Special Use Consideration  
2891 Monroe Highway, Watkinsville, GA 30677  
AG to B-2 – 1.818 acres; Tax Parcel B02 039  
*Armentrout Matheny Thurmond, P.C., Project No. 20145*

### **ZONING IMPACT ANALYSIS**

**The Standards for Special Use Consideration are:**

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

The special use is consistent with the stated purpose of the B-2 zoning district as outdoor storage is an accepted special use for a contractor's office in this proposed B-2 zone.

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

The special use is compatible with the Comprehensive Plan as this corridor is Community Village Center. B-2 zoning is compatible with this Character Area Designation as well as the proposed use as a contractor's office with inside storage. The outside storage is a complement to the inside storage and is hidden from view in all directions. The special use allows the owner of the property to move his office from another county to place the company office very near his home.

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

The establishment of the special use will not impede normal and orderly development as the properties adjacent to the parcel are currently developed. The properties north of Highway 78 will not have development impeded because the outside storage will not be visible from across the highway.

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

The location and character of the special use is consistent with the pattern of development because it is ancillary to the main development. B-2 is consistent with the surround development. The buildings encompass approximately 11,300 square feet of area which surrounding the outdoor storage. The buildings themselves mitigate the visual impact of the outdoor storage hidden behind an opaque fence constructed to Oconee County Standards.

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

The proposed drives and entrance to Highway 78 will be adequate to support the entire development and the outdoor storage.

**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?**

The proposed access into and out of the property is more than adequate for the entire development and the special use of an outdoor storage area.

**G. Are or will public facilities such as school, water or sewer utilities, and police or fire protection be adequate to serve the special use?**

No impact on public facilities is anticipated for the special use of an outdoor storage facility.

**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 or odor?**

The outdoor storage area will be screened per Oconee County Ordinance Standards. No adverse effects such as noise, lights, glare or odor will occur as any use of the outdoor storage will be during daytime working hours. Only "motion detectors" exterior lighting is proposed for the outdoor storage area and it will meet Oconee County Ordinance Standards. Items stored will be miscellaneous building materials or home appliances awaiting transfer to a recycling center.

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

No adverse effect is envisioned as the hours of operation of the outdoor storage will be normal daily operation hours of 8 AM to 5 PM.

**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 building or other structures on neighboring properties?**

The outdoor storage will contain items less than 8 feet tall located behind the required opaque 8 foot tall fence. As such, this is compatible with surrounding heights. The location is behind the building as required by code and is compatible with the commercial development on each adjoining property. Current existing buffers and screening along the shared property lines further hide the outdoor storage from the adjacent parcels.

MBT/ls/W/20145/Docs/Rezone/Zoning Impact Analysis-Special Use

# Special Use # P20-0189 - Sapphire Properties, LP

Tax Parcel #  
B-02-039

