

ACTION DENYING SPECIAL USE APPROVAL REQUEST

APPLICATION SUBMITTED BY: Pittman Engineering

APPLICATION SUBMISSION DATE: March 22, 2021

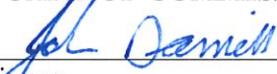
RE: Request for Special Use Approval no. P21-0056 on a ±2.94-acre tract of land located at 1973 and 1975 Hog Mountain Road in the 221st G.M.D., Oconee County, Georgia, tax parcel no. B-06-007I and B-06-007IB, on property owned by 1973 Hog Mountain Road, LLC, for the purpose of modular buildings.

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.

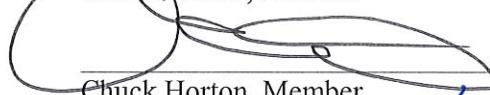
This 1st day of June 2021.

OCONEE COUNTY BOARD OF COMMISSIONERS

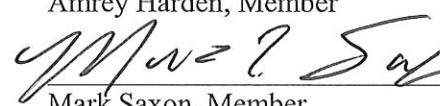
BY:


John Daniell, Chairman


Mark Thomas, Member


Chuck Horton, Member


Amrey Harden, Member


Mark Saxon, Member

ATTEST:


Abby Saxon

Clerk, Board of Commissioners



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

SPECIAL USE CASE #: P21-0056

DATE: May 7, 2021

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

APPLICANT NAME: Pittman Engineering

PROPERTY OWNER: 1973 Hog Mountain Road, LLC

LOCATION: 1973 and 1975 Hog Mountain Road

PARCEL SIZE: ± 0.57 acres

EXISTING ZONING: B-2 (Highway Business District)

EXISTING LAND USE: Commercial/Vacant

FUTURE DEVELOPMENT MAP CHARACTER AREA DESIGNATION: Civic Center

ACTION REQUESTED: The applicant is requesting special use approval for modular buildings to be used in a commercial development.

STAFF RECOMMENDATION: Staff recommends denial of the request

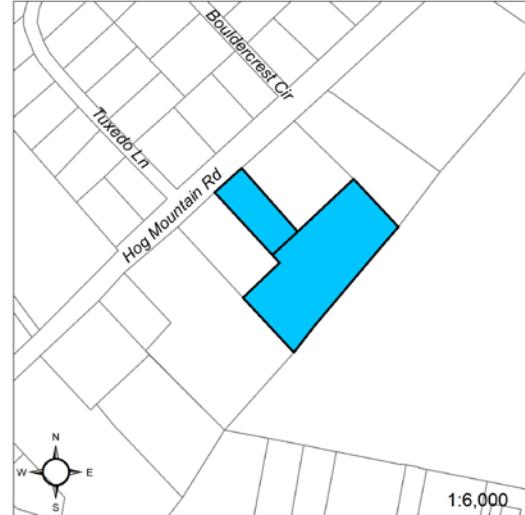
DATE OF SCHEDULED HEARINGS

PLANNING COMMISSION: May 17, 2021

BOARD OF COMMISSIONERS: June 1, 2021

ATTACHMENTS:

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



BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- Parcels B-06-007I and B-06-007B were rezoned from AG to B-2 on 10/02/1972; no conditions or concept plan are associated with this rezone

SURROUNDING LAND USE AND ZONING

	EXISTING LAND USES	EXISTING ZONING
NORTH	Single-Family Residential	R-1 (Single-Family Residential District)
SOUTH	Vacant (under construction for Stonebridge Subdivision)	R-1 (Single-Family Residential District)
EAST	Commercial (Tire Shop)	B-2 (Highway Business District)
WEST	Commercial (Daycare Center and Gas Station/Convenience Store)	B-2 (Highway Business District)

PROPOSED SPECIAL USE

- Unified Development Code Section 306.05 requires all non-residential buildings to be constructed on site
 - *UDC Sec. 306.05: Construction Requirements:*
"All non-residential buildings not exempt under this Section shall be constructed on-site and shall not be manufactured or prefabricated off-site unless approved by the Board of Commissioners as a Special Use"
- The applicant is proposing to convert a portion of the property into a community park with a pavilion and five modular vendor buildings. The proposed modular buildings would be of metal construction with painted metal siding. A few of the proposed modular buildings would also have wood accents. Below are the square footages of the proposed buildings:
 - Pavilion- 800 square feet
 - Vendor Buildings- five modular buildings ranging from 200 to 1,200 square feet
- The estimated value of the project is \$10 million
- All uses shown on the concept plan are allowed by right in the B-2 zoning district and are not under consideration for approval under the present request

PROPOSED TRAFFIC PROJECTIONS

- An additional 300 ADT is projected by extrapolating the existing traffic generated by the Chick-Fil-A food truck that currently operates onsite (60 ADT). An International Traffic Engineers Manual calculation was not available because the particular land uses proposed are not listed in the ITE manual.

PUBLIC FACILITIES

Water:

- Water services would be provided by the Water Resources Department.

Sewer:

- Sewage disposal would be provided by the Water Resources Department.

Roads:

- The existing driveway off Hog Mountain Road would be utilized; no new access is proposed.

ENVIRONMENTAL

- No 100-year flood plan, jurisdictional wetlands, 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 the subject property.

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 purpose of the B-2 zoning district is to “serve those business activities generally oriented to the highways” ([UDC Sec. 205.10](#)). Staff holds that the requested modular buildings are compatible with the zoning district in which they would 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 Civic Center Character Area as shown on [the 2040 Character Areas Map](#). The 2018 Comprehensive Plan describes this character area as “a relatively high-intensity mix of businesses, retail shopping, offices, sports and recreational complexes... that create a multi-dimensional environment” ([2018 Comprehensive Plan p. 58](#)). Commercial development in the Civic Center Character Area is intended to be “very pedestrian-oriented, with strong, walkable connections between different uses and shared parking areas” ([2018 Comprehensive Plan p. 60](#)). The proposed special use is compatible with the intended mix of commercial uses and the pedestrian-friendly objectives of the Character Area.

In examining the broader goals, objectives, purposes, and intents of the Comprehensive Plan, staff finds that the proposed development lacks compatibility with key long term development goals for the county. The Comprehensive Plan’s overall land use goal is to “promote growth that builds lasting value in our community by enhancing or complementing the existing character of the area” (p. 20) and one of the plan’s land use objectives is to “support architectural, landscape, and building standards that increase value to the community and maintain Oconee County and its municipalities’ character” (p. 20). The overall project may bring value to the community by providing outdoor communal space for residents of Oconee County to enjoy. However, this desirable goal could also be accomplished by using site-built structures that would better complement the existing built environment and that are allowed by-right in the B-2 zoning district. Another relevant land use objective of the Comprehensive Plan is to “support incremental growth by prioritizing infill within areas already developed or within an identified node that maintains consistency with the built environment” (p.20). The proposed development advances the county’s priority for infill at established nodes but does not maintain consistency with the built environment. Overall, the proposed modular building development does not further the Comprehensive Plan’s long term goals despite the project’s compatibility with the Civic Center Character Area.

This incompatibility with the Comprehensive Plan has resulted in a staff recommendation of denial for this request. Should the special use be approved, conditions are recommended below in order to bring the project into compliance with 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?

The proposed construction materials should not impede the normal and orderly development of surrounding property for residential or commercial purposes.

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 of the special use is consistent with a desirable pattern of development, as it creates infill development within an established commercial area and utilizes established public infrastructure. The character of the proposed development is desirable in its pedestrian-friendly nature. However, the proposed construction and façade materials do not contribute to a desirable pattern of development for the locality in general as they are incongruous with the surrounding built environment.

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

The adequacy of the street providing access would be determined by the use. All uses proposed in the application are allowed by right and are not evaluated in this report. Compliance with UDC requirements for street access would be ensured at the time of development plans review.

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 anticipated flow of traffic would be determined by the use. All uses proposed in the application are allowed by right and are not evaluated in this report. Compliance with UDC requirements for access would be ensured at the time of development plans review.

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?

A positive impact on schools is anticipated, as the project would create tax revenue without adding additional students to the school system. Impact on water/sewer utilities and emergency services would be determined by the use. All uses proposed in the application are allowed by right and are not evaluated in this report.

Compliance with UDC requirements and water/sewer policies would be ensured at the time of development plans review.

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?

A companion variance has been submitted in order to waive the required buffer along the rear property line adjacent to residential use. This request is evaluated separately in the staff report for variance P21-0057. Screening and buffering of the proposed development would be required to meet Unified Development Code standards and noise ordinance restrictions. The proposed construction materials should not have any adverse effects on other nearby properties.

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

The hours and manner of operation would be determined by the use. All uses proposed in the application are allowed by right and are not evaluated in this report. The hours and manner of operation would be required to meet Unified Development Code standards and noise ordinance restrictions.

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?

The proposed modular buildings would be considerably smaller than adjacent buildings and should be compatible with the height, size, and location of buildings on neighboring properties.

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 due to its incompatibility with the long-term land use goals and objectives of the Oconee County 2018 Comprehensive Plan. Should the present request be approved, staff recommends 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.
2. The owner, all at owner's expense, shall construct the improvements required by the County for public water and public waste water services for subject property and 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.
3. At its expense, Owner shall make all right of way improvements and shall dedicate all rights of way which are required by the County after the County's review of Owner's development plans pursuant to the County's ordinances and regulations. All such improvements shall be shown on the preliminary site plan and site development plans for the project and no development permit shall be issued until Owner has agreed to such improvements and dedication.
4. All modular buildings shall contain wood, brick, or stone accents as shown in applicable representative images submitted with the application. Said accents shall be in keeping with the established architectural style of the existing building at 1971 Hog Mountain Road.
5. All modular buildings shall be placed on a permanent foundation.
6. No more than 5 modular buildings shall be installed on the subject property.



OCONEE COUNTY ZONING CHANGE APPLICATION

Requested Action:

Rezoning from: _____ to _____ Change in Conditions of Approval for Case # _____
 Special Use Approval for: Modular Buildings in the _____ Zoning District

Applicant

Name: Frank Pittman, Pittman Engineering, PC
 Address: 1020 Barber Creek Drive
 (No P.O. Boxes)
 Suite 113
 Watkinsville, GA 30677
 Telephone: (706) 340-5599
 Email: fpittman@pittmanengineer.com

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:

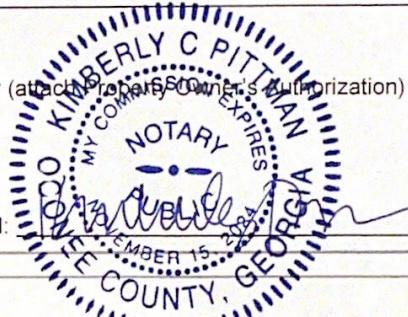
Date: 3/8/2021

Telephone: (478) 955-8231

Property Owner

Name: 1973 Hog Mountain Road LLC
 Address: 1607 Lea Haven Way
 (No P.O. Boxes)
 Athens GA 30606

Telephone: (478) 955-8231



Property

Location: 1973 and 1975 Hog Mountain Road
 (Physical Description)
 Watkinsville GA

Tax Parcel Number: B 06 007I & B 06 007IB

Size (Acres): 2.94 total Current Zoning: B-2

Future Development Map—Character Area Designation: Civic Center

Use

Current Use: strip center and vacant property

Proposed Use: commercial development with modular sales

Attachments (check all that apply)

<input checked="" type="checkbox"/> Property Owner's Authorization (if applicable)	<input checked="" type="checkbox"/> Narrative (Detailed Description of the Request)
<input checked="" type="checkbox"/> Application Fee	<input checked="" type="checkbox"/> Concept Plan
<input checked="" type="checkbox"/> Warranty Deed	<input checked="" type="checkbox"/> Attachments to the Concept Plan:
<input checked="" type="checkbox"/> Typed Legal Description	<input checked="" type="checkbox"/> Water and/or Sewer Capacity Letter from OCUD
<input checked="" type="checkbox"/> Plat of Survey	<input checked="" 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 checked="" type="checkbox"/> Zoning Impact Analysis	<input checked="" type="checkbox"/> 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: _____

Action	APPLICATION NUMBER	
Planning Commission	Date: _____	
<input type="checkbox"/> Approval	<input type="checkbox"/> With Conditions	<input type="checkbox"/> Denial
Board of Commissioners Date: _____		
<input type="checkbox"/> Approved		

1973/1975 HOG MOUNTAIN ROAD
SPECIAL USE SUBMITTED 03/22/2021

Revised 4/7/2021

GENERAL DATA

Property Address: 1973, 1975 Hog Mountain Road – Parcel B06 007I, & B06 007IB
Owner: 1973 Hog Mountain Road, LLC
Existing Zoning: B-2
Proposed Zoning: B-2 with Special Use
Existing Use: Commercial strip center & undeveloped
Proposed Use: Commercial strip centers and up to 5 buildings to be allowed to be prefab construction and placed onsite
Property Area: 2.94 acres

ADJACENT LAND USES AND ZONING

North – B-2: Daycare Center & Convenience Store
West – Hog Mountain Road
East – R-1: Residential subdivision currently in construction, at this time there are no homes built on the property to the east.
South – B-2: Tire Store

OWNERSHIP TYPE

Property will be owned by current owner.

SITE NARRATIVE

The total property consists of approximately 2.94 acres and is currently zone B-2. One of the parcels is developed as commercial strip centers and one parcel is undeveloped. The property owner is 1973 Hog Mountain Road, LLC. The proposed use of the subject property at this time is for the existing commercial strip center to remain with the addition of a community park with play field, pavilion, and food sales buildings. The owners are seeking to gain a special use on the property to allow up to 5 buildings to be allowed to be prefab construction and placed onsite.

SITE DESCRIPTION

The property is located at 1973, 1975 Hog Mountain Road just east of the Butler's Crossing Intersection. The Character Area for the property and its surrounding properties is identified as 'Civic Center' according to the Oconee Future Development Map. The requested Special Use for up to 5 buildings to be allowed to be prefab construction and placed onsite is in keeping with the requested B-2 zoning, the character area, and the surrounding properties.

The property is comprised of approximately 2.94 acres, mostly developed or open field. The property slopes toward the east. There is a county sewer main running through the property in an easement. There is a county water main that dead ends into the property in an easement.

PROPOSED USE PER SPECIAL USE REQUEST

The proposed use of the undeveloped portion of the property is a community park with play field, pavilion, and food sales buildings. The food sales buildings are proposed to be prefab construction with up to 5 buildings placed onsite. The buildings will be of metal construction with metal siding painted to meet vendor interest. Some buildings could have some wood accents. See representative architecture for building exterior materials look. The buildings will range from 200 to 1200 sf each with the pavilion being an estimated 800 square feet.

ACCESS

Access will be via the existing driveway along Hog Mountain Road.

TRAFFIC IMPACT

The traffic impact for the Special Use does not change per the existing B-2 zoning. This special use request is for building construction method only and not any particular use.

WATER SUPPLY

Water will be provided by Oconee County Water Resources. This special use request is for building construction method only and not any particular use. There is an existing county watermain on the property.

SEWAGE DISPOSAL

Sewage disposal will be provided by Oconee County Water Resources. This special use request is for building construction method only and not any particular use. There is a county sewer main running through the property at this time.

GARBAGE COLLECTION

Garbage collection will be handled by private contractor via dumpsters. Dumpsters will be shielded from view per the Oconee County UDC requirements.

UTILITIES

Electricity and Data will be provided by power/data providers in the area.

STORMWATER MANAGEMENT AND DRAINAGE

There is a Stormwater Management Pond constructed onsite to manage the stormwater runoff from the development to meet Oconee County stormwater ordinance. To convey stormwater to the pond, curb and gutter along with RCP, CMP, or HDPE stormpipe will be utilized to carry the stormwater runoff to the pond.

TRAFFIC

The ITE manual does not list pre-prepared food distribution as traffic uses. Although this data is not available there is historical data that can be used to estimate the traffic flow. The property has allowed a Chic-Fila food truck to sell from the site, just as the modular building would do and by using the average vehicles per day that the food truck has seen which is 60 cars per day you can estimate the daily trips for 5 food sales buildings to be 300 ADT which would be on the high side as Chic-Fila would be the major vendor.

IMPACT TO SCHOOL SYSTEM

There will be a positive impact to the school system from this development as it will generate tax dollars from taxes without adding to the number of children in the school system.

PROJECT SCHEDULE

Once zoning is approved in approximately June 2021 then site development plans will be created and permitted to begin construction in the middle of 2021. The project will be built in a single phase.

SIGNAGE

The project will have signage that will meet the Oconee County UDC and be permitted through the sign permit process.

LANDSCAPING & BUFFERS

Landscape strips, parking lot buffers, and parking lot tree plantings will be installed in accordance with the Oconee County UDC. A buffer is required per UDC Section 806, however a special exception variance has been submitted to remove that required buffer. All other buffers per UDC requirements will be met during site development.

PARKING

There is an existing shared parking agreement between 1971, 1973, and 1975 Hog Mountain Road to use all the parking between the tenants. The existing and proposed parking spaces along with the calculation of parking uses and needs is in the spreadsheet at the end of the report.

COMPANION SPECIAL EXCEPTION VARIANCE REQUEST

A Special Exception Variance request has been made as a companion request for the removal of the buffer required between incompatible uses along the rear portion of the property.

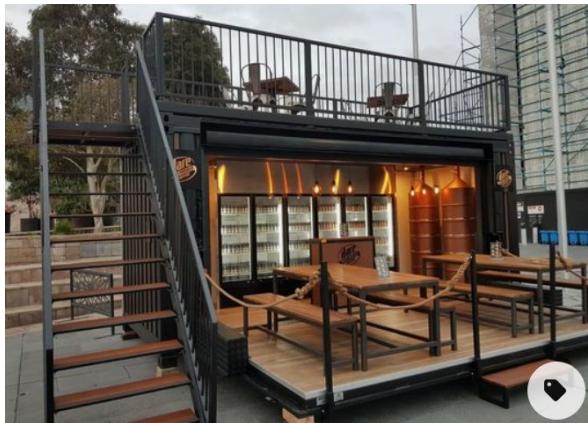
ESTIMATED VALUE OF PROJECT

The complete buildout of the project is estimated to be valued at \$1,000,000.

REPRESENTATIVE ARCHITECTURE









Sec. 1207.02. Standards for special use consideration.

A Special Use otherwise permitted within a zoning district shall be considered to be compatible with other uses permitted in the district, provided that due consideration is given to the following objective criteria. Emphasis may be placed on those criteria most applicable to the specific use proposed:

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

Yes, the B-2 Highway Business District is intended to serve those business activities generally oriented to the highways. Included as allowed principal uses within the B-2 district are general commercial, retail business and restaurants. The proposed project is commercial in nature and will provide goods for local citizens of Oconee County and surrounding areas

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

The Future Development Map represents the property as Civic Center. The Civic Center Character Area is defined as being "the center of civic activities in unincorporated Oconee County. The Character Area includes a relatively high-intensity mix of businesses and retail shopping, office and employment opportunities ...that create a multi-dimensional environment". Typical nonresidential uses include: a shopping center anchored with a large grocery or drug store, small office complexes such as "office condominiums," financial institutions, full service restaurants and medical/dental clinics, gas stations, lofts above ground level office or retail, and public and institutional uses such as schools, parks, libraries, churches and community/civic centers. This Character Area is a vibrant place where people can live, work, recreate and shop." Recognizing the Future Development Map as a guide, and that the Civic Center Character Area development guidelines allow B-2 uses and specifically the uses proposed for this site (commercial/retail/park/food service), then the special use of this property is compatible with the goals, objectives, purpose and intent 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?

No, the establishment of the special use will not impede the normal and orderly development of surrounding property for uses predominate in the area since predominate uses are commercial in nature. The area in the immediate vicinity is predominantly commercial developed properties and this proposed special use is in keeping with that pattern.

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

Yes, the location and character of the proposed special use consistent with a desirable pattern of development for the locality in general. The area in the immediate vicinity is predominantly commercial developed properties and this proposed special use is in keeping with that pattern.

e. Is or will the type of street providing access to the use be adequate to serve the proposed special use? Hog Mountain Road is a former state highway and main commercial corridor within the county and is 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?

Yes, the property's access is adequate to provide for traffic and pedestrian safety, the anticipated volume of traffic flow, and access by emergency vehicles. The project will make use of the existing driveway from Hog Mountain Road.

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?

Yes, public facilities including as schools, water/sewer utilities, and police or fire protection are 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 or odor?

Yes, refuse, service, parking and loading areas on the property shall be located and screened in a manner that will protect other properties in the area from such adverse effects as noise, light, glare or odor.

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

No, the hours and manner of operation of the special use should have no adverse effects on other properties in the area. Hours of operation will be similar to the existing commercial businesses.

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?

Yes, the height and size of the proposed buildings and other structures on the property be will be smaller compared to the height and size of structures on neighboring properties. The proposed location of the buildings and other structures on the property are compatible with the locations of adjacent commercial structures.

Special Use # P21-0056 - 1973 Hog Mountain Road, LLC

Tax Parcel #
B-06-007IB
B-06-007I



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

1:1,250

0

115

230

460

690

920

Feet



M-H

O-B-P

AR

Zoning

O-I-P

B-1

B-1

R-1

O-I-P

B-2

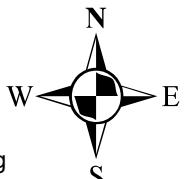
Stonebridge
Pkwy

AR

Oconee County Planning Department

This map is representative of current county zoning as of March 2021 and should be used for planning purposes only.

1:2,000



B-1

ParkDr

Village Dr

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

