

**AMENDMENT
TO THE UNIFIED DEVELOPMENT CODE OF OCONEE COUNTY, GEORGIA
AND THE ZONING MAPS OF OCONEE COUNTY, GEORGIA**

TITLE

An Ordinance amending the Unified Development Code of Oconee County, Georgia, and the Zoning Maps of Oconee County, Georgia, pursuant to Article 12, Division I et seq., to rezone from zoning classification AR (Agricultural Residential District) to B-2 (Highway Business District) pursuant to an application for rezoning of property owned by Mike and Nona Thornton submitted on May 24, 2021.

ENACTMENT CLAUSE

Pursuant to the authority conferred by the Constitution and Laws of the State of Georgia and after consideration of an application for zoning change submitted by Mike Thornton on May 24, 2021, requesting rezoning of a ± 0.59 -acre tract of land located at 1060 Hog Mountain Road in the 221st G.M.D., Oconee County, Georgia, (tax parcel no. C-02-079A), the Board of Commissioners of Oconee County does hereby ordain and enact to law the following:

SECTION 1. An Ordinance known as the "Unified Development Code of Oconee County, Georgia" as enacted and amended by the Board of Commissioners of Oconee County and the Zoning Maps described therein are hereby amended as follows:

The zoning classification for the property described on the attached "Exhibit A" is hereby changed from classification AR (Agricultural Residential District) to B-2 (Highway Business District) for the purpose as set forth in "Exhibit A" attached hereto.

Said rezone is subject to the following conditions: as set forth in "Exhibit A" attached hereto.

SECTION 2. Severability. It is intended that the provisions of this Ordinance be severable and should any portion be held invalid, such invalidity shall not affect any other portion of the Ordinance.

SECTION 3. Repeal of Conflicting Resolutions or Ordinances. All Resolutions or Ordinances and parts or sections of Resolutions or Ordinances in conflict with this Ordinance are hereby repealed.

SECTION 4. Effective Date. This Ordinance shall take effect this date.

Said Zoning Petition was submitted to the Oconee County Planning Commission and a Public Hearing was duly held by the same on July 19, 2021, and a Public Hearing was held by the Oconee County Board of Commissioners at its regular meeting on August 3, 2021.

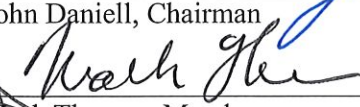
ADOPTED AND APPROVED, this 3rd day of August, 2021.

OCONEE COUNTY BOARD OF COMMISSIONERS

BY:



John Daniell, Chairman



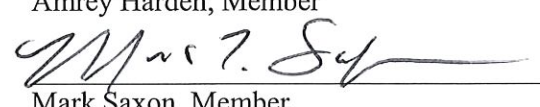
Mark Thomas, Member



Chuck Horton, Member



Amrey Harden, Member



Mark Saxon, Member

ATTEST:



Holly Stephenson, Board of Commissioners

EXHIBIT "A" TO REZONE NO P21-0110

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CONDITIONS

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 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.
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. At the Owner's expense, Owner shall design and construct improvements at the project entrance, Old Hog Mountain Road and Hog Mountain Road as shown on the attached Transportation Recommendations sheet. Said improvements shall be shown on the Preliminary Site Plan and Site Development Plans for the project.

TAX MAP

Rezone # P21-0110 - Mike Thornton

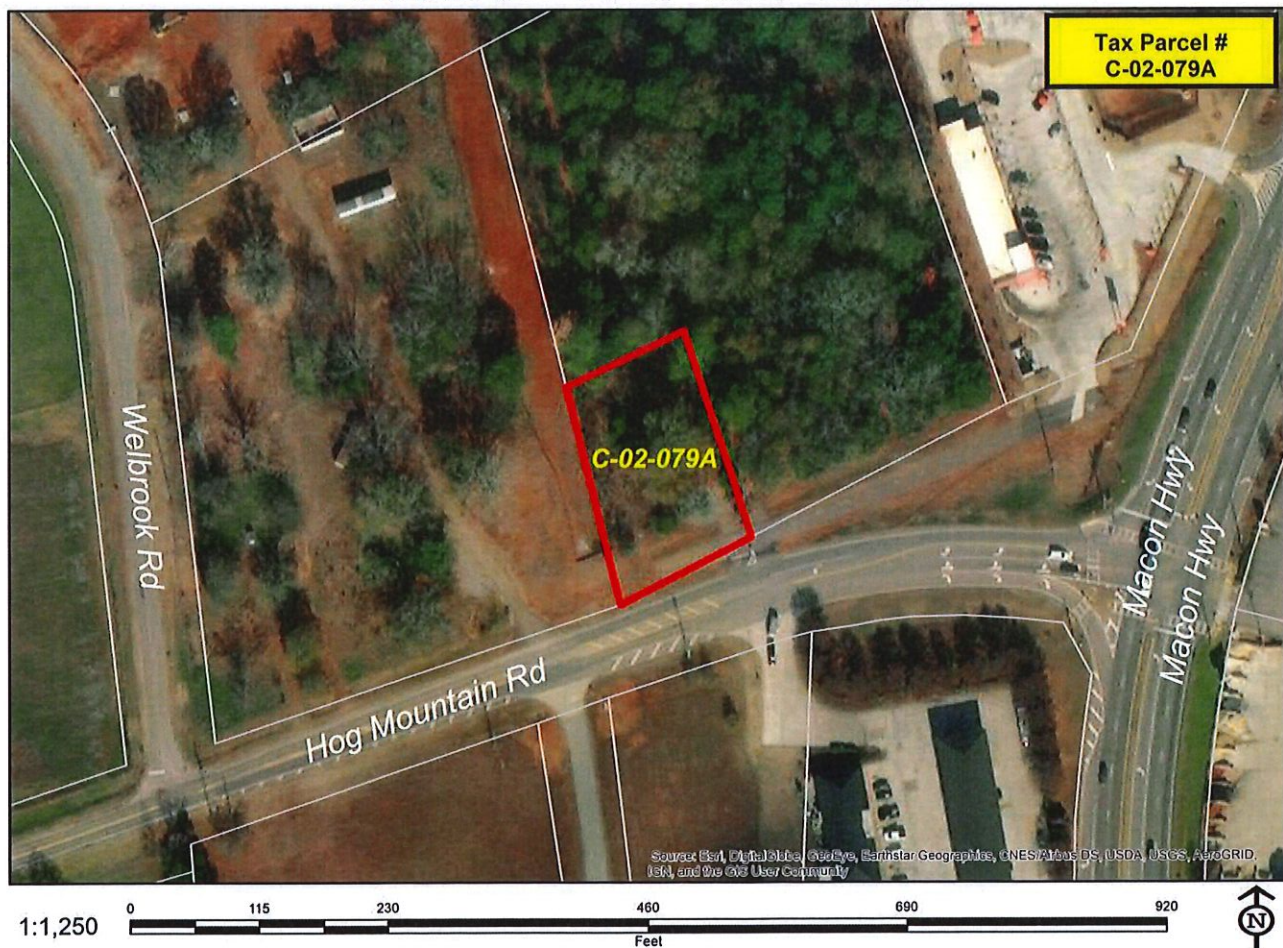


EXHIBIT "A" TO REZONE NO P21-0110

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LEGAL DESCRIPTION

AS MEASURED LEGAL DESCRIPTION:

All that tract or parcel of land situate, lying and being in G.M.D. 221, Parcel C 02 079A, Oconee County, GA. being more particularly described as follows:

Beginning at the centerline intersection of Hog Mountain Road and Welbrook Road; thence North 62 degrees 15 minutes 16 seconds East, 423.25 feet to a ½" rebar on the Northern right-of-way of Hog Mountain Road, bring the TRUE POINT OF BEGINNING; thence leaving said right-of-way North 12 degrees 18 minutes 21 seconds West, 188.20 feet to a ½" rebar; thence North 72 degrees 26 minutes 24 seconds East, 140.76 feet to a point; thence South 14 degrees 40 minutes 38 seconds East, 173.07 feet to a ½" rebar on the northern right-of-way of Old Hog Mountain Road; thence along said right-of-way South 66 degrees 52 minutes 10 seconds West, 150.00 feet to the TRUE POINT OF BEGINNING.

NARRATIVE

1060 Hog Mountain Road

Narrative:

Parcel C 02 079A is located at 1060 Hog Mountain Road and is just under 0.60 acres. The site is current undeveloped and contains no existing structures. The proposed development of this site is a small restaurant of approximately 1,500 sq ft with a drive through. The request is to rezone from AR to B-2 to allow for the development proposed by the property owner.

The B-2 Highway Business District is intended to serve those business activities generally oriented to the highways. The subject site is located on the north side of Hog Mountain Road and is approximately 300 ft west of the intersection of Macon Hwy. The proposed development of a restaurant with drive through will have outdoor patio seating as well as sufficient parking for both restaurant customers and employees. The drive through window will be located on the western side of the proposed building as far away from Macon Highway as possible. The drive through order location will be behind the building and will allow for drive through stacking which does not conflict with customers parking to dine at the restaurant location. The development will be owned by Mike Thornton and the expected valuation upon completion would be approximately \$1,200,000.

Adjacent Zoning

The adjacent property to the west is owned by Westminster Presbyterian Homes, Inc. and is currently zoned AR. The adjacent property to the north and east is owned by Collette Harben and is zoned AR. The adjacent properties to the south on the opposite side of Hog Mountain Road are all zoned B-2. The property at the corner of Hog Mountain Road and Macon Hwy approximately 250 ft to the west is Fire Station Express Car Wash and is also zoned B-2. The 2040 Character Areas identifies this parcel and all adjacent parcels as Civic Center. The proposed restaurant with drive through facility is compatible with the Civic Center character area.

Architecture

While a detailed architectural plan for the proposed building has not yet been designed, the owner has submitted pictures of representative architecture to be compatible with the adjacent area including Presbyterian Homes. Specifically, the architectural will include a sloped roof with windows along the building frontage to allow natural light and masonry materials with accents. The building entrance and portion of the patio area may also include a porch style sloping roof.

Access and Traffic

The access to this small site is via an existing asphalt drive off Hog Mountain Road installed by Oconee County. Per the Trip Generation Manual by the Institute of Transportation Engineers, 10th Edition, Restaurant with Drive-Through Window (ITE 934) the estimated Weekday PM Peak Hour for approximately 25 seats is 41 trips with a weekday average daily trips (ADT) of 488. There are no expected AM Peak Hour trips as the owner does not anticipate this project being open during the 7 and 9 AM hours. Pedestrian access will be provided via a proposed sidewalk along the front of the project with connection via the striped parking lot area.

Water and Sewer

Public water and sewer will be utilized for this project by existing utilities along the right-of-way of Hog Mountain Road. Gravity sewer runs along the western and southern boundary of this site. Letter of availability letter from Oconee County Water Resources provided dated 5/24/21 for 1000 GPD.

The water and sewer demand based on up to 30 seats including outdoor dining at 25 Gallons Per Day per seat = 750 GPD

Stormwater Drainage

The existing topography of this small site drains to the southeast near the Hog Mountain Road access. A preliminary grading plan for the proposed development has confirmed that retaining walls should not be required. Due to the limited size and surface area of this lot, and underground stormwater management facility is proposed under the front parking area to provide the necessary water quality and stormwater detention for the proposed development.

Schools

The proposed development of this parcel increases the tax base while not increasing the student population. The net impact to Oconee County Schools based on the proposed development will be positive.

Garbage Collection

The proposed development includes a dumpster enclosure located at the rear of the site which can be accessed by private garbage collection service trucks as well as employees in their regular duties

Landscaping planting and Buffers

The proposed development will provide a 10 ft landscape strip for vehicle use area along the property frontage to install street trees as required by Oconee County Unified Development Code. This project is seeking a special exception variance for the landscape buffers along the side and rear of the parcel. The existing adjacent parcels do not contain any active residences, but the UDC requires a 50 ft buffer along all sides. The proposed conceptual plan shows a 15 ft landscape buffer along the rear and 12 ft landscape buffers along both the east and west sides of the parcel with an opaque privacy fence and a combination of deciduous and evergreen plantings to provide a screen. The owner of this parcel has engaged in conversations with adjacent property owners and does not anticipate any negative response to the proposed landscape buffers as shown on the conceptual plan.

Outdoor Lighting

The proposed lighting of the site will be oriented towards the proposed building and parking area on the interior of the site while reducing the light intensity at the property boundary as much as possible. A detailed photometric layout will be provided during the site development review stage and the lighting will meet the requirements of the Oconee County UDC.

Public and Semi-public Areas

The proposed development will be accessible to the public any necessary easements for all utilities and stormwater will be provided for inspection as required. The maintenance of all on-site facilities will be the responsibility of the property owner.

Signage

Signage for the proposed development will be via on-building signage and a free-standing sign as allowed by the Unified Development Code of Oconee County.

Schedule

The proposed development will occur in a single phase and would occur in an approximately 120-day construction period. Approval of the site development plans is expected to be complete in 2021 with construction to begin in either late 2021 or early 2022 and completed prior to Summer 2022.

ARCHITECTURAL IMAGES

REPRESENTATIVE ARCHITECTURAL PHOTOS

CHEDDAR'S SCRATCH KITCHEN



PRESBYTERIAN VILLAGE



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Surveyed July 17, 1974
Revised
Clerk

PORTION OF LOT 5

PORTION OF LOT 5

150' SEE W

175' SEE E

425' TO ATHENS

WATKINSVILLE HWY

HIGH SHOALS - ATHENS ROAD
PAVED - 60' R/W

SURVEY OF

12 MICHAEL WHEAT PROPERTY

SALE 115' 60' OCONEE COUNTY, GEORGIA JUNE 1974

W. E. HUGHES, JR., W. E. HUGHES, SURVEYORS

GEORGIA REGISTERED PROFESSIONAL ENGINEER AND SURVEYOR W. E. HUGHES, JR.

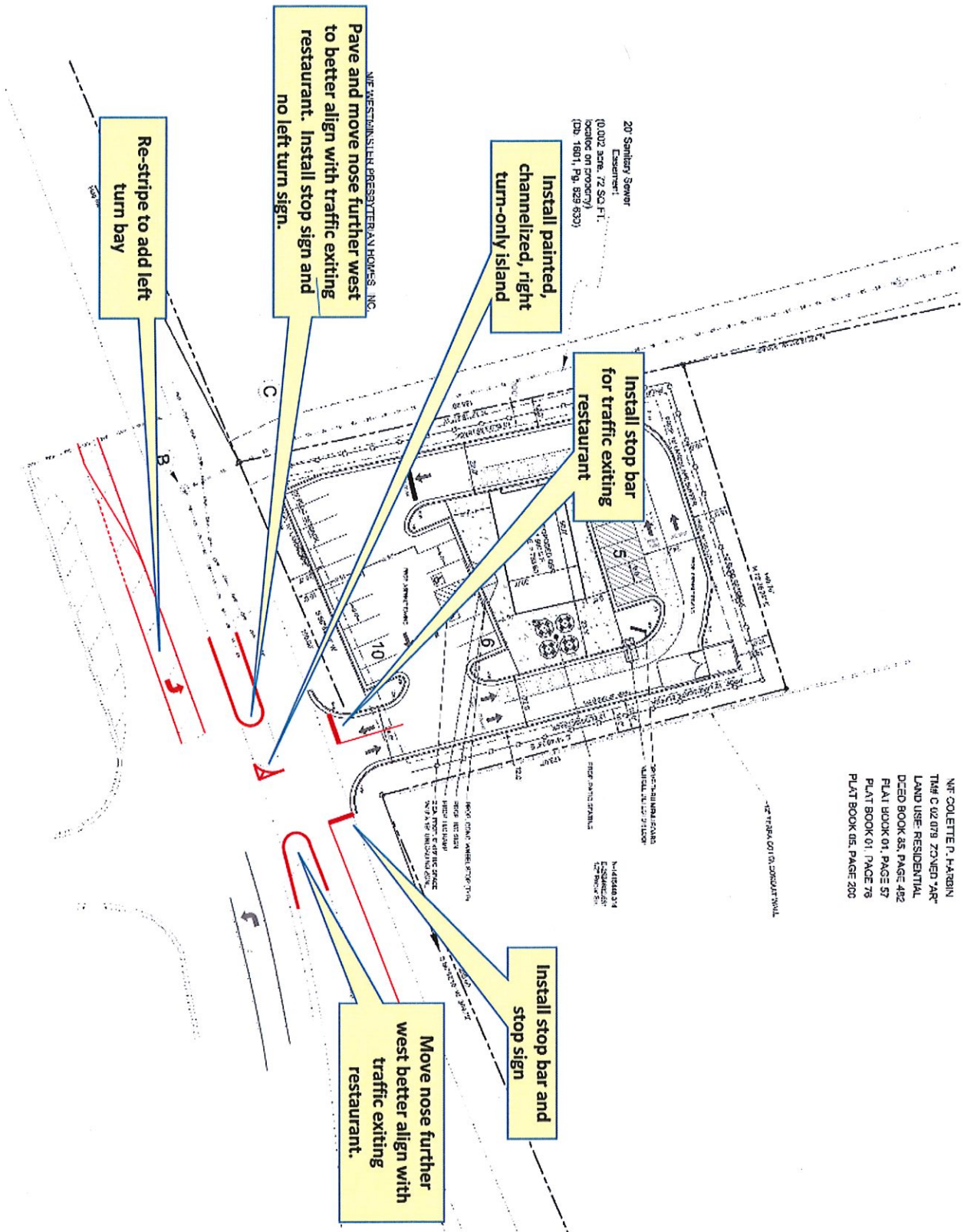
GEORGIA REGISTERED PROFESSIONAL ENGINEER AND SURVEYOR W. E. HUGHES, JR.

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EXHIBIT "A" TO REZONE NO P21-0110

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TRANSPORTATION IMPROVEMENT PLAN





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

REZONE CASE #: P21-0110

DATE: July 9, 2021

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

APPLICANT NAME: Mike Thornton

PROPERTY OWNER: Mike and Nona Thornton

LOCATION: 1060 Hog Mountain Road

PARCEL SIZE: ±0.59 acres

EXISTING ZONING: AR (Agricultural Residential District)

EXISTING LAND USE: Undeveloped

FUTURE DEVELOPMENT MAP CHARACTER AREA DESIGNATION: Civic Center

ACTION REQUESTED: Rezone the property from AR (Agricultural Residential District) to B-2 (Highway Business District) for a drive-through restaurant. This rezone is accompanied by special exception variance # P21-0111 to reduce the required 50-foot incompatible use buffer.

STAFF RECOMMENDATION: Staff recommends conditional approval of this request

DATE OF SCHEDULED HEARINGS

PLANNING COMMISSION: July 19, 2021

BOARD OF COMMISSIONERS: August 3, 2021

ATTACHMENTS:

- Application
- Narrative
- Architectural Images
- Zoning Impact Analysis
- Aerial Imagery
- Zoning Map
- Future Development Map
- Plat of Survey
- Concept Plan
- Buffer Concept Plan
- Transportation Recommendations



BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- The property has been zoned AR since the original adoption of the zoning map in 1968.

SURROUNDING LAND USE AND ZONING

	EXISTING LAND USES	EXISTING ZONING
NORTH	Single-Family Residential	AR (Agricultural Residential District)
SOUTH	Vacant/Pasture Gas Station/Convenience Store	B-2 (Highway Business District)
EAST	Single-Family Residential	AR (Agricultural Residential District)
WEST	Vacant	AR (Agricultural Residential District)

PROPOSED DEVELOPMENT

- The applicant proposes to rezone the property from AR (Agricultural Residential District) to B-2 (Highway Business District) in order to develop a drive-through restaurant
 - *Drive-Through Restaurant*
 - A 1,500 square foot restaurant with a drive-through window located on the western side of the proposed building. The proposed development would also include an outdoor patio seating section.
 - The proposed architectural design would be compatible with adjacent development including Presbyterian Homes. The proposed building would include a sloped roof and masonry material with accents. The building entrance and a portion of the patio area would also include a porch style sloping roof (see the attached representative architecture photographs).
- The estimated value of the project is \$1,200,000.
- Construction is estimated to begin in late 2021 or early 2022 and end prior to Summer 2022. The proposed development would be completed in a single phase.

PROPOSED TRAFFIC PROJECTIONS

- An additional 488 average daily trips including 41 PM weekday peak hour trips (10th Edition ITE Trip Generation Manual). There are no expected AM peak hour trips because the owner does not anticipate the restaurant being open between 7 and 9 AM.

PUBLIC FACILITIES

Water:

- The property is proposed to utilize County water services.
- The Water Resources Department has indicated in a letter dated 05/24/2021 that potable water is available at this location.

Sewer:

- The property is proposed to utilize County sewer services.
- The Water Resources Department has indicated in a letter dated 05/24/2021 that wastewater treatment/sewer collection and transmission capacity for the requested amount of 1,000 gpd of sewer treatment is currently available at the Calls Creek Treatment Facility.

Roads:

- The development would be accessed via an existing asphalt driveway off of the existing access road (Old Hog Mountain Road) adjacent to Hog Mountain Road.

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

- Recommended condition: At the Owner's expense, Owner shall design and construct improvements at the project entrance, Old Hog Mountain Road and Hog Mountain Road as shown on the attached Transportation Recommendations sheet. Said improvements shall be shown on the Preliminary Site Plan and Site Development Plans for the project.

OCONEE COUNTY FIRE DEPARTMENT

- No comments

OCONEE COUNTY WATER RESOURCES DEPARTMENT

- Recommended condition: 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.

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. Whether the zoning proposal will permit a use that is suitable in view of the existing uses, development, and zoning of nearby property.**
Nearby properties are a mixture of commercial, agricultural, and residential uses with AR, OIP, and B-2 zoning. The requested B-2 zoning to allow a drive-through restaurant is considered compatible with the existing range of uses and zoning in the nearby vicinity.
- B. Whether the property to be rezoned has a reasonable economic use as currently zoned.**
The property has a reasonable for single family residential purposes as currently zoned.
- C. The extent to which the zoning proposal promotes the health, safety, morals or general welfare of the public with consideration to:**
 - i. Population density and effect on community facilities such as streets, schools, water, and sewer;**
Schools should be positively impacted by increasing tax revenue without adding additional students to the school system. A small increase in demand on streets, water, and sewer is anticipated.
 - ii. Environmental impact;**
No environmentally sensitive areas are known to exist on site.
 - iii. Effect on the existing use, usability and/or value of adjoining property.**
The proposed development is in keeping with surrounding uses and is not anticipated to affect the existing use, usability, and/or value of adjoining property.
- D. The length of time the property has been vacant as zoned, considered in the context of land development in the vicinity of the property.**
The property has been vacant as zoned for an unknown period of time. Several nearby properties have been commercially developed in recent years including Fire Station Express Car Wash (2019) and Presbyterian Village Retirement Community (2020-2021), while other nearby properties were commercially developed in the decades prior including Race Trac (2000), the Stone Store (1990), and commercial office buildings across Macon Highway (1977).
- E. Consistency of the proposed use with the stated purpose of the zoning district that is being requested.**
The purpose of the B-2 zoning district is "to serve those business activities generally oriented to the highways" ([Unified Development Code Sec. 205.10](#)). Staff holds that the proposed drive-through restaurant is consistent with the stated purpose of the existing zoning district.

F. Whether there are other existing or changing conditions or land use patterns affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

An established commercial node exists at the nearby intersection of Macon Highway and Hog Mountain Road. Many parcels in this area have already been developed as described above and additional parcels have been rezoned for further commercial development such as the Oconee Mercantile tract on the east side of Macon Highway and the Fred Gunter tract at the intersection of LaVista and Macon Highway. The continuing transition to commercial development in this area lends supporting grounds for approval of the zoning proposal.

G. Conformity with or divergence from the Future Development Map or the goals and objectives of the Oconee County 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). Regarding commercial use, the Comprehensive Plan supports “consumer-based commercial establishments that offer goods and services to the residents of central Oconee” as a primary land use (2018 Comprehensive Plan p. 58). Staff holds that the proposed restaurant is in conformity with the Future Development Map and the goals and objectives of the Oconee County Comprehensive Plan.

H. The availability of adequate sites for the proposed use in districts that permit such use.

A number of vacant B-2 parcels exist in the county and it is likely that other properties exist in the county that would permit such use.

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 conditional approval of this request subject to the following conditions to be fulfilled at the expense of the owner/developer:

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 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.
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. At the Owner’s expense, Owner shall design and construct improvements at the project entrance, Old Hog Mountain Road and Hog Mountain Road as shown on the attached Transportation Recommendations sheet. Said improvements shall be shown on the Preliminary Site Plan and Site Development Plans for the project.



OCONEE COUNTY ZONING CHANGE APPLICATION

Requested Action:

- ☒ Rezoning from: AR to B-2 ☐ Change in Conditions of Approval for Case #: _____
- ☐ Special Use Approval for: _____ in the _____ Zoning District

Applicant

Name: MIKE THORNTON

Address: 1230 TULIPWOOD LANE
ATHENS, GA 30606 (No P.O. Boxes)

Telephone: (706) 540-4235

Email: michaelathornton@gmail.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: 06/10/2021 Notarized: **Seven Perry**
NOTARY PUBLIC
Clarke County, GEORGIA
My Commission Expires 01/01/2024

Property

Location: 1060 HOG MOUNTAIN RD
OCONEE COUNTY, GA (Physical Description)

Tax Parcel Number: C 02 079A

Size (Acres): 0.599 Current Zoning: AR

Future Development Map—Character Area Designation: CIVIC CENTER

Use

Current Use: VACANT LOT

Proposed Use: RESTAURANT WITH DRIVE THRU

Attachments (check all that apply)

- | | |
|---|---|
| <input 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 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: _____

☐ Approval ☐ With Conditions ☐ Denial

Board of Commissioners Date: _____

☐ Approved ☐ With Conditions ☐ Denied

1060 Hog Mountain Road

Narrative:

Parcel C 02 079A is located at 1060 Hog Mountain Road and is just under 0.60 acres. The site is currently undeveloped and contains no existing structures. The proposed development of this site is a small restaurant of approximately 1,500 sq ft with a drive through. The request is to rezone from AR to B-2 to allow for the development proposed by the property owner.

The B-2 Highway Business District is intended to serve those business activities generally oriented to the highways. The subject site is located on the north side of Hog Mountain Road and is approximately 300 ft west of the intersection of Macon Hwy. The proposed development of a restaurant with drive through will have outdoor patio seating as well as sufficient parking for both restaurant customers and employees. The drive through window will be located on the western side of the proposed building as far away from Macon Highway as possible. The drive through order location will be behind the building and will allow for drive through stacking which does not conflict with customers parking to dine at the restaurant location. The development will be owned by Mike Thornton and the expected valuation upon completion would be approximately \$1,200,000.

Adjacent Zoning

The adjacent property to the west is owned by Westminster Presbyterian Homes, Inc. and is currently zoned AR. The adjacent property to the north and east is owned by Collette Harben and is zoned AR. The adjacent properties to the south on the opposite side of Hog Mountain Road are all zoned B-2. The property at the corner of Hog Mountain Road and Macon Hwy approximately 250 ft to the west is Fire Station Express Car Wash and is also zoned B-2. The 2040 Character Areas identifies this parcel and all adjacent parcels as Civic Center. The proposed restaurant with drive through facility is compatible with the Civic Center character area.

Architecture

While a detailed architectural plan for the proposed building has not yet been designed, the owner has submitted pictures of representative architecture to be compatible with the adjacent area including Presbyterian Homes. Specifically, the architectural will include a sloped roof with windows along the building frontage to allow natural light and masonry materials with accents. The building entrance and a portion of the patio area may also include a porch style sloping roof.

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The water and sewer demand based on up to 30 seats including outdoor dining at 25 Gallons Per Day per seat = 750 GPD

Stormwater Drainage

The existing topography of this small site drains to the southeast near the Hog Mountain Road access. A preliminary grading plan for the proposed development has confirmed that retaining walls should not be required. Due to the limited size and surface area of this lot, and underground stormwater management facility is proposed under the front parking area to provide the necessary water quality and stormwater detention for the proposed development.

Schools

The proposed development of this parcel increases the tax base while not increasing the student population. The net impact to Oconee County Schools based on the proposed development will be positive.

Garbage Collection

The proposed development includes a dumpster enclosure located at the rear of the site which can be accessed by private garbage collection service trucks as well as employees in their regular duties

Landscaping planting and Buffers

The proposed development will provide a 10 ft landscape strip for vehicle use area along the property frontage to install streets trees as required by Oconee County Unified Development Code. This project is seeking a special exception variance for the landscape buffers along the side and rear of the parcel. The existing adjacent parcels do not contain any active residences, but the UDC requires a 50 ft buffer along all sides. The proposed conceptual plan shows a 15 ft landscape buffer along the rear and 12 ft landscape buffers along both the east and west sides of the parcel with an opaque privacy fence and a combination of deciduous and evergreen plantings to provide a screen. The owner of this parcel has engaged in conversations with adjacent property owners and does not anticipate any negative response to the proposed landscape buffers as shown on the conceptual plan.

Outdoor Lighting

The proposed lighting of the site will be oriented towards the proposed building and parking area on the interior of the site while reducing the light intensity at the property boundary as much as possible. A detailed photometric layout will be provided during the site development review stage and the lighting will meet the requirements of the Oconee County UDC.

Public and Semi-public Areas

The proposed development will be accessible to the public any necessary easements for all utilities and stormwater will be provided for inspection as required. The maintenance of all on-site facilities will be the responsibility of the property owner.

Signage

Signage for the proposed development will be via on-building signage and a free-standing sign as allowed by the Unified Development Code of Oconee County.

Schedule

The proposed development will occur in a single phase and would occur in an approximately 120-day construction period. Approval of the site development plans is expected to be complete in 2021 with construction to begin in either late 2021 or early 2022 and completed prior to Summer 2022.

Zoning Impact Analysis

Standards for Rezone Consideration

(1060 Hog Mountain Rd – Rezone from AR to B-2)

- A. Whether the zoning proposal will permit a use that is suitable in view of the existing uses, development, and zoning of nearby property:
The proposed use and associated zoning is appropriate given the site's location along Hog Mountain Road an approximately 300 ft from the intersection of Hog Mountain Road and Macon Hwy intersection. The existing zoning on the southern side of Hog Mountain Road directly across from this parcel are all zoned B-2 and include a Gas Station with Convenience Store and access to a Bank. The Fire Station Express Car Wash rezoned to B-2 in 2016 is approximately 250 ft east of this proposed development with other multiple B-2 zonings within 750 ft of this parcel.
- B. Whether the property to be rezoned has a reasonable economic use as currently zoned:
The existing AR zoning is not reasonable as the size of the lot is too small to provide any residential or agriculture development. The existing zoning is not appropriate due to the location of this parcel and the nearby uses.
- C. The extent to which the zoning proposal promotes the healthy, safety, morals or general welfare of the public with consideration to:
 - (1) Population density and effect on community facilities such as streets, schools, water and sewer: Existing access this site is via an existing asphalt driveway. This development will be served by existing water and gravity sewer facilities. Additional there is no increase in student population due to this development so the net impact on schools will be positive.
 - (2) Environmental Impact: Stormwater management facilities are proposed to be constructed underground as part of this development to mitigate water quality and peak stormwater flows in compliance with Oconee County ordinances.
 - (3) Effect on the existing use, usability and/or value of the adjoining property: The proposed development will increase the adjoining property values and there will be no negative effect on the value or usability of the existing adjacent properties.
- D. The length of time the property has been vacant as zoned, considered in the context of land development in the vicinity of the property: The property has been vacant as currently zoned for an extended period of time. The proposed B-2 zoning is more in line with the Civic Center Character area and nearby zoning that the current AR zoning.
- E. Consistency of the proposed use with the stated purpose of the zoning district that is being requested: The B-2 Highway Business District is intended to service those business activities generally oriented to the highways. The proposed development of a restaurant with a drive

through window is an allowed use in the proposed zoning district and is consistent with location and nearby developments. This proposed will allow service to both Oconee County residents and visitors to Oconee County traveling along Macon Hwy.

- F. Whether there are other existing or changing conditions or land use patterns affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal: The proposed development is in line with changing conditions and land use patterns in the area adjacent to this parcel. The existing AR zoning is not in alignment with the land use patterns in this area.
- G. Conformity with or divergence from the Future Development Map or the goals and objectives of the Oconee County Comprehensive Plan: The Future Development Map indicated the property as Civic Center. The Civic Center Character Area “includes a relatively high-intensity mix of businesses”. The existing AR zoning is not consistent with the future development map. The size and location of the subject parcel makes it an ideal candidate for the proposed B-2 zoning which is allowed in the development guidelines of the Civic Center character area. The proposed use of a restaurant with a drive through facility is consistent with the Oconee County Comprehensive Plan at this location.
- H. The availability of adequate site for the proposed use in districts that permit such use: The existing parcel is relatively small and the proposed use does not require a large amount of land area as shown on the concept plan. The nearby sites currently zoned B-2 in the area are much larger and do not have the same attributes as this proposed development in this location.

Rezone # P21-0110 - Mike Thornton

**Tax Parcel #
C-02-079A**

C-02-079A

Welbrook Rd

Hog Mountain Rd

Macon Hwy
Macon Hwy

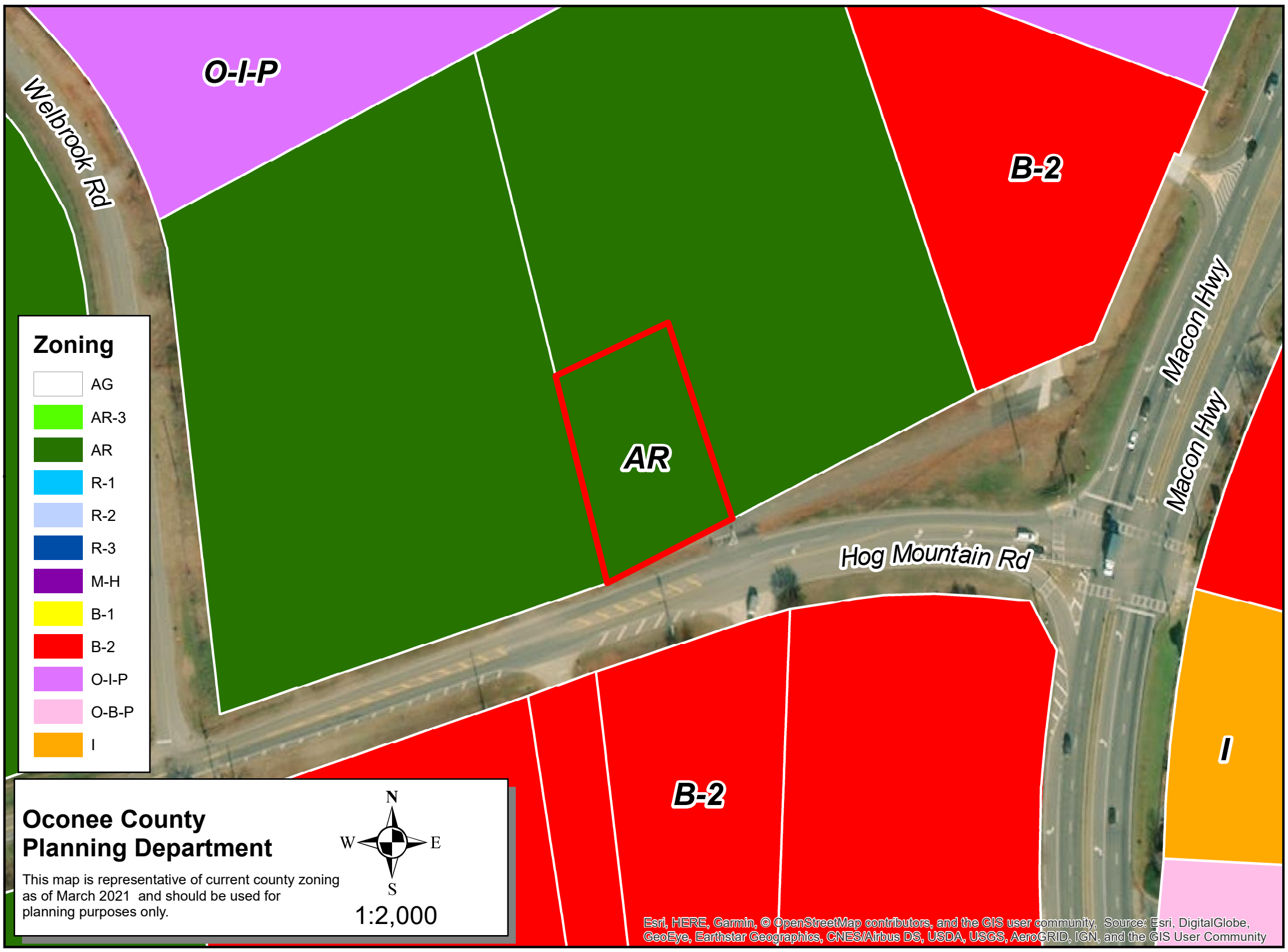
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

1:1,250



Feet



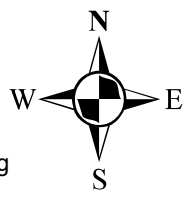


Zoning

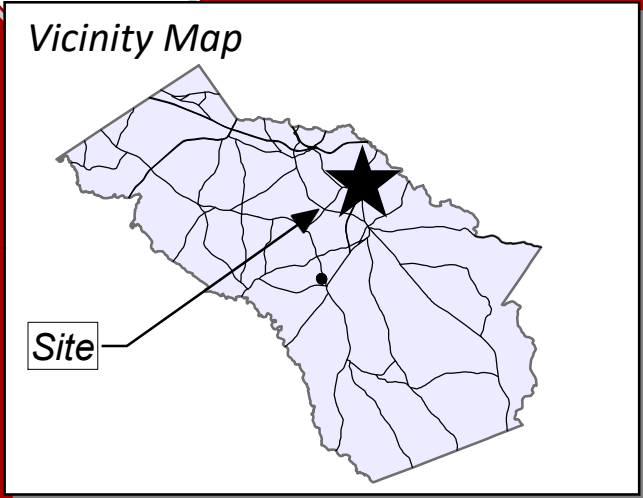
- AG
- AR-3
- AR
- R-1
- R-2
- R-3
- M-H
- B-1
- B-2
- O-I-P
- O-B-P
- I

**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



Oconee County Planning Department

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

0 50 100 200 300 400 Feet

A north arrow pointing upwards, with 'N' at the top, 'S' at the bottom, 'E' to the right, and 'W' to the left. Below it is a scale bar with markings for 0, 50, 100, 200, 300, and 400 feet.





LOCATION MAP
SCALE: N.T.S.

PROJECT INFORMATION	
DRAWING SET PREPARED BY	OWNER/DEVELOPER:
CARTER ENGINEERING CONSULTANTS, INC. 3651 MARS HILL ROAD, STE 2000 WATKINSVILLE, GA 30677 CONTACT: MARK CAMPBELL, P.E. PHONE: 770.725.1200 mark@carterengineering.net	MIKE THORNTON 1230 TULIPWOOD LANE ATLANTA, GA 30308 CONTACT: MIKE THORNTON PHONE: (706) 540-4235 michaelathornton@gmail.com

SITE INFORMATION	
JURISDICTION	OCONEE COUNTY
PROPERTY LOCATION	1060 HOG MOUNTAIN RD. OCONEE, CO. GA
PARCEL NUMBER	C 02 079A
CURRENT ZONING	AR
FUTURE USE	CIVIC CENTER
PROPOSED ZONING	B-2
PROPOSED USE	RESTAURANT WITH ALL ASSOCIATED UTILITIES
REQUIRED BUILDING SETBACKS	FRONT 15-FEET SIDE 10-FEET REAR 10-FEET
UTILITIES PROVIDED BY OCONEE COUNTY:	WATER SEWER
PROJECT TRACT	0.599 ACRES

BOUNDARY, SITE SURVEY AND CONTOUR INFORMATION OBTAINED FROM
TIM WILKS DATED MARCH 23, 2021. (706) 202-9389

CONTOUR INTERVAL IS 1 FEET

F.E.M.A. FLOOD INSURANCE RATE MAP NO. 13219C0070D, DATED SEPTEMBER 2, 2009
INDICATES THAT THIS PROPERTY IS LOCATED IN "ZONE X" AND NOT LOCATED WITHIN A
SPECIAL FLOOD HAZARD ZONE.

THE UNDERGROUND UTILITIES SHOWN HEREON HAVE BEEN LOCATED FROM FIELD
INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR NOR ENGINEER WARRANTS THAT
THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER
IN SERVICE OR ABANDONED. THE SURVEYOR NOR ENGINEER WARRANTS THAT THE
UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. THE SURVEYOR
NOR ENGINEER HAS PHYSICALLY LOCATED ALL THE UNDERGROUND UTILITIES.

IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO FIELD LOCATE ALL UTILITIES PRIOR TO
COMMENCING WORK AND NOTIFY ENGINEER IF A DISCREPANCY IS FOUND.

THE CONTRACTOR SHALL VERIFY THE INVERT ELEVATIONS OF ALL EXISTING STORM AND
SANITARY SEWER STRUCTURES PRIOR TO COMMENCEMENT OF STORM AND SANITARY
SEWER CONSTRUCTION.

UNDERGROUND UTILITIES DISCLAIMER

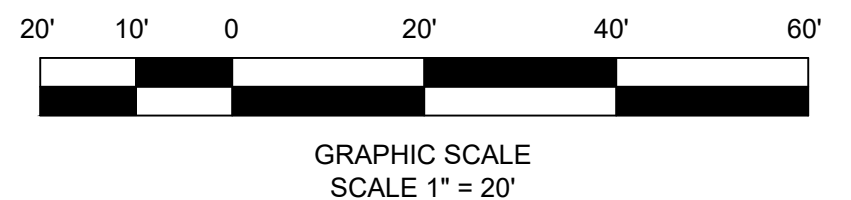
INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER AND LOCATION OF
EXISTING UNDERGROUND UTILITIES AND STRUCTURES RELATED TO UNDERGROUND
UTILITIES IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS
INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS
DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND
STRUCTURES RELATED TO UNDERGROUND UTILITIES SHOWN HEREON MAY BE INACCURATE
AND UTILITIES AND STRUCTURES RELATED TO UNDERGROUND UTILITIES NOT SHOWN MAY
BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS AND HIS CONTRACTORS
SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE
CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION REGARDING THE UNDERGROUND
UTILITIES AND STRUCTURES RELATED TO UNDERGROUND UTILITIES SHOWN HEREON.

PARKING DATA	
PARKING REQUIREMENT	
ACCORDING TO THE OCONEE COUNTY GA, UNIFIED DEVELOPMENT CODE, ARTICLE 6, SECTION 604.4 Restaurant/Post Food w/ drive-in window, fourteen (14) space for each one thousand (1,000) square feet of gross floor area	
RESTAURANT FLOOR AREA REQUIRED PARKING	1,500 S.F. / 1,000 S.F. x 14 = 21 PARKS TOTAL = 21 PARKS
PROVIDED PARKING HANDICAP PARKING (2 REQUIRED)	19 PARKING SPACES PROVIDED 2 HANDICAP SPACES PROVIDED TOTAL = 21 SPACES PROVIDED

SITE DESIGN DATA	
TOTAL TRACT AREA	26,069 SF 0.599 AC. 100.0 %
EXISTING WOODED	26,069 SF 0.599 AC. 100.0 %
TOTAL IMPERVIOUS COVERAGE	17,693 SF 0.406 AC. 67.9 %
STRUCTURE COVERAGE	1,500 SF 0.034 AC. 5.8 %
VEHICULAR COVERAGE	13,948 SF 0.320 AC. 53.5 %
PEDESTRIAN COVERAGE	2,245 SF 0.052 AC. 8.6 %
PROPOSED LANDSCAPE COVERAGE	8,376 SF 0.192 AC. 32.1 %

STORM NOTE:

STORMWATER MANAGEMENT SHALL BE IN
ACCORDANCE WITH COUNTY, STATE, AND OTHER
APPROPRIATE ORDINANCES AND REGULATIONS IN
EFFECT AT OF CONSTRUCTION PLAN APPROVAL.



N/F COLETTE P. HARBIN
TM# C 02 079 ZONED "AR"
LAND USE: RESIDENTIAL
DEED BOOK 85, PAGE 482
PLAT BOOK 01, PAGE 57
PLAT BOOK 01, PAGE 76
PLAT BOOK 05, PAGE 200

N-1415448.314
E-2524682.661
1/2" Rebar Set

N/F MOUNTAIN PRIZE, INC.
TM# C 03 017HA, ZONED "B-2"
LAND USE: COMMERCIAL
DEED BOOK 1607, PAGES 78
PLAT BOOK N/A

N/F PATRICIA WYNN
TM# C 03 017H, ZONED "B-2"
LAND USE: AGRICULTURE
DEED BOOK 1311, PAGES 324
PLAT BOOK 38, PAGE 303

20' Sanitary Sewer
Easement
(0.002 acre, 72 SQ.FT.
located on property)
(Db. 1601, Pg. 629-630)

N/F WESTMINSTER PRESBYTERIAN HOMES, INC.
TM# C 02 0078, ZONED "AR"
LAND USE: RESIDENTIAL
DEED BOOK 1315, PAGES 67-69
PLAT BOOK 01, PAGE 76

HOG MOUNTAIN ROAD R/W & PAVEMENT VARIES

Access Roadway (Old Hog Mountain Road) Paved

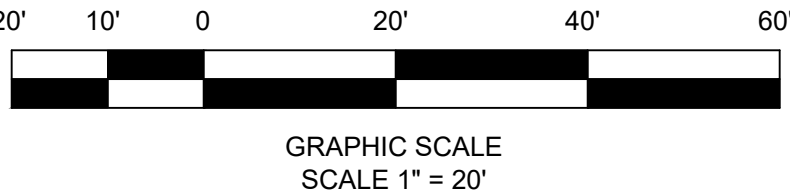


LOCATION MAP
SCALE: N.T.S.

- NOTES:
1. LANDSCAPING SHOWN ON THIS PLAN SHALL BE MAINTAINED IN COMPLIANCE WITH CITY LANDSCAPING ORDINANCE
 2. TREES SELECTED FOR PLANTING MUST BE FREE FROM INJURY, PESTS, DISEASE, NUTRITIONAL DISORDERS OR ROOT DEFECTS, AND MUST BE OF GOOD VIGOR, SO AS TO ASSURE A REASONABLE EXPECTATION OF SURVIVABILITY.
 3. ALL TREES TO BE BALLED AND BURLAPPED WHEN SHIPPED TO THE SITE FOR PLANTING.
 4. TREES TO BE A MINIMUM OF 10' IN HEIGHT AND 1" CALIPER AT TIME OF PLANTING.
 5. ALL DISTURBED GROUND SHALL HAVE GROUND COVER OF MULCH AND/OR GRASSING.
 6. SOD SHALL BE SPECIFIED BY OWNER.
 7. IRRIGATION SHALL BE PROVIDED.

LANDSCAPE BUFFER CALCULATIONS:
STRUCTURAL BUFFER TREE REQUIREMENTS:
1 TREE PER 40 L.F. OF BUFFER LENGTH
502 L.F. TOTAL BUFFER AREA / 40 L.F. = 12.55 TREES = 13 TREES REQUIRED
13 TREES PROVIDED.
THE PROVIDED TREES WILL BE A MIX OF EVERGREEN AND DECIDUOUS TREES WITH 80% BEING LARGE EVERGREEN (SOUTHERN MAGNOLIA, NELLIE R. STEVENS HOLLY, ETC) AND 20% BEING LARGE DECIDUOUS TREES (WHITE OAK, WILLOW OAK ETC.)
AN OPAQUE SCREEN, EITHER WOOD, VINYL, WROUGHT IRON OR BRICK IS REQUIRED FOR THE ENTIRE LENGTH OF THE BUFFER AND BE A MINIMUM OF 6' IN HEIGHT. AT NO POINT WILL THE SCREEN BE WITHIN 3' OF THE PROPERTY BOUNDARY.
SUPPLEMENTAL EVERGREEN SHRUBS WILL BE USED IN CONJUNCTION WITH THE PROPOSED FENCE.
PARKING LOT TREES:
1 TREE PER 3600 S.F. VEHICLE USE AREA IS REQUIRED
11992 S.F. VUA / 3600 = 3.33 TREES REQUIRED
3 TREES PROVIDED
ALL SPACES MUST BE WITHIN 50 L.F. OF A PROPOSED TREE AND NO TREE WILL BE WITHIN 25' OF ANOTHER TREE.

LEGEND	
	EVERGREEN BUFFER TREE
	DECIDUOUS BUFFER TREE
	LANDSCAPE TREE
	EVERGREEN BUFFER SHRUB
	STREET TREES



N/F COLETTE P. HARBIN
TM# C 02 079 ZONED "AR"
LAND USE: RESIDENTIAL
DEED BOOK 85, PAGE 482
PLAT BOOK 01, PAGE 57
PLAT BOOK 01, PAGE 76
PLAT BOOK 05, PAGE 200

N-1415448.314
E-2524682.661
1/2" Rebar Set

Access Roadway (Old Hog Mountain Road) Paved
250.00'
S 66°52'10" W 369.72'

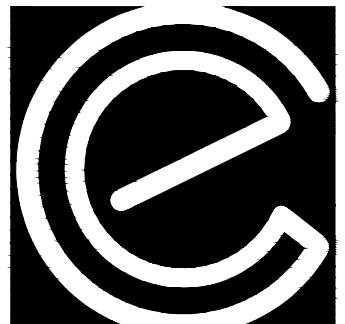
N/F MOUNTAIN PRIZE, INC.
TM# C 03 017HA, ZONED "B-2"
LAND USE: COMMERCIAL
DEED BOOK 1607, PAGES 78
PLAT BOOK N/A

HOG MOUNTAIN ROAD RW & PAVEMENT VARIES

S 62°15'16" W 423.25' to Centelines
Hog Mountain Road at Wellbrook Road

N/F WESTMINSTER PRESBYTERIAN HOMES, INC.
TM# C 02 0078, ZONED "AR"
LAND USE: RESIDENTIAL
DEED BOOK 1315, PAGES 67-69
PLAT BOOK 01, PAGE 76

REVISION BLOCK	
REVISION	DATE
INITIAL REVIEW	03/25/2021
COUNTY SUBMITTAL	05/24/2021
ADDRESS COMMENTS PER COUNTY	06/15/2021
REVISED PER COUNTY	06/29/2021



CARTER
ENGINEERING
CONSULTANTS

Carter Engineering Consultants, Inc.
3651 Moss Hill Road, Suite 2000
Watkinsville, GA 30677
P: 770.725.1200
F: 770.725.1204
www.carterengineering.net

REZONE AND VARIANCE PLANS
FOR
MIKE THORNTON
1060 HOG MOUNTAIN RD. OCONEE, CO. GA

PROJECT NAME:
1060 HOG
MTN. RD.

SHEET TITLE:
BUFFER TREE
CONCEPT PLAN

SHEET NUMBER:
T-1

PROJECT NUMBER:
20005MAT

DATE:
06/29/2021

REZONE AR TO B-2

N/F COLETTE P. HARBIN
TM# C 02 079 ZONED "AR"
LAND USE: RESIDENTIAL
DEED BOOK 85, PAGE 482
PLAT BOOK 01, PAGE 57
PLAT BOOK 01, PAGE 76
PLAT BOOK 05, PAGE 200

20' Sanitary Sewer
Easement
(0.002 acre, 72 SQ.FT.
located on property)
(Db. 1601, Pg. 629-630)

**Install stop bar
for traffic exiting
restaurant**

Install painted, channelized, right turn-only island

Pave and move nose further west to better align with traffic exiting restaurant. Install stop sign and no left turn sign.

Re-stripe to add left turn bay

Install stop bar and stop sign

Move nose further west better align with traffic exiting restaurant.