

**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 revise the conditions for a previously approved rezone case #1967 zoning classification B-1 (General Business District) pursuant to an application for rezoning of property owned by Moose Land-Mars Hill, LLC submitted on December 19, 2022.

**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 Brothers Company, LLC on December 19, 2022, request for revision to conditions for previously approved rezoning case #1967 of a ±1.38-acre tract of land located at 1030 Cliff Dawson Road, in, Oconee County, Georgia, (tax parcel no C-02AE001), 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 change in conditions for the property described on the attached "Exhibit A" is hereby changed 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Resolutions or Ordinances and parts or sections of Resolutions or Ordinances in conflict with this Ordinance are hereby repealed.

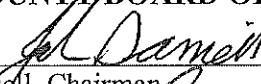
**SECTION 4.** Effective Date. This Ordinance shall take effect this date.

Said Zoning Petition was submitted to the Oconee County Planning Commission and a Public Hearing was duly held by the same on April 17, 2023, and a Public Hearing was held by the Oconee County Board of Commissioners at its regular meeting on May 2, 2023.

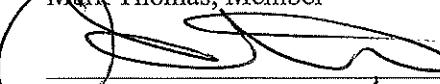
ADOPTED AND APPROVED, this 2<sup>nd</sup> of May, 2023.

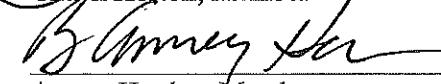
**OCONEE COUNTY BOARD OF COMMISSIONERS**

BY:

  
John Daniel, Chairman

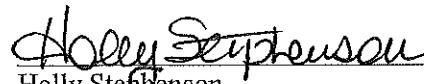
  
Mark Thomas, Member

  
Chuck Horton, Member

  
Amrey Harden, Member

  
Mark Saxon, Member

ATTEST:

  
Holly Stephenson

Clerk, Board of Commissioners

## **EXHIBIT "A" TO REZONE NO P22-0315**

**Page 1 of 10**

### **CONDITIONS**

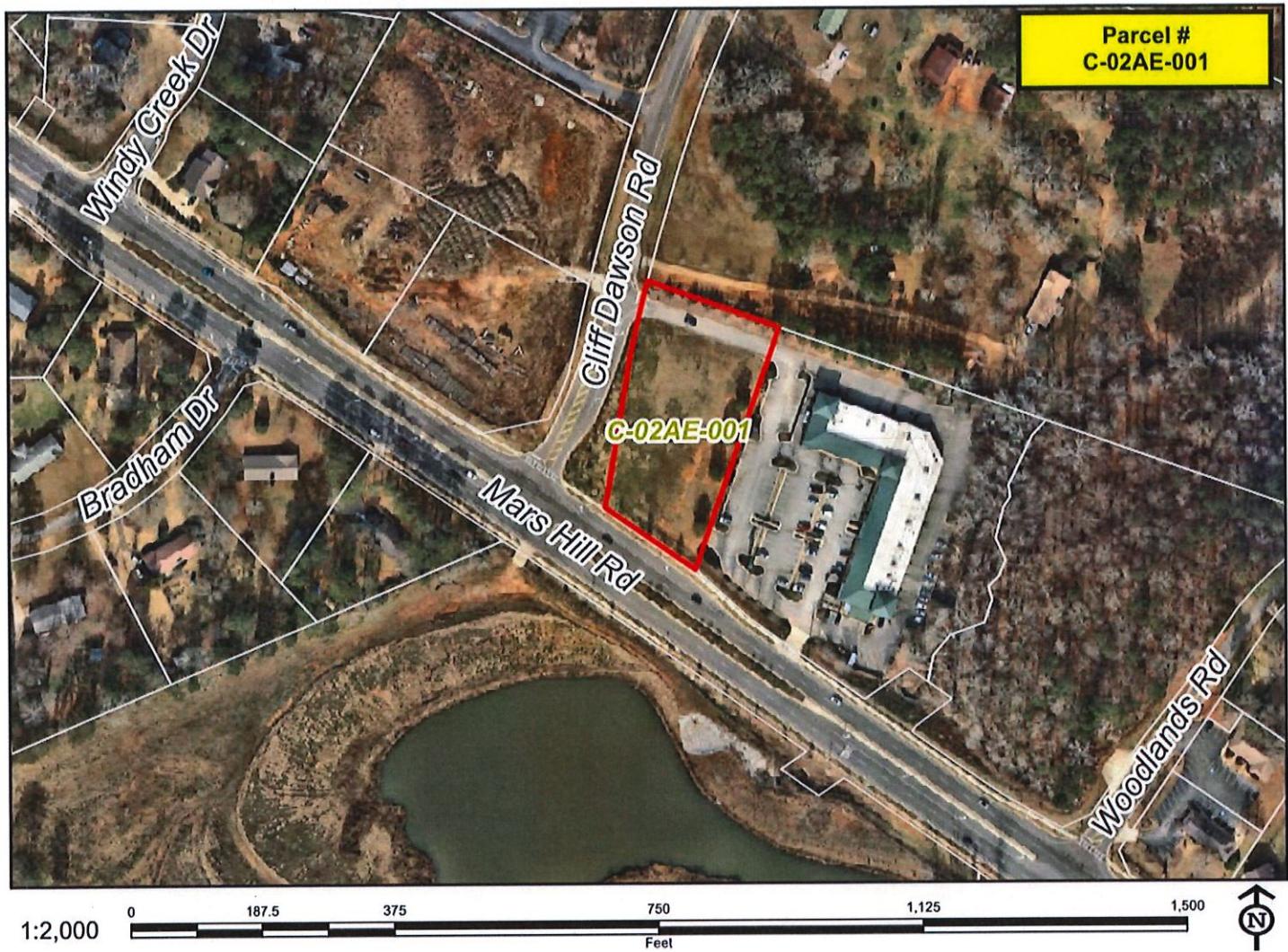
1. Development design and structures shall meet or exceed the standards indicated on the concept plan, narrative, representative architectural sketches, and other documents submitted with the zoning application and attached hereto. This condition shall not construe approval of any standard that is not 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 and shall convey the 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. Any and all retaining walls shall have a façade that matches the building façade.
5. A minimum of 20% of all area on the ends of the building shall be glass windows.
6. No ductwork shall be visible from adjacent roadways.
7. Hip roof shall be incorporated instead of gable.
8. Outdoor display areas and outdoor storage is prohibited.
9. The following uses shall be prohibited:
  - a. 453991 Cigar and Tobacco Stores, including "Vape" Shops and Electronic Cigarette Stores
  - b. 4533 Used Merchandise Stores
  - c. 45299 Variety Stores (Five and Dime)
  - d. 45299 Dollar Stores
  - e. 45299 General Merchandise Stores
  - f. 45322 Gift, Novelty and Souvenir Stores

EXHIBIT "A" TO REZONE NO P22-0315

Page 2 of 10

TAX MAP

**Rezone # P22-0315 - Moose Land-Mars Hill, LLC**



**EXHIBIT "A" TO REZONE NO P22-0315**

Page 3 of 10

**LEGAL DESCRIPTION**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE 221<sup>st</sup> DISTRICT, G.M., OCONEE COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT THE POINT WHERE THE NORTHERLY RIGHT OF WAY LINE OF MARS HILL RD (100' R/W) INTERSECTS WITH THE EASTERLY RIGHT OF WAY LINE OF CLIFF DAWSON ROAD,  
SAID POINT BEING THE POINT OF BEGINNING;

THENCE ALONG SAID RIGHT OF WAY OF CLIFF DAWSON ROAD FOLLOWING THE ARC OF A CURVE TO THE RIGHT A DISTANCE OF 122.84 FEET (SAID ARC BEING SUBTENDED BY A RADIUS OF 3389.27 FEET, AND A CHORD OF NORTH 10°07'56" EAST A DISTANCE OF 122.83 FEET) TO A POINT;

THENCE NORTH 09°38'50" EAST A DISTANCE OF 88.79 FEET TO A TO A POINT;

THENCE FOLLOWING THE ARC OF A CURVE TO THE RIGHT A DISTANCE OF 139.13 FEET (SAID ARC BEING SUBTENDED BY A RADIUS OF 1981.43 FEET, AND A CHORD OF NORTH 12°59'46" EAST A DISTANCE OF 139.10 FEET) TO A POINT;

THENCE LEAVING SAID RIGHT OF WAY LINE SOUTH 70°25'00" EAST A DISTANCE OF 198.65 FEET TO A POINT;

THENCE SOUTH 19°38'18" WEST A DISTANCE OF 385.00 FEET TO A POINT;

THENCE ALONG SAID RIGHT OF WAY OF MARS HILL ROAD NORTH 55°50'00" WEST A DISTANCE OF 151.72 FEET BACK TO THE POINT OF BEGINNING.

SAID PROPERTY BEING MORE PARTICULARLY SHOWN AND DESIGNATED AS "TRACT 1 – 1.458 ACRES" ACCORDING TO THAT CERTAIN PLAT OF SURVEY ENTITLED "FINAL SUBDIVISION PLAT FOR THE VILLAGE AT MANDERS CROSSING" DATED OCTOBER 28, 2005, REVISED JANUARY 17, 2006, PREPARED BY WOODS & CHASTAIN SURVEYORS, INC., SAID PLAT BEING RECORDED IN PLAT BOOK 36, PAGE 197, IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT OF OCONEE COUNTY, GEORGIA, REFERENCE BEING HEREBY MADE TO SAID PLAT FOR A MORE COMPLETE DESCRIPTION OF THE PROPERTY HEREIN CONVEYED.

LESS AND EXCEPT . . .

All that tract or parcel of land lying and being in Land Lot N/A of the N/A Land District and/or 221 Georgia Militia District of Oconee County, Georgia, being more particularly described as follows:

Beginning at a point 44.25 feet right of and opposite Station 235+58.29 on the construction centerline of Mars Hill Road on Georgia Highway Project No. STP00-1267-00(008) ; running thence N 55°56'08.5" W a distance of 151.72 feet to a point 42.41 feet right of and opposite station 237+07.43 on said construction centerline laid out for Mars Hill Road; thence northeasterly 26.056 feet along the arc of a curve (said curve having a radius of 3389.270 feet and a chord distance of 26.056 feet on a bearing of N 9°12'42.0" E) to the point 98.20 feet right of and opposite station 80+59.48 on said construction centerline laid out for Cliff Dawson Road; thence southeasterly 157.019 feet along the arc of a curve (said curve having a radius of 11525.156 feet and a chord distance of 157.018 feet on a bearing of S 55°16'59.5" E) to the point 66.00 feet right of and opposite station 235+62.33 on said construction centerline laid out for Mars Hill Road; thence S 19°32'09.7" W a distance of 22.58 feet back to the point of beginning.

Containing 0.081 acres more or less.

**EXHIBIT "A" TO REZONE NO P22-0315**

**Page 4 of 10**

**NARRATIVE**

December 13, 2022

Mr. Guy Herring  
Oconee County Zoning Administrator 1291  
Greensboro Highway  
Room A108 Watkinsville, GA  
30677

RE: Zoning modification at 1030 Cliff Dawson Road (parcel C-02AE-001), Watkinsville GA Dear Mr.

Herring,

The Applicant is proposing to develop a single-story 10,600 square foot retail building on a ~1.38 acre site. The property is currently a pad-ready, vacant, retail site, pre-graded with infrastructure installed sometime around 2004 when the adjacent shopping center was developed. The goal is to lease the space to qualified, community serving, tenant(s) (likely between 1 and 3 tenants) that meets the intent of the zoning.

The subject property was rezoned from AR to B-1 on December 5, 2000 and is subject to the zoning conditions shown in the attached zoning resolution (see attached for rezone no. 1967), as well as the since approved Mars Hill Overlay. Per the conditions of the original rezoning the building on the property can be up to 9,600 square feet and the shopping center that was subsequently developed could be a maximum of 26,000 square. Only 25,506 square feet of shopping center space was actually built. The applicant would like to amend the conditions by increasing the square footage of the building on the vacant pad by 1,000 square feet for a total of 10,600 square feet which would only be a net increase of 504 square feet between the two maximum building sizes approved per rezone no. 1967. This additional leasable space will help offset the added costs of having to install underground detention and a pitched roof as discussed further herein.

**Adjacent Properties:**

The subject property sits at the corner of Cliff Dawson Road and Mars Hill Road. The east side of the property abuts Manders Crossing which is a 25,500 square foot multi-tenant shopping center, also zoned B-1. The rear of the property abuts a 14.58 tract zoned AR-1, occupied by a single-family home. Across Cliff Dawson Road, the property is currently vacant and zoned B-1. Across Mars Hill Road the property is zoned AR and is currently a large experimental pond of some type. The Future Land Use designates this property as falling within the Community Village Character Area.

**Development Details:**

The proposed building will be 10,600 square feet and would sit on a ~1.38 pad ready parcel. There will be a total of 36 parking spaces spread along 3 sides of the building. All landscaping will be per the county's landscape ordinance with landscaped islands interspersed throughout the parking lot.

## EXHIBIT "A" TO REZONE NO P22-0315

Page 5 of 10

### NARRATIVE

#### Architecture:

In terms of visual appearance, the proposed architecture of the building will include full height brick on the front and sides and will also feature pilasters and a brick knee wall which will provide for a visually appealing building. The roof, as per the Mars Hill Overlay requirements, will be a hip style roof with a minimum pitch of 6 to 1.

#### Access & Traffic:

The proposed building will be approximately 10,600 square feet and will meet the parking requirements for Oconee County. Access will be from two existing, private drives. The existing access from Cliff Dawson Road is currently full access. The existing access through the Manders Crossing Shopping Center is a right in/right out only entrance. Sidewalks are already in place along Mars Hill Road. A proposed 5' sidewalk will also be extended along Cliff Dawson Road. Below is the average daily trips generated by this development:

The proposed development should provide a normal level of use/burden on existing transportation infrastructure and streets; in fact it will feed off existing traffic on Mars Hill Road and not generate new traffic.

Project:	Shopping Center
Building SF:	10,600 sf

ITE Category:	Shopping Center (820)	42.94ksf	Trips/Day
Average Daily Trip Rate	42.94	per 1000 sf	455
Directional Distribution	50% Entering	50% Exiting	228
			228

Traffic Entering Site = 291 Trips/Day		
Entrance - Mars Hill Road	Primary	100%
	Right Turns	100%
		114
		114

Traffic Entering Site = 291 Trips/Day		
Entrance -Cliff Dawson	Primary	100%
	Right Turns	50%
	Left Turns	50%
		114
		114

**NARRATIVE**

**Water and Sewer:**

The property will utilize Oconee County water & sewer. Both are currently available to the site and there is sufficient capacity per the Oconee County Water Resources Department. See attached verification letter. There is a 12" water line that runs along Mars Hill Road as well as an 8" water line that runs along Cliff Dawson Road. It is anticipated that we will utilize the 8" water line along Cliff Dawson. In terms of sewer, there is an existing 8" gravity line that runs along the existing rear access drive of the property which we will be tapping into.

**Additional Utilities:**

Property will be served by a local garbage removal service. The dumpster enclosure will be brick on 3 sides to match the brick on the building. The development will also be served by the local cable, phone, electric and gas providers.

**Stormwater Drainage:**

The site is pre-graded. Stormwater management will be via an underground detention system beneath the parking lot. Underground detention is traditionally considered a much more visually appealing stormwater management system vs. open-air detention so we hope the audience will consider this an upgrade vs. a traditional open-air pond on the property. Consideration was given to utilizing the existing detention system serving the shopping center. It was sized/designed in 2004 to handle the stormwater for both the shopping center and the subject site however that design was based on a method (Dekalb) no longer used and no longer supports the projected runoff for the vacant pad site. We believe this may have been the main reasoning behind the original 9,600 square foot size restriction on the on the subject site.

**Schools:**

Given that it will be a retail use, the proposed shopping center will not provide any burdensome impact on existing schools as the employees that work at the retailers will predominantly already live in the area and will not be relocating from outside the school district to work there.

**Landscaping:**

The development will be landscaped per the Oconee County landscape manual. There will be 10' planted landscape strips along both roads as well as a 5' landscaped strip between the existing shopping center and the subject site. Along the rear/north side of the building on the opposite side of the existing access drive there is a 15' planted buffer already in place.

**Sidewalks/Curb & Gutter:**

The property will be provided with curbing as per the Oconee county requirements. The property fronts two roads, Mars Hill & Cliff Dawson Road. There is an existing 5' sidewalk along Mars Hill that was recently installed. We will also install a 5' sidewalk along the length of Cliff Dawson Road which the property fronts.

## **EXHIBIT "A" TO REZONE NO P22-0315**

**Page 7 of 10**

### **NARRATIVE**

#### Average Cost of residence/building & Estimated Value at Completion:

The estimated cost of the proposed building is approximately \$1.0 million, however this will fluctuate depending on the market. The estimated value of the project, once fully leased would range from \$2 million to \$3 million.

#### Schedule:

If the rezoning request is approved, construction would start in the summer of 2023 with a 4-5 month construction date of the site/building. The proposed development would thus open in late 2023.

#### Conclusion:

The requested additional 1,000 square feet of retail may seem inconsequential, however it allows for increased leasable space/income on the property which will assist with two major expenses that are atypical of commercial developments; underground detention and a pitched roof. To reiterate from earlier, the subject site was initially designed to share detention with the adjacent shopping center. Since the property and shopping center were developed, the State of Georgia Stormwater design requirements have changed requiring a greater amount of stormwater volume than what the current detention provides. The existing detention cannot be expanded as it's already a concrete walled pond. In order to provide detention on the site the only location for it would be underground, beneath the proposed parking area. This is much more expensive to develop vs. open air detention. However, as stated earlier, underground detention is much more visually appealing than open-air detention and doesn't have the drawbacks of overgrowth, trash collecting in the ponds, etc. so it is a greater benefit to the neighborhood.

The second major expense is the pitched roof required per the Mars Hill Overlay. Traditional commercial roofs are flat with parapets screening the sides from view. A pitched roof will have to be constructed with wood vs. steel and is much more labor intensive to construct than steel frame/flat roof construction.

All being said, the additional 1,000 square feet of retail space will allow the proposed development to be able to offset the above costs and allow for a new retail development that the community will be proud of.

We would appreciate your positive consideration of our rezoning request. Should you need any additional information or have questions regarding this request, please feel free to reach me at 404- 630-7611 or via email at [gsumixon@hotmail.com](mailto:gsumixon@hotmail.com).

Sincerely,

Bill Mixon  
Brothers Company, LLC

**EXHIBIT "A" TO REZONE NO P22-0315**

Page 8 of 10

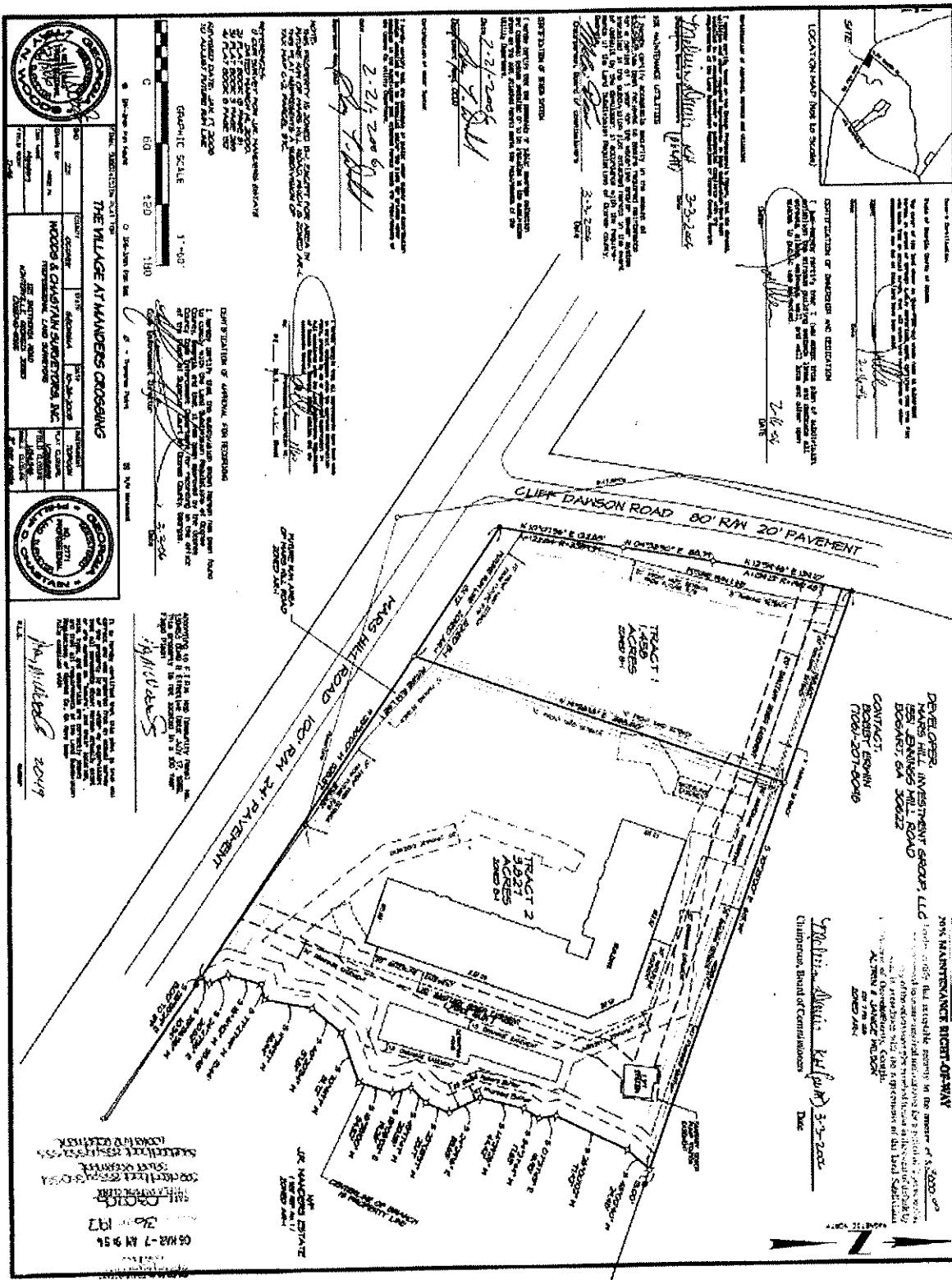
**ARCHITECTURAL IMAGES**



**EXHIBIT "A" TO REZONE NO P22-0315**

Page 9 of 10

PLAT



**EXHIBIT "A" TO REZONE NO P22-0315**

Page 10 of 10

## CONCEPT PLAN



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

**REZONE CASE #:** P22-0315

**DATE:** March 28, 2023

**STAFF REPORT BY:** Guy Herring (Director of Planning and Code Enforcement)

**APPLICANT NAME:** Brothers Company, LLC

**PROPERTY OWNER:** Moose Land-Mars Hill, LLC

**LOCATION:** 1030 Cliff Dawson Road (C-02-AE001)

**PARCEL SIZE:**  $\pm 1.38$  acres

**EXISTING ZONING:** B-1 (General Business District)

**EXISTING LAND USE:** Vacant property and access drive

**FUTURE DEVELOPMENT MAP**

**CHARACTER AREA DESIGNATION:** Civic Center

**ACTION REQUESTED:** Revise the conditions of the previous B-1 rezoning (Rezone #1967) to increase the allowable building size from a maximum of 9,600 square feet to 10,600 square feet.

**STAFF RECOMMENDATION:** Staff recommends conditional approval of this request.

**DATE OF SCHEDULED HEARINGS**

**PLANNING COMMISSION:** April 17, 2023

**BOARD OF COMMISSIONERS:** May 2, 2023

**ATTACHMENTS:**

- Application
- Narrative
- Zoning Impact Analysis
- Plat of Survey
- Concept Plan
- Warranty Deed
- Legal Description



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

### **HISTORY**

- The applicant is seeking a change in conditions of a previous rezoning (Case #1967), which rezoned the property from AR-1 to B-1 and approved the retail development with a maximum of 9,600 SF of building area.
- The subject property is zoned B-1 and has been owned by the current owner since 2006. The tract is currently a vacant lot.
- Previous Conditions (Case #1967)
  - Condition 1 – Access to the subject property from Mars Hill Road shall be limited to two “right-in/right-out only” driveways.
  - Condition 2 – 10 feet of buffer planting will be required where any parking lot on this property is adjacent to any residential or office zoning district.
  - Condition 3 – Should the vegetated buffer on the eastern side of the property not be installed due to a change in zoning of the neighboring property, then additional plantings shall be required to screen the storm water detention areas from the view of the public right-of-way.
  - Condition 4 – Use of the subject property shall be limited to those uses currently permitted for the B-1 Zoning District except that the following uses shall be excluded and therefore not permitted:
    - Bait Sales, Builder's Equipment/Material Storage, Bus Terminal, Funeral Home/Mortuary, Gasoline Service Station, Personal Care Home, Repair Garage, Taxidermist, Tire Repairing, Supplies, Truck Repair, Electric Power Substation, Lumber Yard, Static Electricity Transformer Station

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

	<b>EXISTING LAND USES</b>	<b>EXISTING ZONING</b>
<b>NORTH</b>	Residential	AR (Agricultural Residential District)
<b>SOUTH</b>	Residential	AR (Agricultural Residential District)
<b>EAST</b>	Commercial	B-1 (General Business District)
<b>WEST</b>	Vacant land	B-1 (General Business District)

### **PROPOSED DEVELOPMENT**

- The applicant is requesting a change in conditions of the previously approved rezoning to construct a proposed 10,600 SF retail building on the property.
- The proposed B-1 development includes development of one retail building and associated parking on the subject property.
- The applicant's estimated value of the proposed improvements for the project is \$2-3 million.
- Construction would begin following zoning approval and construction permit approval with a target start of summer 2023 and a 4-to-5-month construction timeline.

### **PROPOSED TRAFFIC PROJECTIONS**

- There is an estimated additional 455 ADT for the retail use. Per the Trip Generation manual, the proposed development does not meet the 1,000 ADT threshold that is required to trigger a traffic impact analysis.
- The previous resolution (Rezone #1967) included an estimated traffic projection of 1,510 ADT with the proposed retail shopping center use for a 9,600 SF building. It is unclear if the estimated 1,510 ADT includes the adjacent building to the subject parcel. If so, it would explain the higher traffic projection.

### **PUBLIC FACILITIES**

#### **Water:**

- The project is proposed to utilize County water services. The approximate daily use amount is not included in the application.
- The Water Resources Department has indicated in a letter that potable water is available at this location.

**Sewer:**

- The project is proposed to utilize County sewer services in the amount of approximately 1,060 gpd.
- The Water Resources Department has indicated in a letter that sewer is available at this location.

**Roads:**

- The retail use tract will be accessed from Cliff Dawson Road and a proposed access easement right-in/right-out driveway from Mars Hill Road.

**ENVIRONMENTAL**

- No 100-year flood plain, 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 WATER RESOURCES DEPARTMENT**

- No comments

**GEORGIA DEPARTMENT OF TRANSPORTATION**

- No comments

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**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 lots are predominantly zoned AR, B-1, OIP, R-1 and R-3. Primary land uses in the area are a mixture of residential, commercial, and business uses. The proposed residential development should not impede the normal and orderly development of surrounding property due to the primarily commercial, office, and residential mix of uses of the surrounding properties. Staff is of the opinion that the proposed development is potentially suitable in view of the existing nearby development and zoning.

**B. Whether the property to be rezoned has a reasonable economic use as currently zoned.**

The property has a reasonable economic use through the existing B-1 zoning; however, the proposed expanded building square footage aligns with other adjacent business, commercial, and multi-family residential uses in the area and should not cause conflicts with adjacent sites.

**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;**

The current request proposes a 10,600 SF retail building and associated parking lot. The development will cause an increase in demand for water, and the required capacity has been confirmed by the Water Resources Department. Increased traffic generation is also anticipated, with 455 additional ADT over the current undeveloped parcel. There are no anticipated impacts on the school system.

**ii. Environmental impact;**

No environmentally sensitive areas are known to exist on the site. Stormwater management must be conducted on the site according to Oconee County ordinances.

**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. According to Sec. 806 – Table 8.1, a 50-foot buffer must be installed along the north property line of the subject parcel adjacent to the AR property due to adjacent less intense zoning. The site plan shows a 15' buffer, which staff notes does not meet

the current requirements of Sec. 806 but the buffer provided aligns with the previously approved rezoning #1967.

**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 subject property is currently vacant; however commercial, office, and residential development has occurred in the area to the along Mars Hill Road, Cliff Dawson Road, and nearby areas. The proposed use fits the character of the properties in the vicinity of the subject property.

**E. Consistency of the proposed use with the stated purpose of the zoning district that is being requested.**

The purpose of the B-1 zoning district is to support “business activities providing goods and services for local citizens of Oconee County and surrounding areas” (Unified Development Code Sec. 205.09). The specific property must be developed according to the principal uses allowed in the B-1 zoning district. Staff notes that the requested commercial development is allowed in B-1 zoning. Staff holds that the requested advancement of the commercial development is consistent with the stated purpose of the proposed 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.**

The business development of the parcels to the west, east, and north of the subject parcel supports the proposed B-1 development. Staff holds that these conditions give 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 portion of the property lies within with the Civic Center character area, as shown on the 2040 Future Development Map. The Civic Center character area is characterized by “a relatively high-intensity mix of businesses, retail shopping, offices, sports and recreational complexes, public schools, a college campus, and other public and semi-public uses” (Comprehensive Plan, p. 58). The Comprehensive Plan lists commercial establishments that offer goods and services to the residents of central Oconee as primary land uses in the Civic Center character area. Staff holds that the proposed rezoning is compatible with the goals, objectives, purpose, and intent of the Comprehensive Plan and Future Development Map as a use that will support the surrounding regional uses and align with nearby mixed uses.

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

It is likely that other B-1-zoned properties exist in the county that would permit the requested business use. The proposed condition revision to the existing B-1 zoning aligns with the surrounding area.

## **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 and shall convey the 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.