

ACTION DENYING REZONE REQUEST

APPLICATION SUBMITTED BY: Smith Planning Group

APPLICATION SUBMISSION DATE: July 26, 2022

RE: Request for rezoning of a ±6.0-acre tract of land located at Julian Drive, Oconee County, Georgia, (tax parcel no. B-02-109AA) from R-1 (Single Family Residential District) to OBP (Office-Business Park District)

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

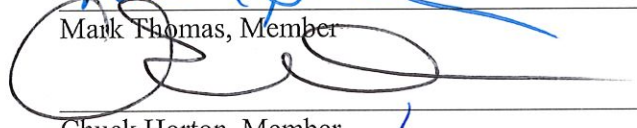
This 6th day of June, 2023.

OCONEE COUNTY BOARD OF COMMISSIONERS

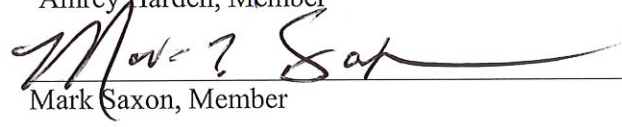
BY: _____


John Daniell, Chairman


Mark Thomas, Member


Chuck Horton, Member


Amrey Harden, Member


Mark Saxon, Member

ATTEST:


Holly Stephenson
Clerk, Board of Commissioners



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

REZONE CASE #: P22-0294

DATE: May 1, 2023

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

APPLICANT NAME: Carter Engineering
Consultants

PROPERTY OWNER: The Milner Group

LOCATION: Julian Drive / Mars Hill Rd

PARCEL SIZE: ±6.0 acres

EXISTING ZONING: R-1 (Single Family
Residential District)

EXISTING LAND USE: Vacant property

**FUTURE DEVELOPMENT MAP CHARACTER
AREA DESIGNATION:** Regional Center



ACTION REQUESTED: Rezone from R-1 to OBP zoning for a commercial and office business development along Julian Drive and Mars Hill Road

STAFF RECOMMENDATION: Staff recommends conditional approval of this request.

DATE OF SCHEDULED HEARINGS

PLANNING COMMISSION: May 15, 2023

BOARD OF COMMISSIONERS: June 6, 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 rezoning to change the zoning from R-1 to OBP to develop the proposed commercial and office business use.
- The subject property is zoned R-1 and has been owned by the current owner since 2021. The tract is currently a vacant lot.
- There is no previous resolution for this property.
- Previous Conditions
 - There are no previous zoning conditions that are applicable to this property.

SURROUNDING LAND USE AND ZONING

	EXISTING LAND USES	EXISTING ZONING
NORTH	Church	OIP (Office Institutional Professional District)
SOUTH	Residential, including condominiums	OIP (Office Institutional Professional District), AG (Agricultural District)
EAST	Residential	AG (Agricultural District)
WEST	Residential and church	R-1 (Single Family Residential District), AG (Agricultural District)

PROPOSED DEVELOPMENT

- The applicant is requesting a rezoning to OBP for a commercial and office building development. The applicant proposes one warehouse building and two general office buildings. The buildings will have a shared parking lot.
- The proposed OBP development includes three buildings and associated parking on the subject property.
 - Building 1 – 30,000 SF (1-story)
 - Building 2 – 11,000 SF (2-story)
 - Building 3 – 11,000 SF (2-story)
- The applicant's estimated value of the proposed improvements for the project is \$10 million.
- Construction would begin following zoning approval and construction permit approval.

PROPOSED TRAFFIC PROJECTIONS

- There is an estimated additional 657 ADT for the office/commercial use (Trip Generation Manual, 11th Edition). Per the manual, the proposed development does not meet the 1,000 ADT threshold that is required to trigger a traffic impact analysis.
- There is no previous resolution for this property for traffic projection comparison.

PUBLIC FACILITIES

Water:

- The project is proposed to utilize County water services.
- The Water Resources Department has indicated in a letter that potable water is available at this location.

Sewer:

- The project is proposed to utilize an on-site septic system with a capacity of 2,500 GPD.

Roads:

- The property will be accessed from Julian Drive.

ENVIRONMENTAL

- No 100-year flood plain or jurisdictional wetlands are known to exist on the site. There is an existing pond in the northeast corner of the site that has a 25-foot state waters buffer.

COMMENTS FROM OTHER DEPARTMENTS & AGENCIES

OCONEE COUNTY PUBLIC WORKS DEPARTMENT

- The Public Works Department commented that an ADA ramp is to be provided at the intersection of Mars Hill Road and Julian Drive for future sidewalk extension across Julian Drive.

OCONEE COUNTY WATER RESOURCES DEPARTMENT

- No comments

GEORGIA DEPARTMENT OF TRANSPORTATION

- No comments

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 AG, R-1, and OIP. Primary land uses in the area are a mixture of residential, office, and institutional uses. The proposed development should not impede the normal and orderly development of surrounding property due to the primarily commercial, office, and large lot residential mix of uses of the surrounding properties. The applicant has included a 15 foot landscape buffer between the proposed OBP and AG properties along the eastern property line, however Table 8.1 will require a 50 foot zoning buffer adjacent to the residential use lot. Staff is of the opinion that the proposed development is suitable in view of the existing nearby development and zoning, with the large-scale warehouse portion being positioned along the northern property line adjacent to the existing OIP zoned property.

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

The property has a reasonable economic use as the existing R-1 zoning; however, the proposed commercial and office use aligns with some adjacent business, commercial, and multi-family residential uses in the broader area.

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 3 commercial and office buildings. 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 657 additional ADT over the current undeveloped parcel. There are no anticipated impacts on the school system from the proposed OBP development.

ii. Environmental impact;

There is an existing pond located in the northeast corner of the site. The applicant has included a proposed stormwater management facility located on the eastern side of the property. Stormwater management must be conducted on the site in compliance with Oconee County ordinances.

iii. Effect on the existing use, usability and/or value of adjoining property.

The proposed office portion of the development is in keeping with surrounding uses and is not anticipated to affect the existing use, usability, and/or value of adjoining property. However, the proposed warehouse building has the potential to impact the usability of adjoining residential property due to the larger scale and footprint of the proposed warehouse building. According to Sec. 806 – Table 8.1, a 50-foot zoning buffer must be installed along the eastern property line adjacent to the residential use and a 15-foot zoning buffer must be installed along the eastern property line adjacent to the AG zoned and agricultural use 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 subject property is currently vacant; however, office and residential development has occurred in the area to the north and south along Julian Drive, to the west along Mars Hill Road, and nearby areas. The

nature of the Mars Hill Road corridor in this vicinity continues to be a mixture of developed and undeveloped properties, with several parcels remaining in agriculture or forestry use.

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

The purpose of the OBP zoning district is to “provide a location for offices, institutions, limited related business and service activities and limited industrial operations and processes in buildings of high character in attractive surroundings” (Unified Development Code Sec. 205.11). The specific property must be developed according to the principal uses allowed in the OBP zoning district. Staff notes that the requested office business and warehousing development is allowed in OBP zoning with outdoor storage of any kind being prohibited. Staff holds that the proposed 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 OIP development of the parcels to the north and south of the subject parcel supports additional development consistent with OIP uses and standards.

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 Regional Center character area, as shown on the 2040 Future Development Map. The Regional Center character area is characterized by “regional-serving retail and commercial services, office complexes for medical and corporate offices, hotels, restaurants and entertainment facilities, higher-density residential planned developments, and single-family detached subdivision” (Comprehensive Plan, p. 63). The Comprehensive Plan lists professional offices and small office complexes as primary land uses in the Regional 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.

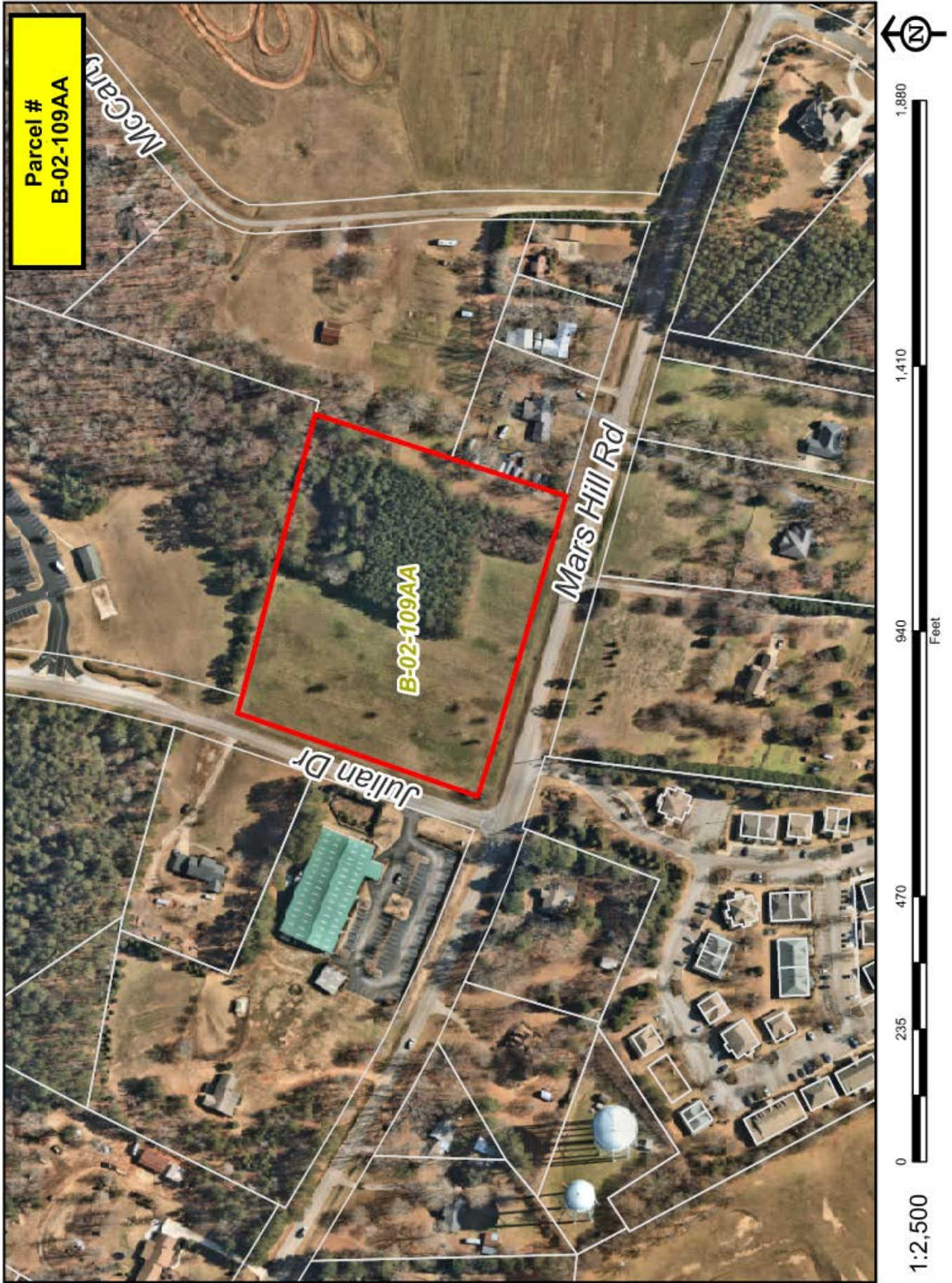
It is likely that other OBP-zoned properties exist in the county that would permit the requested commercial and office use. However, the OBP use for the subject parcel aligns with the surrounding land patterns.

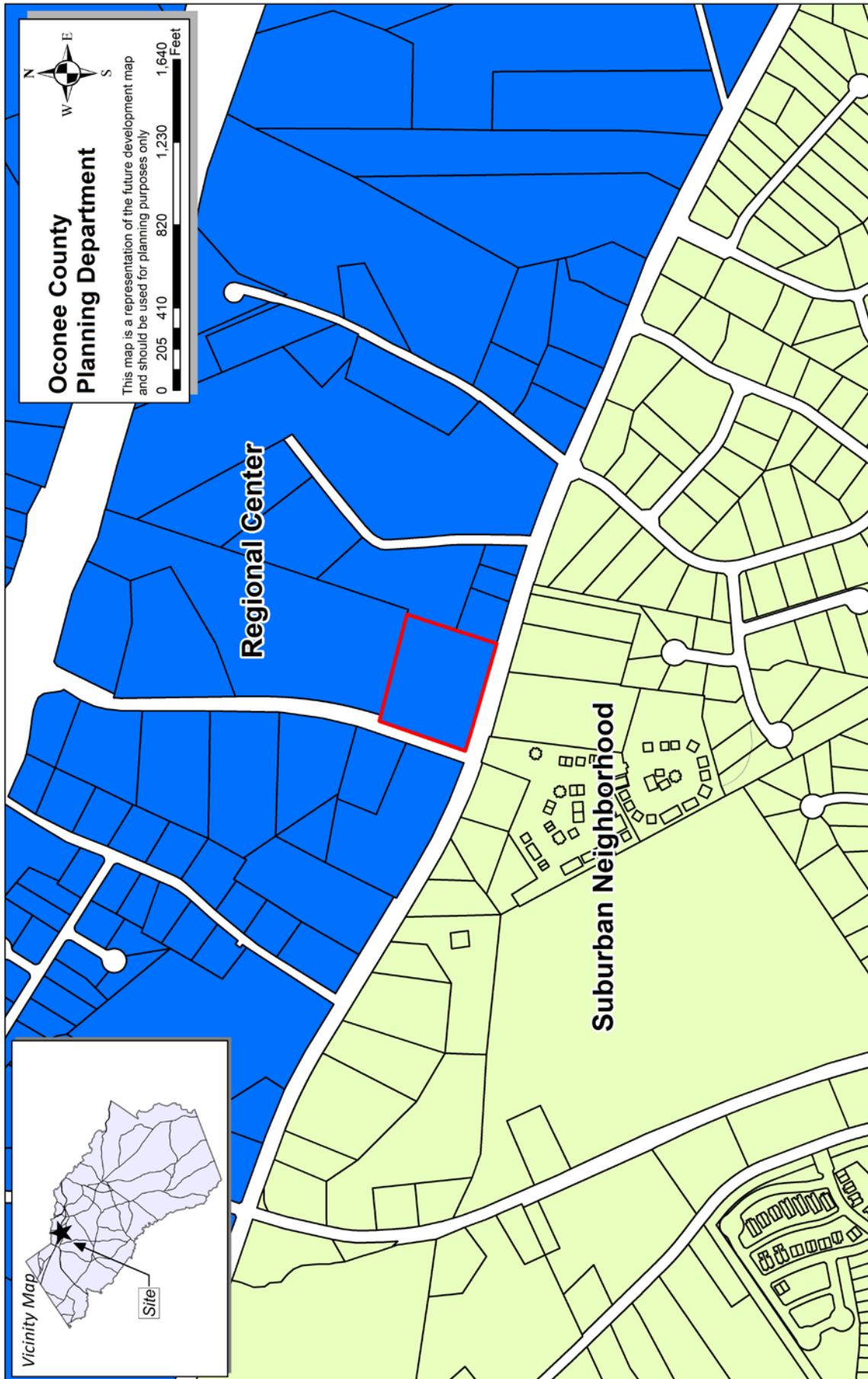
STAFF RECOMMENDATION & CONDITIONAL REQUIREMENTS

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:

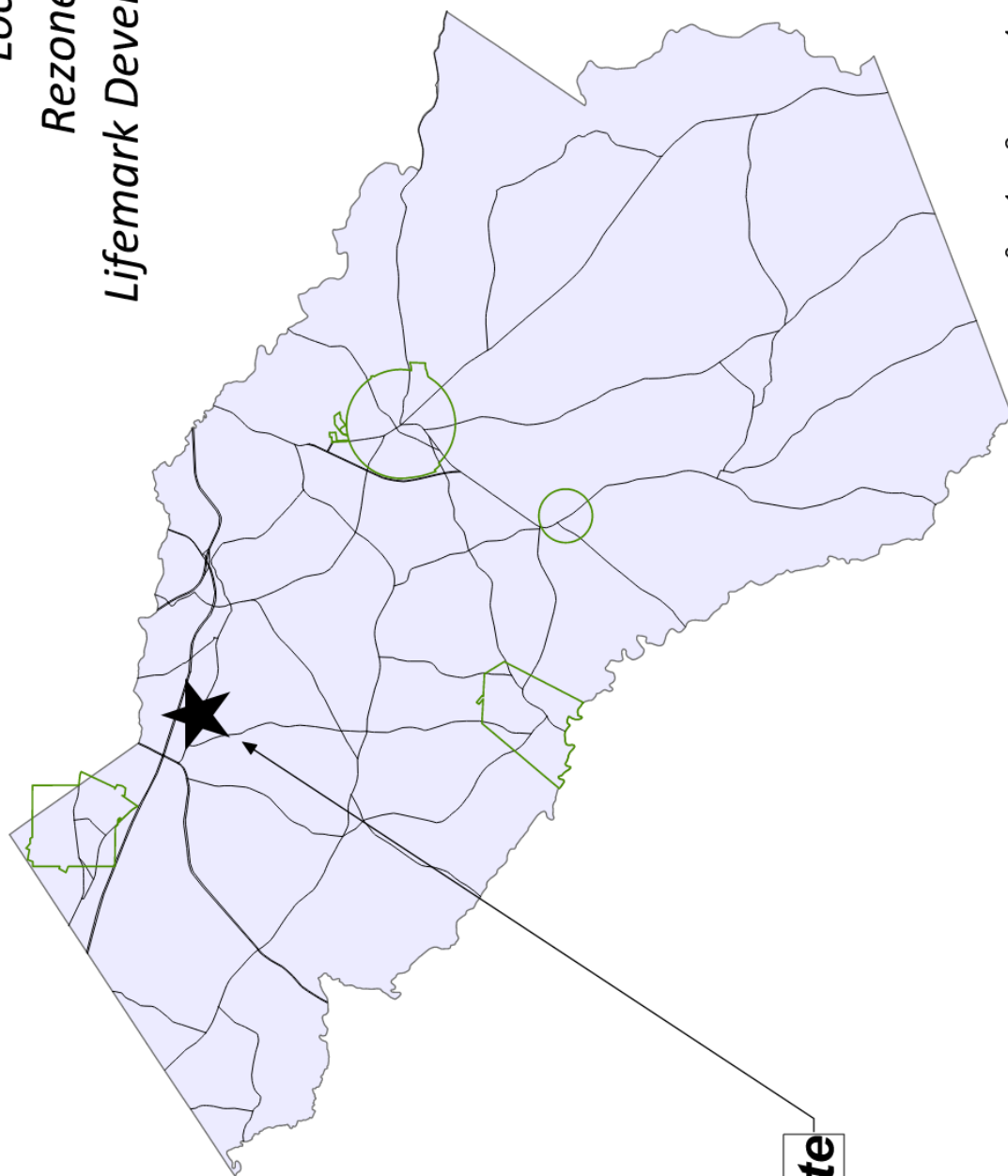
1. Development design and structures shall meet or exceed the standards indicated on the concept plan, narrative, representative architectural sketches, and other documents submitted with the zoning application and attached hereto. This condition shall not construe approval of any standard that is not 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.
4. The proposed buildings shall have facades of brick and stone.
5. The office buildings shall have pitched hip roofs.
6. Per Public Works Department review, an ADA ramp must be provided at the intersection of Mars Hill Road and Julian Drive for future sidewalk extension across Julian Drive.

Rezone # P22-0294 - Lifemark Development, LLC



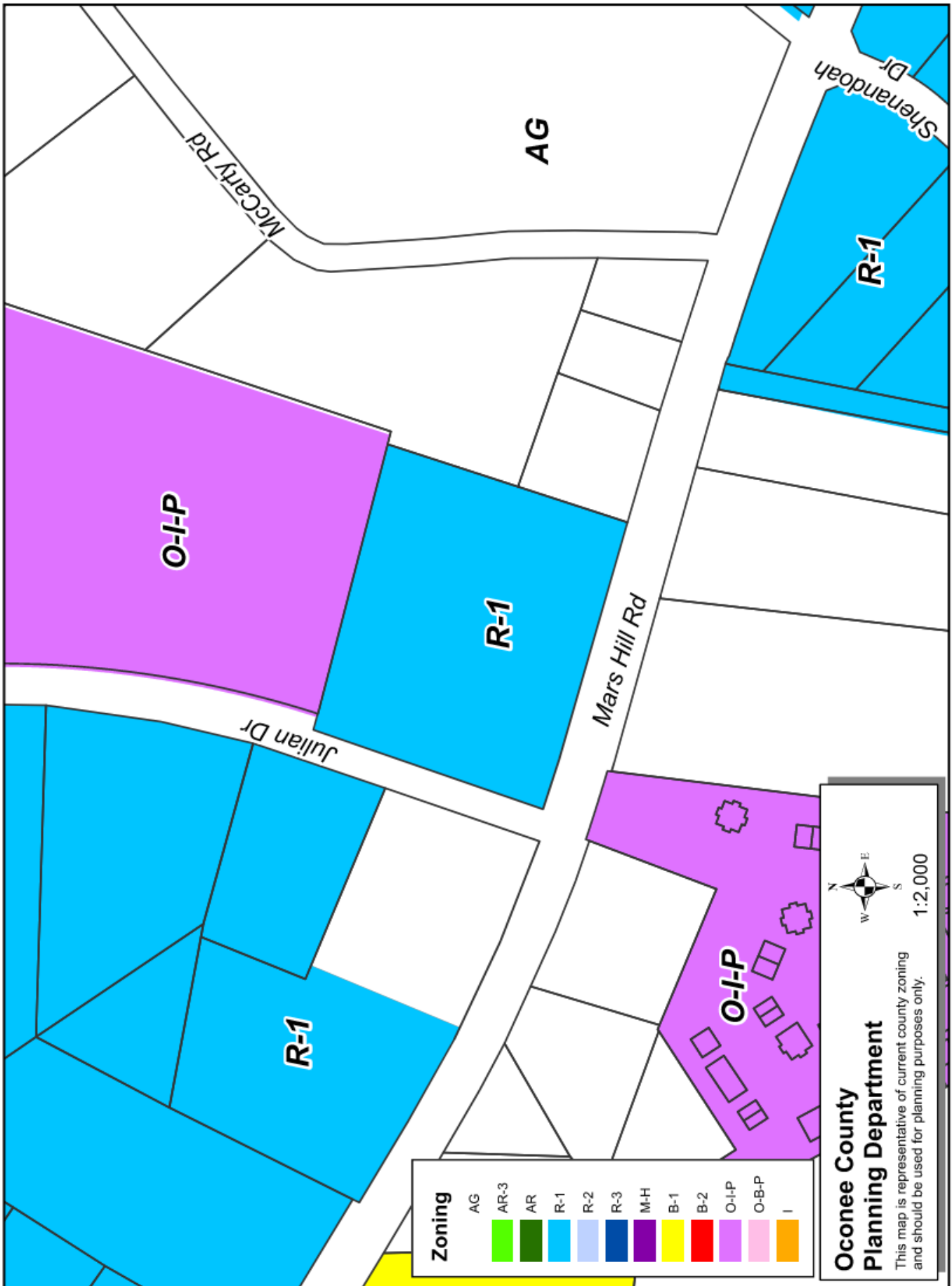


*Location Map -
Rezoning # P22-0294
Lifemark Development, LLC*



Site

1:120,000



Rezone # P22-0294 - Lifemark Development, LLC

Parcel #
B-02-109AA

B-02-109AA

Julian Dr

Mars Hill Rd

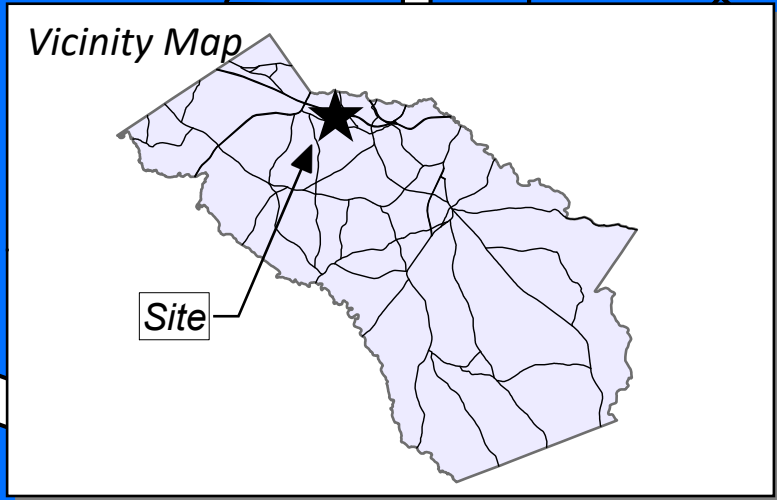
McCarthy

1:2,500

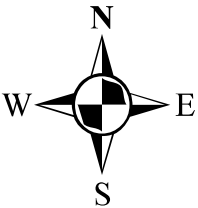
0 235 470 940 1,410 1,880

Feet





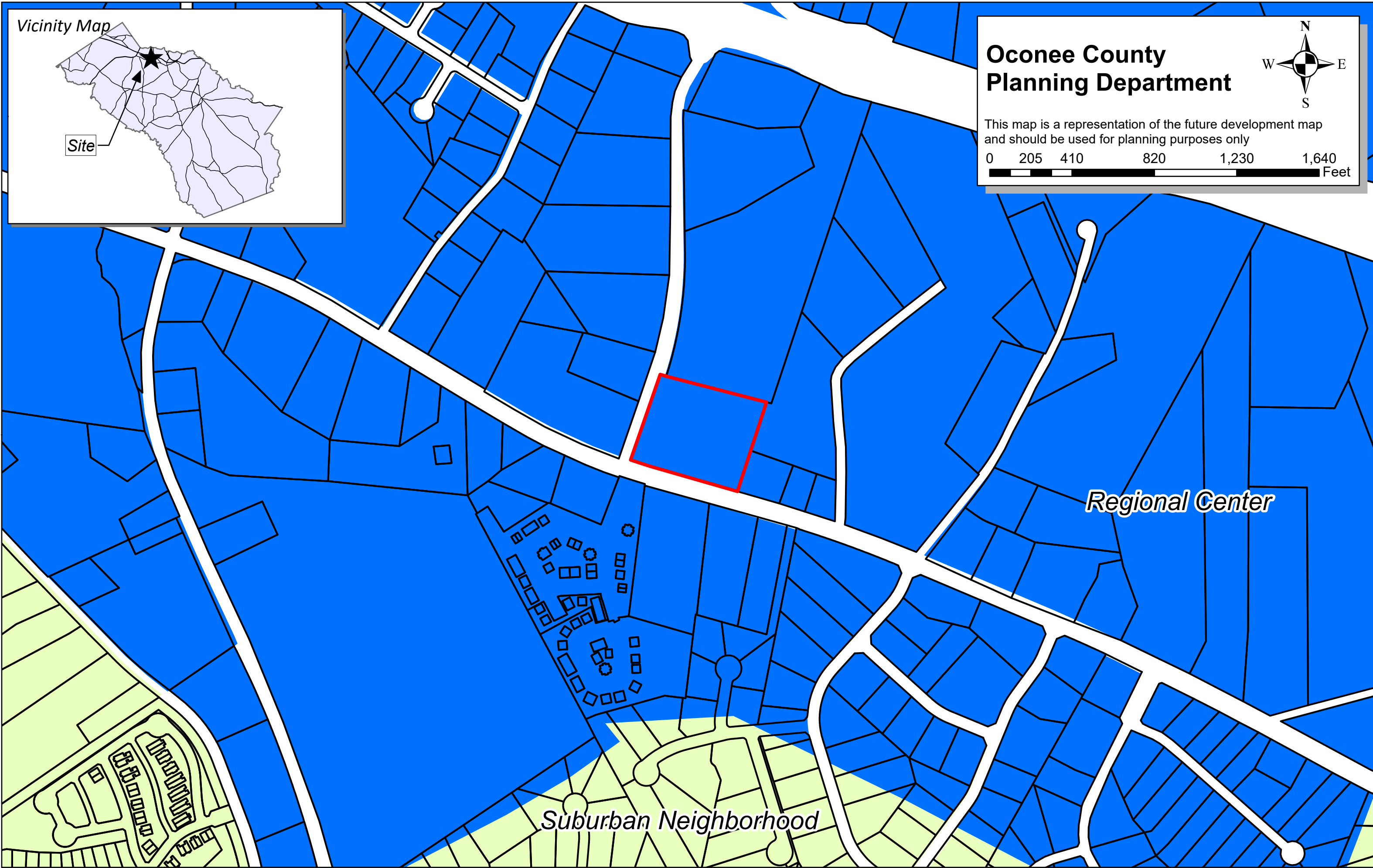
Oconee County Planning Department



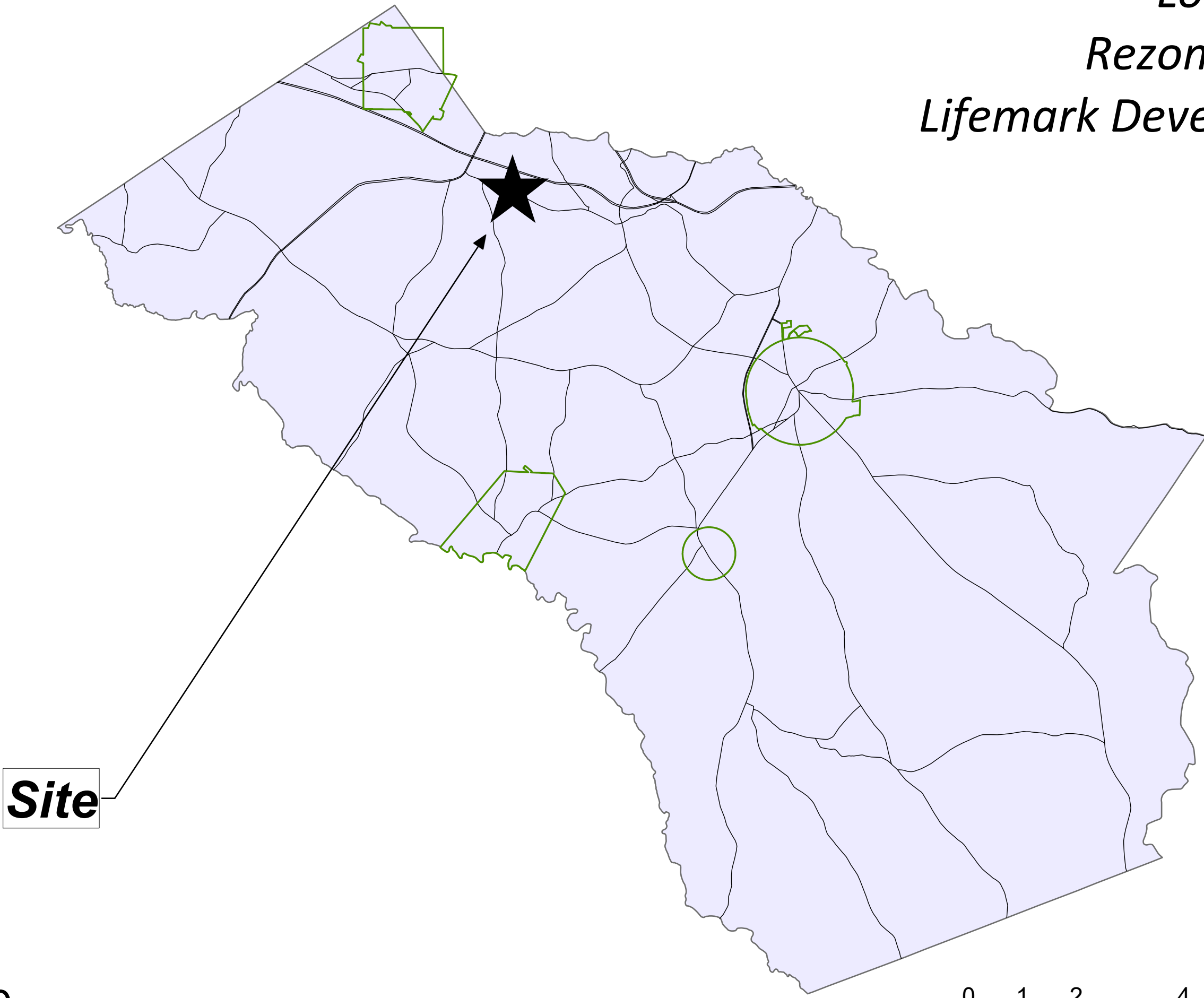
This map is a representation of the future development map and should be used for planning purposes only

0 205 410 820 1,230 1,640 Feet

A horizontal scale bar with alternating black and white segments, corresponding to the distances 0, 205, 410, 820, 1,230, and 1,640 feet.

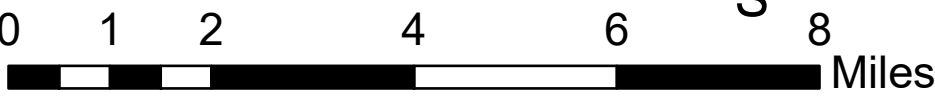


*Location Map -
Rezone # P22-0294
Lifemark Development, LLC*

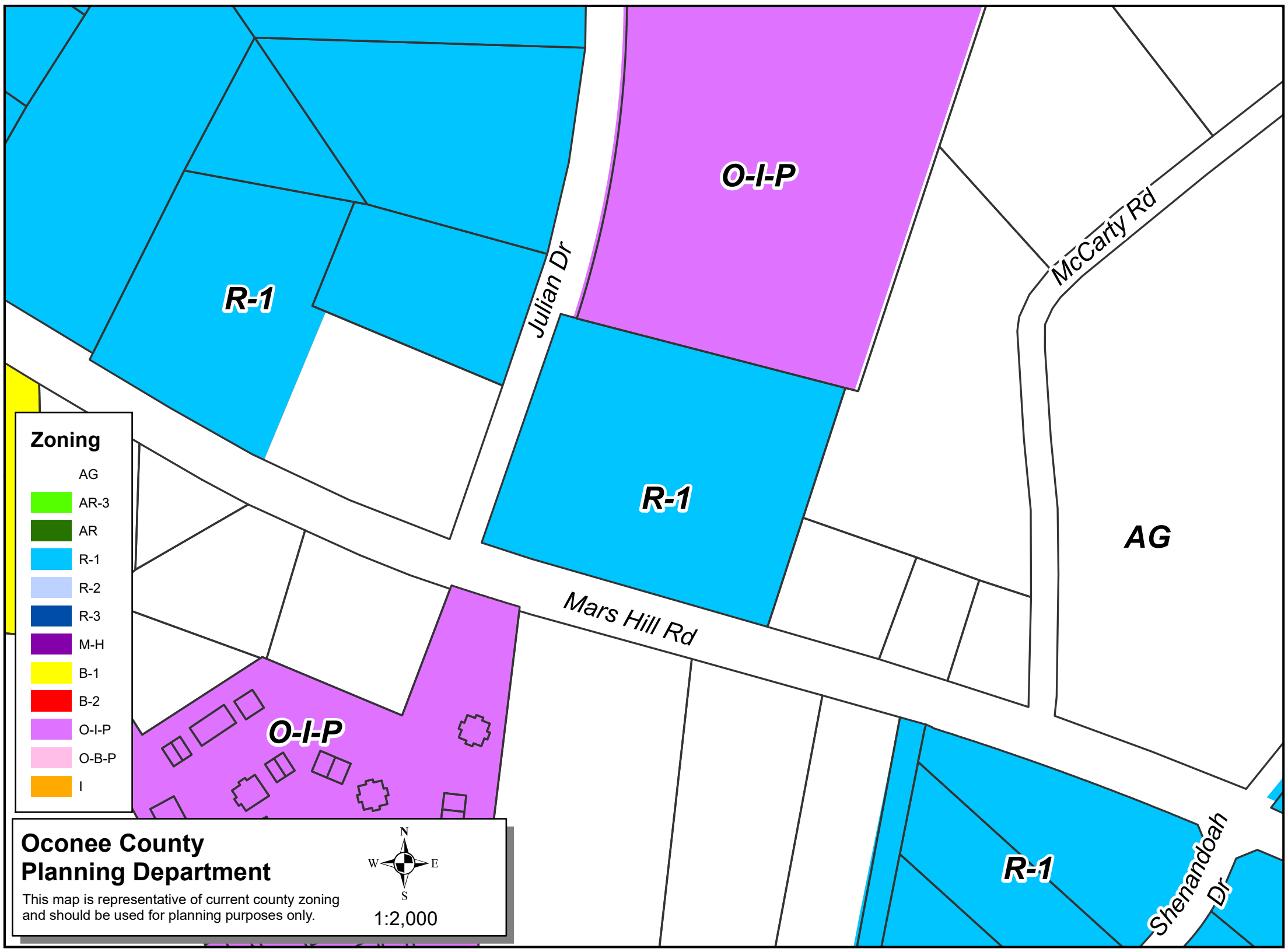


Site

1:120,000








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
and should be used for planning purposes only.


1:2,000