

**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 B-2 (Highway Business District) and AG (Agricultural District) to zoning classification B-2 (Highway Business District) pursuant to an application for rezoning of property owned by Mulberry Property Investments and Leon W. Miller III submitted on December 1, 2023.

**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 Carter Engineering Consultants on December 1, 2023, requesting a rezone of a ±2.84-acre tract of land located at 2781 Monroe Highway and Ruth Jackson Road in, Oconee County, Georgia, (tax parcel no. B-02-041 and B-02-054BB), 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Resolutions or Ordinances and parts or sections of Resolutions or Ordinances in conflict with this Ordinance are hereby repealed.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.

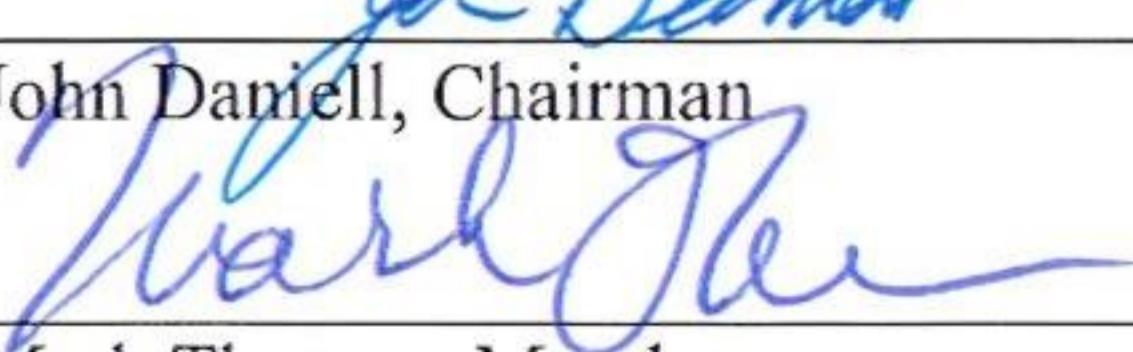
Said Zoning Petition was submitted to the Oconee County Planning Commission and a Public Hearing was duly held by the same on January 16, 2024, and a Public Hearing was held by the Oconee County Board of Commissioners at its regular meeting on February 6, 2024.

ADOPTED AND APPROVED, this 6<sup>th</sup> of February, 2024.

**OCONEE COUNTY BOARD OF COMMISSIONERS**

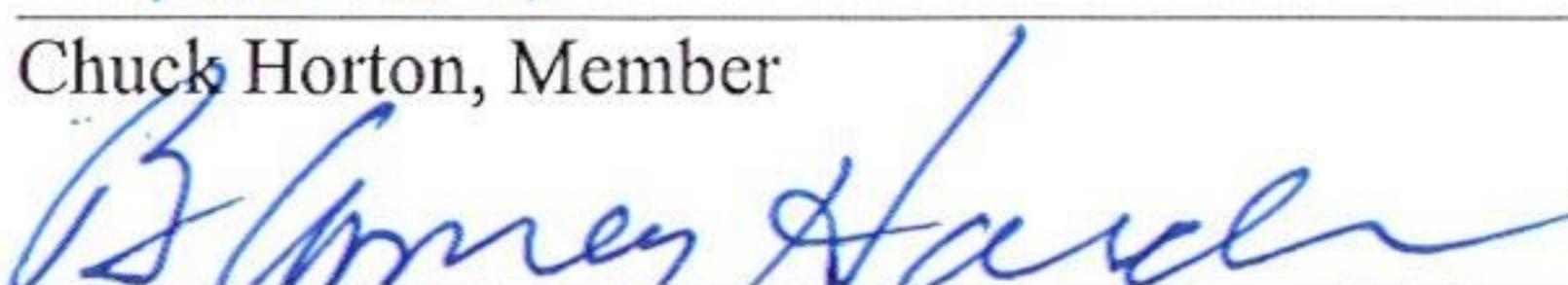
BY:

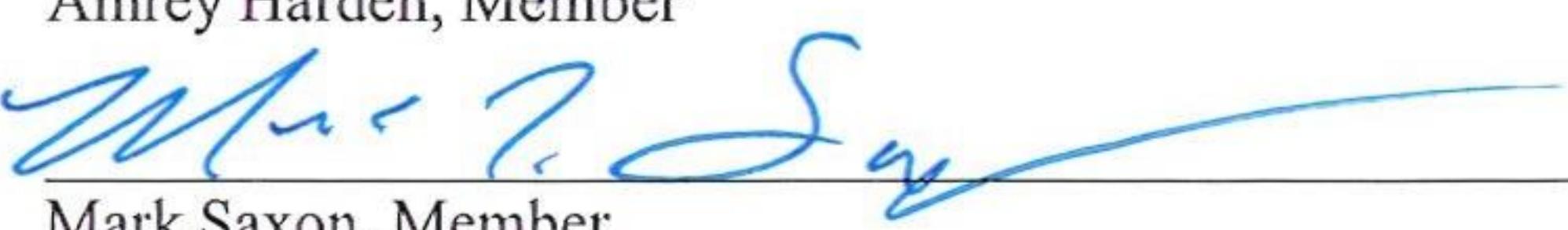
  
John Daniell, Chairman

  
Mark Thomas, Member

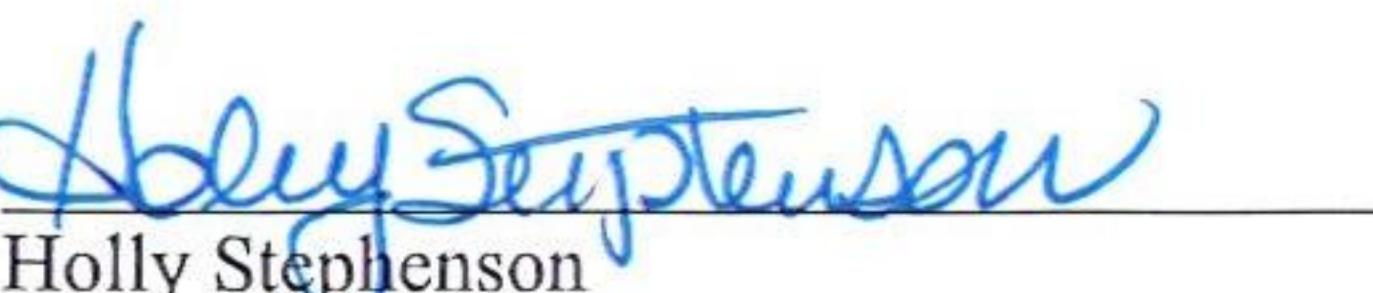
Absent

Chuck Horton, Member

  
Amrey Harden, Member

  
Mark Saxon, Member

ATTEST:

  
Holly Stephenson  
Clerk, Board of Commissioners

## **EXHIBIT "A" TO REZONE NO P23-0275**

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### **CONDITIONS**

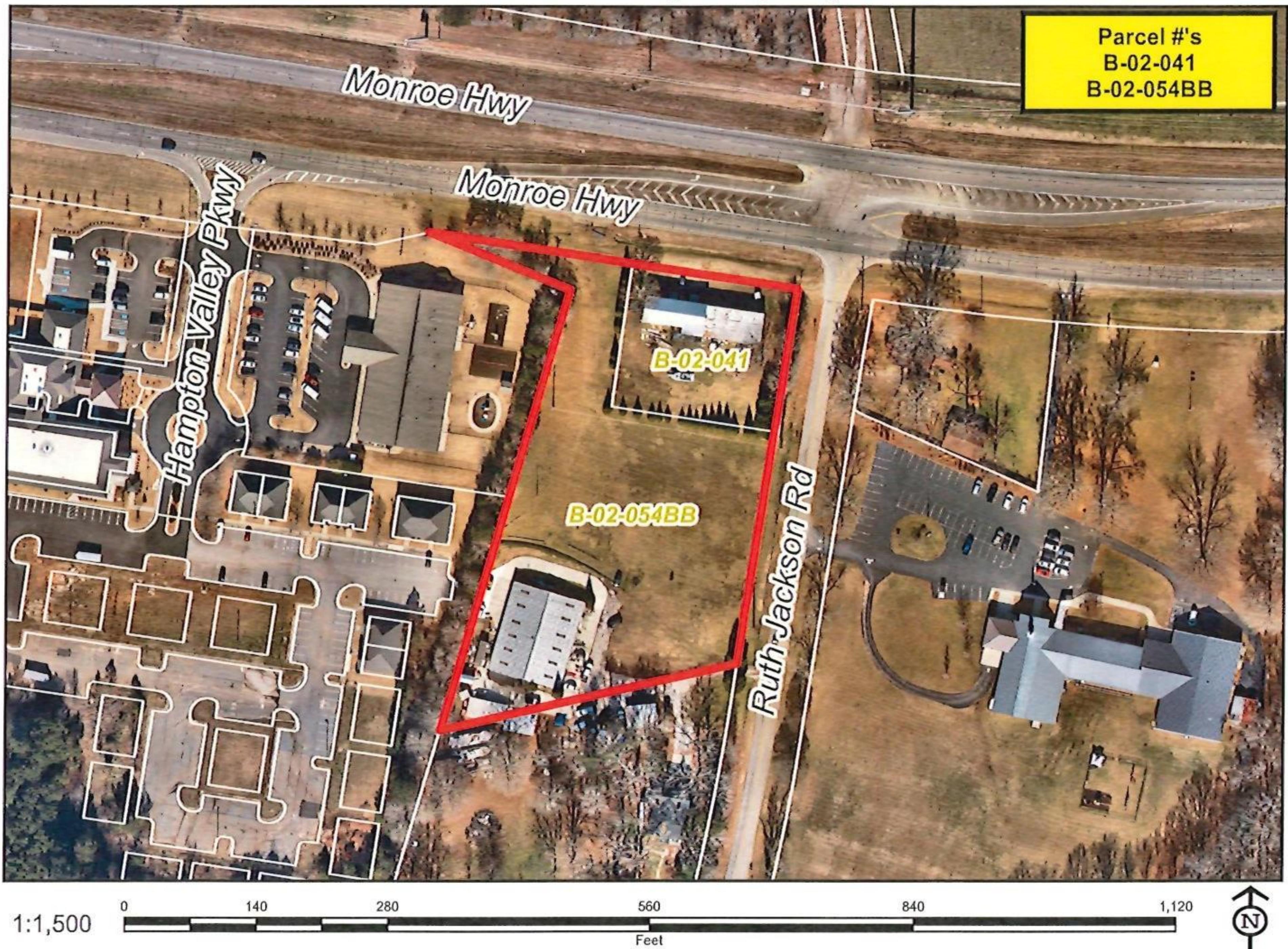
1. Development design and structures shall meet or exceed the standards indicated on the concept plan, narrative, representative architectural sketches, and other documents submitted with the zoning application and attached hereto. This condition shall not construe approval of any standard that is not 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 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 retail building shall be brick and/or stone veneer on all facades.
5. All commercial activity shall be conducted in a fully enclosed building. Outdoor display and sales are not permitted.

EXHIBIT "A" TO REZONE NO P23-0275

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TAX MAP

Rezone # P23-0275 - Mulberry Property Investments LLC



**EXHIBIT "A" TO REZONE NO P23-0275**

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**LEGAL DESCRIPTION**

**LEGAL DESCRIPTION**

Commencing at the northeastern most corner (N: 1,425,783.37 E: 2,491,056.85) at the intersection of Monroe Highway and Ruth Jackson Road; said corner being the POINT OF BEGINNING;

Thence S 08°28'26" W, a distance of 153.39' to a point;

Thence S 07°36'14" W, a distance of 300.00' to a point;

Thence N 76°18'2" E, a distance of 326.50' to a point;

Thence N 15°11'12" E, a distance of 483.77 to a point;

Thence N 16°11'38" E, a distance of 202.00' to a point;

Thence N 67°14'9" W, a distance of 162.07' to a point;

Thence S 80°14'19" E, a distance of 219.22' to a point;

Thence S 80°10'25" E, a distance of 178.10' to a point; said point being the POINT OF BEGINNING.

**EXHIBIT "A" TO REZONE NO P23-0275**

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**NARRATIVE**

OCONEE COUNTY  
Rezone Request

**MULBERRY CROSSING**

**PROJECT NARRATIVE**

October 13, 2023

November 7, 2023

Revised December 14, 2023

**ADDRESS**

2781 Monroe Highway

Bogart, GA 30622

(Parcel Nos. B 02 054BB, B 02 041)

**CURRENT ZONING**

B-2 & AG (Highway Business, Agricultural)

**PROPOSED ZONING**

B-2 (Highway Business)



**CARTER**  
**ENGINEERING**

## PROJECT OVERVIEW + LOCATION

Mulberry Crossing is a proposed general retail facility located at the southwest intersection of Monroe Highway (U.S. 78) and Ruth Jackson Road in Oconee County. The addresses of the subject parcels are listed as 2781 Monroe Highway and 1060 Ruth Jackson Road, respectively. The subject site is located entirely in Oconee County, outside of all city limits. The intent of the applicant is to rezone the parcels to Highway Business (B-2). Once the rezone is complete, a portion of 1060 Ruth Jackson Road will be combined with 2781 Monroe Highway. The remainder of 1060 Ruth Jackson Road will be a commercial lot zoned B-2 if the rezone is successful. The total land area included in the rezone is 2.84 acres.

## CURRENT USE + SITE DESCRIPTION

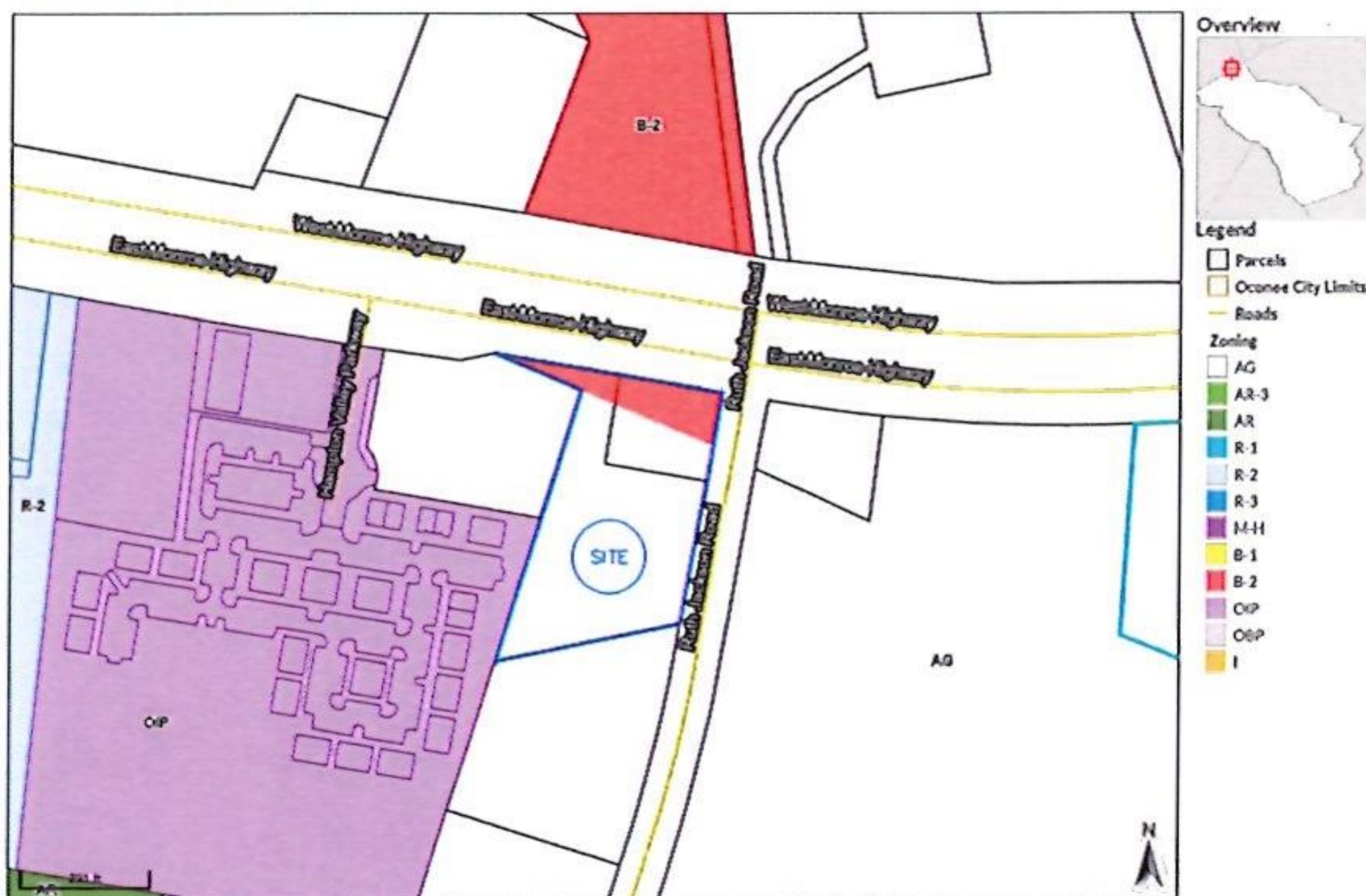
The subject site is located at the southwest corner of the intersection of Monroe Highway and Ruth Jackson Road. There are two parcels that are the subject of this request that total 2.84 acres in size. The current use for parcel B 02 054BB is developed with a storage building for private use. There are multiple smaller outbuildings on the property as well that is used for private storage. Both current and future use of these buildings will remain private storage. Parcel B 02 041 includes a developed Highway Business parcel zoned B-2. The developed commercial property currently has a two-story wood building and a one-story metal building on the property. The building on this parcel will be demolished and a new retail building built as shown on the rezone concept plan. The subject site slopes from north to south and is primarily an open grassed area, previously graded. The subject property is bounded to the north by Monroe Highway (U.S. 78) and to the east by Ruth Jackson Road. To the south and west, it is bounded by property zoned Agriculture and OIP. There are no FEMA flood hazard areas located within the site or any adjoining properties.

## EXISTING ZONING + PROPOSED ZONING

A portion of the parcel is already zoned B-2 (.629 acres); however, the B-2 zone does not encompass the entire parcel. It is a split zoned parcel with the remaining property currently zoned AG. The proposed zoning change to B-2 will allow measured commercial growth to take place as well as define zoning boundaries in a more practical manner. The property to the northwest is zoned AG and is currently being used for a primary school "Apple Tree Prep". The property to the south is zoned AG and includes a residential house and some small auxiliary buildings. The property to the north, across

US 78, is zoned B-2, it is currently undeveloped and full of mature trees. The property to the southeast, across Ruth Jackson Road, is zoned AG and is currently being used for a church with a parking lot. The adjacent property directly across Ruth Jackson Street is zoned AG and is currently being used as a residential home.

Oconee County Zoning Map





## NARRATIVE

Mulberry Crossing  
Monroe Highway

### OCONEE COUNTY FUTURE LAND USE MAP

The proposed rezone request does conform to the 2023 Future Development Map of Oconee County. The character designation of the subject site is Community Village. As part of this rezone change in conditions, there are no changes proposed to the current Character Area Map.

### PROPOSED USE + SITE DESIGN

The proposed use of the property is for a retail business building with a parking lot. The footprint of the proposed building will be approximately 10,200 square feet. The proposed site will utilize an on-site septic system for sewer. Water will be provided by Oconee County via 12" water main located along Monroe Highway. The retail development will be accessed from Ruth Jackson Road and shall provide all warranted utilities as needed and as noted in the Oconee County Unified Development Code. Parcel B 02 054BB will remain as private storage and no improvements are planned.



## NARRATIVE

Mulberry Crossing  
Monroe Highway

### VEHICULAR ACCESS

All proposed entrance/access locations will be from Ruth Jackson Road.

All proposed access points will be designed and installed per Oconee County ordinances and regulations.

### TRAFFIC GENERATION

A Trip Generation Analysis has been prepared for the site by referencing the Institute of Transportation Engineers (ITE) Trip Generation Manual (11<sup>th</sup> Edition). The ITE is the industry standard source for providing and analyzing trip generation for various land uses. In summary, the analysis does not find any adverse impacts associated with the traffic generated by this development and the adjacent properties, streets, and intersections. The negligible increase in traffic will not negatively affect existing infrastructure.

LAND USE	ITE CODE	ADT 2-WAY (PAGE 229)	AM PEAK HOUR (PAGE 230)			PM PEAK HOUR (PAGE 231)		
			AM Hour	IN	OUT	PM Hour	IN	OUT
ITE VALUE PER 1000 S.F. GFA	822	54.45	2.36	1.42	0.94	6.59	3.30	3.29
Mulberry Crossing	822	555	24.07	14.44	9.63	67.22	33.60	33.60

### IMPACT TO LOCAL TRAFFIC

Per Oconee County Traffic Data by Road Name, Ruth Jackson Road E receives an AADT volume of 351 vehicles. The additional peak hour vehicles are a negligible increase to the existing infrastructure.

### IMPACT TO SCHOOL SYSTEM

The addition of the proposed retail development will have no impact upon the local school system.



## NARRATIVE

Mulberry Crossing  
Monroe Highway

### UTILITIES + PUBLIC SERVICES

The proposed retail development will require domestic water and fire protection provided by the Oconee County Public Utilities Department. Dry utilities such as electricity, cable, and internet will be coordinated with the individual service providers as needed and as warranted in accordance with the Oconee County Unified Development Code. All utilities planned and required for the project shall be installed underground. The method of water supply is Oconee County Water Resources.

**WATER.** Water is proposed to connect to an existing 12" water main off Monroe Highway. Existing use utilizes a well for water.

Probable Water Demands and Assumptions:

Retail Stores: Assume 2000 GPD

PEAK HOUR DEMAND:  $2000 \text{ GPD} / 10 \text{ HRS/day} / 60 \text{ MIN/HR} * 3 \text{ (Peak Factor)} = 10 \text{ GPM}$

**SEWAGE.** Sanitary sewer will be provided by onsite septic system.

Probable Sanitary Sewer Demands and Assumptions:

2000 GPD

The permitting authority for commercial on-site wastewater will "Oconee County Environmental Health"

There is a Oconee County sewer force main in the right of way of Highway 78 directly in front of the site and there is a public gravity sewer line within the private commercial development called The Landing to the west. The sewer line is approximately 125 feet from the coming property line. It is not anticipated that the subject rezone will be able to connect to county sewer.

The existing building on parcel B 02 054BB will remain on the current septic system. The permitting authority for all septic systems is the Environmental Health Department.

### STORMWATER MANAGEMENT

The proposed stormwater management system will be designed to meet local, state, and federal regulations and requirements. Underground stormwater pipes will be installed to convey runoff to a stormwater management pond which will be installed at the southeast corner of the site to meet water quality and stormwater detention requirements.

### PROJECT IDENTITY + SIGNAGE

A proposed sign with the business's name(s) is proposed for the site.

### AMENITIES AND RECREATIONAL AREAS

There are no recreational areas proposed for this site.

#### LAND DEDICATED FOR PUBLIC USE + OPEN SPACE PROVISIONS

There is no proposed land dedicated to public use for this retail development and there are no provisions for public open space provided or required as part of this rezone.

#### SIDEWALKS, CURB & GUTTER, AND PEDESTRIAN CIRCULATION

All sidewalks, curbs and gutter within the development will be in accordance with Oconee County Unified Development Code and facilitate a balanced relationship between vehicular and pedestrian circulation within the site.

#### ENVIRONMENTAL IMPACTS + BUFFERING

There are no environmentally sensitive areas on this property. A Stormwater Management Plan and Erosion Control Plan will be prepared to mitigate any necessary or expected offsite impacts during construction.

All landscape buffers as required by the Oconee County UDC shall be planted in accordance with local code and regulations. There will be a planted buffer along the south and west property lines where the subject property is adjacent to property zoned AG. A 15-foot buffer will be provided along all property lines that border zone AG to the west adjacent to the day care center. A 50-buffer will be required to the south, adjacent to parcel B 02 054B. A variance will be requested to remove that buffer.

#### LIGHTING

Outdoor lighting may be provided for security purposes. Any proposed outdoor lighting fixtures for this retail development will be full-cutoff and fully shielded to minimize impact to surrounding properties. All lighting fixtures and layout shall adhere to all standards and specifications set forth in the Oconee County Unified Development Code.

#### TRASH DISPOSAL + RECYCLING

All solid waste disposal and screening requirements deemed necessary shall be in accordance with the Oconee County Unified Development Code and shall be applied for as development plans are submitted. Solid waste will be collected onsite by a private contractor and disposed of accordingly.

#### PROJECT SCHEDULE

The petitioners plan to complete the zoning efforts for the subject property by January of 2024. Once plans are approved and permits issued, construction efforts will begin on the site grading and infrastructure as needed. All construction is scheduled to be completed by January 2025.

#### OWNERSHIP & MAINTENANCE OF COMMON SPACE

The owner of the development will be responsible for all maintenance of landscaped areas and stormwater management facility on site.

#### ESTIMATED VALUE AND SQUARE FOOTAGE OF DEVELOPMENT

Estimated Value of the Project at Completion: \$2,500,000.00

**CONSTRUCTION/FAÇADE MATERIALS & REPRESENTATIVE ARCHITECTURE THEMES**

The building exteriors will predominantly be brick with brick, glass, and/or cementitious siding accents. All four sides of the building will be masonry construction. Glass for the building frontage is estimated at 15%. Accent materials will be brick, stone, and EFIS.

The proposed retail development will be designed to have an aesthetically appealing architectural appearance that will meet and/or exceed county requirements. Proposed archetypes referenced below within the general vicinity are for reference and shall correlate to the overall architectural theme of the retail development.



NARRATIVE

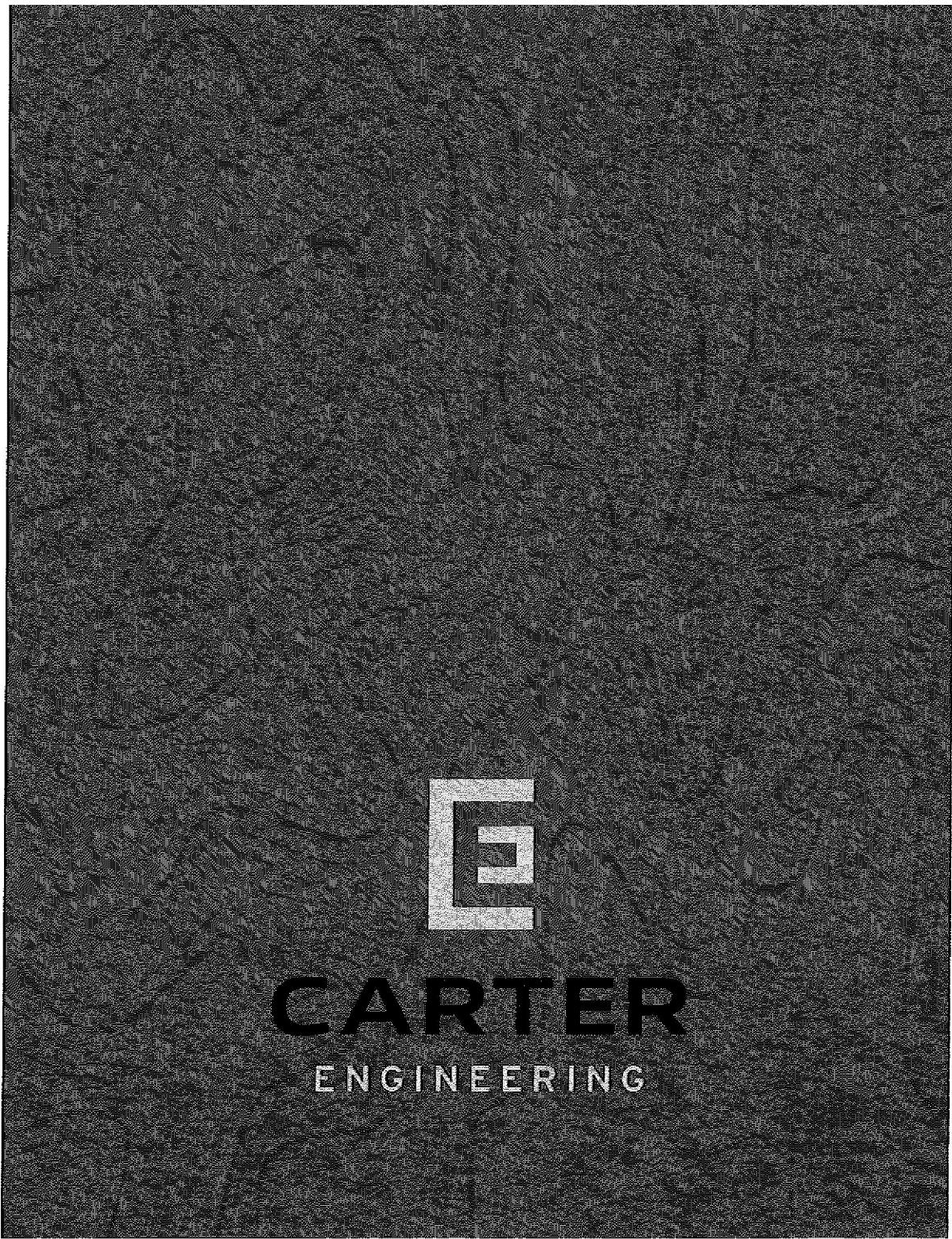
Mulberry Crossing  
Monroe Highway



**EXHIBIT "A" TO REZONE NO P23-0275**

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**NARRATIVE**



## EXHIBIT "A" TO REZONE NO P23-0275

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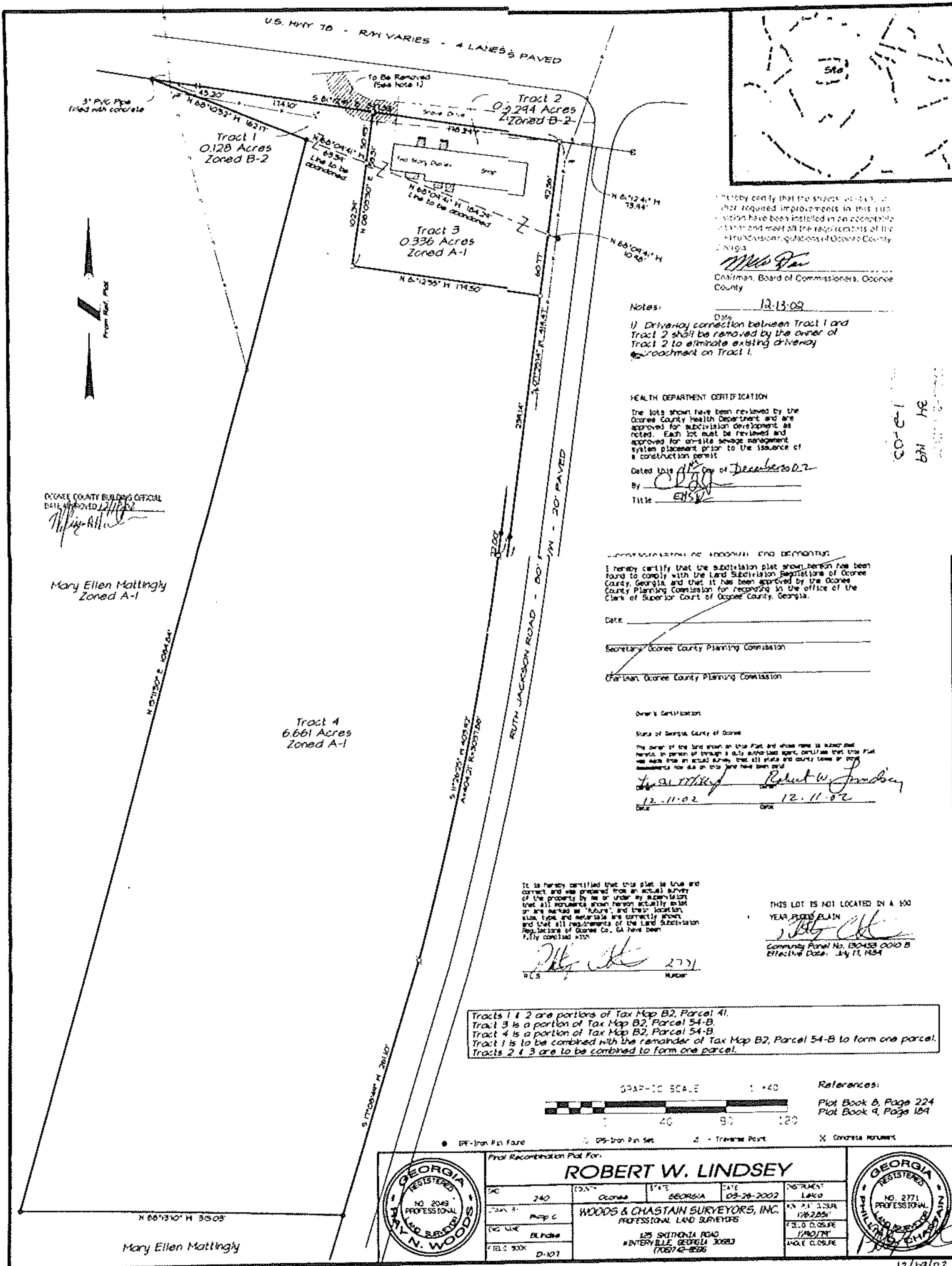
1/02/2003

OCONEE COUNTY SUPERIOR COURT

ANGELA ELDER-JOHNSON

CLERK BK 34 PG 149

## PLAT



12/19/02

14

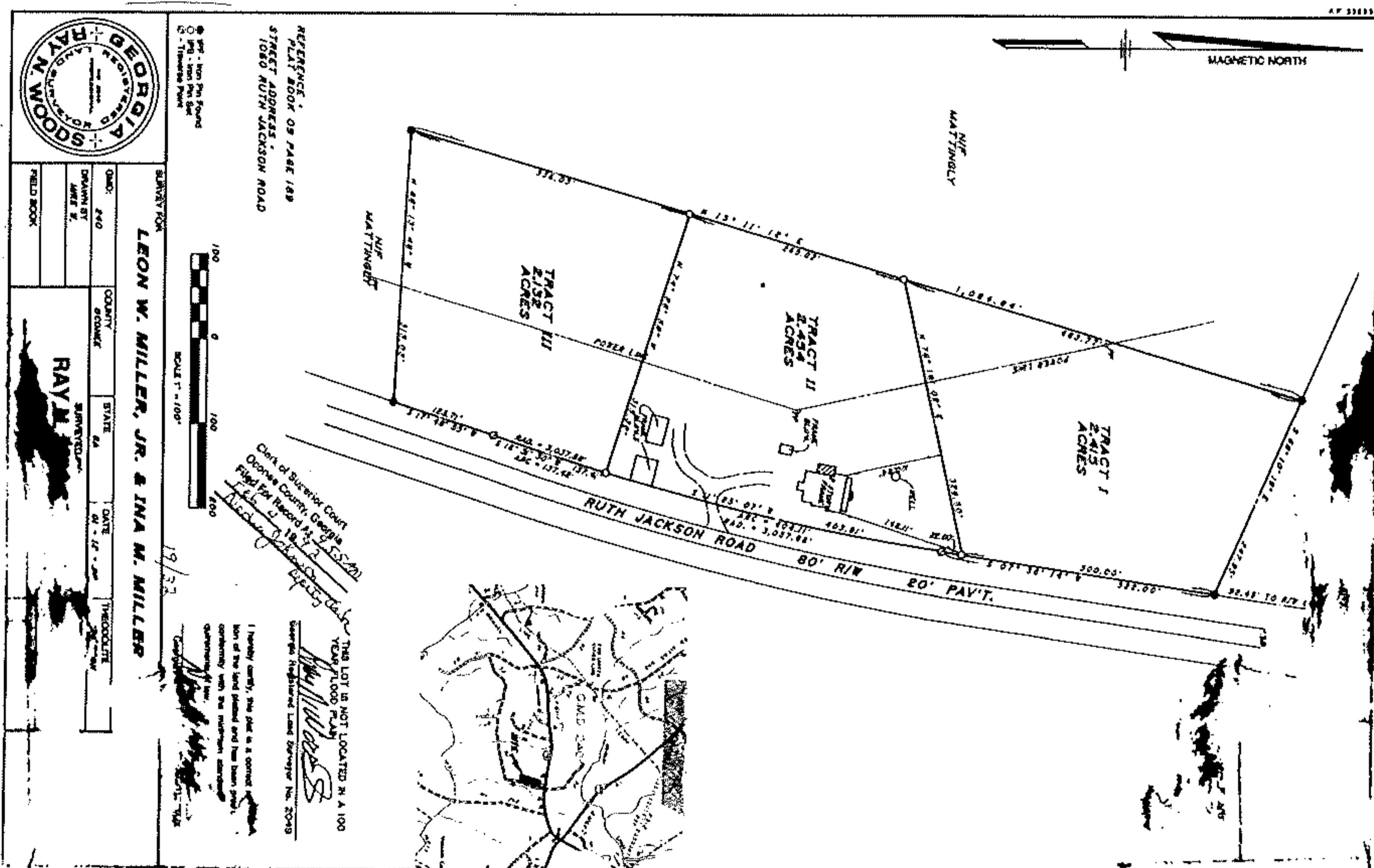
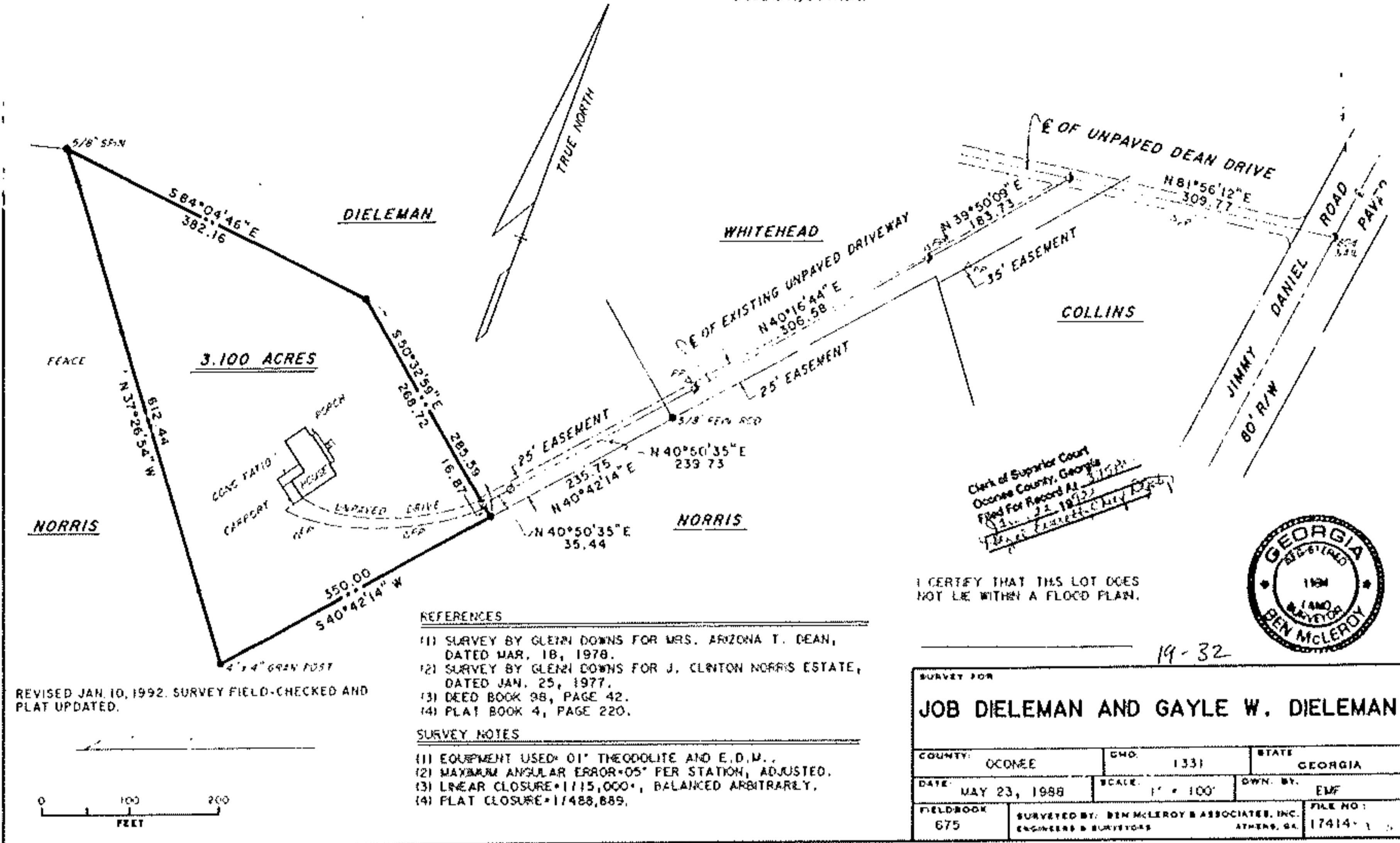
### Demographic Data Footer

⑤ George Fox

△ Desired Output Port  
(POWER[P], LIGHT[L])

■ DENOTES MAIL SET

• DETACH FROM THE FOAM  
(1/2" FEM, FDD OR NY TEO)







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

**REZONE CASE #:** P23-0275

**DATE:** January 2, 2024

**STAFF REPORT BY:** David Webb, AICP (Senior Planner)

**APPLICANT NAME:** Carter Engineering Consultants

**PROPERTY OWNER(S):** Mulberry Property Investments, LLC and Leon W. Miller III

**LOCATION:** 2781 Monroe Highway and Ruth Jackson Road (unaddressed), southwest corner of Monroe Hwy. and Ruth Jackson Rd. B 02 041 & B 02 054BB

**PARCEL SIZE(s):** ±2.84 acres

Parcel B 02 041 is ± 0.63 acres

Parcel B 02 054BB is ± 2.21 acres



**EXISTING ZONING:** Split Zoned: AG (Agricultural District) area = 2.211 acres  
B-2 (Highway Business District) = 0.629 acres

**EXISTING LAND USES:** Parcel B 02 041: Abandoned commercial building  
Parcel B 02 054BB: Storage building for private use

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

**ACTION REQUESTED:** Rezone ±2.21 acres of the properties from AG (Agricultural District) to B-2 (Highway Business District) in order to develop a general retail facility.

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

**DATE OF SCHEDULED HEARINGS**

**PLANNING COMMISSION:** January 16, 2024

**BOARD OF COMMISSIONERS:** February 6, 2024

**ATTACHMENTS:**

- Application
- Narrative
- Zoning Impact Analysis
- Plat of Survey
- Concept Plan
- Architectural Renderings
- Water & Sewer Capacity Letter

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

### **HISTORY**

- Parcel B 02 041(2781 Monroe Highway) is split zoned AG and B-2 and has been owned by Mulberry Property Investments, LLC since 2023.
  - The property currently has a two-story wood building and a one-story metal building on the property.
  - Tax Assessor records indicate part of the existing structure was built in 1950. It is not clear when the attached metal storage building was built.
  - 2781 Monroe Highway had a business license until 2017 for a painting business.
  - There is no current business license for the property and the narrative indicates the structures are abandoned.
- Parcel B 02 054BB is split zoned AG and B-2 and has been owned by Leon W. Miller, Jr. (deceased) since 1985, with Leon Miller, III being granted a one-half undivided interest in 2005.
  - This parcel contains multiple sheds, an 840 SF metal open storage building (no permits found) and a 7,584 square foot building that was permitted in 1995 as a farm use storage building. The narrative states the buildings are used for private storage and will remain on the property.
- The current B-2 zoned area is  $\pm$  0.629 acres on part of parcels B 02 041 and B 02 054BB.
- The portion of the properties that front on Monroe Highway were zoned B-2 in 1975 (Frank Stephenson applicant) to be used as a furniture store and public auction. It was a separate parcel at that time.

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

	<b>EXISTING LAND USES</b>	<b>EXISTING ZONING</b>
<b>NORTH</b>	Residential and Undeveloped property-across Monroe Highway	B-2 (Highway Business District) and AG (Agricultural District)
<b>SOUTH</b>	Residential	AG (Agricultural District)
<b>EAST</b>	Residential and a church	AG (Agricultural District)
<b>WEST</b>	Daycare (Apple Tree Prep) and Senior Living Facility (The Landing)	AG (Agricultural District) and OIP (Office-Institutional-Professional District)

### **PROPOSED DEVELOPMENT**

- This rezoning is intended to allow the construction of a proposed 10,200 S.F. retail building.
- The existing abandoned commercial buildings at 2781 Monroe Highway are proposed to be demolished.
- There is no proposed new development for the remainder of parcel B 02 054BB.
- The proposed commercial development would include a single retail store.
  - Driveway improvements and utility extensions would be made by the developer to serve the development and comply with all local, state, and federal regulations.
  - The development plan would include landscaping to meet Oconee County standards.
  - Potable water will be provided by Oconee County Water Resources.
  - On-site wastewater is proposed.
- A reconfiguration plat is proposed to separate the new retail parcel from the parcel containing existing private storage buildings.
- The two reconfigured parcels are proposed to be:
  - 1.47 acres (retail building)
  - 1.37 acres (private storage buildings)
- The proposed recombination plat will have to meet the requirements of UDC section 106.07 *Reduction in Lot Size* for the remaining portion of parcel B 02 054BB.
- Parcel B 02 054BB is 2.21 acres and is a legal non-conforming lot that does not meet the minimum 5-acre size in the AG zoning district.
- If all of parcel B 02 054BB is zoned to B-2, the minimum lot size would be 20,000 SF, allowing the lot to be reduced to 1.37 acres.

## **PROPOSED TRAFFIC PROJECTIONS**

- An additional 555 ADT (average daily trips) are estimated with 24 AM peak hour trips and 34 PM peak hour trips (Trip Generation Manual, 11<sup>th</sup> Edition). The trip generation projections are based on a retail use.

## **PUBLIC FACILITIES**

### **Water:**

- The project is proposing to utilize County water services.
- The applicant estimates a demand of 2,000 gallons per day.
- The Water Resources Department has indicated in a letter dated 10/13/2023 that potable water is available at this location.

### **Sewer:**

- Private, on-site wastewater is proposed.

### **Roads:**

- The project proposes to access Ruth Jackson Road with a commercial driveway connection. No access is proposed to Monroe Highway (US 78).

## **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**

- Reviewed with no comments

### **OCONEE COUNTY WATER RESOURCES DEPARTMENT**

- Reviewed, approved as presented

### **OCONEE COUNTY FIRE CHIEF**

- Reviewed with no comments

### **GEORGIA DEPARTMENT OF TRANSPORTATION**

- Reviewed with the following comments
  - GDOT coordination is required.
  - Preliminary comments (dated 11-27-2023) are:
    - A right turn lane on Hwy 78 will be required leading to the intersection with Ruth Jackson Road.
    - The proposed driveway on Ruth Jackson Road closest to Highway 78 does not meet the first internal movement requirement.
- Planning Staff notes the revised concept plan dated 12-14-23 removed the second driveway and only one commercial drive is now being proposed.

### **OCONEE BOARD OF EDUCATION**

- No comments received as of 12-20-2023

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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.**

The proposed zoning is an expansion of an existing B-2 zone that was established in 1975. There is no apparent conflict with adjacent uses as the retail development will be in a fully enclosed building. Staff

analysis indicates that the proposed development with conditions would be suitable in view of the existing nearby developments.

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

The small size (0.629 acres) and shape of the existing B-2 zoned area would pose significant challenges for a new commercial structure under the current ordinances. There are existing buildings on the remaining portion of parcel B 02 054BB and no other development is proposed. Based on these factors, the existing B-2 zoned area does not have a reasonable future economic use.

**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 request proposes redevelopment of an existing commercial property for a retail use. There would be no increase in population density. A retail development could be served by existing roads with access to a divided four lane highway from Ruth Jackson Road. County water is available for the proposed development. The proposed development is commercial in nature, so no impact on schools is anticipated.

**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. The development will be required to install buffers as required by the UDC or seek a variance.

**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 properties are not vacant. The applicant is requesting to redevelop an existing commercial property. Staff finds the standard is not applicable to this request.

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

Per the UDC, “The B-2 Highway Business District is intended to serve those business activities generally oriented to the highways.” (Unified Development Code Sec. 205.10). The specific lot must be developed according to the proposed uses in the narrative. The proposed retail use is allowed by right in the B-2 zoning district. Staff analysis indicates that the requested commercial development is consistent with the stated purpose of the B-2 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 small size and shape of the existing B-2 zoned area would pose significant challenges for a new commercial structure under the current ordinances. Adjacent and nearby properties have been developed or rezoned for commercial uses since the property was first rezoned in 1975. The wider area has a mix of residential, commercial and agricultural uses. There are no active agriculture uses adjacent to the subject parcels. Staff analysis indicates 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 property lies within the Community Village Center Character Area as shown on the Character Areas Map, 2023 Oconee County Comprehensive Plan Update. The Comprehensive Plan describes this Character Area as containing “a large grocery or drug store, small office complexes such as “office condominiums,” financial institutions, full-service restaurants, medical/dental clinics, gas stations, community gathering spaces, and institutional uses (such as libraries or community centers).” The Comprehensive Plan supports B-1, B-1-MPD, B-2 and B-2-MPD zoning in this Character Area. Staff finds the expansion of an existing B-2 zone is in conformity with the Comprehensive Plan.

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

It is likely that other B-2-zoned properties exist in the county that would permit the requested commercial development use. However, the proposed use of the subject property aligns with the Comprehensive Plan and is an expansion of an established B-2 zoning district.

**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 the request to rezone ±2.21 acres to B-2 (Highway Business District) 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 retail building shall be brick and/or stone veneer on all facades.
5. All commercial activity shall be conducted in a fully enclosed building. Outdoor display and sales are not permitted.

# Rezone # P23-0275 - Mulberry Property Investments LLC

Parcel #'s  
B-02-041  
B-02-054BB



1:1,500

0

140

280

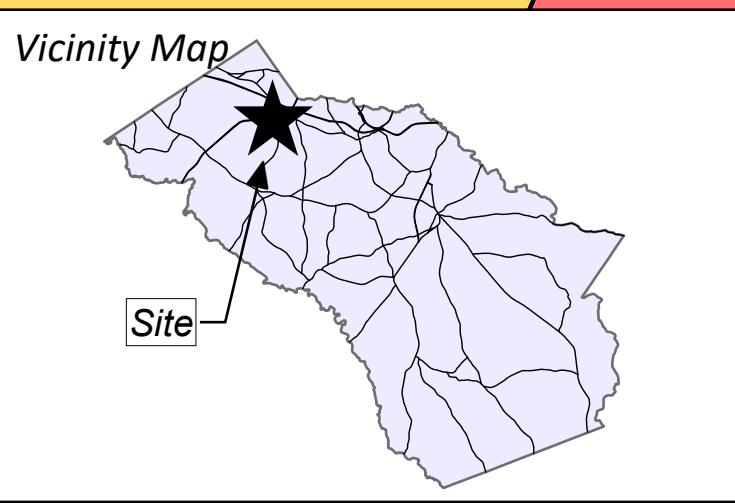
560

840

1,120

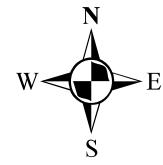
Feet





## Regional Center

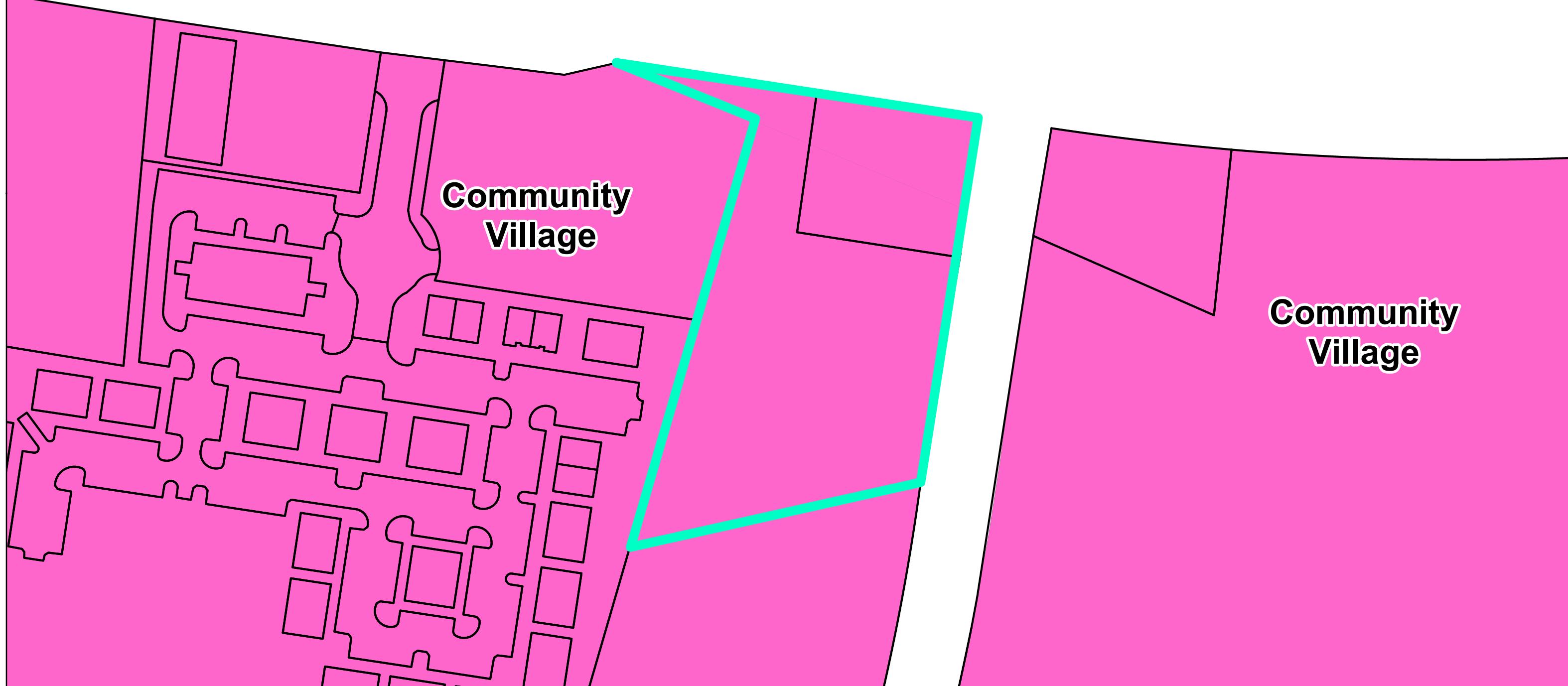
## Oconee County Planning Department



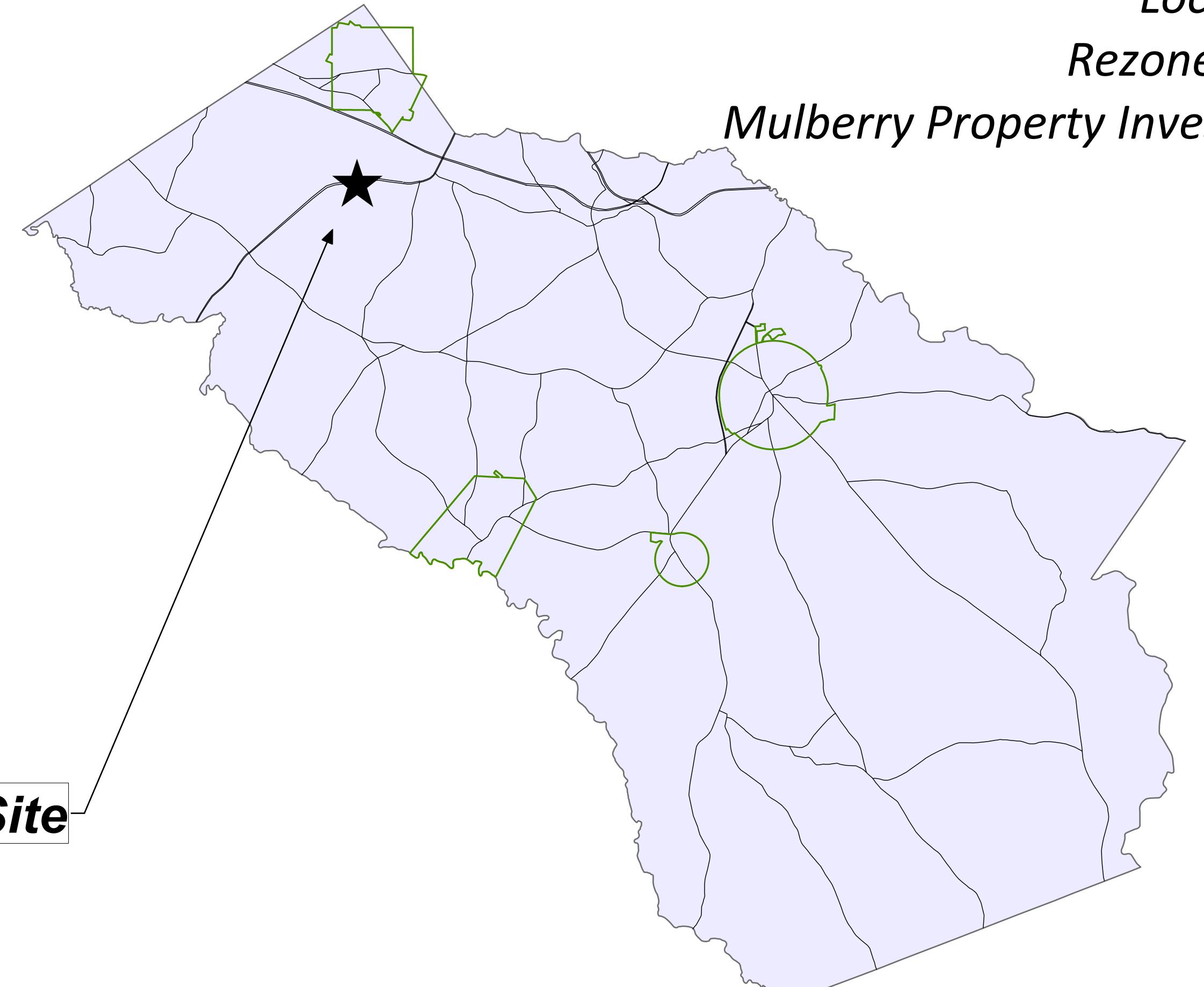
This map is a representation of the future development map and should be used for planning purposes only

0 50 100 200 300 400  
Feet

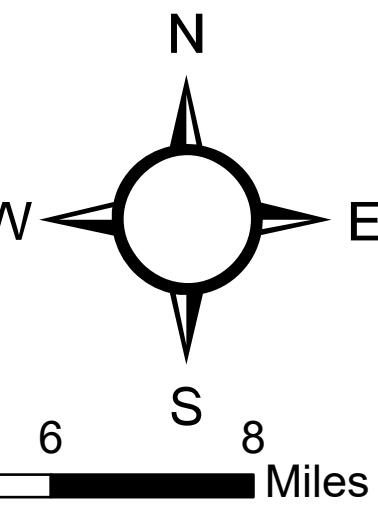
## Character Areas Map - 2023 Joint Comprehensive Plan



*Location Map -*  
*Rezone # P23-0275*  
*Mulberry Property Investments, LLC*



**Site**



1:120,000

