

**ACTION DENYING REZONE REQUEST**

APPLICATION SUBMITTED BY: Carter Engineering Consultants

APPLICATION SUBMISSION DATE: February 19, 2024

RE: Request to rezone from zoning classification R-1 (Single Family Residential District) to zoning classification OIP (Office Institutional Professional District) of a ±6.0-acre tract of land located at Julian Drive, Oconee County, Georgia, (tax parcel no. B-02-109AA) zoned AR (Agricultural Residential District).

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

This 9<sup>th</sup> day of July, 2024.

**OCONEE COUNTY BOARD OF COMMISSIONERS**

BY: \_\_\_\_\_

John Daniel  
John Daniell, Chairman

Mark Thomas  
Mark Thomas, Member

Chuck Horton  
Chuck Horton, Member

Amrey Harden  
Amrey Harden, Member

Mark Saxon  
Mark Saxon, Member

ATTEST:

Holly Stephenson  
Holly Stephenson  
Clerk, Board of Commissioners





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

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**REZONE CASE #:** P24-0032

**DATE:** June 6, 2024

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

**APPLICANT NAMES:** Carter Engineering Consultants

**PROPERTY OWNER(S):** Lifemark Development, LLC

**LOCATION:** Julian Drive / Mars Hill Rd  
Parcel number B 02 109AA

**PARCEL SIZE(s):** ±6.0 acres

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

**EXISTING LAND USES:** Vacant property

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



**ACTION REQUESTED:** Rezone from R-1 to OIP (Office-Institutional-Professional) zoning for an office development at the intersection of Julian Drive and Mars Hill Road

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

**DATE OF SCHEDULED HEARINGS**

**PLANNING COMMISSION:** June 17, 2024

**BOARD OF COMMISSIONERS:** July 9, 2024

**ATTACHMENTS:**

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

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

### **HISTORY**

- A zoning application for OBP (P22-0294) showing 52,000 square feet of warehouse and office uses was **denied** by the Board of Commissioners on June 6, 2023.
- The subject property is zoned R-1 and has been owned by the current owner since 2021. The tract is currently vacant.
- The property was zoned to R-1 on July 7, 1970, when it was owned by Julian Clement.

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

	<b>EXISTING LAND USES</b>	<b>EXISTING ZONING</b>
<b>NORTH</b>	Church	OIP (Office Institutional Professional District)
<b>SOUTH</b>	Residential, and The Summit at Mars Hill office condominiums	OIP (Office Institutional Professional District), AG (Agricultural District)
<b>EAST</b>	Residential	AG (Agricultural District)
<b>WEST</b>	Residential and church	R-1 (Single Family Residential District), AG (Agricultural District)

### **PROPOSED DEVELOPMENT**

- The applicant is seeking a rezoning to change the zoning from R-1 to OIP to develop a proposed 24,000 square feet general office building.

### **PROPOSED TRAFFIC PROJECTIONS**

- The narrative indicates the average daily trips for the development will be 657 trips.

### **PUBLIC FACILITIES**

#### **Water:**

- The project is proposing 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 proposing to utilize an on-site septic system. The development is estimated to use approximately 3,500 GPD.
- The Water Resources Department has indicated that no public sewer services are available at this location.

#### **Roads:**

- The applicant is proposing access from Julian Dr with one commercial driveway.

### **ENVIRONMENTAL**

- The Concept Plan indicates there are state waters present on the site.
- There are no Special Flood Hazard Areas (100-year floodplain) or wetlands indicated on the site.
- The site will have to meet the requirements of Article 9: Environmental Protection.

## **COMMENTS FROM OTHER DEPARTMENTS & AGENCIES**

### **OCONEE COUNTY PUBLIC WORKS DEPARTMENT**

- Reviewed with the following comments on 6-6-2024:
  - An updated traffic impact study is required by the Public Works Director prior to site development. (Sec. 1206.04)
- Previous review comments on 4-28-2023: Provide ADA ramp at intersection of Mars Hill Road and Julian Drive for future sidewalk extension across Julian Drive.

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

- Reviewed with no comments on 5-22-2024

### **OCONEE COUNTY FIRE CHIEF**

- Reviewed with the following comments:
  1. The Fire Marshal's Office has not conducted a full review of the plans submitted.
    - a. We have not reviewed the water plans and we are not approving the location of fire hydrants (the locations will be as required by codes).
    - b. These preliminary comments are based on the conceptual site plan provided in your application for public hearing.
    - c. This is not approval of any land disturbance or building activity at this location as a result of this review.
  2. The design of the development must meet all adopted codes by The Fire Marshal's Office and the Rules and Regulations of the Safety Fire Commissioner Chapter 120-3-3 Rules and Regulations for the State Minimum Fire Safety Standards.
  3. Fire hydrants should be located based on the following requirements:
    - a. Place hydrants as near as possible to the main entrance.
    - b. For non-sprinklered buildings, the maximum allowable hose lay distance is 400-feet from any section of the proposed structure.
    - c. For sprinklered buildings, the maximum allowable hose lay distance is 600-feet from any section of the proposed structure.
    - d. Hose lay is measured along paved surfaces, not through yards or medians.
    - e. Outside of the collapse zone (1 1/2 times the height of the building away from the building).
    - f. The fire hydrants must comply with the 2018 International Fire Code.
    - g. The building must comply with the 2018 International Building Code and the 2018 Life Safety Code.

The Fire Marshal's Office has no objection for the request providing it complies with the above-mentioned requirements

### **OCONEE BOARD OF EDUCATION**

- No comments received as of 6-6-2024

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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 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 use of surrounding property due to the primarily commercial, office, and large lot residential mix of



uses of the surrounding properties. Staff analysis indicates that the proposed OIP zoning is suitable for this area.

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

The property has a reasonable economic use with the existing R-1 zoning; however, the proposed office use aligns with some adjacent business, and institutional uses.

**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 one office building. This development will cause an increase in demand for water. The Water Resources Department has indicated a line to serve the development, but capacity is not guaranteed until an application for connection is made. Increased traffic generation is also anticipated, with an additional 657 ADT. There are no anticipated impacts on the school system from the proposed office development.

**ii. Environmental impact;**

The Concept Plan indicates there is no 100-year flood plain or wetlands on the site. State Waters are present on the site. The concept plan indicates there will be no impacts to the State Waters areas. 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 building is compatible with surrounding uses and is not anticipated to affect the existing use, usability, and/or value of adjoining properties. A 25-foot zoning buffer must be installed along the eastern property line adjacent to the residential uses.

**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 OIP zoning district is to “provide an area for business and professional offices as well as for social, fraternal, political, civic and community organizations.” (Unified Development Code Sec. 205.08). Staff analysis indicates the proposed development is consistent with the stated purpose of the OIP 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 the Regional Center character area, as shown on the 2023 Oconee County Comprehensive Plan Update Character Area Maps. The 2023 Plan indicates “the 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 subdivisions. (P. 68).” The appropriate zoning for the Regional Center Character Area is OIP (Office-Institutional-Professional), B-1 (General Business), and B-2 (Highway Business). Staff analysis indicates the proposed OIP zoning complies 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 OIP-zoned properties exist in the county that would permit an office use. However, the OIP uses for the subject parcel aligns with the surrounding land patterns.

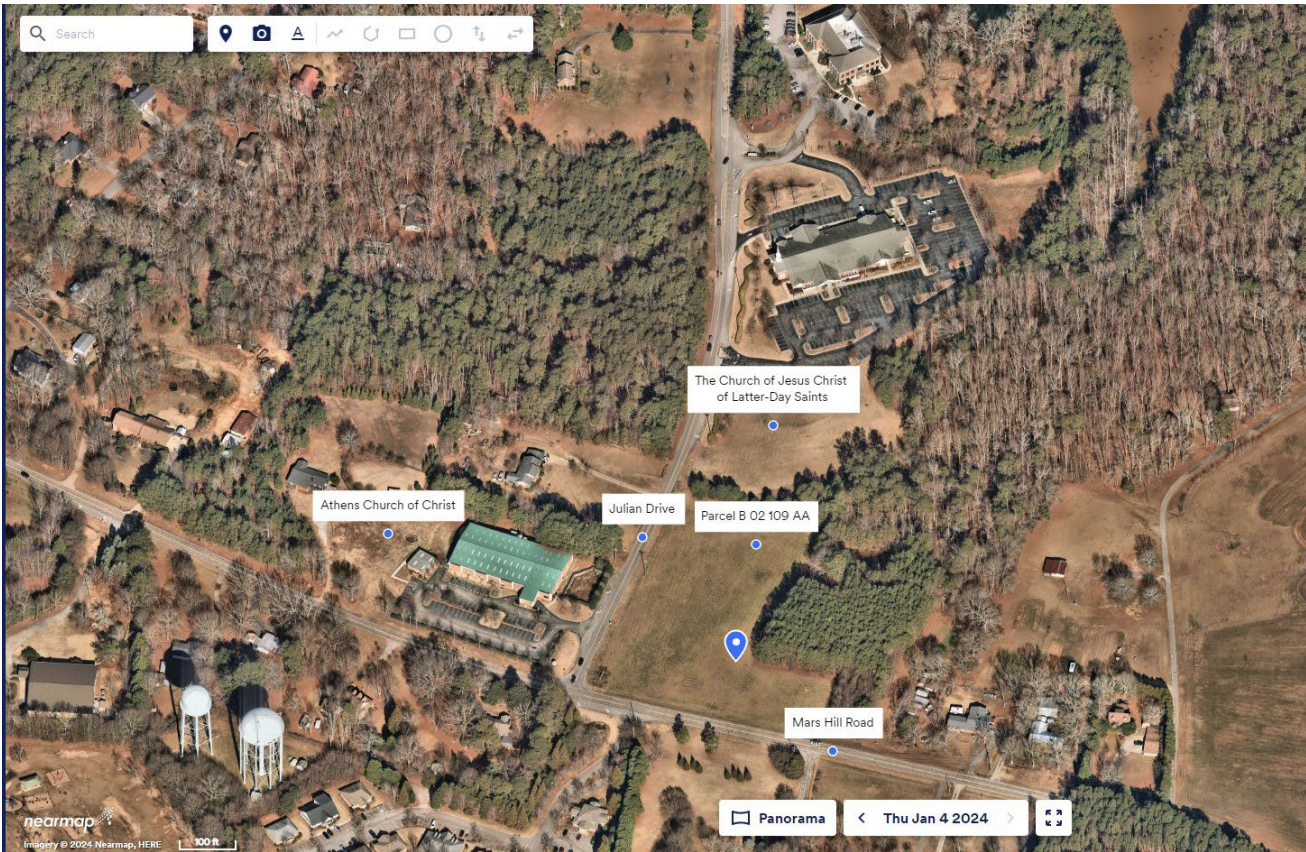
## **STAFF RECOMMENDATION & CONDITIONAL REQUIREMENTS**

**Based on Board of Commissioners policies, decision-making criteria, and standards outlined in the development codes of Oconee County, staff recommends conditional approval of the request to rezone ±6.0 acres to OIP 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 office building shall be limited to 24,000 square feet.
5. The proposed building shall have a facade of predominately brick and stone (80%).
6. The office building shall have a pitched hip or "well" hipped roof.
7. Per previous 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.
8. An updated traffic impact study shall be submitted with the Preliminary Site Plan as required by the Director of Public Works.
9. A deceleration lane is required as indicated by the 3-15-2023 traffic impact study by A & R Engineering, which has the same ADT (657 trips) as the current proposal.
10. The entrance drive shall shift to the north to accommodate the design and installation of a deceleration lane that does not conflict with the Mars Hill Road/ Julian Drive intersection.



## SITE PICTURE





# Rezone # P24-0032 - Lifemark Development, LLC

Parcel #  
B-02-109AA

Julian Dr

B-02-109AA

Mars Hill Rd

McCarty Rd

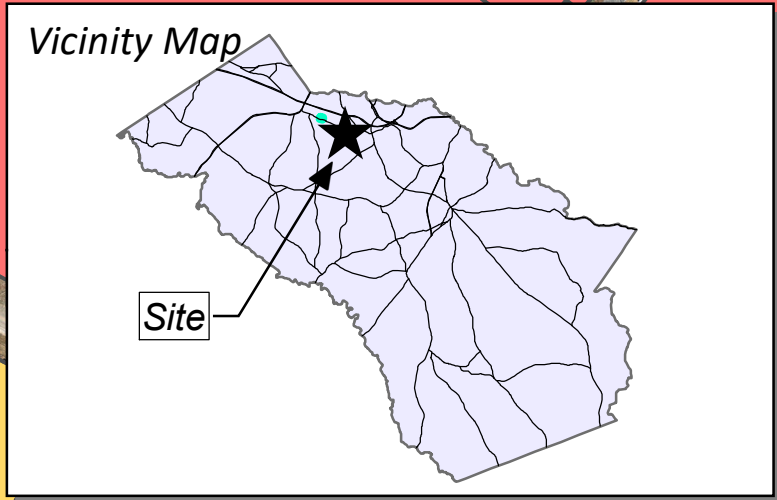
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0 187.5 375 750 1,125 1,500

Feet





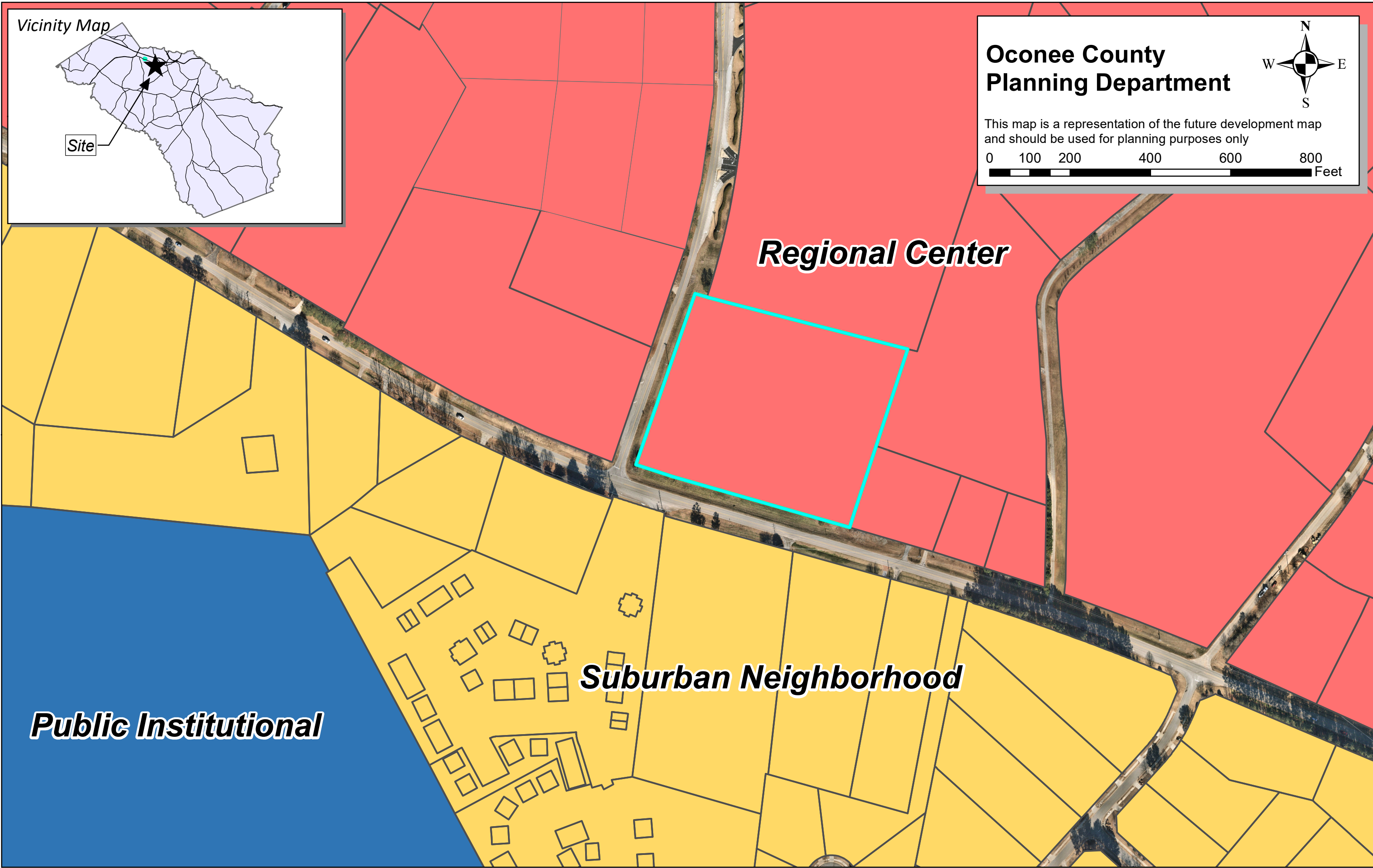


**Oconee County  
Planning Department**

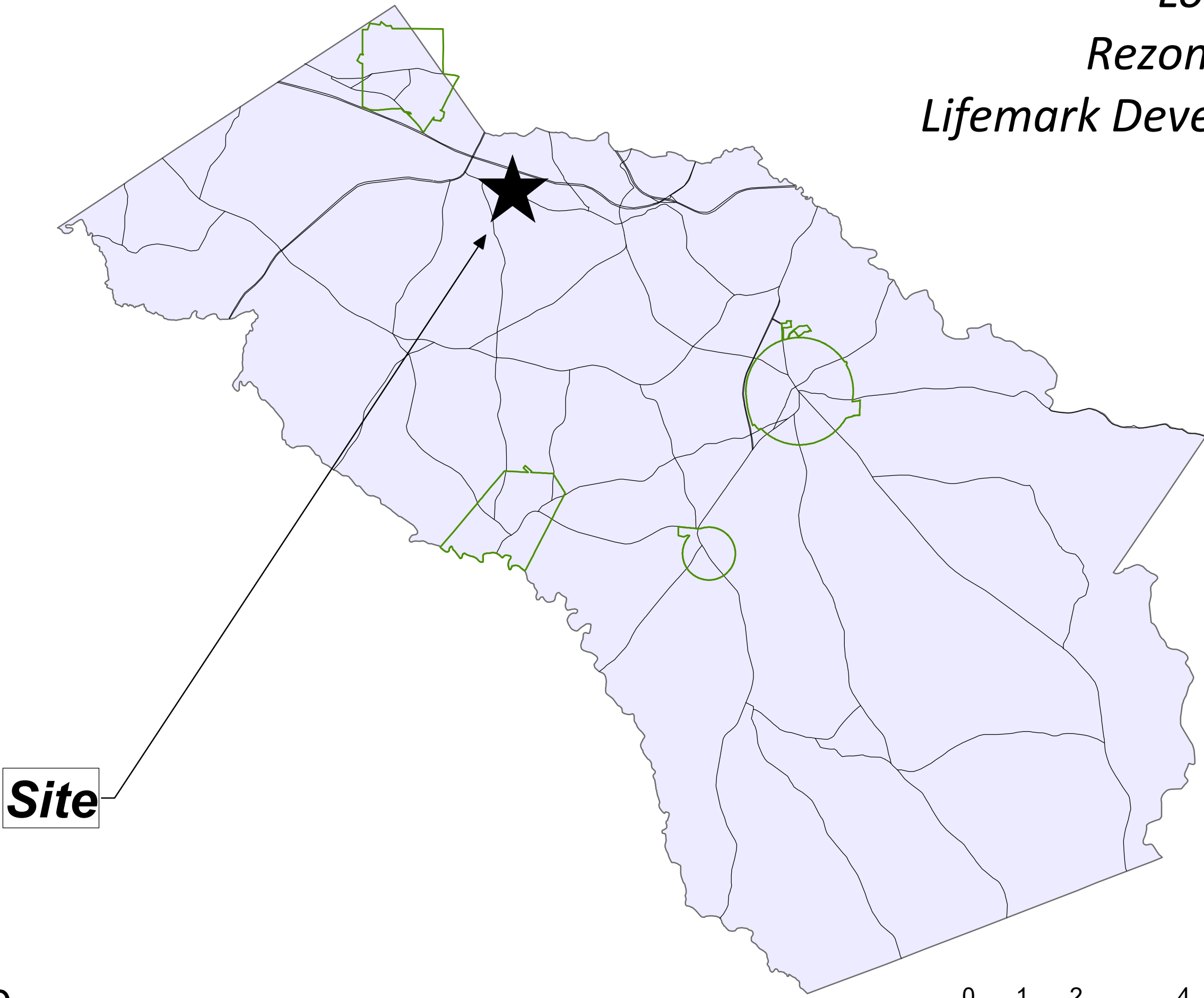
This map is a representation of the future development map and should be used for planning purposes only

0 100 200 400 600 800 Feet

This block contains the title 'Oconee County Planning Department' in bold. To the right is a compass rose with 'N', 'S', 'E', and 'W' markers. Below the title is a disclaimer: 'This map is a representation of the future development map and should be used for planning purposes only'. At the bottom is a scale bar with markings for 0, 100, 200, 400, 600, and 800 feet.

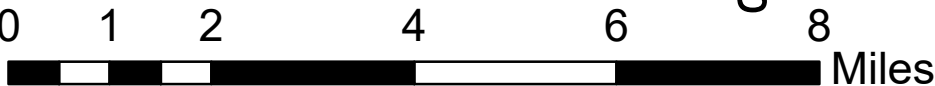


*Location Map -  
Rezone # P24-0032  
Lifemark Development, LLC*



**Site**

1:120,000





Julian Dr

Mars Hill Rd



1:4,000

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

N

E

S

W

1:2,000