

**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) to B-2 (Highway Business District) with modifications to rezone no. 6894 pursuant to an application for rezoning of property owned by Scott Boswell submitted on August 27, 2018.

**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 Scott Boswell on August 27, 2018, requesting rezoning of a ±29.905 acre tract of land located on the south side of Georgia Highway 316 and west of Mars Hills Road in the 240<sup>th</sup> G.M.D., Oconee County, Georgia, (tax parcel no. B-01-107A), the Board of Commissioners of Oconee County does hereby ordain and enact to law the following:

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

The zoning classification for the property described on the attached “Exhibit A” is hereby changed from B-2 (Highway Business District) to B-2 (Highway Business District) with modification to rezone no. 6894 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Resolutions or Ordinances and parts or sections of Resolutions or Ordinances in conflict with this Ordinance are hereby repealed.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 22, 2019, and a Public Hearing was held by the Oconee County Board of Commissioners at its regular meeting on February 5, 2019.

ADOPTED AND APPROVED, this 5<sup>th</sup> day of February 2019.

**OCONEE COUNTY BOARD OF COMMISSIONERS**

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

John Daniell  
John Daniell, Chairman

Mark Thomas  
Mark Thomas, Member

Chuck Horton  
Chuck Horton, Member

W. E. “Bubber” Wilkes  
W. E. “Bubber” Wilkes, Member

Mark Saxon  
Mark Saxon, Member

ATTEST:

Kathy Hayes  
Kathy Hayes  
Clerk, Board of Commissioners



# EXHIBIT "A" TO REZONE #7579

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## CONDITIONS

This Zoning Amendment shall be subject to the following conditions, which shall be fulfilled by the owner/developer at his expense:

1. The development shall be connected to the Oconee County water and sewer system at the developer's expense in a manner approved by the Oconee County Water Resources Department and Public Works Department.
2. Should the companion variance #7694 be denied, the owner/developer shall install a 50' incompatible land use buffer along the eastern property line where the subject property abuts residential use or zoning. Furthermore, the developer shall be required to submit a revised rezone concept plan, subject to approval by the Director of Planning and Code Enforcement, meeting all applicable requirements set forth in the Unified Development Code.
3. Impervious lot coverage shall not exceed 80% of the total lot area.
4. The owner/developer shall submit a traffic study to the Oconee County Planning and Code Enforcement Department upon application for preliminary site plan approval. The scope of the study and engineer conducting the study shall be subject to the approval of the Oconee County Public Works Director.
5. The property owner shall obtain a new commercial driveway permit through the Georgia Department of Transportation prior to the issuance of any development permit.
6. A one-foot no-access easement shall be recorded along the northern property line of lots 2 and 3, adjoining the private street. This easement shall be depicted on the preliminary site plan and site development plans for the project.
7. 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.
8. Building façade materials for lots 2-8 as depicted on the concept plan attached hereto shall be brick on all four sides. Building façade materials for lots 9-19 as depicted on the concept plan attached hereto shall consist of at least 25% brick.
9. No lots in the proposed commercial subdivision shall be less than one acre in size.
10. The development shall incorporate evergreen vegetative screening meeting the standards required by UDC Section 803.03 for vehicle-use area screening along the entirety of the northern development boundary adjacent to GA-SR 316.
11. The following uses, allowed by right in B-2 zoning district, shall not be allowed on the subject property:

*(see next page)*

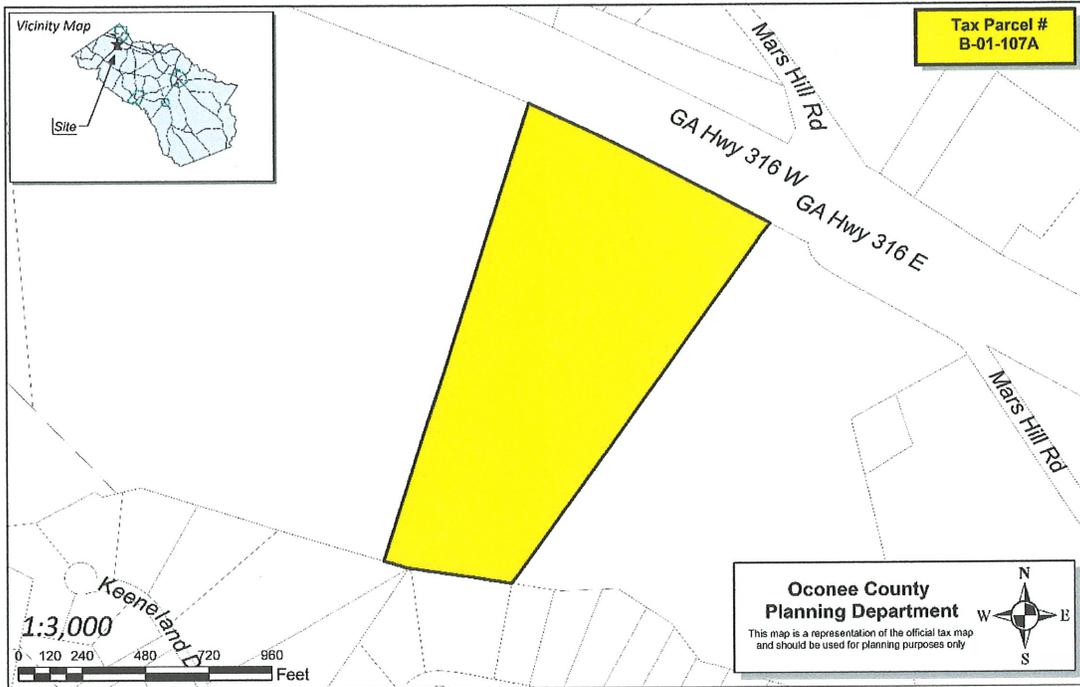
**EXHIBIT "A" TO REZONE #7579**

<b>LIST OF DISALLOWED USES</b>	
Hotels and Motels	Bed-and-Breakfast Inns
RV (Recreational Vehicle) Parks	Saunas and Spas
Massage Therapy Establishment	Blood and Organ Banks
Tanning Salons	Bail Bonding or Bondsperson Services
Pet Boarding Kennel	Automobile Driving Schools with Classroom and "On-The-Road" Training
Video Tape and Disc Rental	Performing Arts Theaters: Drama, Dance, Music (except adult entertainment)
Exam Preparation and Tutoring	Amusement and Theme Parks, Fairground
Museums	Billiards and Pool Halls
Community Recreation Facility (non-profit) including YMCA, Senior Centers, Area-wide Recreation Center	Go Cart Concessions
Golf Course, with or without a County Club	Golf Driving Ranges
Ice or Roller Skating Rink	Public Swimming Pools
Neighborhood Recreation Centers (for profit), including Private Playgrounds, Tennis, Community Swimming Pools or Other Recreational Amenities	Softball, Baseball, Football or Soccer Fields
Show arenas for Horses (including Accessory Barns)	Restaurants, Full-Service, Quality Restaurants
Tennis Clubs and Tennis Centers	Restaurants, Full-Service, Family Restaurants
Auction Houses	Bars, Taverns, and Other Drinking Places (Alcoholic Beverages)
Cigar and Tobacco Stores	Family Planning Centers
Radio and Television Broadcasting Stations	HMO Medical Centers
Business, Professional, Labor, Political, and Similar Organizations	Day Care Center
Clinics and All Other Outpatient Care Centers	Manufactured Home Dealers
Psychiatric and Substance Abuse Hospitals	Specialty Hospitals (except Psychiatric and Substance Abuse)
Radio and Television Broadcasting Stations	Car Washes
Community Food and Housing, and Emergency and Other Relief Services	Adult Entertainment
Private Schools: Kindergarten, Elementary and Secondary	Motion Picture Theatres (except Drive-ins)
Private Schools: Colleges and Universities	Archery or Shooting Ranges
Private Schools: Religious Exempt Nonpublic Post Secondary Institutions	Gasoline Stations with Convenience Stores, no repairs
Group Day Care Home	Fraternal Lodges, VFWs, Ethnic Associations and Other Civic and Social Organizations
Ambulance Services	Outpatient Mental Health and Substance Abuse Centers
Liquor Stores	Cemeteries and Mausoleums
Private Schools: Junior Colleges	

# EXHIBIT "A" TO REZONE #7579

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## TAX MAP



## LEGAL DESCRIPTION

### EXHIBIT "A"

#### LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in the 240<sup>th</sup> G.M.D. of Oconee County, Georgia, containing 29.905 acres according to a survey for Northeast Georgia Bank, Chicago Title Insurance Company, Georgia Investments International, Inc. and Larry Tew, dated April 2, 2004, prepared by Bauknight & Associates, Inc., W. Slate Bauknight, Georgia Registered Land Surveyor No. 2534, said tract being more particularly described according to said survey as follows:

To locate the TRUE PLACE OR POINT OF BEGINNING, commence at a point located at the intersection of the northeasterly right-of-way line of Georgia Highway No. 316 (300' R/W) with the southwesterly right-of-way line of Mars Hill Road, and leaving said point (and crossing from the northeasterly side of Georgia Highway No. 316 to the southwesterly side of Georgia Highway No. 316) run thence South 13 degrees 19 minutes 55 seconds West a distance of 310.44 feet to a point marked by a concrete monument found (DOT) located on the southwesterly right-of-way line of Georgia Highway No. 316 at the northwesternmost terminus of a local service road, said point being the TRUE PLACE OR POINT OF BEGINNING;

FROM THE TRUE PLACE OR POINT OF BEGINNING as thus established, and leaving said right-of-way line of Georgia Highway No. 316 run thence along the northwesterly terminus of the local service road South 38 degrees 32 minutes 40 seconds West a distance of 60.22 feet to a point marked by a concrete monument found (DOT); leaving the aforesaid terminus of the local service road, run thence South 32 degrees 56 minutes 00 seconds West a distance of 39.80 feet to an iron pin found; run thence South 35 degrees 59 minutes 05 seconds West a distance of 1,625.01 feet to a point; run thence North 79 degrees 23 minutes 00 seconds West a distance of 210.32 feet to a point; run thence North 85 degrees 53 minutes 00 seconds West a distance of 66.00 feet to a point; run thence North 59 degrees 53 minutes 00 seconds West a distance of 198.00 feet to a point; run thence North 17 degrees 37 minutes 45 seconds East a distance of 1,794.38 feet to an iron pin found located on the southwesterly right-of-way line of Georgia Highway No. 316; run thence along said right-of-way line of Georgia Highway No. 316 following the curvature of an arc a distance of 728.18 feet to a point marked by a concrete monument found (DOT), said arc having a radius of 11,309.16 feet and being subtended by a chord bearing and distance of South 63 degrees 57 minutes 05 seconds East 728.05 feet; continuing along said right-of-way line, run thence South 62 degrees 04 minutes 45 seconds East a distance of 294.19 feet to a point marked by a concrete monument found (DOT), said point being the TRUE PLACE OR POINT OF BEGINNING.

EXHIBIT "A" TO REZONE #7579

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PLAT

- NOTES:
- 1) SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.
  - 2) SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
  - 3) NOTE: PROPERTY SUBJECT TO ANY VALID & ENFORCEABLE EASEMENTS, RESTRICTIONS & RIGHTS OF WAY OF RECORD.
  - 4) NOTE: COURSES "A" TO "B" ARE PLOTTED FROM METES AND BOUNDS AS SHOWN ON PLAT FOUND IN PLAT BOOK 1 PAGE 324, OCONEE CO. RECORDS.
  - 5) PORTIONS OF THIS PROPERTY THAT LIE ALONG McNUTT CREEK ARE IN A FLOOD HAZARD AREA AS SHOWN ON F.E.M.A. MAP COMMUNITY PANEL #130453-0010-B.

LEGEND:

I.P.S. = IRON PIN SET (1/2" REBAR)  
 I.P.F. = IRON PIN FOUND (AS DESCRIBED)  
 P.O.B. = POINT OF BEGINNING  
 PL = PROPERTY LINE  
 CL = CENTERLINE  
 R/W = RIGHT-OF-WAY  
 M = MAN HOLE  
 S = SWAMP  
 P = POINT ONLY  
 D.O.T. = DEPT. OF TRANSPORTATION

**DONNA RISSMAN**  
 P.B. 13 pg. 190

**29.905 ACRES**

References:  
 -- Plat Bk. 01 pg. 324  
 -- Deed Bk. 619 pg. 714  
 -- Deed Bk. 571 pg. 190

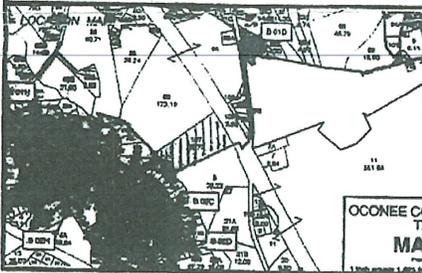
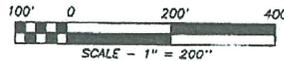
*/ */ * LINE TABLE * / * / *		
COURSE	BEARING	DISTANCE
L1	S 38°32'40"W	60.22'
L2	S 32°56'00"W	39.80'

**JEFFERY SALTERFIELD**  
 P.B. 01 pg. 111



THE FIELD EQUIPMENT USED FOR THIS SURVEY WAS A TOPCON GTS 2110. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 20,000 FEET AND AN ANGULAR ERROR OF 1 SEC. PER ANGLE POINT AND WAS ADJUSTED USING THE RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 177,486 FEET.

I HEREBY CERTIFY, THAT IN MY OPINION THIS IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW.



SURVEY FOR: <b>LARRY TEW</b>		
COUNTY: OCONEE	G.M.D.: 240	STATE: GEORGIA
DATE: APRIL 02, 2004	SCALE: 1" = 200'	PARTY CHIEF: APB
SURVEYED BY: <b>BAUKNIGHT &amp; ASSOCIATES, INC.</b>		
W. SLATE BAUKNIGHT GEORGIA RLS # 2534 1572 ZION C.M.E. CHURCH ROAD HARTWELL, GA. 30643 706-376-5946 706-245-0927 CALL TOLL FREE 1-888-376-5946		
DRAWN BY: WSB	APPROVED BY: WSB	CRD FILE: 04132
PLI FILE: 04132		





# EXHIBIT "A" TO REZONE #7579

## NARRATIVE



**Project Narrative**  
**Tax Parcel No. B01 107A**

**Introduction**

The property referenced as tax parcel B01 10/A is currently owned by Scott Boswell. Scott Boswell is the developer and primary contact for this project. This property was previously rezoned from A-1 (Agricultural) to B-2 (Highway Business). The 29.905 Ac. site was previously approved for a single business. However, the developer would like to subdivide the property into 19 parcels. The owner is requesting to subdivide the lot and remove certain zoning conditions. Carter Engineering Consultants, Inc. is providing assistance to the developer in preparation of the preliminary planning and rezoning request.

**Rezoning Summary & Change Request**

The property was rezoned from A-1 (Agricultural) to B-2 (Highway Business) on July 5<sup>th</sup>, 2016 under rezoning number 6894. The Zoning Amendment is currently subject to the following conditions:

- The developer shall be connected to the Oconee County water system and sewer system at the developer's expense in a manner approved by the Oconee County Utility Department and the Oconee county Public Works Department.
  - The owner will adhere to this condition.
- Developer shall construct entrance and driveway to the development at the developer's expense and in accordance with the requirements of the Unified Development Code and the Oconee County Public Works Department.
  - The owner will adhere to this condition.
- Development structures shall meet or exceed the architectural standards as indicated on the concept plan, narrative, representative photos submitted with the zoning application and attached hereto.
  - The owner will adhere to this condition.
- The total building floor area of the development shall not exceed 9,600 SF.
  - The owner proposes to eliminate this condition from the zoning. This condition limits future expansion of the owner's building and may in turn limit business growth. The owner will adhere to the proposed maximum 80% lot impervious coverage and 20% open as described in the "Buildings" & "Common/Open Spaces" sections of this report.
- The sides of the building shall be a minimum of 25% brick, stone, or stucco material.
  - The owner will adhere to this condition.

**The Site**

The site is located on the south side of Highway 316 and north of McNutt Creek in Oconee County, Georgia. The property is comprised of 29.905 continuous acres and is currently zoned B-2.

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**Project Narrative**  
**Tax Parcel No. B01 107A**

Currently, the front 10 acres of the site are being developed per the county approved "Site Development Plans for Boswell Electrical & Communications Supply, LLC". The construction includes the development of lot 1 for Boswell Electrical. Lot 2, 3, 4 and part of lot 5 are part of the current construction. These lots have been utilized for borrow material and have been mass graded to serve the current construction and future development. The remainder of the site is undeveloped and currently comprised of mostly hardwoods. Topography slopes uniformly and gently to the south.

Six properties border the parcel. The property is bounded by Highway 316 to the north. To the east, parcel B 02 005 (A-1) is currently used as a single family residence. Residential parcels B 02E 037 A (R-1), B 02E 038 A (R-1), B 02C 035 A (R-1), B 02C 033 A (R-1) border the property to the south. An undeveloped parcel B 01 096 (O B-P) borders the subject site to the west.

To the south, the property is bounded by McNutt creek. There are approximately 3.741 acres of flood plain on the southern portion of the lot. The flood plain will remain undisturbed and create a buffer between the commercial business and the adjacent residential properties.

**The Development**

Proposed zoning is B-2 which would allow for the total 29.91 acres to be separated into 19 parcels ranging from 1.00-3.24 acres. Lot 1 will be a maximum of 2.63 acres. Lot 2 through lot 19 will be minimum of 1.00 acres. Lot 1 is currently being developed for Boswell Electrical & Communications Supply. The business is owned by the developer and is currently located in Athens, Georgia. Boswell Electrical & Communications sells electrical supplies to contractors and local citizens. The other properties will be sold or leased to other companies for development.

The site will be developed with paved parking and building access. Land disturbance will only occur as needed to build the structures, storm water pond and infrastructure.

**Access**

Access to the site will be by way of a private entrance to the property from Mars Hill Road. An access road has already been constructed from Mars Hill Road to the west property line. The entrance will be a paved 28-foot wide, two lane access.

**Buildings**

Construction is underway for Boswell Electric and Communications Supply, which includes a building with metal and brick facade on lot 1. The developer would like to remove condition 4 to allow for expansion of the business. The future expansion would still be constrained by the 80% impervious and 20% open land coverage condition proposed in this change of conditions request. Lot 2 through lot 19 will be developed by other companies who will be buying the lots or leasing from the developer. There is a maximum building height of 55 feet on all proposed lots. At full buildout, there will be an estimated 19 total buildings. Buildings footprints will be approximately 30% of each lot area. The anticipated range of the gross floor area per lot is

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**Project Narrative**  
**Tax Parcel No. B01 107A**

expected to be 5,000-40,000 S.F. The total gross commercial building floor area is expected to not exceed 290,000 S.F. Parking and access drives will be approximately 50% of the total lot area.

The front and sides of each of the building shall have 25% brick, stone, or stucco materials.

**Common/Open Space**

Each lot will have a minimum of 20% open space and a maximum of 80% impervious space. The flood plain area will remain in its natural state to protect the integrity of McNutt Creek. Any common areas and master storm water facilities will be maintained by the applicant until an office park association is formed.

**Land Coverage Calculations**

Table 1 Proposed Land Coverage Summary			
Proposed Lot	Total Proposed Area (Acres)	80% Impervious Area (Acres) = Total * 0.80	20% Open/ Landscaped Area (Acres) = Total * 0.20
Lot 1	2.63	2.10	0.53
Lot 2	1.06	0.85	0.21
Lot 3	1.52	1.22	0.30
Lot 4	1.12	0.89	0.22
Lot 5	1.32	1.06	0.26
Lot 6	1.00	0.80	0.20
Lot 7	1.02	0.82	0.20
Lot 8	1.07	0.86	0.21
Lot 9	1.01	0.81	0.20
Lot 10	1.42	1.14	0.28
Lot 11 through Lot 17	1.00	0.80	0.20
Lot 18	2.71	2.17	0.54
Lot 19	3.24	2.59	0.65
<b>Totals</b>	<b>20.1</b>	<b>16.1</b>	<b>4.0</b>

**Landscaping**

In general, all lots shall meet B-2 landscaping requirements as described in the Oconee County Unified Development Code.

Specifically, the site access road that is parallel to Highway 316 shall require decorative plantings. Lot 1 landscaping will be installed per county approved "Site Development Plans for Boswell Electrical & Communications Supply, LLC". Lot 2 and lot 3 shall have large canopy trees and

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**Project Narrative**  
**Tax Parcel No. B01 107A**

decorative plantings along the access road. Trees and plantings shall be installed when the additional lots are developed.

**Buffers**

The subject property is bordered by property zoned OBP to the west, A-1 to the east, R-1 to the south and SR 316 to the north. Article 8, Section 806, Table 8.1 requires a 15-foot buffer in between Commercial and A-1 zoning district. A 50-foot buffer is required in between Commercial and Single-Family Residential development.

Fernwood Subdivision with zoning R-1 is located along the southern boundary line and therefore, we are proposing a natural buffer along this common property line. McNutt Creek transects the property near the south property line. This stream requires a 25-foot state waters buffer and a 50' conservation corridor buffer. Additionally, no disturbance or development will occur in the floodplain therefore providing an extensive natural buffer between the residential development and the proposed commercial business.

The existing lot located along the east property line is zoned A-1 but utilized as single-family residential use. Per Table 8.1 and footnote "a", a 50-foot buffer is required for commercial property adjacent to single-family and multi-family lots. This buffer requirement will significantly reduce the property's usable space for development. Therefore, as part of this rezoning, the owner is requesting a variance from the 50-foot buffer along the east property line. The owner proposes to maintain a 15-foot natural buffer and install a 6-foot opaque privacy fence along the east property line.

A buffer is not required along the west property line adjacent to the lot zoned OBP. Likewise, a buffer is not required along the north property line adjacent to SR 316.

**Traffic**

Section 506.15, Section m.2.a states that a traffic impact analysis report is required if the development generates more than 1,000 average daily vehicle trips according to the Trip Generation published by the Institute of Transportation Engineers. At this time, the developer is unsure of the type of businesses that will be constructed on the property and the projected traffic counts that will ultimately exist. Therefore, as a condition of the rezoning, the developer wishes to postpone the traffic impact analysis report until incoming businesses are known or a comprehensive master plan is developed.

For conceptual purposes, each proposed lot/business will be assumed to be a single tenant office building to estimate vehicle average daily trips (ADT) produced by the development. According to the Institute of Transportation Engineers (ITE) Trip Generation Manual 9<sup>th</sup> Edition, a single tenant office building (ITE Landuse 715) will produce 11.65 ADT per 1000 SF of gross floor area. A.M. peak hours will result in 1.80 ADT per 1000 SF of gross floor area. P.M. peak hours will result in 1.74 ADT per 1000 SF of gross floor area. The estimated proposed gross floor area for

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# EXHIBIT "A" TO REZONE #7579

**Project Narrative**  
**Tax Parcel No. B01 1074**



the entire development is 30% of the proposed impervious area. According to "Table 1 - Proposed Land Coverage Summary" found in the "Land Coverage Calculations" section, the total proposed impervious area is 16.1 Acres for the development. Assuming full buildout, see the calculations below for estimated ADT totals.

Total Proposed Gross Floor Area -- (0.30 x 16.1 Ac x 435,605 SF/ Ac) = 210,395 SF  
Total Estimated ADT = (210,395 SF) x (11.65 ADT/ 1000 SF) = **2,451.1 ADT**  
A.M. Peak Hour Trips = (210,395 SF) x (1.80 ADT/ 1000 SF) = **378.7 Trips**  
P.M. Peak Hour Trips = (210,395 SF) x (1.74 ADT/ 1000 SF) = **366.1 Trips**

This estimated ADT meets the volume range for "Minor Collector" roads. The current infrastructure of Mars Hill Road is consistent with a "Major Collector" road indicating the additional ADT would be acceptable. However, a future traffic impact analysis will determine if the existing infrastructure is adequate.

The access for the development is proposed from Mars Hill Road. Modifications/ upgrades to the intersection of Mars Hill Road and SR 316 were approved by GDOT as part of the original "Site Development Plans for Boswell Electrical & Communications Supply, LLC".

**Water Supply**

The water supply for this project will be provided by Oconee County Public Utilities. The current Boswell Electric building's water demand is projected to be 750 gallons/day on peak days. The developer assumes all other businesses will average 250 gallons/day as well. This results in a total average of 4750 gallons/day on peak days. Currently, an 8" DIP water line is being extended to the property from a county water main located on Mars Hill Road at the owner's expense and as part of the project (titled "Site Development Plans for Boswell Electrical & Communications Supply, LLC"). This water main will be extended throughout the site and additional lots.

**Sewage Disposal**

Sewage disposal for this project will be provided by Oconee County Public Utilities. Sewage disposal is projected to be 250 gallons/day. The developer assumes all other businesses will average 250 gallons/day resulting in an overall total average of 4750 gallons/day. Currently, a sanitary sewer main is being installed from north to south through the middle of the property. The sewer main ties to the existing county sanitary sewer main located along McNutt Creek. This private sewer main is being installed at the owner's expense and as part of the project titled "Site Development Plans for Boswell Electrical & Communications Supply, LLC". After completion, the private sewer main will be dedicated to the county and utilized for the entire development.

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**Project Narrative**  
**Tax Parcel No. B01 1074**



**Utilities**

The utilities needed to serve the site are proposed to be underground. The proposed development will require gas, electricity, public water and sewer, telephone and data lines.

**Solid Waste**

Garbage collection will be by private contract through the use of a dumpsters on each lot.

**Stormwater Controls**

Stormwater will be controlled by means of surface drainage to concrete curb and gutter diverted to inlets and routed underground through storm sewers to the proposed detention pond(s). Overall stormwater management may be met by a combination of individual lot stormwater facilities and master stormwater facilities. Lot 18 and lot 19 may be utilized for master storm water detention. Once rezoned, site development plans will be submitted to Oconee county which will include a storm water management plan. All storm water management for the property will conform to the requirements of the Unified Development Code of Oconee County.

**Schedule**

The construction for Boswell Electric and Communications LLC, is currently in progress. The development of the remaining 18 lots will begin as lots are sold or leased and after obtaining all necessary permits.

**Schools**

The proposed rezone of the property would have a positive effect on schools. The rezone use of the property increases the County's tax base without generating more students.

**Type of Ownership**

The project will be privately owned.

**Estimated Value of Project**

Overall Property Costs (29.905 Ac.) - \$900,000

Lot 1:

- Building Cost- \$550,000
- Site improvements - \$600,000

Lot 2 through 19

- Projected Site Development Cost - \$1,100,00.00 per lot

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**Project Narrative**  
**Tax Parcel No. B01 1074**



**Businesses to Exclude**

The following businesses are proposed to be excluded from all lots from the allowed uses within the B-2 zone:

- Forestry and logging
- Residential Lofts in Mixed-Use Building
- Newspaper, Periodical, Book and directory Publishers
- Pawnshop
- Day Care Center (more than 18 persons in care)
- Group day Care Home (more than 18 persons in care)
- Hotels and Motels
- Bed and Breakfast Inns
- RV (Recreational Vehicle) Park
- Tattoo Parlors
- Ambulance Services
- Temporary Event: Circus or Carnival
- Temporary Event: Community Fair
- Racetracks
- Manufactured (Mobile) Home Dealers
- Mini-Warehouses and Self-Storage Units
- Mini Warehouses and Self-Storage Units (Indoor)
- Cemeteries and Mausoleums

**Other**

Sidewalks will be provided along all access roads throughout the development. Each business will border the main drive. Curb/gutter is proposed throughout the entire buildout of the development.

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EXHIBIT "A" TO REZONE #7579

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PRESENTATIVE PHOTOGRAPHS



# Rezone 7579 Aerial View



0 500 1,000 2,000 3,000 4,000

Feet

1:6,100

N



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

**REZONE CASE #:** 7579

**DATE:** January 04, 2019

**STAFF REPORT BY:** Grace Tuschak, Planner &  
Gabriel Quintas, Assistant Director

**APPLICANT NAME:** Scott Boswell

**PROPERTY OWNER:** Scott Boswell

**LOCATION:** South side of Georgia State Road 316 and west of  
Mars Hill Road.

**PARCEL SIZE:** ± 29.905

**EXISTING ZONING:** B-2 (Highway Business District)

**EXISTING LAND USE:** Existing electrical supply store and wooded, undeveloped land

**FUTURE DEVELOPMENT MAP CHARACTER AREA DESIGNATION:** Technology Gateway, Conservation  
Corridor

**ACTION REQUESTED:** Rezone from B-2 to B-2 with modifications to rezone no. 6894

**REQUEST SUMMARY:** The property owner is petitioning for modifications to rezone no. 6894 to allow for  
development of a commercial subdivision on the subject property.

**STAFF RECOMMENDATION:** Staff recommends conditional approval of the present request.

**DATE OF SCHEDULED HEARINGS**

**PLANNING COMMISSION:** January 22, 2019

**BOARD OF COMMISSIONERS:** February 5, 2019

**ATTACHMENTS:** Application  
Zoning Impact Analysis  
Narrative  
Site Review  
Aerial Photo  
Tax Map  
Plat of Survey  
Concept Plan  
Representative Photos  
Copy of Rezone No. 6894



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

### **HISTORY**

- On July 5, 2016, rezone no. 6894 was approved by the BOC, rezoning the subject parcel from A-1 (Agricultural District) to B-2 (Highway Business District) to allow for the development of an electrical supply business (Boswell Electrical & Communications Supply) owned by the property owner.
- Preliminary site plans for Boswell Electrical & Communications Supply, LLC, were approved on 11/17/2017.
- Site development plans for Boswell Electrical & Communications Supply, LLC were approved on 03/03/2018.

### **SITE VISIT DESCRIPTION**

As of the site visit on 01/02/2019, the building for Boswell Electrical & Communications Supply, LLC, is in construction and landscaping has been installed.

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

	<b>EXISTING LAND USES</b>	<b>EXISTING ZONING</b>
<b>NORTH</b>	Single-family residences on large wooded tracts	A-1 (Agricultural District)
<b>SOUTH</b>	Residential Subdivisions (Fernwood & Keenland)	R-2 (Two-Family Residential District)
<b>EAST</b>	Single-family residences on large wooded tracts	A-1 (Agricultural District)
<b>WEST</b>	Large undeveloped tracts	OBP (Office –Business Park District) and F-P (Flood Prone Overlay District)

### **PUBLIC FACILITIES**

#### **Water:**

- Water service is currently provided by Oconee County; the Oconee County Water Resources Department has indicated that sufficient water capacity exists to serve the proposed expansion.
- An 8-inch water main is currently being extended to the property at the owner's expense from a County water main located on Mars Hill Road. The property owner is proposing to extend the water main throughout the site, per site development plans approved 03/03/2018.

#### **Sewer:**

- The Oconee County Water Resources Department has indicated in a water and sewer availability letter dated 01/10/2019 that sewer treatment capacity for the current request is now available with the opening of the sewer expansion.
- An existing sanitary sewer main runs along McNutt Creek at the southern end of the property. The owner is currently installing a sanitary sewer main from north to south down the middle of the property in order to service Boswell Electrical & Communications Supply per the associated site development plans approved 03/03/2018. This sewer main is proposed to service the proposed commercial subdivision and will be dedicated to the County upon completion.

#### **Roads:**

- The site is currently accessed off Mars Hill Road via a private street.
- Interior private roads are proposed to provide access throughout the proposed development.
- Modifications/upgrades to the intersection of Mars Hill road and GA-SR 316 were approved by GDOT as part of the approved site development plans for Boswell Electrical and Communications Supply. However, GDOT has indicated that a new commercial driveway permit will be required for the current request.
- Estimated ADT calculations were completed utilizing the ITE Trip Generation Manual's trip generation ratios for a single-tenant office building:

- Total estimated proposed gross floor area = 210, 395 SF
- Total Estimated ADT = (210,395 SF) x (11.65 ADT/1000 ADT) = 2,451.1 ADT
- A.M. Peak Hour Trips = (210,395 SF) x (1.8 ADT/1000 SF) = 378.7 Trips
- P.M. Peak Hour Trips = (210,395 SF) x (2.74 ADT/1000 SF) = 366.1 Trips

## **ENVIRONMENTAL**

- On the southernmost portion of the subject property, there exists a 100-year flood plain, jurisdictional wetlands, and state waters (McNutt Creek). A 25-foot state waters buffer and 50-foot conservation corridor buffer are required along the banks of McNutt Creek, as depicted on the rezone concept plan.
- A sanitary sewer easement transects the southern portion of the property, as depicted on the rezone concept plan.
- The property owner proposes underground stormwater management facilities and concrete curb and gutter that will be employed for the management of stormwater runoff.

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

### **GEORGIA DEPARTMENT OF TRANSPORTATION**

This change requires a new commercial driveway permit from GDOT. The original permit was issued for a low traffic volume electric retail store.

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

- A traffic impact analysis will be required at the time of Preliminary Plat submittal. The Oconee County Public Works Department must approve the study's scope and the engineer performing the study.
- Per the Oconee County UDC, dead end streets are prohibited.
- Provide a 1-foot no access easement for Lots 2 and 3 along the frontage that parallels GA 316. This can be addressed upon DRC submittal.

## **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. How does the current request compare to the existing uses and zoning of nearby properties?** The current request is compatible with the adjacent property to the west, zoned for OBP uses and currently undeveloped. Additional properties to the east along the north side of Mars Hill Road and GA-SR 316 are similarly zoned for commercial and industrial uses. However, the current request is not compatible with uses and zoning of a significant amount of properties to the north, south, and east, as they consist of large agricultural lots and single-family residences that are predominantly rural or suburban in character.
- B. To what extent are property values diminished by the particular zoning restrictions of the current zoning category?** Condition no. 4 of rezone no. 6894 restricts the total building floor area of the development to 9,600 SF. The building currently on site (Boswell Electrical Supply) is 9,600 SF in size and therefore the remainder of the property must remain undeveloped in accordance with rezone no. 6894. It is reasonable to believe that the subject property values could be diminished by requiring the remaining 19 acres, zoned B-2, to remain undeveloped.
- C. To what extent does the destruction of the property values of the individual property owner promote the health, safety, or general welfare of the public with consideration to:**
  - i. Population density and effect on community facilities such as streets, schools, water and sewer?** Existing county water capacity, sewer treatment capacity, and emergency services should be adequate for the proposed development. The current request should not have any significant impact on the local school district and local population densities should not be adversely impacted.

Increased traffic volume to the general vicinity is expected from the proposed addition of 18 commercial parcels. The expected increase in traffic has not yet been precisely quantified, as the business types of future tenants for the commercial subdivision are unknown. Preliminary calculations submitted as part of this rezone application yield an estimated 2,451 ADT, utilizing the traffic counts for Single-Tenant Office Building use. Should this request be approved, the owner will be required to complete a traffic study to Oconee County Public Works at the time of preliminary site plan submittal.

- ii. **Environmental impact?** Approximately 4.03 acres, amounting to roughly 13.4% of the subject property, lies within a FEMA 100-year flood plain. Approximately 3.47 acres, amounting to roughly 11.9% of the subject property, are considered jurisdictional wetlands. At the southern end of the property, McNutt Creek is identified as a conservation corridor on the 2040 Future Development Map. A 50-foot undisturbed buffer is required for the conservation corridor. A 25-foot undisturbed buffer is required for state waters and jurisdictional wetlands. Staff further notes that all flood plain areas, state waters, jurisdictional wetlands, and associated buffers are considered primary conservation areas and must be recorded as a natural resources easement in accordance with UDC Sec. 928. Proposed lots 18 and 19 contain flood plain, wetlands, state waters, and a conservation corridor. Should the present request be approved, these lots must be closely reviewed to ensure that any development on said lots is in conformity with the UDC and specifically Article 9 (Environmental Protection). The rezone concept plan shows the approximate boundary of wetlands on the site; nevertheless, an exact delineation of wetlands will be necessary prior to the approval of a preliminary site plan. Additionally, in accordance with UDC Section 920 (d), prior to issuance of any local building permit the developer will be required to obtain a determination from the US Army Corps of Engineers on the actual extent of the wetland area and whether a Section 404 (Clean Water Act) permit or letter of permission is required for the development. Staff notes that the section of McNutt Creek that transects the southern portion of the site is currently listed as an “impaired waters” on the Clean Water Act Section 303 (d) List of Waters compiled by the Georgia Environmental Protection Department due to level of fecal coliform present in the waters.
- iii. **Effect on adjoining property values?** Staff believes that if the subject property is adequately screened and buffered along adjacent properties, then the proposed development should not adversely affect adjoining property values. Staff observes that adequate protection of the adjoining residential parcel to the east (tax parcel no. B 02 005) would include the installation of a 50-foot buffer along the eastern property line (for which a variance is sought to reduce the width of such buffer in a companion request).

**D. What is the relative gain to the public in maintaining the current zoning category, as compared to the hardship imposed upon the current property owner?**

Should the present request be denied, the hardship imposed on the property owner would be the inability to develop the remaining ± 19 acres into a commercial subdivision. Conversely, by maintaining the current zoning conditions, usage of nearby County roads and demands for County services such as water, sewer, fire suppression, and emergency services would not additionally be burdened by an additional 18 proposed commercial lots.

**E. What is the length of time that the property has been vacant as currently zoned, considered in the context of land development in the area of the vicinity of the property?**

This question does not apply, as the property is not currently vacant.

**F. Is the proposed use consistent with the stated purpose of the zoning district that is being requested?**

The B-2 (Highway Business District) is intended to serve those business activities generally oriented to the highways. Commercial business offices and industrial uses are common in this district and staff believes that a commercial subdivision is consistent with the stated purpose of the zoning district. Since future business tenants of the commercial subdivision are unknown, staff recommends that a number of uses that the UDC allows in B-2 should be prohibited on the subject parcel to ensure conformity with established land use patterns and Comprehensive Plan goals for the area.

**G. How does this request conform with or diverge from established land use patterns?** The proposed development is consistent with the process of transitioning land use in the area, as the growth of commercial and industrial uses continues to advance from the commercial node at GA-SR 316 and US-Hwy 78. The Comprehensive Plan encourages this transition of land use from low intensity residential uses to commercial and industrial uses through the designation of this area as a Technology Gateway Character Area (see below).

- H. How does this request conform with or diverge from the Future Land Use Map or the goals and objectives of the Comprehensive Plan?** The 2040 Future Development Map designates the subject tract and surrounding area along GA-SR 316 with the character area “Technology Gateway.” The Community Agenda of the 2040 Comprehensive Plan describes this character area as an area intended for major office complexes, research facilities, and light industrial development. The 2040 Comprehensive Plan also states that in the Technology Gateway Area, “retail...are appropriate secondary uses that complement these employment centers... retail uses are expected to be primarily local-serving for the businesses and employees in the Character Area.” Staff believes that this request conforms to the Future Land Use Map and the goals and objectives set forth for the Technology Gateway character area.
- I. What is the availability of adequate sites for the proposed use in districts that permit such use?** There are no vacant sites in the immediate area that would permit the proposed commercial development. Due to the prevalence of existing conditional zoning, it is unlikely that other properties exist in the County that would permit such use as proposed.
- J. Is the site suitable for the proposed use relative to the requirements set forth in the Unified Development Code (off-street parking, setbacks, buffer zones, open space, etc.)?** In order to provide adequate space for the proposed development, the applicant has requested a companion variance requesting a reduction in the incompatible land use buffer from 50’ to 15’ along the eastern property line, which abuts a single-family residential use. Should the companion variance be denied, the associated concept plan will require modification. Proposed lots 18 and 19 require a 25’ buffer around all wetland areas and a natural resources easement to be recorded over all primary conservation areas, neither of which are shown on the associate concept plan. The proposed placement of the cul-de-sac along these two lots appears to encroach on the wetlands buffer. Once wetlands are field-located, the proposed layout of the development may require modification. Provided that the foregoing observations are adequately addressed, staff believes that the site is suitable for the proposed use relative to the requirements set forth in the UDC.

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## **STAFF RECOMMENDATION & CONDITIONAL REQUIREMENTS**

Staff recommends **conditional approval** of this rezone request, **subject to the following conditions** to be fulfilled by the owner/developer at his expense:

1. The development shall be connected to the Oconee County water and sewer system at the developer’s expense in a manner approved by the Oconee County Water Resources Department and Public Works Department.
2. Should the companion variance #7694 be denied, the owner/developer shall install a 50’ incompatible land use buffer along the eastern property line where the subject property abuts residential use or zoning. Furthermore, the developer shall be required to submit a revised rezone concept plan, subject to approval by the Director of Planning and Code Enforcement, meeting all applicable requirements set forth in the Unified Development Code.
3. Impervious lot coverage shall not exceed 80% of the total lot area.
4. The owner/developer shall submit a traffic study to the Oconee County Planning and Code Enforcement Department upon application for preliminary site plan approval. The scope of the study and engineer conducting the study shall be subject to the approval of the Oconee County Public Works Director.
5. The property owner shall obtain a new commercial driveway permit through the Georgia Department of Transportation prior to the issuance of any development permit.
6. A one-foot no-access easement shall be recorded along the northern property line of lots 2 and 3, adjoining the private street. This easement shall be depicted on the preliminary site plan and site development plans for the project.
7. 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.

8. Building façade materials shall only consist of two or more of the following: brick, stone, and/or stucco. Metal siding on any building not constructed as of the date of the present approval is strictly prohibited.
9. No lots in the proposed commercial subdivision shall be less than one acre in size.
10. The developer shall install a cul-de-sac at the northwestern corner of the property, at the termination of the private street adjacent to lot 3.
11. The development shall incorporate evergreen vegetative screening meeting the standards required by UDC Section 803.03 for vehicle-use area screening along the entirety of the northern development boundary adjacent to GA-SR 316.
12. The following uses, allowed by right in B-2 zoning district, shall not be allowed on the subject property:

*(see next page)*

<b>LIST OF DISALLOWED USES</b>	
Hotels and Motels	Bed-and-Breakfast Inns
RV (Recreational Vehicle) Parks	Beauty Salons
Barber Shops	Diet and Weight Reducing Centers
Nail Salons	Saunas and Spas
Massage Therapy Establishment	Blood and Organ Banks
Tanning Salons	Bail Bonding or Bondsperson Services
Pet Boarding Kennel	Automobile Driving Schools with Classroom and "On-The-Road" Training
Video Tape and Disc Rental	Performing Arts Theaters: Drama, Dance, Music (except adult entertainment)
Exam Preparation and Tutoring	Amusement and Theme Parks, Fairground
Museums	Billiards and Pool Halls
Community Recreation Facility (non-profit) including YMCA, Senior Centers, Area-wide Recreation Center	Go Cart Concessions
Fitness Centers, Health Clubs	Golf Driving Ranges
Golf Course, with or without a County Club	
Ice or Roller Skating Rink	Public Swimming Pools
Neighborhood Recreation Centesr (for profit), including Private Playgrounds, Tennis, Community Swimming Pools or Other Recreational Amenities	Softball, Baseball, Football or Soccer Fields
Show arenas for Horses (including Accessory Barns)	Restaurants, Full-Service, Quality Restaurants
Tennis Clubs and Tennis Centers	Restaurants, Full-Service, Family Restaurants
Auction Houses	Bars, Taverns, and Other Drinking Places (Alcoholic Beverages)
Cigar and Tobacco Stores	Family Planning Centers
Radio and Television Broadcasting Stations	HMO Medical Centers
Business, Professional, Labor, Political, and Similar Organizations	Day Care Center
Batting Cages	Manufactured Home Dealers
Clinics and All Other Outpatient Care Centers	Specialty Hospitals (except Psychiatric and Substance Abuse)
Psychiatric and Substance Abuse Hospitals	Car Washes
Radio and Television Broadcasting Stations	Adult Entertainment
Community Food and Housing, and Emergency and Other Relief Services	Motion Picture Theatres (except Drive-ins)
Private Schools: Kindergarten, Elementary and Secondary	Archery or Shooting Ranges
Private Schools: Colleges and Universities	Gasoline Stations with Convenience Stores, no repairs
Private Schools: Religious Exempt Nonpublic Post Secondary Institutions	Fraternal Lodges, VFWs, Ethnic Associations and Other Civic and Social Organizations
Blood and Organ Banks	Outpatient Mental Health and Substance Abuse Centers
Group Day Care Home	Cemeteries and Mausoleums
Ambulance Services	Private Schools: Junior Colleges
Liquor Stores	



# OCONEE COUNTY ZONING CHANGE APPLICATION

Requested Action:

- Rezoning from: \_\_\_\_\_ to \_\_\_\_\_
- Change in Conditions of Approval for Case #: 6894
- Special Use Approval for: \_\_\_\_\_ in the \_\_\_\_\_ Zoning District

### Applicant

Name: Scott Boswell

Address: 180 Paradise Blvd  
(No P.O. Boxes)  
Athens, GA 30607

Telephone: 706-202-4144

### Property Owner

Name: Scott Boswell

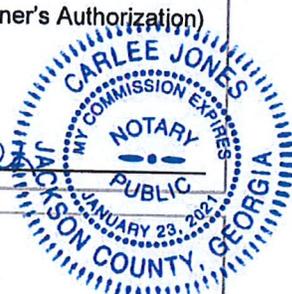
Address: 180 Paradise Blvd  
(No P.O. Boxes)  
Athens, Ga 30607

Telephone: 706-202-4144

Applicant is (check one):  the Property Owner  Not the Property Owner (attach Property Owner's Authorization)

**Applicant's Certification:** I hereby certify that the information contained in and attached to this application is true and correct.

Signature: *Scott Boswell* Date: 8/24/2018 Notarized: *Carlee Jones*



### Property

Location: South side of SR 316 and west of Mars Hill Rd  
(Physical Description)  
Oconee County, GA

Tax Parcel Number: B01 107A

Size (Acres): 29.905 Current Zoning: B-2

### Use

Current Use: Undeveloped

Proposed Use: Commercial Subdivision

Future Development Map—Character Area Designation: Technology Gateway, Conservation Corridor

### Attachments (check all that apply)

- Property Owner's Authorization (if applicable)
- Application Fee Previously Paid
- Warranty Deed
- Typed Legal Description
- Plat of Survey
- Disclosures (Interest & Campaign Contributions)
- Zoning Impact Analysis
- Narrative (Detailed Description of the Request)
- Concept Plan
- Attachments to the Concept Plan:
  - Pre-approved Sanitary Sewer Extension Submittal
  - Representative Architecture/Photographs
- Proof all property taxes paid in full
- Other Attachments: Water and Sewer Availability Letter

For Oconee County Staff Use Only

Date Received: \_\_\_\_\_ Date Accepted: \_\_\_\_\_

DRI Transmitted to RDC  Date: \_\_\_\_\_  N/A

Date Submitted: \_\_\_\_\_  Findings Complete

Posted: \_\_\_\_\_ Ad: \_\_\_\_\_

Application Withdrawn  Date: \_\_\_\_\_

### APPLICATION NUMBER

Planning Commission Date: \_\_\_\_\_

Approval  With Conditions  Denial

Board of Commissioners Date: \_\_\_\_\_

Approved  With Conditions  Denied





NOTES:  
 1) SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.  
 2) SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.  
 3) NOTE: PROPERTY SUBJECT TO ANY VALID & ENFORCEABLE EASEMENTS, RESTRICTIONS & RIGHTS OF WAY OF RECORD.  
 4) NOTE: COURSES "A" TO "B" ARE PLOTTED FROM METES AND BOUNDS AS SHOWN ON PLAT FOUND IN PLAT BOOK 1 PAGE 324, OCONEE CO. RECORDS.  
 5) PORTIONS OF THIS PROPERTY THAT LIE ALONG McNUTT CREEK ARE IN A FLOOD HAZARD AREA AS SHOWN ON F.E.M.A. MAP COMMUNITY PANEL #130453-0010-B.

LEGEND:  
 I.P.S. = IRON PIN SET (1/2" REBAR)  
 I.P.F. = IRON PIN FOUND (AS DESCRIBED)  
 P.O.B. = POINT OF BEGINNING  
 R = PROPERTY LINE  
 C = CENTERLINE  
 R/W = RIGHT-OF-WAY  
 ⊙ = MAN HOLE  
 \* = SWAMP  
 ⊙ = POINT ONLY  
 D.O.T. = DEPT. OF TRANSPORTATION

**DONNA RISSMAN**  
 P.B. 13 pg. 190

**29.905 ACRES**  
 References:  
 -- Plat Bk. 01 pg. 324  
 -- Deed Bk. 619 pg. 714  
 -- Deed Bk. 571 pg. 190

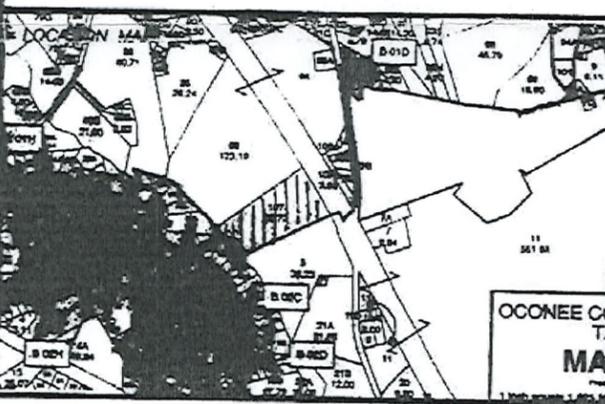
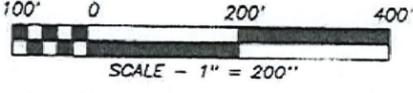
\*/ \*/ \* LINE TABLE \*/ \*/ \*

COURSE	BEARING	DISTANCE
L1	S 38°32'40"W	60.22'
L2	S 32°56'00"W	39.80'

**JEFFERY SALTERFIELD**  
 P.B. 01 pg. 111



THE FIELD EQUIPMENT USED FOR THIS SURVEY WAS A TOPCON GTS 211D  
 THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN < 20,000 FEET AND AN ANGULAR ERROR OF 1 SEC. PER ANGLE POINT AND WAS ADJUSTED USING No RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 177,486 FEET.  
 I HEREBY CERTIFY, THAT IN MY OPINION THIS IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW.

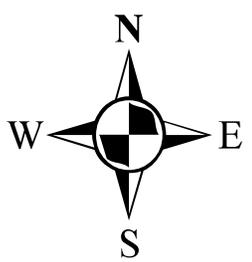
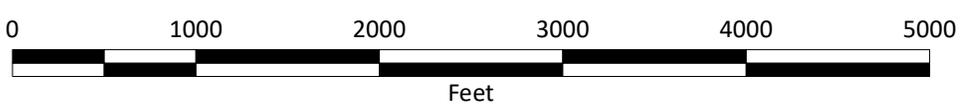
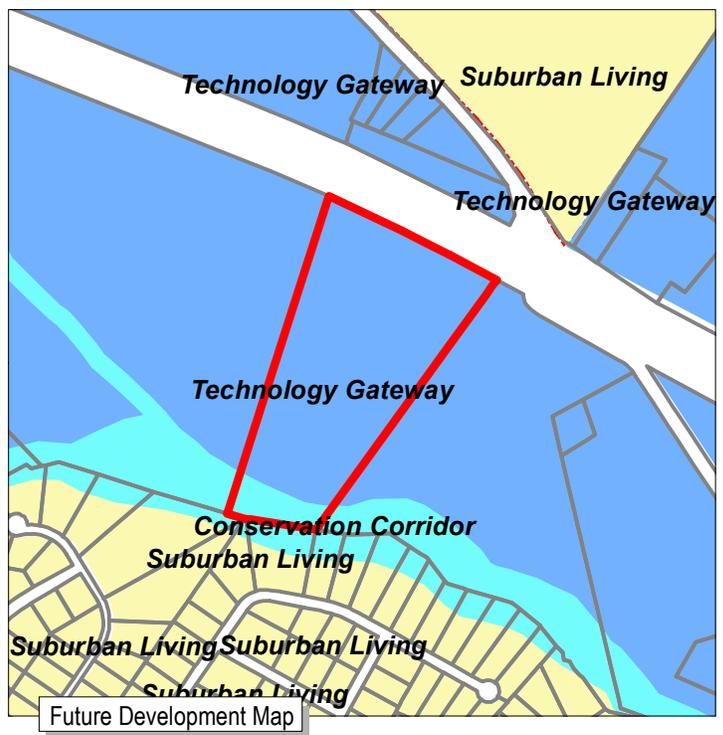
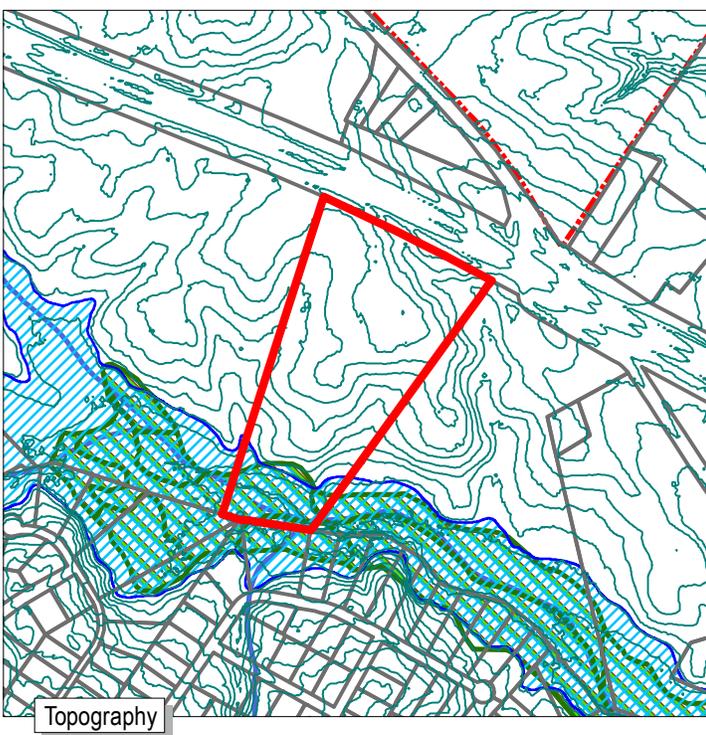
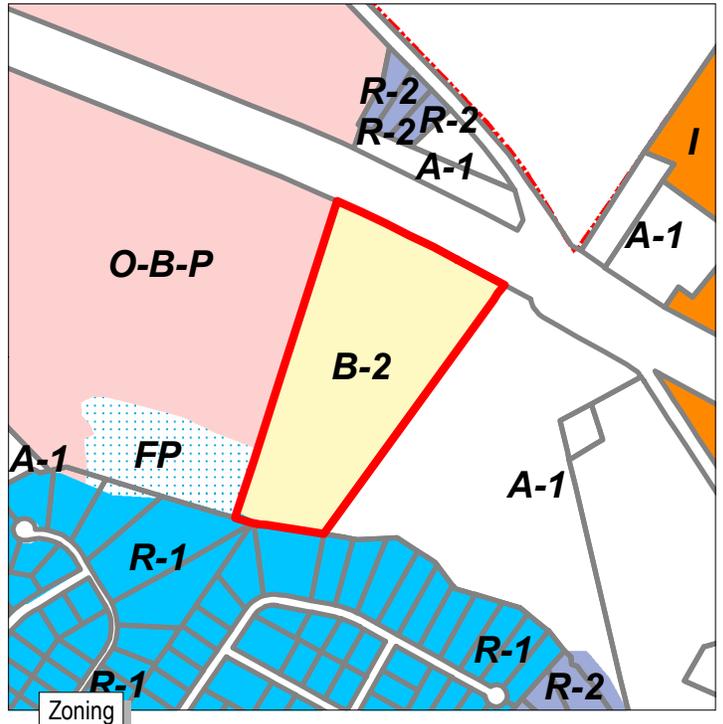
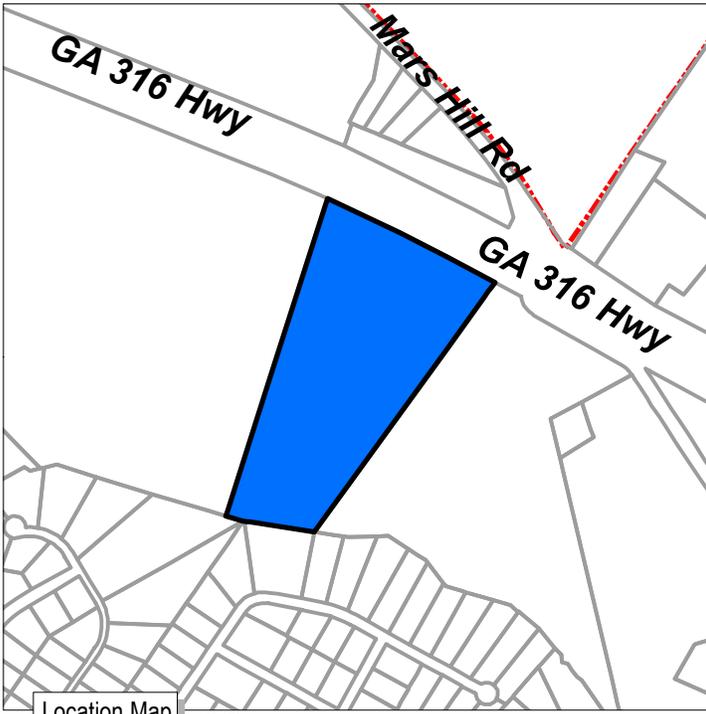


SURVEY FOR: **LARRY TEW**

COUNTY: OCONEE	G.M.D.: 240	STATE: GEORGIA
DATE: APRIL 02, 2004	SCALE: 1" = 200'	PARTY CHIEF: APB
SURVEYED BY: <b>BAUKNIGHT &amp; ASSOCIATES, INC.</b> W. SLATE BAUKNIGHT GEORGIA RLS # 2534 SOUTH CAROLINA RLS # 20471 1572 ZION C.M.E. CHURCH ROAD HARTWELL, GA. 30643 706-376-5946 706-245-0927 CALL TOLL FREE 1-888-376-5946		DRAWN BY: WSB
		APPROVED BY: WSB
		CRD FILE: 04132
		PL1 FILE: 04132

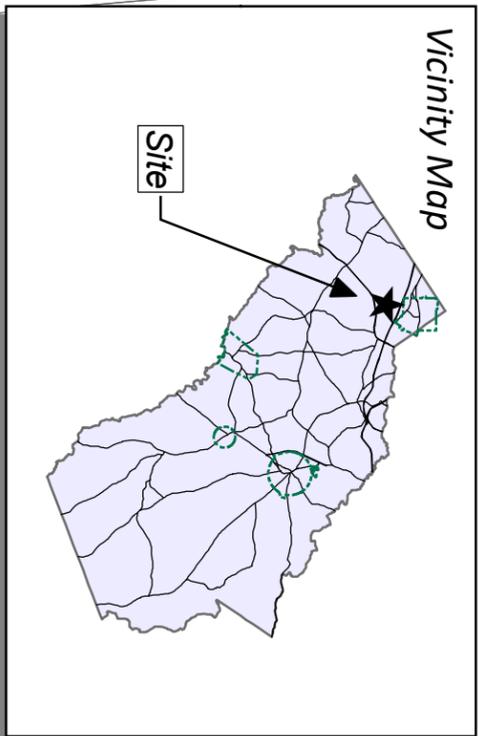


# Rezone 7579 - Boswell Site Review

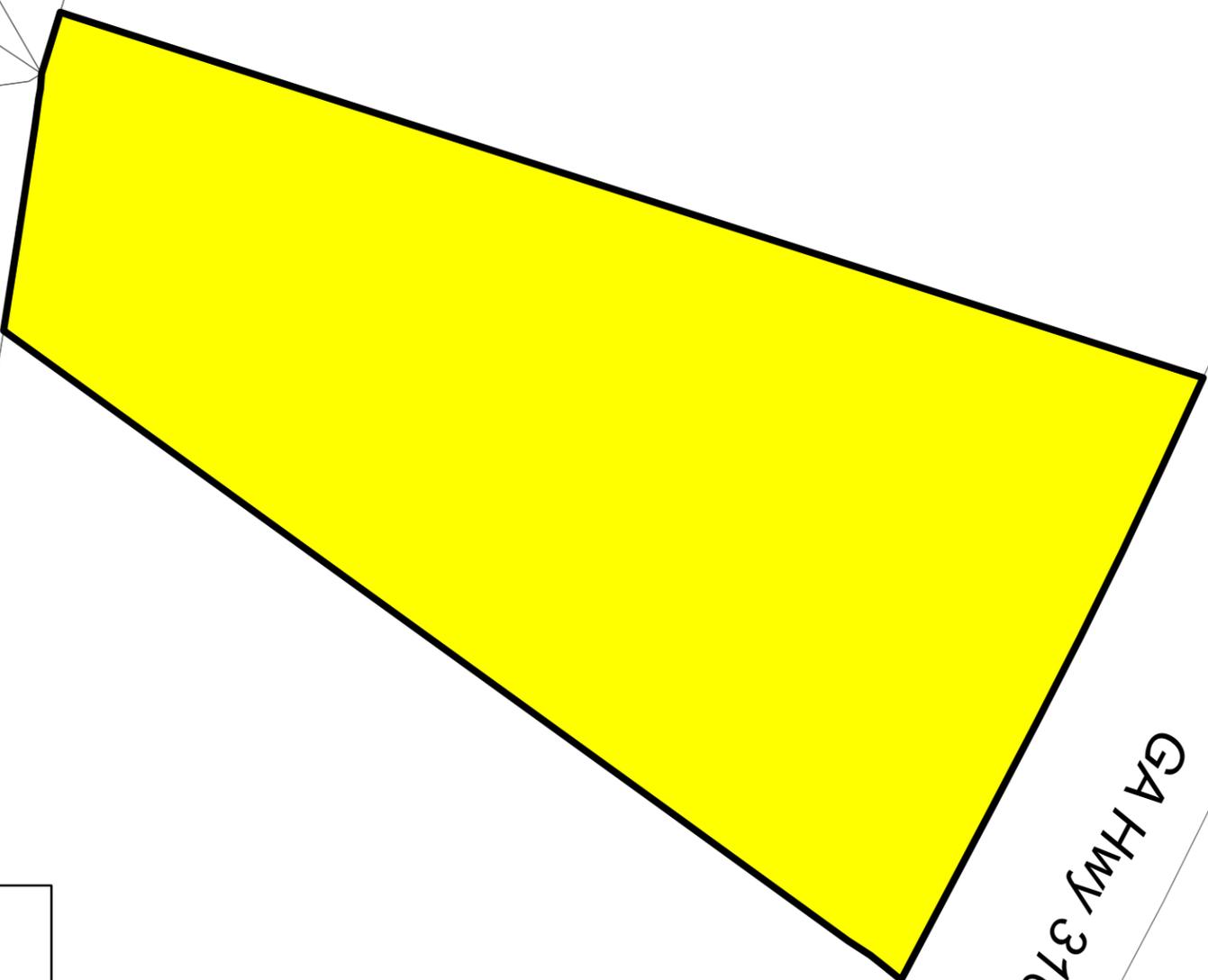


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Vicinity Map



**Tax Parcel #**  
**B-01-107A**



Mars Hill Rd

GA Hwy 316 W  
GA Hwy 316 E

Mars Hill Rd

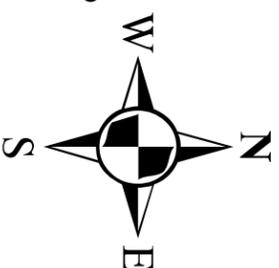
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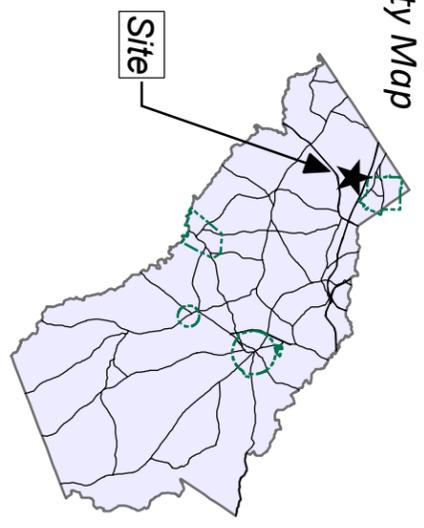
Keeneland Ty20

**Oconee County**  
**Planning Department**

This map is a representation of the official tax map and should be used for planning purposes only



Vicinity Map



GA HWY 316 W

Technology Gateway

Mars Hill Rd

Technology Gateway

Technology Gateway

GA HWY 316 E

Technology Gateway

Mars Hill Rd

Keeneland Dr

Ferncreek Dr

Fernwood Dr

Nash Ct

Derby Ln

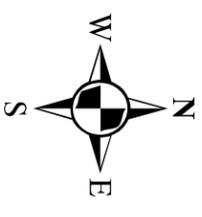
Plante's Trl

Suburban Neighborhood

Suburban Neighborhood

Suburban Neighborhood

# Oconee County Planning Department



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



**EXHIBIT "A"**

**LEGAL DESCRIPTION**

ALL THAT TRACT OR PARCEL OF LAND lying and being in the 240<sup>th</sup> G.M.D. of Oconee County, Georgia, containing 29.905 acres according to a survey for Northeast Georgia Bank, Chicago Title Insurance Company, Georgia Investments International, Inc. and Larry Tew, dated April 2, 2004, prepared by Bauknight & Associates, Inc., W. Slate Bauknight, Georgia Registered Land Surveyor No. 2534, said tract being more particularly described according to said survey as follows:

To locate the TRUE PLACE OR POINT OF BEGINNING, commence at a point located at the intersection of the northeasterly right-of-way line of Georgia Highway No. 316 (300' R/W) with the southwesterly right-of-way line of Mars Hill Road, and leaving said point (and crossing from the northeasterly side of Georgia Highway No. 316 to the southwesterly side of Georgia Highway No. 316) run thence South 13 degrees 19 minutes 55 seconds West a distance of 310.44 feet to a point marked by a concrete monument found (DOT) located on the southwesterly right-of-way line of Georgia Highway No. 316 at the northwesternmost terminus of a local service road, said point being the TRUE PLACE OR POINT OF BEGINNING;

FROM THE TRUE PLACE OR POINT OF BEGINNING as thus established, and leaving said right-of-way line of Georgia Highway No. 316 run thence along the northwesterly terminus of the local service road South 38 degrees 32 minutes 40 seconds West a distance of 60.22 feet to a point marked by a concrete monument found (DOT); leaving the aforesaid terminus of the local service road, run thence South 32 degrees 56 minutes 00 seconds West a distance of 39.80 feet to an iron pin found; run thence South 35 degrees 59 minutes 05 seconds West a distance of 1,625.01 feet to a point; run thence North 79 degrees 23 minutes 00 seconds West a distance of 210.32 feet to a point; run thence North 85 degrees 53 minutes 00 seconds West a distance of 66.00 feet to a point; run thence North 59 degrees 53 minutes 00 seconds West a distance of 198.00 feet to a point; run thence North 17 degrees 37 minutes 45 seconds East a distance of 1,794.38 feet to an iron pin found located on the southwesterly right-of-way line of Georgia Highway No. 316; run thence along said right-of-way line of Georgia Highway No. 316 following the curvature of an arc a distance of 728.18 feet to a point marked by a concrete monument found (DOT), said arc having a radius of 11,309.16 feet and being subtended by a chord bearing and distance of South 63 degrees 57 minutes 05 seconds East 728.05 feet; continuing along said right-of-way line, run thence South 62 degrees 04 minutes 45 seconds East a distance of 294.19 feet to a point marked by a concrete monument found (DOT), said point being the TRUE PLACE OR POINT OF BEGINNING.





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# Project Narrative

For

## Boswell Electrical & Communications Supply

Tax Parcel No. B01 107A  
Oconee County, Georgia

Prepared for:  
Scott Boswell

July 2018  
Revised November 2018





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## Introduction

The property referenced as tax parcel B01 107A is currently owned by Scott Boswell. Scott Boswell is the developer and primary contact for this project. This property was previously rezoned from A-1 (Agricultural) to B-2 (Highway Business). The 29.905 Ac. site was previously approved for a single business. However, the developer would like to subdivide the property into 19 parcels. The owner is requesting to subdivide the lot and remove certain zoning conditions. Carter Engineering Consultants, Inc. is providing assistance to the developer in preparation of the preliminary planning and rezoning request.

## Rezone 6894 Summary & Change Request

The property was rezoned from A-1 (Agricultural) to B-2 (Highway Business) on July 5<sup>th</sup>, 2016 under rezone number 6894. The Zoning Amendment is currently subject to the following conditions:

1. The developer shall be connected to the Oconee County water system and sewer system at the developer's expense in a manner approved by the Oconee County Utility Department and the Oconee county Public Works Department.
  - a. The owner will adhere to this condition.
2. Developer shall construct entrance and driveway to the development at the developer's expense and in accordance with the requirements of the Unified Development Code and the Oconee County Public Works Department.
  - a. The owner will adhere to this condition.
3. Development structures shall meet or exceed the architectural standards as indicated on the concept plan, narrative, representative photos submitted with the zoning application and attached hereto.
  - a. The owner will adhere to this condition.
4. The total building floor area of the development shall not exceed 9,600 Sf.
  - a. The owner proposes to eliminate this condition from the zoning. This condition limits future expansion of the owner's building and may in turn limit business growth. The owner will adhere to the proposed maximum 80% lot impervious coverage and 20% open as described in the "Buildings" & "Common/ Open Spaces" sections of this report.
5. The sides of the building shall be a minimum of 25% brick, stone, or stucco material.
  - a. The owner will adhere to this condition.

## The Site

The site is located on the south side of Highway 316 and north of McNutt Creek in Oconee County, Georgia. The property is comprised of 29.905 continuous acres and is currently zoned B-2.



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***Tax Parcel No. B01 107A***

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Currently, the front 10 acres of the site are being developed per the county approved "Site Development Plans for Boswell Electrical & Communications Supply, LLC". The construction includes the development of lot 1 for Boswell Electrical. Lot 2, 3, 4 and part of lot 5 are part of the current construction. These lots have been utilized for borrow material and have been mass graded to serve the current construction and future development. The remainder of the site is undeveloped and currently comprised of mostly hardwoods. Topography slopes uniformly and gently to the south.

Six properties border the parcel. The property is bounded by Highway 316 to the north. To the east, parcel B 02 005 (A-1) is currently used as a single family residence. Residential parcels B 02E 037 A (R-1), B 02E 038 A (R-1), B 02C 035 A (R-1), B 02C 033 A (R-1) border the property to the south. An undeveloped parcel B 01 096 (O-B-P) borders the subject site to the west.

To the south, the property is bounded by McNutt creek. There are approximately 3.741 acres of flood plain on the southern portion of the lot. The flood plain will remain undisturbed and create a buffer between the commercial business and the adjacent residential properties.

### **The Development**

Proposed zoning is B-2 which would allow for the total 29.91 acres to be separated into 19 parcels ranging from 1.00-3.24 acres. Lot 1 will be a maximum of 2.63 acres. Lot 2 through lot 19 will be minimum of 1.00 acres. Lot 1 is currently being developed for Boswell Electrical & Communications Supply. The business is owned by the developer and is currently located in Athens, Georgia. Boswell Electrical & Communications sells electrical supplies to contractors and local citizens. The other properties will be sold or leased to other companies for development.

The site will be developed with paved parking and building access. Land disturbance will only occur as needed to build the structures, storm water pond and infrastructure.

### **Access**

Access to the site will be by way of a private entrance to the property from Mars Hill Road. An access road has already been constructed from Mars Hill Road to the west property line. The entrance will be a paved 28-foot wide, two lane access.

### **Buildings**

Construction is underway for Boswell Electric and Communications Supply, which includes a building with metal and brick façade on lot 1. The developer would like to remove condition 4 to allow for expansion of the business. The future expansion would still be constrained by the 80% impervious and 20 % open land coverage condition proposed in this change of conditions request. Lot 2 through lot 19 will be developed by other companies who will be buying the lots or leasing from the developer. There is a maximum building height of 55 feet on all proposed lots. At full buildout, there will be an estimated 19 total buildings. Buildings footprints will be approximately 30% of each lot area. The anticipated range of the gross floor area per lot is



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expected to be 5,000-40,000 S.F. The total gross commercial building floor area is expected to not exceed 290,000 S.F. Parking and access drives will be approximately 50% of the total lot area.

The front and sides of each of the building shall have 25% brick, stone, or stucco materials.

### Common/Open Space

Each lot will have a minimum of 20% open space and a maximum of 80% impervious space. The flood plain area will remain in its natural state to protect the integrity of McNutt Creek. Any common areas and master storm water facilities will be maintained by the applicant until an office park association is formed.

### Land Coverage Calculations

Table 1 Proposed Land Coverage Summary			
Proposed Lot	Total Proposed Area (Acres)	80% Impervious Area (Acres) = Total * 0.80	20% Open/ Landscaped Area (Acres) = Total * 0.20
Lot 1	2.63	2.10	0.53
Lot 2	1.06	0.85	0.21
Lot 3	1.52	1.22	0.30
Lot 4	1.12	0.89	0.22
Lot 5	1.32	1.06	0.26
Lot 6	1.00	0.80	0.20
Lot 7	1.02	0.82	0.20
Lot 8	1.07	0.86	0.21
Lot 9	1.01	0.81	0.20
Lot 10	1.42	1.14	0.28
Lot 11 through Lot 17	1.00	0.80	0.20
Lot 18	2.71	2.17	0.54
Lot 19	3.24	2.59	0.65
<b>Totals</b>	<b>20.1</b>	<b>16.1</b>	<b>4.0</b>

### Landscaping

In general, all lots shall meet B-2 landscaping requirements as described in the Oconee County Unified Development Code.

Specifically, the site access road that is parallel to Highway 316 shall require decorative plantings. Lot 1 landscaping will be installed per county approved "Site Development Plans for Boswell Electrical & Communications Supply, LLC". Lot 2 and lot 3 shall have large canopy trees and



decorative plantings along the access road. Trees and plantings shall be installed when the additional lots are developed.

## **Buffers**

The subject property is bordered by property zoned OBP to the west, A-1 to the east, R-1 to the south and SR 316 to the north. Article 8, Section 806, Table 8.1 requires a 15-foot buffer in between Commercial and A-1 zoning district. A 50-foot buffer is required in between Commercial and Single-Family Residential development.

Fernwood Subdivision with zoning R-1 is located along the southern boundary line and therefore, we are proposing a natural buffer along this common property line. McNutt Creek transects the property near the south property line. This stream requires a 25-foot state waters buffer and a 50' conservation corridor buffer. Additionally, no disturbance or development will occur in the floodplain therefore providing an extensive natural buffer between the residential development and the proposed commercial business.

The existing lot located along the east property line is zoned A-1 but utilized as single-family residential use. Per Table 8.1 and footnote "a", a 50-foot buffer is required for commercial property adjacent to single-family and multi-family lots. This buffer requirement will significantly reduce the property's usable space for development. Therefore, as part of this rezone, the owner is requesting a variance from the 50-foot buffer along the east property line. The owner proposes to maintain a 15-foot natural buffer and install a 6-foot opaque privacy fence along the east property line.

A buffer is not required along the west property line adjacent to the lot zoned OBP. Likewise, a buffer is not required along the north property line adjacent to SR 316.

## **Traffic**

Section 506.15, Section m.2.a states that a traffic impact analysis report is required if the development generates more than 1,000 average daily vehicle trips according to the Trip Generation published by the Institute of Transportation Engineers. At this time, the developer is unsure of the type of businesses that will be constructed on the property and the projected traffic counts that will ultimately exist. Therefore, as a condition of the rezone, the developer wishes to postpone the traffic impact analysis report until incoming businesses are known or a comprehensive master plan is developed.

For conceptual purposes, each proposed lot/ business will be assumed to be a single tenant office building to estimate vehicle average daily trips (ADT) produced by the development. According to the Institute of Transportation Engineers (ITE) Trip Generation Manual 9<sup>th</sup> Addition, a single tenant office building (ITE landuse 715) will produce 11.65 ADT per 1000 SF of gross floor area. A.M. peak hours will result in 1.80 ADT per 1000 SF of gross floor area. P.M. peak hours will result in 1.74 ADT per 1000 SF of gross floor area. The estimated proposed gross floor area for



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the entire development is 30% of the proposed impervious area. According to "Table 1 – Proposed Land Coverage Summary" found in the "Land Coverage Calculations" section, the total proposed impervious area is 16.1 Acres for the development. Assuming full buildout, see the calculations below for estimated ADT totals.

$$\text{Total Proposed Gross Floor Area} = (0.30 \times 16.1 \text{ Ac} \times 43560\text{SF/ Ac}) = 210,395 \text{ SF}$$

$$\text{Total Estimated ADT} = (210,395 \text{ SF}) \times (11.65 \text{ ADT/ } 1000 \text{ SF}) = \mathbf{2,451.1 \text{ ADT}}$$

$$\text{A.M. Peak Hour Trips} = (210,395 \text{ SF}) \times (1.80 \text{ ADT/ } 1000 \text{ SF}) = \mathbf{378.7 \text{ Trips}}$$

$$\text{P.M. Peak Hour Trips} = (210,395 \text{ SF}) \times (1.74 \text{ ADT/ } 1000 \text{ SF}) = \mathbf{366.1 \text{ Trips}}$$

This estimated ADT meets the volume range for "Minor Collector" roads. The current infrastructure of Mars Hill Road is consistent with a "Major Collector" road indicating the additional ADT would be acceptable. However, a future traffic impact analysis will determine if the existing infrastructure is adequate.

The access for the development is proposed from Mars Hill Road. Modifications/ upgrades to the intersection of Mars Hill Road and SR 316 were approved by GDOT as part of the original "Site Development Plans for Boswell Electrical & Communications Supply, LLC".

### Water Supply

The water supply for this project will be provided by Oconee County Public Utilities. The current Boswell Electric building's water demand is projected to be 250 gallons/day on peak days. The developer assumes all other businesses will average 250 gallons/day as well. This results in a total average of 4750 gallons/day on peak days. Currently, an 8" DIP water line is being extended to the property from a county water main located on Mars Hill Road at the owner's expense and as part of the project titled "Site Development Plans for Boswell Electrical & Communications Supply, LLC". This water main will be extended throughout the site and additional lots.

### Sewage Disposal

Sewage disposal for this project will be provided by Oconee County Public Utilities. Sewage disposal is projected to be 250 gallons/day. The developer assumes all other businesses will average 250 gallons/day resulting in an overall total average of 4750 gallons/day. Currently, a sanitary sewer main is being installed from north to south through the middle of the property. The sewer main ties to the existing county sanitary sewer main located along McNutt Creek. This private sewer main is being installed at the owner's expense and as part of the project titled "Site Development Plans for Boswell Electrical & Communications Supply, LLC". After completion, the private sewer main will be dedicated to the county and utilized for the entire development.



### Utilities

The utilities needed to serve the site are proposed to be underground. The proposed development will require gas, electricity, public water and sewer, telephone and data lines.

### Solid Waste

Garbage collection will be by private contract through the use of a dumpsters on each lot.

### Stormwater Controls

Stormwater will be controlled by means of surface drainage to concrete curb and gutter diverted to inlets and routed underground through storm sewers to the proposed detention pond(s). Overall stormwater management may be met by a combination of individual lot stormwater facilities and master stormwater facilities. Lot 18 and lot 19 may be utilized for master storm water detention. Once rezoned, site development plans will be submitted to Oconee county which will include a storm water management plan. All storm water management for the property will conform to the requirements of the Unified Development Code of Oconee County.

### Schedule

The construction for Boswell Electric and Communications LLC, is currently in progress. The development of the remaining 18 lots will begin as lots are sold or leased and after obtaining all necessary permits.

### Schools

The proposed rezone of the property would have a positive effect on schools. The rezone use of the property increases the County's tax base without generating more students.

### Type of Ownership

The project will be privately owned.

### Estimated Value of Project

Overall Property Costs (29.905 Ac.) –\$900,000

Lot 1:

- Building Cost- \$550,000
- Site improvements – \$600,000

Lot 2 through 19

- Projected Site Development Cost—\$1,100,00.00 per lot



## Businesses to Exclude

The following businesses are proposed to be excluded from all lots from the allowed uses within the B-2 zone:

- Forestry and logging
- Residential Lofts in Mixed-Use Building
- Newspaper, Periodical, Book and directory Publishers
- Pawnshop
- Day Care Center (more than 18 persons in care)
- Group day Care Home (more than 18 persons in care)
- Hotels and Motels
- Bed and Breakfast Inns
- RV (Recreational Vehicle) Park
- Tattoo Parlors
- Ambulance Services
- Temporary Event: Circus or Carnival
- Temporary Event: Community Fair
- Racetracks
- Manufactured (Mobile) Home Dealers
- Mini-Warehouses and Self-Storage Units
- Mini-Warehouses and Self-Storage Units (Indoor)
- Cemeteries and Mausoleums

## Other

Sidewalks will be provided along all access roads throughout the development. Each business will border the main drive. Curb/gutter is proposed throughout the entire buildout of the development.



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## ZONING IMPACT ANALYSIS

For

### Boswell Electrical & Communications Supply

Tax Parcel No. B01 107A  
Oconee County, Georgia

Prepared for:  
Scott Boswell

July 2018  
Revised November 2018





## ZONING IMPACT ANALYSIS

### STANDARDS FOR REZONING CHANGE OF CONDITIONS CONSIDERATION

### **Boswell Electrical & Communications Supply**

**A. Existing uses and zoning of nearby property:**

*The existing use and zoning of nearby properties include the following:*

**North** – State Route 316

**East** – 38.23 acre vacant tract (A-1)

**South** – Fernwood Subdivision (R-1)

**West** – 123.19 acre vacant tract (O-B-P)

**B. The extent to which property values are diminished by the particular zoning restrictions of the current zoning:** *Dividing the property into 19 parcels will allow more businesses into the area. The proposed businesses will meet the B-2 usage as defined in the Oconee County Unified Development Code. An entrance drive is planned to be constructed as part of the project which will allow potential access for properties to the west of the subject property. Improvements to the subject property will increase the value of not only the subject property but also the surrounding properties.*

**C. The extent to which the destruction of property values of the individual property owner promotes the health, safety, morals or general welfare of the public with consideration to: (1) Population density and effect on community facilities such as streets, schools, water and sewer; (2) Environmental impact; (3) Effect on adjoining property values:**

*The extent can be summarized as follows: (1) Modifications/ upgrades to the intersection of Mars Hill Road and SR 316 were approved by GDOT as part of the original "Site Development Plans for Boswell Electrical & Communications Supply, LLC". The proposed development will increase traffic counts from HWY 78 to SR 316 along Mars Hill Road. (2) There are no anticipated environmental impacts. (3) The adjoining properties should see no effect on property values.*

**D. The relative gain to the public, as compared to the hardship imposed upon the individual property owner:** *The gain to the public is the addition of multiple small commercial businesses that will add to the tax base and create job opportunities within the county. The property owner would suffer monetary hardship if the subject property is not allowed to be subdivided. The owner does not need the total 29 acres for Boswell Electrical Supply business and requests to subdivide so he can sell or lease additional lots.*

**E. The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property:** *The property was originally zoned A-1 and had been vacant for over 10 years. The subject site is the only one of its size and availability in the Highway 316/Mars Hill area. Construction of the Boswell Electrical Supply is underway as of December 2017. The front 10 acres of the property, closet to State Route 316, is part of county approved Boswell Electrical Supply development plans. The remaining acreage is currently wooded and undeveloped.*



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*Tax Parcel No. B01107A*

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- F. Consistency of the proposed use with the stated purpose of the zoning district that is being requested:** *It is the opinion of the applicant that the subject use is in conformance with the projected zoning and use as shown on the Oconee County Future Development Map.*
- G. Conformity with or divergence from established land use patterns:** *It is the opinion of the applicant that the subject use is in conformance with other office and commercial parcels adjacent to Highway 316 and Mars Hill Road.*
- H. Conformity with or divergence from the Future Development Map or the goals and objectives of the Oconee County Community Agenda:** *It is the opinion of the property owner that the subject use is entirely within conformity of the future development map and the goals and objectives of the Oconee County Community Agenda.*
- I. The availability of adequate sites for the proposed use in districts that permit such use:** *The applicant attempted to locate alternative properties, however no acceptable properties are within close proximity to State Route 316 in Oconee County that suit the applicant's needs.*
- J. The suitability of the site for the proposed use relative to the requirements set forth in this Development Code such as off-street parking, setbacks, buffer zones, and open space:** *The subject site is suitable for the proposed use relative to the Development Code. The shape and topography of the parcel allow the owner to develop the site without requesting any variances.*



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