

HABERSHAM COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY

SUBJECT: Map Amendment Application Z-24-01

DATE: April 4, 2024

RECOMMENDATION

POLICY DISCUSSION

BUDGET INFORMATION: N/A

STATUS REPORT

~~ANNUAL-~~

OTHER

~~CAPITAL-~~

COMMISSION ACTION REQUESTED ON: April 15, 2024

PURPOSE: Present to the Board application Z-24-01: David Irvin has applied for a map amendment to change the land use district of two parcels totaling 8.15 acres located at the intersection of Glade Creek Parkway and Toccoa Highway from LI, Low Intensity District to HI, High Intensity District for development as commercial property (Map parcels 145 040 and 145 033). At the Planning Commission hearing on April 2, 2024, the applicant agreed to change his request to MI, Medium Intensity District.

BACKGROUND / HISTORY:

1. The proposed map amendment totals 8.15 acres and consists of two parcels.
 2. The applicant originally asked for HI District to construct commercial development. The Planning Commission recommended he change his request to MI District given the retail and commercial nature of his request. The PC didn't want to open the property up to potential high intensity uses on this corner.
 3. The applicant submitted a concept drawing showing six potential commercial lots on the property with an internal road. The applicant has stated he owns the Burger King in Cornelia and would like to possibly build a Burger King restaurant at this location. The remaining property would be retail and small office type uses.
 4. The area around these properties are largely residential and agricultural. There are commercial uses on the opposite side of Hwy 441. However, all of County's long range planning documents show this area around the Arrendale Interchange transitioning to commercial uses.
 5. We had a number of people speak against the proposed map amendment. There were a number of concerns expressed regarding traffic in the area and the agricultural nature of the area. There were a number of comments about the problems associated with traffic backing up on Toccoa Hwy and blocking Glade Creek Pkwy. It was felt the potential commercial uses will worsen the problems.
 6. The Planning Commission agreed with the potential problems with traffic. They felt a possible solution would be to have a right turn only entrance and exit directly onto the four lane from the property. However, given that it is a state highway, the County cannot guarantee access will be granted. The applicant has stated he has begun talks with GDOT, but it is unknown at this time if it will happen.
 7. I believe the Planning Commission felt, given the location between two four lane roads and the long range plans, that the appropriate designation for this property is MI for commercial uses.
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FACTS AND ISSUES: FACTS AND ISSUES: The Planning Commission forwards this application to the Board with a recommendation of Approval.

OPTIONS: The Board of Commissioners could act on this application as follows:

1. Approval of the request as recommended by the Planning Commission;
2. Denial of the request as submitted;
3. Commission defined alternative.

RECOMMENDED SAMPLE MOTION: I move to approve Map Amendment Z-24-01 as recommended by the Planning Commission.

DEPARTMENT:

Prepared by: Mike Beecham

Director _____

**ADMINISTRATIVE
COMMENTS:** _____

_____ **DATE:** _____

County Manager

RECEIVED
FEB 17 2014
BY: [Signature]

DATE: FEBRUARY 2, 2014
SCALE: 1" = 40'

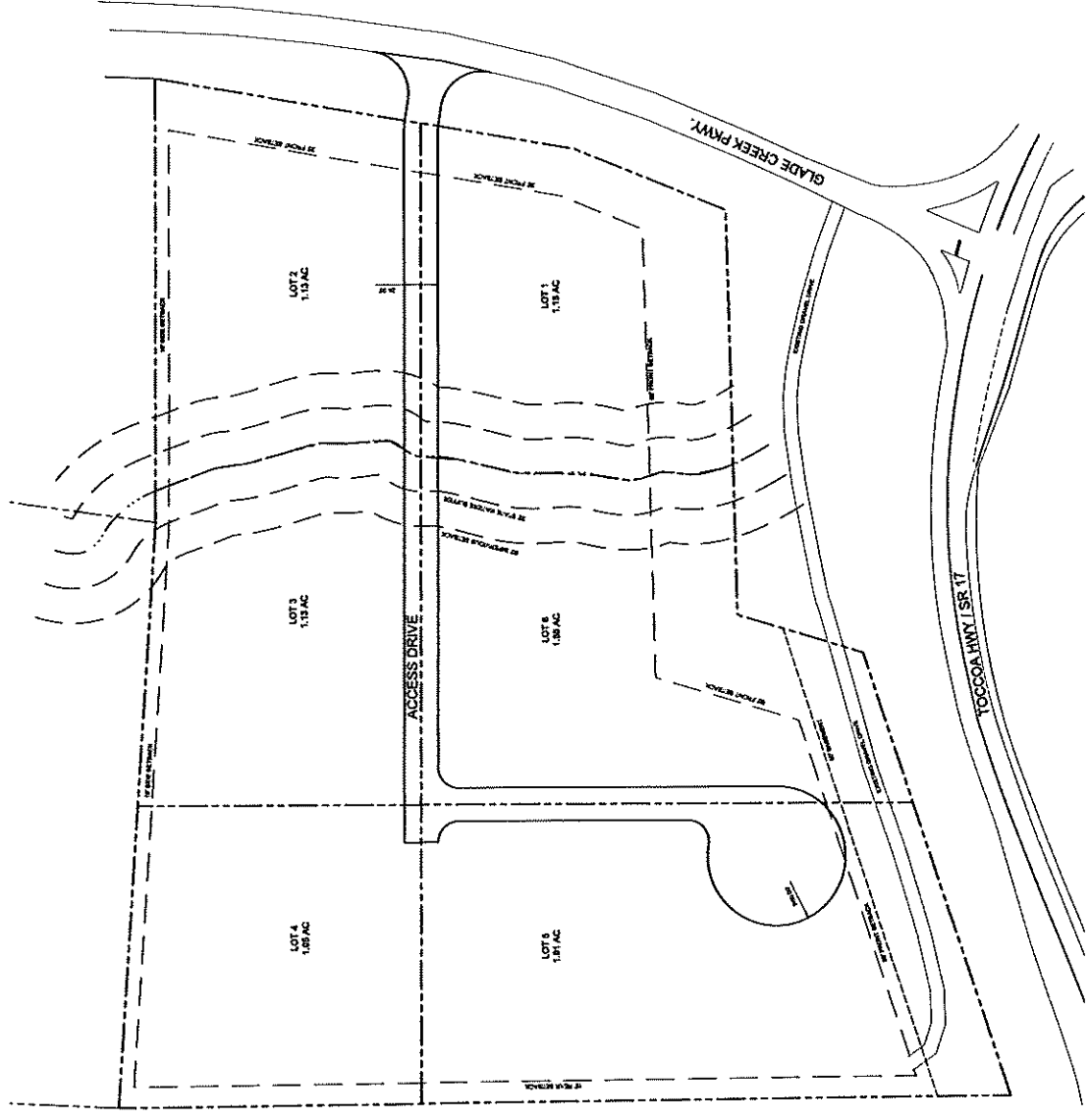
SHEET: 1
JOB NO: 1402

NO.	DESCRIPTION	DATE

RECORDING PLAN
GLADE CREEK DEVELOPMENT
LAND LOTS 82 & 83, 12TH DISTRICT
HABERSHAM COUNTY, GA

DEVELOPER
31 IRVIN, IRVIN & IRVIN, LLC.
100 N. 21ST
TUCKER, GA 30084

PLANNING DEPARTMENT
1115 BURNING WOOD DRIVE
TUCKER, GA 30084
FEBRUARY 2, 2014
11:58 AM
PLANNING DEPARTMENT





HABERSHAM COUNTY

Planning & Development
 130 Jacob's Way, Clarkesville, GA 30523
 706-839-0140
www.habershamga.com

Habersham County Planning Commission Map Amendment

Staff Report

APPLICATION NUMBER: Z-24-01

REQUESTED ACTION: David Irvin is seeking a Map Amendment to rezone (2) parcels to HI - HI Intensity. The tracts are located at 363 Glade Creek Pkwy and 243 Glade Creek Pkwy. They are further identified as Map 145 Parcel 040 and Map 145 Parcel 033.

PETITIONER:

David Irvin
 PO Box 219
 Tallulah Falls, Ga. 30573

PROPERTY OWNER:

363 Glade Creek Pkwy (David Irvin)
 243 Glade Creek Pkwy (Dennis & Amy Frady)

EXISTING USE: Map 145 Parcel 040 (LI) Map 145 Parcel 033 (AG)

PROPOSED USE: High Intensity

LOCATION: 363 Glade Creek Pkwy and 243 Glade Creek Pkwy.

PARCEL SIZE: (3.00 acres MAP# 145 PARCEL(S)# 040) & (4.9 acres MAP# 145 PARCEL(S)# 033)

EXISTING & FUTURE LAND USE DISTRICT:

	Current Zoning District	Current Character Area
Parcel	Parcel 145 040 (LI)	365 Corridor
North	AG	365 Corridor
West	AG	365 Corridor
Parcel	Parcel 145 033 (AG)	365 Corridor
West	LI	365 Corridor

MEETING DATES: Planning Commission: March 5, 2024

Board of Commissioners: March 18, 2024

PLANNING ANALYSIS:

1. **The existing land uses and zoning classification of nearby property;**
This parcel as well as adjoining properties all share the same character area of 365 Corridor with a mixture of Zoning classifications of AG – Agriculture & LI – Low Intensity.
2. **The suitability of the subject property for the zoned purposes;**
The configuration, size and intent are suitable for HI - High Intensity.
3. **The extent to which the property values of the subject property are diminished by the particular zoning restrictions;**
The HI District will allow for the intended purpose.
4. **The extent to which the diminution of property values of the subject property promote the health, safety, morals or general welfare of the public;**
Staff feels there is no diminution of property values. The HI zone helps to maintain the value of properties in this area.
5. **The relative gain to the public, as compared to the hardship imposed upon the individual property owner;**
Relative gain and the relinquish of the hardship are both a result of the allowance of the zoning change.
6. **Whether the subject property has a reasonable economic use as currently zoned;**
Parcel has an economic use as a High Intensity site and/or use.
7. **Whether the proposed zoning will be a use that is suitable in view of the use and development of adjacent and nearby property;**
Proposed zoning is suitable in view of use and development of adjacent and nearby properties.
8. **Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property;**
No adverse effects other than more traffic are expected on neighboring properties.
9. **Whether the zoning proposal is in conformity with the policies and intent of the land use plan;**
The Comprehensive Plan identified this area as 365 Corridor. The proposed change will be in conformity with the CLDO.
10. **Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;**
The proposal should not cause an excessive or burdensome use of existing infrastructure.
11. **Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal;**
This proposal will not change the overall character of the area.

Staff Recommendation:

The purpose and plan of this proposal is one that could be an asset to the community. The applicant is requesting to have (2) different parcels rezoned to HI – High Intensity. Tract (1) is at 363 Glade Creek Pkwy and is currently zoned LI – Low Intensity. It is further identified as Map 145 Parcel 040. Tract (2) is at 243 Glade Creek Pkwy and is currently zoned AG – Agriculture. It is further identified as Map 145 Parcel 033. Granting a Map Amendment should not have any adverse effects other than more traffic on neighboring properties and should not interfere with the balance of harmony of the community. Therefore, Planning Staff recommends **APPROVAL** of **Z-24-01**.

Approve as Submitted

Approval with Conditions

Denial

Table

Planning Commission recommendation:

Approved (4-2-24 to MI – Medium Intensity)

Approval with Conditions

Denial

Table

Board of Commissioners decision:

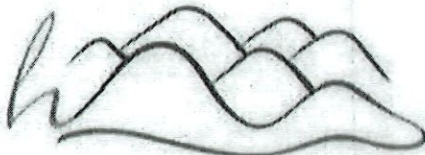
Approve as Submitted

Approval with Conditions

Denial

Table

PAID
CC \$300.00
1/22/24



HABERSHAM COUNTY
GEORGIA | Est. 1818

HABERSHAM COUNTY

Planning & Development
130 Jacob's Way Clarkesville, GA 30523
706-839-0140 www.habershamga.com

APPLICATION TYPE: Variance: Conditional Use: Map Amendment:
[Check appropriate application(s)]

PLEASE BE ADVISED THIS FORM IS PUBLIC INFORMATION

Applicant / Primary Contact David Irvin (3I, Irvin, Irvin & Irvin, LLC)

Address [REDACTED] City [REDACTED] State [REDACTED] Zip [REDACTED]

Telephone # () [REDACTED] Cell Telephone # [REDACTED]

E-Mail [REDACTED] (Marcia Brock)

Property Owner(s): 3I, Irvin & Irvin, LLC

Address [REDACTED] City [REDACTED] State [REDACTED] Zip [REDACTED]

Telephone # () same as above Cell Telephone # () same as above

E-Mail same as above

Agent: _____

Address _____ City _____ State _____ Zip _____

Telephone # () _____ Cell Telephone # () _____

E-Mail _____

Location (Street Address) of Property: 363 Glade Creek Parkway Mount Airy, GA 30563

Acreage of Site: 3.002 Tax Map & Parcel#: 145 040 Existing LUI District: _____

Action Requested: Rezone from LI to HI

Cite Pertinent Section(s): _____

Existing Use: _____

Proposed Use: _____

APPLICATION PROCESS FEE: \$300.00

RECEIVED
JAN 22 2024
BY: t. dills

1/23/24 Deadline \$300



HABERSHAM COUNTY
GEORGIA | Est. 1818

HABERSHAM COUNTY

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130 Jacob's Way Clarkesville, GA 30523
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PROPERTY OWNER'S CERTIFICATION

I hereby certify that I am the owner of the property described in the attached legal description, that all information contained in this application is true and correct to the best of my knowledge, and that the applicant and/or agent listed below is authorized to act as the applicant and/or agent in the pursuit of the proposed application of this property.

x David Irvin
Property Owner/Executor/Officer
(Print)

x David B. Irvin
Property Owner/Executor/Officer
(Signature)

1, 20, 24
Date of Signature

Authorized Agent
(Print)

Authorized Agent
(Signature)

/ /
Date of Signature



HABERSHAM COUNTY
 GEORGIA | Est. 1818

HABERSHAM COUNTY

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CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Required For All Applications Regarding the Comprehensive Land Development Resolution

Disclosure of Campaign Contributions:

When any application is made for a Public Hearing with regards to the Comprehensive Land Development Resolution within two (2) years immediately preceding the filing of the applicant's application for public hearing, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing body of the respective local government showing:

- (1). the name and official position of the local government official to whom the campaign contribution was made; and
- (2). The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two (2) years immediately preceding the filing of the application for public hearing and the date of each contribution; and
- (3). The disclosure shall be marked by the **applicant, property owner, or person representing the property owner** and shall be filed within ten (10) days after the application for Public Hearing is first filed with the Planning Staff. If the disclosure is not provided to the Planning Staff within said 10 days, the application shall be removed from the scheduled agenda.

I hereby certify that I have ; I have not ; (please one) read the above and that:

Within the two (2) years immediately preceding this date, I have; I have not ; (please one) made any contribution(s) aggregating \$250.00 or more to any local government official involved in the review or consideration of this application.

If you have made such contributions, you must provide the data required below within 10 days of filing this application.

Name of Official(s)	Office	Amount	Date of Contribution
David Irvin			1/1

Applicant's Name (Please Print)

X David L. Irvin
 Signature of Applicant

1/20/24
 Date of Signature



EXPRESSWAY 441

243

TOM

GLADE CREEK PKWY

363

367

373

337

409

300

ST HWY 365