

HABERSHAM COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY

SUBJECT: Map Amendment Application Z-18-05

DATE: August 8, 2018

RECOMMENDATION

POLICY DISCUSSION

BUDGET INFORMATION: N/A

STATUS REPORT

ANNUAL-

OTHER

CAPITAL-

COMMISSION ACTION REQUESTED ON: August 20, 2018

PURPOSE: Make a recommendation to the Board regarding application Z-18-05: Dinah Burrows (Owner) and Dale Holmes (Agent) has applied for a map amendment to change the land use district of 4046 Pea Ridge Rd. from LI, Low Intensity District to HI, High Intensity District (Map 025 Parcel 180).

BACKGROUND / HISTORY:

1. The applicant owns 6.86 acres at the corner of Pea Ridge Road and Duncan Bridge Road with approximately 1.63 acres being in HI District and the remaining 5.23 acres in the LI District.
2. There is an existing single-family home located on the HI District portion of the property.
3. The CLDR states a property containing two land use districts is governed by the district with the larger amount. Legally, we consider the entire property to be LI District since it is the larger portion.
4. The applicant is trying to sell the property and feels the HI District will make the property more attractive to potential buyers.
5. There are a mix of commercial and residential uses with the property's vicinity.
6. The other three corners of the intersection are HI properties.
7. We had one citizen show and state, if developed, they'd like to see architectural standards so we don't end up with another metal commercial building.

FACTS AND ISSUES: The Planning Commission forwards this application to the Board with a recommendation of Approval with Conditions:

1. No additional driveway cutes to be established on Duncan Bridge Road; and
2. If developed, the single-family home would be subdivided from the remainder on a 1+ acre tract.

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

3. Approval of the request with conditions as recommended by the Planning Commission;
 4. Denial of the request;
 5. Commission defined alternative.
-
-

RECOMMENDED SAMPLE MOTION: Approval of Z-18-05 with conditions as recommended by the Planning Commission.

DEPARTMENT:

Prepared by: Mike Beecham

Director _____

**ADMINISTRATIVE
COMMENTS:** _____

_____ **DATE:** _____

County Manager



HABERSHAM COUNTY

Planning Department

555 Monroe Street, S, Clarkesville, GA 30523

706-839-0140 Fax: 706-754-1761

www.habershamga.com

**Habersham County Planning Commission
Map Amendment
Staff Report**

APPLICATION NUMBER: Z-18-05

REQUESTED ACTION: Dinah Burrows and Dale Holmes (Agent) are seeking approval to change the Land Use Intensity District of a 6.86- acre property located at 4046 Pea Ridge Road. The property is further identified as Map 25 Parcel 180.

Proposed Use: High Intensity (HI)/Commercial

Synopsis: Proposed division to occur reflecting:

Tract 2-A 1.63 acres with rental home (Per LUI District Map- HI)

Tract 2-B 5.23 acres vacant (Per LUI District Map- LI)
6.86

Map Amendment Request includes entire 6.86 acres to avoid any misperception.

Tract 2-A: Existing Rental Home - Principal Buildings on a lot limited. The division of property is necessary. The rental home will need to comply with current building codes and land development regulations if a commercial use were to be proposed.

PETITIONER: Dale Holmes (Agent)
112 Spring St.
Clarkesville, Ga. 30523

PROPERTY OWNER: Dinah Burrows
102 Jordan Crossing
Prattville, AL 36067

EXISTING USE: Residential

PROPOSED USE: High Intensity (HI)/Commercial

LOCATION: 4046 Pea Ridge Road

PARCEL SIZE: 6.86 acres **MAP#:** 025 **PARCEL#:** 180

EXISTING & FUTURE LAND USE DISTRICT:

| | Current Zoning District | 2029 Comp Plan Designation |
|---------------|-------------------------|----------------------------|
| Parcel | LI-HI | Rural Conservation |
| Front | LI-HI | Rural Conservation |
| L-Side | LI-HI | Rural Conservation |
| R-Side | HI-Self Storage | Rural Conservation |
| Rear | LI | Rural Conservation |

MEETING DATES: Planning Commission: August 7, 2018

Board of Commissioners: August 20, 2018

PLANNING ANALYSIS:

1. **The existing land uses and zoning classification of nearby property;**
Properties adjacent are a mixture of Residential- LI, Commercial- HI and Agriculture- AG. Nearby, are a Self-Storage Facility, Convenience Store and Retail.
2. **The suitability of the subject property for the zoned purposes;**
The property is adjacent to a minor arterial highway (Duncan Bridge Road-State maintained), ample size and moderate topography. City water available. Access will need to be addressed.
3. **The extent to which the property values of the subject property are diminished by the particular zoning restrictions;**
The current Low Intensity District limits the permitted uses and density. Low Intensity will allow 1 acre minimum parcels upon adhering to the Environmental Health requirements. The suitability of the property allows for a variety of uses upon approval of a Conditional Use or a Map Amendment and adhering to the land development regulations.
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;**
The suitability of the property creates a commercial opportunity. The current zoning will allow for residential development which would have a minor impact on the neighborhood. Commercial development upon adhering to the land development regulations should be in harmony with the current land use mixture.
5. **The relative gain to the public, as compared to the hardship imposed upon the individual property owner;**
Relative gain to the public will be job creation and economic growth. The current Low Intensity District limits the range of usability and marketability but remains a viable property for residential or light office and/or retail with a conditional use.
6. **Whether the subject property has a reasonable economic use as currently zoned;**
Parcel has an economic use as a residential development, agricultural uses or church. A Conditional Use can be applied to this request, whereas, the district remains the same (LI) but sufficient conditions are applied to the request to reflect harmony and balance in the neighborhood. Significant HI exists in general area.
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 along a major collector road (Pea Ridge Rd.) and adjacent to a minor arterial route (Duncan Bridge Rd.) and the availability of municipal water. The application of the necessary setbacks/buffers and the commercial development requirements will assist in establishing a development on this tract. Significant HI exists in general area.
8. **Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property;**
No adverse effects 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 identifies this area in the Rural Conservation character area. The suitability of this parcel and upon adhering to the land development regulations should be in harmony with the current land use mixture.
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 zoning proposal should not cause an excessive or burdensome use of existing infrastructure. Density, setbacks/buffers, parking and additional land use requirements will assist with the development.
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;**
 Location of parcel adjacent to a major collector and a minor arterial route are an asset. Existing HI-Commercial activity in general neighborhood and ample size support a district change.

The Planning staff recommendation to the Planning Commission is Approval of this application changing the LUI District from LI to HI.

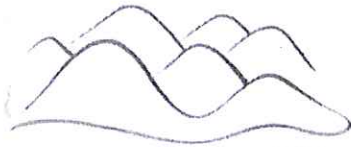
| | |
|--|---------------------------------------|
| <u> </u> Approve as Submitted | <u> X </u> Approval with Conditions |
| <u> </u> Denial | <u> </u> Table |

Condition:

- 1) Division necessary of 6.86 acres reflecting rental home on individual 1+ acre tract

Planning Commission Recommendation:

| | |
|--|--|
| <u> </u> Approve as Submitted | <u> </u> Approval with Conditions |
| <u> </u> Denial | <u> </u> Table |



HABERSHAM COUNTY
GEORGIA Est. 1818

HABERSHAM COUNTY

Planning Department
555 Monroe Street, Suite 70, Clarkesville, GA 30523
706-839-0140 Fax: 706-754-1761
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 DALE HOLMES

Address 112 SPRING ST City CLARKESVILLE State GA Zip 30523

Telephone # () 706 499 0367 Cell Telephone # () _____

Fax# () _____ E-Mail tdaleholmes@gmail.com

Property Owner(s): DINAH BURROWS

Address 102 JORDAN CROSSING City PATRICKVILLE State AL Zip 36067

Telephone # () 334-313-3271 Cell Telephone # () _____

Fax# () _____ E-Mail ddd@dinah@aol.com

Agent: SAMUAS APPLICANT

Address L City _____ State _____ Zip _____

Telephone # () _____ Cell Telephone # () _____

Fax# () _____ E-Mail _____

Location of Property: 4046 PETERSON RD CORNELL GA 30531

Street Address: _____

TOTAL Acreage of Site: 6.86 { TR 2-A-1.63 AC Tax Map & Parcel#: 025 180
TR 2-B-5.23 AC 2029 Map /District: _____

Existing LU District: _____

Action Requested: MAP AMENDMENT TO 'HI'

Cite Pertinent Section(s): Art 4 Sec. 405

Existing Use: RESIDENTIAL

Proposed Use: SEE LETTER OF INTENT (ATTACHED)

(A metes and bounds legal description may be required. Also attach a boundary survey of the property if available.)

#1316



HABERSHAM COUNTY

Planning Department
555 Monroe Street, Suite 70 Clarkesville, GA 30523
706-839-0140 Fax: 706-754-1761
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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.

Dinah Burrows

7/6/2018 6:11:54 PM EDT

Signature of Property Owner/Executor/Officer

07/06/2018

Date of Signature

Estate /Company /Corporation

Dale Holmes

7/9/2018 4:13:08 PM EDT

Signature of Authorized Agent

Authorized Agent (Please Print)

07/09/2018

Date of Signature

Estate /Company /Corporation

Authorized Agent (Please Print)

Signature of Authorized Agent

Date of Signature



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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 |
|---------------------------------|--------|--------|----------------------|
| <u>Dinah Burrows</u> | | | <u>07/06/2018</u> |
| Applicant's Name (Please Print) | | | |
| <u>Dinah Burrows</u> | | | |
| Signature of Applicant | | | Date of Signature |

Authentisign
Dinah Burrows
7/6/2018 6:12:03 PM EDT



112 Spring Street
P. O. Box 908
Clarkesville, GA 30523
PH: (706) 754-5101

July 10, 2018

Habersham County Planning Department
555 Monroe Street, Unit 70
Clarkesville GA 30523

Re: Letter of Intent - Request for a map amendment for Map & Parcel 025 180 (6.86 acres total according to recent unrecorded survey) to change land use from LI (Low Intensity – residential) to HI (High Intensity – commercial).

The latest unrecorded survey plat (attached) of the subject parcel shows a proposed division of the total acreage (6.86 acres) into **Tract 2-A (1.63 acres)** and **Tract 2-B (5.23 acres)**.

Note that the current Habersham County Zoning map (attached) presently labels (shaded red) the approximate area of the proposed Tract 2-A as HI (High Intensity), although the tax assessor presently designates the entire tax parcel as LI (Low Intensity).

Also note that the following adjoining and adjacent parcels located near the intersection (shaded red) are **presently zoned HI (High Intensity)**:

025 010 – 4572 Duncan Bridge Road
025 009A – 4113 Pea Ridge Road
025 009 – 4145 Pea Ridge Road
025 189 – Pea Ridge Road (Old Shore Homeplace)
025 189A – 4160 Pea Ridge Road
025 181 – 4411 Duncan Bridge Road
025 182 – 4245 Duncan Bridge Road
025 160 – 192 Old Duncan Bridge Road

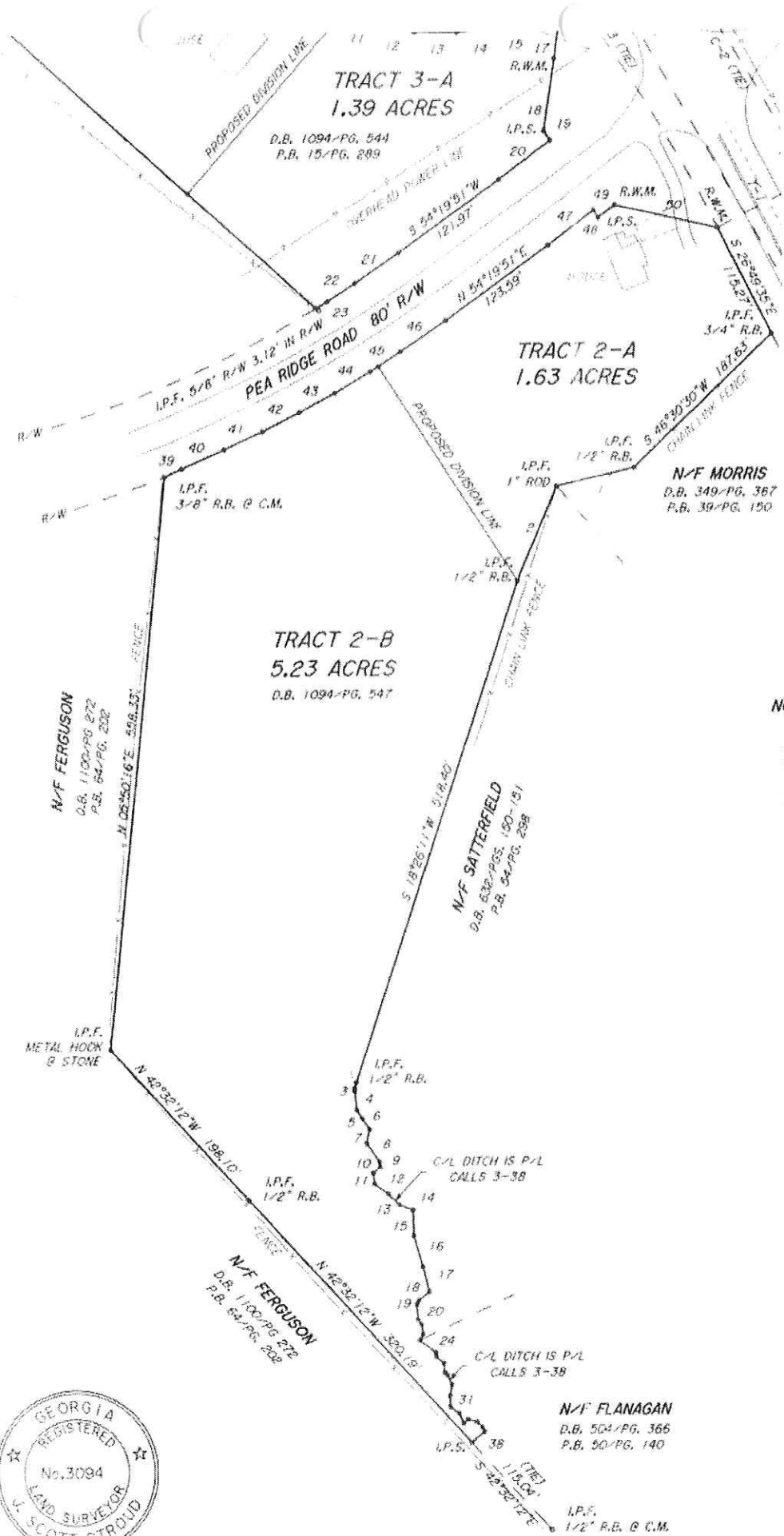
Given that the tax parcels at or near the intersection are zoned HI based upon their highest and best use (primarily retail & self-storage), the owner requests the map amendment for Tracts 2-A & 2-B, with the intent to market the tracts for sale for commercial use with **primary emphasis on retail prospects**, including:

Discount and/or small grocery-related stores
Convenience stores
Mixed office/warehouse space
Automotive repair/servicing, detailing, or sales
Light fabrication or construction-related services
Agricultural-related products & services
Household goods & services.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Dale Holmes", with a long horizontal flourish extending to the right.

Dale Holmes, Headwaters Realty – 706-499-0367 – tdaleholmes@gmail.com
112 Spring Street
Clarkesville, GA 30523



HADERSHAM CO ZONING MAP



Duncan Bridge Rd

Old Duncan Bridge Rd

Pea Ridge Rd

Shore's Store

TR 2-A

025 180

TR 2-B

Self-Storage