



**STAFF REPORT
REZONE
5398 ATLANTA HWY
ZONE-2024-10-2025
November 7th, 2024**

APPLICANT:H3 Development LLC/Rehab Construction Co. Inc.
OWNER:RTSH Holding LLC
ZONING REQUEST:RS-8 to E-O
TYPE OF REQUEST:Type II
LOCATION:5398 Atlanta Hwy
TAX MAP NUMBERS:043 002
COUNTY COMMISSION DISTRICT:District 6
PROJECT SIZE:4.5 ac in ACC (of an 18.66 ac parcel)
PRESENT USE:Vacant
PROPOSED USE:Office
PUBLIC NOTICE POSTED:October 23rd, 2024
STAFF RECOMMENDATION:**APPROVAL**
PLANNING COMM. RECOMMENDATION:**PENDING**
MAYOR & COMMISSION AGENDA SETTING: ...November 19th, 2024 (tentative)
MAYOR & COMMISSION VOTING SESSION:December 3rd, 2024 (tentative)

I. Summary Recommendation

The request is to rezone 4.5 acres of an 18.66 acre parcel that is split between the City of Bogart and Athens-Clarke County from RS-8 (Single-Family Residential) to E-O (Employment Office). The applicant has stated that they intend to build a new office if the rezone is approved.

This proposal is compatible with the 2023 Comprehensive plan as it would redevelop an existing parcel as well as provide job opportunities to the area. This request provides an opportunity to incrementally grow a commercial operation near the City of Bogart, a municipal partner to regional growth with Athens Clarke County.

The properties immediately surrounding the property are zoned single-family, and Employment Industrial (E-I), which does allow for more intensive uses than E-O. With the intent to build a house-scale office in the future, Staff sees this rezone as a good bridge between the two zones that this parcel abuts.

Staff deems the rezone request to be compatible with the Comprehensive Plan, Future Land Use Map, Zoning Map and surrounding development. Therefore, **Staff is recommending approval.**

Planning Commission Recommendation: Pending

II. Purpose of Applicant Request

A. Proposal

The request is seeking to rezone a portion of a parcel from RS-8 to E-O. The Future Land Use designation is Employment, which is proposed to remain. The portion of the parcel in this request is vacant; however the remainder of the tract (located within the jurisdictional boundaries of the City of Bogart) has a car wash and one stand-alone residential structure. The applicant has shown on their concept plan that they would be building two new construction company offices for employees on the property.

B. Existing Conditions

The property is split between the City of Bogart and Athens-Clarke County with roughly 4.5 acres being within ACC jurisdiction. According to the Tax Assessor, there is a car wash that has been in operation since the 1980s as well as a single-family residence from the 1960s. Both the car wash and residential locations are within the City of Bogart limits. Much of the property is wooded and there are no environmental areas. The surrounding zoning is RS-8 and E-I. Atlanta Highway is on the south side of the property with Fowler Mill Road to the east. The northern portion of the property is a railroad.

III. Policy Analysis

A. Compatibility with Comprehensive Plan

The 2023 Comprehensive Plan calls for the following policies that **are** supported in this project:

- *Infill and redevelopment should be prioritized over greenfield expansion.*
- *Support workforce development to attract and fill well-paying jobs.*
- *Continued cooperation with the City of Bogart.*

Overall, the proposal is compatible with the Comprehensive Plan. The company office that the applicant envisions will allow for a redevelopment of the existing property as well as attract a type of job that ACC has, but not in abundance. This location is unique as not only being on the edge of ACC, but in the limits of our neighboring city Bogart. While we do not seek to plan for them, this opportunity is in line with surrounding commercial operations along Atlanta Highway and could provide job opportunities to residents in the Bogart area.

B. Compatibility with the Future Land Use Map

The 2023 Future Land Use Map designates the subject parcel as *Employment Center*, which is described as follows:

Employment Center

These are areas of industry, office, research parks, and flex-space mixed uses. Large-scale employment areas, which include large industrial areas, manufacturing, office parks, and research centers, is incompatible with housing. Smaller-scale employment areas are appropriate to be in close proximity to a neighborhood area. Design standards regulating building placement, landscaping, and buffering should apply. Small amounts of retail may be compatible in some areas.

No change to the Future Land Use Map is required since the proposed zoning action is already compatible with the Map. The proposal is compatible with the Future Land Use description for this area.

C. Compatibility with the Zoning Map

The applicant has requested rezoning on this project, bringing the zoning more in line with the Employment Industrial zoning in the vicinity. There is a residence that wedges into the property as well as two more residences across Fowler Mill Rd. There is also a residential subdivision on the southern side of Atlanta Highway. While these are not wholly compatible with the requested zone of E-O, there are other properties zoned Employment Industrial (E-I) on the northern side of Atlanta Highway and in the vicinity of the parcel, making the request more in line with the surrounding area.

D. Consistency with Other Adopted ACCGov Plans, Studies, or Programs

There are no ACCGov Plans, Studies, or Programs that include this parcel.

IV. Technical Assessment

A. Environment

There are no designated environmental areas on the property. The Arborist has reviewed the tree management plan and approved with the following comment:

- *Project will be expected to meet all requirements of the community tree management ordinance at time of plan review.*

B. Grading and Drainage

The Transportation & Public Works Department has reviewed the proposal and recommended approval without comment.

C. Water and Sewer Availability

The Public Utilities Department has reviewed the proposal, recommended approval and offered the following comments:

- *ACC water is available*
- *ACC sanitary sewer is NOT available*

D. Transportation

The Transportation & Public Works Department has reviewed the proposal and recommended approval without comment.

E. Fire Protection

The Fire Marshal has reviewed the proposal and recommended approval without comment:

F. Health Department

The Health Department has reviewed the proposal, and offered the following comment:

- *Property will need to be evaluated for septic system(s) prior to approval if city sewer is not available.*

G. Compliance with the Zoning Ordinance and Development Standards

Since a binding plan is not required or proposed with this request, Staff reviewed the plan for general compliance with the code. If approved the proposal will be reviewed for code compliance at the time of permitting review. The applicant has not made any waiver requests, so they will be expected to comply with all of the applicable standards. Signage and lighting are not reviewed at this stage, but the applicant is expected to adhere to those standards as well.

End of Staff Report.

Reviewed

Zoning Criteria Considered by Staff

The following factors have been considered as set forth in *Guhl v. Holcomb Bridge Road Corp.*,
238 Ga. 322, 232 S.E.2d 830 (1977).

- The proposed zoning action conforms to the Future Land Use map, the general plans for the physical development of Athens-Clarke County, and any master plan or portion thereof adopted by the Mayor and Commission.
- The proposed use meets all objective criteria set forth for that use provided in the zoning ordinance and conforms to the purpose and intent of the Comprehensive Plan and all its elements.
- The proposal will not adversely affect the balance of land uses in Athens-Clarke County.
- The cost of the Unified Government and other governmental entities in providing, improving, increasing or maintaining public utilities, schools, streets and other public safety measures.
- The existing land use pattern surrounding the property in issue.
- The possible creation of an isolated district unrelated to adjacent and nearby districts.
- The aesthetic effect of existing and future use of the property as it relates to the surrounding area.
- Whether the proposed zoning action will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
- Whether there are substantial reasons why the property cannot be used in accordance with existing zoning; provided, however, evidence that the economic value of the property, as currently zoned, is less than its economic value if zoned as requested will not alone constitute a significant detriment.
- Whether there are other existing or changing conditions affecting the use and development of the property that give supporting grounds for either approval or disapproval of the zoning proposal.
- Public services, which include physical facilities and staff capacity, exist sufficient to service the proposal.
- The population density pattern and possible increase or over-taxing of the load on public facilities including, but not limited to, schools, utilities, and streets.
- The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quantity.