



Columbia County Planning Commission  
Proposed Agenda for December 15, 2016 at 6:00 P.M.  
Evans Government Center Auditorium  
Evans, Georgia

Planning Commissioners:  
Countywide - Jim Cox

District 1 – Chris Noah  
Vice-Chairman – Donald Skinner

District 3 – Richard Henderson, Sr.  
District 4 – Dewey Galeas

- A. CALL TO ORDER..... Chairman Cox
- B. INVOCATION ..... Chairman Cox
- C. PLEDGE OF ALLEGIANCE ..... Chairman Cox
- D. ROLL CALL / QUORUM ..... Chairman Cox
- E. APPROVAL OF THE MINUTES OF PREVIOUS MEETING ..... Chairman Cox
  - 1. December 1, 2016
- F. APPROVAL OF THE AGENDA ..... Chairman Cox
- G. PRESENTATION..... Chairman Cox
- H. DEBATE AGENDA ..... Chairman Cox
  - 1. Unfinished Business ..... Chairman Cox
    - a. Rezoning
      - 1. None
    - b. Variance
      - 1. None
  - 2. New Business ..... Chairman Cox
    - a. Conceptual Plan
      - 1. **Somerset 8**, off Hardy McManus Road, zoned R-2 (Single Family Residential), 18 lots, 10.13 acres, Tax Map 065 Parcel 1347 (portion of). *Commission District 3. Staff Assignment Andrew Strickland.*
    - b. Preliminary Plat
      - 1. None
    - c. Final Plat
      - 1. **Willow Oak Village Phase V**, located off of Hamilton Drive, zoned R-2/RCO (Single Family Residential with Residential Cluster Overlay), 69 lots, 21.77 +/- acres, Tax Map 052 Parcel 759, *Commission District 4. Staff Assignment Nayna Mistry.*
    - d. Plan Revision
      - 1. None

- e. Public Hearing
  - 1. **RZ16-12-02, (Public Hearing)**, Rezone from S-1 (Special) to R-A (Residential Agriculture), Tax Map 020 and Parcel Number 022A, 3.11 +/- acres, located at 1218 Miles Road. *Commission District 4. Staff Assignment Danielle Bolte.*
  - 2. **RZ16-12-03, (Public Hearing)**, Rezone from C-1 (Neighborhood Commercial) to C-C (Community Commercial), Tax Map 078 and Parcel 058E, 1.14 +/- acres, located at Tanner Court. *Commission District 1. Staff Assignment Will Butler.*
  - 3. **VA16-12-04, (Public Hearing)**, Variance to Section 90-147 Use Provisions. Tax Map 078 and Parcel 058E, 1.14 +/- acres, located at Tanner Court. *Commission District 1. Staff Assignment Will Butler.*
  - 4. **VA16-12-03, (Public Hearing)**, Variance to Section 90-147 Use Provisions, Tax Map 061A and Parcel 059, 1.7 +/- acres, located at 417 Lewiston Road. *Commission District 3. Staff Assignment Will Butler.*

- f. Items Added (which need immediate action or have not gone before Committee)
  - 1. None

I. LEGAL MATTERS ..... County Attorney Driver  
 1. None

J. STAFF AND COMMISSIONER COMMENTS ..... Chairman Cox  
 1. **MW16-12-01**, Minor Waiver, Tax Map 0771 Parcel 497, 0.20 +/- acres, located at 4147 Bald Eagle Place. *Commission District 1. Staff Assignment Will Butler.*

K. PUBLIC COMMENTS AND PARTICIPATION ..... Chairman Cox

The next scheduled Planning Commission meeting is January 5, 2017 at 6:00 P.M. in the Auditorium of Building A at the Evans Government Center.

*County Offices will be closed in observance of Christmas Holidays, December 23 and 26, 2016*



*and*

*January 2, 2017 in observance of New Year's*





# CONCEPTUAL PLAN

SOMERSET, PHASE 8

## Property Information

Subdivision Name	Somerset, Phase 8
Location/address	Off Hardy McManus Road
Tax Map / Parcel	Tax Map 065 Parcel 1347
Total Acreage	10.13 acres
Number of lots/units	18
Zoning	R-2 (Single Family Residential)
Owner/Developer	James and Caleb, Inc.
Commission District	District 3 (Richardson)
Recommendation	Approval

## Summary and Recommendation

Applicant James and Caleb, Inc. has submitted for approval a conceptual site plan for Phase 8 of Somerset, a single family residential subdivision located off of Hardy McManus Road. The site consists of a 10.13 acre portion of one parcel, Tax Map 065 Parcel 1347, 91.7 +/- acres, currently zoned R-2 (Single Family Residential).

This property was rezoned in 2007 (RZ07-11-02). The subdivision has been constructed in several phases, of which the currently proposed phase 8 appears to be the final one.

The subdivision currently consists of approximately 400 lots, with multiple points of access onto Hardy McManus Road through adjoining subdivisions Hardy Pointe, Walton Woods, and Highgrove at Williamsburg. The submitted concept plan is for an additional 18 lots on a tract of land towards the rear of the subdivision, adjacent to Euchee Creek.

The lots are accessed via an extension of Thornbury Ridge and are arranged around two cul-de-sacs forming a 'T' shape. The applicants are working with the Traffic department to arrive at an acceptable design for the 'T' intersection; currently the two cul-de-sacs are slightly offset, which could create issues seeing oncoming traffic from the left when stopped at the intersection.

The lots appear to meet all minimum size and frontage requirements for the R-2 zoning district. This property will be graded, similar to previous phases of this development. Since this is a new phase of an existing subdivision, no buffers will be required around the site, however, this section will have to meet the additional requirements outlined under Section 34-1 for mass graded sites, including provision of street trees and sidewalks within this section.



# CONCEPTUAL PLAN

SOMERSET, PHASE 8

This property is adjacent to Euchee Creek and there are additional state waters on the property towards the east. The appropriate buffers from these waterways are shown on the concept plan.

Staff recommends **approval** of the conceptual plan as currently presented, subject to the comments below.

## Interdepartmental Review

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**A copy of this staff report is sent to the applicant and owner of the property in question prior to the public hearing.**

## Comments:

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### GIS:

1. Please submit an alternate road name for Thornbury Ridge Loop. Same and similar sounding names to established road names are not approvable for potential emergency response delay reasons. The proposed roadway is not a loop, and a road type of lane, court, ridge, etc would be more appropriate. Road name approval can be coordinated via email (gjansen@columbiacountyga.gov) prior to preliminary plan review if desired.
2. Please show addresses once assigned. Addressing will be assigned once an AutoCAD DWG meeting all requirements has been submitted.
3. Although not required at this stage of review, a CD or digital copy of the AutoCAD drawing files including the Cover Sheet and Lot Layout are required to be submitted during preliminary plan review. The drawing files need to be in state plane (Georgia, East Zone, NAD 83 coordinate system) including at least two benchmarks showing state plane coordinates and a benchmark or temporary benchmark referencing NAVD88 elevation. A drawing file submission may be made via email (gjansen@columbiacountyga.gov) prior to preliminary plan review if desired.

### Environmental:

1. Drainage feature located on Lot 24 is buffered state waters.
2. Columbia County will be entering the preliminary stage of new FEMA FIRMs. Flood data subject to change on these properties as Uchee Creek has been restudied. Flood elevation may change at preliminary or final plat approval.
3. Wetlands and Waters of the U.S. are present on the property. As the concept plan shows disturbances to the wetlands or waters of the U.S., Columbia County will require an approved JD that must be accompanied by correspondence from the U.S. Army Corps of Engineers stating permit coverage has been obtained or permit coverage is not needed.

### Fire Marshal:

No comments.



# CONCEPTUAL PLAN

SOMERSET, PHASE 8

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## **Stormwater Management:**

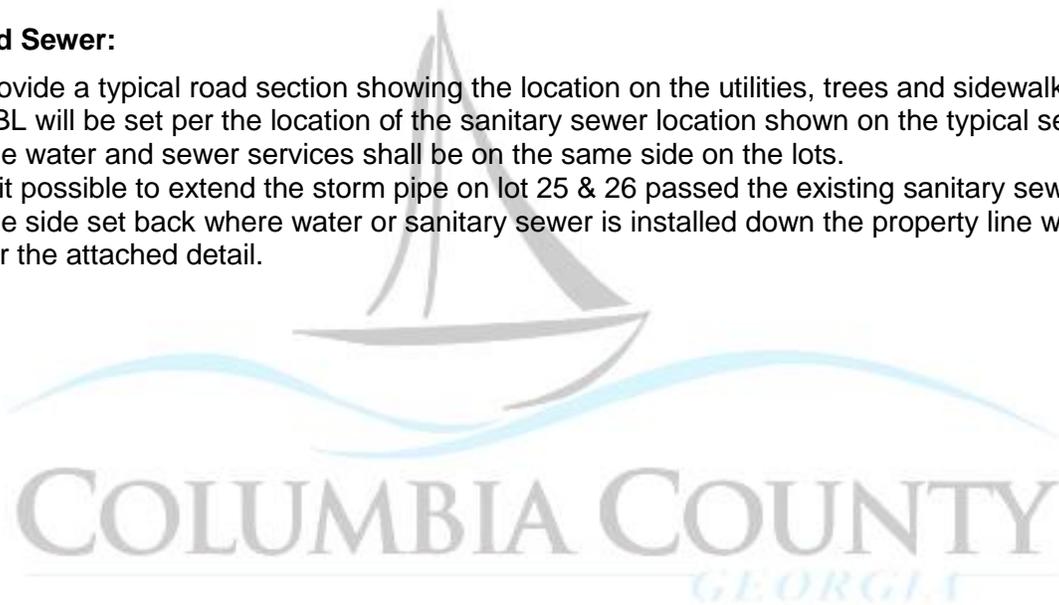
1. Stormwater Quality will need to be provided
2. Need to extend storm line between Lots 25 & 26 to other side of sanitary sewer line, if possible.
3. If the intent is to mass grade these lots, then the Major Site Grading Ordinance will need to be met

## **Traffic Engineering:**

No comments.

## **Water and Sewer:**

1. Provide a typical road section showing the location on the utilities, trees and sidewalks.
2. MBL will be set per the location of the sanitary sewer location shown on the typical section.
3. The water and sewer services shall be on the same side on the lots.
4. Is it possible to extend the storm pipe on lot 25 & 26 passed the existing sanitary sewer lines?
5. The side set back where water or sanitary sewer is installed down the property line will be set per the attached detail.





# FINAL PLAT

Willow Oak Village V

## Property Information

Subdivision Name	Willow Oak Village V
Location/address	Off Hamilton Road
Tax Map / Parcel	Tax Map 052 Parcel 759
Total Acreage	21.77 acres
Number of lots/units	69
Zoning	R-2/RCO (Single Family Residential with Residential Cluster Overlay)
Surveyor	Southern Partners
Commission District	District 4 (Morris)
Recommendation	Approval

## Summary and Recommendation

Beazley Development, Inc., seeks final plat approval for 69 residential lots on 21.77 acres located off Hamilton Road. The property is zoned R-2/RCO (Single Family Residential with Residential Cluster Overlay) (RZ06-08-01 with subsequent changes of conditions in 2013, RZ13-10-06 and RZ13-12-08). The preliminary plat was approved on January 21, 2016.

Section V of Willow Oak Village consists of 69 single family residential lots. The minimum lot size is 6600 square feet, with an average lot size of 9464 square feet. The setbacks are a minimum of 40 feet in the front, measured from the centerline of the road, and a minimum of 5 feet along the side and rear property lines.

Sidewalks are required on both sides of the streets. 4.23 acres of open space are provided in this section, primarily around the detention ponds along the southern property line.

The submitted final plat appears to substantially comply with the approved preliminary plat. The developer has requested to bond this project; the bond application will be heard by the Board of Commissioners at their meeting on December 20, 2016.

Staff recommends **approval**. The plat will not be released until all departmental comments have been addressed.



# REZONING

December 15, 2016

FILE : RZ16-12-02

S-1 to R-A

<b>Property Information</b>	
<b>Tax Map/Parcel ID</b>	<b>Tax Map 020 Parcel 022A</b>
<b>Address/Location</b>	<b>1218 Miles Road</b>
<b>Acreage (+/-)</b>	<b>3.11 +/- acres</b>
<b>Current Zoning</b>	<b>S-1 (Special)</b>
<b>Existing Use</b>	<b>Vacant</b>
<b>Request</b>	<b>R-A (Residential Agriculture)</b>
<b>Commission District</b>	<b>District 4 (Morris)</b>
<b>Recommendation</b>	<b>Approval</b>

## Summary and Recommendation

Owner Fahimahe Wallace and owner and applicant Keith Wallace request a rezoning for a 3.11 +/- acre parcel (Tax Map 020 Parcel 022A) from S-1 (Special) to R-A (Residential Agriculture).

The property in question is located in a bend of Miles Road and is bordered on both the south and east sides by Miles Road. The property was zoned S-1 (Special) in 1995 (RZ95-05-02) for a personal care home. The business has since ceased to operate, and the current owners have purchased the property for a personal residence. Surrounding parcels are zoned R-A (Residential Agriculture).

The current request is to rezone the property back to R-A in conformance with the surrounding properties so the owners can build a residence on the property. This area is in the Rural Character Area on the future land use map; the requested R-A zoning is appropriate for the intent of this area as large lot residential and agricultural development. The parcel meets all lot requirements for the R-A zoning district.

Staff recommends **approval** of the request to rezone a 3.11 +/- acre parcel (Tax Map 020 Parcel 022A) from S-1 (Special) to R-A (Residential Agriculture).



## Interdepartmental Review

**A copy of this staff report, including a list of all recommended zoning conditions, is sent to the applicant and owner of the property in question prior to the public hearing.**

### Comments:

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**Building Standards:**

Ensure all applicable codes provided by the International Residential code for one and two family dwellings, National Electrical Code, International Mechanical Code, International Fuel Gas Code, International Plumbing Code and Columbia County ordinance are met.

**Environmental:**

Wetlands and Waters of the U.S. may be present on the property. If wetlands are present on the property, Columbia County strongly encourages that a Jurisdictional Determination be procured from the U.S. Army Corps of Engineers for this project. If any disturbances to the wetlands or waters of the U.S. are proposed, Columbia County will require an approved JD that must be accompanied by correspondence from the U.S. Army Corps of Engineers stating permit coverage has been obtained or permit coverage is not needed.

State Waters are present adjacent to the property. There is an established 25-foot buffer from the edge of wretsted vegetation along all state waters. Any disturbances to the 25-foot buffer must be approved by the Georgia Environmental Protection Division prior to such disturbance taking place.

**Fire Marshal:**

Applicable fire code requirements apply.

**Health Department:**

**Planning:**

Conditions supplement but do not eliminate other code requirements which pertain to site development. No variances from Code have been expressed or implied. In case of conflicts, the more restrictive item shall prevail over the less restrictive item.

**Sheriff:**

No comments.

**Stormwater Management:**

If the site improvements disturb more than one acre, then the proper NPDES permit and associated fees must be submitted to the Georgia Environmental Protection Division (EPD) and Columbia County 14 days prior to land disturbance.

**Water and Sewer:**

This property is outside of our service area, therefore Water Utility has no comments.



# REZONING

December 15, 2016

FILE : RZ16-12-02

S-1 to R-A

## Criteria for Evaluation of Rezoning Proposal

- 1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.**  
Adjacent properties are residential in use and zoning. The proposed use is compatible with the residential nature of the area.
- 2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.**  
The proposal should not adversely impact adjacent or nearby properties.
- 3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.**  
The property does have a reasonable economic use as currently zoned.
- 4. 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 will not cause an excessive burden on existing streets, utilities, or schools.
- 5. If the local government has an adopted land use plan, whether the zoning proposal is in conformity with the policy and intent of the land use plan.**  
This property is located in the Rural character area on the adopted future land use plan. Residential Agriculture zoning is appropriate for this area and is in conformance with the intent of the land use plan.
- 6. 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.**  
Staff is not aware of any at this time.
- 7. Whether the proposal reflects a reasonable balance between the promotion of health, safety, and welfare against the right to unrestricted use of property.**  
The proposal meets this test.



# REZONING

December 15<sup>th</sup>, 2016

FILE : RZ16-12-03

C-1 to C-C

<b>Property Information</b>	
<b>Tax Map/Parcel ID</b>	<b>Tax Map 078 Parcel 058E</b>
<b>Address/Location</b>	<b>Off Tanner Court</b>
<b>Acreage (+/-)</b>	<b>1.14 +/- acres</b>
<b>Current Zoning</b>	<b>C-1 (Neighborhood Commercial)</b>
<b>Existing Use</b>	<b>Vacant</b>
<b>Request</b>	<b>Rezoning to C-C (Community Commercial)</b>
<b>Commission District</b>	<b>District 1 (Duncan)</b>
<b>Recommendation</b>	<b>Approval with Condition</b>

## Summary and Recommendation

Owner Mason/McMurtrey Properties, LLC and applicant Piyush Patel request a rezoning for Tax Map 078 Parcel 058E located off of Tanner Court in the northwest corner of the intersection of Fury's Ferry Road and Evans to Locks Road, 1.14 +/- acres, from C-1 (Neighborhood Commercial) to C-C (Community Commercial). Subject property is located within the Evans to Locks/Fury's Ferry Node Protection Overlay District. The applicant has provided a conceptual site plan showing a proposed Dunkin Donuts and retail businesses and has applied for a variance as well (VA16-12-04).

The subject property is located in the northwest corner of the intersection of Evans to Locks Road and Fury's Ferry Road off of Tanner Court and is currently zoned C-1 (Neighborhood Commercial). Property to the north is zoned S-1 (Special) for the fire station and C-1, property to the east is zoned PUD (Planned Unit Development) and C-1, and property to the south and west is zoned C-1.

As mentioned, the applicant has provided a site plan showing a proposed Dunkin Donuts and retail businesses, which is permitted in the current C-1 (Neighborhood Commercial) designation. However, the request for C-C (Community Commercial) stems from a proposed drive-thru which is not permitted under C-1 (Neighborhood Commercial) as an accessory use. The requested C-C (Community Commercial) serves as a "stepping stone" between C-1 (Neighborhood Commercial), a district that is intended to be located near residential areas and be low impact to those residential areas, and C-2 (General Commercial), a district that is intended for commercial projects of some size and not generally located near residential. The C-C (Community Commercial) district is suited for corridors, such as Fury's Ferry and Evans to Locks, as well as activity centers, such as the Evans to Locks Activity Center where the subject property is located, and requires access to major thoroughfares.

Overall, staff is comfortable with the requested rezoning. While there aren't any nearby properties zoned C-C (Community Commercial), staff finds that the proposed district is in keeping with adjacent



# REZONING

December 15<sup>th</sup>, 2016

FILE : RZ16-12-03

C-1 to C-C

uses, such as the Planned Unit Development directly across Fury's Ferry, is located along two arterial roads (Evans to Locks and Fury's Ferry), is not immediately adjacent to residential, and is located within the Evans to Locks Activity Center. Because of these factors, staff recommends approval of the request. However, there are concerns with the potential uses which are outlined in more detail below.

In terms of uses, C-C (Community Commercial) does permit several uses that are more intense than C-1 (Neighborhood Commercial). These uses are outdoor recreation, hotel/motel (more than 30 rooms), convenience stores with gas pumps, vehicle rental, ice vending machines, and outdoor storage and display. Staff's primary concerns with these uses is that they are not in keeping with the existing commercial uses, nor are they in keeping with the intent of the Node Protection Overlay District to provide a higher level of design and use. Due to these concerns staff recommends a condition, found below, to not permit these uses on this site. Staff does realize that the size of the site will potentially self-regulate some of the uses, such as a hotel, but is more comfortable with the rezoning with a condition limiting the uses.

The subject property is located in the Evans to Locks Activity Center, a Commercial Activity Center under the Vision 2035 future land use map. An activity center is intended to create and enhance concentrated commercial uses, employment centers, and mixed use development in defined areas and is characterized by compact, walkable, higher density developments. As a Commercial Center, the Evans to Locks Activity Center's primary future land uses are neighborhood services, shops, restaurants, and civic uses. The proposed rezoning and proposed Dunkin Donuts and retail uses are in keeping with the intent of the future land use map.

Staff recommends **approval with condition** of the request for a rezoning for Tax Map 078 Parcel 058E located off of Tanner Court in the northwest corner of the intersection of Fury's Ferry Road and Evans to Locks Road, 1.14 +/- acres, from C-1 (Neighborhood Commercial) to C-C (Community Commercial). Subject property is located within the Evans to Locks/Fury's Ferry Node Protection Overlay District.

## Interdepartmental Review

**A copy of this staff report, including a list of all recommended zoning conditions, is sent to the applicant and owner of the property in question prior to the public hearing.**

## Conditions:

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### Planning:

The following uses, as defined in Section 90-147 Use Provisions of Columbia County Code, are not permitted on the subject property: hotel/motel, outdoor recreation, convenience stores with gas pumps, vehicle rental, ice vending machines, outdoor display, Radio or TV station or recording studio, and outdoor storage.



# REZONING

December 15<sup>th</sup>, 2016

FILE : RZ16-12-03

C-1 to C-C

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## Comments:

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### **Building Standards:**

Ensure all applicable codes provided by the International Building Code, National Electrical Code, International Mechanical Code, International Fuel Gas Code, International Plumbing Code and Columbia County ordinances are met.

### **Environmental:**

No environmental concerns.

### **Fire Marshal:**

Applicable fire code requirements apply.

### **Health Department:**

This project should be on county water and sewer, therefore, the Health Department does not need to be contacted prior to advancement of the project and there are no specific comments or conditions.

### **Planning:**

1. This site is in the NPOD (Node Protection Overlay District) and has very specific architectural criteria that must be met.
2. Conditions supplement but do not eliminate other code requirements which pertain to site development. No variances from Code have been expressed or implied. In case of conflicts, the more restrictive item shall prevail over the less restrictive item. An approval of the rezoning does not imply that the submitted concept plan has been approved by Columbia County.

### **Stormwater Management:**

1. If the site improvements disturb more than one acre, then the proper NPDES permit and associated fees must be submitted to the Georgia Environmental Protection Division (EPD) and Columbia County 14 days prior to land disturbance.
2. Stormwater detention will be required unless site improvements result in no net increase in runoff.
3. Stormwater quality will be required.
4. A permit from Georgia Department of Transportation (GDOT) will be required in order to make modifications to the existing stormwater system on Fury's Ferry Road.

### **Water and Sewer:**

Water service is available to the property. Sewer service is available, but would require a sewer main extension. The owner/developer is responsible for all costs to extend sewer to the property.

## Criteria for Evaluation of Rezoning Proposal

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1. **Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.**

Adjacent properties are zoned primarily for commercial use, with S-1 Special zonings for a fire station, church, and assisted living facility located nearby. While this is a slightly more intense zoning classification than the nearby C-1 (Neighborhood Commercial) districts, staff is comfortable with the request with a condition limiting the uses and due to it not being located adjacent to residential property. However, the proposed use of the property is suitable in view of the use and development of nearby property.

2. **Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.**

The proposal should not adversely impact adjacent or nearby properties. The modification to Tanner Court should improve access to the adjacent properties.

3. **Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.**

The property does have a reasonable economic use as currently zoned.

4. **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.**

It is not anticipated that the proposed use will cause a burden on existing streets, utilities, schools, or transportation facilities.

5. **If the local government has an adopted land use plan, whether the zoning proposal is in conformity with the policy and intent of the land use plan.**

The subject property is located in the Evans to Locks Activity Center, a Commercial Center under the Vision 2035 future land use map. An activity center is intended to create and enhance concentrated commercial uses, employment centers, and mixed use development in defined areas and is characterized by compact, walkable, higher density developments. As a Commercial Center, the Evans to Locks Activity Center primary future land uses are neighborhood services, shops, restaurants, and civic uses. The proposed rezoning and proposed Dunkin Donuts and retail uses are in keeping with the intent of the future land use map.

6. **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.**

Staff is not aware of any at this time.

7. **Whether the proposal reflects a reasonable balance between the promotion of health, safety, and welfare against the right to unrestricted use of property.**

The proposal meets this test.



# VARIANCE

December 15<sup>th</sup>, 2016

FILE : VA16-12-04

Variance

<b>Property Information</b>	
<b>Tax Map/Parcel ID</b>	<b>Tax Map 078 Parcel 058E</b>
<b>Address/Location</b>	<b>Off Tanner Court</b>
<b>Acreage (+/-)</b>	<b>1.14 +/- AC</b>
<b>Current Zoning</b>	<b>C-1 (Neighborhood Commercial)</b>
<b>Existing Use</b>	<b>Vacant</b>
<b>Request</b>	<b>Variance to Section 90-147(ix)(3)(ii)(b) Use Provisions</b>
<b>Commission District</b>	<b>District 1 (Duncan)</b>
<b>Recommendation</b>	<b>Approval with Condition</b>

## Summary and Recommendation

Owner Mason/McMurtrey Properties, LLC and applicant Piyush Patel request a variance to Section 90-147(ix)(3)(ii)(a) *Use Provisions* for Tax Map 078 Parcel 058E, 1.14 +/- acres, located off Tanner Court in the northwest corner of the intersection of Evans to Locks Road and Fury's Ferry Road, currently zoned C-1 (Neighborhood Commercial), to permit the drive-thru area to be located on the front of the building, as well as permit the drive-thru window and lane to be placed between the public street and the proposed building. Subject property is located within the Evans to Locks/Fury's Ferry Node Protection Overlay District.

The subject property is located in the northwest corner of the intersection of Evans to Locks Road and Fury's Ferry Road off of Tanner Court and is currently zoned C-1 (Neighborhood Commercial). A rezoning application, RZ16-12-03, requesting C-C (Community Commercial) has been filed concurrently with this application. Property to the north is zoned S-1 (Special) for the fire station and C-1 (Neighborhood Commercial), property to the east is zoned PUD (Planned Unit Development) and C-1 (Neighborhood Commercial), and property to the south and west is zoned C-1 (Neighborhood Commercial).

The applicant has requested variances to permit a drive-thru facility to be located on the front of the proposed building, as well as between the public street and the proposed building. However, within the Node Protection Overlay District the requested location is not permitted, nor is it permitted under the current zoning which the applicant is requesting to change with a concurrent rezoning application. The applicant has provided the rationale that a hardship is caused by the site adjoining three public streets, Fury's Ferry Road, Evans to Locks Road, and Tanner Court. Further, in order to comply with the ordinance both the menu board and the pick-up window would need to be placed on the same side, leading to longer wait times, decreased stacking room, and increased traffic flow at the entrance to the site along Fury's Ferry. The applicant has also stated a willingness to provide an enhanced landscape strip to help screen the drive-thru facility.



# VARIANCE

December 15<sup>th</sup>, 2016

FILE : VA16-12-04

Variance

Staff does agree with the applicant's reasoning that placing the drive-thru in compliance with the ordinance would pose an issue with internal circulation of vehicles on the property and could have a direct impact on traffic on Fury's Ferry. In addition, the proposed placement of the menu board and drive-thru window does enable more stacking room for vehicles and enhances the internal flow of traffic. Staff also agrees that having additional landscaping to provide a screen between the drive-thru and road is a good compromise for the variance. However, staff does request a condition that a licensed landscape architect prepares the landscape plan and meet with staff prior to submitting the plan. The primary reasons for requiring a landscape architect to prepare the plan is that due to the location of the property within the Node Protection Overlay District ,which requires a high level of design, and the visibility of the drive-thru facility, staff finds it necessary to involve a landscape architect to alleviate those concerns.

Staff recommends **approval with condition** of the variance to Section 90-147(ix)(3)(ii)(a) Use Provisions for Tax Map 078 Parcel 058E, 1.14 +/- acres, located off Tanner Court in the northwest corner of the intersection of Evans to Locks Road and Fury's Ferry Road, currently zoned C-1 (Neighborhood Commercial), to permit the drive-thru area to be located on the front of the building, as well as permit the drive-thru window and lane to be placed between the public street and the proposed building.

## Interdepartmental Review

**A copy of this staff report, including a list of all recommended zoning conditions, is sent to the applicant and owner of the property in question prior to the public hearing.**

### Condition:

#### Planning:

1. A licensed landscape architect shall prepare the landscape plan and meet with staff prior to submitting the plan.

### Comments:

#### Building Standards:

Ensure all applicable codes provided by the International Building Code, National Electrical Code, International Mechanical Code, International Fuel Gas Code, International Plumbing Code, and Columbia County ordinances are met.

#### Environmental:

No environmental concerns.

#### Fire Marshal:

Applicable fire code requirements apply.

#### Planning:

Conditions supplement but do not eliminate other code requirements which pertain to site development. No additional variances from code have been expressed or implied. In case of conflicts,

*A Community of Pride...A County of Vision...Endless Opportunity*



# VARIANCE

December 15<sup>th</sup>, 2016

FILE : VA16-12-04

Variance

the more restrictive item shall prevail over the less restrictive item. An approval of the variance does not imply that the submitted concept plan has been approved by Columbia County.

**Stormwater:**

No conditions or comments.

**Water Utility:**

No conditions or comments.

## Criteria for Evaluation of Variance Proposal

- 1. There are special circumstances or conditions unique to the property that do not generally apply to the district.**  
The property is bordered on three sides by roads which is not a common occurrence in the district. This has a direct impact on the suitability of the site for commercial development.
- 2. The special circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance. There must be a deprivation of beneficial use of land.**  
The applicant could still use the land. However, with the location of the property and its unique situation, variances would likely have to be applied for to utilize the property for a commercial use.
- 3. Topographical or other conditions peculiar and particular to the site are such that strict adherence to the requirements of this chapter would cause the owner unnecessary hardship, and would not carry out the intent of this chapter, and that there is no feasible alternative to remedy the situation.**  
To staff's knowledge there are not any topographical issues with the site. Again, the condition that has the most impact are the three roads that border the property.
- 4. If granted, the variance shall be in harmony with the general purposes and intent of this chapter, and shall not be injurious to the neighborhood or detrimental to the public welfare.**  
In staff's opinion the variance request is in keeping with the intent and general purpose of the Code. Providing additional landscaping as a screen is beneficial to the area and a good design technique.
- 5. In reviewing an application for a variance, the burden of showing that the variance should be recommended and/or granted shall be upon the person applying for the variance.**  
In staff's opinion the applicant has provided sufficient justification for the variance.



# VARIANCE

December 15<sup>th</sup>, 2016

FILE : VA16-12-04

Variance

6. **When recommending a variance, the planning commission, or board of commissioners, when granting a variance, may establish reasonable conditions concerning the use of the property, and may establish an expiration date for such variances.**

So noted.

7. **Any variance recommended and/or authorized is to be set forth in writing in the minutes of the planning commission and the board of commissioners, as the case may be, with the reasons for which the departure was justified, and the conditions under which the variance was granted.**

So noted.





# VARIANCE

December 15<sup>th</sup>, 2016

FILE : VA16-12-03

Variance

<b>Property Information</b>	
<b>Tax Map/Parcel ID</b>	<b>Tax Map 061A Parcel 059</b>
<b>Address/Location</b>	<b>417 Lewiston Road</b>
<b>Acreage (+/-)</b>	<b>1.7 +/- AC</b>
<b>Current Zoning</b>	<b>C-2 (General Commercial)</b>
<b>Existing Use</b>	<b>Vacant</b>
<b>Request</b>	<b>Variance to Section 90-147(ix)(3)(ii)(a) Use Provisions</b>
<b>Commission District</b>	<b>District 3 (Richardson)</b>
<b>Recommendation</b>	<b>Approval with Condition</b>

## Summary and Recommendation

Owner Carol Allen and applicant Piyush Patel request a variance to Section 90-147(ix)(3)(ii)(a) *Use Provisions* for Tax Map 061A Parcel 059, 1.7 +/- acres, located at 417 Lewiston Road, currently zoned C-2 (General Commercial) to permit a drive-thru lane and order box within 50 feet of a property containing a ground floor residential use.

The subject property is located on the west side of Lewiston Road and is currently zoned C-2 (General Commercial). This property was rezoned recently by RZ16-09-05. Property to the north is zoned R-1 (Single Family Residential), property to the east is also R-1 (Single Family Residential), property to the south is zoned C-2 (General Commercial), and property to the west is zoned C-2 (General Commercial) and R-1 (Single Family Residential).

The applicant has requested a variance permitting a drive-thru facility, which includes both a lane and order box, closer than 50 feet to a property containing a ground floor residential use. Submitted with the application is a proposed site plan, as well as literature from the manufacturer of the drive-thru speaker system that provides information on the decibel levels produced by the system. Additionally, the applicant has offered to provide an enhanced buffer between the two properties. The applicant has provided two rationales for the request. The first is that in order to comply with the ordinance the building would have to face away from the Kroger and Dairy Queen developments to the south in order to give adequate space for the drive-thru facility. This scenario would create issues with the flow of traffic through the site due to the majority of business occurring in the morning. The second is if the building is left in its proposed configuration, facing the Dairy Queen and Kroger, the menu board would need to be located at the corner of the building to be no less than 50 feet from the residential lot. This would in turn cause vehicles to be backed up due to the almost nonexistent stacking room between the ordering system and the window.



# VARIANCE

December 15<sup>th</sup>, 2016

FILE : VA16-12-03

Variance

Staff is in agreement with the applicant that the two scenarios presented with the rationale are not ideal for both the smooth flow of traffic and also for integrating into the development to the south. One of the driving factors considered during the review for the rezoning of this property was that the parcel has a direct connection to the larger development to the south via the rear access drive and could be made a part of that overall development. This would include facing the proposed building towards the existing development to the south, not towards the residential property to the north. Because of this, staff is in favor of the building placement.

The proposed variance is to allow the drive-thru system, which includes the lane itself and associated menu board and speaker, to be located closer than 50 feet to the adjacent residential property in a location that would allow for stacking room for vehicles. The primary concern with a drive-thru is noise from the speaker and idling vehicles. The distances indicated on the conceptual plan are approximately 43 feet from the edge of the drive thru lane to the residential property and approximately 58 feet from the menu board to the property line. During review the applicant provided documentation on the audio system used by Dunkin Donuts. From that information, the system does have an automatic volume control and it would appear that an approximate sound pressure level, measured in decibels, of 50 db would occur at the property line. In terms of "loudness", that reading falls in line for an urban environment during the evening. However, staff would caution using this information alone to make a decision, especially since noise can be perceived by people differently and staff are not qualified to provide comment on sound engineering. However, staff does appreciate that the system proposed by the applicant takes into account being adjacent to a residential area.

As mentioned, the applicant has indicated a willingness to enhance the required 30 foot structural buffer adjacent to the residential property. Staff is in agreement that this would be the best way to address the concerns over noise from the drive-thru system. However, staff does request a condition for the required buffer. As indicated on the submitted concept, the applicant has proposed a 6 foot high wooden fence. In staff's opinion this should be increased to 8 feet to provide a better buffer for noise. In addition, the buffer shall be planted with a combination of canopy trees, shrubs, and buffer trees to form an opaque screen. Additionally, a licensed landscape architect shall prepare the plan and meet with staff prior to submittal of the site plan packet. In staff's opinion, the additional height to the fence and additional landscaping, in conjunction with the proposed speaker system, should provide for minimal impact on the adjacent residential property from the drive-thru.

Staff recommends **approval with condition** of the variance to Section 90-147(ix)(3)(ii)(a) Use Provisions for Tax Map 061A Parcel 059, 1.7 +/- acres, located at 417 Lewiston Road, currently zoned C-2 (General Commercial) to permit a drive-thru lane and order box within 50 feet of a property containing a ground floor residential use.



# VARIANCE

December 15<sup>th</sup>, 2016

FILE : VA16-12-03

Variance

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## Interdepartmental Review

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A copy of this staff report, including a list of all recommended zoning conditions, is sent to the applicant and owner of the property in question prior to the public hearing.

### Condition:

#### Planning:

Required structural buffer shall be increased to 8 feet in height and incorporate canopy trees and shrubs into the design to create an opaque screen with visual interest. A licensed landscape architect shall prepare the plan and meet with staff prior to submittal of the site plan packet.

### Comments:

#### Building Standards:

Ensure all applicable codes provided by the International Building Code, National Electrical Code, International Mechanical Code, International Fuel Gas Code, International Plumbing Code, and Columbia County ordinances are met.

#### Environmental:

No environmental concerns.

#### Fire Marshal:

Applicable fire code requirements apply.

#### Health Department:

No comments or conditions.

#### Planning:

Conditions supplement but do not eliminate other code requirements which pertain to site development. No additional variances from code have been expressed or implied. In case of conflicts, the more restrictive item shall prevail over the less restrictive item.

#### Stormwater:

No conditions or comments.

#### Water Utility:

No conditions or comments.



# VARIANCE

December 15<sup>th</sup>, 2016

FILE : VA16-12-03

Variance

## Criteria for Evaluation of Variance Proposal

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1. **There are special circumstances or conditions unique to the property that do not generally apply to the district.**

There aren't generally any special circumstances or conditions that are unique to the property. However, one of the driving forces for recommending the rezoning of this property was that it could connect into the commercial development to the south. Facing the building to accommodate the drive-thru distance requirement does not accomplish this goal since it would face towards the residential property.

2. **The special circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance. There must be a deprivation of beneficial use of land.**

The applicant could still use the land for the existing use. However, the site plan would not integrate well into the adjacent commercial property and facing towards the residential property opens up the possibility of light and noise that would negatively impact the adjacent property.

3. **Topographical or other conditions peculiar and particular to the site are such that strict adherence to the requirements of this chapter would cause the owner unnecessary hardship, and would not carry out the intent of this chapter, and that there is no feasible alternative to remedy the situation.**

To staff's knowledge there are not any topographical issues with the site.

4. **If granted, the variance shall be in harmony with the general purposes and intent of this chapter, and shall not be injurious to the neighborhood or detrimental to the public welfare.**

In staff's opinion the variance request is in keeping with the intent and general purpose of the Code.

5. **In reviewing an application for a variance, the burden of showing that the variance should be recommended and/or granted shall be upon the person applying for the variance.**

In staff's opinion the applicant has provided sufficient justification for the variance.

6. **When recommending a variance, the planning commission, or board of commissioners, when granting a variance, may establish reasonable conditions concerning the use of the property, and may establish an expiration date for such variances.**

So noted.

7. **Any variance recommended and/or authorized is to be set forth in writing in the minutes of the planning commission and the board of commissioners, as the case may be, with the reasons for which the departure was justified, and the conditions under which the variance was granted.**

So noted.