

**STAFF RECOMMENDATION  
SPECIAL USE PERMIT  
CASE NUMBER SUP-2019-02-408  
664 HANCOCK INDUSTRIAL WAY  
MARCH 7, 2019**

**GENERAL INFORMATION AND PROPOSED DEVELOPMENT**

**I. THE REQUEST**

APPLICANT..... Carter Engineering Consultants, Inc.  
OWNER ..... Bulldog Estates, LLC  
REQUEST ..... Special Use in E-I (Employment-Industrial)  
TYPE OF REQUEST..... Type II  
LOCATION ..... 664 Hancock Industrial Way  
COUNTY COMMISSION DISTRICT ..... 2  
SIZE OF THE PROPERTY ..... 18.05 acres  
PRESENT USE..... Undeveloped  
PROPOSED USE..... RV Park  
TAX MAP NUMBER..... 223 008R  
ADJACENT USE AND ZONING ..... (N) Warehouse, undeveloped / E-I  
..... (E) Manufactured home park / RS-15  
..... (S) Manufactured home park / RS-15  
..... (W) Hancock Industrial Way; RV park / I\*  
STAFF RECOMMENDATION ..... **Denial**  
PLANNING COMM. RECOMMENDATION: .... **Pending**

**II. PURPOSE**

The purpose of this request is to seek approval of a Special Use Permit for a commercial outdoor recreation use with overnight accommodations (specifically, an RV park) in an E-I (Employment-Industrial) zoning district. The application report, site plan, and the architecture of the proposed permanent structures associated with this request would become binding for the proposed use upon approval.

**III. EXISTING CONDITIONS OF SUBJECT PROPERTY AND VICINITY**

The 18.05-acre subject tract is located on the eastern side of Hancock Industrial Way, between Hancock Road and Olympic Drive. The property is zoned E-I (Employment-Industrial) and adjoins other parcels with the same zoning to the north, one of which is developed with a distribution warehouse. To the south and east is a manufactured home park zoned RS-15 (Single-Family Residential). Across Hancock Industrial Way to the west is an existing RV park zoned I\* (Industrial Zoning with Conditions). The primary land uses of the area are a mix of industrial, commercial, governmental, and residential.

The subject property is undeveloped and extensively wooded. The topography falls roughly 60 feet from the eastern property line by the manufactured home park and 56 feet from the western property line by the road to the lowest elevations along a creek running south to north through the middle of the tract. A 30-foot-wide Georgia Power easement runs southeast to northwest near the street frontage. The subject property is not within a locally designated or National Register historic district, nor does it contain a locally designated historic landmark.

#### IV. PROPOSED DEVELOPMENT

Commercial outdoor recreation uses with overnight accommodations within an E-I (Employment-Industrial) zoning district require Special Use approval. The proposal must meet the zoning and development standards for the E-I zoning district. The request includes an application report with a description of the proposed use and a proposed site plan.

The application denotes 169 condominium lots, with each lot consisting of an RV parking pad, patio and two automobile parking spaces. Roughly half of the lots (as shown on the site plan) are requesting to be allowed to have structures, such as pavilions and decks, while some of the other lots are proposed to have tree plantings. Each lot would have access to ACC water and sanitary sewer.

The application report states that a RV would not be allowed to “remain hooked” to service lines for longer than 30 days at a time. The on-line marketing materials for the proposed development indicates that the vehicles would not be required to be removed from the lot when unhooked. Most demand would be expected during football weekends. A shuttle bus service would be provided to lot owners for in-town transportation.

The site plan denotes 39% lot coverage, much less than the maximum 85% allowed in the E-I zone. One access drive is proposed from the adjacent Hancock Industrial Way right-of-way with a gated entrance and guard shack. Other park improvements include two restroom/shower facilities, a playground, dog run, pedestrian trails, and street frontage sidewalk. A 20-foot-deep landscape buffer would be provided along the property lines shared with the adjacent manufactured home park. A 6-foot-tall privacy fence would be established along all common property lines, while an ornamental fence and evergreen hedge are proposed along the road frontage. The site plan denotes that the Georgia Power easement would be relocated away from the proposed RV lots.

The application report acknowledges the nearby incompatible manufacturing uses, including the ACC Recycling Facility, stating that such uses create “loud noise, undesirable sights, and bad smells that may be normal for the area...” However, the report states that the grade of the RV park would be set lower than the road, creating a vertical barrier, so that these industrial effects would “mildly affect” the park users. The site plan denotes the extensive use of retaining walls on both sides of the creek running through the middle of the property. Details as to the extent of the proposed grading and the height of the proposed walls have not been provided.

Staff notes two errors in the application report. On page 1, it is reported that to the west is a property with a Special Use. This seems to be referring to Bulldog Park, an existing RV park, which was established as a permitted use in 2007 prior to adoption of the Special Use requirement in 2008 for outdoor commercial recreation with overnight accommodations. This amendment was initiated by Staff due to the unintended consequences of placing a residential component into an industrial zone and to allow review of such a use on a case-by-case basis for a determination of appropriateness in a specific situation.

On page 3, it is reported that most of the subject property is surrounded by property with the *Rural Residential* Future Land Use designation; however, the adjacent manufactured home park is *Traditional Neighborhood* and the adjacent E-I zone properties have the *Employment Center* designation associated with industrially-developed areas in Athens-Clarke County. Adoption of the 2018 Future Land Use Map eliminated the *Rural Residential* designation. The most similar designation is *Rural*, and the closest location of this Future Land Use type is roughly 4,000 feet to the east along Spring Valley Road.

## **COMPATIBILITY WITH COMPREHENSIVE PLAN**

### **COMPATIBILITY WITH FUTURE LAND USE MAP**

The Future Land Use Map indicates that the subject property has the *Employment Center* designation, defined as follows:

*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.*

According to Athens-Clarke County Code Table 9.4 (Compatibility Matrix), the existing E-I zoning classification is compatible with the *Employment Center* Future Land Use designation. Therefore, processing of the application is following the Type II procedure with final consideration by the Athens-Clarke County Mayor and Commission. It is worth noting that the proposed RV park use is not explicitly as a compatible use in the *Employment Center* Future Land Use designation.

## **COMPATIBILITY WITH ZONING MAP AND ORDINANCE STANDARDS**

### **I. COMPATIBILITY WITH ZONING MAP**

The purpose of this request is to obtain a Special Use Permit, pursuant to Section 9-10-2, to allow an RV park within an E-I (Employment-Industrial) zoning district. This application does not propose an amendment to the current E-I zoning designation.

### **II. COMPATIBILITY WITH ORDINANCE STANDARDS**

As defined in Athens-Clarke County Code Section 9-2-1, a Special Use is not an automatically permitted use by right, but subject to meeting specific conditions. As found in Section 9-20-5, the Athens-Clarke County Mayor and Commission shall consider the following:

***A. Is the proposed use in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant comprehensive plan policies implemented by Athens-Clarke County and with all state or federal laws?***

RV parks with overnight accommodations within E-I (Employment-Industrial) zoning districts require Special Use Permit approval. The application report, site plan, and proposed structural architecture are binding to the development. It is the responsibility of the applicant to request variances for any and all deviations from applicable zoning and development standards. The binding plan and report do not release the developer from the responsibility to fully comply with all Athens-Clarke County codes not specifically waived by the terms of the Special Use Permit. Since a variance has not been requested, the proposal shall comply with all zoning and development standards associated with implementing an RV park within the E-I zoning district at this location.

The *Employment Center* Future Land Use designation states that it is meant for areas of industry, office, research parks, and flex-space mixed uses. A commercial outdoor recreation use is not specifically included. The designation also states that large-scale employment areas, which include large industrial areas, manufacturing, office parks, and research centers, is incompatible with housing.

This conflicts with the proposed RV Park, which would provide overnight accommodations for stays as long as 30 days. As previously noted, the Special Use requirement was enacted for this type of use due to the unintended consequences of an existing nearby RV park in the industrial area.

***B. Is there adequate capacity of Athens-Clarke County facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation that can and will be provided to and through the subject property?***

Athens-Clarke County water and sanitary sewer are adjacent to the subject property frontage. The application report proposes a lift station for the eastern half of the development, which requires separate Mayor & Commission consideration and approval. Utilities servicing electrical, telephone and cable are privately held. Storm water management would be provided by installed “wetland” areas, the site plan showing one on each side of the creek. The area is not served by Athens-Clarke County Transit. The ACC Recycling Center and the existing RV park across the street have frontage sidewalk and the proposed RV Park development would establish a section of sidewalk along its road frontage; however, the area in general lacks a public sidewalk network.

***C. Will the zoning proposal have an adverse impact on the surrounding area? When evaluating the effect of the proposed use on the surrounding area, the following factors shall be considered:***

- 1. Similarity in scale, bulk, and coverage.***
- 2. Character and volume of traffic and vehicular parking generated by the proposed use and the effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.***
- 3. Architectural compatibility with the surrounding area.***
- 4. The possible impact on the environment, including, but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality, including the generation of smoke, dust, odors, or other environmental pollutants.***
- 5. Generation of noise, light, and glare.***
- 6. The development of adjacent properties compatible with the future development map and the zoning district.***
- 7. Other factors found to be relevant by the hearing authority for review of the proposed use.***

The proposed RV park would be similar in character to the adjacent manufactured home park and an existing nearby RV park. However, it would be quite different in character from the adjacent and nearby industrial uses. The proposed development has 169 sites for RV parking. Combined with the 283 existing sites at a nearby development, a potential 452 recreational vehicles would be using a 1,000-foot section of Hancock Industrial Way for access. As noted in the application report, peak demand would be expected during football weekends.

This project, as proposed, should not have an appreciable effect on air quality or water quality, or generate dust, odors, or other environmental pollutants. Any additional or changed lighting on the property would be required to meet current ordinance restrictions, which protect against glare. Noise would not be expected to increase beyond that expected from industrial uses in the area, although the adjacent manufactured home park residents would notice a higher level of noise from the numerous maneuvering vehicles and nearby outdoor gatherings in the proposed RV park.

Most properties within the immediate area have been developed with a manufactured home park, an RV park, and industrial uses. As noted in the application report, industrial uses can create negative impacts on area residents. Likewise, additional development or redevelopment of the nearby

industrial properties may also be negatively impacted by concerns with their potential impacts on the increased number of residents in the area and subsequent nuisance complaints.

The ACC Solid Waste Department has expressed the following concerns about the proposed new RV park:

Since the single stream up-grade of the ACC Recycling Facility in 2010, incoming tonnage has increased over 35%. As a result Republic (private operator of the ACC Recycling Facility) operates Monday through Friday 7:00 AM to 4:30 PM, but often processes materials outside the previous time frame. Processing also occurs on the weekends. The ACC Recycling Facility needs the flexible processing schedule due to inbound material fluctuation and equipment repairs/maintenance.

Additionally, the Solid Waste Department/Collections Division started tipping downtown recyclable material at night on February 5, 2015 and continues today. Between the sporadic night-time processing shifts at the ACC Recycling Facility and the continuous night-time tipping of recyclable materials by the SW Collections Division, the Solid Waste Department has significant concerns about this proposed development.

Athens-Clarke County strives to be good neighbors and minimize noise and potential odors created from both Solid Waste sites (the recycling facility and the SW administration / maintenance facility) but it is not desirable for residential uses to be located near a waste facility whether recycling, composting or disposing. The facility has been there for nearly 25 years and it would be a significant loss of public investment to have its operations limited or curtailed due to an increasing number of residential-type uses moving into the area.

The permitted use tables in the zoning ordinance for the E-I and I districts protect industrial areas from residential encroachment, thus prohibiting all types of residential use. As previously noted, an RV park may be deemed appropriate in certain locations; therefore, instead of a blanket prohibition, such a use is subject to the Special Use requirement.

## **EFFECT ON COMMUNITY**

### **I. BALANCE OF LAND USES IN ATHENS-CLARKE COUNTY**

The request is for a Special Use Permit for an RV park. Only a few such uses exist in the county, so it would not appreciably affect the balance of land uses on a county scale; however, it would become the second RV park and the third residential-type use on Hancock Industrial Way, thereby becoming a prominent use on the corridor.

### **II. POPULATION**

While an RV park does not have a full-time resident population, the proposed 169 RV pads would allow for overnight family accommodations for a maximum 30 days at a time.

### **III. ENVIRONMENT**

According to the Athens-Clarke County Environmental Areas Map, a protected creek with local 75-foot riparian buffers runs from south to north through the middle of the subject property. Except for the creek and a powerline easement, the balance of the property is heavily wooded.

A tree management plan has been submitted and has been reviewed by the ACC Arborist, who has the following comments:

- Roadways throughout the park should be considered as private roads, which require street trees at a ratio of 1 per 30 linear feet of frontage.
- Trees should not be planted where two RV lots connect in the interior of the project because that does not leave enough room for trees to grow free from conflicts with vehicles, structures or pavement.
- Tree plantings can also occur in the places not dedicated for parking, such as the ends of the rows, in the corners, or in the open space in the front of the development. If needed, forest regeneration standards from Sec. 8-7-19(f) can be used.
- Tree protection should be provided from vehicular movements.

#### **IV. TRAFFIC, TRANSPORTATION, & TRANSIT**

The subject parcel has frontage on Hancock Industrial Way, from which one driveway access is proposed. The current 60' right-of-way width is less than the standard 80' deemed appropriate by the Transportation and Public Works Department, and the site plan denotes a potential 10' right-of-way expansion on the subject property side of the road. Public sidewalk would be constructed along the road frontage. The area is not served by Athens-Clarke County Transit.

The Transportation & Public Works Department has the following comment:

- Access to Hancock Industrial Way must be in accordance with ACC Code and standards.

#### **V. GRADING AND DRAINAGE**

The topography falls roughly 60 feet from the eastern property line by the manufactured home park and 56 feet from the western property line by the road to the lowest elevations along a creek running south to north through the middle of the tract. Extensive grading and several retaining walls are proposed with this request, but the extent of the proposed grading and the height of the proposed walls have not been provided.

The Transportation & Public Works Department has the following comment:

- Stormwater management must be provided in accordance with ACC Code and standards.

#### **VI. WATER AND SEWER AVAILABILITY**

The ACC Public Utilities Department has the following comments:

- ACC water and sanitary sewer are available.
- The project requires Mayor and Commission approval of the proposed lift station.

#### **VII. FIRE PROTECTION**

The Athens-Clarke County Fire Department has the following comments:

1. Fire protection can be provided without any services being affected or additional cost.
2. Fire apparatus can access this project. No turnaround is needed.
3. Fire hydrants would need to be installed throughout the project.
4. Restrooms must meet 2010 ADA Code.

## **RECOMMENDATIONS**

### **I. STAFF RECOMMENDATION – Denial**

The request proposes to develop the subject property for an RV park.

The application report acknowledges the nearby incompatible manufacturing uses, stating that such uses create “loud noise, undesirable sights, and bad smells that may be normal for the area....” Likewise, nearby residential uses may create a negative impact on potentially new and additional industrial development of nearby properties due to concerns with their potential impacts on the increased number of residents in the area and subsequent nuisance complaints.

The *Employment Center* Future Land Use designation states that these areas are meant for areas of industry, office, research parks, and flex-space mixed uses. A commercial outdoor recreation use is not included. The designation also states that large-scale employment areas, which include large industrial areas, manufacturing, office parks, and research centers, is incompatible with housing. This conflicts with the proposed RV Park, which would provide overnight accommodations for stays as long as 30 days.

Other concerns with the proposed development include the following, which should be considered as conditions if recommended for approval:

1. It is recommended that RV park lot buyers be required to sign a waiver of complaints against typical effects (noise, smells, etc.) produced currently or in the future by area industries. Such waiver should be noted on a recorded condominium plat and a copy provided to Staff.
2. Due to the significant grading and extensive retaining walls, a post-grading plan and the height and design of the proposed walls should be provided.
3. The application report proposes a lift station for the eastern half of the development, which requires separate Mayor & Commission consideration and approval; its proposed location must be provided.
4. Roadways throughout the park should be treated as private roads with street trees provided at a ratio of 1 tree per 30 linear feet of frontage.
5. Trees should not be planted where two RV parking areas connect in the interior of the project because that does not leave enough room for trees to grow free from conflicts with vehicles, structures or pavement.
6. Physical barriers should be provided to prevent encroachment by vehicular movements onto adjacent lots and into tree protection areas.
7. Clarification is needed for whether an RV can remain in place longer than 30 days if unhooked, or if they would be expected to move to a storage area elsewhere in the park or outside the park.
8. No permanent structures should be allowed on individual RV lots. If allowed, clarification of the site plan note regarding on-lot structures is needed and standards should be provided, such as maximum structure sizes and lot coverage.
9. No non-licensed motor vehicles (e.g., golf carts) should be allowed to leave the premises.
10. A cross-section illustration of the proposed storm water "wetlands" should be provided.
11. A description should be provided of the "porous material" proposed for the pedestrian paths.
12. The future-right-of-way line should be clearly labeled as such.
13. Page 1 of the application report should be corrected to remove the reference to a Special Use on property to the west of the subject property. Page 3 of the report should be corrected to remove

the statement that most of the subject property is surrounded by property with the *Rural Residential* Future Land Use designation. The denoted scale for the typical RV space on the site plan should be corrected.

Even with these additional provisions, Staff would still find in general that the quasi-residential nature of the proposed use, especially in this particular location with associated RV traffic, would be incompatible with the existing adjacent and nearby industrial uses, and one that may deter additional development or expansion of these permitted uses, which are the primary uses of the E-I and I zoning classifications and *Employment Center* Future Land Use designation. The E-I zoning allows for many permitted uses, some of which (professional services and office, administrative and research facilities, printing and publishing, and other uses) that may be more appropriate for and cause less disturbance to the subject property.

### **III. PLANNING COMMISSION RECOMMENDATION –Pending**

### **IV. CURRENT STATUS**

The Planning Commission is scheduled to consider this request at their regularly scheduled meeting on February 1, 2018. The request and the Planning Commission recommendation are tentatively scheduled for presentation to the Mayor and Commission at their agenda setting on February 20, 2018. The Mayor and Commission are tentatively scheduled to take action on this request on March 6, 2018.

## **Report for 664 Hancock Industrial Way**

### Zoning Criteria per Section 9-4-4 and Section 9-20-5 for Type II Special Use Applications

1. The proposed special use conforms to the future development 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.
2. The proposed special 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.
3. Public services, which include physical facilities and staff capacity, exist sufficient to service the proposed special use.
4. The proposed special use will not adversely affect the balance of land uses in Athens-Clarke County.
5. Is the proposed use in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant comprehensive plan policies implemented by Athens-Clarke County and with all state or federal laws?
6. Is there adequate capacity of Athens-Clarke County facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation that can and will be provided to and through the subject property?
7. Will the zoning proposal have an adverse impact on the surrounding area? When evaluating the effect of the proposed use on the surrounding area, the following factors shall be considered:
  - A. Similarity in scale, bulk, and coverage.
  - B. Character and volume of traffic and vehicular parking generated by the proposed use and the effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.
  - C. Architectural compatibility with the surrounding area.
  - D. The possible impact on the environment, including, but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality, including the generation of smoke, dust, odors, or other environmental pollutants.
  - E. Generation of noise, light, and glare.
  - F. The development of adjacent properties compatible with the future development map and the zoning district.
  - G. Other factors found to be relevant by the hearing authority for review of the proposed use.

### **Public Notice**

In accordance with Section 9-4-9(E), public notice of this zoning request was posted on or near the subject property on February 20, 2019.