

Hearing Date: March 3, 2025

Case Number: Z-25-05

Applicant: David L. Harden

Property Owner: David L. Harden

Property Address: 1813 and 1815

Kissingbower Road

Tax Parcel No(s): 057-3-137-02-0 & 057-3-139-01-0

Current Zoning: R-1E (One-Family Residential) & B-2 (General Business)

Fort Eisenhower Notification Required: N/A

Commission District 2: Stacy Pulliam

Super District 9: Francine Scott



| REQUEST | PROPOSED USE/ACTIVITY | APPLICABLE COMPREHENSIVE ZONING ORDINANCE SECTION(S) |
|---|--|--|
| Rezone from R-1E (One-Family Residential) and B-2 (General Business) to B-2 | Bistro, Plant Nursery, Garden Center, Petting-Zoo, Event Space, and Campsite | Section 22-1 |

SUMMARY OF REQUEST:

The petition seeks to rezone two adjacent tracts, 1813 and 1815 Kissingbower Road, which total 5.62 acres. The property located at 1815 Kissingbower Road operates a business named *Back to Nature Garden Center*. It is currently split zoned with the back of the property zoned R-1E (One Family Residential) and the front portion zoned B-2 (General Business). Conditions of the previous zoning case limits use of the site to a garden center. The new request seeks to expand uses permitted in the B-2 zone to include a bistro, petting-zoo, event space and campsite operations.

COMPREHENSIVE PLAN CONSISTENCY:

This property is part of the Old Augusta Character Area. The 2023 Comprehensive Plan's vision for the Old Augusta Character Area is to maintain and enhance its historic character and unique mix of land uses while maintaining stability in established neighborhoods. The proposed general business expansion of *Back to Nature Garden Center* is consistent with the 2023 Comprehensive Plan.

FINDINGS:

1. The previously approved zoning case, Z-18-07, changed the zoning of 1813 Kissingbower Road and a portion of 1815 Kissingbower Road from R-2 and R-1E to B-2 with the following conditions:
 - The only approved use of the property shall be a plant nursery. Any changes of use will require reevaluation of the Planning Commission.
 - The site must substantially conform to the concept plan submitted with this application dated 12-14-2017.
 - Issuance of development permits shall be contingent upon submission of plans meeting engineering, environmental, and all other pertinent development regulations.
 - If development does not commence within 24 months or if the use ceases to exist for a 6-month period the B-2 zoning shall revert to the current R-2 and R-1E zoning.
2. Code Enforcement Case CEADD20250000136 assigned to Senior Code Enforcement Officer Brandi Palmer is currently open as *Back to Nature Garden Center* was only permitted to operate as a garden center. The applicant was forced to close all business operations except for the garden center, as the property was in violation of the previously approved zoning conditions. Such business activities included the bistro, petting zoo, event space and campsite operations.
3. The applicant was unaware that expansion of the business activities would require a zone change.
4. Adjacent zoning: West: B-1 (Neighborhood Business) and B-2 (General Business) East: R-1A (One-Family Residential) North: R-1E (One Family Residential) South: R-1A and R-3B (One Family Residential).
5. Per the Georgia Department of Transportation (GDOT) Functional Classification Map, 2017, Kissingbower Road is classified as a Local Road.
6. According to the FEMA Flood Insurance Rate Maps (FIRM), the properties are not located within a Special Flood Hazard Area.
7. Public water and sewer are present and in use currently.
8. According to Augusta-Richmond County GIS data, there are no localized wetlands located on the properties.
9. The applicant submitted a petition with approximately 89 signatures and 42 emails in support of *Back to Nature Garden Center* continuing its business and offering expanded services provided by other small businesses at the property.
10. The applicant indicated that 9 employees are employed by *Back to Nature Garden Center* as the business provides fresh food options to the local community which lies in the middle of a food desert. The nearest grocery store is over one mile away.

ENGINEERING/UTILITIES COMMENTS:

Traffic Engineering Comments:

- None received at this time

Engineering Comments:

- None received at this time

Utilities Comments:

- There is a 10" water line that is available for their use on Kissingbower Road. There is an 8" sewer line that is available for their use on their property. They need to be aware that they have a sewer

main line that runs across their property if they decide to expand the building it would need to be relocated if it became an issue of an expansion.

RECOMMENDATION: The Planning Commission recommends Approval of the rezoning request with the following conditions:

1. Permitted uses on the properties shall be limited to a bistro, plant nursery, garden center, limited petting-zoo, event space, and campsite.
2. The applicant must comply with all related aspects of the Augusta Tree Ordinance.
3. The owner needs to update their current business license to include any approved uses on the property.
4. All lighting fixtures must be directed downward and not toward buildings or residential parcels.
5. Any outdoor storage should be enclosed by a 6 ft. privacy fence.
6. An undisturbed 25 ft buffer shall be installed and maintained on all sides of the parcels that are adjacent to residential zoned parcels.
7. All petting zoo animals shall be housed and cared for according to the State of Georgia Department of Agriculture and City of Augusta-Richmond County, Georgia Health Department guidelines and regulations.
8. All future expansion and development of the properties shall comply with all development standards and regulations set forth by the City of Augusta-Richmond County, Georgia, at the time of development.

NOTE: This staff report includes the information available approximately two weeks prior to the Planning Commission hearing. It represents an evaluation of the facts presented by the applicant, research done by the staff, and consideration of the relevant factors in the Comprehensive Zoning Ordinance of Augusta, Georgia. New facts may emerge, and staff reserves the right to make a verbal recommendation at the hearing based on all the information available at that time.

Letter of Intent

20 January 2025

To Whom It May Concern:

It is my intent to rezone the entire property for business purposes to avoid needing to rezone for potential future development. We would like to work to continue being a positive impact on our local community by continuing offering garden center purchases, venue space and a restaurant at affordable prices. We would like to also offer expanded services provided by other small businesses such as licensed massage therapy, sound therapy and other such holistic type services. Please allow us to continue to grow and have a positive impact on the city and community we love and want to see thrive.

Back to Nature is always looking to provide offerings that are unique to the area and listen to the needs of the communities we serve. When we hear about a need, we look for a way to help.

Thank You,



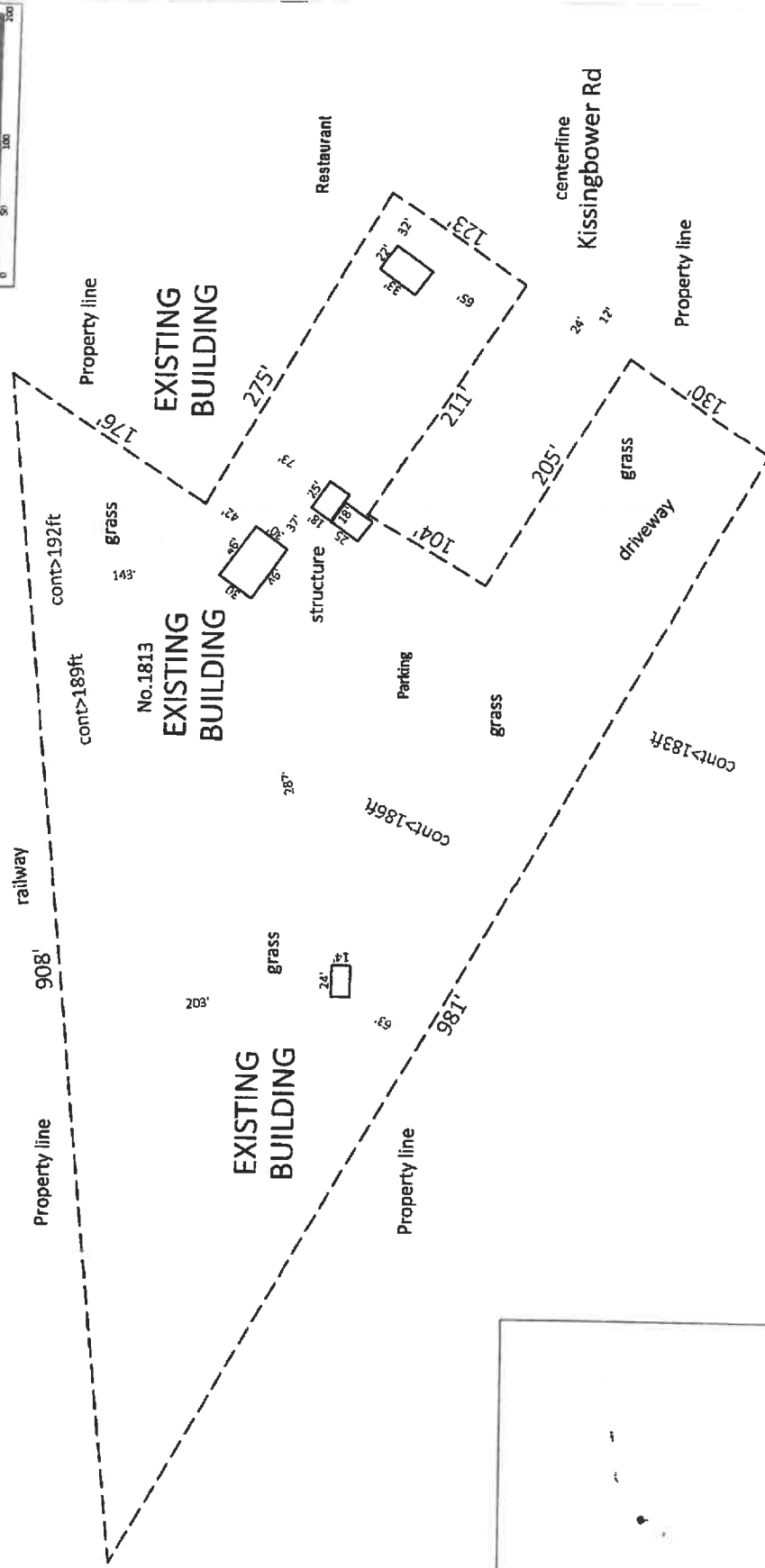
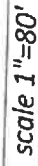
David L Harden

Back to Nature Garden Center

1815 Kissingbower Rd

Augusta GA 30904

1813 & 1815 Kissingbower Rd
Augusta, GA 30904
Parcel 1 ID: 057-3-139-01-0
Parcel 2 ID: 057-3-137-02-0
Lot 1 area: 5.35 Acres
Lot 2 area: 0.27 Acres



Planning Commission
Z-25-05
March 3, 2025

1813 and 1815
Kissingbower Road

Aerial

Legend

 Subject Property



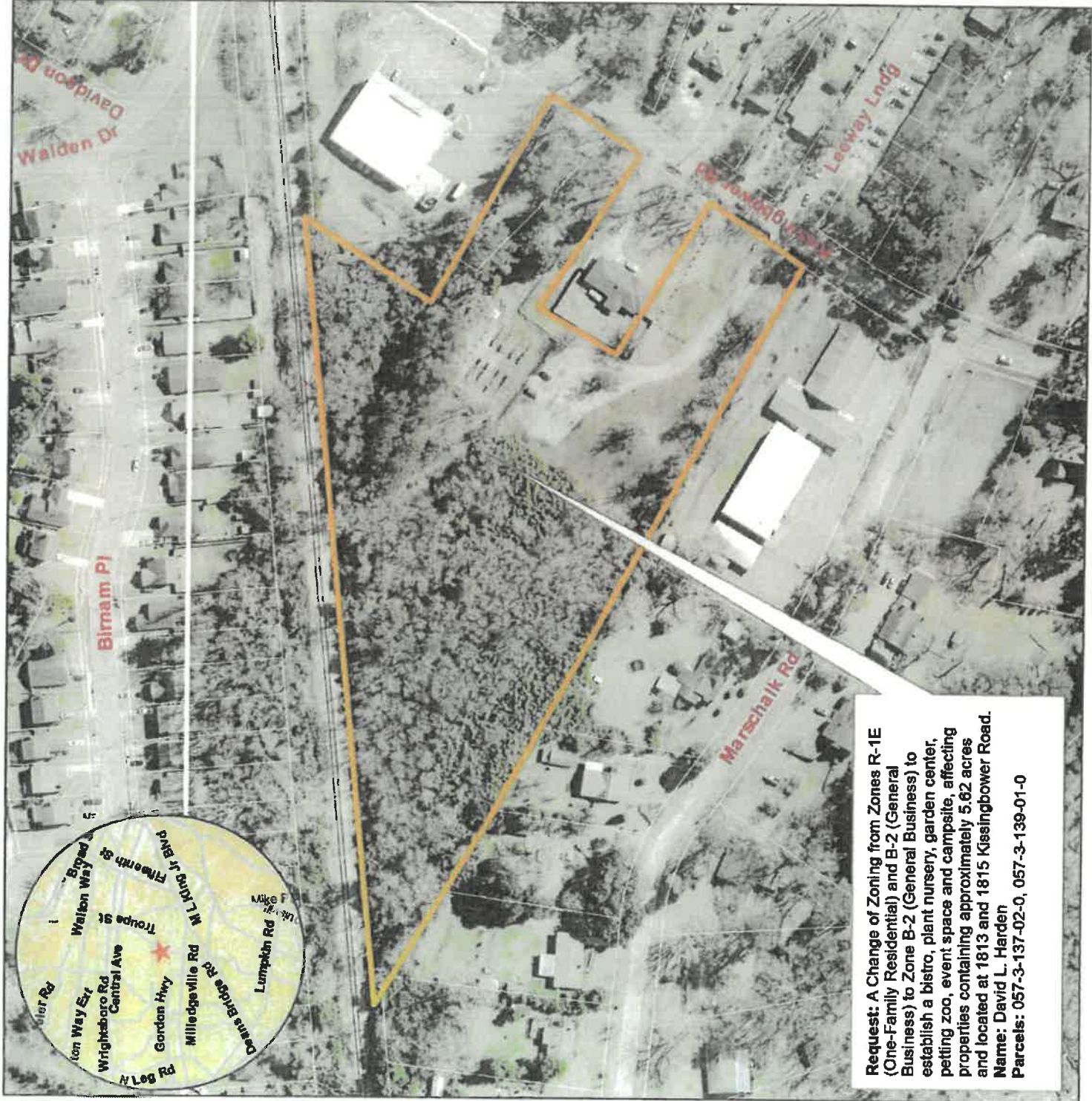
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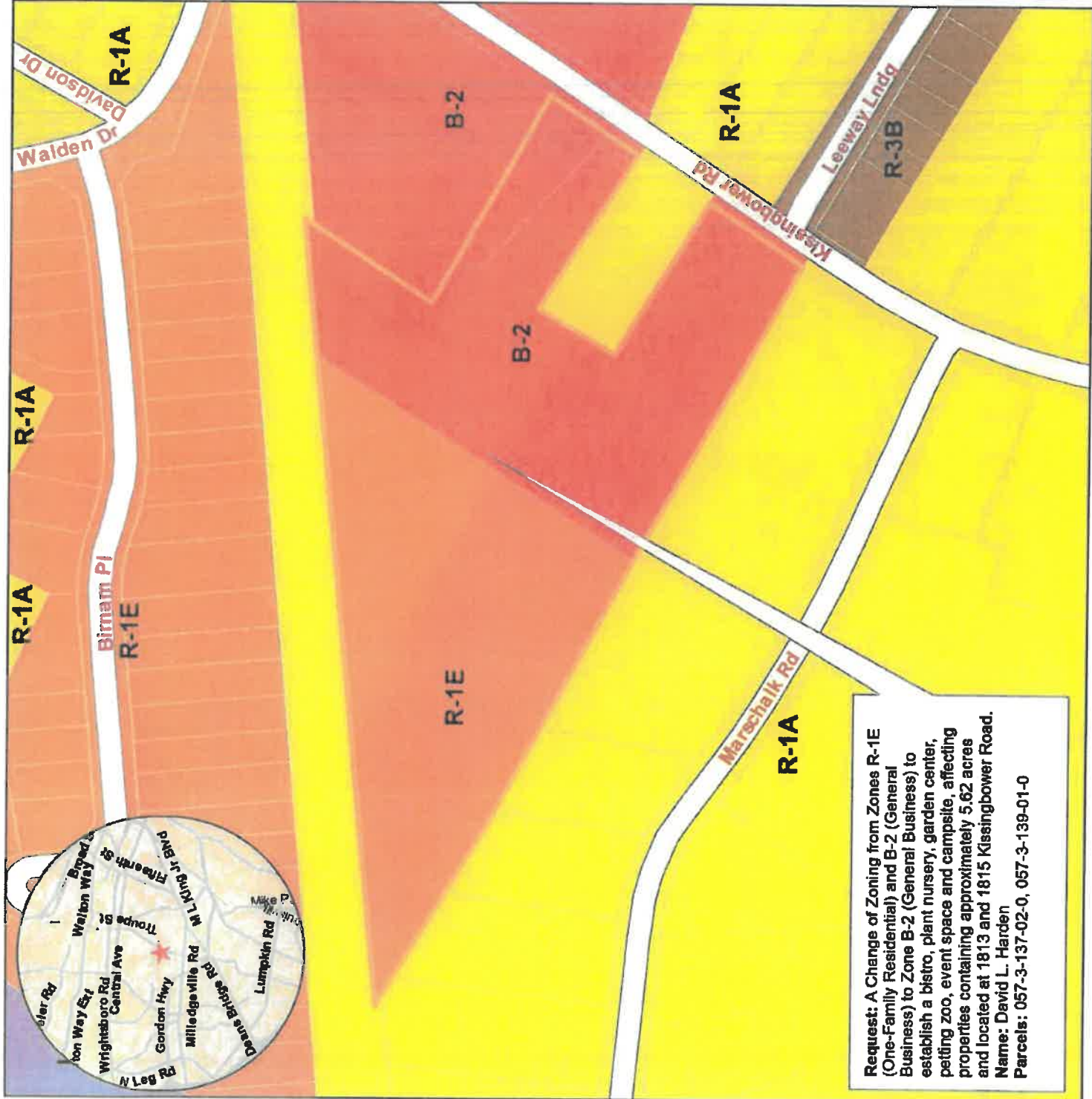
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0 200 Feet



Request: A Change of Zoning from Zones R-1E (One-Family Residential) and B-2 (General Business) to Zone B-2 (General Business) to establish a bistro, plant nursery, garden center, petting zoo, event space and campsite, affecting properties containing approximately 5.62 acres and located at 1813 and 1815 Kissingbower Road.
Name: David L. Harden
Parcels: 057-3-137-02-0, 057-3-139-01-0



Planning Commission
Z-25-05
March 3, 2025

1813 and 1815
Kissingbower Road

Current Zoning
Legend

- Subject Property**
- Zoning Classification**
- B-2: General Business
 - LI: Light Industry
 - R-1A: One Family Residential
 - R-1E: One Family Residential
 - R-3B: Multiple-Family Residential

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Planning Commission
Z-25-05
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1813 and 1815
Kissingbower Road

Future Zoning

Legend

 Subject Property

Zoning Classification

 B-2: General Business

 LI: Light Industry

 R-1A: One Family Residential

 R-1E: One Family Residential

 R-3B: Multiple-Family Residential

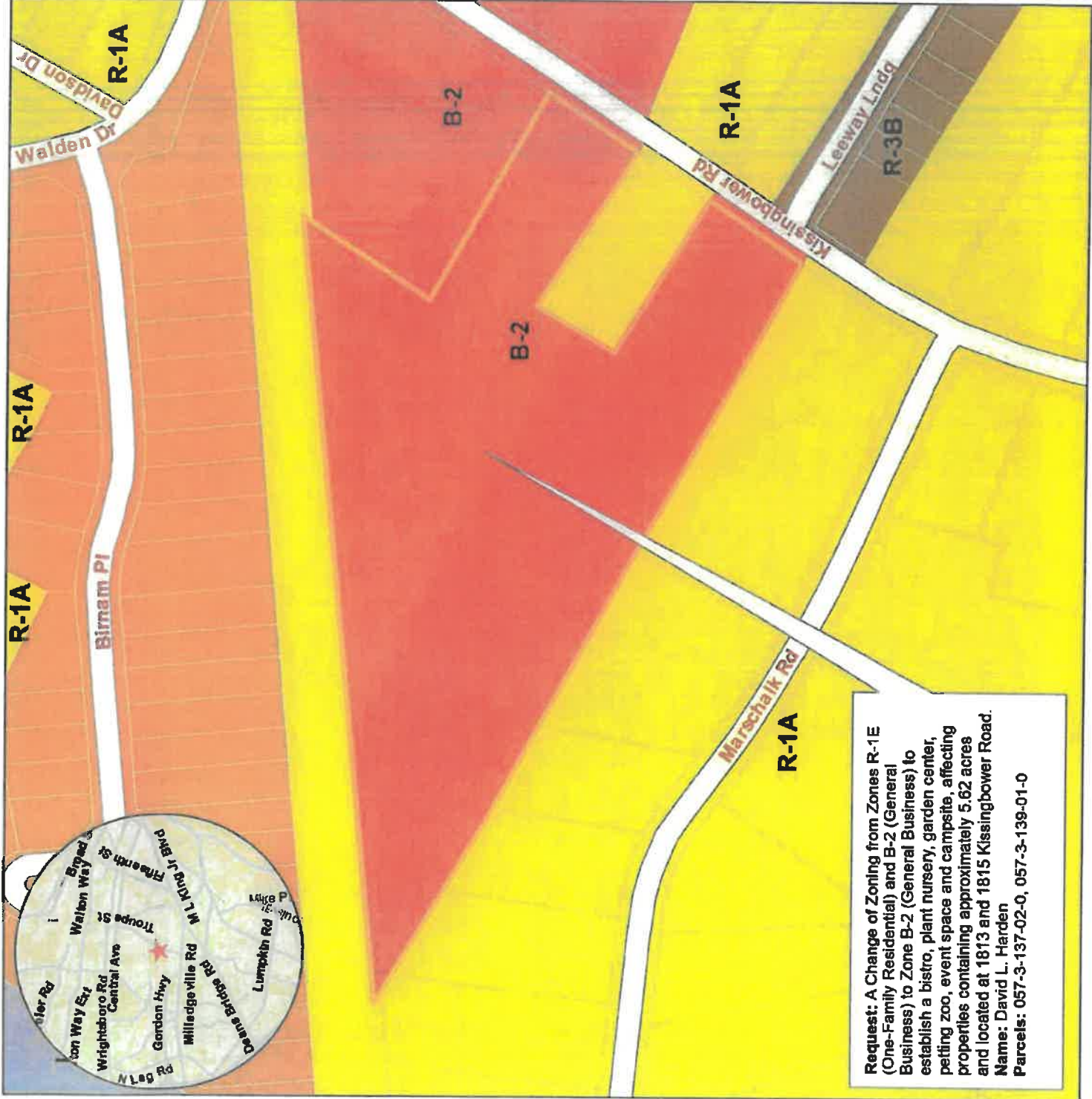


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