

Rezone Z21120030

Staff Analysis

Commission District: **3- Shelnut**

Planning Commission Hearing Date: **02-03-2022**

Board of Commissioners Hearing Date: **03-01-2022**

Parcel ID: Map C0760129

Acreage: 1.07

Parcel ID: Map C0760130

Acreage: 2.29

Applicant:
Khalid Javed

3353 Forestwood Drive
Suwanee, Georgia 30024

Owner of C0760129:
Khalid Javed

3353 Forestwood Drive
Suwanee, Georgia 30024

Owner of C0760130:
Monroe Medical Group LLC
5604 Bahia Mar Circle
Stone Mountain, Georgia 30087

Property Location: 1851 Highway 138 & 1865 Highway 138/HD Atha Road

Current Character Area: Highway Corridor

Current Zoning: A2 and A2/B1

Request: Rezone 3.36 acres from A2 and A2/B1 to B2 for convenience store and medical office building.

NAICS Code	Principal Uses	Suppl. Reg	A	A1	A2	R1	R2	R3	MHP	OI	B1	B2	B3	TC	MUBP	M1	M2
447110	Convenience Store with	Yes									P	P	P	P	P*	C	C

NAICS Code	Principal Uses	Suppl. Reg	A	A1	A2	R1	R2	R3	MHP	OI	B1	B2	B3	TC	MUBP	M1	M2
	Gasoline Station	8															
621111	Offices of Physicians									P	P	P	P	P	P		

Convenience Store with Gasoline Station (8)

- A. The use shall not exceed a gross leasable floor space of 5,000 square feet.
- B. The place of business shall not be within one hundred (100) yards of any school building, school grounds, or college campus or within one hundred (100) yards of an alcoholic treatment center owned and operated by this state or any county or municipal government therein. *Distances herein shall be measured along a straight line, which describes the shortest distance from the main customer entrance to the main entrance of the entrance of the establishments as listed above. (2-2-10)
- C. A gasoline service station/convenience store shall have a minimum frontage on the primary street of one hundred twenty (120) feet and a minimum lot area of twenty-five thousand five hundred (25,500) square feet. Canopies and gasoline pump islands shall be set back fifteen (15) feet from all right-of-way lines.
- D. Vehicular entrances or exists at a gasoline service station:
 1. Shall contain an access width along the edge of the pavement of not more than forty (40) feet as measured parallel to the street at its narrowest point and shall not be located closer than ten feet to the adjoining property.
 2. Shall not have any two driveways any closer than twenty (20) feet at both the right-of-way line and the edge of the pavement along a single street.
- E. A Conditional Use Permit is required if three or more diesel fuel pumps are provided for a convenience store/ gasoline service station in the B2 or B3 zoning district. A convenience store/ gasoline service station with 3 or more diesel pumps shall be a use by right in the M1 and M2 zoning districts.
- F. Other Site Improvements. In addition to the above requirements, the following additional site improvements shall be adhered to:
 1. A solid fence or wall six (6) feet in height shall be erected along the property lines which abut residential property.
 2. Exterior lighting with cut-off luminaries are required so that light it is directed away from adjacent properties.

G. All flammable products shall be stored in compliance with State EPD regulations.

Staff Comments/Concerns:

Site Analysis: The 3.36 acre tract is located on 1851 and 1865 Highway 138. The surrounding properties are zoned A1, A2 and B1.

Zoning History: No History

Character Area: The character area for this property is Highway Corridor.

Comments and Recommendations from various Agencies:

Public Works: Public Works recommends a Commercial Driveway & Decell Lane on H.D. Atha Road and a Centerturn lane may be needed and location should be set back from intersection to reduce traffic and safety concerns.

Sheriffs' Department: The addition of new businesses will increase business checks during the night shifts. The Walton County Sheriff's Office checks business twice per shift. Each new business receives an additional 730 checks per year.

Water Authority: This area is served by an existing 8" diameter water main along on Highway 138 and HD Atha Road. (static pressure: 100 psi, Estimated fire flow available: 2,500 gpm @ 20 psi). No system impacts anticipated.

Fire Department: Traffic tends to get very congested at this intersection especially at peak travel times. Entrance and egress into the facility for emergencies could be an issue. There is a fire hydrant within 500 feet of the proposed facility. No other issues.

Fire Code Specialist: All proposed facilities shall meet International Fire Code(2018), Life Safety Code(2018), and the Georgia Accessibility Code
The code compliance shall be subject to a plan review

Board of Education: Will not impact the Walton County School System.

Development Inspector: No comment received.

DOT Comments: Will require GDOT coordination.

Archaeological Information: No comment received.

PC ACTION 2/3/2022:

Presentation: Urvish Patel who is the Manager of the Company represented the case. He stated that he would like to have a free standing building as a doctor's office that can be open 7 days a week. He would also like to have a gas station. Timothy Kemp asked would it be an Urgent Care and Mr. Patel stated that it would be. Mr. Kemp asked why this location because this area is a very congested area. Mr. Patel stated that he thought this would be a great place. He would see 25 to 35 patients at day but no more than 40 patients a day. Mr. Patel stated that the doctor's office will be Monday – Saturday 7:00 a.m. to 8:00 p.m. and Sunday 10:00 a.m. to 6:00 p.m. He stated that they don't do any major operations. Mr. Patel stated that he would also like to have charging stations. Mr. Patel stated that it will be a nice facility with a convenience store connected to the medical building and there would be other shops. Mr. Pringle verified he will get DOT approval.

Speaking: Susie Bond who lives on the other end of HD Atha Road spoke and stated that this is already a congested area and there is already an Urgent Ready Care 5 minutes away and she would like to see the property left as A2 for agriculture.

Mr. Patel came back for rebuttal and stated that he knows there is an Urgent Care in the vicinity. He stated that this will be different than going to Piedmont Care. They want to have a small scale business that has a family oriented feel not like Well Star, Emory or Piedmont.

Recommendation: John Pringle made a motion to recommend approval with condition that there be a center lane and a center turn lane put in on H.D. Atha Road with a second by Brad Bettis. Timothy Kemp voted against the Rezone. The motion carried 5 to 1.

Rezone Application # Z 2112 0030
Application to Amend the Official Zoning Map of Walton County, Georgia

Planning Comm. Meeting Date 2-3-2022 at 6:00PM held at **WC Board of Comm. Meeting Room** - 3rd Floor
 Board of Comm Meeting Date 3-1-2022 at 6:00PM held at **WC Historical Court House** - 2nd Floor
You or your agent must be present at both meetings

Map/Parcel C0760130-0129

Applicant Name/Address/Phone #	Property Owner Name/Address/Phone
<u>KHALID JAVED</u>	<u>Khalid Javed</u> <u>Monroe Medical Group LLC</u>
<u>3353 Forestwood Dr</u>	<u>3353 Forestwood Dr</u> <u>5604 Bahia Mar Circle</u>
<u>Swansea GA 30024</u>	<u>Swansea Ga. 30024</u> <u>Stone Mountain Ga. 30087</u>
E-mail address: <u>kjaved@bellsouth.net</u>	(If more than one owner, attach Exhibit "A")
Phone # <u>678-776-7668</u> ^{south}	Phone # _____
Location: <u>1865 & 1851 Hwy 138 / HD Alta Rd.</u>	Requested Zoning <u>B 2</u> Acreage <u>3.36</u>

Existing Use of Property: vacant and residential
 Existing Structures: House on one of address
 The purpose of this rezone is Convenient office & medical office Building

Property is serviced by the following:
 Public Water: Provider: _____ Well: _____
 Public Sewer: _____ Provider: _____ Septic Tank:

The above statements and accompanying materials are complete and accurate. Applicant hereby grants permission for planning and zoning personnel to enter upon and inspect the property for all purposes allowed and required by the Comprehensive Land Development Ordinance.
 Signature: [Signature] Date: 2/22/2021 Fee Paid: \$ 450.00

Public Notice sign will be placed and removed by P&D Office
 Signs will not be removed until after Board of Commissioners meeting

Office Use Only:
 Existing Zoning A2/B1 Surrounding Zoning: North A1 A2 South A1
 East A1 A2 West A2 B1
 Comprehensive Land Use: Highway **DRI Required?** Y _____ N
 Commission District: 3 - Shelnett Watershed: _____ TMP: _____

I hereby withdraw the above application _____ Date _____

Article 4, Part 4, Section 160 Standard Review Questions:

Provide written documentation addressing each of the standards listed below:

1. Existing uses and zoning of nearby property;

commercial and residential

2. The extent to which property values are diminished by the particular zoning restrictions;

Add value to property

3. The extent to which the destruction of property values of the plaintiffs promotes the health, safety, morals or general welfare of the public;

N/A

4. The relative gain to the public, as compared to the hardship imposed upon the individual property owner;

Gain to the public

5. The suitability of the subject property for the zoned purposes; and

It will be suitable.

6. The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property

Vacant since 1988.

Letter of Intent

December 27, 2021

Dear Sir/Madam,

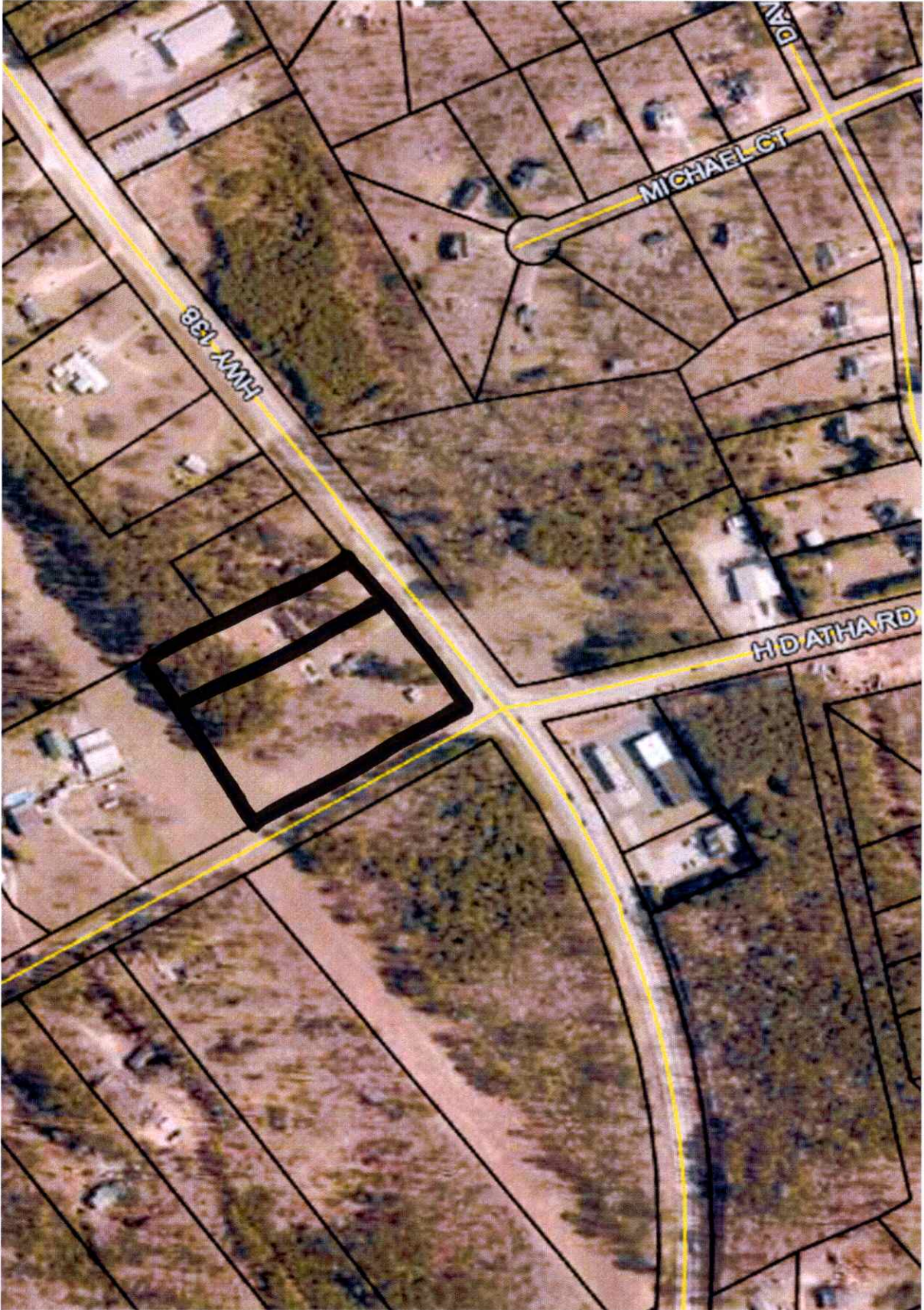
We are applying for rezoning location 1865 & 1851 Hwy 138 Monroee GA. Our intention is to use the subject property for Urgent Care, Gas Station with additional shops.

Sincerely,

A handwritten signature in blue ink that reads "Khalid Javed" followed by a date "12/18/21".

Khalid Javed

Z21120030 – 1865 & 1851 Hwy 138



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