

# GLPC AGENDA ITEM #3

JANUARY 30, 2023

### Special Exception Request by BoValdosta LLC File #: HA-2023-01

BoValdosta LLC is requesting Special Exception (SE) approval of a proposed gasoline station with more than 8 pumps, to be located within the Hahira Gateway Corridor Overlay District. The subject property consists of 2.64 acres is located at 940 GA Highway 122 West. This is along the north side of the road about 400 feet east of the Union Road intersection. This is next door to the existing Robinson Family Dental clinic and diagonally across the street from the new Wendy's restaurant. The subject property is currently vacant, but has been partially cleared recently. The applicant is proposing to develop it as a combination gasoline station, and a convenience store with internal Bojangles restaurant (total building area about 6,700-sf) The Hahira Zoning Ordinance has provisions for the Gateway Corridor Overlay District which requires that any gas station with more than 8 pumps must receive a SE approval from the City Council. The applicant is proposing a gasoline station component with 16 pumps (8 service islands with 2 pumps each). The applicant is also requesting certain Variances from general development requirements of the Overlay District as well, and these are being processed separately under file # HA-2023-02. (all or part of Tax Parcel 0026-033).

The subject property is located within a **Community Activity Center (CAC)** Character Area on the Future Development Map of the Comprehensive Plan.

Gasoline stations in C-H zoning with 8 pumps or less are a Permitted Use throughout the Overlay District, and there is no Special Exception (SE) requirement. Larger facilities with more pumps (and hence a larger fuel canopy, more maneuvering areas, more traffic, etc...) require the special review process on a case-by-case basis. The intent of this "more than 8 pumps" threshold of the Overlay is to protect the less-intensive developed areas of the District from uses that may be too great in magnitude, and may be deemed incompatible (or less compatible) with the overall development patterns of the immediate area as well as the Overlay's stated purpose and goals. [refer to Purpose statements of Section 4-5.1 in the Overlay District provisions --- on Page 4 herein).

The Overlay District boundaries stretch along the entire GA Highway 122 West corridor, from the railroad crossing near downtown westward past the Exit 29 interchange. The intensity level and scale of development along this corridor, ranges from the least intensive (small lot, small building, pedestrian scale) patterns at the eastern end, to the more intensive (large parcels/sites, I-75 commerce scale) patterns at the western end which are not pedestrian focused. The subject property is within the middle area of (or transition between) these two extremes. The applicant's proposal is for a gas station that is literally TWICE the size of the special review threshold. It is staff's opinion that such a use is clearly on the more intensive side of the Corridor spectrum, and it should instead be located in closer proximity to Exit 29 (i.e. west of the Union Road intersection). Staff's concern is only that of size and magnitude --- in this location. If the proposed use were reduced to 8 pumps, it would not require a SE approval and would instead be a Permitted Use.

It should also be noted that there is a difference in "definitions" being used by the staff and the applicant. When the applicant was designing their proposed site, they believed that having 8 refueling "islands" (each accommodating 2 vehicles at the same time, utilizing separate "dispensers") was the same as "8 pumps" and therefore did not trigger the SE review process. However, it is staff opinion and interpretation of the Ordinance (& agreed to by the City Manager and City Attorney) that having 8 refueling islands with 2 sets of dispensers each – accommodating up to 16 vehicles at one time --- is equal to "16 pumps" under the terms and intent of the Ordinance. (Staff will be discussing the official interpretation of this, when this SE request goes before Hahira City Council.)

### Staff Recommendation:

Find the Special Exception "<u>inconsistent</u>" with the Comprehensive Plan, and the Special Exception review criteria, and recommend **DENIAL** to the Hahira City Council.

# Planning Analysis & Property Information

Applicant / Owner:	BoValdosta LLC (Mr. Hetal Patel)						
Request:	Special Exception for a gasoline station with more than 8 pumps, to be located within the Gateway Corridor Overlay District						
Property General Information							
Size & Location:	A total of 2.64 acres of land located along the north side of GA Highway 122 West, about 400 feet east of the Union Road intersection.						
Street Address:	940 GA Highway 122 West						
Tax Parcel ID:	Map 0026 Parcel 033			City Council District:	1 Councilwoman White		
Zoning & Land Use Patterns							
	_	Zoning		Land Use			
Subject Property:	Existing:	C-H		Vacant, partially cleared (recently)			
	Proposed:	С-Н		Bojangles restaurant & convenience store & gas station combination			
Adjacent Property:	North:	C-H		Vacant, uncleared			
	South:	C-H		Wendy's, Huddle House, Food Lion			
	East:	C-H		Vacant land, veterinary clinic			
	West:	C-H		Robinson Family Dental clinic			
Zoning & Land Use History:	This property and the surrounding area has been zoned C-H for more than 30 years.						
Neighborhood Characteristics							
Historic Resources:	There are no known historic resources on or near the subject property.						
Natural Resources:	Vegetation: Urb		Urban	n forest nearby			
	Wetlands:		There are existing jurisdictional wetlands immediately east of the subject property.				
	Flood Hazards:		The property is located well-outside the FEMA				
	1 1000 1 1424105.		designated 100-year floodplain There are no significant groundwater recharge areas				
	Groundwater Recharge:		on or near the subject property.				
	Endangered Species:		There are no known endangered species on or near the subject property, although there might be such				
	sp			species within the wetlands areas.			
	Public Facilities						
Water & Sewer:	Existing Hahira water & sewer services along GA Highway 122 West						
Transportation:	GA Highway 122 West (State route)						
Fire Protection:	Fire Station downtown (0.50 miles to the east The nearest fire hydrant is along GA Highway 122 West						

## Comprehensive Plan Issues

### Character Area: <u>Community Activity Center</u>

<u>Description</u>: A focal point for several neighborhoods that has a concentration of activities such as general retail, service commercial, office professional, higher-density housing, and appropriate public and open space uses easily accessible by pedestrians.

<u>Development Strategy</u>: Each Community Activity Center should include a relatively high-density mix of retail, office, services, and employment to serve a regional market area. Residential development should reinforce the town center through locating higher density housing options adjacent to the town center, targeted to a broad range of income levels, including multi-family town homes, apartments and condominiums. Design for each Community Activity Center should be very pedestrian-oriented, with strong, walkable connections between different uses. Road edges should be clearly defined by locating buildings at roadside with parking in the rear. Direct connections to greenspace and trail networks should be provided. The pedestrian-friendly environment should be enhanced by adding sidewalks and other pedestrian-friendly trails/bike routes linked to other neighborhood amenities such as libraries, neighborhood centers, health facilities, parks, and schools.

## Special Exception Review Criteria

Pursuant to Section 12 of the Hahira Zoning Ordinance, the Greater Lowndes Planning Commission (GLPC) shall review a request for Special Exception at a public hearing and shall make recommendation to the Hahira City Council. At a second public hearing, the Hahira City Council shall hear and decide all requests for a Special Exception. In making their recommendation and/or decision, but the GLPC and the Hahira City Council shall consider the following review criteria listed below:

(1) Is the proposed use contrary to the purpose of the Zoning Ordinance of the City of Hahira?

No. The use as a "gas station" (& also a restaurant / convenience store) is a Permitted Use within C-H zoning and also the Overlay District. However, it is the <u>SIZE</u> of the proposed use (more than 8 gas pumps) that triggers the Special Exception review.

(2) Is the proposed use detrimental to the use or development of the adjacent properties or the general neighborhood, or does it adversely affect the health and safety of residents and workers ?

No. The use as a "gas station" is not detrimental to the surrounding development patterns, but its relatively large size could have negative impacts.

(3) Will the proposed use constitute a nuisance or a hazard because of the number of persons who will attend or use such facility, vehicular movement, noise or fume generation, or type of physical activity ?

Yes, possibly. Together with a well-known fast food restaurant (with drive-thru) AND an attached convenience store, the addition of the proposed gas station with 16 fuel pumps (accommodating 16 cars at one time) would make this a fairly intensive commercial development for this area – in terms of overall traffic and concentration of activity.

(4) Will the proposed use be affected adversely by the existing uses of adjacent properties; and will the proposed use be placed on a lot of sufficient size to satisfy the space requirements of said use.

Yes. The proposed use will not be adversely affected by surrounding uses and the proposed lot is sufficient to satisfy the space requirements for such development.

(5) Will the proposed use meet the applicable parking and City development standards set forth for such use ?

No. The magnitude of the proposed use will likely require a Variance to the minimum parking requirements.

The Planning Commission may recommend to the City Council such additional restrictions and standards (i.e., increased setbacks, buffer strips, screening, etc.) as may be necessary to protect the health and safety of residents and workers in the community, and to protect the value and use of property in the general neighborhood. Provided, that whenever the Planning Commission shall find, in the case of any permit granted pursuant to the provisions of this ordinance that

any of the terms, conditions or restrictions upon which such permit was granted are not being complied with, the City Council shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity.

## Supplemental Development Regulations that are Applicable to the Proposed Use

< See attached excerpt of the Gateway Corridor Overlay District provisions >

#### Zoning Ordinance Section 5-1.2(g)

If activities towards the Special Exception have not commenced within twelve (12) months after approval by the City Council, or, if the Special Exception is discontinued for a period in excess of twelve (12) consecutive months, the request shall be rescinded and subject to re-submission in the same manner as an amendment as described in Section 12 of this Ordinance. Special Exceptions shall be granted to the property, regardless of whom the occupant may be thereof.

### Zoning Ordinance Section 4-5 Gateway Corridor Overlay District

- 4-5.1 <u>Purpose</u>. The purposes of the Gateway Corridor Overlay District are to:
  - a. Promote the general health, safety, and welfare of the community.
  - b. Implement the Greater Lowndes 2030 Comprehensive Plan.
  - c. Establish an appropriate architectural scale with harmonious design standards that distinguish between types of character areas along the corridor.
  - d. Promote development patterns that encourage walking, biking, and use of public transportation.
  - e. Create an attractive streetscape that is aesthetically appealing, and environmentally responsible.
  - f. Provide for appropriate infill development and land use transitions between commercial corridors and adjacent residential neighborhoods.
  - g. Encourage revitalization of Georgia Highway 122 and W. Main Street as well as promote quality development within the Corridor area.

#### 4-5.5 Property Use Standards.

- c. <u>Special Exceptions</u>. The following uses shall require approval of a Special Exception subject to the standards in Section 5-1.2:
  - 1. Non-residential buildings with less than 1,000 square feet of gross ground floor area.
  - 2. Commercial buildings in excess of 15,000 square feet of gross ground floor area.
  - 3. Minor automobile repair and maintenance.
  - 4. Rooming and boarding houses.
  - 5. Gasoline stations with more than 8 pumps.
  - 6. Pawnshops.
  - 7. Self-service storage or mini-warehouses.

### **Development Review Comments**

The following comments are provided by the reviewing departments and are only intended to provide the developer with useful information for planning purposes. This list should not be considered all-inclusive as additional items may appear during the plan review process.

<b>Fire:</b> < No comments received >	Landscape: Must comp	ply with the Hahira Landscape Ordinance
Building Plan Review: No comments	Utilities	< No comments received >.
Engineering: < No comments received >	Police:	< No comments received >

## **Attachments**

Zoning Location Map Aerial Location Map Gateway Corridor Overlay Map Letter of Intent Boundary Survey Conceptual Site Plan Floor Plan Building Elevations

# HA-2023-01 & HA-2023-02

# **Zoning Location Map**

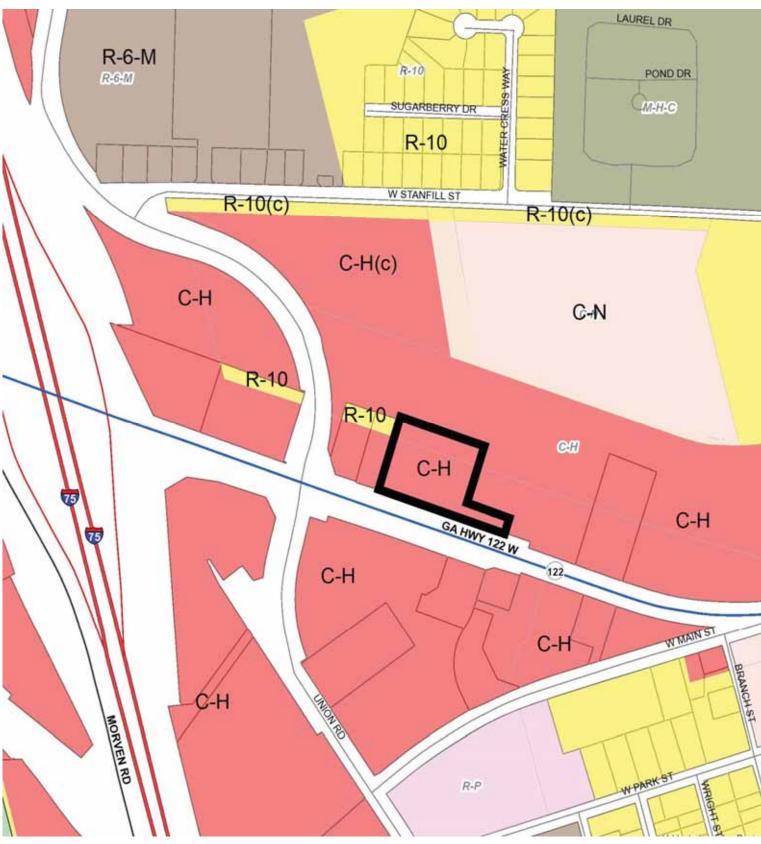


BoValdosta LLC

Special Exception & Variance Requests

940 GA Highway 122 West Current Zoning: C-H Tax Parcel #: 0026 – 033

Map Data Source: VALOR GIS January 2023



\*\* Map NOT to scale

# HA-2023-01 & HA-2023-02 Aerial Location Map

BoValdosta LLC Special Exception & Variance Requests 940 GA Highway 122 West Aerial Imagery: ~2021 Tax Parcel #: 0026 – 033

\*\* Map NOT to scale

Map Data Source: VALOR GIS January 2023





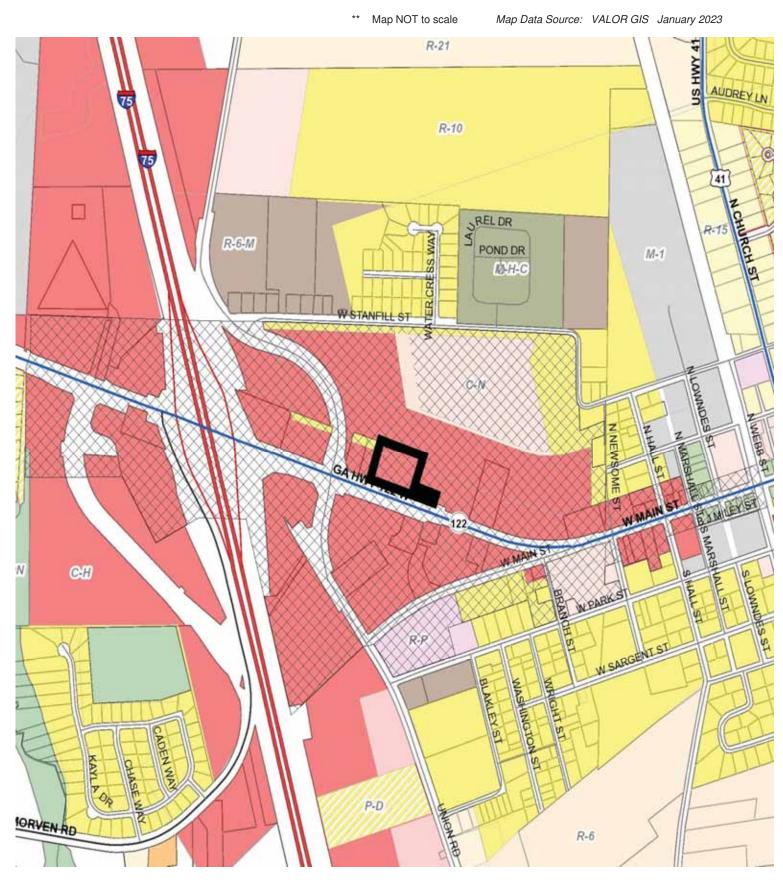
# HA-2023-01 & HA-2023-02 Gateway Corridor Overlay

# BoValdosta LLC

**Special Exception & Variance Requests** 

940 GA Highway 122 West (cross-h Tax Parcel #: 0026 – 033

(cross-hatched area)



James H. Moore, III Luanne Clarke \* Willis A DuVall, Jr W Ralph Rodgers, Jr David A Garland +(TN) C Jason Willcox Kevin C Gaulke \*\* D. Bradley Folsom Wallace D Bonner, Jr Matthew E Eutzler +(FL) R Lee Brown Jr M Drew DeMott +(SC) Michael Eric Hooper James H Edge Stephan A Ray +(AL) Wheeler II\_Bryant \*(FL\_SC) Elizabeth W Brice Jessica Crannis Christopher C Hazelip, Jr Jamie L, Bratcher Lindsay Hudgins

Additional Licenses

\*\* Certified Mediator

Certified Mediator/Arbitrator

+



ATTORNEYS AT LAW

2611 North Patterson Street (31602) Post Office Box 4540 Valdosta, Georgia 31604-4540 Tel (229) 245-7823 Fax (229) 245-7825 bfolsom@mcdr-law.com

> Reply to: Valdosta Office

December 16, 2022

### VIA ELECTRONIC MAIL ONLY

mlmartin@valdostacity.com Matt Martin

#### Re: Hahira Development MCDR File No. 16314.003

Dear Matt:

Please let this letter serve as a Letter of Intent related to certain Variance and/or Special Exceptions Applications related to property in the City of Hahira owned by BoValdosta, L.L.C.

BoValdosta has purchased the property with the intent of developing a Bojangles franchise location as well as a convenience store and gas station facility on the property.

As you may know, BoValdosta and its owner Mr. Hetal Patel, are the owners of several Bojangles franchises around South Georgia and North Florida. All of these franchise locations are Class A quality and are maintained to the highest standards by Mr. Patel. In addition, Mr. Patel is involved in our community and supports various community projects throughout the year.

It is his intent to bring in a similar quality tenant in the convenience store and gas station location and to become an active member of the community in Hahira.

Should you have any questions or comments, please let us know. With best regards, I am

Sincerely,

MOORE, CLARKE, DuVALL & RODGERS, P.C.

D. Bradley Folsom

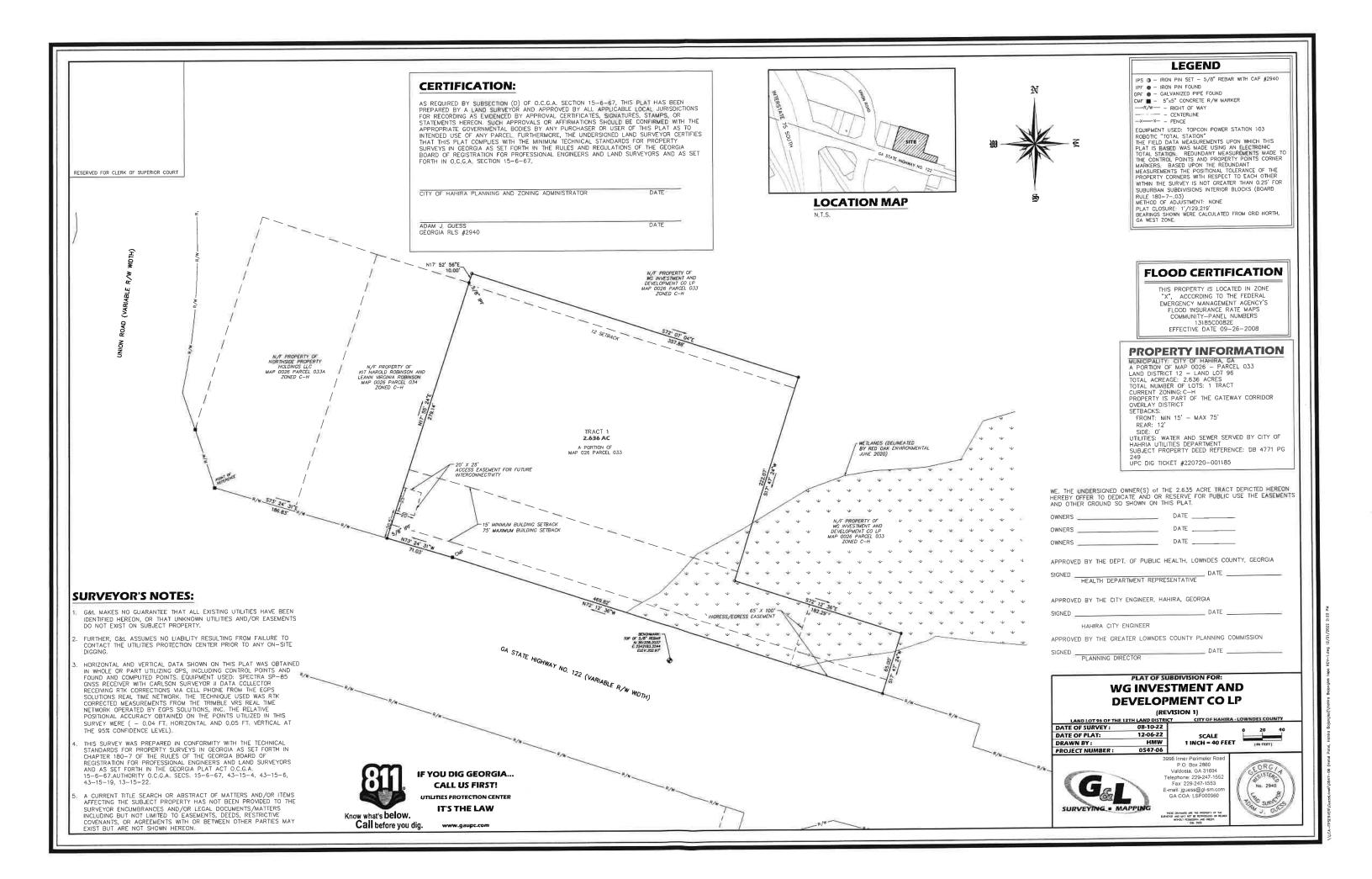
DBF:pjc

Albany Office 2829 Old Dawson Road (31707) Post Office Drawer 71727 Albany, Georgia 31708-1727 (229) 888-3338

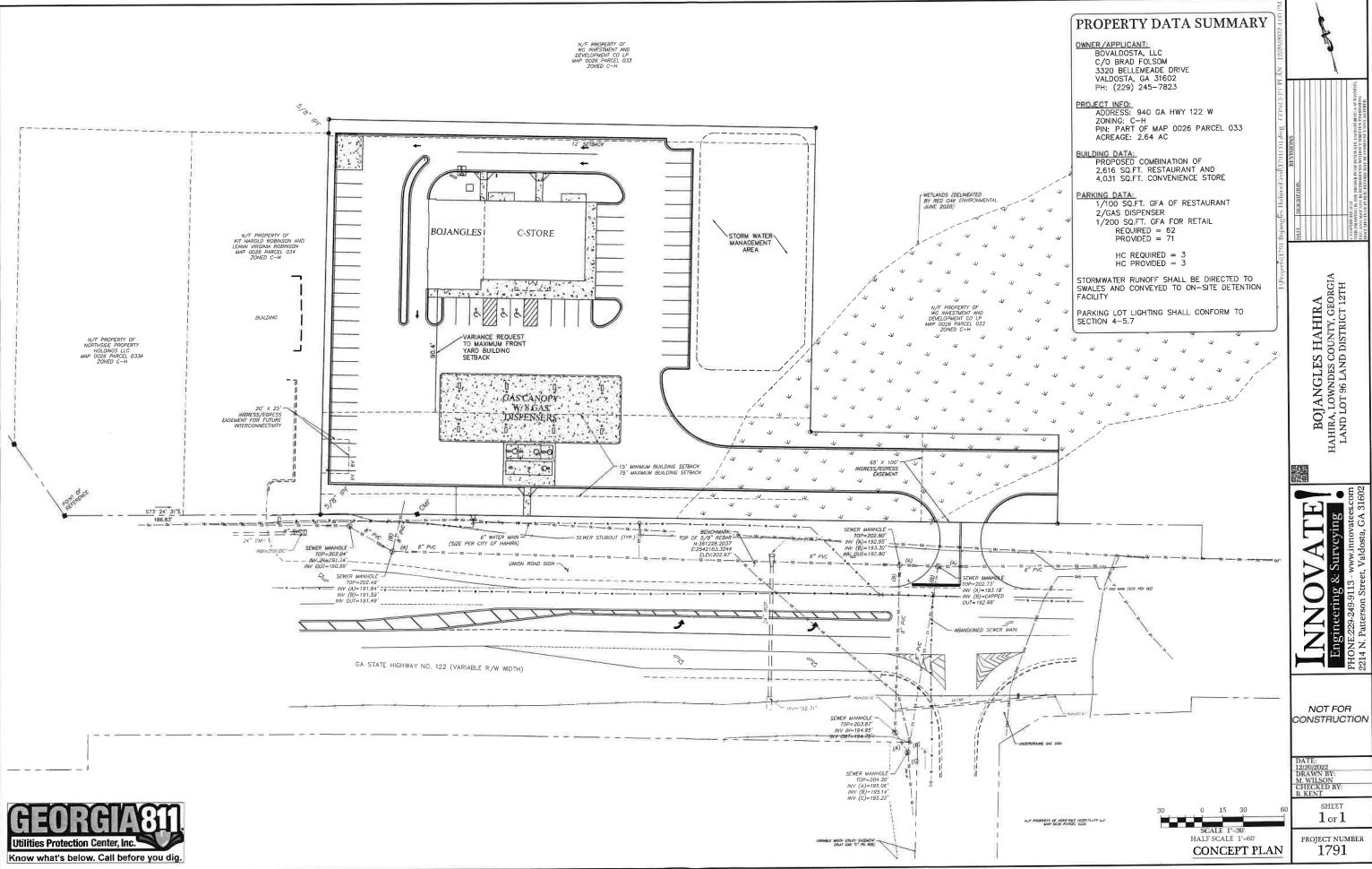
Atlanta Office 900 Circle 75 Parkway, Suite 1175 Atlanta, Georgia 30339 (770) 563-9339

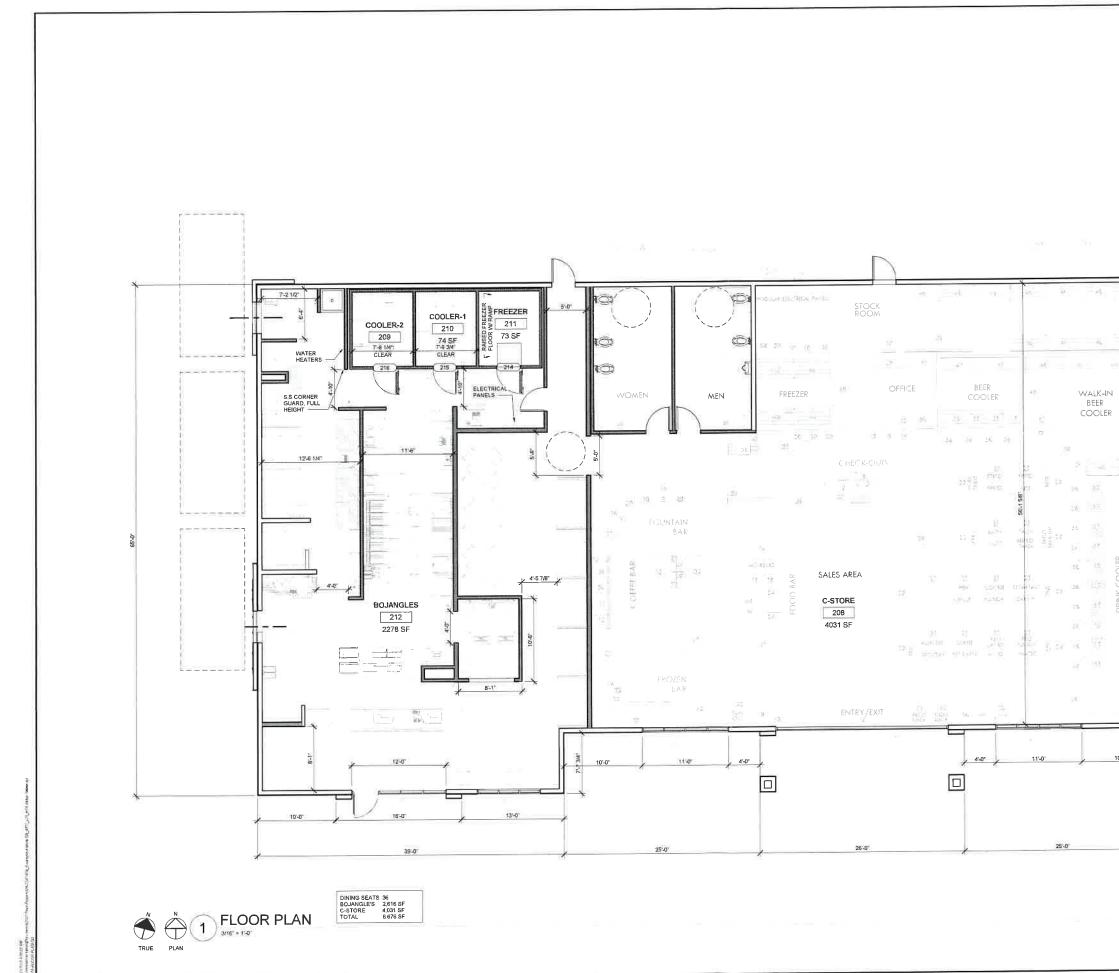
Savannah Office SunTrust Building 33 Bull Street, Suite 203 (31401) Post Office Box 8427 Savannah, Georgia 31412 (912) 234-0995

Tifton Office T. Mark Sandifer, Partner 3300 Fulwood Road (31794) Post Office Box 7170 Tifton, Georgia 31793 (229) 382-0037



N/F PROPERTY OF WG INVESTMENT AND DEVELOPMENT CO LP WAP 0026 PARCEL 03





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HFA

**Bojangles /C-Store** Conceptual Elevations

December 26, 2022

