

Dillard stated there is a history of land disturbing activity on the property and it has also been unpermitted. He further stated staff has no record of a permit, nor does the Army Corps of Engineers (ACOE), or EPD. Mr. Dillard referenced a survey submitted in 2024 of a flood way line and flat wetlands. When staff received the survey, they requested that official information from the Army Corps of Engineers be submitted to verify that it was approved by the Army Corps, but the Army Corps of Engineers has not received an application nor has staff received any updates regarding changes to the floodplain. Staff analyzed the request, the standards governing the exercise of zoning powers set forth in 10.01.05 of the ULDC, and factors most relevant to this application, including the neighboring land uses and lot sizes, the viability of a Well & Septic system, the historic and proposed use of the property, the environmental sensitivity of the site, and the VLD Overlay Standards, and therefore recommends:

A) Tabling:

The Commission could consider tabling the request until:

1. A Jurisdictional Determination has been issued by the ACOE.
2. A Conditional Letter of Map Revision (CLOMR[4]) has been issued by FEMA/EPD.

B) Approval with Conditions: If the Commission is ready to move forward, then they could consider approval with conditions. The current set of draft conditions are as follows:

1. Regarding the CON / C-H zoning boundary:
 - a. The C-H zoning boundary and its allowed uses shall not extend beyond the delineated wetland boundary as approved by the ACOE.

Or, if that boundary is not known at the time of LCBOC consideration, then

- b. The C-H zoning boundary shall extend from the southern end of the property along Horace Avenue to 55' off of the southernmost GIS wetland boundaries.
2. Any vehicular ingress/egress off of Horace Avenue while it is unimproved shall require the property owner/developer to pave the street from that ingress/egress to the nearest paved street. The property owner/developer will be responsible for the design, any acquisition of necessary right-of-way, relocation of utilities, and construction costs for the paving of the section mentioned above. The paving shall be completed before the issuance of any Certificate of Occupancy (CO) is granted on the subject property.
3. Per GA EPD Floodplain Management, a guardrail shall be installed around the perimeter of anything stored on the property to a height two (2) feet above the flood zone.
4. A sign and/or billboard shall not be permitted on the property until the commercial use is brought into compliance.
5. Any lighting located on the property shall be shielded and directed to avoid direct illumination of adjacent residentially zoned properties.