

## REZONING REPORT

To: Stephens County Planning Commission

From: Planning Director

Item: #5

Date: August 11, 2023

### A. General Information

1. **Owner of Property:** AK New Ventures, LLC
2. **Applicant:** Owner
3. **Applicant's Agent:** N/A
4. **Street Address of Property:** 2636 Toccoa Bypass, Toccoa, GA 30577 (033 188)
5. **Size:** 42.17 Acres
6. **Current Land Use of Property:** Undeveloped
7. **Current Zoning of Property:** Commercial General (CG)

### B. Information Concerning the Request

1. **Proposed Use of Property:** Mixed-Use – Multi-Family Housing, Commercial Development, Hotel
2. **Proposed Zoning of Property:** Planned Unit Development (PUD)
3. **Surrounding Land Use:** Residential, Agricultural, Commercial
4. **Surrounding Zoning:** RS, AR, AI, CG

### C. Zoning History (list rezoning activity at or adjacent to the proposed site):

1. N/A

### D. Analysis

1. The property owner would like to rezone to Planned Unit Development (PUD) to create a mixed-use development consisting of multi-family (four-story) housing, grocery/market/general store, convenience store and gas station, main street with parking, a quick service restaurant, commercial/retail space, a hotel, and single-family residential housing with the following phases considered:
  - a. Phase 1: Multi-family housing; will include up to 80 to 120 units (a mix of two- to three-bedroom units).
  - b. Phase 2: Will explore commercial development on outparcels, including a strip center and self-service hotel.
  - c. Additional future phases include potential residential development estimated to bring 150 single-family residential homes to the community.
2. The Planned Unit Development (PUD) Zoning District requires a development plan and a summary statement of intent. According to the summary statement of intent, the total project cost is estimated at \$10,000,000 to \$25,000,000+ to complete.
3. The timeline for development is estimated at 3+ years to complete.
4. According to the summary statement of intent, the goal for this development is to create new jobs, generate additional tax revenue, and bring housing and future industrial growth into the community.
5. Since the concept is mixed-use in development, the property owner is requesting that the Planned Unit Development (PUD) zoning designation be approved, which allows for, among other benefits, higher density and unique opportunities for development in coordination with the Stephens County Board of Commissioners.
6. Thus, while a maximum of 15 dwelling units per acre (DU/AC) is allowed in PUD, the property owner is proposing 14.22 DU/AC, along with up to 89,500 square feet of commercial space.

7. On June 13, 2023, the Stephens County Board of Commissioners proposed to provide \$125,000 in funding to develop the infrastructure along the bypass to support this development and future developments with water and sewer capabilities.
8. On June 19, 2023, the Toccoa City Commission also proposed to provide \$125,000 in funding to develop future necessary infrastructure.
9. On August 10, 2023, the Stephens County Development Authority submitted an OneGeorgia Equity Fund – Rural Workforce Housing Initiative (RWHI) grant application requesting \$478,400 in state grant funding to support developing the necessary infrastructure.
10. The total estimated cost to complete this infrastructure is estimated at \$728,400, to include both the grant funding and matching funding from the City and County.
11. The Stephens County Comprehensive Plan of 2021 proposes development along the SR-17 corridor to consist of mixed uses, including industrial, commercial, and residential uses. The goal of the Comprehensive Plan is to have the County “review development options after consideration of land use management objectives for the area.” To further this goal, the Stephens County Board of Commissioners updated the Land Use Ordinance to allow for Planned Unit Development (PUD) Zoning at their May 23, 2023 regular meeting after one (1) public hearing and two (2) readings.
12. Both the Stephens County Board of Commissioners and Toccoa City Commission have voiced their support for mixed use development along the Toccoa Bypass and SR-17 corridor, and funds have been directly obligated to support this effort.
13. The Stephens County PUD Ordinance specifically outlines development along the Toccoa Bypass as being ideal for PUD development.
14. AK New Ventures, LLC’s development plan and summary statement of intent showcases a desire for significant investment in Stephens County over the next several years. As the development plan shows, a stop light is expected at the center of the development, and right-in/right-out lanes are expected at other egresses to promote responsible vehicular safety patterns.
15. After the development plan is approved, the applicant may move forward with receiving any land disturbance permits and will be required to submit construction drawings before any work can commence.
16. Any change from the development plan at any time must be reviewed by the Planning Department and approved by the Board of Commissioners before project implementation, in accordance with the PUD Ordinance.
17. Upon approval of the PUD, construction shall begin within two (2) years, with the Board of Commissioners having the option to extend the period for beginning construction for any phase up to one (1) additional year. If construction does not commence within this time frame, the County shall cause the development to be removed from the official zoning map and shall reinstate the zoning district and regulations of Commercial General (CG), as in effect prior to approval, in accordance with the PUD Ordinance.
18. Should the Board deem it appropriate, the plan may be approved with modifications, for which the applicant shall file written notice of consent to the modifications, and a properly revised site plan shall be filed with the County prior to changing the zoning map.

**E. Recommendation: Approval.**

**F. Attachments:**

1. Application
2. Parcel Map Showing Adjacent Land Use Zoning



Application for **Rezoning**  
P.O. Box 386 Toccoa, Georgia 30577  
Phone: (706)886-9491/Fax: (706)886-2185

Please type or print legibly. Attach additional sheets, if necessary, to fully answer any of the following sections. Incomplete applications will not be accepted for processing by the Stephens County Planning Commission (SCPC) until deficiencies are corrected. Additional instructions, information and important dates are located on pages 6.

**I. GENERAL INFORMATION**

**Petitioner Information** (*Note: If the property owner(s) will have an agent serve on his or her behalf, the owner(s) must complete the attached Letter of Authorization.*)

Name: AK NEW VENTURES LLC

Address: 653 citation trl City: milton State: ga Zip: 30004

Telephone No.: (404) 6673825 Fax No.: ( ) \_\_\_\_\_

E-mail Address: alphafood@gmail.com

**Property Owner Information, if different from Petitioner**

Name: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone No.: ( ) \_\_\_\_\_ Fax No.: ( ) \_\_\_\_\_

E-mail Address: \_\_\_\_\_

**Agent Information, if different from Petitioner or Owner** (*Note: A signed, notarized statement of authorization from the property owner is required and must be attached if this section applies. If the agent changes after submitting the application and the agent is not the property owner, a new authorization form will be required.*)

Name: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone No.: ( ) \_\_\_\_\_ Fax No.: ( ) \_\_\_\_\_

E-mail Address: \_\_\_\_\_

**II. ACTION REQUESTED**

**(A) Application History**

Have any previous applications been made to rezone or request a special use for the subject property?  
Yes \_\_\_\_\_ No  \_\_\_\_\_ If yes, please provide the file number(s):

*(Note: In accordance with Section 1602, an application for rezoning cannot be accepted if a rezoning petition for the same property was denied by the Stephens County Board of Commissioners less than six (6) months before the date of filing this application. Likewise, if a previous rezoning petition was not acted upon by the Stephens County Board of Commissioners but was denied by SCPC less than six (6) months before the date of filing this application, the application cannot be processed.)*

**(B) Rezoning (Zoning Map Amendment)**

1. Existing zoning district(s) for the subject property:

**CG**

2. Proposed zoning district(s) for the subject property:

**PUD**

*(Note: Only one district should be proposed unless there is an extenuating circumstance. If more than one district is desired, please provide supporting rationale. A zoning district must be identified or the application will not be processed.)*

3. Street address(es) of the subject property: **Parcel 033 188**

**2636 toccoa hwy toccoa georgia**

4. Property Identification Number(s) of the subject property. *(Note: Attach a boundary survey, recorded or proposed plat, tax map or scaled plot plan to identify the property boundary lines.)*

**033188**

5. Total acreage of the subject property: **42**

6. Existing land use(s) for the subject property (e.g., undeveloped, restaurant, auto repair shop, multi-family residence):

**commercial general**

7. List all proposed land use(s) and land use number(s) in accordance with the Zoning Ordinance. *(Note: Refer to Zoning Ordinance Section 300 or the list of allowed uses within the desired zoning district. If your desired use is not listed in either source, contact the County Planning Director for a use determination. If the proposed use is a combination of uses such as warehouse with a retail showroom and outdoor storage, please describe the proposed operation. The Planning Director is located in the Stephens County Annex building at 802 E. Doyle Street or can be contacted at 706-886-9491.)*

**request to do pud zoning**

**III. Items Required to be Submitted with an Application for Rezoning (Map Amendment).**

**All applications must include the following:**

**A. Application.** A completed original application form and one copy.

**B. Submittal Fee.** No submittal fee required.

**C. Notarized Authorization Form.** If the property owner will not represent the petition, a signed, notarized statement from the property owner authorizing the petitioner / agent to act on his behalf is required.

**D. Disclosure Form.** Disclosure of Campaign Contribution Form (to be filed within 10 days of filing this application).

**E.** A scaled or dimensioned boundary survey, tax map, plot plan or sketch showing the subject property.

Petitioner states that she/he has read, understands and has completed this application. Approval of an application for rezoning by the Stephens County Board of Commissioners does not constitute a waiver from any applicable local, state or federal regulations.

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\_\_\_\_\_  
**Signature of                                  Printed Name                                  Date**  
**Petitioner or Petitioner's Agent**

	<b>CONTACT INFORMATION</b>	
County Clerk	P. O. Box 386 Toccoa, GA 30577	706-886-9491
Planning Director	P.O. Box 386 Toccoa, GA 30577	706-886-9491
Stephens County Planning Commission	P. O. Box 386 Toccoa, GA 30577	706-886-9491

**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

Stephens County

The Conflict of Interest in Zoning Actions Act (O.C.G.A. § 36-67A) requires that a petitioner for a **map amendment / rezoning action** must disclose campaign contributions in the amount of \$250 or more that have been made to local government officials who will consider the application. This requirement also applies to agents, including attorneys, who may represent the petitioner.

In compliance with the Act, this form must be completed and filed with the local governing authority within ten (10) days after the application for the rezoning request is filed. Failure to comply with the provisions of this act is a misdemeanor.

1. Within two years preceding the filing this application, have you and your agent (if applicable) made a campaign contribution in the amount of \$250 or more to any of the local government officials listed below?  
 Yes \_\_\_\_\_ No  \_\_\_\_\_ If you answered "Yes", please complete Question 2.

STEPHENS COUNTY BOARD OF COMMISSIONERS	
Dennis Bell	Chuck Wright
Tara Simmons	Debbie Whitlock
Chris Rickman	

STEPHENS COUNTY PLANNING COMMISSION	
Bo Dotson	Scott Stroud
Brett Ivester	Greg McFarlin
Cody Cobb	

2. If you checked "Yes" to Question 1, complete the section below.

CONTRIBUTION			
Name of Official to Whom Contribution was Made	Official Position at Time of Contribution	Date of Contribution	Description & Dollar Amount of Contribution

Signature of Petitioner or Petitioner's Agent \_\_\_\_\_ Date aug 10 2023

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 Printed Name

**Letter of Authorization**

As fee simple owner of the subject property that is identified as Property Identification Numbers

\_\_\_\_\_, I (we) authorize \_\_\_\_\_  
(Agent Name) of \_\_\_\_\_ (Firm or Agency, if applicable) to serve as agent on my  
(our) behalf for the purpose of making and executing this application for the proposed request. I (we)  
understand that any representations(s) made on my (our) behalf, by my (our) authorized representative, shall be  
legally binding upon the subject property.

\_\_\_\_\_  
Owner Name (Signature)

\_\_\_\_\_  
Owner Name (Print)

\_\_\_\_\_  
Date

\_\_\_\_\_

Signature of Notary

Notary Seal

INSTRUCTIONS / INFORMATION FOR THE PETITIONER

(Retain This Page for Your Records)

1. The petitioner and/or agent is encouraged to speak with SCPC staff prior to submitting an application for rezoning (map amendment) or special use.
2. If the project is a Development of Regional Impact (DRI), the project must first be found "in the best interest of the State" before a rezoning application can be reviewed by the Planning Commission. SCPC staff will notify the petitioner or agent when a request qualifies as a DRI.
3. Submit the completed original application and one copy to the County Clerk. Faxed applications will not be accepted.
4. The petitioner or agent may include exhibits (e.g., letters or photos) to support the request. If a signed petition is to be submitted, please provide the original at the Planning Commission meeting and make a copy to be retained for your records.
5. Once the application is deemed complete, SCPC staff will schedule the petition for review by the Planning Commission and prepare a recommendation. You will receive a letter acknowledging receipt of the petition and notifying you of the Planning Commission meeting date and time. The staff recommendation will be sent to you. A schedule of SCPC and Stephens County Board of Commissioner meetings is available online at [www.stephenscountyga.com](http://www.stephenscountyga.com).

6. The petitioner must erect a sign(s) announcing the petition on each street frontage of the subject property at least 15 DAYS PRIOR TO THE SCPC MEETING. The sign(s) must be posted no more than five (5) feet from the property line. If the property does not abut a public right-of-way, at least one (1) sign shall be placed on the property at the access point and additional sign(s) shall be placed on the nearest public right-of-way. If the sign is not erected in a timely manner, the petition will be rescheduled to the next scheduled SCPC meeting. The sign shall remain in place until a Planning Commission recommendation is made. Changes to signs shall be made by the applicant to reflect the correct dates and any other changing information involving a petition that has been postponed or continued at least ten (10) days prior to the revised public meeting or hearing date.

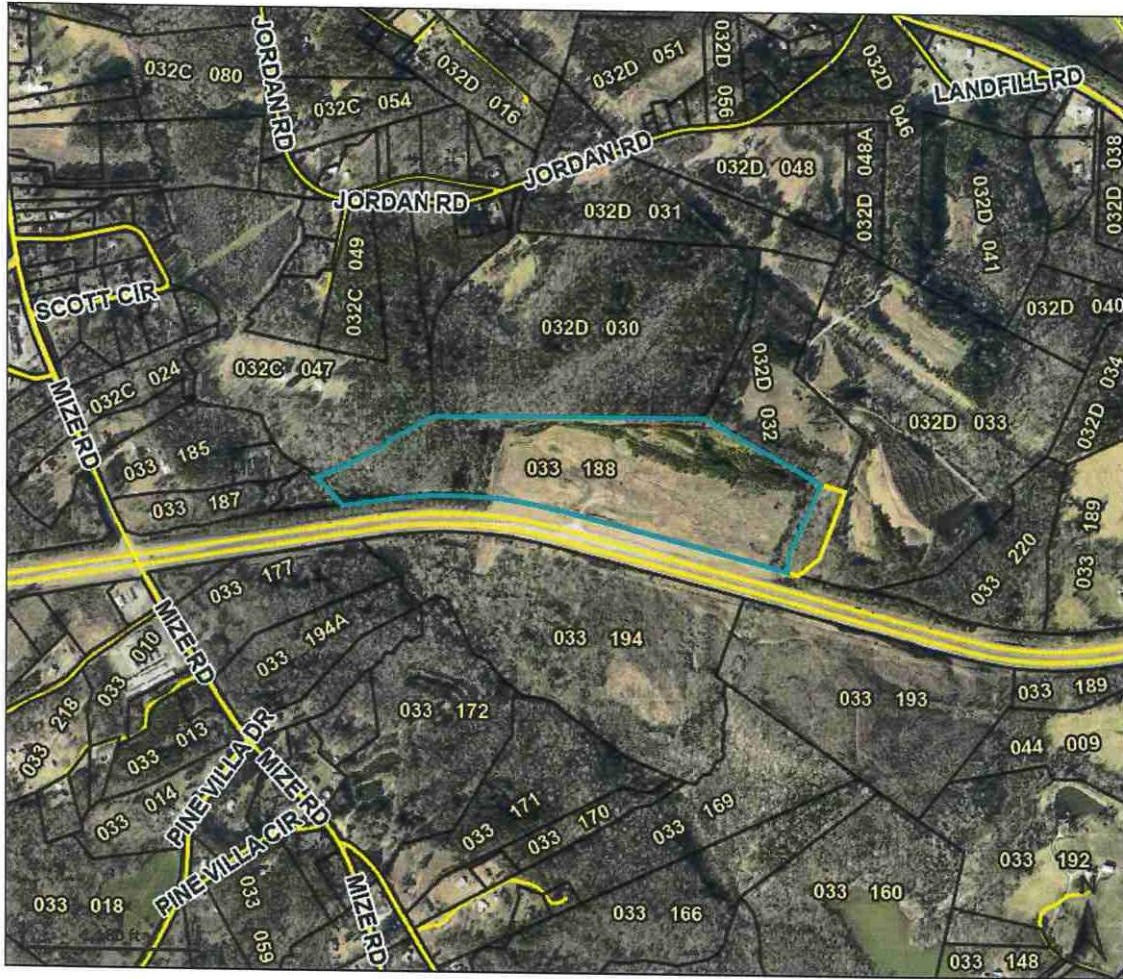
The sign must be obtained from the Stephens County Planning and Zoning Department, 802 E. Doyle Street. The petitioner will be contacted when the sign is ready to be picked up.

7. The Planning Commission will make a recommendation to the Stephens County Board of Commissioners regarding the petition. The Planning Commission may approve, deny or recommend an alternative to the request. The petitioner will be notified of the date and time of the Stephens County Board of Commissioner hearing. **The sign(s) for the Stephens County Board of Commissioner meeting must be obtained from Stephens County Planning and Zoning Department. The petitioner must erect the sign(s) AT LEAST 15 DAYS PRIOR TO A COMMISSION MEETING. Posting requirements are the same as the requirements for the SCPC meeting. The sign(s) shall remain in place until a Commissioner decision has been made.** The petitioner shall remove the sign(s) within 10 days of the decision.

8. The Stephens County Board of Commissioners must have at least two meetings for the petition for approval; a zoning hearing and then the first and second readings of the amendment or special use. If a motion is made at the hearing to approve the request, the following meeting(s) will be to hear the first and second readings of the amendment. Notification of the decision of the Stephens County Board of Commissioners will be sent to the petitioner or agent.

9. The petitioner or petitioner's agent should be in attendance at all Planning Commission and Stephens County Board of Commissioner meetings. If no one is present to represent the petition, it may be denied.





Overview



Legend

- Parcels
- 033 188 Parcel Numbers
- Roads

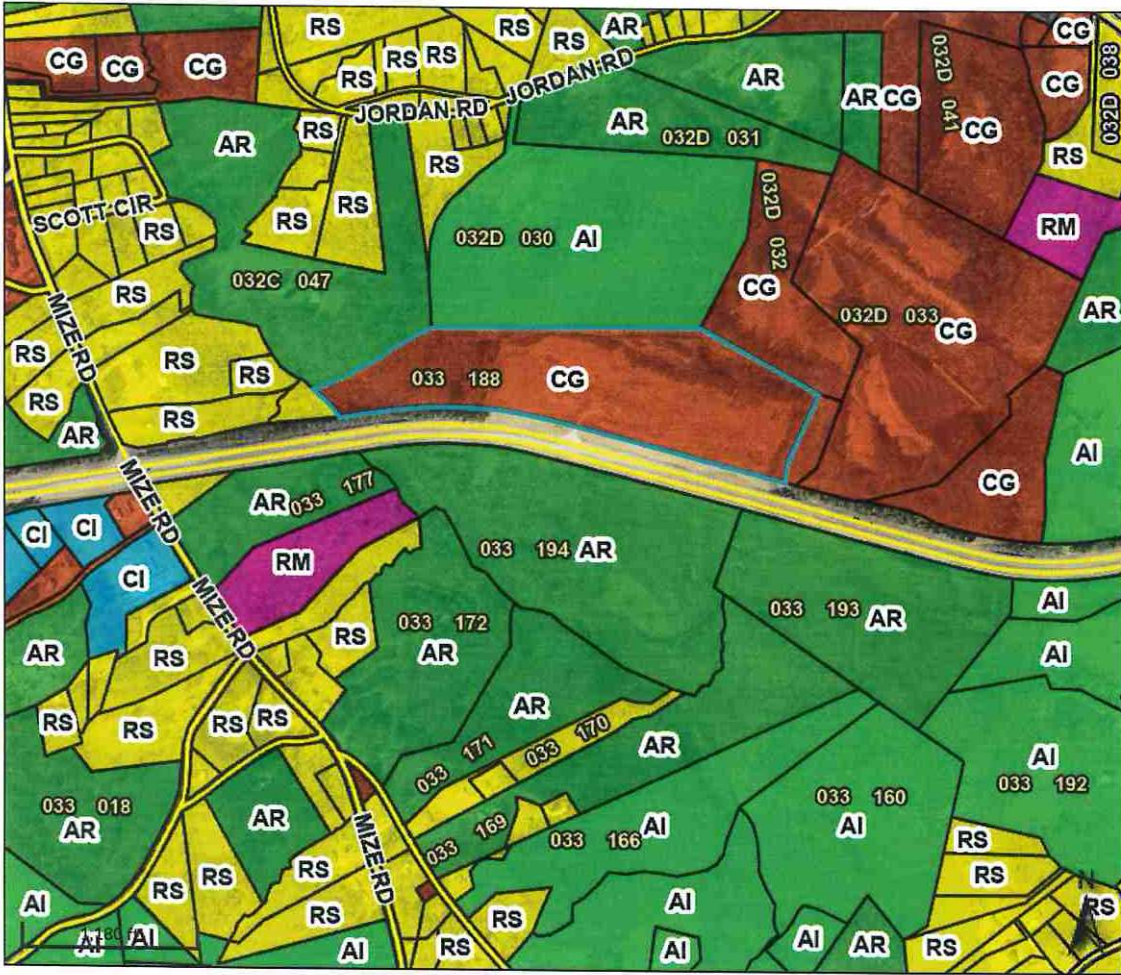
<p>Parcel ID      033 188</p> <p>Class Code    Commercial</p> <p>Taxing District   STEPHENS COUNTY</p> <p>Acres            42.17</p>	<p>Owner            AK NEW VENTURES LLC</p> <p>                     653 CITATION TRAIL</p> <p>                     ALPHARETTA, GA 30004</p> <p>Physical Address   2636 TOCCOA BYP</p> <p>Assessed Value    Value \$326094</p>	<p>Last 2 Sales</p> <table border="0"> <thead> <tr> <th>Date</th> <th>Price</th> <th>Reason</th> <th>Qual</th> </tr> </thead> <tbody> <tr> <td>7/14/2022</td> <td>\$700000</td> <td>LM</td> <td>Q</td> </tr> <tr> <td>8/16/2007</td> <td>\$161000</td> <td>1</td> <td>U</td> </tr> </tbody> </table>	Date	Price	Reason	Qual	7/14/2022	\$700000	LM	Q	8/16/2007	\$161000	1	U
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8/16/2007	\$161000	1	U											

(Note: Not to be used on legal documents)

Date created: 8/11/2023  
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Developed by Schneider  
 GEOSPATIAL





Overview



Legend

- Parcels
- Parcel Numbers
- Roads
- County Zoning
  - AB - Agriculture Business
  - AI - Agriculture Intensive
  - AR - Agriculture Residential
  - CC - Commercial Community
  - CG - Commercial General Business
  - CI - Commercial Industrial
  - GV - US Government
  - LK - US Corps of Engineers Lake
  - RM - Residential Multi-Family
  - RS - Residential Single-Family

Parcel ID 033 188  
 Class Code Commercial  
 Taxing District STEPHENS COUNTY  
 Acres 42.17

Owner AK NEW VENTURES LLC  
 653 CITATION TRAIL  
 ALPHARETTA, GA 30004  
 Physical Address 2636 TOCCOA BYP  
 Assessed Value Value \$326094

Last 2 Sales			
Date	Price	Reason	Qual
7/14/2022	\$700000	LM	Q
8/16/2007	\$161000	1	U

(Note: Not to be used on legal documents)

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Developed by Schneider GEOSPATIAL

To: **Christian Hamilton, MPA, AICP**

County Administrator/Planning Director  
Stephens County Board of Commissioners

Summary Statement Intent of Development:

- Location: The proposed development is located on a hwy 17 bypass parcel # (033 188 ) at 2636 tocooa hwy Toccoa GA
- Size: The land is approximately 42 acres in size.
- Proposed uses: The proposed development will consist of a mixed-use development that includes multifamily, retail, c-store , hotel , QSR and other commercial use.
- Estimated cost of development: The estimated cost of development will be from 10 to 25 million plus
- Timeline for development: The development is expected to take 3 plus years to complete.
- Environmental impacts: The environmental impacts of the development will be mitigated through variety of measures, including the use of sustainable construction practices and the preservation of existing trees and will follow any county / city guidelines .
- Economic benefits: The development is expected to create new jobs and generate additional tax revenue for the city. **More importantly it will have housing which county/city needs as county is expecting lot more industrial growth in Stephens County.** Additionally it will help in every aspect as it will be proposed as mixed use under PUD zoning and will open up lot more opportunities

If approved for PUD zoning then following will be tentative plan for development :

First Phase : will include up to 80 to 120 units plus multifamily ( mix 2 to 3 bedrooms as shown on conceptual master plan. As you can see lot more details on attach conceptual master plan.

Second Phase: will explore commercial development on outparcels which includes plan to develop c-store/strip center QSR and potential self service hotels.

It is our understanding current zoning only allows CG (commercial ), so it is our request to county commission to allow PUD zoning which will open up lot more options. It be great start for city/county for new development if approved as PUD zoning .

**EXISTING CONDITIONS**

Parcel 1, 033.188  
 Zoned CG (Commercial General Business)  
 42.17 AC

**LAND USE SUMMARY**

**LAND USE**  
 Multi-Family 320 Units @ 4 stories, 6 units per story @ 225 SF avg. unit  
 Single Family Detached (SFD) 85 Units  
 Commercial 87,500 SF CFA  
 Hotel + Event Center 47,800 sqm +/- 1,000 SF Event Space

**TOTAL**

**LAND USE DATA**

**Phase 1 - Multifamily:**  
 Proposed Area 22.5 AC  
 Max Density 15 DU/AC  
 Proposed Zoning PUD w/ future rezone  
 Required Parking N/A  
 Proposed Parking 70% AD (6,500 SF, 2.9 SR per unit)  
 Multi-Family Building 70% AD (6,500 SF, 2.9 SR per unit)  
 Proposed Units 300 multifamily units  
 Proposed Density 14.22 DU/AC

**Future Phase - Commercial/Hotel**

Proposed Area 19.67 AC  
 Max Density N/A  
 Proposed Zoning PUD w/ future rezone

**Proposed Use:**

Event Space 47,800 SF  
 Hotel 47,800 SF  
 Drive Thru QSR 47,800 SF  
 Hotel 88 room 47,20,000 SF  
 Commercial/Hotel 47,25,000 SF  
**TOTAL +/- 79,540-88,500 SF**

\*Additional features include off street parking, carpool 'lean stack' w/ on street parking, car wash, and weatherized pedestrian corridors.

**Future Phase - Single Family Detached**

Parcel 033.185/033.186 AC  
 Max Density 15 DU/AC  
 Proposed Zoning PUD w/ future rezone  
 Proposed Lot Area Minimum 9,500 SF  
 Proposed Units 77 single-family detached (SFD) units  
 Proposed Density 175 DU/AC

**Future Phase - Single Family Detached**

Parcel 033.193/033.194 AC  
 Max Density 15 DU/AC  
 Proposed Zoning PUD w/ future rezone  
 Proposed Lot Area Minimum 9,500 SF  
 Proposed Units 73 single-family detached (SFD) units  
 Proposed Density 212 DU/AC

**SMITH PLANNING GROUP**  
 SHAH PROPERTIES  
 Tucson, AZ

**CONCEPTUAL SITE PLAN**

**KEY MAP**

- A MULTIFAMILY (4-STORY)
- B GROCERY / MARKET / GENERAL STORE
- C C-STREET / FUEL CANOPY
- D MAIN STREET WITH ON-STREET PARKING
- E DRIVE-THRU QUICK-SERVE RESTAURANT
- F COMMERCIAL / RETAIL
- G 80-UNIT HOTEL AND EVENT CENTER
- H FUTURE LIFT STATION
- I PHASE LINE
- J DETENTION POND



**DRAFT**



