

**AMENDMENT
TO THE UNIFIED DEVELOPMENT CODE OF OCONEE COUNTY, GEORGIA
AND THE ZONING MAPS OF OCONEE COUNTY, GEORGIA**

TITLE

An Ordinance amending the Unified Development Code of Oconee County, Georgia, and the Zoning Maps of Oconee County, Georgia, pursuant to Article 12, Division I et seq., to rezone from zoning classification B-1 (General Business District) to B-2 (Highway Business District) pursuant to an application for rezoning of property owned by Hale's Holdings, LLC submitted on June 19, 2023.

ENACTMENT CLAUSE

Pursuant to the authority conferred by the Constitution and Laws of the State of Georgia and after consideration of an application for zoning change submitted by Carter Engineering Consultants on June 19, 2023, requesting a rezone of a ±2.05-acre tract of land located at 2000 Atlanta Hwy in, Oconee County, Georgia, (tax parcel no B-01-061), the Board of Commissioners of Oconee County does hereby ordain and enact to law the following:

SECTION 1. An Ordinance known as the "Unified Development Code of Oconee County, Georgia" as enacted and amended by the Board of Commissioners of Oconee County and the Zoning Maps described therein are hereby amended as follows:

The zoning change in conditions for the property described on the attached "Exhibit A" is hereby changed for the purpose as set forth in "Exhibit A" attached hereto.

Said rezone is subject to the following conditions: as set forth in "Exhibit A" attached hereto.

SECTION 2. Severability. It is intended that the provisions of this Ordinance be severable and should any portion be held invalid, such invalidity shall not affect any other portion of the Ordinance.

SECTION 3. Repeal of Conflicting Resolutions or Ordinances. All Resolutions or Ordinances and parts or sections of Resolutions or Ordinances in conflict with this Ordinance are hereby repealed.

SECTION 4. Effective Date. This Ordinance shall take effect this date.

Said Zoning Petition was submitted to the Oconee County Planning Commission and a Public Hearing was duly held by the same on August 21, 2023, and a Public Hearing was held by the Oconee County Board of Commissioners at its regular meeting on September 12, 2023.

ADOPTED AND APPROVED, this 12th of September, 2023.

OCONEE COUNTY BOARD OF COMMISSIONERS

BY: _____

John Daniell, Chairman

Mark Thomas, Member

Absent
Chuck Horton, Member

Amrey Harden, Member

Absent
Mark Saxon, Member

ATTEST:

Holly Stephenson
Holly Stephenson
Clerk, Board of Commissioners

EXHIBIT “A” TO REZONE NO P23-0138

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CONDITIONS

1. Development design and structures shall meet or exceed the standards indicated on the concept plan, narrative, representative architectural sketches, and other documents submitted with the zoning application and attached hereto. This condition shall not construe approval of any standard that is not in conformity with the Unified Development Code.
2. Public water and sewer service is not available at the subject property. The owner at their own expense shall construct the improvements required to provide water and wastewater (septic) services for the subject property and shall meet all Health Department requirements. Additionally, the required septic drain field shall not be located entirely or partially within any required buffer.
3. At its expense, Owner shall make all right of way improvements and shall dedicate all rights of way which are required by the County after the County’s review of Owner's development plans pursuant to the County’s ordinances and regulations. All such improvements shall be shown on the preliminary site plan and site development plans for the project and no development permit shall be issued until Owner has agreed to such improvements and dedication.
4. The applicant shall install buffers as required per Sec. 806 – Table 8.1. A 50-foot landscape buffer must be installed along both the east and west property lines due to adjacent less intense zoning to the east and west of the subject property. Additionally, the required storm water management basin and any required onsite sewer drain lines shall not be located entirely or partially within any required buffer.
5. The driveway should be shifted to align with the central parking area between the two buildings to enhance access by employees and the public. In addition to the required landscape strip, the service area at the rear of Building 1 shall be screened from view from Atlanta Highway by a minimum 10’ wide evergreen buffer that is a minimum of six feet in height at the time of planting and meeting the standards set in Sec. 808.

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TAX MAP

Rezone # P23-0138 - Hale's Holdings LLC



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LEGAL DESCRIPTION

Legal Description

All that tract or parcel of land, lying and being in the 240th GMD., Oconee County, Georgia, and being

2.045 acres, more or less, as shown on a plat of survey titled "Survey for Estate of Sybil C. Brown" prepared by Glenn Downs, R.L.S # 1746, dated April 21, 1999 and being more particularly described as follows: Beginning at the center line of Old-Athens Winder Road and the Right of Way of Atlanta Highway and thence traveling south 72 degrees 14 minutes, 46 seconds West 1309.85 feet to an iron pin and the true point of beginning: thence traveling South 86 degrees, 35 minutes, 36 seconds, west a chord distance of 203.88 feet, arc 203.98, radius 1879.86, to a concrete post; thence traveling South 89 degrees, 44 minutes, 45 seconds West 194.87 feet to a steel rod; thence traveling North 2 degrees, 03 minutes, 34 seconds, east 220.95 feet to an iron rod; thence traveling North 82 degrees, 47 minutes, 46 seconds, 343.63 feet to an iron pin; thence traveling South 11 degrees, 10 minutes, 00 seconds East to an iron pin and the point of beginning.

NARRATIVE



Request for Rezone
For
Hale's Holdings LLC

2000 Atlanta Highway
Bogart, Ga 30622
(Parcel No. B 01 061)

Prepared By:
Carter Engineering Consultants
1010 Commerce Drive
Bogart, Ga 30622

Prepared For:
Hale's Holdings LLC
2189 Clotfelter Road
Bogart, GA 30622

June 2023



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NARRATIVE



Hale's Holdings LLC
Request for Rezone
June 2023

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NARRATIVE



Hale's Holdings LLC
Request for Rezone
June 2023

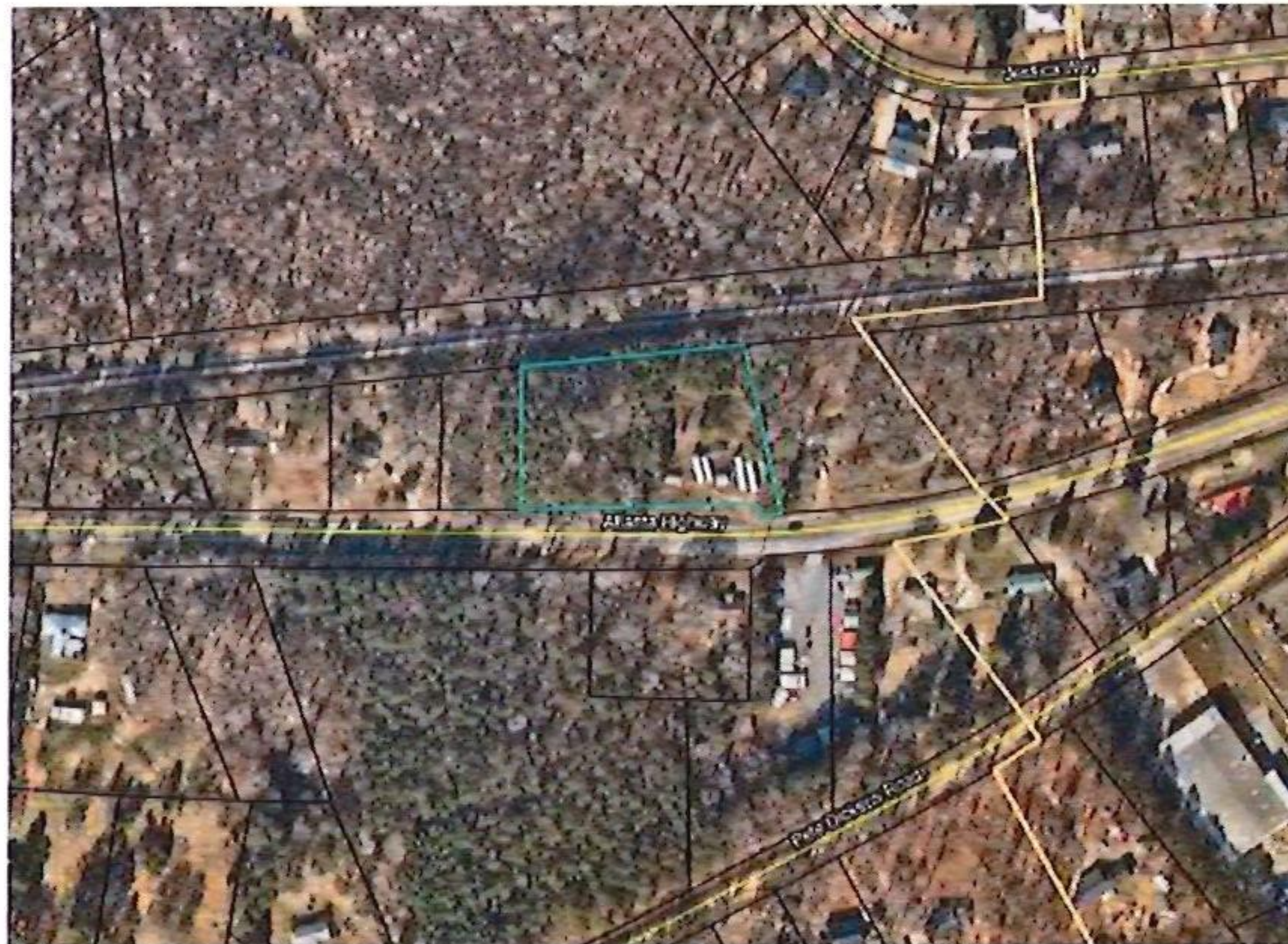
Introduction

The property referenced as Tax Parcel No. B 01 061 is currently owned by Hale's Holdings LLC. This property is currently zoned B-1 (General Business District), and the owner would like to rezone the 2.05-acre property to B-2 (Highway Business District). Carter Engineering Consultants is aiding the developer, Hale's Holdings LLC, in the rezoning and designing the property for commercial and office business use. A new rezone request has been submitted for approval.

The Site

The site is located off of Atlanta Highway in Oconee County, Georgia. The subject property is comprised of 2.05 total acres. The property is currently zoned B-1.

Two properties directly border the subject property. The property is bordered by Parcel No. B 01 061A (zoned AG) to the east. The property is bordered by Parcel No. B 01 051 (zoned AG) to the west. The property is bordered by Atlanta Highway to the south and a CSX Railroad to the north.



Oconee County Parcel Map

NARRATIVE



Hale's Holdings LLC
Request for Rezone
June 2023

The subject property was previously rezoned from A-1(Agricultural Residential One Acre District) to B-1 (General Business District) in 2005. The previous owners had proposed the development of a gas station on the site. However, the project was never completed, and the lot remains vacant with only a few small sheds on site.

The Development

The subject property will utilize two buildings, one for Hale's Heating & Cooling, LLC and the other for office rental space. One building will be approximately 5,000 square feet and hold a general office building. The second building will be approximately 5,000 square feet and be a utility building for duct services. Both buildings will be connected and have a shared parking lot. The building utilized by Hale's Heating & Cooling, LLC will fall into the "Swimming Pool, Duct, Gutter and Drain Cleaning and Other Services to Buildings and Dwellings" use category as defined by the Oconee County Municipal Code.

The site will consist of 5-foot-wide sidewalks and curb and gutter throughout the parking lot.

The proposed buildings will range from \$1.5 million construction cost for each building. The estimated value of the project upon completion is \$4 million.

The site will drain to the western portion of the property into a stormwater management facility. The stormwater management facility will be designed to meet the current Oconee County code.

The development is estimated to begin work in March 2024 and end by September 2024.

Maintenance of all common areas within the development will be completed by the owner.

Access

Access to the site will be a 28-foot asphalt entrance off Atlanta Highway.

Buffers / Setbacks

The proposed plat for the 2.05-acre property does not show any drainage easements within the property boundary.

According to the Oconee County Code of Ordinances, the building setbacks for a property zoned B-2 are defined as: front building setback = 20 feet, side building setbacks = 10 feet, and rear building setback = 10 feet. The property has a 50-foot landscape buffer along the east and west boundaries.

NARRATIVE



Hale's Holdings LLC
Request for Rezone
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Adjacent Use

Two properties directly border the subject property. The property is bordered by Parcel No. B 01 061A (zoned AG) to the east that is a residential lot. The property is bordered by Parcel No. B 01 051 (zoned AG) to the west that is a vacant lot. The property is bordered by Atlanta Highway to the south and a CSX Railroad to the north. Located across Atlanta Highway is Parcel No. B 01 052 (zoned AG) that is a residential lot and Parcel No. B 01 053 (zoned B-1) that is utilized by Athens Metal Structures, LLC.

Traffic

The proposed development of the property is not expected to have any adverse effects on traffic within the area. The owner believes that most of the peak traffic to the property during the week will be between 8:00 am - 5:00 pm. The traffic will increase during peak hours as staff arrive and from 12:00 pm – 1:00 pm when employees get lunch. The development is expected to have approximately 50 employees.

The development is estimating an average daily trip total of 200 trips. The AM peak hour trip estimate is 50 total, and the PM peak hour trips is approximately 50 total.

Water Supply

The proposed commercial and office development will utilize an onsite water supply from a proposed well.

Sewage Disposal

The proposed commercial development will utilize an on-site septic system. Utilizing the Georgia DPH Manual for On-Site Sewage Management Systems, the development is estimated to use approximately 1,250 GPD.

Utilities

The proposed development will be equipped with access to electricity, telephone and data lines.

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Solid Waste

Garbage collection will be by private contract with dumpsters on the property.

Schools

The proposed rezone of the property could potentially provide additional residences within the Oconee County School District if employees move to the area.

Type of Ownership

The project will be privately owned.

Architectural Themes & Construction / Façade Materials

The building exterior will predominately be brick and cementitious siding accents with a steel frame (see representative architecture images). Each building and its respective architectural style will complement one another to create a single holistic and cohesive architectural theme.

The proposed development will be designed to have an aesthetic and appealing appearance that will meet and exceed county requirements and will incorporate features of exceptional architectural design. The proposed archetypes below are for reference and shall correlate to the overall architectural theme of the development. All proposed architectural elements shall adhere to the Oconee County Unified Development Code.

B-2 Architectural Style and Theme:

In keeping with the residential and business themes in the surrounding area, architectural elements and aesthetics will focus on providing a subtle commercial atmosphere and emphasize the use of neutral textures and colors.

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NARRATIVE



Hale's Holdings LLC
Request for Rezone
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Image 1: Front View of Building



Image 2: Side View of Building

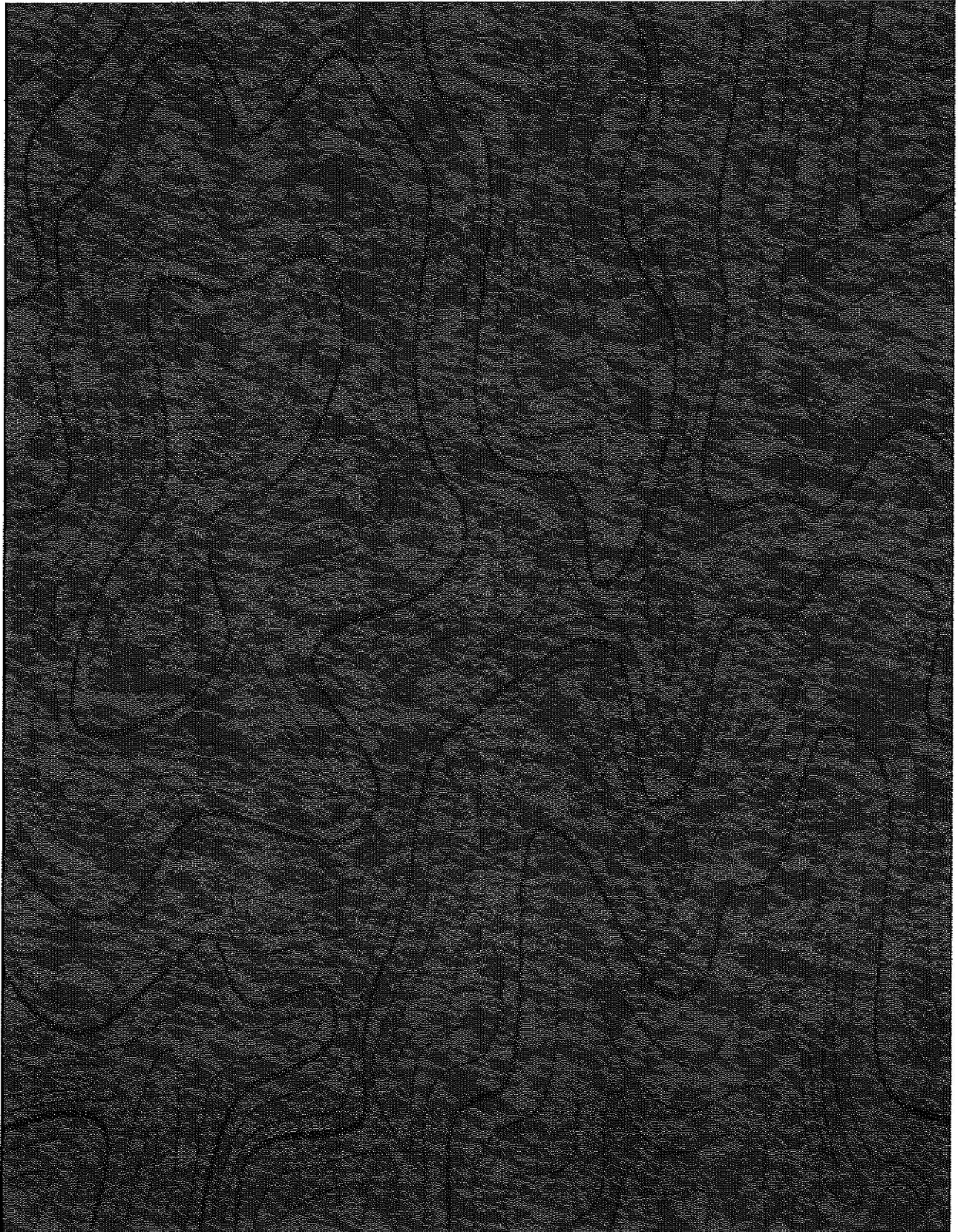


Image 3: Side View of Building

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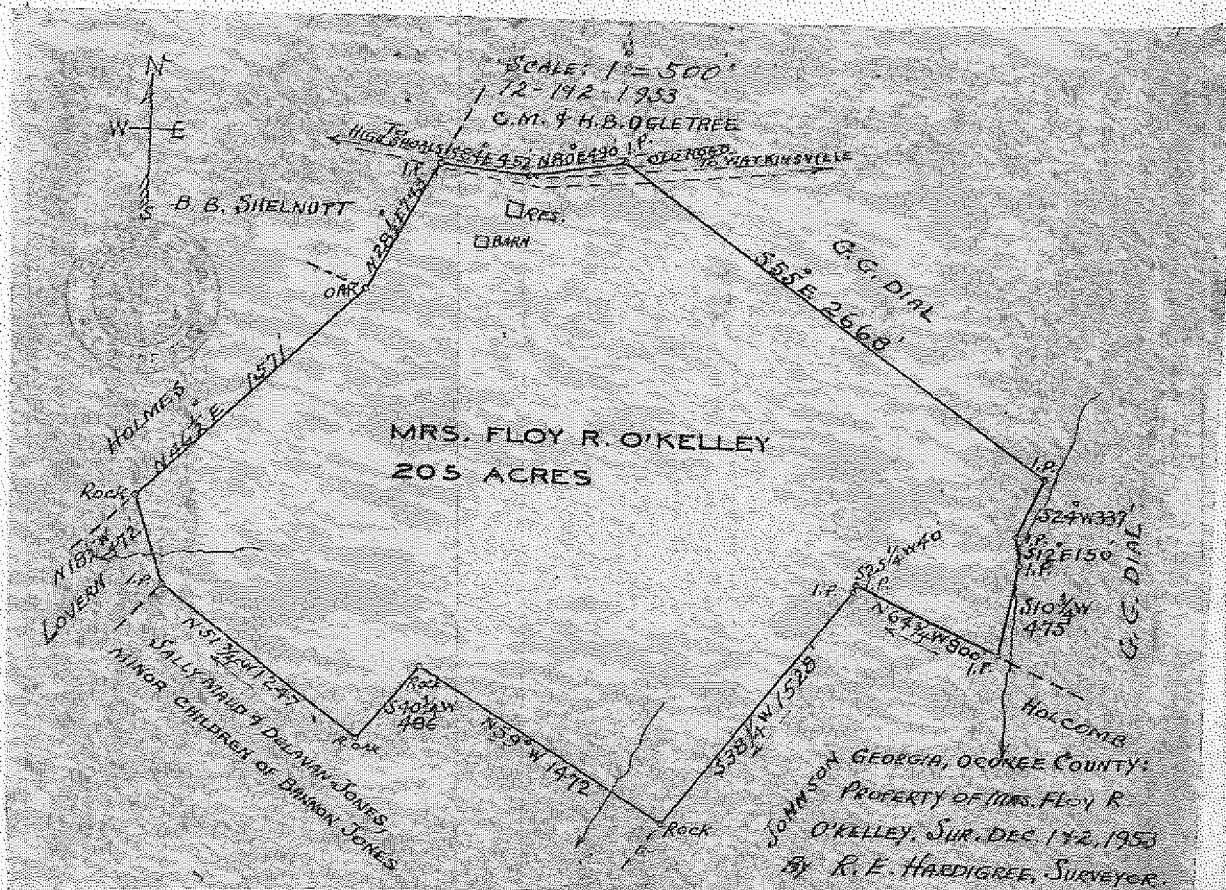
NARRATIVE



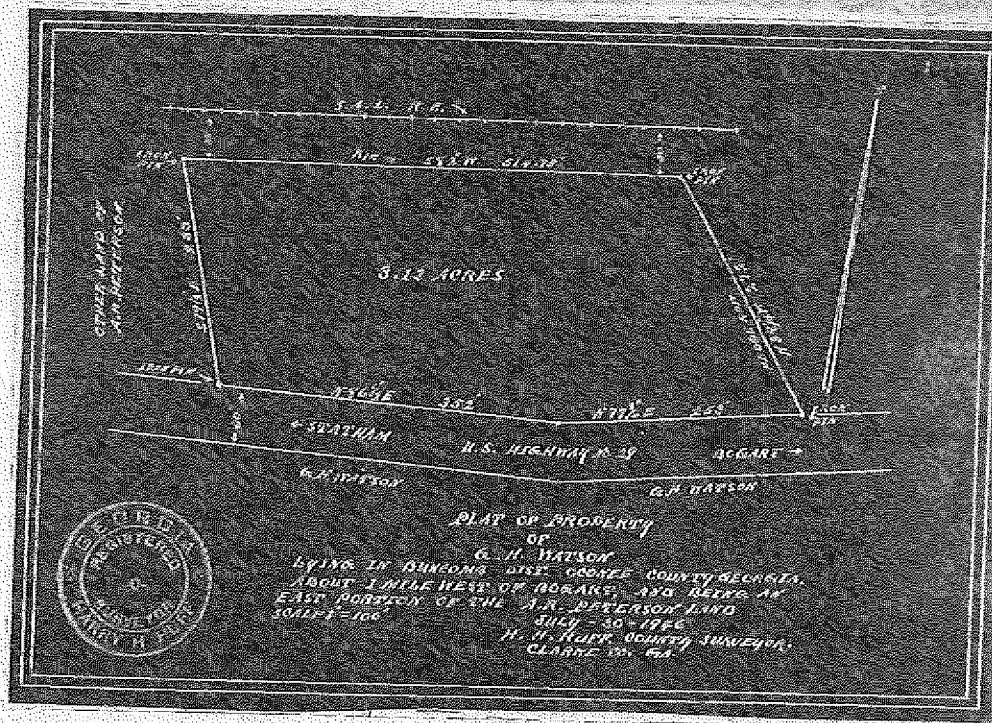
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PLAT

187



Friedl Jew.
17, 1954,
22m. Recorded
Jew. 17, 1954
Rice & H. O'Brien
Cock



Filed for record
Feb. 4, 1954, 1 Pm.
Recorded Feb. 4, 1954
Recd. H. O. Reed
Curt



**Planning Department
Oconee County, Georgia
STAFF REPORT**

REZONE CASE #: P23-0138

DATE: August 7, 2023

STAFF REPORT BY: Guy Herring (Director of
Planning and Code
Enforcement)

APPLICANT NAME: Carter Engineering
Consultants

PROPERTY OWNER: Hale's Holdings LLC

LOCATION: 2000 Atlanta Highway, B-01-061

PARCEL SIZE: ±2.05 acres

EXISTING ZONING: B-1 (General Business
District)

EXISTING LAND USE: Vacant

FUTURE DEVELOPMENT MAP CHARACTER AREA DESIGNATION: Corridor Commercial

ACTION REQUESTED: Rezone the property from B-1 to B-2 (Highway Business District) for commercial
uses including Hale's Heating & Cooling, LLC and office rental space.

STAFF RECOMMENDATION: Staff recommends conditional approval of this request.

DATE OF SCHEDULED HEARINGS

PLANNING COMMISSION: August 21, 2023

BOARD OF COMMISSIONERS: September 12, 2023

ATTACHMENTS: Application
Narrative
Zoning Impact Analysis
Recorded Plat
Legal Description
Concept Plan
Water & Sewer Capacity Letter



BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- The existing 2.05-acre parcel was previously rezoned from A-1 to B-1 in 2005 (Rezone case #4525). The previous owners had proposed the development of a gas station on the site, but the project was never completed.
- The applicant's request is to rezone the entire parcel from B-1 to B-2 in order to allow the HVAC use which falls into the "Swimming Pool, Duct, Gutter and Drain Cleaning and Other Services to Buildings and Dwellings" use category which is not allowed in B-1.

SURROUNDING LAND USE AND ZONING

	EXISTING LAND USES	EXISTING ZONING
NORTH	Undeveloped property (across RR ROW)	AG
SOUTH	Undeveloped land zoned AG, residential land zoned AG, and a business zoned B-1 (across Atlanta Highway)	AG (Agricultural District) and B-1 (General Business District)
EAST	Residential	AG (Agricultural District)
WEST	Residential	AG (Agricultural District)

PROPOSED DEVELOPMENT

- The proposed multi-use commercial development includes development on the one subject parcel with two proposed buildings with private fee simple ownership.
 - The proposed buildings and uses are as follows:
 - Building 1 – 5,000 SF building for Hale's Heating & Cooling, LLC.
 - Building 2 – 5,000 SF building for office rental.
 - The development will include a stormwater management facility located on the west side of the property.
 - Road improvements and utility extensions will be made to serve the development and comply with all local, state, and federal regulations.
 - The development will be landscaped including vehicle use area screening and street trees placed throughout the project.
 - Oconee County Water Resources have indicated that water and sewer is unavailable. A proposed onsite septic system is shown in the northeast corner of the property and a proposed well is shown on the south side of the property.
 - Other utilities in the development will be provided by power and data providers in the area.
- Construction would begin in early 2024 with site improvements and Building 1. Building 2 may be constructed at a later date.
- The applicant-estimated project valuation is \$4 million.

PROPOSED TRAFFIC PROJECTIONS

- The applicant indicates an estimated average daily trip total of 200 trips. The AM peak hour trip estimate is 50 total, and the PM peak hour trips is approximately 50 total.

PUBLIC FACILITIES

Water:

- The project is proposed to utilize a private well.
- Oconee County Water Resources have indicated that water is unavailable at this location in a letter dated 6/27/2023.

Sewer:

- The project is proposed to utilize a private onsite septic system.
- Oconee County Water Resources have indicated that sewer is unavailable at this location in a letter dated 6/27/2023.

Roads:

- Proposed access would include one access point on Atlanta Highway with a full-access stop-controlled driveway.

ENVIRONMENTAL

- No 100-year flood plain, jurisdictional wetlands, or state waters are known to exist on the site.

COMMENTS FROM OTHER DEPARTMENTS & AGENCIES

OCONEE COUNTY PUBLIC WORKS DEPARTMENT

- No comments

OCONEE COUNTY WATER RESOURCES DEPARTMENT

- No comments

GEORGIA DEPARTMENT OF TRANSPORTATION

- No comments

STAFF ANALYSIS

THE ANALYSIS OF THE APPLICATION IS MADE BASED UPON THE “STANDARDS FOR REZONING CONSIDERATION” AS SET FORTH IN SECTION 1207.01 OF THE *OCONEE COUNTY UNIFIED DEVELOPMENT CODE*.

- A. Whether the zoning proposal will permit a use that is suitable in view of the existing uses, development, and zoning of nearby property.**
Nearby lots are predominantly zoned AG with one zoned B-1. Primary land uses in the area are a mixture of vacant, residential, and commercial uses. The parcel directly to the south of the subject parcel is a compatible commercial use. Staff is of the opinion that the proposed development is suitable in view of the existing nearby development and zoning.
- B. Whether the property to be rezoned has a reasonable economic use as currently zoned.**
The property has a reasonable economic use zoned as B-1 General Business District; however, the proposed B-2 Highway Business District zoning aligns with adjacent business uses and supports the proposed Heating & Cooling business use.
- C. The extent to which the zoning proposal promotes the health, safety, morals or general welfare of the public with consideration to:**
- i. Population density and effect on community facilities such as streets, schools, water, and sewer;**
As the proposed development will utilize private well and septic service, no increases in demand for water and wastewater treatment are anticipated. Slight increased traffic generation is anticipated. The proposed development and uses are commercial in nature, so no impact on schools is anticipated.
 - ii. Environmental impact;**
No environmentally sensitive areas are known to exist on the site. Stormwater management must be conducted on the site according to Oconee County ordinances.
 - iii. Effect on the existing use, usability and/or value of adjoining property.**
The proposed development is in keeping with surrounding uses and is not anticipated to affect the existing use, usability, and/or value of adjoining property. The applicant has included 50-foot landscape buffers to be installed along the east and west property lines in accordance with Sec. 806 – Table 8.1.
- D. The length of time the property has been vacant as zoned, considered in the context of land development in the vicinity of the property.**
The subject property is currently vacant as is the parcel directly adjacent to the west; however commercial development has occurred across Atlanta Highway. The proposed use fits the character of the properties in the vicinity of the subject property.
- E. Consistency of the proposed use with the stated purpose of the zoning district that is being requested.**
The purpose of the B-2 Highway Business District is “to serve those business activities generally

oriented to the highways.” (Unified Development Code Sec. 205.10). The specific lot must be developed according to the principal uses allowed in the B-2 zoning district. Heating and Air Conditioning business uses are allowed by right in the B-2 zoning district. Staff holds that the proposed development is consistent with the stated purpose of the proposed zoning district.

F. Whether there are other existing or changing conditions or land use patterns affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

The proposed Heating & Air Conditioning business use is not permitted by the existing B-1 zoning. The commercial development of the parcel across Atlanta Highway to the south is similar in character to the proposed use. Staff holds that these conditions give supporting grounds for approval of the zoning proposal.

G. Conformity with or divergence from the Future Development Map or the goals and objectives of the Oconee County Comprehensive Plan.

The subject property lies within the Corridor Commercial Character Area as shown on the 2023 Oconee County Comprehensive Plan Update. The Comprehensive Plan describes this Character Area as containing “Large-scale, auto-oriented, primarily commercial development that is located along major roadways for visibility and access and significantly buffered from adjacent residential, agricultural, and other neighboring lower-intensity commercial developments”. The Comprehensive Plan supports B-2 zoning in this Character Area. Staff notes that the proposed business development is in conformity with the goals and objectives of the Oconee County Comprehensive Plan for this area.

H. The availability of adequate sites for the proposed use in districts that permit such use.

It is likely that other B-2 zoned properties exist in the county that would permit the requested Heating & Air Conditioning business use. However, the proposed use of the subject property aligns with adjacent business use and would provide relevant services to the surrounding community.

STAFF RECOMMENDATION & CONDITIONAL REQUIREMENTS

Based on Board of Commissioners policies, decision-making criteria, and standards outlined in the development codes of Oconee County, staff recommends conditional approval of this request subject to the following conditions to be fulfilled at the expense of the owner/developer:

1. Development design and structures shall meet or exceed the standards indicated on the concept plan, narrative, representative architectural sketches, and other documents submitted with the zoning application and attached hereto. This condition shall not construe approval of any standard that is not in conformity with the Unified Development Code.
2. Public water and sewer service is not available at the subject property. The owner at their own expense shall construct the improvements required to provide water and wastewater (septic) services for the subject property and shall meet all Health Department requirements. Additionally, the required septic drain field shall not be located entirely or partially within any required buffer.
3. At its expense, Owner shall make all right of way improvements and shall dedicate all rights of way which are required by the County after the County’s review of Owner’s development plans pursuant to the County’s ordinances and regulations. All such improvements shall be shown on the preliminary site plan and site development plans for the project and no development permit shall be issued until Owner has agreed to such improvements and dedication.
4. The applicant shall install buffers as required per Sec. 806 – Table 8.1. A 50-foot landscape buffer must be installed along both the east and west property lines due to adjacent less intense zoning to the east and west of the subject property. Additionally, the required storm water management basin and any required onsite sewer drain lines shall not be located entirely or partially within any required buffer.
5. The driveway should be shifted to align with the central parking area between the two buildings to enhance access by employees and the public. In addition to the required landscape strip, the service area at the rear of Building 1 shall be screened from view from Atlanta Highway by a minimum 10’ wide evergreen buffer that is a minimum of six feet in height at the time of planting and meeting the standards set in Sec. 808.