

**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 classifications OBP (Office-Business Park) to A-1 (Agricultural) pursuant to an application for rezoning of property owned by Winamin, LLC submitted on December 20, 2017.

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 Neelam Datta on December 20, 2017 requesting rezoning of a ± 2.55 acre tract of land located on the south side of Mars Hill Road in the 240th G.M.D., Oconee County, Georgia, (tax parcel number B 02S 001), 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 classification for the property described on the attached "Exhibit A" is hereby changed from OBP (Office-Business Park) to A-1 (Agricultural) for the purpose of 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Resolutions or Ordinances and parts or sections of Resolutions or Ordinances in conflict with this Ordinance are hereby repealed.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 April 16, 2018, and a Public Hearing was held by the Oconee County Board of Commissioners at its regular meeting on May 1, 2018.

ADOPTED AND APPROVED, this 1st day of May, 2018.

OCONEE COUNTY BOARD OF COMMISSIONERS

BY:

John Daniell, Chairman

Mark Thomas, Member

Chuck Horton, Member

W. E. "Bubber" Wilkes, Member

Mark Saxon, Member

ATTEST:

Kathy Hayes

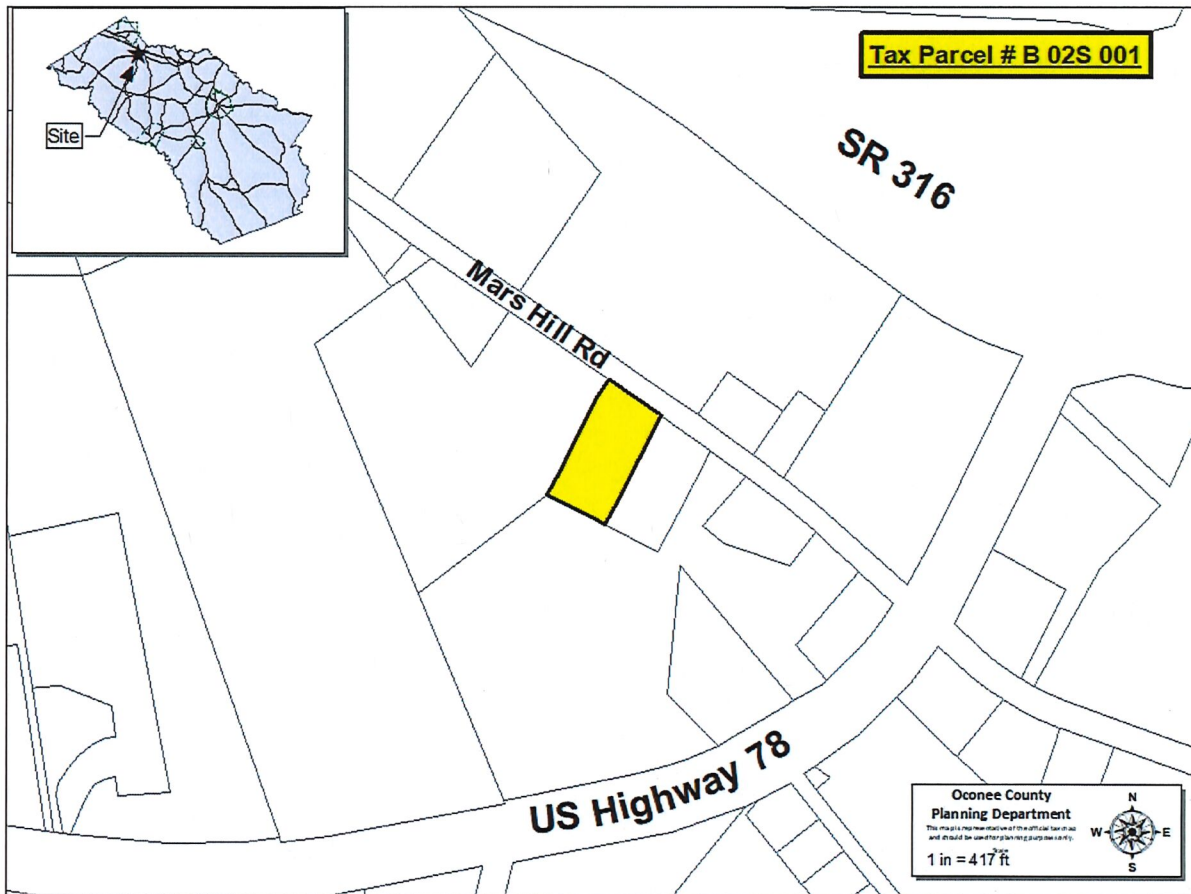
Clerk, Board of Commissioners



EXHIBIT "A" TO REZONE #7385

Page 1 of 2

TAX MAP



LEGAL DESCRIPTION

Legal Description:

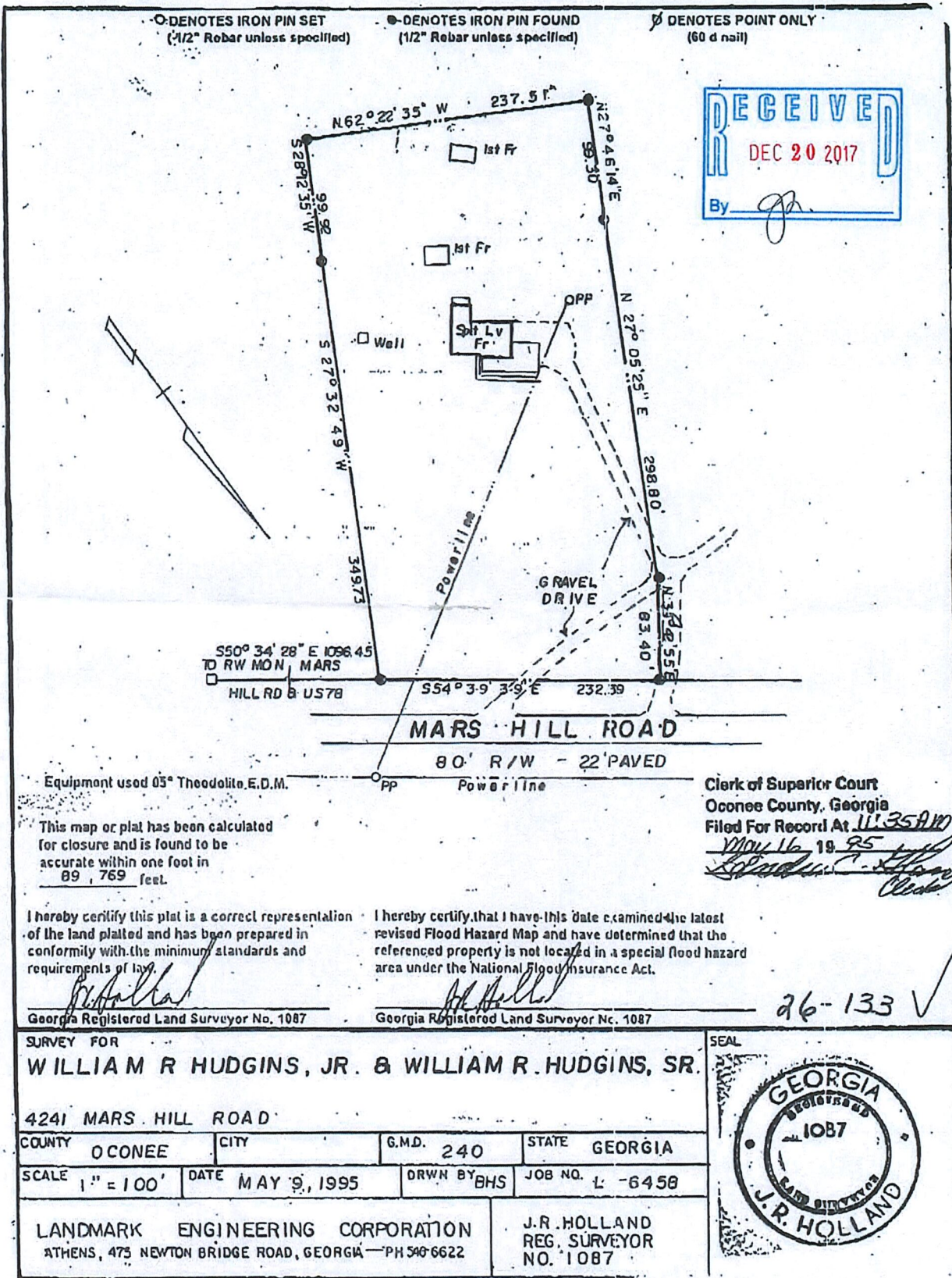
All that lot or parcel of land with improvements thereon located, lying and being in Oconee County, Georgia, 240th G.M. District, being shown on a plat entitled "Survey for William R. Hudgins, JR & William R. Hudgins SR." by J.R. Holland, Surveyor, RLS #1087 dated May 9, 1995 recorded in Plat Book 26, Page 133 in the office of Clerk of Superior Court of Oconee County and being more particularly described as follows:

Beginning at a Right Of Way Monument at the intersection of Mars Hill Road and US 78 thence south 50 degrees 34 minutes 28 seconds east a distance of 1096.45 feet to an Iron Pin Found which is the Point of Beginning (P.O.B.) thence south 27 degrees 32 minutes 49 seconds west a distance of 349.73 feet, thence south 28 degrees 12 minutes 35 seconds west a distance of 99.92 feet, thence north 62 degrees 22 minutes 35 seconds west a distance of 237.51 feet, thence North 27 degrees 46 minutes 14 seconds east a distance of 99.3 feet, thence North 27 degrees 05 minutes 25 seconds east a distance of 298.8 feet, thence North 34 degrees 42 minutes 55 seconds east a distance of 83.40 feet, thence south 54 degrees 39 minutes 39 seconds east a distance of 232.39 feet to the Point of Beginning.

EXHIBIT "A" TO REZONE #7385

Page 2 of 2

PLAT





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

REZONE CASE #: 7385

DATE: April 04, 2018

STAFF REPORT BY: Gabriel Quintas, Planner

APPLICANT NAME: Neelam Datta, as registered agent of Winamin, LLC

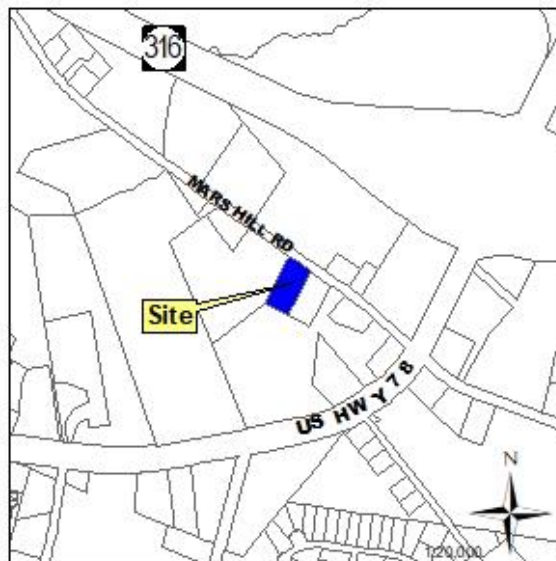
PROPERTY OWNER: Winamin, LLC

LOCATION: 4241 Mars Hill Road, between GA SR 316 and US Highway 78

PARCEL SIZE: ± 2.55 Acres

EXISTING ZONING: OBP (Office-Business Park District)

EXISTING LAND USE: Single-family residential structure previously used as an office, now vacant



ACTION REQUESTED: Rezone OBP (Office-Business Park District) to A-1 (Agricultural District)

REQUEST SUMMARY: The property owner is petitioning for a down-zone of the subject property to allow all residential and agricultural uses permitted in the Agricultural District.

STAFF RECOMMENDATION: Staff recommends approval of this rezone request.

DATE OF SCHEDULED HEARINGS

PLANNING COMMISSION: April 16, 2018

BOARD OF COMMISSIONERS: May 01, 2018

ATTACHMENTS:

- Application
- Zoning Impact Analysis
- Narrative
- Site Review
- Aerial Photo
- Tax Map
- Plat of Survey

BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- A single-family residence has been present on the property since 1962. The structure was most recently used as an office.
- The subject property was rezoned from A-1 to OBP on 10/04/2005 (rezone # 4647) for the purpose of developing the tract into an office condominium complex.
- Site development plans were approved on 11/11/2005, but the project was never commenced.

SITE VISIT DESCRIPTION

- The subject site is densely wooded and contains a split-level single-family residence and a small accessory structure.

SURROUNDING LAND USE AND ZONING

	EXISTING LAND USES	EXISTING ZONING
NORTH	Single-family residences on large wooded tracts	I (Industrial District)
SOUTH	Pastureland and undeveloped tracts	A-1 (Agricultural District)
EAST	Wooded, undeveloped tract & single-family residences on wooded tracts	A-1 (Agricultural District)
WEST	Single-family residence on large, wooded tract	A-1 (Agricultural District)

PUBLIC FACILITIES

Water:

- Water supply will continue to be provided by an existing on-site well.

Sewer:

- Sewerage will continue be handled by an existing private on-site septic system.

Roads:

- The site is currently accessed off Mars Hill Road.

ENVIRONMENTAL

- No 100-Year Flood Plain or Jurisdictional Wetland areas are located on the site.

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. How does the current request compare to the existing uses and zoning of nearby properties?** The existing uses surrounding the subject area are primarily residential; the immediate vicinity primarily consists of 50+ year-old single-family residences on wooded tracts. Surrounding lots along the south side of Mars Hill Road are primarily zoned A-1 with the exception of commercial lots zoned B-1 (General Business) and B-2 (Highway Business) at the intersection of Mars Hill Road and US Highway 78. Surrounding lots on the north side of Mars Hill Road are primarily zoned I (Industrial) but contain single-family residential uses. Large tracts of pastureland are also present to the south of the subject site. Staff believes that the present request is compatible with the predominant low-density residential character of the surrounding area.
- B. To what extent are property values diminished by the particular zoning restrictions of the current zoning category?** Despite several rezones to commercial and industrial districts that have taken place in

the immediate vicinity of the subject site, the general character of the area has remained chiefly residential. Property values may be diminished by the particular zoning of the subject property only in so far as the residential uses that are predominant in the general area are not allowed under the current zoning.

- C. To what extent does the destruction of the property values of the individual property owner promote the health, safety, or general welfare of the public with consideration to:**
- 1. Population density and effect on community facilities such as streets, schools, water and sewer?** Existing county facilities, services, and infrastructure should be adequate to accommodate the demands of a single-family residence.
 - 2. Environmental impact?** There are no known environmentally sensitive areas on the subject property.
 - 3. Effect on adjoining property values?** It is not anticipated that approval of the present request will have any negative effect on adjoining property values; the requested use is compatible with all uses adjacent to and immediately surrounding the subject property.
- D. What is the relative gain to the public in maintaining the current zoning category, as compared to the hardship imposed upon the current property owner?** The public would not benefit from a denial of the present request. The commercial/professional uses that are allowed under the current OBP zoning district place a greater demand on public facilities than one single-family residence. Additionally, given the great length of time that the property has remained undeveloped (that is, not developed as the office condominium complex that was planned for the site), it is reasonable to believe that the property could continue to be vacant. Such vacancy can be detrimental to surrounding property values and public safety. The hardship imposed upon the current property owner would be the inability to use or sell the site for residential uses compatible with the existing character of the surrounding area. Accordingly, approval of the present request should benefit both the public as a whole and the individual property owner.
- E. What is the length of time that the property has been vacant as currently zoned, considered in the context of land development in the area of the vicinity of the property?** The subject property has been zoned OBP since 2005, and the residential character of the present stretch of Mars Hill Road has remained relatively unchanged since then. The residential structure on the subject property was used as an office by the property owner for a number of years, but the planned office park was never developed. Despite the presence of industrial zoning north of the subject property for over thirty years, development of those tracts has not occurred either. However, the commercial node at the intersection of Mars Hill Road and US Highway 78 has experienced some growth over the last twenty years; the most recent development in this area was the construction of a gas station in 2012. Furthermore, it is reasonable to believe that the surrounding area could experience substantial commercial, professional, and/or industrial growth at some point in the future due the location of the subject property near the intersection of two arterial roadways.
- F. Is the proposed use consistent with the stated purpose of the zoning district that is being requested?** The Agricultural District (A-1) is intended primarily for land that has a predominantly rural character. Single-family residential and sundry agricultural uses are common in this district. Recent residential and limited commercial development in the broader area surrounding the subject property indicates a gradual transition from a rural to a suburban character. Notwithstanding this ongoing transition, the immediate area remains fairly rural, and staff believes that the residential use proposed for the subject property is consistent with the stated purpose of the zoning district being requested.
- G. How does this request conform with or diverge from established land use patterns?** The proposed development is consistent with the long-established low-density residential character present along the stretch of Mars Hill Road between Georgia State Route 316 and US Highway 78.
- H. How does this request conform with or diverge from the Future Land Use Map or the goals and objectives of the Comprehensive Plan?** The 2030 Future Development Map designates the subject tract with a character area of Technology Gateway. The Community Agenda of the 2030 Comprehensive Plan describes this character area as an area intended for major office complexes, research facilities, and light industrial development. Residential components in this area should consist of high-density mixed-use developments complementing the major employment centers intended for this area. Consequently, staff believes that a reversion to low-density residential use of the subject property is not in conformity with the goals set forth for the Technology Gateway character area.

- I. What is the availability of adequate sites for the proposed use in districts that permit such use?** There are numerous sites zoned A-1 throughout Oconee County that would allow residential use.
 - J. Is the site suitable for the proposed use relative to the requirements set forth in the Unified Development Code (off-street parking, setbacks, buffer zones, open space, etc.)?** Staff believes that the subject site is suitable for the proposed development relative to the requirements set forth in the Unified Development Code.
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STAFF RECOMMENDATION & CONDITIONAL REQUIREMENTS

Staff recommends approval of this rezone request. Staff further recommends that the request be approved as submitted without conditions.



OCONEE COUNTY ZONING CHANGE APPLICATION

Requested Action:

- ☐ Rezoning from: OBP to A-1 ☐ Change in Conditions of Approval for Case #: _____
- ☐ Special Use Approval for: _____ in the _____ Zoning District

Applicant

Name: Neelam Datta; Winamin, LLC.

Address: 1190 Stonebridge Circle,
(No P.O. Boxes)
Watkinsville, GA-30677

Telephone: 706-769-4448

Property Owner

Name: Winamin, LLC.

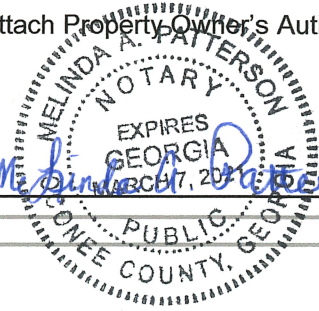
Address: 1190 Stonebridge Circle,
(No P.O. Boxes)
Watkinsville, GA-30677

Telephone: 706-769-4448

Applicant is (check one): ☒ the Property Owner ☐ Not the Property Owner (attach Property Owner's Authorization)

Applicant's Certification: I hereby certify that the information contained in and attached to this application is true and correct.

Signature: Neelam Datta Date: 1/30/18 Notarized: Melinda A. Patterson



Property

Location: 4241 Mars Hill Road,
(Physical Description)
Bogart, GA-30622

Tax Parcel Number: B 02S 001

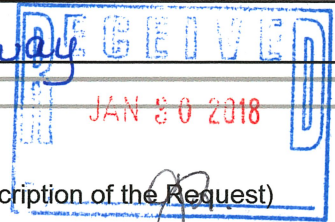
Size (Acres): 2.55 Current Zoning: OBP

Future Development Map—Character Area Designation: Technology Gateway

Use

Current Use: OBP- Office Business Park

Proposed Use: Residential



Attachments (check all that apply)

- | | |
|---|---|
| <input type="checkbox"/> Property Owner's Authorization (if applicable) | <input checked="" type="checkbox"/> Narrative (Detailed Description of the Request) |
| <input checked="" type="checkbox"/> Application Fee | <input type="checkbox"/> Concept Plan |
| <input checked="" type="checkbox"/> Warranty Deed | <input type="checkbox"/> Attachments to the Concept Plan: |
| <input checked="" type="checkbox"/> Typed Legal Description | <input type="checkbox"/> Water and/or Sewer Capacity Letter from OCUD |
| <input checked="" type="checkbox"/> Plat of Survey | <input type="checkbox"/> Representative Architecture/Photographs |
| <input checked="" type="checkbox"/> Disclosures (Interest & Campaign Contributions) | <input checked="" type="checkbox"/> Proof all property taxes paid in full |
| <input checked="" type="checkbox"/> Zoning Impact Analysis | <input type="checkbox"/> Other Attachments: _____ |

For Oconee County Staff Use Only

Application	Date Received: <u>12/20/17</u> Date Accepted: <u>02/05/18</u>	APPLICATION NUMBER <u>7385</u>
	DRI Transmitted to RDC <input type="checkbox"/> Date: _____ <input type="checkbox"/> N/A	Planning Commission Date: <u>04/16/18</u>
	Date Submitted: _____ <input type="checkbox"/> Findings Complete	<input type="checkbox"/> Approval <input type="checkbox"/> With Conditions <input type="checkbox"/> Denial
	Posted: _____ Ad: _____ Ad: _____	Board of Commissioners Date: <u>05/01/18</u>
	Application Withdrawn <input type="checkbox"/> Date: _____	<input type="checkbox"/> Approved <input type="checkbox"/> With Conditions <input type="checkbox"/> Denied

Application

Action

Legal Description:

All that lot or parcel of land with improvements thereon located, lying and being in Oconee County, Georgia, 240th G.M. District, being shown on a plat entitled "Survey for William R Hudgins, JR & William R. Hudgins SR." by J.R. Holland, Surveyor, RLS #1087 dated May 9, 1995 recorded in Plat Book 26, Page 133 in the office of Clerk of Superior Court of Oconee County and being more particularly described as follows:

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REZONE NARRATIVE

The proposed zoning is A1 and the proposed use is residential. The existing zoning is OBP and the building, which is a 1558 sq. ft residential dwelling , is currently used for office space. The total acreage is 2.55 acres and the adjacent properties are currently zoned A1. The existing septic, drain field and well on the property shall be used with the new zoning. The location of the well is denoted on the attached plat of the property. Access to the property shall be the existing access. Minimum impact to traffic or the school system is anticipated by the rezoning.

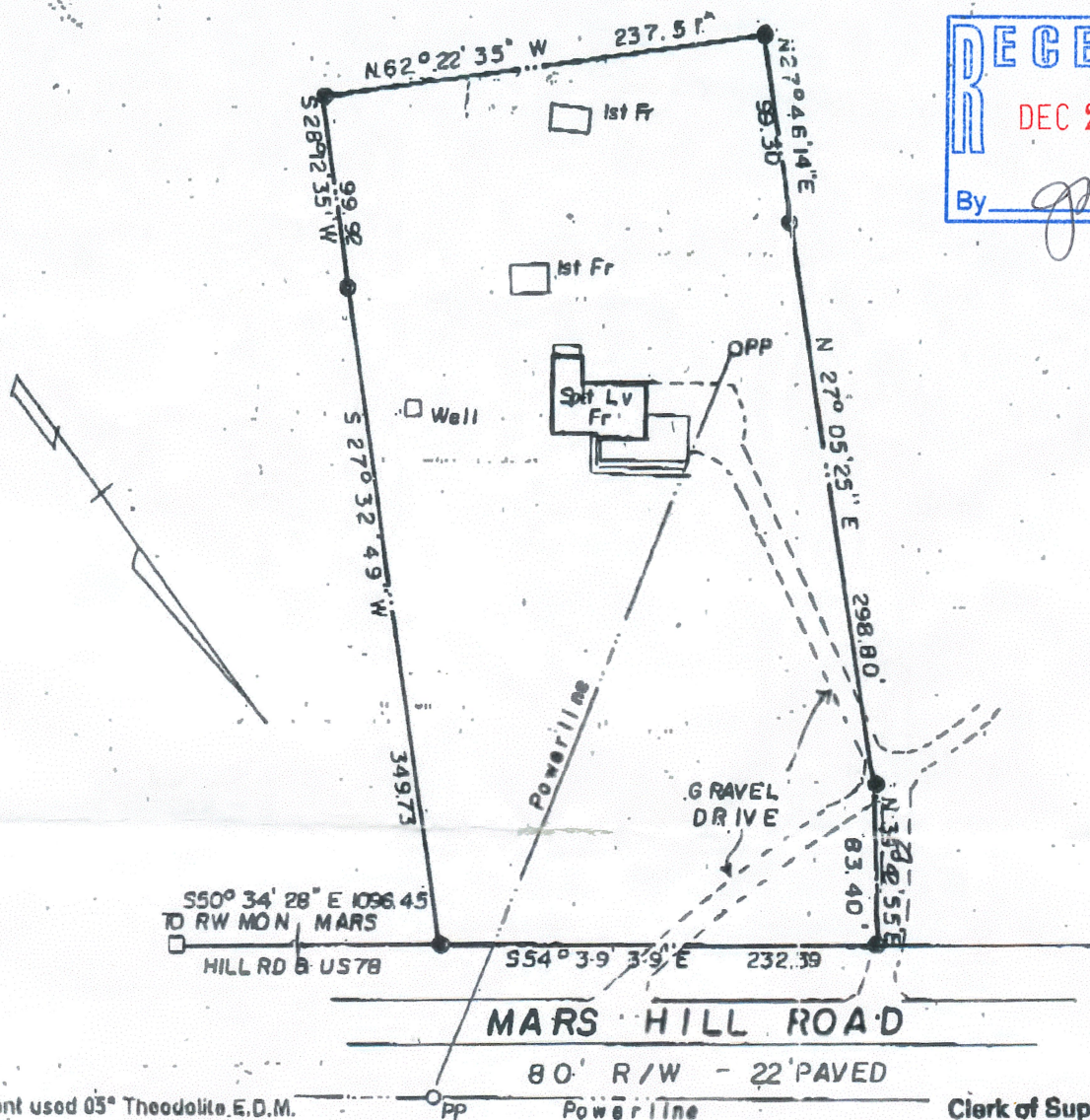
ZONING IMPACT ANALYSIS

The subject property conforms to the existing uses. The adjacent properties are residential and agricultural. The property was formerly used as one office, but has been vacant for approximately six months. There has been no development in the area. There is no gain to the public for the zoning to remain OBP. The applied for A-1 zoning is a lower zoning and has less of an impact on public facilities. The proposed residential use of the property is consistent with adjacent properties, since they are zoned A-1. The proposed zoning conforms with existing land use patterns since surrounding land is residential. The proposed use diverges from the Future Development map, but is consistent with the current zoning and use of the surrounding properties.



Ø DENOTES POINT ONLY
(60 d nail)

RECEIVED
DEC 20 2017
By JA



Equipment used 05° Theodolite, E.D.M.

This map or plat has been calculated for closure and is found to be accurate within one foot in 89,769 feet.

Clerk of Superior Court
Oconee County, Georgia
Filed For Record At 11/1

May 16 19 95
Linda C. Lane
Clerk

I hereby certify this plat is a correct representation of the land platted and has been prepared in conformity with the minimum standards and requirements of law.

I hereby certify that I have this date examined the latest revised Flood Hazard Map and have determined that the referenced property is not located in a special flood hazard area under the National Flood Insurance Act.

Georgia Registered Land Surveyor No. 1087

Georgia Registered Land Surveyor No. 1087

SURVEY FOR

WILLIAM R HUDGINS, JR. & WILLIAM R HUDGINS, SR

4241 MARS HILL ROAD

SEAL

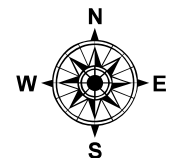
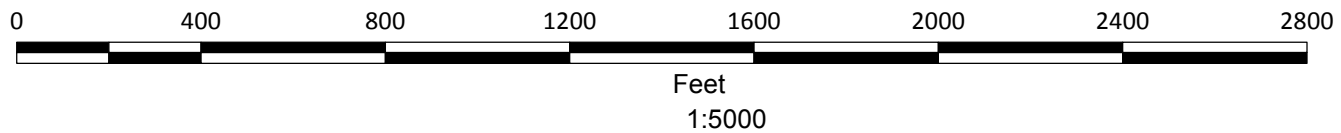


COUNTY	O CONEE	CITY		G.M.D.	240	STATE	GEORGIA
SCALE	" = 100'	DATE	MAY 9, 1995	DRWN BY	BHS	JOB NO.	L - 6456

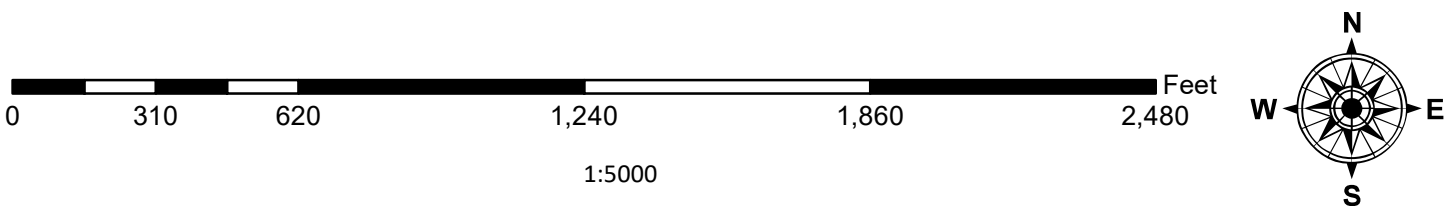
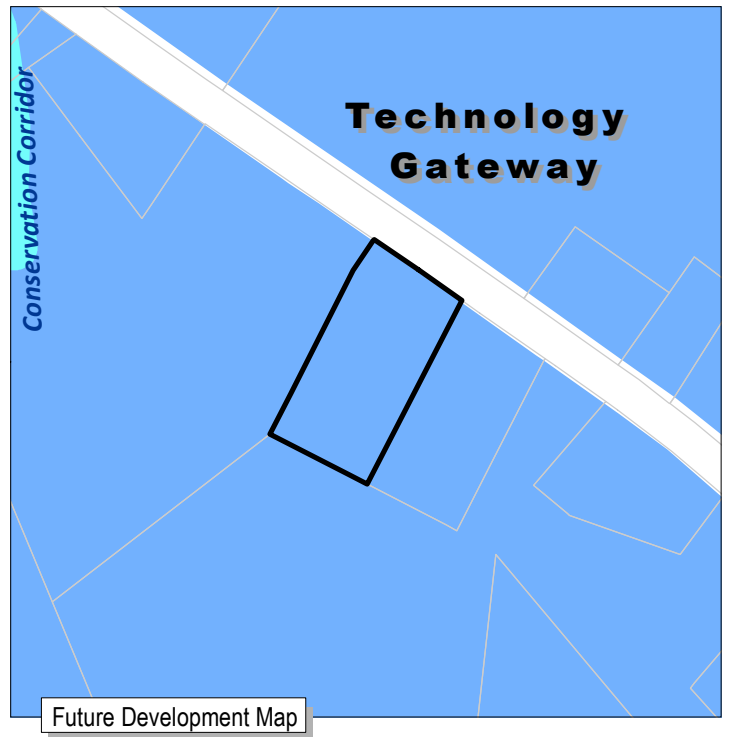
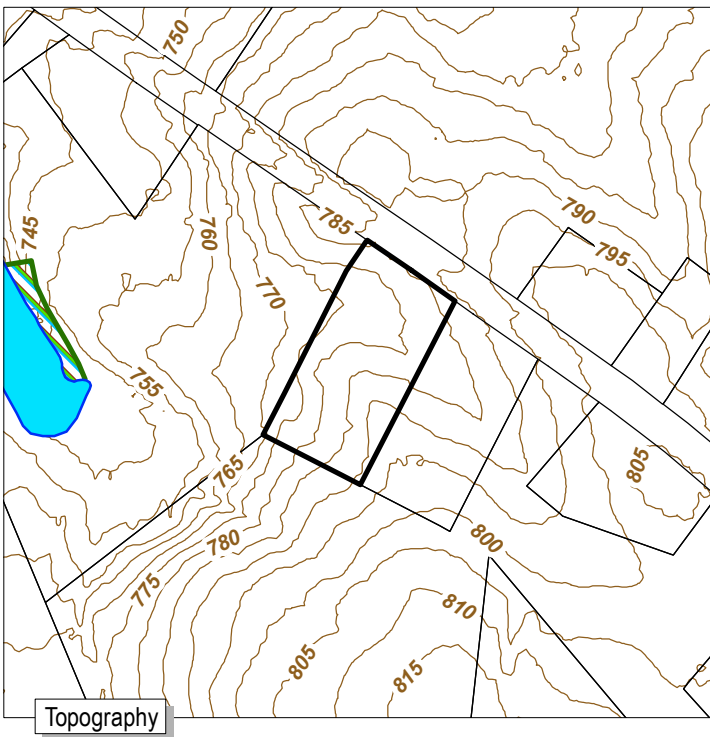
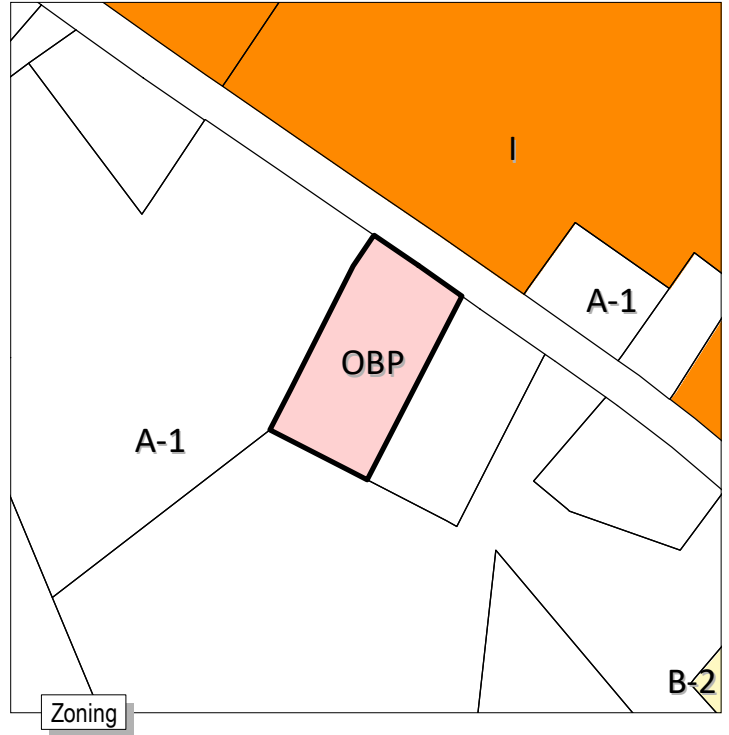
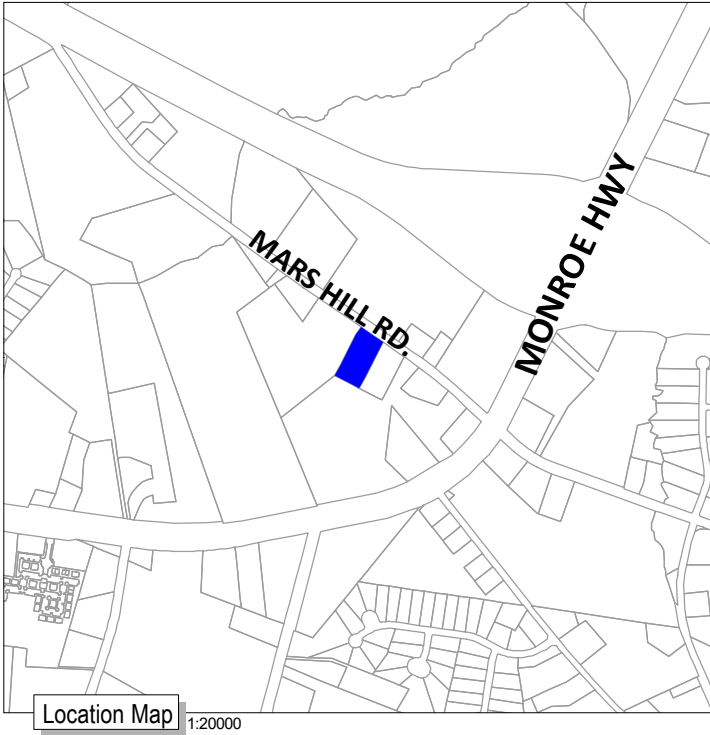
LANDMARK ENGINEERING CORPORATION
ATHENS, 475 NEWTON BRIDGE ROAD, GEORGIA—PH 540-6622

J. R. HOLLAND
REG. SURVEYOR
NO. 1087

Winamin, LLC.



Winamin, LLC. Rezone Site Review

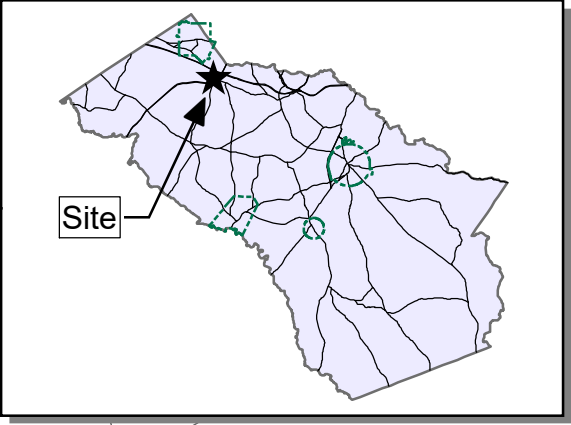


Tax Parcel # B 02S 001

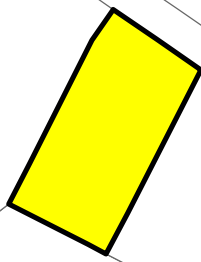
SR 316

Mars Hill Rd

US Highway 78



Site



**Oconee County
Planning Department**

This map is representative of the official tax map
and should be used for planning purposes only.

Scale
1 in = 417 ft

A compass rose with a star-like center, indicating the cardinal directions: North (N), South (S), East (E), and West (W).

REZONE NARRATIVE

The proposed zoning is A1 and the proposed use is residential. The existing zoning is OBP and the building, which is a 1558 sq. ft residential dwelling , is currently used for office space. The total acreage is 2.55 acres and the adjacent properties are currently zoned A1. The existing septic, drain field and well on the property shall be used with the new zoning. The location of the well is denoted on the attached plat of the property. Access to the property shall be the existing access. Minimum impact to traffic or the school system is anticipated by the rezoning.

ZONING IMPACT ANALYSIS

The subject property conforms to the existing uses. The adjacent properties are residential and agricultural. The property was formerly used as one office, but has been vacant for approximately six months. There has been no development in the area. There is no gain to the public for the zoning to remain OBP. The applied for A-1 zoning is a lower zoning and has less of an impact on public facilities. The proposed residential use of the property is consistent with adjacent properties, since they are zoned A-1. The proposed zoning conforms with existing land use patterns since surrounding land is residential. The proposed use diverges from the Future Development map, but is consistent with the current zoning and use of the surrounding properties.

