

**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 A-1 (Agricultural District) & S-P (Scenic Preservation Overlay District) to AR-5 (Agricultural Residential Five-Acre District) pursuant to an application for rezoning of property owned by SG Broad River Properties, LLC, submitted on June 19, 2018.

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 Beall and Company, LLC, on June 19, 2018, requesting rezoning of a ±6.15-acre tract of land located along Price Mill Road in the 222nd G.M.D., Oconee County, Georgia, (portion of tax parcel no. A-07-023), 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 A-1 (Agricultural District) & S-P (Scenic Preservation Overlay District) to AR-5 (Agricultural Residential Five-Acre District) 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Resolutions or Ordinances and parts or sections of Resolutions or Ordinances in conflict with this Ordinance are hereby repealed.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 August 20, 2018, and a Public Hearing was held by the Oconee County Board of Commissioners at its regular meeting on September 4, 2018.

ADOPTED AND APPROVED, this 4th day of September, 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 #7516

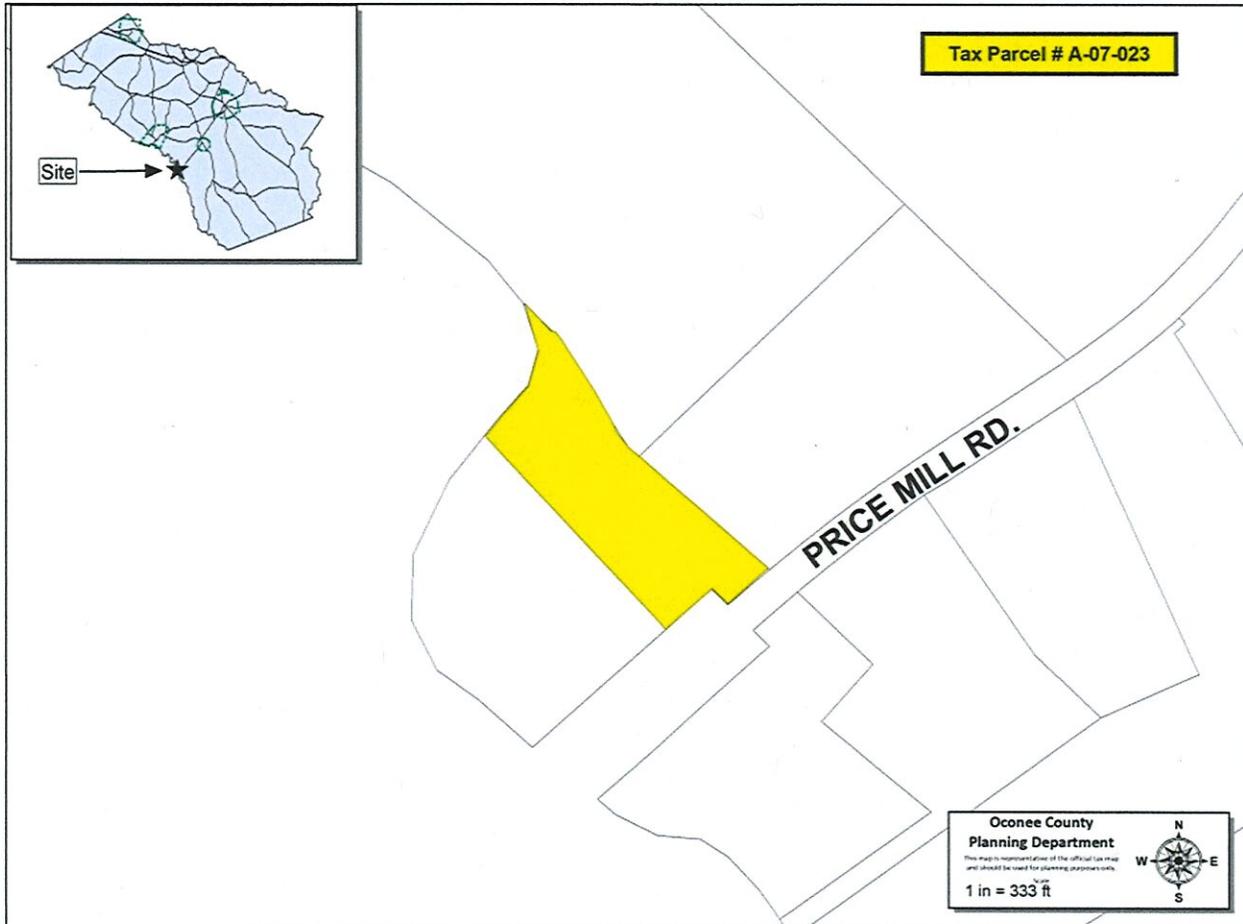
Page 1 of 4

CONDITIONS

This Zoning Amendment shall be subject to the following conditions which shall be fulfilled by the developer at his expense:

1. The subject property shall be subdivided in accordance with the procedures for minor subdivision plat approval as set forth in Section 1203.04 of the Oconee County Unified Development Code.

TAX MAP



LEGAL DESCRIPTION

All that tract of parcel of land lying and being in the County of Oconee, State of Georgia, GMD 222, and described as a 6.15± acre tract (Tract 2) on a Survey For JAY STAINES, dated 4/13/2018, prepared by DUSOUTH Surveying & Engineering, Inc., more particularly described as follows:

BEGINNING at an iron pin located on the northerly right-of-way of Price Mill Road, located approximately 2,465' southwest of the centerline of Branch Road, running;

Thence S50°50'30"W, a distance of 150.17' to a concrete monument at the right-of-way corner;

Thence N43°21'21"W, a distance of 65.16' to a concrete monument at the right-of-way corner;

Thence S47°21'37"W, a distance of 118.19' to a concrete monument at the right-of-way line;

Thence N54°52'49"W, a distance of 739.11' to a point representing the centerline of the Apalachee River;

Thence N35°18'17"E, a distance of 80.40' to a point representing the centerline of the Apalachee River;

Thence N32°07'01"E, a distance of 178.20' to a point representing the centerline of the Apalachee River;

Thence N18°24'20"E, a distance of 84.01' to a point representing the centerline of the Apalachee River;

Thence N03°03'22"W, a distance of 123.52' to a point representing the centerline of the Apalachee River;

Thence S56°00'55"E, a distance of 140.00' to an iron pin at a property corner;

Thence S31°44'40"E, a distance of 265.41' to an iron pin at a property corner;

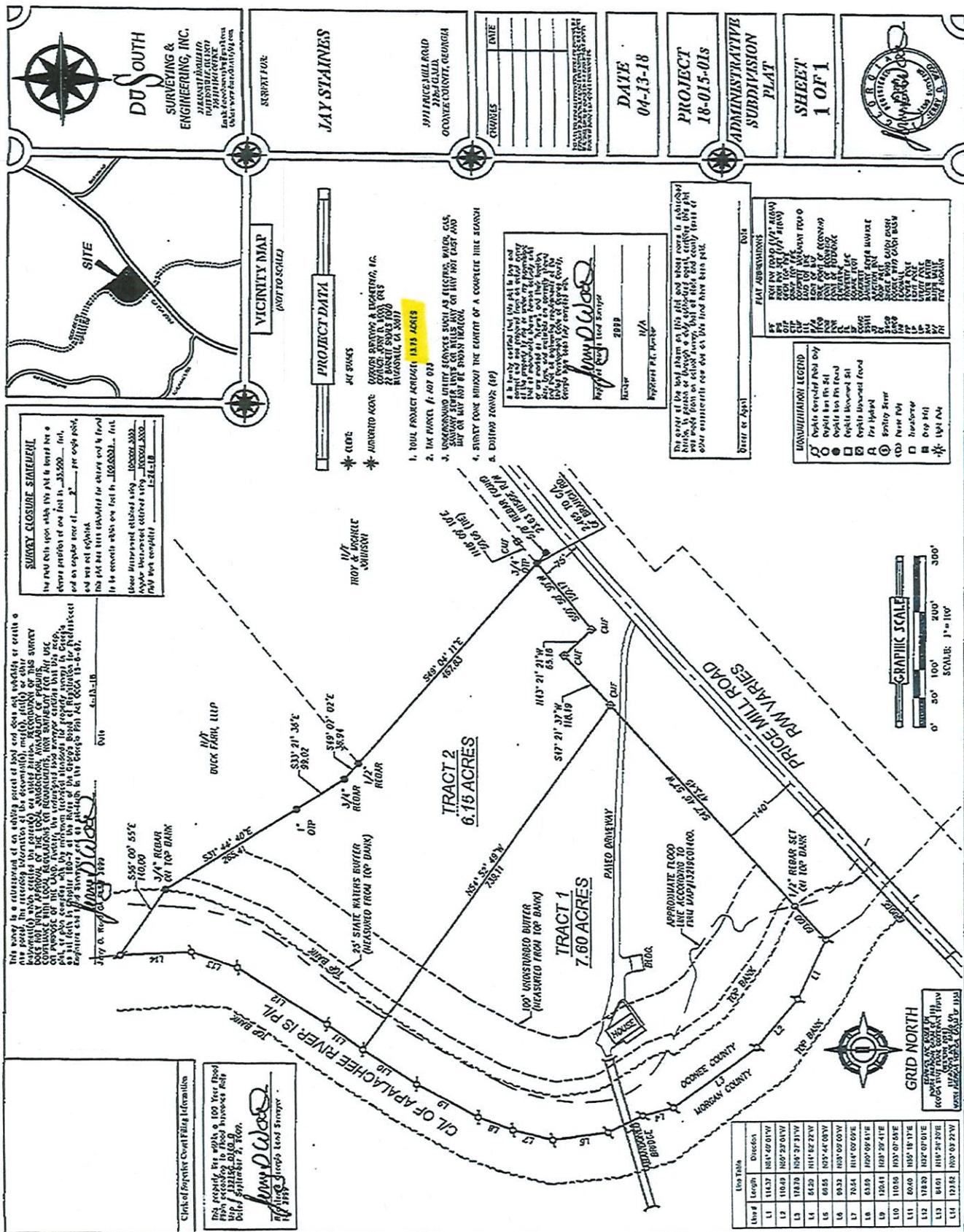
Thence S33°21'36"E, a distance of 99.02' to an iron pin at a property corner;

Thence S49°07'02"E, a distance of 36.94' to an iron pin at a property corner;

Thence S49°04'11"E, a distance of 467.83' to an iron pin at the **TRUE POINT OF BEGINNING**.

END OF DESCRIPTION.

PLAT





**Planning and Code Enforcement Department
Oconee County, Georgia
STAFF REPORT**

REZONE CASE #: 7516

DATE: August 6, 2018

STAFF REPORT BY: Gabriel Quintas, Assistant Director

APPLICANT NAME: Beall and Company, LLC

PROPERTY OWNER: SG Broad River Properties, LLC

LOCATION: 3971 Price Mill Road, along the Apalachee River

SUBJECT PROPERTY SIZE: ± 6.15 Acres

EXISTING ZONING: A-1 (Agricultural District) with SP (Scenic Preservation) Overlay District

EXISTING LAND USE: Single-family residential tract

ACTION REQUESTED: Rezone A-1 w/ SP Overlay District to AR-5 (Agricultural Residential Five-Acre District)

REQUEST SUMMARY: The applicant is petitioning for a rezone of a portion of tax parcel number A-07-023 to remove the Scenic Preservation Overlay from said portion and thereby allow the subdivision of the parcel into two lots.

STAFF RECOMMENDATION: Staff recommends conditional approval of this rezone request.

DATE OF SCHEDULED HEARINGS

PLANNING COMMISSION: August 20, 2018

BOARD OF COMMISSIONERS: September 04, 2018

ATTACHMENTS:

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



BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- The subject property has been zoned variations of a “scenic preservation” district since the original adoption of the zoning map in 1968; in that year, the property was designated a zoning district of A-3 (Agricultural-Scenic Preservation District). In 1977, the name of the zoning district assigned to the subject property was changed to S-P (Scenic Preservation District) with the adoption of a new zoning ordinance. The same zoning district was later changed to an overlay district with the adoption of the Unified Development Code in 2006.

SITE VISIT DESCRIPTION

- The subject site consists of a 6.15-acre portion of a 13.75-acre parcel (tax parcel A-07-023).
- The remaining portion of the subject parcel (not included in the present request) contains a 2,480 square foot single-family residence built in 1977, a 520 square foot detached garage, and a private paved driveway measuring roughly 600 feet from the Price Mill Road right-of-way. An abandoned steel bridge, the remains of a grist mill, and an old ford crossing are also present on the site.
- The Apalachee River runs along the rear property line of the subject property, and the site is densely wooded.

SURROUNDING LAND USE AND ZONING

	EXISTING LAND USES	EXISTING ZONING
NORTH	Large single-family residential, agricultural, and undeveloped wooded tracts (<i>some properties in Morgan County</i>)	A-1 (Agricultural District) & AR (<i>Agricultural Residential District – Morgan County</i>)
SOUTH	Price Mill Road ROW, wooded tract	A-1 (Agricultural District) w/ SP (Scenic Preservation) Overlay District
EAST	Large single-family residential tract and wooded tract	A-1 (Agricultural District)
WEST	Remainder of the subject parcel not included in the present request	A-1 (Agricultural District) w/ SP (Scenic Preservation) Overlay District

PROPOSED PROJECT DESCRIPTION

The subject property owner is petitioning to rezone a 6.15-acre portion of the subject parcel to AR-5 to remove the Scenic Preservation Overlay District and thereby allow the subdivision of the parcel into two lots; the owner proposes to maintain the existing zoning over the remaining 7.60-acre portion of the subject parcel. Ultimately, the owner intends on selling the 6.15-acre portion as a residential lot.

PUBLIC FACILITIES

Water:

- Water supply for the new residential tract will be provided by an on-site well.

Sewer:

- Sewage disposal for the new residential tract will be handled by an on-site private septic system.

Roads:

- Access to the new residential tract is proposed by way of the existing paved private drive.

ENVIRONMENTAL

- The centerline of the Apalachee River delineates the rear property line of the subject area.
- Approximately 0.78 acre of the subject area lies within the 100-Year Flood Plain.
- Jurisdictional Wetlands are present toward the rear of the subject area.

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 and zoning surrounding the subject area are primarily residential and agricultural. The general area comprises medium to large tracts exceeding five acres and is predominantly rural. Within the general area, the Scenic Preservation Overlay District is only present on the subject parcel and the parcel immediately south of the same. The immediate vicinity along Price Mill Road is primarily zoned A-1 with the exception of the unfinished Bishop Pointe Preserve subdivision which is zoned AR-4 (Agricultural Residential Four-Acre District). AR-1 (Agricultural Residential One-Acre District) zoning is present along Gober Road within the Apalachee Pointe subdivision and along Branch Road. Staff believes that the requested zoning district would be compatible with the existing uses and zoning of the surrounding area. However, staff notes that maintaining the underlying A-1 zoning district rather than rezoning to AR-5 would be more compatible with the zoning of properties adjacent to the subject site.
- B. To what extent are property values diminished by the particular zoning restrictions of the current zoning category?** The Scenic Preservation Overlay District heavily restricts the uses allowed on the subject tract. While the underlying zoning district (A-1) does allow the two-lot split that the present applicant would like to accomplish, UDC Section 206.01 restricts uses on properties assigned the SP Overlay District, “regardless of other uses otherwise allowed by right or Special Use approval in the underlying zoning district,” to only the uses enumerated below:
- 1) Natural, historic, archaeological, scenic areas; buildings and associated structures and digs which are necessary to the improvement, restoration, maintenance and scholarly study of such areas, so long as such buildings and associated structures and digs do not conflict with the intent of this Development Code to preserve the special character of these areas.
 - 2) Pasture lands and forests.
 - 3) Passive recreation areas.
 - 4) Public parks maintained by the County or the State of Georgia or the United States Government.

Consequently, the property owner is requesting a rezone to remove the SP Overlay and in so doing allow the two-lot split depicted on the associated concept plan.

- 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?**
The creation of an additional lot should not have any significant effect on community facilities.
 2. **Environmental impact?** Staff does not anticipate any adverse environmental impacts.
 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.
- 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?** Should the present request be denied, the hardship imposed upon the current property owner would be the inability to subdivide the subject tract. Staff does not recognize any gain to the public in maintaining the SP Overlay District over the 6.15-acre portion that is the subject of the present request. According to the UDC, the intent of the SP Overlay District is “to maintain and upgrade the character of historic, natural, archaeological and scenic areas of interest within the County.” The historical structures that the County wishes to preserve are all located on the remaining 7.60-acre portion of the subject parcel that will retain the SP Overlay as proposed in the present request. Accordingly, approval of this request would accomplish the goal of affording protection to the historic areas on the subject parcel whilst removing an unnecessary encumbrance to the subject owner’s property rights.

- 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?** This question has no relevance to the present request.
- F. Is the proposed use consistent with the stated purpose of the zoning district that is being requested?** According to UDC Section 205.02, the Agricultural Residential Five-Acre District (AR-5) is intended “to allow low rural residential densities and compatible agricultural activities without encouraging commercial development or multi-family development.” It is further intended “to encourage a compatible relationship between agricultural and residential subdivisions in the district.” Staff believes that the proposed use of subdividing a 6.15-acre residential tract from the subject parcel 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?** Low-density residential and agricultural land uses and zoning are predominant (and have been so for the past twenty years) in the general area surrounding the property. Staff believes that the creation of an additional 6.15-acre residential tract zoned AR-5 would be compatible with the low-density rural residential character of the surrounding area.
- 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 subject property is located within the Agricultural Preservation character area. The Community Agenda of the 2040 Comprehensive Plan specifically cites two-lot administrative splits and homesteads on large lots as land uses that would typically be present within this category. Additionally, the Development Guidelines for this category encourage a density of five acres or greater for subdivisions. Accordingly, staff believes that the present request is in conformity with the goals set forth for residential development in the Agricultural Preservation character area.
- I. What is the availability of adequate sites for the proposed use in districts that permit such use?** This question has no relevance to the present request.
- 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 use.

STAFF RECOMMENDATION & CONDITIONAL REQUIREMENTS

Staff recommends approval of this request subject to the following conditions to be fulfilled by the developer at his expense:

1. The subject property shall be subdivided in accordance with the procedures for minor subdivision plat approval as set forth in Section 1203.04 of the Oconee County Unified Development Code.



OCONEE COUNTY ZONING CHANGE APPLICATION

Requested Action

Rezoning from: A-1 with SP Overlay to AR-5 Change in Conditions of Approval for Case # _____

Special Use Approval for: _____ in the _____ Zoning District

Applicant

Name: Beall & Company

Address: 3651 Mars Hill Road Suite 1400
(No P.O. Boxes)
Watkinsville Georgia 30622

Telephone: 706-543-0907

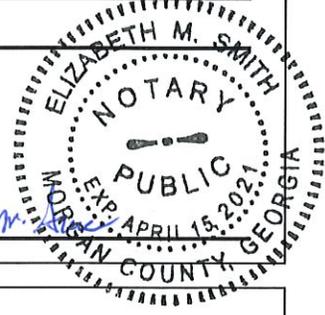
Applicant is (check one) the property owner Not the property owner (attach Property Owner's Authorization)

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

Signature: *Kenneth D. Beall*

Date: 7-13-2018

Notarized: *Elizabeth M. Smith*



Property Owner

Name: SG BROAD RIVER PROPERTIES, LLC

Address: 1121 Tanglebrook Drive
(No P.O. Boxes)
Athens, GA 30606

Telephone: 706-202-9680 (Jay Staines)

Property

Location: 6.15 Acre Portion of 13.75 acre Parcel A07 023
Address: 3971 Price Mill Road
Frontage on North side of Price Mill Road & Apalachee River

Tax Parcel Number: Portion of 13.75 acre Parcel A07 023

Size (Acres): 6.15+ Current Zoning A-1 with SP Overlay

Future Land Use Map --Character Area Designation: Agricultural Preservation

Use

Current Use: The platted 13.75 acres includes an existing 1950's style house overlooking the river, a detached garage, and mill ruins located in the 100 year flood zone.

Proposed Use: The owner desires to remove the SP classification from the 6.15 acre parcel and re-zone it to AR-5., while maintaining the SP overlay on the remaining 7.60 acre parcel (where areas of historical significance exist).

Attachments (check all that apply)

Property Owner's Authorization (if applicable)

Application Fee

Warranty Deed

Typed Legal Description

Plat of Survey

Disclosures (Interest & Campaign Contributions)

Impact Analysis

Narrative (Complete Request Description)

Concept Plan

Attachments to the Concept Plan:

Pre-approved Sanitary Sewer Extension Submittal

Representative Architecture/Photographs:

Proof all property taxes paid in full

Other Attachments: _____



For Oconee County Staff Use Only

Date Received: _____ Date Accepted: _____ APPLICATION NUMBER

DRI Transmitted to RDC Date: _____ N/A

Planning Commission Date: _____

Review Submitted: _____ Location Map: _____

Action Approval With Conditions Denial

Posted: _____ Ad: _____ Ad: _____

Board of Commissioners Date: _____

Application Withdrawn Date: _____

Approval With Conditions Denial

Application

Action

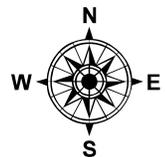
SG Broad River Properties, LLC Rezone



0 400 800 1200 1600 2000 2400 2800 3200 3600 4000 4400



Feet
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LEGAL DESCRIPTION

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END OF DESCRIPTION.



REZONE PETITION REPORT
Rezone From A-1 with SP Overlay to AR-5
6.15± Acre Portion of Tax Parcel #A07 023 on Price Mill Road
Oconee County Georgia



Narrative

SG BROAD RIVER PROPERTIES, LLC (Mr. Jay Staines & family) early this year acquired the subject property from Mr. William T. Berry. Mr. Berry had owned said property since its purchase in September 1994.

Mr. Staines purchased the 13.75 acre tract with the intent of splitting the acreage into two tracts: TRACT 1 (7.60 acres) and all improvements thereon will be held and maintained by the Staines family; TRACT 2 (6.15 acres) with no existing improvements will be made available for purchase. *Beall & Company* has been engaged by the owner to act as agent in the preparation of the necessary rezone documentation associated with this request.

The Site

An updated survey of the property located at 3971 Price Mill Road indicates a total area of 13.75 acres before any split takes place. A 2240 SF frame house with basement overlooking the Apalachee River was constructed in 1977. A detached 520 SF wood frame 2-car garage was added 1985. Ruins of a grist mill and steel frame bridge, a fiord crossing, and other historic archeological structures, along with the afore-mentioned improvements exist on the subject 7.60 acre tract.

The owner desires to maintain the A-1 with SP Overlay zoning on the 7.60 acre portion of the property and to re-zone only the 6.15 acre portion to AR-5. Both tracts will comply with the requirements of having an area of at least 5 acres, not including any area that lies between the riverbanks. The proposed split at the acreages noted will provide for the preservation of the designated areas without unreasonably denying the right of private land use.

Neighboring Properties

The adjoining 12.38 acre property fronting on Price Mill Road to the northeast zoned A-1 has a single-family residence and typical out-building uses. Said property is partially wooded and partially meadowlands.

The adjoining 71.66 acre tax parcel A07 024A to the north owned by BUCK FARM LLLP, zoned A-1, is predominantly woodland/timberland along the Apalachee River.

Most of the neighboring Oconee County tax parcels in the vicinity vary in size from 5 acres to hundreds of acre and is zoned either A-1 or AR-4. There are also some AR-1 zoned parcels of various sizes in the area.

Large acreage tracts and large lot subdivisions exist across the Apalachee River in Morgan County.

Water Supply

No dedicated Oconee County waterlines exist in this part of the county. Well-water from individual wells is used to serve homes in this area.

Sewage Disposal

No sanitary sewer service exists in this part of Oconee County. Septic systems as approved by the Oconee Environmental health department are required for residential uses.

Surface Water Drainage

All storm-water will drain thru the 100 ft. undisturbed buffer that currently exists on the Apalachee River.

Access

Both tracts can be served by the existing paved private driveway

Schedule

The petitioner plans to complete the zoning efforts on the subject property by September 2018. Platting of two tracts will follow immediately.

Maintenance of Common Areas

There are no common areas proposed

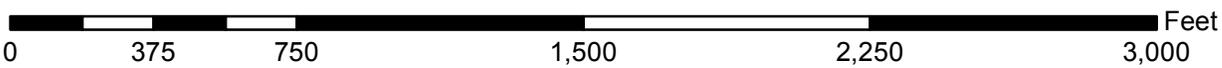
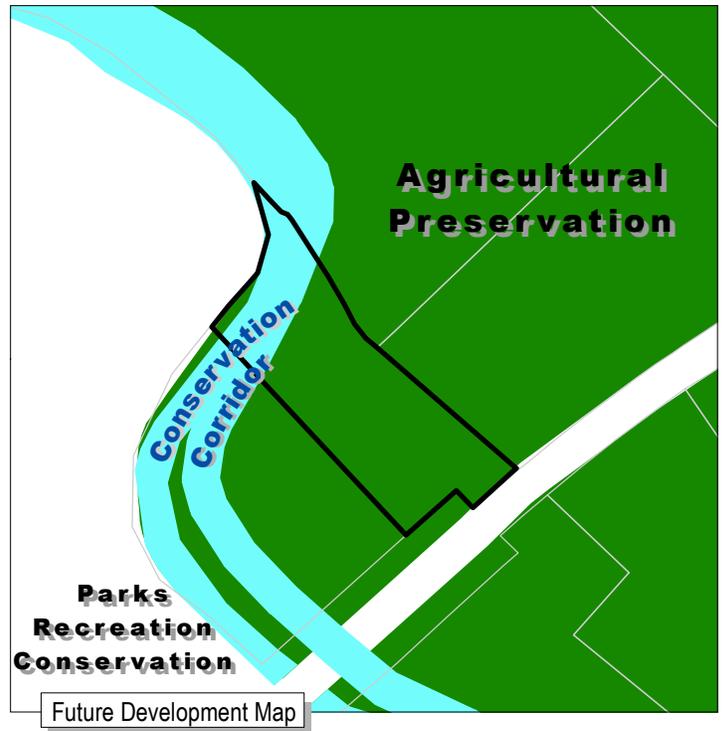
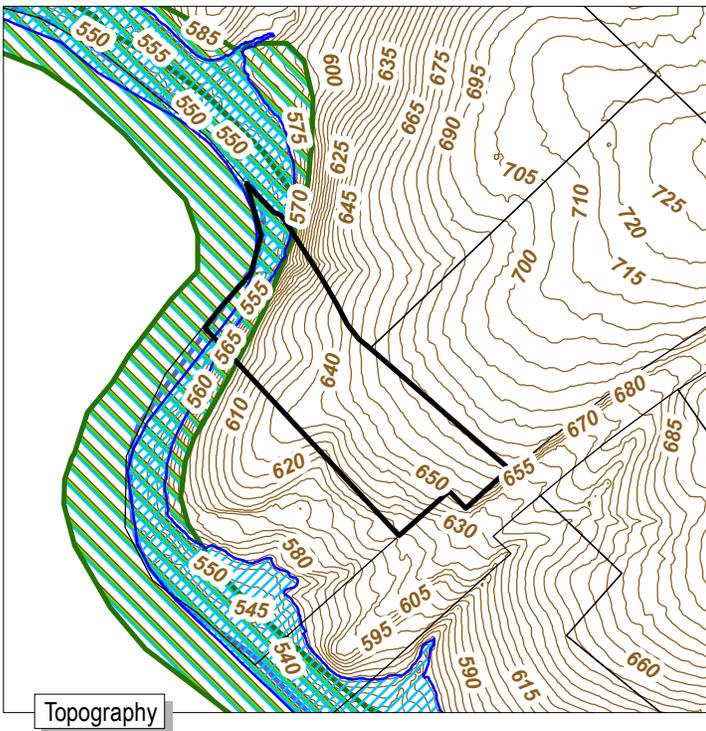
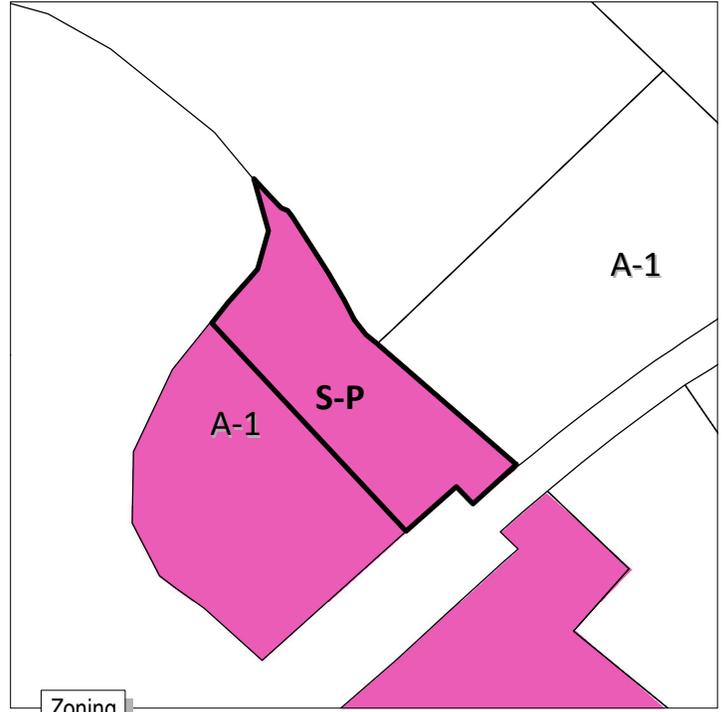
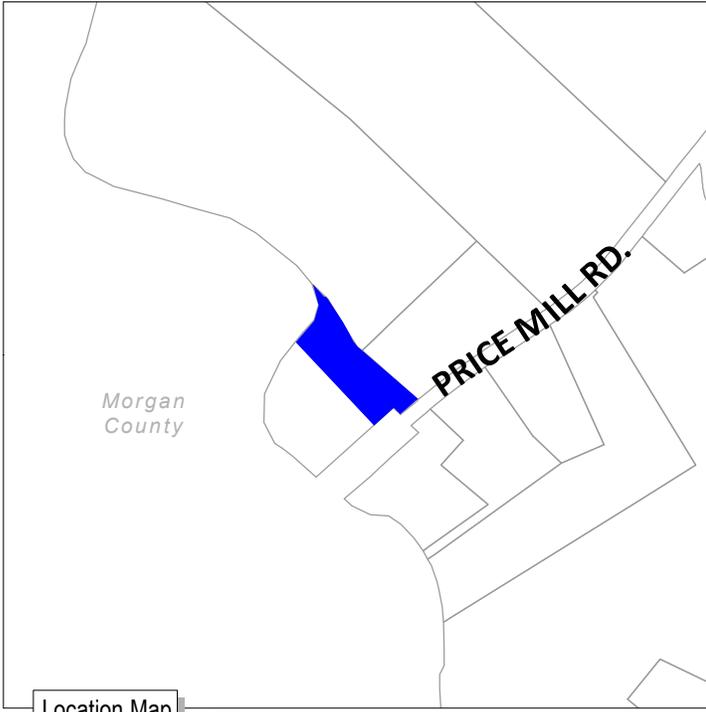
Buffers

All buffers that apply to the properties will be observed.

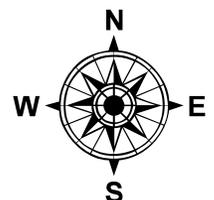
Garbage Collection

Garbage collection will be handled by private contract service.

SG Broad River Properties, LLC. Rezone Site Review

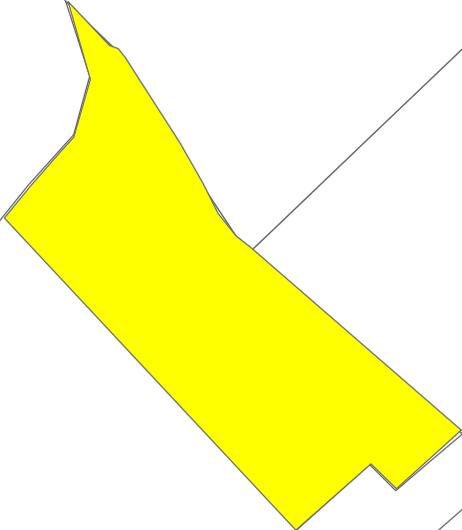
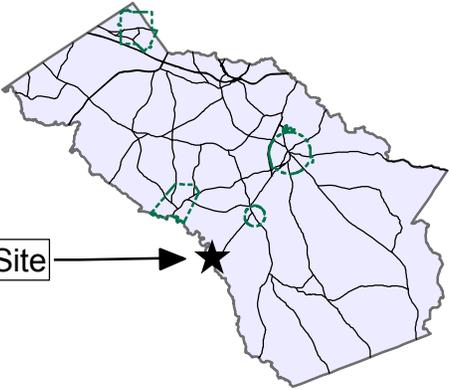


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Tax Parcel # A-07-023

Site

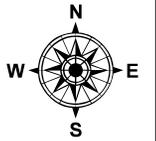


PRICE MILL RD.

**Oconee County
Planning Department**

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

Scale
1 in = 333 ft



ZONING IMPACT ANALYSIS

Standards for Rezone Consideration
(A-1 with SP Overlay to AR-5 Rezone Petition)
6.15 Acres on Price Mill Road



- A. Consider the proposed use and existing uses and zoning of nearby property:
The proposed AR-5 uses on the subject acreage will be compatible with other A-1, AR-1, AR-4, and SP uses on neighboring properties.
- B. Consider the extent to which property values are diminished by the particular zoning restrictions of the current zoning: The existing zoning restrictions encompass an area far larger than is necessary to preserve the designated areas. A zoning modification to reduce the acreage necessary to preserve the designated areas would be appropriate to prevent unreasonably denying the right of private land use.
- C. Consider the extent to which the destruction of property values of the individual property owner promotes the health, safety, morals or general welfare of the public with consideration to:
- (1) Population density and effect on community facilities such as streets, schools, water and sewer: Splitting the tract into two tracts is an inconsequential increase in density; Roads presently serving the site and the general area will experience inconsequential impact over the current zoning impact; there will be no increases in water and sewer usage (because county water and sewer do not exist in the area);
- (2) Environmental impact: There will be no environmental impact created by splitting a 13.75 acre tract into two tracts.
- (3) Effect on adjoining property values: There will be no negative effect on adjoining property values as a result of splitting the 13.75 acre tract into two tracts.
- D. Consider the relative gain to the public, as compared to the hardship imposed upon the individual property owner: The petitioner recognizes no gain to the public if the requested modification to the zoning is denied.
- E. Consider the length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property:
The property has been maintained under constant private ownership since 1977.
- F. Consider the consistency of the proposed use with the stated purpose of the zoning district that is being requested: The proposed zoning is consistent with the stated purpose of the zoning district that is being requested. "Such regulations are designed to provide for the

preservation of the designated areas without unreasonably denying the right of private land use”.

- G. Consider the conformity with or divergence from any established land use patterns: The proposed zoning for the property is consistent with established land use patterns

- H. Consider the conformity with or divergence from the Future Development Map or the goals and objectives of the Oconee County Comprehensive Plan: The proposed zoning for the subject property is consistent with the Future Development Map and the objectives of the Agricultural Preservation and the Rural Places classifications of the Oconee County Comprehensive plan.

- I. Consider the availability of adequate sites for the proposed use in districts that permit such use: Not applicable.

- J. Consider the suitability of the site for the proposed use relative to the requirements set forth in the Development Code such as off-street parking, setbacks, buffer zones, and open space: The site can and will be in conformance with all applicable requirements such as off-street parking, setbacks, buffer zones, and open space as set forth in the Development Code of Oconee County once the property is rezoned