

**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 revise the conditions for a previously approved rezone case #2841 zoning classification OIP (Office Institutional Professional District) pursuant to an application for rezoning of property owned by Marsha D. Rogers & Melissa L. Finerty submitted on August 21, 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 Frank Pittman on August 21, 2023, requesting a rezone of a ±2.0603-acre tract of land located at Hog Mountain Road in, Oconee County, Georgia, (tax parcel no. A-02-025B), 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Resolutions or Ordinances and parts or sections of Resolutions or Ordinances in conflict with this Ordinance are hereby repealed.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 October 16, 2023, and a Public Hearing was held by the Oconee County Board of Commissioners at its regular meeting on November 7, 2023.

ADOPTED AND APPROVED, this 7<sup>th</sup> of November, 2023.

**OCONEE COUNTY BOARD OF COMMISSIONERS**

BY: \_\_\_\_\_

John Daniell, Chairman

Mark Thomas, Member

Chuck Horton, Member

Amrey Harden, Member

Mark Saxon, Member

ATTEST:

Holly Stephenson  
Holly Stephenson  
Clerk, Board of Commissioners



# **EXHIBIT "A" TO REZONE NO P23-0186**

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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. The owner at their own expense shall construct the improvements required by the County for public water and public waste services for the subject property shall convey same to the County, free of all liens. Said improvements shall include all on-site improvements and such off-site improvements as are required by the County to provide service to subject property.
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. Development design and structures shall conform to the standards approved in association with rezoning case number 2841 approved in 2003 and with the associated development intent with regards to site design and architecture. Specifically, these standards include the location of parking primarily to the rear of proposed structures and out of view, architectural design compatible with residential architecture in the vicinity, and landscaping that provides visual buffering and beautification along the Hog Mountain Road frontage. Building façade materials shall be primarily brick, stucco or masonry products with design detailing that maintains a residential feel and blends in with the surrounding homes of the area. This condition shall not construe approval of any standard that is not in conformity with the Unified Development Code.
5. All dumpster and waste container areas shall be in an enclosed structure away from the public view.
6. Required stormwater detention facilities shall be located to the rear of the property and out of the public view.

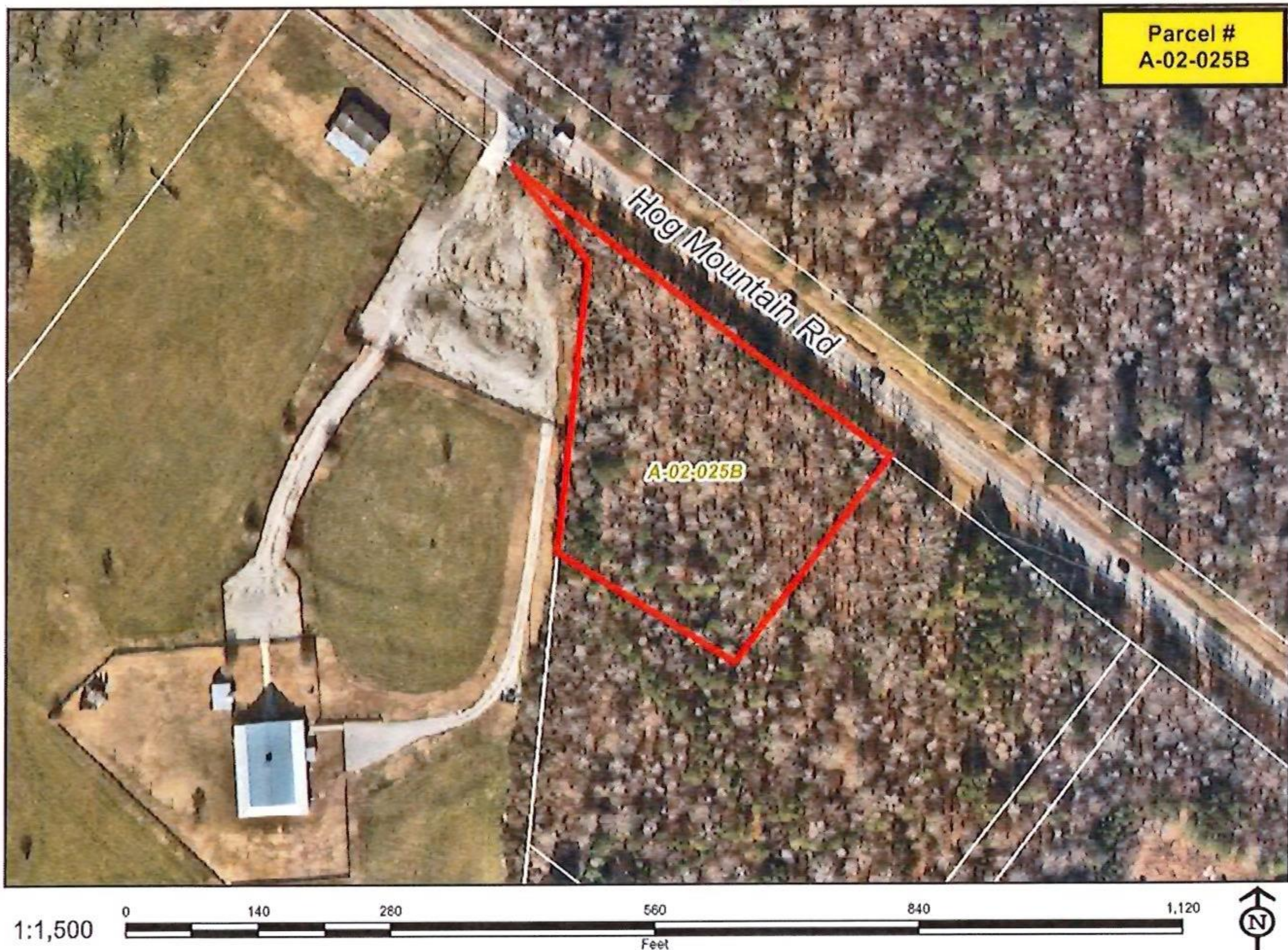


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TAX MAP

Rezone # P23-0186 - Marsha D. Rogers and Melissa L. Finerty





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**LEGAL DESCRIPTION**

**LEGAL DESCRIPTION**

All that tract or parcel of land, together with all improvements thereon, containing 2.060 acres, more or less, lying and being in the 224th District, G.M., Oconee County, Georgia, and being more particularly described as follows:

Beginning at the centerline intersection of Hog Mountain Road and Lane Creek Road, thence North 40 degrees 34 minutes 35 seconds West, 1206.18 feet to an iron pin along the southerly right-of-way of Hog Mountain Road; thence along the right-of-way of Hog Mountain Road North 37 degrees 02 minutes 13 seconds West, 108.30 feet to a point; thence continuing along the right-of-way of Hog Mountain Road 707.99 feet along an arc of a curve to the left, said curve having a radius of 3996.78 feet, a chord bearing of North 41 degrees 25 minutes 19 seconds West, and a chord distance of 707.06 feet to an iron pin; thence continuing along the right-of-way of Hog Mountain Road 318.89 feet along an arc of a curve to the left, said curve having a radius of 3996.78 feet, a chord bearing of North 48 degrees 46 minutes 57 seconds West, and a chord distance of 318.81 feet to a point; thence continuing along the right-of-way of Hog Mountain Road North 51 degrees 51 minutes 34 seconds West, 389.72 feet to an iron pin being the POINT OF BEGINNING; thence leaving said right-of-way South 37 degrees 45 minutes 58 seconds West, 271.74 feet to an iron pin; thence North 57 degrees 18 minutes 32 seconds West, 221.39 feet to an iron pin; thence North 06 degrees 35 minutes 24 seconds East, 308.85 feet to an iron pin; thence North 37 degrees 45 minutes 51 seconds West, 121.38 feet to an iron pin along the southerly right-of-way of Hog Mountain Road; thence along the right-of-way of Hog Mountain Road South 51 degrees 51 minutes 34 seconds East, 497.95 feet to the POINT OF BEGINNING.

Said tract being the same as Tract 1 on an Administrative Subdivision Plat for Red Oak Development by Woods & Chastain Surveyors, Inc. dated 09.04.2002.

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## **NARRATIVE**

### **HOG MOUNTAIN MEDICAL**

**REZONE SUBMITTED 08/21/2023**

#### **GENERAL DATA**

Property Address: 0 Hog Mountain Road  
Parcel: A02 025B  
Owner: Marsha D. Rogers & Melissa L. Finerty  
Existing Zoning: OIP  
Proposed Zoning: OIP Modified  
Existing Use: Vacant Property  
Proposed Use: Medical Office  
Property Area: 2.0603 acres

#### **ADJACENT LAND USES AND ZONING**

North – Hog Mountain Road (AG zoning)  
West – Event Venue and agricultural property (B1 & AG zoning)  
South – Vacant agriculturally zoned property (AG zoning)  
East – Vacant agriculturally zoned property (AG zoning)

#### **OWNERSHIP TYPE**

The development will be privately owned.

#### **SITE NARRATIVE**

The property is 2.0603 acres and is currently zoned OIP and undeveloped. The property was zoned in 2002 for office and business condominiums. The property owners are Marsha D. Rogers & Melissa L. Finerty. The owners are seeking to rezone the property from OIP & OIP modified to construct a medical office.

#### **SITE DESCRIPTION**

The property is located on the south side of Hog Mountain Road northwest of the intersection of Lane Creek Rd. & Hog Mountain Rd. The Character Area for the property and its surrounding properties is identified as ‘Suburban Neighborhood’ according to the 2023 Character Areas Map.

The property is wooded and primarily slopes from the north to the south.

#### **PROPOSED USE**

The proposed use of the property is a medical office. The proposed development consists of up to 9,200 sf. of medical office space. The concept plan shows this as a single building. The number of units within the building may vary without exceeding the maximum square footage. The development will be constructed with curb & gutter parking and sidewalks. All utilities will be underground. Buildings will be wood or steel construction, with exterior facades and accents including, but not limited to: architectural brick, stone, simulated or cultured stone, cast stone, cement fiber board plank siding, board and batten siding, shingle siding, stucco and cedar plank or shingle siding. The roof is to be a gabled structure. Roofing material to include asphalt shingles and/or metal. See attached representative architecture.

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## NARRATIVE

### ACCESS

Access will be via a single driveway from Hog Mountain Road. Improvements will meet GDOT standards and will require GDOT approval at the time of site development plan permitting.

### TRAFFIC IMPACT

Projected traffic is based on the trip generation rate published by the Institute of Transportation Engineers, Trip Generation, 11th Edition.

Trip Generation									
Land Use (ITE Code)	Intensity	Unit	ADT	A.M. Peak Hour			P.M. Peak Hour		
			2-Way	Enter	Exit	Total	Enter	Exit	Total
Medical-Dental Office Building (720)	9.2	1000 Sq. Ft. GFA	331	20	14	34	18	26	44
Total	9.2		331	20	14	34	18	26	44

### WATER SUPPLY

Water supply will be via Oconee County Water Resources. A 12" water main currently exists in the right-of-way of Hog Mountain Road. Meters will be installed to meet the domestic water demand and for irrigation purposes.

#### Probable Water Demand

Referencing table JT-1, GDHR Manual for On-site Sewage Management Systems

Medical offices = 200 GPD/exam room

200 GPD/exam room x 11 exam rooms = 2,200 GPD

OC Water use calculation: assume 115% of the sewer use

2,200 GPD \* 1.15 = 2,530 GPD Total

**Total: 2,530 GPD AVG.**

### SEWAGE DISPOSAL

Sewage disposal for each use shall consist of onsite conventional septic tanks and drain-fields. A soil survey map is being prepared by an approved soil scientist to ensure that the system will be constructed in an area with appropriate soils per county and state regulations.

### GARBAGE COLLECTION

Garbage collection will be handled by private contractor. Dumpsters will be shielded from view per the Oconee County UDC requirements.



**NARRATIVE**

**UTILITIES**

Electricity and Data will be supplied through power/data providers in the area.

**STORMWATER MANAGEMENT AND DRAINAGE**

There will be a Stormwater Management Pond constructed onsite to manage the stormwater runoff from the development to meet Oconee County stormwater ordinance. To convey stormwater to the pond, curb and gutter along with RCP, CMP, or HDPE stormpipe will be utilized.

**IMPACT TO SCHOOL SYSTEM**

There will be a positive impact to the school system from this development as it will generate an increased tax base without adding to the number of children in the school system.

**PROJECT SCHEDULE**

Once zoning is approved in approximately November 2023, then site development plans will be created and permitted to begin construction in May 2024. It is anticipated that the project will be built in a single phase.

**BUFFERS AND LANDSCAPING**

A 25' buffer is shown along the adjacent property lines as required by OC-UDC Section 806. The buffer will be designed with details provided during the site development plans approval stage of the project. Street trees, parking lot landscaping, and parking lot tree plantings will be installed in accordance with the OC-UDC. All other buffers and screening, per OC-UDC requirements, will be met during site development.

**MAINTENANCE OF COMMON AREAS**

There are no common areas currently proposed for this development.

**SIGNAGE**

The project will have signage that will meet the Oconee County UDC and be permitted through the sign permit process.

**ESTIMATED VALUE OF PROJECT**

The complete buildout of the project is estimated to be \$2.5 Million.

**COMPANION VARIANCE REQUEST**

A Special Exception Variance request has been made as a companion request from the automobile parking requirements, specifically OC-UDC Sec. 604.01.c - maximum number of parking spaces allowed. The request is to permit the maximum number of parking spaces allowed on a nonresidential property for employees, customers and visitors to exceed 110 percent of the minimum number of parking spaces as determined for the type of land use by table 6.1. Parking over the maximum allowed have been shown as pervious paving.



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**NARRATIVE**

**REPRESENTATIVE ARCHITECTURE**





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**NARRATIVE**















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

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**REZONE CASE #:** P23-0186

**DATE:** October 5, 2023

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

**APPLICANT NAME:** Pittman & Greer Engineering, PC

**PROPERTY OWNER:** Marsha D. Rogers & Melissa L.  
Finerty

**LOCATION:** Hog Mountain Road, east of Goat Farm Road;  
Parcel A 02 025B

**PARCEL SIZE:** ±2.0603 acres



**EXISTING ZONING:** OIP (Office Institutional Professional District)

**EXISTING LAND USE:** Undeveloped.

**FUTURE DEVELOPMENT MAP CHARACTER AREA DESIGNATION:** Suburban Neighborhood

**ACTION REQUESTED:** Rezone the property from OIP to OIP with modified conditions (concept plan and use).

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

**DATE OF SCHEDULED HEARINGS**

**PLANNING COMMISSION:** October 16, 2023

**BOARD OF COMMISSIONERS:** November 7, 2023

**ATTACHMENTS:**

- Application
- Narrative
- Architectural Renderings
- Zoning Impact Analysis
- Plat of Survey
- Concept Plan
- Water & Sewer Capacity Letter

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**BACKGROUND INFORMATION & FINDINGS OF FACT**



## HISTORY

- The applicants have owned the property since 2006.
- The 2.0603-acre property was zoned for office and business condominiums with an OIP zoning under case number 2841 in 2003. That zoning amendment provided for office/business condominium development including two structures of 7,125 sq ft each and was subject to the following conditions:
  1. Regardless of any notes on the concept plan stating otherwise, all signs that are built shall be permitted under the sign regulations that are in effect at the time of the sign permit application.
  2. The following uses are specifically excluded and shall not be permitted on the subject property:
    - Hospital
    - Nursing Home
    - Personal Care Homes
    - Schools, Public or Private
    - Static Electricity Transformer Station
    - Veterinary Office
  3. Regardless of any notes on the concept plan and/or narrative stating otherwise, unless approved otherwise by the local fire marshal, a private fire line with approved back flow preventer & hydrants shall be installed by the applicant so as to provide a hydrant and/or hydrants within +/- 300' of the proposed buildings for adequate fire suppression activities.
  4. All dumpster and waste container areas shall be in an enclosed structure away from the public view.
- The applicant is seeking to rezone the property to modify the conditions associated with the prior zoning to allow medical office use on the property and construction of a single structure approximately 9,200 sq ft in size with associated parking.

## SURROUNDING LAND USE AND ZONING

	EXISTING LAND USES	EXISTING ZONING
NORTH	Undeveloped	AG (Agricultural District)
SOUTH	Undeveloped	AG (Agricultural District)
EAST	Event venue and agricultural	B-1 (General Business District) and AG (Agricultural District)
WEST	Undeveloped	AG (Agricultural District)

## PROPOSED DEVELOPMENT

- The proposed development is a single 9,200 sq medical office building. The concept plan indicates a single building, but also states that multiple buildings are possible so long as they do not exceed the maximum allowed space. The proposed site plan includes a paved parking lot in the front of the property between Hog Mountain Road and the proposed structure.
- The proposal for building design is wood or steel construction, with exterior facades and accents that may include such materials as architectural brick, stone, simulated or cultured stone, cast stone, cement fiber board plank siding, board and batten siding, shingle siding, stucco and cedar plank or shingle siding. The roof is to be a gabled structure and the material may include asphalt shingles or metal.
- Construction is anticipated to begin in May of 2024. Construction is planned for a single phase.
- The projected project valuation is \$2.5 million.

## PROPOSED TRAFFIC PROJECTIONS

- An approximate additional 331 ADT (average daily trips) are estimated with 34 AM peak hours and 44 PM peak hours (Trip Generation Manual, 11<sup>th</sup> Edition).

## PUBLIC FACILITIES

### Water:

- The project is proposed to utilize County water services.
- The projected water demand is 2,530 gallons per day.

### Sewer:



- The project is proposed to utilize on-site septic tanks and drain fields.

#### **Roads:**

- Proposed access would include a driveway connecting to Hog Mountain Road with a deceleration lane.

#### **ENVIRONMENTAL**

- There are no identified environmentally sensitive areas on the property.

### **COMMENTS FROM OTHER DEPARTMENTS & AGENCIES**

#### **OCONEE COUNTY PUBLIC WORKS DEPARTMENT**

- (Not yet received.)

#### **OCONEE COUNTY WATER RESOURCES DEPARTMENT**

- The Water Resources Department has indicated in a letter dated 08/22/2023 that potable water is available at this location for domestic and irrigation purposes. It is further noted that an estimate of fire flow is not requested or provided by the applicant.
- The Water Resources Department letter confirms that sewer is not available to serve this project.

#### **GEORGIA DEPARTMENT OF TRANSPORTATION**

- (Not yet received.)

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### **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 and undeveloped. The property immediately to the west is zoned AG and B-1 to allow its use as an events venue. Staff holds 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 for office and business condominiums as currently zoned. It may, however, have greater economic potential when used for medical offices.
- 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;**  
The current request proposes developing medical offices where offices and business condominiums had been approved for the currently undeveloped property. As the project is not residential, there should be no impact on the schools. The site will utilize water delivered by Oconee County Water Resources via an existing 12” main in the Hog Mountain Road right-of-way. Sewer will be via private septic system. Increased traffic generation is also anticipated, with an approximate 331 additional ADT.
  - ii. Environmental impact;**  
The site is not in a floodplain, has no state waters, and no wetlands have been delineated on site. Stormwater management will be in compliance with Oconee County ordinances, according to the applicant.
  - iii. Effect on the existing use, usability and/or value of adjoining property.**  
The proposed development is in keeping with similar development that has occurred on some properties in the vicinity with Hog Mountain Road frontage and is not anticipated to affect the existing



use, usability, and/or value of adjoining property. Buffers including the zoning buffers, landscape buffers, and vehicular screening buffers are shown on the concept plan.

**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 under the previous zoning since 2003. 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 OIP zoning district is to “provide an area for business and professional offices as well as for social, fraternal, political, civic and community organizations. The district is also designed for institutional uses such as hospitals, nursing homes, convalescent centers, institutional planned developments and clinics.” (Unified Development Code Sec. 205.08). Staff holds that the requested advancement of the medical office development is consistent with the stated purpose of the proposed zoning district and use.

**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 use is very similar to what was approved under the prior approved zoning. Additionally, similar sized parcels in the vicinity with Hog Mountain Road frontage have been developed in a similar manner. 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 Suburban Neighborhood Character Area as shown on the Character Areas Map within the 2023 Comprehensive Plan Update. The Plan describes this Character Area as containing “Pedestrian-friendly residential neighborhoods with primarily large, single-family lots and connective, common greenspaces. Denser residential development is logically located in areas adjacent to nonresidential uses.” (2023 Comprehensive Plan Update p. 44). Staff holds that the proposed medical office development is in conformity with the Future Development Map and the goals and objectives of the Oconee County Comprehensive Plan as a non-residential use nearby more dense residential development that has immediate access to Hog Mountain Road.

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

It is likely that other OIP-zoned properties exist in the county that would permit the requested medical office use. However, the proposed use of the subject property is very similar to previously approved zoning for office and business condominiums.

## **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. The owner at their own expense shall construct the improvements required by the County for public water and public waste services for the subject property shall convey same to the County, free of all liens. Said improvements shall include all on-site improvements and such off-site improvements as are required by the County to provide service to subject property.
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. Development design and structures shall conform to the standards approved in association with rezoning case number 2841 approved in 2003 and with the associated development intent with regards to site design and



architecture. Specifically, these standards include the location of parking primarily to the rear of proposed structures and out of view, architectural design compatible with residential architecture in the vicinity, and landscaping that provides visual buffering and beautification along the Hog Mountain Road frontage. Building façade materials shall be primarily brick, stucco or masonry products with design detailing that maintains a residential feel and blends in with the surrounding homes of the area. This condition shall not construe approval of any standard that is not in conformity with the Unified Development Code.

5. All dumpster and waste container areas shall be in an enclosed structure away from the public view.
6. Required stormwater detention facilities shall be located to the rear of the property and out of the public view.