



DEPARTMENT OF PUBLIC DEVELOPMENT

Planning Division

RZ-16-18

Staff Report

Planning Commission Public Hearing: **December 15, 2016** **6:00pm**

Board of Commissioners Public Hearing: **January 16, 2017** **6:00pm**

The following report constitutes the assessment and evaluation by Planning Division staff on the above mentioned request.

Applicant: Om Deep Enterprises, LLC

Property Owner: Charles E. Waters c/o Billy Joe Waters

Requested Zoning: CRC (Community Retail Commercial)

Existing Zoning: NRC (Neighborhood Retail Commercial)

Proposed Use: Yoga Studio and Lodging Services

Existing Use: Vacant Hotel and Residential

Property Location: 2105 Highway 441

Zoning Map and Parcel: Map 012, Parcel 001

Acreage to be Rezoned: 12.063 acres

Future Land Use: Commercial

Character Area Designation: Suburban

Board of Commissioners District: 2 (Commissioner Chas Hardy)

Zoning of Surrounding Property: North: A2 (across Richey Road)
South: A2 and NRC
East: A2 and NRC
West: A2 and HRC (across Highway 441)

Land Uses of Surrounding Property: North: Residential
South: Vacant
East: Vacant
West: Agricultural (across Highway 441)

Overview of the Request: The applicant is requesting approval to rezone the subject tract from NRC to CRC in order to use the property as a yoga studio with a training and educational center. The applicant has also noted within his letter of intent that the existing buildings will be used for lodging to the general public and participants.

Utilities & Infrastructure

Transportation: The property gains access off of Highway 441 (right-of-way varies). Richey Road also borders the property (no given right-of-way).

Water & Sewerage: According to a letter received from the Nicholson Water Authority, public water is in the area, but there is not currently a connection to their system at this property. Public water may be added contingent upon running lines underneath Highway 441. According to the applicant's letter of intent, a well and septic tank exist on the subject property.

Wetlands/Watershed Areas: The tract is fully located within the A.C.C. Local Intake, North Oconee River Watershed, the Upper Oconee River Watershed, and the Jackson Small Watershed. The tract is partially located in the Sandy Creek Watershed. The tract is not located in a groundwater recharge or floodplain area. According to the National Wetlands Inventory, there are no wetlands on the subject tract.

MS4 Urbanized Area: The property is not located within Jackson County's MS4 Urbanized Area.

DRI Analysis: Not applicable.

Traffic Study: Not applicable.

Campaign Contributions & Gifts: The applicant and owner has submitted the required affidavit and disclosed no contributions were given to any commissioner over the last 2 years.

Proffered Conditions: Not specified.

Sphere of Influence Comments: Not applicable.

Property Development History: The property has not been rezoned since the inception of zoning. Being used in the past as a hotel, there is an existing building on the property for said use, as well as two small residences. The concept plan shows the location of these mentioned structures. The applicant's letter of intent mentioned that the existing hotel building will be remodeled as per the current code for the proposed use.

Comments from Reviewing Agencies:

Georgia DOT: Any new driveways must be permitted if off of Highway 441. Also, Highway 441 must have a minimum of 200 feet of right-of-way on this site.

Road Department: Any new driveways must be permitted and meet the separation requirement of the Jackson County Unified Development Standards.

Providing Water and Sewage Authority: Nicholson Water Authority will be able to provide water contingent upon running lines underneath Highway 441.

Rezoning Analysis: This analysis is based upon the "Standards for Rezoning Consideration" as set forth in Section 1205(e) of the *Jackson County Unified Development Code*.

The Planning Commission and the Board of Commissioners shall consider the following standards in considering any rezoning proposal, giving due weight or priority to those factors that are appropriate to the circumstance of each proposal:

- a. ***Is the proposed use consistent with the stated purpose of the zoning district that is being requested?*** The yoga studio (commercial recreation facility – indoor) portion of the requested use would be consistent with the CRC zoning district. However, the lodging services portion of the requested use would require an approved special use application for the CRC zoning district.

- b. ***Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?*** Yes. The subject property is adjacent to other commercial properties.
- c. ***Will the proposed use not adversely affect the existing use or usability of adjacent or nearby property?*** Yes. Commercial buffers will be in place between the surrounding uses to avoid negative impacts.
- d. ***Is the proposed use compatible with the goals, objectives, purpose and intent of the Comprehensive Plan?*** Yes. The request is consistent with the suburban character area designation and commercial future land use designation.
- e. ***Are there substantial reasons why the property cannot or should not be used as currently zoned?*** Yes. As currently zoned, the proposed use(s) would not be allowed within NRC zoning. The proposed use would need a higher-grade commercial zoning.
- f. ***Will the proposed use cause an excessive or burdensome use of public facilities or services, including but not limited to streets, schools, water or sewer utilities, and police or fire protection?*** No. Public water is available in the area by the Nicholson Water Authority. The subject property has been used before for multiple uses that have not caused an excessive or burdensome use of public facilities or services.
- g. ***Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan or reflected in the existing zoning on the property or surrounding properties?*** No.
- h. ***Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?*** Yes.

Conclusion: The proposed rezoning meets the applicable and appropriate criteria for rezoning.

General Notes: (such notes are for reference and are not to be considered exclusive of all Jackson County Development Standards that will apply):

- Building permits must be applied for and approved for additions or renovations.
- All new driveways must be approved by Jackson County Road Department and a permit would need to be obtained from GDOT if the new driveway was off of Highway 441.
- This proposed development will fall within the East Jackson Overlay District and must meet the requirements outlined in Jackson County Unified Development Code (i.e.: lighting, sidewalks, buffers, etc.)

Planning Staff Recommendation: Approval. Staff recommends that the Planning Commission recommend ***approval*** of this request. If the applicant plans on utilizing the building for lodging, it would be required to apply for a special use.

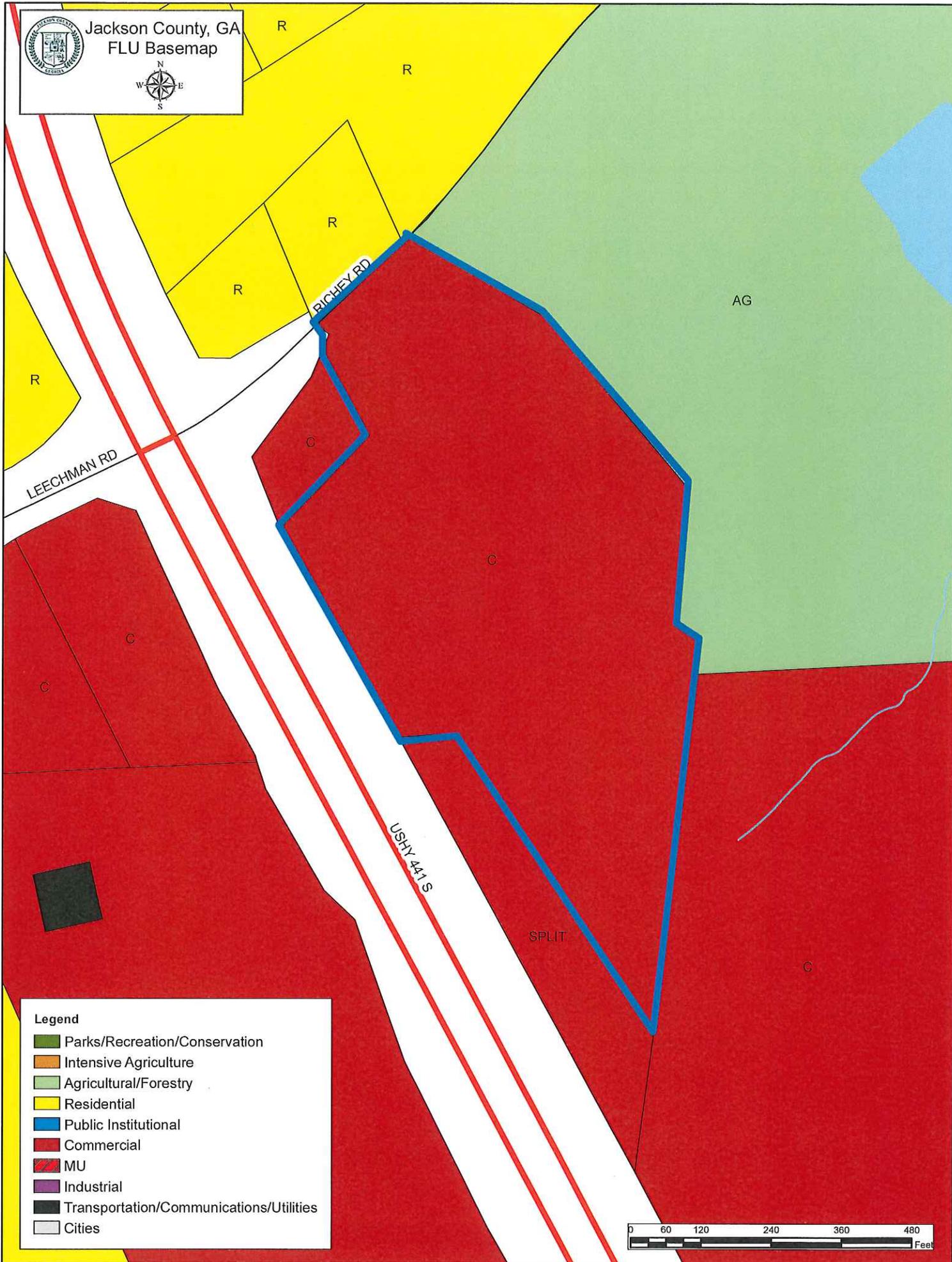


Jackson County, GA
Basemap





Jackson County, GA
FLU Basemap



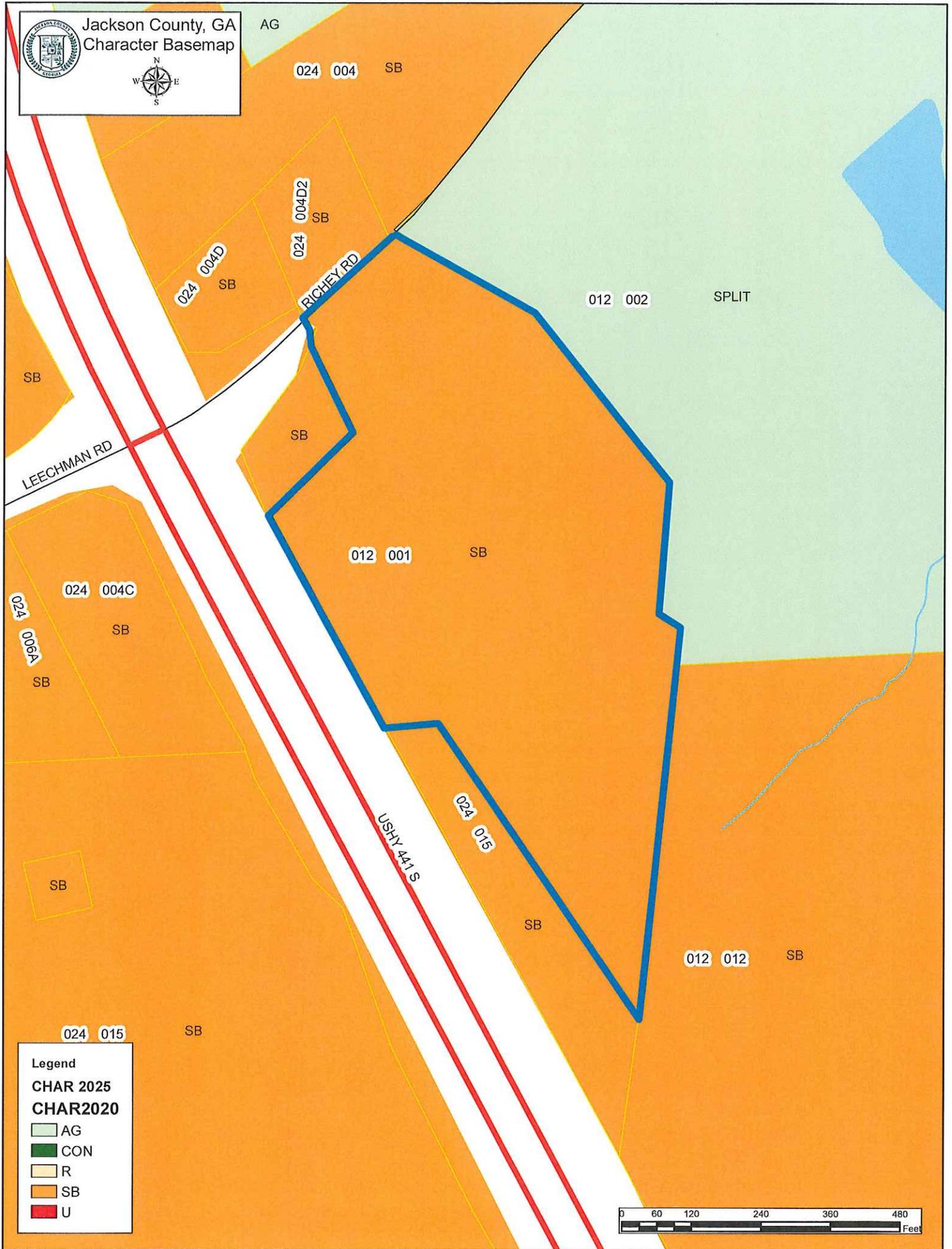
Legend

- Parks/Recreation/Conservation
- Intensive Agriculture
- Agricultural/Forestry
- Residential
- Public Institutional
- Commercial
- MU
- Industrial
- Transportation/Communications/Utilities
- Cities





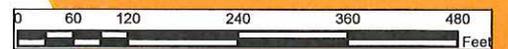
Jackson County, GA
Character Basemap



Legend

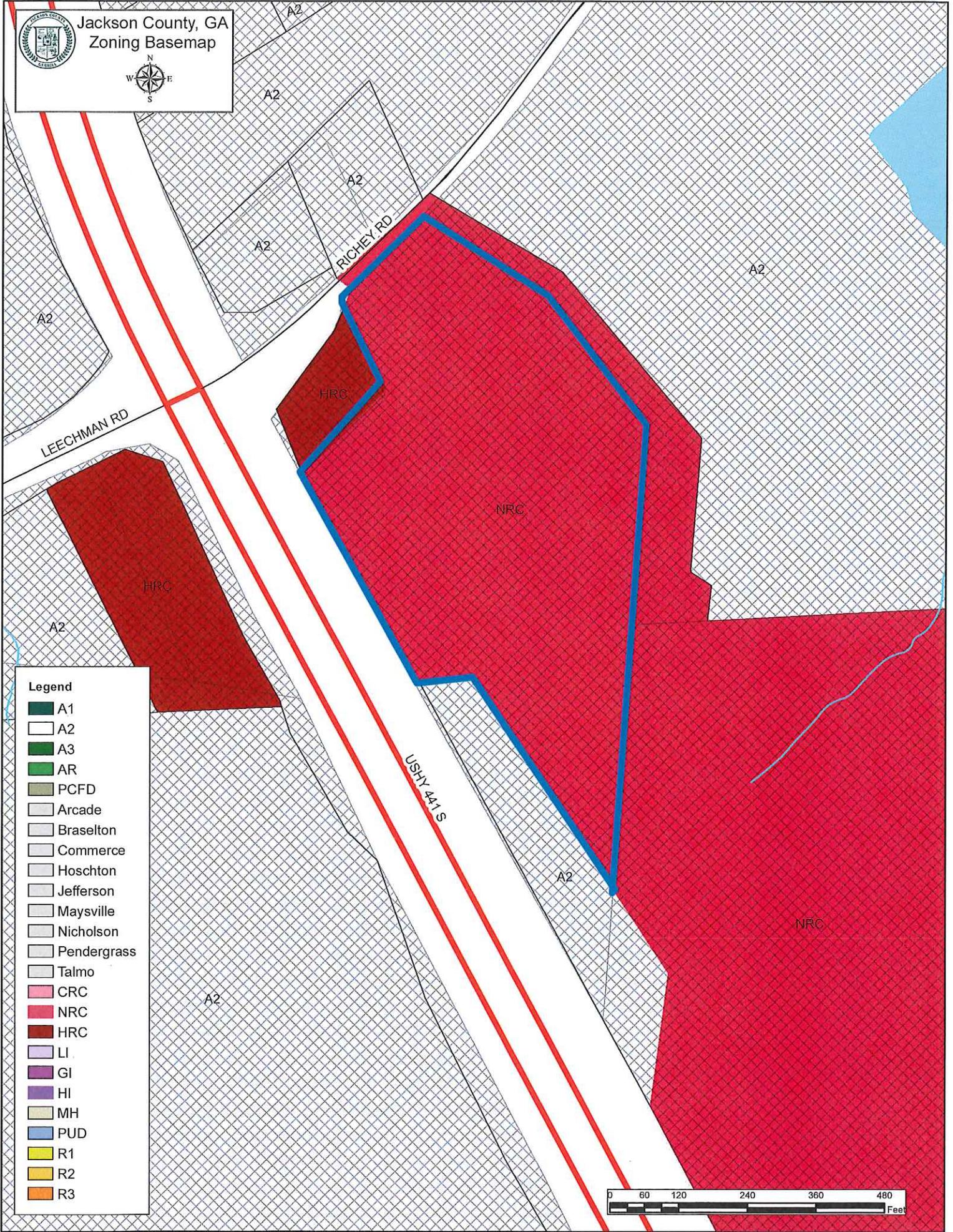
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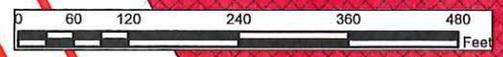


Jackson County, GA
Zoning Basemap



Legend

- A1
- A2
- A3
- AR
- PCFD
- Arcade
- Braselton
- Commerce
- Hoschton
- Jefferson
- Maysville
- Nicholson
- Pendergrass
- Talmo
- NRC
- HRC
- LI
- GI
- HI
- MH
- PUD
- R1
- R2
- R3





REZONING APPLICATION
JACKSON COUNTY PLANNING DIVISION
 67 Athens Street Jefferson, Georgia 30549
 706-367-5908

Date Received: 11/3/2016 Fee Received: \$675.⁰⁰ Case No.: RZ-16-18

Note to Applicant: All applications must be typed or *CLEARLY LEGIBLE* and all entries must be completed on all the required application forms. If you are uncertain to the applicability of an item, contact the Public Development.

Name of Applicant Om Deep Enterprises, LLC.
 Mailing Address 2604 Ivy Plantation Drive, Buford, GA-30519.
 Telephone _____ Cell 678-468-5927 E-Mail dpurohit@gmail.com
 Property Owner(s) Billy Joe Water
 Mailing Address P.O. Box 205, Commerce, GA 30529
 Telephone _____ Cell 706-621-9898 E-Mail _____
 Contact Person Dinesh Purohit
 Mailing Address Same as above
 Telephone 617-365-7628-SAMIR Cell 678-468-5927

Address/Location of Property 2105 Hwy 441, Commerce, GA 30529
 Tax Map No. 012 Tax Parcel No(s). 001 Total Acreage: 12.063
 Present Zoning District(s): NRC Proposed Zoning District: CRC
 Current Character Area Suburban
 Current Future Land Use Designation Commercial

TAX COMMISSIONER'S OFFICE USE ONLY

VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING

The undersigned certifies that all Jackson County taxes billed to date for the parcel listed below have been verified as paid current to the Tax Commissioner of Jackson County, Georgia and confirmed by the signature below. In no case shall an application or re-application for zoning action be processed without such property verification.

PARCEL I.D. NUMBER: 012 - 001
 Map Parcel

Name Anna Kemmons Title Property Tax Clerk Date 10/27/16

Letter of Intent

This is in reference to the property located at 2105 Hwy 441, Commerce Ga 30529. The said property used to be a Motel and have about 12-acre land and existing buildings on it. As per the county record its currently zoned for NRC and hereby requested to rezoned to CRC for the proposed use.

Property will be used as Yoga Studio with training and educational center. The existing buildings will be used for lodging to the general public and the participant. The existing building will be remodeled as per the current code and the use. Currently it's on well water and septic tank. The city of Nicolson water will be used in future development. This development in the area will protect the nature and environment with positive lifestyle. Currently we will do attractive landscaping and cleanup the area.

PROPOSED YOGA STUDIO

12.063 ACRES
2105
MAP 012 PARCEL 001

U.S. HIGHWAY NO. 441
R/W VARIES

CONCEPT PLAN FOR:
DINESH RAU PUROHIT
GMD NO. 255
JACKSON COUNTY, GEORGIA
SCALE: 1"=60'
DATE: 11-07-2016



INGVALD & ASSOCIATES
LAND SURVEYING AND PLANNING
447 2nd STREET, S.W.
COLUMBUS, GA 31906
PH: 706-325-1200

- * LEGEND *
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- 2. 1/4" = 100' SCALE
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- 200. 1/160693804296260627554196205541994311088148840675489376" = 100' SCALE
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- 209. 1/82275227799685441307748457237500472773132206425850560512" = 100' SCALE
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MCGILL

N 33-30 W - 618

TO ATHENS

U.S. HIGHWAY NO. 441

N 30-00 W - 663

TO COMMERCE

JARRELL

S 64 - M 00-1 S



PROPERTY OF
CHARLES WATERS,
238 FM. DISTRICT G.M.
JACKSON COUNTY, GEORGIA
5845 TWIN OAKS DRIVE - 1963
Jackson, Purchase Court
Filed *[Signature]* 5/19/63
3:00 P.M.

[Signature] Recorded
1963
Book 5 Page 88
[Signature]

74
30'-55" S
RICHIE



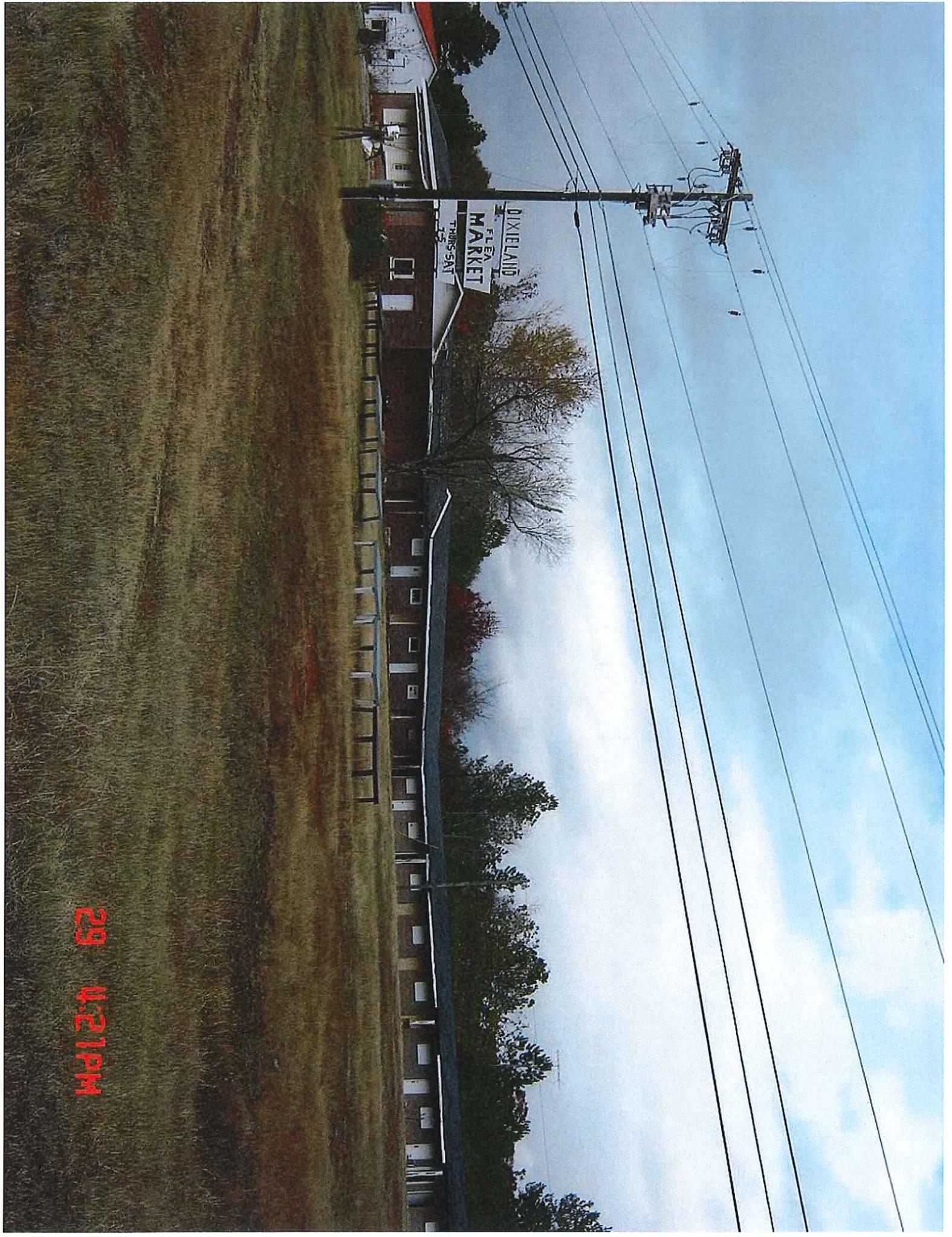
13.10 ACRES.



915 - 200-00 S

918 - 3 51'-55" S
RICHIE

COURTY ROAD
N 50-22 E - 430



DIXIELAND
FLEA
MARKET
THURS-SAT
7-5

29 4:21PM



29 4:28PM