



**STAFF REPORT  
REZONE  
255 SMITHONIA ROAD  
ZONE-2025-10-2011  
NOVEMBER 6<sup>th</sup>, 2025**

APPLICANT: ..... Chase Zech / Armentrout, Matheny, Thurmond P.C.  
OWNER: ..... Marvin Williams  
FUTURE LAND USE REQUEST: ..... Rural  
ZONING REQUEST: ..... From A-R to C-R  
TYPE OF REQUEST: ..... Type II  
LOCATION: ..... 255 Smithonia Road  
TAX MAP NUMBERS: ..... 281 001B  
COUNTY COMMISSION DISTRICT: ..... District 3  
PROJECT SIZE: ..... 30 Acres of a 71.544 Acre Tract  
PRESENT USE: ..... Agricultural  
PROPOSED USE: ..... Church  
PUBLIC NOTICE POSTED: ..... October 23, 2025  
STAFF RECOMMENDATION: ..... **APPROVAL**  
PLANNING COMM. RECOMMENDATION: ..... **PENDING**  
MAYOR & COMMISSION AGENDA SETTING: .. November 18<sup>th</sup>, 2025  
MAYOR & COMMISSION VOTING SESSION: .... December 2<sup>nd</sup>, 2025

## **I. Summary Recommendation**

The applicant has requested a rezone of a portion of the property at 255 Smithonia Road in order to construct a church. The two subject tracts, located within Athens-Clarke County's jurisdiction, are currently undeveloped. Staff notes that these two tracts, Tracts 3 and 4 (totaling 30 acres) on the applicant's survey, do not yet exist but are located within an existing 71-acre tract that is part of a proposed final plat that is presently in review. It is the intent of the applicant to subdivide the property at 255 Smithonia Road to create individual parcels for Tracts 3 and 4 and they have submitted a final plat to do just that. The creation of these new lots will likely be completed prior to the conclusion of the rezone case. The remaining 40 acres of the existing parcel would retain its existing zoning.

The City of Winterville was offered the chance to comment on the rezone request because of the property's proximity to the city limits. The City of Winterville officials are aware of the request, and have no expressed concerns. The anticipated traffic pattern would likely follow the weekly meetings schedule of the church, rather than create a consistent daily impact. Staff notes that there are no existing parking facilities or sidewalks, and there are no protected bike lanes along Smithonia Road.

The zoning request does not require a change to the Future Land Use Map, which is currently *Rural*. The request is compatible with the Comprehensive Plan, particularly with the encouragement of community facilities to be located as focal points in neighborhoods. The request is compatible with the Zoning Map, since the requested C-R zone is meant for rural areas.

The current zoning of the property, Agricultural Residential (AR), allows for church usage through the Special-Use process with a binding site plan. The request to rezone the property to Commercial-

Rural (C-R) would allow for the church use by-right and would provide the applicant more flexibility for growth without a binding site plan. Development of the subject property is expected to be designed and constructed to meet all applicable standards; no waivers or pending variances are requested.

A binding site plan is not required for this rezone request, and a development plan has not been provided by the applicant. If approved, the proposal will be reviewed for code compliance at the time of permitting review. **Staff recommends approval.**

Planning Commission Recommendation: Pending

## **II. Purpose of Applicant Request**

### **A. Proposal**

The applicant is requesting to rezone two tracts of undeveloped farmland, totaling 30 acres, from Agricultural-Residential (AR) to Commercial-Rural (C-R). The remaining 40 acres would stay with the current property owner and retain its current zoning. The two subject tracts, located within Athens-Clarke County's jurisdiction, are currently undeveloped. Staff notes that these two tracts, Tracts 3 and 4 on the applicant's survey, do not yet exist as their own parcels of land. It is the intent of the applicant to subdivide the property at 255 Smithonia Road to create individual parcels for Tracts 3 and 4 and has submitted a final plat to do just that. The creation of these new lots will likely be completed prior to the conclusion of the rezone case. The stated purpose of the rezone is to allow for a church use by-right. With the parcel's current A-R zoning, a church is only allowed through Special Use Permit approval.

### **B. Existing Conditions**

The two tracts are currently undeveloped farmland. These tracts are labeled as Tracts 3 (20 acres) and 4 (10 acres) on the applicant's survey. They are part of a larger 71-acre tract that is split between the jurisdiction of Athens-Clarke County and the City of Winterville. The subject area to be rezoned is entirely within the jurisdiction of Athens-Clarke County. The surrounding parcels to the north, south, east and west are zoned Agricultural-Residential. The portion of the existing parent parcel that is within the City of Winterville's limits is zoned R18H, a single-family residential zoning district included in the Winterville zoning ordinance, that does have a provision which allows churches as a conditional use subject to certain limitations. The surrounding properties consist of agricultural and residential uses.

## **III. Policy Analysis**

### **A. Compatibility with Comprehensive Plan**

The 2023 Comprehensive Plan calls for the following policies that **are** supported in this project:

- *Encourage parks, schools, and community facilities to be located as focal points in neighborhoods.*

Rezoning the property to C-R will allow this Winterville-based church to expand close to their roots while maintaining the existing rural character of the surrounding area. Staff finds the proposal to be compatible with the Comprehensive Plan.

## B. Compatibility with the Future Land Use Map

The 2023 Future Land Use Map designates the subject parcel as *Rural*, which is described as follows:

### Rural

*Rural lands are intended to have very low residential density. To maintain open space, clustering of dwellings is encouraged with common open spaces protected by conservation easements. Agricultural functions are encouraged, as well as other compatible uses, such as limited low-impact commercial uses, equestrian facilities and other animal boarding uses.*

The applicant is not requesting a change to the Future Land Use Map. The rezoning proposal is consistent with the Future Land Use description, since the church is expected to be a relatively low-impact user.

## C. Compatibility with the Zoning Map

The applicant has requested a rezone from Agricultural-Residential (AR) to Commercial-Rural (C-R). The following information has been provided to compare the difference in development intensity between the existing AR zoning and the requested C-R zone. Broadly, a comparison of scale, use, and design is offered here to help decision makers evaluate the changes that would be allowed if the request is approved. In terms of building scale, the following chart illustrates the differences in size and scale of buildings that could be constructed:

Standard	CURRENT AR Zoning	REQUESTED C-R Zoning
Minimum Lot Size	10 acres	20,000sf
Density	N/A	16
Max Lot Coverage	10%	35%
Max Building Height	50'	65'
Setbacks	10'-30'	6'-20'
Conserved Canopy	%	%
Total Canopy	%	%
Parking	Varies by use	One space per four seats

The Athens-Clarke County Zoning Ordinance includes a list of defined uses and designates where they can or cannot be established. For this request, the most noticeable difference between the current AR zoning and the proposed C-R zoning is the allowance for a wider range of industrial and institutional operations.

The proposed zoning of C-R would represent a departure from the surrounding zoning classification as the parcels to the north, south, east and west of the property are zoned A-R. The property would remain rural in character, however, since the C-R zone was written for low-impact rural uses that aren't related to agriculture. If a church does not get built, Staff assesses that the other uses allowed in the Commercial-Rural zone would still be compatible with the rural character of the area.

## D. Consistency with Other Adopted ACCGov Plans, Studies, or Programs

No plans, studies or programs affect this parcel.

## IV. Technical Assessment

## **A. Environment**

There are no designated environmental areas on the property. The Arborist has reviewed the tree management plan and approved it with the following comments:

- *Project will be expected to meet all requirements of the community tree management ordinance at time of development during plan review.*

## **B. Grading and Drainage**

The Transportation & Public Works Department has reviewed the proposal and offered no grading and drainage-related comments.

## **C. Water and Sewer Availability**

The Public Utilities Department has reviewed the proposal and offered the following comments:

- *ACC water is available*
- *ACC sanitary sewer is NOT available*
- *Capacity is available to serve the proposed development*

The Public Health Department has reviewed the proposal and offered the following comments:

- *A site-specific soil survey will need to be done. The web survey cannot be used for permitting. However, if the level 3 soil survey does show soils that are within the estimated range, and the topography is acceptable for septic, then there would be enough area for the septic system and repair on the property for the proposed use. The septic tank(s) would need to be larger tank(s) than proposed. The calculation sheet indicates that a 1500-gallon tank would be used, but the estimated flow is 5155 gallons per day. The tank(s) must provide a minimum capacity of 24 hours retention. The drain field would be over 1000 linear feet so time dosing would be required.*

## **D. Transportation**

The Transportation & Public Works Department has reviewed the proposal and offered no transportation-related comments.

## **E. Fire Protection**

The Fire Marshal has reviewed the proposal and offered no comment.

## **F. Compliance with the Zoning Ordinance and Development Standards**

A binding plan is neither required nor proposed with this request. If the rezone request is approved, the applicant would be required to submit full engineered site plans and architectural elevations and would be reviewed for code compliance at the time of permitting review. The applicant has not made any waiver requests, so they will be expected to comply with all applicable standards. Signage and lighting are not reviewed at this stage, but the applicant is expected to adhere to those standards as well.

*End of Staff Report.*

**Zoning Criteria Considered by Staff**

The following factors have been considered as set forth in *Guhl v. Holcomb Bridge Road Corp.*, 238 Ga. 322, 232 S.E.2d 830 (1977).

- The proposed zoning action conforms to the Future Land Use map, the general plans for the physical development of Athens-Clarke County, and any master plan or portion thereof adopted by the Mayor and Commission.
- The proposed use meets all objective criteria set forth for that use provided in the zoning ordinance and conforms to the purpose and intent of the Comprehensive Plan and all its elements.
- The proposal will not adversely affect the balance of land uses in Athens-Clarke County.
- The cost of the Unified Government and other governmental entities in providing, improving, increasing or maintaining public utilities, schools, streets and other public safety measures.
- The existing land use pattern surrounding the property in issue.
- The possible creation of an isolated district unrelated to adjacent and nearby districts.
- The aesthetic effect of existing and future use of the property as it relates to the surrounding area.
- Whether the proposed zoning action will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.
- Whether there are substantial reasons why the property cannot be used in accordance with existing zoning; provided, however, evidence that the economic value of the property, as currently zoned, is less than its economic value if zoned as requested will not alone constitute a significant detriment.
- Whether there are other existing or changing conditions affecting the use and development of the property that give supporting grounds for either approval or disapproval of the zoning proposal.
- Public services, which include physical facilities and staff capacity, exist sufficient to service the proposal.
- The population density pattern and possible increase or over-taxing of the load on public facilities including, but not limited to, schools, utilities, and streets.
- The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quantity.