

**APPROVAL OF A SPECIAL EXCEPTION VARIANCE  
FROM THE UNIFIED DEVELOPMENT CODE OF OCONEE COUNTY, GEORGIA**

**TITLE**

A Resolution granting approval of a Special Exception Variance based upon the allowances under the Unified Development Code of Oconee County, Georgia, pursuant to Article 13, Section 1303, to grant approval of a Special Exception Variance pursuant to an application requesting approval of a Special Exception Variance on property owned by Evelyn & Frank Gordy Family, L.P. submitted on January 28, 2015.

**ENACTMENT CLAUSE**

Pursuant to the authority conferred by the Constitution and Laws of the State of Georgia and after consideration of an application requesting Special Exception Variance approval submitted by Oconee 316 Associates, LLC on December 28, 2015 regarding property owned by said petitioners on a ±53.859 acre tract of land located on the north side of the Oconee Connector and the north side of Plaza Parkway in the 1331<sup>st</sup> G.M.D., Oconee County, Georgia, (Portion of TP# C-1-47), the Board of Commissioners of Oconee County does hereby grant the following:

SECTION 1. A Resolution granting Special Exception Variance approval for the property described above and also described in the attached Exhibit "A" is hereby granted for the purpose of relief from Unified Development Code Section 607.04.b, to eliminate the front and side setbacks required for off-street parking.

Said Special Exception Variance 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.

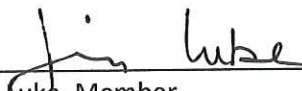
SECTION 3. Effective Date. This Resolution shall take effect this date.

Said Special Exception Variance application was submitted to the Oconee County Board of Commissioners and a Public Hearing was duly held by same at its regular meeting on March 1, 2016.


APPROVED, this 1<sup>st</sup> day of March, 2016.

**OCONEE COUNTY BOARD OF COMMISSIONERS**

BY:   
G. Melvin Davis, Chairman

  
Jim Luke, Member

  
John Daniell, Member

  
W. E. "Bubber" Wilkes, Member

  
Mark Saxon, Member

ATTEST:

  
Jane Greathouse  
Clerk, Board of Commissioners

**NARRATIVE**

**Special Exception Variance Request for Parking Setbacks**

Oconee 316 Associates, LLC respectfully request that the parking set back requirements outlined in Section 607.04.b be waived along the property line separating Parcel A and Parcel B. The parking configuration and landscape islands proposed for the shopping center has been designed to make the project look like a single property and not like individual properties. The proposed parking configuration and property boundary separating parcel A and parcel B makes it difficult to provide the landscape buffer as requested in the code.

**a. Would not cause a substantial detriment to the public good.**

Adjusting the parking setbacks does not create a situation that will harm the public good. The reduction of the parking set back would only occur along the theater tract which is on the interior of the site and not close to any major roads. Adequate access and parking is still provided.

**b. Would not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity.**

The function of the shopping center is not adversely affected by the variance, but instead adjustment allows for more efficient parking areas. Additionally the variance allows for better traffic flow and easier cross parking access for the businesses.

**c. Would not diminish and impair property values within the surrounding neighborhood.**

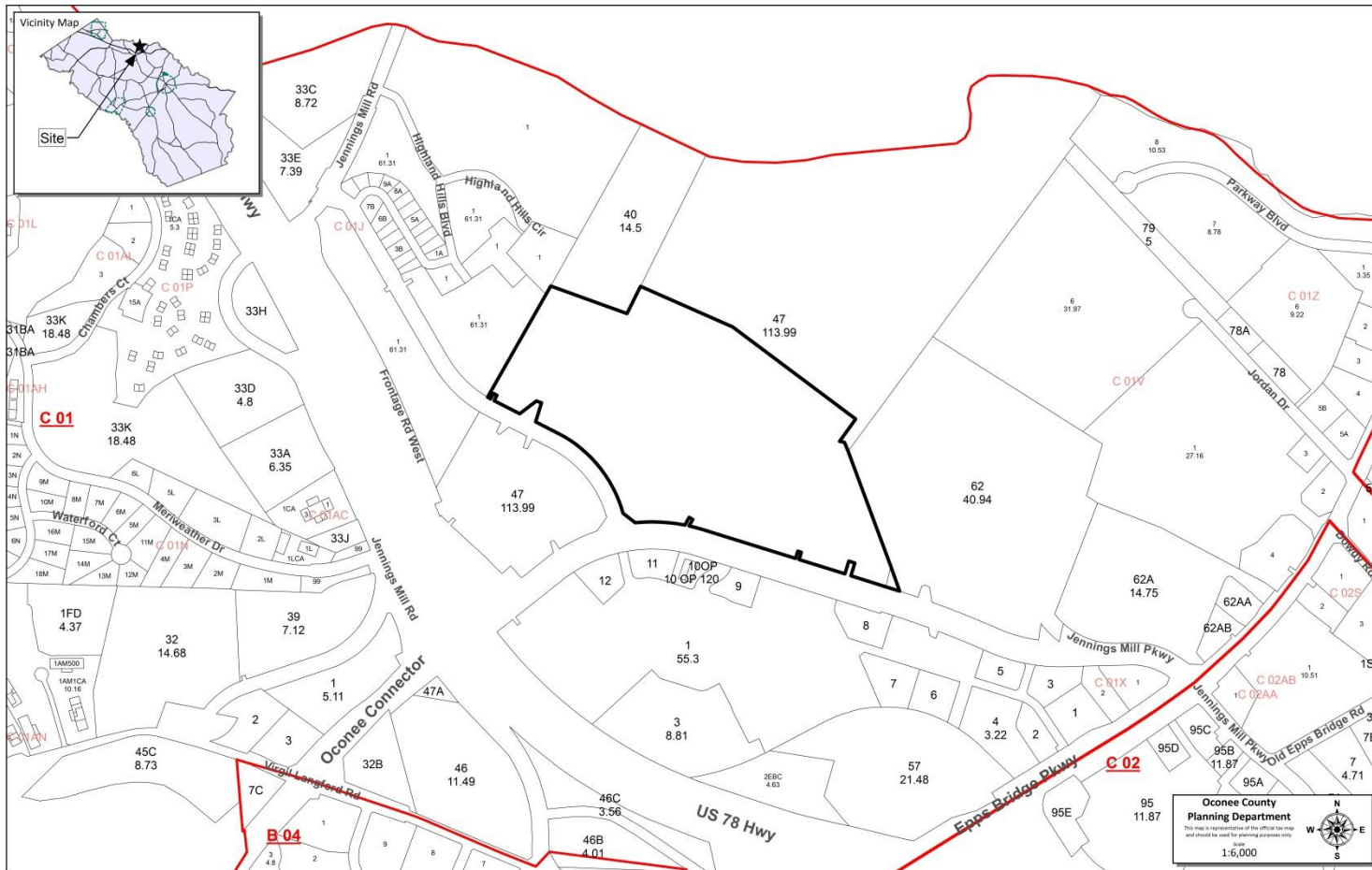
The variance would not impact and property values surrounding the property. The variance allows for the development to be constructed as proposed. The construction of the shopping center will enhance property values in the area because of increased commercial activity.

**d. Would not impair the purpose and intent of the Unified Development Code.**

This variance request does not conflict with the purpose and intent of the Unified Development Code. Granting the variance will not allow blight, overcrowding of buildings, or reduce access of the patrons to the various buildings. It will actually promote positive development for the county, which supports an economically sound and stable community with diverse services. Additionally, the land will be able to be developed to its highest and best use.



## TAX MAP



## LEGAL DESCRIPTION

All that tract or parcel of land lying or being in General Militia District 1331, Oconee County, Georgia, and being more particularly described as follows:

Beginning at 5/8 inch rebar set at the Southeasterly end of the mitered intersection of Northeasterly right-of-way of Plaza Parkway (variable public right-of-way) with the Northerly right-of-way of Oconee Connector (variable public right-of-way), said point being the True Point of Beginning; Thence along said right-of-way of Oconee Connector, along a curve to the right, said curve having an arc length of 297.15 feet with a radius of 1029.93 feet, being subtended by a chord bearing of South 87 degrees 16 minutes 05 seconds East, a distance of 296.12 feet to a 5/8 inch rebar set; thence North 28 degrees 36 minutes 20 seconds East, a distance of 52.34 feet to a 5/8 inch rebar set; thence South 61 degrees 03 minutes 35 seconds East, a distance of 24.68 feet to a 5/8 inch rebar set; thence South 29 degrees 49 minutes 06 seconds West, a distance of 44.98 feet to a 5/8 inch rebar set; thence along a curve to the right, said curve having an arc length of 89.27 feet with a radius of 1029.93 feet, being subtended by a chord bearing of South 75 degrees 08 minutes 22 seconds East, a distance of 89.24 feet to a point; thence continuing along said right-of-way South 72 degrees 39 minutes 23 seconds East, a distance of 89.66 feet to a point; thence continuing along said right-of-way South 72 degrees 39 minutes 23 seconds East, a distance of 182.15 feet to a point; thence continuing along said right-of-way of Oconee Connector South 72 degrees 39 minutes 23 seconds East, a distance of 303.42 feet to a 5/8 inch rebar set; thence North 17 degrees 20 minutes 37 seconds East, a distance of 46.00 feet to a 5/8 inch rebar set; thence South 72 degrees 39 minutes 23 seconds East, a distance of 22.00 feet to a 5/8 inch rebar set; thence South 17 degrees 20 minutes 37 seconds West, a distance of 46.00 feet to a 5/8 inch rebar set; thence South 72 degrees 39 minutes 23 seconds East, a distance of 286.00 feet to a 5/8 inch rebar set; thence North 17 degrees 20 minutes 37 seconds East, a distance of 80.00 feet to a 5/8 inch rebar set; thence South 72 degrees 39 minutes 23 seconds East, a distance of 38.00 feet to a 5/8 inch rebar set; thence South 17 degrees 20 minutes 37 seconds West, a distance of 80.00 feet to a 5/8 inch rebar set; thence

South 72 degrees 39 minutes 23 seconds East, a distance of 232.43 feet to a 5/8 inch rebar set; thence leaving said right-of-way North 12 degrees 04 minutes 34 seconds West, a distance of 996.57 feet to a point, thence North 12 degrees 04 minutes, 34 seconds West, a distance of 57.10 feet to a 1/2" rebar found, thence North 37 degrees 56 minutes 38 seconds East, a distance of 161.01 feet to a point, thence North 58 Degrees 20 minutes 43 seconds West, a distance of 30.63 feet to a point, thence leaving said proposed right-of-way North 58 degrees 20 minutes 43 seconds West, a distance of 742.88 feet to a 5/8 inch rebar set; thence North 72 degrees 39 minutes 23 seconds West, a distance of 589.79 feet to a 5/8 inch rebar set; thence South 24 degrees 00 minutes 44 seconds West, a distance of 181.52 feet to a point 3/4 inch rod found; thence North 69 degrees 12 minutes 16 seconds West, a distance of 551.57 feet to a 3/4 inch rod found; thence South 31 degrees 30 minutes 06 seconds West, a distance of 775.91 feet to a 5/8 inch rebar set on the Northerly right-of-way of Plaza Parkway; thence along said right-of-way South 63 degrees 03 minutes 52 seconds East, a distance of 157.25 feet to a 5/8 inch rebar set; thence North 52 degrees 28 minutes 39 seconds East, a distance of 125.24 feet to a 5/8 inch rebar set; thence South 70 degrees 11 minutes 22 seconds East, a distance of 32.25 feet to a 5/8 inch rebar set; thence South 16 degrees 45 minutes 36 seconds West, a distance of 118.88 feet to a 5/8 inch rebar set; thence South 63 degrees 03 minutes 52 seconds East, a distance of 144.93 feet to a 5/8 inch rebar set; thence along a curve to the right, said curve having an arc length of 637.68 feet with a radius of 766.20 feet, being subtended by a chord bearing of South 39 degrees 13 minutes 18 seconds East, a distance of 619.44 feet to a 5/8 inch rebar set on the Northwesterly end of the mitered intersection of the Northeasterly right-of-way of Plaza Parkway with the Northerly right-of-way of Oconee Connector; thence along said mitered intersection South 52 degrees 37 minutes 16 seconds East, a distance of 92.82 feet to a 5/8 inch rebar set, said point being the True Point of Beginning

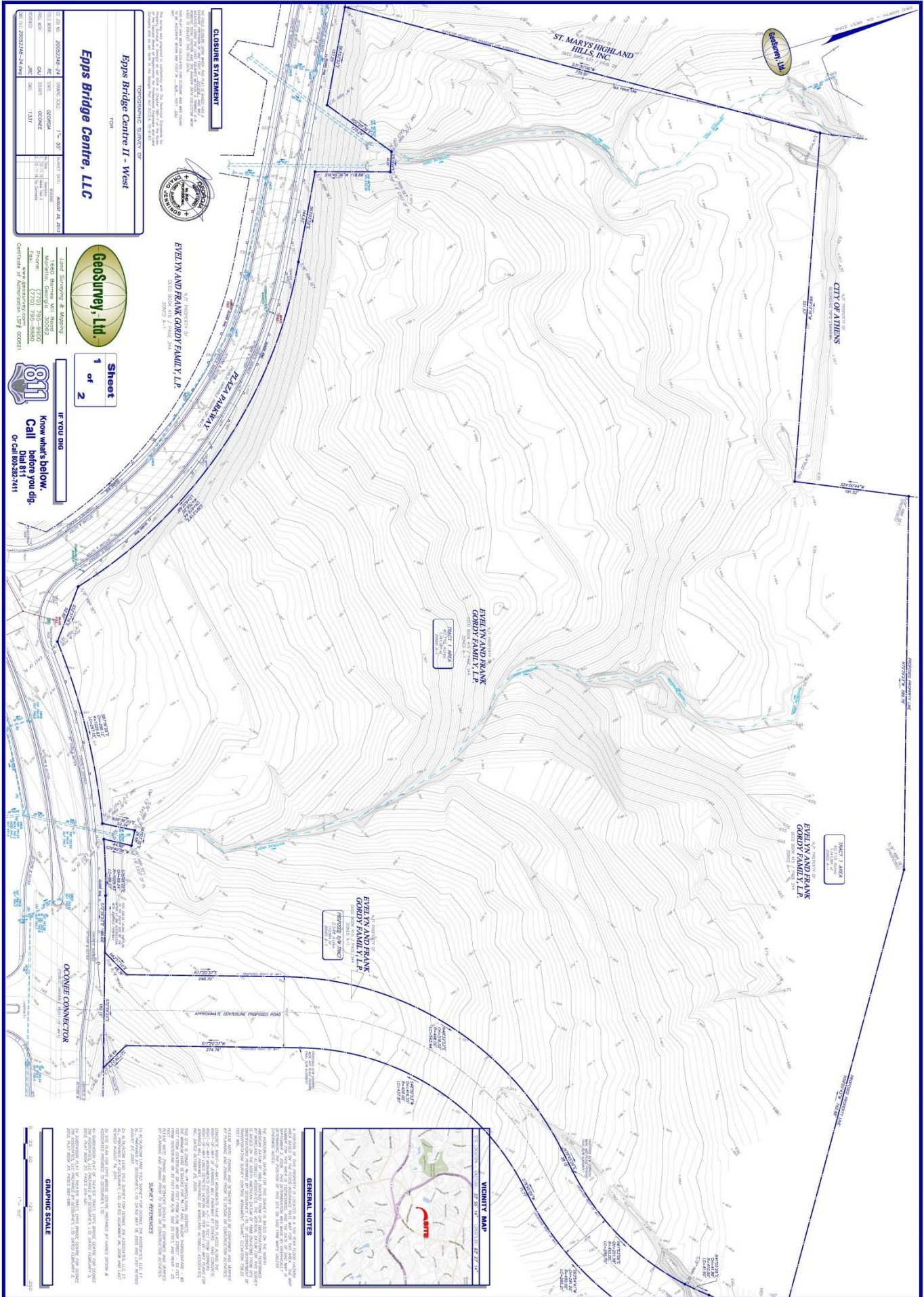
Said tract of land contains 53.859 +/- acres.



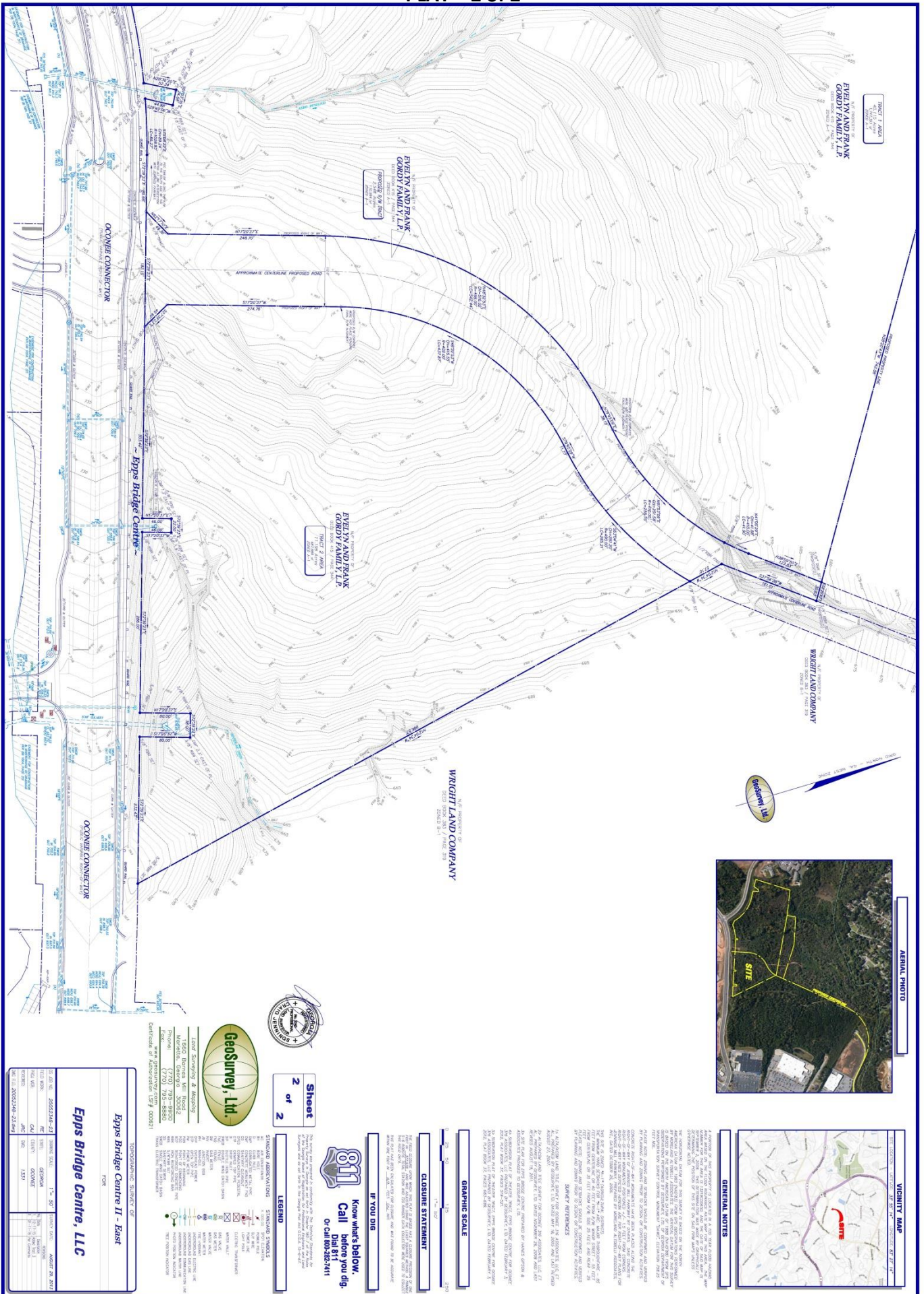
# EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE #6814

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PLAT - 1 of 2





**PLAT – 2 of 2**



DEVELOPMENT PLAN

