

**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 The Fairways at 316, LLC submitted on September 21, 2021.

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 Beall & Company, LLC on September 21, 2021, regarding a ±30.823 acre tract of land located on Langford Drive/Langford Estates Place in the 1331st G.M.D., Oconee County, Georgia, (tax parcel no. C-01AG-001 and C-01-032), 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 to allow a proposed building to exceed the 40-foot building height in the OIP zoning district.

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 the same at its regular meeting on December 7, 2021.

ADOPTED AND APPROVED, this 7th day of December, 2021.

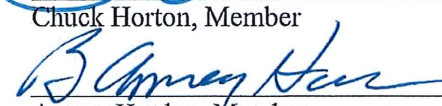
OCONEE COUNTY BOARD OF COMMISSIONERS

BY: _____


John Daniell, Chairman


Mark Thomas, Member


Chuck Horton, Member


Amrey Harden, Member


Mark Saxon, Member

ATTEST:

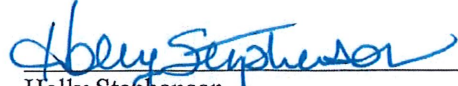

Holly Stephenson
Clerk, Board of Commissioners

EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P21-0191

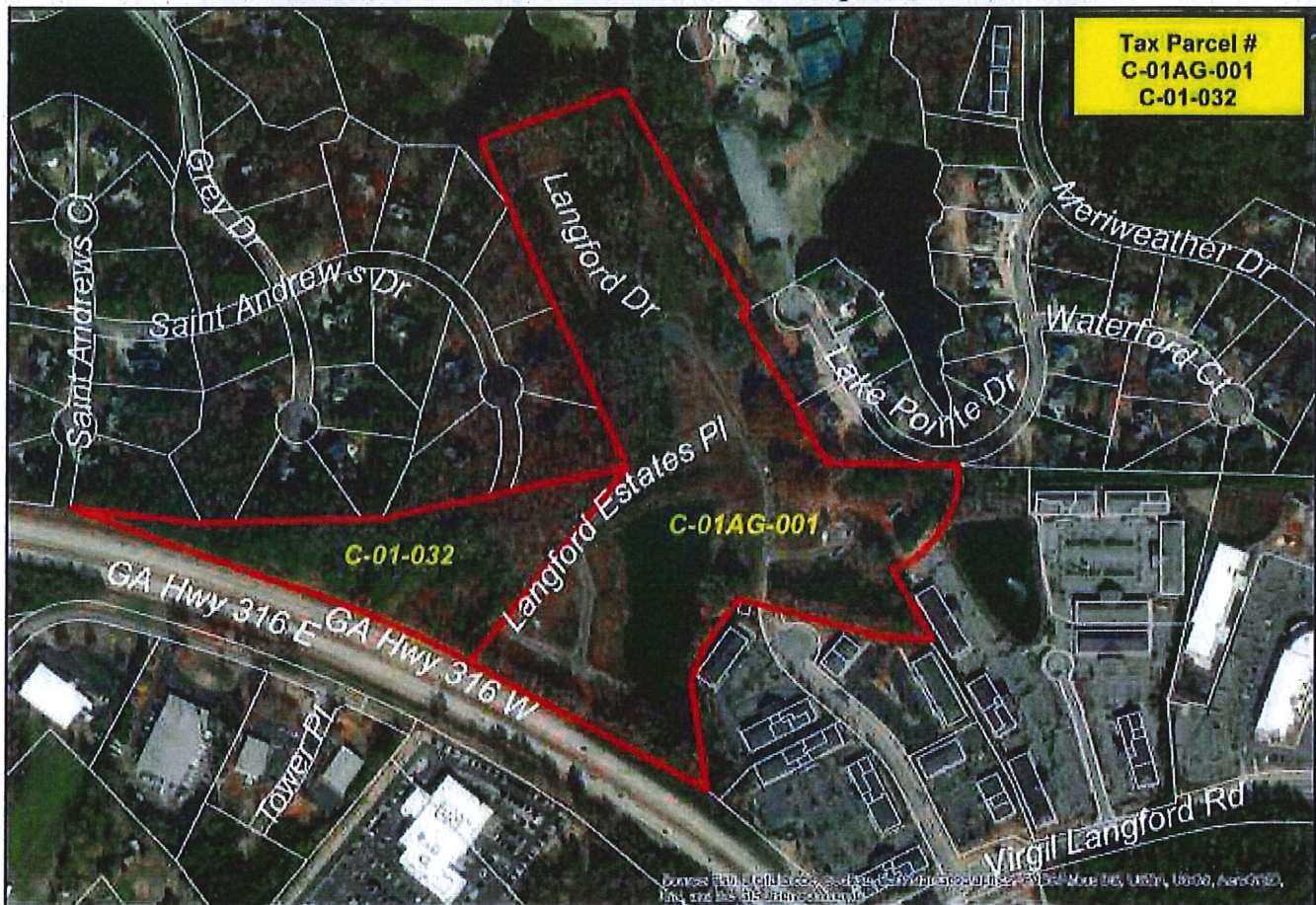
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CONDITIONS

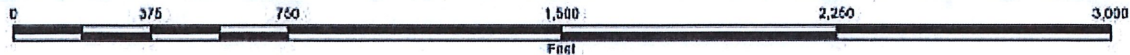
1. Development design and structures shall meet or exceed the standards indicated on the concept plan, narrative, representative architectural sketches, and other documents submitted with the variance application and attached hereto. This condition shall not construe approval of any standard that is not in conformity with the Unified Development Code.
2. The proposed independent living building height shall not exceed 55 feet.

TAX MAP

Variance # P21-0191 - The Fairways At 316, LLC



1:4,000



LEGAL DESCRIPTION

VINEYARD ATHENS

Seniors Community
Oconee Parcel #C01 032

All that tract or parcel of land lying and being in the county of Oconee, State of Georgia, GMD 1331, and described as Tract 1, 6.289 acres on a BOUNDARY SURVEY FOR OCONEE MEDICAL PROPERTIES, LLC, prepared by WOODS LAND SURVEYORS, INC., dated March 4, 2016 more particularly described as follows:

POINT OF BEGINNING (POB) is a concrete right-of-way monument post at the property corner located 1,275.84' as measured in a northwesterly direction from the edge of the right-of-way of VIRGIL LANGFORD ROAD, along the northern right-of-way line of Georgia S.R. 316 Hwy; Said **POB** is the southeastern most property corner of the subject parcel (parcel is also known as tax parcel #C01 032);

Thence N66°21'54"W, an arc distance of 487.00', chord length 486.78', and radius of 4683.66' to a point on the right-of-way line of Georgia S.R. 316 Highway;

Thence N70°45'53"W, a distance of 615.13' to a concrete right-of-way monument post;

Thence S84°31'28"E, a distance of 272.52' to an iron pin at a property corner;

Thence N88°24'51"E, a distance of 500' to an iron pin at a property corner;

Thence N78°29'34"E, a distance of 300.00' to an iron pin;

Thence N78°29'34"E, a distance of 60.71' to an iron pin;

Thence N78°29'34"E, a distance of 332.97' to an iron pin at a property corner;

Thence S38°58'57"W, a distance of 674.12' to a concrete right-of-way monument post denoting the original POINT OF BEGINNING;

END OF DESCRIPTION for Parcel #C01 032.

VINEYARD ATHENS
Seniors Community
Oconee Parcel #C01A G001

All that tract or parcel of land lying and being in the county of Oconee, State of Georgia, GMD 1331, and described as a 24.634 acre tract on a BOUNDARY SURVEY FOR OGONEE MEDICAL PROPERTIES, LLC, prepared by WOODS LAND SURVEYORS, INC., dated March 19, 2016 more particularly described as follows:

POINT OF BEGINNING (POB) is at an iron pin at the property corner located 546.80' as measured in a northwesterly direction from the edge of the right-of-way of VIRGIL LANGFORD ROAD, along the northern right-of-way line of Georgia S.R. 316 Hwy; Said POB is the southeastern most property corner of the subject parcel (parcel is also known as tax parcel #C01A G001);

Thence N61°54'29"W, a distance of 63.46' to an iron pin;

Thence N62°01'50"W, a distance of 675.58' to a concrete right-of-way monument post;

Thence N38°58'57"E, a distance of 674.12' to an iron pin at a property corner;

Thence N24°46'37"W, a distance of 970.97' to an iron pin at a property corner;

Thence N70°56'06"E, a distance of 413.33' to an iron pin at a property corner;

Thence S29°54'16"E, a distance of 674.41' to an iron pin;

Thence S29°52'04"E, a distance of 295.08' to an iron pin;

Thence S29°47'32"E, a distance of 180.85' to an iron pin at a property corner;

Thence S88°07'28"E, a distance of 338.85' to an iron pin;

Thence S02°44'54"W, a distance of 38.31' to an iron pin;

Thence S13°13'28"W, an arc distance of 100.56', chord length of 100.00', and radius of 274.84' to an iron pin;

Thence S36°50'10"W, an arc distance of 126.10', chord length of 126.00', and radius of 275.23' to an iron pin;

Thence S58°59'22"W, an arc distance of 91.46', chord length of 91.04', and radius of 275.58' to an iron pin;

Thence S30°30'45"E, a distance of 215.72' to an iron pin;

Thence N87°43'13"W, a distance of 137.03' to an iron pin;

Thence N74°40'22"W, a distance of 200.12' to an iron pin;

Thence N76°07'18"W, a distance of 200.07' to an iron pin at the

Thence S35°33'04"W, a distance of 156.67' to an iron pin;

Thence S22°05'48"W, a distance of 99.91' to an iron pin;

Thence S08°54'19"E, a distance of 295.44' to an iron pin denoting the original **POINT OF BEGINNING**;

END OF DESCRIPTION for Parcel #C01A G001.

EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P21-0191

NARRATIVE

Variance Narrative

A Special Exception Variance is requested from OUP Sec. 412.2 allow[ing] select buildings to exceed the maximum height in the OUP zoning district. The allowances would be for building height to be elevated up to a maximum of 55' as noted below which will allow greater floor to floor separation and maintain a pitched roof.

Building #2700 Independent Living: proposed maximum ridge height 55'-0" (4 stories)

(Note: all proposed ridge heights are measured from the proposed finished grade of the site. The requested variance will apply to building #2700 only.)

This variance request is submitted along with a companion rezoning request to modify the zoning on the subject 30.833 acres from AG and OUP to DEP in order to allow the development of a master planned age-in-place senior retirement community.

Timeline

The subject property is presently two parcels. Parcel # O11A (201) is 24.534 acres previously zoned in 2014 from an R3 Residential Master Planned Development in OUP (Ordinance 2014-01) Professional Quarter for development as a Continuum of Care Retirement Community. The current project purchased the 24.534 acres in 2014 and submitted site development plans for consideration of the CCRC development which was subsequently approved for construction in December 2013. The 24.534 acres were AG parcels owned by OCTOSSE REALTY, LLC from the Georgia Department of Transportation in 2013, and transferred to The Parkway LLC in February, 2019. The developer plans to combine the two parcels and develop the property under a unified master plan as an independent & associated living senior community.

Infrastructure (road, water main, sewer, storm drainage, & power) was installed on the subject 24.534 acre site in 2010 in accordance with an approved initial density R3 Master Planned Residential Development of Single-Family and Small Residential Cottage lots. No actual residential building construction ever took place due to the national/global economic recession that began in 2007.

The property became land owned, then lease-owned prior to being acquired for the current owner who acquired the property in the year 2014.

Access to the property is via Landlord Drive through the 716 PROFESSIONAL QUARTER project from Vogel Land Road and also via a private access and utility easement through the CCRC site from Vogel Land Road. Both of these projects were developed by the current owner of the 24.534 acre and 6,200 acre parcels.

A natural drainage corridor drains properties from the south through a concrete box culvert under University Parkway toward the north to an existing stormwater treatment pond located on the 24.534 acre parcel. Additional stormwater on the University Parkway for approximately 675.28 acre and the 6.529 acre parcel flows on the University Parkway for approximately 1,100.81 feet.

The zoning of the adjoining property to the north of the 6.529 acre parcel is R-1 PUD. The use of said property is a well established single-family subdivision known as Jennings Mill Subdivision. The University Parkway (aka SR 310) borders the entire southern property line of the 6.529 acre parcel. The properties directly opposite the 6.529 acre parcel are Highway 310 are a mix of commercial uses (medical offices, auto station, Mercedes dealership and leasing (CDM), and R-2). The subject 24.534 acre parcel borders the southern boundary of the 6.529 acre parcel. The 6.529 acre parcel used residential property (undeveloped).

The zoning of the adjoining property to the southwest of the 24.534 acre parcel is also R-1 PUD (Jennings Mill Subdivision) in the north is R-1 PUD (Jennings Mill East) and in the southeast is R-1 PUD (Jennings Mill West) and south to the east is R-1 PUD (Jennings Mill Subdivision single-family homes), due east and southeast is OUP (CCRC) Office Park and to the south is R-2 OUP Professional Quarter Office Park.

Notes: A total of 23 (23) acres are proposed for development on the subject property. This total number may change slightly based on refinements of the building design and public engineering requirements associated during the engineering stage of the development project.

See: 1001.03 Standards for special exception variance approval.

A special engineering variance may be granted upon finding that the intent is granted

a. Would not create substantial detriment to the public good. The allowance of the increase in building height will not create a substantial detriment to the public good because there is no detriment to the public for the height to increase as of 49'. The height, when not a factor of the public will not be encroached by the height of the structure on-site. All aspects of the local, state and federal codes will be used to accommodate the 55' height.

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

The allowance of the increase in building height will not be injurious to the use and

enjoyment of the environment of other property in the immediate vicinity. The petitioner plans to utility their property and the proposed 2-story residential building height at a much higher level than the property line of the residential property and the amount required by traffic on the University Parkway (aka Highway 310). The developer also agrees to construct a 6' privacy fence in conjunction with a clearly defined landscape buffer along the common property line separating the proposed living building from the existing residential property. Other than existing and proposed vegetation only a fence will be allowed to add landscape buffer in front.

c. Would not diminish or impair property values within the surrounding neighborhood. The past, present, and proposed zoning subdivisions, ordinances, regulations, and improvements to the properties and local neighborhoods and public works in the vicinity have helped maintain a mixture of compatible residential, office/business, retail, health services, and cultural uses in the area. The subject site parcels are already surrounded by those property and improvements, and it is hereby directly across the University Parkway from several other high-end, low-density, near school offices and other business sites.

d. Would not impair the purpose and intent of the Unified Development Code. The allowance of the increase in building height does not impair the purpose and intent of the Unified Development Code. As a point of fact, in this instance granting of the variance would actually further the intent and purpose of the Unified Development Code and the comprehensive plan in the vicinity of the subject property. No buildings are proposed within 30' of any existing residential property.

ARCHITECTURAL IMAGES

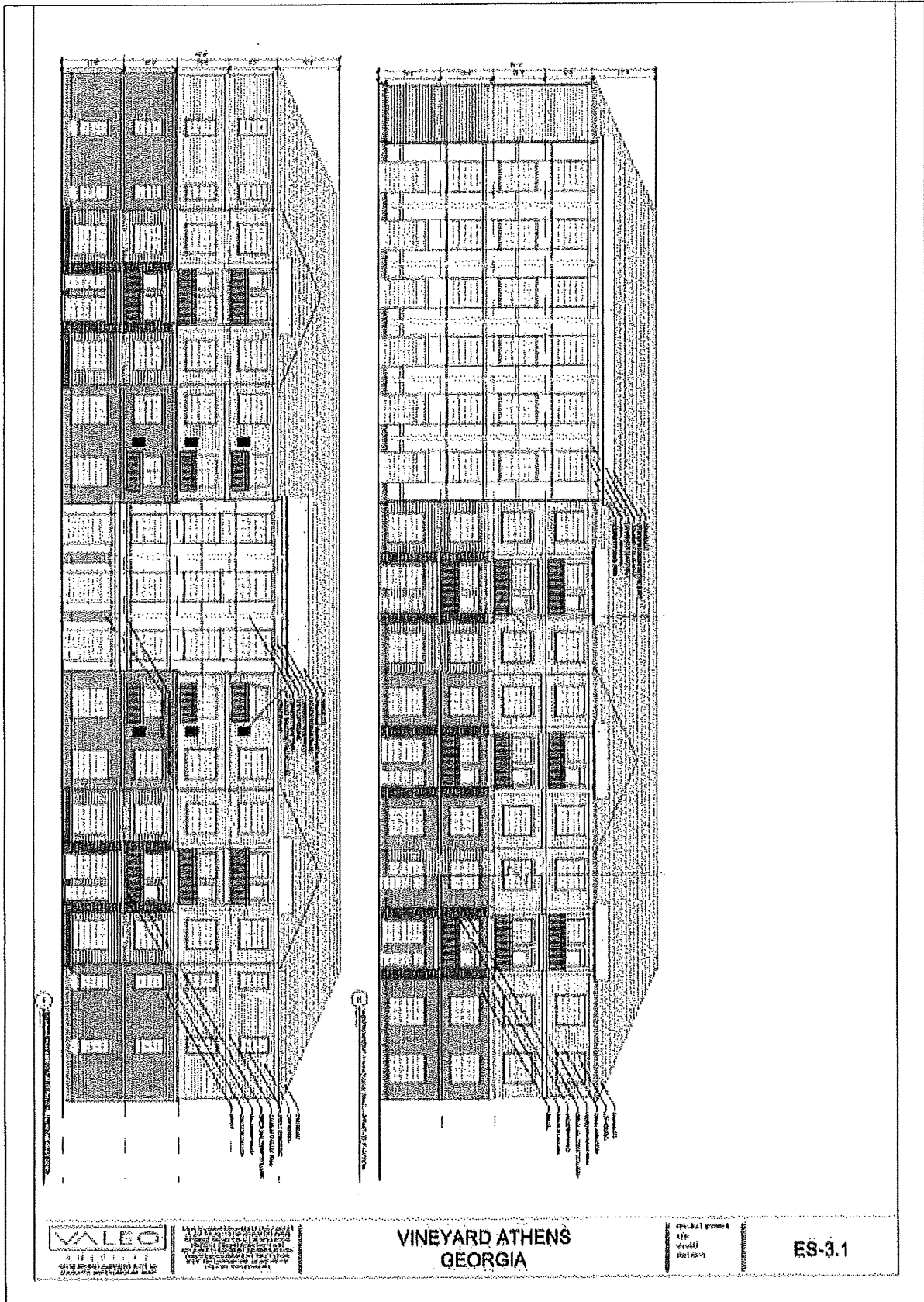
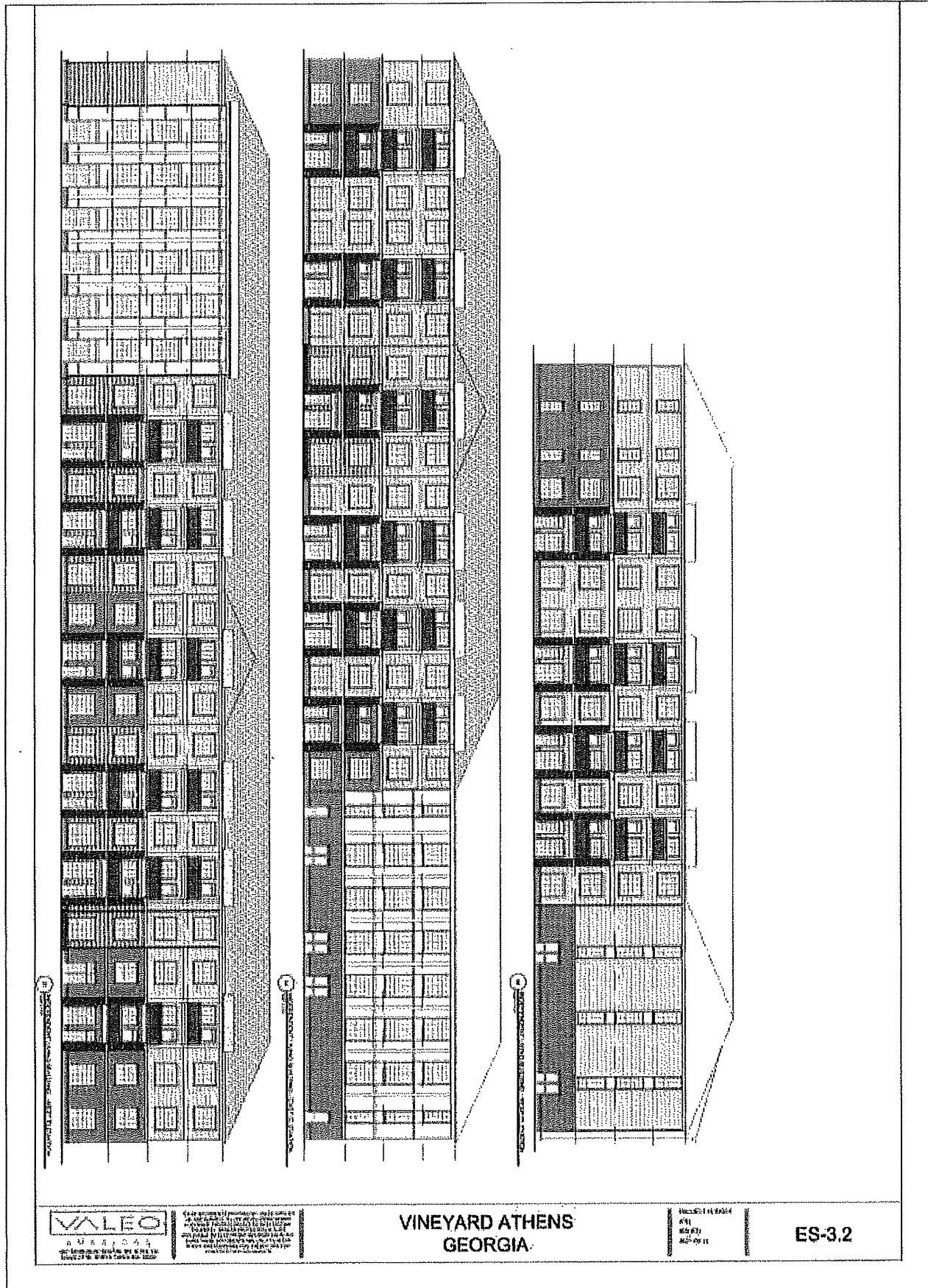


EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P21-0191

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VALEO
A HARBOR
2000 W. 10th Street, Suite 100
Seattle, WA 98148

These drawings are prepared for the use of the City of Athens, Georgia, and are not to be used for any other purpose without the written consent of Valeo.

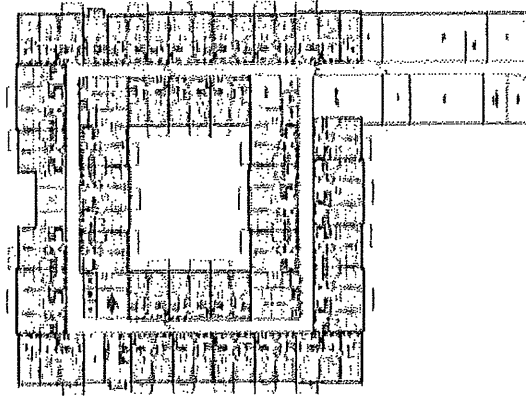
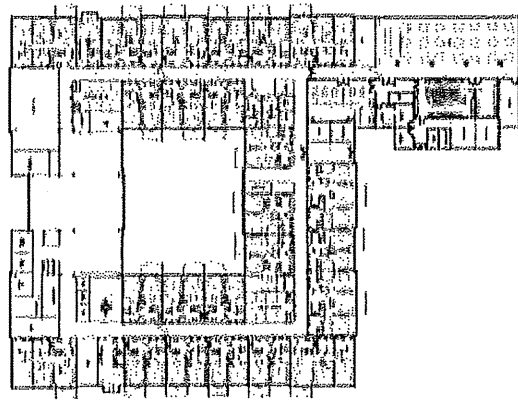
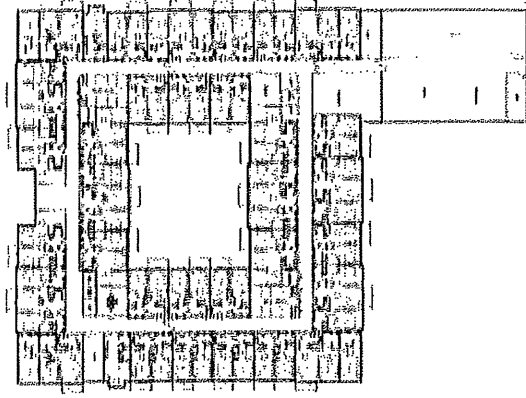
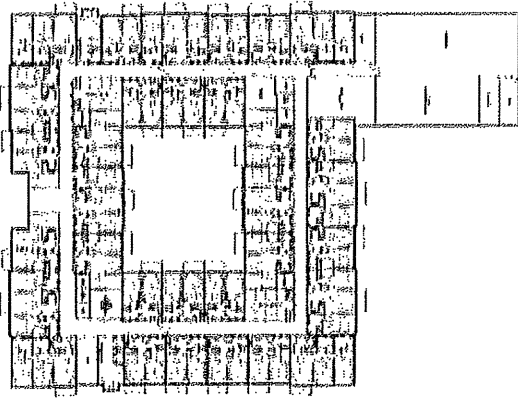
**VINEYARD ATHENS
GEORGIA**

REVISIONS
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EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P21-0191

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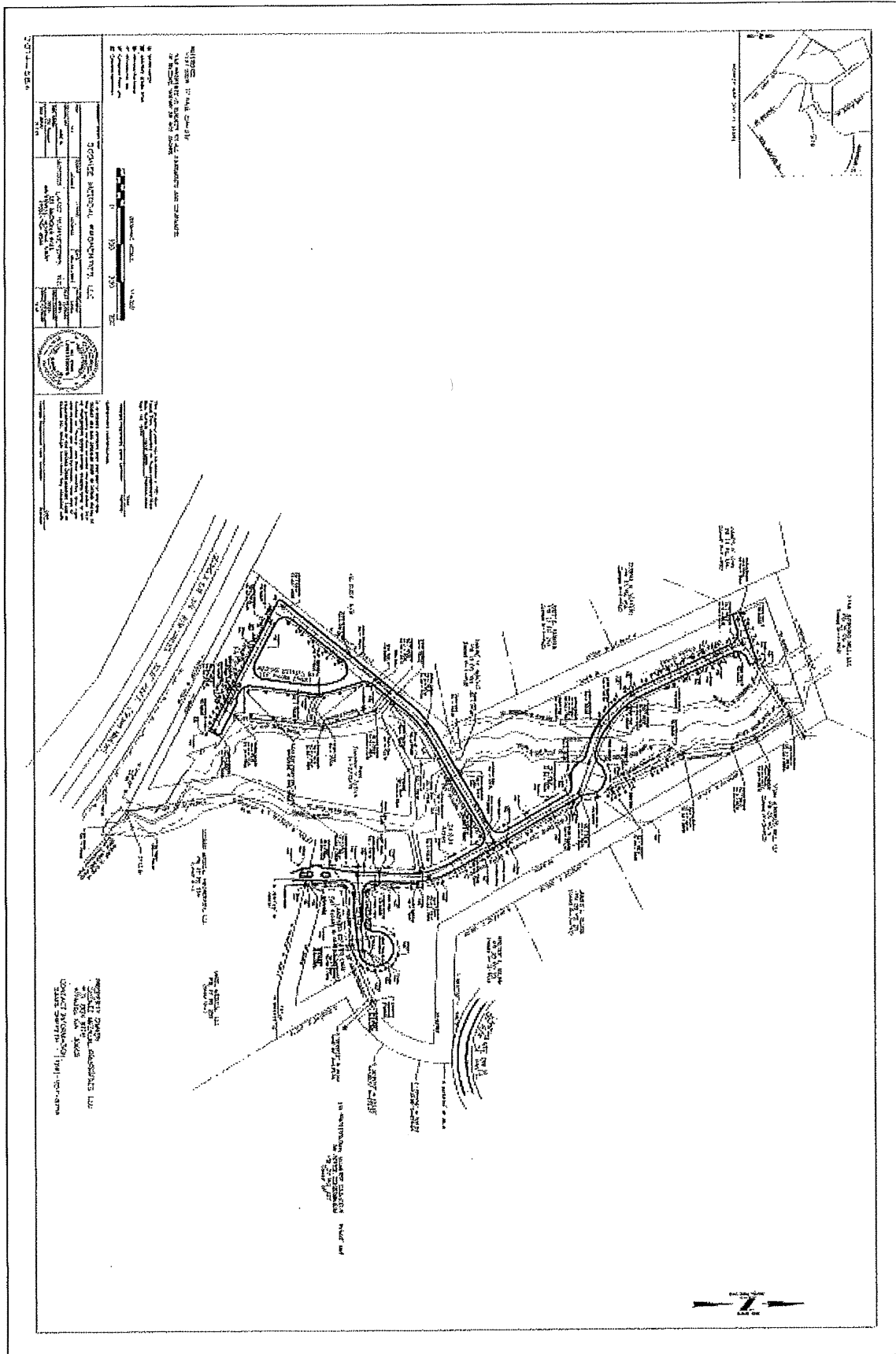
1. This drawing is a reproduction of the original drawing as shown on the plan. It is not to be used for any other purpose without the written consent of the architect.

VINEYARD ATHENS
GEORGIA

ARCHITECT
FBI
GREGG
FBI/NIJ

ES-3.0

PLAT



CONCEPT PLAN

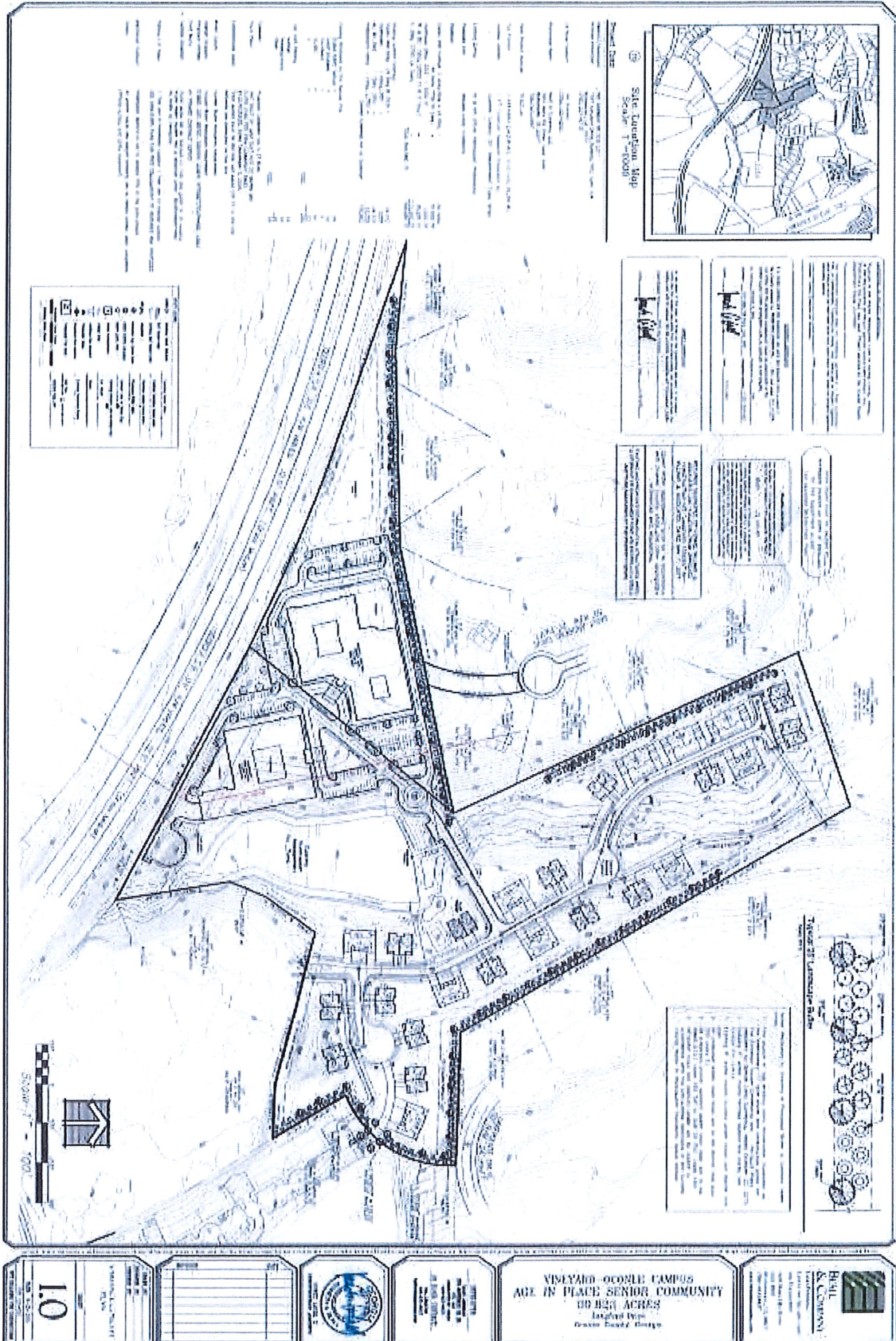
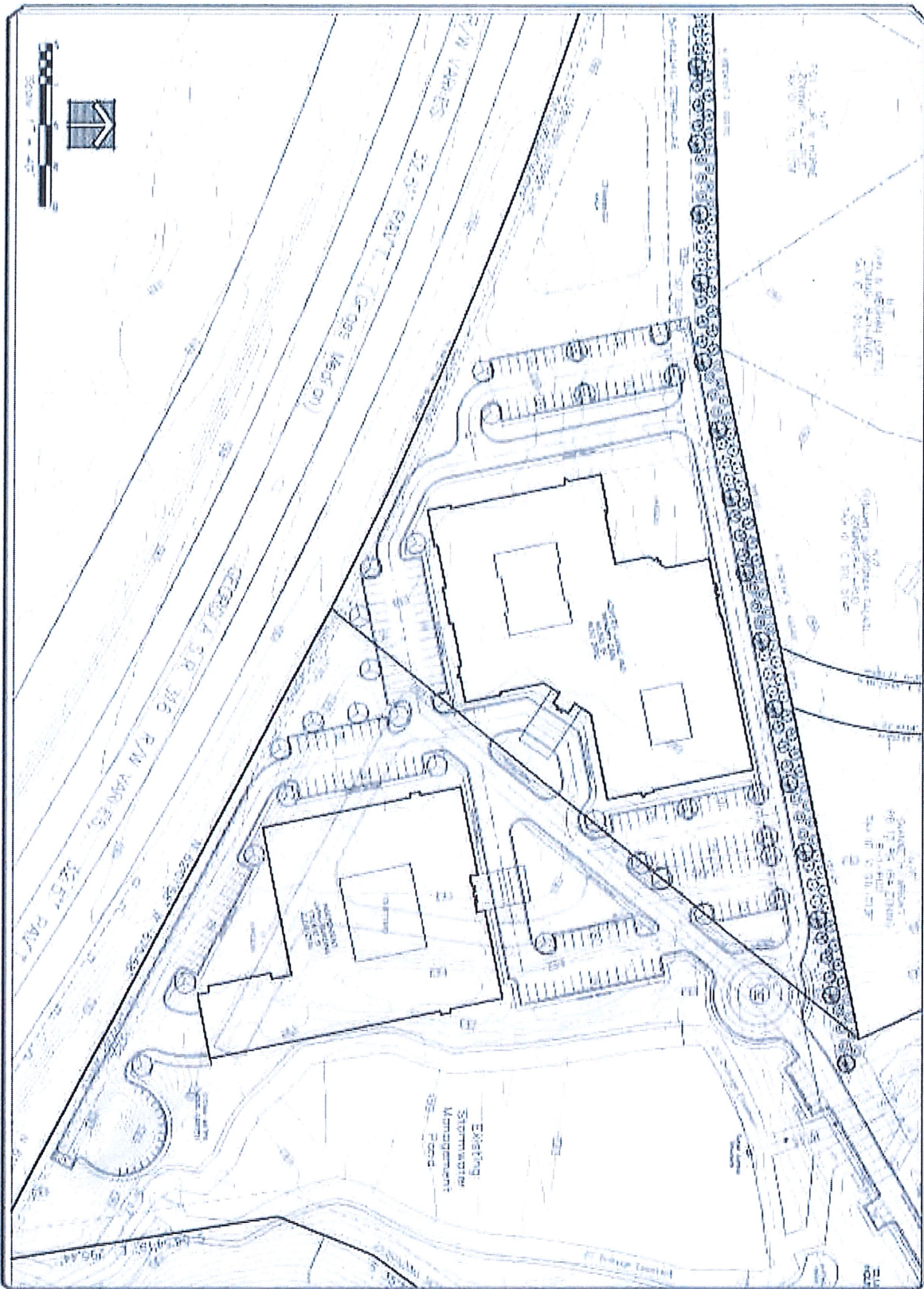


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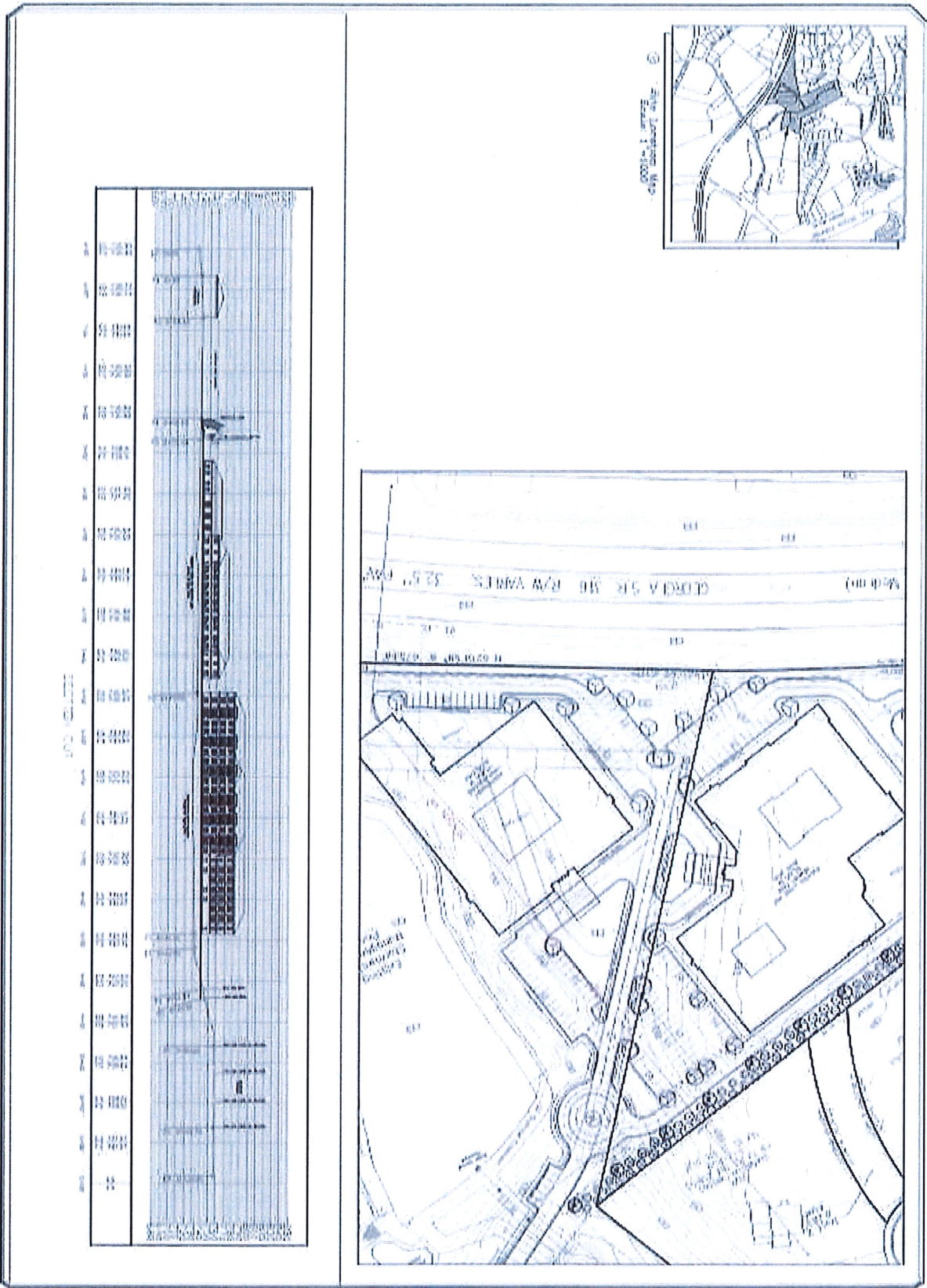
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| <p>DATE: 11/11/21 SCALE: AS SHOWN</p> | <p>APPLICANT: [Redacted] PROJECT: [Redacted]</p> | <p>PREPARED BY: [Redacted]</p> |  | <p>DESIGNED BY: [Redacted] CHECKED BY: [Redacted] DATE: 11/11/21</p> | <p>VINYARD GROVE CENTER 30 DE LA CRES 30 DE LA CRES</p> | <p>30 DE LA CRES 30 DE LA CRES</p> | <p>30 DE LA CRES 30 DE LA CRES</p> | <p>30 DE LA CRES 30 DE LA CRES</p> | <p>30 DE LA CRES 30 DE LA CRES</p> | <p>30 DE LA CRES 30 DE LA CRES</p> |  |
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By:
 Robert J. ...
 Project Manager