

SPECIAL EXCEPTION VARIANCE NO. P22-0208

**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 PHGA Properties, LLC submitted on August 26, 2022.

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 Frank Pittman, on August 26, 2022, regarding a ±3.84 acre tract of land located 1030 Welbrook Road, Oconee County, Georgia, (tax parcel no. C-02-078), 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 reduce required buffer from 25 feet to 0 feet adjacent to AR property.

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 November 1, 2022.

ADOPTED AND APPROVED, this 1st day of November, 2022.

OCONEE COUNTY BOARD OF COMMISSIONERS

BY:

John Daniell
John Daniell, Chairman

Mark Thomas
Mark Thomas, Member

Chuck Horton
Chuck Horton, Member

Amrey Harden
Amrey Harden, Member

Mark Saxon
Mark Saxon, Member

ATTEST:

Holly Stephenson
Holly Stephenson
Clerk, Board of Commissioners

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CONDITION

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.

TAX MAP

Variance P22-0208 - Westminster Presbyterian Homes, Inc.



LEGAL DESCRIPTION

LEGAL DESCRIPTION

All that tract or parcel of land, together with all improvements thereon, containing 3.843 acres, more or less, lying and being in the 221th District, G.M., Oconee County, Georgia, and being more particularly described as follows:

Beginning at an iron pin at the intersection of the easterly margin of right-of-way of Welbrook Road and the northerly margin of right-of-way of Hog Mountain Road, said point being the TRUE POINT OF BEGINNING; thence along the right-of-way of Welbrook Road North 06 degrees 29 minutes 09 seconds West, 435.97 feet to an iron pin; thence continuing along the right-of-way of Welbrook Road 27.71 feet along an arc of a curve to the left, said curve having a radius of 442.52 feet, a chord bearing of North 15 degrees 28 minutes 42 seconds West, and a chord distance of 27.70 feet to an iron pin; thence leaving said right-of-way North 62 degrees 01 minutes 45 seconds East, 332.35 feet to an iron pin; thence South 14 degrees 00 minutes 15 seconds East, 509.18 feet to a point on the northerly margin of right-of-way of Hog Mountain Road; thence continuing along the right-of-way of Hog Mountain Road South 71 degrees 19 minutes 28 seconds West, 380.12 feet to the TRUE POINT OF BEGINNING.

Said tract being the same as Tract 1 on an Administrative Subdivision Plat for Westminster Presbyterian Homes, Inc. by Williams & Associates dated 10.08.2016.

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Narrative

GENERAL DATA

Property Address: 1030 Welbrook Road Parcel: C02 078

Owner: PHGA Properties LLC Existing Zoning: AR
Proposed Zoning: OIP

Existing Use: undeveloped – former residential Proposed Use: Medical Office

Property Area: 3.84 acres

ADJACENT LAND USES AND ZONING

North – CCRC (OIP)

West – Welbrook Road – Across Welbrook Road is Government Farmland (AR)

South – Hog Mountain Road – Across Hog Mountain Road is undeveloped B2 property East – Undeveloped AR and B2 property

OWNERSHIP TYPE

The parcel will be fee simple ownership with up to 2 buildings on the parcel.

SITE NARRATIVE

The property is 3.84 acres and is currently zoned AR and undeveloped. The property owner is PHGA Properties LLC. The owner is seeking a special exception variance from UDC Section 806 which requires a 25' buffer adjacent to AR zoning.

SITE DESCRIPTION

The property is located at 1030 Welbrook Road. The Character Area for the property and its surrounding properties is identified as 'Civic Center' according to the Oconee Future Development Map.

The property is comprised of 3.84 acres, mostly open with wooded areas. The property slopes from the north to the southwest corner of the property.

PROPOSED USE

The proposed use of the property is medical office. The proposed development consists of up to 28,000 sf. of medical office. The project could consist of up to two buildings totaling a maximum of 28,000 sf. The concept plan shows two buildings, but the number of buildings could be one or two without exceeding this maximum square footage. It is anticipated that the building or buildings would back up to Welbrook Road with parking to the east of the buildings (per the concept plan). Buildings will consist of a structure with a front of brick and/or stone (authentic or manufactured) and cementitious lap and shingle siding and trim with pitched roof and some architectural features. Though the concept plan does not show a dropoff, the building(s) could have a front dropoff at the entrance on the eastern side of the building(s) as shown on representative architecture. It is not likely that the adjacent AR property would ever be used for residential or agricultural use. It is likely to become a commercial use and therefore the buffer would not be required and thus the request for the variance.

ACCESS

Access will also consist of a driveway connection to Hog Mountain Road as illustrated on the rezone concept plan.

TRAFFIC IMPACT

Per the Institute of Transportation Engineers, Trip Generation, 11th Edition (ITE Manual), the proposed development does not generate the 1,000 trips per day that is required to trigger a Traffic Impact Analysis. Trip Generation is as follows.

Trip Description	ADT	Peak Hour AM	Peak Hour PM
Medical Office (ITE Use 720)	988	77.8	96.9

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WATER SUPPLY

Water will be provided by Oconee County Water Resources. An 8" watermain exists along the frontage of the property in the right-of-way of Hog Mountain Road. A capacity letter has been obtained from Oconee County Water Resources and is provided with this request.

Estimated water usage is 4,000 gpd.

SEWAGE DISPOSAL

Sewage disposal will be provided by Oconee County Water Resources. There is an existing 8" sanitary sewer main that runs along the eastern property line of this property. A capacity letter has been obtained by Oconee County Water Resources and is provided with this request. Estimated sewer usage is 4,000 gpd.

GARBAGE COLLECTION

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

UTILITIES

Electricity and Data will be provided by power/data providers in the area.

STORMWATER MANAGEMENT AND DRAINAGE

There will be a Stormwater Management Facility constructed onsite to manage the stormwater runoff from the development to meet the Oconee County stormwater ordinance. To convey stormwater to the pond, curb and gutter along with RCP, CMP, or HDPE stormpipe will be utilized. The stormwater management facility will be at the low point of the property, estimated to be at the southwest corner of the property.

IMPACT TO SCHOOL SYSTEM

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

PROJECT SCHEDULE

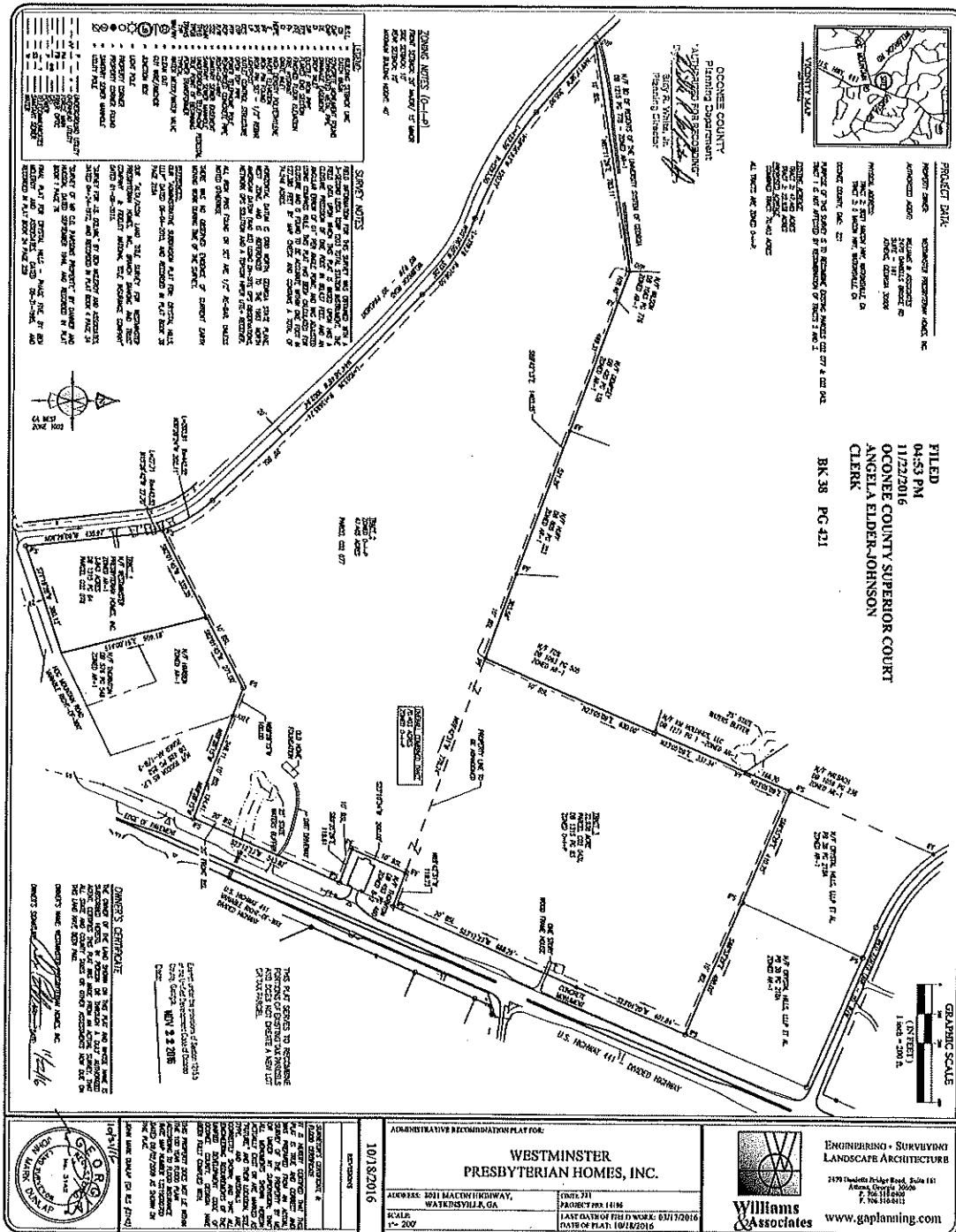
Once zoning and variance is approved in approximately October 2022 then site development plans will be created and permitted to begin construction in mid 2023. The project will be built in phases determined by the need for each building.

ESTIMATED VALUE OF PROJECT

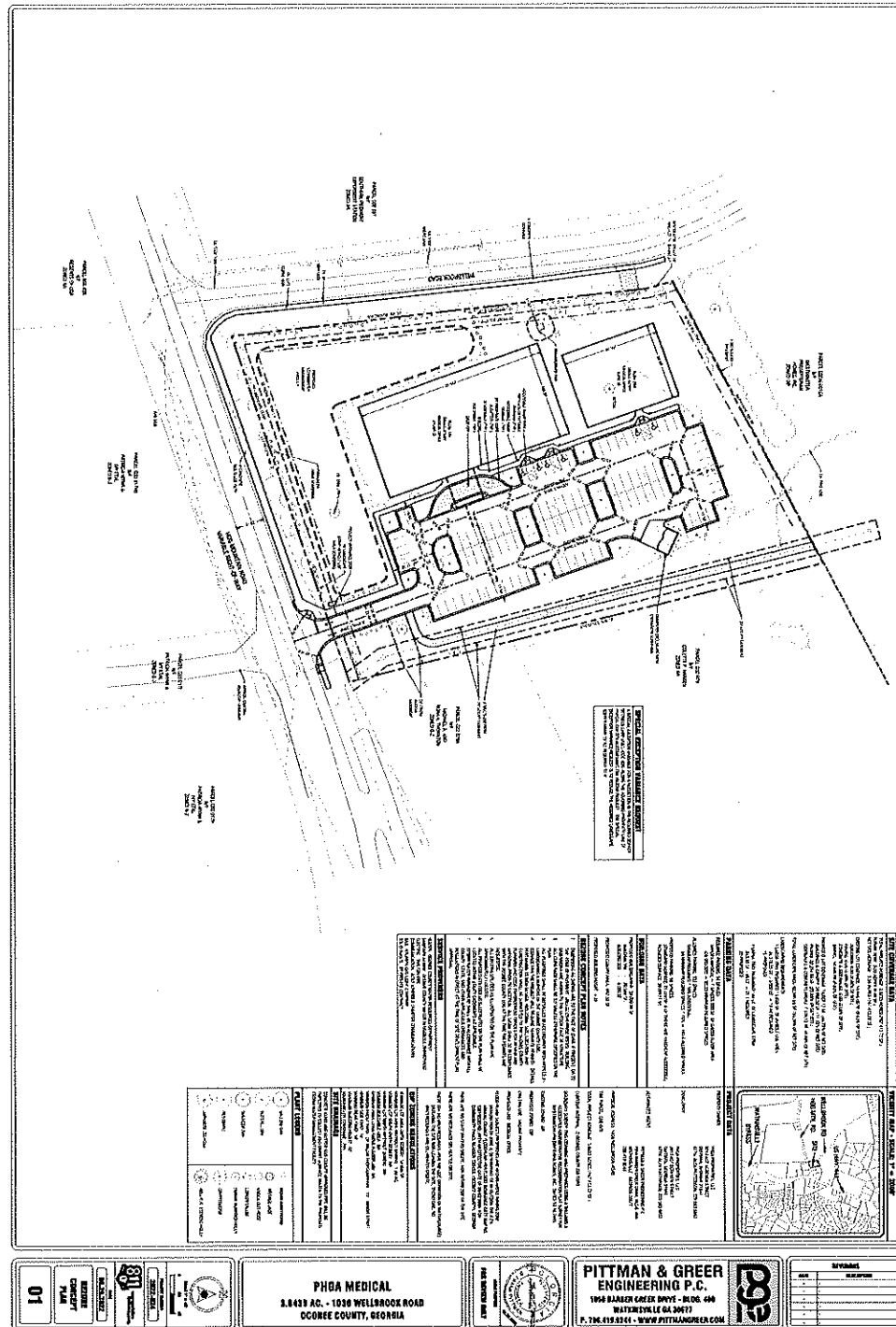
The complete buildout of the project is estimated to be \$7-8 Million.

COMPANION REZONE

A companion rezone request has been requested to rezone the property from AR to OIP.



CONCEPT PLAN





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

VARIANCE CASE #: P22-0208

DATE: October 20, 2022

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

APPLICANT NAME: Frank Pittman

PROPERTY OWNER: PHGA Properties, LLC

LOCATION: 1030 Welbrook Road, Watkinsville, GA
30677, C-02-078

PARCEL SIZE: ±3.84 acres

EXISTING ZONING: AR (Agricultural Residential
District)

EXISTING LAND USE: Undeveloped land

TYPE OF VARIANCE REQUESTED: Special Exception Variance

REQUEST SUMMARY: The property owner requests a variance from UDC Sec. 806 to reduce the required buffer from 25 feet to 0 feet adjacent to AR property.

The subject property is also included in a companion rezone case (P22-0177) to rezone the property to OIP for Office Institutional Professional District use to be used for a medical office complex.

DATE OF SCHEDULED HEARINGS

BOARD OF COMMISSIONERS: November 1, 2022

ATTACHMENTS: Application
Narrative
Legal Description
Owner Authorization Form
Plat of Survey
Concept Plan



BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- The property is currently undeveloped land that was formerly a residential use. The residential buildings were demolished in 2018. The C-02-078 property is currently zoned AR and is undeveloped.
- Westminster Presbyterian Homes, Inc. purchased the property in 2016. In 2021, PHGA Properties, LLC purchased the property.

VARIANCE DESCRIPTION

- The owner is requesting to reduce the required buffer from 25 feet to 0 feet adjacent to AR property.

- ***Unified Development Code Section 806 – Buffers***

A buffer meeting or exceeding the following widths shall be required between any multi-family or nonresidential development project along a side or rear lot line that abuts a less intense land use, as follows:

Table 8.1: Situations Where Buffer Required					
	① Provide a buffer on the lot of this use				
	↓	↓	↓	↓	↓
② Along a side or rear lot line next to this less intense use or zoning ↓	1- or 2-Family Residence	Multi-Family	Office or Institutional	Commercial	Industrial
AG Agricultural land, or Active Agricultural use in any zoning district	N/A ¹	15 feet ¹	15 feet	15 feet	25 feet
1- or 2-Family Residential ²	None	25 feet	25 feet	50 feet	100 feet
Multi-Family Residential	None	None	25 feet	25 feet	50 feet
Office, Institutional, Commercial or Industrial	None	None	None	None	None
¹ See separation requirements for certain uses in Article 3.					
² Includes any land zoned AR-3, AR, R-1 or R-2, and any 1- or 2-Family Residential use zoned AG or R-3.					

PUBLIC FACILITIES

Water:

- The project is proposed to utilize County water services
- The Water Resources Department has indicated in a letter that potable water in the amount of approximately 4,000 gpd is available at this location.

Sewer:

- The project is proposed to utilize County sewer services
- The Water Resources Department has indicated in a letter that wastewater treatment capacity in the amount of 4,000 gpd is available for this location.

Roads:

- The proposed driveway on Hog Mountain Road will provide access to the site.

ENVIRONMENTAL

- No 100-year flood plain, jurisdictional wetlands, or state waters are known to exist on the site.

STAFF ANALYSIS

THE ANALYSIS OF THE APPLICATION IS MADE BASED UPON THE “STANDARDS FOR SPECIAL EXCEPTION VARIANCE APPROVAL” AS SET FORTH IN SECTION 1303.03 OF THE OCONEE COUNTY UNIFIED DEVELOPMENT CODE.

Special exception variances may be granted upon findings that, if granted, the relief will not cause an occurrence of any of the following:

a. Cause a substantial detriment to the public good:

No significant negative impact to the tax base or to nearby public infrastructure, schools, or environmentally sensitive areas should result from approval of the present request. Staff holds that approval of the present request should not cause any substantial detriment to the public good.

b. Be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity:

The surrounding properties are zoned AR to the west across Welbrook Road, AR and B-2 to the east, OIP to the north, and B-2 to the south across Hog Mountain Road. Primary land uses in the area are a mixture of residential, farmland, and commercial uses. Staff holds that the proposed development is suitable in view of the existing nearby development and zoning. Staff holds that approval of the request should not be injurious to the use and enjoyment of nearby properties with the exception of the AR property to the east of the subject property as reducing the buffer to 0 feet could lead to a future conflict if parcel C02-079 is developed as a residential use.

c. Diminish and impair property values within the surrounding neighborhood:

Staff holds that it is unlikely that the proposed reduction in buffer requirements would significantly impair property values in the surrounding area.

d. Impair the purpose and intent of this Development Code:

The intent of UDC Section 806 and Table 8.1 is to prevent less intense uses or zoning from being impacted by adjacent more intense uses or zoning. The applicant has requested a special exception variance to reduce the required buffer of 25 feet to 0 feet along the adjacent AR property located to the east side of the subject parcel. As shown on the concept plan, the subject parcel has a 20 foot wide sewer line easement along and parallel to the adjacent AR zoned property. The sewer easement must remain free and clear of planted material. Additionally, the adjacent AR zoned property is in the Civic Center Character Area which would support future development of a land use category such that a zoning buffer would not be required by the UDC once rezoned or developed. Staff believes that approval of this variance request would not impair the UDC’s purpose and intent.

STAFF RECOMMENDATION & CONDITIONAL RECOMMENDATIONS

Based upon the standards and limitations for special exception variance approval, this request **does meet all necessary conditions** to grant a special exception variance. Should the present request be approved, staff recommends the following conditions to be fulfilled at the owner/developer’s expense.

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.