

**AMENDMENT  
TO THE UNIFIED DEVELOPMENT CODE OF OCONEE COUNTY, GEORGIA  
AND THE ZONING MAPS OF OCONEE COUNTY, GEORGIA**

**TITLE**

An Ordinance amending the Unified Development Code of Oconee County, Georgia, and the Zoning Maps of Oconee County, Georgia, pursuant to Article 12, Division I et seq., to revise the conditions for a previously approved rezone case #7734 zoning classification B2 (Highway Business District) pursuant to an application for rezoning of property owned by Burgess Jennings Mill Land, LLC & J.G. Griffeth Investments, LLC submitted on December 20, 2022.

**ENACTMENT CLAUSE**

Pursuant to the authority conferred by the Constitution and Laws of the State of Georgia and after consideration of an application for zoning change submitted by Beall & Company, LLC on December 20, 2022, request for revision to conditions for previously approved rezoning case #7734 of a ±23.92-acre tract of land located at 1181 Jennings Mill Road in, Oconee County, Georgia, (tax parcel no. C01-046, C01-046B, C01-046C, & C01-047A), the Board of Commissioners of Oconee County does hereby ordain and enact to law the following:

SECTION 1. An Ordinance known as the "Unified Development Code of Oconee County, Georgia" as enacted and amended by the Board of Commissioners of Oconee County and the Zoning Maps described therein are hereby amended as follows:

The zoning change in conditions for the property described on the attached "Exhibit A" is hereby changed for the purpose as set forth in "Exhibit A" attached hereto.

Said rezone 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. Repeal of Conflicting Resolutions or Ordinances. All Resolutions or Ordinances and parts or sections of Resolutions or Ordinances in conflict with this Ordinance are hereby repealed.

SECTION 4. Effective Date. This Ordinance shall take effect this date.

Said Zoning Petition was submitted to the Oconee County Planning Commission and a Public Hearing was duly held by the same on March 20, 2023, and a Public Hearing was held by the Oconee County Board of Commissioners at its regular meeting on April 4, 2023.

ADOPTED AND APPROVED, this April 4, 2023.

**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

# EXHIBIT "A" TO REZONE NO P22-0319

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## CONDITIONS

1. Design for site development 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.
  2. The owner at their own expense shall construct the improvements required by the County for public water and public waste services for the subject property and shall convey the same to the County, free of all liens. Said improvements shall include all on-site improvements and such off-site improvements as are required by the County to provide service to subject property.
  3. At its expense, Owner shall make all right of way improvements and shall dedicate all rights of way which are required by the County after the County's review of Owner's development plans pursuant to the County's ordinances and regulations. All such improvements shall be shown on the preliminary site plan and site development plans for the project and no development permit shall be issued until Owner has agreed to such improvements and dedication. The exchange of right of ways contemplated by this rezone shall be accomplished by an agreement for same to be approved by the County.
  4. The applicant shall submit an updated traffic impact analysis prior to approval of a preliminary plat or preliminary site plan.
  5. At least 80 percent of exterior wall surfaces of all buildings and structures shall be either brick veneer or stone veneer. The remaining 20 percent of each wall may be stucco or similar accent material.
  6. Service areas and dumpsters shall be visually screened from public view by a six-foot masonry wall with façade materials matching the exterior of principal structures with black painted metal/steel enclosure doors. Enclosure doors made of wood or chain link are prohibited.
  7. All lots shall be accessed via internal streets; a one-foot no-access easement shall be recorded on the subject property as follows:
    - Lots 1 and 7 along Virgil Langford Road ROW
    - Lot 3 and 4 along Oconee Connector ROW
  8. The total building square footage of the project shall not exceed 174,500 square feet.
9. The following uses, allowed by right in B-2 zoning district, shall not be allowed on the subject property:

TABLE OF DISALLOWED USES	
Recreational Vehicle Parks	Pawnshop or Loan Brokers, other than Mortgage Loan Brokers
Automotive Repair and Maintenance, except Car Washes	Car Washes
Automotive Parts, Accessories, and Tire Stores	Automotive Transmission Repair
General Automotive Repair	Automotive Body, Paint and Interior Repair and Maintenance
Automotive Exhaust System Repair	Automotive Oil Change and Lubrication Shops
Automotive Glass Replacement Shops	Home and Garden Equipment Repair and Maintenance
Tractor and Other Farm Equipment Repairs and Maintenance	Automobile Commercial Parking Lots and Garages
Home Appliance Repair and Maintenance	Truck, Utility Trailer and RV (Recreational Vehicle) Rental and Leasing
Passenger Car Rental and Leasing	Construction, Transportation, Mining and Forestry Machinery and Equipment Rental and Leasing
General Equipment and Tool Rental Centers	Adult Entertainment
Construction Contractors, Builders and Developers, with outdoor storage	Radio and Television Broadcasting Stations
Taxidermists	Archery or Shooting Ranges
Used Car Dealers	New Car Dealers
Motorcycle Dealers	Recreational Vehicle Dealers
All Other Motor Vehicle Dealers	Boat Dealers
Lumber Yards	Auction Houses
Truck Stops and Other Gasoline Stations	School and Employee Bus Transportation
General Freight Trucking, Local	Shuttle Services, Vanpools and Other Ground Passenger Transportation
General Freight Trucking, Long-Distance	Private Schools: Colleges and Universities
Taxi and Limousine Service	Private Schools: Religious Exempt Nonpublic Post-Secondary Institutions
Charter Bus Industry	Private Schools: Junior Colleges
Scenic and Sightseeing Transportation	Private Schools: Kindergarten, Elementary and Secondary
Daycare Center	Specialized Freight (except Used Goods) Trucking, Local
Landscaping Services	Group Daycare Center
Bail Bonding or Bondsperson Services	Cigar and Tobacco Stores, including "Vape" Shops and Electronic Cigarette Stores
Event Venues (as a principal use)	Crematories

**Rezone # P22-0319 - Burgess Jennings Mill Land, LLC**





# EXHIBIT "A" TO REZONE NO P22-0319

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## LEGAL DESCRIPTION

### LEGAL DESCRIPTION

**Tax Parcel #C01 046**  
11.301 Acres

All that parcel of land lying and being in the County of Oconee, State of Georgia, GMD 1331, and described as TRACT 1 (11.301 acres) on a Survey For Tim Burgess, dated February 22, 2019, prepared by BASELINE SURVEYING & ENGINEERING, INC, more particularly described as follows:

**POINT OF BEGINNING** is an iron pin located at the northernmost corner of the parcel fronting on Jennings Mill Extension; Said pin is located S42°10'49"E, a distance of 14.78' from a concrete marker post, running;

Thence S45°31'23"E, a chord distance of 389.50', arc distance of 389.74', with a radius of 3164.79' to a concrete right-of-way marker at a property corner;

Thence S19°27'26"E, a distance of 139.27' to concrete right-of-way marker at a property corner;

Thence S13°40'46"E, a chord distance of 369.73', arc distance of 373.59', with a radius of 748.51' to a concrete right-of-way marker at a property corner;

Thence S00°31'02"W, a distance of 103.09' to a concrete right-of-way marker at a property corner;

Thence S58°29'08"W, a distance of 76.41', to a concrete right-of-way marker at a property corner;

Thence N63°15'25"W, a distance of 85.53', to a concrete right-of-way marker at a property corner;

Thence N67°23'48"W, a distance of 598.51', to an iron pin at a property corner;

Thence N13°00'16"W, a distance of 577.17' to an iron pin at a property corner at the Oconee Connector;

Thence N49°43'33"E, a chord distance of 187.63, arc distance of 187.63', with a radius of 5654.58' to an iron pin at a property corner at the Oconee Connector;

Thence S80°23'28"E, a distance of 273.80', to an iron pin at a property corner being the true **POINT OF BEGINNING** for TRACT 1.

END OF DESCRIPTION.

**Tax Parcel #C01 046B**  
4.011 Acres

All that parcel of land lying and being in the County of Oconee, State of Georgia, GMD 1331, and described as TRACT 3 (4.011 acres) on a Survey For Tim Burgess, dated February 22, 2019, prepared by BASELINE SURVEYING & ENGINEERING, INC, more particularly described as follows:

**POINT OF BEGINNING** is a concrete right-of-way marker located at the property corner denoting the eastern right-of-way line intersection of Jennings Mill Extension with the southern right-of-way line of Old Jennings Mill Road, running:

Thence N79°35'48"E, a distance of 251.21' to a concrete marker at a property corner;

Thence S66°35'23"E, a chord distance of 305.67', arc distance of 310.56, with a radius of 504.14' to a point denoting the boundary at the Old Jennings Mill Road right-of-way line;

Thence S55°50'40"E, a distance of 371.61' to an iron pin at a property corner;

Thence N88°10'49"W, a distance of 780.23', to a concrete marker at a property corner;

Thence N30°42'02"W, a distance of 104.81', to a concrete marker at a property corner;

Thence N00°35'42"W, a distance of 169.84', to a concrete marker at a property corner being the true **POINT OF BEGINNING** of TRACT 3.

END OF DESCRIPTION.

# EXHIBIT "A" TO REZONE NO P22-0319

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## LEGAL DESCRIPTION

**Tax Parcel #C01 046C**  
3.560 Acres

All that parcel of land lying and being in the County of Oconee, State of Georgia, GMD 1331, and described as TRACT 4 (3.560 acres) on a Survey For Tim Burgess, dated February 22, 2019, prepared by BASELINE SURVEYING & ENGINEERING, INC., more particularly described as follows:

**POINT OF BEGINNING** is a concrete right-of-way marker located at the northernmost corner of the parcel and identifies the common boundary with the Paul Broun Parkway;

Thence S56°18'45"E, a chord distance of 660.71', arc distance of 662.04', with a radius of 3014.79' to a concrete RW marker of the Paul Broun Parkway;

Thence S58°51'55"E, a distance of 323.08' to an iron pin at a property corner;

Thence S56°40'52"E, a distance of 176.41' to an iron pin at a property corner;

Thence S44°50'53"E, a distance of 185.21', to an iron pin at a property corner;

Thence S84°35'12"W, a distance of 94.73', to an iron pin at a property corner;

Thence N55°50'40"W, a distance of 429.16', to a point denoting the boundary on Old Jennings Mill Road at a property corner;

Thence N86°44'55"W, a chord distance of 333.06', arc distance of 338.29', with a radius of 554.14' to a point denoting the boundary of Old Jennings Mill Road at a property corner;

Thence N87°21'32"W, a distance of 98.84', to a point at a property corner;

Thence N77°18'14"W, a distance of 120.18', to a point at a property corner;

Thence N46°33'44"W, a distance of 113.11', to a concrete right-of-way marker;

Thence N22°13'37"W, a chord distance of 184.83', arc distance of 185.18', with a radius of 867.28' to a concrete marker denoting the boundary of Jennings Mill Extension at a property corner;

Thence N27°04'58"W, a distance of 66.10', to a concrete right-of-way marker at property corner;

Thence N39°34'53"E, a distance of 77.28' to a concrete marker at the **POINT OF BEGINNING** OF TRACT 4.

END OF DESCRIPTION.

## LEGAL DESCRIPTION

**Tax Parcel #C01 047A**  
0.417 Acres

All that parcel of land lying and being in the County of Oconee, State of Georgia, GMD 1331, and described as TRACT 2 (0.417 acres) on a Survey For TIM BURGESS, dated February 22, 2019, prepared by BASELINE SURVEYING & ENGINEERING, INC., more particularly described as follows:

**POINT OF BEGINNING** is a 1/2" iron pin located at the northernmost corner of the property; said pin is located 5.67' S51°33'30"W from a square concrete right-of-way marker post denoting a point on the southern right-of-way line of the OCONEE CONNECTOR and a point 5.67' north east of the southern right-of-way line of the JENNING MILL EXTENSION;

Thence S39°09'12"E, a distance of 189.58' to a concrete RAW marker post of Jennings Mill Extension;

Thence S42°10'49"E, a distance of 14.78' to an iron pin at a property corner common with right-of-way of the Jennings Mill Extension;

Thence N80°23'28"W, a distance of 273.80' to a point at a property corner at the Oconee Connector;

Thence N51°06'51"E, a chord distance of 86.41', arc distance of 86.41' with a radius of 5654.58' to a point on the right-of-way of the Oconee Connector;

Thence N51°33'30"E, a distance of 93.31' to an iron pin at the **POINT OF BEGINNING** OF TRACT 2.

END OF DESCRIPTION.

# EXHIBIT "A" TO REZONE NO P22-0319

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## NARRATIVE

Beall & Company  
Revised 03/08/2023

Project 22-024  
B-2 to Modified B-2 Subdivision Rezone Request  
23.92 Acres

### Project Known As **RESEARCH QUARTER**

#### Narrative Description of the Rezone Request

##### **PETITION TO REZONE FROM B-2 TO Modified B-2**

Tax Parcels C01 046; C01 046B; C01 046C; C01 047A

Parcels Owned By: Burgess Jennings Mill Land, LLC and J.G. Griffith Investments, LLC

Combined Project Acreage: 23.92 Acres

Tracts 1-4 (19.288 acres) currently zoned B-2; Tract 5 (2.092 acres) presently not yet zoned; 2.54 acres ROW Exchange  
Oconee County Georgia

#### Narrative

The subject Tracts #1 through #5 are presently owned by *BURGESS JENNINGS MILL LAND, LLC* and *J.G. Griffith Investments, LLC*. Approximately 19.289 acres were originally rezoned to B-2 on 07/02/2019 for the purpose of developing a commercial B-2 subdivision similar in character and appearance to their other developments in the area such as: *316 PROFESSIONAL QUARTER*; *PIEDMONT-ATHENS REGIONAL HEALTH CAMPUS*; and *CONNECTOR 1357*.

(*Beall & Company* has been engaged by the property owners to act as agent in the preparation of the necessary rezone documentation associated with the subject rezone request.)

#### The Site

The subject properties are bordered on the northwest by the *OCONEE CONNECTOR*; on the northeast by the *PAUL BROUN PARKWAY (ATHENS PERIMETER BYPASS)*; and on the south by the *VIRGIL LANGFORD ROAD*. These properties also front internally on the *OLD JENNINGS MILL ROAD* and on the *JENNINGS MILL EXTENSION*.

Neighboring uses include multi-story self storage buildings on B-2 zoned property to the south; an electricity substation across Virgil Langford Road to the south; assisted living and memory care uses on B-1 zoned property to the south; medical services and office uses also located on B-1 properties to the south; an undeveloped B-2 zoned parcel exists at the corner of the Oconee Connector and Virgil Langford Road contiguous to the site; the *Commercial Bank* opened for business the week of March 15, 2019 on B-2 zoned property across the Oconee Connector; another bank has occupied B-2 zoned property at the opposite corner of the Oconee Connector and Virgil Langford Road for a number of years; and *University Vascular Surgical* also opened for business in 2019 directly across the Oconee Connector on B-2 zoned property developed by the petitioners.

The site has recently been timbered in accordance with approved timber harvesting and soil erosion, sediment, and pollution prevention plans. The topography drops gently from a saddle near the *OCONEE CONNECTOR* side of the property toward the *VIRGIL LANGFORD ROAD* and also toward the *PAUL BROUN PARKWAY*.

# EXHIBIT "A" TO REZONE NO P22-0319

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## NARRATIVE

Beall & Company  
Revised 03/08/2023

Project 22-024  
B-2 to Modified B-2 Subdivision Rezone Request  
23.92 Acres

### The Development

The *B-2 Rezone Concept Plan* submitted with the rezone package illustrates a commercial subdivision of thirteen lots which will be available for purchase or construction once final platted. The current B-2 Rezone Concept Plan is similar to the original rezone plan approved in 2019. The main difference is: (1) there is no longer a road connection from the project to the Oconee Connector and; (2) the existing Old Jennings Mills Road right-of-way is no longer planned to be re-aligned thanks to additional acreage acquired from the Georgia Department of Transportation.

Note: Because some purchasers may require larger lots than illustrated on the concept plan, some lot-lines may be relocated and/or some lots may be combined to result in fewer lots once platted than illustrated on the concept plan.

Road improvements and utilities extensions will be made as necessary to serve the project and to comply with Oconee County, state, and federal regulations as applicable.

A proposed public road to be called *Research Parkway* is planned to be constructed from *Virgil Langford Road* to the shortened *Jennings Mill Extension*.

The current rezone concept plan illustrates a total of thirteen lots on 22.65 total acres. The petitioner hopes to achieve an average of 7,704 SF of building area per acre of site for a total maximum building square footage in the development of 174,500 square feet.  
(Note: See Exhibit 1 attachment for range of approximate building sizes, building values, range of lots sizes, etc.)

Sidewalks and handicap ramps for barrier free access will be installed throughout the project. All utilities will be underground. Extensive landscaping including street trees will be installed throughout the development. The project infrastructure will be developed in one phase over a 6 to 12-month period. Build-out of all of the proposed buildings is anticipated to last around 5 years.

### Buildings

The building exteriors will be predominately (80%) and/or stone with stucco, stone, cultured stone, and cut stone detailing (see representative architecture exhibits). The future buildings will vary in size based on the specific use and the final size of each lot. The petitioner would like to maintain some latitude in building size to be able to go down in size and up in size (while not exceeding the 174,500 total project SF) as may be requested by potential tenants or end users. Note: See representative architecture exhibit for building styles; See Exhibit #1 for range of approximate building sizes; price range; parking counts; etc.

### Water Supply

A county water mainline exists within the rights-of-way of the OCONEE CONNECTOR, VIRGIL LANGFORD ROAD, and portions of JENNINGS MILL EXTENSION. New water mains will be extended from these existing water lines into and throughout the development as required for supply and fire protection in accordance with county regulations. Water capacity for the development has been requested via letter submitted to the Oconee Water Resources Department.

Average Daily Flow = 174,500 Bldg.SF x 5 gpd/100 SF = 8,723 gallons per day (gpd)

NARRATIVE

Beall & Company  
Revised 03/08/2023

Project 22-024  
B-2 to Modified B-2 Subdivision Rezone Request  
23.92 Acres

**Sewage Disposal**

Gravity sanitary sewer lines will be extended into the project as necessary from existing sanitary sewer lines located in the right-of-way of VIRGIL LANGFORD ROAD. Sewer capacity for the development has been requested via letter submitted to the Oconee Water Resources Department.

Average Daily Flow =  $174,500 \text{ Bldg.SF} \times 5 \text{ gpd}/100 \text{ SF} = 8,723 \text{ gallons per day (gpd)}$

**Surface Water Drainage**

Concrete curb & gutter, county approved pipe, grassed and natural waterways, and sheet flow will be employed to collect and divert storm-water to proposed detention/retention areas, infiltration, and water-quality basins. Post development run-off will be maintained at predevelopment rates for 2, 5, 10, 25, and 50 year events. Proposed storm-water management structures will be designed to achieve the required capacity and volume based on hydrological analysis to be performed and submitted with site improvement construction plans, and in accordance with provisions of the *Unified Development Code of Oconee County*.

(NOTE: Storm water management in its final form will be addressed on individual lots based on specific impervious surface necessary per lot. In most cases underground storm water detention and water quality will be required as necessary to accommodate the required parking counts based on specific uses. It may be possible in some instances to achieve open-air storm-water management areas on a limited basis).

**Traffic Impact**

A new street is proposed along with improvements to existing streets to provide access to all of the proposed lots. Driveway access to lots will occur on Research Parkway, Jennings Mill Extension, and Old Jennings Mill Road.

The existing signalized intersection at Virgil Langford Road and the Oconee Connector will control all traffic to and from all portions of the proposed development.

Due to all of the past road improvements that have taken place in this immediate vicinity over the past 20 years, the increased trips generated by the subject development will have very little impact on existing traffic pattern in the area.

As with other projects developed in Oconee County by *Burgess & Griffeth* (and noted in paragraph #1 of this document) although this request is to allow B-2 uses, it is clearly not a retail shopping center. This proposed development is more akin to a *research and development center* comparable to their other Oconee County developments.

Per code 760 (Research and Development Center) of the Trip Generation Manual, 11<sup>th</sup> edition the average rate per 1000 SF of gross floor area is 11.11 ADT: Assuming a maximum allowable build-out of 174,500 SF then the trip counts will be as follows:

$174,500 \text{ SF} \times 11.11 \text{ ADT}/1000 \text{ SF} =$	1,938 Average Daily Trips
	180 AM Peak Hour Trips
	172 PM Peak Hour Trips



**NARRATIVE**

Beall & Company  
Revised 03/08/2023

Project 22-024  
B-2 to Modified B-2 Subdivision Rezone Request  
23.92 Acres

Note: An updated traffic impact analysis is being prepared by NV5 for submittal when available to the Oconee Planning Department for review by the Oconee Public Works Department during the subdivision construction plan review process.

**Schedule**

The petitioners plan to complete the zoning efforts on the subject property by early April or May 2023. Construction of the project infrastructure will commence immediately upon approval of the construction plans. The infrastructure will require a minimum of 6-12 months and building construction will require approximately 5 years to complete.

**Maintenance of Common Areas**

A property owners association will be created to provide for mandatory fees to maintain, control, and insure common areas including but not limited to common facilities, project signs, and storm water management facilities within the project. Provisions for architectural control will also be specified in covenants documents.

**Buffers**

Street trees and parking lot buffers will be installed throughout the development. To date there is no evidence of any environmental buffer that exists on the property. If during surveying or development any additional environmental areas are discovered which would require buffering then said buffer will be illustrated on "as-built" and or easement documents.

**Utilities**

All utilities are proposed to be underground. Any overhead services that currently exist will be rerouted within the appropriate utility corridor acceptable to Oconee County and the affected utility company.

Proposed utilities are power, water, telephone, gas, and cable TV & internet access.

**Garbage/Solid Waste Collection**

Solid waste collection will be handled by private contract service.

**Public & Semi-public Areas**

Waterline easements, drainage easements, access easements, and/or road easement/rights-of-way will be established and dedicated to Oconee County as needed. Easements for power, telephone, cable TV, and gas will be dedicated as required for specific utility construction and/or maintenance.

**Outdoor Lighting**

Light fixtures on metal or fiberglass poles will be installed to illuminate the development for safety and security. These light standards will be oriented inward and down. There are no neighboring residential areas. Said lighting will be full cut-off fixtures in accordance with Oconee UDC regulation

# EXHIBIT "A" TO REZONE NO P22-0319

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## NARRATIVE

Beall & Company  
Revised 03/08/2023

Project 22-024  
B-2 to Modified B-2 Subdivision Rezone Request  
23.92 Acres

### Project Valuation

Based on a building square footage build-out of 174,500 SF and a finished price of \$250.00/SF, then the total value of the project at build-out will be \$43,625,000.00.

### Impact on the School System

This projected value above will positively enhance Oconee County's tax base and help ease the strain that other types of necessary development can place on social services and on the Oconee County's school system.

The proposed plan will have a positive impact on the tax base and the school system since the project will generate no additional students; there will also be favorable initial and ongoing ripple economic impacts on the county and on the school system as a result of the requested zoning and commercial development of the property.

Based on \$9,494.00 per million in value, the annual taxes to be generated upon completion of the project will amount to  $(\$43,625,000 \times \$9,494/\$1,000,000) = \$414,175.00$  in county plus school taxes.

### See Attached TABLE OF DISALLOWED USES

TABLE OF DISALLOWED USES	
Recreational Vehicle Parks	Pawnshop or Loan Brokers, other than Mortgage Loan Brokers
Automotive Repair and Maintenance, except Car Washes	Car Washes
Automotive Parts, Accessories, and Tire Stores	Automotive Transmission Repair
General Automotive Repair	Automotive Body, Paint and Interior Repair and Maintenance
Automotive Exhaust System Repair	Automotive Oil Change and Lubrication Shops
Automotive Glass Replacement Shops	Home and Garden Equipment Repair and Maintenance
Tractor and Other Farm Equipment Repairs and Maintenance	Automobile Commercial Parking Lots and Garages
Home Appliance Repair and Maintenance	Truck, Utility Trailer and RV (Recreational Vehicle) Rental and Leasing
Passenger Car Rental and Leasing	Construction, Transportation, Mining and Forestry Machinery and Equipment Rental and Leasing
General Equipment and Tool Rental Centers	Adult Entertainment
Construction Contractors, Builders and Developers, with outdoor storage	Radio and Television Broadcasting Stations
Taxidermists	Archery or Shooting Ranges
Used Car Dealers	New Car Dealers
Motorcycle Dealers	Recreational Vehicle Dealers
All Other Motor Vehicle Dealers	Boat Dealers
Lumber Yards	Auction Houses
Truck Stops and Other Gasoline Stations	School and Employee Bus Transportation
General Freight Trucking, Local	Shuttle Services, Vanpools and Other Ground Passenger Transportation
General Freight Trucking, Long-Distance	Private Schools: Colleges and Universities
Taxi and Limousine Service	Private Schools: Religious Exempt Nonpublic Post-Secondary Institutions
Charter Bus Industry	Private Schools: Junior Colleges
Scenic and Sightseeing Transportation	Private Schools: Kindergarten, Elementary and Secondary
Daycare Center	Specialized Freight (except Used Goods) Trucking, Local
Landscaping Services	Group Daycare Center
Bail Bonding or Bondsman Services	Cigar and Tobacco Stores, including "Vape" Shops and Electronic Cigarette Stores
Event Venues (as a principal use)	Crematories

**EXHIBIT "A" TO REZONE NO P22-0319**

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**ARCHITECTURAL IMAGES**





ARCHITECTURAL IMAGES





ARCHITECTURAL IMAGES





ARCHITECTURAL IMAGES



ARCHITECTURAL IMAGES

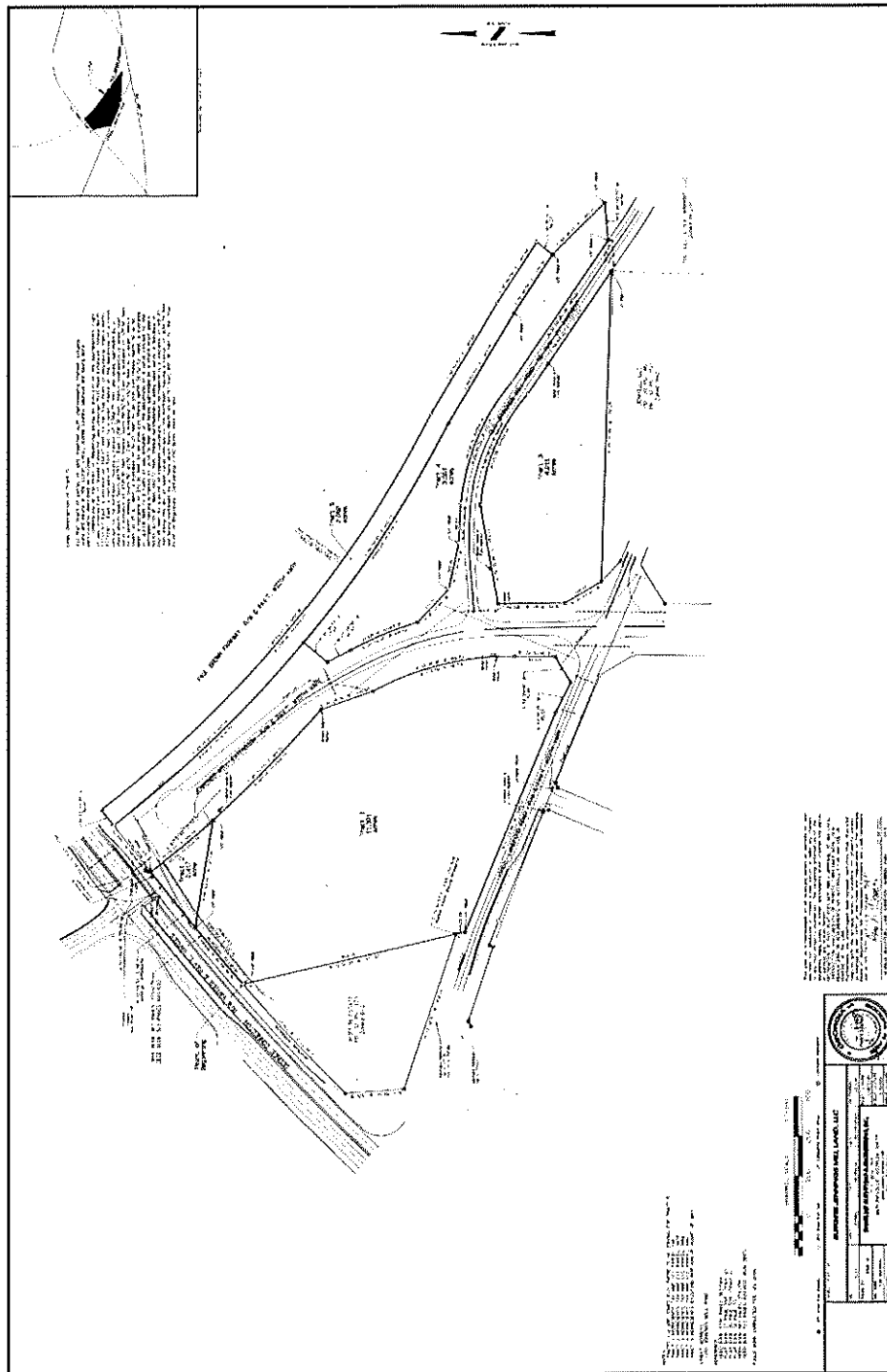




# EXHIBIT "A" TO REZONE NO P22-0319

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## PLAT







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

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**REZONE CASE #:** P22-0319

**DATE:** March 8, 2023

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

**APPLICANT NAME:** Beall & Company, LLC (Kenneth A. Beall)

**PROPERTY OWNER:** Burgess Jennings Mill Land, LLC & J.G. Griffith Investments, LLC

**LOCATION:** 1181 Jennings Mill Road (C01-046, C01-046C, & C01-047A)

**PARCEL SIZE:** ±23.92 acres

**EXISTING ZONING:** B-2 (Highway Business District)

**EXISTING LAND USE:** Vacant property with existing roads

**FUTURE DEVELOPMENT MAP CHARACTER AREA DESIGNATION:** Regional Center

**ACTION REQUESTED:** Change the conditions of the previous zoning (case #7734) from B-2 to B-2 with a modified concept plan that no longer has a road connection from the project to the Oconee Connector and that no longer includes a realignment of the existing Old Jennings Mill Road right-of-way due to additional acreage acquired from the Georgia Department of Transportation.

**STAFF RECOMMENDATION:** Staff recommends conditional approval of this request.

**DATE OF SCHEDULED HEARINGS**

**PLANNING COMMISSION:** March 20, 2023

**BOARD OF COMMISSIONERS:** April 4, 2023

**ATTACHMENTS:**

- Application
- Narrative
- Zoning Impact Analysis
- Plat of Survey
- Concept Plan
- Warranty Deed
- Legal Description





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## **BACKGROUND INFORMATION & FINDINGS OF FACT**

### **HISTORY**

- The applicant is seeking a change in conditions of rezoning (Case #7734) to change the zoning from B-2 to B-2 with a modified site plan that no longer includes a road connection from the project to the Oconee Connector; additionally, the existing Old Jennings Mill Road right-of-way is no longer planned to be re-aligned due to additional acreage acquired from the Georgia Department of Transportation.
- The subject properties are zoned B-2 and they have been owned by the current owners since 2019. The parcels are vacant lots with existing roads.

### **SURROUNDING LAND USE AND ZONING**

	<b>EXISTING LAND USES</b>	<b>EXISTING ZONING</b>
<b>NORTH</b>	Business uses	B-2 (Highway Business District)
<b>SOUTH</b>	Commercial uses (self-storage, utility, medical offices)	AG (Agricultural District), B-1 (General Business District)
<b>EAST</b>	Roadways, business uses	AG (Agricultural District), B-1 (General Business District), B-2 (Highway Business District)
<b>WEST</b>	Business uses	B-2 (Highway Business District)

### **PROPOSED DEVELOPMENT**

- The applicant is requesting a change in the conditions of a rezoning to develop a commercial subdivision.
- The proposed commercial development includes thirteen lots on a total of 23.92 acres. The applicant notes that the lot lines may be relocated if purchasers require larger lots, and lots may be combined to result in fewer lots once platted.
  - The modified concept plan proposes an average of 7,704 SF of building space per acre of site for a total maximum building square footage in the development of 174,500 SF.
    - The building exteriors will be predominantly brick and/or stone with stucco, stone, cultured stone, and cut stone detailing.
- The applicant's estimated value of the proposed improvements for the project is \$43 million.
- Construction of the infrastructure will require a minimum of 6-12 months and construction of the buildings will require approximately 5 years to complete.

### **PROPOSED TRAFFIC PROJECTIONS**

- There is an estimated additional 1,938 ADT (average daily trips) to be expected for the commercial subdivision use (Trip Generation Manual, 11<sup>th</sup> Edition). A Traffic Impact Analysis was provided for the original rezone #7734 in 2019 identifying 1,880 ADT. The proposed development will be required to provide an updated traffic impact analysis prior to approval of a preliminary plat/preliminary site plan.

### **PUBLIC FACILITIES**

#### **Water:**

- The project is proposed to utilize County water services in the amount of approximately 8,723 gpd.
- The Water Resources Department has indicated in a letter that potable water is available at this location.

#### **Sewer:**

- The project is proposed to utilize sewer in the amount of approximately 8,723 gpd.
- The Water Resources Department has indicated in a letter that sewer collection is available at this location.

#### **Roads:**

- The site will be accessed from Virgil Langford Road through a new access point and from Jennings Mill Extension and Old Jennings Mill Road.

## ENVIRONMENTAL

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

## COMMENTS FROM OTHER DEPARTMENTS & AGENCIES

### OCONEE COUNTY PUBLIC WORKS DEPARTMENT

- No comments

### OCONEE COUNTY WATER RESOURCES DEPARTMENT

- No comments

### GEORGIA DEPARTMENT OF TRANSPORTATION

- No comments

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## STAFF ANALYSIS

THE ANALYSIS OF THE APPLICATION IS MADE BASED UPON THE “STANDARDS FOR REZONING CONSIDERATION” AS SET FORTH IN SECTION 1207.01 OF THE *OCONEE COUNTY UNIFIED DEVELOPMENT CODE*.

- A. Whether the zoning proposal will permit a use that is suitable in view of the existing uses, development, and zoning of nearby property.**  
Nearby lots are predominantly zoned B-1, B-2, OBP, and AR. Primary land uses in the area are a mixture of business, commercial, and institutional uses with some residential uses. The proposed commercial development should not impede the normal and orderly development of surrounding property due to the primarily commercial and office uses of the surrounding properties. Staff is of the opinion that the proposed development is potentially suitable in view of the existing nearby development and zoning.
- B. Whether the property to be rezoned has a reasonable economic use as currently zoned.**  
The property has a reasonable economic use as a Business Park District as currently zoned.
- C. The extent to which the zoning proposal promotes the health, safety, morals or general welfare of the public with consideration to:**
- i. Population density and effect on community facilities such as streets, schools, water, and sewer;**  
The current request proposes up to thirteen lots with commercial buildings totaling a maximum of 174,500 SF. The development will cause an increase in demand for water and sewer services. Increased traffic generation is also anticipated, with 1,938 additional ADT over the current undeveloped parcel. There are no anticipated impacts on the school system.
  - ii. Environmental impact;**  
No environmentally sensitive areas are known to exist on the site. Stormwater management must be conducted on the site according to Oconee County ordinances.
  - iii. Effect on the existing use, usability and/or value of adjoining property.**  
The proposed development is in keeping with surrounding uses and is not anticipated to affect the existing use, usability, and/or value of adjoining property.
- D. The length of time the property has been vacant as zoned, considered in the context of land development in the vicinity of the property.**  
The subject property is currently vacant; however commercial development has occurred in the vicinity along Virgil Langford Road, the Oconee Connector, and in other nearby areas. The proposed use fits the character of the properties in the vicinity of the subject property.
- E. Consistency of the proposed use with the stated purpose of the zoning district that is being requested.**  
The purpose of the B-2 zoning district is to “serve those business activities generally oriented to the highways” (Unified Development Code Sec. 205.10). The subject property must be developed according to the principal uses allowed in the B-2 zoning district. Staff notes that the requested commercial development in B-2 zoning must have end users that align with the allowable uses in B-2 per Sec. 205-10. Staff holds that the requested approval for commercial development is consistent with the stated purpose of the B-2 zoning district.

**F. Whether there are other existing or changing conditions or land use patterns affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.**

The commercial development of parcels to the north, south, east, west of the subject parcel supports the proposed B-2 development. Staff holds that these conditions give supporting grounds for approval of the zoning proposal.

**G. Conformity with or divergence from the Future Development Map or the goals and objectives of the Oconee County Comprehensive Plan.**

The subject portion of the property lies within with the Regional Center character area, as shown on the 2040 Future Development Map. The Regional Center character area is intended to include “regional-serving retail and commercial services, office complexes for medical and corporate offices, hotels, restaurants and entertainment facilities, higher-density residential planned developments, and single-family detached subdivision” (Comprehensive Plan, p. 63). The Comprehensive Plan lists regional medical and professional offices, small office complexes, shopping centers, and department stores as primary land uses in the Regional Center character area. Staff holds that the proposed rezoning is compatible with the goals, objectives, purpose, and intent of the Comprehensive Plan and Future Development Map and that the proposed use will support the surrounding residential uses and align with nearby commercial uses.

**H. The availability of adequate sites for the proposed use in districts that permit such use.**

It is likely that other B-2-zoned and otherwise commercial-zoned properties exist in the county that would permit the requested commercial use.

## **STAFF RECOMMENDATION & CONDITIONAL REQUIREMENTS**

**Based on Board of Commissioners policies, decision-making criteria, and standards outlined in the development codes of Oconee County, staff recommends conditional approval of this request subject to the following conditions to be fulfilled at the expense of the owner/developer:**

1. Design for site development 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.
2. The owner at their own expense shall construct the improvements required by the County for public water and public waste services for the subject property and shall convey the same to the County, free of all liens. Said improvements shall include all on-site improvements and such off-site improvements as are required by the County to provide service to subject property.
3. At its expense, Owner shall make all right of way improvements and shall dedicate all rights of way which are required by the County after the County’s review of Owner’s development plans pursuant to the County’s ordinances and regulations. All such improvements shall be shown on the preliminary site plan and site development plans for the project and no development permit shall be issued until Owner has agreed to such improvements and dedication. The exchange of right of ways contemplated by this rezone shall be accomplished by an agreement for same to be approved by the County.
4. The applicant shall submit an updated traffic impact analysis prior to approval of a preliminary plat or preliminary site plan.
5. At least 80 percent of exterior wall surfaces of all buildings and structures shall be either brick veneer or stone veneer. The remaining 20 percent of each wall may be stucco or similar accent material.
6. Service areas and dumpsters shall be visually screened from public view by a six-foot masonry wall with façade materials matching the exterior of principal structures with black painted metal/steel enclosure doors. Enclosure doors made of wood or chain link are prohibited.
7. All lots shall be accessed via internal streets; a one-foot no-access easement shall be recorded on the subject property as follows:
  - Lots 1 and 7 along Virgil Langford Road ROW
  - Lot 3 and 4 along Oconee Connector ROW
8. The total building square footage of the project shall not exceed 174,500 square feet.

9. The following uses, allowed by right in B-2 zoning district, shall not be allowed on the subject property:

TABLE OF DISALLOWED USES	
Recreational Vehicle Parks	Pawnshop or Loan Brokers, other than Mortgage Loan Brokers
Automotive Repair and Maintenance, except Car Washes	Car Washes
Automotive Parts, Accessories, and Tire Stores	Automotive Transmission Repair
General Automotive Repair	Automotive Body, Paint and Interior Repair and Maintenance
Automotive Exhaust System Repair	Automotive Oil Change and Lubrication Shops
Automotive Glass Replacement Shops	Home and Garden Equipment Repair and Maintenance
Tractor and Other Farm Equipment Repairs and Maintenance	Automobile Commercial Parking Lots and Garages
Home Appliance Repair and Maintenance	Truck, Utility Trailer and RV (Recreational Vehicle) Rental and Leasing
Passenger Car Rental and Leasing	Construction, Transportation, Mining and Forestry Machinery and Equipment Rental and Leasing
General Equipment and Tool Rental Centers	Adult Entertainment
Construction Contractors, Builders and Developers, with outdoor storage	Radio and Television Broadcasting Stations
Taxidermists	Archery or Shooting Ranges
Used Car Dealers	New Car Dealers
Motorcycle Dealers	Recreational Vehicle Dealers
All Other Motor Vehicle Dealers	Boat Dealers
Lumber Yards	Auction Houses
Truck Stops and Other Gasoline Stations	School and Employee Bus Transportation
General Freight Trucking, Local	Shuttle Services, Vanpools and Other Ground Passenger Transportation
General Freight Trucking, Long-Distance	Private Schools: Colleges and Universities
Taxi and Limousine Service	Private Schools: Religious Exempt Nonpublic Post-Secondary Institutions
Charter Bus Industry	Private Schools: Junior Colleges
Scenic and Sightseeing Transportation	Private Schools: Kindergarten, Elementary and Secondary
Daycare Center	Specialized Freight (except Used Goods) Trucking, Local
Landscaping Services	Group Daycare Center
Bail Bonding or Bondsperson Services	Cigar and Tobacco Stores, including "Vape" Shops and Electronic Cigarette Stores
Event Venues (as a principal use)	Crematories