

**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 Parkside Property Development, LLC and Athens Construction Group Property Holdings, submitted on September 23, 2023.

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 ABE Consulting, Inc. on September 23, 2023, regarding a ±5.801-acre tract of land located 3380 Hog Mountain Road & 1078 Stillwater Way, Oconee County, Georgia, (portions of tax parcel no. B-05-005A & B-05H-001F) 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 eliminate the buffer requirement along the northern portion of Lot #2 of the proposed Parkside Promenade development (UDC Sec. 806.b).

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.

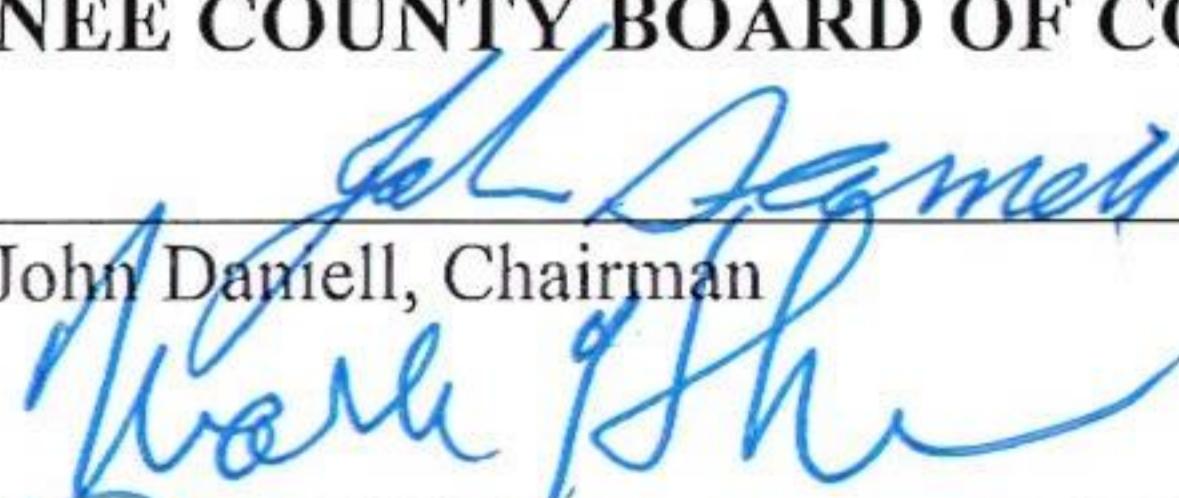
SECTION 3. Effective Date. This Resolution shall take effect this date.

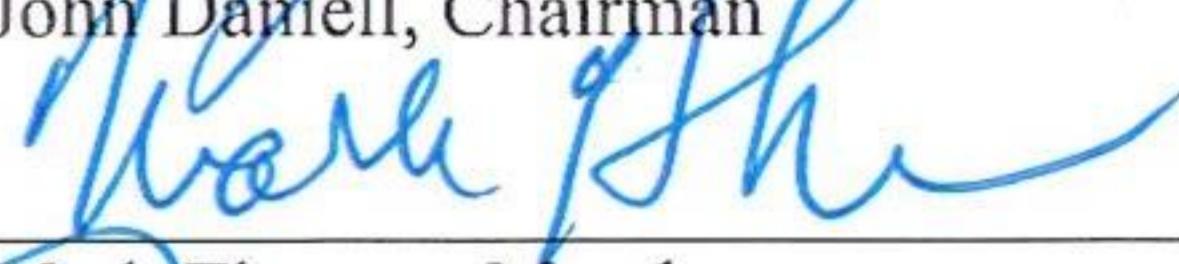
Said Special Exception Variance application was submitted to the Oconee County Board of Commissioners and a Public Hearing was duly held by the same at its regular meeting on January 2, 2024.

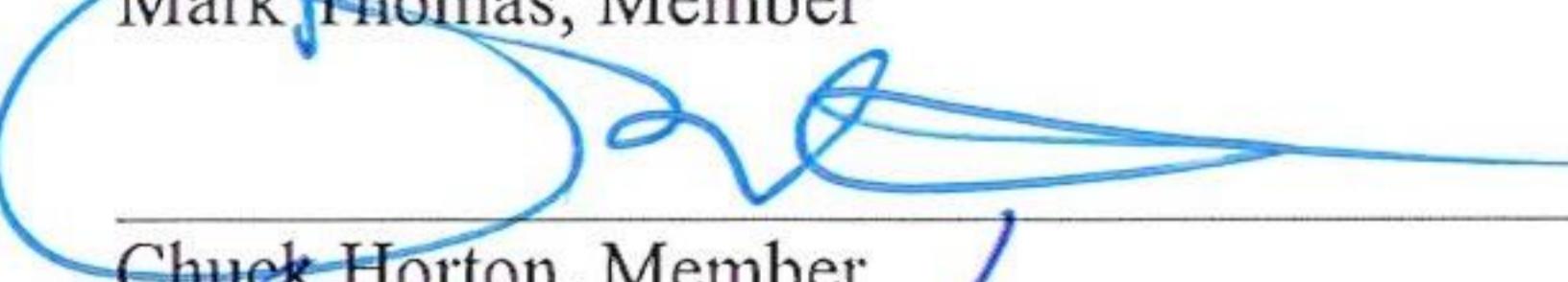
ADOPTED AND APPROVED, this 2nd day of January, 2024.

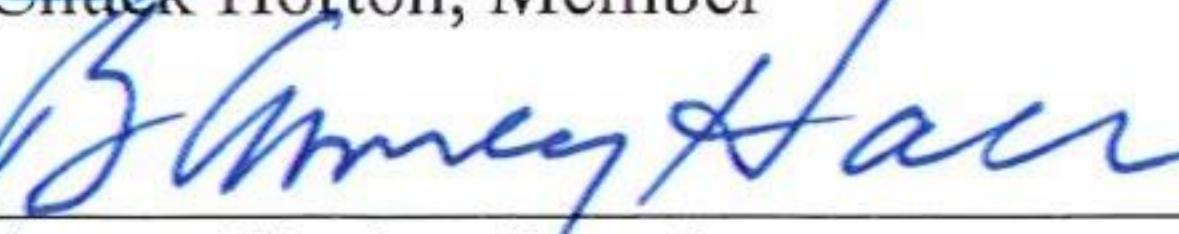
OCONEE COUNTY BOARD OF COMMISSIONERS

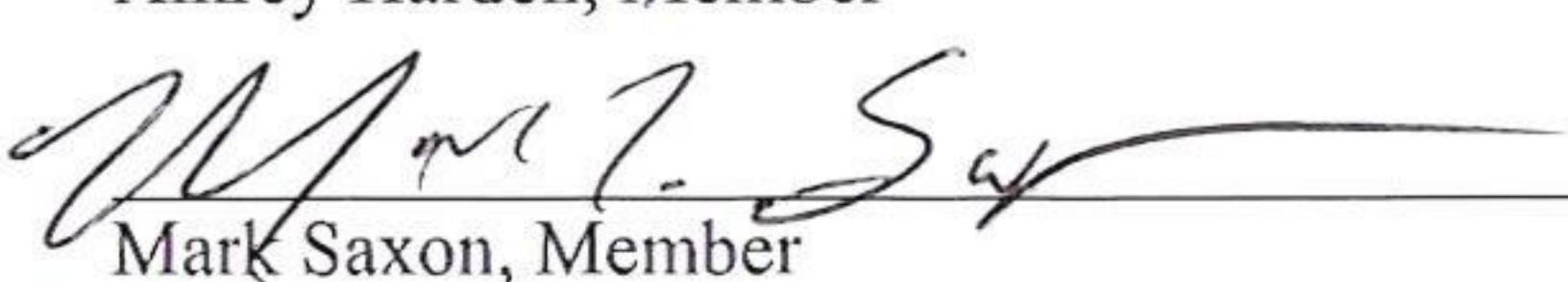
BY:


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. P23-0234

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CONDITION

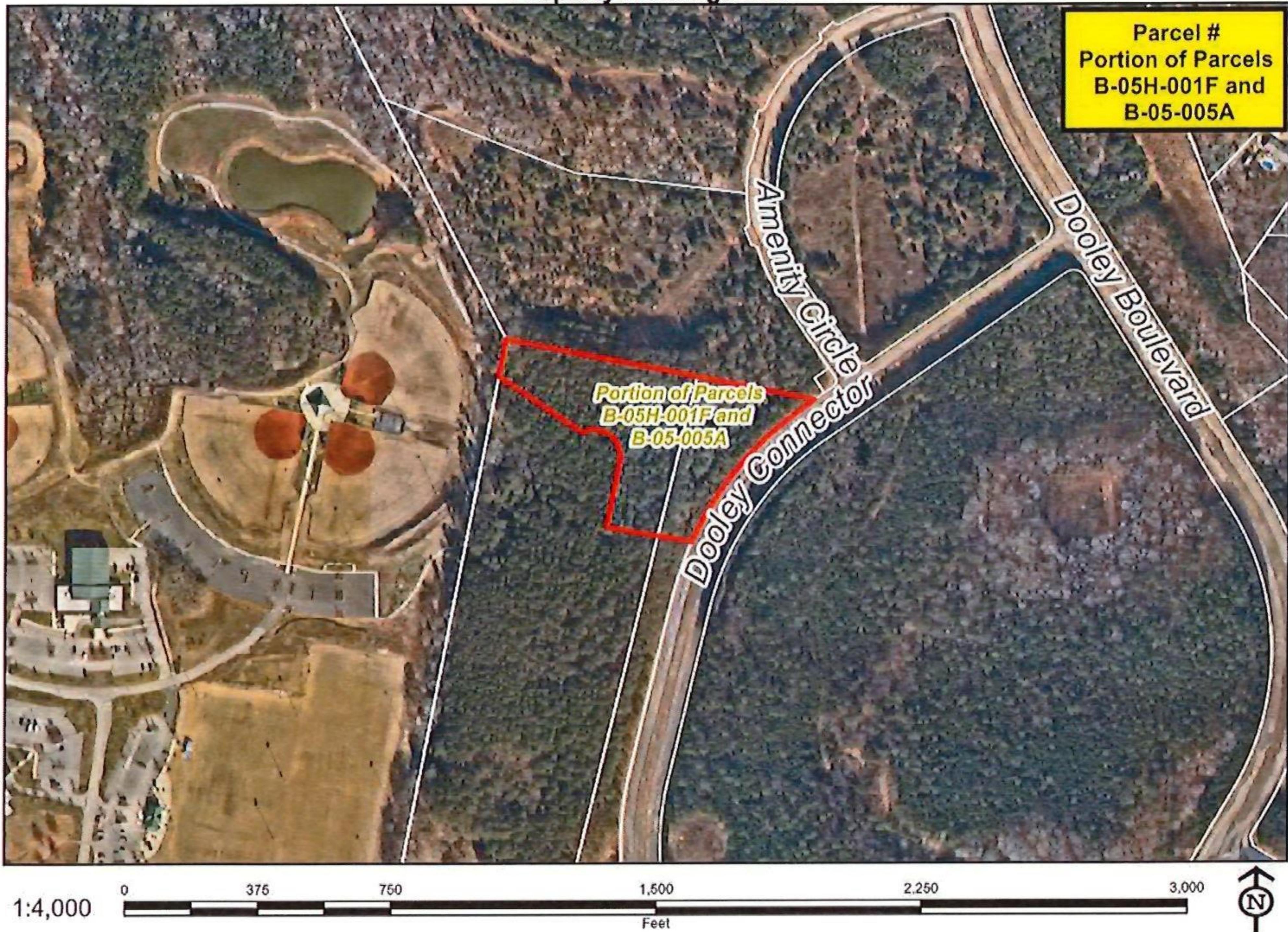
1. Development design and structures shall meet or exceed the standards indicated on the concept plan, narrative, representative architectural sketches, and other documents submitted with the zoning application and attached hereto. This condition shall not construe approval of any standard that is not in conformity with the Unified Development Code.

EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P23-0234

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TAX MAP

Variance # P23-0234 - Parkside Property Development, LLC & Athens Construction Group
Property Holdings LLC



TYPED LEGAL DESCRIPTION



**Special Use Request
Parkside Promenade Lot 2 - Property Description**

All that Tract or Parcel of Land lying and being in the 221st G.M. District, Oconee County, Georgia being comprised of a portion of a 20.001 Tract found in Plat Book 8 page 53 and a portion of Tract 3 as found in Plat Book 37 page 26 and being more particularly described as follows:

Commencing at the centerline intersection of Georgia Highway 53(Hog Mountain Road) and Dooley Connector. Said Point of Commencement having a State Plane Coordinate value of N: 1,407,906.98 E: 2,506,685.71 (NAD83, Georgia West Zone); Thence North 06 Degrees 02 Minutes 01 Seconds East a distance of 1,122.25 feet to a point on the Western right of way of Dooley Connector(110' R/W), the Point of Beginning:

Thence through lands of Athens Construction Group Property Holdings, LLC the following courses and distances;

North 77 Degrees 50 Minutes 52 Seconds West a distance of 249.08 feet;

North 10 Degrees 59 Minutes 59 Seconds East a distance of 247.96 feet;

Along the arc of a curve to the left (said curve having a radius of 86.59 feet, an arc length of 229.56 feet, a chord bearing of North 79 Degrees 00 Minutes 01 Seconds West and a chord length of 168.00 feet);

Thence North 56 Degrees 34 Minutes 54 Seconds West a distance of 216.04 feet to a point on a common line between Athens Construction Group Property Holdings, LLC and Oconee County Georgia;

Thence North 11 Degrees 01 Minutes 22 Seconds East a distance of 168.90 feet along a common line with Oconee County Georgia to a one-half inch rebar found at a common corner with lands of Parkside Properties Dev., LLC;

Thence South 78 Degrees 59 Minutes 07 Seconds East a distance of 551.24 feet along a common line with Parkside Properties Dev., LLC to a one-half inch rebar found;

Thence South 78 Degrees 59 Minutes 07 Seconds East a distance of 339.88 feet to a point on the Northwestern right of way of Dooley Connector;

Thence with the Northwestern right of way of Dooley Connector the following courses and distances;

South 55 Degrees 17 Minutes 09 Seconds West a distance of 37.67 feet;

Along the arc of a curve to the left (said curve having a radius of 930.00 feet, an arc length of 545.52 feet, a chord bearing of South 38 Degrees 28 Minutes 53 Seconds West and a chord length of 537.74 feet) to the Point of Beginning.

Said Parcel having an area of 252,692 Square Feet or 5.801 Acres, more or less.
Subject to any easements and/or rights of way heretofore granted.

NARRATIVE



LAND PLANNING
LAND SURVEYING
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
COMPREHENSIVE ENGINEERING
SOIL MAPPING & SEPTIC SYSTEMS
WETLAND & ENVIRONMENTAL MONITORING

**SPECIAL EXCEPTIONS VARIANCE NARRATIVE
FOR
PARKSIDE PROMENADE**

**Owners: Athens Construction Group Property Holdings, LLC
& Parkside Property Development, LLC**

October 20, 2023

Introduction:

ABE Consulting, Inc. is the Authorized Agent for the Owners of the subject property. ABE is submitting a request for a Special Exception Variance for eliminating the buffer requirement along the northern portion of the Lot #2. Section 808.03 of the UDC Code requires that a buffer be placed between commercial and residential uses.

The requested type of variance: **Special Exceptions Variance per UDC Section 1303.03**
Addresses and/or parcel numbers of the subject property:

- **3380 Hog Mountain Rd & 1078 Stillwater Way, Watkinsville, GA 30677**
- **TP#'s: B 05 005A & a portion of B 05H 001F, Lot #2, approx. 5.801 Acres**

The existing zoning district of the subject property: **AG (Agriculture) & R-2 MPD**

The existing use of the subject property: **Vacant**

Variance Requested:

Special Exceptions Variance is requested per UDC Section 1303.03 as it relates to Section 808.03 (Minimum Required Screening).

The proposed use of the subject property is an attractive self-storage facility. This is a part of the overall Rezone Request for Parkside Promenade. All proposed buildings will feature brick facades on all sides. The proposed buildings will range from 1 to 2 story in height with 2 buildings being set with Climate Control.

A Special Exceptions Variance may be granted upon a finding that the relief, if granted:

- Would not cause substantial detriment to the public good: and**

The requested variance is not anticipated to cause substantial detriment to the public good since there is an existing 50' natural buffer along the northern property line of Lot #2.

NARRATIVE



Implementing such a buffer would create double the amount or width of the required buffer along that property line.

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

This request would not be injurious to the use and enjoyment of the environment or of other adjacent properties. A 50' buffer has been provided along the western property line of Lot #2 where it borders OVP. The property to the north of the Lot #2 is currently vacant with an existing 50' natural buffer. The Owner of the subject property Lot #2 is also the Owner of the adjacent property to the north.

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

This request is not anticipated to diminish or impair property values of surrounding neighborhoods since there are no established neighborhoods adjacent to the subject lot. In addition, the existing 50' natural buffer provides the normally required buffer between the proposed use and the existing R-2-MPD uses.

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

The intent of the County Development Code is to provide 50' natural buffer or other acceptable structural buffers along lower and higher zoning classification. Currently, there is an established 50' natural buffer on the Parkside Development property along said line. Parkside Development is owned by the same owner as the subject property. The intent of the Development Code is to create separation using buffers. At no point the Code requires a 100' buffer between properties of different zoning classifications. The intent of the Code has been technically met by the current 50' natural buffer separation, which is provided by the same Owner for both involved properties.

Adjacent Properties:

- The existing zoning of the adjacent properties:
 - to the West AG / OVP
 - to the East Rights-of-Way (R/W)
 - to the South B-2 per Rezone
 - to the North R-2-MPD
- The existing uses of the adjacent properties:
 - to the West County Park/ OVP
 - to the South & East R/W
 - to the north vacant

Other Applications:

This request is a part of an overall rezone and special use requests for Parkside Promenade. The rezone request consists of B-2 zoning classification for small scale business and shops with

NARRATIVE



restrictive uses. The special use request is made to allow attractive min-storage facility on Lot #2 only.

Adjacent Properties:

- The existing zoning of the adjacent properties: AR (Ag Residential)
- The existing uses of the adjacent properties: Single Family Residences

Conclusion:

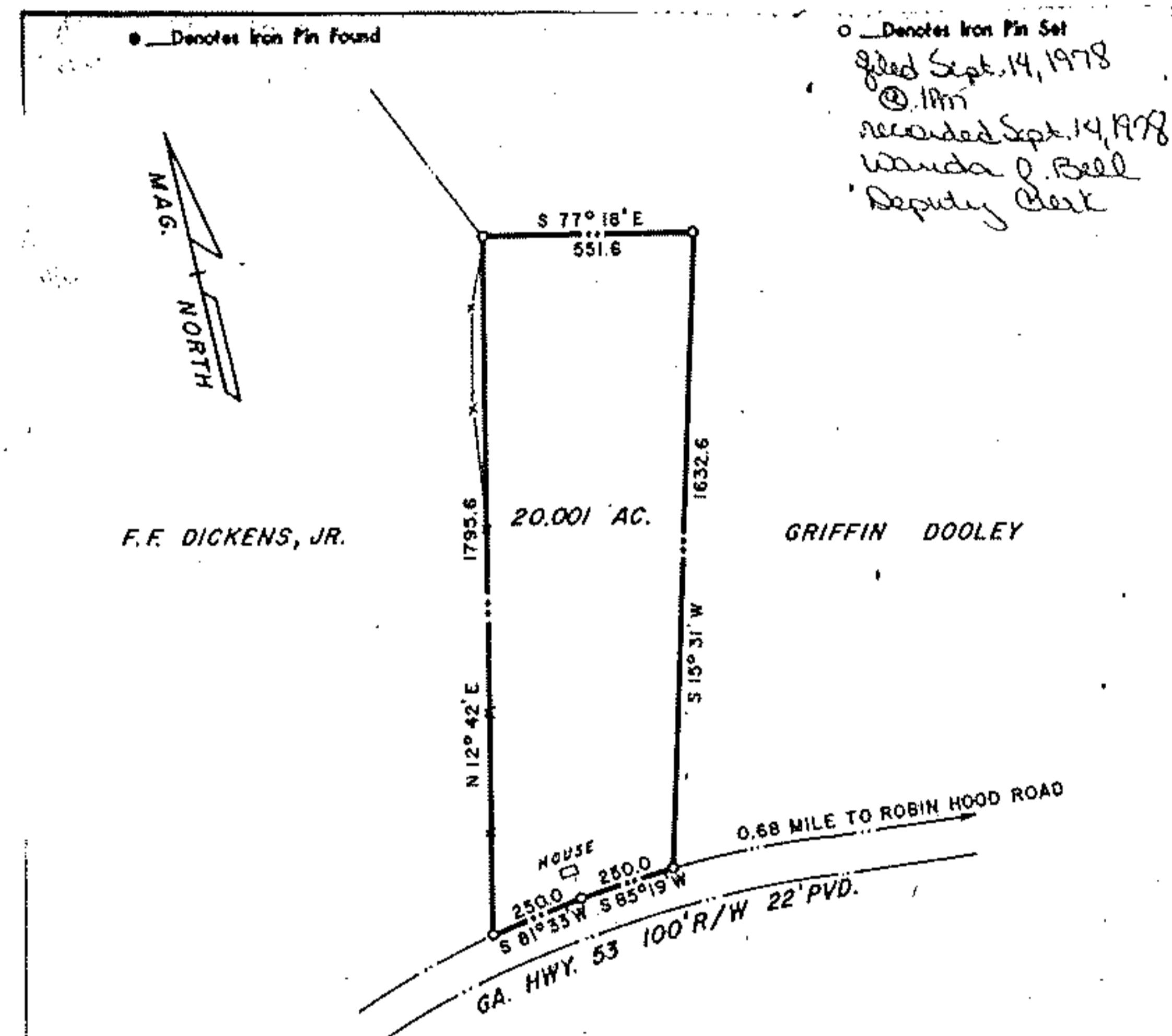
Implementing the required buffer along the northern property line of Lot #2 would create a 100' separation or buffer from the adjacent R-2 MPD to the north. This is not what the code intended to do since the largest buffer separation required between any different zoning does not exceed 50' in width. To help with this situation, the Applicant proposed all buildings along the northern property line to feature brick facades (80% or higher) on all sides and to be 1 story only in height. Furthermore, the proposed development with attractive self-storage creates minimum traffic, noise and other impacts when compared with other commercial developments. The subject Lot Owner also owns Parkside Development (R-2 MPD). We feel that it is only just and fair to eliminate the required buffer along the northern property line and not requiring 2 buffers back-to-back along the same property line.

We sincerely appreciate your consideration for a positive response for this requested Special Exceptions Variance.

EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P23-0234

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PLAT



REF. (1) SURVEY BY R.E. HARDIGREE OF GRIFFIN DOOLEY FARM
DATED MAY 6, 1957

In my opinion, this plat is a correct representation of the land platted and has been prepared in conformity
with the minimum standards and requirements of law

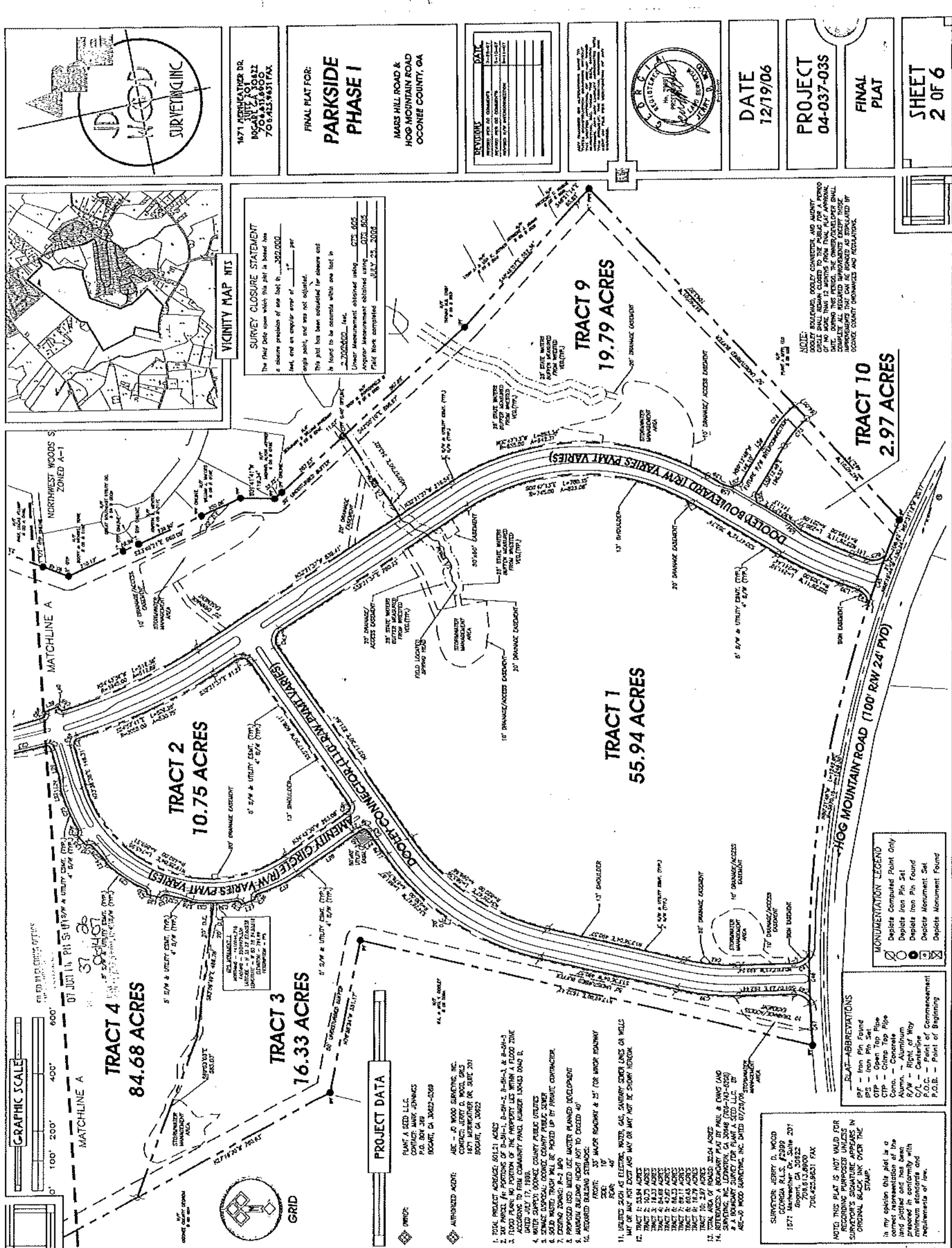
SURVEY FOR			SEAL	
W.A. & RITA V. DOOLEY				
COUNTY: OCONEE	GRD: 221	STATE: GEORGIA		
DATE: AUGUST 11, 1978	SCALE: 1" = 400'	OWN. BY: MWN		
FIELDBOOK: 407-12	BEN MC LEROY & ASSOCIATES, INC. ENGINEERS & SURVEYORS		FILE NO: 10750	
		ATHENS, GA.		

CC

EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P23-0234

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PLAT





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

VARIANCE CASE #: P23-0234

DATE: December 22, 2023

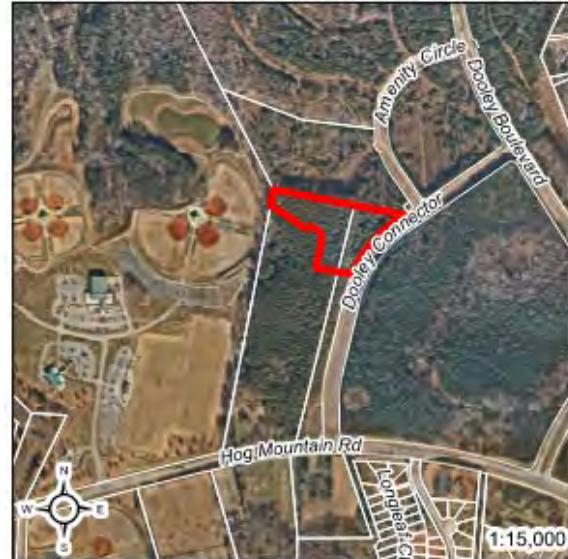
STAFF REPORT BY: Guy Herring (Director of Planning and Code Enforcement)

APPLICANT NAME: ABE Consulting, Inc.

PROPERTY OWNER: Athens Construction Group Property Holdings, LLC. & Parkside Property Development, LLC.

LOCATION: Northwest corner of Hog Mountain Road and Dooley Connector,
B 05 005A & B 05H 001F

PARCEL SIZE: ±5.801 acres



EXISTING ZONING: AG (Agricultural District) and R-2 MPD (Two Family Residential Master Planned Development District)

EXISTING LAND USE: Vacant residence and undeveloped tract

TYPE OF VARIANCE REQUESTED: Special Exception Variance for eliminating the buffer requirement along the northern portion of Lot #2 of the proposed Parkside Promenade development.

REQUEST SUMMARY: The property owner requests a variance from UDC Sec. 806.b. which requires a buffer between any office, institutional or commercial use and any agricultural zoning district or any single-family, two-family or multi-family use or zoning district.

DATE OF SCHEDULED HEARINGS

BOARD OF COMMISSIONERS: January 2, 2024

ATTACHMENTS:

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

BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- B 05 005A is zoned AG and has been owned by Athens Construction Group Property Holdings, LLC since 2023.
- B 05H 001F is zoned R-2 MPD and has been owned by Parkside Property Development, LLC since 2013.
- Parcel B 05H 001F was a part of the property rezoned to R-2 MPD as a part of Rezone 5315 approved on March 6, 2007.
- There are parallel actions including P23-0204 to rezone both parcels to B-2 and remove Parcel B 05 005A from Rezone 5315, and a Special Use application P23-0203 to permit a self-storage facility on the parcel of the development that this Variance is requested.

VARIANCE DESCRIPTION

- The owner is requesting a special exception variance to eliminate the buffer requirement along the northern portion of Lot #2 of the proposed Parkside Promenade development. The adjacent development includes a 50' buffer on that property which will provide the required buffer separation between incompatible uses.
 - ***Unified Development Code Section 806. Buffers; where required.***
 - b. A buffer must be provided between any office, institutional or commercial use and any agricultural zoning district or any single-family, two-family or multi-family use or zoning district;*

PUBLIC FACILITIES

Water:

- The overall project is proposed to utilize County water services.
- The Water Resources Department has indicated in a letter dated 10/29/2023 that potable water is available at this location.

Sewer:

- The overall project is proposed to utilize County sewer services.
- The Water Resources Department has indicated in a letter dated 10/29/2023 that wastewater treatment capacity is available for the project.

Roads:

- The proposed project would access the Dooley Connector and connect to an existing parking area within Oconee Veterans Park. A roundabout would serve as intersection with the driveways serving the parking areas for the development.

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 on the tax base or nearby public infrastructure, schools, or environmentally sensitive areas should result from approval of the present request. The adjacent property was required to provide a 50' buffer as a part of the rezoning approval, and that buffer will provide the required separation between incompatible uses. Staff holds that approval of the present request should not cause 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 R-2 MPD and AG. Primary land uses in the area are the Oconee Veterans Park and undeveloped land. Staff holds that approval of the request to eliminate the required 50' buffer on the applicant's property should not be injurious to the use and enjoyment of nearby properties due to the presence of a buffer on the adjacent property.

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

Staff holds that the proposed elimination of the 50' buffer on the applicant's property would not impair the value of the adjacent properties or surrounding neighborhoods.

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

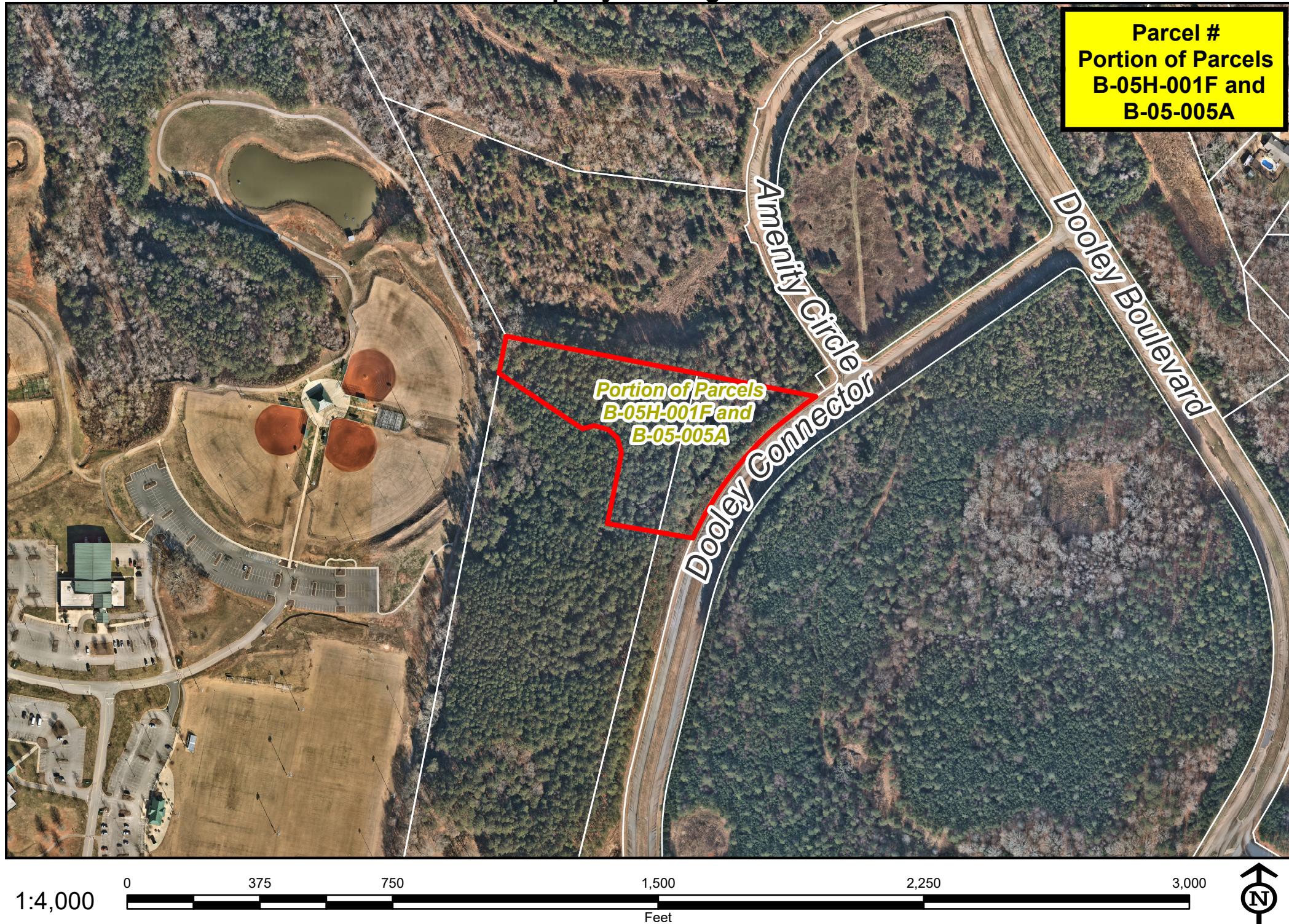
The intent of UDC Section 806 is to provide for buffers between incompatible land uses. The applicant has requested a special exception variance to eliminate the buffer on their property as it would duplicate a buffer required on the adjacent property. Staff believes that approval of this special exception variance request would not impair the UDC's purpose and intent given the presence of the buffer on the adjacent property.

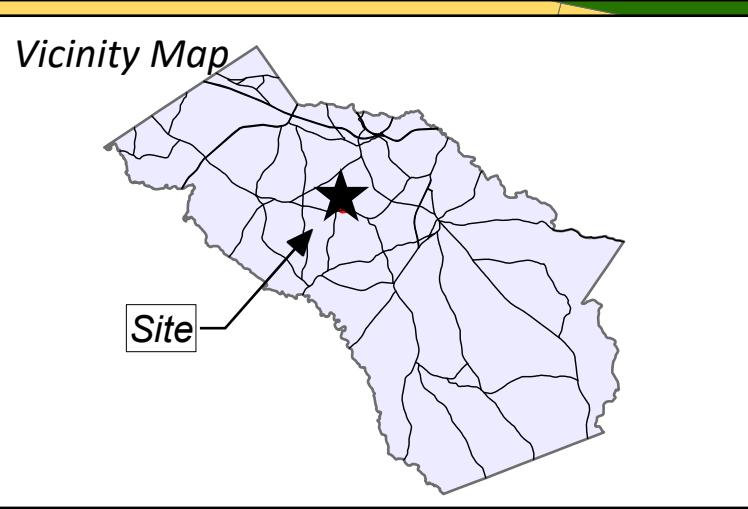
STAFF RECOMMENDATION & CONDITIONAL RECOMMENDATIONS

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.

Variance # P23-0234 - Parkside Property Development, LLC & Athens Construction Group Property Holdings LLC

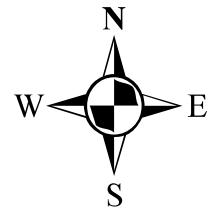




Oconee County Planning Department

This map is a representation of the future development map
and should be used for planning purposes only

0 205 410 820 1,230 1,640
Feet



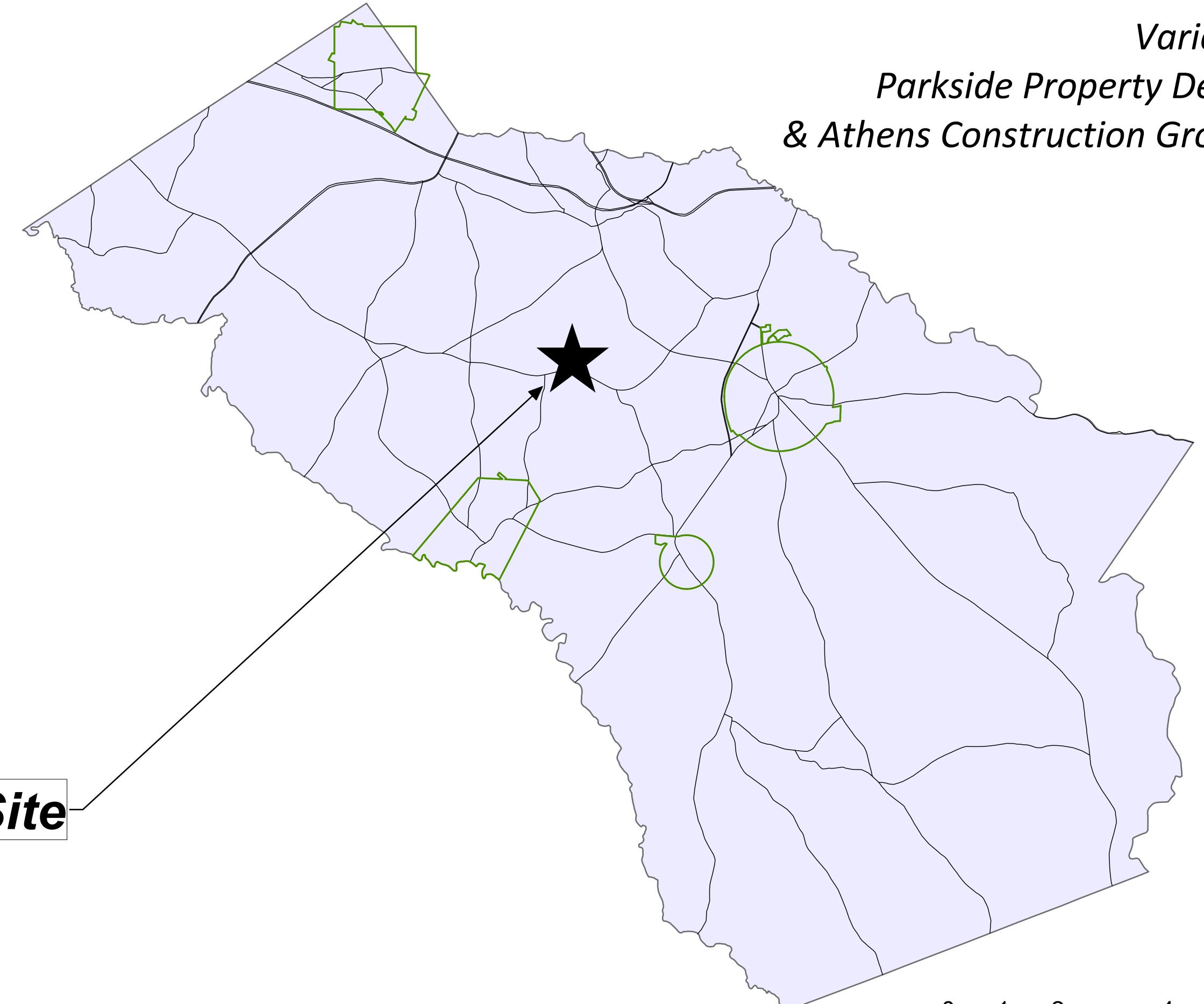
**Parks/Recreation/
Conservation**

**Suburban
Neighborhood**

Community Village

*Location Map -
Variance # P23-0234*

*Parkside Property Development, LLC
& Athens Construction Group Holdings LLC*



1:119,397

Zoning
AG
AR-3
AR
R-1
R-2
R-3
M-H
B-1
B-2
O-I-P
O-B-P
I

AG

AG

R-2

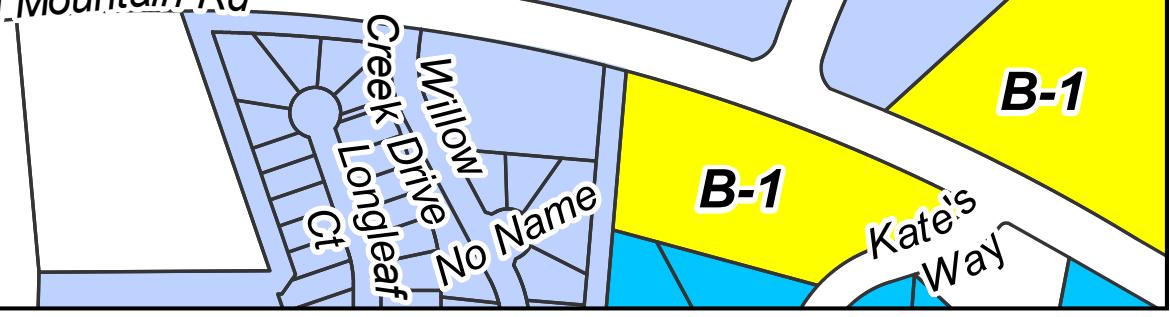
Oconee County Planning Department

This map is representative of current county zoning
and should be used for planning purposes only.



1:2,000

Hog Mountain Rd



B-1

B-1

Kate's
Way