

**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 Kerry H. Barwick & Ken D. Hill submitted on May 23, 2024.

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 Barak Zukerman on May 23, 2024, regarding a portion of a ±23.51-acre tract of land located 7760 Macon Hwy, Oconee County, Georgia, (tax parcel no. B-06-029A), the Board of Commissioners of Oconee County does hereby grant the following:

SECTION 1. A Resolution granting Special Exception Variance approval from Oconee County Unified Development Code Section 1012.07 for the property described above and also described in the attached Exhibit "A" is hereby granted to increase the maximum allowed lots from 5 to 16 on a private access drive.

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 July 9, 2024.

ADOPTED AND APPROVED, this 9th day of July, 2024.

OCONEE COUNTY BOARD OF COMMISSIONERS

BY:

John Daniell, Chairman

Mark Thomas, Member

Chuck Horton, Member

Amrey Harden, Member

Mark Saxon, Member

ATTEST:

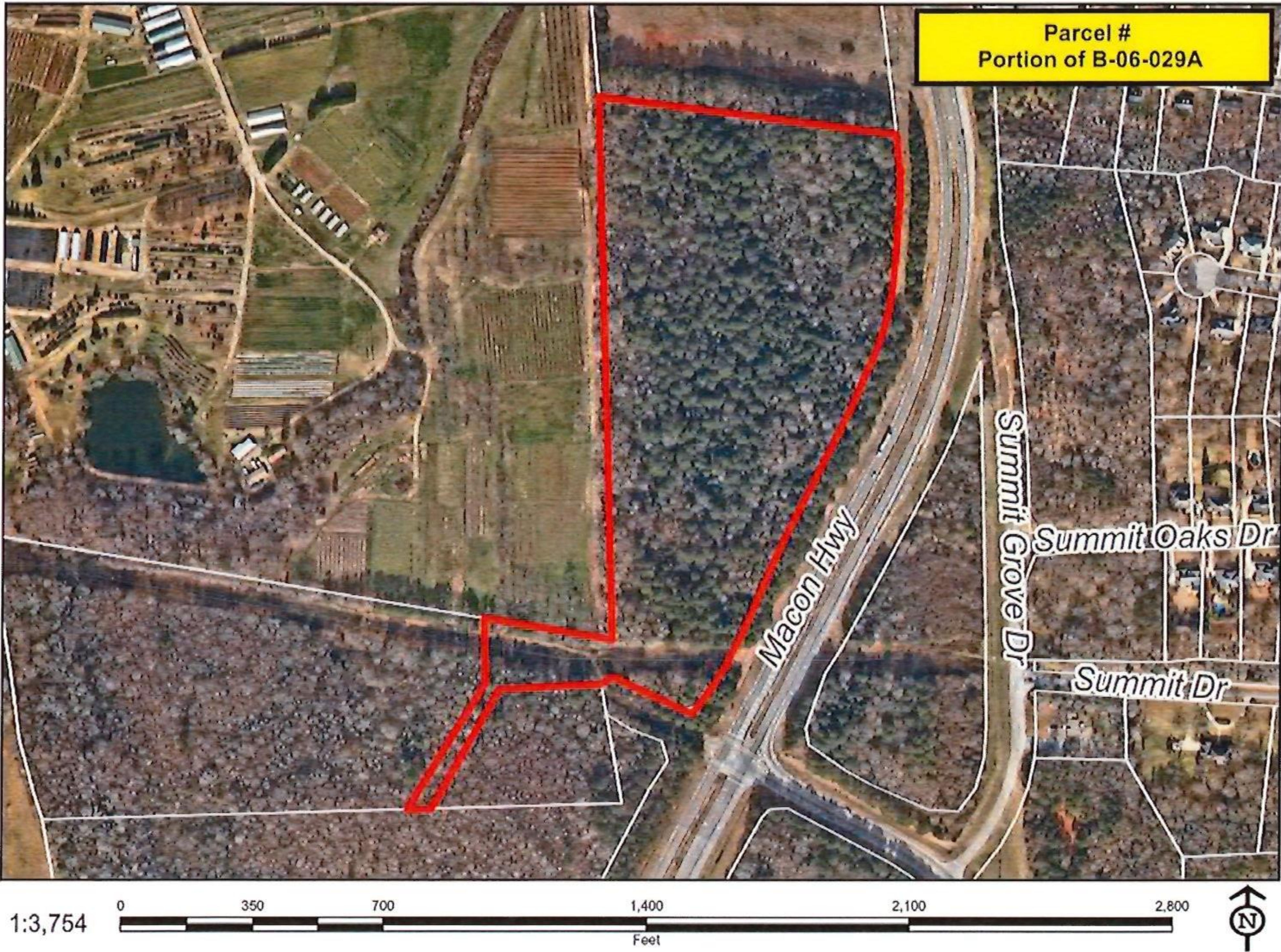
Holly Stephenson
Holly Stephenson
Clerk, Board of Commissioners

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 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 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.
4. Interparcel access stub outs and an easement to the north along the entrance drive shall be shown on the preliminary/ final plat and site development plans. The northern interparcel access will be constructed with a temporary cul-de-sac meeting the requirements of section 1008.02. The private access drive shall allow Interparcel legal/ platted access to parcel(s) to the north of the rezoning area through to the GDOT right of way to the south of the rezoning area.

TAX MAP

Variance # P24-0102 - Barak Zukerman



TYPED LEGAL DESCRIPTION

Legal Description of Rezone Area

All that tract or parcel of land lying and being in the 221st G.M.D., Oconee County, Georgia, and being more particularly described as follows:

Beginning at a point on the western right-of-way line of Watkinsville Bypass (R/W Varies) adjacent to the intersection with Watkinsville Bypass (R/W Varies) and U.S. Hwy. 441/ 129 (R/W Varies), that point being the TRUE POINT OF BEGINNING (T.P.O.B.), Thence, N 62 degrees 01 minutes 41 seconds W for a distance of 235.2 feet to a point, Thence, S 63 degrees 24 minutes 45 seconds W for a distance of 27.2 feet to a point, Thence, S 78 degrees 47 minutes 22 seconds W for a distance of 215.0 feet to a point, Thence S 27 degrees 35 minutes 07 seconds W for a distance of 330.9 feet to a point, Thence S 83 degrees 15 minutes 00 seconds W for a distance of 60.6 feet to a point, Thence N 27 degrees 35 minutes 07 seconds E for a distance of 365.0 feet to a point, Thence N 01 degrees 09 minutes 10 seconds W for a distance of 159.0 feet to a point, Thence S 80 degrees 34 minutes 31 seconds E for a distance of 250.0 to a point, Thence, N 00 degrees 58 minutes 48 seconds W for a distance of 1459.7 feet to a point, Thence, S 83 degrees 53 minutes 39 seconds E for a distance of 800.3 feet to a point on the eastern right-of-way line of Watkinsville Bypass, (R/W Width Varies) Thence continuing along said right-of-way, S 05 degrees 05 minutes 40 seconds E for a distance of 0.8 feet to a concrete monument, Thence, S 05 degrees 51 minutes 10 seconds E for a distance of 217.5 feet to a concrete monument, Thence, S 05 degrees 21 minutes 43 seconds W for a distance of 270.4 feet to a concrete monument, Thence, S 21 degrees 09 minutes 14 seconds W for a distance of 370.9 feet to a concrete monument, Thence S 28 degrees 52 minutes 54 seconds W a distance of 429.0 feet to concrete monument, Thence, S 26 degrees 40 minutes 31 seconds W for a distance of 407.2 feet to a point , that point being the TRUE POINT OF BEGINNING (T.P.O.B.)

NARRATIVE

NARRATIVE

NORTHWEST SIDE INTERSECTION OF VETERANS PARKWAY (HWY 441) AND SR15

Application For Variance

Introduction:

Property Address: 7760 Macon Highway, Watkinsville, Parcel B 06 029A,

Landowner: Kerry H Barwick and Ken D Hill

Existing Zoning: AR

Requested Variance: To change the maximum allowed lots on a Private Access Drive from five (5) to sixteen (16) to allow for easier access and road design. (Section 1012.07)

Area: 23.67 Acres

VARIANCE NARRATIVE

Cideco Development application requests a Variance of the Private Access Drive on the property from five (5) lots to sixteen (16) lots for the construction of Watkinsville Exchange.

The concept plan shows the footprint of each of the proposed lots with the Private Access Road serving the property. Based on the concept plan and future access to the adjacent properties, this would allow for one main access road to service the entire property. The property is currently an undeveloped, unused agricultural tract and a power line easement.

Adjacent properties: Regarding adjacent property uses, the uses are as follows:

South: Lumpkin Branch Park (office / industrial park) with healthcare and gymnastics with businesses in the park and Quiktrip (coming soon) which was recently rezoned from AG to B2

North: Undeveloped B-2 piece BankSouth Bank and RaceTrac gas station

East: newly opened Oconee County government annex and a single story, office complex

West: Agricultural use (Government- UGA horticulture research farm). This is the only property directly affected.

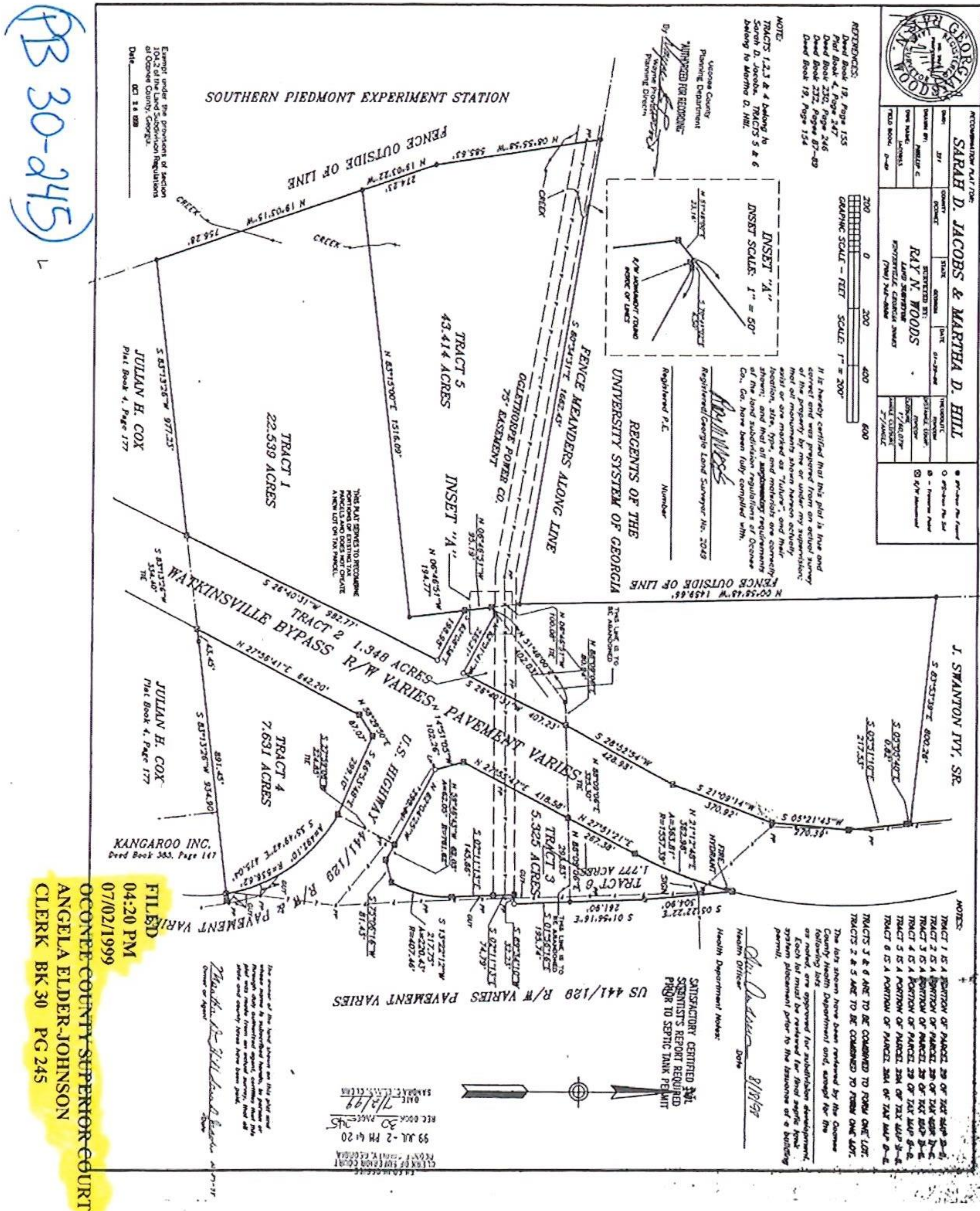
Other Applications

This Variance application is in conjunction with the Zoning request P24-0014 to rezone the property from AR to B2, request P24-0027 for a landscaping variance and request P24-0028 for a parking variance on a separate lot.

Conclusion:

In summary, Cideco Dev proposes an increase to the allowed Private Access Drive total lots to simplify the design and provide a shared and direct access for all proposed lots.

PLAT





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

VARIANCE CASE #: P24-0102

DATE: June 26, 2024

STAFF REPORT BY: David Webb, AICP, Senior Planner

APPLICANT NAME: Barak Zukerman

PROPERTY OWNER: Kerry H. Barwick & Ken D. Hill

LOCATION: 7760 Macon Hwy.
A portion of parcel number B 06 029A

PARCEL SIZE: Rezoning/ Variance Area = ± 23.51 acres

EXISTING ZONING: AR (Agricultural Residential)

EXISTING LAND USE: Vacant



TYPE OF VARIANCE REQUESTED: Special Exception Variance to allow additional lots on a private access drive

REQUEST SUMMARY: The applicant requests a variance from UDC Section 1012.07 to increase the maximum allowed lots from 5 to 16 on a private access drive easement

DATE OF SCHEDULED HEARINGS

BOARD OF COMMISSIONERS: July 9, 2024

CONCURRENT APPLICATIONS:

P24-0014- Rezoning from AR to B-2

P24-0027-Variance for a Buffer Reduction

P24-0028-Variance for Parking Reduction

ATTACHMENTS: Application
Narrative
Concept Plan
Legal Description
Plat of Survey

BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- A portion of the parcel, ±2.36 acres, was rezoned to B-2 on 7-11-2023 for a planned convenience store/ gas station (Quik Trip).
- A site development permit is under review for the Quik Trip on a portion of the property.
- The parcel has been owned by the current owner since 2003. The tract is currently vacant.
- The property was zoned AR in the original county adoption in 1968.
- US 441 is a limited access highway in this section and the property access is at the intersection of Macon Highway and Veterans Memorial Parkway.

VARIANCE DESCRIPTION

- The applicant requests a variance from UDC Section 1012.07 to increase the maximum allowed lots from 5 to 16 on a private access drive easement.
- Section 1012.07 limits private access drive easements to 5 lots.
- All other standards for commercial development subdivisions and parking areas would have to be met.
- If the variance is not granted, the applicant will be required to develop the project with a public street or a private street with a dedicated right-of-way built to public street standards. A different variance would be required to allow a private street in the proposed B-2 zone.

Water:

- The project is proposing to utilize County water services.
- The Water Resources Department has indicated in a letter that potable water is available at this location.

Sewer:

- The project is proposing to utilize County sewer services.
- The Water Resources Department has indicated in a letter that sanitary sewer is available at this location.

Roads:

- The applicant is proposing access to US 441 from an undeveloped fourth leg at the intersection of Macon Highway and Veterans Memorial Parkway.
- Access to US 441 and off-site transportation improvements are under the jurisdiction of the Georgia Department of Transportation.

ENVIRONMENTAL

- The Concept Plan indicates there are State Waters present on the site.
- The U.S. Fish and Wildlife Service Maps indicate the present of wetlands on the site.
- There are no Special Flood Hazard Areas (100-year floodplain) on the site.
- The site will have to meet the requirements of Article 9: Environmental Protection.

COMMENTS FROM OTHER DEPARTMENTS & AGENCIES

OCONEE COUNTY PUBLIC WORKS DEPARTMENT

- Reviewed with no comments on 6-17-2024

OCONEE COUNTY WATER RESOURCES DEPARTMENT

- Reviewed with no comments on 6-12-2024

OCONEE COUNTY FIRE CHIEF

- Reviewed with no comments on 6-6-2024

GEORGIA DEPARTMENT OF TRANSPORTATION

- Comments received 6-12-24:

Thanks for sending over, the frontage along US 441 is limited access so they would not be able to obtain a driveway from US 441. They will still need a permit to tie into the access road at QT since this is GDOT property. Otherwise, we would want to see a TE study for any additional impacts at the intersection.

If you have any questions, please let me know.

Thanks,

Christopher Hash

D1TO Traffic Operations Supervisor

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:

The concept plan indicates the 16 commercial lots will use the private drive to provide access to each property. There will only be one access to a public road at the signalized intersection of Macon Highway and Veterans Memorial Parkway. No public funds will be utilized to maintain the private access drive and easement. The applicant will have to meet GDOT standards to obtain access and account for the increased traffic. Staff finds the allowance for additional lots on a private access drive easement will not be a detriment to the public good as no public funds will be used for the long-term maintenance of the private drive.

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

The parcels in the area are predominantly zoned AR, OBP and OIP. Primary land uses in the area are a mixture of agricultural, residential, institutional, office, bank, and convenience stores. The adjacent parcels are in use as agricultural (University of Georgia Research Station) and a planned Quik Trip convenience store. Staff finds that approval of the request to allow additional lots to subdivide using a private access drive easement should not be injurious to the use and enjoyment of nearby properties.

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

Staff analysis indicates granting the variance will have a minimal effect on the adjoining commercial and public land for their usability and value.

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

The intent of UDC Section 1008.06 is to limit the number of lots utilizing a private access drive. As this is a commercial subdivision, internal driveways and parking lot aisles will have to meet the requirements of the Parking and Loading Requirements Article of the UDC. Staff finds the allowance for 16 lots on a private access drive easement will not impair the purpose and intent of the Development Code as the commercial driveway and parking lot standards will apply.

STAFF RECOMMENDATION & CONDITIONAL RECOMMENDATIONS

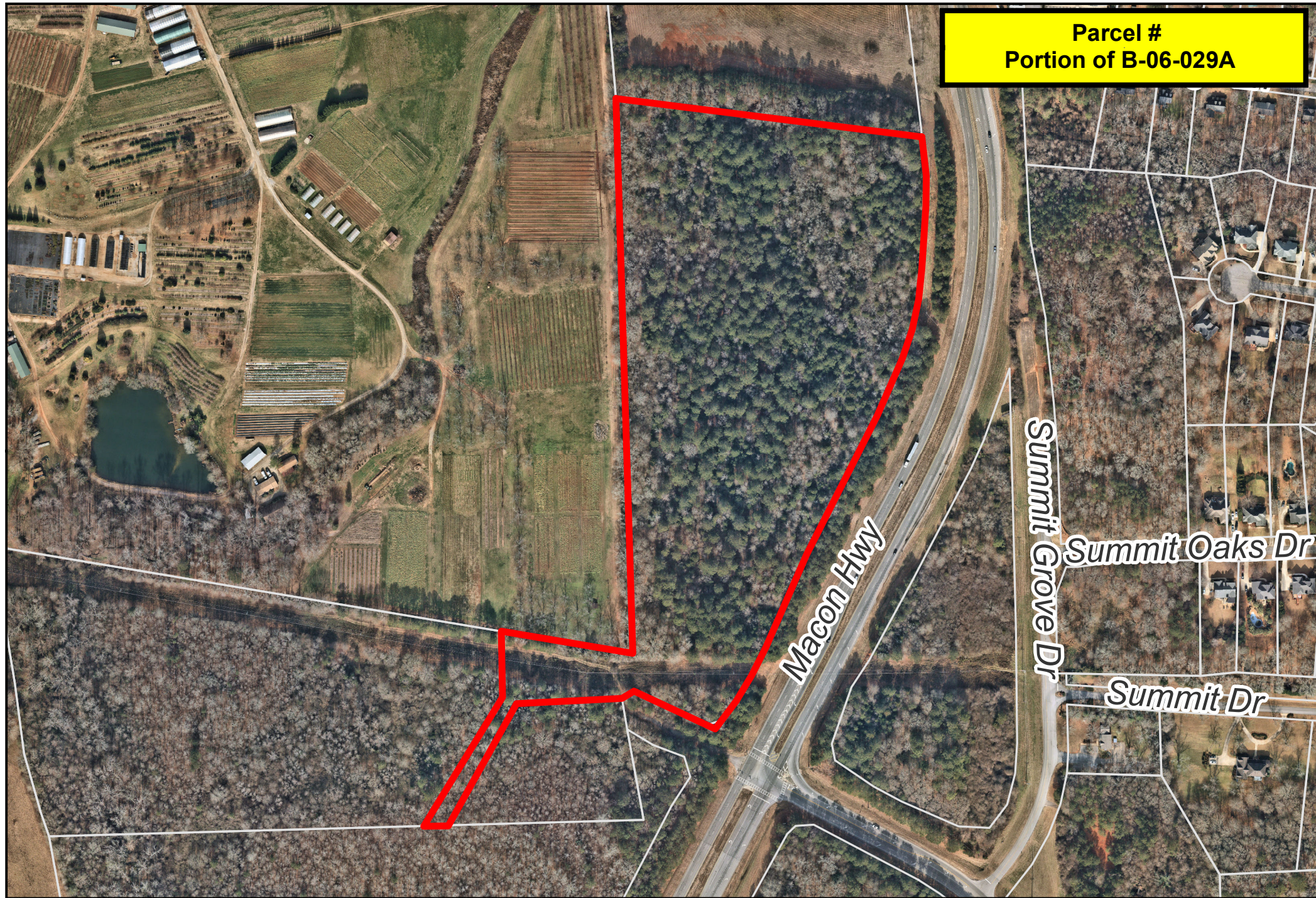
Based upon the standards and limitations for special exception variance approval, this request **does meet all necessary conditions** to grant a special exception variance. Should the present request be approved, staff recommends the following conditions to be fulfilled at the owner/developer's expense.

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 variance application and attached hereto. This condition shall not construe approval of any standard that is not in conformity with the Unified Development Code.

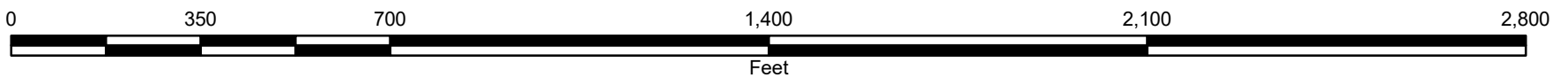
2. The owner at their own expense shall construct the improvements required by the County for public water and public waste services for the subject property and shall convey the same to the County, free of all liens. Said improvements shall include all on-site improvements and such off-site improvements 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.
4. Interparcel access stub outs and an easement to the north along the entrance drive shall be shown on the preliminary/ final plat and site development plans. The northern interparcel access will be constructed with a temporary cul-de-sac meeting the requirements of section 1008.02. The private access drive shall allow Interparcel legal/ platted access to parcel(s) to the north of the rezoning area through to the GDOT right of way to the south of the rezoning area.

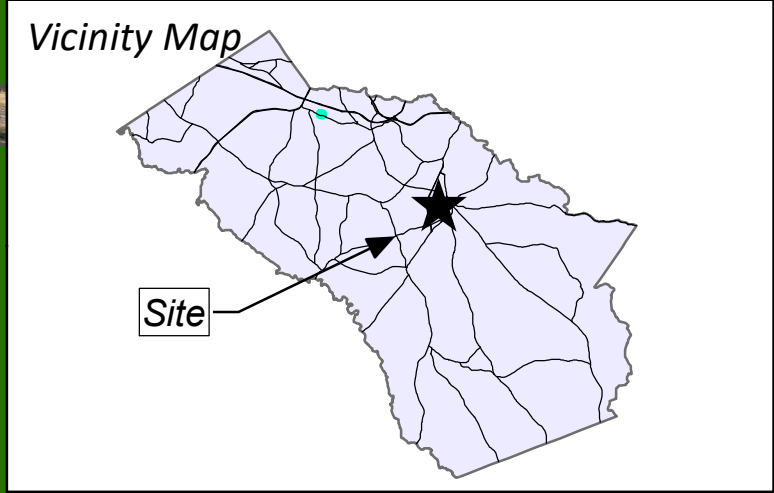
Variance # P24-0102 - Barak Zukerman

Parcel #
Portion of B-06-029A



1:3,754





**Oconee County
Planning Department**

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

0 165 330 660 990 1,320 Feet

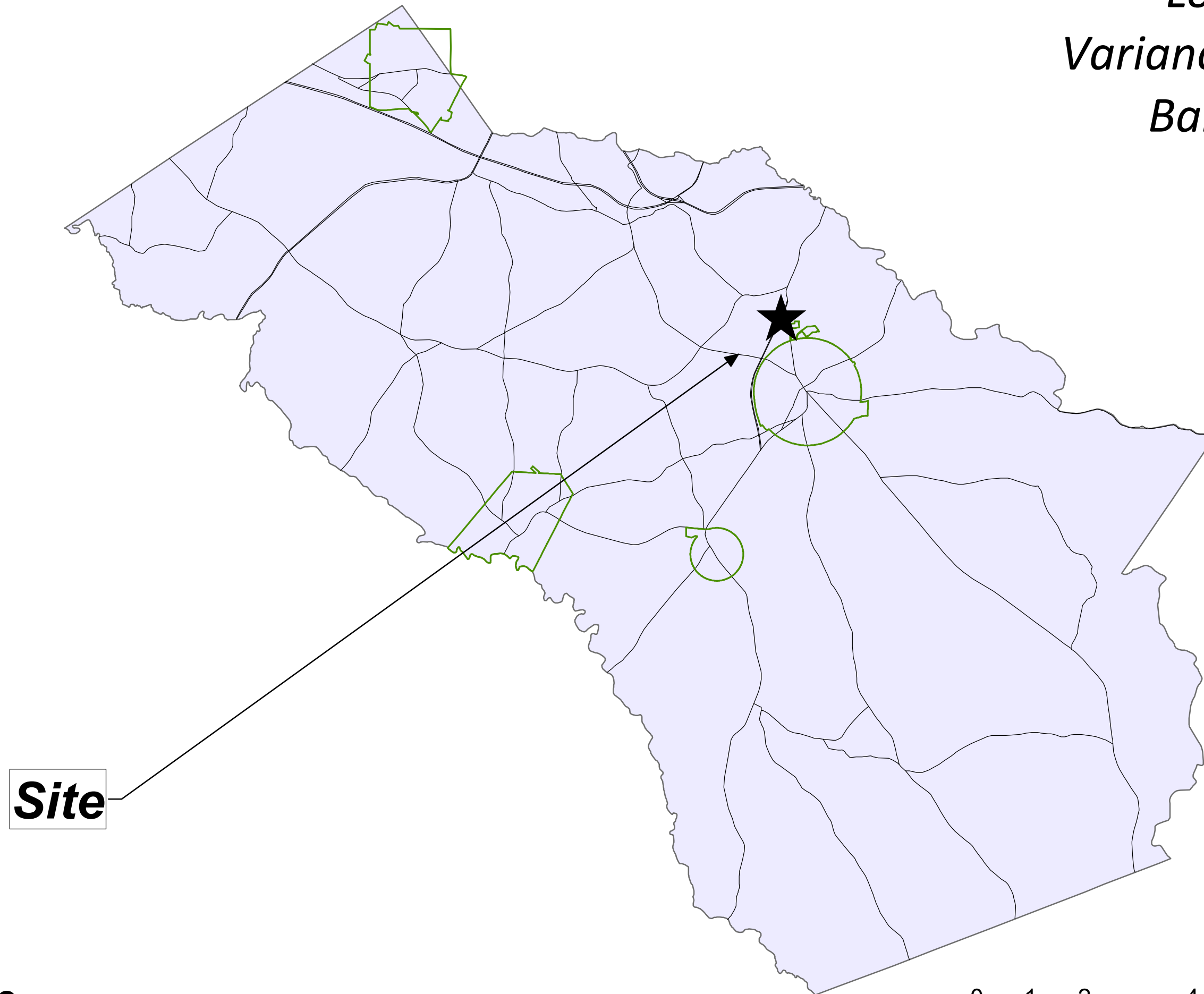
Civic Center

***Parks/Rec/
Conservation***

Country Estates

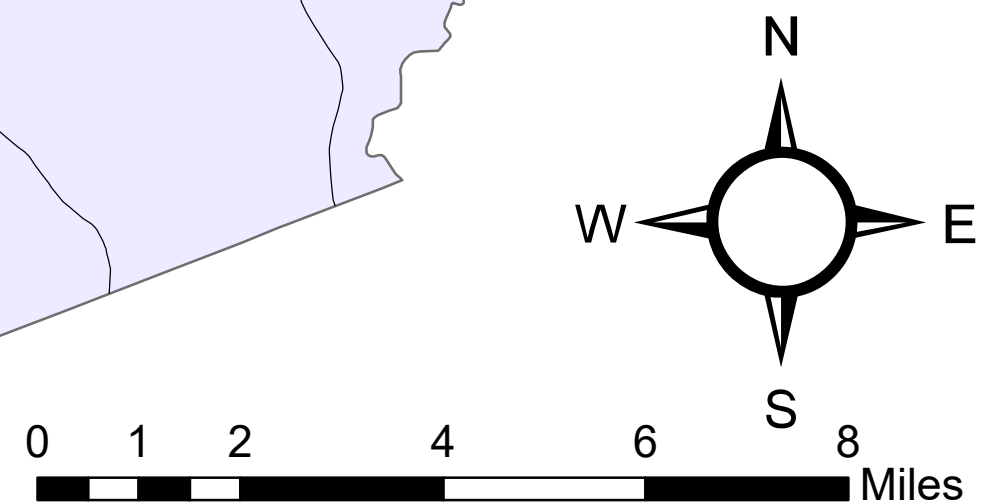
Public Institutional

*Location Map -
Variance # P24-0102
Barak Zukerman*

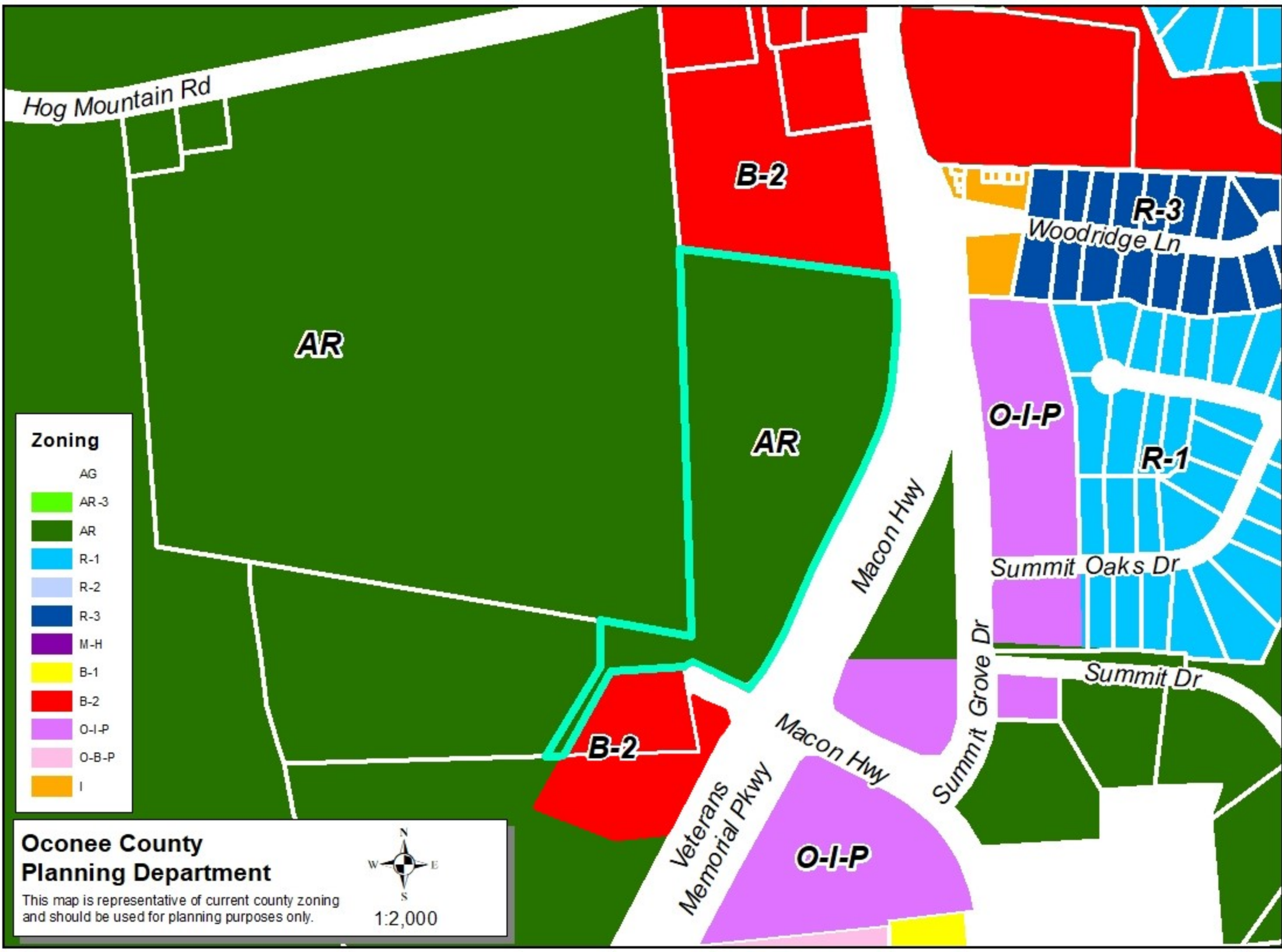


Site

1:120,000







Zoning

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

Oconee County Planning Department

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



1:2,000