

**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 John-John Investments, LLC submitted on November 27, 2017.

ENACTMENT CLAUSE

Pursuant to the authority conferred by the Constitution and Laws of the State of Georgia and after consideration of an application requesting Special Exception Variance approval submitted by Beall & Company, LLC on November 27, 2017 regarding a ±1.25 acre tract of land located between Virgil Langford Road and State Route 10 Loop in the 1331st G.M.D., Oconee County, Georgia, PORTION OF TAX PARCEL NUMBER C01AP001, 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 for the purpose of relief from Unified Development Code Section 607.04 (b), to eliminate a 5-foot off-street parking lot side set-back.

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 same at its regular meeting on February 6, 2018.

ADOPTED AND APPROVED, this 6th day of February, 2018.

OCONEE COUNTY BOARD OF COMMISSIONERS

BY: _____
John Daniell, Chairman

Mark Thomas, Member

Chuck Horton, Member

W. E. "Bubber" Wilkes, Member

Mark Saxon, Member

ATTEST:

Kathy Hayes
Clerk, Board of Commissioners



CONDITIONS

1. The green space lost as a result of the reduction or elimination of the subject side yard setback shall be replaced by an equal size area of landscaped green space elsewhere on the subject lot as defined in UDC Section 409.03.c.

NARRATIVE

Dcall & Company, LLC
11/27/2017

Project #17 036
Special Exception Variance

**COMMERCIAL BANK
CONNECTOR 1357**
Special Exception Variance
1.25± Acres
Portion of Tax Parcel #C01AP001
Oconee County Georgia

November 27, 2017

Variance Narrative

JOHN-JOHN INVESTMENTS, LLC is presently installing the infrastructure needed to service the lots in the commercial development currently known as *CONNECTOR 1357* located on the OCONEE CONNECTOR north of the University Parkway/Georgia Highway 316.

The COMMERCIAL BANK has recently contracted to purchase the 1.25± acre Lot #2 of the 5.113 acre parcel identified as Oconee Tax Parcel #C01AP001. The purchaser plans to construct a 5000 SF per floor two-story bank building with the lower level housing the banking operations and the upper level to satisfy their future expansion needs.

The subject parcel was encumbered with a 40' access and utility easement in 2007 to provide ingress/egress from the Oconee Connector to *First Georgia Banking Company* located at the corner of Virgil Langford Road and The Oconee Connector.

In order to allow all of the necessary components of the bank site plan (customer and staff parking, drive-thru teller service, 24-hour teller machine, access drives, sidewalks, utilities, landscaping, solid-waste enclosure, under-ground storm-water facilities, etc.) to function properly, the bank is requesting a special exceptions variance in accordance with Oconee UDC Section 607.04b, to waive or reduce as necessary one of the parking setback lines on Lot #2 located adjacent to Lot #1.

(Note: This 1.25 acre parcel is constrained by the 40' access and utility easement platted across the parcel and referenced above.)

LEGAL DESCRIPTION

Beall & Company, LLC
11/27/2017

Project #17-039
Special Exception Variance

LEGAL DESCRIPTION

Portion of Tax Parcel #C01AP001
1.25± Acres

All that parcel of land lying and being in the County of Oconee, State of Georgia, GMD 1331, and described as a 1.25 acre portion of Tax Parcel #C01AP001 on a PRELIMINARY SUBDIVISION PLAT FOR JOHN-JOHN INVESTMENTS LLC, prepared by BEALL & COMPANY, LLC, dated 11/27/2017, more particularly described as follows:

POINT OF BEGINNING is at a ½" iron pin on the northern right-of-way line of the OCONEE CONNECTOR, said pin denotes the centerline of the private access drive into the property at the right-of-way line;

Thence S43°24'47"W, a distance of 247.36' to an iron pin at the property corner;

Thence N53°51'24"W, a distance of 211.19' to a point at a property corner;

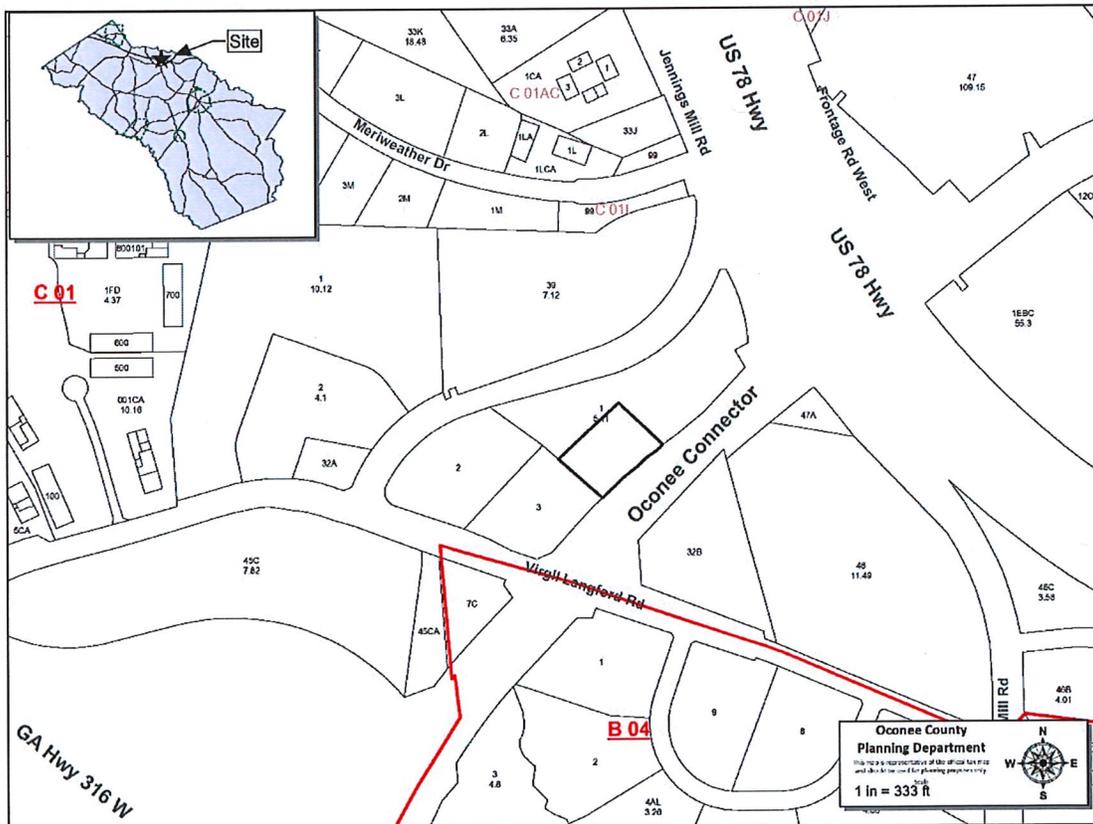
Thence N43°24'48"E, a distance of 274.08' to a point at a property corner;

Thence S44°52'13"E, a chord distance of 11.98' along a 200' radius to a point;

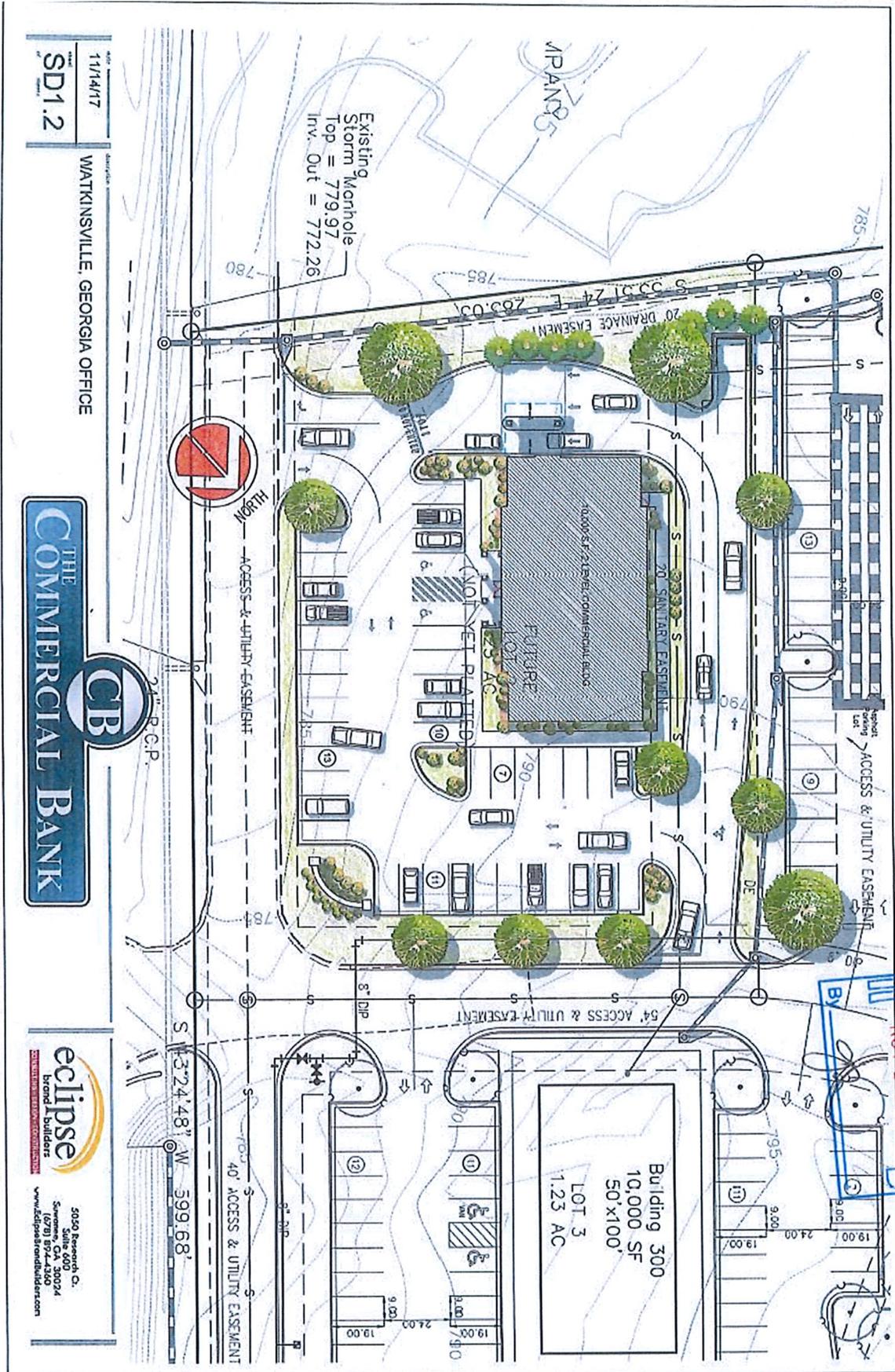
Thence S46°35'12"E, a distance of 197.51' to an iron pin at the **POINT OF BEGINNING**.

END OF DESCRIPTION.

TAX MAP



DEVELOPMENT PLAN



11/14/17
SD1.2

WATKINSVILLE, GEORGIA OFFICE



eclipse
brand builders
5050 Research Ct.
Suite 600
Savannah, GA 30024
(978) 874-4300
www.eclipsebrandbuilders.com



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

VARIANCE CASE #: 7354

DATE: January 19, 2018

STAFF REPORT BY: Gabriel Quintas, Planner

APPLICANT NAME: Beall & Company, LLC

PROPERTY OWNER: John-John Investments, LLC

LOCATION: 1357 Oconee Connector, between Virgil Langford Road and State Route 10 Loop

PARCEL SIZE: ± 1.25 Acres

EXISTING ZONING: B-2 (Highway Business)

EXISTING LAND USE: Vacant

TYPE OF VARIANCE REQUESTED: Special Exception

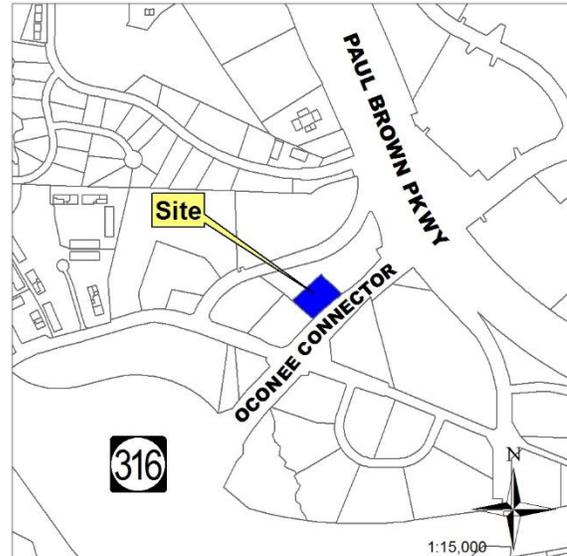
REQUEST SUMMARY: The property owner is requesting approval of a special exception variance to eliminate the five-foot side setback required for off-street parking for a commercial use.

DATE OF SCHEDULED HEARING

BOARD OF COMMISSIONERS: February 6, 2018

ATTACHMENTS:

- Application
- Variance Narrative
- Aerial
- Tax Map
- Concept Plan



BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- The subject area of the present request was historically pastureland.
- The subject property was rezoned from A-1 to B-2 by the BOC 09/05/2000 (rezone # 1852) to allow the development of a business park.
- The Jennings Mill Business Park, of which the subject area is part, was final platted in 2008 (PB 37, PG 175); a 40-foot access and utility easement is present along the southeastern property boundary.

SITE VISIT DESCRIPTION

- The subject site is vacant and grading is in progress; bulldozers and other construction equipment are present on site.

VARIANCE REQUEST DESCRIPTION

- The owner is requesting approval of a special exception variance for relief from Section 607.04 (b) of the Unified Development Code, which requires a five-foot side setback for off-street parking lots in commercial developments:
 - Section 607.04—Setback requirements.
 - b. Off-street parking for all other uses, including multi-family residential, commercial, industrial, and institutional uses, shall be set back from the front property line by at least 10 feet and from side and rear property lines by 5 feet. A 5-foot setback from any natural, undisturbed landscape buffer required under the Landscaping and Buffers Article of this Development Code along a side or rear property line shall also be maintained.*
- The parent parcel of the present request is proposed to be subdivided into three lots; the subject area comprises lot # 2 depicted on the associated preliminary plat.
- The applicant proposes to eliminate the setback required along the proposed property line between lots 1 and 2 (northwestern proposed property line) depicted on the same preliminary plat.

PROPOSED PROJECT DESCRIPTION

- The subject property is currently under contract for purchase by *The Commercial Bank*. A 10,000 sq. ft. two-storey building is proposed along with drive-through teller stations, access drives, sidewalks, landscaping, various utilities, and automated teller machines.

ENVIRONMENTAL

- No 100 Year Flood Plain or Jurisdictional Wetland areas are located on the site.
- Storm water will be directed to the proposed onsite underground stormwater management facilities.

COMMENTS FROM OTHER DEPARTMENTS & AGENCIES

- No comments

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 occurrences of any of the following:

- a. **Cause a substantial detriment to the public good:** The approval of the present request should not cause any substantial detriment to the public good. The adjoining commercial lot (lot # 1 on the associated preliminary plat) northwest of the subject lot will be required to have a five-foot setback (an approximately

ten-foot setback is presently depicted on the preliminary plat). Furthermore, if approved as conditioned below, the developer will be required to compensate for lost green space by increasing the area of greenspace provided elsewhere on the subject lot.

- b. Be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity:** The approval of the present request should not be injurious to the use and enjoyment of the environment or of other property in the vicinity.
- c. Diminish and impair property values within the surrounding neighborhood:** The requested elimination of the five-foot side parking lot setback should not diminish or impair property values within the surrounding neighborhood. All properties surrounding the present lot are zoned B-2, and impervious surfaces extending to the property line are not an uncommon occurrence in business parks such as the present proposed development. Staff notes that the present request is similar to variance request no. 6899 (2016) which granted the same relief for a commercial development with similar land constraints.
- d. Impair the purpose and intent of this Development Code:** The primary intent of UDC Section 607.04 is to ensure the provision of green space to help mitigate the detrimental effects posed by the loss of natural landscapes to impervious paved parking area. If approval of the present request is conditioned as recommended below, then the requested variance would be in conformity with this intent because the same amount of green space area required by the section would be present on the lot, albeit in some other configuration.

STAFF SUMMARY & CONDITIONAL RECOMMENDATIONS

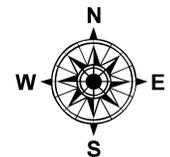
Based upon the standards for granting a special exception variance, **this request does meet the necessary conditions to grant a special exception variance.** If granted, staff recommends that approval **be subject to the following conditions to be fulfilled by the owner/developer at his expense:**

1. The green space lost as a result of the reduction or elimination of the subject side yard setback shall be replaced by an equal size area of landscaped green space elsewhere on the subject lot as defined in UDC Section 409.03.c.

John-John Investments, LLC. Variance



1:4000





OCONEE COUNTY APPEAL APPLICATION

Type of Appeal Submitted:

- Hardship Variance
- Appeal of Administrative Decision
- Flood Damage Prevention Variance
- Special Exception for: Waiver/reduction of one parking setback along common lot line 1-2

Applicant

Name: Beall & Company, LLC
 Address: 3651 Mars Hill Road
Suite 1400 (No P.O. Boxes)
Watkinsville GA 30677
 Telephone: (706) 543-0907 Ext. 105

Property Owner

Name: JOHN-JOHN INVESTMENTS, LLC
 Address: 1170 MITCHELL BRIDGE ROAD
ATHENS, GA 30606 (No P.O. Boxes)
 Telephone: 706.202.4200 (Tim Burgess)

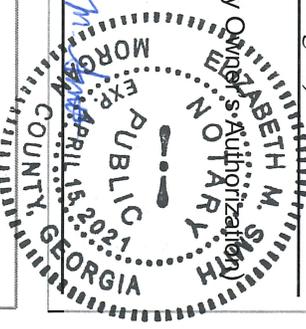
Applicant is (check one): the Property Owner

Not the Property Owner (attach Property Owner's Authorization)

Applicant's Certification: I hereby certify that the information contained in and attached to this application is true and correct.

Signature: [Handwritten Signature]

Date: 12-6-2017 Notarized: [Handwritten Signature]



Property

Location: 1357 OCONEE CONNECTOR
(Physical Description)
Oconee County Georgia

Use

Current Use: Presently under development
 Proposed Use: A bank is proposed to be located on the

Tax Parcel Number: Portion of C01AP001

Size (Acres): 1.25 of 5.11 Current Zoning: B-2

Future Development Map-Character Area Designation: REGIONAL CENTER

Attachments (check all that apply)

- Property Owner's Authorization (if applicable)
- Application Fee
- Warranty Deed(s), Legal Description, & Plat of Survey
- Disclosures (Interests and Campaign Contributions)
- Maps or Drawings Illustrating Variance Request
- Narrative Statement Explaining Variance Request
- Concept Plan

Appeal or Variance Requested

Provide the code section and briefly explain the requested variance

Oconee UDC Section 607.04b to waive or reduce one parking setback along common lot line - As illustrated on the attached Variance Plan

DEC 06 2017

BY [Handwritten Signature]

For Oconee County Staff Use Only

Date Received: 11/27/17 Date Accepted: 12/06/17

DRI Transmitted to RDC Date: N/A

Review Submitted: Location Map:

Posted: Ad: Ad:

Application Withdrawn Date:

APPLICATION NUMBER

7354

Administrative Appeal: Date:

Approved With Conditions Denied N/A

Action

Board of Commissioners Date: 02/08/2018

Approved With Conditions Denied N/A

**COMMERCIAL BANK
CONNECTOR 1357**
Special Exception Variance

1.25± Acres
Portion of Tax Parcel #C01AP001
Oconee County Georgia

November 27, 2017

Variance Narrative

JOHN-JOHN INVESTMENTS, LLC is presently installing the infrastructure needed to service the lots in the commercial development currently known as *CONNECTOR 1357* located on the *OCONEE CONNECTOR* north of the University Parkway/Georgia Highway 316.

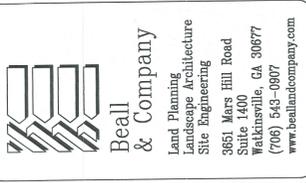
The *COMMERCIAL BANK* has recently contracted to purchase the 1.25± acre Lot #2 of the 5.113 acre parcel identified as Oconee Tax Parcel #C01AP001. The purchaser plans to construct a 5000 SF per floor two-story bank building with the lower level housing the banking operations and the upper level to satisfy their future expansion needs.

The subject parcel was encumbered with a 40' access and utility easement in 2007 to provide ingress/egress from the Oconee Connector to *First Georgia Banking Company* located at the corner of Virgil Langford Road and The Oconee Connector.

In order to allow all of the necessary components of the bank site plan (customer and staff parking, drive-thru teller service, 24-hour teller machine, access drives, sidewalks, utilities, landscaping, solid-waste enclosure, under-ground storm-water facilities, etc.) to function properly, the bank is requesting a special exceptions variance in accordance with Oconee UDC Section 607.04b, to waive or reduce as necessary one of the parking setback lines on Lot #2 located adjacent to Lot #1.

(Note: This 1.25 acre parcel is constrained by the 40' access and utility easement platted across the parcel and referenced above.)





**PRELIMINARY PLAT FOR
 CONNECTOR 1357**
 7748 ACRES
 1357 OCOONEE CONNECTOR
 WATKINSVILLE, GA 30677

OWNER(S)/PERMITTEE
 John-John Investments, LLC
 1860 Caduceus Way
 Watkinsville, GA 30677
 (706) 262-4200

24 HOUR CONTACT:
 Tim Burgess
 706-202-4200



DATE	REVISION

DESIGNED BY: WJB/KGB
 DRAWN BY: WJB
 CHECKED BY: KMB

**PRELIMINARY
 PLAT**

SHEET
PP

DATE: 11-10-2017
 JOB: 15-064
 NOT RELEASED FOR CONSTRUCTION

NOTICE: THESE DRAWINGS ARE INSTRUMENTS OF PROFESSIONAL SERVICE AND ARE PROTECTED BY COMMON LAW STATUTORY, AND OTHER RESERVED RIGHTS INCLUDING COPYRIGHT. THESE DRAWINGS MAY NOT BE REPRODUCED OR USED FOR ANY PURPOSE WITHOUT THE WRITTEN CONSENT OF BEALL AND COMPANY AND ASSOCIATED PROJECT CONSULTANTS.

METHODS CERTIFICATION
 The design professional whose seal appears herein certifies the following: (1) the Ocoonee County Generalized Wetlands Map has been consulted; (2) the appropriate plain sheet indicates wetlands as shown on the map; or as determined by a certified wetlands delineator; and (3) if wetlands are indicated on the map, the design professional has obtained that professional's signature and the appropriate State of Georgia 404 Permit or letter of Determination from the U.S. Corps of Engineers for jurisdictional wetlands, or approval has been obtained from Ocoonee County to delineate other (non-jurisdictional) wetlands.

DOES NOT
 DOES

- NOTES**
- All As-Builts, R/W deeds, easements, agreements, and letters of credit shall be submitted and approved prior to the issuance of a certificate of occupancy.
 - Knox Boxes must be located in accessible location on front of building for Fire Department access.
 - Storm Water Management shall be in accordance with Ocoonee County storm water and other appropriate ordinances and regulations.
 - Storm water will be conveyed through the existing storm drainage system to the existing storm water management facility.
 - EXISTING UTILITIES:** The contractor shall be responsible for locating all utilities, including gas, electrical and telecommunications lines prior to construction. Beall & Company shall be notified of any discrepancies immediately.
 - Sign locations and/or permits are not included with these documents. Applications for sign permits are to be submitted separately to the Ocoonee Code Enforcement Department.
 - FUTURE REPAIRS TO DEDICATED WATER AND SEWER LINES ON PRIVATE PROPERTY:** Ocoonee County will fill trenches and pour concrete within the paved areas of easements. Ocoonee County will not be responsible for replacing landscape materials within easements.

DESIGNER'S CERTIFICATION
 It is hereby certified that this [Preliminary site plan] was prepared using a survey of the property prepared by Woods Land Surveyors, Inc., R.L.S. and dated 11/15/2016, and further that the proposed [Subdivision/Development] meets all requirements of the Ocoonee County Unified Development Code, as applicable to the property.

By (Name): Kenneth A. Beall Registration No.: 695 Telephone Number: (706) 543-0907
 Address: 3851 Moss Hill Road, Suite 1400 Watkinsville, GA 30677
 Signed: [Signature] Date: 4-18-2017

OWNER'S CERTIFICATION
 As the owner of this land, I hereby certify that the [Preliminary site plan] or the [Final Subdivision Plat] or [Final Development Plat] was prepared by a duly licensed and qualified professional and that the same has been made from an actual survey and accurately portrays the existing land and its features and the proposed development and improvements thereon.

(Owner's Name): Beall and Company
 Signed: [Signature] Date: 4-18-2017

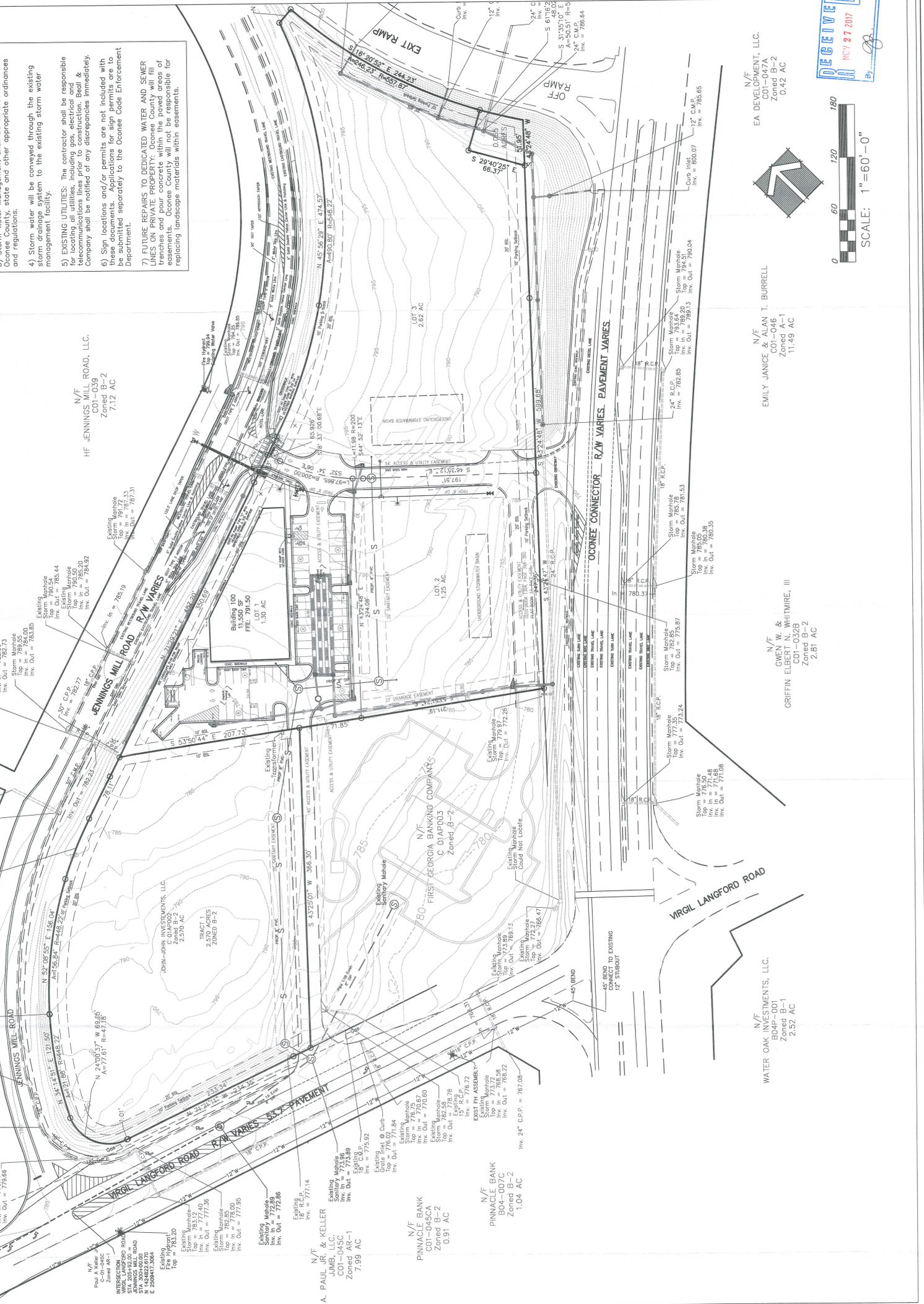
CERTIFICATE OF PROJECT APPROVAL
 Pursuant to the Unified Development Code of Ocoonee County, Georgia, all the Preliminary Approval does not constitute approval of a Final Subdivision Plat or Development Construction Plat. The Ocoonee County Planning and Zoning Commission has given Project Approval by the Ocoonee County Development Review Committee.

On: 11/10/2017 Date: 11/10/2017
 Ocoonee County Director of Planning

- General Notes:**
- Lot acreages are approximate. (see final plat for exact acreages).
 - Lot dimensions are approximate. (see final plat for metes and bounds).
 - Boundary data from: Survey by Woods Land Surveyors, Inc.
 - All existing utilities are approximately located.
 - All proposed utilities are to be located within utility easements.

NEW OCOONEE HOLDINGS, LLC.
 COT-0002
 Zoned B-2
 4.10 AC

OCONEE MEDICAL HOLDINGS, LLC.
 COT-0001
 Zoned B-2
 10.12 AC



Project Data:

Owner/Developer: John-John Investments, LLC, 1360 Caduceus Way, Watkinsville, GA 30677
24 Hour Contact: Tim Burgess, Phone: 706-202-4200
Authorized Agent: Beall and Company, Suite 1400, Watkinsville, GA 30677, (706) 543-0907

Location: Jennings Mill Road
Boundary Information: Woods Land Surveyors, Inc., 125 Smithonia Road, Winterville, GA 30685

Tax ID #: C-01A-C001 & C-01A-P002
Total Project Acreage: 7.683 Acres
Existing Zoning: B-2 Highway Business
Proposed Use: Undeveloped Commercial Retail

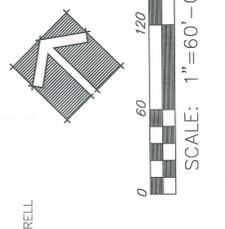
Number of Commercial Lots: 4
Required Parking: Site Specific For Each Use Per Lot
Total Impervious Area: (Building/Walk/Pavement)
Total Pervious Area: (Grasspace/Landscape Area)
Parking Lot Trees: 1 Tree per 10 Interior Spaces
Street Trees: 1 Tree per 25 Linear Feet of Road Frontage

Building setbacks: Front = 20' (Against R/W of Ocoonee Connector), Side = 10' (Against R/W of Jennings Mill Rd.)
Max Building Height: 55' (Per Ocoonee Unified Development Code)
Sidewalk Width: Proposed Sidewalks are 5 FT Wide, (4.5 FT Plus Curb)
Water Supply: Ocoonee County Utility Department
Sewage Disposal: POWER, GAS, WATER, SANITARY SEWER, INTERNET TELEPHONE, CABLE
Proposed Utilities: By Private Contract Service
Solid Waste: Storm water will be directed to curb and gutter to underground detention facility. Modifications may be made as necessary.
Surface Drainage: This tract of land does lie within the 100 year flood zone per FIRM Community Panel #13219C0650, Dated September 2, 2009.
Flood Plain: State waters do not exist within 200 FT of the site.
Environmental Areas: Field Run Topographic map at 1' contour interval was produced by Woods Land Surveyors, Inc. for Tim Burgess dated 01/15/2016.
Topography:

Site Location Map
 Scale: 1"=1000'

The site location map shows the project site (shaded) located at the intersection of Jennings Mill Road and Virgil Langford Road. Paul Brown Parkway is shown to the west. The map includes a north arrow and a scale of 1 inch = 1000 feet.

- NOTES**
- Posted Speed Limit is 35 MPH.
 - All thermoplastic road striping shall meet GOOT Requirements.
 - Centerline is located 95' linear ft east of the centerline intersection of Jennings Mill Road and Virgil Langford Road.
 - Right-of-Way width of Jennings Mill Road varies along the length of subject property.
 - The frontage length of subject property is 1407.27' and the depth of subject property is 530.00'.
 - Distance from right-of-way to proposed building foundation is approximately 22 FT.
 - The only existing vegetation within the GOOT right-of-way is grass.
 - Anticipated ADT for the project is 470 ADT. PM Peak is 57.



EA DEVELOPMENT, LLC.
 COT-047A
 Zoned B-2
 0.42 AC

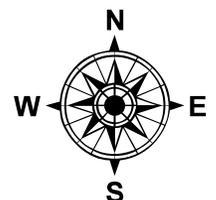
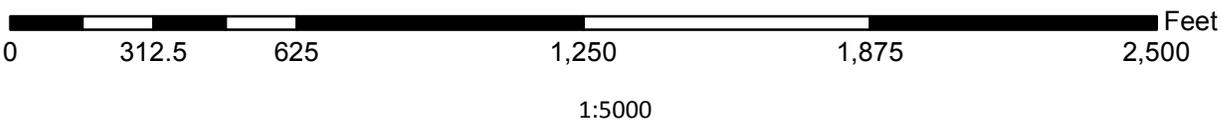
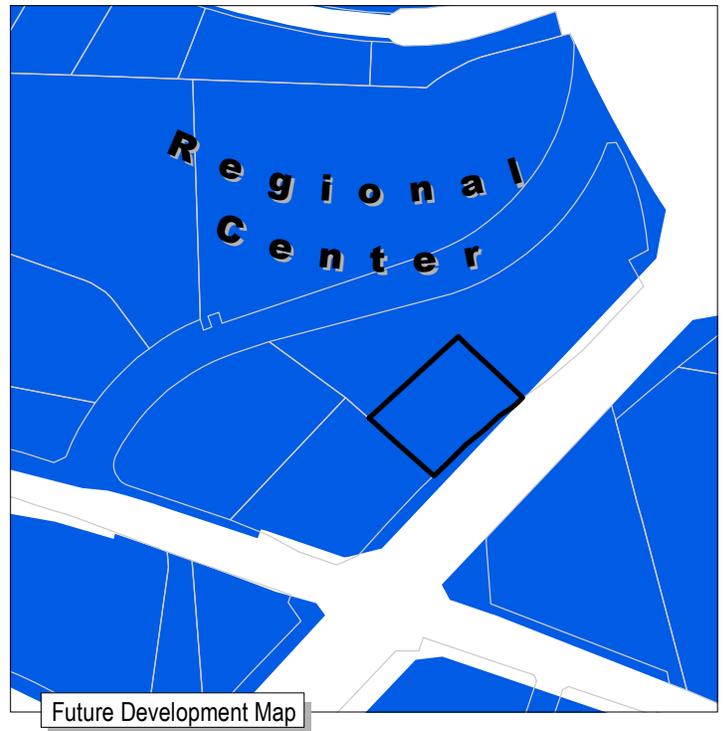
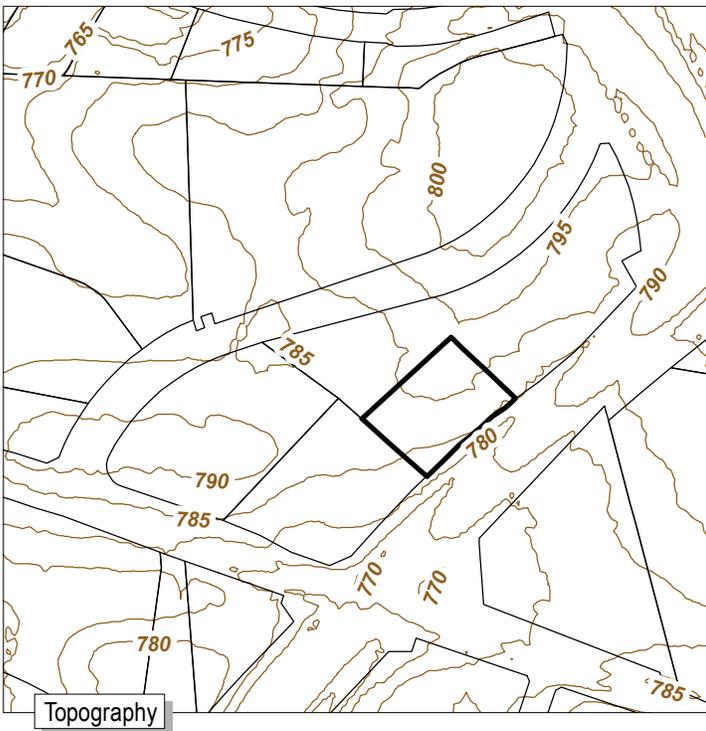
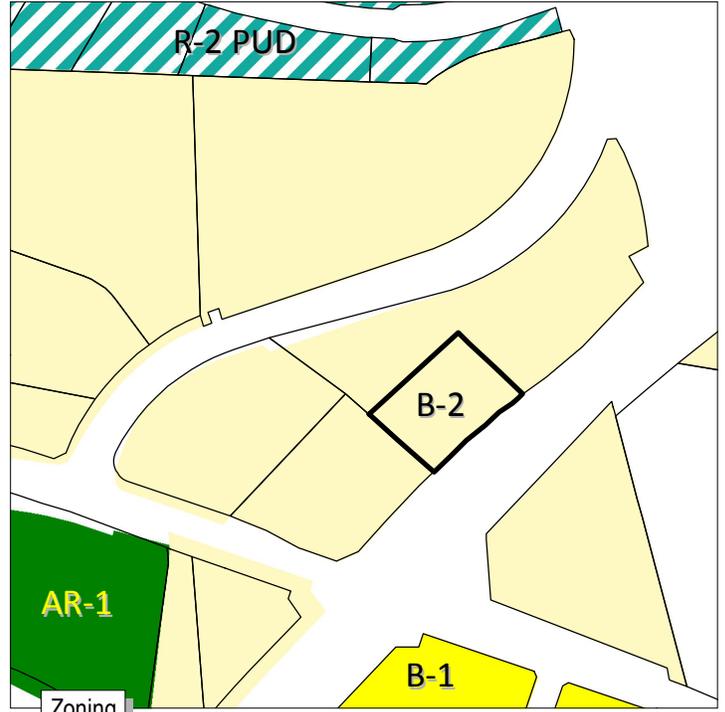
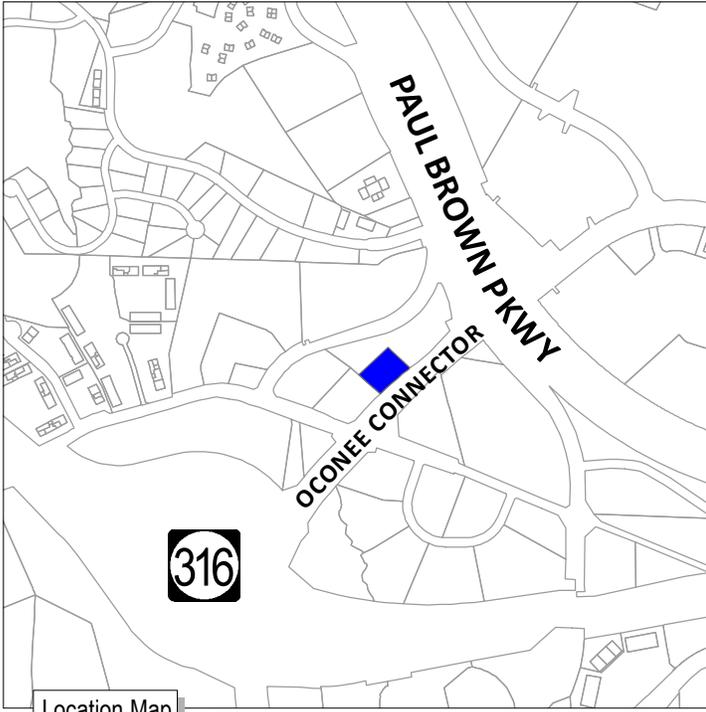
EMILY JANICE & ALAN T. BURRELL
 COT-046
 Zoned A-1
 11.49 AC

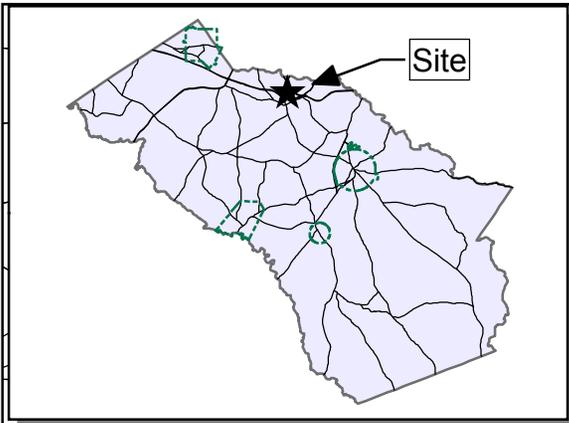
GRIFFIN ELBERT N. WHITWIRE, III
 COT-032B
 Zoned B-2
 2.81 AC

N/F
 COT-032A
 Zoned B-2
 2.81 AC

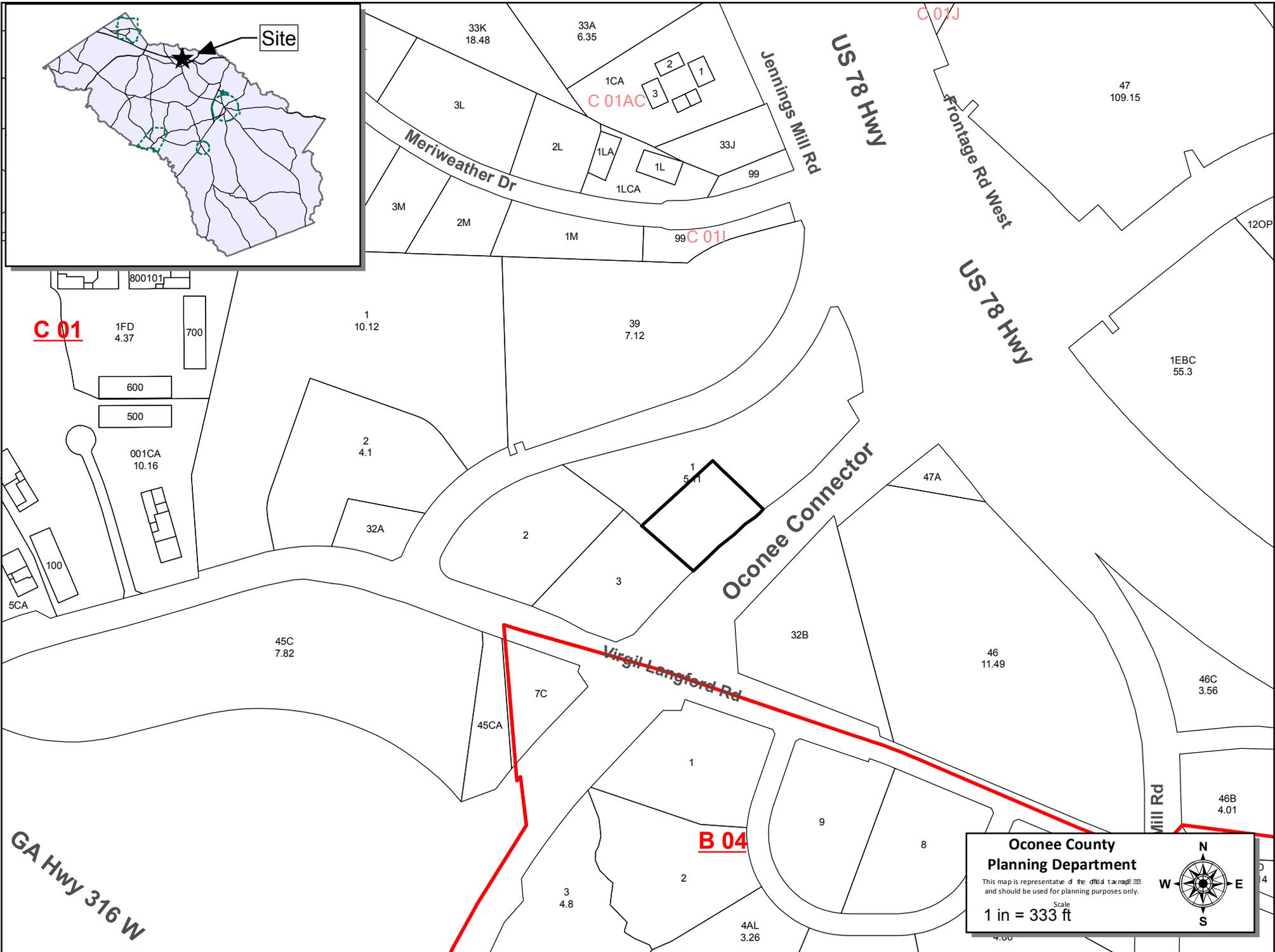
WATER OAK INVESTMENTS, LLC.
 B04P-001
 Zoned B-1
 2.52 AC

John-John Investments, LLC. Variance Site Review





Site



C 01

C 01AC

C 01I

C 01J

B 04

GA Hwy 316 W

Meriweather Dr

Jennings Mill Rd

US 78 Hwy

Frontage Rd West

US 78 Hwy

Oconee Connector

Virgil Langford Rd

Mill Rd

**Oconee County
Planning Department**

This map is representative of the official tax map and should be used for planning purposes only.

Scale
1 in = 333 ft

33K
18.48

33A
6.35

1CA

2

1

3

3L

2L

1LA

33J

99

1L

1LCA

3M

2M

1M

99

47

109.15

12OP

800101

1FD
4.37

700

1
10.12

39
7.12

600

500

001CA
10.16

2
4.1

1
5.11

2

3

47A

5CA

100

45C
7.82

32A

7C

45CA

32B

46
11.49

46C
3.56

1

9

8

46B
4.01

3
4.8

2

4AL
3.26

4