

**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 February 5, 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 February 5, 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 604.04, Table 6.1, on the property described above and also described in the attached Exhibit "A" is hereby granted to reduce the minimum required parking by 50% on one proposed parcel, lot 15.

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.

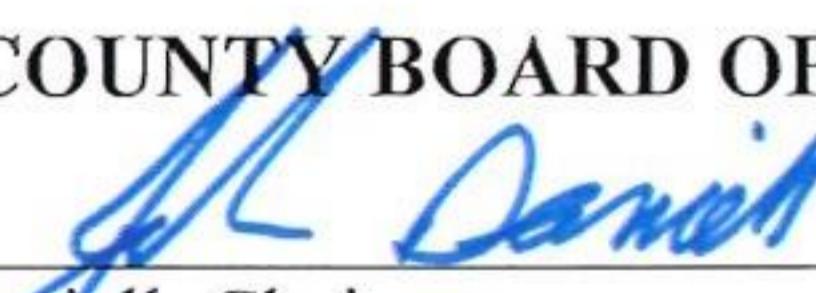
SECTION 3. Effective Date. This Resolution shall take effect this date.

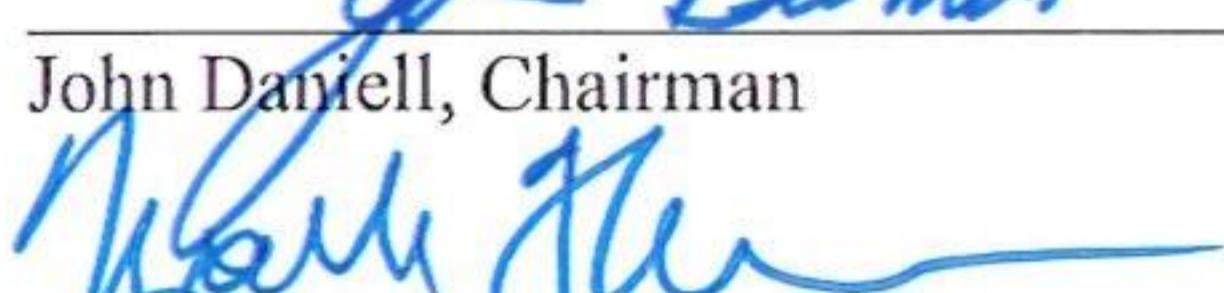
Said Special Exception Variance application was submitted to the Oconee County Board of Commissioners and a Public Hearing was duly held by the same at its regular meeting on July 9, 2024.

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:

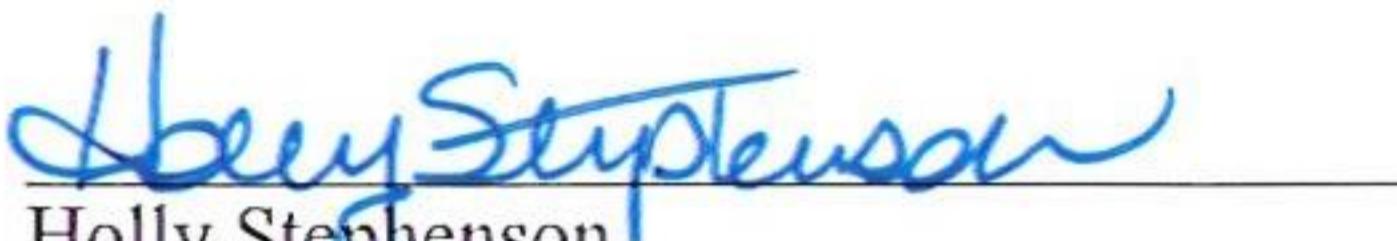

Holly Stephenson
Clerk, Board of Commissioners

EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE NO. P24-0028

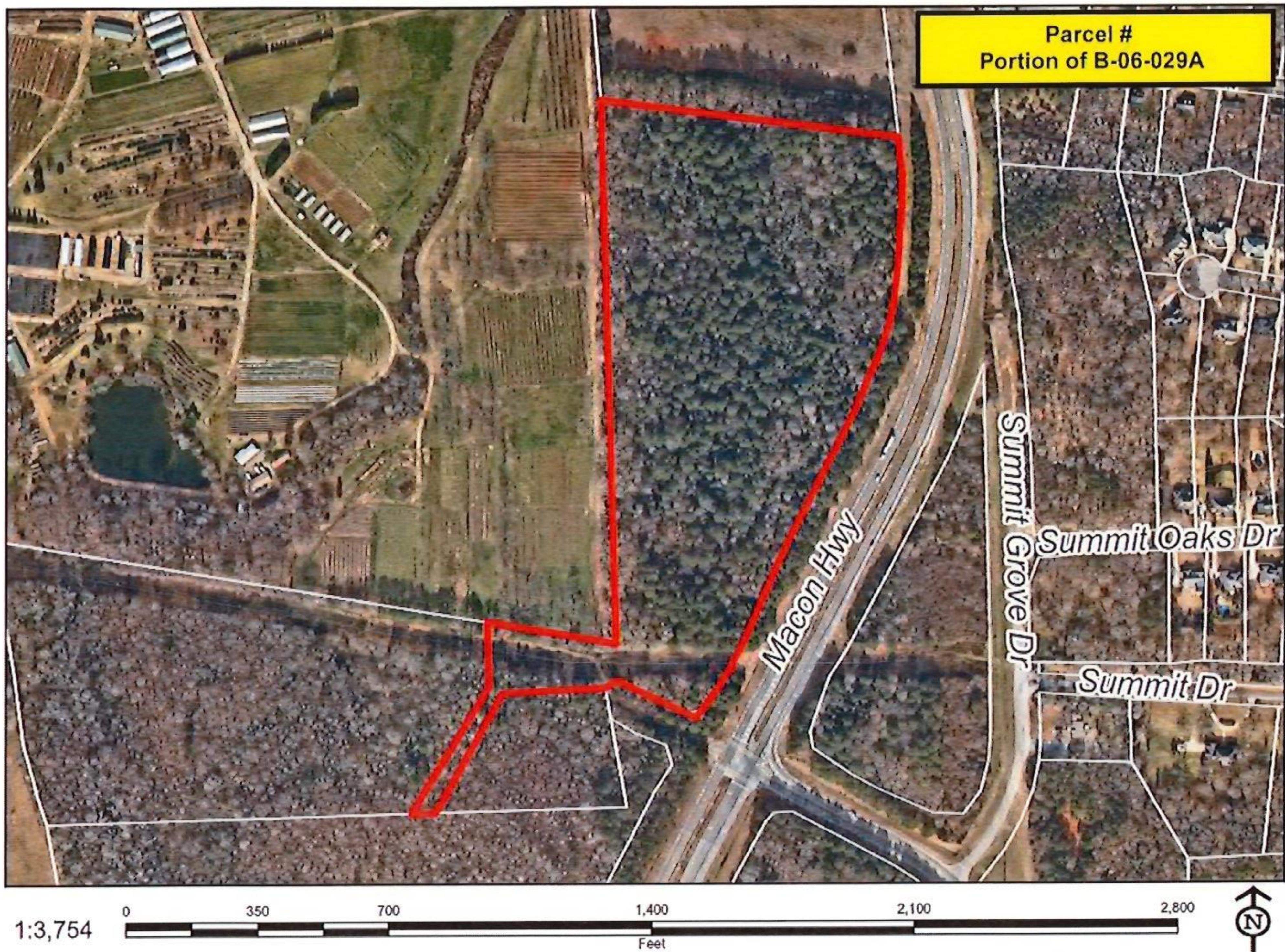
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CONDITION

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

TAX MAP

Variance # P24-0028 - 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 reduce the parking requirements by up to 50% for one parcel on the rear portion of the property to be zoned. (Section 604.04 Table 6.1)

Area: 5 Acres

VARIANCE NARRATIVE

Cideco Development application requests a Variance of the parking requirement for the area located around Lot #15. On the plan, it is labeled as a Sports Club facility that will have tennis/pickleball courts and would not need the required 4.5 per 1000 parking spaces. This is the proposed use for this parcel. The reduced parking request is for this general area located at the northwest corner of the property, would affect one (1) parcel only with a size of no larger than five (5) acres. We do not intend to not affect other parcels nor would it affect the minimums for any shared parking requirements.

The property is currently an undeveloped, unused agricultural tract.

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).

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 landscape variance on a separate lot, and a variance request to increase the maximum allowed lots on a private access drive. This is the only parking request for the entire 23.51 acres.

NARRATIVE

Conclusion:

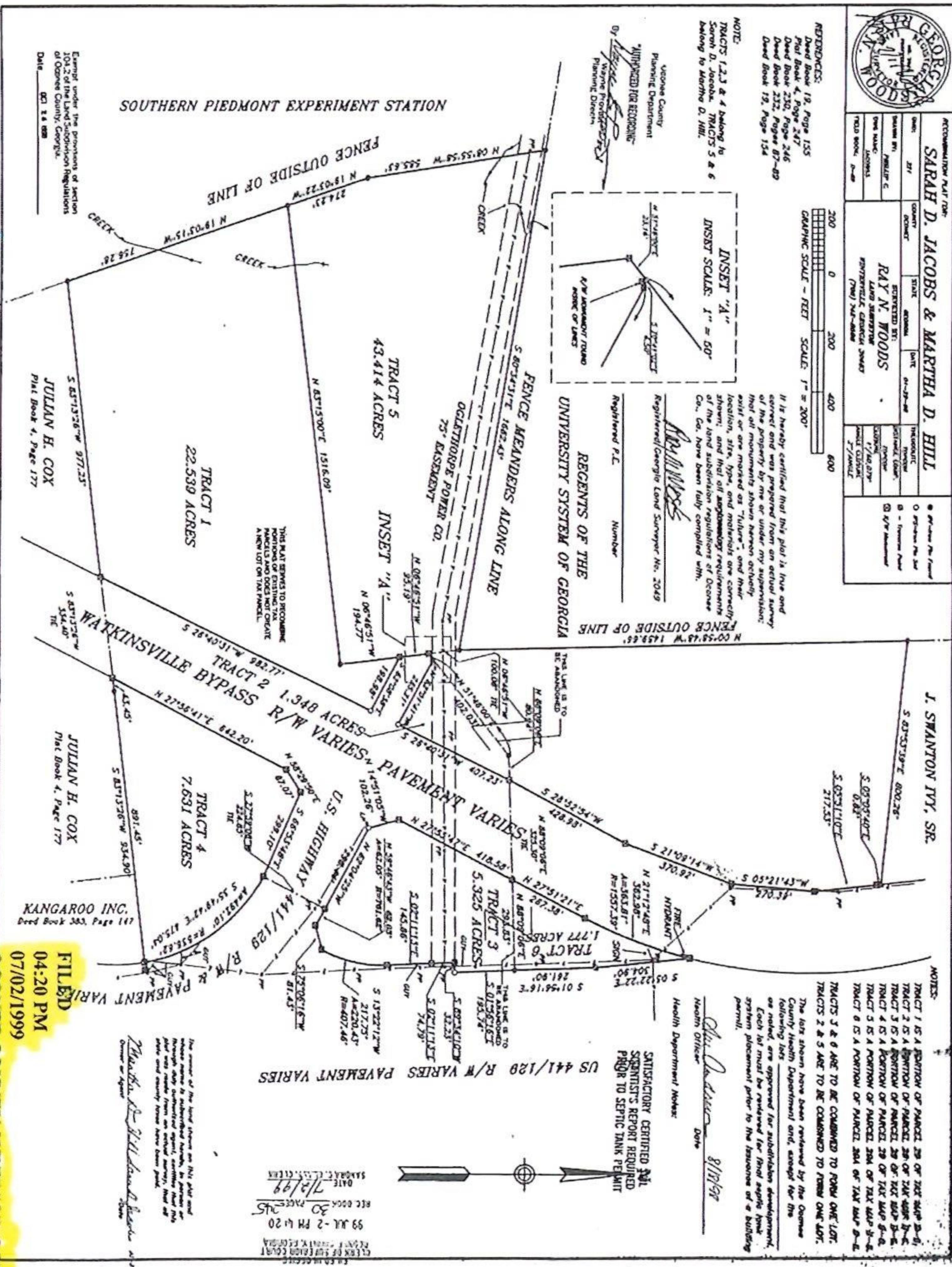
In summary, Cideco Dev proposes reduced parking for one parcel to reduce the parking for a specific tenant without affecting the surrounding tenants.

PLAT

LP

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130-245



245



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

VARIANCE CASE #: P24-0028

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 a parking reduction

REQUEST SUMMARY: The applicant requests a variance from UDC Section 604.04 and Table 6.1 to reduce the minimum required parking by 50% on one proposed parcel.

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
P24-0102-Variance to allow 16 lots on a private access drive

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.

VARIANCE DESCRIPTION

- The applicant requests a variance from UDC Section 604.04 and Table 6.1 to reduce the minimum required parking by 50% on one proposed parcel. The proposed parcel is “Parcel 15” as indicated on the concept plan.
- The proposed use for Parcel 15 is a Large Sports Facility.
- The UDC Table 6.1 requires 4.5 spaces per 1,000 square feet of gross floor area for a “Sports Club/ Health Spa.”
- The concept plan indicates “Parcel 15” will have a 40,250 square foot building. Without the variance, 182 spaces would be required for the proposed use. If the variance is granted, the required parking would be 91 spaces for a 40,250 square foot “Sports Club/ Health Spa.”
- The concept plan indicates the total required parking for 16 commercial lots will be 705 spaces. The requested reduction of 91 spaces represents 13% of the total required parking for the full project.

PUBLIC FACILITIES

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 6-3-2024

OCONEE COUNTY WATER RESOURCES DEPARTMENT

- Reviewed with no comments on 5-31-2024

OCONEE COUNTY FIRE CHIEF

- Reviewed with no comments on 5-23-2024

GEORGIA DEPARTMENT OF TRANSPORTATION

- No comments received as of 6-25-24

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 total required parking for 16 commercial lots will be 705 spaces. The requested reduction of 91 spaces represents 13% of the total required parking for the full project. The proposed lot will be adjacent to 6 other commercial lots and shared parking will be utilized. Staff finds the reduced parking will not be a detriment to the public good as shared parking would be available on six adjacent lots.

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 reduce the parking for a limited portion of the project 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 604.04 and Table 6.1 is to provide adequate parking for employees, customers and truck parking to serve any business. Staff finds that reducing the required parking for one of the 16 lots by 50% will not impair the purpose of the Development Code as shared parking is available to support the parking needs for the whole project.

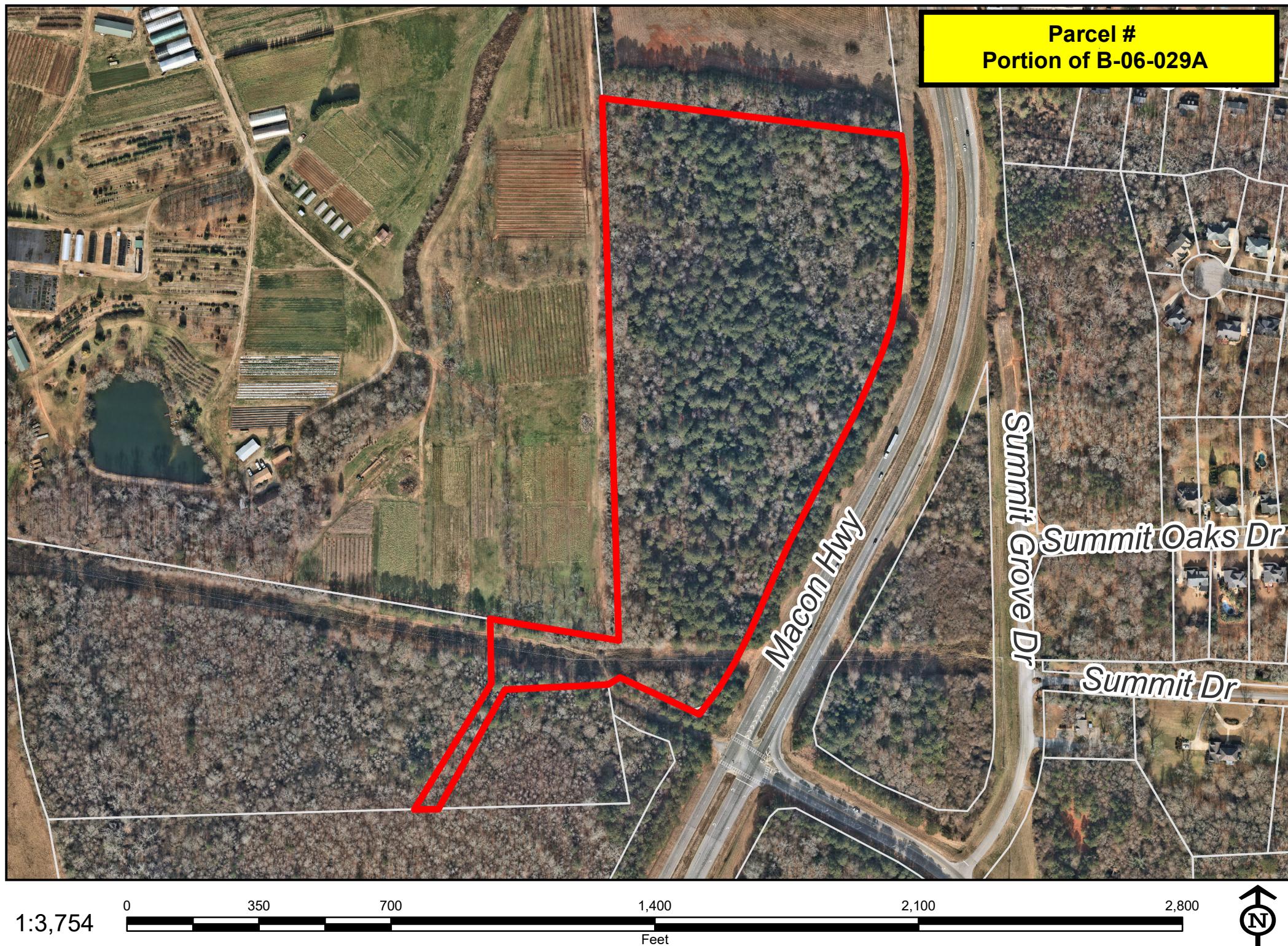
STAFF RECOMMENDATION & CONDITIONAL RECOMMENDATIONS

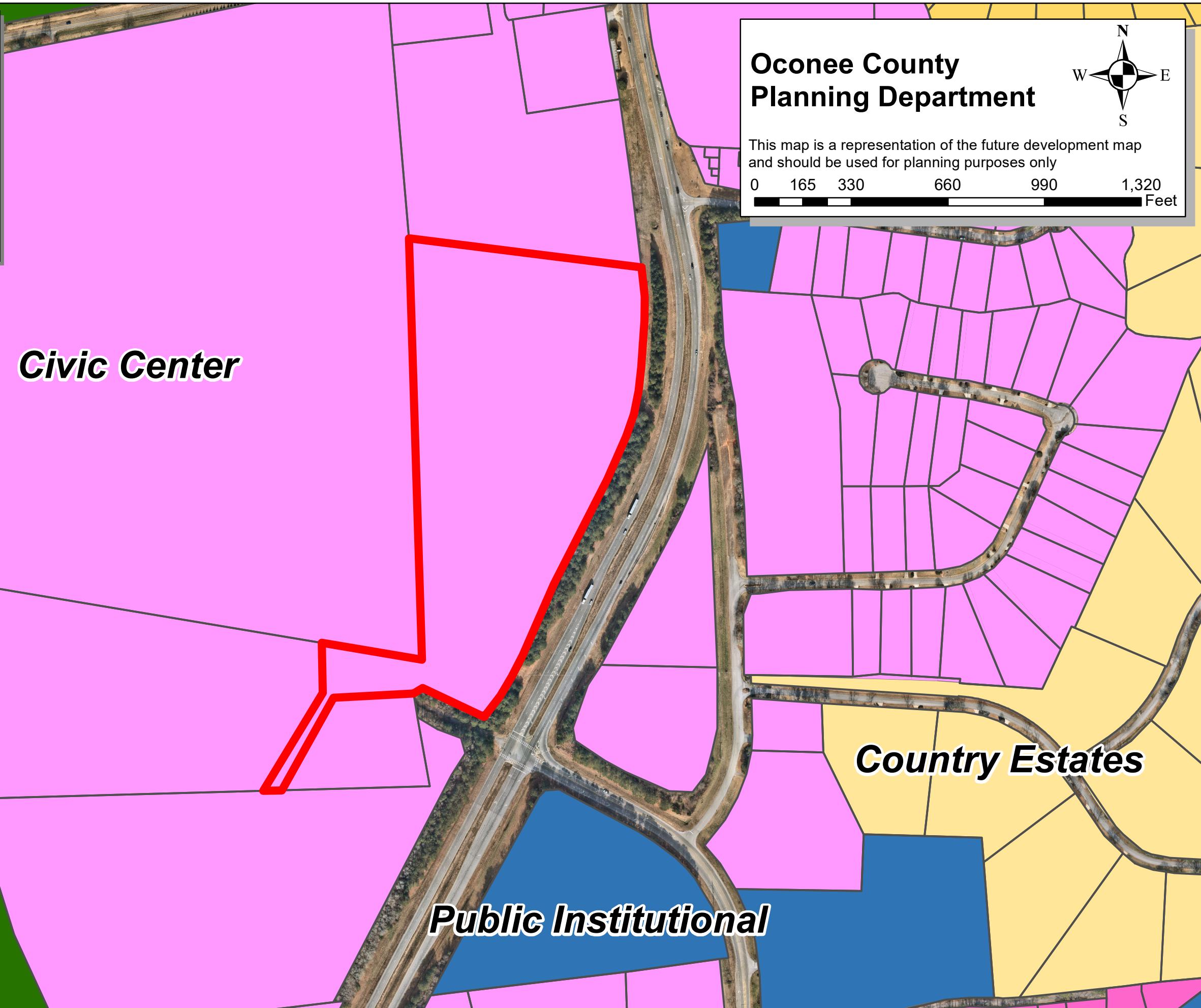
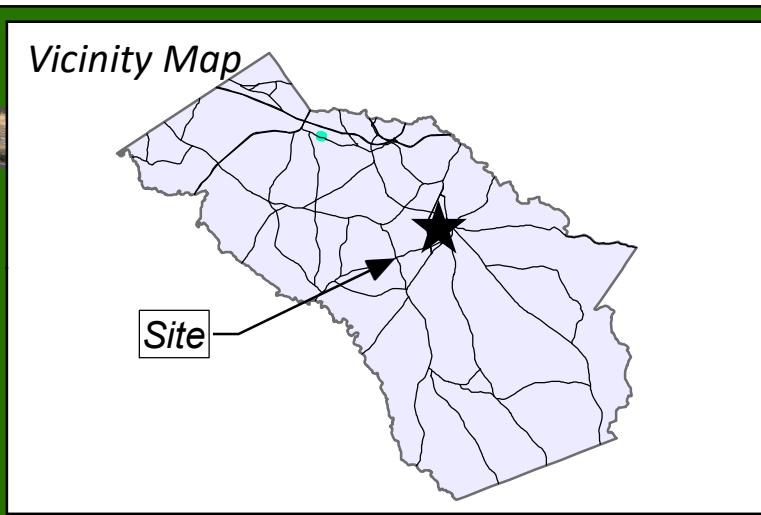
Based upon the standards and limitations for special exception variance approval, this request does meet all necessary conditions to grant a special exception variance. Should the present request be approved, staff recommends the following conditions to be fulfilled at the owner/developer's expense.

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.

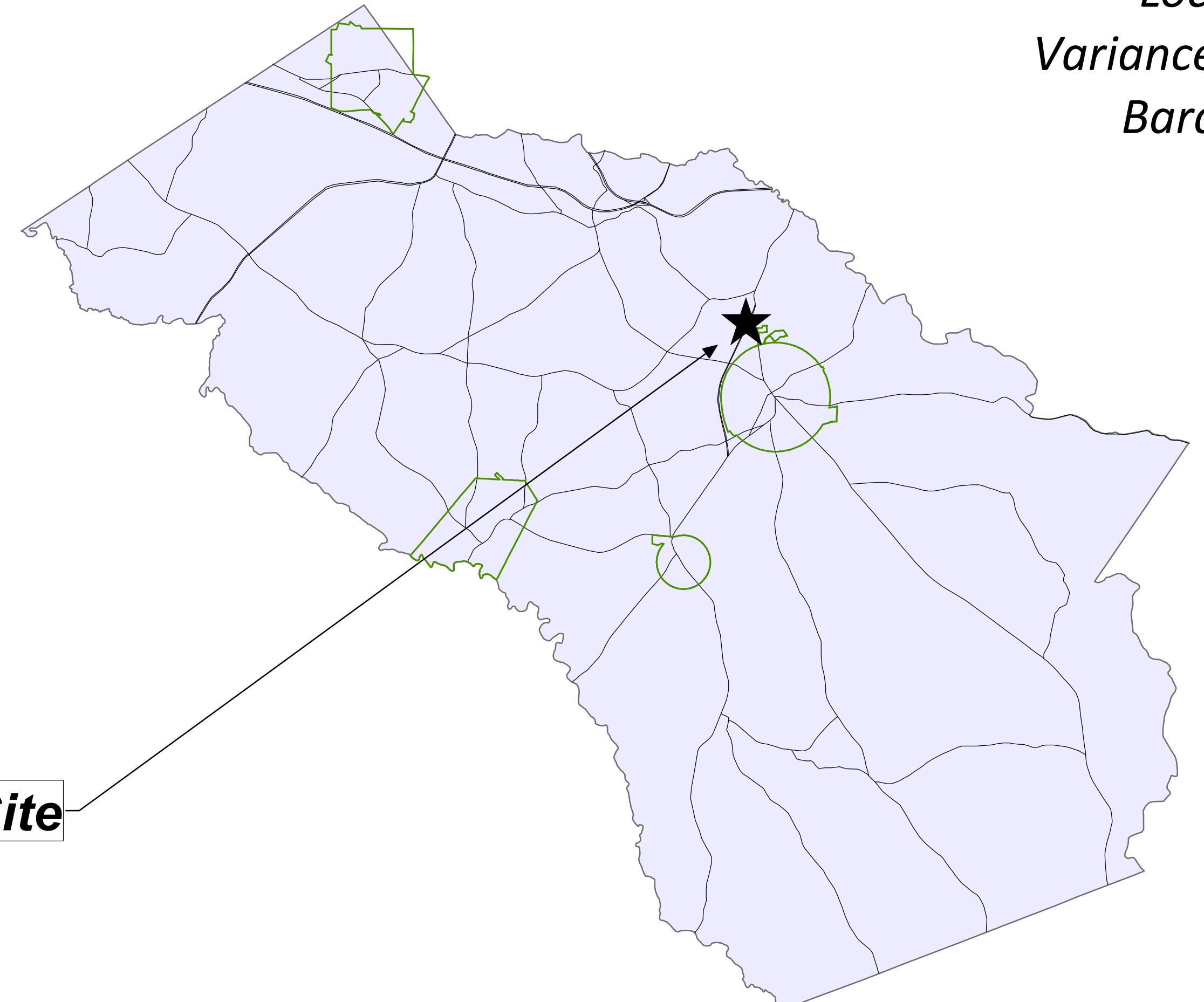
Variance # P24-0028 - Barak Zukerman

Parcel #
Portion of B-06-029A



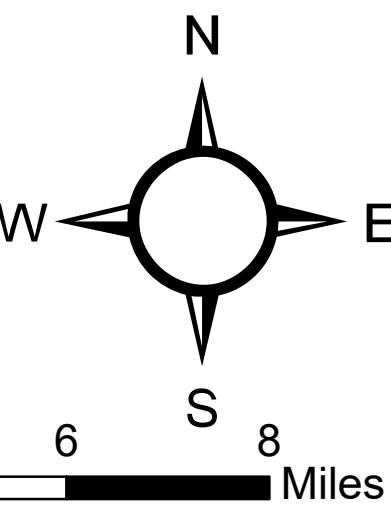


*Location Map -
Variance # P24-0028
Barak Zukerman*



1:120,000

0 1 2 4 6 8 Miles





Hog Mountain Rd

AR

B-2

R-3

O-I-P

R-1

Zoning

Oconee County Planning Department

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



1:2,000

Veterans
Memorial Pkwy

0-I-P

Macon Hwy

Summit Grove Dr

Summit Dr

Macon Hwy

AR

B-2