

PUTNAM COUNTY BOARD OF COMMISSIONERS



117 Putnam Drive, Suite A ♦ Eatonton, GA 31024

Agenda

Tuesday, June 16, 2020 ♦ 6:30 PM

Putnam County Administration Building – Room 203

Opening

1. Welcome - Call to Order
2. Approval of Agenda
3. Invocation
4. Pledge of Allegiance (KI)

Zoning/Public Hearing

5. Request by Howard McMichael, agent for Oconee Overlook, LLC & Lick Creek Holding's LLC to rezone 2.14 acres on Collis Road from R-1 to RM-3. [Map 104, Parcel 030, District 3] (staff-P&D)
6. Request by Howard McMichael, agent for Lick Creek Holding's LLC to rezone 21.40 acres on Collis Road from AG-1 to RM-3. [Map 104, Parcel 032001, District 3] (staff-P&D)
7. Request by Howard McMichael, agent for Mallard's Overlook, LLC to rezone 29.58 acres on Collis Road from AG-1 to RM-3. [Map 104, Parcel 032, District 3] (staff-P&D)
8. Request by Howard McMichael, agent for Oconee Overlook, LLC & Lick Creek Holding's LLC to rezone 3.5 acres on Collis Road from R-1 to RM-3. [Map 104, Parcel 033, District 3] (staff-P&D)
9. Request by Howard McMichael, agent for Oconee Overlook, LLC to rezone 0.63 acres/27,298 square feet on Doug Lane from R-1 to RM-3. [Map 104B, Parcel 001, District 3] (staff-P&D)

Regular Business Meeting

10. Public Comments
11. Consent Agenda
 - a. Approval of Minutes - June 5, 2020 Regular Meeting (staff-CC)
 - b. Approval of Minutes - June 5, 2020 Executive Session (staff-CC)
 - c. Approval of Minutes - June 5, 2020 Called Meeting (staff-CC)
 - d. Authorization for Chairman to sign ACCG Group Health Benefits Program Health Promotion & Wellbeing Grant Application (staff-HR)

Reports/Announcements

12. County Manager Report
13. County Attorney Report
14. Commissioner Announcements

Closing

15. Adjournment

The Board of Commissioners reserves the right to continue the meeting to another time and place in the event the number of people in attendance at the meeting, including the Board of Commissioners, staff, and members of the public exceeds the legal limits. The meeting cannot be closed to the public except by a majority vote of a quorum present for the meeting. The board can vote to go into an executive session on a legally exempt matter during a public meeting even if not advertised or listed on the agenda. Individuals with disabilities who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the facilities are required to contact the ADA Compliance Officer, at least three business days in advance of the meeting at 706-485-2776 to allow the County to make reasonable accommodations for those persons.

File Attachments for Item:

Welcome - Call to Order

PUTNAM COUNTY BOARD OF COMMISSIONERS



117 Putnam Drive, Suite A ♦ Eatonton, GA 31024
Tel: 706-485-5826 ♦ Fax: 706-923-2345 ♦ www.putnamcountyga.us

The Putnam County Board of Commissioners will conduct their regularly scheduled public hearing and board meeting on June 16th at 6:30 pm. In an effort to provide a safe environment and maintain the recommended six feet social distancing regarding the COVID-19 Pandemic, we will follow specific and detailed guidelines in conducting the meeting. Therefore, limited seating (chairs are 6 feet apart) will be available inside of the meeting room and reserved for those that have signed in to address the commission. A few chairs will be located in the hallway for overflow. Masks are encouraged, but voluntary and hand sanitizer will be available.

The public hearing and regular meeting will be on broadcast on Facebook Live on the Putnam County page
<https://www.facebook.com/putnamcountyga>

The protocol will be as follows:

1. Doors will open at 6:00 pm promptly and there will be separate sign-in sheets for the rezoning items (two sheets: one “for” and one “against”) and the regular meeting items located inside the meeting room. Please sign in if you desire to speak for or against an agenda item.
2. Those who cannot attend the meeting for any reason, including those with preexisting conditions, are encouraged to email their comments to lbutterworth@putnamcountyga.us on or before June 15th and they will be distributed to the board members.

File Attachments for Item:

5. Request by Howard McMichael, agent for Oconee Overlook, LLC & Lick Creek Holding's LLC to rezone 2.14 acres on Collis Road from R-1 to RM-3. [Map 104, Parcel 030, District 3] (staff-P&D)



PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

Tel: 706-485-2776 ♦ 706-485-0552 fax ♦ www.putnamcountyga.us

APPLICATION FOR REZONING

APPLICATION NO. Plan 2019-01684 DATE: 1/8/2020

MAP 104 PARCEL 030 DISTRICT 3

- 1. Name of Applicant: Deanna Overlake, LLC & Lake Creek Holdings LLC
- 2. Mailing Address: 6350 Lake Deanna Parkway, Suite 110 Eatonton GA PNB33 Greenboro
- 3. Phone: (home) _____ (office) _____ (cell) 706 473 1909
- 4. The location of the subject property, including street number, if any: Collis Road

5. The area of land proposed to be rezoned (stated in square feet if less than one acre): 2.14

6. The proposed zoning district desired: RM3

7. The purpose of this rezoning is (Attach Letter of Intent): To develop the property utilizing Professional Dev. Codes. see Attached LOI.

8. Present use of property: R-1 cpa Desired use of property: RM3

9. Existing zoning district classification of the property and adjacent properties:
Existing: R-1 cpa
North: Lakecreek South: Ab 1 cpa East: R1 cpa West: Lakecreek

10. Copy of warranty deed for proof of ownership and if not owned by applicant, please attach a signed and notarized letter of agency from each property owner for all property sought to be rezoned.

11. Legal description and recorded plat of the property to be rezoned. RCVD 2020 JAN 8

12. The Comprehensive Plan Future Land Use Map category in which the property is located. (If more than one category applies, the areas in each category are to be illustrated on the concept plan. See concept plan insert.): Residential cpa

13. A detailed description of existing land uses: The existing land use is wooded and has lake frontage on Lake Odessa

14. Source of domestic water supply: well _____, community water _____, or private provider . If source is not an existing system, please provide a letter from provider.

Oconee Overlook, LLC
Map 104 Parcel 030

- 15. Provision for sanitary sewage disposal: septic system _____, or sewer . If sewer, please provide name of company providing same, or, if new development, provide a letter from sewer provider.
- 16. Complete attachment of Disclosure of Campaign Contributions Form by the applicant and/or the applicant's attorney as required by the Georgia Conflict of Interest in Zoning Act (O.C.G.A. 36-67A).
- 17. The application designation, date of application and action taken on all prior applications filed for rezoning for all or part of the subject property. (Please attach on separate sheet.)
- 18. Proof that property taxes for the parcel(s) in question have been paid.
- 19. Concept plan. If the application is for less than 25 single-family residential lots, a concept plan need not be submitted. (See attachment.)
- 20. Impact analysis. If the application is for less than 25 single-family residential lots, an impact analysis need not be submitted. (See attachment.)

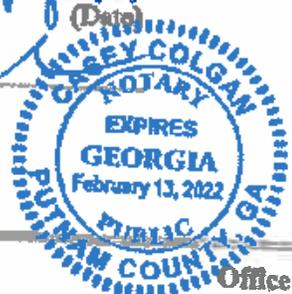
THE ABOVE STATEMENTS AND ACCOMPANYING MATERIALS ARE COMPLETE AND ACCURATE. APPLICANT HEREBY GRANTS PERMISSION FOR PLANNING AND DEVELOPMENT PERSONNEL OR ANY LEGAL REPRESENTATIVE OF PUTNAM COUNTY TO ENTER UPON AND INSPECT THE PROPERTY FOR ALL PURPOSES ALLOWED AND REQUIRED BY THE PUTNAM COUNTY CODE OF ORDINANCES.

Jamarcus Gray 1/7/2020
Signature (Property Owner) (Date)

Timothy J. Cole 1/7/2020
Signature (Applicant) (Date)

Cosey
Notary Public

Cosey
Notary Public



Office Use

Paid: \$ _____ (cash) _____ (check) _____ (credit card)

Receipt No. _____ Date Paid: _____

Date Application Received: _____

Reviewed for completeness by: _____

Submitted to TRC: _____ Return date: _____

Date of BOC hearing: _____ Date submitted to newspaper: _____

Date sign posted on property: _____ Picture attached: yes _____ no _____

RCUD 2020 JAN R

Lick Creek Holdings, LLC
Map 104 Parcel 030

- 15. Provision for sanitary sewage disposal: septic system _____, or sewer . If sewer, please provide name of company providing same, or, if new development, provide a letter from sewer provider.
- 16. Complete attachment of Disclosure of Campaign Contributions Form by the applicant and/or the applicant's attorney as required by the Georgia Conflict of Interest in Zoning Act (O.C.G.A. 36-67A).
- 17. The application designation, date of application and action taken on all prior applications filed for rezoning for all or part of the subject property. (Please attach on separate sheet.)
- 18. Proof that property taxes for the parcel(s) in question have been paid.
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- 20. Impact analysis. If the application is for less than 25 single-family residential lots, an impact analysis need not be submitted. (See attachment.)

THE ABOVE STATEMENTS AND ACCOMPANYING MATERIALS ARE COMPLETE AND ACCURATE. APPLICANT HEREBY GRANTS PERMISSION FOR PLANNING AND DEVELOPMENT PERSONNEL OR ANY LEGAL REPRESENTATIVE OF PUTNAM COUNTY TO ENTER UPON AND INSPECT THE PROPERTY FOR ALL PURPOSES ALLOWED AND REQUIRED BY THE PUTNAM COUNTY CODE OF ORDINANCES.

Thomas H. Jr. 1/7/2020
Signature (Property Owner) (Date)

Thomas H. Jr. 1/7/2020
Signature (Applicant) (Date)

Casey
Notary Public

Casey
Notary Public



Office Use

Paid: \$ _____ (cash) _____ (check) _____ (credit card)

Receipt No. _____ Date Paid: _____

Date Application Received: _____

Reviewed for completeness by: _____

Submitted to TRC: _____ Return date: _____

Date of BOC hearing: _____ Date submitted to newspaper: _____

Date sign posted on property: _____ Picture attached: yes _____ no _____

DOCK 006608
FILED IN OFFICE
12/27/2019 01:48 PM
BK:972 PG:230-231
SHEILA H. PERRY
CLERK OF COURT
PUTNAM COUNTY

Sheila H. Perry

After Recording Return to:
J.V. Dell, P.C.
1040 Founders Row, Ste B
Greensboro, Georgia 30642
Cm# 3113-0013

REAL ESTATE TRANSFER
TAX PAID: \$800.00

LIMITED WARRANTY DEED

STATE OF GEORGIA, GREENE COUNTY

PT-61 117-2019-001990

THIS INDENTURE, made this 26th day of December 2019, between Millicent C. Arnold and Lawrence A. Copelan, Jr. a/k/a L.A. (Buster) Copelan, Jr. as party or parties of the first part (hereinafter called "Grantor") and Oconee Overlook, LLC, a Georgia limited liability company, as party or parties of the second part (hereinafter called "Grantee").

WITNESSETH:

That the said Grantor, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said Grantee, its successors and assigns, all the following described property, to-wit:

Parcel 1:

All that tract or parcel of land, lying and being in Putnam County, Georgia, containing 3.50 acres, more or less, and being designated as Parcel "B" as shown on a plat prepared by American Testing Laboratories, Inc., dated February 21, 1975, recorded in Plat Book 7, page 43, Clerk's Office, Putnam County Superior Court, and by this reference said plat is made a part of this description. This is the same property conveyed as Tract No. 2 in Deed Book 146, page 83, said Clerk's Office.

Deed Reference: Deed Book 788, Page 565

RGVD 2020 JAN 8

Parcel 2:

All that tract or parcel of land, lying and being in Putnam County, Georgia, designated as Parcel "C" containing 2.14 acres, as shown on a plat prepared by American Testing Laboratories, Inc., dated February 21, 1975, and recorded in Plat Book 7, Page 43, Clerk's Office, Putnam County Superior Court, and by reference said plat is made a part of this description. This is the same property as conveyed at Deed Book 146, Page 82, Putnam County, Georgia records.

Parcel 3:

All that lot or parcel of land, lying and being in the 308th G. M. District, Putnam County, Georgia, being shown as Parcel 3 described in a deed recorded in Deed Book 149, page 103, Clerk's Office, Putnam County Superior

Court, with the description being corrected as follows: shown as a strip 66.73 feet wide as property of Ruby C. Califf on a plat dated January 21, 1980, prepared by American Testing Laboratories, Inc. recorded in Plat Book 10, page 24, Clerk's Office, Putnam Co. Superior Court, and by reference is made a part of this description. Said tract of land is bound on the northeast for 375.13 feet by property of J. Douglas McElheney and 62.06 feet by a proposed 60 foot right of way for a road; on the south by 66.73 feet from the southern right of way of said road to property line of Russell N. Copelan; on the southwest by property of Russell N. Copelan; on the west by a portion of the Maggie A. Copelan Estate, Parcel B, and on the northeast by 60.66 feet of Georgia Power Access Area to Lake Oconee.

Together with

A right of ingress and egress to the above described property over a 60' proposed road right of way. Said proposed road right of way is shown in part on two separate plats; on a plat recorded in Plat Book 8, page 182, Clerk's Office, Putnam Co. Superior Court, a proposed road is shown as adjacent to Lots F and G on said plat, this road right of way is in addition to the 60' road right of way shown on plat prepared for J. Douglas McElheney recorded in Plat Book 10, Page 24, Clerk's Office, Putnam Co. Superior Court.

Deed Reference: Deed Book 788, Page 567

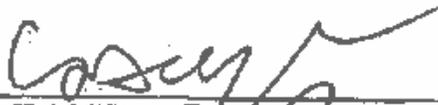
TO HAVE AND TO HOLD, the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee, its successors and assigns, forever in FEE SIMPLE.

AND the said Grantor, for itself, its successors and assigns, will warrant and forever defend the right and title to the above described property unto the said Grantee, its successors and assigns, against the claims of all persons claiming by and through the undersigned.

IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and affixed its seal the day and year first above written.

Signed, sealed and delivered
in the presence of:

RCUD 2020 JAN 13



Unofficial Witness

 (SEAL)

Millicent C. Arnold



Notary Public
My Commission Expires:
(AFFIX NOTARY SEAL)



 (SEAL)

Lawrence A. Copelan, Jr. aka L.A. (Buster)
Copelan, Jr.

DOC# 005611
FILED IN OFFICE
12/27/2019 01:48 PM
BK:972 PG:236-237
SHELLA H. PERRY
CLERK OF COURT
PUTNAM COUNTY



After Recording Return to:
J.V. Dell, P.C.
1040 Founders Row, Ste B
Greensboro, Georgia 30642
Craf: 3113-0015

REAL ESTATE TRANSFER
TAX PAID: 90.00

LIMITED WARRANTY DEED *PT 61-117-2019-001991*

STATE OF GEORGIA, GREENE COUNTY

THIS INDENTURE, made this 26th day of December 2019, between Oconee Overlook, LLC as party or parties of the first part (hereinafter called "Grantor") and Lick Creek Holdings, LLC, a Georgia limited liability company, as party or parties of the second part (hereinafter called "Grantee").

WITNESSETH:

That the said Grantor, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said Grantee, its successors and assigns, all the following described property, to-wit:

Tract B1:

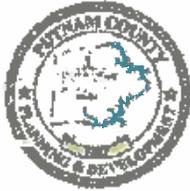
All that certain lot or parcel of land lying and being in Land Lot 330, 308th District, G.M., Putnam County, Georgia, being known as Tract B1, containing 0.35 acres, more or less, as shown on that certain plat of survey prepared by Southeast Land Surveying, by Jack E. Newsome, Registered Land Surveyor No. 3113, dated December 17, 2019, which said plat and the record thereof are hereby incorporated herein and made a part hereof by reference, and more fully described as follows:

Beginning at a 1/2" Re-Bar on the Northern right-of-way of Collis Road, run North 44 degrees 54 minutes 29 seconds West a distance of 1799.15 feet to a 1/2" Re-Bar and the TRUE POINT OF BEGINNING; thence run North 44 degrees 12 minutes 28 seconds West a distance of 129.44 feet to a 1/4" Re-Bar; thence run North 44 degrees 34 minutes 5 seconds East a distance of 97.47 feet to a 1/4" Re-Bar; thence run South 65 degrees 31 minutes 12 seconds East a distance of 128.48 feet to a 1/4" Re-Bar; thence run South 41 degrees 06 minutes 05 seconds West a distance of 144.62 feet to a 1/2" Re-Bar and the TRUE POINT OF BEGINNING.

Tract B2:

All that certain lot or parcel of land lying and being in Land Lot 330, 308th District, G.M., Putnam County, Georgia, being known as Tract B2, containing 0.11 acres, more or less, as shown on that certain plat of survey prepared by Southeast Land Surveying, by Jack E. Newsome, Registered Land Surveyor No. 3113, dated December 17, 2019, which said plat and the record thereof are hereby incorporated

RCVD 2020 JAN 8



PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

Tel: 706-485-2776 ♦ 706-485-0552 fax ♦ www.putnamcountyga.us

LETTER OF AGENCY- _____

WE, THE UNDERSIGNED OWNERS OF REAL PROPERTY LOCATED IN THE CITY OF EATONTON/PUTNAM COUNTY, GEORGIA, HEREBY APPOINT Howard McMichael JR TO BE MY AGENT FOR THE PURPOSE OF APPLYING FOR Re-zoning OF PROPERTY DESCRIBED AS MAP 104 PARCEL 030, CONSISTING OF 2.84 ACRES, WHICH HAS THE FOLLOWING ADDRESS: Collis Road EATONTON, GEORGIA 31024. ATTACHED HERETO IS A COPY OF A DEED AND OR PLAT OF SURVEY DESCRIBING THE PROPERTY OWNED BY THE PROPERTY OWNER(S) TO WHICH THIS LETTER OF AGENCY APPLIES.

THE ABOVE NAMED AGENT HEREBY IS AUTHORIZED TO COMPLETE AND SIGN THE CITY OF EATONTON/PUTNAM COUNTY APPLICATION FOR Re-zoning ON OUR BEHALF. WE UNDERSTAND THAT THIS LETTER OF AGENCY WILL BE ATTACHED TO AND MADE PART OF SAID FORM AND WILL BE RELIED UPON BY THE CITY OF EATONTON/PUTNAM COUNTY. FOR AND IN CONSIDERATION OF THE CITY OF EATONTON/PUTNAM COUNTY ACCEPTING THIS LETTER OF AGENCY, WE HEREBY INDEMNIFY AND HOLD HARMLESS THE CITY OF EATONTON/PUTNAM COUNTY AND ITS AGENTS AND/OR EMPLOYEES IN THE EVENT THAT THE ABOVE NAMED AGENT SHOULD MISUSE THIS LETTER OF AGENCY AND WE SUFFER DAMAGES AS A RESULT.

THIS 7 DAY OF January, 2020.

PROPERTY OWNER(S): Oconee Overlook, LLC

James K. [Signature] NAME (PRINTED)
SIGNATURE

ADDRESS: 6350 Lake Oconee Parkway Suite 110, PMB 33 Greensboro, GA 30440
PHONE: 770 313-7898

ALL SIGNATURES WERE HEREBY SWORN TO AND SUBSCRIBED BEFORE ME THIS 7th DAY OF January, 2020

RCVD 2020 JAN 8

[Signature]
NOTARY
MY COMMISSION EXPIRES: 2-13-22





PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

Tel: 706-485-2776 ♦ 706-485-0552 fax ♦ www.putnamcountygga.us

LETTER OF AGENCY- _____

WE, THE UNDERSIGNED OWNERS OF REAL PROPERTY LOCATED IN THE CITY OF EATONTON/PUTNAM COUNTY, GEORGIA, HEREBY APPOINT Howard McMichael Jr TO BE MY AGENT FOR THE PURPOSE OF APPLYING FOR Rm 3 zoning OF PROPERTY DESCRIBED AS MAP 104 PARCEL 030, CONSISTING OF 2.14 ACRES, WHICH HAS THE FOLLOWING ADDRESS: Collis Road EATONTON, GEORGIA 31024. ATTACHED HERETO IS A COPY OF A DEED AND OR PLAT OF SURVEY DESCRIBING THE PROPERTY OWNED BY THE PROPERTY OWNER(S) TO WHICH THIS LETTER OF AGENCY APPLIES.

THE ABOVE NAMED AGENT HEREBY IS AUTHORIZED TO COMPLETE AND SIGN THE CITY OF EATONTON/PUTNAM COUNTY APPLICATION FOR Re-zoning ON OUR BEHALF. WE UNDERSTAND THAT THIS LETTER OF AGENCY WILL BE ATTACHED TO AND MADE PART OF SAID FORM AND WILL BE RELIED UPON BY THE CITY OF EATONTON/PUTNAM COUNTY. FOR AND IN CONSIDERATION OF THE CITY OF EATONTON/PUTNAM COUNTY ACCEPTING THIS LETTER OF AGENCY, WE HEREBY INDEMNIFY AND HOLD HARMLESS THE CITY OF EATONTON/PUTNAM COUNTY AND ITS AGENTS AND/OR EMPLOYEES IN THE EVENT THAT THE ABOVE NAMED AGENT SHOULD MISUSE THIS LETTER OF AGENCY AND WE SUFFER DAMAGES AS A RESULT.

THIS 7 DAY OF January, 2020.

RCUD 2020 JAN 8

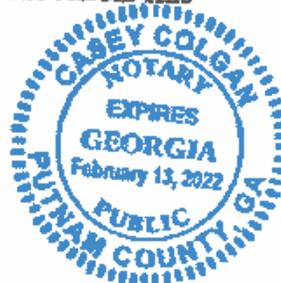
PROPERTY OWNER(S): Lick Creek Holdings, LLC
NAME (PRINTED)

Howard McMichael Jr.
SIGNATURE

ADDRESS: 6350 Lake Oconee Pkwy, Suite 100B 111 Greensboro GA 30642
PHONE: 706 473 1999

ALL SIGNATURES WERE HEREBY SWORN TO AND SUBSCRIBED BEFORE ME THIS 7th DAY OF January, 2020.

Casey
NOTARY
MY COMMISSION EXPIRES: 2-13-22





October 8, 2019

Mr. Howard McMichael
P.O. Box 3249
Baton Rouge, Georgia 31024

Subject: Water & Sewer Service: Putnam County Parcels 104B001, 104032, 104033 and 104032

Dear Mr. McMichael:

This letter is to confirm that water and sewer services are currently available to serve the parcels identified above in Putnam County, Georgia. Capacity for both services will be made available to the site subject to the completion of a mutually agreeable contract for such capacity.

Any and all infrastructure costs to provide water and sewer service on the property are the responsibility of the developer, and are subject to review and approval of Piedmont Water Company prior to connecting the property to our water and sewer mains.

Please feel free to contact me at 770-255-7984 with any questions you may have.

Sincerely,

W. J. Matthews
Vice President of Operations

RCVD 2019 OCT 31



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Tel: 706-485-2776 ♦ 706-485-0552 fax ♦ www.putnamcountyga.us

DISCLOSURE OF APPLICANT'S CAMPAIGN CONTRIBUTION

The *Putnam County Code of Ordinances*, Section 66-167(c) states as follows:
"When any applicant or his attorney for a rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

- a. The name and official position of the local government official to whom the campaign contribution was made; and
 - b. The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- The disclosures required by this section shall be filed within ten days after an application for the rezoning action is first filed."

1. Name: Lauren K. Sprayberry (Oconee Overlook, LLC)

2. Address: 6350 Lake Oconee Drive Suite 110 PMB 33
Greensboro, GA 30642

3. Have you given contributions that aggregated \$250.00 or more within two years immediately preceding the filing of the attached application to a candidate that will bear the proposed application? Yes No If yes, who did you make the contributions to? _____

Signature of Applicant: Lauren K. Sprayberry

Date: 1/7/2020

PCUP 2020 JAN 8



PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ◊ Eatonton, GA 31024
Tel: 706-485-2776 ◊ 706-485-0552 fax ◊ www.putnamcountyga.us

DISCLOSURE OF APPLICANT'S CAMPAIGN CONTRIBUTION

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"When any applicant or his attorney for a rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

- a. The name and official position of the local government official to whom the campaign contribution was made; and
 - b. The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- The disclosures required by this section shall be filed within ten days after an application for the rezoning action is first filed."

- 1. Name: Howard McMichael Jr. (Lickcreek Holdings LLC)
- 2. Address: 6350 Lake Oconee Pkwy Suite 110 PMB 111
Greensboro, GA 30642

3. Have you given contributions that aggregated \$250.00 or more within two years immediately preceding the filing of the attached application to a candidate that will hear the proposed application? Yes No If yes, who did you make the contributions to? _____

RCUD 2020 JAN 8

Signature of Applicant: [Handwritten Signature]
Date: 1 / 7 / 2020

Putnam County Tax Commissioner

Pamela K. Lancaster
100 S. Jefferson Street ~ Suite 207
Eatonton, GA 31024

Phone: 706-485-5441
Fax: 706-485-2527
Email: ptc117@yahoo.com
www.putnamtax.com

October 30, 2019

CERTIFICATION

This is to certify that as of October 30, 2019, there are no delinquent property taxes outstanding for:

Parcel number: 104 030
Owner: Millicent C Arnold & L. A. Copelan, Jr.

Pamela K. Lancaster
Pamela K. Lancaster, CPA
Putnam County Tax Commissioner



RCM 2019 OCT 31
PL

Impact Analysis

Proposed RM-3 Development Rezoning Request

Agent: Howard McMichael, Jr.

RCM 2019 HDU 1 *Gja*

Prepared by: Kip Oldham, AIA
K A Oldham Design, Inc.
65 Jackson Street, Suite 401
Newnan, Georgia 30263
Ph. 770.683.9170

Signature: 
Kip Oldham, AIA



Table of Contents

Letter of Intent Page 3

Impact Study Information Page 4-5

Traffic Study Information Attachment

Plat of Property Attachment

Warranty Deeds Attachment

Existing Conditions Page 5-6

Existing Zoning Attachment

Conceptual Site Plan Attachment

RCMD 2019 NOV 1



Letter of Intent – Oconee Overlook, LLC & Lick Creek Holdings, LLC – RM-3 Zoning (Parcel Number: 104 030)

The site includes 2.14 acres and is located on Lake Oconee at the intersection of Collis Road and Collis Marina Road and surrounding land uses include existing RM-3 Enclave at Waterfront, C-2 at Collis Marina, and R-1 Single Family Homes. The intended land use for subject property is to be combined into 1 Parcel and rezone to RM-3. A Conceptual plan illustrating proposed development concept is attached. Upon re-zone approval, the area will be developed into a waterfront community. The intent of the property is to be developed utilizing Putnam County Development Codes with townhome and condominium units similar to Enclave at Waterfront and Cuscowilla Condominium and Townhome Units.

We appreciate the consideration to promote quality development within Putnam County.



Impact Analysis

ITEM #1

Is the proposed use consistent with the stated purpose of the zoning district that is being requested?

The proposed use is multi-family units. Current Use is R-1, but all adjacent properties are zoned for residential except the adjacent parcel owned by HJR Oconee, LLC which is zoned AG-1.

Is the proposed use suitable in view of the zoning and development of adjacent or nearby property?

The proposed parcel is surrounded by R-1 and AG-1 zoning. Similar development surrounds the area.

Will the proposed use adversely affect the existing use, value or usability of adjacent or nearby property?

The proposed use will be multi-family. The existing use is agriculture and single family. The adjacent and nearby property are developed as multi-family. This use will not adversely affect surrounding land use.

Is the proposed use compatible with the proposed intent of the Comprehensive Plan?

The Putnam County / City of Eatonton 2007-2030 Comprehensive plan prepared by Middle Georgia RDC indicates the future land use as Agriculture, however the existing adjacent property is currently a non-working farm and its intended use is Residential. The proposed development meets the intended land use for this area and should be updated to Residential.

Are there substantial reasons why the property cannot or should not be used as currently zoned?

The property is surrounded by multi-family developments and / or parcels already zoned for multi-family use. The property should be continuing development as surrounding parcels.

Will the proposed use cause an excessive or burdensome use of public facilities or services or exceed the present or funded capabilities, including but not limited to streets, water or sewer utilities and police or fire protection?

The proposed development will incur the cost of constructing streets interior to the project. Water and sewer are provided by Piedmont Water Resources. Developer will incur cost of any additions required to bring water and sewer to property. Final plans will meet fire protection requires with all necessary hydrants and equipment circulation requirements.

Given the incurred infrastructure cost there is no evidence of an excessive or burdensome use of public facilities, funded capabilities, utilities or police and fire protection.

ACSR 7/15/2014

Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan or reflected in the existing zoning on the property or surrounding properties?

The proposed use is supported by the Comprehensive Plan and the anticipated existing and future use of mixed residential.

Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, and reasonable private use of the subject property?

The proposed project will place emphasis on lake shore protection, recreation use of Lake Oconee and promote common open space for property owners. The project will meet all county construction standards and continue the quality of real estate offered by Enclave at Waterfront. Therefore, there is a reasonable balance between the promotion of public health, safety and private use.

ITEM #2 TRAFFIC ANALYSIS - (SEE ATTACHMENT)

ITEM# 3

The estimated number of dwelling units are as follows:

When this parcel is combined with 3 adjacent parcels the total number of Multi-Family Townhomes will be 124

Non-Residential use - Estimated 2500 SF for amenity building

ITEM #4

Effect on environment surrounding the area:

Natural:

Property contains no significant wetland areas within property boundary - Some wetland areas may exist between proposed site boundary and Lake Oconee. Any areas of wetlands will be protected by required buffers -. Source: Putnam County / City of Eatonton 2007-2030 Comprehensive Plan - Wetlands Map 6 Prepared by Middle Georgia RDC

Erosion:

Developer plans to install lake sea walls per Georgia Power Lake Oconee Management Guide with required permits. Source: On site Observation

Historic:

REC'D 2018 NOV 1
DE

The proposed site has no known or listed Cultural or Historical Resources located on site. Source: Putnam County / City of Estonton 2007-2030 Comprehensive Plan Cultural and Historical Resources Map 19 prepared by Middle Georgia RDC

ITEM #5

Impact on fire protection

Request for Fire Department comment of proposed development has been requested but not received at this time. Given the previous discussions with Fire Department on initial phase of Enclave at Waterfront, all fire Marshall requirements will be met.

ITEM #6 - PHYSICAL CHARACTERISTICS OF SITE (SEE ATTACHMENT)

ITEM #7 - ADJACENT AND NEARBY ZONING (SEE ZONING CONCEPT PLAN)

REC'D 2019 MAY 1

P.C. Simonton & Associates, Inc. Consulting Engineers

309 North Main Street
Post Office Box 649
Hinesville, Georgia 31310

1050 Parkside Commons
Suite 101
Greensboro, GA 30642

Mallard Cove Traffic Impact Analysis PCS # 2019-168

The Mallard Cove development is a residential townhouse development that includes 50.8 acres of multi-family development on Collis Marina Road and Collis Road NE. The developer desires to construct 124 residential, three bedroom townhouses. The property is currently zoned A-1 agriculture and will require a zoning change to multi-family residential.

Trip Generation Software by Microtrans will be used to generate average daily traffic for existing as well as future conditions. All average daily traffic included in the report is two-way traffic and has not been adjusted. Passer by traffic which is generally defined as traffic that is already on the road and contained in existing counts, but will also be included in traffic projections for the proposed development. The percentage of passer-by traffic varies with the type of development. In the case of Mallard Cove, the development is a destination so passerby traffic will be almost non-existent.

The two roadways (Collis Road and Collis Marina Road) are currently two lanes with a width of about twenty feet (20'). The two roadways serve existing residential and commercial developments comprised of approximately 84 single family residential units, 90 multifamily units and supporting club house and boat storage. Based on these land uses traffic projections for the existing development is:

Two Way Traffic	1331 trips per day
AM Peak Traffic	103 trips per day
PM Peak Traffic	131 trips per day

The proposed project includes 124 three bedroom townhouse units located at the intersection by Collis Road and Collis Marina Road. Property configuration will allow all or most of the property to enter from Collis Road and will have no impact on Collis Marina Road. Based on the information submitted traffic projection for the proposed development is:

Average weekday two-way volume	930 trips
AM Peak Traffic	71 trips
• Peak hours enter	11 trips
• Peak hour exit	60 trips
PM Peak Traffic	89 trips
• Peak hour enter	60 trips
• Peak hour exit	30 trips

PCUN 2019 NOV 1

As can be seen the traffic impact, as a result of the rezoning of the tract on Collis Road increases traffic by 70%, to a total of 2,261 two-way trips per day. The 2000 Highway Capacity Manual suggest the capacity of two lane, two-way highways to be 3,400 passenger cars per hour (pcph) for both directions and 1,700 pcph for one direction. As stated in the terminology this capacity would be for a "highway" not a local street. A two lane local street will generally have a capacity of 1,000 vehicles per day with an acceptable livability. A local roadway can accept the 1,000 vehicles per day if the roadway is twenty four feet (24') curb to curb or twenty four feet (24') plus five foot (5') shoulders with acceptable clear zone geometrics beyond this shoulder.

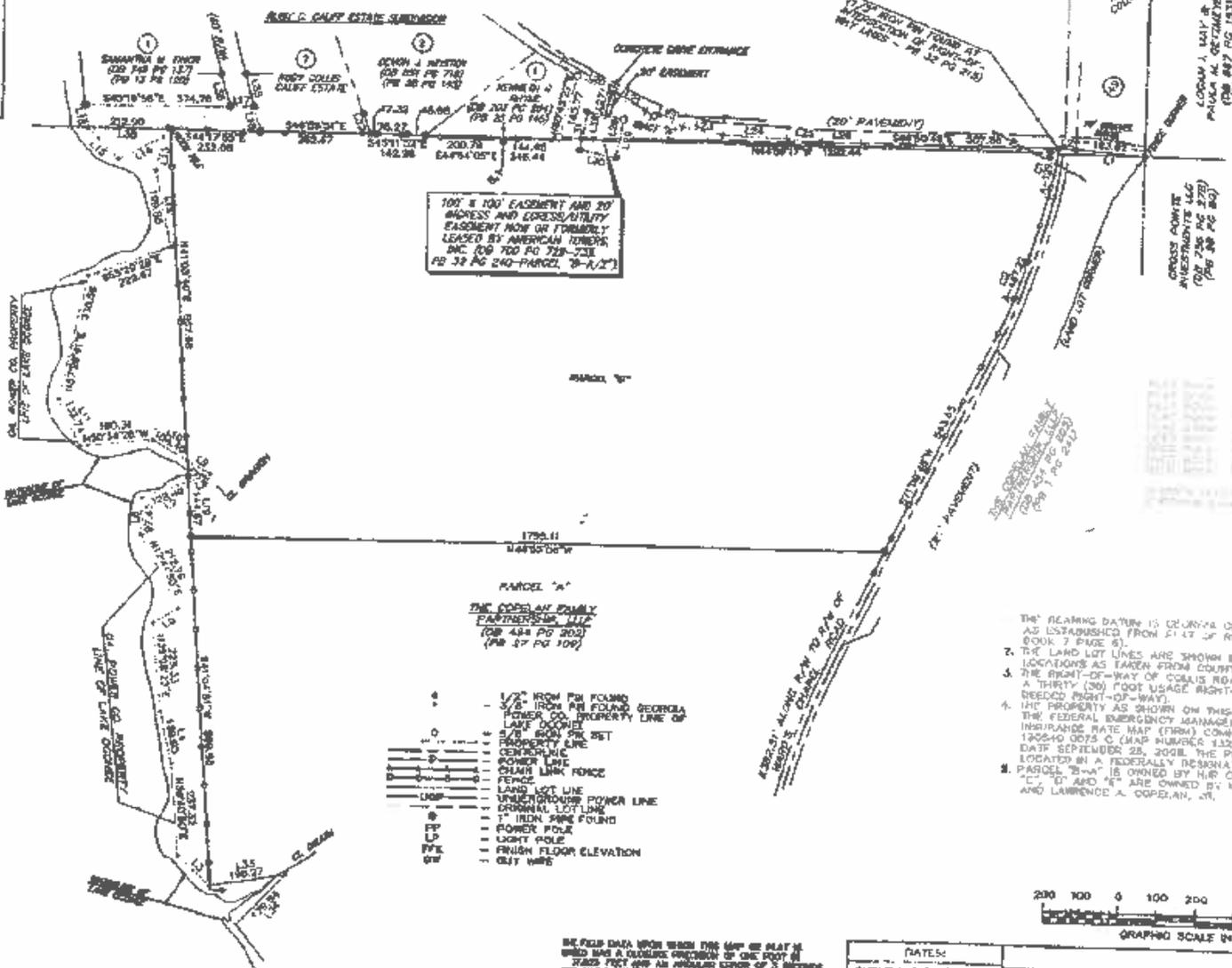
Collis Road does not meet the roadway width shown above. The current roadway is a very narrow twenty feet (20') roadway with little or no shoulder. Expansion of the roadway is expected for the roadway to operate at an acceptable level of service (LOS). The minimum cross section should be two lanes, twenty four feet (24') wide with curb and gutter section. In addition left turn lanes at intersection and commercial driveway be examined.



REC'D 2019 MAR 1
 RE



CURVE POINT	BEARING	DISTANCE	CHORD	ANGLE
CP 1	112° 25' 21.78"	100.00	100.00	112° 25' 21.78"
CP 2	112° 25' 21.78"	100.00	100.00	112° 25' 21.78"



100' x 100' EASEMENT AND 20' WGRESS AND EGRESS/UTILITY EASEMENT NOW OR FORMERLY LEASED BY AMERICAN TOWERS, INC. (DB 700 PG 728-733 PB 32 PG 240-PARCEL 9-A,2')

PARCEL "A"
THE COPELAN FAMILY
PARTNERSHIP, LLC
(DB 494 PG 203)
(PB 37 PG 100)

- 1/2" IRON PIN FOUND
- 3/8" IRON PIN FOUND GEORGIA POWER CO. PROPERTY LINE OF LAND DEED
- 5/8" IRON PIN SET PROPERTY LINE
- CERAMIC POWER LINE
- CHAIN LINK FENCE
- LAND LOT LINE
- UNDERGROUND POWER LINE
- ORIGINAL LOT LINE
- 1" IRON PIPE FOUND
- POWER POLE
- FINISH FLOOR ELEVATION
- BIT WIRE

1. THE BEARING DATA IS COUNTY'S GRID-EAST ZONE AS ESTABLISHED FROM 21.17 OF REFERENCE (PLAT BOOK 7 PAGE 6).
2. THE LAND LOT LINES ARE SHOWN IN APPROPRIATE LOCATIONS AS TAKEN FROM COUNTY RECORDS.
3. THE RIGHT-OF-WAY OF COLLIS ROAD IS SHOWN AS A THIRTY (30) FOOT USAGE RIGHT-OF-WAY (NO DECIDED RIGHT-OF-WAY).
4. THE PROPERTY AS SHOWN ON THIS PLAT IS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY-PANEL NUMBER: 19054 0075 C (MAP NUMBER 132700075C) EFFECTIVE DATE SEPTEMBER 28, 2008. THE PROPERTY IS NOT LOCATED IN A FEDERALLY DESIGNATED FLOOD PLAIN.
5. PARCEL "B-A" IS OWNED BY HIR OGDINE LLC, PARCELS "C" AND "E" ARE OWNED BY WILSON C. ARNOLD AND LAWRENCE A. COPELAN, JR.



1	100.00	100.00
2	100.00	100.00
3	100.00	100.00
4	100.00	100.00
5	100.00	100.00
6	100.00	100.00
7	100.00	100.00
8	100.00	100.00
9	100.00	100.00
10	100.00	100.00
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47	100.00	100.00
48	100.00	100.00
49	100.00	100.00
50	100.00	100.00

PUTNAM COUNTY PLANNING AND DEVELOPMENT DIRECTOR, GEORGIA
PURSUANT TO THE LAND SUBDIVISION REGULATIONS OF PUTNAM COUNTY, GEORGIA THIS PLAT COMPLIES WITH REQUIREMENTS OF THE PUTNAM COUNTY ZONING BOARD AND THE SUBDIVISION REGULATIONS OF PUTNAM COUNTY.

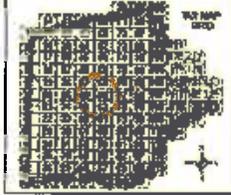
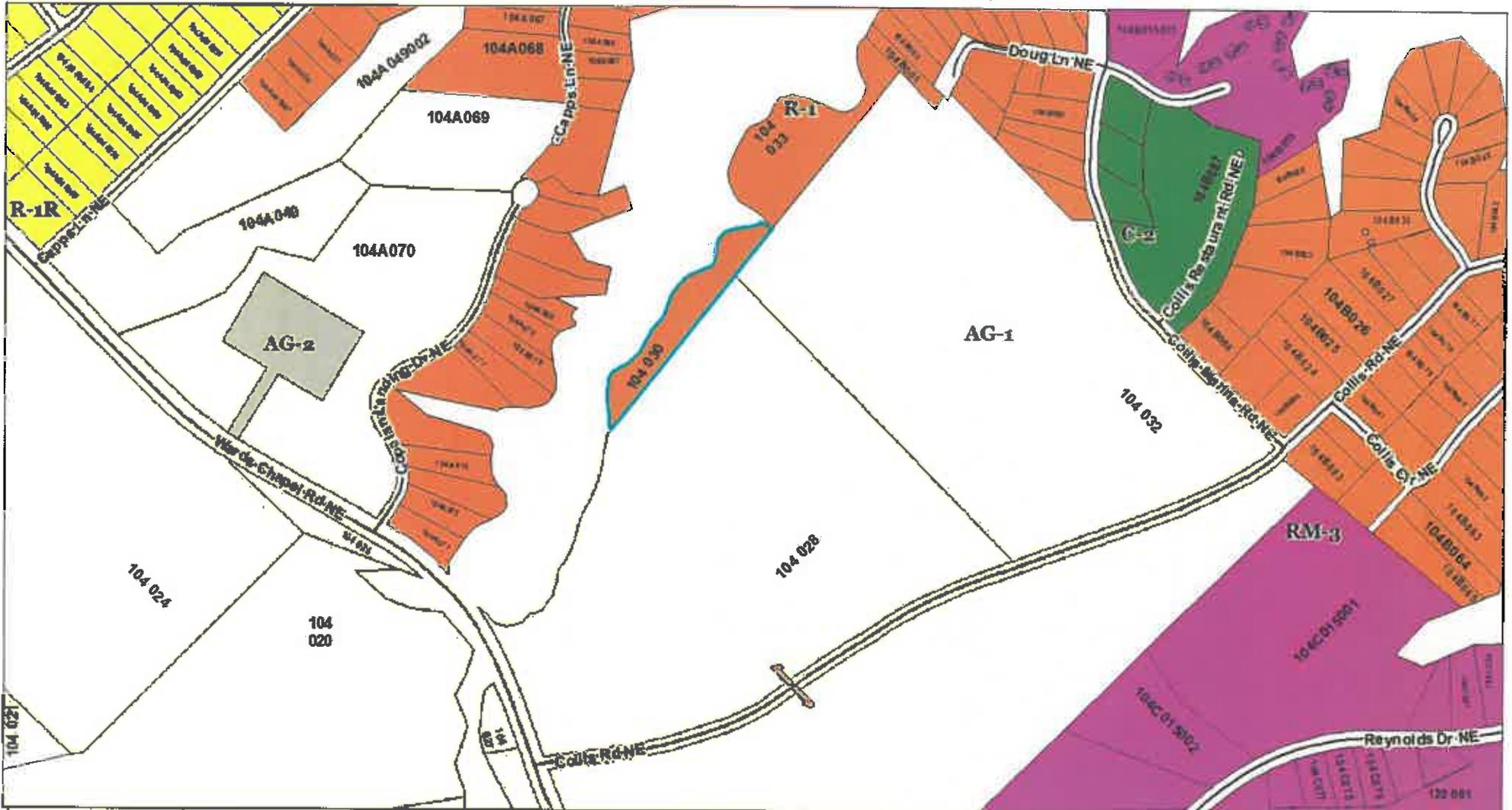
PUTNAM COUNTY PLANNING AND DEVELOPMENT DIRECTOR

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A MEASURED POSITION OF ONE FOOT IN THREE FEET AND AN ANGULAR ERROR OF 5 SECONDS PER ANGLE POINT, AND HAS BEEN OBTAINED USING THE LEAST SQUARES ADJUSTMENT. THIS MAP OR PLAT HAS BEEN CALCULATED PER ORDINANCE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 343.48 FEET.

A LEGAL TO THE TOTAL STATION OR ANGLE MEASUREMENT TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS A LEICA TS-1102R TOTAL STATION SURVEY ORB WAS USED AS A DATA COLLECTOR TO COLLECT THE FIELD DATA.

THIS SURVEY WAS PREPARED IN CONFORMANCE WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH BY CHAPTER 86-7 OF THE RULES OF THE BOARD OF SURVEYING AND MAPPING PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH BY THE ORDINANCE OF 2011-0001.

DATES:			
SURVEY: 7/16/2017 TO 7/27/2017			
PLAT: 7/27/2017		FOR: CAPITAL INC	
		PART OF LAND LOTS 330 AND 327	
		THIRD LAND DISTRICT 308TH. G. M. DISTRICT PUTNAM COUNTY, GEORGA	
Scale: 1" = 200.0'		Date: February 27, 2017	



GEOGRAPHIC FEATURE LEGEND

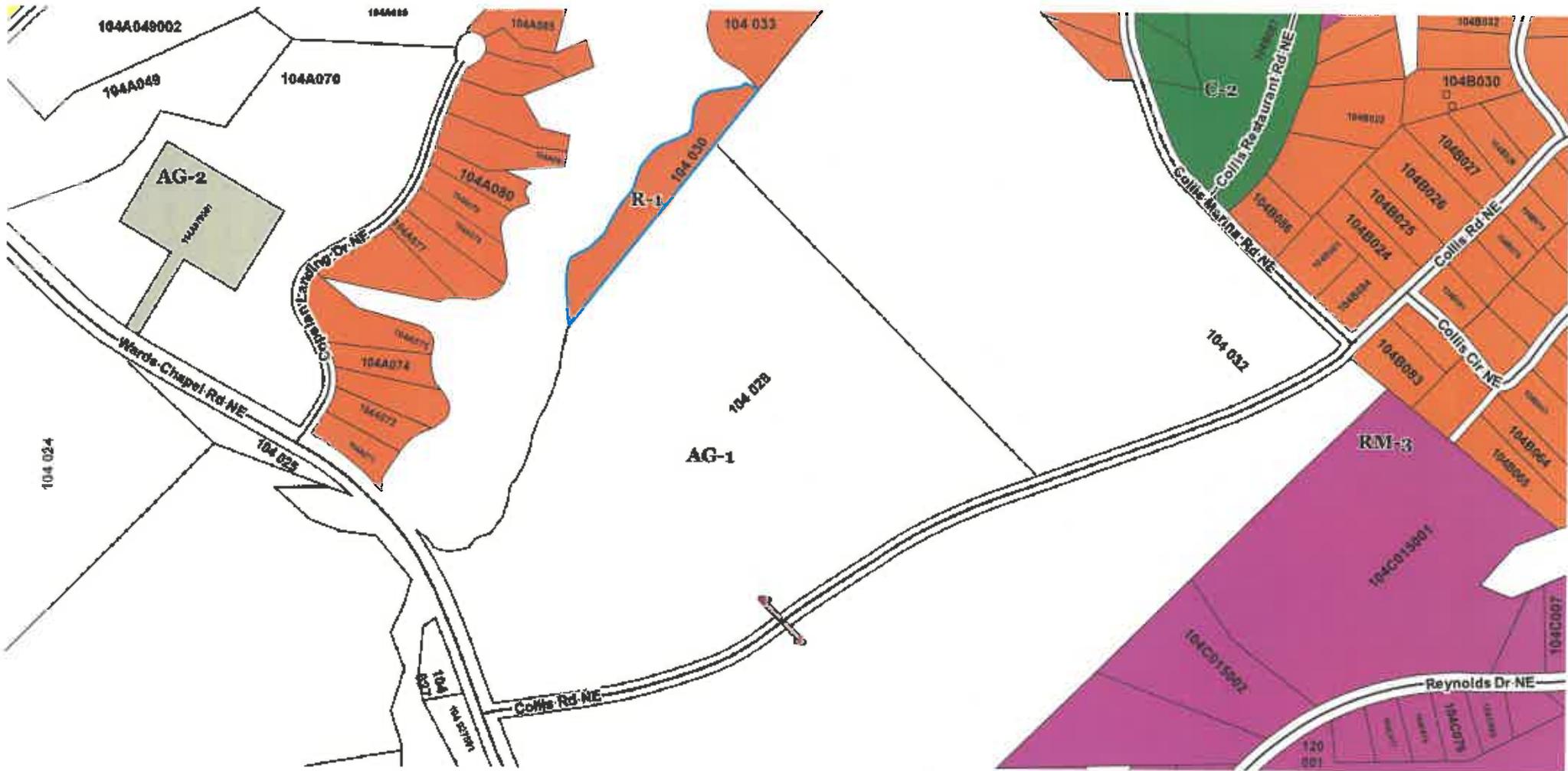
Subordinate Limits	Overlay District	AG-2	C-2 CITY	MD-2 CITY	R-1 CITY	RM-2
County Boundary	No Code	C-1	FM	MIP	R-2 CITY	R-1R
Roads	AG-1	C-1 CITY	MD-1 CITY	R-3 CITY	R-2	RM-3
Parcels	AG-1 CITY	C-2	MD-2	PUBLIC CITY	R-4 CITY	VILLAGE
Parcel Plots				PUBLIC CITY	R-4 CITY	RM-1

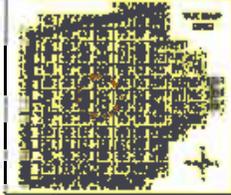
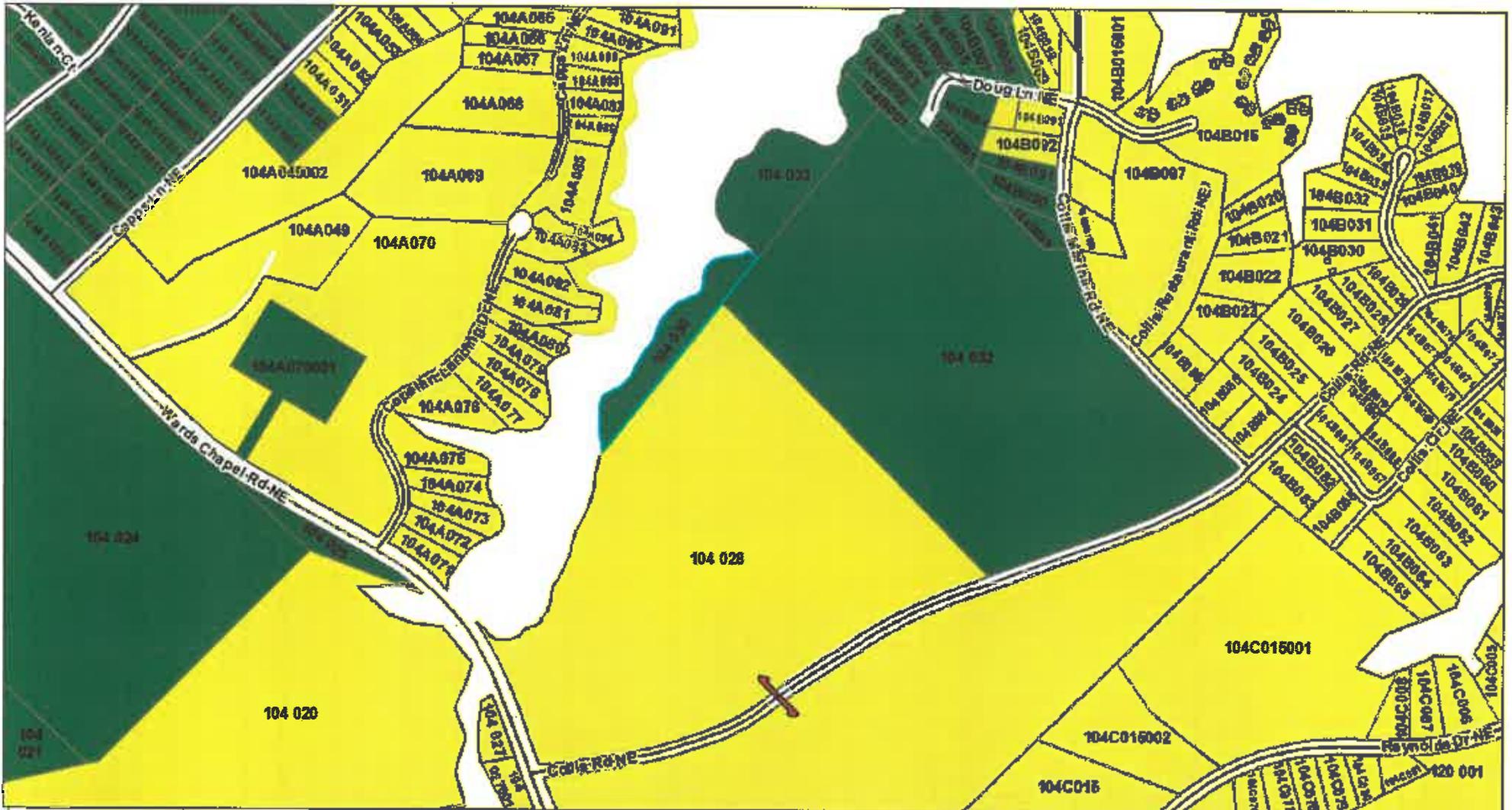
MGRC
Middle Georgia Regional Council
575 Eastway
Bella G.
Macon, Georgia 31217
(706) 735-5100
Web: www.middlegeorgia.org

PUTNAM COUNTY, GEORGIA
ZONING MAPS

MAP 104

SHP SCALE: 1"=400' SHEL SCALE: 1"=400' SHE: NOVEMBER 2010





GEOGRAPHIC FEATURE LEGEND

Estation Limits	Agriculture/Forestry	Mixed Use	Residential
County Boundary	Commercial	Park/Recreation/Conservation	Transportation/Communication/Utilities
Road	Industrial	Public/Institutional	Undeveloped/Vacant
Parcel			
Parcel_Hooks			

MGRC
A SERVICE
 Middle Georgia Regional Council
 175 E. Perry Hwy
 Suite C
 Macon, Georgia 31217
 (478) 751-0100
 Web:
www.middlegeorgia.org

**PUTNAM COUNTY, GEORGIA
 FUTURE LAND USE MAPS**

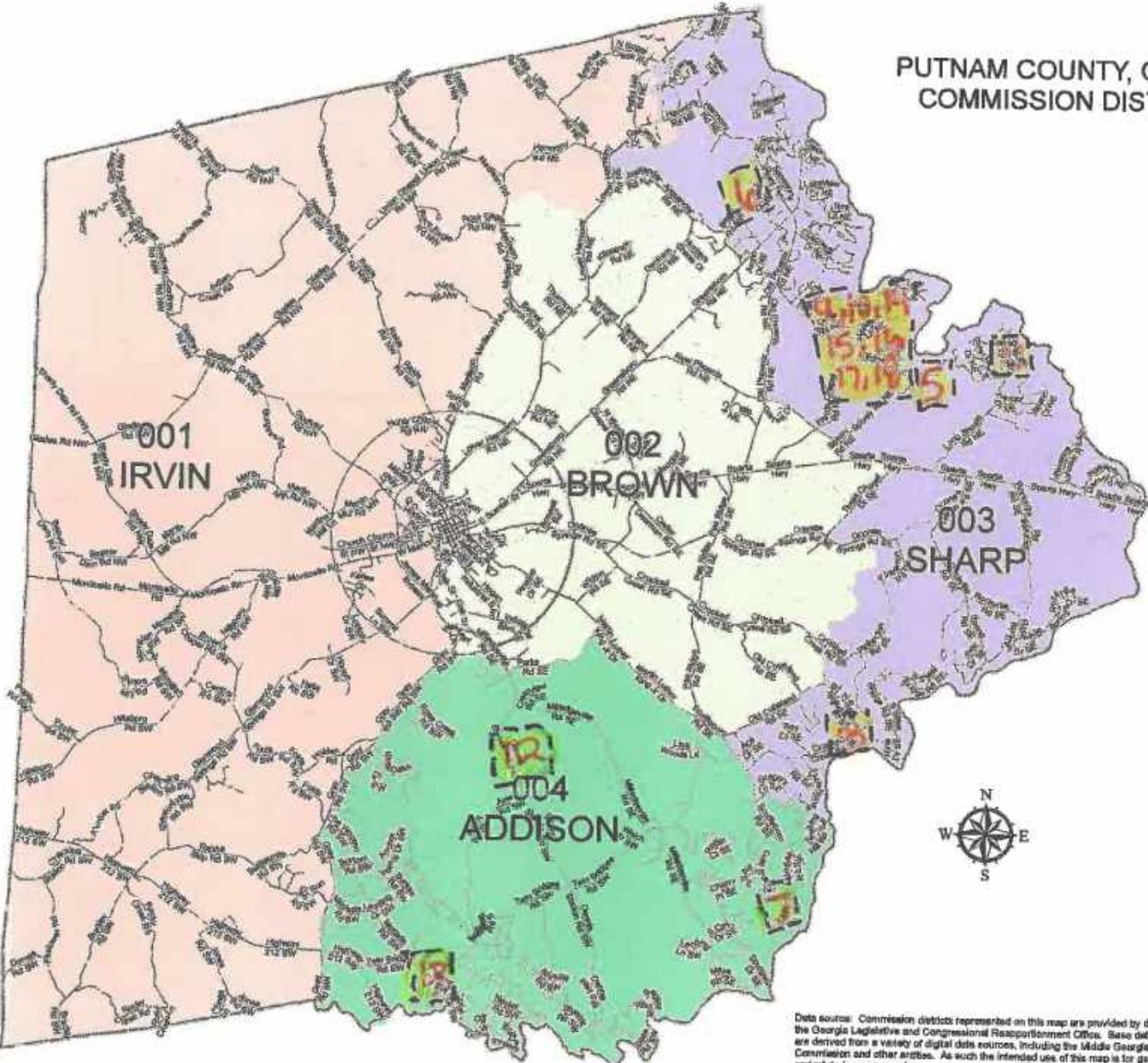
MAP 104

MAP SCALE: 1"=416.7' DATE MADE: 1/2009 DATE APPROVED: 3/2009

The following
documents
(pages 34-168)

Apply to
agenda item #s
5, 6, 7, 8, and 9

PUTNAM COUNTY, GEORGIA
COMMISSION DISTRICTS



Data source: Commission districts represented on this map are provided by data from the Georgia Legislative and Congressional Reapportionment Office. Base data features are derived from a variety of digital data sources, including the Middle Georgia Regional Commission and other entities. As such the intended use of this map is for general planning and related purposes only.

MAP SCALE: 1" = 5,697.26' SCALE RATIO 1:58,367.34 DATE: JUNE 2016

- 5 14. Request by **Howard McMichael, agent for Oconee Overlook, LLC & Lick Creek Holding's LLC** to rezone 2.14 acres on Collis Road from R-1 to RM-3. [Map 104, Parcel 030, District 3]. *
- 6 15. Request by **Howard McMichael, agent for Lick Creek Holding's LLC** to rezone 21.40 acres on Collis Road from AG-1 to RM-3. [Map 104, Parcel 032001, District 3]. *
- 7 16. Request by **Howard McMichael, agent for Mallard's Overlook, LLC** to rezone 29.58 acres on Collis Road from AG-1 to RM-3. [Map 104, Parcel 032, District 3]. *
- 8 17. Request by **Howard McMichael, agent for Oconee Overlook, LLC & Lick Creek Holding's LLC** to rezone 3.5 acres on Collis Road from R-1 to RM-3. [Map 104, Parcel 033, District 3]. *
- 9 18. Request by **Howard McMichael, agent for Oconee Overlook, LLC** to rezone 0.63 acres/27,298 sq. ft. on Doug Lane from R-1 to RM-3. [Map 104B, Parcel 001, District 3]. *

Request by Howard McMichael, agent for Oconee Overlook, LLC & Lick Creek Holding's LLC to rezone 2.14 acres on Collis Road from R-1 to RM-3. [Map 104, Parcel 030, District 3] (staff-P&D)

Request by Howard McMichael, agent for Lick Creek Holding's LLC to rezone 21.40 acres on Collis Road from AG-1 to RM-3. [Map 104, Parcel 032001, District 3] (staff-P&D)

Request by Howard McMichael, agent for Mallard's Overlook, LLC to rezone 29.58 acres on Collis Road from AG-1 to RM-3. [Map 104, Parcel 032, District 3] (staff-P&D)

Request by Howard McMichael, agent for Oconee Overlook, LLC & Lick Creek Holding's LLC to rezone 3.5 acres on Collis Road from R-1 to RM-3. [Map 104, Parcel 033, District 3] (staff-P&D)

Request by Howard McMichael, agent for Oconee Overlook, LLC to rezone 0.63 acres/27,298 square feet on Doug Lane from R-1 to RM-3. [Map 104B, Parcel 001, District 3] (staff-P&D)

PLANNING & DEVELOPMENT-LISA JACKSON STAFF RECOMMENDATION:

The applicants are seeking to rezone this parcel along with four adjacent parcels with a total of 57.07 acres to RM-3. If approved, the applicants would like to combine the five parcels in order to develop a waterfront community. The applicants are requesting that the parcels be rezoned R-M3 with no conditions on use. The applicants have provided proposals for either 124 Multi-Family Townhomes or a 175-room hotel, both of which will have a main entrance on Collis Road. This would either add approximately 310 residents to the neighborhood or an increase in 937 average weekday two-way volume. The applicants are proposing to develop this subdivision in accordance with the Putnam County Development Codes with either townhome and condominium units similar to Enclave at Waterfront and Cuscowilla Condominium and Townhome Units or a hotel facility. Water and sewer will be provided by Piedmont Water. According to the applicants, the proposed use will place emphasis on lakeshore protection, recreation use of Lake Oconee, and promote common open space for property owners or hotel occupants. The applicants reference an August 28, 2017 Hunden Strategic Partner’s Putnam County Hotel & Conference Center Market, Demand and Financial Study, though the same is not attached to the application.

The subject property is surrounded by both R-1 and AG-1 zoning, and it fronts one collector road (Collis Road) which will require operational improvements to safely accommodate the significant traffic volumes that will be generated from this development, if this rezoning is approved.

Although the Future Land Use Comprehensive Plan is Agriculture/Forestry in this area, there are several similar developments within a five-mile radius of the proposed location. Recent development trends also indicate that single family and

multifamily development will continue to occur in this area. However, staff finds the proposed rezoning will cause an excessive or burdensome use of public facilities and shall exceed the present or funded capabilities and will otherwise have an impact on the public health, safety, morality, or general welfare of Putnam County citizens.

ROAD ENGINEERING COMMENTS: (completed by Larry Kaiser)

Collis Road is a two-lane collector road with average pavement width of approximately 20 feet. Collis Road terminates at Wards Chapel Road, which is a major collector road. Adequate horizontal and vertical sight distance exists to the east and west of Wards Chapel Road for those vehicles exiting Collis Road. The intersection radius at Collis Road & Wards Chapel is adequate to facilitate the existing traffic demands.

Based on the traffic study submitted by the applicants, the proposed hotel development will increase daily traffic by 70% on Collis Road from the existing 1,331 two-way trips to 2,261 trips per day. The 70% increase in single axle 2000 pound pavement loads generated from passenger vehicles will induce accelerated pavement damage. The accelerated pavement damage associated with a 70% increase in single axle passenger vehicles is in itself **not a true reflection** of the impact to the roadway pavement. This increase in passenger traffic volume does not provide the entire story. The most impactful damage and significant loss of pavement serviceability will be associated with the 18,000 and 36,000 single axle loadings generated by construction traffic (tractor trailers, concrete trucks), and waste disposal trucks and service trucks once the hotel is in operation. For "pavement damage comparisons", a concrete truck results in approximately **4000 times more damage** to the pavement than a single axle passenger vehicle. Given the minimal asphalt thickness that currently exist on Collis Road, the county would expect that the pavement will begin to substantially deteriorate within a few months of construction commencing on this development. The form of distress will be pavement rutting (depressions in the wheel paths) and large areas of the roadway where asphalt will begin to disintegrate resulting in potholes. During the project construction period, estimated to be 15-24 months, the roadway will likely show areas of significant distress over 75% of the roadway and in some cases portions of the roadway will be impassable (without pavement maintenance being performed).

It should be noted that the traffic impact study memo from the applicants' engineer does not consider other types of traffic loadings once the hotel is in operation (as described in the aforementioned) nor does it account for traffic associated with conventions, events (as identified in the rezoning application) or other "hotel-related" activities/services that often exist with a luxury hotel. The floor area for "events" was not identified in the owner's application package. As such, it is estimated at an additional 200 trips per day.

It is my opinion that the proposed development will adversely impact the safety and operation of Collis Road the length of the road from Wards Chapel Road to the

proposed development. The construction traffic associated with this development will have a detrimental short- and long-term impact to the serviceability of the roadway pavement of Collis Road, thereby result in harm to the safe operation of Collis Road. In addition, the increase in traffic volume generated upon build-out of this development will result in accelerated deterioration of the roadway pavement and the intersection radius at Wards Chapel and Collis Road.

To offset the adverse impacts to the safe operation of Collis Road, roadway reclamation and resurfacing repair tasks should be undertaken on Collis Road, to include the following:

- ✓ Pavement Reconstruction of Collis Road. This construction method will consist of reclamation of the existing asphalt pavement, compacting the reclaimed materials and resurfacing the roadway with an asphalt surface course of 2 inches of 12.5 mm asphaltic concrete and a binder course of 3 inches of 19 mm asphaltic concrete (total length of Collis Road impacted from the development is 3000 feet – from Wards Chapel to the proposed entrance).
- ✓ Thermoplastic edge and centerline striping of Collis Road from Wards Chapel to proposed entrance.
- ✓ Shoulder rehabilitation & traffic control of Collis Road from Wards Chapel to proposed entrance, to include the construction of a 5-foot shoulder (minimum 2:1 slope) and roadside ditch
- ✓ Increasing the radii of the intersection of Wards Chapel at Collis Road to a minimum of 30 feet with the widened section to be constructed with 6 inches of graded aggregate base and 2.5 inches of 12.5 mm asphaltic concrete.

On May 29, 2020, the Board of Commissioners (“Board”) entered into a development agreement with the applicants that obligates the Board to improve Collis Road from Wards Chapel to the proposed development entrance in accordance with the terms described by Mr. Kaiser in exchange for the applicants’ agreement to construction a hotel in accordance with site plans attached thereto. As the hotel site plans are the same as the plans submitted for the proposed hotel development in the applicant’s rezoning application, Collis Road will be improved to address Mr. Kaiser’s concerns if the development is in accordance with the submitted hotel plans.

Staff recommendation is for approval of the proposed rezoning, subject to the following conditions:

- 1. To restrict the available uses of the property as follows:**
 - a. Hotel**
 - i. The hotel shall substantial conform to the submitted scaled conceptual plans and renderings submitted in support of the proposed rezoning application, to**

- include the buildings, ingress and egress improvements, and other structures;
- ii. No more than ten percent (10%) of the total number of guest rooms may contain stoves, conventional ovens or full-size refrigerators (larger than 11.5 cubic feet). No more than ten percent (10%) of the total number of guest rooms shall be rented or leased by the same person for continuous periods in excess of ten (10) days;
 - iii. Buildings shall be constructed of brick and/or stacked stone on all sides. The hotel building may utilize contrasting architectural metal panels or accents;
 - iv. Not to exceed the proposed total of 175 room as stated in the application. Any increase beyond this total will require approval from the Board of Commissioner;
2. The application of green infrastructure (bioswales/biorention, etc) in combination of water quality retention ponds, will require implementation to minimize the negative effects of imperviousness and stormwater runoff to the water quality of Lake Oconee. The Georgia Stormwater Manual will be applied to the project under review. The manual's water quality template will be used to assess the various water quality BMP options.
 3. Provide at least one 3-inch caliper tree per 3 parking spaces. Trees shall be placed in tree islands within the footprint of the parking lot. Location of trees shall be determined by the county during the site development review (LDP phase). Provide two – 3-inch caliper trees per 100 feet on the shoulder of all roadways within the development. Trees to be placed on both sides of all internal roads. Specific location of the trees adjacent to the internal roads to be determined by the county during the site development review process. These tree plantings shall not preclude the developer from installing additional vegetation as he/she deems appropriate.
 4. Provide a 25-foot-wide densely planted landscape buffer along the property line on Doug Lane and where the property abuts residential parcels on Collis Marina Road. The additional plantings shall provide a 75% buffer within 3 years of planting. Landscape plan and species to be approved during the development review phase.
 5. Emergency exit required on Collis Marina Road. Emergency exit shall not be paved. "Grass Crete" or similar product shall be used as the surface treatment for this access. A removable bollard (s)

or similar barrier shall be used with only emergency services being provided entryway

- 6. Preserve a 20’ non-buildable strip along the Collis Road frontage measured from edge of right-of-way. The purpose of this condition is for future county acquisition as right-of-way.**
- 7. A minimum of 65 feet building setback from Lake Oconee will be required. This includes all structures and stormwater management facilities. Walkways/paths and boat docks are excluded from this setback requirement.**
- 8. Development shall have only one (1) vehicular access. Access shall be from Collis Road.**
- 9. Map 104, parcel 030, map 104 parcel 032, map 104 parcel 032001, map 104, parcel 033 and map 104 B, parcel 001, must be combined and cannot be used or sold as a standalone parcel.**
- 10. This rezoning shall be conditioned upon the resurveying and recordation of the plat as stated in Section 66-165 (e)(3) of the Putnam County Code of Ordinances.**

PLANNING & ZONING COMMISSION RECOMMENDATION:

Planning & Zoning Commission’s recommendation is for approval to rezone 21.40 acres on Collis Road from AG-1 to RM-3 [Map 104, Parcel 032001, District 3] with the following conditions:

- 1. To restrict the available uses of the property as follows:*
 - a. Hotel*
 - i. The hotel shall substantial conform to the submitted scaled conceptual plans and renderings submitted in support of the proposed rezoning application, to include the buildings, ingress and egress improvements, and other structures;*
 - ii. No more than ten percent (10%) of the total number of guest rooms may contain stoves, conventional ovens or full-size refrigerators (larger than 11.5 cubic feet). No more than ten percent (10%) of the total number of guest rooms shall be rented or leased by the same person for continuous periods in excess of ten (10) days;*
 - iii. Buildings shall be constructed of brick and/or stacked stone on all sides. The hotel building may utilize contrasting architectural metal panels or accents;*
 - iv. Not to exceed the proposed total of 175 room as stated in the application. Any increase beyond this total will require approval from the Board of Commissioner;*

2. *The application of green infrastructure (bioswales/biorention, etc) in combination of water quality retention ponds, will require implementation to minimize the negative effects of imperviousness and stormwater runoff to the water quality of Lake Oconee. The Georgia Stormwater Manual will be applied to the project under review. The manual's water quality template will be used to assess the various water quality BMP options.*
3. *Provide at least one 3-inch caliper tree per 3 parking spaces. Trees shall be placed in tree islands within the footprint of the parking lot. Location of trees shall be determined by the county during the site development review (LDP phase). Provide two – 3-inch caliper trees per 100 feet on the shoulder of all roadways within the development. Trees to be placed on both sides of all internal roads. Specific location of the trees adjacent to the internal roads to be determined by the county during the site development review process. These tree plantings shall not preclude the developer from installing additional vegetation as he/she deems appropriate.*
4. *Provide a 25-foot-wide densely planted landscape buffer along the property line on Doug Lane and where the property abuts residential parcels on Collis Marina Road. The additional plantings shall provide a 75% buffer within 3 years of planting. Landscape plan and species to be approved during the development review phase.*
5. *Emergency exit required on Collis Marina Road. Emergency exit shall not be paved. "Grass Crete" or similar product shall be used as the surface treatment for this access. A removable bollard (s) or similar barrier shall be used with only emergency services being provided entryway*
6. *Preserve a 20' non-buildable strip along the Collis Road frontage measured from edge of right-of-way. The purpose of this condition is for future county acquisition as right-of-way.*
7. *A minimum of 65 feet building setback from Lake Oconee will be required. This includes all structures and stormwater management facilities. Walkways/paths and boat docks are excluded from this setback requirement.*
8. *Development shall have only one (1) vehicular access. Access shall be from Collis Road.*
9. *Map 104, parcel 030, map 104 parcel 032, map 104 parcel 032001, map 104, parcel 033 and map 104 B, parcel 001, must be combined and cannot be used or sold as a standalone parcel.*

10. This rezoning shall be conditioned upon the resurveying and recordation of the plat as stated in Section 66-165 (e)(3) of the Putnam County Code of Ordinances.

PLANNING & ZONING COMMISSION MINUTES:

The Putnam County Planning & Zoning Commission conducted a public hearing on Thursday June 4, 2020 at 6:30 p.m. in the Putnam County Administration Building, 117 Putnam Drive, Room 203, Eatonton, Georgia.

Present: Chairman James Marshall, Jr., Member Maurice Hill, Jr., Member Martha Farley
Staff Present: Lisa Jackson, Courtney Andrews, Lynn Butterworth, Adam Nelson, Putnam County Attorney

The following items 14-18 were heard together.

- 14. Request by **Howard McMichael, agent for Oconee Overlook, LLC & Lick Creek Holding's LLC** to rezone 2.14 acres on Collis Road from R-1 to RM-3. **[Map 104, Parcel 030, District 3]. ***
- 15. Request by **Howard McMichael, agent for Lick Creek Holding's LLC** to rezone 21.40 acres on Collis Road from AG-1 to RM-3. **[Map 104, Parcel 032001, District 3]. ***
- 16. Request by **Howard McMichael, agent for Mallard's Overlook, LLC** to rezone 29.58 acres on Collis Road from AG-1 to RM-3. **[Map 104, Parcel 032, District 3]. ***
- 17. Request by **Howard McMichael, agent for Oconee Overlook, LLC & Lick Creek Holding's LLC** to rezone 3.5 acres on Collis Road from R-1 to RM-3. **[Map 104, Parcel 033, District 3]. ***
- 18. Request by **Howard McMichael, agent for Oconee Overlook, LLC** to rezone 0.63 acres/27,298 sq. ft. on Doug Lane from R-1 to RM-3. **[Map 104B, Parcel 001, District 3]. ***

Attorney Doug Dillard represented this request. He stated that Jeff Haymore and himself would be representing the applicants. He added that he would be discussing the important points that they think should be considered tonight. **Attorney Dillard** stated that he has given the board a book and advised them to look at Tab 1. On Tab 1 there is an aerial that is also on Tab 2. He added that last December, the board recommended for approval. At that time, Members Pierson and Hill, asked about Collis Road widening. As the staff report notes, his clients and the county, had signed a development agreement which resolves that issue. **Attorney Dillard** stated that later in the presentation he will discuss the traffic study on Tab 6&7. The issues of the traffic study were resolved by the development agreement. **Attorney Dillard** added that the properties are zoned agriculture and R-1. They submit to the board that these classifications are unconstitutional. Particular to AG, Tab 3 shows that the uses under AG are not compatible with the uses that are consistent in the area. You can have a slaughterhouse, meat processing plant, and the like of other agriculture uses that is certainly not something you would want to

happen. If the property is not rezoned, those are the uses that this property is left with. **Attorney Dillard** stated that the uses are not reasonable, nor are they economical. He added that the conceptual plan and renderings are on Tab 4 and proposes 175 units. This will be a high-end hotel, Marriott, Hilton, Hyatt, etc. The resort will have a nautical decor and a laid-back environment where people can relax and enjoy the lake. The hotel will have two restaurants not unlike Reynolds Plantation. **Attorney Dillard** stated that they have major entities that are interested in developing the property with them and are major players in Atlanta and throughout the South East and United States. He added that the economic impact of this development is significant. In 2017, Putnam County approved and funded the hotel study and found that the hotel facilities were inadequate in Putnam County. On page 3 of the outline, it discusses annual tax sales, hotel motel tax, food and beverage, and the benefits to the county. **Attorney Dillard** stated that although they have submitted a hotel concept plan for 175 units, they also have an alternative use of a townhouse development that is on Tab 7. The board has seen this plan before. It will be 124 units, 6 buildings with 4 units each and 20 buildings with 5 units each. He added that all the opponents have a more intense zoning than they have. Tab 2 shows the area around the subject property zoned to higher density or multi-use classification. The townhome concept proposes 124 townhome units with a density of 2.18. The hotel concept proposes 175 units with a density just about 3 units per acre. By contrast, the Enclave Townhomes has 18 units on 2.68 acres for a net density of 6.7 units per acre. Waterfront Condominiums has 72 units with a density of 8 units per acre. The proposed density is substantially less than properties similarly situated. **Attorney Dillard** stated that they submit that the project would be a third of the development already in place, near this property. There will be no access to and from this property off Doug Lane. **Attorney Dillard** stated that they will get all the necessary government improvements. They have spoken with EPD, DNR, US Fish and Wildlife, etc. to be in accordance with existing state and federal regulations. He added that they oppose the staff recommendations. Staff has recommended certain conditions that properties around them do not have. **Attorney Dillard** stated that he appreciates the staff recommending for approval, but they ask that it be approved without added conditions. He asked to reserve the remainder of his time.

At this time, those who signed in to speak in favor of the rezoning request on Collis Road and Doug Lane, were given 3 minutes each to speak.

- Josh Sprayberry**
- Kip Oldham**
- Howard McMichael**
- Lauren Sprayberry**
- Walt C. Rucker III**
- Brandon Burgess**
- David Collis**
- Jeff Haymore**
- Cynthia Wallace**

At this time, those who signed in to speak in opposition of the rezoning request on Collis Road and Doug Lane, were given 3 minutes each to speak.

- Ron Ryland**
- Denise Moore**
- Steve Burgess**
- Kristie McLeod**
- Kathy Wardlaw**
- Pete Wardlaw**
- Debbie Wilcox**
- Jeff McLeod**
- Rex Bishop**
- Carl Anderson**
- John Culpepper**

Chairman Marshall asked Mr. Dillard why he felt that they should not be held to the conditions. **Mr. Dillard** stated that his clients are being imposed with conditions that are not imposed on other similarly situated properties. **Chairman Marshall** stated that this was an erroneous assumption. **Josh Sprayberry** stated that there were no conditions on Great Waters, Waterfront or Cuscowilla. He added that the zoning conditions on the RM-2 development at the end of the Collis Marina only has 4 conditions. **Mr. Sprayberry** stated that the Ritz Carlton, a top tier hotel, is not constructed in that manner. He asked why they should be subject to something more stringent to that of the Ritz Carlton. He read lines from the staff recommendation comparing conditions to other developments that he felt was unfair. **Chairman Marshall** asked what the 21-acre tract would be used as. **Mr. Sprayberry** said that it will be used as green space. They don't have any development plans.

Kitty Burgess stated that because there is nothing shown on the 21 acres and as they look at the ordinance, it says that it must be shown on the plan. She added that if the county is not going to require that, why do they need zoning. **Mrs. Burgess** stated that the board should vote only on what is shown and come back to the 21-acre tract later.

Mr. Haymore said that the concept plan met the requirements as stated in Putnam County Code of Ordinances Chapter 66-161(c).

Staff recommendation is for approval of the proposed rezoning, subject to the following conditions:

- 1. To restrict the available uses of the property as follows:**
 - a. Hotel**
 - i. The hotel shall substantial conform to the submitted scaled conceptual plans and renderings submitted in support of the proposed rezoning application, to include the buildings, ingress and egress improvements, and other structures;**
 - ii. No more than ten percent (10%) of the total number of guest rooms may contain stoves, conventional**

- ovens or full-size refrigerators (larger than 11.5 cubic feet). No more than ten percent (10%) of the total number of guest rooms shall be rented or leased by the same person for continuous periods in excess of ten (10) days;**
- iii. Buildings shall be constructed of brick and/or stacked stone on all sides. The hotel building may utilize contrasting architectural metal panels or accents;**
 - iv. Not to exceed the proposed total of 175 room as stated in the application. Any increase beyond this total will require approval from the Board of Commissioner;**
- 2. The application of green infrastructure (bioswales/biorention, etc) in combination of water quality retention ponds, will require implementation to minimize the negative effects of imperviousness and stormwater runoff to the water quality of Lake Oconee. The Georgia Stormwater Manual will be applied to the project under review. The manual's water quality template will be used to assess the various water quality BMP options.**
 - 3. Provide at least one 3-inch caliper tree per 3 parking spaces. Trees shall be placed in tree islands within the footprint of the parking lot. Location of trees shall be determined by the county during the site development review (LDP phase). Provide two – 3-inch caliper trees per 100 feet on the shoulder of all roadways within the development. Trees to be placed on both sides of all internal roads. Specific location of the trees adjacent to the internal roads to be determined by the county during the site development review process. These tree plantings shall not preclude the developer from installing additional vegetation as he/she deems appropriate.**
 - 4. Provide a 25-foot-wide densely planted landscape buffer along the property line on Doug Lane and where the property abuts residential parcels on Collis Marina Road. The additional plantings shall provide a 75% buffer within 3 years of planting. Landscape plan and species to be approved during the development review phase.**
 - 5. Emergency exit required on Collis Marina Road. Emergency exit shall not be paved. "Grass Crete" or similar product shall be used as the surface treatment for this access. A removable bollard (s) or similar barrier shall be used with only emergency services being provided entryway**

- 6. Preserve a 20' non-buildable strip along the Collis Road frontage measured from edge of right-of-way. The purpose of this condition is for future county acquisition as right-of-way.**
- 7. A minimum of 65 feet building setback from Lake Oconee will be required. This includes all structures and stormwater management facilities. Walkways/paths and boat docks are excluded from this setback requirement.**
- 8. Development shall have only one (1) vehicular access. Access shall be from Collis Road.**
- 9. Map 104, parcel 030, map 104 parcel 032, map 104 parcel 032001, map 104, parcel 033 and map 104 B, parcel 001, must be combined and cannot be used or sold as a standalone parcel.**
- 10. This rezoning shall be conditioned upon the resurveying and recordation of the plat as stated in Section 66-165 (e)(3) of the Putnam County Code of Ordinances.**

Motion to approve the request by **Howard McMichael, agent for Oconee Overlook, LLC & Lick Creek Holding's LLC** to rezone 2.14 acres on Collis Road from R-1 to RM-3, and by **Howard McMichael, agent for Lick Creek Holding's LLC** to rezone 21.40 acres on Collis Road from AG-1 to RM-3, and **Howard McMichael, agent for Mallard's Overlook, LLC** to rezone 29.58 acres on Collis Road from AG-1 to RM-3, and **Howard McMichael, agent for Oconee Overlook, LLC & Lick Creek Holding's LLC** to rezone 3.5 acres on Collis Road from R-1 to RM-3, and **Howard McMichael, agent for Oconee Overlook, LLC** to rezone 0.63 acres/27,298 sq. ft. on Doug Lane from R-1 to RM-3 with the following conditions:

1. To restrict the available uses of the property as follows:
 - a. Hotel
 - i. The hotel shall substantial conform to the submitted scaled conceptual plans and renderings submitted in support of the proposed rezoning application, to include the buildings, ingress and egress improvements, and other structures;
 - ii. No more than ten percent (10%) of the total number of guest rooms may contain stoves, conventional ovens or full-size refrigerators (larger than 11.5 cubic feet). No more than ten percent (10%) of the total number of guest rooms shall be rented or leased by the same person for continuous periods in excess of ten (10) days;
 - iii. Buildings shall be constructed of brick and/or stacked stone on all sides. The hotel building may utilize contrasting architectural metal panels or accents;
 - iv. Not to exceed the proposed total of 175 room as stated in the application. Any increase beyond this total will require approval from the Board of Commissioner;

2. The application of green infrastructure (bioswales/biorention, etc) in combination of water quality retention ponds, will require implementation to minimize the negative effects of imperviousness and stormwater runoff to the water quality of Lake Oconee. The Georgia Stormwater Manual will be applied to the project under review. The manual's water quality template will be used to assess the various water quality BMP options.
3. Provide at least one 3-inch caliper tree per 3 parking spaces. Trees shall be placed in tree islands within the footprint of the parking lot. Location of trees shall be determined by the county during the site development review (LDP phase). Provide two – 3-inch caliper trees per 100 feet on the shoulder of all roadways within the development. Trees to be placed on both sides of all internal roads. Specific location of the trees adjacent to the internal roads to be determined by the county during the site development review process. These tree plantings shall not preclude the developer from installing additional vegetation as he/she deems appropriate.
4. Provide a 25-foot-wide densely planted landscape buffer along the property line on Doug Lane and where the property abuts residential parcels on Collis Marina Road. The additional plantings shall provide a 75% buffer within 3 years of planting. Landscape plan and species to be approved during the development review phase.
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6. Preserve a 20' non-buildable strip along the Collis Road frontage measured from edge of right-of-way. The purpose of this condition is for future county acquisition as right-of-way.
7. A minimum of 65 feet building setback from Lake Oconee will be required. This includes all structures and stormwater management facilities. Walkways/paths and boat docks are excluded from this setback requirement.
8. Development shall have only one (1) vehicular access. Access shall be from Collis Road.
9. Map 104, parcel 030, map 104 parcel 032, map 104 parcel 032001, map 104, parcel 033 and map 104 B, parcel 001, must be combined and cannot be used or sold as a standalone parcel.
10. This rezoning shall be conditioned upon the resurveying and recordation of the plat as stated in Section 66-165 (e)(3) of the Putnam County Code of Ordinances

Made by Member Farley, Seconded by Chairman Marshall
Voting Yea: Chairman Marshall, Member Farley
Voting to Abstain: Member Hill (conflict of interest)

RECEIVED
MAY 26 2020
Cyo



Jeffrey S. Haymore
404.665.1243

Email:
jhaymore@dillardsellers.com

May 26, 2020

VIA E-MAIL: anelson@flemingnelson.com

Putnam County Board of Commissioners
c/o Adam Nelson, Esq.
Fleming & Nelson, LLP
631 Ronald Reagan Dr. # 102
Evans, Georgia 30809

Re: Rezoning for Mallard's Cove: Map 104, Parcel 030 (2.14 acres), District 3; Map 104, Parcel 032, District 3 (50.8 acres); Map 104B, Parcel 001, District 3 (.63 acres); Map 104, Parcel 033, District 3 (3.5 acres) (total 57.07 acres).

Dear Adam:

My clients and I would look forward to the upcoming June 4, 2020 and June 16, 2020 public hearings in front of the Putnam County Planning and Zoning Commission and the Board of Commissioners, respectively. My clients have worked hard to seek the RM-3 zoning needed to use their property in a constitutional manner and that will be of benefit to the County and its residents. I am sure you and your client feel the same way about the County's efforts regarding the rezoning.

As you know, my clients are amenable to certain zoning conditions being imposed should the Board rezone their property to the RM-3 zoning district. Those zoning conditions are set forth in the word document included in my February 5, 2020 e-mail to you, which is incorporated herein by reference.

As you also know, the width of Collis Road has been raised by adjacent neighbors as a main concern to any rezoning.¹ To ameliorate such concern, my clients and the County have agreed to enter into a development agreement by which my clients would dedicate certain land for the widening and the County will perform the road widening. Rezoning approved conditioned on an agreement by the rezoning applicant to dedicate land for road improvements is valid where the

¹ I note that numerous developments in Mallard's Cove which are accessed via Collis Road have been rezoned to RM-3 despite the current 20' width of Collis Road (like all other county roads). In not one of those rezoning cases, did Staff object to rezoning based on road width. More importantly, in not one of those cases did the County condition the approval on road widening or any other dedication requirements. Some neighbors that have expressed opposition to my client's rezoning based on road width live in those RM-3 developments.



record "shows that the rezoning of this property was based on a myriad of conditions, which were imposed for the protection of neighboring property owners in order to ameliorate the effects of the zoning change." *Johnson v. Glenn*, 246 Ga. 685 (1980) citing *Cross v. Hall County*, 238 Ga. 709, 713 "Generally, such conditions will be upheld when they were imposed pursuant to the police power for the protection or benefit of neighbors to ameliorate the effects of the zoning change." *Cross v. Hall County*, 238 Ga. 709, 713; See also *Warshaw v. City of Atlanta*, 250 Ga. 535, 536 (1983) (where neighbors raise insufficient parking and late hours of operation as concerns at public hearing, a rezoning conditioned on additional parking and closure of business during specified hours is valid citing *Cross v. Hall County*, 238 Ga. 709, 713 (1977)). As held in *Cross*, where neighboring landowners who opposed rezoning state at the public hearing that the road leading to the use needed paving, a rezoning condition requiring the applicant to pave the road is a valid zoning condition because it ameliorates the effects of the zoning condition. *Cross*, 238 Ga. at 713. Furthermore, such a rezoning condition imposed for the protection or benefit of neighbors cannot be attacked successfully by those neighbors. *Cross*, 713.

It is important to note, notwithstanding *Cross* but for purposes of DIFA, that my clients consent to the dedication of land for the Collis Road widening, as evidenced by entering into the development agreement. That agreement must include, for reasons explained below, a provision that should the County impose restriction on permitted or accessory uses otherwise allowed in the RM-3 zoning district as a condition of zoning, that the requirement to dedicate land is rendered null and void. I offer the following language for the County's consideration:

"Notwithstanding anything to the contrary herein, in the event the Board of Commissioners by zoning condition restricts the permitted principal and accessory uses to less than those as set forth in Code Sec. 66-96, the requirement to dedicate land shall be null and void."

As stated in my letters dated January 3, 2020 and February 20, 2020, my clients object to rezoning to the RM-3 zoning district on condition that use of their property is restricted to any use less than the full list of permitted principal and accessory uses set forth in the RM-3 zoning district regulations. While my clients fully intend to develop the property as a hotel, the basis of their objection is two-fold. First, such restriction would unreasonably and unconstitutionally discriminate against my clients when compared to similarly situated developments noted in footnote 1 and also Cuscowilla, Great Waters and Kingston, which are not subject to such condition. Second, there is no evidence that such a zoning condition will protect the public interest and therefore constitute a valid exercise of the police power, especially since similarly situated developments are used for the very uses that the County may be contemplating to preclude use of my clients' property . A zoning condition is arbitrary and capricious where there is no evidence that the condition would protect the public interest in which case the trial court is authorized to strike down such condition. *Board of Zoning Adjustment of City of Atlanta v. Murphy*, 211 Ga. App. 120 (1993); *Barrett v. Hamby*, 235 Ga. 262, 266 (1975). Zoning conditions not imposed to ameliorate adverse effects but merely for the sake of limitation, "are generally invalid" *Cross*, 238 Ga. at 713.

Subject to the inclusion of the contingency language in the development agreement regarding any use restriction condition, my clients are ready, willing, and able to execute the



development agreement prior to the June 4, 2020 Planning & Zoning Commission hearing.

Please call me to discuss at your earliest convenience to discuss the matter, including the logistics of agreement finalization and signature.

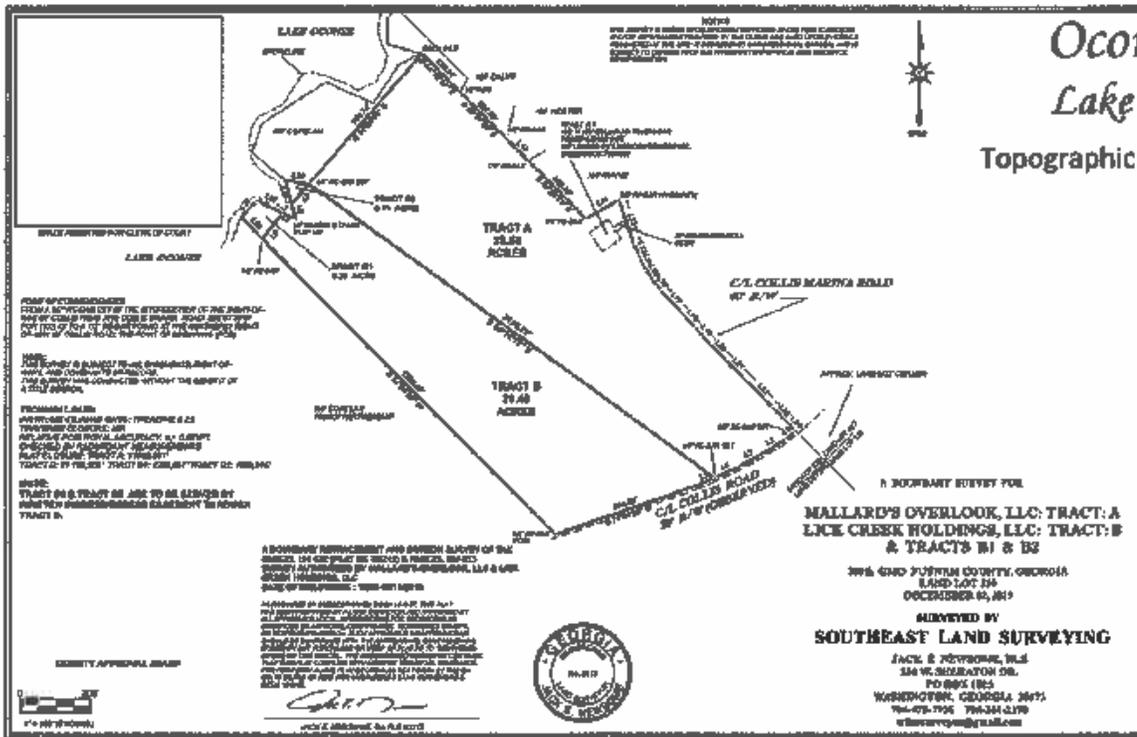
Sincerely,

A handwritten signature in blue ink, appearing to read "Jeffrey S. Haymore".

Jeffrey S. Haymore, Esq.

Cc (via e-mail):

Josh Sprayberry
Lauren Sprayberry
Lisa Jackson
G. Douglas Dillard, Esq.
Howard McMichael, Jr.



Oconee Overlook Lake Oconee, Georgia

Topographic and Boundary Survey
Rotated in Presentations

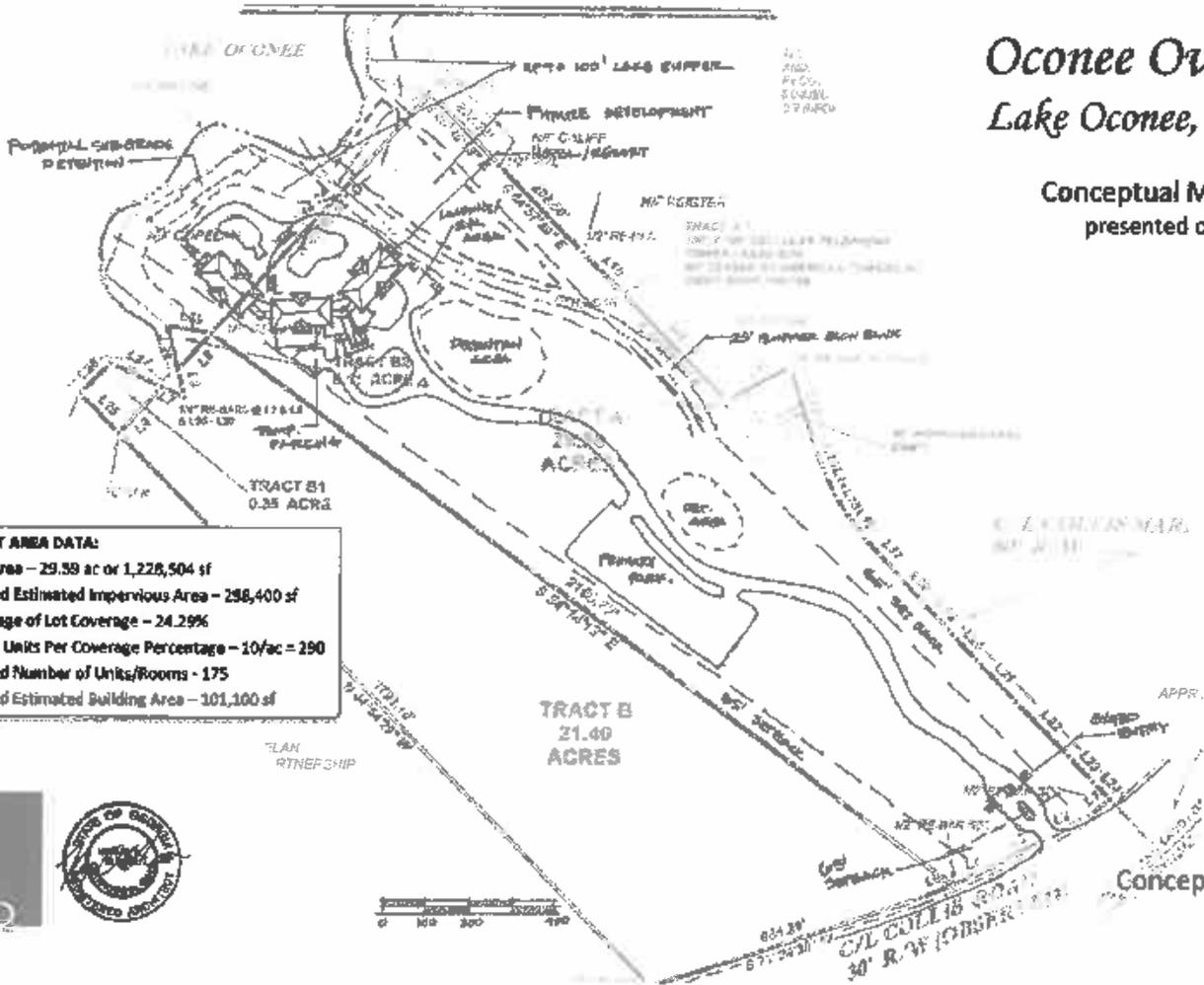
Conceptual Imagery
May 2020

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Oconee Overlook Lake Oconee, Georgia

Conceptual Master Plan
presented on actual plat



PROJECT AREA DATA:
 Parcel Area - 29.58 ac or 1,228,504 sf
 Proposed Estimated Impervious Area - 298,400 sf
 Percentage of Lot Coverage - 24.29%
 Allowed Units Per Coverage Percentage - 10/ac = 290
 Proposed Number of Units/Rooms - 175
 Proposed Estimated Building Area - 101,100 sf



Conceptual Imagery
May 2020

RCUD 2020 MAY 19 *Cja*

Oconee Overlook Lake Oconee, Georgia Conceptual Resort Plan



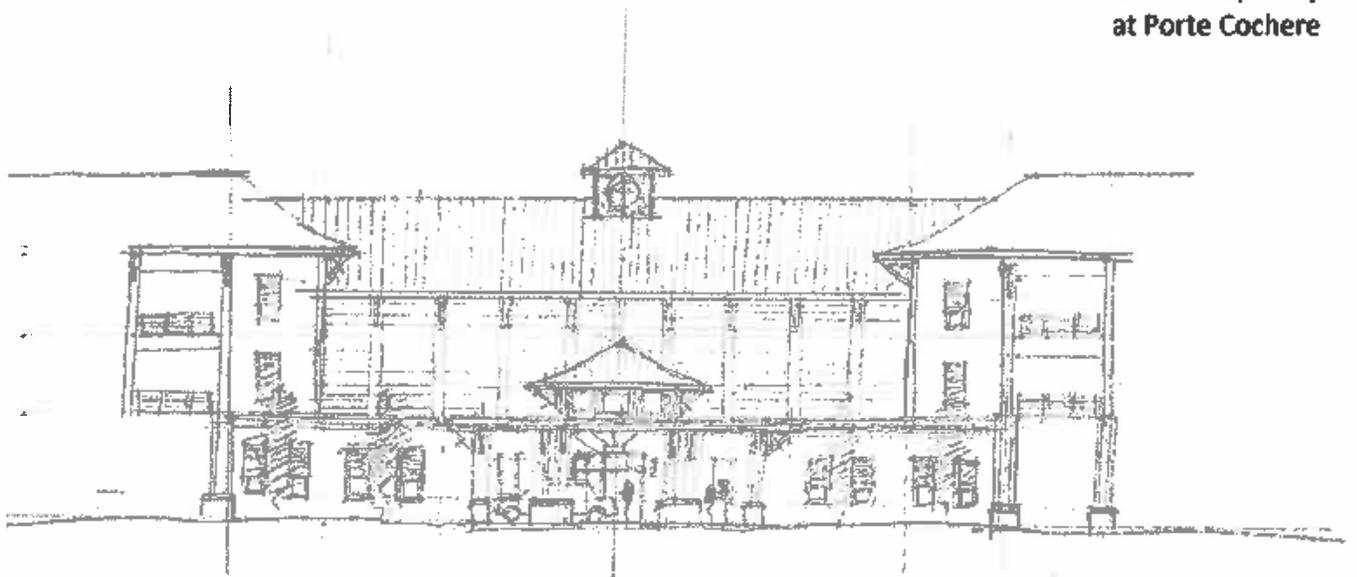
Conceptual Imagery
May 2020



RCUD 2020 MAY 19 *Gja*

Oconee Overlook Lake Oconee, Georgia

Main Lobby Entry
at Porte Cochere

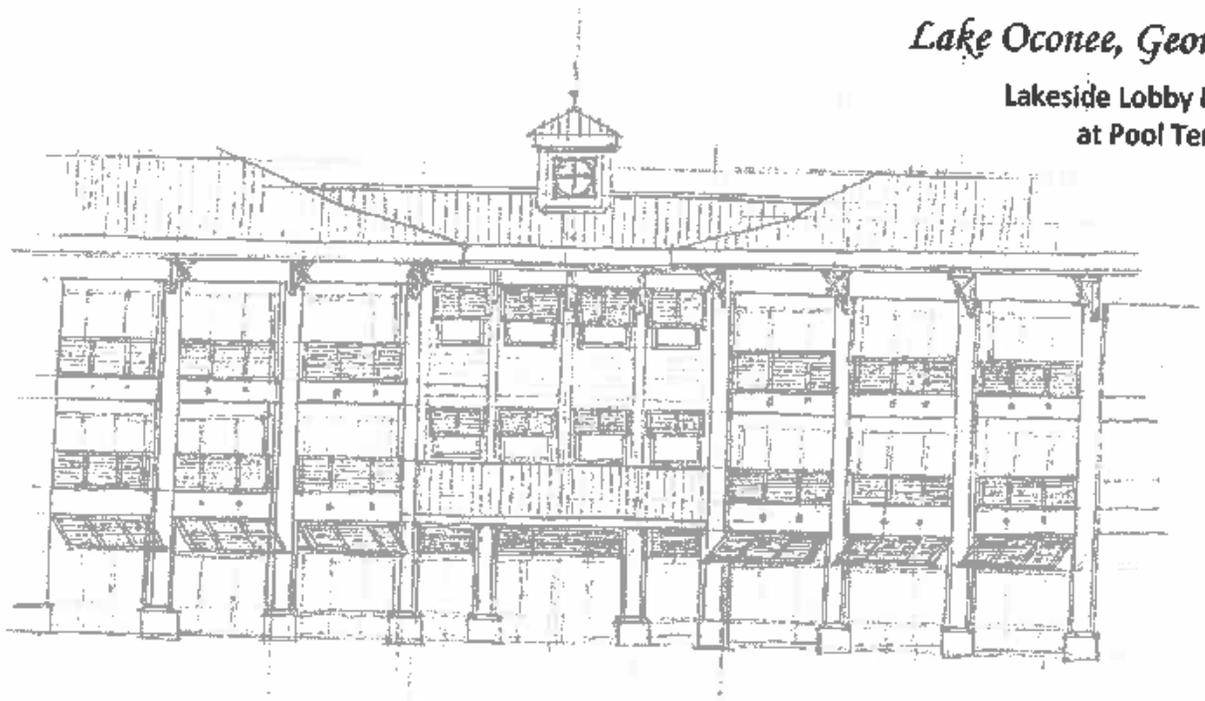


Conceptual Imagery
May 2020

RCUD 2020 MAY 18 *Gja*

Oconee Overlook
Lake Oconee, Georgia

Lakeside Lobby Entry
at Pool Terrace

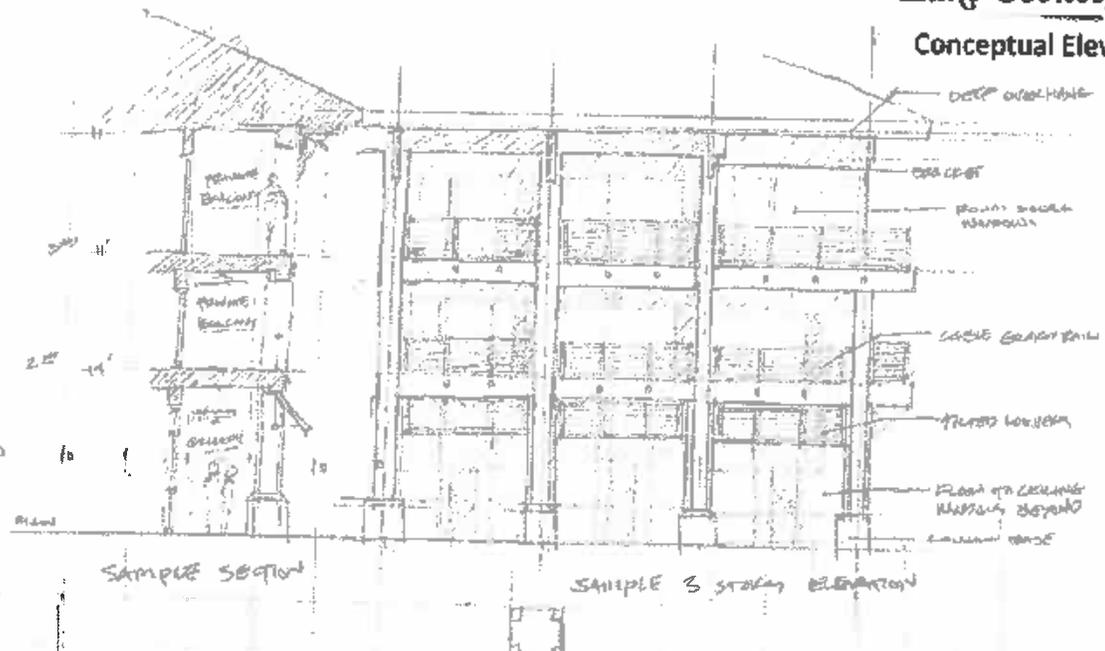


Conceptual Imagery
May 2020

RCUD 2020 MAY 18 *Cja*

Oconee Overlook Lake Oconee, Georgia

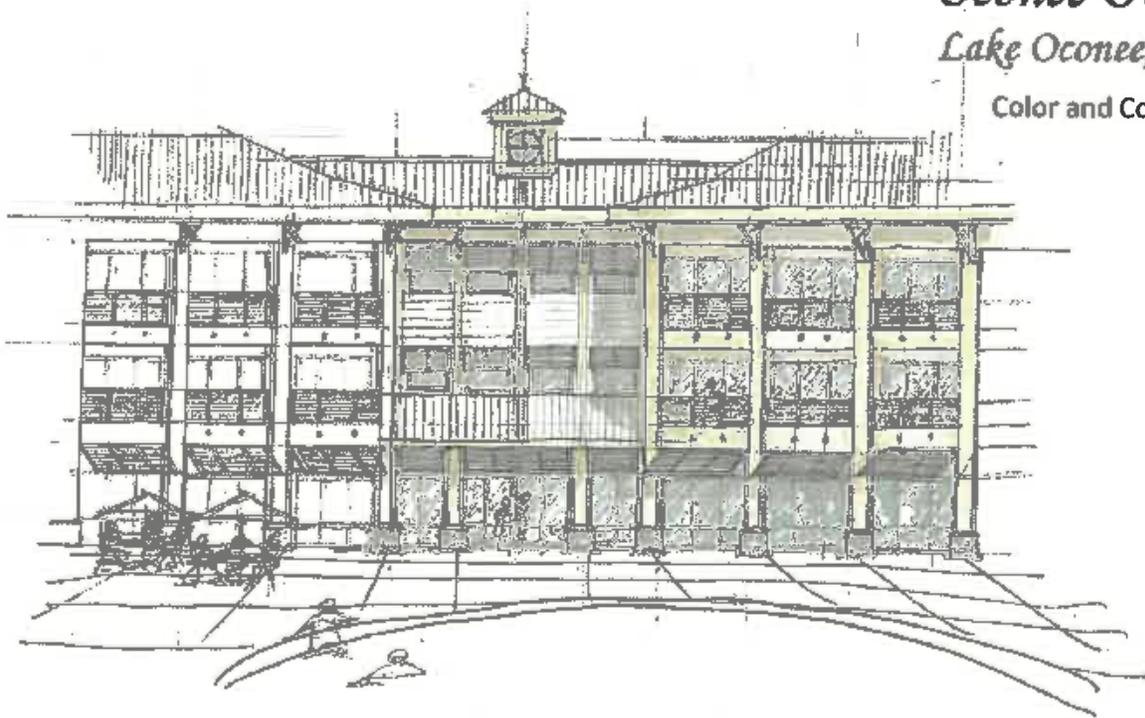
Conceptual Elevation Detail and Section



Conceptual Imagery
May 2020

REVISION 2020 MAY 19
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Oconee Overlook
Lake Oconee, Georgia
Color and Context Study



Conceptual Imagery
May 2020

RCUD 2020 MAY 19 *ga*



Jeffrey S. Haymore
404.665.1243

Email:
jhaymore@dillardsellers.com

May 8, 2020

VIA E-MAIL: ljackson@putnamcountygva.us

Lisa Jackson
Putnam County Director of Planning & Development
117 Putnam Drive
Eatonton, Georgia 31024

Re: **Rezoning for Mallard's Cove: Map 104, Parcel 030 (2.14 acres), District 3; Map 104, Parcel 032, District 3 (50.8 acres); Map 104B, Parcel 001, District 3 (.63 acres); Map 104, Parcel 033, District 3 (3.5 acres) (total 57.07 acres).**

Dear Lisa:

Please find enclosed an updated concept plan for the hotel concept by Kip Oldham, AIA, of the KAOD firm. In addition, please find enclosed illustrative façade renderings of the hotel which were requested by Commissioner Irvin. These submissions are in addition to the previous submissions on file with you office, including the impact analysis, concept plan and traffic study for the townhome concept (Option A-1) and the impact analysis, concept plan and traffic study for the hotel concept (Option A-2).

As you know, my clients seek rezoning to the RM-3 zoning district for the subject properties. That district includes both townhomes and hotels as permitted principal uses. Like all other property owners, including the Cuscowilla development and other proximate developments, my clients seek flexibility to use their property consistent with the RM-3 zoning district regulations for either use option depending on market viability. As developers, they understand that any development must comply with apply local, state and federal requirements. They are committed to that and have expended substantial resources in seeking to show such compliance.

As you know, the rezoning application was filed October 31, 2019. The Planning & Zoning Commission heard this rezoning application at both its December 5, 2019 and December 30, 2019 meetings. The Board of Commissioners heard this rezoning application at its January 3, 2020 meeting. At each of those meetings, the Planning and Community Development Department's recommendation was for conditional approval of the RM-3 zoning. Since the Board of Commissioners referred the application back to the Planning and Zoning Commission, my clients

have provided additional submissions at the Department's request, including a traffic study, concept plan (including today's updated concept plan_ and impact analysis for the hotel use. In fact, the original hotel concept plan was created and provided to the County only two days after our meeting on February 3, 2020 with the understanding that if so provided, the rezoning application would be heard at the February 11, 2020 Planning Commission meeting. The County decided it needed more time to review those submissions and we obliged the County's request to reschedule the hearing from February 11, 2020 to its March 5, 2020 meeting. A hearing on my clients' rezoning application was scheduled and noticed before the Planning Commission on March 5, 2020. Unfortunately, the county's advertisement for that hearing contained a deficiency and the hearing on my clients' rezoning application was cancelled. Additional regularly scheduled hearings in April and May of the Planning and Zoning Commission were cancelled due to COVID-19. My clients have worked tirelessly on pursuing use of the subject properties as reflected in the rezoning application. In addition they are committed to address the county's desire for a wider Collis Road. Now more than seven months since the rezoning application was filed, my clients respectfully request and indeed respectfully demand that a public hearing on the rezoning application be advertised for and held at the June 4, 2020 Planning and Zoning Commission and at the June 16, 2020 Board of Commissioners meeting. While more information could always be provided by any rezoning applicant, my clients' submittals to date more than satisfy the submittal requirements of the Putnam County Code. For example, renderings of proposed buildings are not a submittal requirement of Sec. 66-161(c). However, my client gladly has provided these for the hotel concept as requested by a member of the Board of Commissioners.

Please advise by response e-mail to me and my clients whether the County intends to proceed as requested herein. I ask that you send me a copy of the draft advertisement of the public hearing for these meetings for my review prior to sending to the Eatonton Messenger for publication.

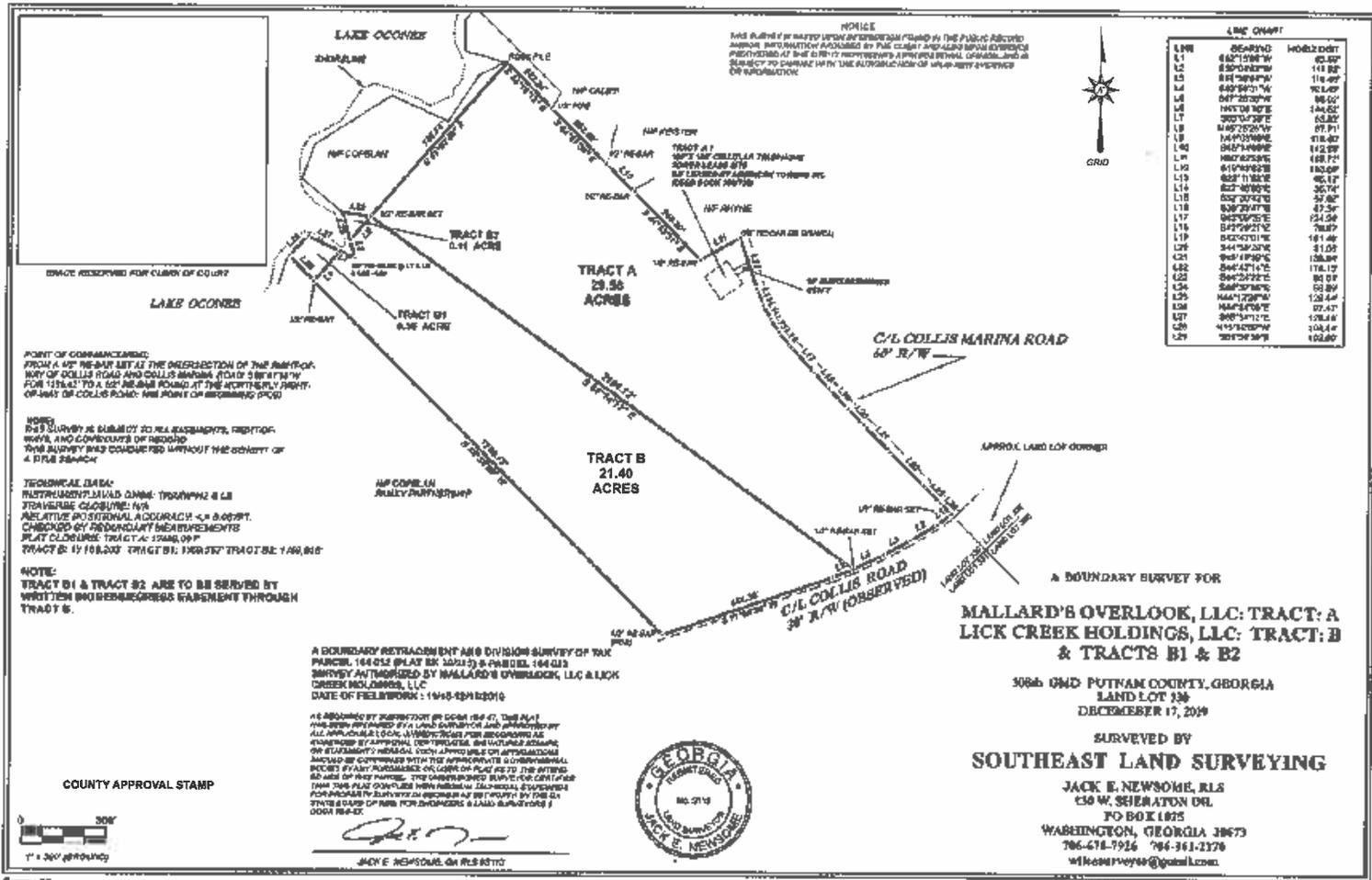
Sincerely,

 Jeffrey S. Haymore, Esq.

Cc (via e-mail):

- Adam Nelson, Esq.
- Josh Sprayberry
- Lauren Sprayberry
- Kip Oldham
- Doug Dillard, Esq.

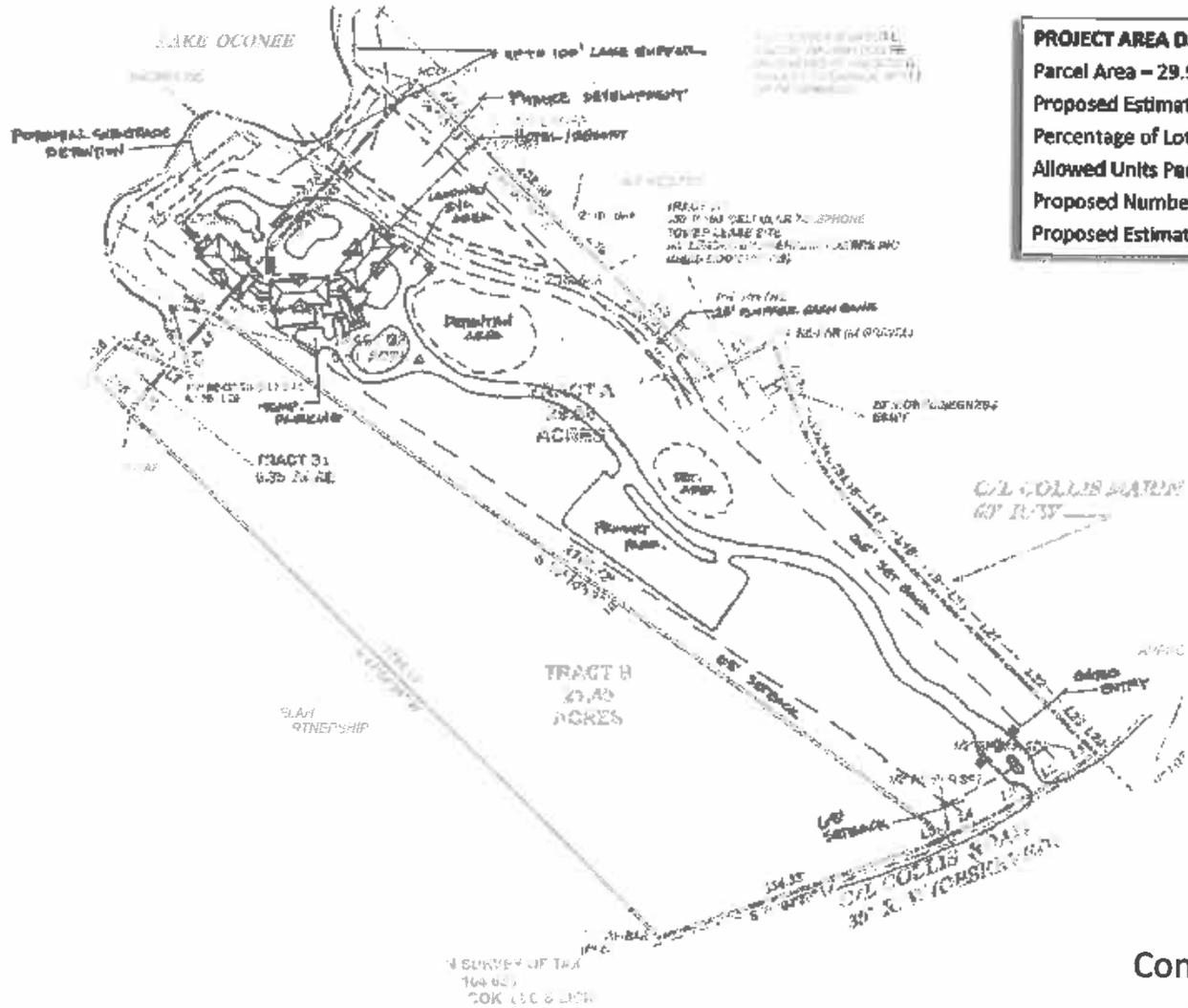
REVISED 2020 MAY 17: GJA



Oconee Overlook Lake Oconee, Georgia

Topographic and Boundary Survey
Rotated in Presentations

Conceptual Imagery
May 2020



PROJECT AREA DATA:
 Parcel Area – 29.59 ac or 1,228,504 sf
 Proposed Estimated Impervious Area – 298,400 sf
 Percentage of Lot Coverage – 24.29%
 Allowed Units Per Coverage Percentage – 10/ac = 290
 Proposed Number of Units/Rooms – 175
 Proposed Estimated Building Area – 101,100 sf



Oconee Overlook
Lake Oconee, Georgia

Conceptual Master Plan
 presented on actual plat

Conceptual Imagery
 May 2020

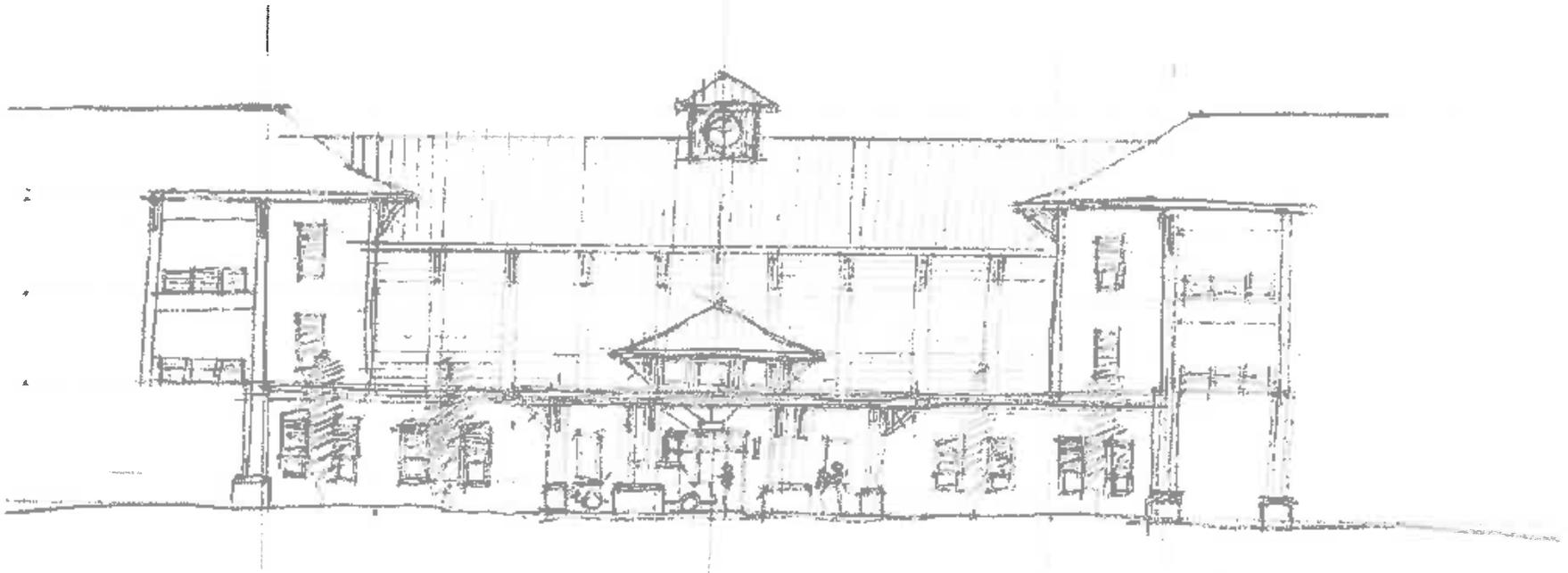


Conceptual Resort Plan

Oconee Overlook
Lake Oconee, Georgia

Conceptual Imagery
 May 2020



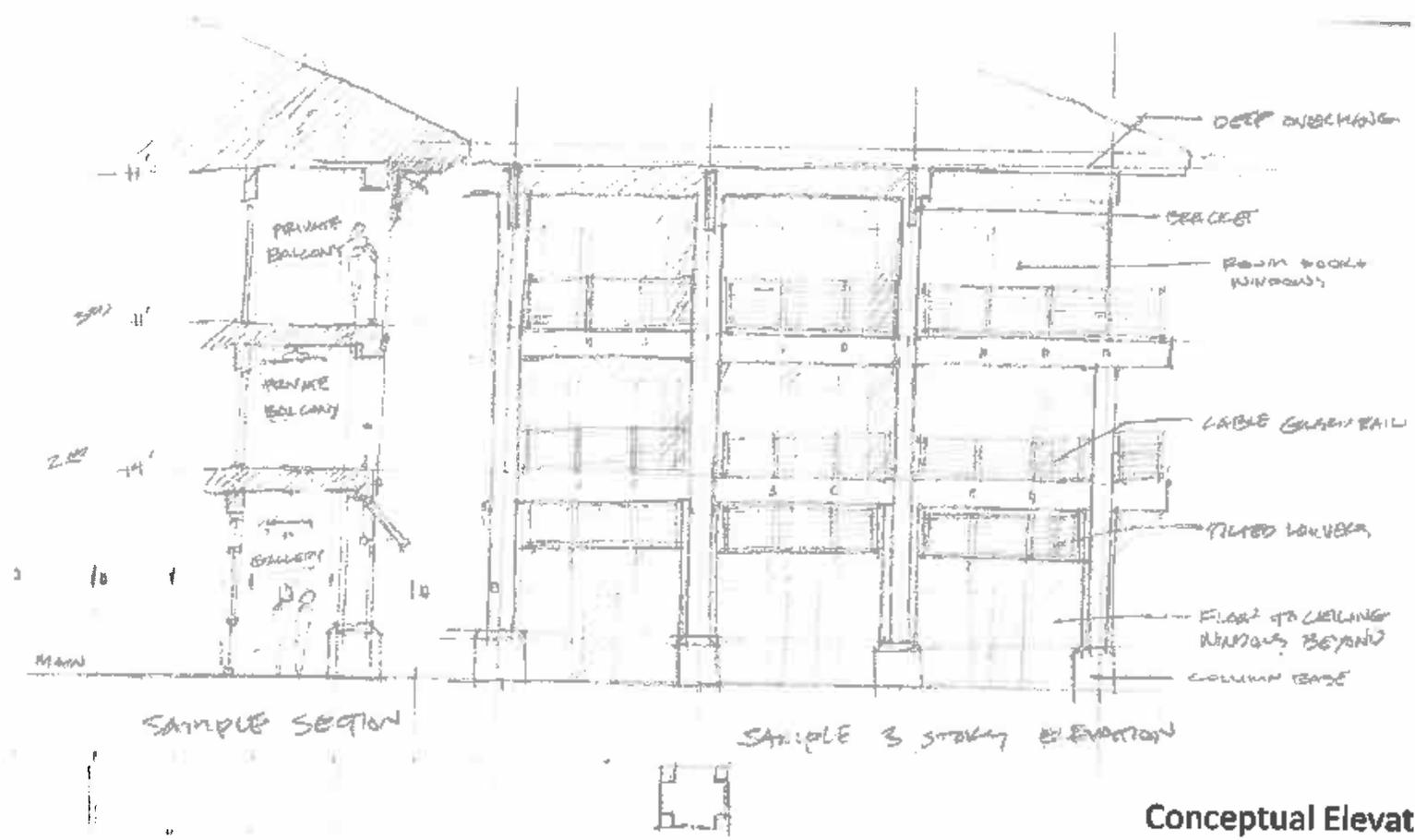


**Main Lobby Entry
at Porte Cochere**

*Oconee Overlook
Lake Oconee, Georgia*

Conceptual Imagery
May 2020



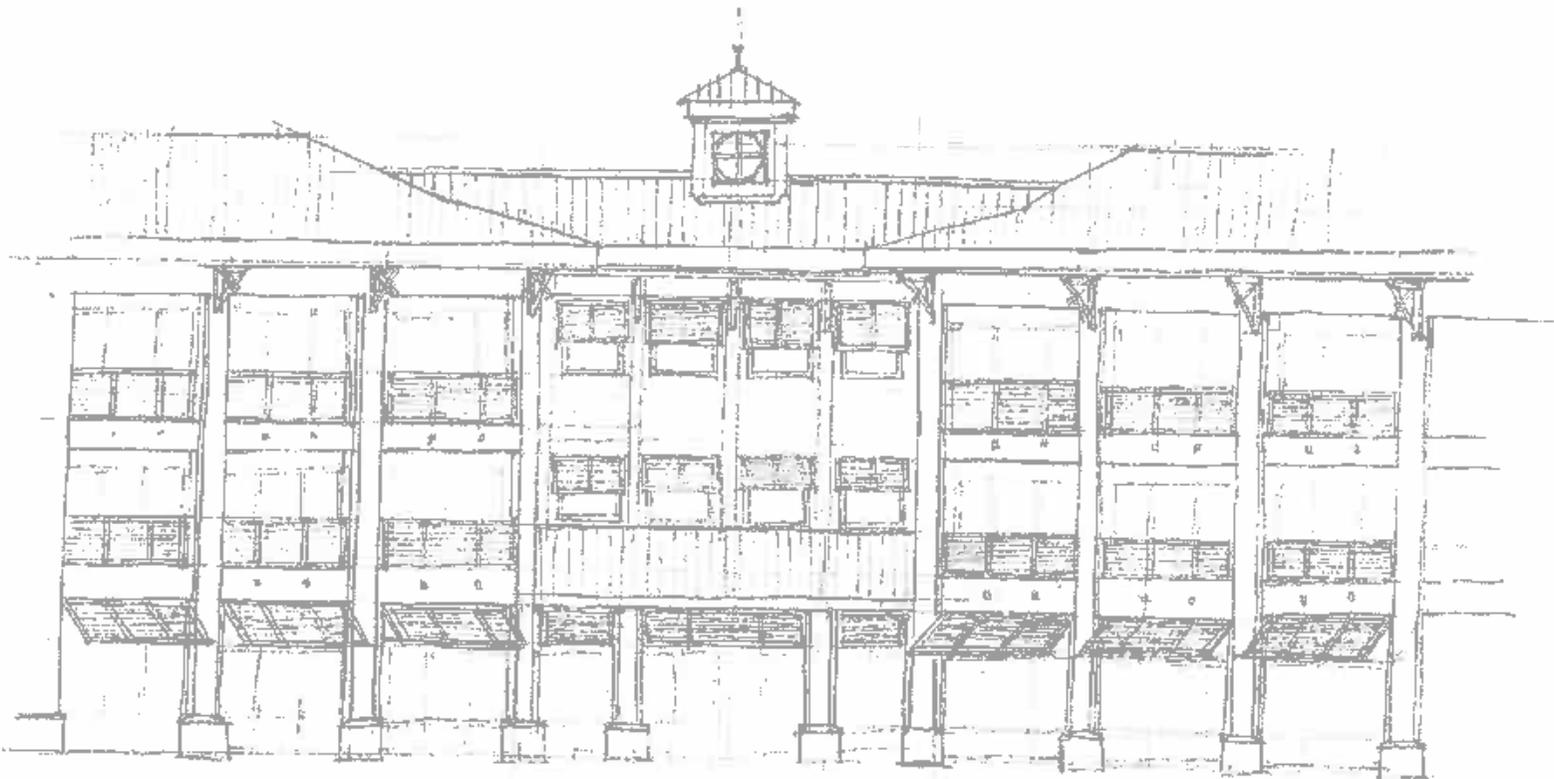


Conceptual Elevation Detail and Section

Oconee Overlook Lake Oconee, Georgia

Conceptual Imagery
May 2020



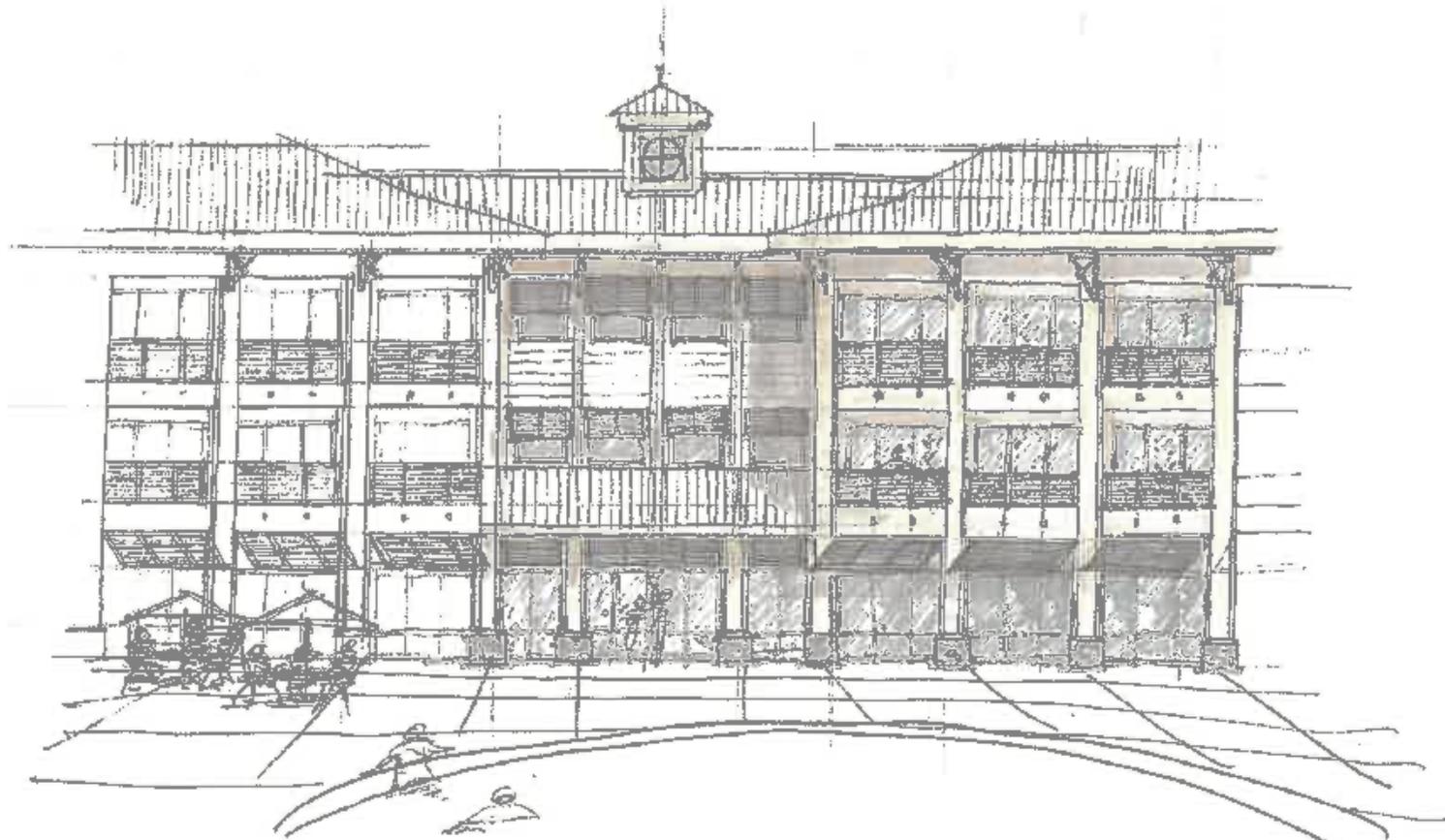


Lakeside Lobby Entry
at Pool Terrace

Oconee Overlook
Lake Oconee, Georgia

Conceptual Imagery
May 2020





Color and Context Study

Oconee Overlook
Lake Oconee, Georgia

Conceptual Imagery
May 2020





Jeffrey S. Haymore
404.665.1243

Email:
jhaymore@dillardsellers.com

March 4, 2020

VIA E-MAIL: anelson@flamingnelson.com

Putnam County Board of Commissioners
c/o Adam Nelson, Esq.
Fleming & Nelson, LLP
631 Ronald Reagan Dr. # 102
Evans, Georgia 30809

Re: Rezoning for Mallard's Cove: Map 104, Parcel 030 (2.14 acres), District 3; Map 104, Parcel 032, District 3 (50.8 acres); Map 104B, Parcel 001, District 3 (.63 acres); Map 104, Parcel 033, District 3 (3.5 acres) (total 57.07 acres).

Dear Adam:

Following up on our phone conversation this afternoon, I write to confirm that my client's agree with the county that both the March 5, 2020 Planning and Zoning Commission (P&Z) and the March 17, 2020 Board of Commissioners scheduled public hearings must be rescheduled to dates which are noticed in the Eatonton Messenger in strict compliance with the Zoning Procedures Law ("ZPL").

As we discussed, the public notice in the Eatonton Messenger dated February 13, 2020 (copy enclosed herein) noticing both public hearings for the subject rezoning applications clearly states that the Board of Commissioner's public hearing will occur on March 17, 2019, not March 17, 2020.

As explained in *Hochstetter v. Pickens Cnty.*, 341 Ga. App. 213 (2017), the Zoning Procedures Law ("ZPL"), specifically O.C.G.A. § 36-66-4 (a), provides that a local government taking action resulting in a zoning decision shall provide for a hearing on the proposed action. At least 15 but not more than 45 days prior to the date of the hearing, the local government shall cause to be published ... a notice of the hearing. The notice shall state the time, place, and purpose of the hearing. A "zoning decision" means a "final legislative action by a local government which results in ... the grant of a permit relating to a special use of property." O.C.G.A. § 36-66-3 (4) (E). "Local government" includes any county, and counties are authorized to set their own policies and procedures for conducting hearings under the ZPL. O.C.G.A. §§ 36-66-3 (1); 36-66-5 (a). A

failure to adhere to the notice requirements of O.C.G.A. § 36-66-4 (a) renders the zoning decision invalid. *McClure v. Davidson*, 258 Ga. 706, 709 (1988); *C & H Dev. v. Franklin County*, 294 Ga. App. 792, 794 (2008); *McClure v. Davidson*, 258 Ga. 706 (1988). These procedures are mandatory. *McClure v. Davidson*, 258 Ga. 706 (1988); *City of Byron v. Betancourt*, 242 Ga. App. 71 (2000)

While the error here (2019 versus 2020) seems minor, the ZPL requires strict compliance with its terms. *C&H Dev., LLC v. Franklin County*, 294 Ga. App. 792 (2008). In *C&H Dev., LLC*, a county's notice of the public hearing failed to comply with O.C.G.A. § 36-66-4(a) where the newspaper notice was published 46, not 45 days before the hearing and consequentially the zoning decision was invalidated.

Therefore, under these factual circumstances, postponement of the hearings is in the best interest of my clients, the county and the public. I would appreciate your written confirmation of said postponement upon receipt of this letter. Finally, please advise when new hearing dates are identified. We request Thursday April 2, 2020 for the P&Z public hearing and Tuesday April 21, 2020 for the BOC public hearing.

Please do not hesitate to contact me to discuss.

Sincerely,

Jeffrey S. Haymore, Esq.

Cc (via e-mail):

- Howard McMichael, Jr.
- Josh Sprayberry
- Lauren Sprayberry
- Lisa Jackson

DILLARD Sellers
ATTORNEYS AT LAW

Jeffrey S. Haymore
404.665.1243

Email:
jhaymore@dillardsellers.com

March 3, 2020

VIA HAND DELIVERY

Lisa Jackson
Deputy County Manager, Director of Planning & Development
117 Putnam Drive
Eatonton, Georgia 31024

Re: Rezoning for Mallard's Cove: Map 104, Parcel 030 (2.14 acres), District 3; Map 104, Parcel 032, District 3 (50.8 acres); Map 104B, Parcel 001, District 3 (.63 acres); Map 104, Parcel 033, District 3 (3.5 acres) (total 57.07 acres).

Dear Lisa:

Please find enclosed six hard copies of the updated hotel concept plan previously provided yesterday for inclusion into each rezoning application.

Sincerely,


Jeffrey S. Haymore, Esq.

RCVD 2020 MAR 3



DILLARD *Sellers*
ATTORNEYS AT LAW

Jeffery S. Haymore
Direct Dial: 404-665-1243

E-mail:
jhaymore@dillardsellers.com

March 2, 2020

VIA HAND DELIVERY

Putnam County Board of Commissioners
117 Putnam Drive
Eatonton, Georgia 31024

Re: Rezoning for Mallard's Cove: Map 104, Parcel 030, District 3 (2.14 acres, Owner: Oconee Overlook, LLC); Map 104, Parcel 032, District 3 (50.8 acres, Owners: Mallard's Overlook, LLC, Lick Creek Holdings, LLC and HJR Oconee, LLC); Map 104B, Parcel 001, District 3 (.63 acres, Owner: Oconee Overlook, LLC); and Map 104, Parcel 033, District 3 (3.5 acres, Owners Oconee Overlook, LLC and Lick Creek Holdings, LLC)

Honorable members of the Putnam County Board of Commissioners:

Before you on tonight's agenda are four rezoning applications (listed above). As the property owners of the Property we support the applications filed on our behalf by applicant Howard McMichael, Jr. Georgia law and the procedures of Putnam County require us to raise Federal and State constitutional objections during the application process. Accordingly and collectively, the applicant and the property owners (hereafter "Applicant") raise the following constitutional objections at this time for your consideration and action consistent herewith. We ask that this letter be included in each application file.

The portions of the Putnam County Zoning Ordinance, facially and as applied to the Property, which restrict the Property, both as to any individual parcel or the entire Property assemblage, to any uses, conditions, land use designations, development standards, or to any zoning district other than that proposed by the Applicant are unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.



The application of the Putnam County Zoning Ordinance, facially and as applied to the Property, which restricts the Property to any uses, conditions, land use designations, development standards, or to any zoning district other than in accordance with the application as proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States; Article I, Section I, Paragraph I, and Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the

Putnam County Board of Commissioners
March 2, 2020
Page 2

Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this application would be unconstitutional under the Takings Clause of the Fifth Amendment to the Constitution of the United States and the Just Compensation Clause of Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983. A refusal by the Putnam County Board of Commissioners (including its members in both their official and individual capacity) to grant the application as requested would constitute a taking of the Applicant's property. Because of this unconstitutional taking, Putnam County would be required to pay just compensation to the Applicant.

A denial of this application would constitute an arbitrary and capricious act by the Putnam County Board of Commissioners (including its members in both their official and individual capacity) without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the Putnam County Board of Commissioners (including its members in both their official and individual capacity) to grant the rezoning request for the Property in accordance with the criteria as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of the similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any approval of the request subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove. Applicant hereby incorporates by reference its letter dated January 3, 2020 setting forth its objections to Staff Report conditions # 1, 6, 7 & 9.

Standing Objection

PCUB 2020 MAR 2
DE

Applicant further objects to the standing of each and every surrounding resident to challenge, whether before the Board or any court of competent jurisdiction, any zoning decision by the Board in that he/she has not shown, nor can show, that he/she will suffer special damages within the meaning of Georgia law as a result of said decision. Applicant raises this objection

DILLARD *Sellers*
ATTORNEYS AT LAW

Putnam County Board of Commissioners
March 2, 2020
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before the Board and requests the Board to determine the standing of any individual who challenges or objects to the Board's decision to rezone the Subject Property. Applicant further raises this objection before the Board to preserve said objection on appeal, if any, to any court of competent jurisdiction.

Sincerely,



Jeffrey S. Haymore, Esq.

Cc: (via e-mail):
Howard McMichael, Jr.
Josh Sprayberry
Lauren Sprayberry
Lisa Jackson

PCVD 2020 MAR 3
DE



Jeffery S. Haymore
404.665.1243

Email:
jhaymore@dillardsellers.com

February 20, 2020

VIA MAIL AND E-MAIL: anelson@flemingnelson.com

Putnam County Board of Commissioners
c/o Adam Nelson, Esq.
Fleming & Nelson, LLP
631 Ronald Reagan Dr. # 102
Evans, Georgia 30809

Re: Rezoning for Mallard's Cove: Map 104, Parcel 030, District 3 (2.14 acres, Owners: Oconee Overlook, LLC); Map 104, Parcel 032, District 3 (50.8 acres, Owners: Mallard's Overlook, LLC, Lick Creek Holdings, LLC and HJR Oconee, LLC); Map 104B, Parcel 001, District 3 (.63 acres, Owner: Oconee Overlook, LLC); and Map 104, Parcel 033, District 3 (3.5 acres, Owners Oconee Overlook, LLC and Lick Creek Holdings, LLC)

Dear Adam:

Below is the additional narrative requested by Putnam County explaining the different use options upon rezoning to RM-3. The collective parcels listed above, at approximately 57.07 aggregate acres, are referred to as the "Property" herein.

A. Existing Zoning

1. AG-1 zoned parcel

Map 104 Parcel 032 (50.8 acres) is zoned AG-1. The purpose of "[t]his district is primarily designed to protect and to promote dairying and other forms of agriculture in Putnam County." Code Sec. 66-71. The principal uses permitted in AG-1 are economically unfeasible and the majority are arguably detrimental so close to Lake Oconee and adjacent R-1 zoned property (i.e. animal husbandry, livestock sales, slaughterhouse, meat processing and packaging facilities, forestry and timber, etc.).¹ Residential use is overly restrictive to very low density single-family residential. Simply, there is no market for agricultural use for this parcel feet from Lake Oconee, as substantiated by the most recent surrounding uses and rezoning to RM-3 for the Enclave at Waterfront townhome development and to C-2 for the Collis Marina Road boat storage facility. AG-1 is an outdated zoning district for this parcel, especially when considering that the Putnam

¹ As you know, the standards governing the Planning & Zoning Commission and Board of Commissioner's consideration of zoning changes include whether there are "substantial reasons why the property cannot or should not be used as currently zoned?" Code Sec. 66-165(d)(5).



Putnam County Board of Commissioners
February 20, 2020
Page 2

County Future Land Use Map depicts all surrounding parcels, including those in more rural areas away from Lake Oconee, with non-agricultural land use designation.

2. R-1 zoned parcels

Map 104, Parcel 030 (2.14 acres), Map 104B, Parcel 001 (.63 acres) and Map 104, Parcel 033 (3.5 acres) are zoned R-1. The principal uses permitted in R-1 are limited to only bed and breakfast/boarding house, churches and single-family dwellings. Residential use is overly restrictive to very low density single-family residential. In addition, unlike other R-1 zoned lots in proximity, because each of the three R-1 parcels abut Lake Oconee and are landlocked with no public road frontage², development of these three parcels in accordance with R-1 is economically unfeasible.

B. Rezoning Applications

Given that any development in accordance with current AG-1 and R-1 zoning is economically unfeasible, as substantiated by the most recent surrounding uses and rezonings referenced above, on October 31, 2019 Howard McMichael ("Applicant"), on behalf the then Property owners, submitted four rezoning applications, one for each of the four parcels comprising the Property, to rezone to RM-3 (hereafter collectively "Application").

1. Impact Analysis

As required by Putnam County, the Application included an impact analysis which Applicant submitted with the Application (hereafter "Impact Analysis"). The stated Application and Impact Analysis purpose for the rezoning is to develop the Property for townhomes as one combined parcel similar to the condominium and townhome units at Enclave at Waterfront and Cuscowilla (hereafter collectively "Comparator Developments"). The Comparator Developments are zoned RM-3 unconditional.³ In addition, the Application includes a conceptual site plan for "Mallard's Cove" and illustrates the proposed development of 124 townhomes comprised of 20 buildings of 5 units and 4 buildings of 6 units. It also shows a clubhouse, three boat docks, ample open and green spaces, 100' buffer along Collis Road (double the requirement of Code Sec. 66-97(d)(1)), 100' setback from Lake Oconee (as required by Code Sec. 66-97(d)(2)), and 50' undisturbed buffers on all property lines (as required by Code Sec. 66-97(d)(1)) (collectively "Townhome Concept Plan").

Applicant seeks RM-3 zoning because it is the predominant zoning classification in Putnam County along Lake Oconee coves in this area, including the Comparator Developments. In

² Putnam County's development standards requires a minimum of 50 feet of road frontage. Code Sec. 66-82(b).

³ See, Putnam County Official Zoning Map



Putnam County Board of Commissioners
February 20, 2020
Page 3

addition, while RM-2 (of which there is none in this cove) lists townhouses, it does not single-family dwellings as a principal permitted use.⁴ However, RM-3 lists townhouses and single-family dwellings as principal permitted uses.⁵ In addition, RM-3 lists hotels as a permitted principal use.⁶ Thus, without RM-3 zoning, Applicant would not have maximum flexibility to develop the Property for residential purposes based on market trends for either single-family dwellings, townhouses, or hotel.

While some may have personal preferences for one type of residential use over another, in adopting the RM-3 zoning regulations, Putnam County found permitting as of right various residential types to be in the public health, safety and welfare.⁷ And, the development standards set forth in Sec. 66-34 and Sec. 66-97 of the Putnam County Zoning Ordinance are the same regardless of which residential type is built and will be enforced by the county in the permitting phase. For example, and consistent with the RM-3's stated purpose⁸ of rewarding increased density for sensitive design solutions and incorporation, maximum density is eight (8) dwelling units per acre if 35 percent open space is provided and ten (10) dwelling units per acre if 50 percent open space is provided.⁹ Thus, at 57 acres, maximum density in RM-3 is 456 dwelling units if 35% open space is provided and 570 dwelling units if 50% open space is provided. The Townhome Concept Plan proposes 124 townhome units, which is a density of 2.18 townhome units per acre. By contrast, the Enclave townhome development has 18 units on 2 acres or 9 units per acre and the Waterfront development has 90 units on 12 acres or 7.5 units per acre. Thus the proposed density is substantially less than similarly situated townhome developments in the cove and less than one third of maximum allowable density in RM-3.

2. Updated Impact Analysis

On February 3, 2020, Putnam County staff requested an alternative concept plan (hereafter "Hotel Concept Plan") and additional impact analysis, including traffic impact analysis (hereafter

⁴ City Code Sec. 66-93(a)(2).

⁵ City Code Sec. 66-96(a)(2).

⁶ City Code Sec. 66-96(a)(2).

⁷ City Code Sec. 66-2. ("Purpose of chapter...Such regulations are made with reasonable consideration, among other things, of the character of the district and its peculiar suitability for particular uses, and with a view to promoting desirable living conditions and the sustained stability of neighborhoods, protecting property against blight and depreciation, securing economy in the governmental expenditures, conserving the value of buildings and encouraging the most appropriate use of land and other buildings and structures throughout the county.")

⁸ City Code sec. 66-95.

⁹ City Code. Sec. 66-97(e).



Putnam County Board of Commissioners
February 20, 2020
Page 4

"Additional Impact Analysis") based on the other uses permitted in RM-3, including hotel.¹⁰ Applicant and the undersigned submitted these items to Putnam County on February 5, 2020.

The Hotel Concept Plan proposes to build a resort hotel, with accessory boat dock, pool and parking lot, with access from Collis Road via a 24' entrance drive. The Hotel Concept Plan proposes a much smaller development footprint than the Townhome Concept Plan. As stated above, the development standards set forth in Sec. 66-34 and Sec. 66-97 of the Putnam County Zoning Ordinance are the same regardless of whether the Townhome Concept Plan or the Hotel Concept Plan is built and will be enforced by the county in the permitting phase.

Regarding traffic, Applicant caused a traffic impact analysis to be performed for both a 124-unit townhouse development and a 175-room hotel development. Either development option yields almost an identical traffic impact: 930 trips (townhouse) versus 937 trips (hotel). Under either development option, AM peak trips are about one (1) car per minute, with PM peak trips slightly over one (1) car per minute. While additional trip generation is to be expected with any new development, the number of new trips is less than half the amount than the requisite 2,000 new trip threshold that both GDOT regulations and Putnam County Development Regulation (Code Sec. 28-66(k)) specify for consideration of left turn lane.

Regardless of whether the Property is developed for townhomes or for a hotel, as stated in the Additional Impact Analysis, Applicant is amenable, through zoning condition, to reserve a 20' strip of land along its Collis Road frontage for future county-acquisition and widening at the county's election.

C. Alternative Development Scenarios

This section addresses the alternative development scenario of hotel versus townhomes for the Property most recently requested by Putnam County staff.

1. Hotel

Owners' preferred use of the Property is for a hotel, which is a permitted principle use in the RM-3 zoning district.

¹⁰ There is only one set of applications. Nothing in Code or practice limits applicants from supplementing their applications with additional information or changes in proposals. On the contrary, this is common practice during the rezoning process. Plans change in the review process, whether requested by planning staff and/or applicant. Similarly, ownership of the Parcels changed since the filing of the Application.



i. Demand:

There is demand for a hotel on this Property. Owners have had preliminary discussion with four different hotel companies who have each expressed interest upon rezoning to RM-3. In addition, Hunden Strategic Partner's Putnam County Hotel & Conference Center Market, Demand and Financial Study dated August 28, 2017 ("Hotel Study") found there is a need and demand for a hotel in Putnam County on Lake Oconee. It analyzed the feasibility of one or more new hotels in Putnam County, recognizing that all competitive branded hotels in the area are located in surrounding counties. Hotel Study, 8, 42. While the Lodge on Lake Oconee is in Putnam County, it is an independent hotel with only 81 rooms and limited event space. Hotel Study, 44. It found that there is unmet leisure, group and corporate business demand in Putnam County for a new branded hotel. Hotel Study, 55. It found that building a hotel in Putnam County with Lake Oconee water frontage is the "most desirable area". Hotel Study, 78. It recommended the development of a 130-key branded select-service hotel at Lake Oconee. Hotel Study, 79. By comparison, Greens County has the Ritz-Carlton operating on Lake Oconee.¹¹

ii. Tax Revenue:

The Hotel Study projects additional tax revenue to Putnam County of \$6,000,000 through the first ten years of operation of a hotel on Lake Oconee. Hotel Study, 80. Owners project that a 150-key branded hotel on the Property will generate approximately between \$700,000 and \$973,000 in additional tax revenue to Putnam County on an annual basis. By comparison, currently, the Putnam County budget is just over \$14 Million, with hotel/motel tax generating only \$239,000 annually. Construction of the hotel proposed by Owners would generate sales tax revenue from construction materials between \$330,000-\$400,000 and bring 40-50 new jobs to Putnam County. These tax revenues are exclusive of *ad valorem* taxes for real and personal property associated with the development.

iii. Flexibility

Hotels as a built product are changing as we speak. For lake-front hotels, the industry is moving away from a single building form with all rooms contained therein to a mixed approach featuring a traditional primary structure and additional accessory residential types such as villas. In combination with the different requirements of each hotel brand-name, tying the Property to a specific concept plan as a condition of zoning is not feasible. Nonetheless, development of the hotel will be in accordance with the development standards set forth in the Putnam County Zoning Ordinance.

¹¹ The Ritz-Carlton resort sits on 30 acres of Lake Oconee shoreline. It has 251 guest rooms, meeting rooms, a ballroom and other amenities. Hotel Study, pg. 27.

2. Townhomes

In the event market demands subsequent to rezoning to RM-3 no longer support a hotel, Owners will proceed to develop the Property for a townhome and condominium development. Again, tying the Property to a specific concept plan as a condition of zoning is not feasible. Nonetheless, development of the townhomes will be in accordance with the development standards set forth in the Putnam County Zoning Ordinance.

It would be totally unjustified to grant rezoning to RM-3 but restrict use of the Property to only one of the principal uses permitted in the zoning district, particularly when other existing RM-3 zoned properties contain no such restriction. In addition, such restriction would be discriminatory because similarly situated adjacent development, such as Cuscowilla, Great Waters and Kingston, each on Lake Oconee and zoned RM-3, are not restricted by zoning conditions limiting uses otherwise permitted in the RM-3 zoning district.

Any conditional zoning restriction limiting use of the Property to townhomes or hotel but not the other would not bear a substantial relation to the public health, safety, morality or general welfare and therefore would be arbitrary and unreasonable. *Barrett v. Hanby*, 235 Ga. 262, 266 (1975). The Property owners, like all property owners, desire to make use of their property with maximum flexibility, especially given the substantial investment that is real property. In recognition of this principle, the Georgia Supreme Court has held that "the county has the duty and obligation to work with property owners to allow them the highest and best use of their property, by considering on its own motion ways in which the county's objections to a proposed development could be eased by county action...[and] the burden is not on the applicant for rezoning to anticipate and counter every conceivable objection which the county might raise." *DeKalb County v. Flynn*, 243 Ga. 679, 681 (1979). The Applicant and Property owners stand by their commitment to the rezoning conditions that I previously sent you.

I ask that this letter be included and incorporated into the Application. Please do not hesitate to call me if you have any questions.

Sincerely,



Jeffrey S. Haymore, Esq.

Cc (via e-mail):

- Howard McMichael, Jr.
- Josh Sprayberry
- Lauren Sprayberry
- Lisa Jackson

DILLARD Sellers
ATTORNEYS AT LAW

Jeffrey S. Haymore
404.665.1243

Email:
jhaymore@dillardosellers.com

February 10, 2020

VIA E-MAIL: anelson@flerningnelson.com

Putnam County Board of Commissioners
c/o Adam Nelson, Esq.
Fleming & Nelson, LLP
631 Ronald Reagan Dr. # 102
Evans, Georgia 30809

Re: **Rezoning for Mallard's Cove: Map 104, Parcel 030 (2.14 acres), District 3; Map 104, Parcel 032, District 3 (50.8 acres); Map 104B, Parcel 001, District 3 (-.63 acres); Map 104, Parcel 033, District 3 (3.5 acres) (total 57.87 acres).**

Dear Adam:

This letter confirms your written notification today that Putnam County has decided my client's rezoning applications will not be heard tomorrow evening at the Putnam County Planning and Zoning Commission (P&Z). Accordingly, we do not plan to attend the hearing. I request that this letter be included in each rezoning application.

Please advise at your earliest convenience the new date that these applications will be heard by the P&Z. In the interim, my client and I intend to work with zoning staff on the rezoning applications.

Sincerely,

Jeffrey S. Haymore, Esq.

Cc (via e-mail):

- Howard McMichael, Jr.
- Josh Sprayberry
- Lauren Sprayberry
- Lisa Jackson

DILLARD Sellers
ATTORNEYS AT LAW

Jeffrey S. Haymore
484.665.1243

Email:
jhaymore@dillardosellers.com

January 3, 2020

VIA E-MAIL: bfleming@flamingnelson.com; anelson@flamingnelson.com

Putnam County Board of Commissioners
c/o Barry Fleming, Esq.
Adam Nelson, Esq.
Fleming & Nelson, LLP
631 Ronald Reagan Dr. # 102
Evans, Georgia 30809

Re: Rezoning for Mallard's Cove: Map 104, Parcel 830 (7.14 acres), District 3; Map 104, Parcel 832, District 3 (50.8 acres); Map 104B, Parcel 001, District 3 (63 acres); Map 104, Parcel 033, District 3 (3.5 acres) (total 57.07 acres).

Dear Mr. Fleming and Mr. Nelson,

This firm represents the rezoning applicant and property owners of the above-listed properties in connection with the four pending rezoning applications filed on October 31, 2019. On behalf of them, I write to object to certain rezoning conditions before the Putnam County Board of Commissioners ("Board") for its consideration. The Board is scheduled to hold a public hearing and final vote on these applications on January 3, 2020.

Recognizing that the Board's consideration is imminent, I would like the opportunity to discuss my clients' concerns with you as soon as possible. In the alternative, and, at a minimum, I request that this letter be provided to the Board of Commissioners and made a part of the official record of the rezoning applications and rezoning proceedings. If you prefer that I send this letter to the County Clerk and/or speak directly to individual members of the Board, please let me know immediately.

By way of background, the Putnam County Planning & Development Department issued its staff report on December 20, 2019 (hereinafter "Staff Report") for these applications. The Staff Report is identical for each of the four rezoning applications. The Staff Report recommends approval of rezoning to RM-3 for each application/parcel, subject to eleven conditions.

Staff Report rezoning condition # 1 recommends pavement repairs on Collis Road, with 65% or \$171,703 of the cost being exclusively borne by property owners and recommends reconstruction of the Wards Chapel at Collis Road intersection radii with 100% or \$10,000 being exclusively borne by the Applicant. In total, Staff Report rezoning condition # 1 requires the property owners to pay \$181,703 to the County as a condition of zoning approval and future

Polk County Board of Commissioners
January 3, 2020
Page 2

development approvals during the construction phases. This recommended development exaction is according to the following schedule, which language from the Staff Report is provided verbatim:

- At rezoning approval by Board of Commissioners, 20% of the total amount or \$36,340.60 will be provided to the county. This payment shall occur before a LDP is issued by the county.
- Upon the developer receiving certificate of occupancies from Planning & Development for the initial 20% of the total units (total units as approved during the rezoning), the county will receive \$36,340.6 from the developer
- Upon the developer receiving certificate of occupancies from Planning & Development for the subsequent 20% (or 40% total), the county will receive \$36,340.6.
- Upon the developer receiving certificate of occupancies from Planning & Development for the subsequent 20% (or 60% total), the county will receive the remaining developer share of the total project repair cost of \$72,681.20.
- No payment will be required when the final 40% of the units receive a Certificate of Occupancy.

The County will require that the payment at each stage of Certificate of Occupancy (at each 20% phase) be received either prior to or at the time that the unit resulting in reaching the 20% Certificate of Occupancy stage is attained."

In addition, Staff Report Condition # 6 would require the property owners to "[d]eed an additional 10 feet of right-of-way along the property frontage (25 feet of ROW as measured from the road centerline). Deeded right-of-way shall be recorded with the Clerk of Courts during the platting process."

Finally, Staff Report Condition # 7 would require the construction of "a 5-foot shoulder and roadside ditches (minimum 2:1 side slopes) along the development's frontage on Collis Road."

Conditional zoning has been recognized in Georgia when the conditions are "imposed pursuant to the police power for the protection of neighbors to ameliorate the effects of the zoning change." *Cross v. Hall County*, 238 Ga. 709, 713 (1977). However, the Staff Report recommends conditioning the rezoning approval, land disturbance permit approval and certificates of occupancy approvals on both the property owners' payment of money, dedication of land and construction of roadway shoulders, all of which are system improvements in the public right-of-way. Staff Report Condition #'s 1, 6 & 7, if adopted by the Board, constitute development exactions, which fiscally violate the Georgia Development Impact Fee Act, O.C.G.A. § 36-71-1 et seq. (the "Act").

The Act, adopted in 1990 (Ga. L. 1990, p. 692), is intended to prohibit precisely what the Staff Report recommends the County impose as a condition of rezoning approval: unlawful development exactions. The Act defines a "development exaction" as "a requirement attached to

Putnam County Board of Commissioners
January 3, 2020
Page 3

a developmental approval¹ or other municipal or county action approving or authorizing a particular development project, including but not limited to a rezoning, which requirement compels the payment, dedication, or contribution of goods, services, land or money as condition of approval." O.C.G.A. § 36-71-2(7). Development exactions "for other than project improvements shall be imposed by municipalities and counties only by way of development impact fees imposed pursuant to and in accordance with the provisions of this chapter." O.C.G.A. § 36-71-3 (a). As you know, Putnam County does not have a development impact fee ordinance, and therefore may not, impose development impact fees.

Furthermore, these development exactions are not "project improvements" within the meaning of O.C.G.A. § 36-71-2(15) but instead are "system improvements" within the meaning of O.C.G.A. § 36-71-2(20). "Project improvements" means:

"site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project and are not system improvements. The character of the improvement shall control a determination of whether an improvement is a project improvement or system improvement and the physical location of the improvement on site or off site shall not be considered determinative of whether an improvement is a project improvement or a system improvement. If an improvement or facility provides or will provide more than incidental service or facilities capacity to persons other than users or occupants of a particular project, the improvement or facility is a system improvement and shall not be considered a project improvement. No improvement or facility included in a plan for public facilities approved by the governing body of the municipality or county shall be considered a project improvement."

O.C.G.A. § 36-71-2(15) (emphasis added).

"System improvements" means

"capital improvements that are public facilities and are designed to provide service to the community at large in contrast to "project improvements."

O.C.G.A. § 36-71-2(20) (emphasis added).

"Capital improvement" means "

an improvement with a useful life of ten years or more, by new construction or other action, which increases the service capacity of a public facility."

¹ In addition to rezoning, a "development approval" is broadly defined as "any written authorization from a municipality or county which authorizes the commencement of construction." O.C.G.A. § 36-71-2(6). In this regard, the Staff Report's conditioning of land disturbance permits and certificates of occupancy approval on payment of money is also an unlawful development exaction under the Act.

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O.C.G.A. § 36-71-2(1).

“System improvement costs” means

“costs incurred to provide additional public facilities capacity needed to serve new growth and development for planning, design and construction, land acquisition, land improvement, design and engineering related thereto, including the cost of constructing or ~~reconstructing~~ system improvements or facility expansions, including but not limited to the construction contract price, surveying and engineering fees, related land acquisition costs (including land purchases, court awards and costs, attorneys’ fees, and expert witness fees), and expenses incurred for qualified staff or any qualified engineer, planner, architect, landscape architect, or financial consultant for preparing or updating the capital improvement element, and administrative costs, provided that such administrative costs shall not exceed 3 percent of the total amount of the costs. Projected interest charges and other finance costs may be included if the impact fees are to be used for the payment of principal and interest on bonds, notes, or other financial obligations issued by or on behalf of the municipality or county to finance the capital improvements element but such costs do not include routine and periodic maintenance expenditures, personnel training, and other operating costs.

O.C.G.A. § 36-71-2(19) (emphasis added).

“Public facilities” means:

- (A) Water supply production, treatment, and distribution facilities;
- (B) Waste-water collection, treatment, and disposal facilities;
- (C) ~~Roads, streets, and bridges~~, including rights of way, traffic signals, landscaping, and any local components of state or federal highways;
- (D) Storm-water collection, retention, detention, treatment, and disposal facilities, flood control facilities, and bank and shore protection and enhancement improvements;
- (E) Parks, open space, and recreation areas and related facilities;
- (F) Public safety facilities, including police, fire, emergency medical, and rescue facilities; and
- (G) Libraries and related facilities.

O.C.G.A. § 36-71-2(17) (emphasis added).

The Staff Report’s description of and justification for Conditions 1, 6 and 7 not only illustrate but acknowledge that these exacted improvements to Collis Road and Wards Chapel Road are “system improvements” within the meaning of the Act. First, Collis Road (two-lane collector) and Wards Chapel Road (major collector road) are public roads, and therefore are public facilities within the meaning of the Act. Second, the exacted improvements to these public facilities constitute “capital improvements” within the meaning of the Act because they will undoubtedly have a useful life of ten years or more, by new construction or other action (i.e. road

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widening and resurfacing), which increases the service capacity of these public roads. Third, these capital improvements meet the definition of system improvements because they are designed to provide service to the community at large², in contrast to "project improvements" solely providing service for the particular Mallard Cove project necessary for the use and convenience of the occupants or users of the proposed Mallard Cove project. Fourth, the money and land exactions constitute system improvement costs—in the form of money and land exacted from the property owners—to provide additional public facilities capacity needed to serve new growth and development. Specifically, the Staff Report notes that the exacted money represents 65% of the County construction contract price in 2023 dollars, for "pavement reclamation and resurfacing" of Collis Road (and widen Collis Road for 2023 complete date), and 100% of the cost to reconstruct the Wards Chapel at Collis Road intersection radial. These costs are what the Act means by system improvement costs of constructing or reconstructing system improvements or facility expansions, including but not limited to the construction contract price. O.C.G.A. § 36-71-2(19). Because these noted system improvements will provide more than incidental service or facilities capacity to persons other than users or occupants of Mallard Cove, the improvement or facility is a system improvement and shall not be considered a project improvement, O.C.G.A. § 36-71-2(15).

While the County may elect to require new growth and development to pay a "proportionate share of cost of new public facilities needed to serve new growth and development", O.C.G.A. § 36-71-2, the Act requires the County to do so pursuant to a state-compliant development impact fee ordinance, not an *ad hoc* development exaction as a condition of development approval, such as through Rezoning Conditions # 1, 6 & 7. By way of illustration of this particular *ad hoc* development exaction, upon information and belief, none of the existing residential development that accesses Wards Chapel Road from Collis Road, including, but not limited to Collis Circle, Collis Road, Collis Court, Collis Marina Road, Doug Lane, the townhome developments known as the Enclave Lake Oconee Townhomes and the Waterfront on Lake Oconee³, were subject to a similar development exaction in the name of what the Staff Report describes as "apportioned costs".

In addition to violating the Act, Rezoning Conditions # 1, 6 & 7 violate the "unconstitutional conditions doctrine." This doctrine forbids government from coercing people into giving up their right to not have their property taken without just compensation as a condition of development approval. *Koontz v. St. Johns River Water Mgmt. Dist.*, 570 U.S. 595, 599 (2013). They also violate "essential nexus" and "rough proportionality" tests of the Fifth Amendment, as set forth in *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987) and *Dolan v. City of Tigard*, 512 U.S. 374 (1994), respectively. If the Board adopts Rezoning Conditions # 1, 6 & 7,

² For example, these system improvements will serve existing residential development developed more recently such as Collis Circle, Collis Road, Collis Court, Collis Marina Road, the townhome developments known as the Enclave Lake Oconee Townhomes and the Waterfront on Lake Oconee

³ The Staff Report notes these proximate developments are similarly situated to the development proposed by the applicant.

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the County will have coerced my clients to give up their property (whether money or land or both) for public use (not just purpose) as a condition of rezoning approval. One of the principal purposes of the Takings Clause is to "bar Government from forcing some people alone to bear the public burdens which, in all fairness and justice, should be borne by the public as a whole." *Armstrong v. United States*, 364 U.S. 40, 49. (1960). Even "[a] strong public desire to improve the public condition [of wider and better paved roads] will not warrant achieving the desire by a shorter cut than the constitutional way of paying for the change." *Dolan*, at 396.

Accordingly, the Applicant and property owners object to Rezoning Conditions # 1, 6 & 7 set forth in the Staff Report and demand that they not be included within any rezoning conditions adopted by the Board of Commissioners.

Finally, the Applicant and the property owners object to Rezoning Condition # 9 ("This development project shall only include townhouses and/or condominiums not to exceed the proposed total units. Any increase beyond this total will require approval from the Board of Commissioners.") Upon rezoning approval, the parcels' use and density should be governed by the RM-3 zoning regulations, not arbitrary limitations imposed solely on my clients' properties but not on similarly situated RM-3 zoned parcels. Furthermore, there has been no showing, let alone finding, by the Staff that Rezoning Condition # 9 is "imposed pursuant to the police power for the protection of neighbors to ameliorate the effects of the zoning change." *Cross v. Hall County*, 238 Ga. 709, 713 (1977).

I hope to hear from you shortly. I can be reached at my office number or e-mail address above or on my cell phone at 770-363-0243.

Sincerely,

Jeffrey S. Haymond, Esq.

cc: Howard McMichael, Jr.

**Letters received
regarding the
Collis Road Rezoning**

Ron Ryland
101 S. Bay Rd. #1006
Eatonton, Ga 31024

December 23, 2019

Re-Zoning of 50.8 Acres of Agricultural Land and 6.27 acres of R-1 land, all into RM-3.

To: The Honorable Members of the Putnam County Planning & Zoning Commission

You are being asked to make a decision that will change a neighborhood forever, a decision with important traffic safety issues, a proposal to develop a major project by an unidentified person (if that person has not walked away), and a proposal that conflicts with major re-zoning criteria. We all appreciate your service to the community and your attention to this important matter.

This is submitted in opposition to the re-zoning proposal put forward by Mr. McMicheals (or really Mr. McMicheaf's acting for an unknown and uncertain buyer of the property) to re-zone approximately 57 acres for the stated purpose of building 124 townhomes. I attended the December 5th meeting and spoke in opposition. I welcome this opportunity to submit this written statement and appreciate your attention. In doing so, I join with many other persons who have signed petitions and otherwise added their voices in opposition to this application, even in this very busy holiday season.

Given the time constraints, I will focus principally on three central issues:

- (a) the clear inadequacies of Collis Road—the county experts say that it is inadequate today, yet the proposal contemplates a 70% increase in traffic;
- (b) the massive uncertainties surrounding the proposed development; and
- (c) its effects on the surrounding single-family neighborhood.

I. THE ROAD IS DEFICIENT AND UNSAFE—WHY WOULD WE EVER DO LESS THAN THE APPLICANT'S OWN EXPERT SAYS IS NECESSARY?

We oppose the application; a proper road would not change that opposition. Nevertheless, we address the road first, both because it was the major focus of the commission's discussion on December 5 and because of the very real safety concerns.

Collis road is a paved farm path with curves and ups and downs. It is presently deficient and unsafe. Why would you ever add 70 percent to it without insisting that the promoter do what his expert says is necessary, i.e., a 24 foot (24') wide road with curbs or shoulders. That is not a wild-eyed proposition put forward by some unformed person; it is the Applicant's expert. At the last hearing, both county experts voiced serious safety concerns; nothing was recanted in the revised staff recommendation.

Again, we oppose the project. Necessary changes to the road, and the imposition that would mean to the pasture owner, is one of many good reasons to deny RM-3 rezoning. That is what we seek.

But if serious thought is given to the requested rezoning, the costs for a proper road including necessary property acquisition should not be considered an unfair burden. We are not talking about someone adding on to his house. The proposed project involves tens of millions of dollars (The promoter tells us that the retail value of the proposed project, if successful, would

exceed \$65 million.) Why should the County not insist on a proper road? If not now, when? How would it ever explain to an injured person that it was warned but left the half-mile unchanged?

During this process, Ms. Jackson and her staff have been most courteous and helpful. We believe, however, that the revised staff recommendations do not address the fundamental unsafe conditions that will remain on the half-mile of road between the applicant's project and Ward Chapel Road. They do not widen that half-mile, they do nothing to address the absence of curbs or shoulders Persons injured by traffic accidents on that stretch are unlikely to be comforted by new pavement. Again, the applicant's own expert tells us what is necessary.

1. The Applicant's own engineer says that (a) there will be a 70% increase in traffic and (b) that to take that increase in traffic you need "a twenty-four feet (24') curb to curb or twenty-four feet (24') plus five feet (5') shoulder with acceptable clear zone. Kosmetzki beyond the shoulder." (Amelia Packet p.68)
2. If the Applicant was building a new road for a new subdivision, the County Engineer, Mr. Kaiser, stated that a twenty-two foot (22') roadway with curbs would be required. Here, the new and existing usage would equate to three (3) 100 unit subdivisions.
3. The County Engineer voiced serious traffic concerns. Mr. Kaiser said that the existing road was less than twenty feet (20') in some places and that you can't put 70% additional traffic on the road "without having potential issues with more cars going off road and with no shoulders to provide that safety to the motoring public" He later repeated: "All I know is that when you add that kind of traffic on a rural road that is as narrow as it is with limited right of way and no shoulders, you do have a traffic issue."
4. So did the Public Works Director Tony Clark. He said that the road was "less than adequate", that widening beyond 18-19 feet would be "problematic" and "there is no room to put anything." He said that he had been out on the road at 5:00 on December 3 and told the Commission how much traffic he had seen. That was in the winter, think how much more there will be in the summer when those returning home from work meet those weekenders; that is before you add another 70%.
5. In response to a Commissioner's question asking whether it was a risky venture where there would be accidents, Mr. Kaiser "Is it a risk, anytime you add more cars to a deficient roadway width, you are always going to stand that risk. I can't give you what that percentage is."
6. Mr. McShane stated that when the Waterfront was built, the contractor accessed the property through Great Waters. Think how much construction traffic 124 townhomes will generate.
7. Remember also that Collis Road is regularly used by vehicles hauling boat and other trailers, garbage and delivery trucks.

The only way to make a safe road is to buy more right of way but Mr. McMichael (or the maybe potential buyer) seems unwilling to do that. He insists that the Commission accept the road the "way it has always been," i.e., a paved path through the pastures. That is a road that is so narrow that cars get scratched from greenery protruding through the fence next to the pavement. He proposes a more robust road in the small fraction of the road adjacent to his property but that only creates a funnel.

Simply stated, the County has now been told by experts both what is needed and what is unsafe. It is being given an opportunity to address both the existing inadequacies and those that will be created by the new project. If it is to approve this massive project (and again, we oppose it), we respectfully suggest that at a minimum it must require what is needed to keep the community safe. That is more than repavement; it is a 24' wide road with curbs or shoulders. Nothing less is prudent, nothing less is responsible because nothing less is safe.

II. WHO IS THE "MAYBE MYSTERY MAN" AND WHAT IS HIS EXPERIENCE?

Mr. McMichael came before the Commission and made representations and commitments as to the proposed 124 townhomes, not only proposing a site plan but also addressing green space and suggesting possible covenants, conditions and restrictions. At the same time, He made clear that the parcels were being sold. In fact, he specifically told the Commission that his sale transaction had to close by year-end or the funding would be lost.

Accordingly, one would understand that his sale will not go forward. That the buyer whomever he/she/it might be is gone. If so, no hurry. If the sale is not dead, if there is a "Maybe Mystery Man ("MMM") out there who is going to buy the properties, it is only fair to identify that buyer and to determine whether the MMM has the expertise and experience to develop this very large project.

It is up to the Commission to enforce its procedures and determine what information it requires for its decision but we respectfully suggest that a second separate and independent reason for denying the re-zoning application is this:

- (a) Mr. McMichaels stated that he, and the other applicants, are selling their land. Indeed, he told the Commission that the deal had to close by year end; he said the land had to be "approved, re-zoned and closed before end of year or the funding is not available". In reliance on that statement, the Planning & Zoning Commission called a special meeting at the earliest available date.
- (b) Accordingly, one would understand the deal is dead and the mystery man is gone; no reason for a rush. Or, was that hyperbole?
- (c) If indeed there is a mystery buyer, then his/her/its name should be made known. Your procedures require persons acting as agents to prove their agency and require applicants to address political contributions. Who is the masked man? More importantly, what is the buyer's track record with regard to such a large development—Mr. McMichaels, at one point, stated that he was the developer but at best, it would seem he may be purporting to speak for the owner/developer to be or to be employed by the Maybe Mystery Man.
- (d) Experienced developers have "deal sheets" describing their past projects. Indeed, they have web sites that do the same. Here, we have no deal sheets. Mr. McMichaels pointed to his

involvement at Chapel Springs but that is a totally different project involving improved single-family lots (and perhaps some homes).

- (e) What really makes us think that Mr. McMichael, or the mystery buyer, can build, much less sell 124 units? The Enclave, a smaller, more cozy development with all of the units close to the Lake (not with many some distance from a cove (see the Applicant's site plan)) has sold less than 3 units a year, likely at a discount. The Enclave was developed by an experienced Atlanta developer; even relevant experience and expertise does not guarantee success.
- (f) The Waterfront finally sold out in 2016 with the last units going for what was half-price. Again, the Waterfront buildings were platted so that each is directly adjacent to the Lake. If you look at the McMichael's site plan, you can see most of the proposed units will not even be on the cove but set back, some far back. (It looks to me like only 4 of the 26 units actually front on the cove; some are far back on Collis Road.) Remember also that RM-3 allows 10% commercial use.
- (g) We have sent a letter to Mr. McMichael asking for the proponents to give specifics about their track record and their basis for claiming that they can do 20-30 times better than the Enclave and why the Waterfront's record is also not relevant. (Attachment A) The project involves two story townhomes costing \$500,000 to \$600,000. That is not only a lot of money but also two stories are not necessarily particularly attractive either to older buyers or buyers with young children.
- (h) The last thing that this County needs is a large failed real estate project. Very experienced developers with deep pockets have had failed projects in Putnam County, lovely as it is. What makes us think that the Maybe Mystery Man has the "secret sauce"?¹

In summary, we respectfully suggest that the County should identify the actual proposed developer for this massive development and determine whether he has the necessary experience and expertise. While we can understand the County may desire further development, we hope that it will take the steps necessary to avoid what could be a desuded field filled with unsold structures. Indeed, those incomplete shells originally built by the Waterfront's developer were eventually torn down by the Enclave's builder.

¹ There is also the issue of water and sewer to the project. You may have noted that the Piedmont Water letter submitted by the Applicant makes no reference to the 124 proposed units. On December 10, 2019, I spoke to the signer of that letter, Piedmont's Vice-President of Operations, W. J. Matthews. He told me us that when he signed the October 8 letter with regard to the parcels, he was unaware that there were plans to build 124 units. He stated water for the Collis Marina area comes from Great Waters and sewage flows back to a plant there. He told me that he would have to consult with Piedmont's engineer to study the presently available capacity for the proposed project and that could take some time given another Piedmont project. That could include determining whether there will be need for another sewer lateral from the project. I understand that such a lateral would run down Collis Marina Road to the sewage pump next to the Marina boat barn. Perhaps, by December 30, we will have the accurate information that should have been submitted to the Commission in advance of the December 5 meeting.

III. THERE IS A REASONABLE ALTERNATIVE AND THE REZONING CHECK LIST

Even if we had an identified responsible developer willing to build a proper road, that would not satisfy the applicable zoning criteria. This is a neighborhood of single family homes adjacent to large pasture lands consistent with the Comprehensive plan. Such multi-family units as there are are at the end of Collis Marina Road on the lake and in the case of the Waterfront, down grade and surrounded by trees.

While the Applicant would suggest that the relevant property is adjacent to multi-family properties, that is simply untrue. A review of the map shows that the agricultural property abuts other agricultural property and some R-1 property. The existing R-1 properties abut other R-1 properties. The homes on Collis Road are single family dwellings; so too those on Collis Marina Road. The Waterfront is multi-family but is at the end of Collis Marina Road, down grade of the road and surrounded by trees so that it is not readily visible. The Enclave is about 3 football fields further down a road past the Marina. The Applicant proposes a major development at the front of Water Oaks and before the other single family residences on Collis Road, Collis Marina Road and the associated roads. It is a massive drop of buildings in a pasture.

The Re-zoning check sets out relevant criteria. As we have shown:

- (a) the proposed use is not suitable in view of the zoning and development of adjacent and nearby property which is all agricultural or R-1. (#2)
- (b) It will adversely affect the existing use, value and usability of adjacent or nearby property. Collis Marina Road and Doug Lane residents will be faced with a massive sub-division. They will go from neighboring undeveloped land to a construction site and a massive townhouse project with a very uncertain future. Remember that the proposed project starts at the high points on Collis Road and Collis Marina Road, both of which slope from their intersection down to the Lake. Unlike the hidden Waterfront and the far away small Enclave, the proposed project is situated right in the center of single-family homes and pastures. (#3). We understand that the Future Land Use Comprehensive Plan is Agriculture/Forestry in this area. (#4).
- (c) The properties in question can be used for agriculture and R-1 presently or could all be rezoned R-1 (#5).
- (d) The project will pose unquestioned challenges to the road; we do not know what additional water and sewer service may be needed. (#6).
- (e) We know of no real change in the surrounding agricultural lands or the established residential communities that support such a drastic change from Ag-1 to RM-3. (#7).
- (f) One hundred and twenty-four (124) townhomes do not reflect a reasonable balance of the public health, safety and a reasonable private use of the property. (#8)

We can appreciate that the County wants to support responsible growth. We do not question the goal; we respectfully submit that this project is not responsible growth. The agricultural property could be re-zoned R-1 to keep it in character with the surrounding properties and to avoid the traffic

issues. In his marketing, Mr. McMichael has offered it for residences, even marketing the entire 55 acres recently on Zillow as suitable for a "private estate." That is a reasonable compromise. It may not bring an immediate windfall but it will avoid a near term disaster.

We respectfully ask that you act to protect the safety of the Colts Road/Colts Marine Road neighborhood and apply the existing standards to deny this application.

IV. CONCLUSION

In conclusion, we urge you to not approve the re-zoning of this farm land (and the adjacent R-1 parcels) into RM-3. What is proposed is a massive project not in fitting with its surroundings and not meeting the re-zoning requirements. It is proposed, we believe, by an unknown person of unknown experience and resources, who is proposing to make major changes to the neighborhood in an effort to build what is most likely an unsalable product. It portends economic disaster to the neighborhood and the County. We appreciate that it is not uncommon for neighbors to oppose development but here, we are coming with facts (or in the case of the MAM missing facts).

In all events, such a massive project can not be approved without making the minimum required changes for the safety of our neighbors. Everybody agrees that traffic will be increased by 70%. All of the experts agree that there are serious traffic accident issues; the Applicant's expert tells us what would be needed: a twenty-four foot (24') wide road with curbs or shoulders. To be clear, the neighborhood strongly opposes the project; a good and proper road does not make it a good project. It simply does the minimum necessary to preserve our safety.

Thank you for your time.

Respectfully yours,

D. Ronald ("Ron") Ryland

101 S. Bay Rd., no. 1006

Easton, Ga. 31024

312-780-9900

ronryland@comcast.net

December 19, 2019

HJR Oconee LLC
c/o Howard McMichael, Jr.
P.O. Box 3249
Eatonton, Ga. 31024

Re: Re-Zoning Request for Property on Collier Road

Dear Mr. McMichael:

I'm writing to you looking forward to the December 30 continued hearing on your re-zoning request. Rather than put you on the spot by posing some questions to you during the hearing, I thought that I would pose them now so you have plenty of time to respond. Whether you respond is, of course, absolutely up to you. I would respectfully suggest that I believe that the Planning and Zoning Commission members (and the Board of Commissioners as well) will be interested in your answers. So too, of course, are the many owners of the surrounding properties which will be the neighborhood if your project goes forward.

I am inquiring both about your personal experience and that of the proposed buyer of the parcels. When you make statements about the development of the parcel, e.g., regarding the buildings and the covenants, you are implicitly speaking for that undisclosed new owner of the parcels.

First, you stated at the meeting that you were selling your 30-acre parcel (and the other parcels you represent) and that the transaction had to close by year-end. Your words were that it needed to be "approved, re-zoned and closed before the end of year or the funding will not be available". The Planning and Zoning Commission set a special meeting in response to that statement. In our conversation after the meeting, you told me that your buyer was attempting a section 1031 exchange, i.e. a tax-advantaged transaction subject to strict time limits. You say that you contemplate 124 townhomes priced in the \$500,000 to \$600,000 range, i.e. a project with a \$62-74 million retail value. So, we would ask:

- (1) Did your deal in fact die or does December 31 not matter?
- (2) If your deal did die, do you have a new one?
- (3) Who will be the owner of the project properties? What authority do you have to make statements on his/her/its behalf?
- (4) What experience does he/she/it have in developing large (i.e. 124 unit) high-end townhome developments? Please provide specifics as to the names of past projects that have been

Attachment "A"

developed, when and where. The County has an understandable interest in making certain that the landowner really has relevant development gravitas and experience. In that regard, if the new owner is a shell limited liability company or a corporation, what are the names of the natural persons behind the shell?

Second, I do not believe you addressed your past experience selling large townhouse developments generally or why you believe the proposed project will be so much different than the Enclave and Waterfront projects, both in the neighborhood. (You did tell me that you had development a large assisted living project and assisted with a local nursing home but I don't believe those are the same as the high end project you are proposing. You mentioned Chapel Springs but that involves improved lots and perhaps single family residences) So, I would ask:

- (1) Please tell us what other projects you have led that show relevant experience and expertise. We would ask for project name, location, size, kind and price of units, and the selling period.
- (2) We know that the Enclave (with property on the point) has sold only 5 units in 2 years. The 72 Waterfront units (built pre-2008 crash) finally sold out in the Spring of 2016 with a 3 bedroom, 3 1/2 bath unit going for \$285,000 or less. What makes you confident that you can sell 124 units up the road at twice that price?

Again, we believe that the Commissioners and the neighbors are entitled to such information. Our belief is that most serious developers have "deal sheets" that list out their historic projects. Perhaps you have one that could be annotated. Perhaps too, the buyer, i.e. the real money behind the project has such a deal sheet.

We are sending this now so as to not blind-side you at the meeting. We would appreciate the courtesy of a response by December 27. Email is preferred. I cannot find an email address for you so I'm taking it to the Eatonton Post Office. Many thanks.

Yours truly

D. Ronald ("Ron") Ryland

101 S. Bay Rd, no. 1006

Eatonton, Ga. 31024

ronryland@comcast.net

cell: 312-780-9900

P.S. At the meeting, I reacted when you said that the project was all townhomes implicitly seeking to correct my statement that it was townhomes and condos. My apologies for the reaction but it was based upon my reading of page 58 of your submission on behalf of Ms. Arnold and Mr. Copelan where you say in part: "The intent of the property is to be developed using Putnam County Development Codes with townhomes and condominium units similar to Enclave at Waterfront and Cuscowilla Condominiums and Townhome Units."

THE HONORABLE BOARD OF COMMISSIONERS OF PUTNAM COUNTY, GEORGIA

January 3, 2020

RE: January 3, 2020 Agenda—APPLICATIONS FOR REZONING SUBMITTED BY (A) HJR O'CONNOR, LLC (B) MILLICENT ARNOLD AND LAWRENCE A. COPELAN JR AND (C) MILLICENT ARNOLD AND L.A. COPELAN JR.

The agenda for the January 3, 2020 board meeting includes consideration of 4 applications for re-zoning submitted by the above-referenced persons through their agent, Howard McMichael, Jr. Each of the applications include a notarized Letter of Agency signed by the then property owners. Each was accompanied by a Warranty Deed showing ownership of the property by the then owner(s). All of this is consistent with Putnam County Ordinance 66-161.

THE APPLICATIONS ARE NO LONGER VALID; THE OWNERS NO LONGER OWN THE LAND.

ATTACHED ARE DEEDS RECORDED DECEMBER 27, 2019 SHOWING THAT:

- 1. MS. ARNOLD AND MR. COPELAN SOLD THEIR PARCELS FOR \$800,000 (see tax of \$800) to O'CONNOR OVERLOOK, LLC
- 2. HJR O'CONNOR LLC TRANSFERRED 29.58 ACRES (LESS A CERTAIN TRACT) TO MALLARDS OVERLOOK, LLC
- 3. HJR O'CONNOR LLC TRANSFERRED 21.4 ACRES TO LICK CREEK HOLDINGS, LLC.

It is as simple as that. Putnam County Ordinances, state law and common sense require that applications for re-zoning be filed by the owners of the real property. They can act through agents but that changes nothing. The agent has authority only by the notarized letter of agency which is signed by the owner which must prove its ownership of the land by submission of a warranty deed.

Here, Ms. Arnold and Mr. Copelan have sold their acreage to O'connor Overlook, LLC for a substantial sum. They have cashed out; they no longer own those parcels.

HJR O'connor LLC has gone further. It divided its 50 plus acres into two parts (we trust that is legal) and transferred one part to Mallards Cove, LLC and a second part to a second entity, Lick Creek Holdings, LLC.

So, as you contemplate holding a hearing on the applications tonight, know that none of the property owners are before you—they have all deeded their property to third party entities. Further insofar as the former owners implied that they were eventually going to sell to a buyer who would own the entire area sought to be re-zoned (see p. 75 of agenda packet), they have instead transferred the property to three separate limited liability companies. That is their right but it means that they no longer have standing to pursue a re-zoning application; that right is limited to the owner of the property in question.

The Arnold/Copelan deed is entirely consistent with an arms-length sale. The split of the 50 acres of agricultural land by HJR O'connor, LLC and the two transfers may be to entities that are

somehow related. It matters not at all. Record title is what the ordinance calls for. Moreover, no one divides and transfers land for no reason to two different entities.³

There is no provision in the law for an "unwind", a legal "Mulligan", a "whoopsie". Mr. McMichael told us proudly of his extensive real estate expertise and experience including 8 years on the planning and zoning commission (perhaps including some time as chairman, he could not recall.) He stands you before acting on behalf of persons and an entity that no longer own the land, no longer have standing to pursue the application. He is put another citizen of Putnam County.

If the present owners of the three parcels (i.e. Oconee Overlook LLC, Millards Cove LLC and Lick Creek Holdings LLC) wish to seek re-zoning of their respective properties, they are free to file applications but the applications presently before the Commission filed by non-owners of the properties are nullities.

EVEN IF THE APPLICATIONS WERE NOT NULLITIES, THE BOARD MAY NOT TAKE ANY ACTION ON FRIDAY, JANUARY 3, 2010 AND THE ACTION TAKEN BY THE PLANNING & ZONING COMMISSION THREE BUSINESS DAYS EARLIER IS INVALID

Re-zoning is governed by County Ordinance. Section 66-162 provides that re-zoning applications are to be considered by the Planning & Zoning Commission at a meeting on the first Thursday of the month and by the Board of Commissioners at a meeting on the third Tuesday of the Month. The ordinance is set out below and leaves no room for doubt. The ordinance gives notice to the world of the applicable rules and the board is required to follow its rules. Here's what must ("shall" is mandatory) happen. Here is Section 66-162

• **Sec. 66-162. - Application scheduling and fees.**

(a) Applications shall be submitted in accordance with subsection 66-151(b)(4) and shall be heard by the planning and zoning commission at a public hearing on the first Thursday of the second month following the application deadline and the board of commissioners at a public hearing on the third Tuesday following the planning and zoning public hearing. Applicants will be notified if a hearing is cancelled per subsection 66-150(c)(2)a, along with the rescheduled date of the new hearing.

(b) Application fees for an application to amend the official zoning map shall be established by the board of commissioners and made available by the planning and development department. A fee shall not be charged for applications initiated by the board of commissioners.

(Res. of 7-17-2007(4); Amend. of 3-18-2008; Amend. of 1-12-2010)

That is the rule set by the County and the County that binds the county. We have little doubt that a county could provide for more flexibility in the scheduling of hearings but it did not; there is not even a provision for continued hearings. Mr. Fleming has suggested that state law

³ At the December 30, 2019, I asked Mr. McMichael if he had sold his property, i.e., the property owned by HUR Oconee LLC. He said that he had not, possibly a technically supportable, but wholly unconvincing, answer.

generally gives government agencies flexibility to call special meetings.² But whatever power the County may have had in the abstract, it chose these rules by ordinance and is bound by them. This is not a case where an ordinance violates state law and is superseded by it. O.C.G.A. section 35-66-2 gives local governments the right to "provide by ordinance or resolution for procedures and requirements in addition to or supplemental to those required by this chapter." This is a case where the County chose the rules that everybody must play by.

While the law is the law and there is no wiggle room (close wouldn't count), what has happened in this particular case is particularly egregious. The Planning & Zoning Commission purported to act on Monday, December 30, 2019. Three business days later, the Board of Commissioners is set to hear the applications.

(Again, we state that since the applicants no longer own the land, there are no valid applications to consider. But if there were, section 66-162 requires that they be heard at a meeting on the first Thursday of the month by the Planning & Zoning Commission and by the board of commissioners on the third Tuesdays following the P&Z meeting.)

The law must be followed whatever the equities but here, the equities clearly require strict compliance. There was an effort to fly these applications under the radar at an early December meeting with no more than the minimums required posted and published notice. Even with the holidays, once word spread around the affected area, 150 neighbors signed petitions objecting to the proposed re-zoning. The former owners had as their agent, a person whom knows the rules (or should). There is every reason not to violate section 66-162.

There are no valid pending applications and, even if there were, they could be considered by the Planning & Zoning Commission and by the Board of Commissioners at hearings calendared consistent with County Ordinance 66-162.

Respectfully

D. Ronald Ryland

101 S. Bay Rd., no 1006

Estonton, Ga. 31024

ronryland@corecast.net cell is 312-780-9900

² Section 66-162 does not provide for special meetings. Moreover, the January 3, 2020 Board of Commissioners is in no way a special meeting, not that it matters.

Attachment - 3 Deeds

Allen J. ...
J.V. ...
1000 ...
Greensboro, Georgia 38643
Clerk: 3113-0013

FILED IN OFFICE
12/27/2019 01:40 PM
DEPT. OF RECORDS
SHELBY R. PERRY
CLERK OF COUNTY
PUTNAM COUNTY

Handwritten signature

REAL ESTATE TRANSFER
TAX PAID: \$000.00

LIMITED WARRANTY DEED

STATE OF GEORGIA, GREENE COUNTY

PT-61 117-0019-001990

THIS INDENTURE, made this 26th day of December 2019, between Millieant C. Arnold and Lawrence A. Copelan, Jr. aka L.A. (Buster) Copelan, Jr. as party or parties of the first part (hereinafter called "Grantor") and Ottomax Overlook, L.L.C, a Georgia limited liability company, as party or parties of the second part (hereinafter called "Grantee").

WITNESSETH:

That the said Grantor, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other valuable consideration, in hand paid at and before the reading and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said Grantee, its successors and assigns, all the following described property, to-wit:

Parcel 1:

All that tract or parcel of land, lying and being in Putnam County, Georgia, containing 1.50 acres, more or less, and being designated as Parcel "B" as shown on a plat prepared by American Testing Laboratories, Inc., dated February 21, 1975, recorded in Plat Book 7, page 43, Clerk's Office, Putnam County Superior Court, and by this reference said plat is made a part of this description. This is the same property conveyed as Tract No. 1 in Deed Book 146, page 63, said Clerk's Office.

Deed Reference: Deed Book 788, Page 568

Parcel 2:

All that tract or parcel of land, lying and being in Putnam County, Georgia, designated as Parcel "C" containing 1.14 acres, as shown on a plat prepared by American Testing Laboratories, Inc., dated February 21, 1975, and recorded in Plat Book 7, Page 43, Clerk's Office, Putnam County Superior Court, and by reference said plat is made a part of this description. This is the same property as conveyed as Deed Book 146, Page 62, Putnam County, Georgia records.

Parcel 3:

All that lot or parcel of land, lying and being in the 302nd G. M. District, Putnam County, Georgia, being shown as Parcel 3 described in a deed recorded in Deed Book 149, page 183, Clerk's Office, Putnam County Superior

After Recording Station Inc
J.V. Dail, P.C.
1040 Peachtree Ave, Ste B
Greensboro, Georgia 30602
Clerk: 3113-0074

FILED IN OFFICE
12/27/2019 09:40 PM
DEK192 P0352-253
JANELLA H. FERRY
CLERK OF COURT
PUTNAM COUNTY

SEM
Richard K. King

REN. GERRIE TRUFFER
TOL. AMT: 00.00

LIMITED WARRANTY DEED

STATE OF GEORGIA, GREENE COUNTY *PT 61-117-2019-001987*

THIS INSTRUMENT, made this 26th day of December 2019, between HJH OFFICE, 311300140074 or parties of the first part (hereinafter called "Grantor") and Marshall Oyerlock, LLC, a Georgia limited liability company, as party or parties of the second part (hereinafter called "Grantee").

WITNESSETH:

That the said Grantor, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said Grantee, its successors and assigns, all the following described property, to-wit:

TRACT A:

All that certain tract or parcel of land lying and being in the 300th District, G.M. of Putnam County, Georgia, containing 29.58 acres, more or less, and being designated as Tract A on that certain plat prepared by Jack E. Newzome, Georgia Land Surveyor No. 3113 on December 17, 2019, and recorded in Plat Book 36, Page 199, in the Office of the Clerk of the Superior Court of Greene County, Georgia, which said plat and the record thereof are hereby incorporated herein and made a part hereof by reference.

LESS AND EXCEPT ALL that certain tract or parcel of land lying and being in the 300th District, G.M. of Putnam County, Georgia, being designated as Tract A1 on that certain plat prepared by Jack E. Newzome, Georgia Land Surveyor No. 3113 on December 17, 2019, and recorded in Plat Book 36, Page 199, in the Office of the Clerk of the Superior Court of Greene County, Georgia, which said plat and the record thereof are hereby incorporated herein and made a part hereof by reference. This being the same property as shown in Deed Book 709, Page 729.

TO HAVE AND TO HOLD, the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee, its successors and assigns, forever in FREE SIMPLE.

AND the said Grantor, for itself, its successors and assigns, will warrant and forever defend the right and title to the above described property unto the said Grantee, its successors and assigns, against the claims of all persons claiming by and through the undersigned.

IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and affixed its seal the day and year first above written.

Signed, sealed and delivered
in the presence of:

HJR Owens, LLC

Cooper
Unofficial Witness

By: Howard McDaniel, Jr. (SEAL)
Name: Howard McDaniel, Jr.
Its: Site Manager

Notary Public
My Commission Expires
(AFFIX NOTARY SEAL)



ALICE BARNETT ESTATE INC
I.V. DEL, P.C.
1040 Founders Row, Ste B
Gainesville, Georgia 30601
C/O: 3113-0015

NOT RECORDED
FILED IN OFFICE
12/23/2019 11:40 PM
NOTICE PG 206-215
SHEILA H. FORTY
CLERK OF COURT
JUDICIAL COUNTY



REAL ESTATE TRANSFER
TAX PAID: \$5.00

LIMITED WARRANTY DEED

STATE OF GEORGIA, GREENE COUNTY **PT 61-117-2019-001987**

THIS INSTRUMENT, made this 26th day of December 2019, between **ALICE BARNETT ESTATE INC** or parties of the first part (hereinafter called "Grantor") and **Lick Creek Holdings, LLC**, a Georgia limited liability company, as party or parties of the second part (hereinafter called "Grantee").

WITNESSETH:

That the said Grantor, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said Grantee, his successors and assigns, all the following described property, to-wit:

Tract B

All that certain tract or parcel of land lying and being in the 308th District, G.M. of Putnam County, Georgia, containing 21.48 acres, more or less, and being designated as Tract B on that certain plat prepared by Jack E. Newtons, Georgia Land Surveyor No. 3113 on December 17, 2019, and recorded in Plat Book 36, Page 199, in the Office of the Clerk of the Superior Court of Greene County, Georgia, which said plat and the record thereof are hereby incorporated herein and made a part hereof by reference.

TO HAVE AND TO HOLD, the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee, his successors and assigns, forever in **FREE SIMPLE**.

AND the said Grantor, for itself, his successors and assigns, will warrant and forever defend the right and title to the above described property unto the said Grantee, his successors and assigns, against the claims of all persons claiming by and through the undersigned.

IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and affixed its seal the day and year first above written.

Signed, sealed and delivered
in the presence of:

[Signature]
Official Witness

[Signature]
Notary Public
My Commission Expires
OFFICIAL NOTARY SEAL



HJR Cooney, LLC

By: [Signature] (REAL)
Name: Howard H. Fisher, Jr.
As: Sole Member

February 2, 2020

To the Honorable Members of the Planning and Zoning Commission

c/of Lisa Jackson, Deputy County Manager

Re: Items 8-12 on February 11, 2020 Agenda

I write in opposition to the rezoning requests contained in items 8-12 on the February 11, 2020 agenda.¹

THE HISTORY

The pending applications started with 4 applications filed by Howard McMichael, Jr. on behalf of HJR Oconee LLC, then owner of a 50-acre pasture and on behalf of Ms. Arnold and Mr. Copelan, owners of 3 R-1 lots purportedly seeking rezoning to build a 124-townhouse development. The applications almost flew below the radar screen at the last December meetings of the Commission and of the Board of Commissioners. Legal notice was given but few folks read signage referring to "RM-3" and the "BOC". Nevertheless, a few of us showed up in opposition on December 5. By the time a special meeting was held on December 30, 150 folks representing more than 75 neighboring properties had signed petitions in opposition to the ill-conceived project. Many folks appeared in opposition and a good number spoke eloquently about their concerns. Now, we have 5 applications, all from applicants different than those that submitted the first applications.

As discussed further below, the road issue was identified at the very first hearing. On December 20, the staff made a revised recommendation including 9 conditions, 3 of which addressed Coffis Road (conditions 1, 6 and 7) and one (condition 9) presciently restricted the development to the 124 proposed units touted by Mr. McMichael. Candidly, we believe that the conditions fell far short of adequately addressing the serious safety issues but the staff conditions represented a strong effort by the County to support development. At its December 30 meeting, the Commission approved the rezoning requests and in response to a question from County Counsel, Mr. McMichael expressly agreed to the conditions.

Then, on January 3, the applicants reneged, through their counsel's letter, threatening litigation and rejecting the conditions regarding the road and the 124 unit maximum. One has to believe that the attorney's 6-page letter addressing conditions first put forward by the staff on December 20 was in process before December 30 when Mr. McMichael verbally accepted them.² Note

¹ I again state an objection that the Commission may not consider a rezoning request other than at a meeting on the first Thursday of the month. That is the mandatory requirement of Ordinance 66-162 and binds the Commission unless and until the Ordinance is changed. I understand some may point to general ordinances or rules that are more flexible but the law of Georgia is clear that "the specific controls the general" so that a general provision allowing a Commission meeting does not affect a specific Ordinance relating to when rezoning may be addressed.

² It seems most likely that Mr. McMichael sandbagged the Commission. Would an 8-year veteran of the planning commission seek counsel only after the December 30th hearing? Or was Mr. McMichael fronting for some third party who was secretly working with counsel? When asked about his position on his lawyer's objections, he tap danced. Here is the relevant part of the interchange between Mr. McMichael ("M") and County Counsel, Barry Fleming ("F") After referring to the objections put forth by Mr. McMichael's attorney, F asked: "Are they your objections?" M: I want the zoning? F: Are they your

RCVD 2020 FEB 3 *GJA*

also that the letter writer never refers to the property owners by name. He, like Mr. McMichael, did not reveal that the properties had all been transferred to other parties by deeds recorded December 27, 2019

So, we now know that the applicants, all very recently formed essentially anonymous limited liability companies³, are seeking rezoning for some totally unspecified project much larger than 124 units (if what they contemplated was not much larger, they would not have objected to the 124 unit limit subject to board of commissioner's enlargement) and asking to build that project with nothing whatsoever done to the road. Their own expert says a 24-foot road with curb and gutter section is needed for 124 units. Who knows what road would be safe for whatever project, if any, may now be contemplated?

Mr. McMichael has told us repeatedly that he is a real estate expert with 25 years of experience including 8 years on the Planning Commission with a strong profit motive.⁴ Remember how at the first hearing, he said emphatically "124 townhomes" were to be built to be sold at \$500 to \$600 thousand each with strict covenants to for example, prevent rentals⁵ All of that is out the window. He has repeatedly referenced an "assamblage". Yet, when it came to transfers, he divided the field that his company, HJR Oconee LLC, owned into 2 parts and Oconee Overlook acquired the Arnold/Copelan lots.

objections? M: My objections would be any objections that are illegal. F: Your attorney has said that the 4 that you agreed to on Monday night that are listed in his letter are illegal. Do you agree with him? M: I am not an attorney but I agree with, I have to agree with, what he says, that the legality of those conditions, I'm not the attorney, they are. F: So, basically you do not want the 4 conditions that you agreed to on Monday night that your attorney has objected to in the letter. M: I want the rezoning. I do not necessarily want the conditions. F: Ok, thank you."

³ Two of the applicant limited liability companies, Lick Creek Holdings and Mallard's Overlook, appear to be associated with Mr. McMichael. Oconee Overlook's sole member is Ms. Lauren Sprayberry. She is an experienced criminal defense attorney with accounting and tax advising experience which may mean that she has met some developers but that in no way suggests that she has any development experience, much that which would be required to build some hundreds of units.

⁴ At the public hearings, Mr. McMichael acknowledged that his lender forced him to auction off lots at his Chapel Springs project, an attractive project where the lakeside lots have been developed. That lender sent a lawyer a long distance to appear before the Commission not to say that the bank would loan any money for the then project but to say that the bank would appreciate rezoning if it would increase the value of their collateral, a clear sign of a troubled loan. Mr. McMichael is presently being sued by People's Bank over a failed Greene County Project. *The Peoples Bank v. Sammons-McMichael, LLC and Howard McMichael, Jr.* Putnam County SUC2019140 filed July 1, 2019. The Bank is suing Mr. McMichael as guarantor on a 2012 loan. In 2017, according to the complaint, in 2017, the parties agreed to an over \$200,000 reduction in principal and an extension to 2020 but the bank sued when the developer allegedly failed to satisfy 4 conditions of the forbearance agreement. He, and his then wife, were sued by Bank of America in 2014 for \$321,333.49.

⁵ Of course, he also told the Commission that he needed rezoning by year-end to complete sales which led to the calling of a special meeting. Yet all of the parcels were transferred on December 27, albeit without Mr. McMichael telling the Commission.

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Pieces of two Arnold/Copelan lots were deeded by the buyer to Lick Creek Holdings. Are these the signs of an assemblage or of two parties (or possibly more) preserving options.⁶

There are, it appears, only two conclusions: (1) the applicants, all owners of the parcels only since December 27 have no intention to build anything and plan to "flip" some or all of the parcels or (2) they have some plan, most likely for some very intensive use of the property, that they are deliberately hiding and is most likely, a complete non-starter.⁷

There is only one reasonable course of action. Reject the applications relating to the existing R-1 lots; not only are the applications deficient, create safety risks and are incompatible with the neighboring properties, the parcels are properly zoned and recently sold for a good price.⁸ Reject the applications (agenda items 8 and 9) for what are now 2 parcels comprising the 50 acre field on the grounds that the applications are deficient⁹ and furthermore the requested zoning creates safety risks, are incompatible with the neighboring agricultural and R-1 properties and inconsistent with the 2017 comprehensive plan.

THE APPLICATIONS FAIL TO MEET THE REQUIREMENTS OF THE ORDINANCE AND MUST BE DENIED FOR THAT REASON ALONE

We do not know what is proposed to be built, if anything. It may well be that these applicants hope only to obtain rezoning and then sell the land to who knows who. We do know that Mr. McMichael is their designated spokesman and claimed at one time to be the developer. His candor, or lack thereof, is chronicled above.

The applicant entities and their formation dates are: Lick Creek Holdings LLC (Oct. 2, 2019), Mallard's Overlook LLC (December 12, 2019) and Oconee Overlook LLC (September 5, 2019). Ms. Sprayberry claims to be the sole member of Oconee Overlook LLC but has appointed Mr. McMichael as her agent. We infer therefrom that she is acting as an attorney for someone else and is not going to be an active participant herself¹⁰ so we have no idea what the true vision is or where the expertise or money for some large development will come from.

So, someone, we really don't know who, wants to build we don't know what. We know only that the townhome project is off the table, probably reflecting overwhelming evidence in the form of

⁶ Note two applications, agenda items 8 and 11, are purportedly submitted by two separate owners of adjacent property, something not contemplated at all by the ordinance.

⁷ This is completely a personal observation. But if there truly was a responsible developer planning to build 124 townhomes and sell them for more than \$60 million, why would it complain at all about payment of comparatively very small amounts to satisfy the road conditions. I speculate either that there was no such developer or it got cold feet when it thought about the very slow sales at the Enclave. Why else would we see fractured parcels and fractured ownership and no development plan.

⁸ According to the tax data on the deed attached to my January 3 letter to the Board of Commissioners, those lots sold for \$800,000.

⁹ There is no "concept plan" as required by the application form when the only concept is to build something consistent with zoning and building codes.

¹⁰ She was present at least one of the last two hearings, La., after the December 27 transfers, but declined to speak, even to mention that her LLC owned the Arnold/Copelan lots.

sales experience at the Enclave and the Waterfront that such a project would not succeed (The Enclave sold only 5 units in 2 years.)²¹

The five applications fall in major ways to comply with the requirements of the rezoning ordinance and the application. None tells you what is to be built on the properties or how many units. (All we know implicitly is something more and different than 124 townhomes.) Any purported impact study is bogus if you do not know what is contemplated. The recycled impact statements attached with the applications therefore mean nothing. So too the traffic study other than we can assume that it will be more than would be involved with 124 units. Who knows what water and sewer services are needed²² or whether there will be adequate fire protection? Your Ordinance Section 66-161 contains detailed requirements addressing such matters and much more, e.g.,

"the proposed project layout including: For residential subdivisions, commercial, or industrial applications, approximate lot lines and street right-of-way lines, along with the front building setback line on each lot." And "for multifamily and nonresidential development projects, the approximate outline and location of all buildings, and the location of all minimum building setback lines, outdoor storage areas, dumpsters, zoning buffers, parking areas, loading stations, stormwater detention facilities, and driveways, entrances and exits."

You truly have none of that when the applicants state only that they will build consistent with zoning and building codes.

RM-3 zoning, ordinance 66-97(3) allows 8 or even 10 units per acre. Across 57 acres, that rezoning could mean 570 units. Remembering that the applications are put forward by an 8-year veteran of the planning commission on behalf of entities apparently controlled by him and a local attorney, Ms. Sprayberry, the applications must be viewed as calculated deliberate avoidance of legal requirements, a farce and a slap in the face to the Commission and its staff. They should be summarily denied.²³

²¹ At the December 30 hearing, Marty Reuter, an executive vice-president of Coldwell Banker in Atlanta spoke. He told the Commission that when he purchased his unit at the Enclave, he received a substantial discount, free furniture and a Cocowilla membership as an incentive to buy and expressed real concern about the viability of the then proposed project. The undersigned practiced law with a major California law firm with a large real estate finance, workout and bankruptcy department and shares those concerns. But there is no need to rely on our opinions. The cold facts of the "comps" are indisputable and remain wholly unanswered but that may be of no matter since the townhome project appears to have disappeared from sight.

²² In my December 23 letter to the P&Z commission, I reported on a conversation with Piedmont Water wherein I was told that the company did not know 124 units were contemplated when it sent its October 8 letter regarding water and sewer service; I was told the company engineer would have to consider the issue. I have seen nothing that Mr. McMichael has submitted since that October 8 letter. I have not followed up with Piedmont recently since I would be unable to describe what it is that they would be serving other than it is presumably much bigger than 124 units.

²³ Those of us who attended the December 7 Commission meeting remember the first two applications before the Commission. One man (accompanied by his toddler) wanted relief from a set-back requirement. The other, Mr. Holder, wanted rezoning of a field who could move out of the house he shared with his son and build his own house. Most applications had been carefully prepared and scrutinized by the staff. Here, the applications are put forth by sophisticated people and should be seen for what they are: an absolute nullity.

You should, I respectfully submit, totally reject applications that fall so far short of the legal requirements. There may be no need to read further. But for completeness and since we all spent so much (apparently wasted) time on the 124 townhomes, I nevertheless will show how rezoning would be improper even for that once proposed 124-unit project or any larger project (hereinafter the "Project")

APPLICANTS HAVE NO LEGAL RIGHT TO REZONING

Messrs. McMichael²⁴ and Sprayberry have argued that there is some constitutional right to the rezoning so as to make the properties more valuable. That is simply not a true statement of Georgia law. In the leading case of Diversified Holdings LLP v. City of Suwanee, 807 S.E. 2d 876 (2017), the Georgia Supreme Court reviewed a denial of a rezoning request where the applicant's case was much stronger than this case. Nevertheless, the Supreme Court upheld the Commission's denial which was based on safety concerns, compatibility issues and the city's comprehensive plan. In that case, the applicant owned 30 acres located on a street where the adjacent properties and surrounding properties were zoned commercial. The applicant wanted a change to allow multi-family housing. The applicant produced testimony from appraisers that the property had been unsuccessfully marketed for commercial use for 26 years and that rezoning would increase the value from \$600,000 to \$1.5 million to \$5.9 million. NEVERTHELESS, the Georgia Supreme Court held that the Zoning Commission acted properly when it cited the absence of sidewalks and other safety issues, incompatibility with the neighboring properties and the comprehensive general plan when it denied the rezoning.²⁵

THE APPLICATIONS RAISE SERIOUS SAFETY CONCERNS, ARE INCOMPATIBLE WITH NEIGHBORING USES AND ARE CONTRARY TO THE COMPREHENSIVE GENERAL PLAN.

The Road

Implicitly, the Applicants propose some development much larger than 124 units and there is no provision whatsoever to address the very serious safety concerns that would create. Their own expert says even that number of units would require 24-foot streets. I addressed the road at length in my December 23 letter to the Commission. We will repeat only some of what we said then. Safety is always an important, indeed perhaps primary, concern when rezoning is considered. Here, there can be no question that the applications threaten safety.

- 1. The Applicant's own engineer says that (a) there will be a 70% increase in traffic and (b) that to take that increase in traffic you need "a twenty-four feet (24') curb to curb or twenty-

²⁴ The Commission might reasonably ask whether it should believe Mr. McMichael. At the December 30 hearing, he expressly agreed to conditions set forth by the staff in their revised recommendations dated December 20. By the time of the January 3 hearing, Mr. McMichael, through counsel, reneged on his acceptance of 4 conditions. At the January 3 hearing, he waffled saying he wanted the approvals before finally stating his lawyer spoke for him. Of course, at neither hearing did Mr. McMichael advise the Commission or the Board of Commissioners that the parcels had all been sold or transferred and therefore none of the named applicants owned the parcels. Similarly, when he obtained a letter from Piedmont Water regarding service, Piedmont was not told that 124 units were planned.

²⁵ For ready reference, the relevant portion of the Diversified decision is attached as attachment "A." A full copy of the decision can be found on Google Scholar.

four foot (4') plus five foot (5') shoulder with acceptable clear zone geometrics beyond the shoulder." (Agenda Packet p.68)

- 2. If the Applicant was building a new road for a new subdivision, the County Engineer, Mr. Kaiser, stated that a twenty-two-foot (22') roadway with curbs would be required. Here, the new and existing usage would equate to three (3) 100-unit subdivisions.
- 3. The County Engineer voiced serious traffic concerns. Mr. Kaiser said that the existing road was less than twenty feet (20') in some places and that you can't put 70% additional traffic on the road "without having potential issues with more cars going off road and with no shoulders to provide that safety to the motoring public" He later repeated: "All I know is that when you add that kind of traffic on a rural road that is as narrow as it is with limited right of way and no shoulders, you do have a traffic issue."²⁶
- 4. So did the Public Works Director Tony Clack. He said that the road was "less than adequate", that widening beyond 18-19 feet would be "problematic" and "there is no room to put anything." He said that he had been out on the road at 5:00 on December 5 and told the Commission how much traffic he had seen. That was in the winter, think how much more there will be in the summer when those returning home from work meet those weekenders; that is before you add another 70%.
- 5. In response to a Commissioner's question asking whether it was a risky venture where there would be accidents, Mr. Kaiser "is it a risk, anytime you add more cars to a deficient roadway width, you are always going to stand that risk. I can't give you what that percentage is."

Like in the Diversified situation and many others, public safety mandates denial of the pending applications.

The "Project" is Incompatible with Existing Uses

Incompatibility was one of the reasons for denial of re-zoning in the Diversified case. Contrary to loose language in the applicants' purported impact statements, the existing agricultural land is surrounded by other pasture/woodland (whose owner opposes re-zoning) and by R-1 land. The Waterfront project is at the far end of Collis Marina Road (below grade and surrounded by trees); the Enclave is further away at lakeside. So, 124 townhomes or many more residential units are incompatible with the surrounding agricultural use and by the single-family residences. incompatibility is a proper ground for denial of rezoning and it exists here.

The "Project" is Inconsistent with the Comprehensive Plan

²⁶ At the December 30 meeting, Mr. Kaiser did not recant but observed that the county had other 20-foot roads. This particular road is the only road available for all who reside in Water Oak, the Waterfront and the Enclave and now someone wants to add more than 70% new traffic, perhaps as much as 300% more.

Comprehensive plans are completed for a reason and Putnam County's was revised in October of 2017. Here, we are talking about agricultural land abutting R-1 land. In the *Diversified* case, the Supreme Court said in part: "Whether the current zoning is consistent with the policies and long-range planning goals for the area is a factor courts consider in determining whether the zoning substantially benefits the public health, safety, and welfare."⁽¹¹⁾ *Top 273 Ga. at 685, 544 S.E.2d 433. (807 S.E. 2nd 876 at 889)* It upheld the lower court's determination to support the planning commission's denial of a re-zoning request based in part on the Comprehensive plan.

CONCLUSION

The applications are totally deficient. To consider them would be to say to all future applicants, "you no longer have to tell us what you propose to do, much less provide details, simply state "I plan to do something legal". That would be a travesty.

As to any development of the type proposed by applicants, safety alone requires rejection of the applications. So too does incompatibility with the neighborhood and the comprehensive general plan. All are totally proper and appropriate reasons for denial as shown by Georgia Supreme Court precedent.

I respectfully submit that each of the applications must be denied. Thank you for your service.

Respectfully,



D. Ronald ("Ron") Ryland

101 S. Bay Rd, no. 1006

Eatonton, Ga. 31024

ronryland@comcast.net

cell: 312-780-9900

RCM: 2020 FEB 9 

ATTACHMENT "A" EXCERPT FROM GEORGIA SUPREME COURT DECISION IN DIVERSIFIED CASE

IV.

Diversified's complaint alleges both an inverse condemnation and a due process violation. But because Diversified requested relief in the form of rezoning without seeking damages for a taking, its claim is properly understood as sounding in due process. Regardless of its language intermixing due process and inverse condemnation claims (understandable given our own lack of precision in the past), the trial court applied the correct standard and concluded, in part, that the Property's current zoning is substantially related to the public's health, safety, morality, and welfare. We agree.^{11d}

⁸⁹⁵⁻⁰⁷⁵⁹ We start with the proposition that a zoning ordinance is presumptively valid. Guhl, 238 Ga. at 323-24, 232 S.E.2d 830. To overcome this presumption, the party challenging a zoning ordinance must show, by clear and convincing evidence, that the zoning at issue presents a significant detriment to the landowner and is insubstantially related to — in other words, does not "substantially advance" — the public health, safety, morality, and welfare. Parking Ass'n of Ga. v. City of Atlanta, 264 Ga. 764, 765, 450 S.E.2d 200 (1994). Although the validity of a zoning ordinance's application to a particular property must be determined on a case-by-case basis, the following factors are considered:

- (1) existing uses and zoning of nearby property; (2) the extent to which property values are diminished by the particular zoning restrictions; (3) the extent to which the destruction of property values of the plaintiffs promotes the health, safety, morals or general welfare of the public; (4) the relative gain to the public, as compared to the hardship imposed upon the individual property owner; (5) the suitability of the subject property for the zoned purposes; and (6) the length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property.

Guhl, 238 Ga. at 323-324, 232 S.E.2d 830 (citation and punctuation omitted). And we have previously acknowledged a number of interests that will support a restriction on land use, including aesthetics, environmental impact, injury to neighboring property, traffic impacts and potential hazards to pedestrians, and the long-range planning goals for the area. City of Atlanta v. Avtry & Lowndes Co., 205 Ga. 296, 296, 53 S.E.2d 358 (1949) (injury to neighboring property); Pope, 242 Ga. at 336, 249 S.E.2d 16 (1978) (environmental impact); Westbrook v. Bd. of Adjustment, 245 Ga. 15, 262 S.E.2d 785 (1980) (traffic impact and pedestrian hazards); Parking Ass'n, 264 Ga. at 765-66, 450 S.E.2d 200 (aesthetics); Tap Assocs., 273 Ga. at 683, 544 S.E.2d 433 (2001) (long-range planning goals). Balancing the Guhl factors, as the trial court did, leads to the conclusion that the City's denial of Diversified's petition to rezone the Property should be affirmed.

Like much of the area surrounding it, Diversified's property is currently zoned for commercial use. Although the Property abuts a roadway, it has no sidewalks. The trial court specifically noted that the lack of sidewalks poses an "unreasonable and unsafe risk" to pedestrians who would be accessing the Property if it were rezoned. The potential increase in pedestrian hazards if a rezoning request is granted is a valid consideration supporting the denial of rezoning. See Westbrook, 245 Ga. at 16, 262 S.E.2d 785 (denial of the landowner's request to rezone his property from residential to commercial

was not unconstitutional when the surrounding area was largely residential and there was evidence that an increase in traffic volume would create a hazard for pedestrians).

The trial court also noted that the surrounding conditions, including the commercial nature of the businesses abutting the Property, support the current commercial zoning. And it also acknowledged that the City's comprehensive plan (which provides for the Property's commercial zoning) is a detailed and thorough plan for economic development within the City. Whether the current zoning is consistent with the policies and long-range planning goals for the area is a factor courts consider in determining whether the zoning substantially benefits the public health, safety, and welfare.¹¹¹ Tap. 273 Ga. at 685, 544 S.E.2d 433. This is particularly relevant when the zoning ordinance at issue was adopted after extensive study and public debate. *Id.* The trial court ultimately concluded that the current zoning was substantially related to the public health, safety, and welfare. We see no error in that conclusion.

890-890 Diversified contends that the trial court did not undertake an appropriate analysis of whether the Property is suitable for development in accordance with the City's comprehensive plan. In other words, Diversified maintains that the Property cannot be developed for commercial use and cannot realistically be developed for high-density office space as the City envisions — meaning, one assumes, that the current zoning restriction is arbitrary and capricious. But, as the City points out, there was evidence that the Property could be developed for some commercial use, including low-intensity office spaces. And, as both parties concede, much of the difficulty in developing the Property stems from the Property's topography — which, of course, remains unchanged by its zoning classification. It is not for this Court to determine whether the City could have made a different or better zoning classification. Tap. 273 Ga. at 685, 544 S.E.2d 433. When the validity of the legislative classification for zoning purposes is debatable, that judgment must be allowed to control. *Id.* at 683, 544 S.E.2d 433.¹¹²

The cases Diversified relies on do not lead to a different conclusion. The surrounding area near the Property, perhaps with the exception of a proposed development across the street, do not have residential uses (pre-existing or otherwise). The Property abuts the road and surrounding commercial zones with no buffer. And there is no indication that the City has sanctioned any violations of the comprehensive plan in the areas surrounding the Property. Thus, even accepting that the Property has been vacant for many years, this case does not present facts that support invalidating the current zoning classification on due process grounds. *Cf. DeKalb Cty. v. Albritton Properties*, 256 Ga. 103, 109, 344 S.E.2d 653 (1986) (finding that a comprehensive development plan was a "less effective planning tool" when the county violated its own plan to permit commercial development in residential areas and when the property in question abutted a "radically different land use approach" in a neighboring county); see also *Bd. of Comm'rs of Hall Cty. v. Skelton*, 243 Ga. 855, 855, 286 S.E.2d 729 (1982) (finding that a highway business zoning classification was not substantially related to public health, safety, and welfare, when many of the areas surrounding the property were used for mobile homes and residential purpose and the property itself did not front the highway).

V.

In sum, we conclude that an appeal from a trial court's order reviewing a local authority's decision regarding an application to rezone property — an application that, more precisely, is seeking an administrative determination that zoning is unconstitutional or otherwise unlawful because of the particular factual circumstances surrounding a given party's desired use of its land — is subject to the

discretionary application procedure set out in OCGA § 5-6-35 (a). We affirm the trial court's conclusion that the denial of Diversified's application to rezone the Property was not arbitrary or capricious. Having already determined that the application to rezone the Property was properly denied, we do not reach the merits of the cross appeal.

Judgment affirmed. All the Justices concur.

RCVD 2020 FEB 3 *Ga*

February 23, 2020

To: The Honorable Members of the Putnam County Planning & Zoning Commission

Re: Applications for Rezoning of Properties near Collis Road and Collis Marina Road

Please put a copy of this letter in each application file

Since my letter of February 2,2020,¹ the "Applicant" has supplemented the applications to "provide a range of occupancy options" including "townhomes and possibly a hotel..." (Additional Impact Analysis response 1 ("AIA")) (emphasis added). The "Applicant" claims "total site control". In fact, the applications are filed by three separate limited liability companies, all recently created.²

Reference is made in the AIA to 124 townhomes and a 175 room hotel. The AIA says "and", not "or" so the proponent now contemplates increasing the use of the road by 70% for the townhomes and an additional 70% for the hotel.

The new submission just highlights and focuses all of the issues and deficiencies the opponents have raised in prior submissions. From applicant's first submission to those made for the February 11 meeting, we were told that there were firm solid plans first for 124 townhomes and then for an indefinite number of townhomes and perhaps other and different uses. Now, we are back, possibly to townhomes and a hotel, although Applicant requests "...to have such flexibility of residential uses unrestricted by zoning conditions." (AIA, response 1)³

I respectfully suggest that the Commission and its staff can not responsibly give credence to anything said by the "Applicant." Remember, Mr. McMichael has repeatedly made misrepresentations to the Commission, e.g., "that he had to get rezoning so that he could close a sale by year end" and that he accepted the 9 conditions set forth by the Commission at its December 30 hearing. He claims to be a successful developer but is presently being sued by Peoples Bank for a failed Green County project and is in a workout on the Chapel Springs project. He continues to rely on an October 9 letter from Piedmont Water which makes no reference to 124 townhomes, much less a 175 room hotel,⁴ much less both.⁵ Where is a letter from the Fire Chief stating the ability to fight a fire at such a hotel.? A serious, experienced developer would have good answers to the slow sales at the Enclave, if any there are. (More likely, they would steer clear). One has to see the applications for what they most likely are: a speculation by some number of persons, Mr. McMichael's and Ms. Sprayberry, and whomever they may

¹ A copy of that letter is being submitted herewith.

² I had initially thought that the 50 acre parcel might be owned by entities controlled by Mr. McMichael but it appears that the larger of the split parcels is owned by Mallard's Overlook, LLC of which Ms. Sprayberry is the sole member

³ Mr. Haymore's letter of February 20, 2020 adds to the confusion. He says that the Owners' preferred use of the Property is for a hotel but makes it clear that that may change and they do not want to be bound by any proposal.

⁴ In a hotel, particularly one which hopes to host corporate retreats, everyone arrives and goes home at the same time, they all shower and flush at the same time.

⁵ As best we can determine, the map for the proposed hotel has it sited on some of the same land on which the townhomes are sited

be acting for, to get the property rezoned so that they can sell it to some unknown persons for unknown purposes

The time has come to go behind the hype. Let me suggest some essential preliminary questions for Mr. McMichael:

1. You have said repeatedly orally and in writing that the various parcels will be assembled. Why then did you divide the 50 acre parcel into two parcels with different owners and why are they separate from the owner of the Arnold/Copelan parcels, pieces of which were carved off? What is the arrangement between you and Ms. Sprayberry?
2. Who will be the actual owner of the parcels if they are assembled? What are the names and addresses of the people behind that owner? How much equity will be in the actual owner? Who will supply the debt, how much? Do you agree that any rezoning (and any subsequent permits) should be conditioned upon all the parcels being held by one owner?
3. If it was true as you stated at the early December hearing that the project would be developed into 124 townhomes with substantial covenants, conditions and restrictions, why then within two months has the "preferred project" as stated by Mr. Haymore become a hotel, a project that was extensively studied in 2017 and did not go forward?
4. What large projects, if any, have the people behind the owner successfully completed (by name and location)? If approved for townhomes, when will the first phase of the project be ready for sale? When will the last phase, if built, be sold out? Are you prepared to post a bond in a sufficient amount to assure buildout and for debt service, maintenance costs and taxes until sold out? ⁶
5. Given your statements that the townhomes will be like the Enclave and sell for similar prices, why exactly makes you think that you can sell 25 times the units they have sold to date?
6. Wasn't a hotel project previously considered for the 50 acres and the proponents declined to go forward? Who is the new proponent for a hotel project, what is its experience and what has changed since the property was last considered for a hotel?⁷

⁶ Given Mr. McMichael's enthusiasm, you could ask for his personal guaranty but the experience of Peoples Bank shows its worth.

⁷ Applicant points to some unknown document that suggests future county revenue but we have no assurance that a hotel will ever be built, much less succeed, and projections are at best only as good as the assumptions. Construction will likely tear up the roads and the county will be left with that expense. A hotel poses both all of the traffic volume of its guests and all of its food, beverage, laundry, maintenance and other vendors.

I come back fundamentally to what I said in my February 2 submission. The proposal raises grave safety concerns,⁸ only magnified by the possibility of both townhomes and a hotel against a backdrop of fundamental uncertainty—"we will build what we want when we want it and no, we won't tell you "we" are". Safety is always paramount. The applicants' expert says a 24 foot road is needed. In its absence, rezoning should be denied.

The 150 persons who have spoken up in opposition to the project speak dearly to its incompatibility. It severely changes the Water Oaks and Doug Lane neighborhoods, no matter what pabulum may be served up in the AIA. The Comprehensive Plan was updated only two years before this saga began. The 50 acres are agricultural as are lands between it and Chapel Springs Road. The former Arnold/Copelan properties are R-1, a perfectly appropriate zoning and marketable as shown by the sales of December 27, 2019.⁹

The bottom line is this: you are being asked to rezone R-1 property that is unquestionably properly zoned. You are being asked to change agricultural land into RM-3 for an unknown, but unquestionably unsafe project of unknown and ever- changing dimensions, purposes and rationales by unknown persons whose ethics, experience and equity all appear to be in short supply.

While the Applicants suggest that somehow, they are entitled to rezoning, that you have no choice but to help them garner a windfall, that is not true. There would not be 5 planning and zoning commissioners and a professional staff if all that was needed was a rubber stamp. The Supreme Court in the Diversified case in 2017 makes it clear that the Commission has the right to deny the applications. If there is ever a place for the Commission to stand up for the community against a speculator, the time is now.

Respectfully

/s/

D. Ronald ("Ron") Ryland

101 S. Bay Rd., no 1006

Eatonton, Ga. 31024

312-780-9900

⁸ The AIA ignores that both of its traffic studies call for a 24' road with curb and gutter section. The fact that Applicant used the same expert both times means that his work is admittedly credible. The AiA speaks volumes when it truly comments only on the left turn lane recommendation.

⁹ Applicant's attorney states without evidence that agricultural land is unmarketable. Remember that in the Diversified case, there was actual testimony that the property had been unsuccessfully marketed for 26 years. That did not stop the city from doing the right thing.

March 4, 2020

To: The Honorable Members of the Putnam County Planning & Zoning Commission

Re: Rezoning Requests re Collis Road---Agenda Items 8-12 March 5, 2020 Agenda

I write with regard to the above Agenda Items which involve 3 different owners seeking rezoning of what are now 7 plots of land.¹

First, I (and I believe that I speak for many of the more than 150 opponents of the rezoning) applaud the Staff's Recommendation of denial of each of the applications stating that the proposed rezoning "will cause an excessive or burdensome use of public facilities and shall exceed the present or funded capabilities and will otherwise have an impact on the public health, safety, morality or general welfare of Putnam County citizens..." That recommendation was based upon the Road Engineering Comments.

But, for completeness, let me note separate additional facts and reasons for denial and then address additional issues and concerns regarding the applications.

1. There is nothing in the file that shows that the County Fire Department can protect a hotel. The Impact Study dated in October states only that the applicant was waiting for fire safety comment. Fire life safety is a central concern and one as to which the applicant bears the burden of proof.
2. There is nothing to show that Piedmont Water can provide water and sewer to a hotel. In fact, as I have stated before, the author of the October letter from Piedmont Water advised me that he was unaware of a proposal for 124 townhomes.
3. Ordinance 96-66 provides for RM-3 zoning and provides in part: "Properties in this district shall be developed as integrated whole with offering a variety of housing design solutions in one ownership." At present, we have three limited liability companies as owners of 7 plots with what appears to be separate visions for development. While there is a suggestion of a possible condition to require combination of the parcels and choice of a project, I submit that the applications should be denied for failure to comply with the Ordinance unless and until we have one owner.
4. While reference is made to projects within 5 miles of the land in question, that is of no consequence. Zoning looks to the properties adjacent to the plots sought to be rezoned. Five miles likely covers a myriad of gas stations, used car lots and the like. Applicants cite Cuscowilla and Great Waters. Neither was built within an existing neighborhood on an existing deficient road; indeed, not only do they have good roads, they are gated communities.
5. Not only are the two disparate proposed uses incompatible with the adjacent pasture land and single-family dwelling uses, they are incompatible in the separate sense of

¹ Agenda items 8 and 1 each involve two plots owned by two different owners. I know of nothing that allows owners of adjacent parcels to submit one application even if the two parcels were together at one time.

market acceptance. The Enclave and Waterfront sales experience demonstrate that the townhomes or condos will not sell. Reference is made to the Hotel Study. Not only has no one come forward in the intervening years to build a hotel in Putnam County, page 73 of the Study, a copy of which is attached, shows that this site fails two important criteria set forth by the Study's authors for an acceptable site. That is, it is not visible from arterial roadways and has no amenities within walking distance. Incompatibility is a separate ground for denial as shown by the Georgia Supreme Court's decision in the Diversified case. (see my attached letter of February 2 to the P&Z Commissioners)

- 6. A hotel, if not itself, deemed commercial, will undoubtedly have commercial uses including a restaurant and bar and likely one or more shops and a spa. That would require a minimum of 50 acres under Ordinance 66-97(b). Yet, the Ordinance contemplates commercial uses only after a substantial number of other dwelling units are built (Ordinance 66-96(b) and in fact the development must offer a "variety of housing design solutions...." (Ordinance 66-95) Accordingly, the parcels cannot be used solely for a hotel and qualify for RM-3 zoning.
- 7. The Road Engineering Comments opine "that the proposed development will adversely impact the safety and operation of Collis Road the length of the road from Wards Chapel Road to the proposed development." Mr. Kaiser also states that during a 15-24-month construction period, not only will the road show significant distress over 75% of the roadway, "...in some cases portions of the roadway will be impassable (without pavement maintenance being performed.)"

The Comments appear to contemplate that the road will be torn up for up to 2 years and then it will be essentially rebuilt, perhaps with a 5' shoulder. At the same time, the Staff appropriately recommends denial of the applications. That is unquestionably necessary. That road is the only means of ingress and egress for the residential neighborhoods of Water Oaks, Doug Lane, the Waterfront and the Enclave. Totally apart from the needs of the families to go to school and work, to shop and to live their lives, an "impassable road" means no fire, law enforcement or rescue services. That can not ever be allowed to happen, not for a little while, not ever.

- 8. The Road Engineering Comments reference the expected 70% increase in traffic and notes further that the applicants' hotel traffic study did not include the effect of "events" or other "hotel related" activities. My point is this: even if construction would not tear up the road and "maroon" hundreds of people, the existing road is insufficient for its present use and a 70% increase on a 20-foot road, even with possibly some added shoulders, creates a dangerous situation. Mr. Kaiser has never said that the road would be safe with a 70% increase; he has only pointed to other 20-foot roads in the County.² In that regard, there

1. Mr. Kaiser said at the December 7 meeting that the existing road was less than twenty feet (20') in some places and that you can't put 70% additional traffic on the road "without having potential issues with more cars going off road and with no shoulders to provide that safety to the motoring public" He later repeated: "All I know is that when you add that kind of traffic on a rural road that is as narrow as it is with limited right of way

are lots of 200-pound capacity ladders that serve many people very well but are totally unsafe for larger folks. Here, the present demands on Collis Road, like those of us who are calorically challenged, require a wider road with real shoulders to be safe and a 70% increase inevitably means injuries. Applicants' expert has twice said that 24-foot roadway with curbs and gutters is required for 124 townhomes or a 175-room hotel. Yes, that will require eminent domain and serious road building but the County cannot responsibly allow one of those projects to go forward until such a road is built. Rebuilding the one that is there, even with the possibility of wider shoulders puts a band aid on an arterial bleed. Mr. Kaiser has said a 22-foot road is required for a new subdivision. Either one of the proposed projects combined with the existing residential units equates to 3 subdivisions.

So, you might ask what I propose (perhaps, instead, you would prefer to stop reading.) At the first meeting in December, I said "thank you for your service" and I meant it. Some of you are veterans to the commission; others are new. All work hard and face tough decisions. Let me apologize for what may well be seen as presumptuous, even rude, statements. Simply stated, I have lived this issue for exactly 3 months and so I say the following respectfully:

1. Follow the staff recommendations and deny each of the applications because of their adverse impact on public health, safety, morality or general welfare of Putnam County.
2. Deny each of the applications on the further ground that until the plots are placed into one ownership, they do not qualify for RM-3 zoning. At the same time, ask who will be the person behind that one ownership, what is his/her experience and what do they truly intend to develop. Tell them the next time they apply, get proper letters from Piedmont Water and the Fire Chief. (You put folks making fairly simple set-back requests to jump through hoops (appropriately); there is no reason that these applicants get to slide.
3. Deny the applications underlying Agenda Items 8 and 11 on the separate ground that separate plots cannot be the subject of one application.
4. Deny the applications underlying Agenda Items 8,11 and 12 on the ground that they are properly zoned as R-1.
5. Recognize that any development of the type proposed by these applicants requires a wider road; 24 feet according to their own expert. To avoid great danger to the community, that road must be built first to avoid impassibility
6. Do the right thing; if you are seen to cut breaks, to give way to threats, you lose your dignity, your credibility, the ability to insist that other people strictly follow the law. The more than 150 people who oppose these applications ask that you stand your ground, follow the Ordinances, recognize Supreme Court precedent, and deny these applications.

and no shoulders, you do have a traffic issue." Remember too the comments of Tony Klack.

Thanks for your time

Respectfully,



D. Ronald ("Ron") Ryland
101 S. Bay Rd., no. 1006
Eatonton, Ga. 31024
ronryland@comcast.net
312-780-9900

Site Analysis Overview

Putnam County and other stakeholders selected various sites for analysis by HSP. HSP assessed each site independently for its suitability and attractiveness for a hotel and/or meeting facility development. Each site was rated on a three-point scale across five criteria. The ratings and criteria are listed and explained below.

Ratings:

- Advantage** (green triangle)
- Neutral** (yellow dash)
- Disadvantage** (red triangle)

Criteria:

- Size.** The site is able to fit a hotel and/or meeting facility with parking. Six acres is the assumed minimum acreage needed for a combined hotel/event center and associated parking, although 10+ acres is ideal. For a hotel-only site, the minimum size is two acres.
- Access.** The site is easily accessible from major arterial roadways.
- Visibility.** The facility or facilities is/are visible from arterial roadways.
- Location.** The site is located in an attractive and/or key area of Putnam County.
- Amenities.** The site is within walking distance (up to 1,500 linear feet) of retail, food and beverage options and other entertainment.



February 2, 2020

To the Honorable Members of the Planning and Zoning Commission

c/of Lisa Jackson, Deputy County Manager

Re: Items 8-12 on February 11, 2020 Agenda

I write in opposition to the rezoning requests contained in Items 8-12 on the February 11, 2020 agenda.¹

THE HISTORY

The pending applications started with 4 applications filed by Howard McMichael, Jr. on behalf of HJR Oconee LLC, then owner of a 50-acre pasture and on behalf of Ms. Arnold and Mr. Copelan, owners of 3 R-1 lots purportedly seeking rezoning to build a 124-townhouse development. The applications almost flew below the radar screen at the last December meetings of the Commission and of the Board of Commissioners. Legal notice was given but few folks read signage referring to "RM-3" and the "BOC". Nevertheless, a few of us showed up in opposition on December 5. By the time a special meeting was held on December 30, 150 folks representing more than 75 neighboring properties had signed petitions in opposition to the ill-conceived project. Many folks appeared in opposition and a good number spoke eloquently about their concerns. Now, we have 5 applications, all from applicants different than those that submitted the first applications.

As discussed further below, the road issue was identified at the very first hearing. On December 20, the staff made a revised recommendation including 9 conditions, 3 of which addressed Collis Road (conditions 1,6 and 7) and one (condition 9) presciently restricted the development to the 124 proposed units touted by Mr. McMichael. Candidly, we believe that the conditions fell far short of adequately addressing the serious safety issues but the staff conditions represented a strong effort by the County to support development. At its December 30 meeting, the Commission approved the rezoning requests and in response to a question from County Counsel, Mr. McMichael expressly agreed to the conditions.

Then, on January 3, the applicants reneged, through their counsel's letter, threatening litigation and rejecting the conditions regarding the road and the 124 unit maximum. One has to believe that the attorney's 6-page letter addressing conditions first put forward by the staff on December 20 was in process before December 30 when Mr. McMichael verbally accepted them.² Note

¹ I again state an objection that the Commission may not consider a rezoning request other than at a meeting on the first Thursday of the month. That is the mandatory requirement of Ordinance 66-162 and binds the Commission unless and until the Ordinance is changed. I understand some may point to general ordinances or rules that are more flexible but the law of Georgia is clear that "the specific controls the general" so that a general provision allowing a Commission meeting does not affect a specific Ordinance relating to when rezoning may be addressed.

² It seems most likely that Mr. McMichael sandbagged the Commission. Would an 8-year veteran of the planning commission seek counsel only after the December 30th hearing? Or was Mr. McMichael fronting for some third party who was secretly working with counsel? When asked about his position on his lawyer's objections, he tap danced. Here is the relevant part of the interchange between Mr. McMichael ("M") and County Counsel, Barry Fleming("F") After referring to the objections put forth by Mr. McMichael's attorney, F asked: "Are they your objections?" M: I want the zoning? F: Are they your

also that the letter writer never refers to the property owners by name. He, like Mr. McMichael, did not reveal that the properties had all been transferred to other parties by deeds recorded December 27, 2019

So, we now know that the applicants, all very recently formed essentially anonymous limited liability companies³, are seeking rezoning for some totally unspecified project much larger than 124 units (if what they contemplated was not much larger, they would not have objected to the 124 unit limit subject to board of commissioner's enlargement) and asking to build that project with nothing whatsoever done to the road. Their own expert says a 24-foot road with curb and gutter section is needed for 124 units. Who knows what road would be safe for whatever project, if any, may now be contemplated?

Mr. McMichael has told us repeatedly that he is a real estate expert with 25 years of experience including 8 years on the Planning Commission with a strong profit motive.⁴ Remember how at the first hearing, he said emphatically "124 townhomes" were to be built to be sold at \$500 to \$600 thousand each with strict covenants to for example, prevent rentals⁵ All of that is out the window. He has repeatedly referenced an "assemblage". Yet, when it came to transfers, he divided the field that his company, HJR Oconee LLC, owned into 2 parts and Oconee Overlook acquired the Arnold/Copelan lots.

objections? M: My objections would be any objections that are illegal. F: Your attorney has said that the 4 that you agreed to on Monday night that are listed in his letter are illegal. Do you agree with him? M: I am not an attorney but I agree with, I have to agree with, what he says, that the legality of those conditions, I'm not the attorney, they are. F: So, basically you do not want the 4 conditions that you agreed to on Monday night that your attorney has objected to in the letter. M: I want the rezoning. I do not necessarily want the conditions. F: Ok, thank you."

³ Two of the applicant limited liability companies, Lick Creek Holdings and Mallard's Overlook, appear to be associated with Mr. McMichael. Oconee Overlook's sole member is Ms. Lauren Sprayberry. She is an experienced criminal defense attorney with accounting and tax advising experience which may mean that she has met some developers but that in no way suggests that she has any development experience, much that which would be required to build some hundreds of units.

⁴ At the public hearings, Mr. McMichael acknowledged that his lender forced him to auction off lots at his Chapel Springs project, an attractive project where the lakeside lots have been developed. That lender sent a lawyer a long distance to appear before the Commission not to say that the bank would loan any money for the then project but to say that the bank would appreciate rezoning if it would increase the value of their collateral, a clear sign of a troubled loan. Mr. McMichael is presently being sued by People's Bank over a failed Greene County Project. 9The Peoples Bank v. Sammons-McMichael, LLC and Howard McMichael, Jr. Putnam County SUC2019140 filed July 3, 2019. The Bank is suing Mr. McMichael as guarantor on a 2012 loan. In 2017, according to the complaint, in 2017, the parties agreed to an over \$200,000 reduction in principal and an extension to 2020 but the bank sued when the developer allegedly failed to satisfy 4 conditions of the forbearance agreement. He, and his then wife, were sued by Bank of America in 2014 for \$321,333.49.

⁵ Of course, he also told the Commission that he needed rezoning by year-end to complete sales which led to the calling of a special meeting. Yet all of the parcels were transferred on December 27, albeit without Mr. McMichael telling the Commission.

Pieces of two Arnold/Copelan lots were deeded by the buyer to Lick Creek Holdings. Are these the signs of an assemblage or of two parties (or possibly more) preserving options.⁶

There are, it appears, only two conclusions: (1) the applicants, all owners of the parcels only since December 27 have no intention to build anything and plan to "flip" some or all of the parcels or (2) they have some plan, most likely for some very intensive use of the property, that they are deliberately hiding and is most likely, a complete non-starter.⁷

There is only one reasonable course of action. Reject the applications relating to the existing R-1 lots; not only are the applications deficient, create safety risks and are incompatible with the neighboring properties, the parcels are properly zoned and recently sold for a good price.⁸ Reject the applications (agenda items 8 and 9) for what are now 2 parcels comprising the 98 acre field on the grounds that the applications are deficient⁹ and furthermore the requested zoning creates safety risks, are incompatible with the neighboring agricultural and R-1 properties and inconsistent with the 2017 comprehensive plan.

THE APPLICATIONS FAIL TO MEET THE REQUIREMENTS OF THE ORDINANCE AND MUST BE DENIED FOR THAT REASON ALONE

We do not know what is proposed to be built, if anything. It may well be that these applicants hope only to obtain rezoning and then sell the land to who knows who. We do know that Mr. McMichael is their designated spokesman and claimed at one time to be the developer. His candor, or lack thereof, is chronicled above.

The applicant entities and their formation dates are: Lick Creek Holdings LLC (Oct. 2, 2019), Mallard's Overlook LLC (December 12, 2019) and Oconee Overlook LLC (September 5, 2019). Ms. Sprayberry claims to be the sole member of Oconee Overlook LLC but has appointed Mr. McMichael as her agent. We infer therefrom that she is acting as an attorney for someone else and is not going to be an active participant herself¹⁰ so we have no idea what the true vision is or where the expertise or money for some large development will come from.

So, someone, we really don't know who, wants to build we don't know what. We know only that the townhome project is off the table, probably reflecting overwhelming evidence in the form of

⁶ Note two applications, agenda items 8 and 11, are purportedly submitted by two separate owners of adjacent property, something not contemplated at all by the ordinance.
⁷ This is completely a personal observation. But if there truly was a responsible developer planning to build 124 townhomes and sell them for more than \$60 million, why would it complain at all about payment of comparatively very small amounts to satisfy the road conditions. I speculate either that there was no such developer or it got cold feet when it thought about the very slow sales at the Endave. Why else would we see fractured parcels and fractured ownership and no development plan.
⁸ According to the tax data on the deed attached to my January 3 letter to the Board of Commissioners, those lots sold for \$800,000.
⁹ There is no "concept plan" as required by the application form when the only concept is to build something consistent with zoning and building codes.
¹⁰ She was present at least one of the last two hearings, i.e., after the December 27 transfers, but declined to speak, even to mention that her LLC owned the Arnold/Copelan lots.

sales experience at the Enclave and the Waterfront that such a project would not succeed (The Enclave sold only 5 units in 2 years.)¹¹

The five applications fail in major ways to comply with the requirements of the rezoning ordinance and the application. None tells you what is to be built on the properties or how many units. (All we know implicitly is something more and different than 124 townhomes.) Any purported impact study is bogus if you do not know what is contemplated. The recycled impact statements attached with the applications therefore mean nothing. So too the traffic study other than we can assume that it will be more than would be involved with 124 units. Who knows what water and sewer services are needed¹² or whether there will be adequate fire protection? Your Ordinance Section 66-161 contains detailed requirements addressing such matters and much more, e.g.,

"the proposed project layout including: For residential subdivisions, commercial, or industrial applications, approximate lot lines and street right-of-way lines, along with the front building setback line on each lot." And "for multifamily and nonresidential development projects, the approximate outline and location of all buildings, and the location of all minimum building setback lines, outdoor storage areas, dumpsters, zoning buffers, parking areas, loading stations, stormwater detention facilities, and driveways, entrances and exits."

You truly have none of that when the applicants state only that they will build consistent with zoning and building codes.

RM-3 zoning, ordinance 66-97(3) allows 8 or even 10 units per acre. Across 57 acres, that rezoning could mean 570 units. Remembering that the applications are put forward by an 8-year veteran of the planning commission on behalf of entities apparently controlled by him and a local attorney, Ms. Sprayberry, the applications must be viewed as calculated deliberate avoidance of legal requirements, a farce and a slap in the face to the Commission and its staff. They should be summarily denied.¹³

¹¹ At the December 30 hearing, Marty Reuter, an executive vice-president of Coldwell Banker in Atlanta spoke. He told the Commission that when he purchased his unit at the Enclave, he received a substantial discount, free furniture and a Coscowilla membership as an incentive to buy and expressed real concern about the viability of the then proposed project. The undersigned practiced law with a major California law firm with a large real estate finance, workout and bankruptcy department and shares those concerns. But there is no need to rely on our opinions. The cold facts of the "comps" are indisputable and remain wholly unanswered but that may be of no matter since the townhome project appears to have disappeared from sight.

¹² In my December 23 letter to the P&Z commission, I reported on a conversation with Piedmont Water wherein I was told that the company did not know 124 units were contemplated when it sent its October 8 letter regarding water and sewer service; I was told the company engineer would have to consider the issue. I have seen nothing that Mr. McMichael has submitted since that October 8 letter. I have not followed up with Piedmont recently since I would be unable to describe what it is that they would be serving other than it is presumably much bigger than 124 units.

¹³ Those of us who attended the December 7 Commission meeting remember the first two applications before the Commission. One man (accompanied by his toddler) wanted relief from a set-back requirement. The other, Mr. Holder, wanted rezoning of a field who could move out of the house he shared with his son and build his own house. Most applications had been carefully prepared and scrutinized by the staff. Here, the applications are put forth by sophisticated people and should be seen for what they are: an absolute nullity.

You should, I respectfully submit, totally reject applications that fall so far short of the legal requirements. There may be no need to read further. But for completeness and since we all spent so much (apparently wasted) time on the 124 townhomes, I nevertheless will show how rezoning would be improper even for that once proposed 124-unit project or any larger project (hereinafter the "Project")

APPLICANTS HAVE NO LEGAL RIGHT TO REZONING

Messrs. McMichael²⁴ and Sprayberry have argued that there is some constitutional right to the rezoning so as to make the properties more valuable. That is simply not a true statement of Georgia law. In the leading case of *Diversified Holdings LLP v. City of Suwanee*, 807 S.E. 2d 876 (2017), the Georgia Supreme Court reviewed a denial of a rezoning request where the applicant's case was much stronger than this case. Nevertheless, the Supreme Court upheld the Commission's denial which was based on safety concerns, compatibility issues and the city's comprehensive plan. In that case, the applicant owned 30 acres located on a street where the adjacent properties and surrounding properties were zoned commercial. The applicant wanted a change to allow multi-family housing. The applicant produced testimony from appraisers that the property had been unsuccessfully marketed for commercial use for 26 years and that rezoning would increase the value from \$600,000 to \$1.5 million. NEVERTHELESS, the Georgia Supreme Court held that the Zoning Commission acted properly when it cited the absence of sidewalks and other safety issues, incompatibility with the neighboring properties and the comprehensive general plan when it denied the rezoning.²⁵

THE APPLICATIONS RAISE SERIOUS SAFETY CONCERNS, ARE INCOMPATIBLE WITH NEIGHBORING USES AND ARE CONTRARY TO THE COMPREHENSIVE GENERAL PLAN.

The Road

Implicitly, the Applicants propose some development much larger than 124 units and there is no provision whatsoever to address the very serious safety concerns that would create. Their own expert says even that number of units would require 24-foot streets. I addressed the road at length in my December 23 letter to the Commission. We will repeat only some of what we said then. Safety is always an important, indeed perhaps primary, concern when rezoning is considered. Here, there can be no question that the applications threaten safety.

1. The Applicant's own engineer says that (a) there will be a 70% increase in traffic and (b) that to take that increase in traffic you need "a twenty-four feet (24') curb to curb or twenty-

²⁴ The Commission might reasonably ask whether it should believe Mr. McMichael. At the December 30 hearing, he expressly agreed to conditions set forth by the staff in their revised recommendations dated December 30. By the time of the January 3 hearing, Mr. McMichael, through counsel, reneged on his acceptance of 4 conditions. At the January 3 hearing, he waffled saying he wanted the approvals before finally stating his lawyer spoke for him. Of course, at neither hearing did Mr. McMichael advise the Commission or the Board of Commissioners that the parcels had all been sold or transferred and therefore none of the named applicants owned the parcels. Similarly, when he obtained a letter from Piedmont Water regarding service, Piedmont was not told that 124 units were planned.

²⁵ For ready reference, the relevant portion of the *Diversified* decision is attached as attachment "A." A full copy of the decision can be found on Google Scholar.

four foot (24') plus five foot (5') shoulder with acceptable clear zone geometrics beyond the shoulder." (Agenda Packet p.68)

2. If the Applicant was building a new road for a new subdivision, the County Engineer, Mr. Kaiser, stated that a twenty-two-foot (22') roadway with curbs would be required. Here, the new and existing usage would equate to three (3) 100-unit subdivisions.
3. The County Engineer voiced serious traffic concerns. Mr. Kaiser said that the existing road was less than twenty feet (20') in some places and that you can't put 70% additional traffic on the road "without having potential issues with more cars going off road and with no shoulders to provide that safety to the motoring public" He later repeated: "All I know is that when you add that kind of traffic on a rural road that is as narrow as it is with limited right of way and no shoulders, you do have a traffic issue." *
4. So did the Public Works Director Tony Clack. He said that the road was "less than adequate", that widening beyond 18-19 feet would be "problematic" and "there is no room to put anything." He said that he had been out on the road at 5:00 on December 5 and told the Commission how much traffic he had seen. That was in the winter, think how much more there will be in the summer when those returning home from work meet those weekenders; that is before you add another 70%.
5. In response to a Commissioner's question asking whether it was a risky venture where there would be accidents, Mr. Kaiser "Is it a risk, anytime you add more cars to a deficient roadway width, you are always going to stand that risk. I can't give you what that percentage is."

Like in the Diversified situation and many others, public safety mandates denial of the pending applications.

The "Project" is Incompatible with Existing Uses

Incompatibility was one of the reasons for denial of re-zoning in the Diversified case. Contrary to loose language in the applicants' purported impact statements, the existing agricultural land is surrounded by other pasture/woodland (whose owner opposes re-zoning) and by R-1 land. The Waterfront project is at the far end of Collis Marina Road (below grade and surrounded by trees); the Enclave is further away at lakeside. So, 124 townhomes or many more residential units are incompatible with the surrounding agricultural use and by the single-family residences. Incompatibility is a proper ground for denial of rezoning and it exists here.

The "Project" is Inconsistent with the Comprehensive Plan

* At the December 30 meeting, Mr. Kaiser did not recant but observed that the county had other 20-foot roads. This particular road is the only road available for all who reside in Water Oaks, the Waterfront and the Enclave and now someone wants to add more than 70% new traffic, perhaps as much as 300% more.

Comprehensive plans are completed for a reason and Putnam County's was revised in October of 2017. Here, we are talking about agricultural land abutting R-1 land. In the Diversified case, the Supreme Court said in part: "Whether the current zoning is consistent with the policies and long-range planning goals for the area is a factor courts consider in determining whether the zoning substantially benefits the public health, safety, and welfare." 1111 Tap. 273 Ga. at 685, 544 S.E.2d 433, (807 S.E. 2nd 876 at 889) It upheld the lower court's determination to support the planning commission's denial of a re-zoning request based in part on the Comprehensive plan.

CONCLUSION

The applications are totally deficient. To consider them would be to say to all future applicants, "you no longer have to tell us what you propose to do, much less provide details, simply state "I plan to do something legal". That would be a travesty.

As to any development of the type proposed by applicants, safety alone requires rejection of the applications. So too does incompatibility with the neighborhood and the comprehensive general plan. All are totally proper and appropriate reasons for denial as shown by Georgia Supreme Court precedent.

I respectfully submit that each of the applications must be denied. Thank you for your service.

Respectfully,



D. Ronald ("Ron") Ryland

101 S. Bay Rd, no. 1006

Estonton, Ga. 31024

ronryland@comcast.net

cell: 312-780-9900

ATTACHMENT "A" EXCERPT FROM GEORGIA SUPREME COURT DECISION IN DIVERSIFIED CASE

IV.

Diversified's complaint alleges both an inverse condemnation and a due process violation. But because Diversified requested relief in the form of rezoning without seeking damages for a taking, its claim is properly understood as sounding in due process. Regardless of its language intermixing due process and inverse condemnation claims (understandable given our own lack of precision in the past), the trial court applied the correct standard and concluded, in part, that the Property's current zoning is substantially related to the public's health, safety, morality, and welfare. We agree.^[20]

We start with the proposition that a zoning ordinance is presumptively valid. Guhl, 238 Ga. at 323-24, 232 S.E.2d 830. To overcome this presumption, the party challenging a zoning ordinance must show, by clear and convincing evidence, that the zoning at issue presents a significant detriment to the landowner and is insubstantially related to — in other words, does not "substantially advance" — the public health, safety, morality, and welfare. Parking Ass'n of Ga. v. City of Atlanta, 264 Ga. 764, 765, 450 S.E.2d 200 (1994). Although the validity of a zoning ordinance's application to a particular property must be determined on a case-by-case basis, the following factors are considered:

(1) existing uses and zoning of nearby property; (2) the extent to which property values are diminished by the particular zoning restrictions; (3) the extent to which the destruction of property values of the plaintiffs promotes the health, safety, morals or general welfare of the public; (4) the relative gain to the public, as compared to the hardship imposed upon the individual property owner; (5) the suitability of the subject property for the zoned purposes; and (6) the length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property.

Guhl, 238 Ga. at 323-324, 232 S.E.2d 830 (citation and punctuation omitted). And we have previously acknowledged a number of interests that will support a restriction on land use, including aesthetics, environmental impact, injury to neighboring property, traffic impacts and potential hazards to pedestrians, and the long-range planning goals for the area. City of Atlanta v. Awtry & Lowder Co., 205 Ga. 296, 296, 53 S.E.2d 358 (1949) (injury to neighboring property); Pope, 242 Ga. at 336, 249 S.E.2d 16 (1978) (environmental impact); Westbrook v. Bd. of Adjustment, 245 Ga. 15, 262 S.E.2d 785 (1980) (traffic impact and pedestrian hazards); Parking Ass'n, 264 Ga. at 765-66, 450 S.E.2d 200 (aesthetics); Tap Assoc., 273 Ga. at 683, 544 S.E.2d 433 (2001) (long-range planning goals). Balancing the Guhl factors, as the trial court did, leads to the conclusion that the City's denial of Diversified's petition to rezone the Property should be affirmed.

Like much of the area surrounding it, Diversified's property is currently zoned for commercial use. Although the Property abuts a roadway, it has no sidewalks. The trial court specifically noted that the lack of sidewalks poses an "unreasonable and unsafe risk" to pedestrians who would be accessing the Property if it were rezoned. The potential increase in pedestrian hazards if a rezoning request is granted is a valid consideration supporting the denial of rezoning. See Westbrook, 245 Ga. at 16, 262 S.E.2d 785 (denial of the landowner's request to rezone his property from residential to commercial

was not unconstitutional when the surrounding area was largely residential and there was evidence that an increase in traffic volume would create a hazard for pedestrians).

The trial court also noted that the surrounding conditions, including the commercial nature of the businesses abutting the Property, support the current commercial zoning. And it also acknowledged that the City's comprehensive plan (which provides for the Property's commercial zoning) is a detailed and thorough plan for economic development within the City. Whether the current zoning is consistent with the policies and long-range planning goals for the area is a factor courts consider in determining whether the zoning substantially benefits the public health, safety, and welfare.¹¹¹ *Tap*, 273 Ga. at 685, 544 S.E.2d 433. This is particularly relevant when the zoning ordinance at issue was adopted after extensive study and public debate. *Id.* The trial court ultimately concluded that the current zoning was substantially related to the public health, safety, and welfare. We see no error in that conclusion.

Diversified contends that the trial court did not undertake an appropriate analysis of whether the Property is suitable for development in accordance with the City's comprehensive plan. In other words, Diversified maintains that the Property cannot be developed for commercial use and cannot realistically be developed for high-density office space as the City envisions — meaning, one assumes, that the current zoning restriction is arbitrary and capricious. But, as the City points out, there was evidence that the Property could be developed for some commercial use, including low-intensity office space. And, as both parties concede, much of the difficulty in developing the Property stems from the Property's topography — which, of course, remains unchanged by its zoning classification. It is not for this Court to determine whether the City could have made a different or better zoning classification. *Tap*, 273 Ga. at 685, 544 S.E.2d 433. When the validity of the legislative classification for zoning purposes is debatable, that judgment must be allowed to control. *Id.* at 683, 544 S.E.2d 433.¹¹²

The cases Diversified relies on do not lead to a different conclusion. The surrounding area near the Property, perhaps with the exception of a proposed development across the street, do not have residential uses (pre-existing or otherwise). The Property abuts the road and surrounding commercial zones with no buffer. And there is no indication that the City has sanctioned any violations of the comprehensive plan in the areas surrounding the Property. Thus, even accepting that the Property has been vacant for many years, this case does not present facts that support invalidating the current zoning classification on due process grounds. *Cf. DeKalb Cty. v. Albritton Properties*, 256 Ga. 193, 109, 344 S.E.2d 653 (1986) (finding that a comprehensive development plan was a "less effective planning tool" when the county violated its own plan to permit commercial development in residential areas and when the property in question abutted a "radically different land use approach" in a neighboring county); see also *Bd. of Comm'rs of Hall Cty. v. Skelton*, 248 Ga. 855, 855, 286 S.E.2d 729 (1982) (finding that a highway business zoning classification was not substantially related to public health, safety, and welfare, when many of the areas surrounding the property were used for mobile homes and residential purpose and the property itself did not front the highway).

V.

In sum, we conclude that an appeal from a trial court's order reviewing a local authority's decision regarding an application to rezone property — an application that, more precisely, is seeking an administrative determination that zoning is unconstitutional or otherwise unlawful because of the particular factual circumstances surrounding a given party's desired use of its land — is subject to the

discretionary application procedure set out in OCGA § 5-6-35 (a). We affirm the trial court's conclusion that the denial of Diversified's application to rezone the Property was not arbitrary or capricious. Having already determined that the application to rezone the Property was properly denied, we do not reach the merits of the cross appeal.

Judgment affirmed. All the Justices concur.

March 10,2020

To: The Honorable Members and Staff of the Putnam County Planning & Zoning Commission

Re: Collis Road Rezoning

Agenda Items 8-12 on the March 5 agenda have been postponed because of an advertising glitch, presumably to April 2, i.e., the first Thursday in April. This gives the Commission, the staff and the community time to ask additional questions and give additional thought to these, most serious requests.

While I continue to believe that the applications fail to meet the requirements of the applicable Ordinances and that rezoning is incompatible with surrounding properties and are not in conformity with the Comprehensive Plan, my focus in this letter is on Collis Road. County Engineer Kaiser has said that construction of either of the proposed projects would pose safety concerns of a magnitude to require denial of the applications. He focused on the effects that construction would have on the existing road rendering it unsafe and at times, impassible. He told us what would be needed by way of road reconstruction to address the effects of any such construction.

What I would propose that all of us focus on for the next 3 weeks is what kind of road would be needed if, e.g., the proposed hotel project was to be build built. To that end, I would invite the Commissioners and Staff to pose the following questions to Mr. Kaiser:

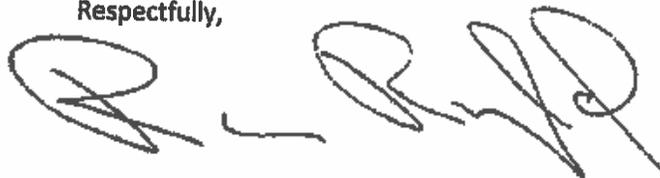
1. Is P.C. Simonton & Associates, Inc. a competent reliable firm?
2. You have noted that the Applicants' hotel traffic study understates the traffic load by 200 cars per day (because of "events"). Other than that, do you have any technical reasons to reject that study or its conclusion that: "The minimum cross section should be two lane twenty-four feet (24') wide with curb and gutter section."
3. Do you not agree that any road built on the applicants' property to the proposed hotel should be twenty-four feet (24') wide?
4. Don't you agree that if the existing road was allowed to be used during construction of a hotel, it would pose serious safety risks as you have said in your Road Engineering Comments and common sense suggests as you contemplate heavy construction trucks meeting a school bus or boat trailer on the road. Does this not mean that construction of a twenty-four foot (24') wide road of quality construction be completed before any heavy construction is permitted on Applicants' properties.
5. You have said that the County has repaved some other twenty-foot (20') wide roads. Do you know of any such road: (a) that presently exists that is the sole means of ingress and egress to neighborhoods the size of those on Collis Road and have the traffic numbers shown by Applicants' traffic study, (b) any such road that has 70% more traffic than Collis Road presently

has (c) same questions with roads having minimal shoulders and (d) do you agree that those roads are unsafe?

Separately, let me address a statement in the Road Engineering Comments. Mr. Kaiser makes reference to construction traffic creating "pavement rutting" and that there will be "large areas of the roadway where asphalt will begin to disintegrate resulting in potholes." He then states: "During the project construction period, estimated to be 15-24 months, the roadway will likely show areas of significant distress over 75% of the roadway and in some cases portions of the roadway will be impassable (without pavement maintenance being performed)." Focusing on the bolded text, what exactly is contemplated by the way of monitoring and pavement maintenance in that scenario? Would there be an on-site crew monitoring the road and immediately effecting repairs? In such a case, how long would the road remain impassable while the repairs are effected? My surmise is that you do not in fact anticipate having such a monitoring/repair crew on site. But the community deserves to know just how long it could be in minutes, hours or days without fire, ambulance or police services.

Many thanks for your consideration.

Respectfully,



D. Ronald ("Ron") Ryland
101 S. Bay Rd., no. 1006
Eatonton, Ga. 31024
ronryland@comcast.net
312-780-9900

Kathryn Burgess
126 Doug Ln.
Eatonton, Ga 31024

December 22, 2019

RE: Request for Postponement of Special Called Rezoning Mtg re. the Collis Road area

Dear Ms. Jackson and Members of the Putnam County Zoning Board,

I am writing regarding the timing hardship of conducting factual research for the special called December 30th rezoning meeting. The Christmas holidays and week before New Year's Day are making it almost impossible to conduct business and schedule meetings with experts and authorities on several of our important positions. We feel we need additional time to prepare our critical points for you regarding the Collis Road community.

Several neighbors have called wanting to help but are reaching timing roadblocks with their concerns and contacts as well. One concerned citizen asked me to write you this letter requesting additional time due to this hardship. I was told to bring this letter in person to Ms. Jackson's office by Monday, December 23rd for consideration. We are asking for a postponement until the end of January. This would provide us time to make the most factual presentation to you regarding our opposition to rezoning RM3.

Thank you in advance for your consideration, and Merry Christmas!

Kathy J Burgess

Kitty Burgess
678-429-5376
kitburgess@yahoo.com

December 20, 2019

Planning & Development Board Director, Zoning Board Members,
& Putnam County Board of Commissioners:

Re: Rezoning of Collis Rd. area

In his traffic impact analysis done for the proposed Mallard Cove Development, Paul C. Simonton engineer, stated, "A two lane local street will generally have a capacity of 1,000 vehicles per day with an acceptable livability." (Keep in mind that Collis already has 1,331 vehicle trips per day, and we are talking of adding an additional 930 vehicle trips according to this traffic study. That would be a total of 2,261 trips per day.) He continues, "A local roadway can accept 1,000 vehicles per day if the roadway is 24' curb to curb or 24' plus 5' shoulders with acceptable clear zone geometrics beyond this shoulder."

We all know as we agreed upon at the last meeting that narrow Collis Road is less than 20' in many places. The developer's own engineer, Mr. Simonton agrees with us that it is substandard and has to be widened to 24' for a project adding 70% more traffic to be an "Acceptable Level of Service."

He finishes his letter stating, "Collis Road does not meet the roadway width shown above. The current roadway is a very narrow 20' roadway with little or no shoulder. Expansion of the roadway is expected for the roadway to operate at an acceptable level of service (LOS)."

His conclusion in the final sentences of his report, is direct and to-the-point of what is required: "The minimum cross section should be two lane, 24' wide with curb and gutter section. In addition left turn lanes at intersection and commercial driveway be examined."

Question #6 on the Rezoning Checklist Form reads: "Will the proposed use cause an excessive or burdensome use of public facilities or services or exceed the present or funded capabilities, including but not limited to streets, water, or sewer utilities, and police or fire protection?" I feel we local residents, the Putnam county traffic and ways and means directors, and, most especially, Mr Paul Simonton of P.C. Simonton & Associates, Inc have proved the answer to that question would be a resounding yes, it would be excessive and burdensome. And, according to Mr. Simonton would not meet an "Acceptable Level of Service."

I am concerned when reading the 11/25/19 staff recommendation letter to approve the request with the condition of widening to 20'. The 20' improvement would not even meet the minimum 24' suggested by Mr. Simonton. If Collis Road cannot be widened to 24' in all areas as their own traffic engineer requires, then I argue this is a road safety issue that can not be fixed. Therefore, the rezoning proposal does not support RM3 and you should vote NO.

Sincerely,

Kathryn J. Burgess
126 Doug Lane

P.C. Simonton & Associates, Inc. Consulting Engineers

349 North Main Street
Post Office Box 649
Hillsville, Georgia 31310

1050 Parkside Commons
Suite 101
Greensboro, GA 30642

Mallard Cove Traffic Impact Analysis PCS # 2019-168

The Mallard Cove development is a residential townhouse development that includes 50.8 acres of multi-family development on Collis Marina Road and Collis Road NE. The developer desires to construct 124 residential, three bedroom townhouses. The property is currently zoned A-1 agriculture and will require a zoning change to multi-family residential.

Trip Generation Software by Microtrans will be used to generate average daily traffic for existing as well as future conditions. All average daily traffic included in the report is two-way traffic and has not been adjusted. Passerby traffic which is generally defined as traffic that is already on the road and contained in existing counts, but will also be included in traffic projections for the proposed development. The percentage of passerby traffic varies with the type of development. In the case of Mallard Cove, the development is a destination so passerby traffic will be almost non-existent.

The two roadways (Collis Road and Collis Marina Road) are currently two lanes with a width of about twenty feet (20'). The two roadways serve existing residential and commercial developments comprised of approximately 84 single family residential units, 90 multifamily units and supporting club house and boat storage. Based on these land uses traffic projections for the existing development is:

1331 Two Way Traffic	1331 trips per day
AM Peak Traffic	103 trips per day
PM Peak Traffic	131 trips per day

current trips
Existing traffic
in Collis area

The proposed project includes 124 three bedroom townhouse units located at the intersection by Collis Road and Collis Marina Road. Property configuration will allow all or most of the property to enter from Collis Road and will have no impact on Collis Marina Road. Based on the information submitted traffic projection for the proposed development is:

development means additional trips

Proposed project

Average weekday two-way volume	930 trips
AM Peak Traffic	71 trips
• Peak hour enter	11 trips
• Peak hour exit	60 trips
PM Peak Traffic	89 trips
• Peak hour enter	60 trips
• Peak hour exit	30 trips

PCS# 2019-168-1
RE

Hillsville, Georgia Phone: (912) 368-5212 Fax: (912) 368-6071
Greensboro, Georgia Phone: (706) 454-9870 Fax: (706) 454-9871

As can be seen the traffic impact, as a result of the rezoning of the tract on Collis Road increases traffic by 70%, to a total of 2,261 two-way trips per day. The 2000 Highway Capacity Manual suggest the capacity of two lane, two-way highways to be 3,400 passenger cars per hour (pcph) for both directions and 1,700 pcph for one direction. As stated in the terminology this capacity would be for a "highway" not a local street. A two lane local street will generally have a capacity of 1,000 vehicles per day with an acceptable livability. A local roadway can accept the 1,000 vehicles per day if the roadway is twenty four feet (24') curb to curb or twenty four feet (24') plus five foot (5') shoulders with acceptable clear zone geometrics beyond this shoulder.

not highway
local street

Collis Road does not meet the roadway width shown above. The current roadway is a very narrow twenty feet (20') roadway with little or no shoulder. Expansion of the roadway is expected for the roadway to operate at an acceptable level of service (LOS). The minimum cross section should be two lane, twenty four feet (24') wide with curb and gutter section. In addition left turn lanes at intersection and commercial driveway be examined.



PCEN 2019 11/11

DE

Concerned Property Owners

January 1, 2020

To: Putnam County Board of Commissioners

On Monday, December 30, 2019, the County's Planning and Zoning Commission voted to approve the County's staff recommendations regarding the rezoning of 50+ acres of A-1 land (plus 6+ acres of R-1 land) along Collis Road, Collis Marina Road and Lake Oconee for a 124-unit RM-3 development. A significant number of surrounding property owners voiced opposition at this and a meeting on December 5, 2019. The outline below is a summary of the opposition facts as applied to the County's Rezoning Checklist Form of standards.

REZONING REQUEST – OPPOSITION OUTLINE
Collis Road – Collis Marina Road – Lake Oconee

1. **FACT:** The proposed use (RM-3) is not consistent with the stated purpose of the zoning district. The Future Land Use Comprehensive Plan is Agriculture/Forestry (A-1). *The applicant's Impact Analysis statement is inaccurate.*
2. **FACT:** The proposed use (RM-3) is not suitable in view of the zoning and development of adjacent and nearby property. The property is adjacent to AG-1, R-1, Collis Road, Collis Marina Road and Lake Oconee. Nearby (less than 1 mile) properties zoned for multi-family residential units, *The Enclave* (18 units) and *The Waterfront* (72 units), both with superior lake front offerings, have/are experiencing distressed market acceptance and unit sales. Example, *The Enclave*, with a similar design and price point, has sold only a handful of units after several years of marketing by an experienced property developer. The market has spoken; additional multi-family residential is not the best development/use for this property. *The applicant's Impact Analysis statement is inaccurate.*
3. **FACT:** The proposed use (RM-3) will adversely affect the existing use, value and usability of adjacent and/or nearby property. The adjacent residential use is R-1. The only access road, Collis Road, was identified "on public record" as "a problem" by the County's Public Works Manager and Civil Engineer. A 70% estimated increase in vehicular traffic will comprise safety and potentially negatively impact property values for existing owners in the area. Further, the County's population growth trends do not support an additional 124 RM-3 designated homes at the proposed price-point. *The applicant's Impact Analysis statement is inaccurate.*
4. **FACT:** The proposed use (RM-3) is not compatible with the purpose and intent of the comprehensive plan. The Future Land Use Comprehensive Plan is Agriculture/Forestry, not RM-3. Other RM-3 attempts, with superior lake frontage, in the area have failed/struggled. Again, the market has spoken. *The applicant's Impact Analysis statement is inaccurate.*
5. **FACT:** There is no substantial reason(s) why the property cannot and should not be used as currently zoned. Example, *Waters Edge*, 3 miles away, is substantially more representative of appropriate development for the area. *The applicant's Impact Analysis statement is inaccurate.*
6. **FACT:** The proposed use (RM-3) will cause an excessive and burdensome use of public facilities and services and exceed the present or funded capabilities, including streets and potentially water and sewer utilities and police and fire protection. Known issue: Collis Road

safety. Uncertain / undocumented issues: Piedmont Water and Sewer capabilities, police and fire support, environmental impact. *The applicant's Impact Analysis statement is inaccurate.*

7. **FACT:** The proposed use (RM-3) is not supported by new or changing conditions not anticipated by the comprehensive plan or reflected in the existing zoning on the property or surrounding properties. Similar developments (multi-family) have failed or are facing distressed/slow sales. What are the facts that makes this proposal different, better or represents an advantage over the others? RM-3 density has already surpassed the market's acceptance-level in the surrounding area. *The applicant's Impact Analysis statement is inaccurate.*

8. **FACT:** The proposed use (RM-3) does not reflect a reasonable balance between the promotion of the public health, safety and a reasonable private use of the subject property. Potential environmental issues (health), significant safety concerns (Collis Road) and an unsubstantiated business case for 124 additional multi-family residential units given historical struggles of similar developments in the area are clear evidence that RM-3 is not a safe, proper and/or prudent rezoning designation for these properties. *The applicant's Impact Analysis statement is inaccurate.*

The applicant has failed to pass the "test of reasonableness" set forth by the County's standards in the Rezoning Checklist Form. Approval will result in a development failure and increased safety concerns, both negatively impacting all surrounding property owners and citizens of the County in this area.

Recommendations: 1. Reject this application. 2. Allocate County funds to properly improve Collis Road and the intersection at Wards Chapel. 3. Support an A-1/R-1 development (e.g., *Waters Edge*) as reasonable private use of these properties.

Concerned Property Owner

Sewage Smell — Nextdoor

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© 2018 Nextdoor

Chuck Edwards (/profile/150306897), Lake Oconee

Sewage Smell

(/news_feed/?post=132836806)

Has anyone else noticed the really bad sewage smell from by Georgia Butts. If so do you know what's causing it. If I was going to eat at Georgia Butts it might make me change my mind. I love Georgia Butts

6 days ago (/news_feed/?post=132836806) · 21 neighborhoods in General (/general)

Thank

Comments

5



Stephen Cash (/profile/89863532), Long Shoals Rd
Been up and down 44 since piedmont water installed the sewer system. It got so bad one time business had to close for a day.

4 days ago Thank Reply



Charles Pugh (/profile/30867800), Lake Oconee Piedmont
Stinks to high heaven when I make the turn off 18 onto 44 at Putnam Gen. Hosp. all the way down the road first a sulfur smell the raw sewage smell, enough to gag a nigger, and folks that is stinking big time.

3 days ago Thank Reply



Tim Gregory (/profile/27713377), Long Shoals Rd
I am not sure who you would speak to but coming off Scott Rd onto 44 is awful I feel bad for Wing Max and residents at those near retirement apartments.

1 day ago Thank Reply



Percy Abate (/profile/37847847), Reynolds Marcellus
Think they are part of the problem. Ever since construction complete there has been increasing odor issues. Before the system can't handle increased usage. Have seen Piedmont in area multiple times pumping.

1 day ago Thank Reply



Sandra Stoney (/profile/43270880), Water Oaks
If has been in front of Thunder Valley Substation, since Piedmont put the sewage system in. This county is so quick to fire people, I wish they would do something about Piedmont Water and Sewage issues.

20 min ago Thank Reply

Add a comment...

Martin J. Rueter
Member of the Enclave
community



5775-D GLENRIDGE DRIVE
SUITE 100
ATLANTA, GA 30328

CELL: 678-675-7478
mrueter@aol.com

December 17, 2019

Putnam County Planning & Zoning Commission
117 Putnam Drive, Suite B
Eatonton, GA 31024

RE: Special Hearing for Rezoning 4 tracts of land on N. Collis Rd.

Gentlemen:

I proudly own one of the Enclave townhomes affected by the proposed rezoning request. I attended the original hearing on December 5th — joining dozens of neighbors opposed to so radical a departure from the longstanding character of our predominantly rural community.

At the upcoming December 30th hearing you'll likely hear a reiteration of the reasons why this ill-planned petition should be denied -- including serious traffic, safety, infrastructure, flooding, environmental, and precedent-setting concerns. Aside from the financial windfall awaiting the sellers of this property "assemblage," I see no advantage to the rest of us adversely left behind by your approval of this petition, other than potentially adding 124 new taxpayers to the county coffers — ONLY if such a development is completed and sold out over the forecasted timeframe.

The petitioner foresees building 124 townhomes similar to the Peninsula townhouse project along Highway 44. He points to the luxury prices residents like me paid for the nearby Enclave units as evidence of strong consumer demand. What he hasn't considered is that the Peninsula and Enclaves both offer lakefront views and access to all owners. Presently, there is an overabundance of more affordable "upscale" listings for sale in Lake Oconee. Population growth in Putnam County hovers around 1% annually. I'm sure a lender will require a more detailed assessment of the anticipated price points, consumer profile, marketing plans, and a more conservative turnover rate in order to fund and complete this project. Given that the Enclave did not sell its first six lakefront townhouses until just recently (a period spanning two-plus years), I can only foresee a scarred landscape of 124 overgrown slabs and decaying curb lines. Before approving so radical a change in neighborhood character, I respectfully suggest a thorough investigation of the proposed purchasers, their experience, financial sustainability, and the county's contingency should this pipedream most assuredly fail.

Sincerely,

Martin J. Rueter
Executive Vice President

**Signatures in
opposition of the
Collis Road Rezoning**

TO: Putnam County Planning & Development Director, Zoning Board, Board of Commissioners

FROM: Concerned Residents of Collis Road Area (Putnam County Zone 3)

RE: Rezoning of 57.07 acres of Collis Road and Doug Lane from AG-1 and R1 to RM-3 for the proposed development of Mallard Cove Townhomes

DATE: 12/19/19 via Hand Delivery and Mail

We, the undersigned Collis area residents or landowners respectfully but adamantly oppose the rezoning of 57.07 acres of area land to RM-3 for a massive development. Our most important concerns are addressed below:

SAFETY: The 124-unit townhome development would nearly double the size of our community and bring at least 70% more traffic along sub-standard Collis Rd according to the developer's own traffic study. Voting to rezone puts us and future Collis area residents at risk, Wards Chapel drivers at risk, and Putnam County at risk.

Daily Issues: The county's civil engineer and public works director characterized Collis Rd as a known problem area. As stated at that meeting, Collis is no more than a paved-over pasture road; it lacks shoulders; and its width is substandard, creating a serious traffic hazard. The large amount of added traffic will not only be a risk to Collis, but also dangerous to drivers on Wards Chapel at its intersection with Collis. The county engineer explained this intersection is risky because the turning radius/turn lanes out of Collis are insufficient. Our community is an active walking/biking area. Seventy percent more traffic would present a huge risk for these pedestrian-type users.

Entry/Exit Emergency Issues: Narrow Collis Road is the only road in and out of our community. An accident or other emergency along Collis Road would prevent emergency access to the Collis Community.

MULTI-FAMILY: The Enclave townhomes in our area have been under development in a superior lake view location for two years at a similar price point. They have sold only a handful of units with two more buildings planned. Area residents are concerned with market saturation for multi-family as well as development completion of such a massive community. Collis area has experienced the failure of multifamily property several times (and their eventual demolition).

ENVIRONMENTAL: Neighbors have environmental concerns regarding how such a huge development would impact the fragile lake cove and its wildlife. The county's engineer mentioned environmental concerns of such a large runoff and recommended a permanent holding pond on the site. Area residents feel additional issues need to be addressed and solutions created by a qualified environmental engineer.

FIT: All mixed used development in our area—Safe Harbor Marina, The Waterfront condominiums, and The Enclave townhomes—are safely and appropriately at the back of our community. This would set a precedent by locating RM3 at the front. RM3 development as proposed would discourage R1 development of neighboring property, which we prefer and believe is more suitable to the area. We also feel the private, one lane, unpaved road known as Doug Lane should remain a dead end.

For these important reasons and a myriad of others, we urge you to vote NO to rezoning as RM3. (See attached pages for signatures.)

We, the undersigned, do state and affirm our opposition to the request to rezone 57.07 acres on Collis Road and Doug Lane from AG-1 and R-1 to RM-3

NAME	ADDRESS	PHONE NUMBER	SIGNATURE
Kevin Rhyme	119 Collis Marine Rd Estonton GA 31024	706-473-5084	<i>Kevin Rhyme</i>
Kenneth Ayne	119 Collis Marine Rd. Estonton GA 31024	678-429-0688	<i>Kenneth Ayne</i>
MARTIN RUETER	111 EVELYN ALLEY (ENCLAVE)	678-675-7478	<i>Martin Rueter</i>
Hinda Pandurgras	156 Collis Rd Estonton GA	206-550-6428	<i>Hinda Pandurgras</i>
William Petreul	101 S. Bay Rd #1005 Estonton GA 31024	678-361-0908	<i>William F. Petreul</i>
Ron Ryland	101 S Bay Rd #1006 "	312-780-9900	<i>Ron Ryland</i>
Jeff Martin	161 Collis Road	706-473-9229	<i>Jeff Martin</i>
Denise Moore	164 Collis Road	706-473-1878	<i>Denise L. Moore</i>
Brenda Sattamaccio	169 Collis Rd	678-231-3698	<i>Brenda Sattamaccio</i>
RAY SALTAMACCIO	169 COLLIS ROAD, ESTONTON, GA. 31024	706-473-1556	<i>Ray Sattamaccio</i>
Bill Ramirez	107 Evelyn Alley Estonton, GA 31024	678-232-3920	<i>Bill Ramirez</i>
Bob Carter	105 Evelyn Aly Estonton 31024	770-617-0879	<i>Bob Carter</i>
Mark Jones III	171 Collis Circle, Estonton	912-253-9735	<i>Mark Jones III</i>
Clifford A. Noyes	120 Collis Co. Estonton 31024	904-349-7951	<i>Clifford A. Noyes</i>
Bill Richards	108 Doug Lane Estonton GA 31024	706-485-9043	<i>Bill Richards</i>

We, the undersigned, do state and affirm our opposition to the request to rezone 57.07 acres on Collis Road and Doug Lane from AG-1 and R-1 to RM-3

NAME	ADDRESS	PHONE NUMBER	SIGNATURE
Jennifer Brooks	123 Collis Marina Road	706-866-6528	Jennifer L. Brooks
Fancia Harris	131 Collis Marina Road	478-454-8278	Fancia Harris
Clark Herring	127 Collis Marina Rd	770-331-8231	Clark Herring
Russell Young	110 COLLIS CIR	404-351-0868	Russell Young
SCOTT JORIS	167 COLLIS RD	478-457-6623	Scott Joris
SARA BECK	167 COLLIS RD	706-473-9066	SARA BECK
Amy Joris	167 Collis Rd	478-387-6969	Amy Joris
Joe Richards Jane Richards	108 Doug Lane	706-485-9045	Jane Richards
Wanda Dennis Dennis Collis	108 Collis Marina Rd.	706-473-1220	Wanda Dennis Dennis Collis
Tony Street	102 Doug Lane	678-725-8551	Tony Street
Kathryn Burgess	126 Doug Lane	678-429-5374	Kathryn Burgess
STEVE BURGESS	126 DOUG LANE	404-386-6491	Steve Burgess

We, the undersigned, do state and affirm our opposition to the request to rezone 57.07 acres on Collis Road and Doug Lane from AG-1 and R-1 to RM-3

NAME	ADDRESS	PHONE NUMBER	SIGNATURE
YOUNG SWAN YOUNG	110 Collis Circle	404-358-5667	<i>Young Swan Young</i>
Kathy Wardlaw	177 177 Capps Ln	678-232-5473	<i>Kathy Wardlaw</i>
Pete Wardlaw	177 Capps Lane	678-773-8192	<i>Pete Wardlaw</i>
ROBT 40 RILEY JR	124 DOUG LN.	404-597-7109	<i>Robt Riley Jr</i>
Elizabeth Wenzler	1166 Collis Road	(910) 992-6238	<i>Elizabeth Wenzler</i>
DAVID WENZLER	166 Collis Rd.	(678) 923-9810	<i>David Wenzler</i>
Sharon Ruff	174 Collis Cir.	768-220-1655	<i>Sharon Ruff</i>
Kelly Maybin	175 Collis Cir.	(912) 293-6125	<i>Kelly Maybin</i>
Michael Maybin	175 Collis Cir.	474-363-3803	<i>Michael Maybin</i>
CHAD CRANFORD	173 COLLIS CIRCLE	7-6-216-7-46	<i>Chad Cranford</i>
KAREN CRANFORD	173 COLLIS CIR	706-816-7235	<i>Karen Cranford</i>
Michelle Hodges	191 Collis Cir	478-731-0549	<i>Michelle Hodges</i>
JOHN HODGES	191 Collis Cir	706-830-1166	<i>John Hodges</i>
Amy Shepherd	195 Collis Cir	678 491 7746	<i>Amy Shepherd</i>
Brian Shepherd	195 Collis Cir	770 757 6968	<i>Brian Shepherd</i>

We, the undersigned, do state and affirm our opposition to the request to rezone 57.07 acres on Collis Road and Doug Lane from AG-1 and R-1 to RM-3

NAME	ADDRESS	PHONE NUMBER	SIGNATURE
Jenny Moore	190 Collis Circle	706-484-1818	Jenny L. Moore
Christy Pilsch	157 Collis Rd	404-788-3181	Christy Pilsch
John Pilsch	157 Collis Rd	770-312-9905	[Signature]
Heather Hulett	160 Collis Rd	478-343-7509	Heather Hulett
Mark Hulett	160 Collis Rd	478-486-4757	[Signature]
Kathy Martin	161 Collis Rd	706-475-9223	Kathy Martin
John P. Martin	161 Collis Rd	706-473-9201	John P. Martin
Kristie McLeod	173 Collis Capps Lane	678-520-4774	Kristie McLeod
Telley McLeod	175 Capps Lane	678-480-9546	[Signature]
Julie N Collis	100 Collis Restaurant Rd	706-816-0353	Julie N Collis
Katherine Culpepper	104 Doug Lane	706-207-9036	Katherine Culpepper
John Culpepper	104 Doug Lane	770-354-5444	John Culpepper
Jimmy N Collis	100 Collis Rest Rd	706-816-4013	J. N. Collis

40 Signatures

Goal 1000

SIGN THIS PETITION
Steve Burgess

Add comment Cancel

SIGN PETITION

- Chuck Porcay
- Bryan Waggoner
- Bill White
- Blanca Vining
- Cynthia Bahlert
- Erin Ballard
- John Moran
- John Casper
- Steven Wynn
- Rogée Wynn
- Lee Lord
- Leah Hobbs
- Chris Padgugew
- Justin Green
- Shawn Stone
- Rick Campbell
- Karla Campbell
- Kathleen McPherson
- Patrick McPherson
- Aden Chandler
- Thomas J. Rhodes
- Pat Hiler
- Jodi Wazwick
- David Patrick
- Ben Smith
- Jackson Smith
- Koby Smith
- Tim Smith
- Kathy Franklin
- Ed Francis
- Dave Hummel
- Michael Wagner
- Pam Weaver
- Elizabeth Tate
- Nathan Blackfield
- Lois Hummel
- Carl Hamner

walking/biking area. Seventy percent more traffic would present a huge risk for these pedestrian/bicyclers.

Entry/Exit Emergency Issues: Narrow Collis Road is the only road in and out of our community. An accident or other emergency along Collis Road would prevent emergency access to the Collis Community.

MULTI-FAMILY:The Enclave townhomes in our area have been under development in a superior lake view location for two years at a similar price point. They have sold only a handful of units with two more buildings planned. Area residents are concerned with market saturation for multi-family as well as development completion of such a massive community. Collis area has experienced the failure of multifamily property several times (and their eventual demolition).

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FT: All mixed used development in our area—Safe Harbor Marina, The Waterfront condominiums, and The Enclave townhomes—are safely and appropriately at the back of our community. This would set a precedent by locating RM3 at the front. RM3 development as proposed would discourage R1 development of neighboring property, which we prefer and believe is more suitable to the area. We also feel the private, one lane, unpaved road known as Doug Lane should remain a dead end.

For these important reasons and a myriad of others, we urge you to vote NO to rezoning as RM3.

(See attached pages for signatures.)

Chadron

23 COMMENTS

Bruce Yancy
Dec 28, 2019

updates reply show
Dec 28, 2019

SIGN PETITION

Bryan Wagoner
Nov 27, 2019
49 Signatures Goal: 10000, 2019
update reply show

Absolutely opposed to this rezoning. The fact that a storm water detention pond has to be constructed and maintained on this property speaks volumes. Runoff and environmental degradation will surely be a bi-product of high density construction on what is currently beautiful pasture/forestland.

Cynthia Boblenz
Dec 24, 2019
update reply show
Dec 24, 2019

I vote no to the property being rezoned.

Brad Boblenz
Dec 24, 2019
update reply show
Dec 24, 2019

My vote is No!
I oppose the rezoning from AG-1 and R-1 to R3 for reasons stated.

John Culpepper
Dec 23, 2019
update reply show
Dec 23, 2019

My vote is No! I oppose the rezoning!

Steven Wynn
Dec 23, 2019
update reply show
Dec 23, 2019

I oppose the rezoning

Regina Wynn
Dec 23, 2019
update reply show
Dec 23, 2019

I oppose the rezoning

Anonymous
Dec 22, 2019
update reply show
Dec 22, 2019

I Oppose Rezoning

Chris Pettigrew
Dec 22, 2019
update

**Documentation
Regarding Piedmont
Water Company's issue
with Water Rates,
Water Quality, and
Sewer Odor**



November 14, 2015

Letter and Challenges:

We at Piedmont Water are extremely proud of and thankful for the opportunity to be your utility provider for the past 20 years. It is painful for all of us that our relationship with some customers is an unsatisfactory one. Since our first notice of concern in the Newsletter blog, the priority for our management team has been to resolve the discontent which has been expressed within the blog. While we realize some of the criticism to be based on incomplete or inaccurate understandings, we view every comment as an expression of a problem or weakness, and we will do our best to respond appropriately. We hope that this communication and the information found here will be the first step in building a strong and favorable relationship with you. We will strive to do just that, and we ask that you join us in this endeavor.

Thank you for your questions which were submitted in anticipation of the Town Hall Meeting of November 5. Based on those questions, as well as your various comments which have appeared in the Newsletter blog, the most important issues for our customers in the Reynolds of Lake County community ("Reynolds") appear to fall into three key categories:

- Water Rate
- Water Quality
- Service Calls

Given a number of questions in the same topic, rather than resolving each question and then responding to it individually, on the following pages we will address each of these key issues, while attempting to answer all of the questions which were asked in that question or comment. In addition, we will respond to the other comments for information regarding ownership and our company's involvement in the Lake County community, any possible better context in which to evaluate our responses. We intend to be open and direct in our discussion. If we fail to respond adequately to any question you may have, please bring that to our attention.

We apologize for the length of our responses, but there are important matters which merit discussion and clarification. Thank you again for your input, and please feel free to contact either of us if you would like to discuss this further. Of course, we welcome any suggestions you might have to assist us in improving our relationship with you, our valued customers.



Company History: Ownership: Vision: Community Involvement:

NOTE: We have received a number of questions and comments about ownership and community involvement. Some of these have led us to the impression that you think that Piedmont Water is a big company with absentee owners who are disconnected from the community and care only about the profits. If that's your belief, please read on. If not, feel free to skip this section and get to the main substance of our responses to your questions.

History and Ownership: Piedmont Water is typical of the way of many family businesses in America. Established in 1982, Piedmont was formed by members of the Shaffer family, Clark Adams (a native of Oconee County in the grading and construction business here) and other relatives, key long-term employees and several friends who had been partners with us in other ventures. Piedmont's purpose was to own and operate water and wastewater utilities. Our first purchases were of small community systems located around either Lake Oconee or Lake Lanier. These systems served from 10 to 200 customers each. Over the coming years, Piedmont continued to acquire additional water systems in the Lake Country and all across the eastern half of the State. In 1989 we acquired a substantial interest in Reynolds Plantation's water and wastewater system and began the process of upgrading the water system to become a municipal quality system, with a view of the protection regulations and the increased water supply necessary to support the expected growth. There were very exciting times for Piedmont, as we were able to participate in the development of the commercial areas along Lake Oconee Parkway, including Public and Lake Oconee Village, and the construction of the Ritz-Carlton, the Lake Club and other improvements within Reynolds' boundaries. In Putnam County, we also provided improved water service and fire protection, as well as a state-of-the-art wastewater facility, all of which afforded the opportunity for the construction of Harmony Crossing Shopping Center, Commerce at Lake Oconee Condominiums, and numerous other commercial projects and high-density residential communities which, but for our investments, could not have been built.

Vision: It was during this period that Piedmont's leaders recognized that our involvement in the Lake Country mandated a change in our vision. We foresee that over the coming decades the Lake Country will continue to grow on its path to becoming a highly populated area, with more primary residents and more commercial establishments which require a high quality of utility services and more public services generally. The concept of Lake Oconee is maintenance of Hilton Head Island in the 1970s and Amelia Island in the 1980s, or perhaps Ocracoke County in those more precise. We are still in the early stages of development, and we see expanding many of the same growing pains to these areas (yes, including water quality issues). Yet, we



know that such growth is coming to the area, and Piedmont is committed to being the water and sewer provider which supports that growth.

Our engineer has developed the structure for needs of the County's growth within our footprint and the water and wastewater services required to support that growth. We already constructed the Carey Station Wastewater Plant and necessary infrastructure systems (total cost: \$7,500,000), thus meeting two of the basic necessities required to support the growth of the community.

Our next major initiative is to construct a more reliable and plentiful supply of water for the needs of the community, but more on that later in this document.

Community Involvement: Piedmont and the Blalock family have been committed to the Lake County area for many years. Some of our contributions are charitable in nature. Examples include: St. Mary's Good Samaritan Foundation, Lake County Food & Wine Festival, Pete Menico Boys & Girls Club, Habitat for Humanity, Redeemer Episcopal Academy (now merged into Governor Academy), and the Reynolds' Veterans Association. Other contributions involve participation in, and financial support of, initiatives such as the pursuit of the Carey Station interchanges, which will enhance the growth and quality of life for the Lake County.

While the above described contributions have been and will continue to be significant, Piedmont's most valuable contribution to the community results from our devoting company resources to expand our utilities in support of economic growth and development throughout the Lake County. As a recent example, without our participation and financial investment of over \$1,000,000 for water and sewer infrastructure, the Putnam County School Complex and the Kirk Eagle Technology Park could not have been built. Each of these which will provide numerous jobs and opportunities over the future decades.

Speaking of jobs, we are extremely proud of the fact that Piedmont and the other businesses we have built have created more than 50 jobs, with almost 90% of the individuals residing and working in Oconee, Hancock, Morgan and Putnam Counties. Just as important for us, we have excellent diversity within our ranks, and we have provided stable jobs, very good pay and benefits, and a clear opportunity for advancement for a number of local residents who might well have had no such opportunity.



Town Hall:

While it is true that we declined to attend the recent Town Hall meeting, we feel the need to provide a bit more background on that event and our absence.

We first met with Jimmy Britt, the County Commissioner for the district in which Reynolds is located, on August 29. At that time Mr. Britt indicated that he planned to have a town hall meeting. We discouraged him from doing so and reiterated our position that we would not attend in all subsequent communications. In all of our communications with the event's organizers, we have expressed our belief that such forums are rarely constructive, and reflected our request to meet with a smaller group of representatives for your interests, an approach we have found to be far more effective in resolving issues in the past. This offer still stands, and we would like to have a standing forum with an "advisory board" to explore concerns on your behalf. We expect that your Citizens Involvement Committee (CIC) is the correct group to establish such a group of individuals, but we are willing to meet with any small group, in any appropriate setting, to discuss our business and how it affects you.



Water Rates:

How does Piedmont establish its rates? A bit of historical context is appropriate for this discussion. Since the setting of water rates is not governed by either the Environmental Protection Division (EPD) or the Public Service Commission, in the 1980s, prior to any water system being installed to serve any part of Reynolds, the developer and the initial system owners agreed on a rate-setting limitation allowing the setting of rates based upon the highest rates imposed by a municipal or county provider within a 75 mile radius of the development. We acquired our interest in the Reynolds and Great Waters systems in 1993, and inherited this rate limitation.

Beginning in 2010, a number of the water providers located within this radius made significant increases in their rates, with an emphasis on the increasing block rate structure to encourage conservation, as outlined in the 2005 State Water Plan. We were certainly feeling pressure from the EPD to do so as well.

Concurrently, however, Reynolds and the entire Lake County area were in a state of severe distress, which eventually led to the takeover of Reynolds by a court-appointed receiver, the sale of the community, and the loss by most customers of the equity value in their memberships (for many, a loss of \$98,000). Coupled with the country's economic malaise and the depressed valuations of homes in the entire Lake County, the Lake County Community was in a true state of depression. As a result, Piedmont elected not to follow the significant rate increases which were being imposed by our benchmark utilities.

Following is a history of our water rates from 2006-2013:

2006	2007	2008	2009	2010	2011	2012	2013
Min (0-10) \$24	Min (0-10) \$24.50						
10-20K \$4.00	10-20K \$4.50	n/c	n/c	n/c	10-20K \$4.50	10-20K \$4.50	10-20K \$4.50
20-30K \$4.25	20-30K \$4.50	n/c	n/c	n/c	20-30K \$4.50	20-30K \$4.50	20-30K \$4.50
30K+ \$4.50					30K+ \$4.50	30K+ \$4.50	30K+ \$4.50

Note that our base rate for 1,000 gallons/month was not increased from 2010 to 2013, when we increased from \$14.00 to \$14.50 (an unannualized increase of 3.57%). In 2012 we implemented our fixed pricing, after which we had no increases until February 1, 2013. ~~3 years with no increases.~~

So what is the basis for the complaints with respect? As we have had virtually no increases in our base rate for over five years, the total increase for the vast majority of our users have been astronomically small, and since many residents in the blog have referenced their extremely high bills,

Piedmont Water C O M P A N Y

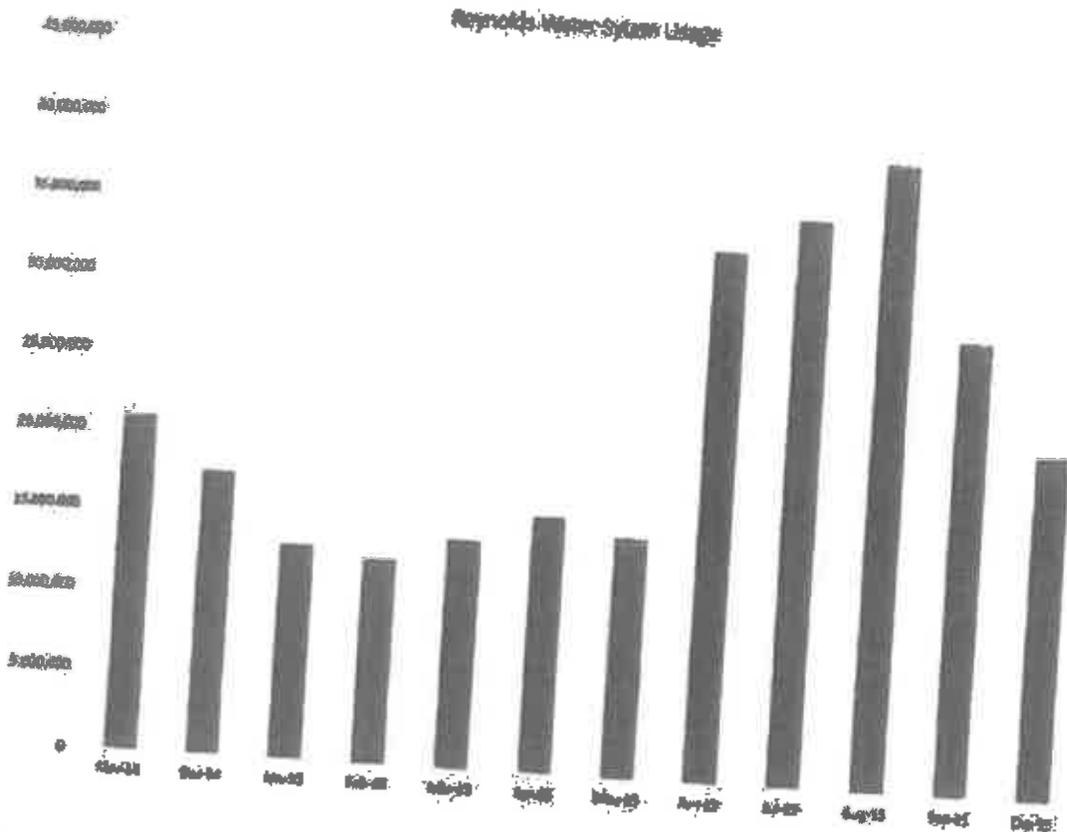
we have concluded that the primary complaint comes from those who are using the drinking water for irrigation purposes. Using one particular customer who has complained to our elected officials as an example, for the month out of the year, his monthly usage ranges from 3,800 gallons to 4,570 gallons, and his water bills are reasonable. For the balance of the year, this customer's usage is dramatically higher, averaging in the mid-20,000 gallons range. Of course, these months comprise the period in which residents generally run their lawn irrigation systems. This is the very type of water use which was targeted by the State Water Plan (which we are committed to follow). Our example is not the worst case; we have a number of customers whose usage in these months regularly exceeds 20,000 gallons. In fact, during these months, 10% of Reynolds customers use 62% of all water consumed by residents within the system. Also, as will be discussed later, this usage also contributes significantly to an increase in problems with water quality during the "irrigation" period.

We have seen several recent comments comparing our rates to those of the City of Greensboro, with representations that Piedmont's rates are much higher than those of Greensboro. We ask that you review the table found on the following page, which compares our rates to those of Greensboro and a number of other water providers. Note that a comparison of our rate structure to Greensboro's outside rates reveals that our base rate is slightly higher, but the variable usage rates we charge are lower until you reach our top tier (50,000+ gallons). There are other municipalities in the general area with even higher variable usage charges. Thus, we must disagree with the view stated by a number of local participants that Piedmont's rates are excessive or even unreasonable, given the rates charged by a number of municipal and county water providers.



Water Quality:

Where does our water come from? We currently supply water for the Reynolds system from a number of deep-water wells, all of which are equipped with filtration equipment to mitigate the equipment aspects of hard water. As you know, the aquifers in the Piedmont region generally contain reasonably hard water, and we have found the Reynolds system to be among the most troublesome. The filtration equipment and other appropriate management strategies can provide reasonably good quality water except in the peak irrigation periods, when the water usage jumps dramatically within the system. Please see the following graph which shows our monthly usage for the past 12 months.



When usage exceeds the 30 million gallon mark, the system is overly taxed and we see a decline in overall water quality. Of course, we face a number of day-to-day customer complaints, many of which relate either to their infrequent visits and stays at their residences, or the majority of these residences are used as retreat homes, or to difficulties in the maintenance of filtration systems which they have installed in order to get to a "soft water" state. We are altering our



outdoor service strategies to help address these individual situations. We also have a detailed line flushing program to keep the water as fresh as we can in certain areas that have long runs of main line with lower usage.

Why does my water inside the house smell? A number of the questions that have been presented over the past few weeks relate to a rotten egg smell inside the house. There are a number of factors that can cause this to occur. We would first like to ask that anyone that is experiencing these types of problems please call us so let us know so that we can arrange a visit to your home to help you diagnose the problem. We will be happy to send an area manager and technician at a scheduled time to walk through your home to see if we can make suggestions and help you find the source.

Often this problem is being caused by one of two issues. Hydrogen Sulfide is the most common culprit when you are smelling the "rotten" or "rotten egg" smell. Hydrogen sulfide is created in the water when the chlorine residual is dissipated. This can be caused by water sitting in a hot water heater for too long or a clogged filter clogging the water of the chlorine residual. Occasionally, we have also seen the source of the odor coming from a dry trap in the interior plumbing of the house. Again, we would welcome the opportunity to meet with you to help with your problem. Please contact the FWC Customer Service Department at 1-894-242-3889 to set up an appointment.

Can't we have water that does not come from wells? The long-term solution for the water quality issue is the construction of a surface water treatment plant to supply the Roanoke system and other nearby areas. We investigated this first a number of years ago, and we have required an appropriate withdrawal permit for an initial 2,000,000 gallons per day. We have acquired the site for this plant, the construction plans are nearing completion, and we have the capital available to build the plant. Our expenditures to date are approaching \$1,000,000, and we expect the construction costs to be approximately \$8,000,000. The dilemma is that at the current cost level, the additional cost to supply water from such a facility would be \$25 per month for each customer, a number which would be unacceptable to many. Thus, we plan to construct this facility when we determine the real estate market, which is improving, has stabilized at a growth level that will allow us to partially fund the costs of operating the facility with pay fees from new construction (both residential and commercial), and not just increases from our current customer base. Believe us: We want this facility and the reduction of water quality issues as best as much as you do.



Sewer Odors:

In a typical wastewater system the sewage flows out of the house by gravity and into sewer mains lines that lead the waste downstream in an unpressurized system. Unfortunately, the traditional type of system is not possible because of the topography around Lake Oconee.

As compared to the traditional system just described, the Reynolds wastewater system is a pressurized system which is necessary to deliver the raw sewage away from your house. Piedmont's sewer system in Reynolds and the surrounding area is comprised of a series of horizontal grinder pumps, three main sewer lines and various lift stations that all act together to deliver raw sewage to the treatment facilities. While effective, the system is highly complex and has a number of moving parts which can result in problems if any of them fail to perform properly. In short, while this system was the best alternative to serve the community, it can be an operator's nightmare.

Hydrogen sulfide builds up whenever raw sewage sits in these pressurized lines. The longer it sits, the more the gas builds until it is released when it reaches the atmosphere. Usually, this first point is at end of the pump station in your community. In order to combat these extremely high levels of hydrogen sulfide, Reynolds and Piedmont Water install and maintain chlorine chemically engineered valve control systems that treat the hydrogen sulfide with bleach and carbon. These systems cost over \$150,000 each and require frequent maintenance. These systems do a very effective job of treating the odor and removing the air from the station so that it does not affect you when you are at your home or traveling past a station. However, these systems are not perfect as hydrogen sulfide is detectable at very low concentrations. It is also very difficult for us to deal with odor while performing maintenance on the station as this requires us to have them open. As you can imagine, the smell of these stations is a hazardous environment. Additionally, in the fall and spring, we tend to have more odor complaints due to temperature fluctuations as still, humid air in the mornings and evenings traps hydrogen sulfide close to the ground, making the odors more noticeable and lasting more noticeable.

One question that has come up recently is if these odors are dangerous. While they can sometimes be quite offensive, there is no danger to your health unless you were to enter one of the pump stations or another closed environment. This is something you should never encounter and we take precautions to protect against that from occurring.

We understand that sewer odors are not one of the things you envisioned when you chose to move in beautiful Lake Oconee. Believe us when we say that they are part of our world that we wish did not exist. However, we cannot do anything to work as hard as we can to minimize them from being a distraction and an unpleasant part of your lifestyle.

This is our request of you: Please contact us directly as soon as possible if you have experienced odors. Too often we are hearing about them after our customers call Reynolds who then reports



the more to us. This is a situation where knowledge of the situation sooner rather than later can really help us to diagnose and fix the problem.

File Attachments for Item:

6. Request by Howard McMichael, agent for Lick Creek Holding's LLC to rezone 21.40 acres on Collis Road from AG-1 to RM-3. [Map 104, Parcel 032001, District 3] (staff-P&D)



PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ◊ Eatonton, GA 31024

Tel: 706-485-2776 ◊ 706-485-0552 fax ◊ www.putnamcountyga.us

APPLICATION FOR REZONING

APPLICATION NO. Plan 2019-01688 DATE: 1/8/2020

MAP 104 PARCEL 032.001 DISTRICT 3

- 1. Name of Applicant: Lick Creek Holdings LLC
- 2. Mailing Address: 630 Lake Drive, Bibb County, GA. PUB33 Greenville, Ga.
- 3. Phone: (home) _____ (office) _____ (cell) 216 473 1999
- 4. The location of the subject property, including street number, if any: Colis Road

5. The area of land proposed to be rezoned (stated in square feet if less than one acre): 21.40 acres

6. The proposed zoning district desired: RM-3

7. The purpose of this rezoning is (Attach Letter of Intent) To develop the property utilizing Putnam Development Code's with Town homes. See L.O.I.

8. Present use of property: AG-1cy Desired use of property: RM-3

9. Existing zoning district classification of the property and adjacent properties:
Existing: AG-1cy
North: R-1cy South: AG-1cy East: R-1cy West: AG-1cy

10. Copy of warranty deed for proof of ownership and if not owned by applicant, please attach a signed and notarized letter of agency from each property owner for all property sought to be rezoned.

11. Legal description and recorded plat of the property to be rezoned. RCUD 2020 JAN 8

12. The Comprehensive Plan Future Land Use Map category in which the property is located. (If more than one category applies, the areas in each category are to be illustrated on the concept plan. See concept plan insert.): AG-1 Agriculture / Forestry

13. A detailed description of existing land uses: The existing land is raw pasture land and wooded areas.

14. Source of domestic water supply: well _____, community water _____, or private provider . If source is not an existing system, please provide a letter from provider.

Lick Creek Holdings LLC
Map 104 Parcel 032

- 15. Provision for sanitary sewage disposal: septic system _____, or sewer . If sewer, please provide name of company providing same, or, if new development, provide a letter from sewer provider.
- 16. Complete attachment of Disclosure of Campaign Contributions Form by the applicant and/or the applicant's attorney as required by the Georgia Conflict of Interest in Zoning Act (O.C.G.A. 36-67A).
- 17. The application designation, date of application and action taken on all prior applications filed for rezoning for all or part of the subject property. (Please attach on separate sheet.)
- 18. Proof that property taxes for this parcel(s) in question have been paid.
- 19. Concept plan. If the application is for less than 25 single-family residential lots, a concept plan need not be submitted. (See attachment.)
- 20. Impact analysis. If the application is for less than 25 single-family residential lots, an impact analysis need not be submitted. (See attachment.)

THE ABOVE STATEMENTS AND ACCOMPANYING MATERIALS ARE COMPLETE AND ACCURATE. APPLICANT HEREBY GRANTS PERMISSION FOR PLANNING AND DEVELOPMENT PERSONNEL OR ANY LEGAL REPRESENTATIVE OF PUTNAM COUNTY TO ENTER UPON AND INSPECT THE PROPERTY FOR ALL PURPOSES ALLOWED AND REQUIRED BY THE PUTNAM COUNTY CODE OF ORDINANCES.

[Signature]
Signature (Property Owner)

1/16/2020
(Date)

[Signature] *1/16/2020*
Signature (Applicant) (Date)

[Signature]
Notary Public



[Signature]
Notary Public



Office Use

Paid: \$ _____ (cash) _____ (check) _____ (credit card)

Receipt No. _____ Date Paid: _____

Date Application Received: _____

Reviewed for completeness by: _____

Submitted to TRC: _____

Date of BOC hearing: _____ Return date: _____

Date sign posted on property: _____ Date submitted to newspaper: _____

Picture attached: yes _____ no _____

RCUD 2020 JAN 18

After Recording Return for
J.V. Dell, P.C.
1049 Founders Row, Ste B
Crawford, Georgia 30642
Chick: 3113-0015

BOOK 005610
FILED IN OFFICE
12/27/2019 01:48 PM
BK:972 PG:234-235
SHEILA H. PERRY
CLERK OF COURT
PUTNAM COUNTY

Sheila H. Perry

REN. ESTATE TRANSFER
TAX PAID: \$0.00

LIMITED WARRANTY DEED

STATE OF GEORGIA, GREENE COUNTY

PT61-117-2019-001988

THIS INDENTURE, made this 26th day of December 2019, between HJR O'Brien, 117-2019-001988 or parties of the first part (hereinafter called "Grantor") and Lick Creek Holdings, LLC, a Georgia limited liability company, as party or parties of the second part (hereinafter called "Grantee").

WITNESSETH:

That the said Grantor, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said Grantee, its successors and assigns, all the following described property, to-wit:

Tract B:

All that certain tract or parcel of land lying and being in the 306th District, G.M. of Putnam County, Georgia, containing 21.40 acres, more or less, and being designated as Tract B on that certain plat prepared by Jack E. Newsome, Georgia Land Surveyor No. 3113 on December 17, 2019, and recorded in Plat Book 36, Page 199, in the Office of the Clerk of the Superior Court of Greene County, Georgia, which said plat and the record thereof are hereby incorporated herein and made a part hereof by reference.

TO HAVE AND TO HOLD, the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee, its successors and assigns, forever in **FREE SIMPLE**.

AND the said Grantor, for itself, its successors and assigns, will warrant and forever defend the right and title to the above described property unto the said Grantee, its successors and assigns, against the claims of all persons claiming by and through the undersigned.

REC'D 2020 JAN 8

IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and affixed its seal the day and year first above written.

Signed, sealed and delivered
in the presence of:

HJR Oconee, LLC

[Signature]
Unofficial Witness

By: *[Signature]* (SEAL)
Name: Howard McMichael, Jr.
Its: Sole Member

[Signature]
Notary Public
My Commission Expires
(AFFIX NOTARY SEAL)



REC'D 2020 JAN 14



PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

Tel: 706-485-2776 ♦ 706-485-0552 fax ♦ www.putnamcountygga.us

LETTER OF AGENCY- _____

WE, THE UNDERSIGNED OWNERS OF REAL PROPERTY LOCATED IN THE CITY OF EATONTON/PUTNAM COUNTY, GEORGIA, HEREBY APPOINT Thomas M. Michelli TO BE MY AGENT FOR THE PURPOSE OF APPLYING FOR RMB zoning OF PROPERTY DESCRIBED AS MAP 104 PARCEL 030, CONSISTING OF 2.8 ACRES, WHICH HAS THE FOLLOWING ADDRESS: Coler Road EATONTON, GEORGIA 31024. ATTACHED HERETO IS A COPY OF A DEED AND OR PLAT OF SURVEY DESCRIBING THE PROPERTY OWNED BY THE PROPERTY OWNER(S) TO WHICH THIS LETTER OF AGENCY APPLIES.

THE ABOVE NAMED AGENT HEREBY IS AUTHORIZED TO COMPLETE AND SIGN THE CITY OF EATONTON/PUTNAM COUNTY APPLICATION FOR re-zoning ON OUR BEHALF. WE UNDERSTAND THAT THIS LETTER OF AGENCY WILL BE ATTACHED TO AND MADE PART OF SAID FORM AND WILL BE RELIED UPON BY THE CITY OF EATONTON/PUTNAM COUNTY. FOR AND IN CONSIDERATION OF THE CITY OF EATONTON/PUTNAM COUNTY ACCEPTING THIS LETTER OF AGENCY, WE HEREBY INDEMNIFY AND HOLD HARMLESS THE CITY OF EATONTON/PUTNAM COUNTY AND ITS AGENTS AND/OR EMPLOYEES IN THE EVENT THAT THE ABOVE NAMED AGENT SHOULD MISUSE THIS LETTER OF AGENCY AND WE SUFFER DAMAGES AS A RESULT.

THIS 7 DAY OF January, 2020

PROPERTY OWNER(S): Lick Creek Holdings, LLC
Thomas M. Michelli NAME (PRINTED)
SIGNATURE

ADDRESS: 6350 Lake Oconee Pkwy, Suite 110 PNB III Greensboro GA 30612
PHONE: 706 473 1999

ALL SIGNATURES WERE HEREBY SWORN TO AND SUBSCRIBED BEFORE ME THIS 7th DAY OF January, 2020

Cordey
NOTARY
MY COMMISSION EXPIRES: 2-13-22



RCUD 2020 JAN 8



PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ◊ Eatonton, GA 31024
Tel: 706-485-2776 ◊ 706-485-0552 fax ◊ www.putnamcountyga.us

DISCLOSURE OF APPLICANT'S CAMPAIGN CONTRIBUTION

The Putnam County Code of Ordinances, Section 66-167(c) states as follows:
"When any applicant or his attorney for a rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

- a. The name and official position of the local government official to whom the campaign contribution was made; and
 - b. The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- The disclosures required by this section shall be filed within ten days after an application for the rezoning action is first filed."

1. Name: Howard McMichael Jr. (Lickcreek Holdings LLC)
 2. Address: 6350 Lake Oconee Pkwy Suite 110 PMB 111
Greensboro, GA 30642

3. Have you given contributions that aggregated \$250.00 or more within two years immediately preceding the filing of the attached application to a candidate that will hear the proposed application? Yes No If yes, who did you make the contributions to? _____

Signature of Applicant: [Handwritten Signature]
 Date: 1/7/2020

RCUD 2020 JAN 8



October 8, 2019

Mr. Howard McMichael
P.O. Box 3249
Bentonon, Georgia 31024

Subject: Water & Sewer Service: Putnam County Parcels 104B001, 104032, 104033 and 104032

Dear Mr. McMichael:

This letter is to confirm that water and sewer services are currently available to serve the parcels identified above in Putnam County, Georgia. Capacity for both services will be made available to the site subject to the completion of a mutually agreeable contract for such capacity.

Any and all infrastructure costs to provide water and sewer service on the property are the responsibility of the developer, and are subject to review and approval of Piedmont Water Company prior to connecting the property to our water and sewer mains.

Please feel free to contact me at 770-255-7994 with any questions you may have.

Sincerely,

W. J. Matthews
Vice President of Operations

RCUD 2019 OCT 31

P.O. Box 80745 • Atlanta, Georgia 30366
404-235-4035 • 800-248-7689 • FAX 404-235-4977

Putnam County Tax Commissioner
Pamela K. Lancaster
100 S. Jefferson Street ~ Suite 207
Eatonton, GA 31024

Phone: 706-485-5441
Fax: 706-485-2527
Email: pscl17@rcsbo.com
www.putnamtax.com

October 30, 2019

CERTIFICATION

This is to certify that as of October 30, 2019, there are no delinquent property taxes outstanding for:

Parcel number: 104 032
Owner: HJR Ocoee LLC

Pamela K. Lancaster
Pamela K. Lancaster, CPA
Putnam County Tax Commissioner



106-10731

PL

Impact Analysis

Proposed RM-3 Development Rezoning Request

Agent: Howard McMichael, Jr.

Prepared by: Kip Oldham, AIA
K A Oldham Design, Inc.
65 Jackson Street, Suite 401
Newman, Georgia 30263
Ph: 770.683.9170

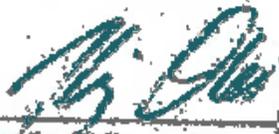
Signature: 
Kip Oldham, AIA



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Traffic Study Information Attachment

Plat of Property Attachment

Warranty Deeds Attachment

Existing Conditions Page 5-6

Existing Zoning Attachment

Conceptual Site Plan Attachment

REC'D 7018 NOV 1



Letter of Intent – Lick Creek Holdings, LLC – RM-3 (Parcel Number: 104 032 (Tract B, 21.4 acres))

The site includes Tract B including 21.4 acres and is located on Lake Oconee at the intersection of Collis Road and Collis Marina Road and surrounding land uses include existing RM-3 Enclave at Waterfront, C-2 at Collis Marina, and R-1 Single Family Homes. The intended land use for subject property is to be combined into 1 Parcel and rezone to RM-3. A Conceptual plan illustrating proposed development concept is attached. Upon re-zone approval, the area will be developed into a waterfront community. The intent of the property is to be developed utilizing Putnam County Development Codes with townhome and condominium units similar to Enclave at Waterfront and Cuscowilla Condominiums and Townhome Units.

We appreciate the consideration to promote quality development within Putnam County.



Impact Analysis

ITEM #1

Is the proposed use consistent with the stated purpose of the zoning district that is being requested?

The proposed use is multi-family units. Current Use is Agriculture, but all adjacent properties are zoned for residential.

Is the proposed use suitable in view of the zoning and development of adjacent or nearby property?

The proposed parcel is located between an RM-3, RM-2, and R-1 use. Similar development surrounds the area.

Will the proposed use adversely affect the existing use, value or usability of adjacent or nearby property?

The proposed use will be multi-family. The existing use is agriculture and single family. The adjacent and nearby property are developed as multi-family. This use will not adversely affect the surrounding land use.

Is the proposed use compatible with the proposed intent of the Comprehensive Plan?

The Putnam County / City of Estonton 2007-2030 Comprehensive plan prepared by Middle Georgia RDC indicates the future land use as Agriculture, however the existing adjacent property is currently a non-working farm and its intended use is Residential. The proposed development meets the intended land use for this area and should be updated to Residential.

Are there substantial reasons why the property cannot or should not be used as currently zoned?

The property is surrounded by multi-family developments and / or parcels already zoned for multi-family use. The property should be continuing development as surrounding parcels.

Will the proposed use cause an excessive or burdensome use of public facilities or services or exceed the present or funded capabilities, including but not limited to streets, water or sewer utilities and police or fire protection?

The proposed development will incur the cost of constructing streets interior to the project. Water and sewer are provided by Piedmont Water Resources. Developer will incur cost of any additions required to bring water and sewer to property. Final plans will meet fire protection requires with all necessary hydrants and equipment circulation requirements.

WC2014 MAR 1

Given the incurred infrastructure cost there is no evidence of an excessive or burdensome use of public facilities, funded capabilities, utilities or police and fire protection.

Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan or reflected in the existing zoning on the property or surrounding properties?

The proposed use is supported by the Comprehensive Plan and the anticipated existing and future use of mixed residential.

Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, and reasonable private use of the subject property?

The proposed project will place emphasis on lake shore protection, recreation use of Lake Oconee and promote common open space for property owners. The project will meet all county construction standards and continue the quality of real estate offered by Enclave at Waterfront. Therefore, there is a reasonable balance between the promotion of public health, safety and private use.

ITEM #2 TRAFFIC ANALYSIS – (SEE ATTACHMENT)

ITEM# 3

The estimated number of dwelling units are as follows:

When this parcel is combined with 3 adjacent parcels the total number of Multi-Family Townhomes will be 124

Non Residential use – Estimated 2500 SF for amenity building

ITEM #4

Effect on environment surrounding the area:

Natural:

Property contains no significant wetland areas within property boundary ~ Some wetland areas may exist between proposed site boundary and Lake Oconee. Any areas of wetlands will be protected by required buffers – Source: Putnam County / City of Eatonton 2007-2030 Comprehensive Plan – Wetlands Map 6 Prepared by Middle Georgia RDC

Erosion:

Developer plans to install lake sea walls per Georgia Power Lake Oconee Management Guide with required permits. Source: On site Observation

Historic:

WCDP 2018 NEW



The proposed site has no known or listed Cultural or Historical Resources located on site. Source: Putnam County / City of Eatonton 2007-2030 Comprehensive Plan Cultural and Historical Resources Map 13 prepared by Middle Georgia RDC

ITEM #5

Impact on fire protection

Request for Fire Department comment of proposed development has been requested but not received at this time. Given the previous discussions with Fire Department on Initial phase of Enclave at Waterfront, all fire Marshall requirements will be met.

ITEM #6 – PHYSICAL CHARACTERISTICS OF SITE (SEE ATTACHMENT)

ITEM #7 – ADJACENT AND NEARBY ZONING (SEE ZONING CONCEPT PLAN)

RCUR 2019 NOV 1



P.C. Simonton & Associates, Inc.
Consulting Engineers

309 North Main Street
Post Office Box 649
Milledgeville, Georgia 31318

1050 Peachtree Corners
Suite 101
Growth, GA 30042

Mallard Cove
Traffic Impact Analysis
PCS # 2019-168

The Mallard Cove development is a residential townhouse development that includes 50.8 acres of multi-family development on Collis Marina Road and Collis Road NE. The developer desires to construct 124 residential, three bedroom townhouses. The property is currently zoned A-1 agriculture and will require a zoning change to multi-family residential.

Trip Generation Software by Microtrans will be used to generate average daily traffic for existing as well as future conditions. All average daily traffic included in the report is two-way traffic and has not been adjusted. Passer-by traffic which is generally defined as traffic that is already on the road and contained in existing course, but will also be included in traffic projections for the proposed development. The percentage of passer-by traffic varies with the type of development. In the case of Mallard Cove, the development is a destination so passerby traffic will be almost non-existent.

The two roadways (Collis Road and Collis Marina Road) are currently two lanes with a width of about twenty feet (20'). The two roadways serve existing residential and commercial developments comprised of approximately 84 single family residential units, 90 multifamily units and supporting club house and boat storage. Based on these land uses traffic projections for the existing development is:

Two Way Traffic	1331 trips per day
AM Peak Traffic	108 trips per day
PM Peak Traffic	131 trips per day

The proposed project includes 124 three bedroom townhouse units located at the intersection by Collis Road and Collis Marina Road. Property configuration will allow all or most of the property to enter from Collis Road and will have no impact on Collis Marina Road. Based on the information submitted traffic projection for the proposed development is:

Average weekday two-way volume	930 trips
AM Peak Traffic	71 trips
• Peak hour enter	11 trips
• Peak hour exit	60 trips
PM Peak Traffic	89 trips
• Peak hour enter	60 trips
• Peak hour exit	30 trips

RCUR 2019 NOV 1

0 . 0 9

As can be seen the traffic impact, as a result of the rezoning of the tract on Collis Road increases traffic by 70%, to a total of 2,261 two-way trips per day. The 2000 Highway Capacity Manual suggest the capacity of two lane, two-way highways to be 3,400 passenger cars per hour (pcph) for both directions and 1,700 pcph for one direction. As stated in the terminology this capacity would be for a "highway" not a local street. A two lane local street will generally have a capacity of 1,000 vehicles per day with an acceptable livability. A local roadway can accept the 1,000 vehicles per day if the roadway is twenty four feet (24') curb to curb or twenty four feet (24') plus five feet (5') shoulders with acceptable clear zone geometrics beyond this shoulder.

Collis Road does not meet the roadway width shown above. The current roadway is a very narrow twenty feet (20') roadway with little or no shoulder. Expansion of the roadway is expected for the roadway to operate at an acceptable level of service (LOS). The minimum cross section should be two lane, twenty four feet (24') wide with curb and gutter section. In addition left turn lanes at intersection and commercial driveway be examined.



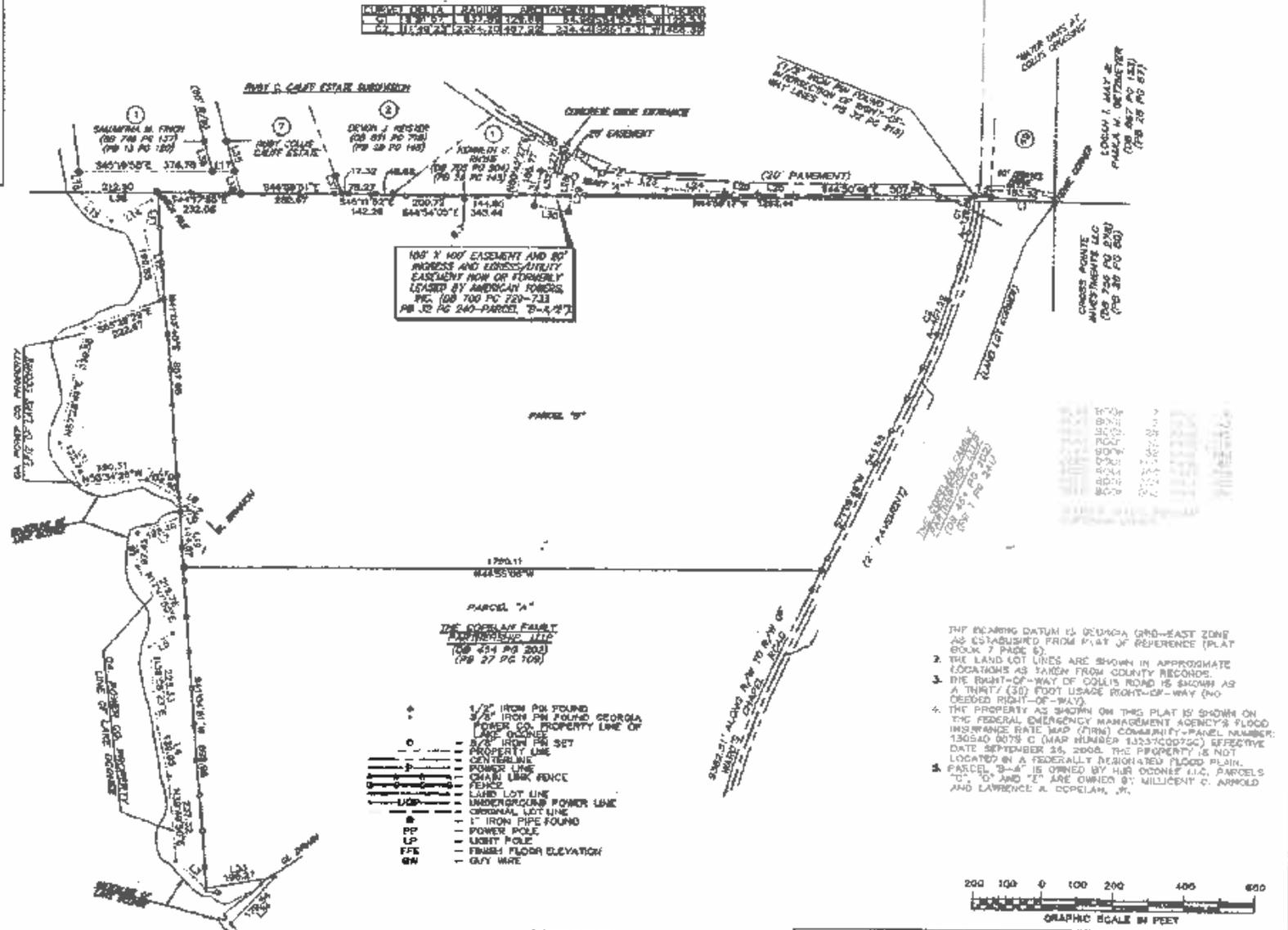
11/19/2019 10:11 AM

DE

EXISTING CONDITIONS



AREA	AREA	AREA	AREA	AREA	AREA
1	2	3	4	5	6
11.25	12.50	13.75	15.00	16.25	17.50



1	11.25	12.50	13.75	15.00	16.25	17.50
2	18.75	20.00	21.25	22.50	23.75	25.00
3	26.25	27.50	28.75	30.00	31.25	32.50
4	35.00	36.25	37.50	38.75	40.00	41.25
5	43.75	45.00	46.25	47.50	48.75	50.00
6	52.50	53.75	55.00	56.25	57.50	58.75
7	61.25	62.50	63.75	65.00	66.25	67.50
8	70.00	71.25	72.50	73.75	75.00	76.25
9	78.75	80.00	81.25	82.50	83.75	85.00
10	87.50	88.75	90.00	91.25	92.50	93.75
11	96.25	97.50	98.75	100.00	101.25	102.50
12	105.00	106.25	107.50	108.75	110.00	111.25
13	113.75	115.00	116.25	117.50	118.75	120.00
14	122.50	123.75	125.00	126.25	127.50	128.75
15	131.25	132.50	133.75	135.00	136.25	137.50
16	140.00	141.25	142.50	143.75	145.00	146.25
17	148.75	150.00	151.25	152.50	153.75	155.00
18	157.50	158.75	160.00	161.25	162.50	163.75
19	166.25	167.50	168.75	170.00	171.25	172.50
20	175.00	176.25	177.50	178.75	180.00	181.25
21	183.75	185.00	186.25	187.50	188.75	190.00
22	192.50	193.75	195.00	196.25	197.50	198.75
23	201.25	202.50	203.75	205.00	206.25	207.50
24	210.00	211.25	212.50	213.75	215.00	216.25
25	218.75	220.00	221.25	222.50	223.75	225.00
26	227.50	228.75	230.00	231.25	232.50	233.75
27	236.25	237.50	238.75	240.00	241.25	242.50
28	245.00	246.25	247.50	248.75	250.00	251.25
29	253.75	255.00	256.25	257.50	258.75	260.00
30	262.50	263.75	265.00	266.25	267.50	268.75
31	271.25	272.50	273.75	275.00	276.25	277.50
32	280.00	281.25	282.50	283.75	285.00	286.25
33	288.75	290.00	291.25	292.50	293.75	295.00
34	297.50	298.75	300.00	301.25	302.50	303.75
35	306.25	307.50	308.75	310.00	311.25	312.50
36	315.00	316.25	317.50	318.75	320.00	321.25
37	323.75	325.00	326.25	327.50	328.75	330.00
38	332.50	333.75	335.00	336.25	337.50	338.75
39	341.25	342.50	343.75	345.00	346.25	347.50
40	350.00	351.25	352.50	353.75	355.00	356.25
41	358.75	360.00	361.25	362.50	363.75	365.00
42	367.50	368.75	370.00	371.25	372.50	373.75
43	376.25	377.50	378.75	380.00	381.25	382.50
44	385.00	386.25	387.50	388.75	390.00	391.25
45	393.75	395.00	396.25	397.50	398.75	400.00
46	402.50	403.75	405.00	406.25	407.50	408.75
47	411.25	412.50	413.75	415.00	416.25	417.50
48	420.00	421.25	422.50	423.75	425.00	426.25
49	428.75	430.00	431.25	432.50	433.75	435.00
50	437.50	438.75	440.00	441.25	442.50	443.75
51	446.25	447.50	448.75	450.00	451.25	452.50
52	455.00	456.25	457.50	458.75	460.00	461.25
53	463.75	465.00	466.25	467.50	468.75	470.00
54	472.50	473.75	475.00	476.25	477.50	478.75
55	481.25	482.50	483.75	485.00	486.25	487.50
56	490.00	491.25	492.50	493.75	495.00	496.25
57	498.75	500.00	501.25	502.50	503.75	505.00
58	507.50	508.75	510.00	511.25	512.50	513.75
59	516.25	517.50	518.75	520.00	521.25	522.50
60	525.00	526.25	527.50	528.75	530.00	531.25
61	533.75	535.00	536.25	537.50	538.75	540.00
62	542.50	543.75	545.00	546.25	547.50	548.75
63	551.25	552.50	553.75	555.00	556.25	557.50
64	560.00	561.25	562.50	563.75	565.00	566.25
65	568.75	570.00	571.25	572.50	573.75	575.00
66	577.50	578.75	580.00	581.25	582.50	583.75
67	586.25	587.50	588.75	590.00	591.25	592.50
68	595.00	596.25	597.50	598.75	600.00	601.25
69	603.75	605.00	606.25	607.50	608.75	610.00
70	612.50	613.75	615.00	616.25	617.50	618.75
71	621.25	622.50	623.75	625.00	626.25	627.50
72	630.00	631.25	632.50	633.75	635.00	636.25
73	638.75	640.00	641.25	642.50	643.75	645.00
74	647.50	648.75	650.00	651.25	652.50	653.75
75	656.25	657.50	658.75	660.00	661.25	662.50
76	665.00	666.25	667.50	668.75	670.00	671.25
77	673.75	675.00	676.25	677.50	678.75	680.00
78	682.50	683.75	685.00	686.25	687.50	688.75
79	691.25	692.50	693.75	695.00	696.25	697.50
80	700.00	701.25	702.50	703.75	705.00	706.25
81	708.75	710.00	711.25	712.50	713.75	715.00
82	717.50	718.75	720.00	721.25	722.50	723.75
83	726.25	727.50	728.75	730.00	731.25	732.50
84	735.00	736.25	737.50	738.75	740.00	741.25
85	743.75	745.00	746.25	747.50	748.75	750.00
86	752.50	753.75	755.00	756.25	757.50	758.75
87	761.25	762.50	763.75	765.00	766.25	767.50
88	770.00	771.25	772.50	773.75	775.00	776.25
89	778.75	780.00	781.25	782.50	783.75	785.00
90	787.50	788.75	790.00	791.25	792.50	793.75
91	796.25	797.50	798.75	800.00	801.25	802.50
92	805.00	806.25	807.50	808.75	810.00	811.25
93	813.75	815.00	816.25	817.50	818.75	820.00
94	822.50	823.75	825.00	826.25	827.50	828.75
95	831.25	832.50	833.75	835.00	836.25	837.50
96	840.00	841.25	842.50	843.75	845.00	846.25
97	848.75	850.00	851.25	852.50	853.75	855.00
98	857.50	858.75	860.00	861.25	862.50	863.75
99	866.25	867.50	868.75	870.00	871.25	872.50
100	875.00	876.25	877.50	878.75	880.00	881.25

PURNAM COUNTY PLANNING AND DEVELOPMENT DIRECTOR'S CERTIFICATE

PURSUANT TO THE LAND SUBDIVISION REGULATIONS OF PUTNAM COUNTY, GEORGIA THIS PLAT COMPLES WITH REQUIREMENTS OF THE PUTNAM COUNTY BOARD AND THE SUBDIVISION REGULATIONS OF PUTNAM COUNTY.

DATE: _____
 PUTNAM COUNTY PLANNING AND DEVELOPMENT DIRECTOR

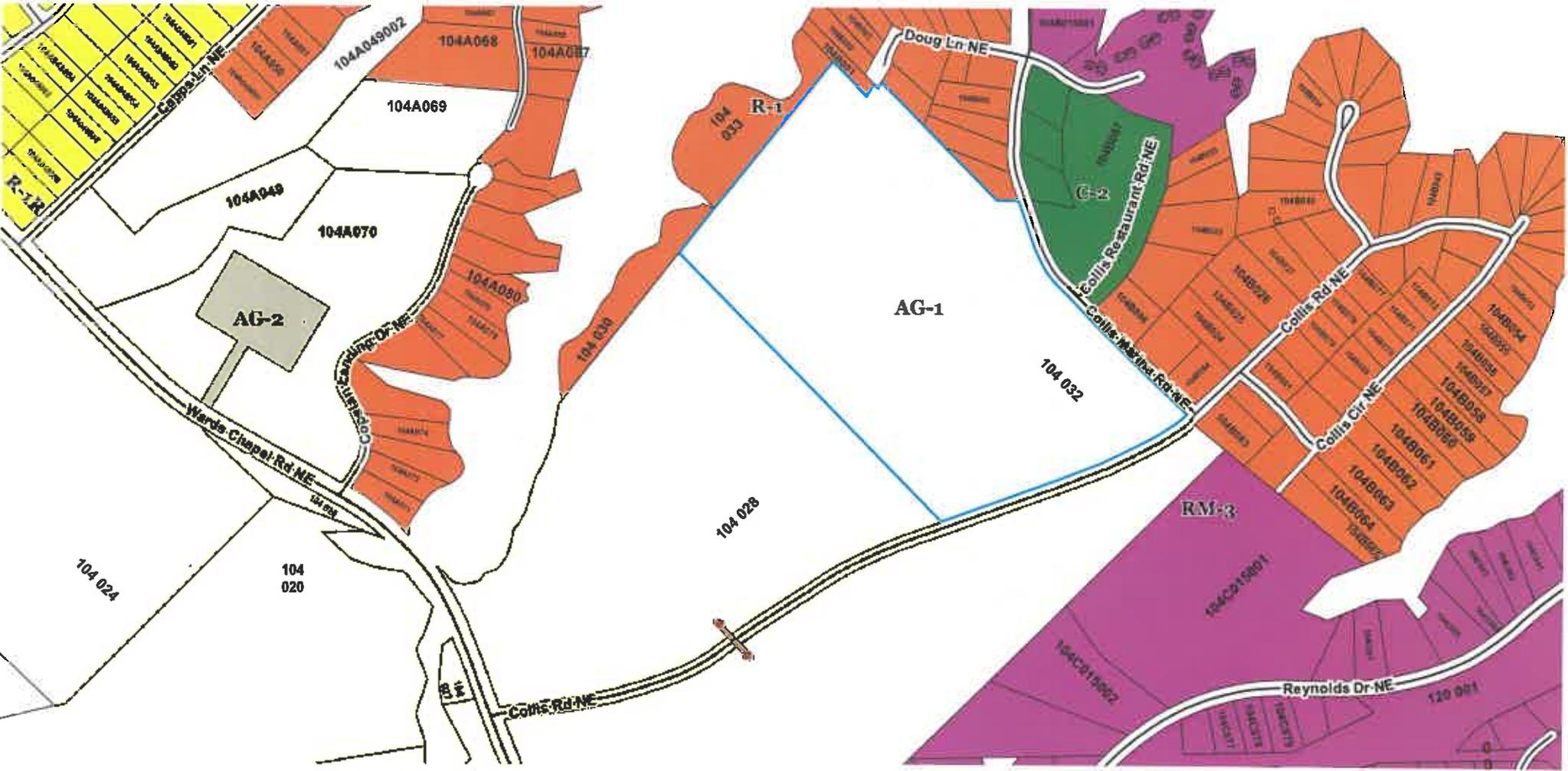
THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A GLOBAL POSITIONING OF ONE FOOT IN 25000 FEET HAS AN ANNUAL ERROR OF 2 INCHES PER ANGLE POINT AND TWO INCHES OVER THE LINE BEING MEASURED. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CURVATURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN ENGLISH FEET.

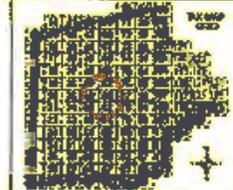
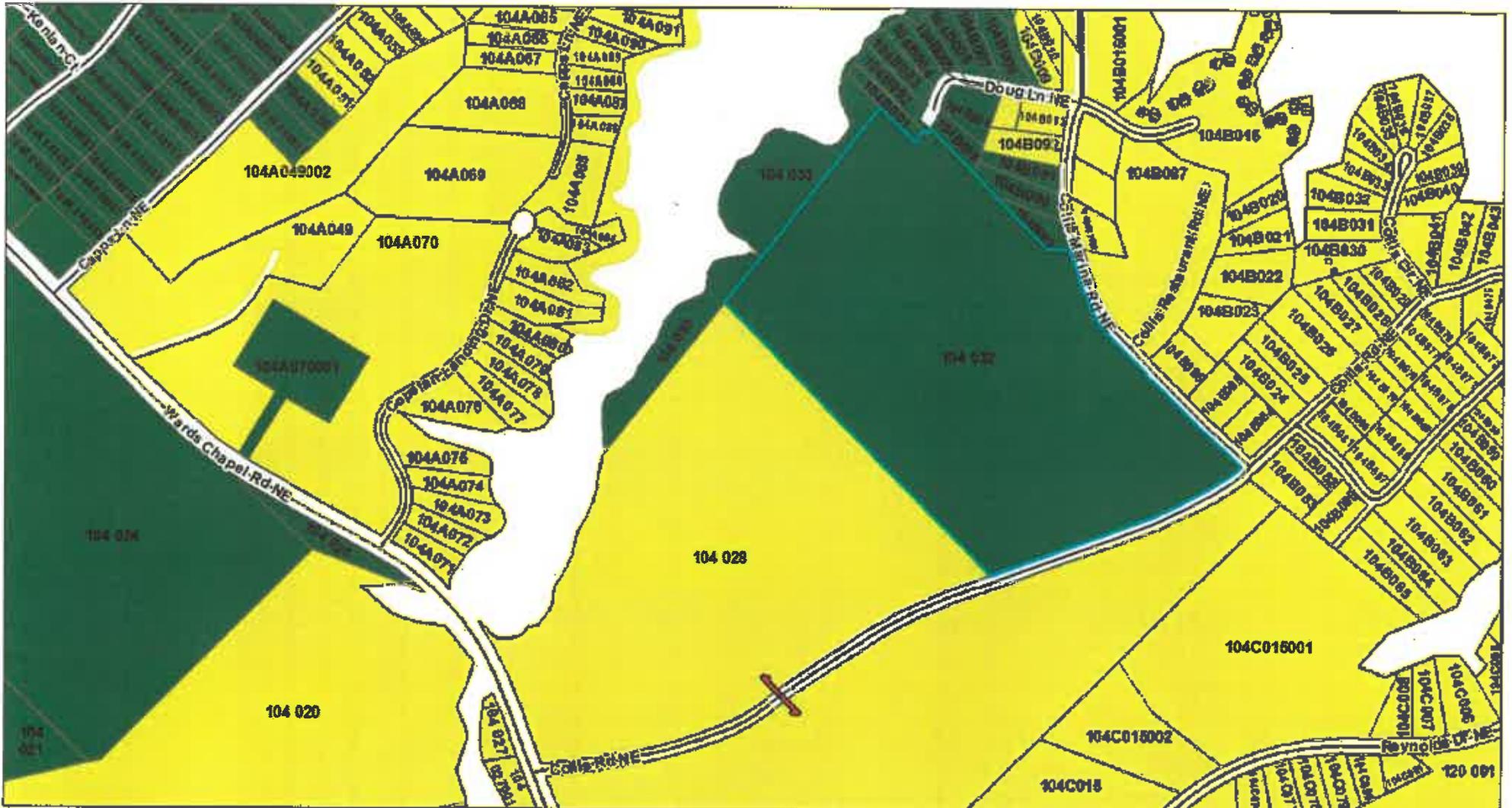
A TRIPOLI STA 1488 TOTAL STATION 30.0000 FEET WAS USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS. A LEICA TPS-1150N 1000 ACQUA MEMORY CARD WAS USED AS A DATA COLLECTOR TO COLLECT THE FIELD DATA.

THIS SURVEY WAS PREPARED IN CONFORMANCE WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 140-2 OF THE RULES OF THE GEORGIA BOARD OF SURVEYORS FOR PROFESSIONAL SURVEYORS AND AS SET FORTH IN THE RULES OF THE BOARD OF SURVEYORS.

DATE:	2/16/2017 TO 2/21/2017	FOR:	T-STAR CAPITAL INC
SURVEY:	PLAT:	PART OF LAND LOTS 330 AND 327 THIRD LAND DISTRICT SOUTH G. M. DISTRICT PUTNAM COUNTY, GEORGIA	
SCALE: 1" = 200.0'		DATE: February 27, 2017	







GEOGRAPHIC FEATURE LEGEND

Edenton Line	Agricultural/Forestry	Mixed Use	Residential
County Boundary	Commercial	Park/Recreation/Conservation	Transportation/Communication Utilities
Ranch	Industrial	Public/Institutional	Undeveloped/Vacant
Parcel			
Parcel, Major			


 North Georgia Regional Commission
 175 Emory Ferry
 Suite C
 Macon, Georgia 31217
 (478) 254-6100
 Web:
www.ngrc.org/geoplans.asp

**PUTNAM COUNTY, GEORGIA
FUTURE LAND USE MAPS**



MAP 104

MAP 104A - 1" = 1/4" = 100' SCALE: HORIZONTAL DATE: 05/11/2009

File Attachments for Item:

7. Request by Howard McMichael, agent for Mallard's Overlook, LLC to rezone 29.58 acres on Collis Road from AG-1 to RM-3. [Map 104, Parcel 032, District 3] (staff-P&D)



PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ◊ Eatonton, GA 31024
Tel: 706-485-2776 ◊ 706-485-0552 fax ◊ www.putnamcountyga.us

APPLICATION FOR REZONING

APPLICATION NO. Plan 2019-1680 DATE: 1/8/2020

MAP 104 PARCEL 052 DISTRICT 3

- 1. Name of Applicant: Mallano's Overlook, LLC
- 2. Mailing Address: 6350 Lake Dances Parkway, Suite 110 Eatonton Ga 31024 PMB 33
- 3. Phone: (home) _____ (office) _____ (cell) 706-493-1999 Greensboro, GA
- 4. The location of the subject property, including street number, if any: Collis Road
Eatonton Ga 31024

5. The area of land proposed to be rezoned (stated in square feet if less than one acre):
29.58 acres

6. The proposed zoning district desired: RM-3

7. The purpose of this rezoning is (Attach Letter of Intent)
The purpose of the rezoning is to develop the property utilizing Zoning
Development Codes with Two homes.

8. Present use of property: AG Desired use of property: RM-3

9. Existing zoning district classification of the property and adjacent properties:
Existing: AG-1 cpa
North: R-1 cpa South: AG-1 cpa East: R-2/C2 cpa West: AG-1 cpa

10. Copy of warranty deed for proof of ownership and if not owned by applicant, please attach a signed and notarized letter of agency from each property owner for all property sought to be rezoned.

11. Legal description and recorded plat of the property to be rezoned. RCUD 2020 JAN 8

12. The Comprehensive Plan Future Land Use Map category in which the property is located. (If more than one category applies, the areas in each category are to be illustrated on the concept plan. See concept plan insert.): AG-1 Agriculture / Forestry U/A

13. A detailed description of existing land uses: The existing land is a raw
pasture land with wooded areas

14. Source of domestic water supply: well _____, community water _____, or private provider . If source is not an existing system, please provide a letter from provider.

Ward's, Overlook, LLC
map 104 Parcel 032

- 15. Provision for sanitary sewage disposal: septic system _____, or sewer . If sewer, please provide name of company providing same, or, if new development, provide a letter from sewer provider.
- 16. Complete attachment of Disclosure of Campaign Contributions Form by the applicant and/or the applicant's attorney as required by the Georgia Conflict of Interest in Zoning Act (O.C.G.A. 36-67A).
- 17. The application designation, date of application and action taken on all prior applications filed for rezoning for all or part of the subject property. (Please attach on separate sheet.)
- 18. Proof that property taxes for the parcel(s) in question have been paid.
- 19. Concept plan. If the application is for less than 25 single-family residential lots, a concept plan need not be submitted. (See attachment.)
- 20. Impact analysis. If the application is for less than 25 single-family residential lots, an impact analysis need not be submitted. (See attachment.)

THE ABOVE STATEMENTS AND ACCOMPANYING MATERIALS ARE COMPLETE AND ACCURATE. APPLICANT HEREBY GRANTS PERMISSION FOR PLANNING AND DEVELOPMENT PERSONNEL OR ANY LEGAL REPRESENTATIVE OF PUTNAM COUNTY TO ENTER UPON AND INSPECT THE PROPERTY FOR ALL PURPOSES ALLOWED AND REQUIRED BY THE PUTNAM COUNTY CODE OF ORDINANCES.

James Chapman 11/7/2020
 Signature (Property Owner) (Date)

James F. L. 11/7/2020
 Signature (Applicant) (Date)

Casey
 Notary Public


Casey
 Notary Public


Office Use

Paid: \$ _____ (cash) _____ (check) _____ (credit card) _____

Receipt No. _____ Date Paid: _____

Date Application Received: _____

Reviewed for completeness by: _____

Submitted to TRC: _____ Return date: _____

Date of BOC hearing: _____ Date submitted to newspaper: _____

Date sign posted on property: _____ Picture attached: yes _____ no _____

BOOK 005609
FILED IN OFFICE
12/27/2019 01:48 PM
BK-972 PG-232-233
SHEILA H. PERRY
CLERK OF COURT
PUTNAM COUNTY

Sheila H. Perry

After Recording Return to:
J.V. Dell, P.C.
1040 Founders Row, Ste B
Greensboro, Georgia 30642
C/n#: 3113-0014

REAL ESTATE TRANSFER
TAX PAID: \$0.00

LIMITED WARRANTY DEED

STATE OF GEORGIA, GREENE COUNTY *PT 61-117-2019-DD1987*

THIS INDENTURE, made this 26th day of December 2019, between HJR Odell, III, 111-0113-001887 or parties of the first part (hereinafter called "Grantor") and Mallards Overlook, LLC, a Georgia limited liability company, as party or parties of the second part (hereinafter called "Grantee").

WITNESSETH:

That the said Grantor, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said Grantee, its successors and assigns, all the following described property, to-wit:

Tract A:

All that certain tract or parcel of land lying and being in the 308th District, G.M. of Putnam County, Georgia, containing 29.58 acres, more or less, and being designated as Tract A on that certain plat prepared by Jack E. Newsome, Georgia Land Surveyor No. 3113 on December 17, 2019, and recorded in Plat Book 36, Page 199, in the Office of the Clerk of the Superior Court of Greene County, Georgia, which said plat and the record thereof are hereby incorporated herein and made a part hereof by reference.

RCVD 2020 JAN 8

LESS AND EXCEPT All that certain tract or parcel of land lying and being in the 308th District, G.M. of Putnam County, Georgia, being designated as Tract A1 on that certain plat prepared by Jack E. Newsome, Georgia Land Surveyor No. 3113 on December 17, 2019, and recorded in Plat Book 36, Page 199, in the Office of the Clerk of the Superior Court of Greene County, Georgia, which said plat and the record thereof are hereby incorporated herein and made a part hereof by reference. This being the same property as shown in Deed Book 700, Page 729.

TO HAVE AND TO HOLD, the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee, its successors and assigns, forever in FEE SIMPLE.

AND the said Grantor, for itself, its successors and assigns, will warrant and forever defend the right and title to the above described property unto the said Grantee, its successors and assigns, against the claims of all persons claiming by and through the undersigned.

IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and affixed its seal the day and year first above written.

Signed, sealed and delivered
in the presence of:

HJR Oconee, LLC

Casey
Unofficial Witness

By: *Howard McMichael, Jr.* (SEAL)
Name: Howard McMichael, Jr.
Its: Sole Member

[Signature]
Notary Public

My Commission Expires:
(AFFIX NOTARY SEAL)



RCUD 2020 JAN 8



PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

Tel: 706-485-2776 ♦ 706-485-0552 fax ♦ www.putnamcountyga.us

LETTER OF AGENCY- _____

WE, THE UNDERSIGNED OWNERS OF REAL PROPERTY LOCATED IN THE CITY OF EATONTON/PUTNAM COUNTY, GEORGIA, HEREBY APPOINT Howard McPherson, Jr. TO BE MY AGENT FOR THE PURPOSE OF APPLYING FOR Rm 3 zoning OF PROPERTY DESCRIBED AS MAP 104 PARCEL 032, CONSISTING OF 50.8 ACRES, WHICH HAS THE FOLLOWING ADDRESS: Colis Road EATONTON, GEORGIA 31024. ATTACHED HERETO IS A COPY OF A DEED AND OR PLAT OF SURVEY DESCRIBING THE PROPERTY OWNED BY THE PROPERTY OWNER(S) TO WHICH THIS LETTER OF AGENCY APPLIES.

THE ABOVE NAMED AGENT HEREBY IS AUTHORIZED TO COMPLETE AND SIGN THE CITY OF EATONTON/PUTNAM COUNTY APPLICATION FOR Re-zoning ON OUR BEHALF. WE UNDERSTAND THAT THIS LETTER OF AGENCY WILL BE ATTACHED TO AND MADE PART OF SAID FORM AND WILL BE RELIED UPON BY THE CITY OF EATONTON/PUTNAM COUNTY. FOR AND IN CONSIDERATION OF THE CITY OF EATONTON/PUTNAM COUNTY ACCEPTING THIS LETTER OF AGENCY, WE HEREBY INDEMNIFY AND HOLD HARMLESS THE CITY OF EATONTON/PUTNAM COUNTY AND ITS AGENTS AND/OR EMPLOYEES IN THE EVENT THAT THE ABOVE NAMED AGENT SHOULD MISUSE THIS LETTER OF AGENCY AND WE SUFFER DAMAGES AS A RESULT.

THIS 7 DAY OF January, 2020.

PROPERTY OWNER(S): Mayard's Overlook, LLC

James K. Spangley NAME (PRINTED)

ADDRESS: 1650 Lake Oconee Pkwy, Suite 110 Pmb 33 Greensboro GA 30642
PHONE: 770 313 7898

ALL SIGNATURES WERE HEREBY SWORN TO AND SUBSCRIBED BEFORE ME THIS 7th DAY OF January, 2020

Casey

NOTARY
MY COMMISSION EXPIRES: 2-13-22



RCUD 2020 JAN 8

BOOK PAGE: 199-199

P2019000135

FILED IN OFFICE
CLERK OF COURT
12/23/2019 10:50 AM
SHEILA H. PERRY, CLERK
SUPERIOR COURT
PUTNAM COUNTY, GA

Sheila H. Perry

8209886566
PARTICIPANT ID

SPACE RESERVED FOR CLERK OF COURT

LAKE OCONEE

LAKE OCONEE

SHORELINE

N/4 COPELAN

20' REBAR SET

N/4 COPELAN

1/4" REBAR

N/4 COPELAN
FAMILY PARTNERSHIP

TRACT A
28.58
ACRES

TRACT B
21.40
ACRES

NOTES

THIS SURVEY IS BASED UPON INFORMATION FOUND BY THE PUBLIC RECORD
AGENCY. INFORMATION PROVIDED BY THE CLIENT AND ALSO UPON EVIDENCE
OBTAINED AT THE SITE. IT REPRESENTS A PROFESSIONAL OPINION, AND IS
SUBJECT TO CHANGE WITH THE INTRODUCTION OF NEW EVIDENCE
OR INFORMATION.



LINE	BEARING	LENGTH
L1	S62°10'00"W	62.89
L2	S89°04'00"W	211.80
L3	S41°30'00"W	110.80
L4	S89°04'00"W	121.49
L5	S87°20'00"W	80.00
L6	S44°30'00"E	144.80
L7	S40°30'00"E	95.80
L8	S11°30'00"W	61.71
L9	N47°00'00"E	111.40
L10	S47°10'00"E	142.50
L11	N89°40'00"E	162.72
L12	S19°40'00"E	124.80
L13	S22°11'00"E	85.12
L14	S27°40'00"E	33.74
L15	S21°30'00"E	37.81
L16	S30°32'47"E	67.31
L17	S45°00'00"E	104.64
L18	S42°20'17"E	76.37
L19	S42°47'37"E	104.47
L20	N41°00'00"E	81.60
L21	S89°10'00"E	120.84
L22	S44°14'47"E	174.19
L23	S44°30'00"E	84.07
L24	S47°30'00"E	85.87

POINT OF COMMENCEMENT:
FROM A 1/2" REBAR SET AT THE INTERSECTION OF THE RIGHT-OF-
WAY OF COLLIS ROAD AND COLLIS MARINA ROAD: S89°17'11"W
FOR 188.71 TO A 3/4" REBAR FOUND AT THE NORTHERLY BOUND-
ARY OF COLLIS ROAD: THE POINT OF BEGINNING FOR

NOTE:
THIS SURVEY IS SUBJECT TO ALL EASEMENTS, RIGHTS-OF-
WAY, AND COVENANTS OF RECORD.
THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF A
TITLE SEARCH.

TECHNICAL DATA:
INSTRUMENTS/HAND GAUGES: TRIUMPH 2 & LS
TRANSVERSE CLOSURE: NA
RELATIVE POSITIONAL ACCURACY: ± 1/1000 FT.
CHECKED BY REDUNDANT MEASUREMENTS
PLAT CLOSURE: TRACT A: 17468.007
TRACT B: 17198.227

A BOUNDARY REEASUREMENT AND DIVISION SURVEY OF TAX
PARCEL, 1M 003 (PLAT BK 33274)
SURVEY AUTHORIZED BY MALLARD'S OVERLOOK, LLC & LICK
CREEK HOLDINGS, LLC
DATE OF FIELDWORK: 11/19-12/18/2019

AS REQUIRED BY SECTION 141 OF TITLE 48-2-17, THIS PLAT
1500 SHALL BE PROVIDED BY A LAND SURVEYOR AND APPROVED BY
ALL APPLICABLE LOCAL, STATE AND FEDERAL AGENCIES AS
EVIDENCED BY APPROVAL, CERTIFICATION, SIGNATURE STAMPS
OR STATEMENTS HEREON. EACH APPROVAL OR APPROVAL
SHOULD BE CONVEYED WITH THE APPROPRIATE GOVERNMENTAL
BODIES BY ANY PERSONS OR HOUR OF PLAT AS TO THE OFFICIAL
USE OF THE PLAT. THE UNDERSIGNED SURVEYOR CERTIFIES
THAT THIS PLAT COMPLIES WITH ALL APPLICABLE TECHNICAL STANDARDS
FOR PROPERTY SURVEYS BY SURVEYOR AS SET FORTH BY THE GA
STATE BOARD OF REG. FOR SURVEYORS & LAND SURVEYING &
OCEAN RESERV.

Jack E. Newsome

JACK E. NEWSOME, GA RLS 89713



APPROVED FOR RECORDING ONLY
PUTNAM COUNTY
PLANNED AND DEVELOPMENT
DEC 24 2019

Lisa Jack

A BOUNDARY SURVEY FOR

MALLARD'S OVERLOOK, LLC (TRACT: A)
&
LICK CREEK HOLDINGS, LLC (TRACT: B)

2084 GMD PUTNAM COUNTY, GEORGIA
LAND LOT 130
DECEMBER 17, 2019

SURVEYED BY
SOUTHEAST LAND SURVEYING

JACK E. NEWSOME, RLS
134 W. SHERATON DR.
PO BOX 1025
WASHINGTON, GEORGIA 30673
786-678-7926 786-361-3178
wjnewsome@psdill.com

COUNTY APPROVAL

RECORD BOOK 33274 PAGE 13





PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

Tel: 706-485-2776 ♦ 706-485-0552 fax ♦ www.putnamcountyga.us

DISCLOSURE OF APPLICANT'S CAMPAIGN CONTRIBUTION

The Putnam County Code of Ordinances, Section 66-167(c) states as follows:
"When any applicant or his attorney for a rezoning action has made, within two years

immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

a. The name and official position of the local government official to whom the campaign contribution was made; and

b. The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution. The disclosures required by this section shall be filed within ten days after an application for the rezoning action is first filed."

- 1. Name: Lauren K. Sprayberry (Mallard's Overlook, LLC)
- 2. Address: 6350 Lake Oconee Parkway Suite 110 PMB33
Greensboro, GA 30642

3. Have you given contributions that aggregated \$250.00 or more within two years immediately preceding the filing of the attached application to a candidate that will hear the proposed application? Yes No If yes, who did you make the contributions to? _____

Signature of Applicant: Lauren K. Sprayberry
Date: 1/7/2020

RCUD 2020 JAN 8



October 8, 2019

Mr. Howard McMichael
P.O. Box 3249
Easton, Georgia 31024

Subject: Water & Sewer Service: Putnam County Parcels 104B001, 104032, 104033 and 104032

Dear Mr. McMichael:

This letter is to confirm that water and sewer services are currently available to serve the parcels identified above in Putnam County, Georgia. Capacity for both services will be made available to the site subject to the completion of a mutually agreeable contract for such capacity.

Any and all infrastructure costs to provide water and sewer service on the property are the responsibility of the developer, and are subject to review and approval of Piedmont Water Company prior to connecting the property to our water and sewer mains.

Please feel free to contact me at 770-255-7984 with any questions you may have.

Sincerely,

W. J. Matthews
Vice President of Operations

RCUD 2019 OCT 31

Putnam County Tax Commissioner

**Pamela K. Lancaster
100 S. Jefferson Street ~ Suite 207
Eatonton, GA 31024**

**Phone: 706-485-5441
Fax: 706-485-2527
Email: pcic117@yahoo.com
www.putnamtax.com**

October 30, 2019

CERTIFICATION

This is to certify that as of October 30, 2019, there are no delinquent property taxes outstanding for:

**Parcel number: 104 032
Owner: HJR Oconee LLC**

Pamela K. Lancaster
**Pamela K. Lancaster, CPA
Putnam County Tax Commissioner**



10-30-2019 10:21:23

PC

Impact Analysis

Proposed RM-3 Development Rezoning Request

Agent: Howard McMichael, Jr.

Prepared by: Kip Oldham, AIA
K A Oldham Design, Inc.
65 Jackson Street, Suite 401
Newman, Georgia 30263
Ph. 770.683.9170

Signature:

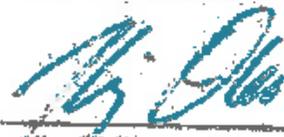

Kip Oldham, AIA



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ECUD 2019 NOV 1


Letter of Intent – Mallard’s Overlook, LLC – RM-3 (Parcel Number: 104 032 (Tract A, 29.58 acres))

The site includes Tract A including 29.58 acres and is located on Lake Oconee at the intersection of Collis Road and Collis Marina Road and surrounding land uses include existing RM-3 Enclave at Waterfront, C-2 at Collis Marina, and R-1 Single Family Homes. The intended land use for subject property is to be combined into 1 Parcel and rezone to RM-3. A Conceptual plan illustrating proposed development concept is attached. Upon re-zone approval, the area will be developed into a waterfront community. The intent of the property is to be developed utilizing Putnam County Development Codes with townhome and condominium units similar to Enclave at Waterfront and Cuscowilla Condominium and Townhome Units.

We appreciate the consideration to promote quality development within Putnam County.



Impact Analysis

ITEM #1

Is the proposed use consistent with the stated purpose of the zoning district that is being requested?

The proposed use is multi-family units. Current Use is Agriculture, but all adjacent properties are zoned for residential.

Is the proposed use suitable in view of the zoning and development of adjacent or nearby property?

The proposed parcel is located between an RM-3, RM-2, and R-1 use. Similar development surrounds the area.

Will the proposed use adversely affect the existing use, value or usability of adjacent or nearby property?

The proposed use will be multi-family. The existing use is agriculture and single family. The adjacent and nearby property are developed as multi-family. This use will not adversely affect the surrounding land use.

Is the proposed use compatible with the proposed intent of the Comprehensive Plan?

The Putnam County / City of Eatonton 2007-2030 Comprehensive plan prepared by Middle Georgia RDC indicates the future land use as Agriculture, however the existing adjacent property is currently a non-working farm and its intended use is Residential. The proposed development meets the intended land use for this area and should be updated to Residential.

Are there substantial reasons why the property cannot or should not be used as currently zoned?

The property is surrounded by multi-family developments and / or parcels already zoned for multi-family use. The property should be continuing development as surrounding parcels.

Will the proposed use cause an excessive or burdensome use of public facilities or services or exceed the present or funded capabilities, including but not limited to streets, water or sewer utilities and police or fire protection?

The proposed development will incur the cost of constructing streets interior to the project. Water and sewer are provided by Piedmont Water Resources. Developer will incur cost of any additions required to bring water and sewer to property. Final plans will meet fire protection requires with all necessary hydrants and equipment circulation requirements.

DATE: 2014 MAR 3



Given the incurred infrastructure cost there is no evidence of an excessive or burdensome use of public facilities, funded capabilities, utilities or police and fire protection.

Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan or reflected in the existing zoning on the property or surrounding properties?

The proposed use is supported by the Comprehensive Plan and the anticipated existing and future use of mixed residential.

Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, and reasonable private use of the subject property?

The proposed project will place emphasis on lake shore protection, recreation use of Lake Oconee and promote common open space for property owners. The project will meet all county construction standards and continue the quality of real estate offered by Enclave at Waterfront. Therefore, there is a reasonable balance between the promotion of public health, safety and private use.

ITEM #2 TRAFFIC ANALYSIS -- (SEE ATTACHMENT)

ITEM # 3

The estimated number of dwelling units are as follows:

When this parcel is combined with 3 adjacent parcels the total number of Multi-Family Townhomes will be 124

Non Residential use - Estimated 2500 SF for amenity building

ITEM #4

Effect on environment surrounding the area:

Natural:

Property contains no significant wetland areas within property boundary - Some wetland areas may exist between proposed site boundary and Lake Oconee. Any areas of wetlands will be protected by required buffers - Source: Putnam County / City of Eatonton 2007-2030 Comprehensive Plan - Wetlands Map 6 Prepared by Middle Georgia RDC

Erosion:

Developer plans to install lake sea walls per Georgia Power Lake Oconee Management Guide with required permits. Source: On site Observation

Historic:

APR 2019 11:00 AM

The proposed site has no known or listed Cultural or Historical Resources located on site. Source: Putnam County / City of Eatonton 2007-2030 Comprehensive Plan Cultural and Historical Resources Map 15 prepared by Middle Georgia RDC

ITEM #5

Impact on fire protection

Request for Fire Department comment of proposed development has been requested but not received at this time. Given the previous discussions with Fire Department on initial phase of Enclave at Waterfront, all fire Marshall requirements will be met.

ITEM #6 - PHYSICAL CHARACTERISTICS OF SITE (SEE ATTACHMENT)

ITEM #7 - ADJACENT AND NEARBY ZONING (SEE ZONING CONCEPT PLAN)

RCUB 2019 NDU 1



P.C. Simonton & Associates, Inc.
Consulting Engineers

309 North Main Street
Post Office Box 649
Hinesville, Georgia 31319

1050 Parkside Commons
Suite 101
Greensboro, GA 30642

Mallard Cove
Traffic Impact Analysis
PCS # 2019-168

The Mallard Cove development is a residential townhouse development that includes 50.8 acres of multi-family development on Collis Marina Road and Collis Road NE. The developer desires to construct 124 residential, three bedroom townhouses. The property is currently zoned A-1 agriculture and will require a zoning change to multi-family residential.

Trip Generation Software by Microtrans will be used to generate average daily traffic for existing as well as future conditions. All average daily traffic included in the report is two-way traffic and has not been adjusted. Passer by traffic which is generally defined as traffic that is already on the road and contained in existing counts, but will also be included in traffic projections for the proposed development. The percentage of passer-by traffic varies with the type of development. In the case of Mallard Cove, the development is a destination so passerby traffic will be almost non-existent.

The two roadways (Collis Road and Collis Marina Road) are currently two lanes with a width of about twenty feet (20'). The two roadways serve existing residential and commercial developments comprised of approximately 84 single family residential units, 90 multifamily units and supporting club house and boat storage. Based on these land uses traffic projections for the existing development is:

Two Way Traffic	1331 trips per day
AM Peak Traffic	103 trips per day
PM Peak Traffic	131 trips per day

The proposed project includes 124 three bedroom townhouse units located at the intersection by Collis Road and Collis Marina Road. Property configuration will allow all or most of the property to enter from Collis Road and will have no impact on Collis Marina Road. Based on the information submitted traffic projection for the proposed development is:

Average weekday two-way volume	930 trips
AM Peak Traffic	71 trips
• Peak hour enter	11 trips
• Peak hour exit	60 trips
PM Peak Traffic	89 trips
• Peak hour enter	60 trips
• Peak hour exit	30 trips

RCUB 2019 NOV 1



As can be seen the traffic impact, as a result of the rezoning of the tract on Collis Road increases traffic by 70%, to a total of 2,261 two-way trips per day. The 2000 Highway Capacity Manual suggest the capacity of two lane, two-way highways to be 3,400 passenger cars per hour (pcph) for both directions and 1,700 pcph for one direction. As stated in the terminology this capacity would be for a "highway" not a local street. A two lane local street will generally have a capacity of 1,000 vehicles per day with an acceptable livability. A local roadway can accept the 1,000 vehicles per day if the roadway is twenty four feet (24') curb to curb or twenty four feet (24') plus five foot (5') shoulders with acceptable clear zone geometrics beyond this shoulder.

Collis Road does not meet the roadway width shown above. The current roadway is a very narrow twenty feet (20') roadway with little or no shoulder. Expansion of the roadway is expected for the roadway to operate at an acceptable level of service (LOS). The minimum cross section should be two lane, twenty four feet (24') wide with curb and gutter section. In addition left turn lanes at intersection and commercial driveway be examined.

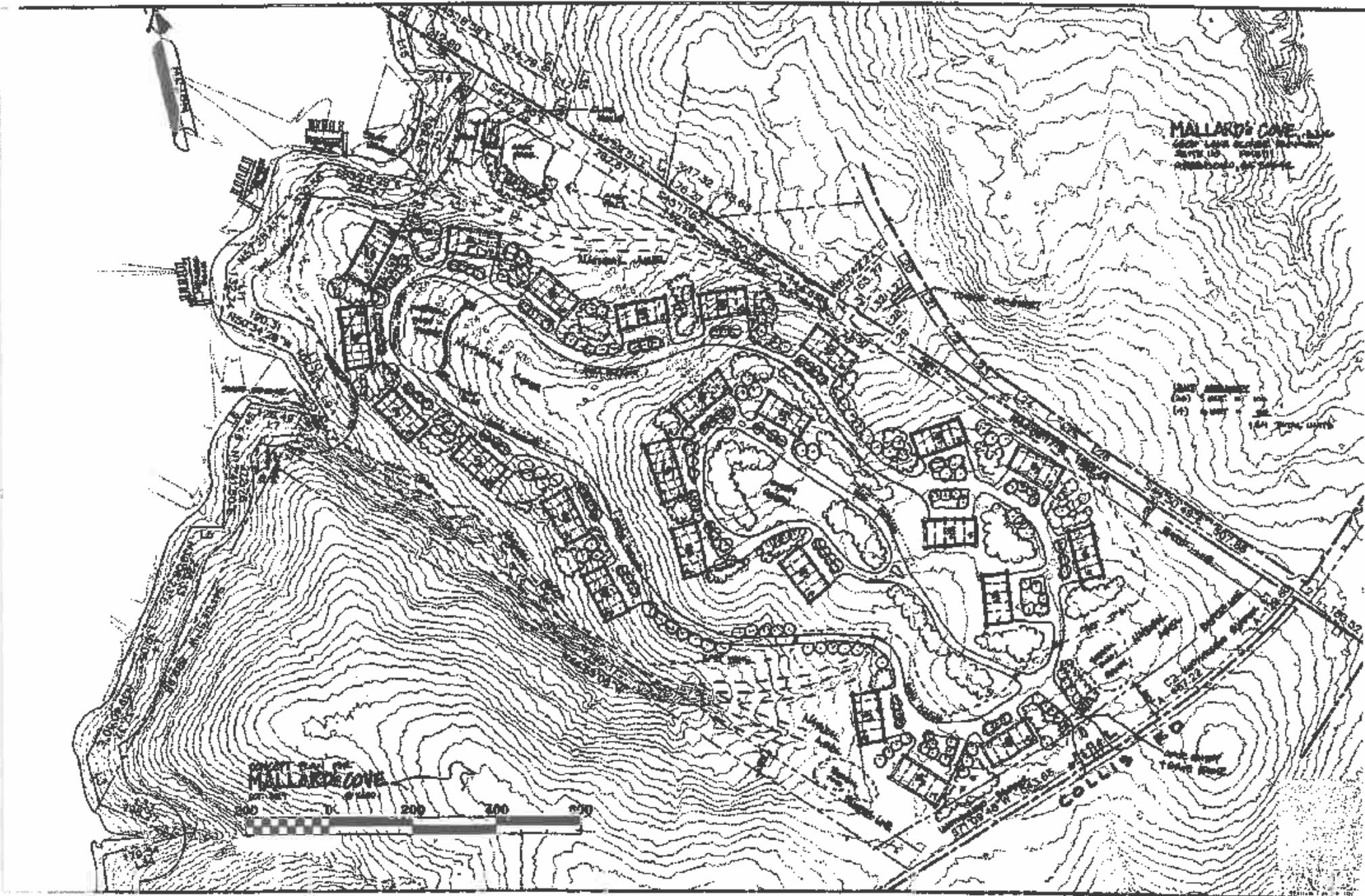


WEXM 2019 010 1

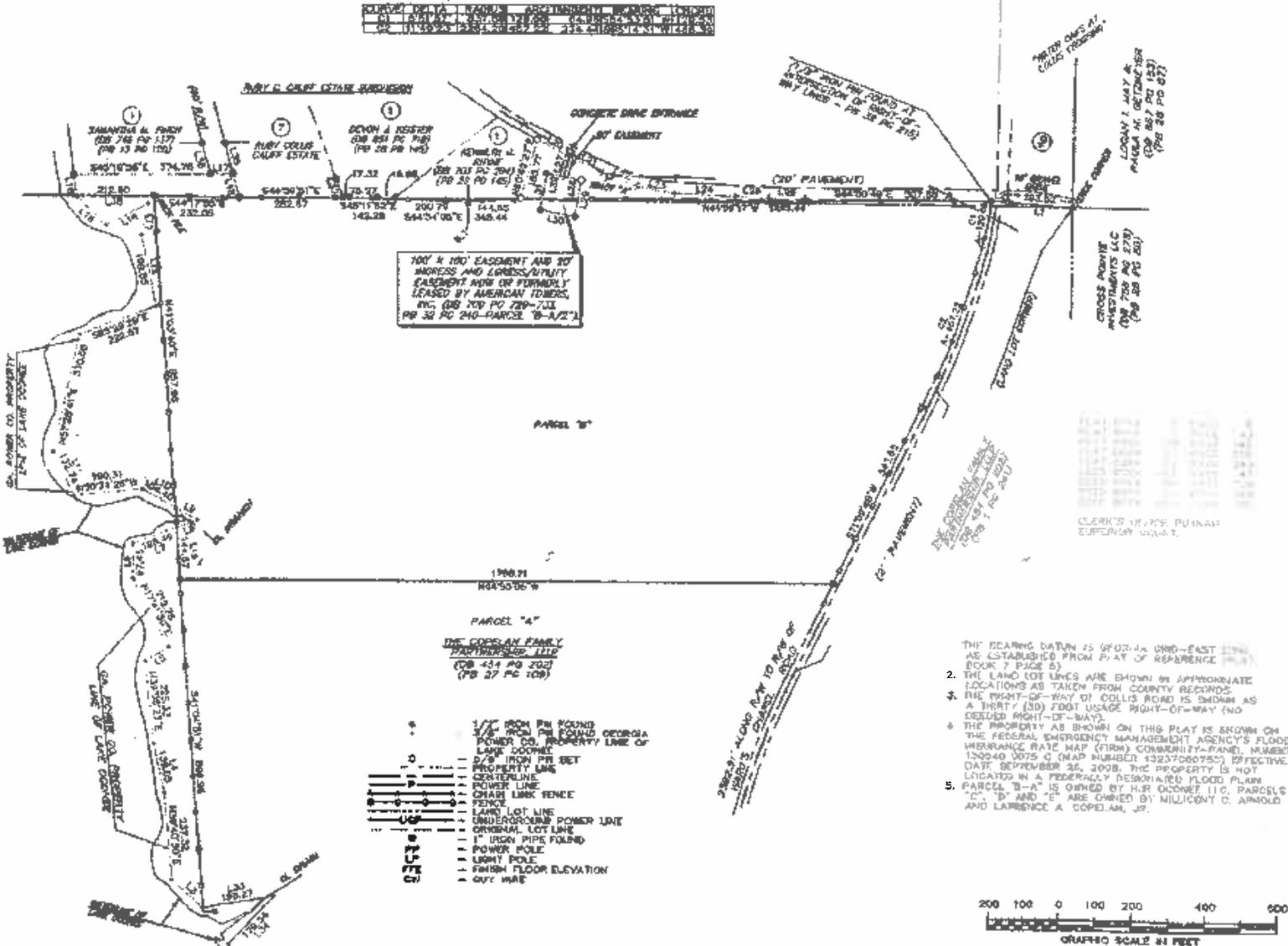
A handwritten signature or set of initials, possibly "DE", written in black ink.

Existing Conditions





NO.	DATE	DESCRIPTION
1	11/13/24	...
2	11/13/24	...
3	11/13/24	...
4	11/13/24	...
5	11/13/24	...



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PUTNAM COUNTY PLANNING AND DEVELOPMENT DIRECTOR'S CERTIFICATE

PURSUANT TO THE LAND SUBDIVISION REGULATIONS OF PUTNAM COUNTY, GEORGIA THIS PLAT COMPLIES WITH REQUIREMENTS OF THE PUTNAM COUNTY ZONING BOARD AND THE SUBDIVISION REGULATIONS OF PUTNAM COUNTY.

DATE: _____ PUTNAM COUNTY PLANNING AND DEVELOPMENT DIRECTOR

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED WAS A DIRECT RESULT OF ONE FOOT IN 3000 FEET AND AN ANGLE ERROR OF 3 SECONDS PER HORIZONTAL FOOT, AND NOT ADJUSTED UNDER THE LEAST SQUARES METHOD. THIS MAP OR PLAT HAS BEEN CORRECTED FOR CURVATURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 240,000 FEET.

A TECH FOR THIS TOTAL STATION WAS USED AND USED TO OBTAIN THE UPON AND ANGULAR MEASUREMENTS. A LEICA DISTANCE METER WAS USED AS A CHECK ON THE DISTANCE TO OBTAIN THE FIELD DATA.

THIS SURVEY WAS PREPARED IN CONFORMANCE WITH THE TECHNICAL REQUIREMENTS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 14-1-1 OF THE RULES OF THE GEORGIA BOARD OF PROFESSIONAL SURVEYORS AND AS SET FORTH IN THE RULES OF THE SURVEYING BOARD.

DATE:	2/27/2017
SURVEY:	2/10/2017 TO 2/27/2017
PLAT:	2/27/2017

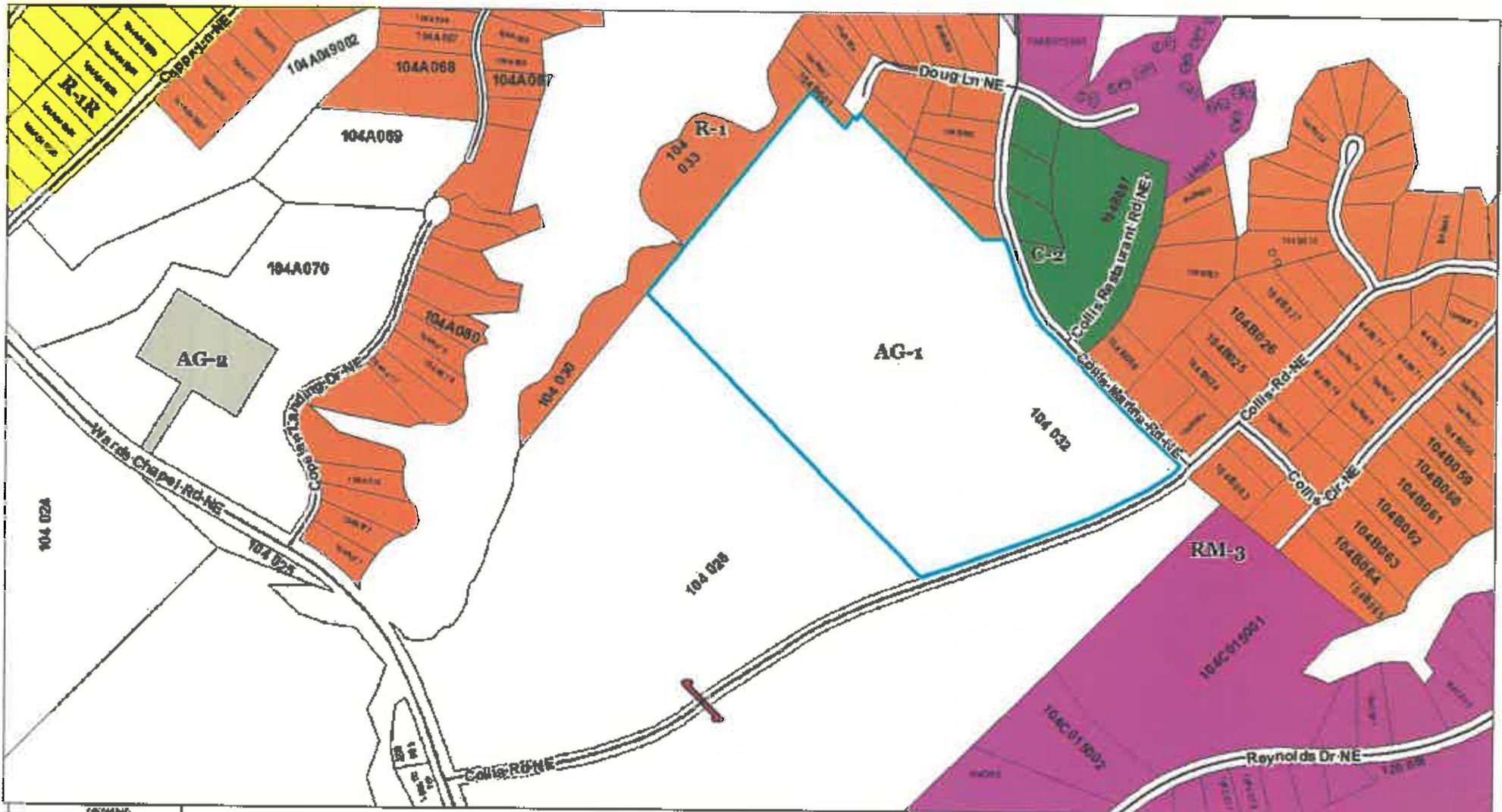
FILE: T. V. CAPITAL INC

**PART OF LAND LOTS 330 AND 337
 THIRD LAND DISTRICT
 30TH, G. M. DISTRICT
 PUTNAM COUNTY, GEORGIA**

Book: 1" = 200.0' Date February 27, 2017

REGISTERED
 NO. 8805
 LAND SURVEYOR
 STATE OF GA.

1. THE BEARING DATUM IS 1983 UTM ZONE 18Q UTM EAST AS ESTABLISHED FROM PLAT OF REFERENCE BOOK 7 PAGE 6.
2. THE LAND LOT LINES ARE SHOWN IN APPROXIMATE LOCATIONS AS TAKEN FROM COUNTY RECORDS.
3. THE RIGHT-OF-WAY OF COLLS ROAD IS SHOWN AS A THIRTY (30) FOOT USAGE RIGHT-OF-WAY (NO DECIDED RIGHT-OF-WAY).
4. THE PROPERTY AS SHOWN ON THIS PLAT IS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD HAZARD RISK MAP (FIRM) COMMUNITY PANEL NUMBER 150040 0075 C (MAP NUMBER 132370075C) EFFECTIVE DATE SEPTEMBER 26, 2008. THE PROPERTY IS NOT LOCATED IN A FEDERALLY DESIGNATED FLOOD PLAIN.
5. PARCEL "B-A" IS OWNED BY H.R. COOPER, III; PARCELS "C", "D" AND "E" ARE OWNED BY MILICENT C. ARNOLD AND LAWRENCE A. COPELAN, JR.



- Election Limits
- County Boundary
- Road
- Parcel
- Parcel Hooks

GEOGRAPHIC FEATURE LEGEND

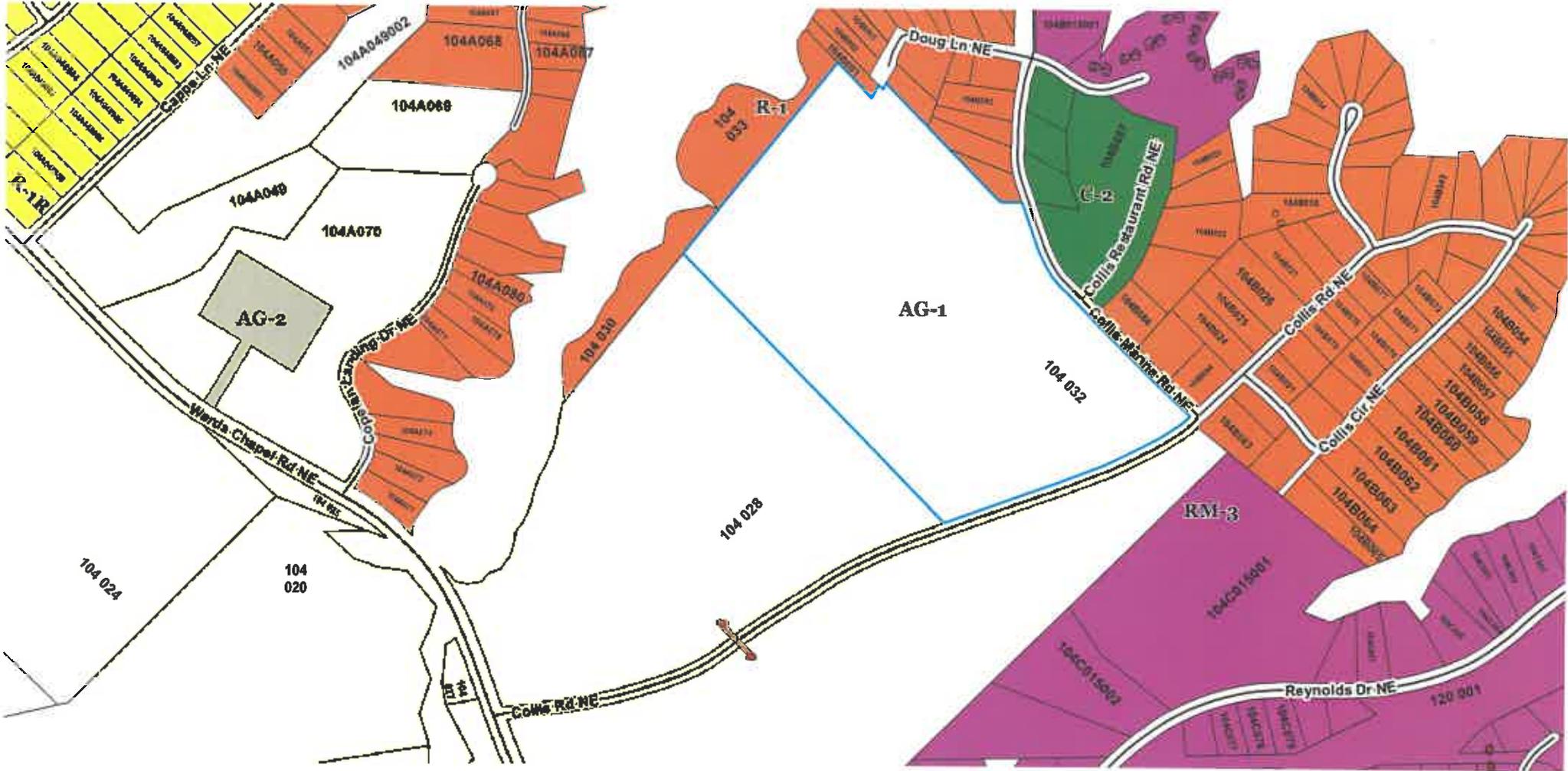
Overlay District	AG-2	C-2 CITY	MID-2 CITY	R-1 CITY	RM-2
No Code	C-1	LM	MHP	R-2 CITY	R-1R
AG-1	C-1 CITY	IND-1 CITY	PUBLIC	R-3 CITY	RM-3
AG-1 CITY	C-2	IND-2	PUBLIC CITY	R-4 CITY	VILLAGE

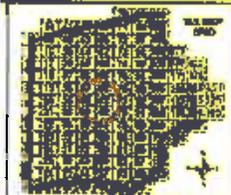
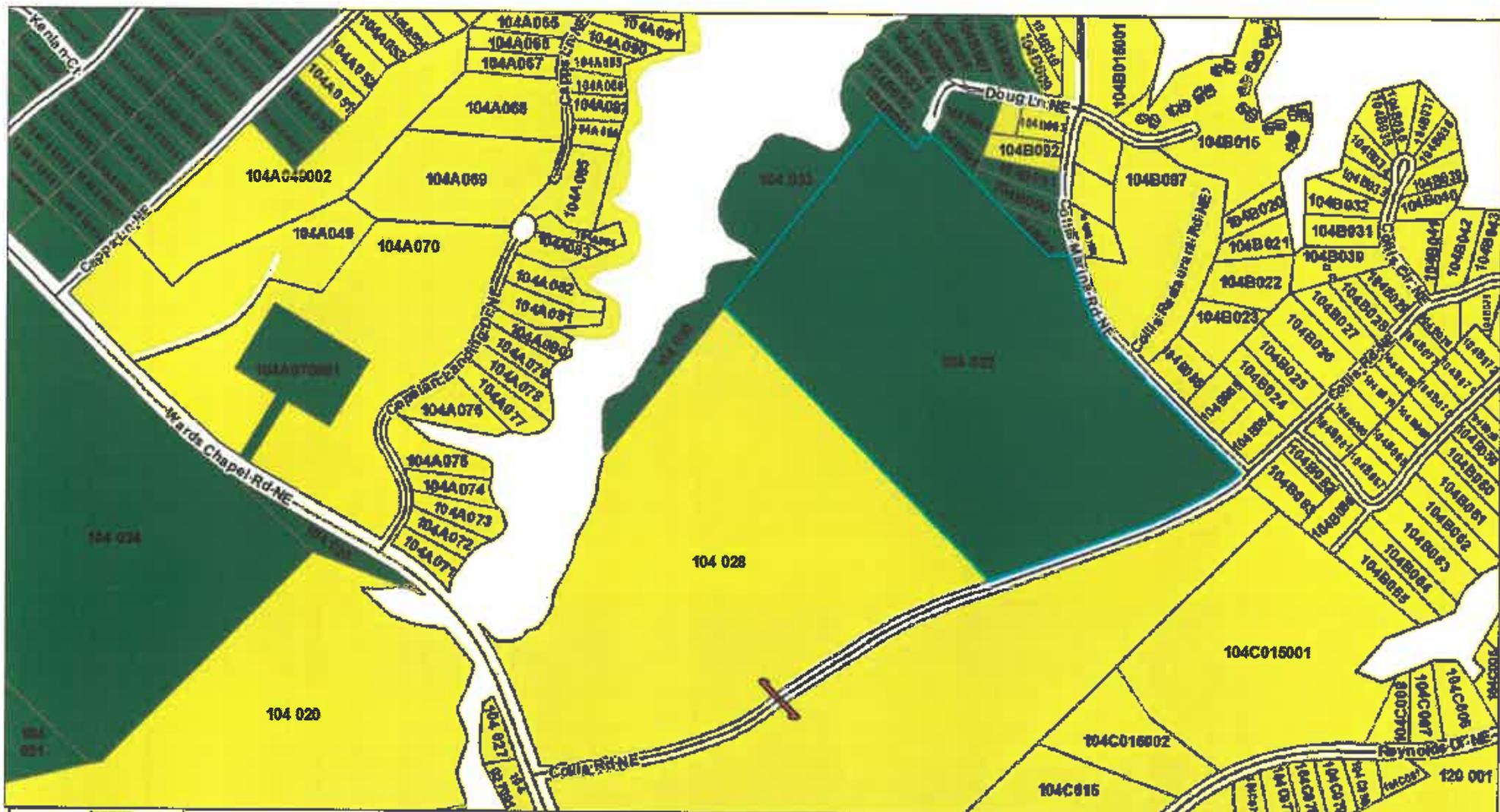
MGRIC
Middle Georgia Regional Council
175 Emory Hwy
Suite C
Macon, Georgia 31217
(706) 731-6180
Web: www.middlegeorgia.org

**PUTNAM COUNTY, GEORGIA
ZONING MAPS**

MAP 104

MAP SCALE: 1" = 400'
DATE PUBLISHED: 11/2018
DATE: NOVEMBER 2018





GEOGRAPHIC FEATURE LEGEND

Municipal Limits	Agricultural/Forestry	Mixed Use	Residential
County Boundary	Commercial	Park/Recreation/Conservation	Transportation/Communication/Utility
Roads	Industrial	Public/Institutional	Undeveloped/Vacant
Parcels			
Parcel Roads			

WSPRC
A WSP Group

2116 Georgia Regional Commission
275 E. West Street
Suite C
Macon, Georgia 31217
(478) 751-6180
Web: www.wspgroup.com

**PUTNAM COUNTY, GEORGIA
FUTURE LAND USE MAPS**

MAP 104

MAP SCALE: 1" = 1/4 MI. DATE PUBLISHED: 1/2000. DRAWN BY: WSP/SPR

File Attachments for Item:

8. Request by Howard McMichael, agent for Oconee Overlook, LLC & Lick Creek Holding's LLC to rezone 3.5 acres on Collis Road from R-1 to RM-3. [Map 104, Parcel 033, District 3] (staff-P&D)



PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

Tel: 706-485-2776 ♦ 706-485-0552 fax ♦ www.putnamcountyga.us

APPLICATION FOR REZONING

APPLICATION NO. Plan 2019-01685 DATE: 1/8/2020

MAP 104 PARCEL 033 DISTRICT 3

- 1. Name of Applicant: Oceane Overlook, LLC & Lick Creek Holdings, LLC
- 2. Mailing Address: 6350 Lake Oceane ^{Suite 110} Parkway, Eatonton Ga PMB 33 Greensboro Ga.
- 3. Phone: (home) _____ (office) _____ (cell) 706 473 1999
- 4. The location of the subject property, including street-number, if any: Collis Road

5. The area of land proposed to be rezoned (stated in square feet if less than one acre):
3.5 acres

6. The proposed zoning district desired: RM 3

7. The purpose of this rezoning is (Attach Letter of Intent)
To develop the property utilizing Putnam County development codes with town homes. see letter of intent

8. Present use of property: R-1 ga Desired use of property: RM 3

9. Existing zoning district classification of the property and adjacent properties:
Existing: R-1 ga
North: Water South: R-1 ga East: R-1 ga West: R-1 ga

10. Copy of warranty deed for proof of ownership and if not owned by applicant, please attach a signed and notarized letter of agency from each property owner for all property sought to be rezoned.
REC'D 2020 JAN 8

11. Legal description and recorded plat of the property to be rezoned.

12. The Comprehensive Plan Future Land Use Map category in which the property is located. (If more than one category applies, the areas in each category are to be illustrated on the concept plan. See concept plan insert): Residential ga

13. A detailed description of existing land uses: The existing land is wooded and has lake frontage on Lake Oceane

14. Source of domestic water supply: well _____, community water _____, or private provider . If source is not an existing system, please provide a letter from provider.

Oconee Overlooks LLC
map 104 Parcel 1033

- 15. Provision for sanitary sewage disposal: septic system _____, or sewer . If sewer, please provide name of company providing same, or, if new development, provide a letter from sewer provider.
- 16. Complete attachment of Disclosure of Campaign Contributions Form by the applicant and/or the applicant's attorney as required by the Georgia Conflict of Interest in Zoning Act (O.C.G.A. 36-67A).
- 17. The application designation, date of application and action taken on all prior applications filed for rezoning for all or part of the subject property. (Please attach on separate sheet.)
- 18. Proof that property taxes for the parcel(s) in question have been paid.
- 19. Concept plan. If the application is for less than 25 single-family residential lots, a concept plan need not be submitted. (See attachment.)
- 20. Impact analysis. If the application is for less than 25 single-family residential lots, an impact analysis need not be submitted. (See attachment.)

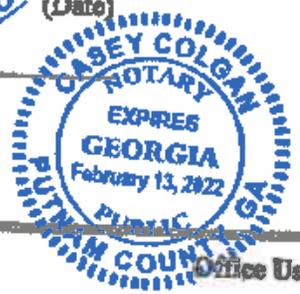
THE ABOVE STATEMENTS AND ACCOMPANYING MATERIALS ARE COMPLETE AND ACCURATE. APPLICANT HEREBY GRANTS PERMISSION FOR PLANNING AND DEVELOPMENT PERSONNEL OR ANY LEGAL REPRESENTATIVE OF PUTNAM COUNTY TO ENTER UPON AND INSPECT THE PROPERTY FOR ALL PURPOSES ALLOWED AND REQUIRED BY THE PUTNAM COUNTY CODE OF ORDINANCES.

[Signature] 11/7/2020
Signature (Property Owner) (Date)

[Signature] 11/7/2020
Signature (Applicant) (Date)

[Signature]
Notary Public

[Signature]
Notary Public



Office Use

Paid: \$ _____ (cash) _____ (check) _____ (credit card) _____

Receipt No. _____ Date Paid: _____

Date Application Received: _____

Reviewed for completeness by: _____

Submitted to TRC: _____ Return date: _____

Date of BOC hearing: _____ Date submitted to newspaper: _____

Date sign posted on property: _____ Picture attached: yes _____ no _____

Lick Creek Holdings, LLC
map 104 Parcel 033

- 15. Provision for sanitary sewage disposal: septic system _____, or sewer . If sewer, please provide name of company providing same, or, if new development, provide a letter from sewer provider.
- 16. Complete attachment of Disclosure of Campaign Contributions Form by the applicant and/or the applicant's attorney as required by the Georgia Conflict of Interest in Zoning Act (O.C.G.A. 36-67A).
- 17. The application designation, date of application and action taken on all prior applications filed for rezoning for all or part of the subject property. (Please attach on separate sheet.)
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- 20. Impact analysis. If the application is for less than 25 single-family residential lots, an impact analysis need not be submitted. (See attachment.)

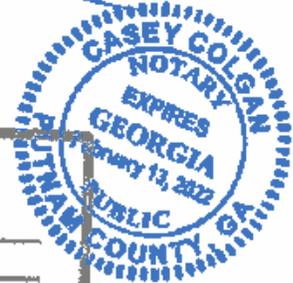
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[Signature] 11/7/2020
Signature (Property Owner) (Date)

[Signature] 11/7/2020
Signature (Applicant) (Date)

[Signature]
Notary Public

[Signature]
Notary Public



Paid: \$ _____ (cash) _____ (check) _____ (credit card)	
Receipt No. _____	Date Paid: _____
Date Application Received: _____	
Reviewed for completeness by: _____	
Submitted to TRC: _____	Return date: _____
Date of BOC hearing: _____	Date submitted to newspaper: _____
Date sign posted on property: _____	Picture attached: yes _____ no _____

After Recording Return to:
J.V. DeB, P.C.
1040 Founders Row, Ste B
Greensboro, Georgia 30642
C/n#: 3113-0013

BOOK 015608
FILED IN OFFICE
12/27/2019 01:48 PM
BK:972 PG:230-231
SHELIA H. PERRY
CLERK OF COURT
PUTNAM COUNTY



REAL ESTATE TRANSFER
TAX PAID: \$800.00

LIMITED WARRANTY DEED

STATE OF GEORGIA, GREENE COUNTY

PT-61 117-2019-001990

THIS INDENTURE, made this 26th day of December 2019, between Millicent C. Arnold and Lawrence A. Capelan, Jr. a/k/a L.A. (Buster) Capelan, Jr. as party or parties of the first part (hereinafter called "Grantor") and Oconee Overlook, LLC, a Georgia limited liability company, as party or parties of the second part (hereinafter called "Grantee").

WITNESSETH:

That the said Grantor, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said Grantee, its successors and assigns, all the following described property, to-wit:

Parcel 1:

All that tract or parcel of land, lying and being in Putnam County, Georgia, containing 3.58 acres, more or less, and being designated as Parcel "B" as shown on a plat prepared by American Testing Laboratories, Inc., dated February 21, 1975, recorded in Plat Book 7, page 43, Clerk's Office, Putnam County Superior Court, and by this reference said plat is made a part of this description. This is the same property conveyed as Tract No. 2 in Deed Book 146, page 83, said Clerk's Office.

Deed Reference: Deed Book 788, Page 565

RCVD 2020 JAN 8

Parcel 2:

All that tract or parcel of land, lying and being in Putnam County, Georgia, designated as Parcel "C" containing 2.14 acres, as shown on a plat prepared by American Testing Laboratories, Inc., dated February 21, 1975, and recorded in Plat Book 7, Page 43, Clerk's Office, Putnam County Superior Court, and by reference said plat is made a part of this description. This is the same property as conveyed at Deed Book 146, Page 82, Putnam County, Georgia records.

Parcel 3:

All that lot or parcel of land, lying and being in the 308th G. M. District, Putnam County, Georgia, being shown as Parcel 3 described in a deed recorded in Deed Book 149, page 103, Clerk's Office, Putnam County Superior

Court, with the description being corrected as follows: shown as a strip 66.73 feet wide as property of Ruby C. Califf on a plat dated January 21, 1980, prepared by American Testing Laboratories, Inc. recorded in Plat Book 10, page 24, Clerk's Office, Putnam Co. Superior Court, and by reference is made a part of this description. Said tract of land is bound on the northeast for 375.13 feet by property of J. Douglas McElhenny and 62.06 feet by a proposed 60 foot right of way for a road; on the south by 66.73 feet from the southern right of way of said road to property line of Russell N. Copelan; on the southwest by property of Russell N. Copelan; on the west by a portion of the Maggie A. Copelan Estate, Parcel B, and on the northeast by 60.66 feet of Georgia Power Access Area to Lake Oconee.

Together with

A right of ingress and egress to the above described property over a 60' proposed road right of way. Said proposed road right of way is shown in part on two separate plats; on a plat recorded in Plat Book 8, page 182, Clerk's Office, Putnam Co. Superior Court, a proposed road is shown as adjacent to Lots F and G on said plat, this road right of way is in addition to the 60' road right of way shown on plat prepared for J. Douglas McElhenny recorded in Plat Book 10, Page 24, Clerk's Office, Putnam Co. Superior Court.

Deed Reference: Deed Book 788, Page 567

TO HAVE AND TO HOLD, the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee, its successors and assigns, forever in FHE SIMPLE.

AND the said Grantor, for itself, its successors and assigns, will warrant and forever defend the right and title to the above described property unto the said Grantee, its successors and assigns, against the claims of all persons claiming by and through the undersigned.

IN WITNESS WHEREOF, the said Grantor has heretunto set its hand and affixed its seal the day and year first above written.

Signed, sealed and delivered in the presence of:

Cosby

Unofficial Witness

RCUN 2020 JAN 8
Millicent C. Arnold (SEAL)

Millicent C. Arnold

Notary Public
My Commission Expires:
(AFFIX NOTARY SEAL)



Lawrence A. Copelan, Jr. (SEAL)

Lawrence A. Copelan, Jr. a/k/a L.A. (Buster) Copelan, Jr.

DOC# 005611
FILED IN OFFICE
12/27/2019 01:48 PM
WK:972 PG:236-237
SHEILA M. PERRY
CLERK OF COURT
PUTNAM COUNTY



After Recording Return to:
J.V. Dell, P.C.
1040 Founders Row, Ste B
Greensboro, Georgia 30642
Cntr#: 3113-0015

GEN. ESTATE TRANSFER
TAX PAID: \$0.00

LIMITED WARRANTY DEED *PT 61-117-2019-001991*

STATE OF GEORGIA, GREENE COUNTY

THIS INDENTURE, made this 26th day of December 2019, between Oconee Overlook, LLC as party or parties of the first part (hereinafter called "Grantor") and Lick Creek Holdings, LLC, a Georgia limited liability company, as party or parties of the second part (hereinafter called "Grantee").

WITNESSETH:

That the said Grantor, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said Grantee, its successors and assigns, all the following described property, to-wit:

Tract B1:

All that certain lot or parcel of land lying and being in Land Lot 330, 308th District, G.M., Putnam County, Georgia, being known as Tract B1, containing 0.35 acres, more or less, as shown on that certain plat of survey prepared by Southeast Land Surveying, by Jack E. Newsome, Registered Land Surveyor No. 3113, dated December 17, 2019; which said plat and the record thereof are hereby incorporated herein and made a part hereof by reference, and more fully described as follows:

Beginning at a 1/4" Re-Bar on the Northern right-of-way of Collis Road, run North 44 degrees 54 minutes 29 seconds West a distance of 1799.15 feet to a 1/4" Re-Bar and the TRUE POINT OF BEGINNING; thence run North 44 degrees 12 minutes 28 seconds West a distance of 129.44 feet to a 1/4" Re-Bar; thence run North 44 degrees 34 minutes 5 seconds East a distance of 97.47 feet to a 1/4" Re-Bar; thence run South 65 degrees 31 minutes 12 seconds East a distance of 128.48 feet to a 1/4" Re-Bar; thence run South 41 degrees 06 minutes 05 seconds West a distance of 144.62 feet to a 1/4" Re-Bar and the TRUE POINT OF BEGINNING.

RCUD 2020 JAN 8

Tract B2:

All that certain lot or parcel of land lying and being in Land Lot 330, 308th District, G.M., Putnam County, Georgia, being known as Tract B2, containing 0.11 acres, more or less, as shown on that certain plat of survey prepared by Southeast Land Surveying, by Jack E. Newsome, Registered Land Surveyor No. 3113, dated December 17, 2019, which said plat and the record thereof are hereby incorporated

herein and made a part hereof by reference, and more fully described as follows:

Beginning at a 1/2" Re-Bar on the Northern right-of-way of Collis Road, run North 44 degrees 54 minutes 29 seconds West a distance of 1799.15 feet to a 1/2" Re-Bar; thence run North 41 degrees 06 minutes 05 seconds East a distance of 144.62 feet to a 1/2" Re-Bar; thence run South 65 degrees 04 minutes 58 seconds East a distance of 58.82 feet to a 1/2" Re-Bar; thence run North 15 degrees 25 minutes 25 seconds West a distance of 67.71 feet to a 1/2" Re-Bar and the TRUE POINT OF BEGINNING; thence run North 15 degrees 32 minutes 59 seconds West a distance of 104.44 feet to a 1/2" Re-Bar; thence run South 81 degrees 36 minutes 39 seconds East a distance of 103.68 feet to a 1/2" Re-Bar; thence run South 41 degrees 03 minutes 49 seconds West a distance of 113.40 feet to a 1/2" Re-Bar and the TRUE POINT OF BEGINNING.

TO HAVE AND TO HOLD, the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee, its successors and assigns, forever in **FEB SIMPLE**.

AND the said Grantor, for itself, its successors and assigns, will warrant and forever defend the right and title to the above described property unto the said Grantee, its successors and assigns, against the claims of all persons claiming by and through the undersigned.

IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and affixed its seal the day and year first above written.

Signed, sealed and delivered in the presence of:

Oconee Overlook, LLC

Rebecca Bova

By: *Lauren Sprayberry* (SEAL)
Lauren Sprayberry, Sole Member

Unofficial Witness

[Signature]
Notary Public
My Commission Expires:
(AFFIX NOTARY SEAL)



RCUD 2020 JAN 8



PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ◊ Eatonton, GA 31024

Tel: 706-485-2776 ◊ 706-485-0552 fax ◊ www.putnamcountyga.us

LETTER OF AGENCY- _____

WE, THE UNDERSIGNED OWNERS OF REAL PROPERTY LOCATED IN THE CITY OF EATONTON/PUTNAM COUNTY, GEORGIA, HEREBY APPOINT Harold M. Michael Jr TO BE MY AGENT FOR THE PURPOSE OF APPLYING FOR Rm 3 Zoning OF PROPERTY DESCRIBED AS MAP 104 PARCEL 022, CONSISTING OF 3.5 ACRES, WHICH HAS THE FOLLOWING ADDRESS: Collis Road EATONTON, GEORGIA 31024. ATTACHED HERETO IS A COPY OF A DEED AND OR PLAT OF SURVEY DESCRIBING THE PROPERTY OWNED BY THE PROPERTY OWNER(S) TO WHICH THIS LETTER OF AGENCY APPLIES.

THE ABOVE NAMED AGENT HEREBY IS AUTHORIZED TO COMPLETE AND SIGN THE CITY OF EATONTON/PUTNAM COUNTY APPLICATION FOR Re-zoning ON OUR BEHALF. WE UNDERSTAND THAT THIS LETTER OF AGENCY WILL BE ATTACHED TO AND MADE PART OF SAID FORM AND WILL BE RELIED UPON BY THE CITY OF EATONTON/PUTNAM COUNTY. FOR AND IN CONSIDERATION OF THE CITY OF EATONTON/PUTNAM COUNTY ACCEPTING THIS LETTER OF AGENCY, WE HEREBY INDEMNIFY AND HOLD HARMLESS THE CITY OF EATONTON/PUTNAM COUNTY AND ITS AGENTS AND/OR EMPLOYEES IN THE EVENT THAT THE ABOVE NAMED AGENT SHOULD MISUSE THIS LETTER OF AGENCY AND WE SUFFER DAMAGES AS A RESULT.

THIS 7 DAY OF January, 2018.

PROPERTY OWNER(S): Dconee Overlook, LLC

Stewart D. D'Amico NAME (PRINTED)
SIGNATURE

ADDRESS: 6350 Lake Dconee Pkwy, Suite 110, PmB 33 Greensboro, GA 30642
PHONE: 770 313-7898

RCUD 2020 JAN 8

ALL SIGNATURES WERE HEREBY SWORN TO AND SUBSCRIBED BEFORE ME THIS 7th DAY OF January, 2018.

Casey
NOTARY
MY COMMISSION EXPIRES: 2-13-22





PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ◊ Eatonton, GA 31024

Tel: 706-485-2776 ◊ 706-485-0552 fax ◊ www.putnamcountyga.us

LETTER OF AGENCY-_____

WE, THE UNDERSIGNED OWNERS OF REAL PROPERTY LOCATED IN THE CITY OF EATONTON/PUTNAM COUNTY, GEORGIA, HEREBY APPOINT Howard McMichael, Jr. TO BE MY AGENT FOR THE PURPOSE OF APPLYING FOR Rm 3 zoning OF PROPERTY DESCRIBED AS MAP 104 PARCEL 033, CONSISTING OF 3.5 ACRES, WHICH HAS THE FOLLOWING ADDRESS: Collis Road EATONTON, GEORGIA 31024. ATTACHED HERETO IS A COPY OF A DEED AND OR PLAT OF SURVEY DESCRIBING THE PROPERTY OWNED BY THE PROPERTY OWNER(S) TO WHICH THIS LETTER OF AGENCY APPLIES.

THE ABOVE NAMED AGENT HEREBY IS AUTHORIZED TO COMPLETE AND SIGN THE CITY OF EATONTON/PUTNAM COUNTY APPLICATION FOR Re-zoning ON OUR BEHALF. WE UNDERSTAND THAT THIS LETTER OF AGENCY WILL BE ATTACHED TO AND MADE PART OF SAID FORM AND WILL BE RELIED UPON BY THE CITY OF EATONTON/PUTNAM COUNTY. FOR AND IN CONSIDERATION OF THE CITY OF EATONTON/PUTNAM COUNTY ACCEPTING THIS LETTER OF AGENCY, WE HEREBY INDEMNIFY AND HOLD HARMLESS THE CITY OF EATONTON/PUTNAM COUNTY AND ITS AGENTS AND/OR EMPLOYEES IN THE EVENT THAT THE ABOVE NAMED AGENT SHOULD MISUSE THIS LETTER OF AGENCY AND WE SUFFER DAMAGES AS A RESULT.

THIS 7 DAY OF January, 2020.

PROPERTY OWNER(S): Lick Creek Holdings, LLC
NAME (PRINTED)

James M. ...
SIGNATURE

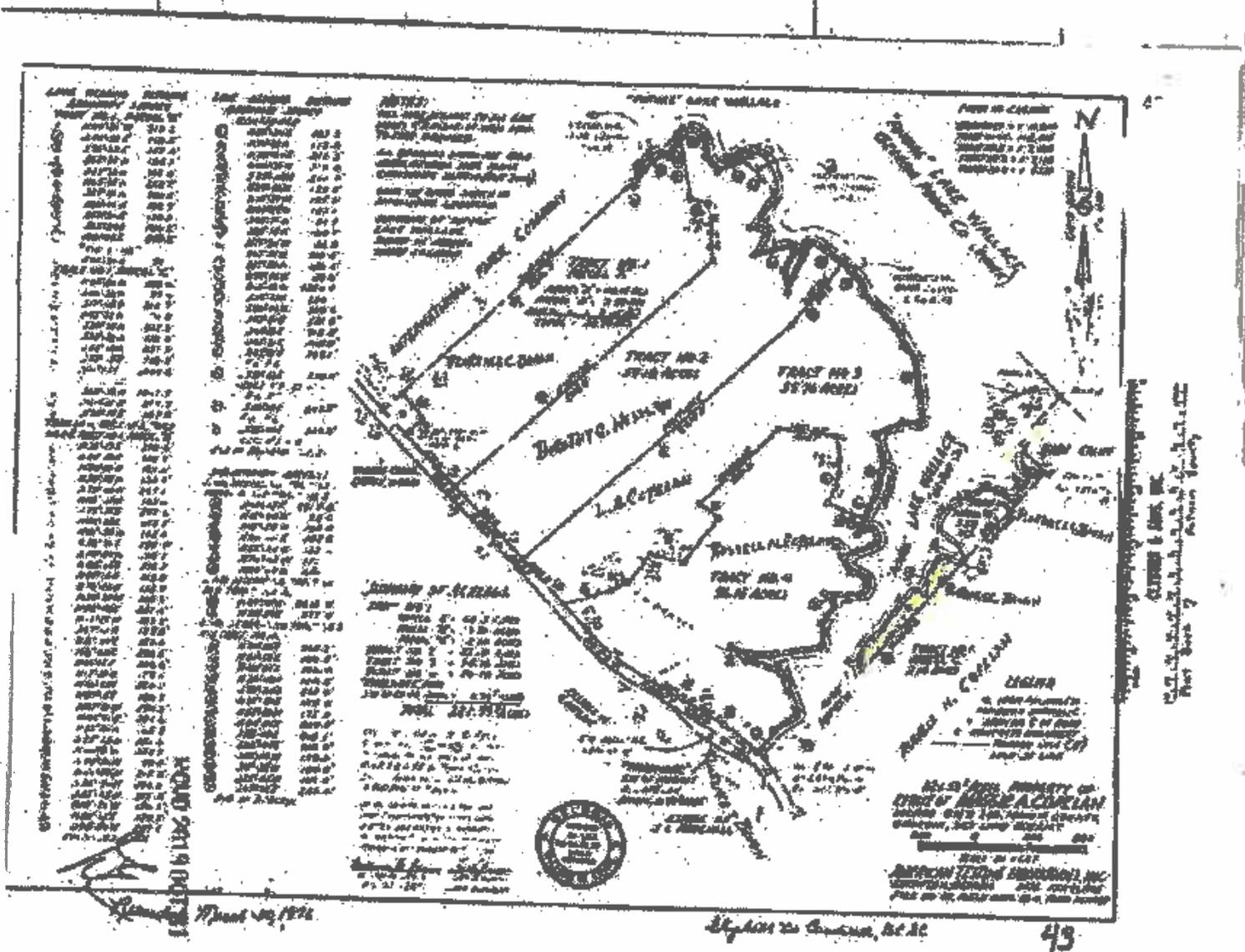
ADDRESS: 6350 Lake Oconee Pkwy, Suite 110, P.O. Box 111 Greensboro, GA 30642
PHONE: 706-473-1999

RCVD 2020 JAN 8

ALL SIGNATURES WERE HEREBY SWORN TO AND SUBSCRIBED BEFORE ME THIS 7th DAY OF January, 2020

Casey Colgan
NOTARY
MY COMMISSION EXPIRES: 2-13-22







October 8, 2019

Mr. Howard McMichael
P.O. Box 3249
Eatonton, Georgia 31024

Subject: Water & Sewer Service: Putnam County Parcels 104B001, 104032, 104033 and 104032

Dear Mr. McMichael:

This letter is to confirm that water and sewer services are currently available to serve the parcels identified above in Putnam County, Georgia. Capacity for both services will be made available to the site subject to the completion of a mutually agreeable contract for such capacity.

Any and all infrastructure costs to provide water and sewer service on the property are the responsibility of the developer, and are subject to review and approval of Piedmont Water Company prior to connecting the property to our water and sewer mains.

Please feel free to contact me at 770-255-7984 with any questions you may have.

Sincerely,

W. J. Matthews
Vice President of Operations

RCID 2019 OCT 31



PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ◊ Eatonton, GA 31024
Tel: 706-485-2776 ◊ 706-485-0552 fax ◊ www.putnamcountyga.us

DISCLOSURE OF APPLICANT'S CAMPAIGN CONTRIBUTION

The Putnam County Code of Ordinances, Section 66-167(c) states as follows:

"When any applicant or his attorney for a rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

- a. The name and official position of the local government official to whom the campaign contribution was made; and
 - b. The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- The disclosures required by this section shall be filed within ten days after an application for the rezoning action is first filed."

1. Name: Lauren K. Sprayberry (Oconee Overlook, LLC)
2. Address: 6350 Lake Oconee Parkway Suite 110 PMB 33
Greensboro, GA 30642

3. Have you given contributions that aggregated \$250.00 or more within two years immediately preceding the filing of the attached application to a candidate that will hear the proposed application? Yes No If yes, who did you make the contributions to? _____

RCUD 2020 JAN 8

Signature of Applicant: _____

Date: 01 / 07 / 2020

Lauren K. Sprayberry

Putnam County Tax Commissioner

Pamela K. Lancaster
100 S. Jefferson Street ~ Suite 207
Eatonton, GA 31024

Phone: 706-485-5441
Fax: 706-485-2527
Email: putc117@yahoo.com
www.putnamtax.com

October 30, 2019

CERTIFICATION

This is to certify that as of October 30, 2019, there are no delinquent property taxes outstanding for:

Parcel number: 104 033

Owner: Millicent C Arnold & Lawrence A. Copelan, Jr.

Pamela K. Lancaster

Pamela K. Lancaster, CPA
Putnam County Tax Commissioner



REC'D 2019 OCT 31

NE



PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B 0 Eatonton, GA 31024
Tel: 706-485-2776 0 706-485-0552 fax 0 www.putnamcountyga.us

DISCLOSURE OF APPLICANT'S CAMPAIGN CONTRIBUTION

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- a. The name and official position of the local government official to whom the campaign contribution was made; and
 - b. The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- The disclosures required by this section shall be filed within ten days after an application for the rezoning action is first filed."

1. Name: Howard McMichael Jr. (Lickcreek Holdings LLC)
2. Address: 6350 Lake Dronce Pkwy Suite 110 PMB #112
Greensboro GA 30642

3. Have you given contributions that aggregated \$250.00 or more within two years immediately preceding the filing of the attached application to a candidate that will hear the proposed application? Yes No If yes, who did you make the contributions to? _____

PCUD 2020 JAN B

Signature of Applicant: [Handwritten Signature]
Date: 1 / 7 / 2020

Impact Analysis

Proposed RM-3 Development Rezoning Request

Agent: Howard McMichael, Jr.

Prepared by: Kip Oldham, AIA
K A Oldham Design, Inc.
65 Jackson Street, Suite 401
Newnan, Georgia 30263
Ph. 770.683.9170

EX-101 2014 01011 Ga

Signature:

Kip Oldham, AIA



Table of Contents

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Impact Study Information Page 4-5

Traffic Study Information Attachment

Plat of Property Attachment

Warranty Deeds Attachment

Existing Conditions Page 5-6

Existing Zoning Attachment

Conceptual Site Plan Attachment

NOV 1 2019 11:40 AM

Letter of Intent – Oconee Overlook, LLC & Lick Creek Holdings, LLC – RM-3 Zoning (Parcel Number: 104 033)

The site includes 3.5 acres and is located on Lake Oconee at the intersection of Collis Road and Collis Marina Road and surrounding land uses include existing RM-3 Enclave at Waterfront, C-2 at Collis Marina, and R-1 Single Family Homes. The intended land use for subject property is to be combined into 1 Parcel and rezone to RM-3. A Conceptual plan illustrating proposed development concept is attached. Upon re-zone approval, the area will be developed into a waterfront community. The Intent of the property is to be developed utilizing Putnam County Development Codes with townhome and condominium units similar to Enclave at Waterfront and Cuscowilla Condominium and Townhome Units.

We appreciate the consideration to promote quality development within Putnam County.



Impact Analysis

ITEM #1

Is the proposed use consistent with the stated purpose of the zoning district that is being requested?

The proposed use is multi-family units. Current Use is R-1, but all adjacent properties are zoned for residential except the adjacent parcel owned by HJR Oconee, LLC which is zoned AG-1.

Is the proposed use suitable in view of the zoning and development of adjacent or nearby property?

The proposed parcel is surrounded by R-1 and AG-1 zoning. Similar development surrounds the area.

Will the proposed use adversely affect the existing use, value or usability of adjacent or nearby property?

The proposed use will be multi-family. The existing use is agriculture and single family. The adjacent and nearby property are developed as multi-family. This use will not adversely affect surrounding land use.

Is the proposed use compatible with the proposed intent of the Comprehensive Plan?

The Putnam County / City of Eatonton 2007-2030 Comprehensive plan prepared by Middle Georgia RDC indicates the future land use as Agriculture, however the existing adjacent property is currently a non-working farm and its intended use is Residential. The proposed development meets the intended land use for this area and should be updated to Residential.

Are there substantial reasons why the property cannot or should not be used as currently zoned?

The property is surrounded by multi-family developments and / or parcels already zoned for multi-family use. The property should be continuing development as surrounding parcels.

Will the proposed use cause an excessive or burdensome use of public facilities or services or exceed the present or funded capabilities, including but not limited to streets, water or sewer utilities and police or fire protection?

The proposed development will incur the cost of constructing streets interior to the project. Water and sewer are provided by Piedmont Water Resources. Developer will incur cost of any additions required to bring water and sewer to property. Final plans will meet fire protection requires with all necessary hydrants and equipment circulation requirements.

RCAD 2018 NOV 1


Given the incurred infrastructure cost there is no evidence of an excessive or burdensome use of public facilities, funded capabilities, utilities or police and fire protection.

Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan or reflected in the existing zoning on the property or surrounding properties?

The proposed use is supported by the Comprehensive Plan and the anticipated existing and future use of mixed residential.

Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, and reasonable private use of the subject property?

The proposed project will place emphasis on lake shore protection, recreation use of Lake Oconee and promote common open space for property owners. The project will meet all county construction standards and continue the quality of real estate offered by Enclave at Waterfront. Therefore, there is a reasonable balance between the promotion of public health, safety and private use.

ITEM #2 TRAFFIC ANALYSIS – (SEE ATTACHMENT)

ITEM# 3

The estimated number of dwelling units are as follows:

When this parcel is combined with 3 adjacent parcels the total number of Multi-Family Townhomes will be 124

Non-Residential use – Estimated 2500 SF for amenity building

ITEM #4

Effect on environment surrounding the area:

Natural:

Property contains no significant wetland areas within property boundary – Some wetland areas may exist between proposed site boundary and Lake Oconee. Any areas of wetlands will be protected by required buffers – Source: Putnam County / City of Eatonton 2007-2030 Comprehensive Plan – Wetlands Map 5 Prepared by Middle Georgia RDC

Erosion:

Developer plans to install lake sea walls per Georgia Power Lake Oconee Management Guide with required permits. Source: On site Observation

SCUD 2019 MMV 1

Historic:

The proposed site has no known or listed Cultural or Historical Resources located on site. Source: Putnam County / City of Eatonton 2007-2030 Comprehensive Plan Cultural and Historical Resources Map 13 prepared by Middle Georgia RDC

ITEM #5

Impact on fire protection

Request for Fire Department comment of proposed development has been requested but not received at this time. Given the previous discussions with Fire Department on initial phase of Enclave at Waterfront, all fire Marshall requirements will be met.

ITEM #6 – PHYSICAL CHARACTERISTICS OF SITE (SEE ATTACHMENT)

ITEM #7 – ADJACENT AND NEARBY ZONING (SEE ZONING CONCEPT PLAN)

RCUD 2019 MAY 1



P.C. Simonton & Associates, Inc. Consulting Engineers

309 North Main Street
Post Office Box 649
Hinesville, Georgia 31318

1050 Parkside Commons
Suite 101
Greensboro, GA 30642

Mallard Cove Traffic Impact Analysis PCS # 2019-168

The Mallard Cove development is a residential townhouse development that includes 50.8 acres of multi-family development on Collis Marina Road and Collis Road NE. The developer desires to construct 124 residential, three bedroom townhouses. The property is currently zoned A-1 agriculture and will require a zoning change to multi-family residential.

Trip Generation Software by Microtrans will be used to generate average daily traffic for existing as well as future conditions. All average daily traffic included in the report is two-way traffic and has not been adjusted. Passerby traffic which is generally defined as traffic that is already on the road and contained in existing counts, but will also be included in traffic projections for the proposed development. The percentage of passerby traffic varies with the type of development. In the case of Mallard Cove, the development is a destination so passerby traffic will be almost non-existent.

The two roadways (Collis Road and Collis Marina Road) are currently two lanes with a width of about twenty feet (20'). The two roadways serve existing residential and commercial developments comprised of approximately 84 single family residential units, 90 multifamily units and supporting club house and boat storage. Based on these land uses traffic projections for the existing development is:

Two Way Traffic	1331 trips per day
AM Peak Traffic	103 trips per day
PM Peak Traffic	131 trips per day

The proposed project includes 124 three bedroom townhouse units located at the intersection by Collis Road and Collis Marina Road. Property configuration will allow all or most of the property to enter from Collis Road and will have no impact on Collis Marina Road. Based on the information submitted traffic projection for the proposed development is:

Average weekday two-way volume	930 trips
AM Peak Traffic	71 trips
• Peak hours enter	11 trips
• Peak hour exit	60 trips
PM Peak Traffic	89 trips
• Peak hour enter	60 trips
• Peak hour exit	30 trips

PCS# 2019 NOV 1

As can be seen the traffic impact, as a result of the rezoning of the tract on Collis Road increases traffic by 70%, to a total of 2,261 two-way trips per day. The 2000 Highway Capacity Manual suggest the capacity of two lane, two-way highways to be 3,400 passenger cars per hour (pcph) for both directions and 1,700 pcph for one direction. As stated in the terminology this capacity would be for a "highway" not a local street. A two lane local street will generally have a capacity of 1,000 vehicles per day with an acceptable livability. A local roadway can accept the 1,000 vehicles per day if the roadway is twenty four feet (24') curb to curb or twenty four feet (24') plus five foot (5') shoulders with acceptable clear zone geometrics beyond this shoulder.

Collis Road does not meet the roadway width shown above. The current roadway is a very narrow twenty feet (20') roadway with little or no shoulder. Expansion of the roadway is expected for the roadway to operate at an acceptable level of service (LOS). The minimum cross section should be two lane, twenty four feet (24') wide with curb and gutter section. In addition left turn lanes at intersection and commercial driveway be examined.



RCM 2013 NOV 1

A handwritten signature or set of initials, possibly "RE", written in black ink.

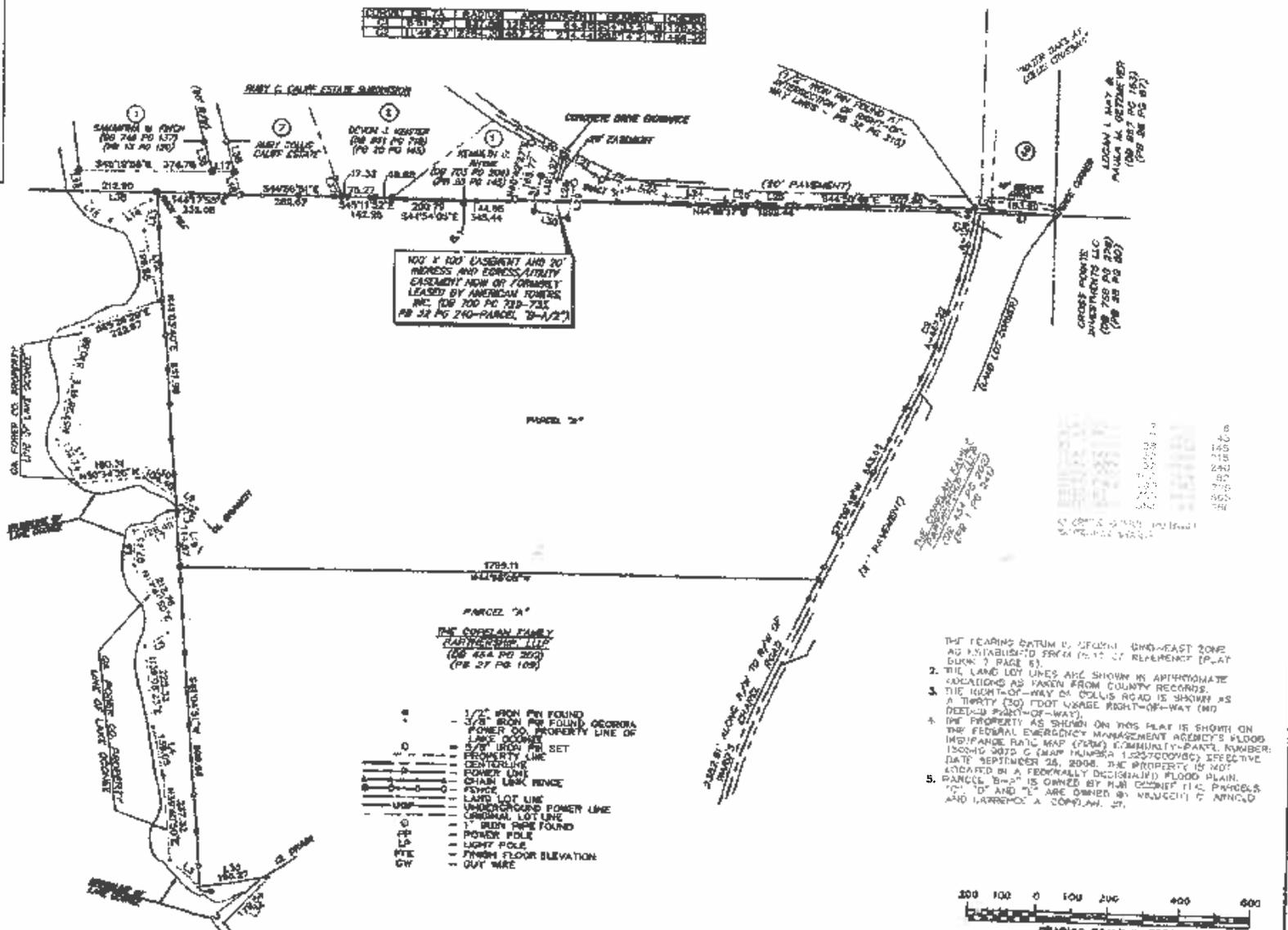
Existing Conditions



Google Earth

© 2015 Google

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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PUTNAM COUNTY PLANNING AND DEVELOPMENT DIRECTOR'S CERTIFICATE

PURSUANT TO THE LAND SUBDIVISION REGULATIONS OF PUTNAM COUNTY, GEORGIA THIS PLAN COMPLES WITH REQUIREMENTS OF THE PUTNAM COUNTY ZONING BOARD AND THE SUBDIVISION REGULATIONS OF PUTNAM COUNTY.

DATE: PUTNAM COUNTY PLANNING AND DEVELOPMENT DIRECTOR

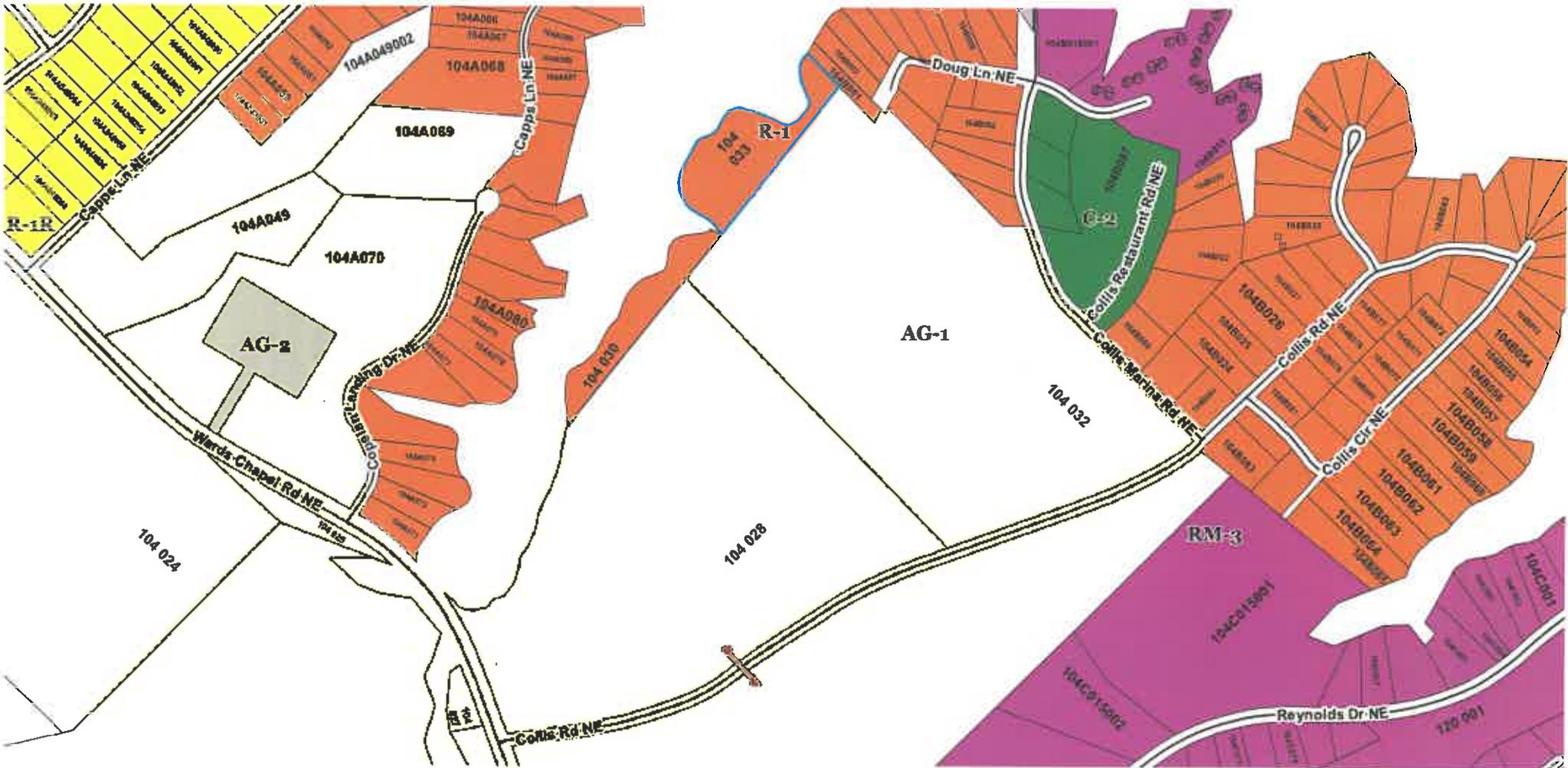
THE FIELD DATA UPON WHICH THIS MAP OF PLAN IS BASED WERE A CLOSE APPROXIMATION OF ONE FOOT IN EACH FOOT AND AN ANGULAR ERROR OF 3 SECONDS PER ANGLE POINT, AND THIS ADJUSTED UNDER THE LEAST SQUARES ADJUSTMENT. THIS MAP OF PLAN HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 540,000 FEET.

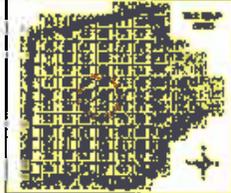
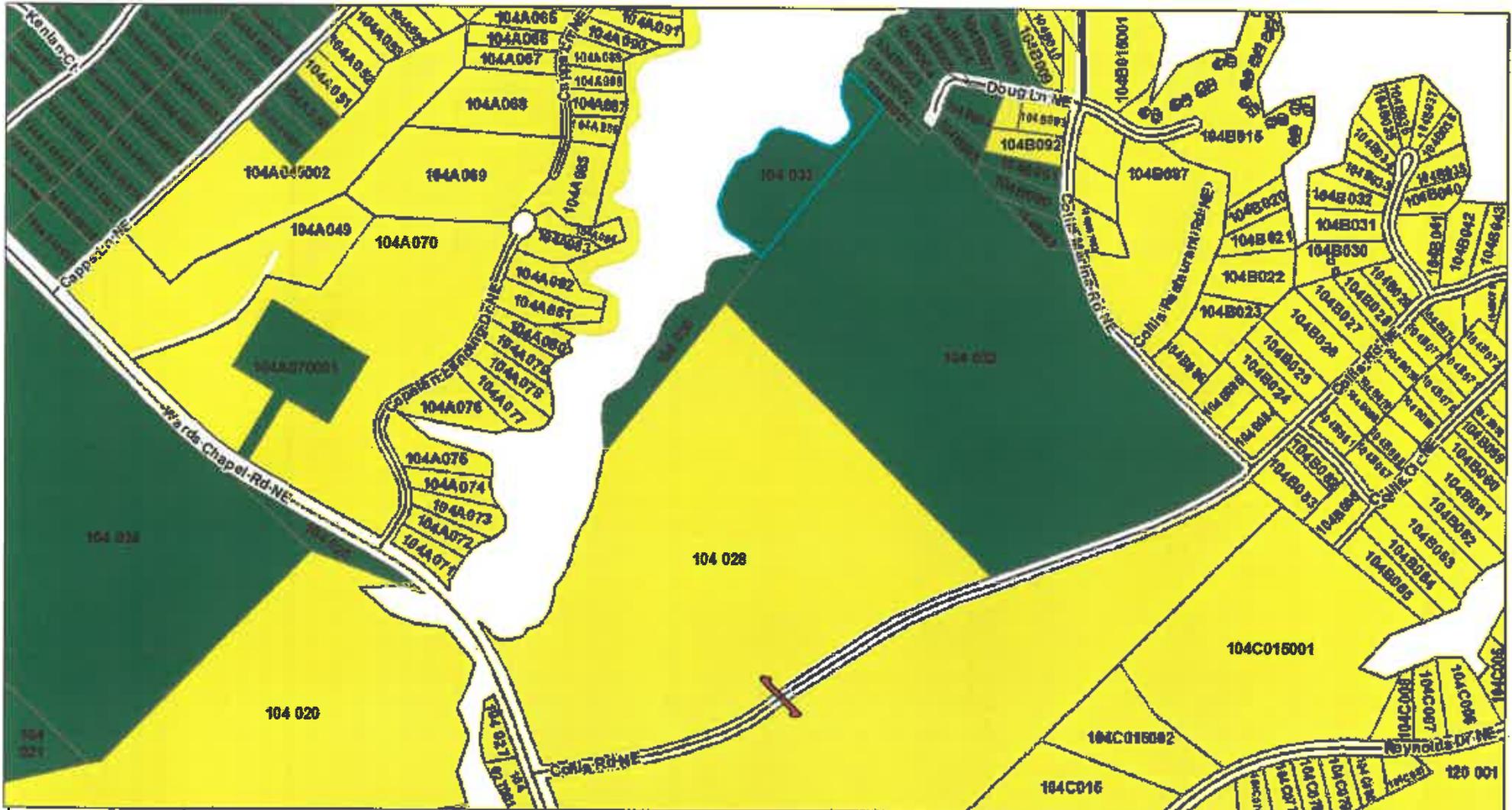
A 1000 TO 1000 TOTAL STATION SET (TRIMBLE) WAS USED TO OBTAIN THE LARGER AND ANGLE REQUIREMENTS. A LOCAL GPS SYSTEM USED PERSONAL ROBERT CHAMBERS WAS USED AS A DATA COLLECTOR TO COLLECT THE FIELD DATA.

THE SURVEY WAS PERFORMED IN ACCORDANCE WITH THE REGULATIONS CONCERNING THE PROPERTY ELEVATION IN GEORGIA AS SET FORTH IN CHAPTER 100-7 OF THE RULES OF THE GEORGIA BOARD OF SURVEYORS FOR PROFESSIONAL SURVEYING AND LAND SUBDIVISION AND AS SET FORTH IN THE RULES OF THE SURVEYING BOARD.

DATE:	1/18/2017 TO 1/27/2017	FOR: TNT CAPITAL INC
PLAT:	1/27/2017	
		PART OF LAND LOTS 330 AND 357 THIRD LAND DISTRICT 308TH S. N. DISTRICT PUTNAM COUNTY, GEORGIA
		EARTH 1" = 201.6 DATE: February 27, 2017

- THE FEATHERS ZONING DISTRICT (SOUTH-EAST ZONE) AS ESTABLISHED FROM PLAT OF REFERENCE (PLAT BOOK 7 PAGE 5).
- THE LAND LOT LINES ARE SHOWN IN APPROPRIATE LOCATIONS AS TAKEN FROM COUNTY RECORDS.
- THE RIGHT-OF-WAY OF OCEAN ROAD IS SHOWN AS A THIRTY (30) FOOT USAGE RIGHT-OF-WAY (NO DEED-IN PART-OF-WAY).
- THE PROPERTY AS SHOWN ON THIS PLAN IS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY-PANEL NUMBER 130040 307D C (MAP NUMBER 130270000C) EFFECTIVE DATE: SEPTEMBER 28, 2006. THE PROPERTY IS NOT LOCATED IN A FEDERALLY DECLARED FLOOD PLAIN.
- PARCEL "B" IS OWNED BY HAN COBBETT LLC. PARCELS "C", "D" AND "E" ARE OWNED BY KRUGUCHI S. ANICIC AND LAWRENCE A. COMPLAN, JR.





GEOGRAPHIC FEATURE LEGEND

Station Lines	County Boundary	Roads	Parcels	Parcel Boundaries
Agriculture/Forestry	Commercial	Industrial	Mixed Use	Park/Recreation/Conservation
Public/Institutional	Residential	Undeveloped/Vacant	Transportation/Communication/Utilities	

MGRC
 Middle Georgia Regional Council
 215 E. University
 Suite C
 Macon, Georgia 31201
 (478) 751-8100
 Web:
www.mgarc.org

**PUTNAM COUNTY, GEORGIA
FUTURE LAND USE MAPS**

MAP 104

MAP SCALE: 1" = 4.4667' DATE PUBLISHED: 12/2009 DATE APPROVED: N/A

File Attachments for Item:

9. Request by Howard McMichael, agent for Oconee Overlook, LLC to rezone 0.63 acres/27,298 square feet on Doug Lane from R-1 to RM-3. [Map 104B, Parcel 001, District 3] (staff-P&D)



PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

Tel: 706-485-2776 ♦ 706-485-0552 fax ♦ www.putnamcountyga.us

APPLICATION FOR REZONING

APPLICATION NO. Plan 2019-01683 DATE: 11/8/2020

MAP 104B PARCEL 001 DISTRICT 3

- Name of Applicant: Deance Overlook, LLC
- Mailing Address: 6350 Lake Deance Parkway Suite 110 Eatonton GA 31033 Greenboro
- Phone: (home) _____ (office) _____ (cell) 706 473 1999
- The location of the subject property, including street number, if any: Doug Lane

5. The area of land proposed to be rezoned (stated in square feet if less than one acre):
27,298 square feet (.63 acres)

6. The proposed zoning district desired: RM3

7. The purpose of this rezoning is (Attach Letter of Intent)
To develop Property Per Putnam Dev. codes with Townhome
see Attached LOI

8. Present use of property: R1 ga Desired use of property: RM-3

9. Existing zoning district classification of the property and adjacent properties:

Existing: R1 ga
North: Lake ga South: AG1 ga East: R1 ga West: AG1/R1 ga

10. Copy of warranty deed for proof of ownership and if not owned by applicant, please attach a signed and notarized letter of agency from each property owner for all property sought to be rezoned.

11. Legal description and recorded plat of the property to be rezoned. RCUD 2020 JAN 8

12. The Comprehensive Plan Future Land Use Map category in which the property is located. (If more than one category applies, the areas in each category are to be illustrated on the concept plan. See concept plan insert.): Residential

13. A detailed description of existing land uses: The existing land is wooded and has lake frontage on lake Deance

14. Source of domestic water supply: well _____, community water _____, or private provider . If source is not an existing system, please provide a letter from provider.

Utonee Overlook, LLC
Map 104 B Parcel 001

- 15. Provision for sanitary sewage disposal: septic system , or sewer . If sewer, please provide name of company providing same, or, if new development, provide a letter from sewer provider.
- 16. Complete attachment of Disclosure of Campaign Contributions Form by the applicant and/or the applicant's attorney as required by the Georgia Conflict of Interest in Zoning Act (O.C.G.A. 36-67A).
- 17. The application designation, date of application and action taken on all prior applications filed for rezoning for all or part of the subject property. (Please attach on separate sheet.)
- 18. Proof that property taxes for the parcel(s) in question have been paid.
- 19. Concept plan. If the application is for less than 25 single-family residential lots, a concept plan need not be submitted. (See attachment.)
- 20. Impact analysis. If the application is for less than 25 single-family residential lots, an impact analysis need not be submitted. (See attachment.)

THE ABOVE STATEMENTS AND ACCOMPANYING MATERIALS ARE COMPLETE AND ACCURATE. APPLICANT HEREBY GRANTS PERMISSION FOR PLANNING AND DEVELOPMENT PERSONNEL OR ANY LEGAL REPRESENTATIVE OF PUTNAM COUNTY TO ENTER UPON AND INSPECT THE PROPERTY FOR ALL PURPOSES ALLOWED AND REQUIRED BY THE PUTNAM COUNTY CODE OF ORDINANCES.

[Signature] 11/7/2020
Signature (Property Owner) (Date)

[Signature] 11/7/2020
Signature (Applicant) (Date)

[Signature]
Notary Public


[Signature]
Notary Public


Office Use

Paid: \$ _____ (cash) _____ (check) _____ (credit card) _____

Receipt No. _____ Date Paid: _____

Date Application Received: _____

Reviewed for completeness by: _____

Submitted to TRC: _____ Return date: _____

Date of BOC hearing: _____ Date submitted to newspaper: _____

Date sign posted on property: _____ Picture attached: yes _____ no _____

DOC# 005608
FILED IN OFFICE
12/27/2019 01:48 PM
#1972 PG:230-231
BETULA H. PERRY
CLERK OF COURT
PUTNAM COUNTY

After Recording Return to:
J.V. DeR, P.C.
1640 Founders Row, Ste B
Greensboro, Georgia 30642
C/m#: 3113-0013



REAL ESTATE TRANSFER
TAX PAID: \$800.00

LIMITED WARRANTY DEED

STATE OF GEORGIA, GREENE COUNTY

PT-61 117-2019-001990

THIS INDENTURE, made this 26th day of December 2019, between Millicent C. Arnold and Lawrence A. Copelan, Jr. a/k/a L.A. (Buster) Copelan, Jr. as party or parties of the first part (hereinafter called "Grantor") and Oconee Overlook, LLC, a Georgia limited liability company, as party or parties of the second part (hereinafter called "Grantee").

WITNESSETH:

That the said Grantor, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said Grantee, its successors and assigns, all the following described property, to-wit:

Parcel 1:

All that tract or parcel of land, lying and being in Putnam County, Georgia, containing 3.50 acres, more or less, and being designated as Parcel "B" as shown on a plat prepared by American Testing Laboratories, Inc., dated February 21, 1975, recorded in Plat Book 7, page 43, Clerk's Office, Putnam County Superior Court, and by this reference said plat is made a part of this description. This is the same property conveyed as Tract No. 2 in Deed Book 146, page 83, said Clerk's Office.

Deed Reference: Deed Book 788, Page 565

RCUD 2020 JAN 8

Parcel 2:

All that tract or parcel of land, lying and being in Putnam County, Georgia, designated as Parcel "C" containing 2.14 acres, as shown on a plat prepared by American Testing Laboratories, Inc., dated February 21, 1975, and recorded in Plat Book 7, Page 43, Clerk's Office, Putnam County Superior Court, and by reference said plat is made a part of this description. This is the same property as conveyed at Deed Book 146, Page 82, Putnam County, Georgia records.

Parcel 3:

All that lot or parcel of land, lying and being in the 308th G. M. District, Putnam County, Georgia, being shown as Parcel 3 described in a deed recorded in Deed Book 149, page 103, Clerk's Office, Putnam County Superior

Court, with the description being corrected as follows: shown as a strip 66.73 feet wide as property of Ruby C. Callif on a plat dated January 21, 1980, prepared by American Testing Laboratories, Inc. recorded in Plat Book 10, page 24, Clerk's Office, Putnam Co. Superior Court, and by reference is made a part of this description. Said tract of land is bound on the northeast for 375.13 feet by property of J. Douglas McElhenny and 62.06 feet by a proposed 60 foot right of way for a road; on the south by 66.73 feet from the southern right of way of said road to property line of Russell N. Copelan; on the southwest by property of Russell N. Copelan; on the west by a portion of the Maggie A. Copelan Estate, Parcel B, and on the northeast by 60.66 feet of Georgia Power Access Area to Lake Oconee.

Together with

A right of ingress and egress to the above described property over a 60' proposed road right of way. Said proposed road right of way is shown in part on two separate plats; on a plat recorded in Plat Book 8, page 182, Clerk's Office, Putnam Co. Superior Court, a proposed road is shown as adjacent to Lots F and G on said plat, this road right of way is in addition to the 60' road right of way shown on plat prepared for J. Douglas McElhenny recorded in Plat Book 10, Page 24, Clerk's Office, Putnam Co. Superior Court.

RCUD 2020 JAN 8

Deed Reference: Deed Book 788, Page 567

TO HAVE AND TO HOLD, the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee, its successors and assigns, forever in **FEE SIMPLE**.

AND the said Grantor, for itself, its successors and assigns, will warrant and forever defend the right and title to the above described property unto the said Grantee, its successors and assigns, against the claims of all persons claiming by and through the undersigned.

IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and affixed its seal the day and year first above written.

Signed, sealed and delivered
in the presence of:

Coscy

Unofficial Witness

Millicent C. Arnold (SEAL)

Millicent C. Arnold

[Signature]

Notary Public
My Commission Expires:
(AFFIX NOTARY SEAL)



Lawrence A. Copelan, Jr. (SEAL)

Lawrence A. Copelan, Jr. aka L.A. (Buster) Copelan, Jr.



PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

Tel: 706-485-2776 ♦ 706-485-0552 fax ♦ www.putnamcountyga.us

LETTER OF AGENCY- _____

WE, THE UNDERSIGNED OWNERS OF REAL PROPERTY LOCATED IN THE CITY OF EATONTON/PUTNAM COUNTY, GEORGIA, HEREBY APPOINT Howard McMichael, Jr. TO BE MY AGENT FOR THE PURPOSE OF APPLYING FOR Rm3 Zoning OF PROPERTY DESCRIBED AS MAP 104B PARCEL 001, CONSISTING OF 2.1 ACRES, WHICH HAS THE FOLLOWING ADDRESS: Douglas Lane EATONTON, GEORGIA 31024. ATTACHED HERETO IS A COPY OF A DEED AND OR PLAT OF SURVEY DESCRIBING THE PROPERTY OWNED BY THE PROPERTY OWNER(S) TO WHICH THIS LETTER OF AGENCY APPLIES.

THE ABOVE NAMED AGENT HEREBY IS AUTHORIZED TO COMPLETE AND SIGN THE CITY OF EATONTON/PUTNAM COUNTY APPLICATION FOR Re-Zoning ON OUR BEHALF. WE UNDERSTAND THAT THIS LETTER OF AGENCY WILL BE ATTACHED TO AND MADE PART OF SAID FORM AND WILL BE RELIED UPON BY THE CITY OF EATONTON/PUTNAM COUNTY. FOR AND IN CONSIDERATION OF THE CITY OF EATONTON/PUTNAM COUNTY ACCEPTING THIS LETTER OF AGENCY, WE HEREBY INDEMNIFY AND HOLD HARMLESS THE CITY OF EATONTON/PUTNAM COUNTY AND ITS AGENTS AND/OR EMPLOYEES IN THE EVENT THAT THE ABOVE NAMED AGENT SHOULD MISUSE THIS LETTER OF AGENCY AND WE SUFFER DAMAGES AS A RESULT.

THIS 7 DAY OF January, 2020

PROPERTY OWNER(S): Oranee Overlook, LLC

Jaurenke Grayson NAME (PRINTED)
SIGNATURE

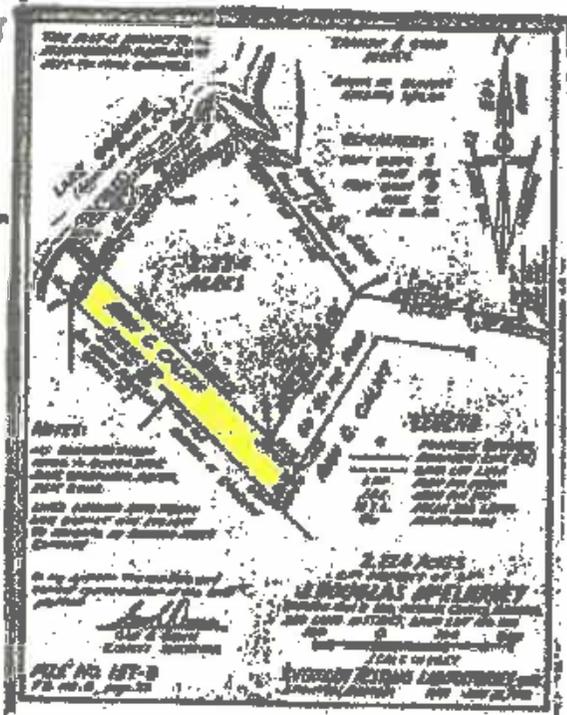
ADDRESS: 6350 Lake Oranee Pkwy, Suite 110 PMB33 Greensboro, GA 30642
PHONE: 770 313 7898

RCUD 2020 JAN 8

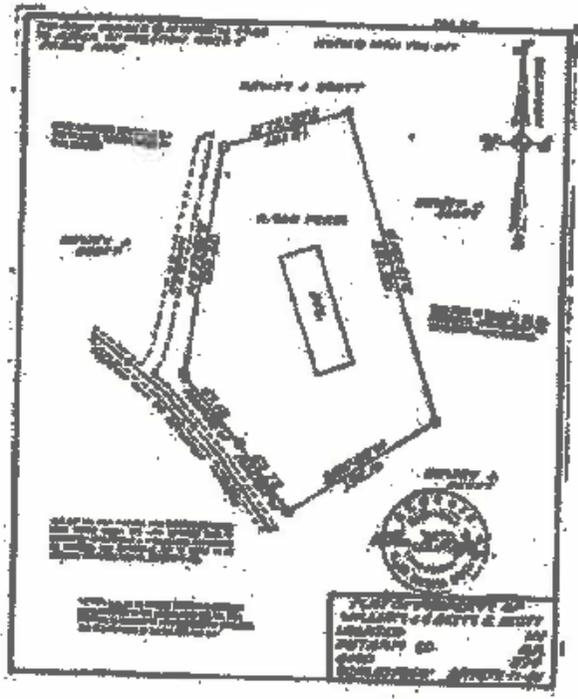
ALL SIGNATURES WERE HEREBY SWORN TO AND SUBSCRIBED BEFORE ME THIS 7th DAY OF January, 2020

Casey Colgan
NOTARY
MY COMMISSION EXPIRES: 2-13-22





Record of 10/1/89 *Copy - introduction of 10/1/89*



10/1/89
[Signature]



October 8, 2019

Mr. Howard McMichael
P.O. Box 5249
Easton, Georgia 31024

Subject: Water & Sewer Service: Putnam County Parcels 104B001, 104032, 104033 and 104032

Dear Mr. McMichael:

This letter is to confirm that water and sewer services are currently available to serve the parcels identified above in Putnam County, Georgia. Capacity for both services will be made available to the site subject to the completion of a mutually agreeable contract for such capacity.

Any and all infrastructure costs to provide water and sewer service on the property are the responsibility of the developer, and are subject to review and approval of Piedmont Water Company prior to connecting the property to our water and sewer mains.

Please feel free to contact me at 770-255-7984 with any questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "W. J. Matthews", written over a horizontal line.

W. J. Matthews
Vice President of Operations

RCM 2619 OCT 31

Handwritten initials in black ink, possibly "JE" or "DE", written below the stamp.

P.O. Box 80745 • Atlanta, Georgia 30366
404-235-4035 • 800-248-7689 • FAX 404-235-4977



PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ◊ Eatonton, GA 31024
Tel: 706-485-2776 ◊ 706-485-0552 fax ◊ www.putnamcountygga.us

DISCLOSURE OF APPLICANT'S CAMPAIGN CONTRIBUTION

The *Putnam County Code of Ordinances*, Section 66-167(c) states as follows:
"When any applicant or his attorney for a rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

- a. The name and official position of the local government official to whom the campaign contribution was made; and
 - b. The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- The disclosures required by this section shall be filed within ten days after an application for the rezoning action is first filed."

1. Name: Lauren K. Sprayberry (Oconee Overlook, LLC)

2. Address: 6350 Lake Oconee Parkway Suite 110 PMB 33
Milledgeville, GA 30642

3. Have you given contributions that aggregated \$250.00 or more within two years immediately preceding the filing of the attached application to a candidate that will hear the proposed application? Yes No If yes, who did you make the contributions to? _____

PCUD 2020 JAN 8

Signature of Applicant: Lauren K. Sprayberry

Date: 1 / 7 / 2020

Putnam County Tax Commissioner

Pamela K. Lancaster
100 S. Jefferson Street ~ Suite 207
Eatonton, GA 31024

Phone: 706-485-5441
Fax: 706-485-2527
Email: pc117@yahoo.com
www.putnamtax.com

October 30, 2019

CERTIFICATION

This is to certify that as of October 30, 2019, there are no delinquent property taxes outstanding for:

Parcel number: 104B-001
Owner: Millicent C Arnold & Lawrence A. Copehan, Jr.

Pamela K. Lancaster
Pamela K. Lancaster, CPA
Putnam County Tax Commissioner



10/30/2019

[Handwritten signature]

Impact Analysis

Proposed RM-3 Development Rezoning Request

Agent: Howard McMichael, Jr.

Prepared by: Kip Oldham, AIA
K A Oldham Design, Inc.
65 Jackson Street, Suite 401
Newnan, Georgia 30263
Ph. 770.683.9170

REGISTERED ARCHITECT



Signature: _____

Kip Oldham, AIA



Table of Contents

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Traffic Study Information Attachment

Plat of Property Attachment

Warranty Deeds Attachment

Existing Conditions Page 5-6

Existing Zoning Attachment

Conceptual Site Plan Attachment

NOV 2015 MW 1



Letter of Intent – Oconee Overlook, LLC – RM-3 Zoning (Parcel Number: 104B 001)

The site includes 0.8 acres (27,298 square feet) and is located on Lake Oconee at the intersection of Collis Road and Collis Marina Road and surrounding land uses include existing RM-3 Enclave at Waterfront, C-2 at Collis Marina, and R-1 Single Family Homes. The intended land use for subject property is to be combined into 1 Parcel and rezone to RM-3. A Conceptual plan illustrating proposed development concept is attached. Upon re-zone approval, the area will be developed into a waterfront community. The intent of the property is to be developed utilizing Putnam County Development Codes with townhome and condominium units similar to Enclave at Waterfront and Cuscowilla Condominium and Townhome Units.

We appreciate the consideration to promote quality development within Putnam County.



Impact Analysis

ITEM #1

Is the proposed use consistent with the stated purpose of the zoning district that is being requested?

The proposed use is multi-family units. Current Use is R-1, but all adjacent properties are zoned for residential except the adjacent parcel owned by HJR Oconee, LLC which is zoned AG-1.

Is the proposed use suitable in view of the zoning and development of adjacent or nearby property?

The proposed parcel is surrounded by R-1 and AG-1 zoning. Similar development surrounds the area.

Will the proposed use adversely affect the existing use, value or usability of adjacent or nearby property?

The proposed use will be multi-family. The existing use is agriculture and single family. The adjacent and nearby property are developed as multi-family. This use will not adversely affect surrounding land use.

Is the proposed use compatible with the proposed intent of the Comprehensive Plan?

The Putnam County / City of Easton 2007-2030 Comprehensive plan prepared by Middle Georgia RDC indicates the future land use as Agriculture, however the existing adjacent property is currently a non-working farm and its intended use is Residential. The proposed development meets the intended land use for this area and should be updated to Residential.

MSUB 7019 107U 1



Are there substantial reasons why the property cannot or should not be used as currently zoned?

The property is surrounded by multi-family developments and / or parcels already zoned for multi-family use. The property should be continuing development as surrounding parcels.

Will the proposed use cause an excessive or burdensome use of public facilities or services or exceed the present or funded capabilities, including but not limited to streets, water or sewer utilities and police or fire protection?

The proposed development will incur the cost of constructing streets interior to the project. Water and sewer are provided by Piedmont Water Resources. Developer will incur cost of any additions required to bring water and sewer to property. Final plans will meet fire protection requires with all necessary hydrants and equipment circulation requirements.

Given the incurred infrastructure cost there is no evidence of an excessive or burdensome use of public facilities, funded capabilities, utilities or police and fire protection.

Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan or reflected in the existing zoning on the property or surrounding properties?

The proposed use is supported by the Comprehensive Plan and the anticipated existing and future use of mixed residential.

Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, and reasonable private use of the subject property?

The proposed project will place emphasis on lake shore protection, recreation use of Lake Oconee and promote common open space for property owners. The project will meet all county construction standards and continue the quality of real estate offered by Enclave at Waterfront. Therefore, there is a reasonable balance between the promotion of public health, safety and private use.

ITEM #2 TRAFFIC ANALYSIS – (SEE ATTACHMENT)

ITEM# 3

The estimated number of dwelling units are as follows:

When this parcel is combined with 3 adjacent parcels the total number of Multi-Family Townhomes will be 124

Non-Residential use – Estimated 2500 SF for amenity building

ITEM #4

Effect on environment surrounding the area:

RCM 2019 NOV 1


Natural:

Property contains no significant wetland areas within property boundary – Some wetland areas may exist between proposed site boundary and Lake Oconee. Any areas of wetlands will be protected by required buffers – Source: Putnam County / City of Eatonton 2007-2030 Comprehensive Plan – Wetlands Map 8 Prepared by Middle Georgia RDC

Erosion:

Developer plans to install lake sea walls per Georgia Power Lake Oconee Management Guide with required permits. Source: On site Observation

Historic:

The proposed site has no known or listed Cultural or Historical Resources located on site. Source: Putnam County / City of Eatonton 2007-2030 Comprehensive Plan Cultural and Historical Resources Map 19 prepared by Middle Georgia RDC

ITEM #5

Impact on fire protection

Request for Fire Department comment of proposed development has been requested but not received at this time. Given the previous discussions with Fire Department on Initial phase of Enclave at Waterfront, all fire Marshall requirements will be met.

ITEM #6 – PHYSICAL CHARACTERISTICS OF SITE (SEE ATTACHMENT)

ITEM #7 – ADJACENT AND NEARBY ZONING (SEE ZONING CONCEPT PLAN)

RCUD 2019 NOV 1



P.C. Simonton & Associates, Inc. Consulting Engineers

309 North Main Street
Post Office Box 649
Hinesville, Georgia 31310

1050 Parkside Commons
Suite 101
Greensboro, GA 30642

Mallard Cove Traffic Impact Analysis PCS # 2019-168

The Mallard Cove development is a residential townhouse development that includes 50.8 acres of multi-family development on Collis Marina Road and Collis Road NE. The developer desires to construct 124 residential, three bedroom townhouses. The property is currently zoned A-1 agriculture and will require a zoning change to multi-family residential.

Trip Generation Software by Microtrans will be used to generate average daily traffic for existing as well as future conditions. All average daily traffic included in the report is two-way traffic and has not been adjusted. Passer by traffic which is generally defined as traffic that is already on the road and contained in existing counts, but will also be included in traffic projections for the proposed development. The percentage of passer-by traffic varies with the type of development. In the case of Mallard Cove, the development is a destination so passerby traffic will be almost non-existent.

The two roadways (Collis Road and Collis Marina Road) are currently two lanes with a width of about twenty feet (20'). The two roadways serve existing residential and commercial developments comprised of approximately 84 single family residential units, 90 multifamily units and supporting club house and boat storage. Based on these land uses traffic projections for the existing development is:

Two Way Traffic	1331 trips per day
AM Peak Traffic	103 trips per day
PM Peak Traffic	131 trips per day

The proposed project includes 124 three bedroom townhouse units located at the intersection by Collis Road and Collis Marina Road. Property configuration will allow all or most of the property to enter from Collis Road and will have no impact on Collis Marina Road. Based on the information submitted traffic projection for the proposed development is:

Average weekday two-way volume	930 trips
AM Peak Traffic	71 trips
• Peak hours enter	11 trips
• Peak hour exit	60 trips
PM Peak Traffic	89 trips
• Peak hour enter	60 trips
• Peak hour exit	30 trips

MOON 2019 0601 1

As can be seen the traffic impact, as a result of the rezoning of the tract on Collis Road increases traffic by 70%, to a total of 2,261 two-way trips per day. The 2000 Highway Capacity Manual suggest the capacity of two lane, two-way highways to be 3,400 passenger cars per hour (pcph) for both directions and 1,700 pcph for one direction. As stated in the terminology this capacity would be for a "highway" not a local street. A two lane local street will generally have a capacity of 1,000 vehicles per day with an acceptable livability. A local roadway can accept the 1,000 vehicles per day if the roadway is twenty four feet (24') curb to curb or twenty four feet (24') plus five foot (5') shoulders with acceptable clear zone geometries beyond this shoulder.

Collis Road does not meet the roadway width shown above. The current roadway is a very narrow twenty feet (20') roadway with little or no shoulder. Expansion of the roadway is expected for the roadway to operate at an acceptable level of service (LOS). The minimum cross section should be two lane, twenty four feet (24') wide with curb and gutter section. In addition left turn lanes at intersection and commercial driveway be examined.



REC'D 2019 NOV 1

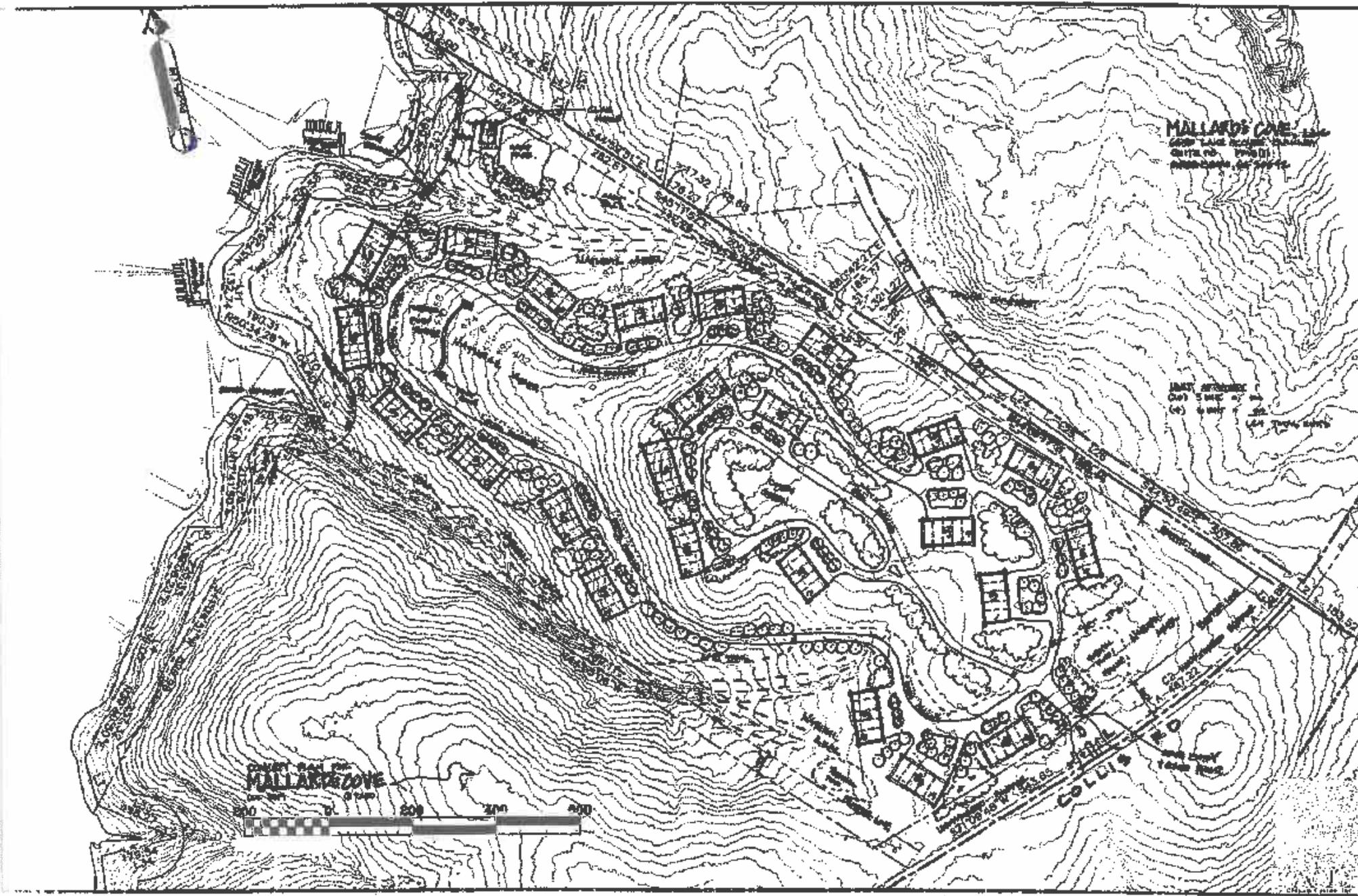
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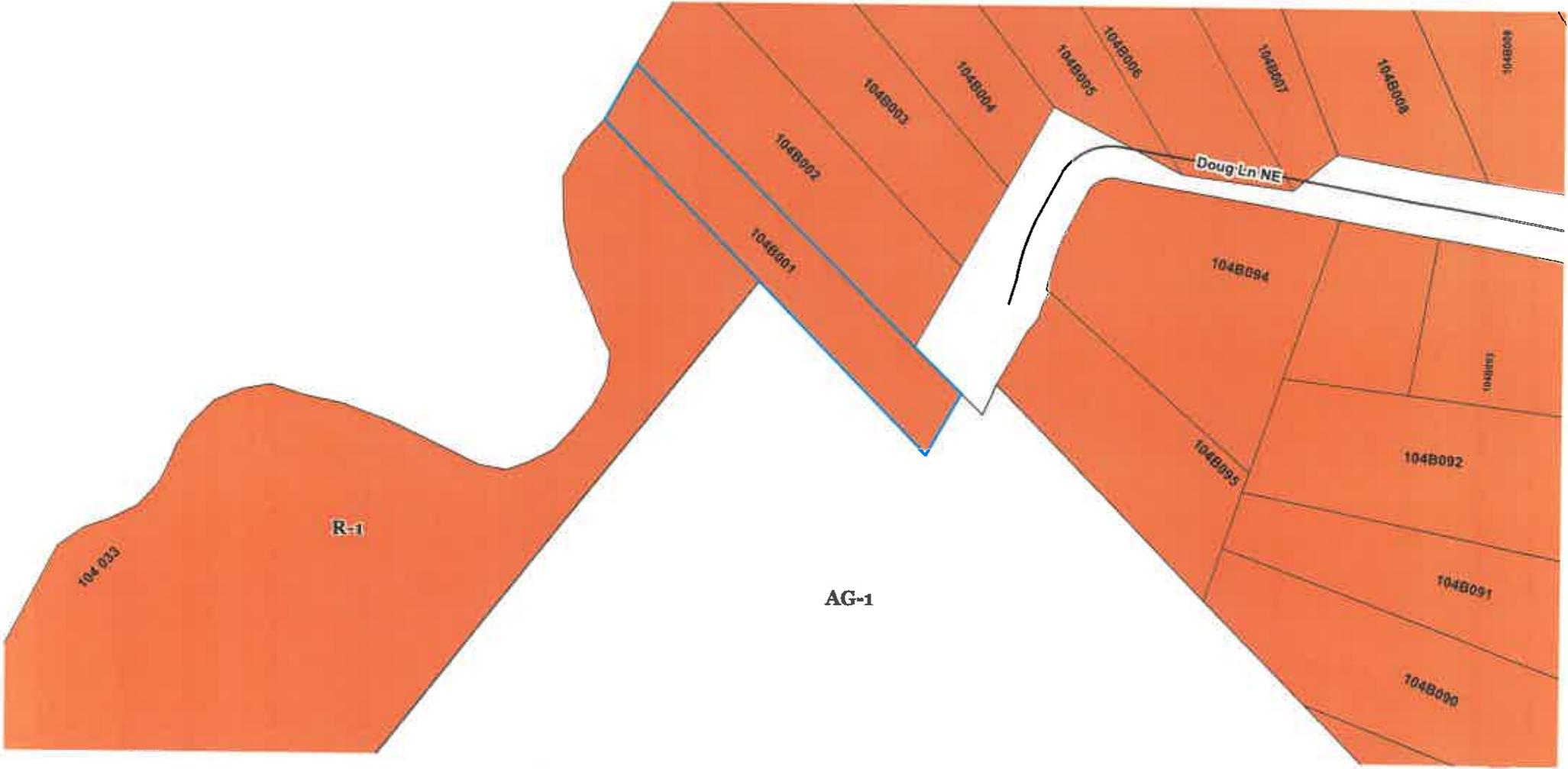
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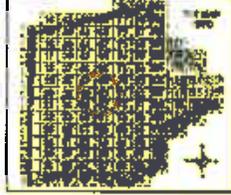
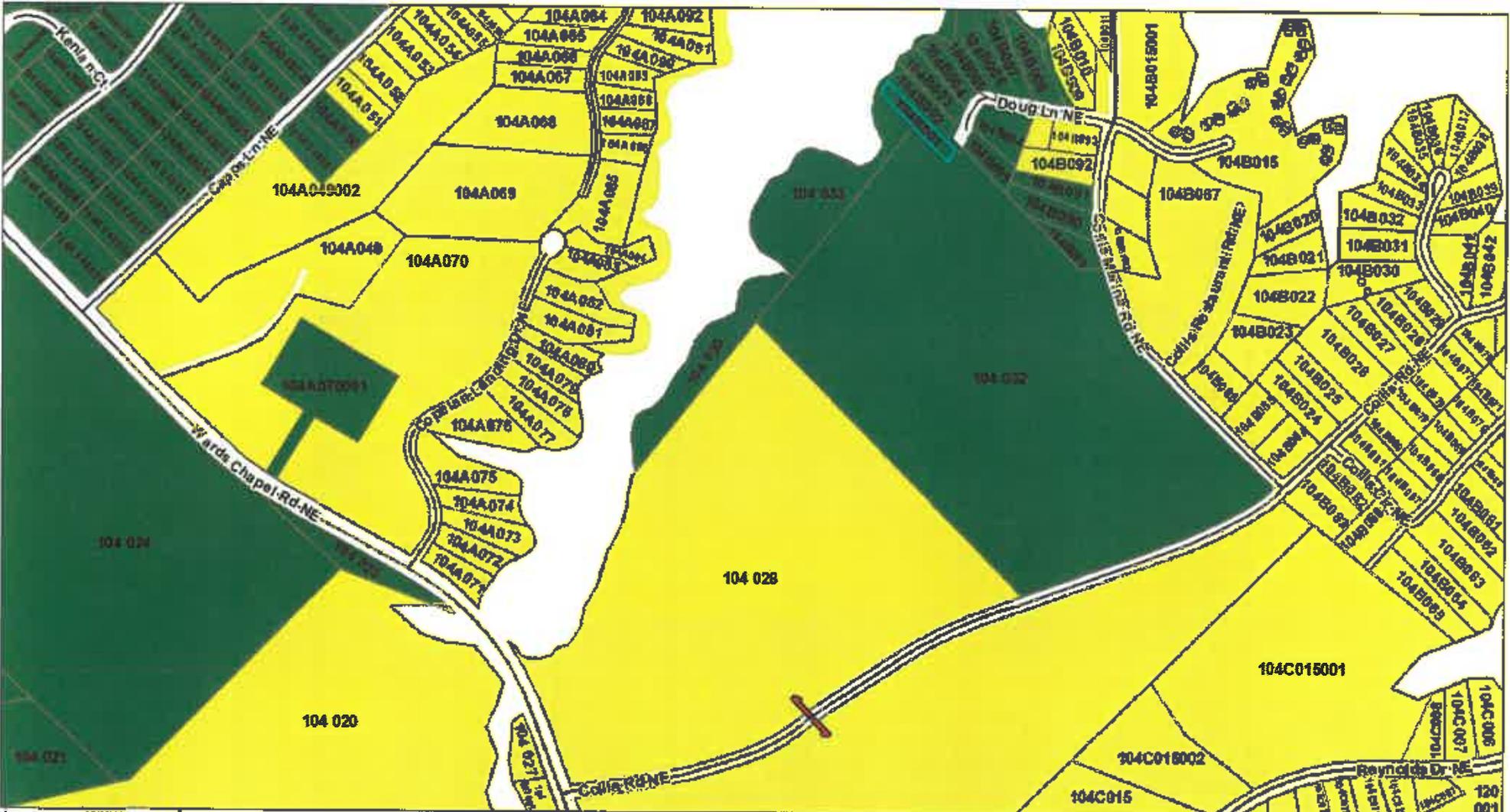


Google Earth

© 2018 Google







GEOGRAPHIC FEATURE LEGEND

Enticement Lines	Agricultural/Forestry	Mixed Use	Residential
Within County Boundary	Commercial	Parks/Recreation/Conservation	Transportation/Communication/Utilities
Roads	Industrial	Public/Institutional	Undeveloped/Vacant
Parcels			
Parcel_Hooks			

MGRC
Middle Georgia Regional Commission
178 Emoryway
Duluth, Georgia 30117
(478) 751-6180
WWW: www.mgarc.org

**PUTNAM COUNTY, GEORGIA
FUTURE LAND USE MAPS**

MAP 104B

MAP SCALE: 1" = 1/4 MILE
DATE: 10/15/03
DRAWN: 10/15/03

File Attachments for Item:

11. Consent Agenda

- a. Approval of Minutes - June 5, 2020 Regular Meeting (staff-CC)
- b. Approval of Minutes - June 5, 2020 Executive Session (staff-CC)
- c. Approval of Minutes - June 5, 2020 Called Meeting (staff-CC)
- d. Authorization for Chairman to sign ACCG Group Health Benefits Program Health Promotion & Wellbeing Grant Application (staff-HR)

PUTNAM COUNTY BOARD OF COMMISSIONERS



117 Putnam Drive, Suite A ♦ Eatonton, GA 31024

Minutes

Friday, June 5, 2020 ♦ 9:00 AM

Putnam County Administration Building – Room 203

The Putnam County Board of Commissioners met on Friday, June 5, 2020 at approximately 9:00 AM in the Putnam County Administration Building, 117 Putnam Drive, Room 203, Eatonton, Georgia.

PRESENT

- Chairman Billy Webster
- Commissioner Kelvin Irvin
- Commissioner Daniel Brown
- Commissioner Bill Sharp

STAFF PRESENT

- County Attorney Adam Nelson
- County Manager Paul Van Haute
- County Clerk Lynn Butterworth

Opening

1. Welcome - Call to Order

Chairman Webster called the meeting to order at approximately 9:02 a.m.
(Copy of agenda made a part of the minutes on minute book page _____.)

2. Approval of Agenda

Motion to approve the agenda with deletion of item #7 and addition of an Executive Session.

Motion made by Commissioner Brown, Seconded by Commissioner Irvin.

Voting Yea: Commissioner Irvin, Commissioner Brown, Commissioner Sharp

3. Invocation - Dr. Ford G'Segner

Dr. Ford G'Segner gave the invocation.

4. Pledge of Allegiance (KI)

Commissioner Irvin led the Pledge of Allegiance.

Regular Business Meeting

5. Public Comments

None

6. Consent Agenda

- a. Approval of Minutes - May 19, 2020 Regular Meeting (staff-CC)
- b. Approval of Minutes - May 19, 2020 Executive Session (staff-CC)
- c. Approval of Minutes - May 29, 2020 Called Meeting (staff-CC)
- d. Approval of 2020 Alcohol License - New Ownership (Parham's Place formerly Robert's Night Club) (staff-CC)

Motion to approve the Consent Agenda.

Motion made by Commissioner Sharp, Seconded by Commissioner Irvin.

Voting Yea: Commissioner Irvin, Commissioner Brown, Commissioner Sharp

(Copy of license made a part of the minutes on minute book page _____.)

7. Discussion with Greg Gease from ACCG regarding 457 Plan Benefits (staff-CM)

This item was removed from the agenda.

8. Authorization for Chairman to sign Georgia Indigent Defense Services Agreement (staff-Finance)

Circuit Public Defender Mr. John Bradley spoke in support of this item and answered questions.

Motion to authorize the Chairman to sign the Georgia Indigent Defense Services Agreement as shown in the meeting package.

Motion made by Commissioner Sharp, Seconded by Commissioner Irvin.

Voting Yea: Commissioner Irvin, Commissioner Brown, Commissioner Sharp

(Copy of agreement made a part of the minutes on minute book pages _____ to _____.)

9. Appointment to the Oconee Community Service Board (staff-CC)

Commissioner Irvin, seconded by Commissioner Brown, nominated Felicia Harrison-Hill for appointment to the Oconee Community Service Board.

Chairman Webster called for the vote. Commissioner Irvin voted for Felicia Harrison-Hill. Commissioner Brown voted for Felicia Harrison-Hill. Commissioner Sharp voted for Felicia Harrison-Hill.

10. Approval of Corporate Health Partners Client Services Agreement-Third Extended Service Term (staff-CM)

County Manager Van Haute explained the item and answered questions.

Motion to approve the Corporate Health Partners Client Services Agreement-Third Extended Service Term.

Motion made by Commissioner Sharp, Seconded by Commissioner Irvin.

Voting Yea: Commissioner Irvin, Commissioner Brown, Commissioner Sharp

(Copy of agreement made a part of the minutes on minute book pages _____ to _____.)

11. Approval of Second Purchase of Triple Combination Pumper under Solicitation 20-35001-001 (staff-CM/Fire)

Chief McClain requested to purchase a second Pumper truck under the same solicitation as the one from a few weeks ago. He explained that this purchase will be paid for using SPLOST 9 funds.

Motion to approve the purchase of a second Triple Combination Pumper under Solicitation 20-35001-001 at the cost of \$498,800 from Ten-8 Fire & Safety.

Motion made by Commissioner Irvin, Seconded by Commissioner Brown.

Voting Yea: Commissioner Irvin, Commissioner Brown, Commissioner Sharp

12. Discussion and possible action on Construction Management Agreement and Plans for the Relocation of Offices for Board of Elections & Registration (staff-CM)

County Manager Van Haute explained the request and answered questions.

Motion for the County Manager to bring back a plan for the outside portion of the plans, including the road and parking lot.

Motion made by Commissioner Sharp, Seconded by Commissioner Irvin.

Voting Yea: Commissioner Irvin, Commissioner Brown, Commissioner Sharp

Reports/Announcements

13. County Manager Report

County Manager Van Haute reported the following:

- Public Works is clipping shoulders and preparing 125 miles for the Off-System Safety grant. This is a major clean up and the roadways are looking good.
- Thanks to the Fire/EMS/Public safety personnel for great efforts last night for some behind the scenes work.
- Temporary striping is in place at the Recreation Department.
- Oconee Springs Park had great Memorial Day weekend and the week following. Everything is looking good there and thanks for the support.
- Everybody has been working well through this pandemic.

14. County Attorney Report

No report, but commended Lisa Jackson, Lynn Butterworth, Paul Van Haute and other employees for a well put together public hearing last night.

15. Commissioner Announcements

Commissioner Irvin: none

Commissioner Brown: none

Commissioner Sharp: none

Chairman Webster: none

16. Enter Executive Session as allowed by O.C.G.A. 50-14-4 for Personnel, Litigation, or Real Estate

Motion to enter Executive Session for litigation purposes.

Motion made by Commissioner Sharp, Seconded by Commissioner Irvin.

Voting Yea: Commissioner Irvin, Commissioner Brown, Commissioner Sharp

Meeting closed at approximately 9:46 a.m.

17. Reopen meeting and execute Affidavit concerning the subject matter of the closed portion of the meeting

Motion to reopen the meeting and execute the Affidavit concerning the subject matter of the closed portion of the meeting.

Motion made by Commissioner Sharp, Seconded by Commissioner Irvin.

Voting Yea: Commissioner Irvin, Commissioner Brown, Commissioner Sharp

Meeting reopened at approximately 11:08 a.m.

18. Action, if any, resulting from the Executive Session

No action was taken.

Closing

19. Adjournment

Motion to adjourn the meeting.

Motion made by Commissioner Irvin, Seconded by Commissioner Sharp.

Voting Yea: Commissioner Irvin, Commissioner Brown, Commissioner Sharp

Meeting adjourned at approximately 11:09 a.m.

ATTEST:

Lynn Butterworth
County Clerk

Billy Webster
Chairman

PUTNAM COUNTY BOARD OF COMMISSIONERS



Office of the County Clerk
117 Putnam Drive, Suite A ♦ Eatonton, GA 31024
706-485-5826 (main office) ♦ 706-485-1877 (direct line) ♦ 706-923-2345 (fax)
lbutterworth@putnamcountyga.us ♦ www.putnamcountyga.us

The draft minutes of the June 5, 2020 Executive Session are available for Commissioner review in the Clerk's office.

PUTNAM COUNTY BOARD OF COMMISSIONERS



117 Putnam Drive, Suite A ♦ Eatonton, GA 31024

Called Meeting

Minutes

Friday, June 5, 2020 ♦ 10:30 AM*

(*approximate time-Called Meeting will follow Regular Meeting)

Putnam County Administration Building – Room 203

The Putnam County Board of Commissioners met on Friday, June 5, 2020 at approximately 11:16 AM in the Putnam County Administration Building, 117 Putnam Drive, Room 203, Eatonton, Georgia.

PRESENT

- Chairman Billy Webster
- Commissioner Kelvin Irvin
- Commissioner Daniel Brown
- Commissioner Bill Sharp

STAFF PRESENT

- County Attorney Adam Nelson
- County Manager Paul Van Haute
- County Clerk Lynn Butterworth

Opening

1. Call to Order

Chairman Webster called the meeting to order at approximately 11:16 a.m.

(Copy of agenda made a part of the minutes on minute book page _____.)

Called Meeting

2. Comprehensive Plan Review/Implementation (MGRC)

Susan Landfried from the Middle Georgia Regional Commission gave a comprehensive plan requirements overview. She distributed copies of the Joint Comprehensive Plan and a regional vision. She discussed the plan status and recertification deadlines. She also gave a Community Work Program review including a review of current implementation activities, a discussion of new activities and initiatives, and a discussion of plan use/relevance. She concluded with a Regional Plan overview. No action was taken.

(Copy of documents made a part of the minutes on minute book pages _____ to _____.)

Closing

3. Adjournment

Motion to adjourn the meeting.

Motion made by Commissioner Irvin, Seconded by Commissioner Sharp.

Voting Yea: Commissioner Irvin, Commissioner Brown, Commissioner Sharp

Meeting adjourned at approximately 11:42 a.m.

ATTEST:

Lynn Butterworth
County Clerk

Billy Webster
Chairman



2020



ACCG – Group Health Benefits Program
Health Promotion & Wellbeing Grant

Grant Application

The Chairman or Director of Putnam County/Authority
(NAME OF COUNTY OR AUTHORITY)

hereby acknowledges and verifies that they have read, support, and agree to fully comply with all of the requirements and activities of the ACCG GHBP Health Promotion & Wellbeing Grant.

The designated Health Promotion Champion is: Cynthia Miller
(CHAMPION OVERSEES COUNTY/AUTHORITY HEALTH PROMOTION & WELLBEING)

Health Promotion Champion's Title & Email Address: Human Resources Director- cmiller@putnamcountyga.us

The appointed ACCG GHBP Insurance Contact is: Cynthia Miller
(INSURANCE CONTACT RECEIVES ACCG GHBP & BCBS INFORMATION)

GHBP Insurance Contact's Title & Email Address: Human Resources Director- cmiller@putnamcountyga.us

CHAIRMAN OR DIRECTOR (SIGNATURE)

June 16, 2020
DATE

All of the ACCG & LGRMS requirements must be met if chosen as a grant recipient. Collectively, selected members may receive up to \$20.00 per covered employee for implementation of approved health employee promotion and wellness activities and access to free Health Risk Appraisals.

For further assistance, Sherea Robinson of LGRMS Health Promotion Services can be contacted at 678-686-6281 / 800-650-3120 or email srobinson@lgrms.com.

The Health Promotion Grant Application and Questionnaire must be completed and submitted to ACCG on or before **July 1, 2020** to be eligible. *Originals are not necessary.*

Email accginsurance@accg.org