



PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

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

Agenda

Thursday, March 05, 2020 ♦ 6:30 PM

Putnam County Administration Building – Room 203

Opening

1. Call meeting to order
2. Attendance
3. Rules of Procedures

Minutes

4. Approval of Minutes - February 11, 2020 P&Z Meeting

Requests

5. Request by **Ronnie & Lynn Smith** for a side yard setback variance at 108 Sunset Drive. Presently zoned R-2. [Map 053B, Parcel 056, District 4].
6. Request by **William Wilkinson**. for a side yard setback variance at 163 Lakemore Drive. Presently zoned R-1. [Map 103A, Parcel 001, District 3]. **The applicant is requesting to withdraw without prejudice.**
7. Request by **Jerry & Lisa Collins**. for a side yard setback variance at 160 A Oak Lane. Presently zoned R-2. [Map 056C, Parcel 020, District 4].
8. Request by **Howard McMichael, agent for Oconee Overlook, LLC & Lick Creek Holding's LLC** to rezone 2.14 acres at Collis Road from R-1 to RM-3. [Map 104, Parcel 030, District 3]. * **Item postponed.**
9. Request by **Howard McMichael, agent for Lick Creek Holding's LLC** to rezone 21.40 acres at Collis Road from AG-1 to RM-3. [Map 104, Parcel 032001, District 3]. * **Item postponed.**
10. Request by **Howard McMichael, agent for Mallard's Overlook, LLC** to rezone 29.58 acres at Collis Road from AG-1 to RM-3. [Map 104, Parcel 032, District 3]. * **Item postponed.**
11. 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]. * **Item postponed.**
12. Request by **Howard McMichael, agent for Oconee Overlook, LLC** to rezone 0.63 acres on Doug Lane from R-1 to RM-3. [Map 104B, Parcel 001, District 3]. * **Item postponed.**

New Business

Adjournment

The Planning & Zoning Commission meeting will be conducted pursuant and in accordance with O.C.G.A. Chapter 36-66.

Notice: All opponents to any rezoning request on the Planning & Zoning Commission and the Board of Commissioners agendas must file a disclosure of campaign contributions with the Planning & Development Department within five calendar days prior to public hearings if you have contributed \$250.00 or more to an elected official in Putnam County within the last five years.

*The Putnam County Board of Commissioners will hear these agenda items on March 17, 2020 at 6:30 P.M., in the Putnam County Administration Building, 117 Putnam Drive, Room 203, Eatonton, GA 31024.

The full meeting package can be reviewed in the Planning & Development office upon request.

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 Board of Commissioners' hearing will be conducted pursuant to O.C.G.A. 50-14-1 and Section 66-152 of the Putnam County Code of Ordinances and meets the requirements of the Zoning Procedures Laws established in O.C.G.A 36-66.

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.

Item Attachment Documents:

4. Approval of Minutes - February 11, 2020



PUTNAM COUNTY PLANNING & DEVELOPMENT

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

Minutes

The Putnam County Planning & Zoning Commission conducted a public hearing on Tuesday, February 11, 2020 at 6:30 p.m. in the Putnam County Administration Building, 117 Putnam Drive, Room 203, Eatonton, Georgia.

Opening

1. Call to Order

Chairman Marshall called the meeting to order.

2. Attendance

Mr. Jonathan Gladden called the roll.

PRESENT:

Chairman James Marshall, Jr.
Vice Chairperson Tim Pierson
Member Maurice Hill, Jr.
Member Martha Farley
Member Joel Hardie

STAFF:

Lisa Jackson
Courtney Andrews
Jonathan Gladden

3. Rules of Procedures

Ms. Courtney Andrews read the Rules of Procedures.

Minutes

4. Approval of Minutes – December 30, 2019 & January 2, 2020

Motion to approve the December 30, 2019 Minutes made by **Vice Chairperson Pierson**,
Seconded by **Member Hardie**

Voting Yea: **Chairman Marshall, Vice Chairperson Pierson, Member Hill, Member Farley, Member Hardie**

Motion to approve the January 2, 2020 Minutes made by **Member Hardie**, Seconded by
Member Hill

Voting Yea: **Chairman Marshall, Vice Chairperson Pierson, Member Hill, Member Farley, Member Hardie**

Requests

5. Request by **Rex Millsap, Sr.** for a side yard setback variance at 233 North Steel Bridge Road. Presently zoned R-2. [Map 109B, Parcel 035, District 3]. Mr. Millsap represented this

request. He stated that he is currently constructing a new home and would like to add a parking pad to the side of his property. The lot has two driveways, one of which he shares with his neighbor. The shared driveway is split by the property line. **Mr. Millsap** added that he is seeking a 10-foot variance on the left side. He stated that he understands that the board considers undue hardships and he believes this will be an undue hardship if he does not get approved for the variance. **Vice Chairperson Pierson** asked why the parking pad was not planned for originally or why it can not be moved to a different location. **Mr. Millsap** stated that he was told that there wouldn't be a problem placing the pad in the proposed location by the person who did his soil & erosion. **Ms. Jackson**, Director of Planning & Development, stated that she spoke with Mr. Millsap while staff visited the site and believed that the parking pad should have been in the original plan. She added that it should have been addressed to reduce the footprint of the house, so that the lot could accommodate the additional structure. **Ms. Jackson** stated that she understands this is where he desires the pad to be located but, there is an optional location in front of the house. She added that the house is large, being 5,000 plus square feet, and the footprint could have been reduced. **Mr. Millsap** stated that they had to put a retaining wall to the right of where this pad would be located because of how the lot drops off. If they were to move the pad to the front, they would have to build more retaining walls.

Staff recommendation is for denial of a 10-foot side yard setback variance, being 10 feet from the left side property line when facing the lake at 233 North Steel Bridge Road [Map 109B, Parcel 035, District 3].

Motion to deny the request by **Rex Millsap, Sr.** of a 10-foot side yard setback variance, being 10 feet from the left side property line when facing the lake at 233 North Steel Bridge Road made by **Vice Chairperson Pierson**, Seconded by **Member Hardie**
Voting Yea: **Chairman Marshall, Vice Chairperson Pierson, Member Hill, Member Farley, Member Hardie**

6. Request by **Jane Klaviter** to rezone 12.15 acres at 383 Old Phoenix Road from AG-1 to AG-2. **[Map 104, Part of Parcel 019, District 2]**. * **Ms. Millicent Zamirowski** represented this request. She stated that Mrs. Klaviter purchased a home on 12.15 acres that was part of a larger 37 plus acre parcel. With the purchase, there was a new plat developed for the property. She added that when they asked to have the plat certified, it was explained that the parcel was no longer the size of an AG-1 lot but would fit into an AG-2 zoning category for the plat to be certified. No one spoke in opposition of this request.

Staff recommendation is for approval to rezone 12.15 acres from AG-1 to AG-2 with the following condition: (1) 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 **Jane Klaviter** to rezone 12.15 acres at 383 Old Phoenix Road from AG-1 to AG-2 with the following condition: (1) 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 **Member Hardie**
Voting Yea: **Chairman Marshall, Vice Chairperson Pierson, Member Hill, Member Farley, Member Hardie**

7. Request by **Stephen Watson agent for, SN Watson, LLC** to rezone 1.30 acres at 100 Friendship Road from R-2 to IM. [Map 061A, Parcel 032, District 4]. * **Mr. Stephen Watson** represented this request. He stated the subject property is located in the middle of a larger IM property that he owns. He would like to rezone the subject parcel to IM as well to combine both parcels. **Mr. Watson** stated that he owns an equipment retail business and is trying to make a lot of improvements to the area. He added that he believes this property will bring better tax revenue to the county and be a low impact to the community. No one spoke in opposition of this request.

Staff recommendation is for approval to rezone 1.30 acres at 100 Friendship Road [Map 061A, Parcel 032, District 1] from R-2 to IM.

Motion to approve the request by **Stephen Watson agent for, SN Watson, LLC** to rezone 1.30 acres at 100 Friendship Road from R-2 to IM made by **Member Hill**, Seconded by **Member Farley**

Voting Yea: **Chairman Marshall, Vice Chairperson Pierson, Member Hill, Member Farley, Member Hardie**

8. 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]. * **The item has been tabled.**

Staff recommendation is to table the request on Collis Road [Map 104, Parcel 030, District 3].

Motion to table 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 made by **Vice Chairperson Pierson**, Seconded by **Member Hardie**

Voting Yea: **Chairman Marshall, Vice Chairperson Pierson, Member Hill, Member Farley, Member Hardie**

9. 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]. * **The item has been tabled.**

Staff recommendation is to table the request on Collis Road [Map 104, Parcel 032001, District 3].

Motion to table the 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 made by **Vice Chairperson Pierson**, Seconded by **Member Hardie**

Voting Yea: **Chairman Marshall, Vice Chairperson Pierson, Member Hill, Member Farley, Member Hardie**

10. 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]. * **The item has been tabled**

Staff recommendation is to table the request on Collis Road [Map 104, Parcel 032, District 3].

Motion to table the request by **Howard McMichael, agent for Mallard's Overlook, LLC** to rezone 29.58 acres on Collis Road from AG-1 to RM-3 made by **Vice Chairperson Pierson**,
Seconded by **Member Hardie**

Voting Yea: **Chairman Marshall, Vice Chairperson Pierson, Member Hill, Member Farley, Member Hardie**

11. 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]. * **The item has been tabled.**

Staff recommendation is to table the request on Collis Road [Map 104, Parcel 033, District 3].

Motion to table the 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 made by **Vice Chairperson Pierson**,
Seconded by **Member Hardie**

Voting Yea: **Chairman Marshall, Vice Chairperson Pierson, Member Hill, Member Farley, Member Hardie**

12. Request by **Howard McMichael, agent for Oconee Overlook, LLC** to rezone 0.63 acres on Doug Lane from R-1 to RM-3. [Map 104B, Parcel 001, District 3]. * **The item has been tabled.**

Staff recommendation is to table the request on Doug Lane [Map 104B, Parcel 001, District 3].

Motion to table the request by **Howard McMichael, agent for Oconee Overlook, LLC** to rezone 0.63 acres on Doug Lane from R-1 to RM-3 made by **Vice Chairperson Pierson**,
Seconded by **Member Hardie**

Voting Yea: **Chairman Marshall, Vice Chairperson Pierson, Member Hill, Member Farley, Member Hardie**

New Business

Adjournment

The meeting adjourned at approximately 6:50 p.m.

Attest:

Lisa Jackson

James Marshall, Jr.

Director

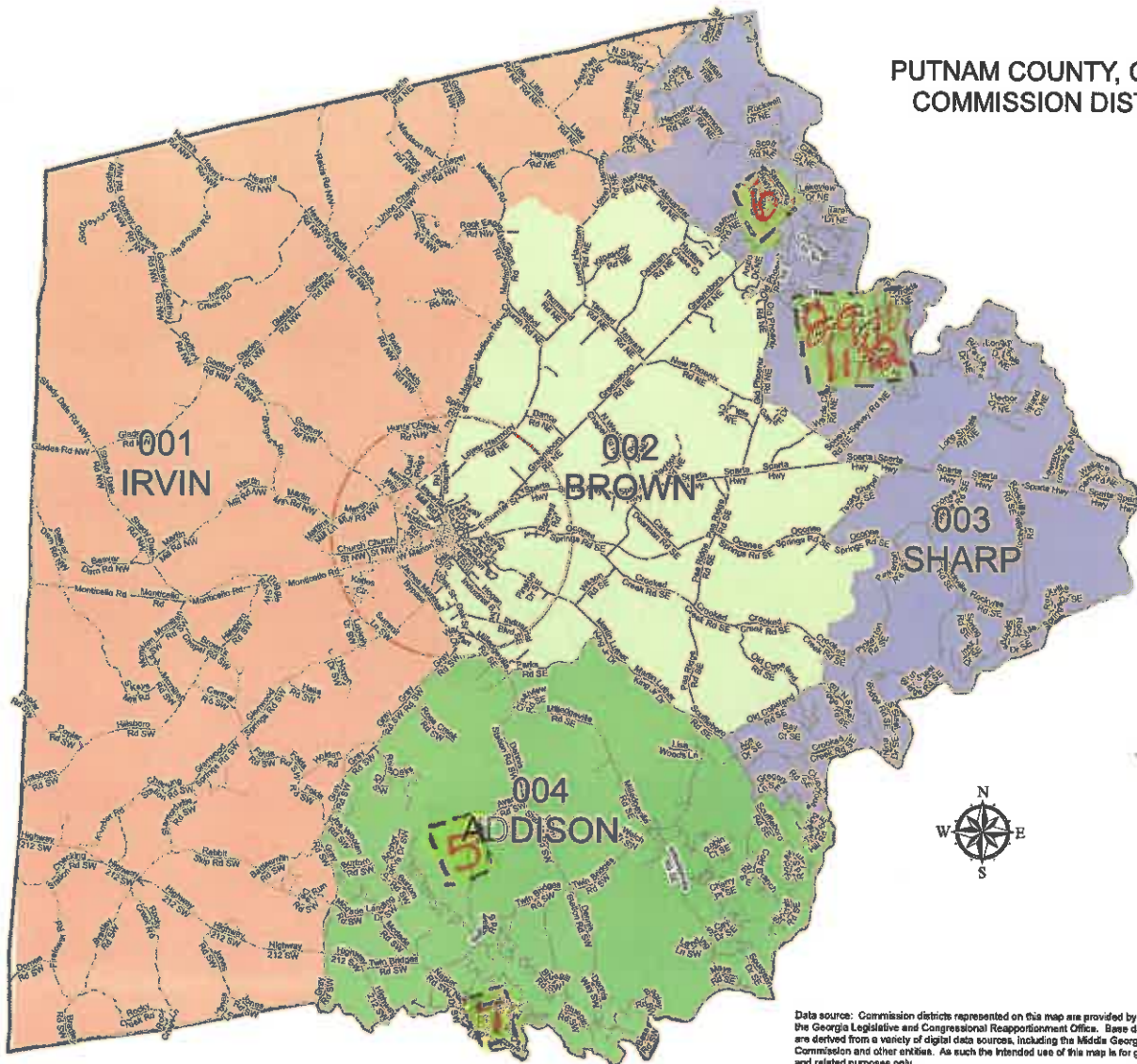
Chairman

DRAFT

Item Attachment Documents:

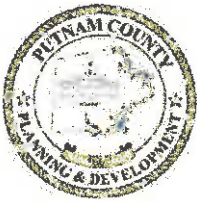
5. Request by **Ronnie & Lynn Smith** for a side yard setback variance at 108 Sunset Drive. Presently zoned R-2. [**Map 053B, Parcel 056, District 4**].

**PUTNAM COUNTY, GEORGIA
COMMISSION DISTRICTS**



MAP SCALE: 1" = 5,697.28' SCALE RATIO: 1:68,367.34 DATE: MARCH 2019

5. Request by **Ronnie & Lynn Smith** for a side yard setback variance at 108 Sunset Drive. Presently zoned R-2. [Map 053B, Parcel 056, District 4].
6. Request by **William Wilkinson**. for a side yard setback variance at 163 Lakemore Drive. Presently zoned R-1. [Map 103A, Parcel 001, District 3].
7. Request by **Jerry & Lisa Collins**. for a side yard setback variance at 160 A Oak Lane. Presently zoned R-2. [Map 056C, Parcel 020, District 4].
8. Request by **Howard McMichael**, agent for **Oconee Overlook, LLC & Lick Creek Holding's LLC** to rezone 2.14 acres at Collis Road from R-1 to RM-3. [Map 104, Parcel 030, District 3]. *
9. Request by **Howard McMichael**, agent for **Lick Creek Holding's LLC** to rezone 21.40 acres at Collis Road from AG-1 to RM-3. [Map 104, Parcel 032001, District 3]. *
10. Request by **Howard McMichael**, agent for **Mallard's Overlook, LLC** to rezone 29.58 acres at Collis Road from AG-1 to RM-3. [Map 104, Parcel 032, District 3]. *
11. 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]. *
12. Request by **Howard McMichael**, agent for **Oconee Overlook, LLC** to rezone 0.63 acres on Doug Lane from R-1 to RM-3. [Map 104B, Parcel 001, District 3]. *



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Putnam County City of Eatonton

APPLICATION FOR: VARIANCE CONDITIONAL USE

THE UNDERSIGNED HEREBY REQUESTS THE CONSIDERATION OF A VARIANCE/CONDITIONAL USE AS SPECIFIED.

Owner name Ronnie Michael & Lynn H Smith Phone# 706 - 340 - 5829

Applicant name (If different from above) _____ Phone# _____ - _____ - _____

MAILING ADDRESS 374 Crooked Creek Vlg CITY Athens STATE GA ZIP 30607

PROPERTY LOCATION: 108 Sunset Drive Eatonton, GA TOTAL ACREAGE .58

MAP: 053B PARCEL: 056 PRESENTLY ZONED: R-2 DISTRICT: 4

SETBACKS: Front: 30' Rear: 10' Lakeside: 175' Left: 10' Right: 10'

All setbacks are required to be met from the front, side, rear, and lakeside (nearest point) property lines

*There is a 50ft mandated front yard setback requirement from all arterial road and state highways. *

Arterial/State Road. Yes: _____ No:

TOTAL SQ. FT. (existing structure) N/A TOTAL FOOTPRINT (proposed structure) 2923 sq. ft.

LOT LENGTH (the total length of the lot) 339.91' *including unfinished basement*

LOT WIDTH AT BUILDING SETBACK (how wide the lot is where you're proposing to build) 65.5'

REASON FOR REQUEST: Asking for 10' setback on both left and right side of lot instead of normal 20' setback, to allow for proposed build on non-conforming lot.

SUPPORTING INFORMATION ATTACHED TO APPLICATION:

RECORDED PLAT: LETTER OF AGENCY _____ LETTER OF INTENT

SITE APPROVAL/LAYOUT OF SEPTIC SYSTEM FROM HEALTH DEPARTMENT

PROPOSED LOCATION MUST BE STAKED OFF

RCUD 2020 JAN 24

*SIGNATURE OF APPLICANT: Ronnie Michael DATE: 1/24/2020

*APPLICANT HEREBY AFFIRMS THAT APPLICANT IS THE PROPERTY OWNER OR HAS THE LEGAL AUTHORITY TO SIGN THIS FORM ON OWNER'S BEHALF, AND APPLICANT AGREES TO INDEMNIFY AND HOLD PUTNAM COUNTY/CITY OF EATONTON HARMLESS IN THE EVENT IT IS DETERMINED APPLICANT DOES NOT HAVE SUCH LEGAL AUTHORITY.

| | | | | | |
|--|-------------------------|--------------------|------------|---------------|---------------------|
| DATE FILED <u>1-24-20</u> | FEE: \$ <u>200.00</u> | CK. NO. <u>110</u> | CASH _____ | C. CARD _____ | INITIALS <u>CJA</u> |
| RECEIPT # <u>033229</u> | | | | | |
| DATE OF NEWSPAPER AD: <u>2-10-20</u> | DATE SIGN POSTED: _____ | | | | |
| PLANNING & ZONING HEARING: <u>3-5-2020</u> | RESULT: _____ | | | | |
| COMMISSIONERS/CITY COUNCIL HEARING: _____ | RESULT: _____ | | | | |

**Letter of Intent
In Support of Request for Variance
108 Sunset Drive, Eatonton, Georgia 31024**


This Letter of Intent is in support of my request for a variance to each side setback requirements for an existing non-conforming lot. The intention is to build a new single-family residence. The proposed home is 47 feet wide and 45 feet deep. As such based on the current code, in particular Section 66-34-f2, the lot size for on-lake lot should be 36,250 square feet (.83 acres). As shown in the attached survey plat, our lot is .58 acres. I am asking for a variance on each side setback of 10 feet. In addition, plan reflects placing the home at a rear setback of 175 feet not to exceed the setback of 100 feet. It is my understanding that a variance for rear setback is not necessary as I am providing a soil and erosion plan per instruction from Putnam County Planning and Zoning office.

As such based on the current code, in particular Section 66-85-e2, side setback 20 feet and Section 66-85-e3 Rear setback: From lake or river: 100 feet, we are requesting that a variance to permit the build as shown on the site plan. There are currently no existing structures on the lot. The total square footage of the proposed structure is 2923. This consists of main floor 1194 square feet, 2nd floor 535 square feet and unfinished basement of 1194 square feet. The lot length is 339.91 feet. The lot width at building setback is 65.5 feet.

What is perhaps most relevant here, and what I would ask the board to consider, is (1) the fact that the proposed style and structure of the house is in step with the existing neighborhood; (2) the fact that this creates no undue burden on any neighboring residence; and (3) the proposed project would be an improvement to the neighborhood and result in an overall increase in property value and tax base created by improvement.

Thank you for your consideration.

Respectfully submitted,


Lynn H. Smith

RCU11 2020 JUN 24

**Georgia Department of Human Resources
APPLICATION FOR CONSTRUCTION PERMIT AND SITE APPROVAL
For On-Site Sewage Management System**

| | | | |
|---|--------------|---------------------------|----------------|
| COUNTY: PUTNAM | SUBDIVISION: | LOT NUMBER: 555 | BLOCK: |
| PROPERTY LOCATION (STREET ADDRESS): 108 Sunset Drive Eatonton Ga, 31024 | | | 053B056 |

I hereby apply for a construction permit to install an On-Site Sewage Management System and agree that the system will be installed to conform to the requirements of the rules of the Georgia Department of Human Resources, Chapter 290-5-26. By my signature, I understand that final inspection is required and will notify the County Health Department upon completion of construction and before applying final cover material to the system.

| | |
|--|---|
| PROPERTY OWNER'S AUTHORIZED AGENT'S SIGNATURE: <i>Kimberly Woods</i> | DATE: 9/24/19 |
| PROPERTY OWNER'S NAME: Ronnie & Lynn Smith | PHONE NUMBER: * 706 340 5829 |
| PROPERTY OWNER'S ADDRESS: 374 Crooked Creek Village Athens, Ga 30607 | ALTERNATE PHONE NUMBER: |
| AUTHORIZED AGENT'S NAME (IF OTHER THAN OWNER): Kimberly Woods | PHONE NUMBER: * 706-344-8468 |
| | RELATIONSHIP TO OWNER: Authorized Agent |

Section A - General Information

| | | |
|--|--|---|
| 1. REQUIRED SETBACK FROM RECEIVING BODIES (wells, lakes, sinkholes, streams, etc.) EVALUATED: (1) Yes (2) No | 5. TYPE OF STRUCTURE (single/multi-family residences, commercial, restaurant, etc.): Single Family Residence | 6. SOIL SERIES (e.g. Pacolet, Orangeburg, etc.): Davidson Ashland |
| 2. WATER SUPPLY: (1) Public (2) Private (3) Community | 8. WATER USAGE BY: (1) Bedroom Numbers (2) Gallons per Day 2 | 10. PERCOLATION RATE / HYDRAULIC LOADING RATE: 65 |
| 3. SEWAGE SYSTEM TO BE PERMITTED: (1) New (2) Repair (3) Addition | 7. NO. OF BEDROOMS / GPD: 2 | 11. RESTRICTIVE SOIL HORIZON DEPTH (INCHES): 60 |
| 4. LOT SIZE (SQUARE FEET / ACRES): .56 acres | 9. TYPE OF PUMPING OUTLET: (1) Ground Level (2) Basement (3) Above-ground Level | 12. SOIL TEST PERFORMED BY: Kevin Smith |

Section B - Primary / Pretreatment

| | | | | |
|---|---|-------------------------------------|-------------------------------------|------------------------------------|
| 1. DISPOSAL METHOD: (1) Septic Tank (2) Privy (3) Aerobic Unit (4) Other: | 3. SEPTIC TANK CAPACITY (GALLONS): 1000 | 4. AEROBIC UNIT CAPACITY (GALLONS): | 5. DODGING TANK CAPACITY (GALLONS): | 6. GREASE TRAP CAPACITY (GALLONS): |
| 2. GARBAGE DISPOSAL: (1) Yes (2) No | 7. FF May need tank and drainfield in first if space is limited to set tank once house is built. Set tank on the left, lakeside of house, near house. surveyor to stake house on lot. Left side of property on lake side does not need to be cut further. See soil report and see site plan. | | | |

| | | |
|--|--|---|
| 1. ABSORPTION FIELD DESIGN: (1) Level Field (2) Serial (3) Drip (4) Distribution Box (5) Mound / Area Fill | 4. TOTAL ABSORPTION FIELD SQUARE FEET REQUIRED: 690 | 7. NUMBER OF ABSORPTION TRENCHES: |
| 2. ABSORPTION FIELD PRODUCT: Coop Bee + Gravel | 8. TOTAL ABSORPTION FIELD LINEAR FEET REQUIRED: 230 | 8. SPECIFIED LENGTH OF ABSORPTION TRENCHES: |
| 3. AGGREGATE DEPTH (to base): 1/2 | 9. DEPTH OF ABSORPTION TRENCHES (range in inches): 24-36 | 9. DISTANCE BETWEEN ABSORPTION TRENCHES: |

10. PRESCRIBED ABSORPTION FIELD LOCATION: Closest point of house must be 175 back from the lake. Primary drainfield to be put in across topography in 70 ft runs. Stay 15 from the right property line ditch. Landscape around house for all rainwater to follow right property line ditch. Secondary field to be in left roadside corner. It is to remain undisturbed and drive to be located near right property line, 60 ft by 25 ft area. See soil report and see site plan. Contact HD to meet prior to installation.

A PERMIT IS HEREBY GRANTED TO INSTALL THE ON-SITE SEWAGE MANAGEMENT SYSTEM DESCRIBED ABOVE. THIS PERMIT IS NOT VALID UNLESS PROPERLY SIGNED BELOW. THIS PERMIT EXPIRES TWELVE (12) MONTHS FROM DATE OF ISSUANCE.

ANY GRADING, FILLING, OR OTHER LANDSCAPING SUBSEQUENT TO ISSUANCE OF A PERMIT MAY RENDER PERMIT VOID. FAILURE TO FOLLOW SITE PLAN MAY RENDER PERMIT VOID. ANY GRADING, FILLING, OR OTHER LANDSCAPING SUBSEQUENT TO FINAL INSPECTION BY COUNTY HEALTH DEPARTMENT, WHICH ADVERSELY AFFECTS THE FUNCTION OF THE ON-SITE SEWAGE MANAGEMENT SYSTEM, MAY RENDER APPROVAL VOID. INSTALLATION CONTRACTOR IS RESPONSIBLE FOR LOCATING PROPER DISTANCES FROM BUILDINGS, WELLS, PROPERTY LINES, ETC.

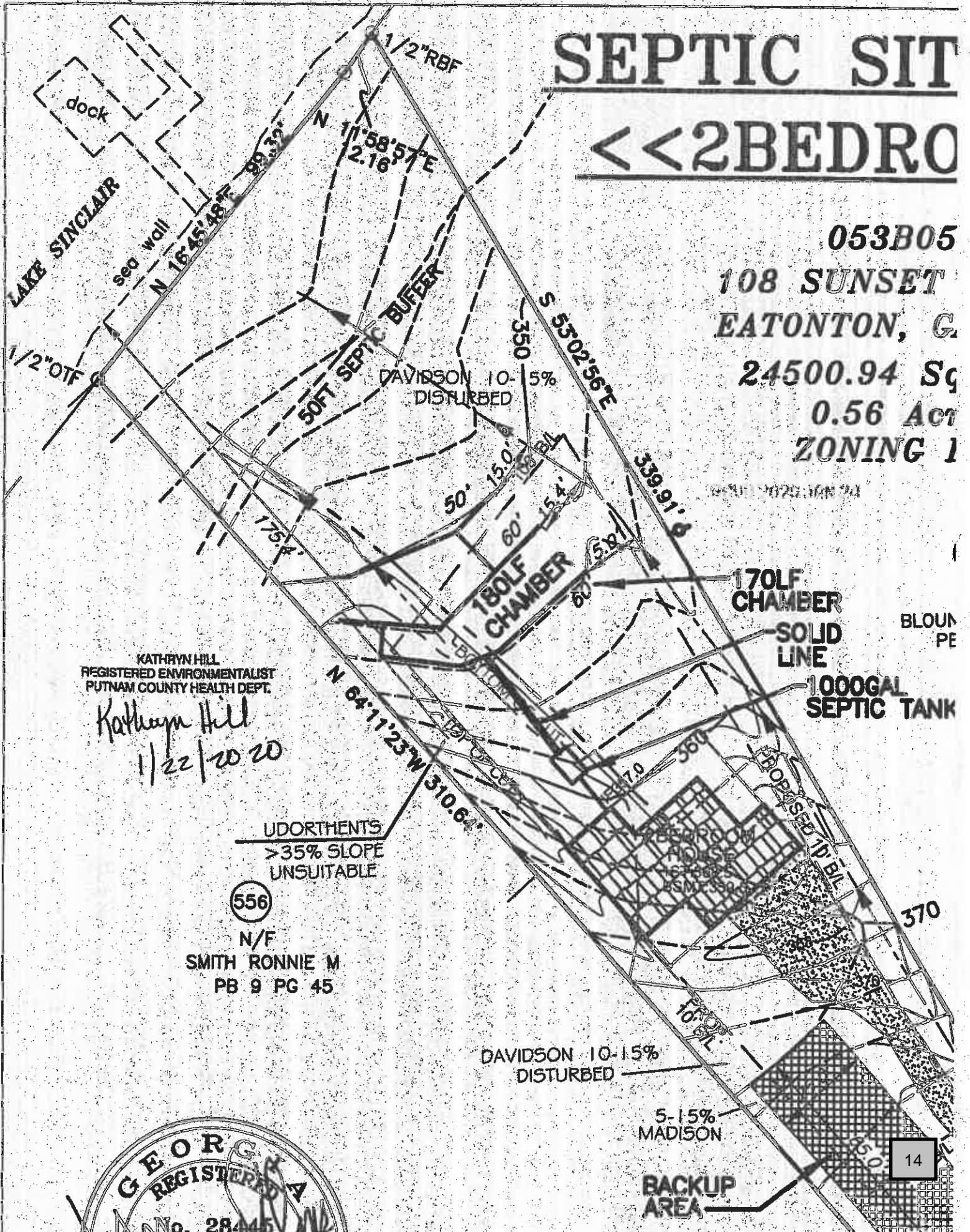
ISSUANCE OF A CONSTRUCTION PERMIT FOR AN ON-SITE SEWAGE MANAGEMENT SYSTEM AND SUBSEQUENT APPROVAL OF SAME BY REPRESENTATIVES OF THE GEORGIA DEPARTMENT OF HUMAN RESOURCES OR COUNTY BOARD OF HEALTH SHALL NOT BE CONSTRUED AS A GUARANTEE THAT SUCH SYSTEMS WILL FUNCTION SATISFACTORILY FOR A GIVEN PERIOD OF TIME; FURTHERMORE, SAID REPRESENTATIVES DO NOT, BY ANY ACTION TAKEN IN EFFECTING COMPLIANCE WITH THESE RULES, ASSUME ANY LIABILITY FOR DAMAGES WHICH ARE CAUSED, OR WHICH MAY BE CAUSED, BY THE MALFUNCTION OF SUCH SYSTEM.

| | | | |
|--|-------------------------------------|---------------------------|--|
| APPROVE ENVIRONMENTALIST: <i>Raymond Hill, R.E.H.S.</i> | TITLE: EHS County Manager | DATE: 1/22/2020 | CONSTRUCTION PERMIT NUMBER: 11701432 / 20-11 |
|--|-------------------------------------|---------------------------|--|

SEPTIC SIT

<<2BEDRO

053B05
 108 SUNSET
 EATONTON, G.
 24500.94 Sq
 0.56 Act
 ZONING 1



KATHRYN HILL
 REGISTERED ENVIRONMENTALIST
 PUTNAM COUNTY HEALTH DEPT.
Kathryn Hill
 1/22/2020

UDORTMENTS
 >35% SLOPE
 UNSUITABLE

(556)
 N/F
 SMITH RONNIE M
 PB 9 PG 45

DAVIDSON 10-15%
 DISTURBED

5-15%
 MADISON

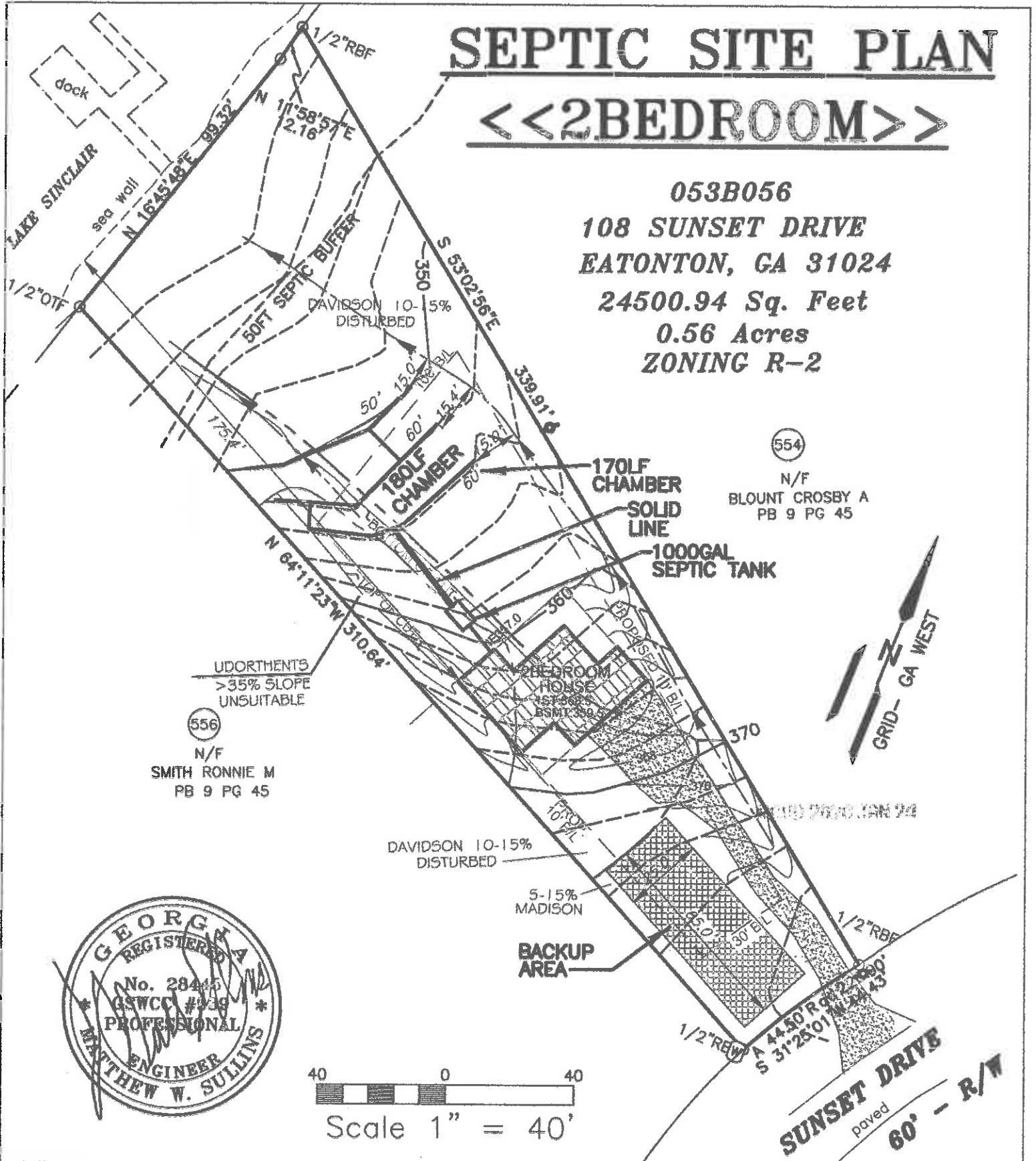
BACKUP
 AREA



SEPTIC SITE PLAN

<<2BEDROOM>>

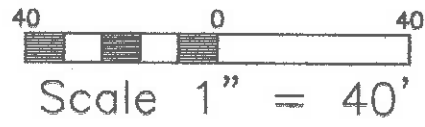
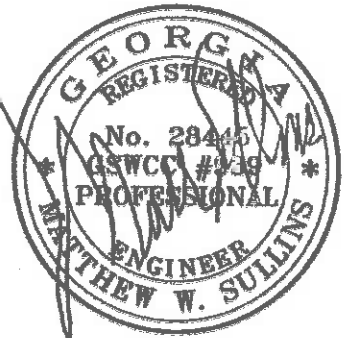
053B056
108 SUNSET DRIVE
EATONTON, GA 31024
24500.94 Sq. Feet
0.56 Acres
ZONING R-2



UDORTMENTS
 >35% SLOPE
 UNSUITABLE

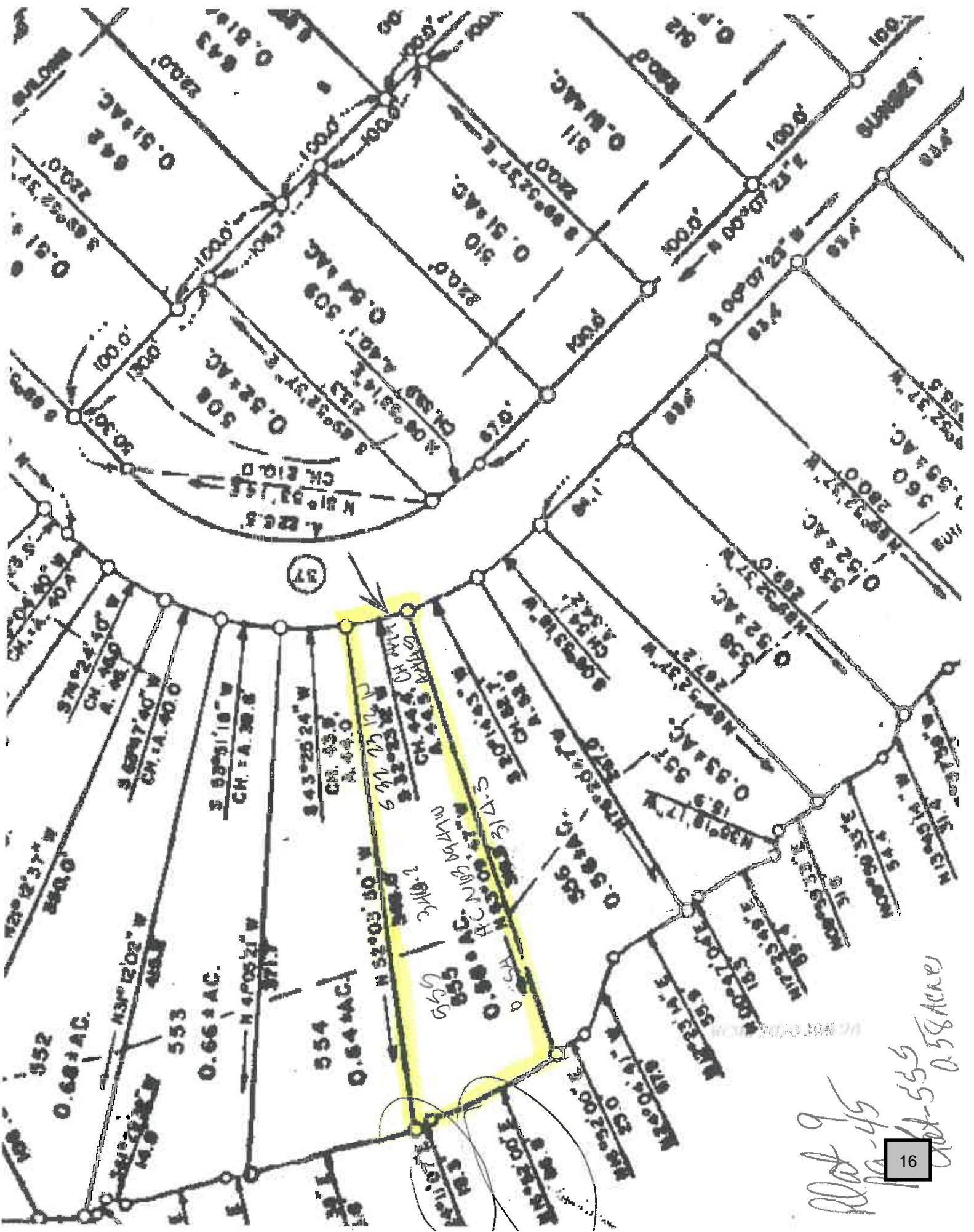
(556)
 N/F
 SMITH RONNIE M
 PB 9 PG 45

(554)
 N/F
 BLOUNT CROSBY A
 PB 9 PG 45

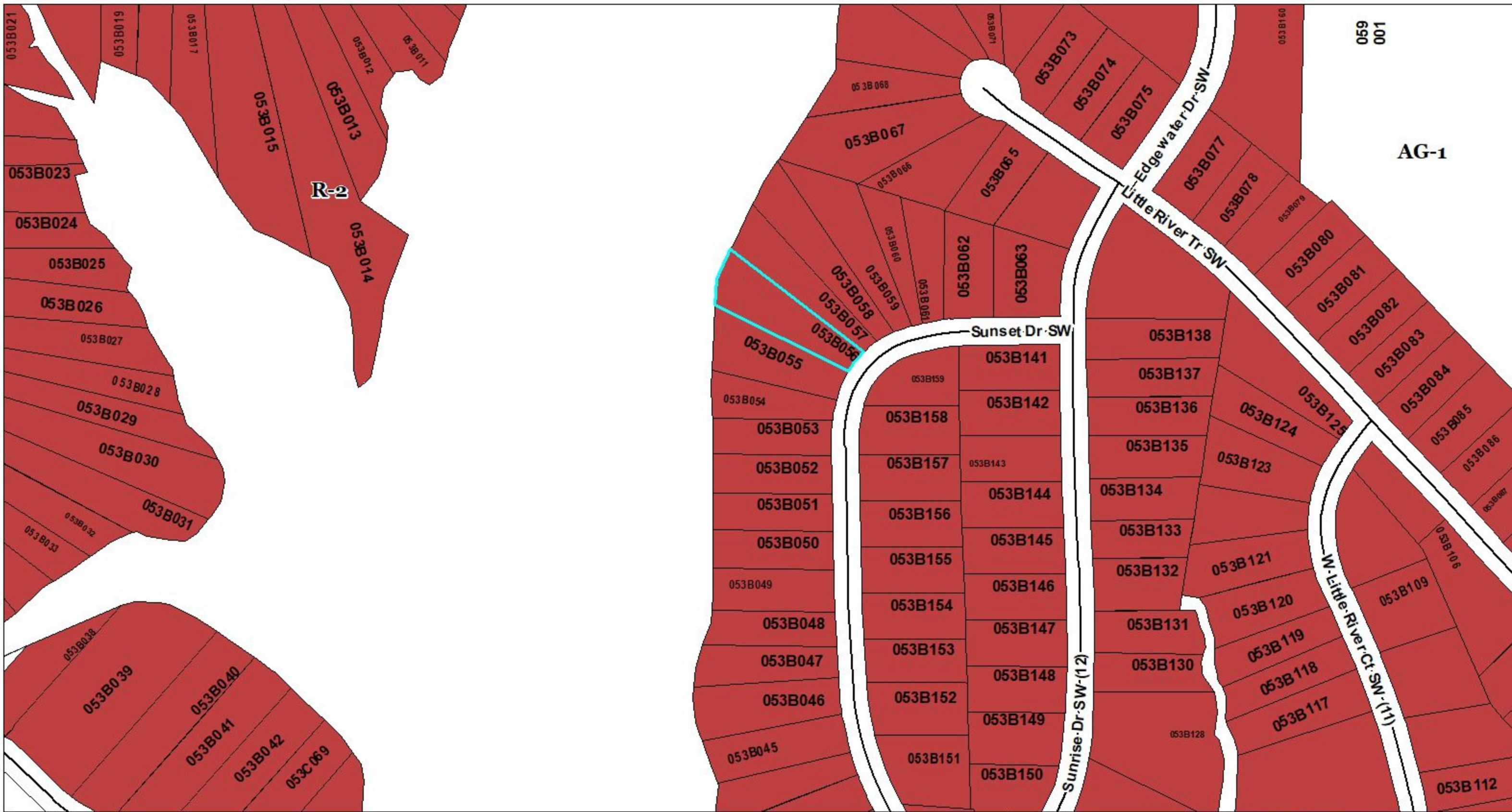


"I CERTIFY THIS ON-SITE MANAGEMENT SYSTEM MEETS THE MINIMUM REQUIREMENTS ESTABLISHED BY THE DEPARTMENT OF HUMAN RESOURCES HAVE MADE A SITE VISIT TO VERIFY THE SYSTEM CAN BE INSTALLED AS DESIGNED IN ACCORDANCE WITH THESE REGULATIONS."

| | | | | |
|--------------------------|-----|---------|--------|----|
| SEPTIC SITE PLAN FOR: | | | | |
| 108 SUNSET DRIVE | | | | |
| CITY | GMD | COUNTY | SCALE | 15 |
| | | JACKSON | 1"=40' | |
| SULLINS ENGINEERING, LLC | | | | |
| MATT SULLINS@GMAIL.COM | | | | |
| 1380 MYWOOD DRIVE | | | | |
| (878) 687-8219 | | | | |
| ATHENS, GA | | | | |



Plot 9
 555
 0.58 ACRES
 0.58 ACRES



- Eatonton Limits
- County Boundary
- Roads
- Parcels
- Parcel_Hooks

GEOGRAPHIC FEATURE LEGEND

| | | | | | | | | |
|---------------|----------|------------------|-------------|------------|------------|------------|-----|------|
| Zoning | | Overlay District | AG-2 | C-2 CITY | IND-2 CITY | R - 1 CITY | R-1 | RM-2 |
| No Code | C-1 | I-M | MHP | R - 2 CITY | R-1R | RM-3 | | |
| AG-1 | C-1 CITY | IND-1 CITY | PUBLIC | R - 3 CITY | R-2 | VLLAGE | | |
| AG-1 CITY | C-2 | IND-2 | PUBLIC CITY | R - 4 CITY | RM-1 | | | |

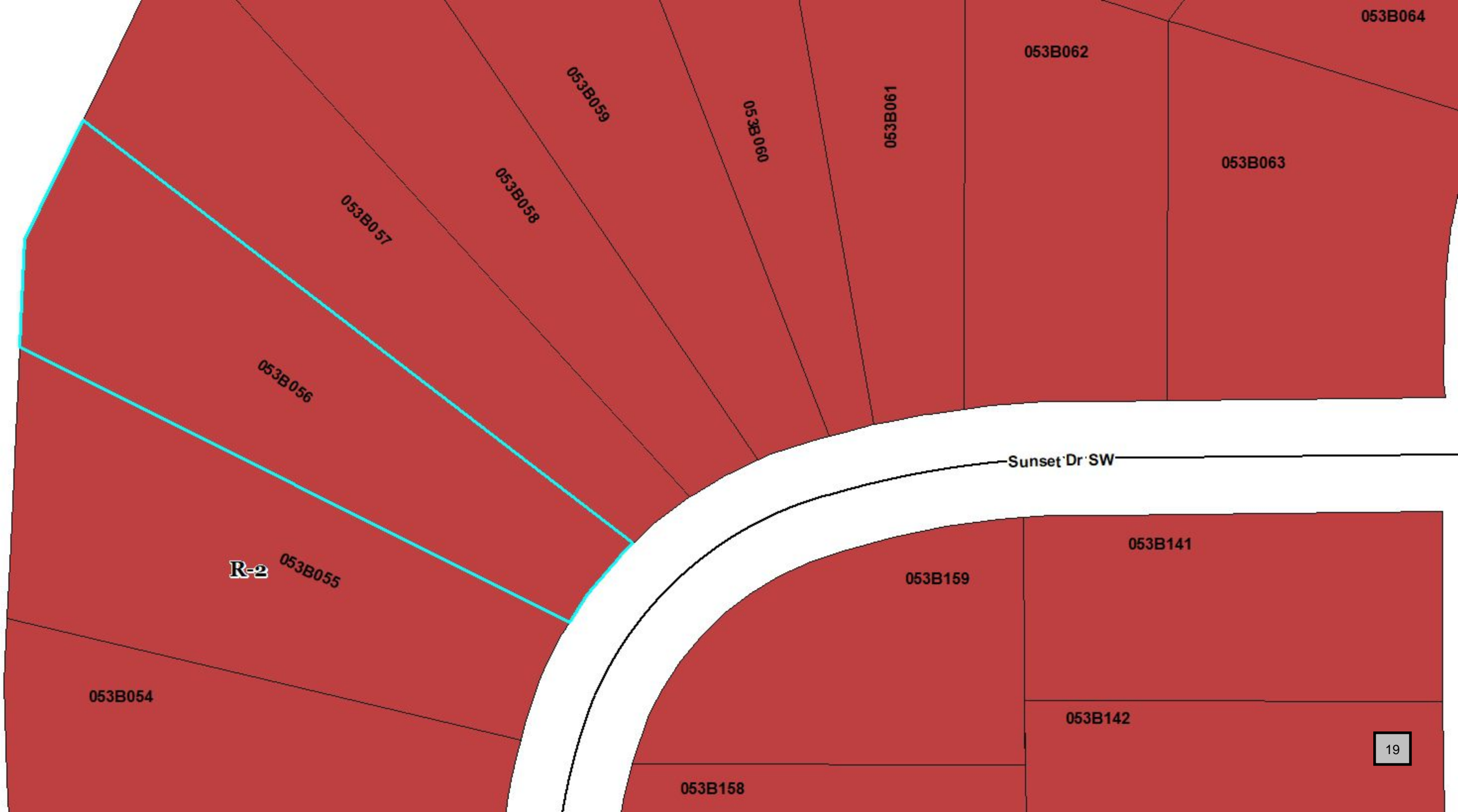
MGRC
Middle Georgia Regional Commission
175 Emery Hwy
Suite C
Macon, Georgia 31217
(478) 751-8180
Web:
www.middlegeorgiarc.org

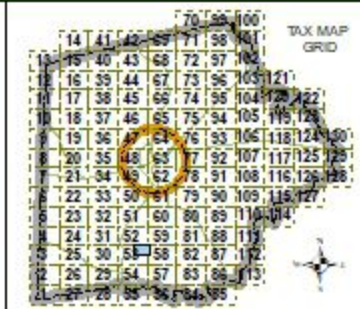
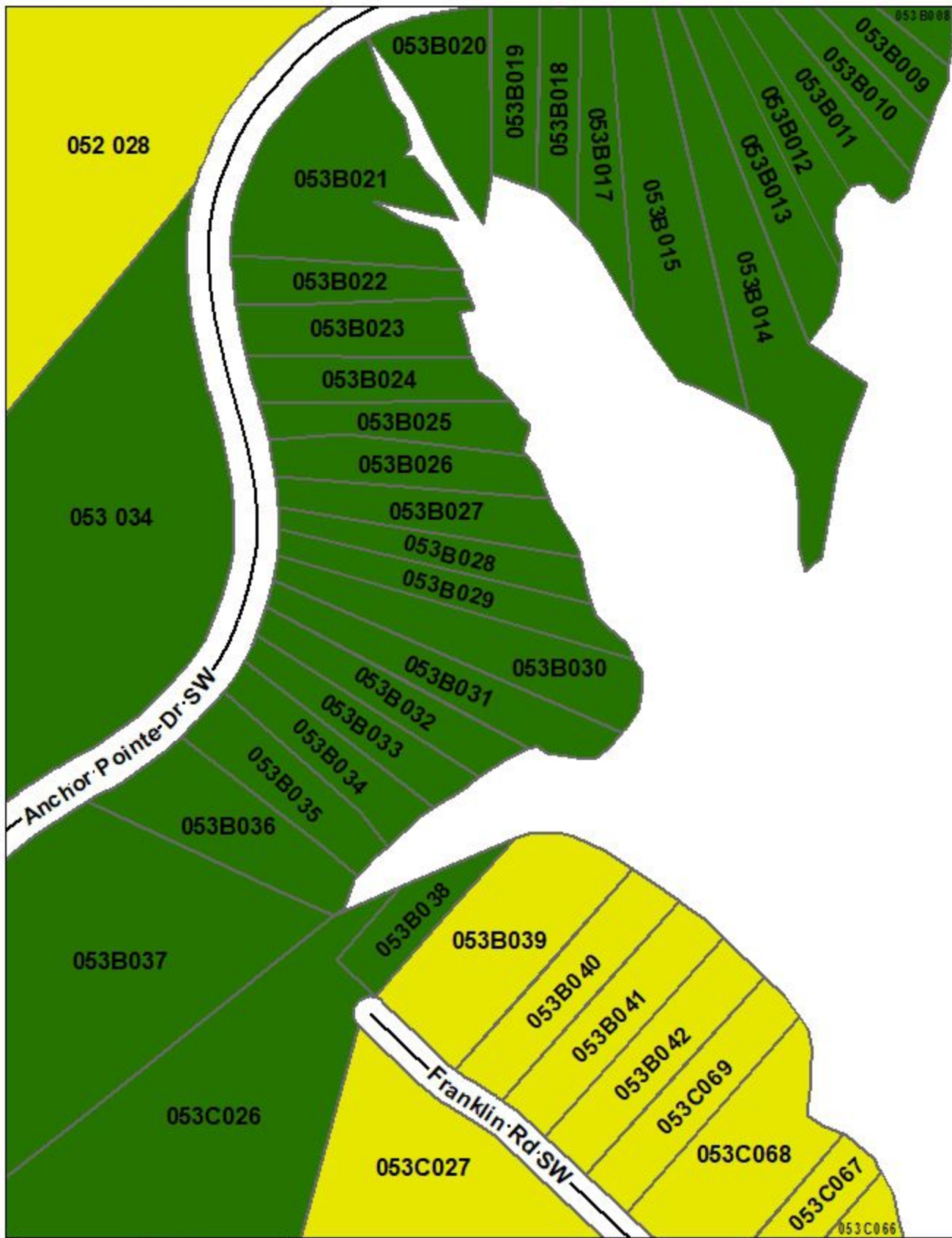
PUTNAM COUNTY, GEORGIA
ZONING MAPS

MAP 053B

18

MAP SCALE: 1" = 200' SCALE RATIO: 1:2,400 DATE: FEBRUARY 2020





GEOGRAPHIC FEATURE LEGEND

| | | | |
|-----------------|----------------------|------------------------------|--|
| Eatonton Limits | Agriculture/Forestry | Mixed Use | Residential |
| County Boundary | Commercial | Park/Recreation/Conservation | Transportation/Communication/Utilities |
| Roads | Industrial | Public/institutional | Undeveloped/Vacant |
| Parcels | | | |
| Parcel Hooks | | | |

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Macon, Georgia 31217
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Web: www.middlegeorgiarc.org

PUTNAM COUNTY, GEORGIA
FUTURE LAND USE MAPS

MAP 053B

MAP SCALE: 1" = 250'
SCALE RATIO: 1:3,000
DATE: FEBRUARY 2020



PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

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

February 24, 2020

TO: Planning & Zoning Commission

FROM: Lisa Jackson

RE: Staff Recommendation for Public Hearing Agenda on 3/5/2020

5. Request by **Ronnie & Lynn Smith** for a side yard setback variance at 108 Sunset Drive. Presently zoned R-2. [**Map 053B, Parcel 056, District 4**]. The applicants are requesting a 10-foot side yard setback variance, being 10 feet from the left and right-side property line when facing the lake. They would like to construct a 2,923 square foot home that would include an unfinished basement. As stated in Putnam County Code of Ordinances, Chapter 66-85(c), the minimum lot width at building setback on a conforming parcel is 100 feet. However, this is an extremely narrow nonconforming lot with a length of 339.91 feet and a lot width at building setback of 65.5 feet, making it very difficult for placement of the proposed home. The lot widens to approximately 99.32 feet towards the lake. However, the Putnam County Health Department has approved that area for the proposed septic system and the repair area is designated on the roadside of the property. Due to the extreme narrowness of this lot, the location of the septic tank and back up field, there are no other options for the placement of the proposed structure. Therefore, this request meets the conditions as stated in Putnam County, Code of Ordinances, Chapter 66-157(c)(1).

Staff recommendation is for approval of a 10-foot side yard setback variance, being 10 feet from the left and right-side property line when facing the lake at 108 Sunset Drive [Map 053B, Parcel 056, District 4].

New Business

Adjournment

The Planning & Zoning Commission meeting will be conducted pursuant and in accordance with O.C.G.A. Chapter 36-66.

Notice: All opponents to any rezoning request on the Planning & Zoning Commission and the Board of Commission agendas must file a disclosure of campaign contributions with the Planning & Development Department within five calendar days prior to public hearings if you have contributed \$250.00 or more to an elected official in Putnam County within the last five years.

*The Putnam County Board of Commissioners will hear these agenda items on March 17, 2020 at 6:30 P.M., in the Putnam County Administration Building, 117 Putnam Drive, Room 203.

The full meeting package can be reviewed in the Planning & Development office upon request.

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.

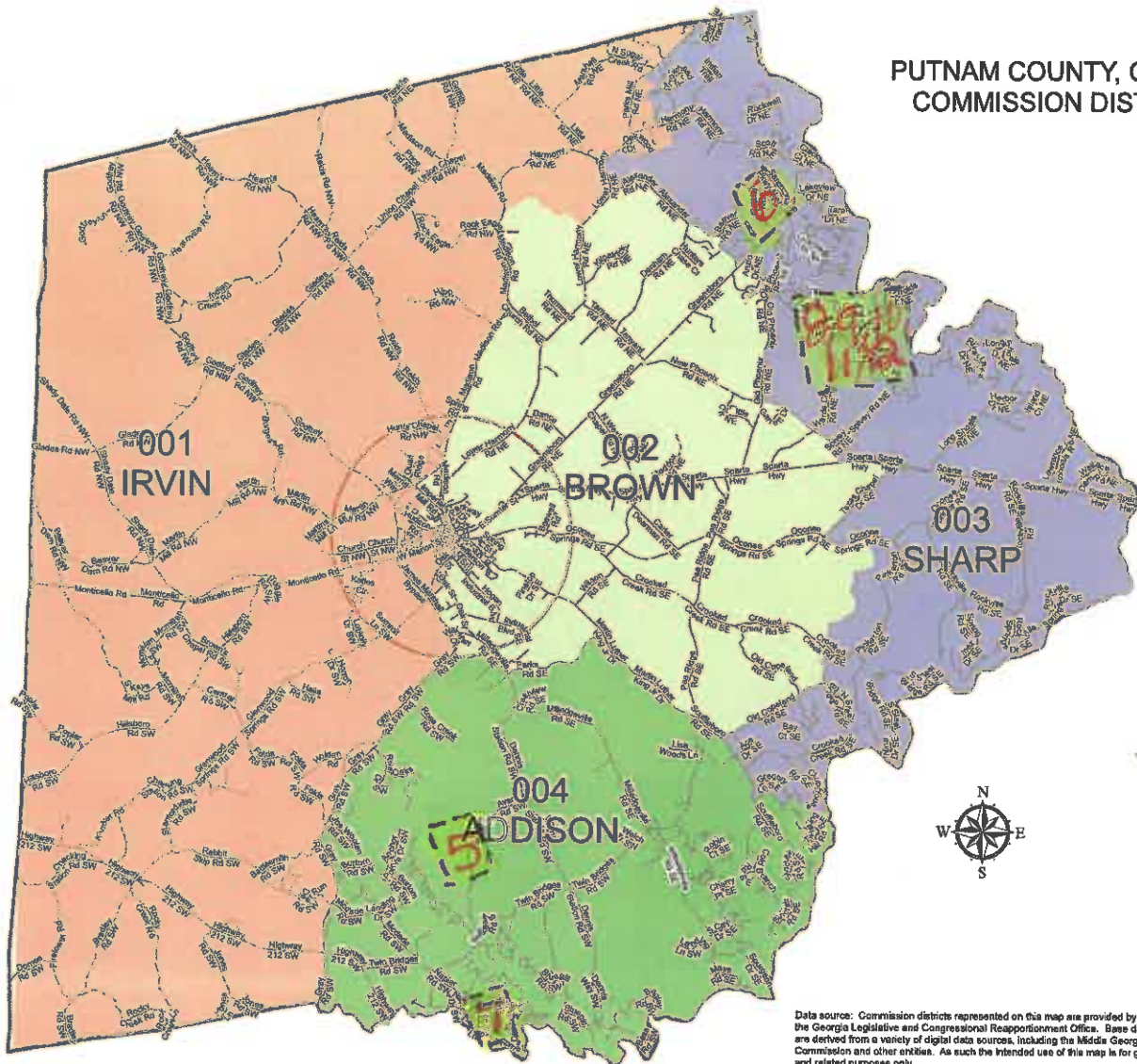
The Board of Commissioners' hearing will be conducted pursuant to O.C.G.A. 50-14-1 and Section 66-159 of the Putnam County Code of Ordinances and meets the requirements of the Zoning Procedures Laws established in O.C.G.A 36-66.

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.

Item Attachment Documents:

6. Request by **William Wilinon.** for a side yard setback variance at 163 Lakemore Drive. Presently zoned R-1. [**Map 103A, Parcel 001, District 3**].

**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" = 5,697.28' SCALE RATIO: 1:68,367.34 DATE: MARCH 2019

5. Request by **Ronnie & Lynn Smith** for a side yard setback variance at 108 Sunset Drive. Presently zoned R-2. [Map 053B, Parcel 056, District 4].
6. Request by **William Wilkinson**. for a side yard setback variance at 163 Lakemore Drive. Presently zoned R-1. [Map 103A, Parcel 001, District 3].
7. Request by **Jerry & Lisa Collins**. for a side yard setback variance at 160 A Oak Lane. Presently zoned R-2. [Map 056C, Parcel 020, District 4].
8. Request by **Howard McMichael**, agent for **Oconee Overlook, LLC & Lick Creek Holding's LLC** to rezone 2.14 acres at Collis Road from R-1 to RM-3. [Map 104, Parcel 030, District 3]. *
9. Request by **Howard McMichael**, agent for **Lick Creek Holding's LLC** to rezone 21.40 acres at Collis Road from AG-1 to RM-3. [Map 104, Parcel 032001, District 3]. *
10. Request by **Howard McMichael**, agent for **Mallard's Overlook, LLC** to rezone 29.58 acres at Collis Road from AG-1 to RM-3. [Map 104, Parcel 032, District 3]. *
11. 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]. *
12. Request by **Howard McMichael**, agent for **Oconee Overlook, LLC** to rezone 0.63 acres on Doug Lane from R-1 to RM-3. [Map 104B, Parcel 001, District 3]. *



PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

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

Putnam County City of Eatonton

PLAN 2020-00138

APPLICATION FOR: VARIANCE CONDITIONAL USE

THE UNDERSIGNED HEREBY REQUESTS THE CONSIDERATION OF A VARIANCE/CONDITIONAL USE AS SPECIFIED.

Owner name WILLIAM M WILKINSON Phone# 404 - 430 - 3183

Applicant name (If different from above) Phone# _____

MAILING ADDRESS 163 LAKEMORE DR. CITY EATONTON STATE GA ZIP 31024

PROPERTY LOCATION: 163 LAKEMORE DR. E TOTAL ACREAGE: 71

MAP: 103A PARCEL: 001 PRESENTLY ZONED: R-1 Ga DISTRICT: 3

SETBACKS: Front: 190' Rear: N/A Lakeside: 200' Left: 12' Right: 65'

All setbacks are required to be met from the front, side, rear, and lakeside (nearest point) property lines

*There is a 50ft mandated front yard setback requirement from all arterial road and state highways. *

Arterial/State Road. Yes: N/A No:

TOTAL SQ. FT. (existing structure) 1717 TOTAL FOOTPRINT (proposed structure) 2700

LOT LENGTH (the total length of the lot) 340'

LOT WIDTH AT BUILDING SETBACK (how wide the lot is where you're proposing to build) 98'

REASON FOR REQUEST: To Build 1000 sq. ft Addition

SUPPORTING INFORMATION ATTACHED TO APPLICATION:

RECORDED PLAT: LETTER OF AGENCY N/A LETTER OF INTENT

SITE APPROVAL/LAYOUT OF SEPTIC SYSTEM FROM HEALTH DEPARTMENT

RCUD 2020 JAN 30

PROPOSED LOCATION MUST BE STAKED OFF

*SIGNATURE OF APPLICANT: William M. Wilkinson DATE: 1/30/2020

*APPLICANT HEREBY AFFIRMS THAT APPLICANT IS THE PROPERTY OWNER OR HAS THE LEGAL AUTHORITY TO SIGN THIS FORM ON OWNER'S BEHALF, AND APPLICANT AGREES TO INDEMNIFY AND HOLD PUTNAM COUNTY/CITY OF EATONTON HARMLESS IN THE EVENT IT IS DETERMINED APPLICANT DOES NOT HAVE SUCH LEGAL AUTHORITY.

| | | | | | | |
|-------------------------------------|------------------|-----------------------|---------------------|------|---------|--------------------|
| DATE FILED | <u>1-30-20</u> | FEE: \$ <u>200.00</u> | CK. NO. <u>1454</u> | CASH | C. CARD | INITIALS <u>WJ</u> |
| RECEIPT # | <u>038950</u> | | | | | |
| DATE OF NEWSPAPER AD: | <u>2-10-2020</u> | DATE SIGN POSTED: | _____ | | | |
| PLANNING & ZONING HEARING: | <u>3-5-2020</u> | RESULT: | _____ | | | |
| COMMISSIONERS/CITY COUNCIL HEARING: | _____ | RESULT: | _____ | | | |

William M. Wilkinson
163 Lakemore Dr.
Eatonton, Georgia 31024

January 30, 2020

Putnam County Planning and Development
Director Lisa Jackson
117 Putnam Dr., Suite B
Eatonton, Georgia 31024

Request for Variance for Lot 26, Phase II of Putnam's Landing in Eatonton, Ga. as shown in Plat Book 12, Page 111 and filed in the Office of Clerk of Superior Court, Putnam County, Georgia.

PROPERTY:

LOCATION: 163 Lakemore Drive, Eatonton, Ga. 31024

PLAT BOOK: 12, PAGE 111, LOT 26

I, William M. Wilkinson, am the owner of this lot and have not yet determined who the builder will be for the proposed addition.

I am requesting a variance for the location of an addition with respect to the eastern property line of the lot. This is primarily due to the narrow width of the lot (98') at the proposed location of the addition as well as the shape of the lot with respect to the existing structure. The proposed addition (approximately 1000 sq. ft.) would be positioned 12' from the eastern property line at its closest point which would be the front left corner. This would position the addition at a point equal to the location of the existing shed (which will be removed) as shown in the attached pictures. This would meet the requirements as outlined in the Amendments and Extension to Protective Covenants of Putnam's Landing (10') filed with the county 6/26/97, but would require an 8' variance from the Putnam County zoning requirement (20'). There would still be a distance of 30' between the addition and the residence to the east.

We plan to make this home our retirement home within the next two years and the proposed addition would bring the total square footage of the residence to approximately 2700 sq. ft. that would better accommodate our needs on a single level and would also be in keeping with the general size, appearance and positioning of other residences in the neighborhood

The attached plat shows the existing structure in blue with the proposed addition in red with the additions location with respect to the eastern property line.

Copy of septic system inspection approval is attached.

RCUD 2020 JAN 20

Thank-you for your consideration of this request.

William M. Wilkinson
404-630-3183

**Georgia Department of Public Health
ON-SITE SEWAGE MANAGEMENT SYSTEM INSPECTION REPORT**

CONSTRUCTION PERMIT NUMBER
11201295

MONTH: **09** DAY: **20** YEAR: **19**

COUNTY: **Putnam** COUNTY CODE: **117** HEALTH DISTRICT: **052**

SUBDIVISION: **Putnam Landing** LOT: **26**

PROPERTY LOCATION / ADDRESS: **163 Lakemore Dr**

PROPERTY OWNER: **William Wilkinson**

SEWAGE CONTRACTOR: **Anything Septic**

CONTRACTOR LICENSE: **16352**

ALL ITEMS: (BLANK) = Not Applicable (0) = Unknown ITEMS (1) = Yes (2) = No

Section A - General

1. WATER SUPPLY: (1) Public (2) Private (3) Community: **2**

2. TYPE OF STRUCTURE: (see below): **1**

3. STRUCTURE AGE: (1) New (2) <1 year (3) >1 year: **3**

4. SEWAGE SYSTEM: (1) New (2) Repair (3) Addition: **1**

5. AGE OF SYSTEM (repairs): (1) <1 (2) 1-5 (3) 6-10 (4) 11-20 (5) 21-30 (6) 31-40 (7) >40: **2**

6. * IN SUBDIVISION?: **1**

7. WATER USAGE BY: (1) Bedroom Numbers (2) Gallons per Day: **4**

8. NO. OF BEDROOMS/ GALLONS PER DAY: **4**

9. LOT SIZE: **271**

10. PERCOLATION RATE/ LOADING RATE: **1**

11. SOIL CLASSIFIER: **A Jodya**

12. SOIL SERIES: **Voice**

Section B - Primary / Pretreatment

1. DISPOSAL METHOD: (1) Septic Tank (2) Privy (3) Aerobic Unit (4) Other: **1**

2. SEPTIC TANK: **Existing Tank**

a. Capacity (gals): **1000**

b. Material: (1) Concrete (2) Polyethylene (3) Fiberglass (4) Poured (5) Other: **1**

c. Distance from (feet): (1) Well (2) Building (3) Lake/Stream (4) Nearest property line: **210**

d. Manufacturer: **10**

3. FILTER MANUFACTURER/ MODEL: **190**

4. AEROBIC UNIT: a. Treatment capacity: **21** b. Manufacturer: **1000**

5. DOSING TANK CAP. (gals): **1000**

6. GREASE TRAP CAP. (gals): **1000**

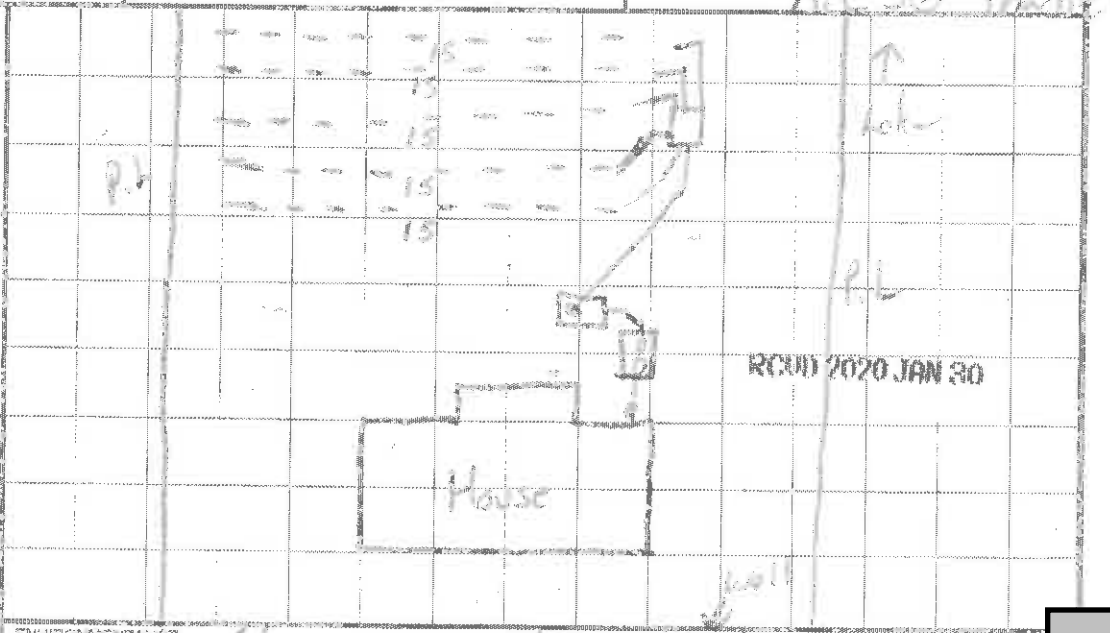
Section C - Secondary Treatment

1. ABSORPTION FIELD DESIGN: (1) Level (2) Serial (3) Drip (4) Bed (5) Distribution box (6) Mound (7) Other: **2**

2. ABSORPTION FIELD: a. Total square feet: **1125** b. Total linear feet: **275** c. Number of trenches: **5** d. Length trenches (feet): **75** e. Distance between trenches (feet): **17** f. Depth of trenches (range in inches): **14-16** g. # Aggregate proper size: **18** h. # Aggregate proper depth: **18** i. Distance from (feet): (1) Well (2) Building (3) Lake/Stream (4) Nearest property line: **144** j. Nearest property line: (1) Right (2) Left (3) Front (4) Rear: **18** k. Product used: **Acc 36 Sinter**

** TYPE OF FACILITY: (1) Single-Family Residence (2) Multi-Family Residence (3) Commercial <2000 (4) Commercial >2000 (5) Restaurant (6) Mobile Home Park (7) Other (specify): **PH**

REMARKS: **Tank G.P.S. N 220251216 W 220251216 Liberty 251-5-3 HP 0**



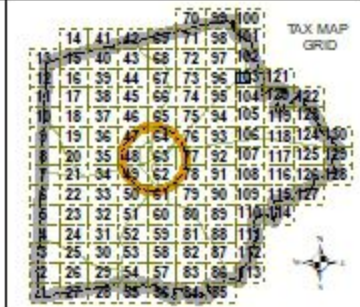
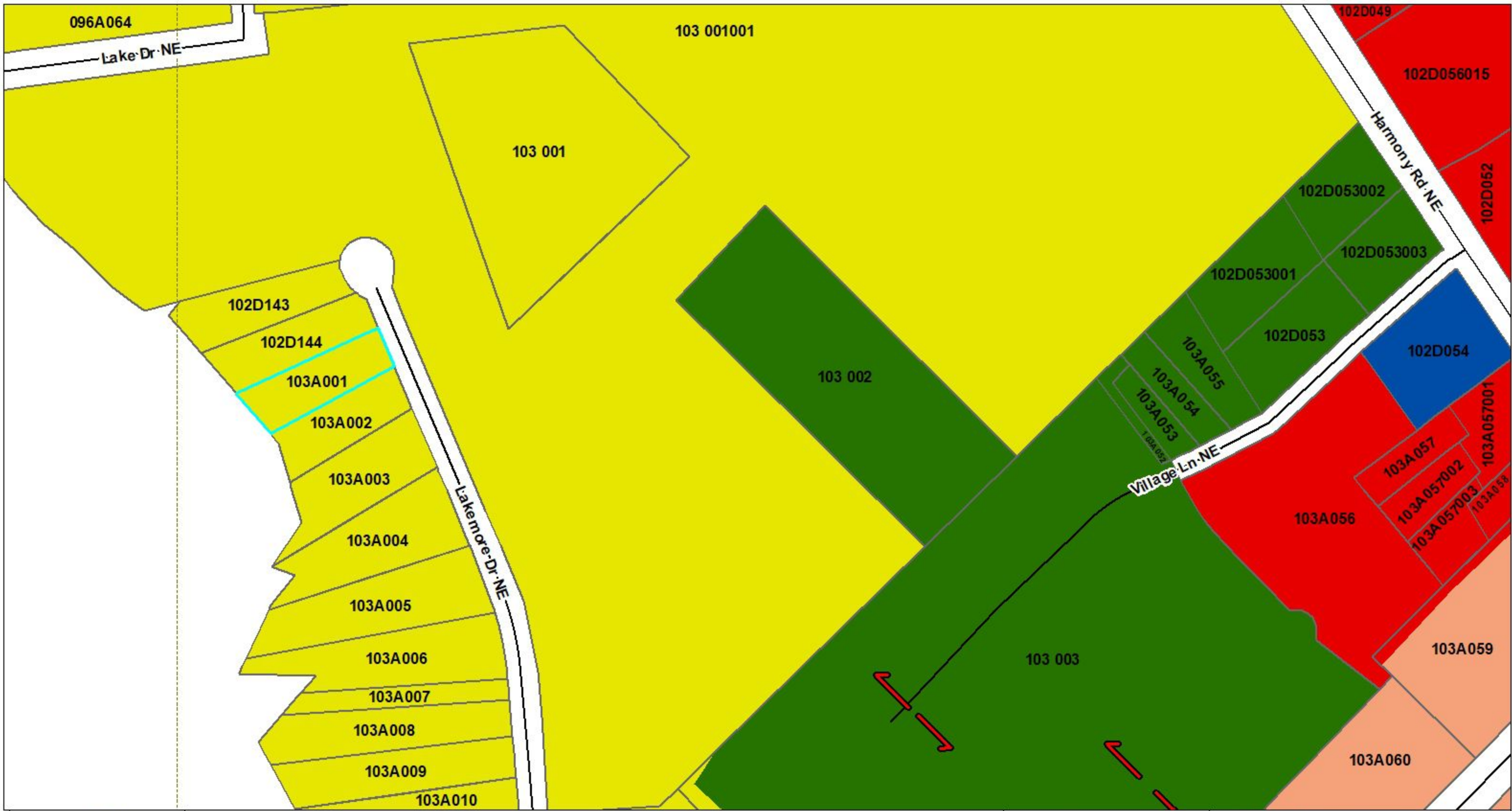
Drawing not to scale.

I, the undersigned, in securing a construction permit for an on-site sewage management system, and subsequent approval of same by representatives of the County Board of Health, shall not be construed as a guarantee that such systems will function satisfactorily for a given period of time; furthermore, said representatives do not, by any action taken in effecting compliance with these rules, assume any liability for damages which are caused, or which may be caused, by the malfunction of such system.

ENVIRONMENTALIST: **[Signature]** TITLE: **RHS III** SYSTEM APPROVED: (see Sect. A7 & 8)

RC001 2020 JAN 30





GEOGRAPHIC FEATURE LEGEND

| | | | |
|-----------------|----------------------|------------------------------|--|
| Eatonton Limits | Agriculture/Forestry | Mixed Use | Residential |
| County Boundary | Commercial | Park/Recreation/Conservation | Transportation/Communication/Utilities |
| Roads | Industrial | Public/Institutional | Undeveloped/Vacant |
| Parcels | | | |
| Parcel Hooks | | | |

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IT GIS Services
Middle Georgia Regional Commission
175 Emery Hwy
Suite C
Macon, Georgia 31217
(478) 751-8160
Web:
www.middlegeorgiarc.org

PUTNAM COUNTY, GEORGIA
FUTURE LAND USE MAPS

MAP 103A

MAP SCALE: 1" = 200' SCALE RATIO: 1:2,400 DATE: FEBRUARY 2020

31

103 001

103 002

AG-1

Lakemore Dr. NE

102D143

102D144

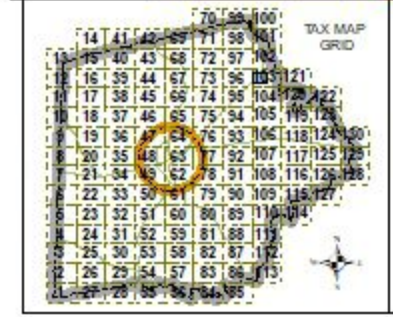
103A001

103A002

R-1

103A003

103A004



GEOGRAPHIC FEATURE LEGEND

| | | | | | | | |
|-----------------|------------------|----------|------------|-------------|----------|------|---------|
| Estonton Limits | Overlay District | AG-2 | C-2 CITY | IND-2 CITY | R-1 CITY | R-1 | RM-2 |
| County Boundary | No Code | C-1 | I-M | MHP | R-2 CITY | R-1R | RM-3 |
| Roads | AG-1 | C-1 CITY | IND-1 CITY | PUBLIC | R-3 CITY | R-2 | VILLAGE |
| Parcels | AG-1 CITY | C-2 | IND-2 | PUBLIC CITY | R-4 CITY | RM-1 | |
| Parcel_Hooks | | | | | | | |

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PUTNAM COUNTY, GEORGIA
ZONING MAPS

MAP 103A

MAP SCALE: 1" = 416.67' SCALE RATIO: 1:5,000 DATE: FEBRUARY 2020

03-04-2020

William Wilkinson would like to withdraw without prejudice at 163 Lakemore Dr.


_____ 3/4/2020
sign/date

RCUD 2020 MAR 4




PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

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

February 24, 2020

TO: Planning & Zoning Commission

FROM: Lisa Jackson

RE: Staff Recommendation for Public Hearing Agenda on 3/5/2020

6. Request by **William Wilkinson**. for a side yard setback variance at 163 Lakemore Drive. Presently zoned R-1. [Map 103A, Parcel 001, District 3]. **The applicant is requesting to withdraw without prejudice.**

Staff recommendation is for approval to withdraw without prejudice at 163 Lakemore Drive [Map 103A, Parcel 001, District 3].

New Business

Adjournment

The Planning & Zoning Commission meeting will be conducted pursuant and in accordance with O.C.G.A. Chapter 36-66.

Notice: All opponents to any rezoning request on the Planning & Zoning Commission and the Board of Commission agendas must file a disclosure of campaign contributions with the Planning & Development Department within five calendar days prior to public hearings if you have contributed \$250.00 or more to an elected official in Putnam County within the last five years.

*The Putnam County Board of Commissioners will hear these agenda items on March 17, 2020 at 6:30 P.M., in the Putnam County Administration Building, 117 Putnam Drive, Room 203.

The full meeting package can be reviewed in the Planning & Development office upon request.

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 Board of Commissioners' hearing will be conducted pursuant to O.C.G.A. 50-14-1 and Section 66-159 of the Putnam County Code of Ordinances and meets the requirements of the Zoning Procedures Laws established in O.C.G.A 36-66.

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.

Item Attachment Documents:

7. Request by **Jerry & Lisa Collins**. for a side yard setback variance at 160 A Oak Lane. Presently zoned R-2. [**Map 056C, Parcel 020, District 4**].



PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

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

PLAN 2020-0015

Putnam County City of Eatonton
APPLICATION FOR: VARIANCE CONDITIONAL USE

THE UNDERSIGNED HEREBY REQUESTS THE CONSIDERATION OF A VARIANCE/CONDITIONAL USE AS SPECIFIED.

Owner name Jerry J + Lisa A. Collins Phone# 770 - 500 - 0446 - Jerry
770 500 0445 - Lisa

Applicant name (If different from above) _____
MAILING ADDRESS 1200 Hwy 745 Ste 6-157 CITY Peachtree City GA STATE GA ZIP 30219

PROPERTY LOCATION: 160 A Oak Lane Eatonton GA TOTAL ACREAGE .25
MAP: 6560 PARCEL: 020 PRESENTLY ZONED: R-2 DISTRICT: 4
SETBACKS: Front: 106 Rear: NA Lakeside: 126 Left: 5 Right: 5

All setbacks are required to be met from the front, side, rear, and lakeside (nearest point) property lines
There is a 50ft mandated front yard setback requirement from all arterial road and state highways.
Arterial/State Road. Yes: No:

TOTAL SQ. FT. (existing structure) 644 TOTAL FOOTPRINT (proposed structure) 1344
LOT LENGTH (the total length of the lot) 295'

LOT WIDTH AT BUILDING SETBACK (how wide the lot is where you're proposing to build) 49'-44"

REASON FOR REQUEST: The property is narrow and due to requirements of 126' setback from lake for septic the area left to place home will not accommodate the proposed home

SUPPORTING INFORMATION ATTACHED TO APPLICATION:
RECORDED PLAT: _____ LETTER OF AGENCY _____ LETTER OF INTENT _____
SITE APPROVAL/LAYOUT OF SEPTIC SYSTEM FROM HEALTH DEPARTMENT _____

PROPOSED LOCATION MUST BE STAKED OFF

*SIGNATURE OF APPLICANT: [Signature] DATE: 01/20/2020

*APPLICANT HEREBY AFFIRMS THAT APPLICANT IS THE PROPERTY OWNER OR HAS THE LEGAL AUTHORITY TO SIGN THIS FORM ON OWNER'S BEHALF, AND APPLICANT AGREES TO INDEMNIFY AND HOLD PUTNAM COUNTY/CITY OF EATONTON HARMLESS IN THE EVENT IT IS DETERMINED APPLICANT DOES NOT HAVE SUCH LEGAL AUTHORITY.

| | | | | | |
|--|-------------------------|---------------------|------------|---------------|---------------------|
| DATE FILED <u>1-24-20</u> | FEE: \$ 200.00 | CK. NO. <u>2662</u> | CASH _____ | C. CARD _____ | INITIALS <u>JAC</u> |
| RECEIPT # <u>033906</u> | | | | | |
| DATE OF NEWSPAPER AD: <u>2-10-2020</u> | DATE SIGN POSTED: _____ | | | | |
| PLANNING & ZONING HEARING: <u>3-5-2020</u> | RESULT: _____ | | | | |
| COMMISSIONERS'/CITY COUNCIL HEARING: _____ | RESULT: _____ | | | | |

Jerry & Lisa Collins
1200 Hwy 74 South, STE 6-157
Peachtree City, GA 30269

Putnam County Planning & Development
Director Lisa Jackson
117 Putnam, Dr. Suite B
Eatonton, GA 31024

Dear Putnam County Planning & Development:

We own property located at 160A Oak Lane, Eatonton, GA and plan to put our retirement home there. We are requesting a variance on the side setbacks from the current (10') to (5') on both sides from 158 and 160 Oak Lane. The property is unique in size in that at the (126') from the closet point from the lake the property is (49') and narrows to (43') at the road. The 126' was a requirement set on us when we put in the septic in 2017 by the Putnam County Health Department. Our hope is to place a single story home on this property.

A challenge we face is that most single story homes for a narrow lake lot are 28' - 32' wide and between 60' to 70' long. Due to the current set back and the fact that the property narrows under the current requirements we would not be able to accommodate the attached home plan or one similar to it on this property. This plan keeps with the community size and would not look out of place.

Due to the 126' set back, obtaining this variance would allow the attached home plan or one similar to it to be placed on this lot in a manner that would not have the existing homes on either side right next to each other. The part of the home facing the lake would be positioned in a diagonal line 22' from the home at 158 Oak Lane and positioned in a diagonal line 40' from the home 160 Oak Lane. Visually it will appear that there is good distance between each of the homes.

General building information: The home we propose to place at 160A Oak Lane would have a minimum of 1200 square feet. The footprint for the home be designed to fit on this uniquely narrow lot. The final plan design will depend upon a favorable ruling with this variance application. There is a current septic on the property which is two years old and will accommodate a two bedroom two bath home that we are looking to place on the lot.

Currently there is a small single wide mobile home that is 644 square feet which will be removed from the property prior to putting on the purposed new home should we receive the variance.

If you would like additional information about this request, please feel free to contact me (Jerry) at 770-500-0446. Thank you in advance for your time and consideration.

Sincerely,



Jerry & Lisa Collins

Existing On-site Sewage Management System Performance Evaluation Report Form

| | | | |
|--|-------------------------------------|--|--|
| Property Owner/System Owner Name: Jerry + Lisa Collins | | 770-500-0446 | Reason for Existing Sewage System Evaluation: (circle) (1) Loan Closing for Home Sale (2) Refinance (3) Home Addition (Non-bedroom) Type: _____ (4) Swimming Pool Construction (5) Structure Addition to Property Type: _____ (6) Mobile Home Relocation |
| Property/System Address: 160A Oak Lane | | | |
| Subdivision Name: | Lot: | Block: | |
| Existing System Information: Water Supply (circle) (1) Public (2) Private Well (3) Community | Number of Bedrooms/GPD: 2 | Garbage Grinder: (circle) (1) Yes (2) No | |

SECTION A – System on Record

| | | | |
|--|---|---|--|
| (1) Yes (2) No | Existing On-site Sewage Management System inspection records indicate that all components of the system were properly constructed and installed at the time of the original inspection. | Comments: 2 bedroom home only. Lot size only sufficient for 2 bedroom home max. <i>same bedrooms (u)</i> | |
| (1) Yes (2) No | A copy of the original On-site Sewage Management System Inspection Report is attached. | | |
| (1) Yes (2) No | Maintenance records indicate that the system has been pumped out or serviced within the last five (5) years or the system was installed within that timeframe. | | |
| (1) Yes (2) No | A site evaluation of the system on this date revealed no evidence of system failure or of conditions which would adversely affect the functioning of the system. | | |
| Evaluating Environmentalist: <i>[Signature]</i> | Title: EHS III | Date: 1-28-20 | I verify this data to be correct at the time of the evaluation. This verification shall not be construed as a guarantee of the proper functioning of this system for any given period of time. No liability is assumed for future damages that may be caused by malfunction. |

SECTION B – System Not on Record

| | | | |
|------------------------------|--|--|--|
| (1) Yes | No inspection records are on file showing the On-site Sewage Management System was inspected and approved at the time of the installation. | Comments: Very limited area for septic replacement and repair. | |
| (1) Yes (2) No | The septic tank was uncovered at the time of the evaluation and it appears to meet the required design, construction and installation criteria. | | |
| (1) Yes (2) No | Documentation from a Georgia Certified Installer has been provided as to the condition of the septic tank and its respective components, certifying its design, construction, and installation criteria. A copy is attached. | | |
| (1) Yes (2) No | Maintenance records indicate that the system has been pumped out or serviced within the last five (5) years or the system was installed within that timeframe. | | |
| (1) Yes (2) No | A site evaluation of the system on this date revealed no evidence of system failure or of conditions which would adversely affect the functioning of the system; however, appropriateness of the sizing and installation cannot be verified since no initial inspection records exist. | | |
| Evaluating Environmentalist: | Title: | Date: | I verify this data to be correct at the time of the evaluation. This verification shall not be construed as a guarantee of the proper functioning of this system for any given period of time. No liability is assumed for future damages that may be caused by malfunction. |

SECTION C – System Not Approved

| | | | |
|------------------------------|---|--------------------------------------|--|
| (1) Yes (2) No | The On-site Sewage Management System was disapproved at the time of the initial installation and is thus not considered an approved system. | Comments: _____ _____ _____ | |
| (1) Yes (2) No | Evaluation of the system revealed evidence of system failure or malfunction, and will therefore require corrective action in order to obtain approval of the system. | | |
| (1) Yes (2) No | Evaluation of the system revealed conditions which would adversely affect the proper functioning of the system, and will therefore require corrective action in order to obtain approval of the system. | | |
| Evaluating Environmentalist: | Title: | Date: | I verify this data to be correct at the time of the evaluation. This verification shall not be construed as a guarantee of the proper functioning of this system for any given period of time. No liability is assumed for future damages that may be caused by malfunction. |

SECTION D – Addition to Property or Relocation of Home (section completed in conjunction with A, B, or C above)

| | | | |
|--|--|-------------------------------------|--|
| (1) Yes (2) No | An existing On-site Sewage Management System is located on the property listed above and has been evaluated in accordance with Section A or B above. | Comments: _____ _____ | |
| (1) Yes (2) No | A site evaluation on this date as well as the provided information indicate that the proposed construction to home or property or that the proposed relocation of the home should not adversely affect the proper functioning of the existing system provided that no additional sewage load is added to the system for the listed size home adjacent. | | |
| Evaluating Environmentalist: <i>[Signature]</i> | Title: EHS III | Date: 1-28-20 | I verify this data to be correct at the time of the evaluation. This verification shall not be construed as a guarantee of the proper functioning of this system for any given period of time. No liability is assumed for future damages that may be caused by malfunction. |
| | | Number of Bedrooms/GPD: 2 | Garbage Grinder: (circle) (1) Yes (2) No |

DOCH 001169
FILED IN OFFICE
4/3/2017 04:09 PM
BK:885 PG:72-72
SHEILA H. PERRY
CLERK OF COURT
PUTNAM COUNTY

Sheila H. Perry

REAL ESTATE TRANSFER TAX
PAID: \$45.90

sem

When Recorded Return To:

PT-61 117-2017-000352



241 E. Hancock Street
Milledgeville, Georgia 31061

File: 17-197

[Above Space Provided For Recording]

Deed Book 885, Page 72

STATE OF GEORGIA
COUNTY OF PUTNAM

LIMITED WARRANTY DEED

THIS INDENTURE made this 31st day of March, in the year Two Thousand Seventeen between Charles O. Ray and Jennifer J. Ray as party or parties of the first part, hereinunder called Grantor, and Jerry J. Collins and Lisa A. Collins as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND 00/100 (\$10.00) Dollars and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

All that tract or parcel of land lying and being in the Land-Lot 109, 3rd Land District, 314th GMD, Putnam County, Georgia, described as Tract "A" of Breezy Shores Subdivision, containing 0.25 acres, more or less, more particularly described by that certain plat of survey entitled "Survey of Property For: Charles O. Ray & Jennifer J. Ray", prepared by Byron L. Farmer, GRLS No. 1679, dated September 6, 2006, recorded in Plat Book 31, Page 163B, Putnam County Land Records. Said plat of survey and record thereof are by reference made a part hereof for a more accurate description of said property.

This is a portion of the same property conveyed by warranty deed from Kathryn H. Lane, as Trustee of the Kathryn H. Lane Loving Trust dated 09/06/90 and any amendments to Charles O. Ray and Jennifer J. Ray, dated September 19, 2006, recorded in Deed Book 567, Pages 154-155, said records.

SUBJECT TO:

- 1) Access Leases from Georgia Power Company to Charles O. Ray and Jennifer J. Ray to Georgia Power Company recorded in Deed Book 589, Pages 392-395 and Deed Book 695, Pages 213-217, said records.
- 2) Restrictive Covenants recorded in Deed Book 2-X, Pages 576-577, as amended of record, said records.
- 3) All other asements, rights-of-way, surveys, protective covenants, limitations and restrictions affecting said property of record, said records.

TO HAVE AND TO HOLD the said tract or parcel of land, 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 forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of any persons or parties claiming by, through or under Grantor.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:

[Signature]
Official Witness

Gracie K Paulson
Notary Public



(Affix Notary Seal and Stamp)

[Signature]
Charles O. Ray
[Signature]
Jennifer J. Ray

Exhibit (A) - 5' Variance

Home would be 126' from lake at closest point
 Home be placed 5' from property line of 160 Oak Lane
 Home will be 12' from property line of 158 at front of home facing lake
 Home will be 7' from property line of 158 oak lane at back or road side of home
 Home will be 41' from Home at 160 oak lane
 Home will be 22' from Home at 158 oak lane

PUTNAM COUNTY, GEORGIA
 CLERK OF SUPERIOR COURT
 FILED & RECORDED
 TIME: 11:15 P.M. 10/15/07
 CABINET: 75 BOOK: 81
 SLIP: 22 PAGE: 1638
 BY: Byron L. Farmer
 CLERK OF SUPERIOR COURT



POINT OF REFERENCE
 1/2" RE-BAR FOUND ON R/W
 AT PROPERTY LINE SEPARATING
 LOT NO. 34 AND LOT NO. 35
 OF "BREEZY SHORES" SUBDIVISION,
 SEE PLAT RECORDED IN PLAT
 BOOK 2, PAGE 88.

DESCRIPTIONS OF CORNER MARKERS

- 1 - 1/2" IRON PIPE FOUND ON R/W
- 2 - 1/2" IRON PIPE FOUND ON R/W
- 3 - 1/2" FLAT BAR FOUND ON R/W
- 4 - 1" BOLT FOUND ON 350' ± CONTOUR
- 5 - COMPUTED POINT ON 350' ± CONTOUR
- 6 - 5/8" RE-BAR SET ON 350' ± CONTOUR
- 7 - 1" FLATBAR FOUND ON 350' ± CONTOUR
- 8 - 1/2" RE-BAR FOUND ON 340' ± CONTOUR
- 9 - 13 - COMPUTED POINTS ON SEAWALL (340' ± CONTOUR)
- 14 - 1/2" RE-BAR FOUND ON 340' ± CONTOUR

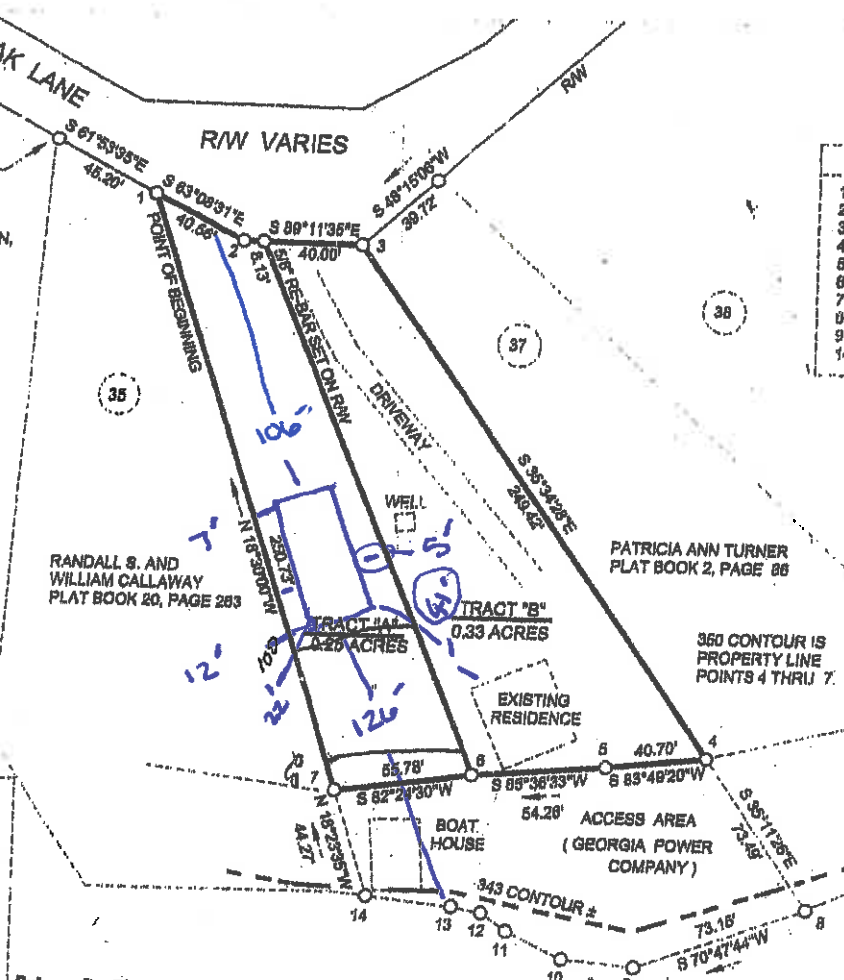
PARTIAL TABULATION OF CALLS
 ALONG EXISTING SEAWALL AND
 340' ± CONTOUR

| CALL | BEARING | DISTANCE |
|---------|--------------|----------|
| 9 - 10 | N 84°48'18"W | 29.32' |
| 10 - 11 | N 85°20'08"W | 25.14' |
| 11 - 12 | N 88°10'09"W | 12.48' |
| 12 - 13 | N 78°41'38"W | 12.77' |
| 13 - 14 | N 83°55'08"W | 34.60' |

NOTE:
 THIS SURVEY AND PLAT WAS REVISED BY ME ON
 OCTOBER 10, 2007 TO SHOW THE DIVISION OF THE
 COMBINATION OF LOTS 35 1/2 AND 36 INTO TRACTS
 "A" AND "B".

NOTE:
 THIS PLAT WAS REVISED BY ME ON JANUARY 30,
 2007 TO SHOW THE LOCATION OF THE 343 CONTOUR.

**SURVEY OF PROPERTY
 FOR
 Charles O. Ray &
 Jennifer J. Ray**
 BEING THE DIVISION OF 35 1/2 & 36
 "BREEZY SHORES" SUBDIVISION
 LYING IN LAND LOT 109
 THIRD LAND DISTRICT
 GMD 314
 PUTNAM COUNTY, GEORGIA
 REFERENCE: PLAT BOOK 2, PAGE 88

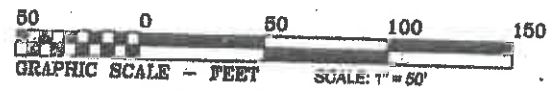


Putnam Co. Planning & Development
Sharon Dackston
 10/15/07



SURVEYOR'S CERTIFICATION
 THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED
 HAS A CLOSURE PRECISION OF ONE FOOT IN 46,684' AND
 AN ANGULAR ERROR OF 01" PER ANGLE POINT, AND WAS
 ADJUSTED USING THE COMPASS RULE. THIS MAP OR PLAT
 HAS BEEN CALCULATED FOR CLOSURE, AND IS FOUND TO
 BE ACCURATE WITHIN ONE FOOT IN 813,331 FEET.

SURVEYOR: BYRON L. FARMER
 259 COUNTY LINE CHURCH ROAD, SW
 MILLEDGEVILLE, GEORGIA 31061
 PHONE: 478-932-5755
 GEORGIA REGISTRATION NUMBER 1679





POINT OF REFERENCE
 1/2" RE-BAR FOUND ON RW
 AT PROPERTY LINE SEPARATING
 LOT NO. 34 AND LOT NO. 35
 OF "BREEZY SHORES" SUBDIVISION.
 SEE PLAT RECORDED IN PLAT
 BOOK 2, PAGE 88.

NOTE:
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 OCTOBER 10, 2007 TO SHOW THE DIVISION OF THE
 COMBINATION OF LOTS 35 1/2 AND 36 INTO TRACTS
 "A" AND "B".

NOTE:
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 2007 TO SHOW THE LOCATION OF THE 343 CONTOUR.

SURVEY OF PROPERTY
 FOR
**Charles O. Ray &
 Jennifer J. Ray**
 BEING THE DIVISION OF 35 1/2 & 36
 "BREEZY SHORES" SUBDIVISION
 LYING IN LAND LOT 109
 THIRD LAND DISTRICT
 GMD 314
 PUTNAM COUNTY, GEORGIA
 REFERENCE: PLAT BOOK 2, PAGE 88

Putnam Co. Planning & Development
Shayne Doughton
 10/15/07

SURVEYOR: BYRON L. FARMER
 259 COUNTY LINE CHURCH ROAD, SW
 MILLEDGEVILLE, GEORGIA 31061
 PHONE: 478-932-5755
 GEORGIA REGISTRATION NUMBER 1679

WITAM O. RAY DECALIA
 CLERK OF SUPERIOR COURT
 PLAT AS RECORDED
 DATE: 10/15/07
 CABINET: 100 BOOK: 31
 SHEET: 25 PAGE: 1033
Shayne Doughton
 PLAT BOOK 2, PAGE 88

- DESCRIPTIONS OF CORNER MARKERS
- 1 - 1/2" IRON PIPE FOUND ON RW
 - 2 - 1/2" IRON PIPE FOUND ON RW
 - 3 - 1/2" FLAT BAR FOUND ON RW
 - 4 - 1" BOLT FOUND ON 350' ± CONTOUR
 - 5 - COMPUTED POINT ON 350' ± CONTOUR
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 - 7 - 1" FLATBAR FOUND ON 350' ± CONTOUR
 - 8 - 1/2" RE-BAR FOUND ON 340' ± CONTOUR
 - 9 - 13 - COMPUTED POINTS ON SEAWALL (340' ± CONTOUR)
 - 14 - 1/2" RE-BAR FOUND ON 340' ± CONTOUR

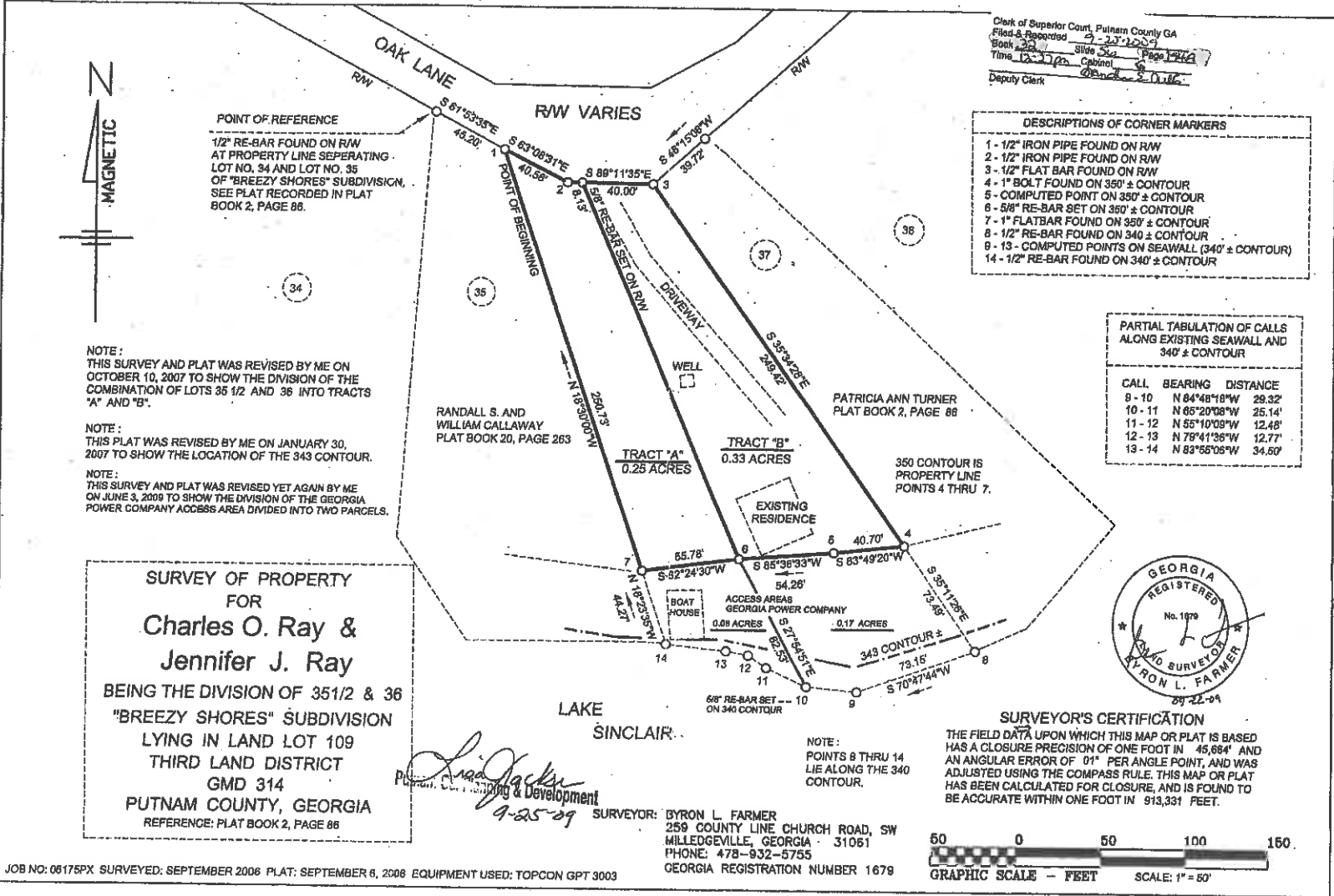
PARTIAL TABULATION OF CALLS
 ALONG EXISTING SEAWALL AND
 340' ± CONTOUR

| CALL | BEARING | DISTANCE |
|---------|--------------|----------|
| 8 - 10 | N 84°48'18"W | 28.32' |
| 10 - 11 | N 65°20'08"W | 25.14' |
| 11 - 12 | N 55°10'09"W | 12.40' |
| 13 - 13 | N 79°41'36"W | 12.77' |
| 13 - 14 | N 83°59'06"W | 34.50' |



SURVEYOR'S CERTIFICATION
 THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED
 HAS A CLOSURE PRECISION OF ONE FOOT IN 45,664' AND
 AN ANGULAR ERROR OF 01" PER ANGLE POINT, AND WAS
 ADJUSTED USING THE COMPASS RULE. THIS MAP OR PLAT
 HAS BEEN CALCULATED FOR CLOSURE, AND IS FOUND TO
 BE ACCURATE WITHIN ONE FOOT IN 913.33' FEET.





Clerk of Superior Court, Putnam County GA
 Filed & Recorded 9-27-2008
 Book 32, Page 194A
 Time 12:37pm Cabinet 5
 Deputy Clerk *Shane S. Dill*

DESCRIPTIONS OF CORNER MARKERS

- 1 - 1/2" IRON PIPE FOUND ON R/W
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PARTIAL TABULATION OF CALLS ALONG EXISTING SEAWALL AND 340' ± CONTOUR

| CALL | BEARING | DISTANCE |
|---------|--------------|----------|
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| 11 - 12 | N 55°10'09"W | 12.48' |
| 12 - 13 | N 78°41'36"W | 12.77' |
| 13 - 14 | N 82°56'06"W | 34.50' |

NOTE:
 THIS SURVEY AND PLAT WAS REVISED BY ME ON OCTOBER 10, 2007 TO SHOW THE DIVISION OF THE COMBINATION OF LOTS 35 1/2 AND 36 INTO TRACTS "A" AND "B".

NOTE:
 THIS PLAT WAS REVISED BY ME ON JANUARY 30, 2007 TO SHOW THE LOCATION OF THE 343 CONTOUR.

NOTE:
 THIS SURVEY AND PLAT WAS REVISED YET AGAIN BY ME ON JUNE 3, 2009 TO SHOW THE DIVISION OF THE GEORGIA POWER COMPANY ACCESS AREA DIVIDED INTO TWO PARCELS.

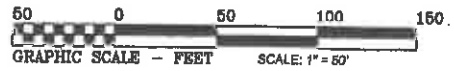
SURVEY OF PROPERTY FOR
Charles O. Ray & Jennifer J. Ray
 BEING THE DIVISION OF 351/2 & 36
 "BREEZY SHORES" SUBDIVISION
 LYING IN LAND LOT 109
 THIRD LAND DISTRICT
 GMD 314
 PUTNAM COUNTY, GEORGIA
 REFERENCE: PLAT BOOK 2, PAGE 86

Byron L. Farmer
 Surveyor
 9-25-09

SURVEYOR: BYRON L. FARMER
 259 COUNTY LINE CHURCH ROAD, SW
 MILLEDGEVILLE, GEORGIA 31061
 PHONE: 478-932-5755
 GEORGIA REGISTRATION NUMBER 1679



SURVEYOR'S CERTIFICATION
 THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 45,664' AND AN ANGULAR ERROR OF 01" PER ANGLE POINT, AND WAS ADJUSTED USING THE COMPASS RULE. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE, AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 913,331 FEET.



JOB NO: 06175PX SURVEYED: SEPTEMBER 2006 PLAT: SEPTEMBER 6, 2008 EQUIPMENT USED: TOPCON GPT 3003

Plat Book 31, Page 163B



PUTNAM COUNTY, GEORGIA
 CLERK OF SUPERIOR COURT
 FILED & RECORDED
 TIME: 4:15 P.M. 10/15/07
 CABINET: 6 BOOK: 31
 SLIDE: 125 PAGE: 1128B
 BYRON L. FARMER
 CLERK OF SUPERIOR COURT

POINT OF REFERENCE
 1/2" RE-BAR FOUND ON RAW
 AT PROPERTY LINE SEPARATING
 LOT NO. 34 AND LOT NO. 35
 OF "BREEZY SHORES" SUBDIVISION.
 SEE PLAT RECORDED IN PLAT
 BOOK 2, PAGE 88.

- DESCRIPTIONS OF CORNER MARKERS
- 1 - 1/2" IRON PIPE FOUND ON RAW
 - 2 - 1/2" IRON PIPE FOUND ON RAW
 - 3 - 1/2" FLAT BAR FOUND ON RAW
 - 4 - 1" BOLT FOUND ON 350' ± CONTOUR
 - 5 - COMPUTED POINT ON 350' ± CONTOUR
 - 6 - 5/8" RE-BAR SET ON 350' ± CONTOUR
 - 7 - 1" FLATBAR FOUND ON 350' ± CONTOUR
 - 8 - 1/2" RE-BAR FOUND ON 340' ± CONTOUR
 - 9 - 13 - COMPUTED POINTS ON SEAWALL (340' ± CONTOUR)
 - 14 - 1/2" RE-BAR FOUND ON 340' ± CONTOUR

NOTE:
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 "A" AND "B".

NOTE:
 THIS PLAT WAS REVISED BY ME ON JANUARY 30,
 2007 TO SHOW THE LOCATION OF THE 343 CONTOUR.

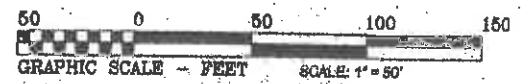
PARTIAL TABULATION OF CALLS
 ALONG EXISTING SEAWALL AND
 340' ± CONTOUR

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|---------|--------------|----------|
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| 13 - 14 | N 83°56'06"W | 34.80' |

SURVEY OF PROPERTY
 FOR
**Charles O. Ray &
 Jennifer J. Ray**
 BEING THE DIVISION OF 35 1/2 & 36
 "BREEZY SHORES" SUBDIVISION
 LYING IN LAND LOT 109
 THIRD LAND DISTRICT
 GMD 314
 PUTNAM COUNTY, GEORGIA
 REFERENCE: PLAT BOOK 2, PAGE 88

Putnam Co. Planning & Development
Sharp Darlington
 10/15/07
 SINCLAIR

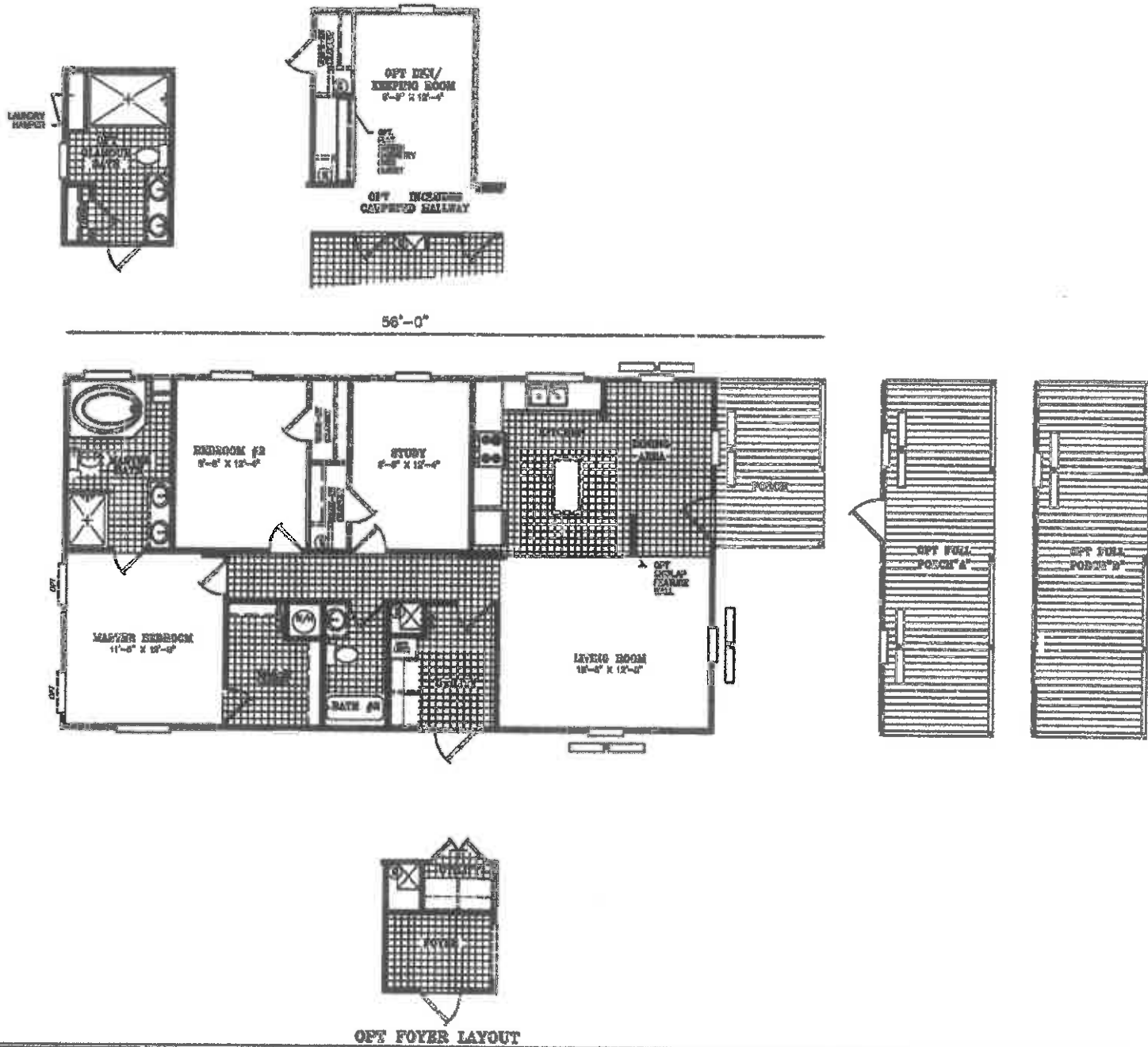
SURVEYOR: BYRON L. FARMER
 259 COUNTY LINE CHURCH ROAD, SW
 MILLEDGEVILLE, GEORGIA 31061
 PHONE: 478-932-5755
 GEORGIA REGISTRATION NUMBER 1879



SURVEYOR'S CERTIFICATION
 THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED
 HAS A CLOSURE PRECISION OF ONE FOOT IN 45,884' AND
 AN ANGULAR ERROR OF 01" PER ANGLE POINT, AND WAS
 ADJUSTED USING THE COMPASS RULE. THIS MAP OR PLAT
 HAS BEEN CALCULATED FOR CLOSURE, AND IS FOUND TO
 BE ACCURATE WITHIN ONE FOOT IN 818,331 FEET.

JOB NO: 06175PX SURVEYED: SEPTEMBER 2006 PLAT: SEPTEMBER 6, 2008 EQUIPMENT USED: TOPCON GPT 3003

Exhibit 1 - Floor Plan



HITCH-END

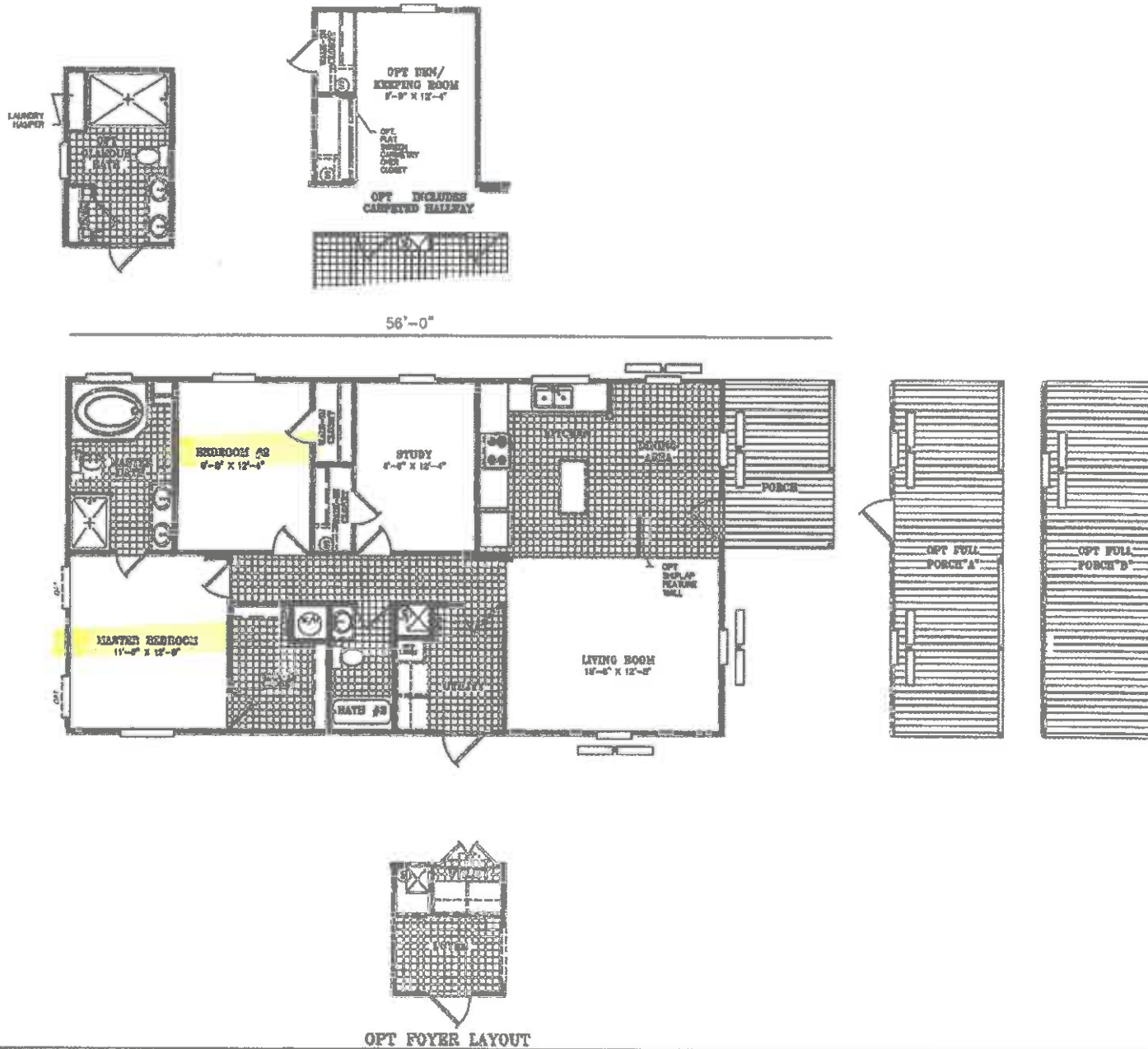
| | |
|------------|------------|
| DATE: | 08/03/2016 |
| VERSION | C |
| REFERENCE: | N246 |

| | | |
|------|---------------|-------|
| AREA | TOTAL: | 1,344 |
| | LIVING SPACE: | 1,248 |
| | PORCH: | 96 |

| | |
|---|-----------------------|
| UNIT SPECIFICATIONS: | DRAWING/MODEL NUMBER: |
| FREEDOM 28' X 90' 2 BEDROOM / 2 BATH | 2856246FDM |

ScotBlit
HOMES, INC.

Exhibit C proposed home for lot with approved variance

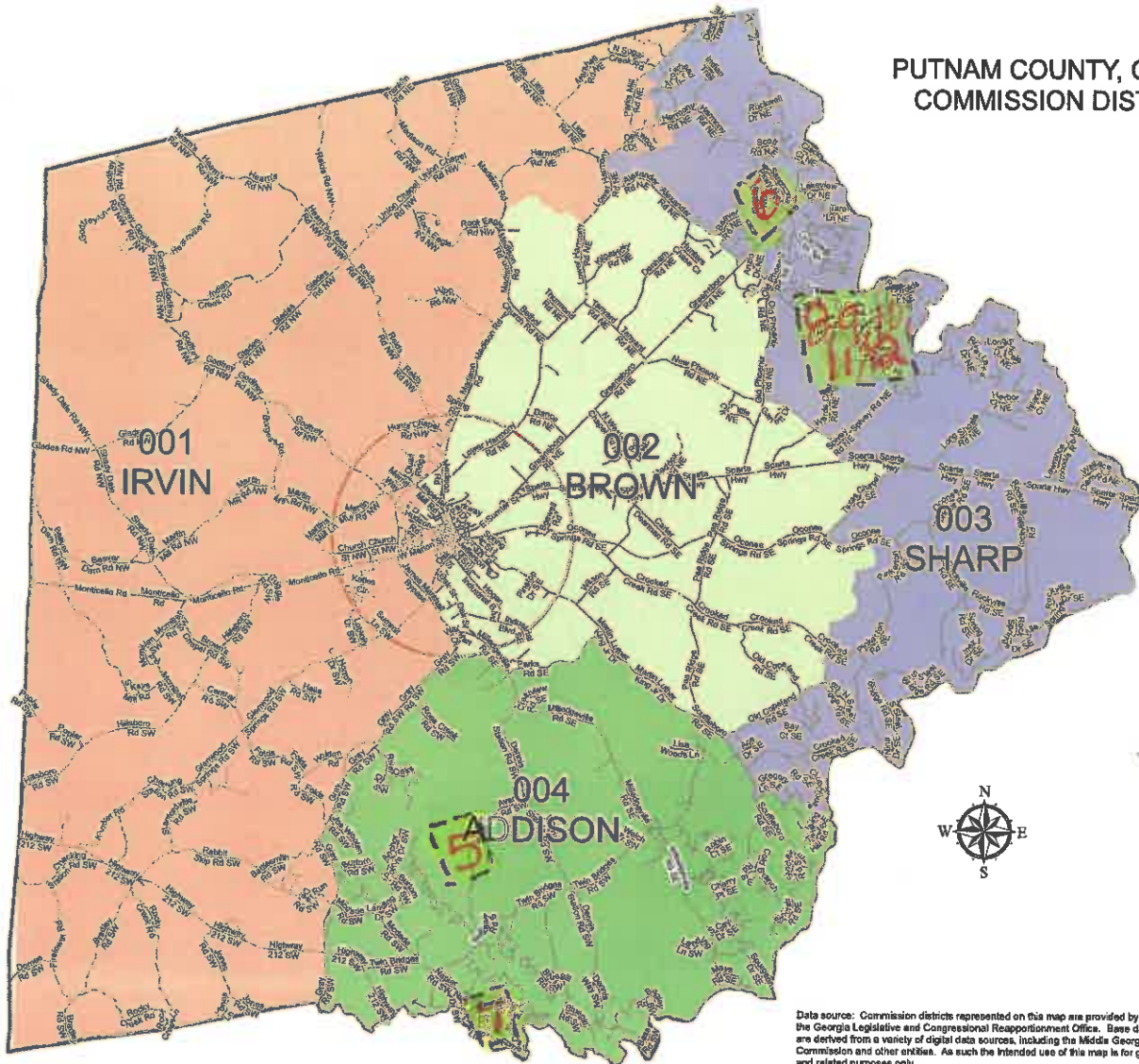


HITCH-END

| | | | | | | |
|------------|------------|------|---------------|-------|---------------------------------|-----------------------|
| DATE: | 08/03/2016 | AREA | TOTAL: | 1,344 | UNIT SPECIFICATIONS: | DRAWING/MODEL NUMBER: |
| VERSION | C | | LIVING SPACE: | 1,248 | FREEDOM | 2856246FDM |
| REFERENCE: | M246 | | PORCH: | 96 | 28' x 60' 2 BEDROOM / 2 BATH | |

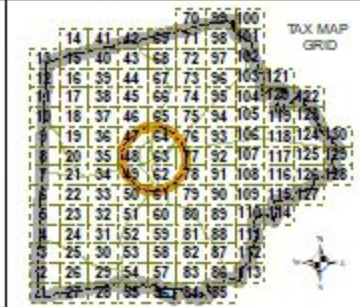
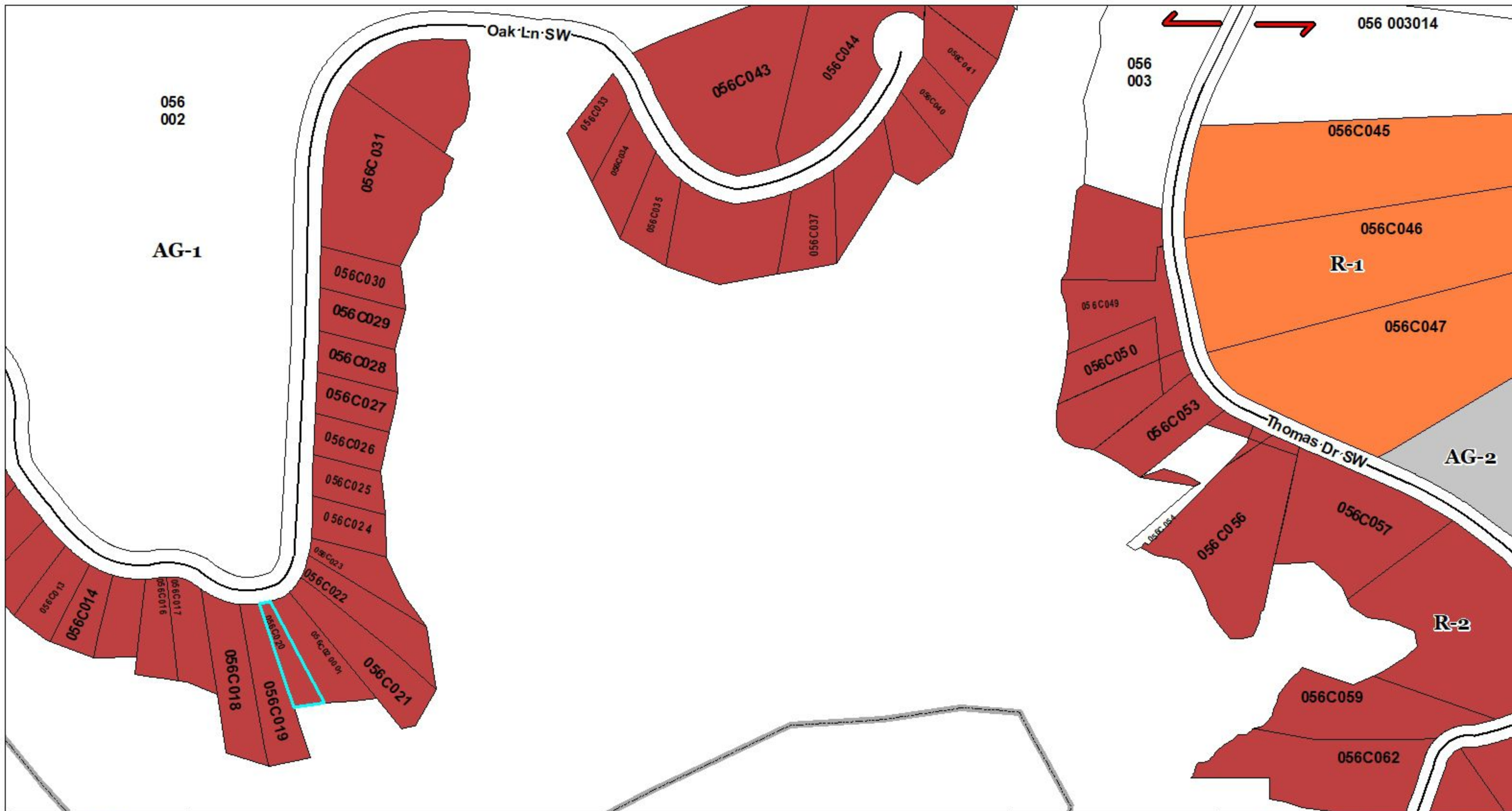
ScotBilt
HOMES, INC.

**PUTNAM COUNTY, GEORGIA
COMMISSION DISTRICTS**



MAP SCALE: 1" = 5,697.28' SCALE RATIO: 1:68,367.34 DATE: MARCH 2019

5. Request by **Ronnie & Lynn Smith** for a side yard setback variance at 108 Sunset Drive. Presently zoned R-2. [Map 053B, Parcel 056, District 4].
6. Request by **William Wilkinson**. for a side yard setback variance at 163 Lakemore Drive. Presently zoned R-1. [Map 103A, Parcel 001, District 3].
7. Request by **Jerry & Lisa Collins**. for a side yard setback variance at 160 A Oak Lane. Presently zoned R-2. [Map 056C, Parcel 020, District 4].
8. Request by **Howard McMichael**, agent for **Oconee Overlook, LLC & Lick Creek Holding's LLC** to rezone 2.14 acres at Collis Road from R-1 to RM-3. [Map 104, Parcel 030, District 3]. *
9. Request by **Howard McMichael**, agent for **Lick Creek Holding's LLC** to rezone 21.40 acres at Collis Road from AG-1 to RM-3. [Map 104, Parcel 032001, District 3]. *
10. Request by **Howard McMichael**, agent for **Mallard's Overlook, LLC** to rezone 29.58 acres at Collis Road from AG-1 to RM-3. [Map 104, Parcel 032, District 3]. *
11. 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]. *
12. Request by **Howard McMichael**, agent for **Oconee Overlook, LLC** to rezone 0.63 acres on Doug Lane from R-1 to RM-3. [Map 104B, Parcel 001, District 3]. *



GEOGRAPHIC FEATURE LEGEND

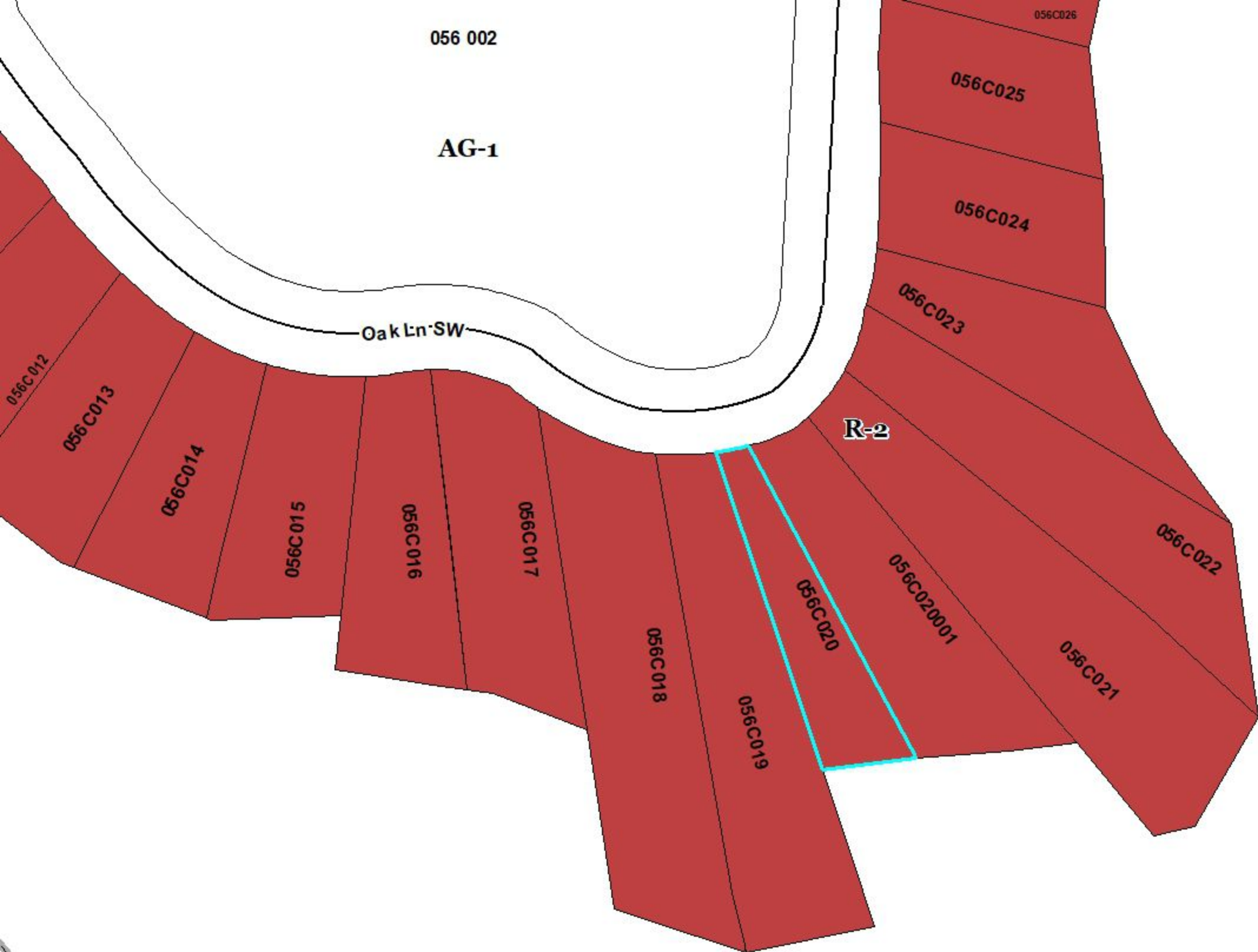
| | | | | | | | |
|-----------------|------------------|----------|------------|-------------|----------|------|---------|
| Eatonton Limits | Overlay District | AG-2 | C-2 CITY | IND-2 CITY | R-1 CITY | R-1 | RM-2 |
| County Boundary | No Code | C-1 | I-M | MHP | R-2 CITY | R-1R | RM-3 |
| Roads | AG-1 | C-1 CITY | IND-1 CITY | PUBLIC | R-3 CITY | R-2 | VILLAGE |
| Parcels | AG-1 CITY | C-2 | IND-2 | PUBLIC CITY | R-4 CITY | RM-1 | |
| Parcel Hooks | | | | | | | |

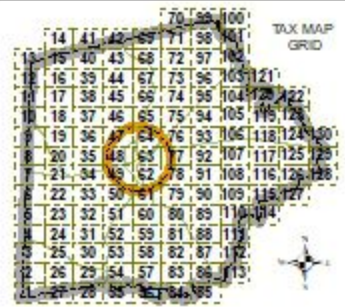
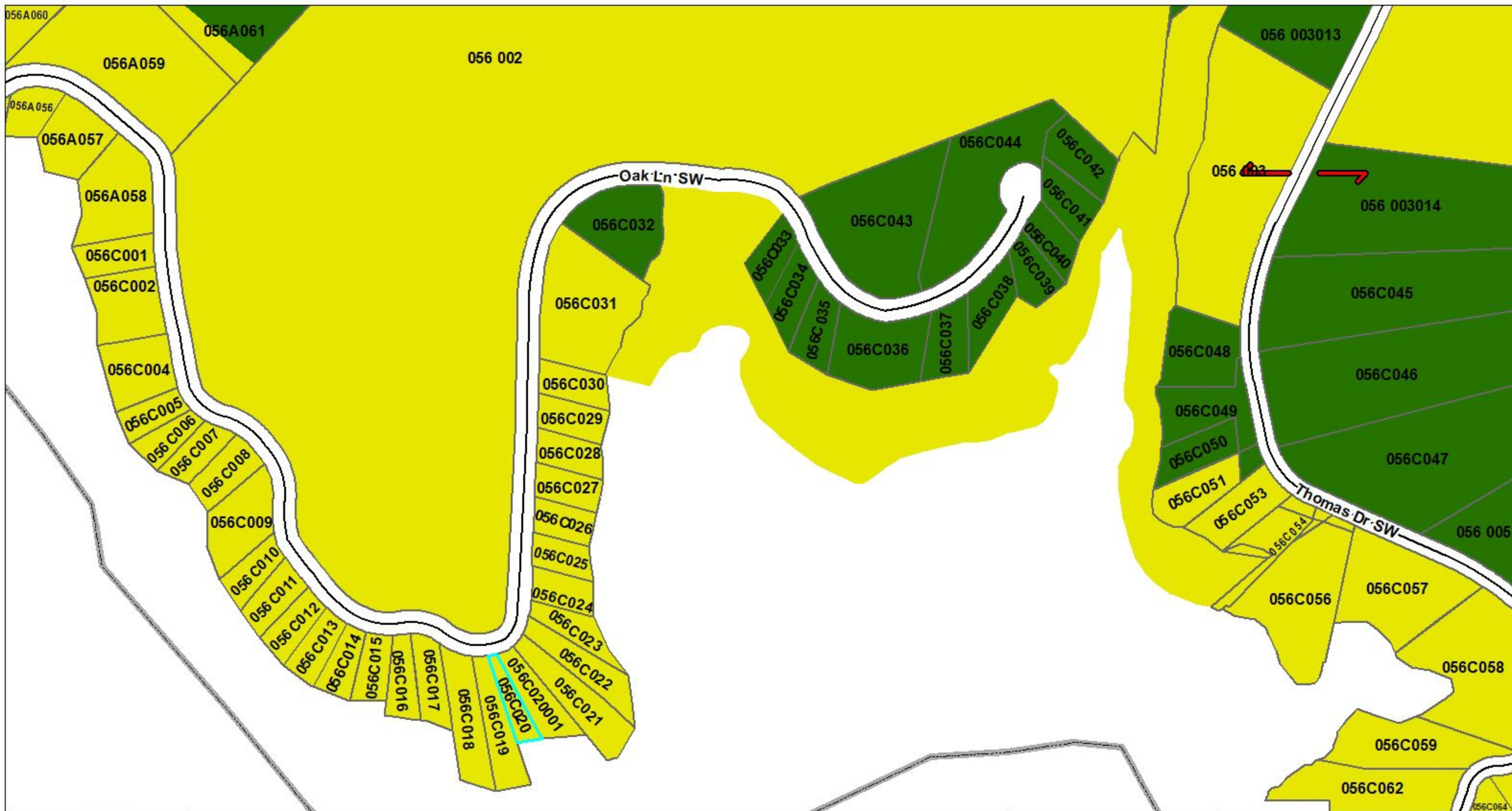
MGRC
IT GIS Services
Middle Georgia Regional Commission
175 Emery Hwy
Suite C
Macon, Georgia 31217
(478) 751-8180
Web:
www.middlegeorgiarc.org

PUTNAM COUNTY, GEORGIA
ZONING MAPS

MAP 056C

MAP SCALE: 1" = 166.67' SCALE RATIO: 1:2,000 DATE: FEBRUARY 2020





GEOGRAPHIC FEATURE LEGEND

| | | | |
|-----------------|----------------------|------------------------------|--|
| Eatonton Limits | Agriculture/Forestry | Mixed Use | Residential |
| County Boundary | Commercial | Park/Recreation/Conservation | Transportation/Communication/Utilities |
| Roads | Industrial | Public/Institutional | Undeveloped/Vacant |
| Parcels | | | |
| Parcel_Hooks | | | |

MGRC
 IT GIS Services
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 175 Emery Hwy
 Suite C
 Macon, Georgia 31217
 (478) 751-8180
 Web:
www.middlegeorgiarc.org

PUTNAM COUNTY, GEORGIA
FUTURE LAND USE MAPS

MAP 056C

50

MAP SCALE: 1" = 200' SCALE RATIO: 1:2,400 DATE: FEBRUARY 2020



PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

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

February 24, 2020

TO: Planning & Zoning Commission

FROM: Lisa Jackson

RE: Staff Recommendation for Public Hearing Agenda on 3/5/2020

7. Request by **Jerry & Lisa Collins** for a side yard setback variance at 160 A. Oak Lane. Presently zoned R-2. [Map 056C, Parcel 020, District 4]. The applicants are requesting a 15-foot side yard setback variance, being 5 feet from the left and right-side property line when facing the lake. They would like to place a 28x60 doublewide manufactured home on the quarter of an acre lot to replace the current 16x44 singlewide manufactured home. This is an extremely narrow nonconforming lot with a length of 295 and a lot width at building setback of 44 feet towards the front property line and 49 feet towards the lake. making it very difficult for placement of the proposed home. This lot measures approximately 56 feet less than the required 100 ft building width. Staff assessed the width of the property, location of the septic system and drain fields, as well as the size of the proposed structure. Upon careful observation and measuring of the proposal, staff concluded that the proposed structure should be reduced in size and could be shifted to the right an additional 5 feet. This would place the proposed structure 8 feet from the left side property line when facing the lake and 10 feet from the right-side property line when facing the lake. Due to the extreme narrowness of this lot, a variance is needed to develop this lot given that the proposed structure is reduced in size. Therefore, this request meets the conditions as stated in Putnam County, Code of Ordinances, Chapter 66-157(c)(1) with an alternate recommendation from staff.

Although the applicants are seeking a 15-foot side yard setback variance, being 5 feet from both the left and right side property line when facing the lake, staff recommendation is for approval of a 10-foot side yard setback variance, being 10 feet from the right-side property line when facing the lake, and a 12 foot side yard setback variance, being 8 feet from the left side property line when facing the lake at 160 A Oak Lane [Map 056C, Parcel 020, District 4].

New Business

Adjournment

The Planning & Zoning Commission meeting will be conducted pursuant and in accordance with O.C.G.A. Chapter 36-66.

Notice: All opponents to any rezoning request on the Planning & Zoning Commission and the Board of Commission agendas must file a disclosure of campaign contributions with the Planning & Development Department within five calendar days prior to public hearings if you have contributed \$250.00 or more to an elected official in Putnam County within the last five years.

*The Putnam County Board of Commissioners will hear these agenda items on March 17, 2020 at 6:30 P.M., in the Putnam County Administration Building, 117 Putnam Drive, Room 203.

The full meeting package can be reviewed in the Planning & Development office upon request.

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.

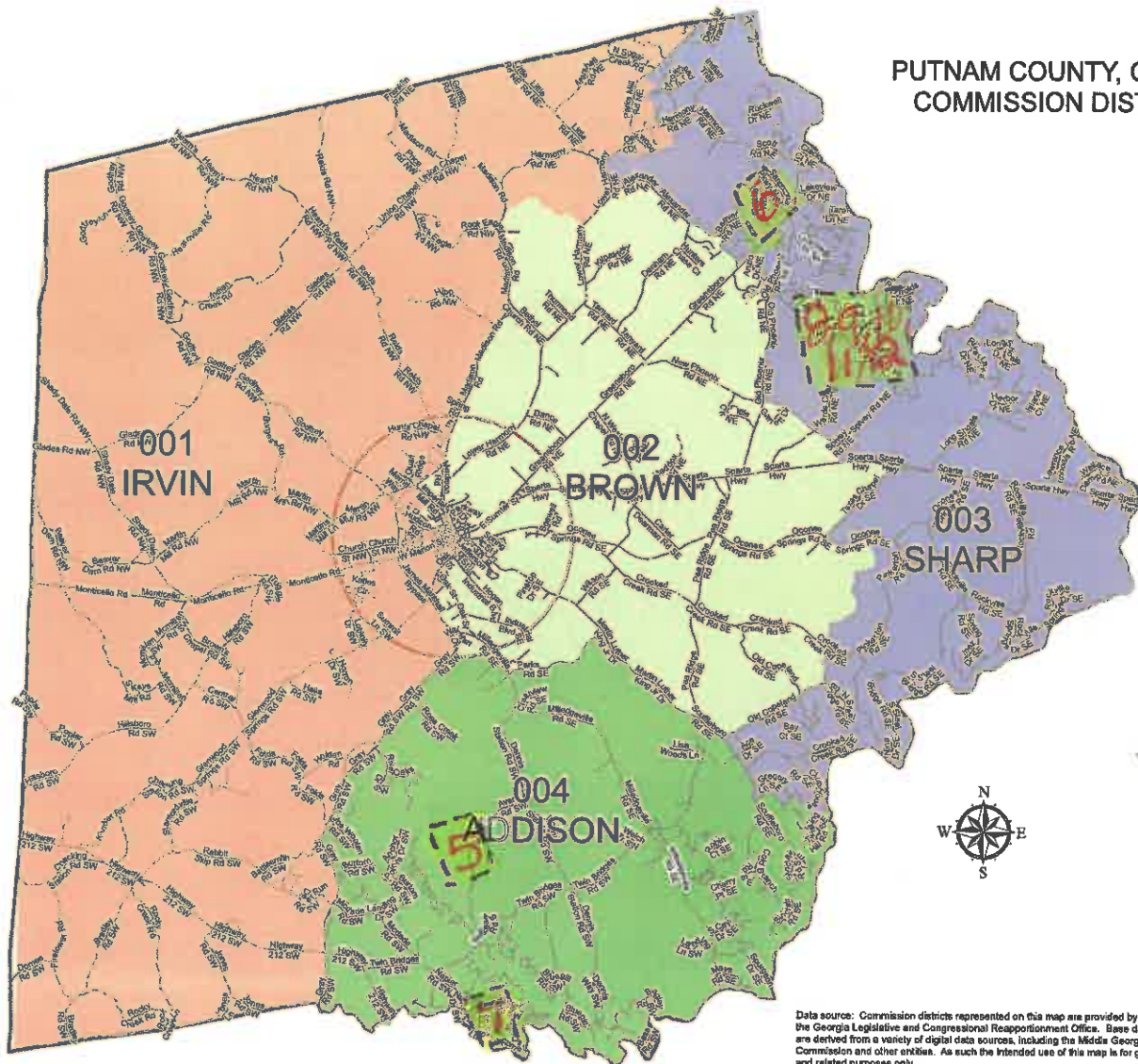
The Board of Commissioners' hearing will be conducted pursuant to O.C.G.A. 50-14-1 and Section 66-159 of the Putnam County Code of Ordinances and meets the requirements of the Zoning Procedures Laws established in O.C.G.A 36-66.

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.

Item Attachment Documents:

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

**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" = 5,697.28' SCALE RATIO: 1:68,367.34 DATE: MARCH 2019

5. Request by **Ronnie & Lynn Smith** for a side yard setback variance at 108 Sunset Drive. Presently zoned R-2. [Map 053B, Parcel 056, District 4].
6. Request by **William Wilkinson**. for a side yard setback variance at 163 Lakemore Drive. Presently zoned R-1. [Map 103A, Parcel 001, District 3].
7. Request by **Jerry & Lisa Collins**. for a side yard setback variance at 160 A Oak Lane. Presently zoned R-2. [Map 056C, Parcel 020, District 4].
8. Request by **Howard McMichael**, agent for **Oconee Overlook, LLC & Lick Creek Holding's LLC** to rezone 2.14 acres at Collis Road from R-1 to RM-3. [Map 104, Parcel 030, District 3]. *
9. Request by **Howard McMichael**, agent for **Lick Creek Holding's LLC** to rezone 21.40 acres at Collis Road from AG-1 to RM-3. [Map 104, Parcel 032001, District 3]. *
10. Request by **Howard McMichael**, agent for **Mallard's Overlook, LLC** to rezone 29.58 acres at Collis Road from AG-1 to RM-3. [Map 104, Parcel 032, District 3]. *
11. 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]. *
12. Request by **Howard McMichael**, agent for **Oconee Overlook, LLC** to rezone 0.63 acres on Doug Lane from R-1 to RM-3. [Map 104B, Parcel 001, District 3]. *

DILLARD Sellers
ATTORNEYS AT LAW

Jeffrey S. Haymore
404.665.1243

Email:
jhaymore@dillardsellers.com

January 3, 2020

VIA E-MAIL: bfleming@flemingnelson.com; anelson@flemingnelson.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 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 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 (hereafter "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

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 facially 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

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.

“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

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 radii. 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 examples, 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.

Putnam County Board of Commissioners

January 3, 2020

Page 6

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 Commissioner.") 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.

DILLARD *Sellers*
ATTORNEYS AT LAW

Jeffrey S. Haymore
404.665.1243

Email:
jhaymore@dillardsellers.com

February 10, 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

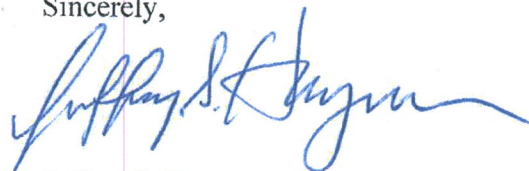
Re: Rezoning for Mallard's Cove: Map 104, Parcel 030 (2.14 acres), District 3; Map 104, Parcel 032, District 3 (50.8 acres); Map 104B, Parcel 001, District 3 (.63 acres); Map 104, Parcel 033, District 3 (3.5 acres) (total 57.07 acres).

Dear Adam:

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

Jeffery S. Haymore
404.665.1243

Email:
jhaymore@dillard sellers.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, 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)

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).

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 require a minimum of 50 feet of road frontage. Code Sec. 66-82(b).

³ See, Putnam County Official Zoning Map

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).

“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, Greene 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. Hamby*, 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



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: Deance Overlook, LLC & Lick Creek Holdings LLC
- 2. Mailing Address: 6350 Lake Deance Parkway, Suite 110 Eatonton GA PMB 336 Greensboro
- 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):
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 Putnam Dev. Codes. See Attached LOI.

8. Present use of property: R-1 g/a Desired use of property: RM3

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

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 g/a

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

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.

Jannerk Parry 1/7/2020
Signature (Property Owner) (Date)

Jannerk Parry 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 _____

RCUD 2020 . IAN 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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[Signature] 1/7/2020
 Signature (Property Owner) (Date)

[Signature] 1/7/2020
 Signature (Applicant) (Date)

[Signature]
 Notary Public

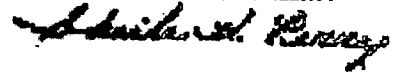
[Signature]
 Notary Public



| | |
|---|--------------------------------------|
| Office Use | |
| Paid: \$ _____ (cash) _____ (check) _____ (credit card) | |
| Receipt No. _____ | Date Paid: _____ |
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| 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 8

DOCH 005608
FILED IN OFFICE
12/27/2019 01:48 PM
BK:972 PG:230-231
SHEILA H. PERRY
CLERK OF COURT
PUTNAM COUNTY



REAL ESTATE TRANSFER
TAX PAID: \$800.00

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

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. 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

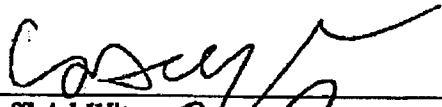
TO HAVE AND TO HOLD, the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee, its successors and assigns, forever in FEE SIMPLE.

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.

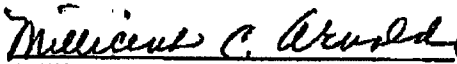
IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and affixed its seal the day and year first above written.

Signed, sealed and delivered
in the presence of:

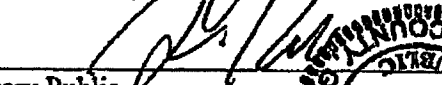
RCUD 2020 JAN 8



Unofficial Witness

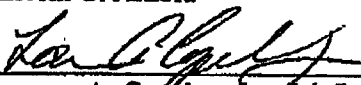
 (SEAL)

Millicent C. Arnold



Notary Public
My Commission Expires:
(AFFIX NOTARY SEAL)



 (SEAL)

Lawrence A. Copelan, Jr. a/k/a L.A. (Buster)
Copelan, Jr.

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

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

Sheila H. Perry

REAL 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 1/2" 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 1/2" Re-Bar; thence run North 44 degrees 34 minutes 5 seconds East a distance of 97.47 feet to a 1/2" Re-Bar; thence run South 65 degrees 31 minutes 12 seconds East a distance of 128.48 feet to a 1/2" 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 6

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 1/4" Re-Bar; thence run South 65 degrees 04 minutes 58 seconds East a distance of 58.82 feet to a 1/4" Re-Bar; thence run North 15 degrees 25 minutes 25 seconds West a distance of 67.71 feet to a 1/4" 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 1/4" Re-Bar; thence run South 81 degrees 36 minutes 39 seconds East a distance of 103.60 feet to a 1/4" Re-Bar; thence run South 41 degrees 03 minutes 49 seconds West a distance of 113.40 feet to a 1/4" 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 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.

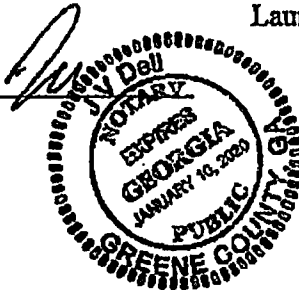
Signed, sealed and delivered
in the presence of:

Oconee Overlook, LLC

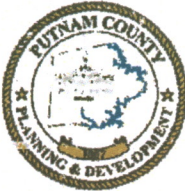
Rebecca Bar
Unofficial Witness

By: Lauren Sprayberry (SEAL)
Lauren Sprayberry, Spole 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 McMichael JR. TO BE MY AGENT FOR THE PURPOSE OF APPLYING FOR Rm3 Zoning OF PROPERTY DESCRIBED AS MAP 104 PARCEL 030, CONSISTING OF 2.4 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): Oronee Overlook, LLC

James K. Chapman NAME (PRINTED)
James K. Chapman SIGNATURE

ADDRESS: 6350 Lake Oronee Parkway, Suite 110, PMB 33 Greensboro, GA 30608
PHONE: 770 313-7898

ALL SIGNATURES WERE HEREBY SWORN TO AND SUBSCRIBED BEFORE ME THIS 7th DAY OF January, 2018

RCVD 2020 JAN 8

Cossey
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 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.

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THIS 7 DAY OF January, 2020.

RCUD 2020 JAN 8

PROPERTY OWNER(S): Lick Creek Holdings, LLC

Howard M. McMichael Jr. NAME (PRINTED)
SIGNATURE

ADDRESS: 6350 Lake Oconee Pkwy, Suite 110, Eatonton, GA 31024
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
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,

A handwritten signature in black ink, appearing to read "W. J. Matthews", with a long horizontal flourish extending to the right.

W. J. Matthews
Vice President of Operations

RCVD 2019 OCT 31

Handwritten initials in black ink, possibly "WJM", written in a cursive style.

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.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:

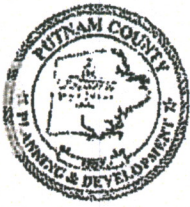
- a. The name and official position of the local government official to whom the campaign contribution was made; and
- b. The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the 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 Pkwy 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? _____

Signature of Applicant: Lauren K. Sprayberry
Date: 1/7/2020

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? _____

RCUD 2020 JAN 8

Signature of Applicant: _____

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: pctc117@yahoo.com
www.putnamgatax.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

PLC

Impact Analysis

Proposed RM-3 Development Rezoning Request

Agent: Howard McMichael, Jr.

RCU# 2019 NOV 1

Cja

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

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| Existing Conditions | Page 5-6 |
| Existing Zoning | Attachment |
| Conceptual Site Plan | Attachment |

RCUD 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.

APR 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:

RCUP 2019 NOV 1

DE

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)

RECEIVED 2019 MAR 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 |

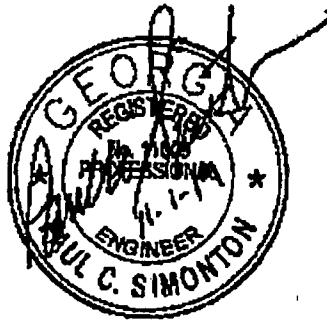
REC'D 2019 NOV 1



Hinesville, Georgia Phone: (912) 368-5212 Fax (912) 368-6071
Greensboro, Georgia Phone: (706) 454-0870 Fax (706) 454-0871

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.

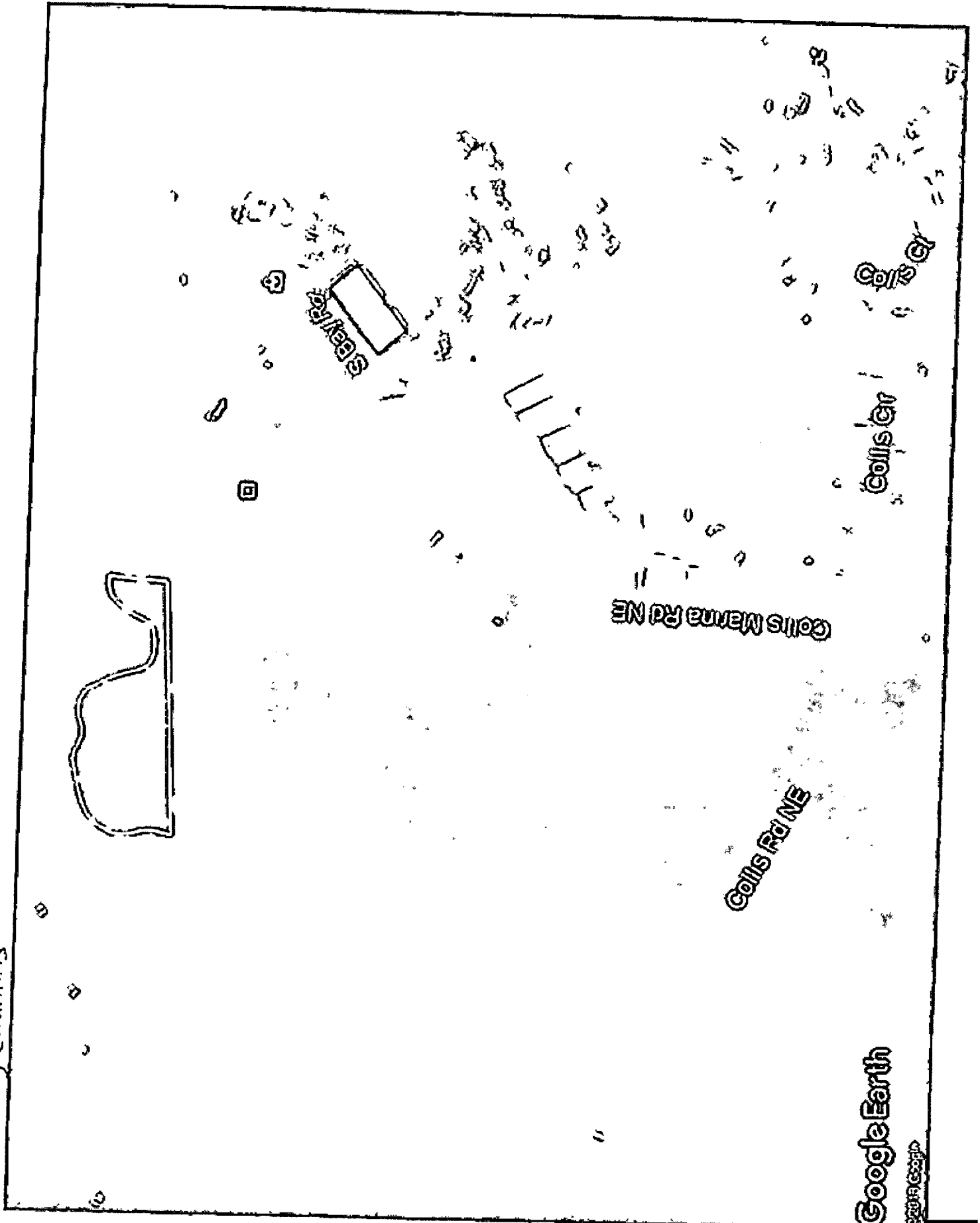
Collis Road does not meet the roadway width shown above. The current roadway is a very narrow twenty feet (20') roadway with little or no shoulder. Expansion of the roadway is expected for the roadway to operate at an acceptable level of service (LOS). The minimum cross section should be two lane, twenty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



REC'D 2013 NOV 1

Handwritten initials or a signature, possibly "DE", written in black ink.

Existing Conditions

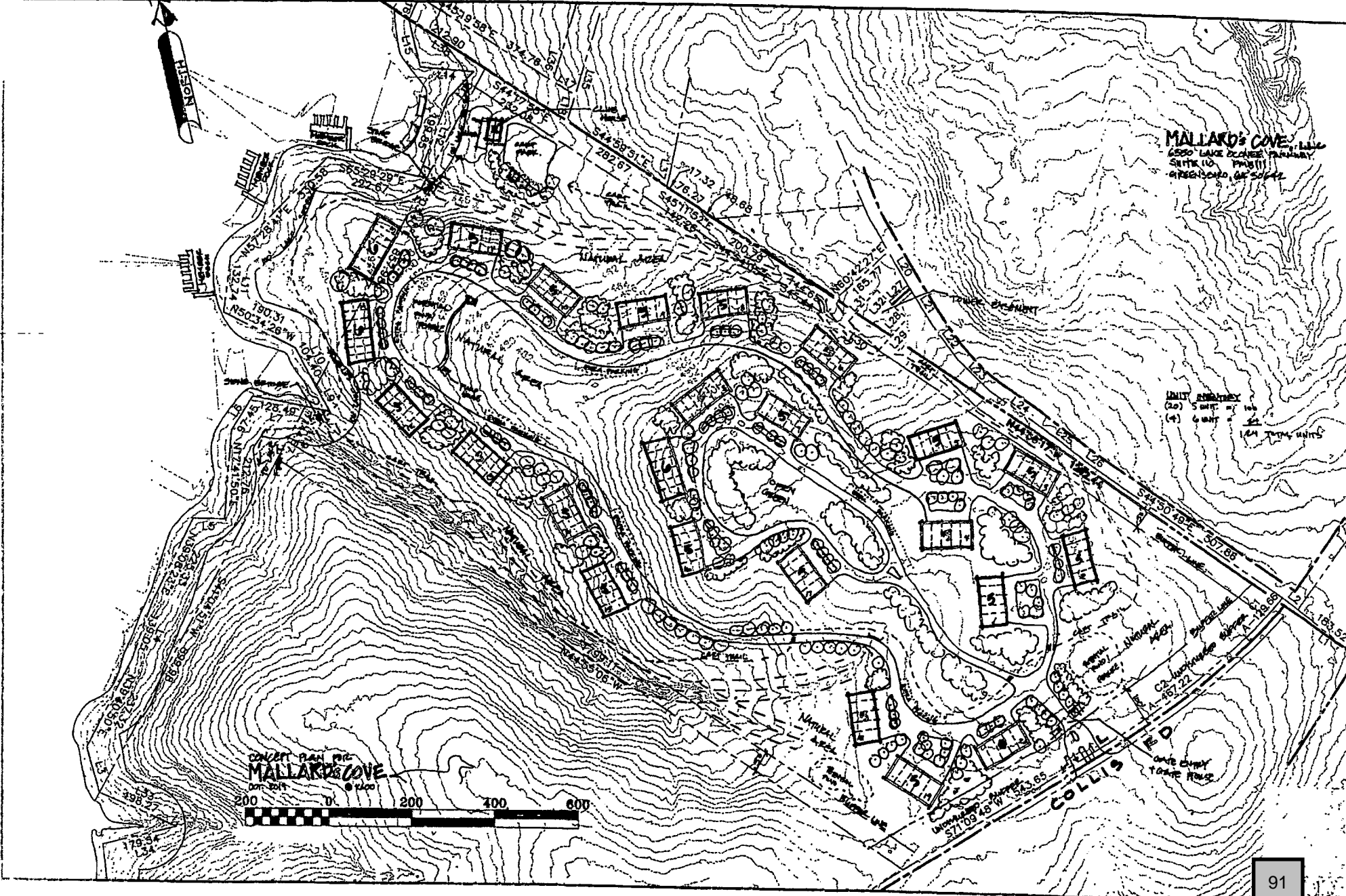
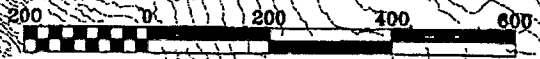




MALLARD'S COVE, Lake
6550 LAKE ZOOBEE TRAILWAY
SHEET NO. 100111
GREENSBORO, NC 27402

UNIT SCHEDULE
(20) 5 UNIT - 100
(4) 6 UNIT - 20
124 TOTAL UNITS

CONCEPT PLAN FOR
MALLARD'S COVE
DATE 2014
© 2000



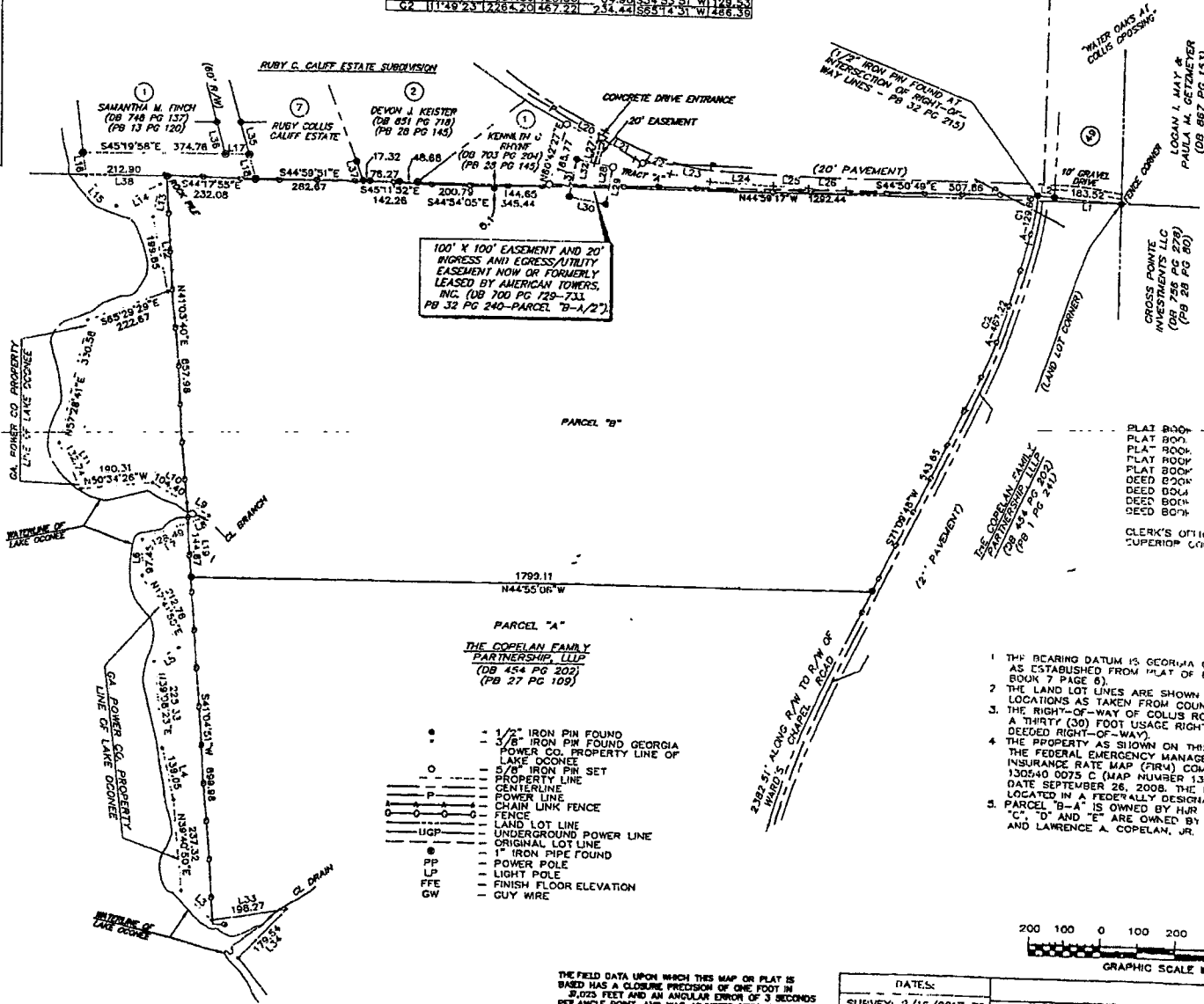
| CURVE | DELTA | RADIUS | ARC/TANGENT | BEARING | CHORD |
|-------|------------|---------|-------------|---------|---------------------|
| G1 | N81°57' | 837.89 | 129.66 | 64.96 | S54°53'51" W 183.50 |
| G2 | N11°49'23" | 2284.20 | 467.22 | 234.44 | S55°14'51" W 486.59 |

| LINE | BEARING | INSTANCE |
|------|--------------|----------|
| L1 | N41°05'48" W | 183.52 |
| L2 | N40°53'06" W | 46.84 |
| L3 | N02°13'41" W | 112.51 |
| L4 | N32°27'54" E | 139.05 |
| L5 | S75°30'28" E | 74.85 |
| L6 | N15°12'28" E | 97.43 |
| L7 | S83°53'18" E | 126.42 |
| L8 | S85°01'40" E | 56.72 |
| L9 | N18°28'01" W | 37.57 |
| L10 | N15°52'41" W | 104.40 |
| L11 | N20°09'43" E | 132.74 |
| L12 | N33°37'39" E | 159.85 |
| L13 | N62°28'09" E | 109.51 |
| L14 | N24°19'07" W | 147.47 |
| L15 | N00°14'29" W | 114.44 |
| L16 | N56°14'42" E | 60.59 |
| L17 | S45°21'52" E | 61.98 |
| L18 | S48°50'40" W | 85.70 |
| L19 | N41°08'20" E | 144.67 |
| L20 | S18°14'12" E | 102.07 |
| L21 | S19°21'48" E | 100.07 |
| L22 | S24°18'19" E | 102.47 |
| L23 | S34°28'42" E | 05.58 |
| L24 | S42°55'43" E | 168.96 |
| L25 | S42°33'49" E | 97.02 |
| L26 | S43°16'24" E | 95.44 |
| L27 | S60°10'30" W | 57.58 |
| L28 | S55°06'47" E | 49.05 |
| L29 | S53°06'47" E | 120.00 |
| L30 | N34°53'13" W | 100.00 |
| L31 | N55°06'47" E | 100.00 |
| L32 | S03°50'27" E | 60.59 |
| L33 | S41°52'44" E | 192.27 |
| L34 | S89°00'20" W | 178.54 |
| L35 | N29°52'07" E | 86.63 |
| L36 | N29°52'14" E | 87.18 |
| L37 | N25°41'10" E | 87.18 |
| L38 | N45°14'44" W | 212.90 |

"PUTNAM COUNTY PLANNING AND DEVELOPMENT DIRECTOR'S CERTIFICATE"

PURSUANT TO THE LAND SUBDIVISION REGULATIONS OF PUTNAM COUNTY, GEORGIA THIS PLAN COMPLIES WITH REQUIREMENTS OF THE PUTNAM COUNTY ZONING BOARD AND THE SUBDIVISION REGULATIONS OF PUTNAM COUNTY.

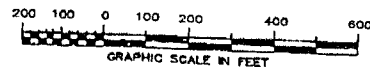
DATE PUTNAM COUNTY PLANNING AND DEVELOPMENT DIRECTOR



| PLAT BOOK | PAGE |
|--------------|----------|
| PLAT BOOK 7 | PAGE 43 |
| PLAT BOOK 23 | PAGE 145 |
| PLAT BOOK 32 | PAGE 210 |
| PLAT BOOK 32 | PAGE 240 |
| DEED BOOK 48 | PAGE 80 |
| DEED BOOK 70 | PAGE 22 |
| DEED BOOK 74 | PAGE 65 |
| DEED BOOK 80 | PAGE 38 |

CLERK'S OFFICE PUTNAM SUPERIOR COURT

- 1 THE BEARING DATUM IS GEORGIA GRID-EAST ZONE AS ESTABLISHED FROM PLAT OF REFERENCE (PLAT BOOK 7 PAGE 8).
- 2 THE LAND LOT LINES ARE SHOWN IN APPROXIMATE LOCATIONS AS TAKEN FROM COUNTY RECORDS A THIRTY (30) FOOT USAGE RIGHT-OF-WAY (NO DEEDED RIGHT-OF-WAY).
- 3 THE PROPERTY AS SHOWN ON THIS PLAT IS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY-PANEL NUMBER 130540 DOTS C (MAP NUMBER 13237C0075C) EFFECTIVE DATE SEPTEMBER 26, 2008. THE PROPERTY IS NOT LOCATED IN A FEDERALLY DESIGNATED FLOOD PLAIN.
- 4 PARCEL "B-A" IS OWNED BY HUR OCONEE (I.C. PARCELS "C," "D" AND "E" ARE OWNED BY MILLICENT C. ARNOLD AND LAWRENCE A. COPELAN, JR.



THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSE PRECISION OF ONE FOOT IN 3,023 FEET AND AN ANGULAR ERROR OF 3 SECONDS PER ANGLE POINT, AND WAS ADJUSTED USING THE LEAST SQUARES ADJUSTMENT. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 242,423 FEET.

A TRIMBLE TCA 1100 TOTAL STATION SN. 418328 WAS USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS. A LEICA TPS-SYSTEM 1000 PC/MC/MC/MC MEMORY CARD WAS USED AS A DATA COLLECTOR TO COLLECT THE FIELD DATA.

THE SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-3 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE STATUTES OF THE STATE OF GEORGIA.

| | |
|---|-------------------|
| DATES: | |
| SURVEY: 3/16/2017 TO 3/21/2017 | FOR: CAPITAL INC. |
| PLAT: 3/21/2017 | |
| | |
| PART OF LAND LOTS 330 AND 337 THIRD LAND DIVISION 308TH, G. M. DISTRICT PUTNAM COUNTY, GEORGIA | |
| Scale: 1" = 200.0' | Date: February |

Additional Impact Analysis

Map 104, Parcel 032 District 3: Rezone from AG-1 to RM-3 (approximately 50.8 acres)

Map 104, Parcel 033 District 3: Rezone from R-1 to RM-3 (approximately 3.5 acres)

Map 104B, Parcel 001 District 3: Rezone from R-1 to RM-3 (approximately .63 acres)

Map 104, Parcel 030 District 3: Rezone from R-1 to RM-3 (approximately 2.14 acres)

Putnam County Zoning Ordinance Sec. 66-164(d) Standards governing consideration of a zoning change.

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

Yes. The stated purpose of the RM-3 zoning is to facilitate through a sensitive design solution, the incorporation of a development into the natural environment by using an increased density as the reward. Properties in this district must be developed as integrated whole while offering a variety of housing design solutions in one ownership. Applicant, who has total site control, seeks to provide a range of occupancy options explicitly contemplated by the RM-3 district regulations including townhomes and possibly a hotel that engages the site's natural environment- a large hilltop acreage which slopes downward toward the site's lake frontage. Each occupancy option will be designed to the highest quality, in accordance with County Development Regulations (Chapter 28) as well as the performance standards of article III of the Zoning Ordinance. The RM-3 zoning regulations list single-family, duplex, triplex, townhomes and hotels as compatible residential occupancies. Consistent with that recognition, Applicant requests, like all other property owners of RM-3 zoned property in the county, to have such flexibility of residential uses unrestricted by zoning condition.

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

Yes. The proposed uses(s) are suitable in view of the similar RM-2 and RM-3 zoning of adjacent and nearby properties. Specifically, the predominate zoning of lake front property is RM-3 according to the County's Official Zoning Map. In addition, there is current commercially zoned and use property directly adjacent to the site. These uses proximate to Collis Road include: 1) a 150-boat capacity dry stack storage facility; 2) the Waterfront, consisting of 72 townhouse units on 10 acres; 3) The Enclave, consisting of 18 townhouse units on 2 acres; 4) Collis Circle, consisting of 50 single-family homes on 60 acres; and 5) Doug Lane, consisting of 17 single-family homes on 16 acres. The density proposed by this application of 124 townhomes on approximately 58 acres is substantially in keeping with surrounding densities. More importantly, the proposed density is consistent with the RM-3 district regulations.

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

No. On the contrary, the proposed use(s) for the site will further reinforce the residential and limited commercial nature of the adjacent and nearby property, whose values originate from their

lake frontage (or lake proximity). As such , the proposed use(s) will have a positive impact on surrounding property values.

4. Is the proposed use compatible with the purpose and intent of the comprehensive plan?

Yes. The proposed use(s) is compatible with the Putnam County and the City of Eatonton Joint Comprehensive Plan (JCP). The JCP has as a primary component economic development, the goals of which are to create new job opportunities and further develop entertainment options. See, JCP, pg. 4. The JCP recognizes the need and opportunity to attract new development to offset lost tax revenue occasioned by the Georgia Power plant closure. Accordingly, the JCP states that it is “imperative that the county and city focus on attracting new development which will allow for a greater mix of complementary industries and businesses to support job creation and a larger tax base”. See, JCP, pg. 4. Applicant’s proposed occupancy use(s) will generate temporary and permanent jobs as well as generate substantial tax revenue. A very reputable company has studied the feasibility of a hotel in Putnam County on Lake Oconee and determined the County can expect approximately \$6,000,000 in tax revenue over ten years.

Regarding land use compatibility, the subject property is the only property along Collis Road that has an agricultural future land use designation on the County’s Future Land Use Map. This agricultural land use designation is misplaced and outdated, as recognized by the December 20, 2019 Planning Staff Report. Virtually all property in the vicinity, and particularly lakefront property, has a residential future land use classification. In fact, the 2007-2030 county future land use map on file with the Middle Georgia Commission shows the property as “mixed use residential” like all other properties in the area.

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

Yes. There is no market for agricultural use (or low-density residential use) as substantiated by surrounding uses and rezoning’s from AG-1 to RM-3. The current AG-1 and RM-1 zoning are antiquated and do not constitute economically viable zoning districts, as illustrated by surrounding developments’ rezoning to RM-3 in the past years.

6. 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 residential use(s) will not cause an excessive or burdensome use of public facilities or services or exceed the present or funded capabilities of the County. Moreover, the proposed residential uses will generate taxes that will contribute to the funding of services to the new residents. Piedmont Water Company has confirmed by letter dated October 9, 2019 that water and sewer are available to serve the site. The County will provide all county services, including police, fire and roads, at the same level of service as it does for all other county residents, which level of service and funding methods are set forth in the 2019 Putnam County’s Service Delivery Strategy adopted by the Board of Commissioners on January 11, 2019. Regarding the funding methods for roads, the SDS lists public funds, not user fees such as impact fees. In addition, the JCP’s Community Work Program for the transportation element lists developing a maintenance

plan to include the widening and redesign of current intersections and roads. See, JCP, pg. 34. But the funding identified for such activity is listed as county budget and SPLOST, not user fees. Collis Road is 20' wide, the same width as all other county-maintained roads. Previous approved developments along Collis Road were not required to self-fund road widening. Notwithstanding this, Applicant is amenable, through zoning condition, to reserve a 20' strip of land along Collis Road for future county-acquisition and widening if the county so chooses.

Applicant has 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 28-66(k) specify for consideration of left turn lane.

7. 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?

Yes. As discussed above, the current zoning and land use of the subject property is outdated. The current zoning and land use of surrounding properties is higher density residential, including RM-2 and RM-3.

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

Yes. The proposed residential use(s) strikes the correct balance between single-family residential use and commercial uses in the area. The development will be self-contained on site and will not spill into lower-density residential uses. Applicant is requesting the same zoning that adjacent owners most recently have requested and received from Putnam County.

9. In addition to the standards enumerated in items (1)—(8) of this section, the planning and zoning commission and the board of commissioners may consider the following standards in a rezoning application if applicable:

- a. Duration for which the property has been vacant;

The property has been dormant farmland for years with no current redevelopment potential without rezoning.

- b. Development patterns and trends in the community; and

The development pattern and trends in the area and around Lake Oconee is more dense residential housing options.

- c. Potential air, water, noise and light pollution.

All development will conform to all local, state and federal regulations pertaining to air, water, noise and light pollution. These include Georgia Power, U.S. Fish and Wildlife, Georgia Department of Natural Resources, State Historic Preservation Office and the

Federal Energy Resource Commission. Finally, a portion of the subject property will be set aside for land preservation.

Simonton Engineering, LLC

Consulting Engineers

1050 Parkside Commons Suite 101
Greensboro, GA 30642

Mallard Cove
Traffic Impact Analysis
PCS # 2019-303_Hotel

The Mallard Cove development is a resort hotel development that includes 50.8 acres of RM-3 development on Collis Marina Road and Collis Road NE. The developer desires to construct a 175 room resort hotel. The property is currently zoned A-1 agriculture and will require a zoning change to RM-3.

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:

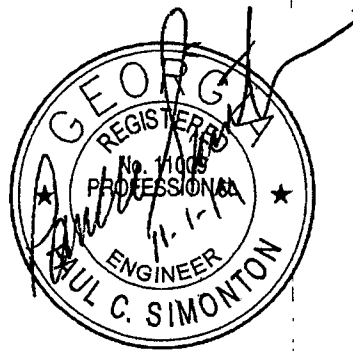
| | |
|-----------------|--------------------|
| Two Way Traffic | 1331 trips per day |
| AM Peak Traffic | 103 trips per day |
| PM Peak Traffic | 131 trips per day |

The proposed project includes 175 room hotel 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 | 937 trips |
| AM Peak Traffic | 70 trips |
| • Peak hour enter | 41 trips |
| • Peak hour exit | 29 trips |
| PM Peak Traffic | 74 trips |
| • Peak hour enter | 36 trips |
| • Peak hour exit | 38 trips |

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.



**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. McMichaels (or really Mr. McMichael'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 down. 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 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."
6. Mr. McMichael 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. McMichaels, 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 denuded 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 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 rezoning 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 Collis Road/Collis Marina 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 MMM 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

Eatonton, 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 Collis Road

Dear Mr. McMichaels:

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 50 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 ½ 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 OCONEE, 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 OCONEE OVERLOOK, LLC
2. HJR OCONEE LLC TRANSFERRED 29.58 ACRES (LESS A CERTAIN TRACT) TO MALLARDS OVERLOOK, LLC
3. HJR OCONEE 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 Oconee Overlook, LLC for a substantial sum. They have cashed out; they no longer own those parcels.

HJR Oconee 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 Oconee, 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.¹

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, Mallards 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, 2020 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 66-161(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

¹ At the December 30, 2019, I asked Mr. McMichael if he had sold his property, i.e., the property owned by HJR Oconee LLC. He said that he had not, possibly a technically supportable, but wholly uncandid, 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 36-66-2 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 minimum 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

Eatonton, Ga. 31024

ronryland@comcast.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

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

DOCS 005608
FILED IN OFFICE
12/27/2019 01:40 PM
BK:972 PG:230-231
CHELSEA R. PERRY
CLERK OF COURT
PUTNAM COUNTY

Michael Perry

REAL ESTATE TRANSFER
TAX PAID: \$000.00

LIMITED WARRANTY DEED

STATE OF GEORGIA, GREENE COUNTY

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").

PT-61 117-2019-001990

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

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 183, 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, 1988, 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:

Coscy
Unofficial Witness

Millicent C. Arnold (SEAL)
Millicent C. Arnold

Notary Public
My Commission Expires:
(AFFIX NOTARY SEAL)



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

After Recording Return to:
J.V. Dell, P.C.
1049 Founders Row, Ste B
Greensboro, Georgia 30642
Ctn#: 3113-0014

DCSN 006609
FILED IN OFFICE
12/27/2019 01:40 PM
BK:9172 PG:232-233
JANELLA H. PERRY
CLERK OF COURT
PUTNAM COUNTY

SEM

Richard H. Perry

REAL ESTATE TRANSFER
TAX PAID: \$0.00

LIMITED WARRANTY DEED

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

THIS INDENTURE, made this 26th day of December 2019, between HJR Odum, III, ~~3113-001987~~ 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.

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 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 Oconee, LLC

Casey
Unofficial Witness

By: Howard M. Michael, Jr. (SEAL)
Name: Howard M. Michael, Jr.
Its: Sole Member

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



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

BOOK 005610
FILED IN OFFICE
12/27/2019 01:40 PM
BK:972 PG:234-235
SHEILA H. PERRY
CLERK OF COURT
PUTNAM COUNTY

REAL 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 Odessa, LLC 2018-00090 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:

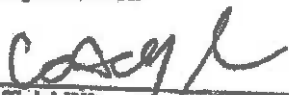
All that certain tract or parcel of land lying and being in the 308th District, G.M. of Putnam County, Georgia, containing 21.40 acres, more or less, and being designated as Tract B on that certain plat prepared by Jack E. Newsome, Georgia Land Surveyor No. 3113 on December 17, 2019, and recorded in 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 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:



Unofficial Witness



Notary Public
My Commission Expires _____
(AFFIX NOTARY SEAL)



HJR Oconee, LLC

By:  (SEAL)
Name: Howard McMichael, Jr.
Its: 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 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

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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 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, 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. McMichael¹⁴ 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.¹⁵

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-

¹⁴ 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.

¹⁵ 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."¹⁶
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 the 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

¹⁶ 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."⁽¹¹⁾ *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

Eatonton, Ga. 31024

ronryland@comcast.net

cell: 312-780-9900

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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.^[10]

⁸⁸⁹~~889~~ 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 & 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 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. 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, 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.

RCVD 2020 FEB 3



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!



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

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. 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:

| | |
|--------------------------------|------------|
| 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 |

development means additional trips

NCUD 2019 NOV 1
 AE

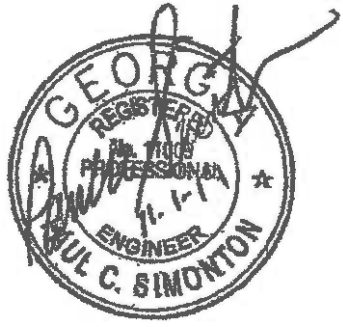
Proposed Project

Hinesville, Georgia Phone: (912) 368-5212 Fax (912) 368-6071
 Greensboro, Georgia Phone: (706) 454-0870 Fax (706) 454-0871

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.



FORM 7619 REV 1

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

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Chuck Edwards (/profile/15020589/), Lake Oconee

Sewage Smell

(/news_feed/?post=132838805)

Has anyone else noticed the really bad sewage smell there 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

5 days ago (/news_feed/?post=132838805) · 21 neighborhoods in General (/general/)

Thank Comment

5

Stephen Cash (/profile/8888363/), Long Shoals Rd
 Been up and down 44 since piedmont water installed the sewer system. It got so bad one time businesses had to close for a day.

4 days ago Thank Reply

Charles Perkins (/profile/30067500/), Lake Oconee Plantation
 Stinks to high heaven when I make the turn off 16 onto 44 at Putnam Gen. Hosp. all the way down the road first a sulfur smell the raw sewage smell, enough to gag a maggot. and folks that is stinking big time.

3 days ago Thank Reply

Tina Gregory (/profile/37713977/), 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 new retirement apartments.

1 day ago Thank Reply

Penny Alutto (/profile/5764764/), Reynolds Plantation
 Think they are part of the problem. Ever since construction complete there has been increasing odor issues. Believe the system can't handle increased usage. Have seen Piedmont in area multiple times pumping.

1 day ago Thank Reply

Sandra Mosley (/profile/43276886/), Water Oaks
 It has been in front of Thunder Valley Subdivision, since Piedmont put the sewage system in. This county is so quick to fine 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**

| <u>NAME</u> | <u>ADDRESS</u> | <u>PHONE NUMBER</u> | <u>SIGNATURE</u> |
|---------------------|--|---------------------|---|
| Kevin Rhyme | 119 Collis Marino Rd Eatonton, GA 31024 | 706-473-5054 |  |
| Kenneth Ayn | 119 Collis Marino Rd. Eatonton, GA 31024 | 678-429-0688 |  |
| MARTIN RUETER | 111 EVELYN ALLEY (ENCLAVE) | 678-675-7478 | Martin Rueter |
| Hindi Pendergrass | 156 Collis Rd Eatonton, GA | 206-550-6428 | Hindi Pendergrass |
| William PEKUL | 101 S. Bay Rd #1005 Eatonton GA 31024 | 678-361-0908 | William F. Sekul |
| Ron Ryland | 101 S. Bay Rd #1006 " | 312-780-9900 |  |
| Jeff Martin | 161 Collis Road | 706-473-9229 | Jeff Martin |
| Denise Moore | 164 Collis Road | 706-473-1878 | Denise L. Moore |
| Brenda Saltamacchio | 169 Collis Rd | 678-231-3698 | Brenda Saltamacchio |
| RAY SALTAMACCHIO | 169 COLLIS ROAD, EATONTON, GA. 31024 | 706-473-1556 | Ray Saltamacchio |
| Bell Ramirez | 107 Evelyn Alley. Eatonton, GA 31024 | 678-232-3920 |  |
| Bob Carter | 105 Evelyn Aly Eatonton 31024 | 770-617-0879 | Bob Carter |
| Mark Jones III | 171 Collis Circle, Eatonton | 912 253 9735 | Mark Jones III |
| Clifford A. Noyes | 120 Collis Co. Eatonton 31024 | 904-349-7951 | Clifford A. Noyes |
| Bill Richards | 108 Doug Lane Eatonton 31024 | 706-485-9043 | William R. Richards |

**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**

| <u>NAME</u> | <u>ADDRESS</u> | <u>PHONE NUMBER</u> | <u>SIGNATURE</u> |
|---|------------------------|---------------------|---------------------------------|
| Jennifer Brooks | 123 Collis Marina Road | 706-816-6528 | Jennifer L. Brooks |
| Fancia Harnis | 131 Collis Marina Road | 478-454-8275 | Fancia Harnis |
| Clark Herring | 127 Collis Marina Rd | 770-331-8231 | Clark Herring |
| Russell Young | 110 COLLIS CIR | 404-357-0868 | Russell Young |
| SCOTT JORIS | 167 COLLIS RD | 478 457 6623 | Steve Joris |
| Sara Beck | 167 COLLIS RD | 706 473 9066 | SARA BECK |
| Amy Joris | 167 Collis Rd | 478 387-6969 | Amy Joris |
| Jane Richards Jane Richards | 108 Doug Lane | 706-485-9043 | Jane Richards |
| Matka Dennis Collier | 108 Collis Marina Rd. | 706-473-1220 | Matka Dennis Collier |
| Dennis Collier | 108 Collis Marina Rd. | 706-473-1220 | Dennis Collier |
| Terry Street | 102 Doug Lane | 678-725-8551 | Terry Street |
| Kathryn Burgess | 126 Doug Lane | 678-429-5376 | Kathryn Burgess |
| STEVE BURGESS | 126 DOUG LANE | 404-386-6495 | 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**

| <u>NAME</u> | <u>ADDRESS</u> | <u>PHONE NUMBER</u> | <u>SIGNATURE</u> |
|----------------------|-----------------------------|---------------------|-----------------------------|
| YONGE SUN YOUNG | 110 Collis Circle | 404-358-5667 | <i>Yonge Sun Young</i> |
| Kathy Wardlaw | 177 177 Capps Ln | 678-232-5473 | <i>Kathy Wardlaw</i> |
| Pete Wardlaw | 177 Capps Lane | 678-773-8182 | <i>Pete Wardlaw</i> |
| ROBERT LEE SAILLY JR | 124 DOUG LN. | 404.597.7709 | <i>Robert Lee Sailly Jr</i> |
| Elizabeth Wenciker | 1166 Collis Road | (910) 992-6233 | <i>Elizabeth Wenciker</i> |
| DAVID WENCIKER | 166 Collis Rd. | (678) 823-9510 | <i>David Wenciker</i> |
| Sharon Ruff | 174 Collis Cir. | 762-220-1655 | <i>Sharon Ruff</i> |
| Kelly Maybin | 175 Collis Cir. | (912) 293-6125 | <i>Kelly Maybin</i> |
| Michael Maysin | 175 Collis Circle | 478-363-3803 | <i>Michael Maysin</i> |
| CHAD CRAWFORD | 173 COLLIS CIRCLE | 7-6-816-7-46 | <i>Chad Crawford</i> |
| KAREN CRAWFORD | 173 COLLIS CIR | 706-816-7235 | <i>Karen Crawford</i> |
| Michele Hodges | 191 Collis Cir | 478-731-0549 | <i>Michele 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

| <u>NAME</u> | <u>ADDRESS</u> | <u>PHONE NUMBER</u> | <u>SIGNATURE</u> |
|---------------------|----------------------------------|---------------------|---------------------|
| Jenny Moore | 190 Collis Circle | 706-484-1818 | Jenny L. Moore |
| Courtney Pilgrim | 157 Collis Rd | 404-788-3481 | Courtney Pilgrim |
| John Pilgrim | 157 Collis Rd | 770 312-9905 | John Pilgrim |
| Heather Hulett | 160 Collis Rd | 478-363-7509 | Heather Hulett |
| Mark Hulett | 160 Collis Rd | 478-456-4757 | Mark Hulett |
| Kathy Martin | 161 Collis Rd | 706-473-9223 | Kathy Martin |
| Jeff R. Martin | 161 Collis Rd | 706-473-9223 | Jeff R. Martin |
| Kristie McLeod | 175 Collis Capps Lane | 678-520-4774 | Kristie McLeod |
| Tiffany McLeod | 175 Capps Lane | 678-480-9546 | Tiffany McLeod |
| 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 |
| | | | |
| | | | |

petitions.com/petition/collis-road-property-rezoning-petition

Add comment Cancel

Who signed?

- Bruce Yancey Bryan Wagoner Bill Vining Donna Vining Cynthia Boblerz Brad Boblerz
- John noren John Culpepper Steven Wynn Regina Wynn Lee Lord Leah Hobbs
- Chris Pettigrew Justin Green Shawn State Rick Caufield Kayla Caufield Kathleen McPherson
- Patrick McPherson Arlene Chandler Thomas R Rhodes Pat Niles Jodi Wazevich David Pakrul
- Ben Smith Jackson Smith Kelly Smith Tim Smith Kathy Fransioli Ed Fransioli
- David Hummer Michael Walker Pam Walker Elizabeth Tojer Michael Bloomfield Lois Hummer
- Gall Farmer

40 Signatures Goal: 1,000

SIGN THIS PETITION Steve Burgess

SIGN PETITION



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.)

Share on Facebook

23 COMMENTS

Bruce Yancey
Dec 28, 2019

upvote reply show Dec 28, 2019

SIGN PETITION

Bryan Wagoner

Dec 27, 2019

40 Signatures Goal: 6000, 2019

upvote 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



Dec 24, 2019

upvote reply show

I vote no to the property being reasoned.

Brad Boblenz

Dec 24, 2019



Dec 24, 2019

upvote reply show

My vote is No!

I oppose the rezoning from AG-1 and R-1 to R3 for reasons stated.

John Culpepper

Dec 23, 2019



Dec 23, 2019

upvote reply show

My vote is No! I oppose the rezoning!

Steven Wynn

Dec 23, 2019



upvote reply show

Dec 23, 2019

I oppose the rezoning

Regina Wynn

Dec 23, 2019



upvote reply show

Dec 23, 2019

I oppose the rezoning

Anonymous

Dec 22, 2019



upvote reply show

Dec 22, 2019

I Oppose Rezoning

Chris Pettigrew

Dec 22, 2019



SIGN PETITION

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



November 14, 2015

Ladies and Gentlemen:

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 review of comments in the Nextdoor blog, the primary focus for our management team has been on how best to resolve the discontent which has been expressed within the blog. While we consider some of the opinions 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 these questions, as well as your various comments which have appeared in the Nextdoor blog, the most important issues for our customers in the Reynolds at Lake Oconee community ("Reynolds") appear to fall into three key categories:

- Water Rates
- Water Quality
- Sewer Odor

Since a number of questions hit the same topic, rather than reciting 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 matters which were raised in your questions or concerns. In addition, we will respond to the other requests for information regarding ownership and our community involvement first, as a better understanding of who we are and our vision for our role and our involvement in the Lake County community may provide a 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 response, but these are important matters which merit discussion and clarification. Thank you again for your time, and please feel free to contact either of us if you would like to discuss this letter. Of course, we welcome any suggestions you might have to assist us in improving our relations with you, our valued customers.

Sincerely,

Larry Shaeffer
Chairman


Adam Shaeffer
President



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 story of many family businesses in America. Established in 1992, Piedmont was formed by members of the Shaifer family, Chris Adams (a native of Greene 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 Sinclair. 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 1995 we acquired a substantial interest in Reynolds Plantation's water and wastewater systems and began the process of upgrading the water systems to become a municipal quality system, with enhanced fire protection capabilities and the increased water supply necessary to support the expected growth. These were very exciting times for Piedmont, as we were able to participate in the development of the commercial areas along Lake Oconee Parkway, including Publix 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 services 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, Crossroads at Lake Oconee Condominium, 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 current status of Lake Oconee is reminiscent of Hilton Head Island in the 1970s and Amelia Island in the 1980s, or perhaps Gwinnett County in those same periods. We are still in the early stages of development, and we are experiencing many of the same growing pains as 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 forecasts for areas 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 allowing the construction of St. Mary's Hospital and Lake Oconee Academy, thus meeting two of the basic necessities required to support the growth of our 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 Shaifer family have been committed to the Lake Country area for many years. Some of our contributions are charitable in nature. Examples include St. Mary's Good Samaritan Foundation, Lake Oconee Food & Wine Festival, Pete Nance Boys & Girls Club, Habitat for Humanity, Redeemer Episcopal Academy (now merged into Gatewood Academy), and the Reynolds' Veterans Association. Other contributions involve participation in, and financial support of, initiatives such as the pursuit of the Carey Station interchange, which will enhance the growth and quality of life for the Lake Country.

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 Country. As a recent example, absent our participation and financial investment of over \$1,000,000 for water and sewer infrastructure, the Putnam County School Complex and the Rock Eagle Technology Park could not have been built. Each of these 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 80 jobs, with almost 90% of the individuals residing and working in Greene, 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 reiterated 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 1995, and inherited this rate increase limitation.

Beginning in 2010, a number of the water providers located within this radius made significant increases to their rates, with an emphasis on the increasing block rate structure to encourage conservation, as outlined in the 2008 State Water Plan. We were certainly feeling pressure from the EPD to do so as well.

Concurrently, however, Reynolds and the entire Lake Oconee 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 \$90,000). Coupled with the country's economic malaise and the depressed valuations of homes in the entire Lake Country, the Lake Oconee 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 2006-2015:

| 2006 | 2007 | 2008 | 2010 | 2012 | 2015 |
|-----------------|----------------|----------------|----------------|----------------|--------------------|
| Min (0-3k) \$24 | Min(0-3k) \$26 | Min(0-3k) \$29 | Min(0-3k) \$34 | Min(0-3k) \$34 | Min (0-3k) \$34.50 |
| 3k-6k \$3.80 | 3k-12k \$4.50 | n/c | n/c | 3k-12k \$5.50 | 3k-5k \$7.50 |
| 6k-12k \$4.17 | 12k+ \$5.50 | n/c | n/c | 12k-20k \$6.50 | 5k-12k \$8.50 |
| 12k+ \$4.80 | | | | 20k-50k \$7.00 | 12k-50k \$9.50 |
| | | | | 50k+ \$7.50 | 50k+ \$10 |

Note that our base rate for 3,000 gallons/month was not increased from 2010 to 2015, when we increased from \$14.00 to \$34.50 (an annualized increase of 0.3%). In 2012 we increased our tiered pricing, after which we had no increases until February 1, 2015: 3 years with no increases.

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



we have concluded that the primary criticism 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 four months out of the year, his monthly usage ranges from 3,080 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 mandated to follow). Our example is not the worst one: we have a number of customers whose usage in these months regularly exceeds 50,000 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 blog participants that Piedmont's rates are punitive, or even unreasonable, given the rates charged by a number of municipal and county water providers.



Piedmont Water

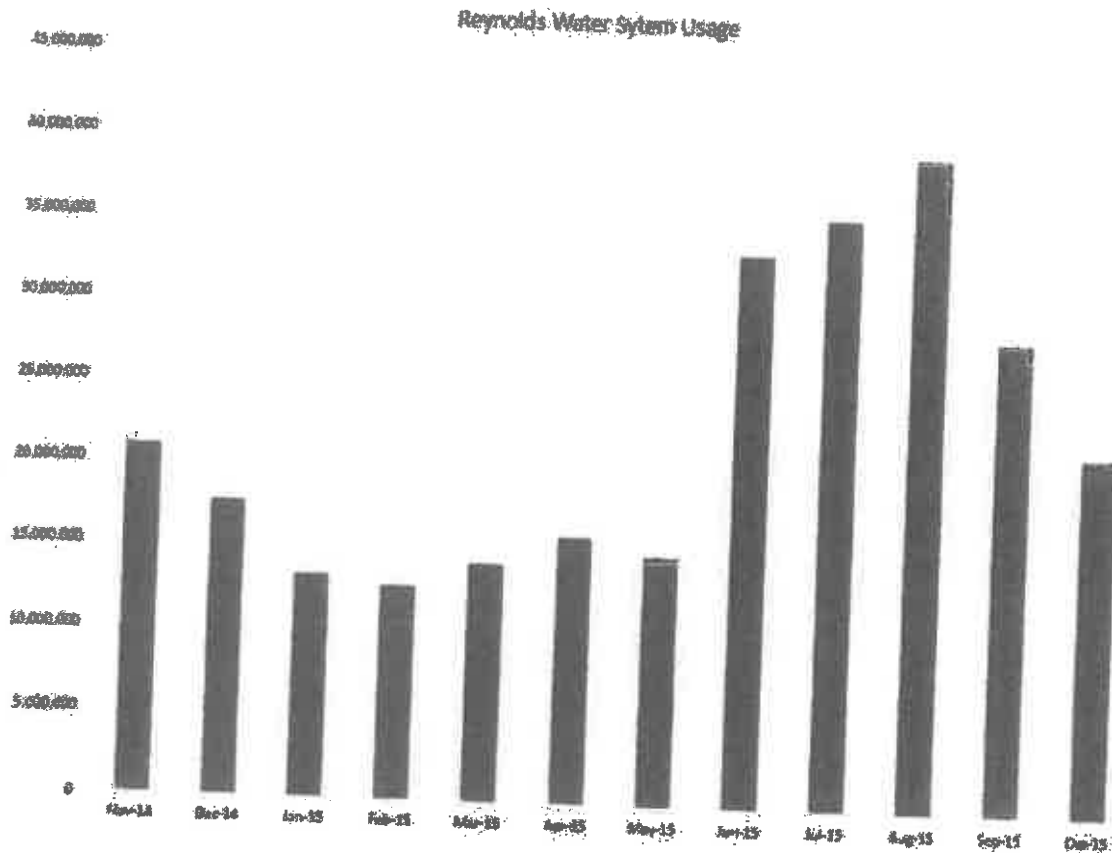
C O M P A N Y

| Entity | 0 | 5,000 | 10,000 | 15,000 | 20,000 | 50,000 |
|-------------------|---------|---------|---------|----------|-----------------|----------|
| PWC | \$34.50 | \$34.50 | \$42.50 | \$62.00 | \$137.50 | \$470.00 |
| Greensboro (o) | N/A | N/A | \$7.50 | \$8.50 | \$8.50 / \$9.50 | \$9.50 |
| Greensboro (f) | \$25.40 | \$25.40 | \$42.34 | \$84.68 | \$127.64 | \$160.39 |
| EPWSA (o) | \$28.75 | \$38.94 | \$47.18 | \$79.33 | \$108.03 | \$136.73 |
| Drewlonsville (o) | \$26.83 | \$35.85 | \$48.16 | \$91.91 | \$8.14 | \$6.14 |
| Hochston | \$18.84 | \$30.62 | \$41.84 | \$87.22 | \$143.82 | \$200.42 |
| Social Circle (o) | \$29.15 | \$40.39 | \$98.02 | \$136.47 | \$201.82 | \$288.37 |
| Walton County | \$22.50 | \$29.58 | \$43.84 | \$81.92 | \$125.52 | \$189.68 |
| Winder (o) | \$25.30 | \$30.30 | \$38.50 | \$86.95 | \$139.50 | \$183.05 |
| Dorisville (o) | \$28.00 | \$21.50 | \$34.50 | \$72.21 | \$111.20 | \$178.20 |
| Jefferson (o) | \$23.00 | \$31.00 | \$47.00 | \$97.00 | \$169.50 | \$222.00 |
| Commerce (o) | \$7.00 | \$37.00 | \$67.00 | \$107.00 | \$157.00 | \$207.00 |
| Henry Co. WSA | \$18.59 | \$33.65 | \$53.60 | \$98.95 | \$188.80 | \$238.65 |
| Marion (o) | \$28.54 | \$34.12 | \$49.28 | \$87.18 | \$126.08 | \$162.08 |
| Spalding Co. WSA | \$13.71 | \$34.89 | \$49.01 | \$80.62 | \$137.97 | \$186.32 |
| Atlanta | \$8.58 | \$18.79 | \$41.84 | \$91.58 | \$141.51 | \$191.48 |
| Hapeville | \$17.58 | \$26.94 | \$43.00 | \$98.02 | \$142.92 | \$224.80 |
| Baldwin (o) | \$19.00 | \$31.50 | \$44.00 | \$97.14 | \$159.84 | \$222.14 |
| Union City | \$4.00 | \$32.08 | \$51.50 | \$98.00 | \$147.40 | \$188.35 |
| Clarksville | \$26.00 | \$34.00 | \$50.00 | \$98.00 | \$130.00 | \$170.00 |
| | N/A | \$8.00 | \$8.00 | \$8.00 | \$8.00 | \$8.00 |



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 unpleasant 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 usages 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 residence, as the majority of these residences are used as second 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



customer 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 to certain areas that have long runs of water 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 home. 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 to 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 "sulphur" 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 carbon filter system stripping the water of the chlorine residual. Occasionally, we have also seen the source of the odors coming from a dry trap in the internal plumbing of the house. Again, we would welcome the opportunity to meet with you to help with your problems. Please contact the PWC Customer Service Department at 1-800-248-7689 to set up an appointment.

Can't we have water that does not come from wells? The long-term solution for the water quality issues is the construction of a surface-water treatment plant to supply the Reynolds system and other nearby areas. We recognized this fact a number of years ago, and we have acquired 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 customer level, the additional costs 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 tap 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 at least as much as you do.



Sewer Odors:

In a typical wastewater system the sewage flows out of the house by gravity and into sewer main lines that feed 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 home. Piedmont's sewer system in Reynolds and the surrounding areas is comprised of a series of household grinder pumps, force-main sewer lines and master 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 one of the pump stations in your community. In order to combat these extremely high levels of hydrogen sulfide, Reynolds and Piedmont Water install and maintain elaborate, commercially engineered odor control systems that treat the hydrogen sulfide with bacteria 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 inside 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 concentrate and become more noticeable.

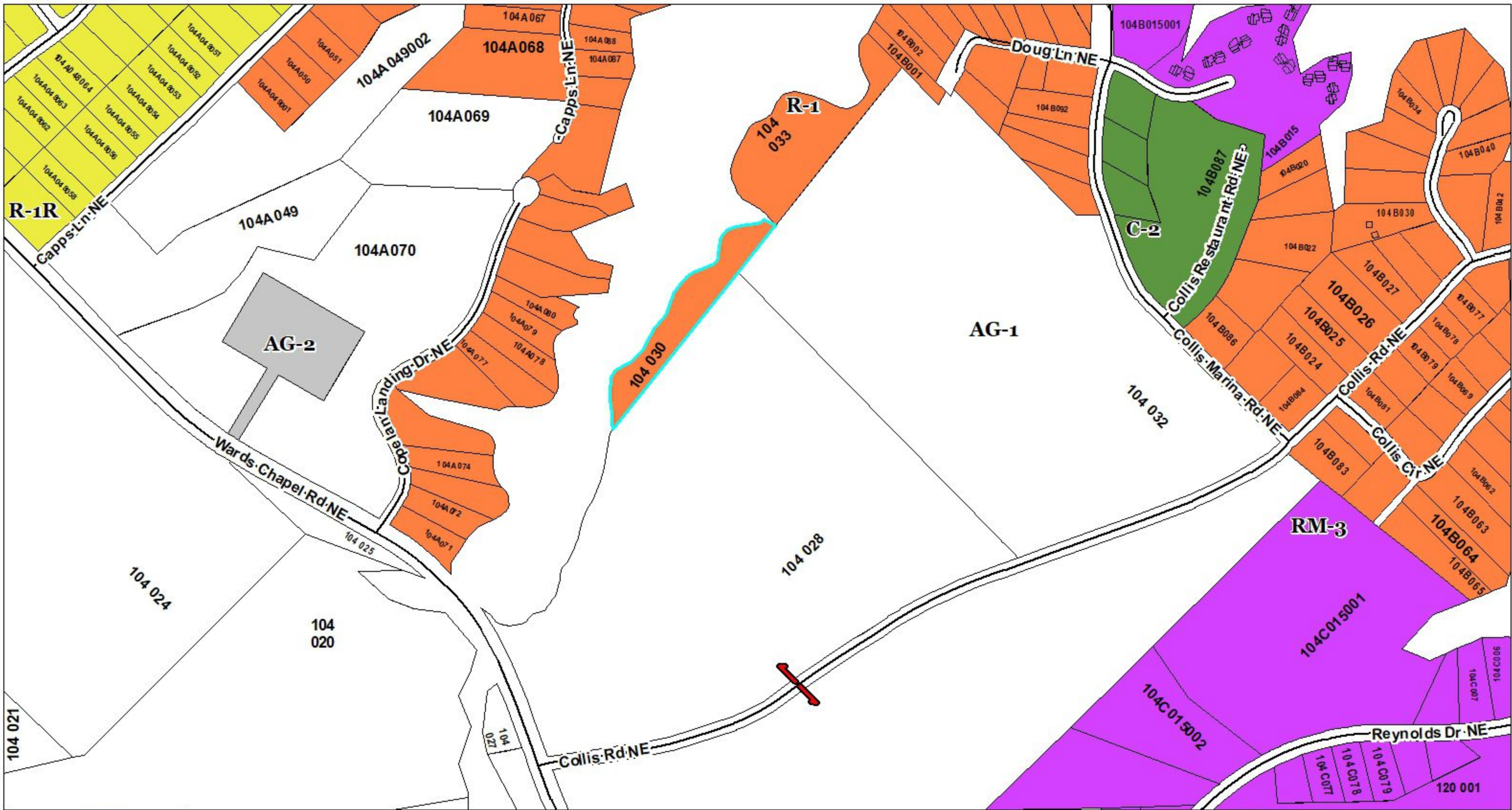
One question that has come up recently is if these odors are dangerous. While they can sometimes be quite offensive, there is no danger to your health unless you were to enter one of the pump stations or another closed environment. This is something you should never encounter and we take precautions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

We understand that sewer odors are not one of the things you envisioned when you chose to move to beautiful Lake Oconee. Believe us when we say that they are part of our world that we wish did not exist. However, we commit to continue 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 issue 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.



GEOGRAPHIC FEATURE LEGEND

| | | | | | | | |
|-----------------|------------------|----------|------------|-------------|----------|------|---------|
| Eatonton Limits | Overlay District | AG-2 | C-2 CITY | IND-2 CITY | R-1 CITY | R-1 | RM-2 |
| County Boundary | No Code | C-1 | I-M | MHP | R-2 CITY | R-1R | RM-3 |
| Roads | AG-1 | C-1 CITY | IND-1 CITY | PUBLIC | R-3 CITY | R-2 | VILLAGE |
| Parcels | AG-1 CITY | C-2 | IND-2 | PUBLIC CITY | R-4 CITY | RM-1 | |
| Parcel_Hooks | | | | | | | |

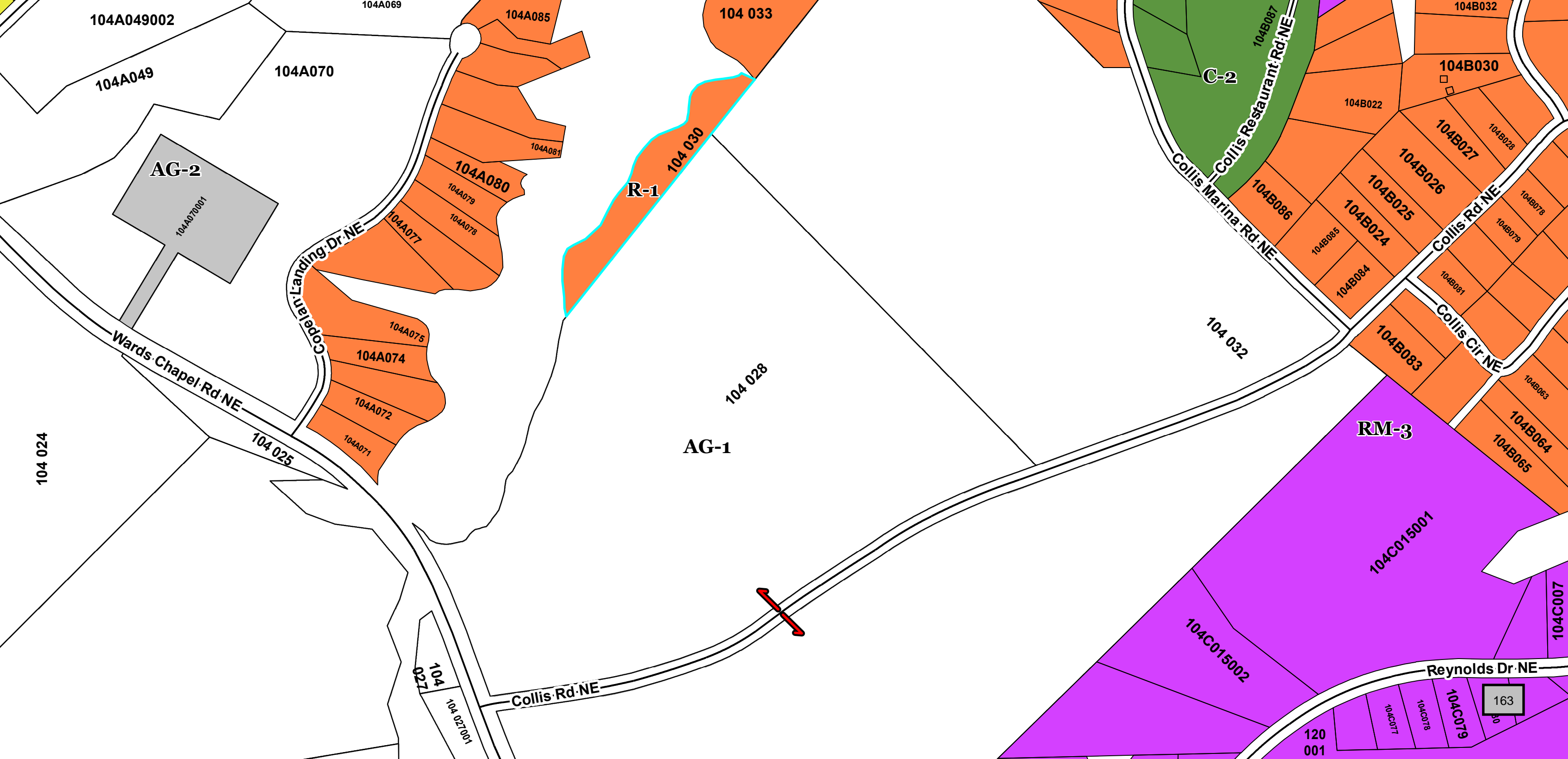
MGRC
IT GIS Services
Middle Georgia Regional Commission
175 Emery Hwy
Suite C
Macon, Georgia 31217
(478) 751-8180
Web:
www.middlegeorgiarc.org

PUTNAM COUNTY, GEORGIA
ZONING MAPS

MAP 104

162

MAP SCALE: 1" = 400'
SCALE RATIO: 1:4,800
DATE: NOVEMBER 2019



104A049002

104A069

104A085

104 033

104B032

104A049

104A070

C-2

104B030

104B022

104B028

AG-2

104A070001

R-1

104 030

104B022

104B027

104A080

104A079

104A078

104B026

104B025

104B078

Copeland Landing Dr NE

104A077

104A075

104A074

104A072

104A071

104B024

104B084

104B079

Wards Chapel Rd NE

104 025

104 028

104 032

AG-1

RM-3

104B081

104B083

104B063

104 024

104B064

104B065

104C015001

104C015002

104C007

104 027

104 027001

Collis Rd NE

Reynolds Dr NE

120 001

104C015017

104C015018

104C015019

163



GEOGRAPHIC FEATURE LEGEND

| | | | |
|-----------------|----------------------|------------------------------|--|
| Eatonton Limits | Agriculture/Forestry | Mixed Use | Residential |
| County Boundary | Commercial | Park/Recreation/Conservation | Transportation/Communication/Utilities |
| Roads | Industrial | Public/institutional | Undeveloped/Vacant |
| Parcels | | | |
| Parcel_Hooks | | | |

MGRC
 Middle Georgia Regional Commission
 175 Emery Hwy
 Suite C
 Macon, Georgia 31217
 (478) 751-8180
 Web:
www.middlegeorgiarc.org

PUTNAM COUNTY, GEORGIA
FUTURE LAND USE MAPS

MAP 104

164

MAP SCALE: 1" = 416.67' SCALE RATIO: 1:5,000 DATE: NOVEMBER 2019



PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

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

February 24, 2020

TO: Planning & Zoning Commission

FROM: Lisa Jackson

RE: Staff Recommendation for Public Hearing Agenda on 3/5/2020

8. 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]. * **Item postponed.**

New Business

Adjournment

The Planning & Zoning Commission meeting will be conducted pursuant and in accordance with O.C.G.A. Chapter 36-66.

Notice: All opponents to any rezoning request on the Planning & Zoning Commission and the Board of Commission agendas must file a disclosure of campaign contributions with the Planning & Development Department within five calendar days prior to public hearings if you have contributed \$250.00 or more to an elected official in Putnam County within the last five years.

*The Putnam County Board of Commissioners will hear these agenda items on March 17, 2020 at 6:30 P.M., in the Putnam County Administration Building, 117 Putnam Drive, Room 203.

The full meeting package can be reviewed in the Planning & Development office upon request.

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.

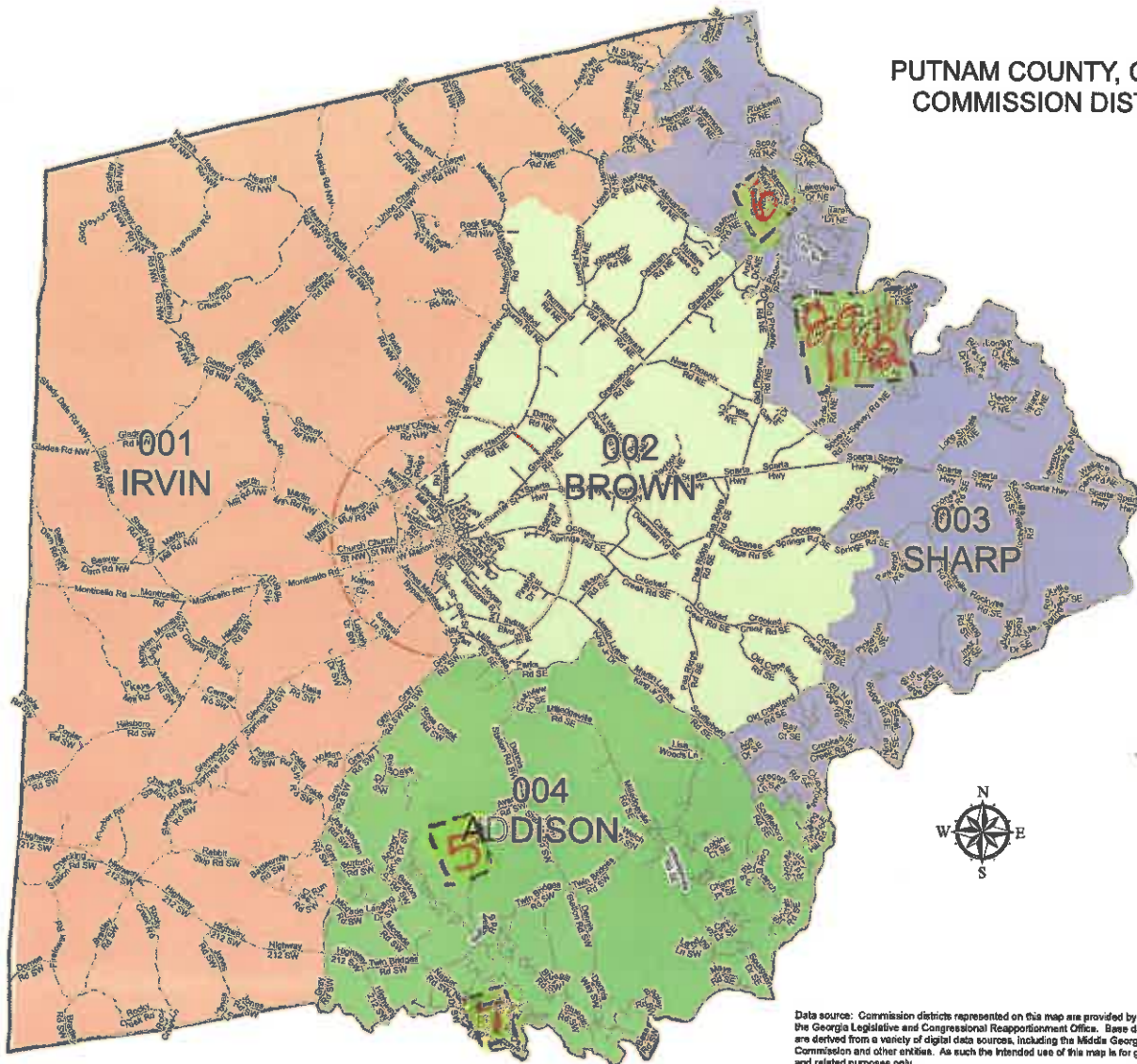
The Board of Commissioners' hearing will be conducted pursuant to O.C.G.A. 50-14-1 and Section 66-159 of the Putnam County Code of Ordinances and meets the requirements of the Zoning Procedures Laws established in O.C.G.A 36-66.

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.

Item Attachment Documents:

9. Request by **Howard McMichael, agent for Lick Creek Holding's LLC** to rezone 21.40 acres at Collis Road from AG-1 to RM-3. [**Map 104, Parcel 032001, District 3**]. *

**PUTNAM COUNTY, GEORGIA
COMMISSION DISTRICTS**



MAP SCALE: 1" = 5,697.28' SCALE RATIO: 1:68,367.34 DATE: MARCH 2019

5. Request by **Ronnie & Lynn Smith** for a side yard setback variance at 108 Sunset Drive. Presently zoned R-2. [Map 053B, Parcel 056, District 4].
6. Request by **William Wilkinson**. for a side yard setback variance at 163 Lakemore Drive. Presently zoned R-1. [Map 103A, Parcel 001, District 3].
7. Request by **Jerry & Lisa Collins**. for a side yard setback variance at 160 A Oak Lane. Presently zoned R-2. [Map 056C, Parcel 020, District 4].
8. Request by **Howard McMichael**, agent for **Oconee Overlook, LLC & Lick Creek Holding's LLC** to rezone 2.14 acres at Collis Road from R-1 to RM-3. [Map 104, Parcel 030, District 3]. *
9. Request by **Howard McMichael**, agent for **Lick Creek Holding's LLC** to rezone 21.40 acres at Collis Road from AG-1 to RM-3. [Map 104, Parcel 032001, District 3]. *
10. Request by **Howard McMichael**, agent for **Mallard's Overlook, LLC** to rezone 29.58 acres at Collis Road from AG-1 to RM-3. [Map 104, Parcel 032, District 3]. *
11. 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]. *
12. Request by **Howard McMichael**, agent for **Oconee Overlook, LLC** to rezone 0.63 acres on Doug Lane from R-1 to RM-3. [Map 104B, Parcel 001, District 3]. *

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Email:
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January 3, 2020

VIA E-MAIL: bflerning@flemingnelson.com; anelson@flemingnelson.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 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 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 (hereafter "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

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 facially 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

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.

“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

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 radii. 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 examples, 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.

Putnam County Board of Commissioners

January 3, 2020

Page 6

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 Commissioner.") 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. Haymont, Esq.

cc: Howard McMichael, Jr.

DILLARD *Sellers*
ATTORNEYS AT LAW

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February 10, 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:

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

Jeffery S. Haymore
404.665.1243

Email:
jhaymore@dillard sellers.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, 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)

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).

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 require a minimum of 50 feet of road frontage. Code Sec. 66-82(b).

³ See, Putnam County Official Zoning Map

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).

“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, Greene 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

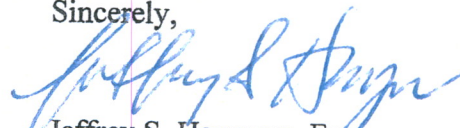
In the event market demands subsequent to rezoning to RM-3 no longer support a hotel, Owners will proceed to develop the Property for a townhome and condominium development. Again, tying the Property to a specific concept plan as a condition of zoning is not feasible. Nonetheless, development of the 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. Hamby*, 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



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 2019-01686 DATE: 1/8/2020

MAP 104 PARCEL 032-001 DISTRICT 3

- 1. Name of Applicant: Lick Creek Holdings LLC
- 2. Mailing Address: 6350 Lake Oconee Parkway Eatonton GA, PUB33 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):
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 Codes with Town homes. See LOI.

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: R1cy South: AG-1cy East: R1/2cy 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 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.)

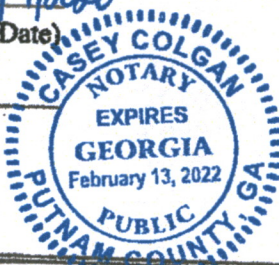
THE ABOVE STATEMENTS AND ACCOMPANYING MATERIALS ARE COMPLETE AND ACCURATE. APPLICANT HEREBY GRANTS PERMISSION FOR PLANNING AND DEVELOPMENT PERSONNEL OR ANY LEGAL REPRESENTATIVE OF PUTNAM COUNTY TO ENTER UPON AND INSPECT THE PROPERTY FOR ALL PURPOSES ALLOWED AND REQUIRED BY THE PUTNAM COUNTY CODE OF ORDINANCES.

[Signature] 1/7/2020
 Signature (Property Owner) (Date)

[Signature] 1/7/2020
 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 _____

RCUD 2020 JAN A

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

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

Sheila H. Perry

REAL ESTATE TRANSFER
TAX PAID: \$0.00

LIMITED WARRANTY DEED

STATE OF GEORGIA, GREENE COUNTY

PT 61-117-2019-001988

THIS INDENTURE, made this 26th day of December 2019, between HJR O ~~0061-117-2019-001988~~
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 308th 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 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.

RCUD 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)



RCMD 2020 JAN A



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 M. Michaeli TO BE MY AGENT FOR THE PURPOSE OF APPLYING FOR RM3 zoning OF PROPERTY DESCRIBED AS MAP 104 PARCEL 030, CONSISTING OF 2.8 ACRES, WHICH HAS THE FOLLOWING ADDRESS: Cole's 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): Lick Creek Holdings, LLC
Howard M. Michaeli NAME (PRINTED)
SIGNATURE

ADDRESS: 6350 Lake Oconee Pkwy, Suite 110 PMB 111 Greensboro GA 30612
PHONE: 706 473 1999

ALL SIGNATURES WERE HEREBY SWORN TO AND SUBSCRIBED BEFORE ME THIS 7th DAY OF January 2018

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



RCUD 2020 JAN 8

BK:36 PG: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/F COPELAN

1/2" RE-BAR

1/2" RE-BAR SET

1/4" RE-BARS IS L7 & L8

N/F COPELAN
FAMILY PARTNERSHIP

TRACT A
29.58
ACRES

TRACT B
21.40
ACRES

A BOUNDARY RETRACEMENT AND DIVISION SURVEY OF TAX
PARCEL 184 032 (PLAT BK 32215)
SURVEY AUTHORIZED BY MALLARD'S OVERLOOK, LLC & LICK
CREEK HOLDINGS, LLC
DATE OF FIELDWORK : 11/18-12/19/2019

AS REQUIRED BY SUBSECTION (D) OCSA 18-6-47, THIS PLAT
HAS BEEN FORWARDED BY A LAND SURVEYOR WHO APPROVED BY
ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS
EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURE STAMPS,
OR STATEMENTS HEREON. SUCH APPROVALS OR APPROPRIATIONS
SHOULD BE COMPARED WITH THE APPROPRIATE GOVERNMENTAL
BODIES BY ANY PURCHASER OR USER OF PLAT AS TO THE INTEND-
ED USE OF THIS PARCEL. THE UNDERSIGNED SURVEYOR CERTIFIES
THAT THIS PLAT COMPLES WITH MINIMUM TECHNICAL STANDARDS
FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH BY THE OR
STATE BOARD OF REG. FOR ENGINEERS & LAND SURVEYORS &
OCGA 18-6-47.

Jack E. Newsome
JACK E. NEWSOME, GA RLS 83113



NOTICE
THIS SURVEY IS BASED UPON INFORMATION FOUND IN THE PUBLIC RECORD
AND/OR INFORMATION PROVIDED BY THE CLIENT AND ALSO UPON EVIDENCE
RECOVERED AT THE SITE. IT REPRESENTS A PROFESSIONAL OPINION, AND IS
SUBJECT TO CHANGE WITH THE INTRODUCTION OF WILD NEW EVIDENCE
OR INFORMATION.



LINE CHART

| LINE | BEARING | HORIZ DIST |
|------|-------------|------------|
| L1 | S52°19'00"W | 62.89' |
| L2 | S90°04'03"W | 111.82' |
| L3 | S81°36'54"W | 110.48' |
| L4 | S63°59'37"W | 121.49' |
| L5 | S57°23'28"W | 80.02' |
| L6 | N41°08'05"E | 144.82' |
| L7 | S63°04'58"E | 88.82' |
| L8 | N15°29'25"W | 67.71' |
| L9 | N41°03'49"E | 113.40' |
| L10 | S45°14'08"E | 142.28' |
| L11 | N80°48'59"E | 183.72' |
| L12 | S18°43'03"E | 183.80' |
| L13 | S22°11'02"E | 83.12' |
| L14 | S27°40'05"E | 52.74' |
| L15 | S32°30'42"E | 57.82' |
| L16 | S38°33'47"E | 67.31' |
| L17 | S42°08'25"E | 124.84' |
| L18 | S42°28'21"E | 78.87' |
| L19 | S42°47'01"E | 101.40' |
| L20 | S44°38'29"E | 81.05' |
| L21 | S45°18'39"E | 156.84' |
| L22 | S44°42'14"E | 174.15' |
| L23 | S44°24'22"E | 84.51' |
| L24 | S44°37'58"E | 56.89' |

POINT OF COMMENCEMENT:
FROM A 1/2" RE-BAR SET AT THE INTERSECTION OF THE RIGHT-OF-
WAY OF COLLIS ROAD AND COLLIS MARINA ROAD, S88°57'18"W
FOR 1136.42' TO A 1/2" RE-BAR FOUND AT THE NORTHERLY RIGHT-
OF-WAY OF COLLIS ROAD; THE POINT OF BEGINNING (POB)

NOTE:
THIS SURVEY IS SUBJECT TO ALL EASEMENTS, RIGHT-OF-
WAYS, AND COVENANTS OF RECORD.
THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF
A TITLE SEARCH.

TECHNICAL DATA:
INSTRUMENT: JAVAD GNSS: TRIUMPH 2 & L5
TRAVERSE CLOSURE: N/A
RELATIVE POSITIONAL ACCURACY: ± = 0.067 FT.
CHECKED BY REDUNDANT MEASUREMENTS
PLAT CLOSURE: TRACT A: 1"469,001"
TRACT B: 1"184,203"

APPROVED FOR RECORDING ONLY
PUTNAM COUNTY
PLANNING AND DEVELOPMENT

DEC 9 2019

Lisa Jacke

A BOUNDARY SURVEY FOR

MALLARD'S OVERLOOK, LLC (TRACT: A)
&
LICK CREEK HOLDINGS, LLC (TRACT: B)

308th GMD PUTNAM COUNTY, GEORGIA
LAND LOT 330
DECEMBER 17, 2019

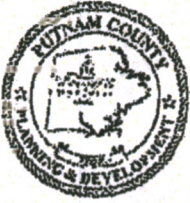
SURVEYED BY
SOUTHEAST LAND SURVEYING

JACK E. NEWSOME, RLS
130 W. SHERATON DR.
PO BOX 1025
WASHINGTON, GEORGIA 30673
706-678-7926 706-361-2170
wilcosurveyor@gmail.com

COUNTY APPROVAL STAMP

ROUND 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 PmB111
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: _____

Date: 1 / 7 / 2020

RCUD 2020 JAN 8



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,

A handwritten signature in black ink, appearing to read "W. J. Matthews", written over a horizontal line.

W. J. Matthews
Vice President of Operations

RCUD 2019 OCT 31

Handwritten initials in black ink, possibly "WJM", written below the stamp.

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: pctc117@yahoo.com
www.putnamgatax.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 Ocone LLC

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



10-30-19

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
Newnan, Georgia 30263
Ph: 770.683.9170

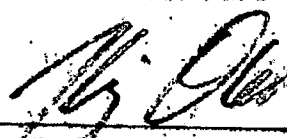
Signature: 
Kip Oldham, AIA



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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

RCVD 2019 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 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.

WCM 2014 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:

REC'D 2014 NOV 1



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 2018 NOV 1

A handwritten signature in black ink, appearing to be the initials 'RE'.

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 |

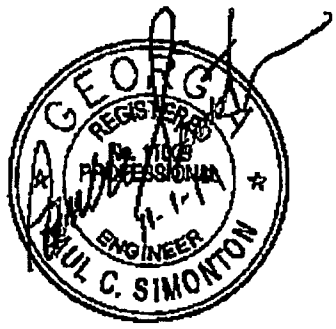
RCUN 2019 NOV 1



Hinesville, Georgia Phone: (912) 368-5212 Fax (912) 368-6071
Greensboro, Georgia Phone: (706) 454-0870 Fax (706) 454-0871

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.

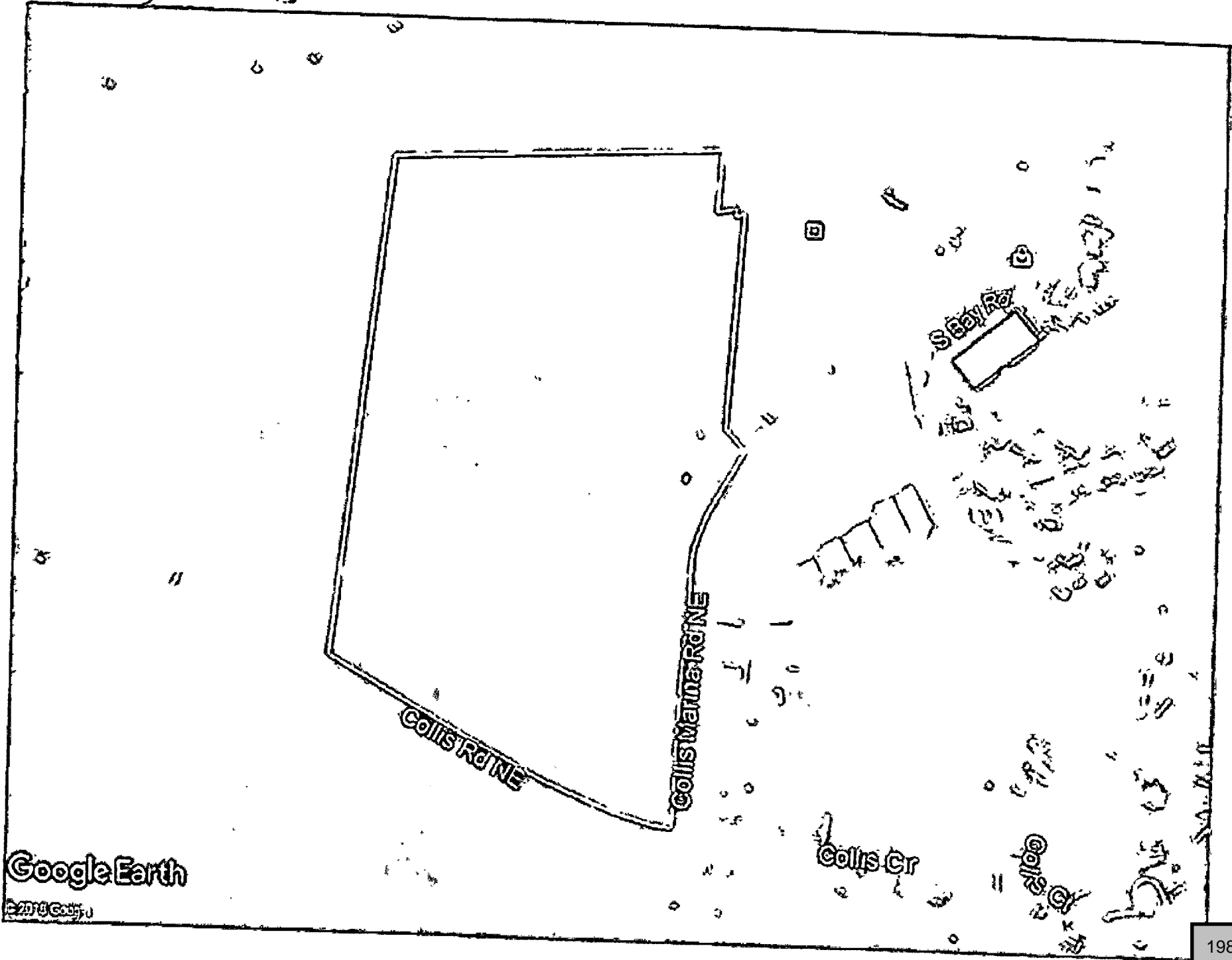
Collis Road does not meet the roadway width shown above. The current roadway is a very narrow twenty feet (20') roadway with little or no shoulder. Expansion of the roadway is expected for the roadway to operate at an acceptable level of service (LOS). The minimum cross section should be two lane, twenty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



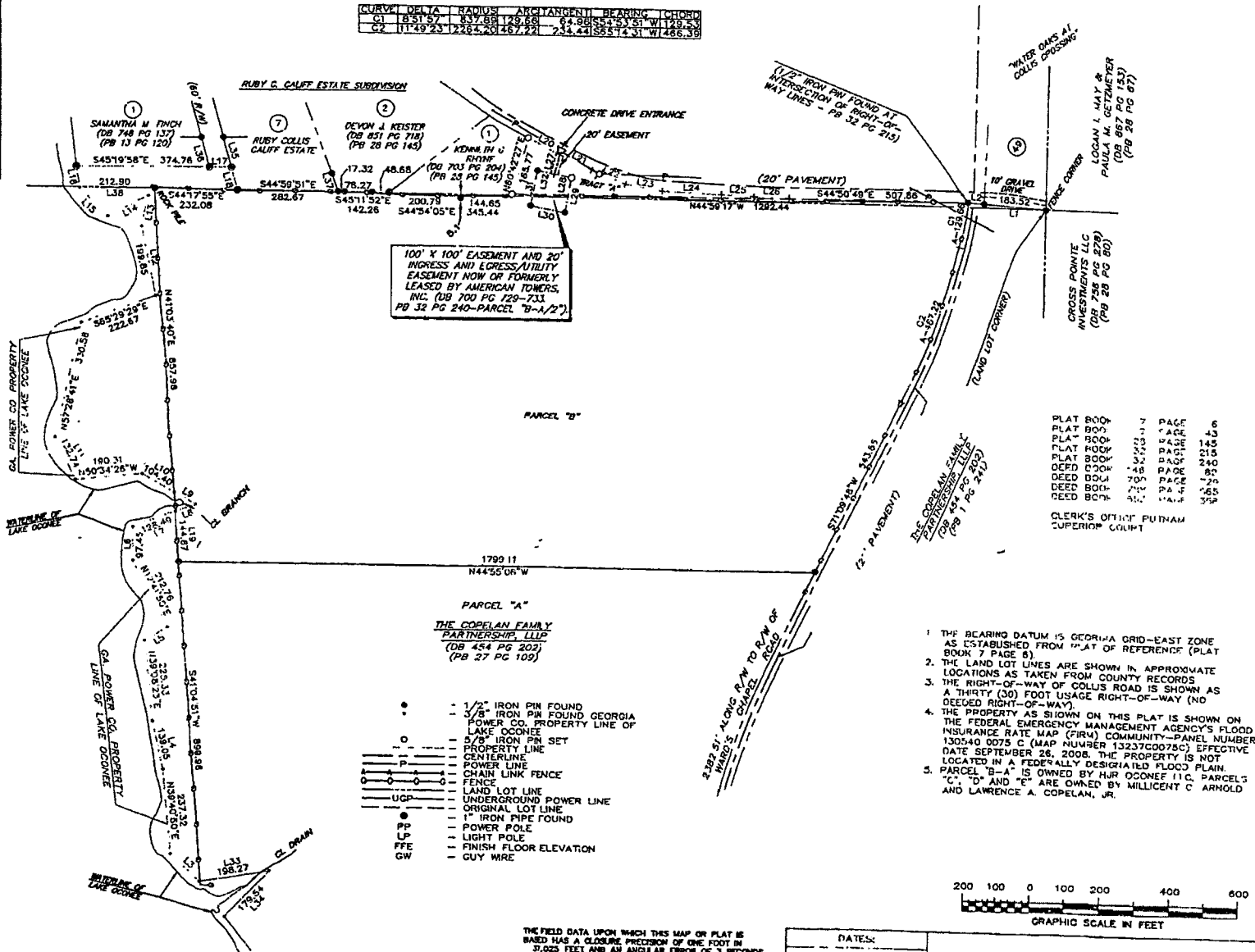
1979 APR 1

AE

EXISTING CONDITIONS



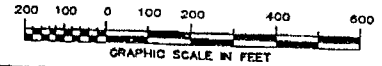
| CURVE | DELTA | RADIUS | ARC/TANGENT | BEARING | CHORD |
|-------|-----------|---------|-------------|------------------|--------|
| C1 | 8°51'57" | 837.88 | 129.68 | 64.98S54°53'51"W | 128.53 |
| C2 | 11°49'23" | 1226.42 | 1467.72 | 73.44S55°14'31"W | 486.38 |



| LINE | BEARING | DISTANCE |
|------|-------------|----------|
| L1 | N41°05'46"W | 183.52 |
| L2 | N40°57'05"W | 48.84 |
| L3 | N02°11'01"W | 112.53 |
| L4 | N32°27'34"E | 139.05 |
| L5 | S75°30'26"E | 74.85 |
| L6 | N44°33'32"E | 97.42 |
| L7 | S65°33'18"E | 128.42 |
| L8 | S85°01'40"E | 58.72 |
| L9 | N15°28'01"W | 87.57 |
| L10 | N18°32'54"W | 104.40 |
| L11 | N20°00'48"E | 132.74 |
| L12 | N33°32'49"E | 198.85 |
| L13 | N52°28'09"E | 105.9 |
| L14 | N75°19'07"W | 147.47 |
| L15 | N00°34'27"W | 112.44 |
| L16 | N35°42'42"E | 69.59 |
| L17 | S43°21'52"E | 81.59 |
| L18 | S78°50'40"W | 85.70 |
| L19 | N41°08'20"E | 142.67 |
| L20 | S18°14'12"E | 102.07 |
| L21 | S19°21'48"E | 100.02 |
| L22 | S24°18'19"E | 102.47 |
| L23 | S34°28'42"E | 106.59 |
| L24 | S42°53'49"E | 168.96 |
| L25 | S42°03'43"E | 98.84 |
| L26 | S43°10'42"E | 89.44 |
| L27 | S60°10'30"W | 57.59 |
| L28 | S54°00'07"E | 49.09 |
| L29 | S55°08'47"E | 100.00 |
| L30 | N54°53'14"W | 100.00 |
| L31 | N55°08'47"E | 100.00 |
| L32 | S41°00'02"E | 70.91 |
| L33 | S42°03'43"E | 98.84 |
| L34 | S89°09'20"W | 178.54 |
| L35 | N29°52'07"E | 88.63 |
| L36 | N35°52'41"E | 87.30 |
| L37 | N25°41'10"E | 83.38 |
| L38 | N45°14'44"W | 212.90 |

| | | | |
|-----------|-----|------|-----|
| PLAT BOOK | 7 | PAGE | 46 |
| PLAT BOOK | 7 | PAGE | 43 |
| PLAT BOOK | 223 | PAGE | 145 |
| PLAT BOOK | 32 | PAGE | 215 |
| DEED BOOK | 48 | PAGE | 240 |
| DEED BOOK | 700 | PAGE | 80 |
| DEED BOOK | 700 | PAGE | 65 |
| DEED BOOK | 900 | PAGE | 398 |

1. THE BEARING DATUM IS GEORGIA GRID-EAST ZONE AS ESTABLISHED FROM "A" AT OF REFERENCE (PLAT BOOK 7 PAGE 8).
2. THE LAND LOT LINES ARE SHOWN IN APPROXIMATE 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 DEEDED 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: 130540 0075 C (MAP NUMBER: 13237C0075C) EFFECTIVE DATE SEPTEMBER 26, 2008. THE PROPERTY IS NOT LOCATED IN A FEDERALLY DESIGNATED FLOOD PLAIN.
5. PARCEL "B-A" IS OWNED BY HUR OCOOEE LLC. PARCELS "C", "D" AND "E" ARE OWNED BY MILLENTIC C. ARNOLD AND LAWRENCE A. COPELAN, JR.



"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 HAS A CLOSURE PRECISION OF ONE FOOT IN 31,025 FEET AND AN ANGULAR ERROR OF 3 SECONDS PER ANGLE POINT, AND WAS ADJUSTED USING THE LEAST SQUARES ADJUSTMENT. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 242,423 FEET.

A 100GA TCA 1100 TOTAL STATION SN. 418328 WAS USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS. A LEICA TPS-SYSTEM 1000 PC/MCA MEMORY CARD WAS USED AS A DATA COLLECTOR TO COLLECT THE FIELD DATA.

THE SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE REGULATIONS OF THE BOARD.

| | | |
|--|--|--|
| DATE: SUPPLY 2/16/2017 TO 2/27/2017 PLAT: 2/21/2017 | | FOR: T. T. CAPITAL INC. |
| | | PART OF LAND LOTS 330 AND 337 THIRD LAND DISTRICT 308TH, G. M. DISTRICT PUTNAM COUNTY, GEORGIA Scale: 1" = 200.0' Date: February |
| | | 200 |

Additional Impact Analysis

Map 104, Parcel 032 District 3: Rezone from AG-1 to RM-3 (approximately 50.8 acres)

Map 104, Parcel 033 District 3: Rezone from R-1 to RM-3 (approximately 3.5 acres)

Map 104B, Parcel 001 District 3: Rezone from R-1 to RM-3 (approximately .63 acres)

Map 104, Parcel 030 District 3: Rezone from R-1 to RM-3 (approximately 2.14 acres)

Putnam County Zoning Ordinance Sec. 66-164(d) Standards governing consideration of a zoning change.

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

Yes. The stated purpose of the RM-3 zoning is to facilitate through a sensitive design solution, the incorporation of a development into the natural environment by using an increased density as the reward. Properties in this district must be developed as integrated whole while offering a variety of housing design solutions in one ownership. Applicant, who has total site control, seeks to provide a range of occupancy options explicitly contemplated by the RM-3 district regulations including townhomes and possibly a hotel that engages the site's natural environment- a large hilltop acreage which slopes downward toward the site's lake frontage. Each occupancy option will be designed to the highest quality, in accordance with County Development Regulations (Chapter 28) as well as the performance standards of article III of the Zoning Ordinance. The RM-3 zoning regulations list single-family, duplex, triplex, townhomes and hotels as compatible residential occupancies. Consistent with that recognition, Applicant requests, like all other property owners of RM-3 zoned property in the county, to have such flexibility of residential uses unrestricted by zoning condition.

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

Yes. The proposed uses(s) are suitable in view of the similar RM-2 and RM-3 zoning of adjacent and nearby properties. Specifically, the predominate zoning of lake front property is RM-3 according to the County's Official Zoning Map. In addition, there is current commercially zoned and use property directly adjacent to the site. These uses proximate to Collis Road include: 1) a 150-boat capacity dry stack storage facility; 2) the Waterfront, consisting of 72 townhouse units on 10 acres; 3) The Enclave, consisting of 18 townhouse units on 2 acres; 4) Collis Circle, consisting of 50 single-family homes on 60 acres; and 5) Doug Lane, consisting of 17 single-family homes on 16 acres. The density proposed by this application of 124 townhomes on approximately 58 acres is substantially in keeping with surrounding densities. More importantly, the proposed density is consistent with the RM-3 district regulations.

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

No. On the contrary, the proposed use(s) for the site will further reinforce the residential and limited commercial nature of the adjacent and nearby property, whose values originate from their

lake frontage (or lake proximity). As such , the proposed use(s) will have a positive impact on surrounding property values.

4. Is the proposed use compatible with the purpose and intent of the comprehensive plan?

Yes. The proposed use(s) is compatible with the Putnam County and the City of Eatonton Joint Comprehensive Plan (JCP). The JCP has as a primary component economic development, the goals of which are to create new job opportunities and further develop entertainment options. See, JCP, pg. 4. The JCP recognizes the need and opportunity to attract new development to offset lost tax revenue occasioned by the Georgia Power plant closure. Accordingly, the JCP states that it is "imperative that the county and city focus on attracting new development which will allow for a greater mix of complementary industries and businesses to support job creation and a larger tax base". See, JCP, pg. 4. Applicant's proposed occupancy use(s) will generate temporary and permanent jobs as well as generate substantial tax revenue. A very reputable company has studied the feasibility of a hotel in Putnam County on Lake Oconee and determined the County can expect approximately \$6,000,000 in tax revenue over ten years.

Regarding land use compatibility, the subject property is the only property along Collis Road that has an agricultural future land use designation on the County's Future Land Use Map. This agricultural land use designation is misplaced and outdated, as recognized by the December 20, 2019 Planning Staff Report. Virtually all property in the vicinity, and particularly lakefront property, has a residential future land use classification. In fact, the 2007-2030 county future land use map on file with the Middle Georgia Commission shows the property as "mixed use residential" like all other properties in the area.

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

Yes. There is no market for agricultural use (or low-density residential use) as substantiated by surrounding uses and rezoning's from AG-1 to RM-3. The current AG-1 and RM-1 zoning are antiquated and do not constitute economically viable zoning districts, as illustrated by surrounding developments' rezoning to RM-3 in the past years.

6. 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 residential use(s) will not cause an excessive or burdensome use of public facilities or services or exceed the present or funded capabilities of the County. Moreover, the proposed residential uses will generate taxes that will contribute to the funding of services to the new residents. Piedmont Water Company has confirmed by letter dated October 9, 2019 that water and sewer are available to serve the site. The County will provide all county services, including police, fire and roads, at the same level of service as it does for all other county residents, which level of service and funding methods are set forth in the 2019 Putnam County's Service Delivery Strategy adopted by the Board of Commissioners on January 11, 2019. Regarding the funding methods for roads, the SDS lists public funds, not user fees such as impact fees. In addition, the JCP's Community Work Program for the transportation element lists developing a maintenance

plan to include the widening and redesign of current intersections and roads. See, JCP, pg. 34. But the funding identified for such activity is listed as county budget and SPLOST, not user fees. Collis Road is 20' wide, the same width as all other county-maintained roads. Previous approved developments along Collis Road were not required to self-fund road widening. Notwithstanding this, Applicant is amenable, through zoning condition, to reserve a 20' strip of land along Collis Road for future county-acquisition and widening if the county so choses.

Applicant has 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 28-66(k) specify for consideration of left turn lane.

7. 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?

Yes. As discussed above, the current zoning and land use of the subject property is outdated. The current zoning and land use of surrounding properties is higher density residential, including RM-2 and RM-3.

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

Yes. The proposed residential use(s) strikes the correct balance between single-family residential use and commercial uses in the area. The development will be self-contained on site and will not spill into lower-density residential uses. Applicant is requesting the same zoning that adjacent owners most recently have requested and received from Putnam County.

9. In addition to the standards enumerated in items (1)—(8) of this section, the planning and zoning commission and the board of commissioners may consider the following standards in a rezoning application if applicable:

- a. Duration for which the property has been vacant;

The property has been dormant farmland for years with no current redevelopment potential without rezoning.

- b. Development patterns and trends in the community; and

The development pattern and trends in the area and around Lake Oconee is more dense residential housing options.

- c. Potential air, water, noise and light pollution.

All development will conform to all local, state and federal regulations pertaining to air, water, noise and light pollution. These include Georgia Power, U.S. Fish and Wildlife, Georgia Department of Natural Resources, State Historic Preservation Office and the

Federal Energy Resource Commission. Finally, a portion of the subject property will be set aside for land preservation.

Simonton Engineering, LLC

Consulting Engineers

1050 Parkside Commons Suite 101
Greensboro, GA 30642

Mallard Cove
Traffic Impact Analysis
PCS # 2019-303_Hotel

The Mallard Cove development is a resort hotel development that includes 50.8 acres of RM-3 development on Collis Marina Road and Collis Road NE. The developer desires to construct a 175 room resort hotel. The property is currently zoned A-1 agriculture and will require a zoning change to RM-3.

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:

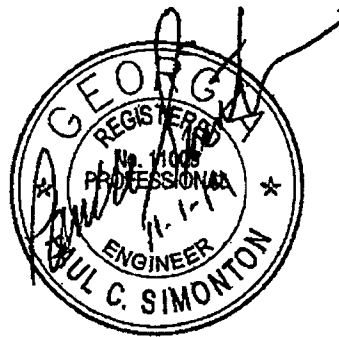
| | |
|-----------------|--------------------|
| Two Way Traffic | 1331 trips per day |
| AM Peak Traffic | 103 trips per day |
| PM Peak Traffic | 131 trips per day |

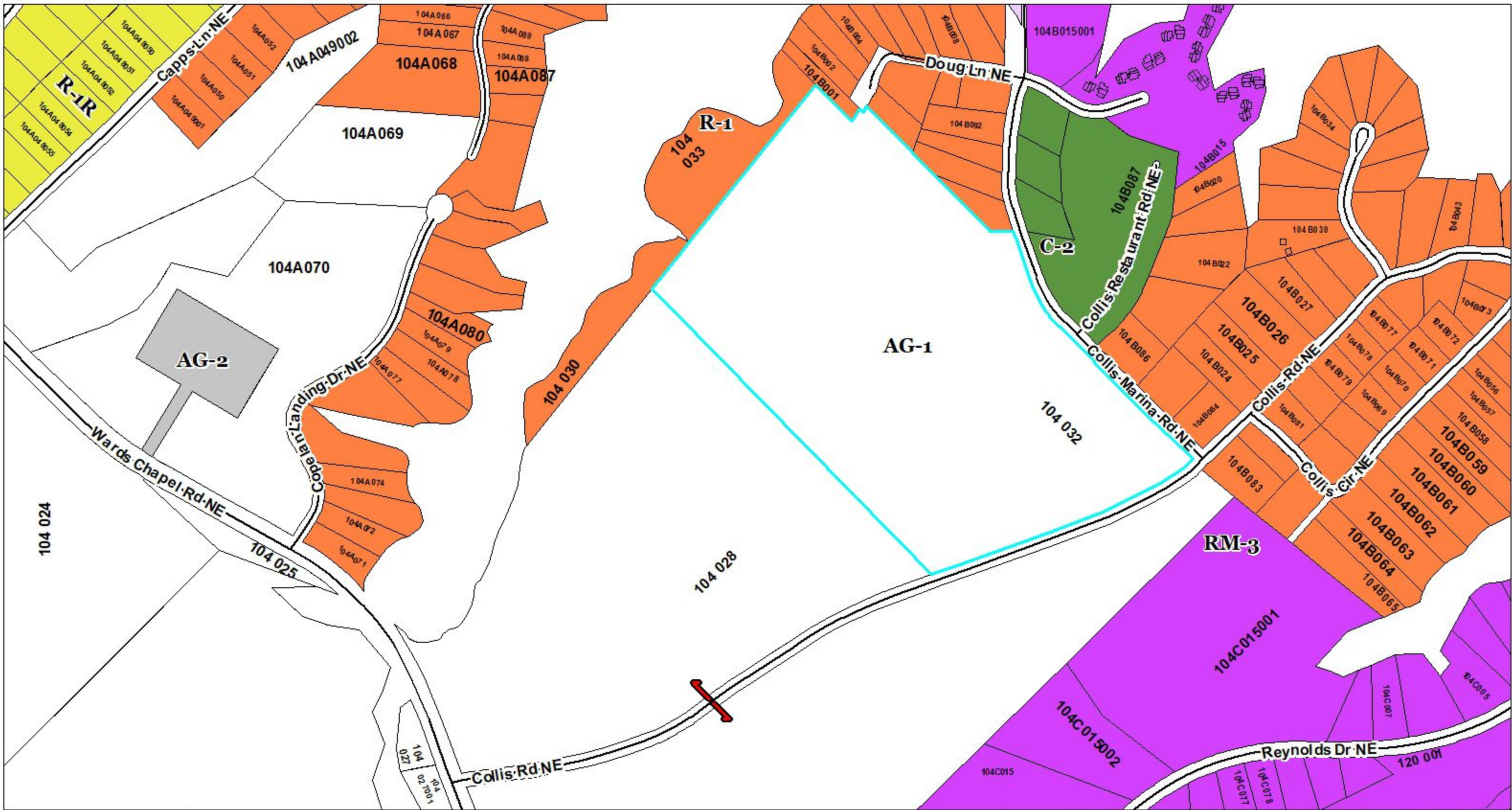
The proposed project includes 175 room hotel located at the intersection by Collis Road and Collis Marina Road. Property configuration will allow all or most of the property to enter from Collis Road and will have no impact on Collis Marina Road. Based on the information submitted traffic projection for the proposed development is:

| | |
|--------------------------------|-----------|
| Average weekday two-way volume | 937 trips |
| AM Peak Traffic | 70 trips |
| • Peak hour enter | 41 trips |
| • Peak hour exit | 29 trips |
| PM Peak Traffic | 74 trips |
| • Peak hour enter | 36 trips |
| • Peak hour exit | 38 trips |

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.





- Eatonton Limits
- County Boundary
- Roads
- Parcels
- Parcel_Hooks

GEOGRAPHIC FEATURE LEGEND

- | | |
|------------------|-------------|
| Zoning | |
| Overlay District | AG-2 |
| No Code | C-1 |
| AG-1 | C-1 CITY |
| AG-1 CITY | C-2 |
| IND-2 CITY | I-M |
| MHP | IND-1 CITY |
| IND-2 | PUBLIC CITY |
| R-1 CITY | R-1 |
| R-2 CITY | R-1R |
| R-3 CITY | R-2 |
| R-4 CITY | RM-1 |
| RM-2 | RM-3 |
| VILLAGE | |



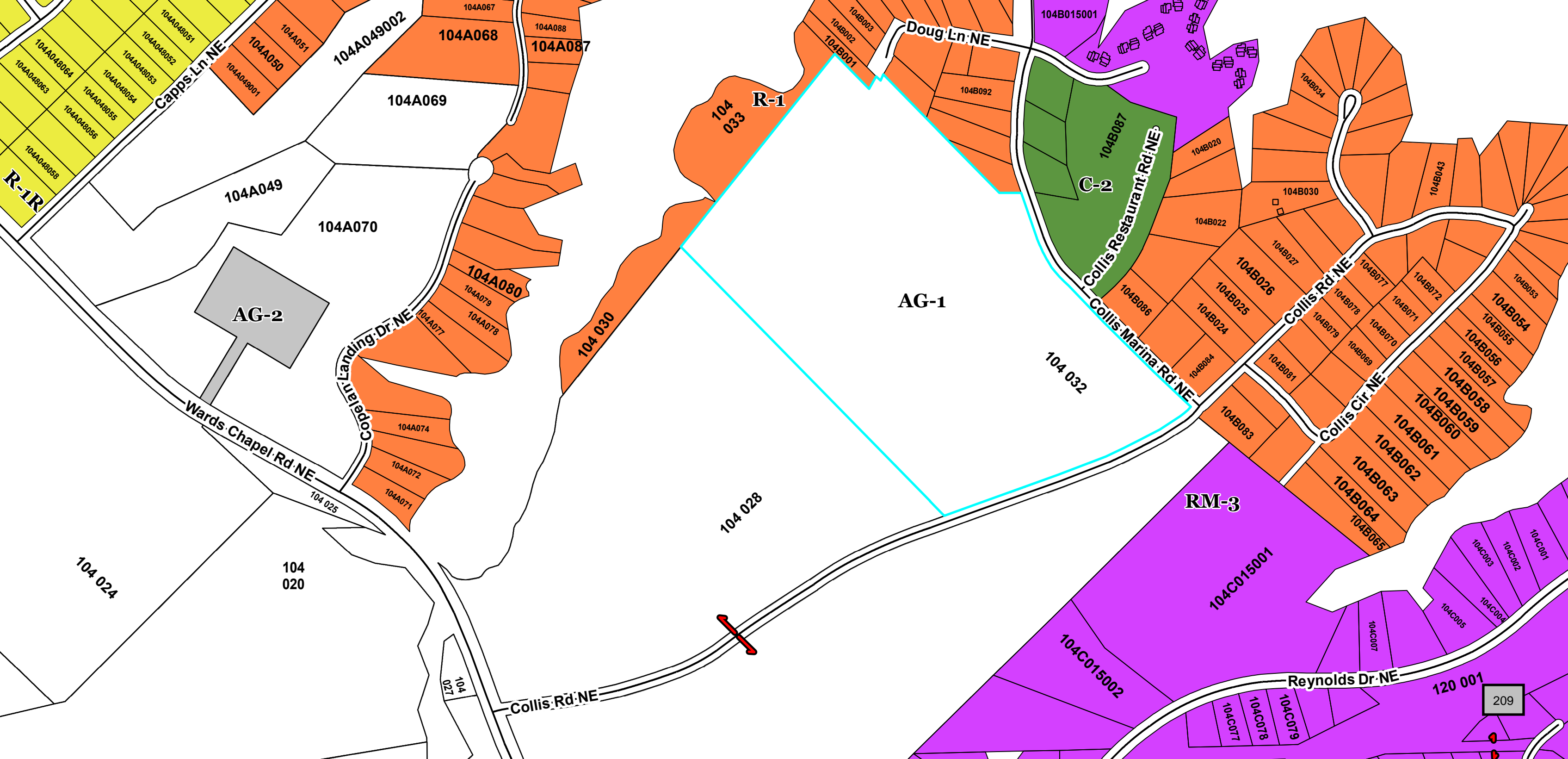
Middle Georgia Regional Commission
 175 Emery Hwy
 Suite C
 Macon, Georgia 31217
 (478) 751-8180
 Web:
www.middlegeorgiarc.org

**PUTNAM COUNTY, GEORGIA
 ZONING MAPS**



MAP 104

208



104A048051
104A048052
104A048053
104A048054
104A048055
104A048056
104A048058

104A051
104A050
104A09001

104A049002
104A068
104A069

104A067
104A088
104A087

104B003
104B002
104B001

104B092
104B087
104B086

104B015001
104B020
104B034

104B043
104B053
104B054
104B055
104B056
104B057
104B058
104B059
104B060
104B061
104B062
104B063
104B064
104B065

R-1R

104A049
104A070

104A080
104A079
104A078
104A077

104 033
104 030
104 028

AG-1
104 032

104B022
104B026
104B025
104B024
104B027
104B028
104B029
104B030

104B072
104B071
104B070
104B069
104B077
104B078
104B079
104B081
104B083
104B084

AG-2

104A074
104A072
104A071

104 024
104 020

104 028

104C015001
104C015002

104C007
104C005
104C003
104C002
104C001

120 001
209

Wards Chapel Rd NE

Collis Landing Dr NE

Collis Rd NE

Collis Rd NE

Collis Rd NE
Collis Marina Rd NE
Collis Restaurant Rd NE

Collis Cir NE

Reynolds Dr NE

104 024

104 020

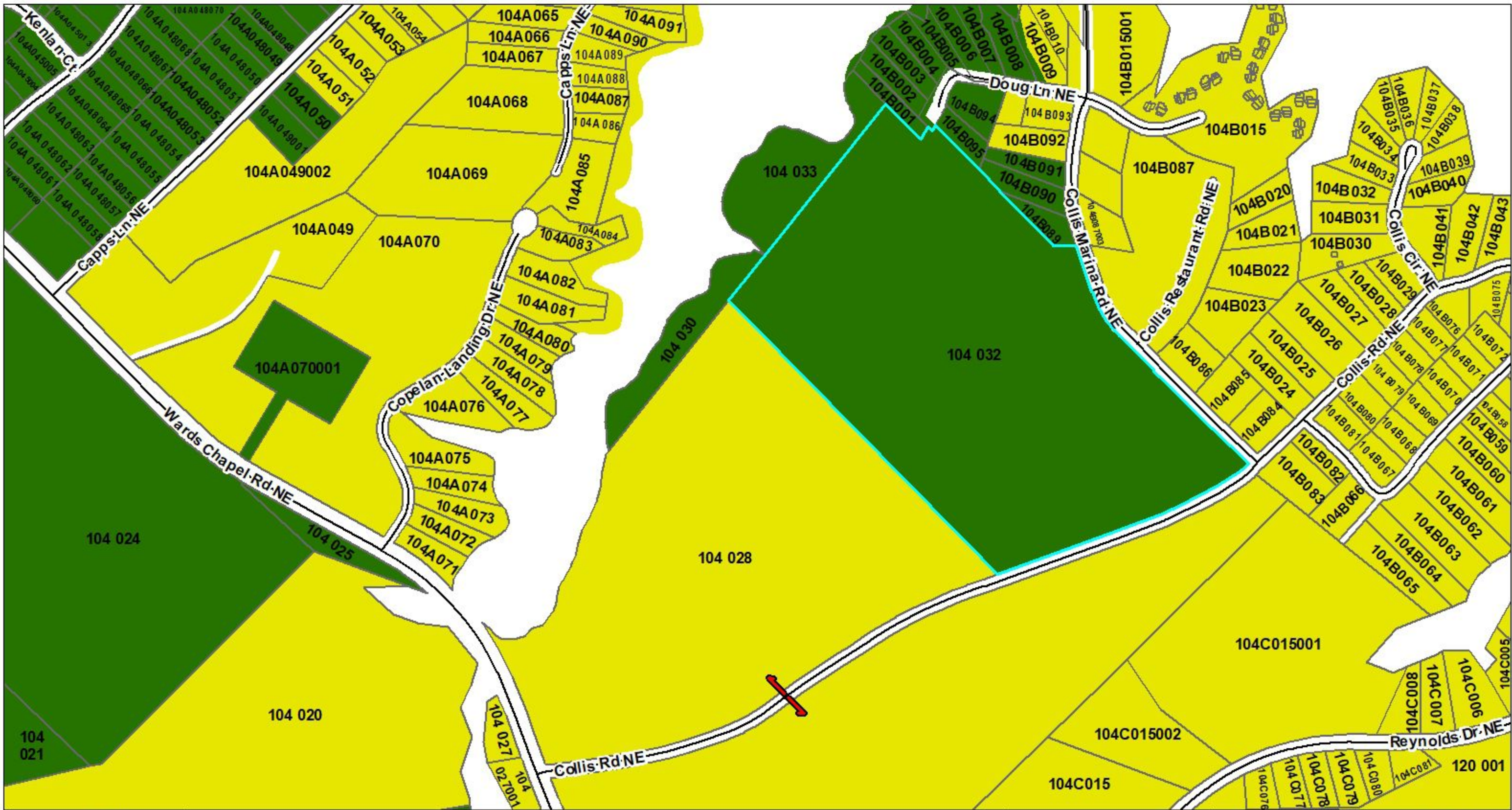
104 028

104 028

104C015001
104C015002

104C007
104C005
104C003
104C002
104C001

120 001
209



GEOGRAPHIC FEATURE LEGEND

| | | | |
|-----------------|----------------------|------------------------------|--|
| Eatonton Limits | Agriculture/Forestry | Mixed Use | Residential |
| County Boundary | Commercial | Park/Recreation/Conservation | Transportation/Communication/Utilities |
| Roads | Industrial | Public/institutional | Undeveloped/Vacant |
| Parcels | | | |
| Parcel_Hooks | | | |

MGRC
 Middle Georgia Regional Commission
 175 Emery Hwy
 Suite C
 Macon, Georgia 31217
 (478) 751-8180
 Web:
www.middlegeorgiarc.org

PUTNAM COUNTY, GEORGIA
FUTURE LAND USE MAPS

MAP 104

210

MAP SCALE: 1" = 416.67' SCALE RATIO: 1:5,000 DATE: NOVEMBER 2019



PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

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

February 24, 2020

TO: Planning & Zoning Commission

FROM: Lisa Jackson

RE: Staff Recommendation for Public Hearing Agenda on 3/5/2020

9. Request by **Howard McMichael, agent for Lick Creek Holding's LLC** to rezone 21.40 acres at Collis Road from AG-1 to RM-3. [**Map 104, Parcel 032001, District 3**]. * **Item postponed.**

New Business

Adjournment

The Planning & Zoning Commission meeting will be conducted pursuant and in accordance with O.C.G.A. Chapter 36-66.

Notice: All opponents to any rezoning request on the Planning & Zoning Commission and the Board of Commission agendas must file a disclosure of campaign contributions with the Planning & Development Department within five calendar days prior to public hearings if you have contributed \$250.00 or more to an elected official in Putnam County within the last five years.

*The Putnam County Board of Commissioners will hear these agenda items on March 17, 2020 at 6:30 P.M., in the Putnam County Administration Building, 117 Putnam Drive, Room 203.

The full meeting package can be reviewed in the Planning & Development office upon request.

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.

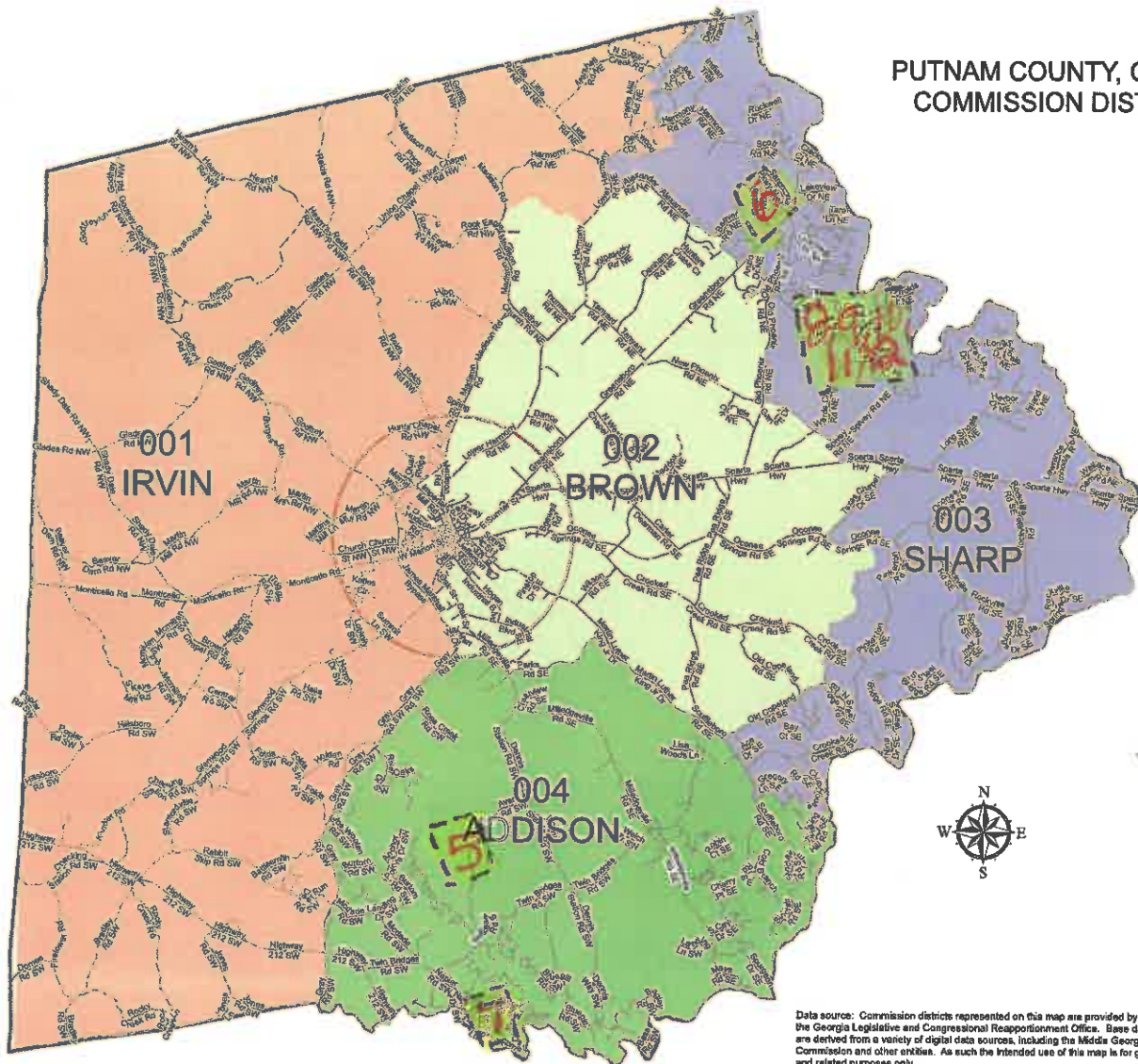
The Board of Commissioners' hearing will be conducted pursuant to O.C.G.A. 50-14-1 and Section 66-159 of the Putnam County Code of Ordinances and meets the requirements of the Zoning Procedures Laws established in O.C.G.A 36-66.

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.

Item Attachment Documents:

10. Request by **Howard McMichael, agent for Mallard's Overlook, LLC** to rezone 29.58 acres at Collis Road from AG-1 to RM-3. [**Map 104, Parcel 032, District 3**]. *

**PUTNAM COUNTY, GEORGIA
COMMISSION DISTRICTS**



MAP SCALE: 1" = 5,697.28' SCALE RATIO: 1:68,367.34 DATE: MARCH 2019

5. Request by **Ronnie & Lynn Smith** for a side yard setback variance at 108 Sunset Drive. Presently zoned R-2. [Map 053B, Parcel 056, District 4].
6. Request by **William Wilkinson**. for a side yard setback variance at 163 Lakemore Drive. Presently zoned R-1. [Map 103A, Parcel 001, District 3].
7. Request by **Jerry & Lisa Collins**. for a side yard setback variance at 160 A Oak Lane. Presently zoned R-2. [Map 056C, Parcel 020, District 4].
8. Request by **Howard McMichael**, agent for **Oconee Overlook, LLC & Lick Creek Holding's LLC** to rezone 2.14 acres at Collis Road from R-1 to RM-3. [Map 104, Parcel 030, District 3]. *
9. Request by **Howard McMichael**, agent for **Lick Creek Holding's LLC** to rezone 21.40 acres at Collis Road from AG-1 to RM-3. [Map 104, Parcel 032001, District 3]. *
10. Request by **Howard McMichael**, agent for **Mallard's Overlook, LLC** to rezone 29.58 acres at Collis Road from AG-1 to RM-3. [Map 104, Parcel 032, District 3]. *
11. 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]. *
12. Request by **Howard McMichael**, agent for **Oconee Overlook, LLC** to rezone 0.63 acres on Doug Lane from R-1 to RM-3. [Map 104B, Parcel 001, District 3]. *

DILLARD Sellers
ATTORNEYS AT LAW

Jeffrey S. Haymore
404.665.1243

Email:
jhaymore@dillardsellers.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 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 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 (hereafter "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

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 facially 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

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.

“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

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 radii. 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 examples, 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.

Putnam County Board of Commissioners

January 3, 2020

Page 6

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 Commissioner.") 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. Haymore, Esq.

cc: Howard McMichael, Jr.

DILLARD *Sellers*
ATTORNEYS AT LAW

Jeffrey S. Haymore
404.665.1243

Email:
jhaymore@dillardsellers.com

February 10, 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:

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

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, 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)

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).

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 require a minimum of 50 feet of road frontage. Code Sec. 66-82(b).

³ See, Putnam County Official Zoning Map

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).

“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, Greene 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

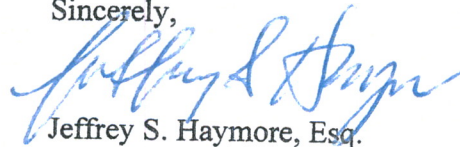
In the event market demands subsequent to rezoning to RM-3 no longer support a hotel, Owners will proceed to develop the Property for a townhome and condominium development. Again, tying the Property to a specific concept plan as a condition of zoning is not feasible. Nonetheless, development of the 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. Hamby*, 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



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 2019-1686 DATE: 1/8/2020

MAP 104 PARCEL 032 DISTRICT 3

- 1. Name of Applicant: Mallard's Overlook, LLC
- 2. Mailing Address: 6350 Lake Oconee Parkway Suite 110 Eatonton Ga 31024 PMB33 Greensboro, GA.
- 3. Phone: (home) _____ (office) _____ (cell) 706-493-1999
- 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 Putnam 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-1/CZ 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 cpa

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.

[Signature] 1/7/2020
Signature (Property Owner) (Date)

[Signature] 1/7/2020
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 _____ |

RCUD 2020 JAN 8

DOCH 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

REAL ESTATE TRANSFER
TAX PAID: \$0.00

After Recording Return to:
J.V. Dell, P.C.
1040 Founders Row, Ste B
Greensboro, Georgia 30642
C/m#: 3113-0014

LIMITED WARRANTY DEED

STATE OF GEORGIA, GREENE COUNTY *PT 61-117-2019-DD1987*

THIS INDENTURE, made this 26th day of December 2019, between HJR Odoms, LLC, 117-2019-001987 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.

PCUD 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.

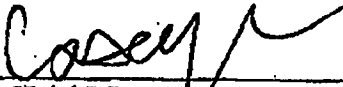
TO HAVE AND TO HOLD, the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee, its successors and assigns, forever in FEE SIMPLE.

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.

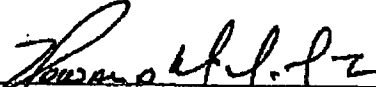
IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and affixed its seal the day and year first above written.

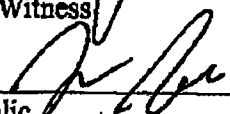
Signed, sealed and delivered
in the presence of:

HJR Oconee, LLC



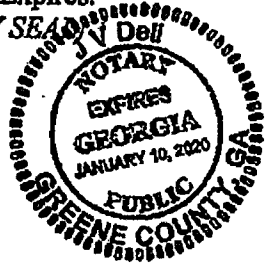
Unofficial Witness

By:  (SEAL)
Name: Howard McMichael, Jr.
Its: Sole Member

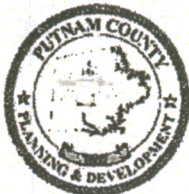


Notary Public

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 McMichael, 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, 2018.

PROPERTY OWNER(S): Mayard's Overlook, LLC

James K. Overmyer NAME (PRINTED)
SIGNATURE

ADDRESS: 16350 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, 2018

Casey
NOTARY
MY COMMISSION EXPIRES: 2-13-22



RCUD 2020 JAN 8

BK:36 PG:199-199

#2019000135

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

NF COPELAN

LAKE OCONEE

1/2" RE-BAR

NF COPELAN
FAMILY PARTNERSHIP

TRACT A
29.55
ACRES

TRACT B
21.40
ACRES

1/2" RE-BAR
(PCB)

A BOUNDARY RETRACEMENT AND DIVISION SURVEY OF TAX
PARCEL 184 032 (PLAT BK 32/215)
SURVEY AUTHORIZED BY MALLARD'S OVERLOOK, LLC & LICK
CREEK HOLDINGS, LLC
DATE OF FIELDWORK: 11/15-12/18/2019

AS REQUIRED BY SUBSECTION (D) OCGA 15-8-47, THIS PLAT
HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED AS
EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURE STAMPS,
OR STATEMENTS NEEDED, SUCH APPROVALS OR AFFIRMATIONS
SHOULD BE OBTAINED WITH THE APPROPRIATE GOVERNMENTAL
BODIES BY ANY PURCHASER OR USER OF PLATS TO THE INTEND-
ED USE OF THIS PARCEL. THE UNDERSIGNED SURVEYOR CERTIFIES
THAT THIS PLAT COMPLIES WITH MINIMUM TECHNICAL STANDARDS
FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH BY THE GA
STATE BOARD OF REG. FOR ENGINEERS & LAND SURVEYORS &
OCGA 15-8-47.

Jack E. Newsome
JACK E. NEWSOME, GA RLS #3113



NOTICE
THIS SURVEY IS BASED UPON INFORMATION FOUND IN THE PUBLIC RECORD
AND/OR INFORMATION PROVIDED BY THE CLIENT AND ALSO UPON EVIDENCE
RECOVERED AT THE SITE. IT REPRESENTS A PROFESSIONAL OPINION, AND IS
SUBJECT TO CHANGE WITH THE INTRODUCTION OF VALID NEW EVIDENCE
OR INFORMATION.



| LINE CHART | | |
|------------|-------------|------------|
| LINE | BEARING | HORIZ DIST |
| L1 | 852°10'00"W | 62.59' |
| L2 | 859°04'03"W | 111.82' |
| L3 | 861°38'64"W | 110.46' |
| L4 | 863°09'31"W | 121.49' |
| L5 | 867°28'36"W | 80.02' |
| L6 | N41°00'00"E | 58.82' |
| L7 | 865°04'38"E | 58.82' |
| L8 | N15°25'29"W | 87.71' |
| L9 | N41°03'49"E | 113.40' |
| L10 | S45°14'09"E | 142.28' |
| L11 | N60°49'59"E | 163.72' |
| L12 | S18°43'02"E | 193.80' |
| L13 | S22°11'02"E | 85.12' |
| L14 | S27°48'06"E | 53.74' |
| L15 | S33°30'42"E | 87.82' |
| L16 | S38°33'47"E | 87.31' |
| L17 | S43°06'26"E | 124.94' |
| L18 | S42°26'21"E | 78.57' |
| L19 | S42°47'01"E | 101.40' |
| L20 | S44°36'29"E | 81.06' |
| L21 | S45°10'39"E | 136.84' |
| L22 | S44°42'17"E | 174.15' |
| L23 | S44°24'22"E | 84.51' |
| L24 | S44°37'58"E | 58.89' |

POINT OF COMMENCEMENT:
FROM A 1/2" RE-BAR SET AT THE INTERSECTION OF THE RIGHT-OF-
WAY OF COLLIS ROAD AND COLLIS MARINA ROAD: S88°57'18"W
FOR 1138.42' TO A 1/2" RE-BAR FOUND AT THE NORTHERLY RIGHT-
OF-WAY OF COLLIS ROAD; THE POINT OF BEGINNING (POB)

NOTE:
THIS SURVEY IS SUBJECT TO ALL EASEMENTS, RIGHT-OF-
WAYS, AND COVENANTS OF RECORD.
THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF
A TITLE SEARCH.

TECHNICAL DATA:
INSTRUMENT: JAVAD GNSS: TRIUMPH2 & LS
TRAVERSE CLOSURE: N/A
RELATIVE POSITIONAL ACCURACY: ± = 0.001 PT.
CHECKED BY REDUNDANT MEASUREMENTS
PLAT CLOSURE: TRACT A: 1'1400.061'
TRACT B: 1'1186.203'

APPROVED FOR RECORDING ONLY
PUTNAM COUNTY
PLANNING AND DEVELOPMENT

DEC 2 4 2019

Lisa Jacke

A BOUNDARY SURVEY FOR

MALLARD'S OVERLOOK, LLC (TRACT: A)
&
LICK CREEK HOLDINGS, LLC (TRACT: B)

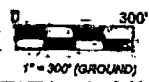
308th GMD PUTNAM COUNTY, GEORGIA
LAND LOT 330
DECEMBER 17, 2019

SURVEYED BY
SOUTHEAST LAND SURVEYING

JACK E. NEWSOME, RLS
130 W. SHERATON DR.
PO BOX 1925
WASHINGTON, GEORGIA 30673
706-678-7926 706-361-2170
wlfcesurveyor@gmail.com

COUNTY APPROVAL STAMP

ROAD 70228 TOWN B





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 30607

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
Batonton, 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

RCUD 2019 OCT 31

Handwritten initials in black ink, possibly "WJ" or "JM", written below the stamp.

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: ptc117@yahoo.com
www.putnamgatax.com

October 30, 2019

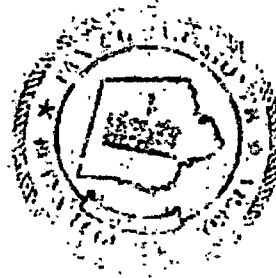
CERTIFICATION

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

AE

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

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

RCUD 2019 NTU 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.

WCLM 2014 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:

REC'D 2019 NOV 1



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 1B 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)

RCUN 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. 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 |

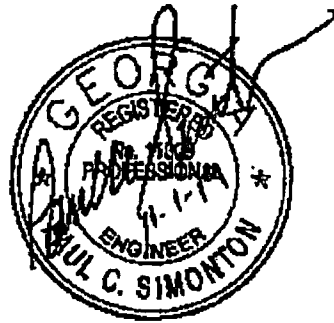
RCUB 2019 NOV 1



Hinesville, Georgia Phone: (912) 368-5212 Fax (912) 368-6071
Greensboro, Georgia Phone: (706) 454-0870 Fax (706) 454-0871

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.

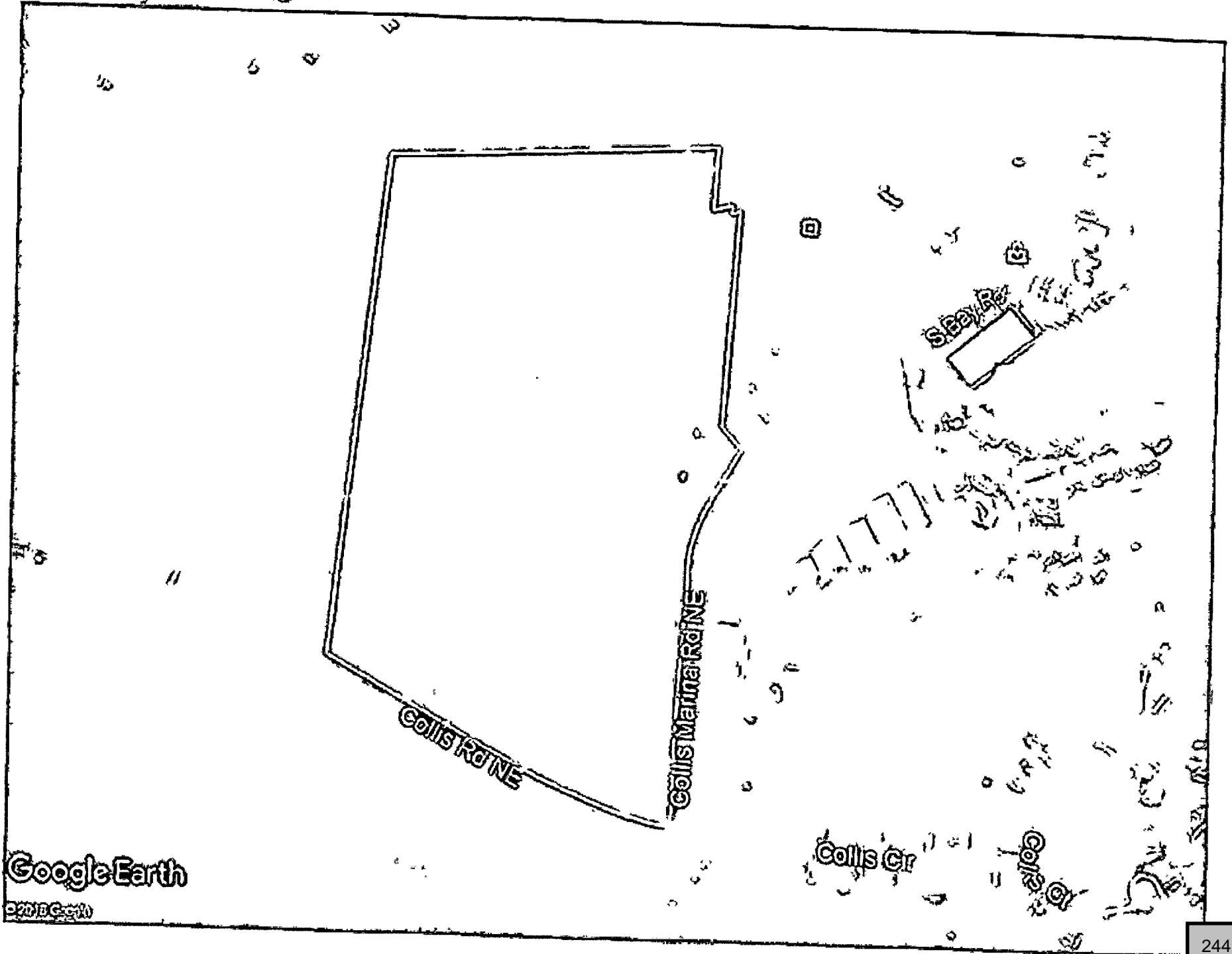
Collis Road does not meet the roadway width shown above. The current roadway is a very narrow twenty feet (20') roadway with little or no shoulder. Expansion of the roadway is expected for the roadway to operate at an acceptable level of service (LOS). The minimum cross section should be two lane, twenty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

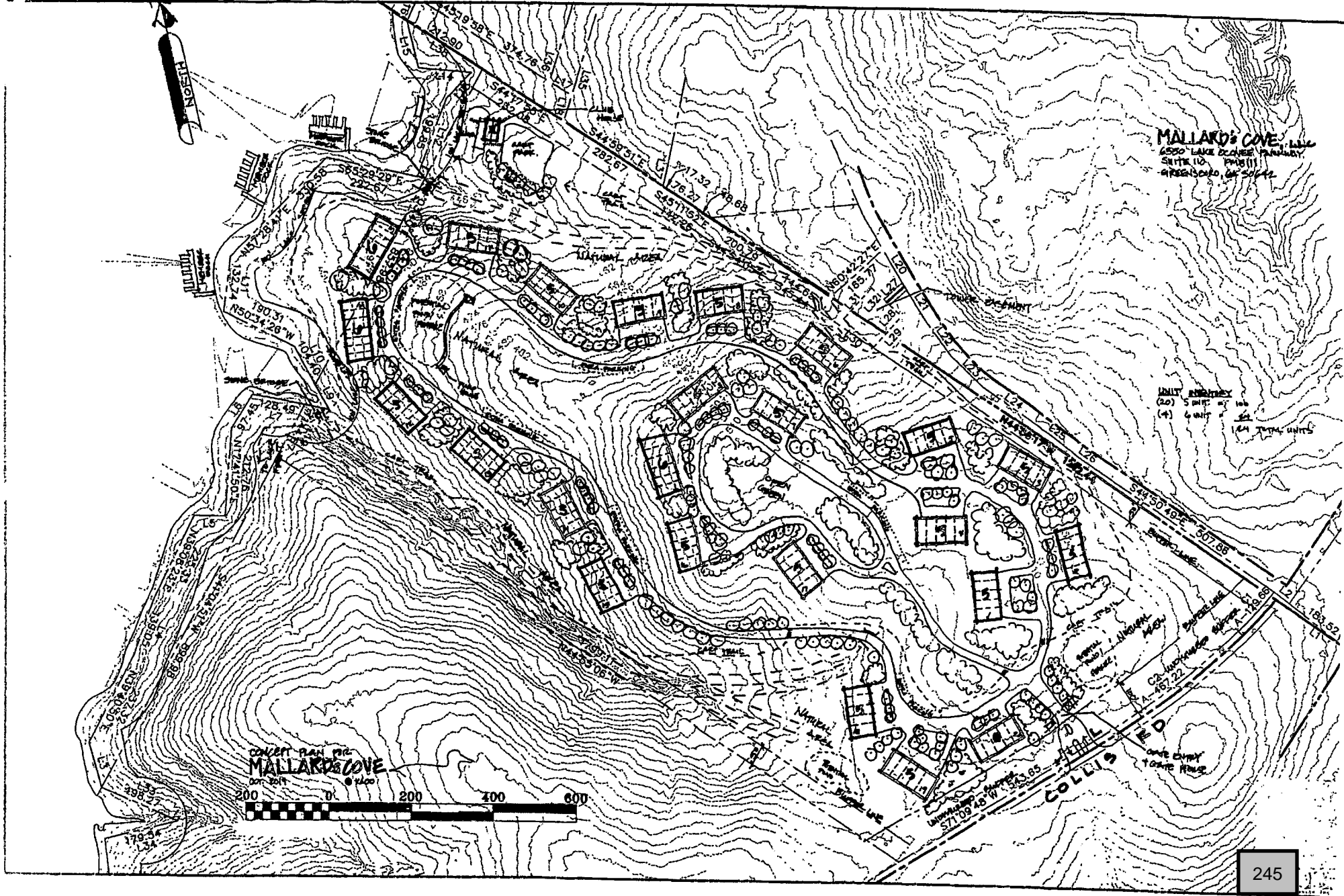


WCLM 2019 MRU 1

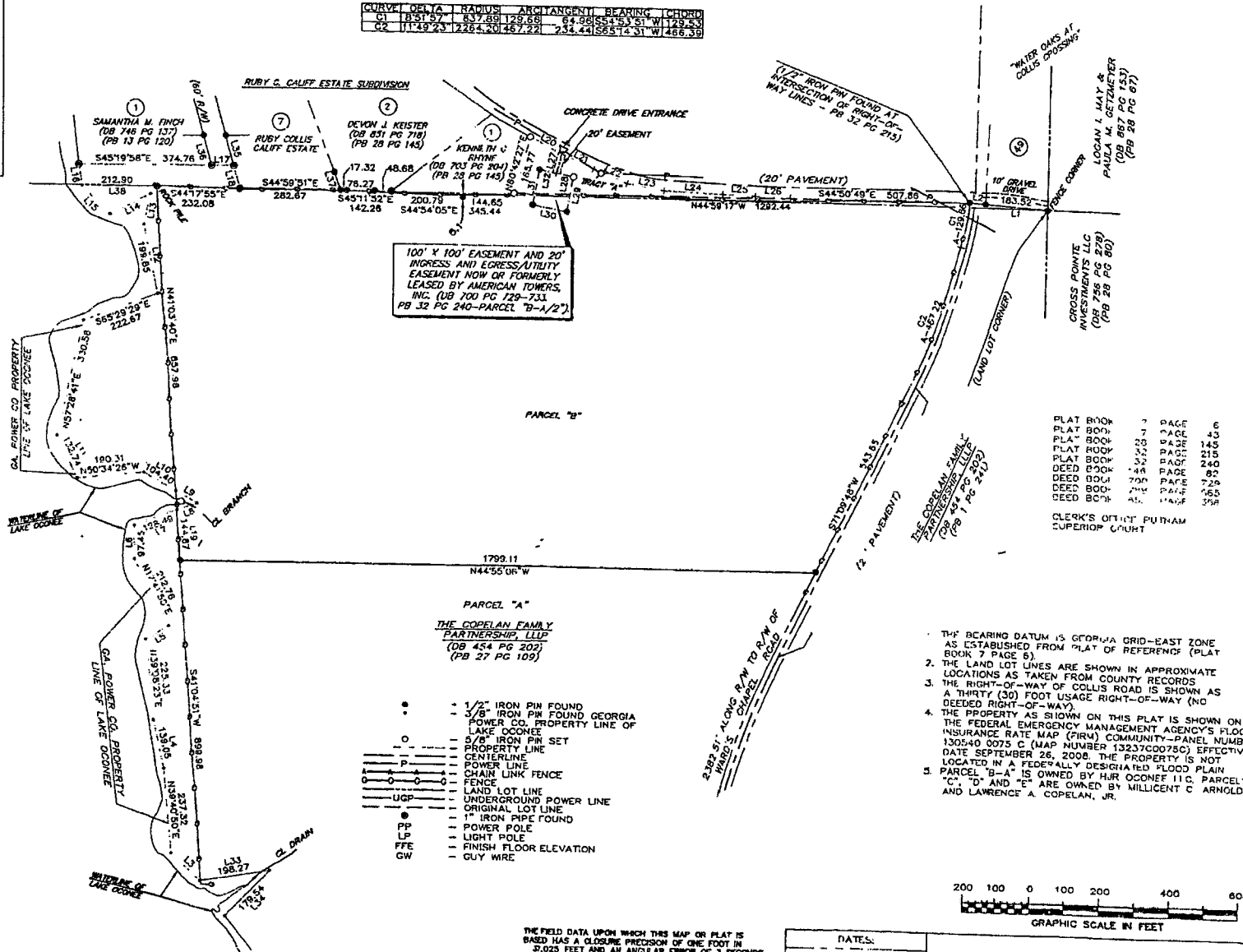
DE

Existing Conditions





| CURVE | DELTA | RADIUS | ARC LENGTH | BEARING | CHORD | |
|-------|--------------|---------|------------|------------------|----------------|--------|
| C1 | 85° 57' | 837.89 | 129.88 | 64° 28' 55.15" W | 111.83 | |
| C2 | 117° 49' 23" | 1226.20 | 467.22 | 234.44 | 365° 14' 31" W | 468.39 |

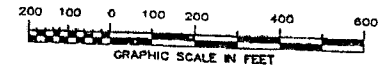


| LINE | BEARING | DISTANCE |
|------|---------------|----------|
| L1 | N41°05'46"W | 183.52 |
| L2 | N4°05'37"08"W | 46.84 |
| L3 | N02°13'41"W | 112.51 |
| L4 | N32°27'54"E | 139.09 |
| L5 | S75°30'26"E | 74.89 |
| L6 | N44°33'01"E | 67.43 |
| L7 | S65°33'18"E | 128.42 |
| L8 | S85°01'40"E | 58.79 |
| L9 | N18°28'01"W | 87.57 |
| L10 | N18°32'54"W | 104.46 |
| L11 | N20°00'48"E | 132.74 |
| L12 | N53°32'59"E | 198.88 |
| L13 | N62°28'09"E | 105.91 |
| L14 | N75°19'07"W | 147.43 |
| L15 | N00°34'27"W | 112.44 |
| L16 | N36°14'42"E | 60.59 |
| L17 | S43°21'52"E | 81.98 |
| L18 | S79°30'40"W | 86.76 |
| L19 | N41°06'20"E | 144.67 |
| L20 | S18°14'12"E | 102.07 |
| L21 | S18°21'46"E | 100.01 |
| L22 | S24°18'19"E | 102.47 |
| L23 | S24°28'44"E | 105.58 |
| L24 | S42°55'43"E | 166.96 |
| L25 | S43°03'34"E | 92.84 |
| L26 | S43°18'42"E | 95.84 |
| L27 | S60°10'40"W | 57.58 |
| L28 | S74°50'02"E | 49.09 |
| L29 | S65°06'47"W | 100.00 |
| L30 | N34°53'13"W | 100.00 |
| L31 | N35°06'47"E | 100.00 |
| L32 | S41°52'02"E | 50.8 |
| L33 | S54°15'02"E | 188.27 |
| L34 | S89°09'20"W | 178.54 |
| L35 | N29°52'07"E | 88.83 |
| L36 | N29°52'14"E | 87.41 |
| L37 | N25°41'10"E | 141.18 |
| L38 | N45°14'44"W | 212.90 |

| | | | |
|-----------|-----|------|-----|
| PLAT BOOK | 7 | PAGE | 6 |
| PLAT BOOK | 7 | PAGE | 43 |
| PLAT BOOK | 23 | PAGE | 145 |
| PLAT BOOK | 32 | PAGE | 215 |
| DEED BOOK | 32 | PAGE | 240 |
| DEED BOOK | 44 | PAGE | 80 |
| DEED BOOK | 700 | PAGE | 229 |
| DEED BOOK | 714 | PAGE | 168 |
| DEED BOOK | 714 | PAGE | 258 |

CLERK'S OFFICE PUTNAM SUPERIOR COURT

- THE BEARING DATUM IS GEORGIA GRID-EAST ZONE AS ESTABLISHED FROM PLAT OF REFERENCE (PLAT BOOK 7 PAGE 6)
- THE LAND LOT LINES ARE SHOWN IN APPROXIMATE LOCATIONS AS TAKEN FROM COUNTY RECORDS
- A THIRTY (30) FOOT UGHS RIGHT-OF-WAY IS SHOWN AS DEEDED RIGHT-OF-WAY
- THE PROPERTY AS SHOWN ON THIS PLAT IS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY-PANEL NUMBER 130540 0075 C (MAP NUMBER 13237C0075C) EFFECTIVE DATE SEPTEMBER 26, 2008. THE PROPERTY IS NOT LOCATED IN A FEDERALLY DESIGNATED FLOOD PLAIN
- PARCEL "B-A" IS OWNED BY HUR OODNEE LLC, PARCELS "C", "D" AND "E" ARE OWNED BY MILLECENT C ARNOLD AND LAWRENCE A. COPELAN, JR.



"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 HAS A CLOSURE PRECISION OF ONE FOOT IN 3,025 FEET AND AN ANGULAR ERROR OF 3 SECONDS PER ANGLE POINT, AND WAS ADJUSTED USING THE LEAST SQUARES ADJUSTMENT. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 242,423 FEET.

A 100CA TDA 1100 TOTAL STATION (SI 415328) WAS USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS. A LEICA TPS-SYSTEM 1000 POLARIS MEMORY CARD WAS USED AS A DATA COLLECTOR TO COLLECT THE FIELD DATA.

THE SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE PRACTICE ACT AND RULES.

| DATES: | | FOR: | |
|---|--------------|-------------------|----------|
| SURVEY | 3/16/2017 TO | T. T. CAPITAL INC | |
| PLAT | 3/27/2017 | | |
| 3/21/2017 | | | |
| PART OF LAND LOTS 330 AND 337 THIRD LAND DISTRICT 308TH. G. M. DISTRICT PUTNAM COUNTY, GEORGIA | | | |
| Scale: | 1" = 200.0' | Date: | February |

REGISTERED
NO. 1885
LAND SURVEYOR
LINES E. SMITH, JR.

246

Additional Impact Analysis

Map 104, Parcel 032 District 3: Rezone from AG-1 to RM-3 (approximately 50.8 acres)

Map 104, Parcel 033 District 3: Rezone from R-1 to RM-3 (approximately 3.5 acres)

Map 104B, Parcel 001 District 3: Rezone from R-1 to RM-3 (approximately .63 acres)

Map 104, Parcel 030 District 3: Rezone from R-1 to RM-3 (approximately 2.14 acres)

Putnam County Zoning Ordinance Sec. 66-164(d) Standards governing consideration of a zoning change.

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

Yes. The stated purpose of the RM-3 zoning is to facilitate through a sensitive design solution, the incorporation of a development into the natural environment by using an increased density as the reward. Properties in this district must be developed as integrated whole while offering a variety of housing design solutions in one ownership. Applicant, who has total site control, seeks to provide a range of occupancy options explicitly contemplated by the RM-3 district regulations including townhomes and possibly a hotel that engages the site's natural environment- a large hilltop acreage which slopes downward toward the site's lake frontage. Each occupancy option will be designed to the highest quality, in accordance with County Development Regulations (Chapter 28) as well as the performance standards of article III of the Zoning Ordinance. The RM-3 zoning regulations list single-family, duplex, triplex, townhomes and hotels as compatible residential occupancies. Consistent with that recognition, Applicant requests, like all other property owners of RM-3 zoned property in the county, to have such flexibility of residential uses unrestricted by zoning condition.

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

Yes. The proposed uses(s) are suitable in view of the similar RM-2 and RM-3 zoning of adjacent and nearby properties. Specifically, the predominate zoning of lake front property is RM-3 according to the County's Official Zoning Map. In addition, there is current commercially zoned and use property directly adjacent to the site. These uses proximate to Collis Road include: 1) a 150-boat capacity dry stack storage facility; 2) the Waterfront, consisting of 72 townhouse units on 10 acres; 3) The Enclave, consisting of 18 townhouse units on 2 acres; 4) Collis Circle, consisting of 50 single-family homes on 60 acres; and 5) Doug Lane, consisting of 17 single-family homes on 16 acres. The density proposed by this application of 124 townhomes on approximately 58 acres is substantially in keeping with surrounding densities. More importantly, the proposed density is consistent with the RM-3 district regulations.

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

No. On the contrary, the proposed use(s) for the site will further reinforce the residential and limited commercial nature of the adjacent and nearby property, whose values originate from their

lake frontage (or lake proximity). As such , the proposed use(s) will have a positive impact on surrounding property values.

4. Is the proposed use compatible with the purpose and intent of the comprehensive plan?

Yes. The proposed use(s) is compatible with the Putnam County and the City of Eatonton Joint Comprehensive Plan (JCP). The JCP has as a primary component economic development, the goals of which are to create new job opportunities and further develop entertainment options. See, JCP, pg. 4. The JCP recognizes the need and opportunity to attract new development to offset lost tax revenue occasioned by the Georgia Power plant closure. Accordingly, the JCP states that it is “imperative that the county and city focus on attracting new development which will allow for a greater mix of complementary industries and businesses to support job creation and a larger tax base”. See, JCP, pg. 4. Applicant’s proposed occupancy use(s) will generate temporary and permanent jobs as well as generate substantial tax revenue. A very reputable company has studied the feasibility of a hotel in Putnam County on Lake Oconee and determined the County can expect approximately \$6,000,000 in tax revenue over ten years.

Regarding land use compatibility, the subject property is the only property along Collis Road that has an agricultural future land use designation on the County’s Future Land Use Map. This agricultural land use designation is misplaced and outdated, as recognized by the December 20, 2019 Planning Staff Report. Virtually all property in the vicinity, and particularly lakefront property, has a residential future land use classification. In fact, the 2007-2030 county future land use map on file with the Middle Georgia Commission shows the property as “mixed use residential” like all other properties in the area.

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

Yes. There is no market for agricultural use (or low-density residential use) as substantiated by surrounding uses and rezoning’s from AG-1 to RM-3. The current AG-1 and RM-1 zoning are antiquated and do not constitute economically viable zoning districts, as illustrated by surrounding developments’ rezoning to RM-3 in the past years.

6. 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 residential use(s) will not cause an excessive or burdensome use of public facilities or services or exceed the present or funded capabilities of the County. Moreover, the proposed residential uses will generate taxes that will contribute to the funding of services to the new residents. Piedmont Water Company has confirmed by letter dated October 9, 2019 that water and sewer are available to serve the site. The County will provide all county services, including police, fire and roads, at the same level of service as it does for all other county residents, which level of service and funding methods are set forth in the 2019 Putnam County’s Service Delivery Strategy adopted by the Board of Commissioners on January 11, 2019. Regarding the funding methods for roads, the SDS lists public funds, not user fees such as impact fees. In addition, the JCP’s Community Work Program for the transportation element lists developing a maintenance

plan to include the widening and redesign of current intersections and roads. See, JCP, pg. 34. But the funding identified for such activity is listed as county budget and SPLOST, not user fees. Collis Road is 20' wide, the same width as all other county-maintained roads. Previous approved developments along Collis Road were not required to self-fund road widening. Notwithstanding this, Applicant is amenable, through zoning condition, to reserve a 20' strip of land along Collis Road for future county-acquisition and widening if the county so choses.

Applicant has 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 28-66(k) specify for consideration of left turn lane.

7. 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?

Yes. As discussed above, the current zoning and land use of the subject property is outdated. The current zoning and land use of surrounding properties is higher density residential, including RM-2 and RM-3.

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

Yes. The proposed residential use(s) strikes the correct balance between single-family residential use and commercial uses in the area. The development will be self-contained on site and will not spill into lower-density residential uses. Applicant is requesting the same zoning that adjacent owners most recently have requested and received from Putnam County.

9. In addition to the standards enumerated in items (1)—(8) of this section, the planning and zoning commission and the board of commissioners may consider the following standards in a rezoning application if applicable:

- a. Duration for which the property has been vacant;

The property has been dormant farmland for years with no current redevelopment potential without rezoning.

- b. Development patterns and trends in the community; and

The development pattern and trends in the area and around Lake Oconee is more dense residential housing options.

- c. Potential air, water, noise and light pollution.

All development will conform to all local, state and federal regulations pertaining to air, water, noise and light pollution. These include Georgia Power, U.S. Fish and Wildlife, Georgia Department of Natural Resources, State Historic Preservation Office and the

Federal Energy Resource Commission. Finally, a portion of the subject property will be set aside for land preservation.

Simonton Engineering, LLC

Consulting Engineers

1050 Parkside Commons Suite 101
Greensboro, GA 30642

Mallard Cove
Traffic Impact Analysis
PCS # 2019-303_Hotel

The Mallard Cove development is a resort hotel development that includes 50.8 acres of RM-3 development on Collis Marina Road and Collis Road NE. The developer desires to construct a 175 room resort hotel. The property is currently zoned A-1 agriculture and will require a zoning change to RM-3.

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:

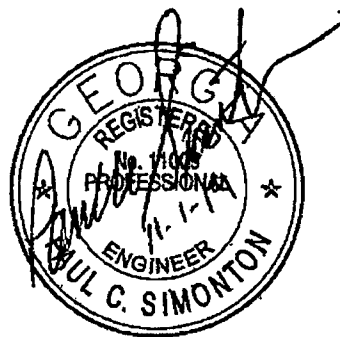
| | |
|-----------------|--------------------|
| Two Way Traffic | 1331 trips per day |
| AM Peak Traffic | 103 trips per day |
| PM Peak Traffic | 131 trips per day |

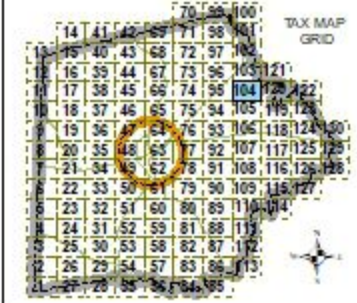
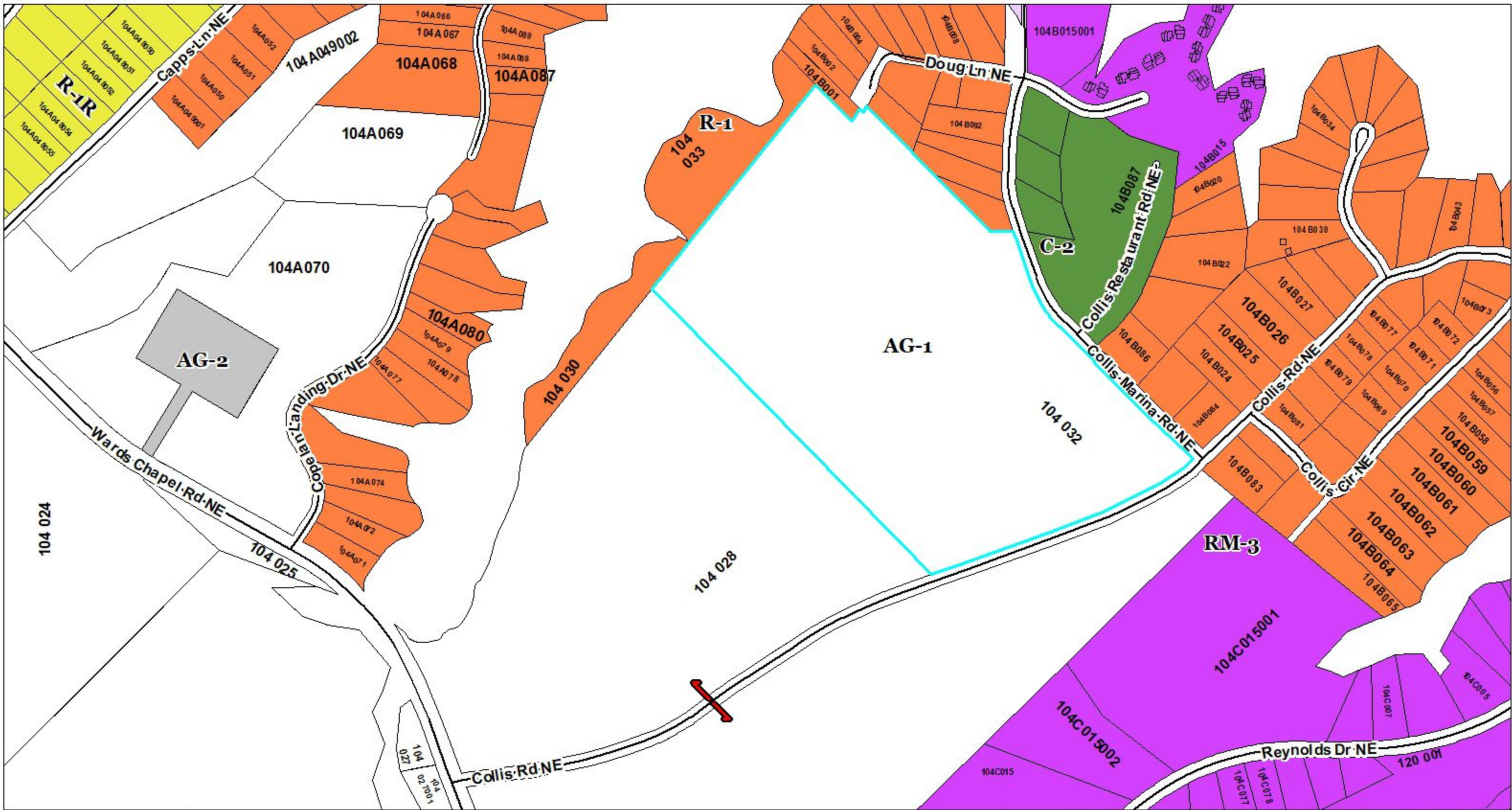
The proposed project includes 175 room hotel located at the intersection by Collis Road and Collis Marina Road. Property configuration will allow all or most of the property to enter from Collis Road and will have no impact on Collis Marina Road. Based on the information submitted traffic projection for the proposed development is:

| | |
|--------------------------------|-----------|
| Average weekday two-way volume | 937 trips |
| AM Peak Traffic | 70 trips |
| • Peak hour enter | 41 trips |
| • Peak hour exit | 29 trips |
| PM Peak Traffic | 74 trips |
| • Peak hour enter | 36 trips |
| • Peak hour exit | 38 trips |

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.





- Eatonton Limits
- County Boundary
- Roads
- Parcels
- Parcel_Hooks

GEOGRAPHIC FEATURE LEGEND

- | | | | | | | | |
|---------------|------------------|----------|------------|-------------|----------|------|---------|
| Zoning | Overlay District | AG-2 | C-2 CITY | IND-2 CITY | R-1 CITY | R-1 | RM-2 |
| | No Code | C-1 | I-M | MHP | R-2 CITY | R-1R | RM-3 |
| | AG-1 | C-1 CITY | IND-1 CITY | PUBLIC | R-3 CITY | R-2 | VILLAGE |
| | AG-1 CITY | C-2 | IND-2 | PUBLIC CITY | R-4 CITY | RM-1 | |



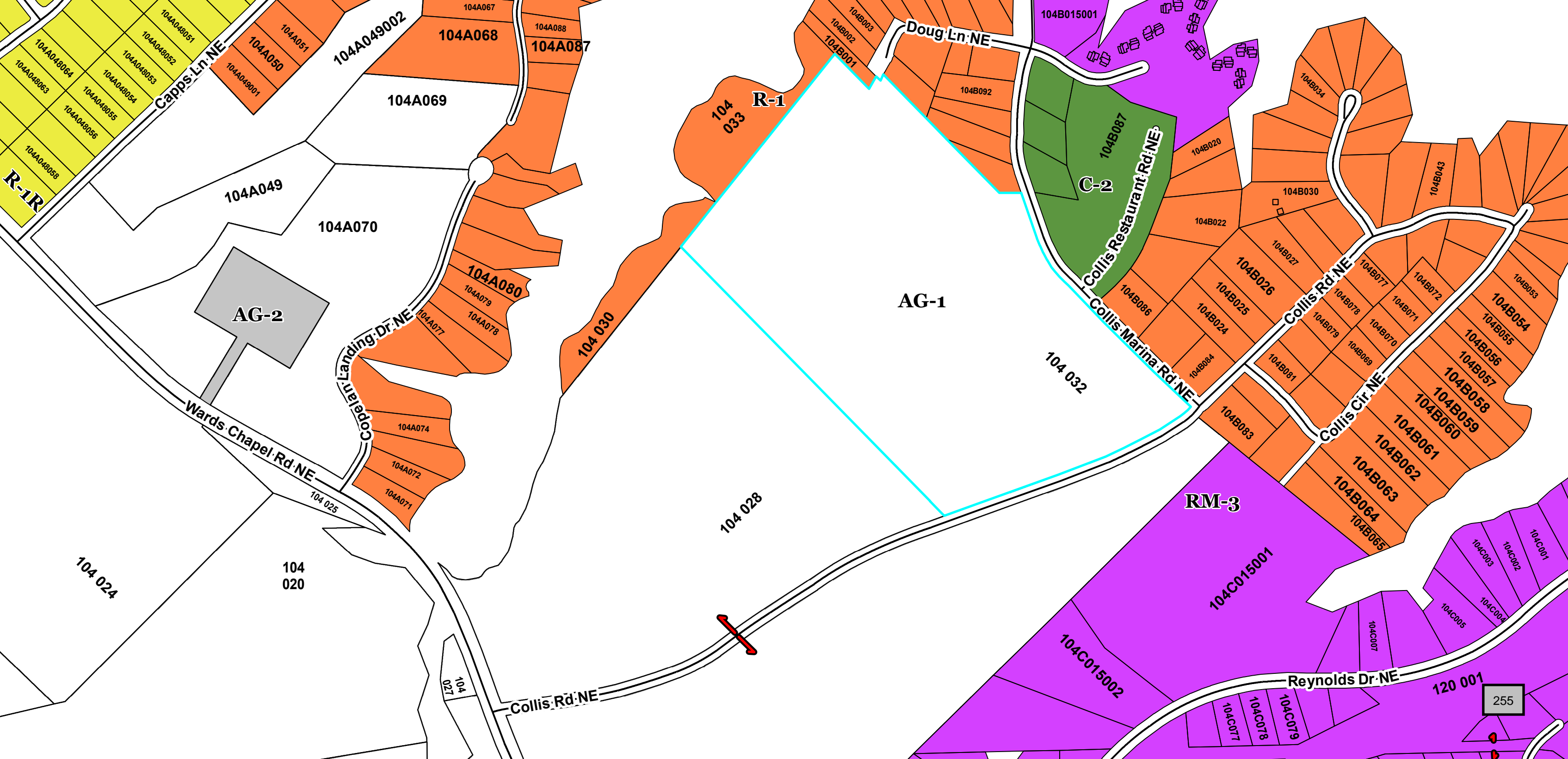
Middle Georgia Regional Commission
 175 Emery Hwy
 Suite C
 Macon, Georgia 31217
 (478) 751-8180
 Web:
www.middlegeorgiarc.org

**PUTNAM COUNTY, GEORGIA
 ZONING MAPS**



MAP 104

254



104A048051
104A048052
104A048053
104A048054
104A048055
104A048056
104A048058

104A051
104A050
104A09001

104A049002
104A068
104A069

104A067
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104A087

104B003
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104B015001

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R-1

AG-1

C-2

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AG-2

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AG-1

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Wards Chapel Rd:NE

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104B065

Capps Ln:NE

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104A068

104A087

104B003

Doug Ln:NE

104B015001

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R-1R

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104A080

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AG-1

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Capps Ln:NE

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Doug Ln:NE

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104 030

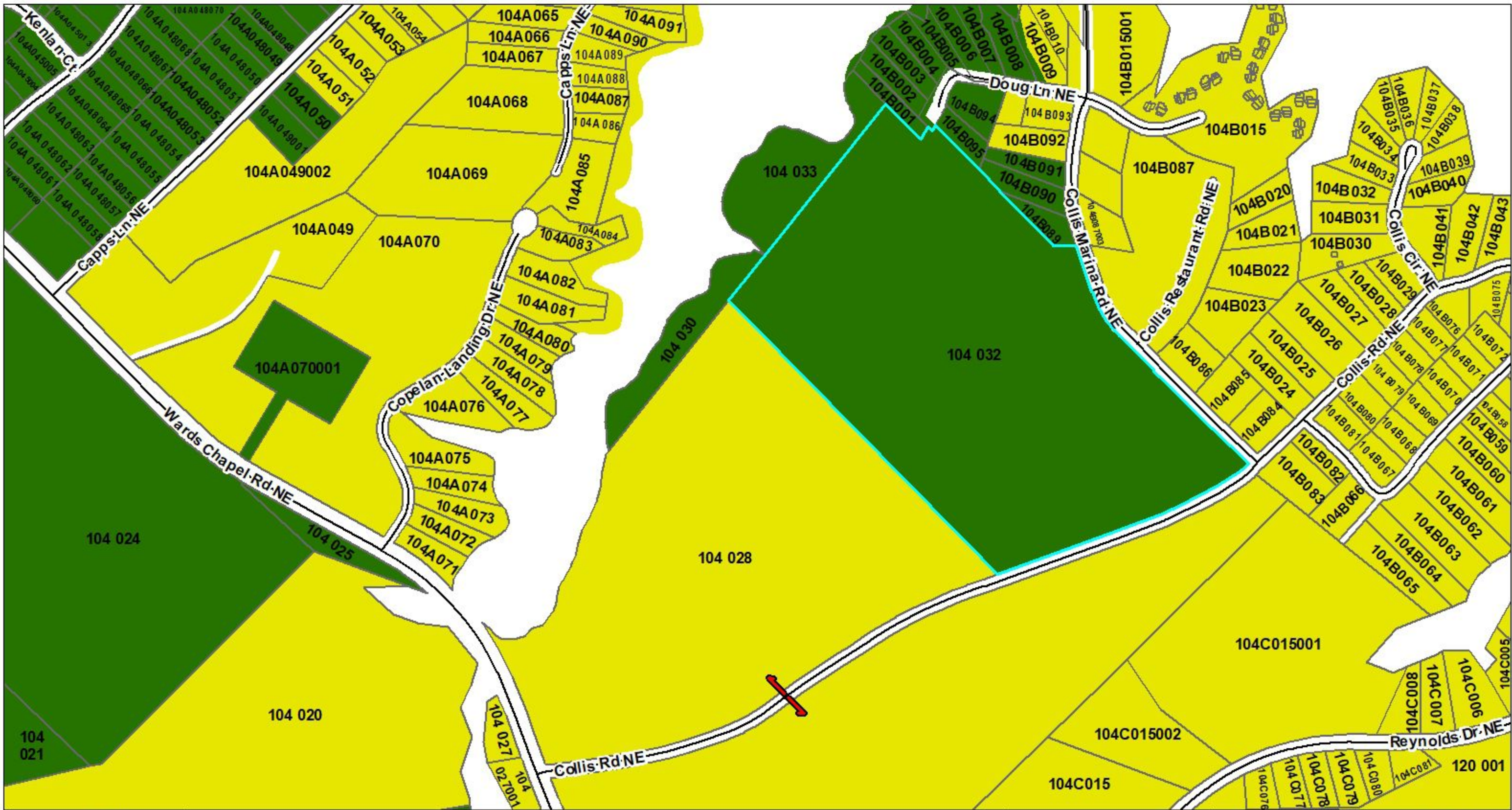
104 033

AG-1

C-2

104B026

104B077




GEOGRAPHIC FEATURE LEGEND

| | | | |
|-----------------|----------------------|------------------------------|--|
| Eatonton Limits | Agriculture/Forestry | Mixed Use | Residential |
| County Boundary | Commercial | Park/Recreation/Conservation | Transportation/Communication/Utilities |
| Roads | Industrial | Public/institutional | Undeveloped/Vacant |
| Parcels | | | |
| Parcel_Hooks | | | |


 Middle Georgia Regional Commission
 175 Emery Hwy
 Suite C
 Macon, Georgia 31217
 (478) 751-8180
 Web:
www.middlegeorgiarc.org

PUTNAM COUNTY, GEORGIA
FUTURE LAND USE MAPS



MAP 104

256

MAP SCALE: 1" = 416.67' SCALE RATIO: 1:5,000 DATE: NOVEMBER 2019



PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

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

February 24, 2020

TO: Planning & Zoning Commission

FROM: Lisa Jackson

RE: Staff Recommendation for Public Hearing Agenda on 3/5/2020

10. Request by **Howard McMichael, agent for Mallard's Overlook, LLC** to rezone 29.58 acres at Collis Road from AG-1 to RM-3. [Map 104, Parcel 032, District 3]. * **Item postponed.**

New Business

Adjournment

The Planning & Zoning Commission meeting will be conducted pursuant and in accordance with O.C.G.A. Chapter 36-66.

Notice: All opponents to any rezoning request on the Planning & Zoning Commission and the Board of Commission agendas must file a disclosure of campaign contributions with the Planning & Development Department within five calendar days prior to public hearings if you have contributed \$250.00 or more to an elected official in Putnam County within the last five years.

*The Putnam County Board of Commissioners will hear these agenda items on March 17, 2020 at 6:30 P.M., in the Putnam County Administration Building, 117 Putnam Drive, Room 203.

The full meeting package can be reviewed in the Planning & Development office upon request.

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.

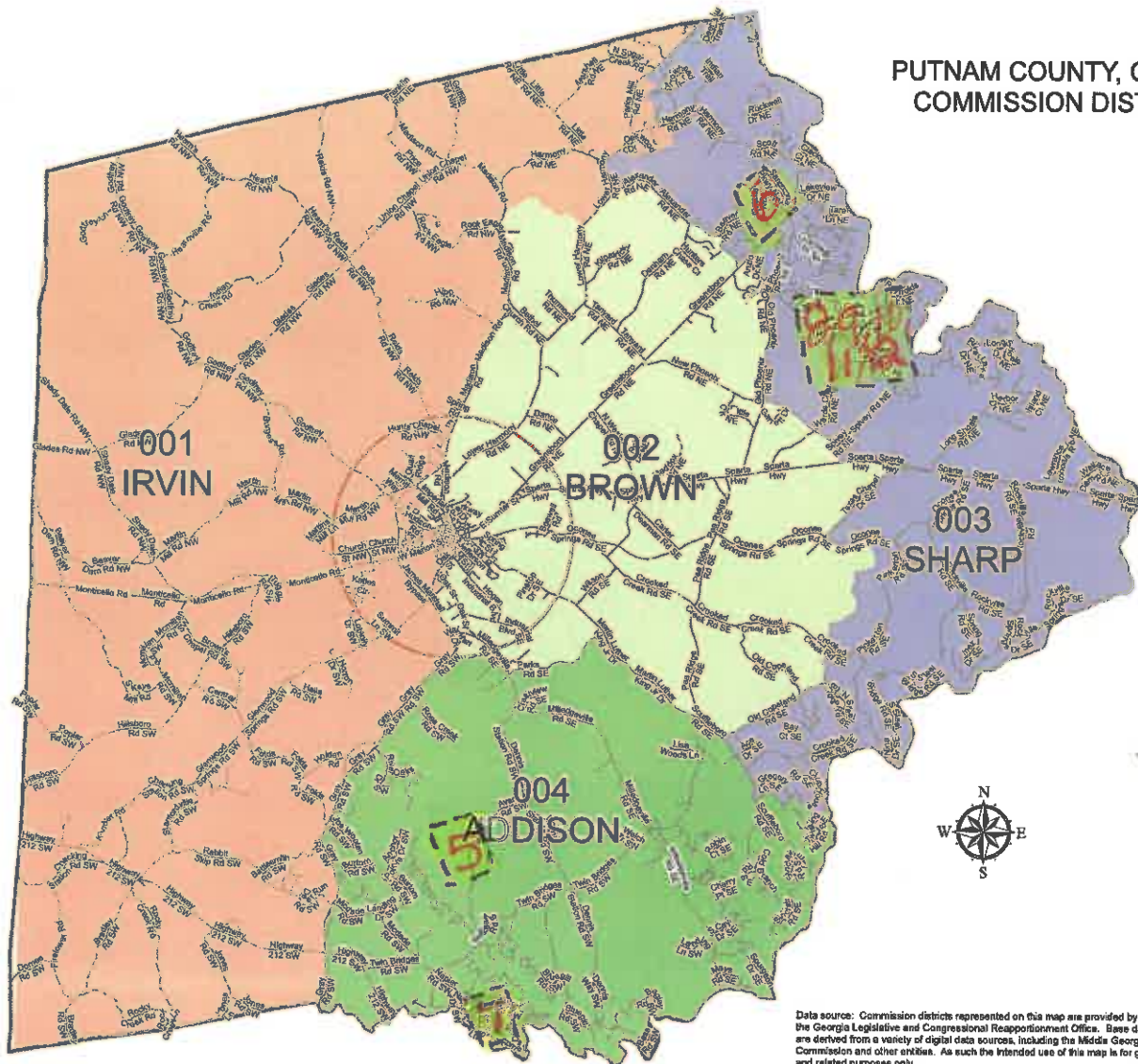
The Board of Commissioners' hearing will be conducted pursuant to O.C.G.A. 50-14-1 and Section 66-159 of the Putnam County Code of Ordinances and meets the requirements of the Zoning Procedures Laws established in O.C.G.A 36-66.

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.

Item Attachment Documents:

11. 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]. *

**PUTNAM COUNTY, GEORGIA
COMMISSION DISTRICTS**



MAP SCALE: 1" = 5,697.28' SCALE RATIO: 1:68,367.34 DATE: MARCH 2019

5. Request by **Ronnie & Lynn Smith** for a side yard setback variance at 108 Sunset Drive. Presently zoned R-2. [Map 053B, Parcel 056, District 4].
6. Request by **William Wilkinson**. for a side yard setback variance at 163 Lakemore Drive. Presently zoned R-1. [Map 103A, Parcel 001, District 3].
7. Request by **Jerry & Lisa Collins**. for a side yard setback variance at 160 A Oak Lane. Presently zoned R-2. [Map 056C, Parcel 020, District 4].
8. Request by **Howard McMichael**, agent for **Oconee Overlook, LLC & Lick Creek Holding's LLC** to rezone 2.14 acres at Collis Road from R-1 to RM-3. [Map 104, Parcel 030, District 3]. *
9. Request by **Howard McMichael**, agent for **Lick Creek Holding's LLC** to rezone 21.40 acres at Collis Road from AG-1 to RM-3. [Map 104, Parcel 032001, District 3]. *
10. Request by **Howard McMichael**, agent for **Mallard's Overlook, LLC** to rezone 29.58 acres at Collis Road from AG-1 to RM-3. [Map 104, Parcel 032, District 3]. *
11. 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]. *
12. Request by **Howard McMichael**, agent for **Oconee Overlook, LLC** to rezone 0.63 acres on Doug Lane from R-1 to RM-3. [Map 104B, Parcel 001, District 3]. *

DILLARD Sellers
ATTORNEYS AT LAW

Jeffrey S. Haymore
404.665.1243

Email:
jhaymore@dillardsellers.com

January 3, 2020

VIA E-MAIL: bflaming@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 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 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 (hereafter "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

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 facially 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

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.

“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

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 radii. 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 examples, 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.

Putnam County Board of Commissioners

January 3, 2020

Page 6

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 Commissioner.") 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. Haymore, Esq.

cc: Howard McMichael, Jr.

DILLARD *Sellers*
ATTORNEYS AT LAW

Jeffrey S. Haymore
404.665.1243

Email:
jhaymore@dillardsellers.com

February 10, 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:

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

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, 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)**

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).

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 require a minimum of 50 feet of road frontage. Code Sec. 66-82(b).

³ See, Putnam County Official Zoning Map

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).

“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, Greene 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

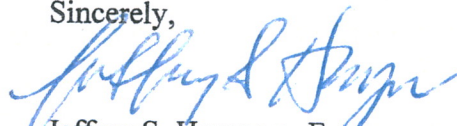
In the event market demands subsequent to rezoning to RM-3 no longer support a hotel, Owners will proceed to develop the Property for a townhome and condominium development. Again, tying the Property to a specific concept plan as a condition of zoning is not feasible. Nonetheless, development of the 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. Hamby*, 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



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

- Name of Applicant: Oconee Overlook, LLC & Hick Creek Holdings, LLC
- Mailing Address: 6350 Lake Oconee ^{Suite 110} Parkway, Eatonton Ga PMB 33 Greensboro Ga.
- Phone: (home) _____ (office) _____ (cell) 706 473 1999
- 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 G/A Desired use of property: RM 3

9. Existing zoning district classification of the property and adjacent properties:

Existing: R-1 G/A
North: Lake Oconee South: AG-1 G/A East: R-1 G/A West: R-1 G/A

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.

RCUD 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 G/A

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

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.

Acorn Overlooks 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.)
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] 1/17/2020
 Signature (Property Owner) (Date)

[Signature] 1/17/2020
 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 _____ |

RCUD 2020.JAN 8

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.)
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] 1/7/2020
 Signature (Property Owner) (Date)

[Signature] 1/7/2020
 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 _____ |

RCUD 2020 JAN 8

DOCH 005608
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

REAL ESTATE TRANSFER
TAX PAID: \$800.00

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

LIMITED WARRANTY DEED

STATE OF GEORGIA, GREENE COUNTY

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").

PI-61 117-2019-001990

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

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.

RCUD 2020 JAN 8

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

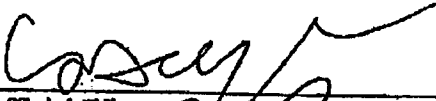
TO HAVE AND TO HOLD, the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee, its successors and assigns, forever in FEE SIMPLE.

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:

RCVD 2020 JAN 8

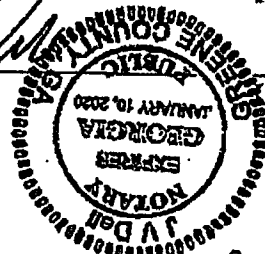



Unofficial Witness



Millicent C. Arnold (SEAL)

Notary Public
My Commission Expires:
(AFFIX NOTARY SEAL)





Lawrence A. Copelan, Jr. a/k/a L.A. (Buster) Copelan, Jr. (SEAL)

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

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

Sheila H. Perry

REAL 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 ½" 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 ½" 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 ½" Re-Bar; thence run North 44 degrees 34 minutes 5 seconds East a distance of 97.47 feet to a ½" Re-Bar; thence run South 65 degrees 31 minutes 12 seconds East a distance of 128.48 feet to a ½" Re-Bar; thence run South 41 degrees 06 minutes 05 seconds West a distance of 144.62 feet to a ½" 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 1/4" 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 1/4" 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 1/4" Re-Bar; thence run South 81 degrees 36 minutes 39 seconds East a distance of 103.60 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 1/4" 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 **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.

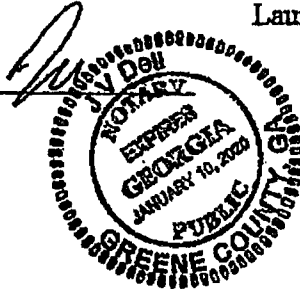
Signed, sealed and delivered
in the presence of:

Oconee Overlook, LLC

Rebecca Bova
Unofficial Witness

By: Lauren Sprayberry (SEAL)
Lauren Sprayberry, Sole Member

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 M. Michaels 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, 2018.

PROPERTY OWNER(S): Oconee Overlook, LLC

Howard M. Michaels Jr NAME (PRINTED)
SIGNATURE

ADDRESS: 6350 Lake Oconee 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: Colts 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, PMB 111 Greensboro, GA 30642
PHONE: 706-473-1999

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





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,

A handwritten signature in black ink, appearing to read "W. J. Matthews", written over a horizontal line.

W. J. Matthews
Vice President of Operations

RCUD 2019 OCT 31

Handwritten initials in black ink, possibly "WJ" or "JM", 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.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: pctc117@yahoo.com
www.putnamgatax.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

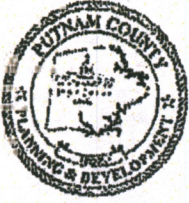
Owner: Millicent C Arnold & Lawrence A. Copelan, Jr.

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



REC'D 2019 OCT 31

PL



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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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 Oronce Pkwy Suite 110 PMB 311
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: _____

Date: 1 / 7 / 2020

RCUD 2020 JAN 8

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

PCUB 2014 NR 1

Gja

Signature: _____

Kip Oldham, AIA

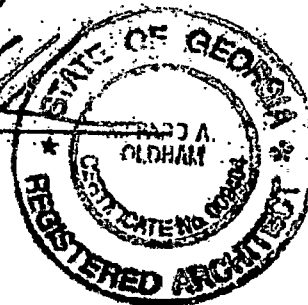


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| Traffic Study Information | Attachment |
| Plat of Property | Attachment |
| Warranty Deeds | Attachment |
| Existing Conditions | Page 5-6 |
| Existing Zoning | Attachment |
| Conceptual Site Plan | Attachment |

PC-07 2019 NW 1

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.

RCUD 2019 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

RCUD 2019 MAY 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 NRW 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:

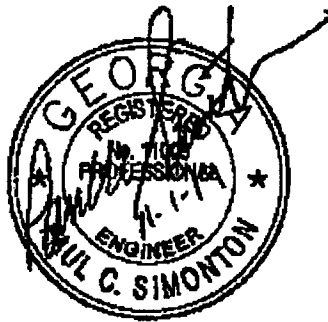
| | |
|--------------------------------|-----------|
| Average weekday two-way volume | 930 trips |
| AM Peak Traffic | 71 trips |
| • Peak hours enter | 11 trips |
| • Peak hour exit | 60 trips |
| PM Peak Traffic | 89 trips |
| • Peak hour enter | 60 trips |
| • Peak hour exit | 30 trips |

WCOM 2019 NOV 1

Hinesville, Georgia Phone: (912) 368-5212 Fax (912) 368-6071
Greensboro, Georgia Phone: (706) 454-0870 Fax (706) 454-0871

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.

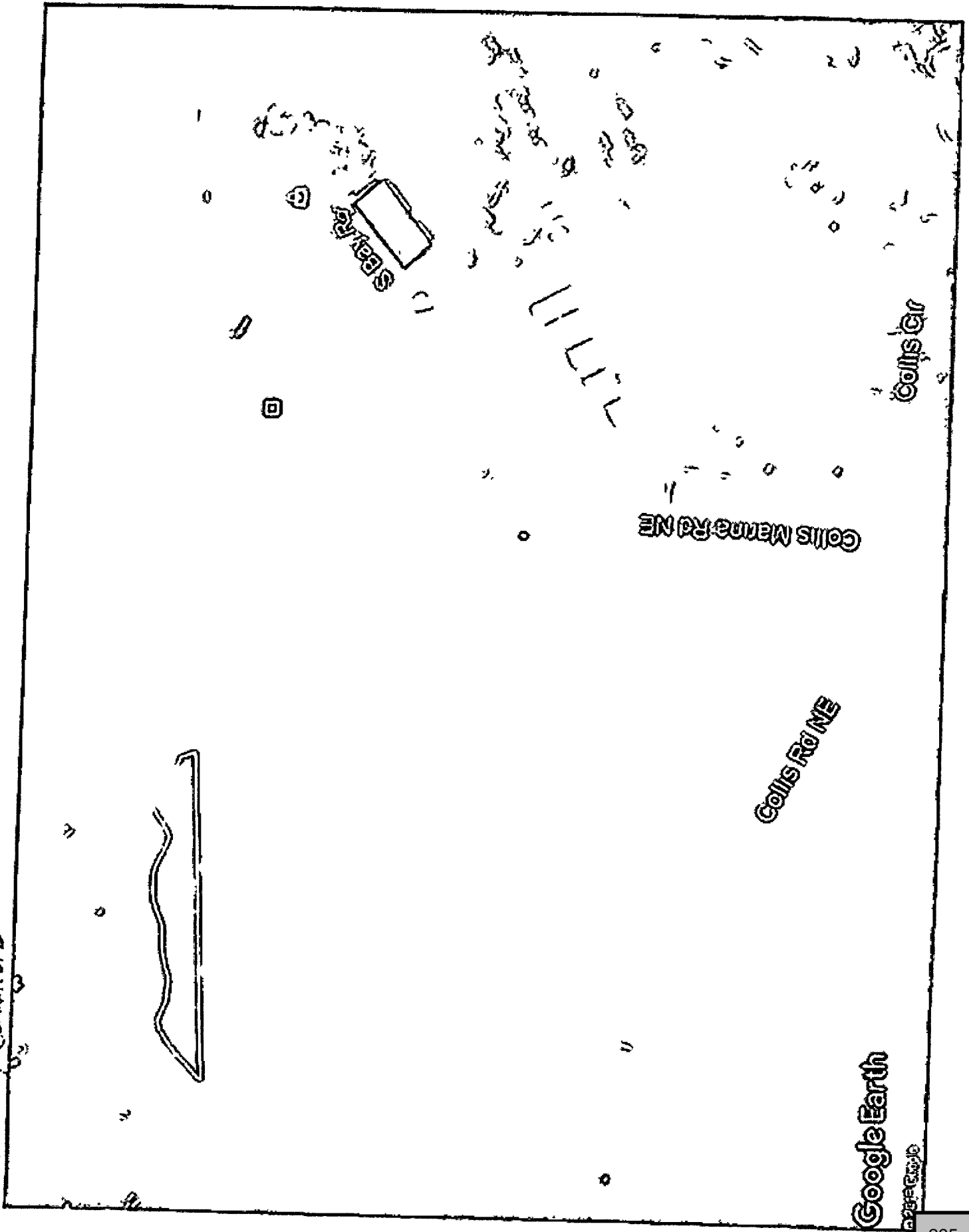
Collis Road does not meet the roadway width shown above. The current roadway is a very narrow twenty feet (20') roadway with little or no shoulder. Expansion of the roadway is expected for the roadway to operate at an acceptable level of service (LOS). The minimum cross section should be two lanes, twenty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



RCM 2019 NOV 1

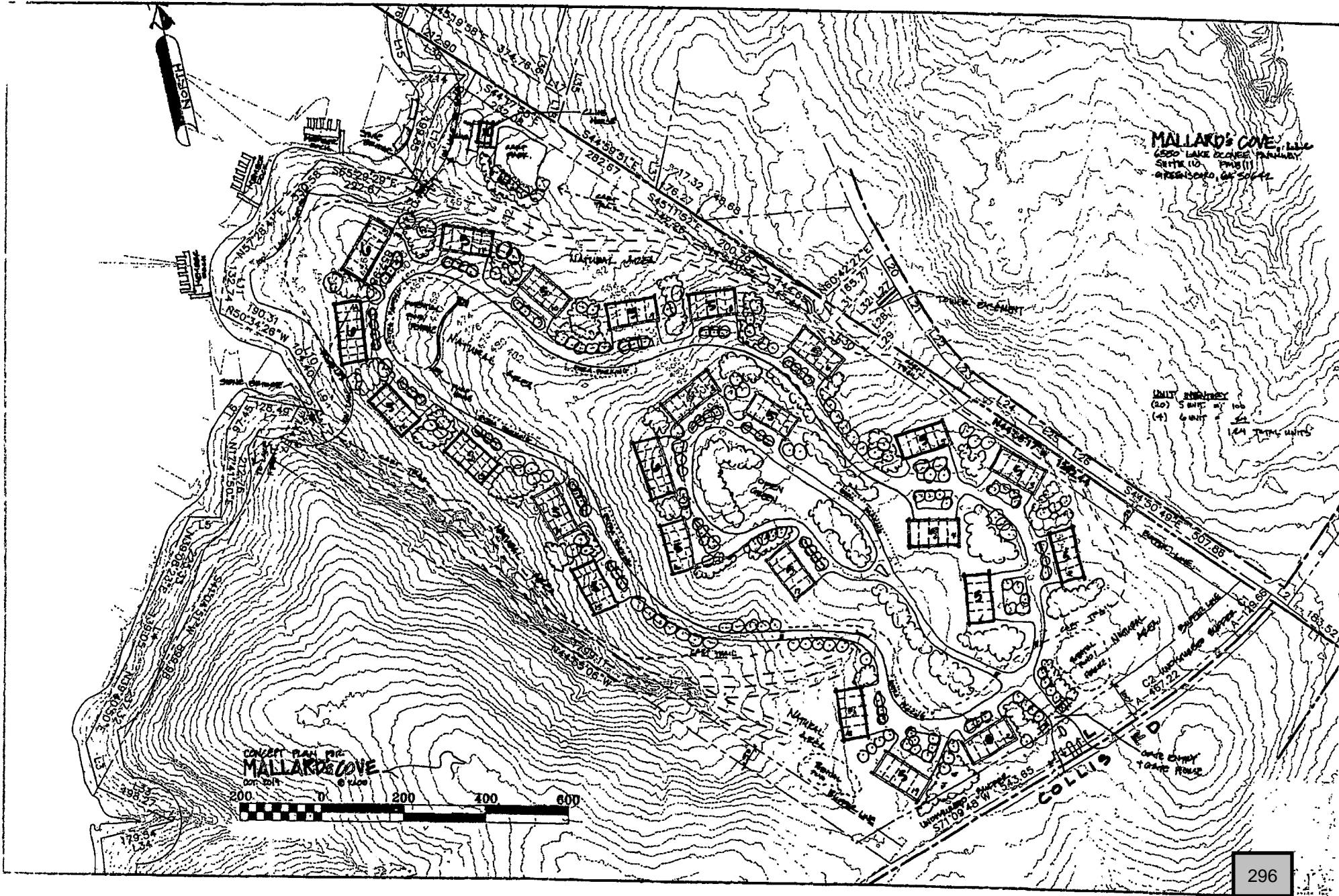
Handwritten initials or a signature, possibly "RC", written in black ink.

Existing Conditions

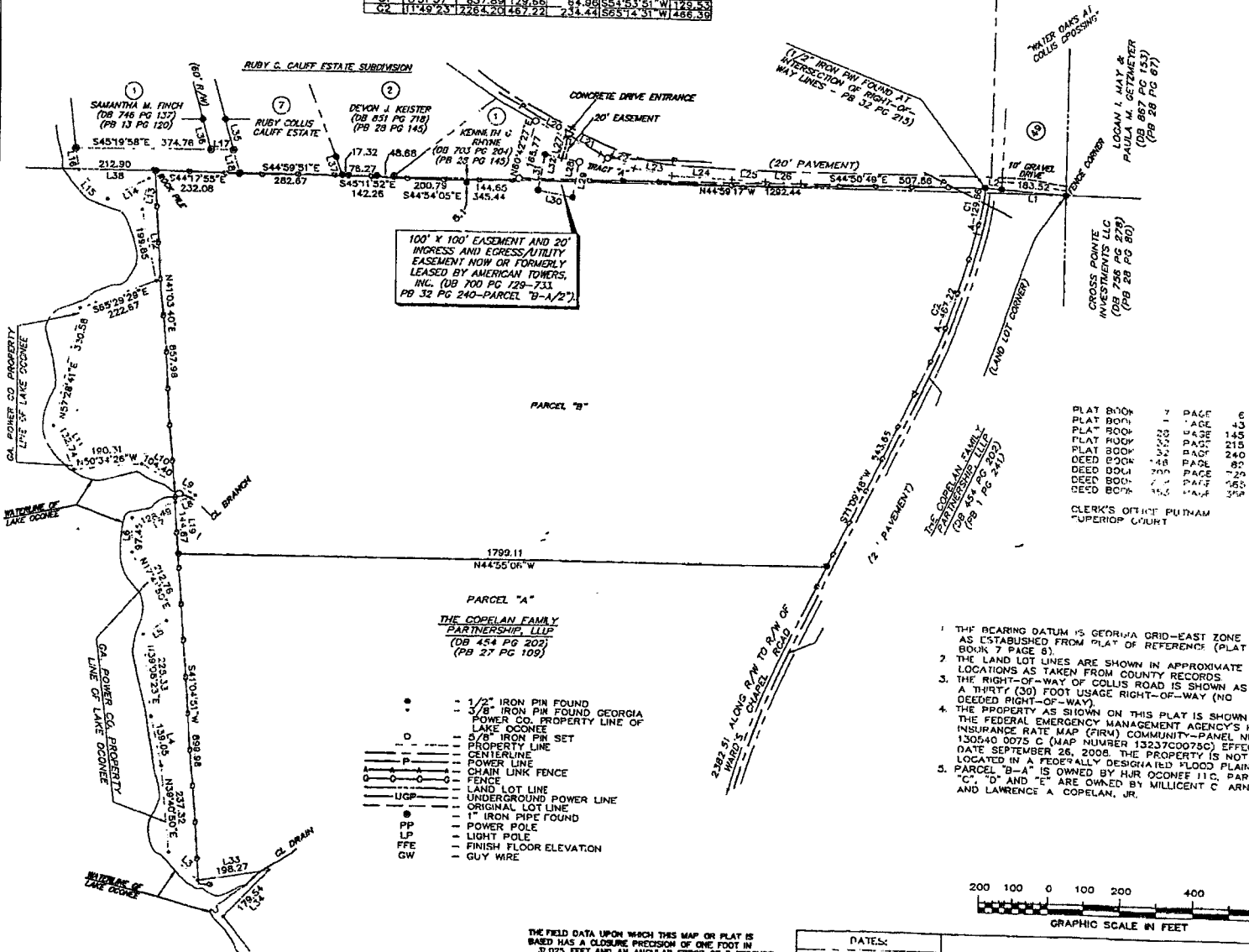


Google Earth

2008/01/10



| CURVE | DELTA | RADIUS | ARRANGEMENT | BEARING | CHORD |
|-------|-----------|---------|-------------|-------------|--------|
| G1 | 8°51'57" | 837.88 | 129.68 | S44°55'07"W | 179.33 |
| G2 | 11°49'23" | 2284.20 | 467.22 | S65°12'31"W | 468.38 |

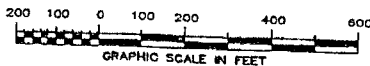


| LINK | BEARING | DISTANCE |
|------|-------------|----------|
| L1 | N41°05'46"W | 183.82 |
| L2 | N40°57'06"W | 46.84 |
| L3 | N02°13'41"W | 114.53 |
| L4 | N52°27'34"E | 139.05 |
| L5 | S75°30'26"E | 74.85 |
| L6 | N44°33'23"E | 57.25 |
| L7 | S65°33'18"E | 128.42 |
| L8 | S65°01'40"E | 25.73 |
| L9 | N15°28'01"W | 87.47 |
| L10 | N15°32'54"W | 104.40 |
| L11 | N20°00'48"E | 192.74 |
| L12 | N53°32'59"E | 198.85 |
| L13 | N62°28'09"E | 109.91 |
| L14 | N75°19'07"W | 147.47 |
| L15 | N00°34'27"W | 114.44 |
| L16 | N36°14'42"E | 60.59 |
| L17 | S43°21'59"E | 61.99 |
| L18 | S78°50'20"W | 68.70 |
| L19 | N41°08'20"E | 144.67 |
| L20 | S18°14'12"E | 102.07 |
| L21 | S19°21'46"E | 100.01 |
| L22 | S44°18'19"E | 102.47 |
| L23 | S44°28'14"E | 105.56 |
| L24 | S42°55'49"E | 166.98 |
| L25 | S2°03'34"E | 92.34 |
| L26 | S43°10'42"E | 95.24 |
| L27 | S60°10'30"W | 57.38 |
| L28 | S34°50'02"E | 49.09 |
| L29 | S54°08'47"W | 100.00 |
| L30 | N34°53'13"W | 100.00 |
| L31 | N53°06'47"E | 100.00 |
| L32 | N15°00'02"E | 50.87 |
| L33 | S83°32'44"E | 198.27 |
| L34 | S89°09'20"W | 178.54 |
| L35 | N29°52'07"E | 86.63 |
| L36 | N19°50'17"E | 84.30 |
| L37 | N28°21'10"E | 84.30 |
| L38 | N45°14'44"W | 212.90 |

| | | | |
|-----------|-----|------|-----|
| PLAT BOOK | 7 | PAGE | 6 |
| PLAT BOOK | - | PAGE | 143 |
| PLAT BOOK | 142 | PAGE | 215 |
| PLAT BOOK | 142 | PAGE | 240 |
| DEED BOOK | 48 | PAGE | 85 |
| DEED BOOK | 700 | PAGE | 72 |
| DEED BOOK | 700 | PAGE | 165 |
| DEED BOOK | 700 | PAGE | 354 |

CLERK'S OFFICE PUTNAM SUPERIOR COURT

- THE BEARING DATUM IS GEORGIA GRID-EAST ZONE AS ESTABLISHED FROM PLAT OF REFERENCE (PLAT BOOK 7 PAGE 8)
- THE LAND LOT LINES ARE SHOWN IN APPROXIMATE LOCATIONS AS TAKEN FROM COUNTY RECORDS
- A THIRTY (30) FOOT SLIGHT RIGHT-OF-WAY (NO DEEDED RIGHT-OF-WAY)
- THE PROPERTY AS SHOWN ON THIS PLAT IS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY-PANEL NUMBER 130540 DOTS C (MAP NUMBER 13237C0075C) EFFECTIVE DATE SEPTEMBER 26, 2008. PARCELS "A", "B" AND "C" IS OWNED BY HUR OCOFEE LLC, PARCELS "D", "E" AND "F" ARE OWNED BY MILICENT C ARNOLD AND LAWRENCE A COPELAN, JR.



"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 HAS A CLOSURE PRECISION OF ONE FOOT IN 3,025 FEET AND AN ANGULAR ERROR OF 3 SECONDS PER ANGLE POINT, AND WAS ADJUSTED USING THE LEAST SQUARES ADJUSTMENT. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 242,423 FEET.

A SOGA TCA 1100 TOTAL STATION SHL 418328 WAS USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS. A LEICA TPS-SYSTEM 1000 PC/MCA MEMORY CARD WAS USED AS A DATA COLLECTOR TO COLLECT THE FIELD DATA.

THE SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE CONSTITUTION OF THE STATE OF GEORGIA.

| | |
|--|------------------------------|
| DATE: <u>3/16/2017</u> | FOR: <u>TEST CAPITAL INC</u> |
| SURVEY: <u>3/16/2017</u> | |
| PLAT: <u>3/21/2017</u> | |
| PART OF LAND LOTS 330 AND 331 THIRD LAND DISTRICT 308TH G. M. DISTRICT PUTNAM COUNTY, GEORGIA | |
| Scale: <u>1" = 200'</u> | Date: <u>February</u> |

Additional Impact Analysis

Map 104, Parcel 032 District 3: Rezone from AG-1 to RM-3 (approximately 50.8 acres)

Map 104, Parcel 033 District 3: Rezone from R-1 to RM-3 (approximately 3.5 acres)

Map 104B, Parcel 001 District 3: Rezone from R-1 to RM-3 (approximately .63 acres)

Map 104, Parcel 030 District 3: Rezone from R-1 to RM-3 (approximately 2.14 acres)

Putnam County Zoning Ordinance Sec. 66-164(d) Standards governing consideration of a zoning change.

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

Yes. The stated purpose of the RM-3 zoning is to facilitate through a sensitive design solution, the incorporation of a development into the natural environment by using an increased density as the reward. Properties in this district must be developed as integrated whole while offering a variety of housing design solutions in one ownership. Applicant, who has total site control, seeks to provide a range of occupancy options explicitly contemplated by the RM-3 district regulations including townhomes and possibly a hotel that engages the site's natural environment- a large hilltop acreage which slopes downward toward the site's lake frontage. Each occupancy option will be designed to the highest quality, in accordance with County Development Regulations (Chapter 28) as well as the performance standards of article III of the Zoning Ordinance. The RM-3 zoning regulations list single-family, duplex, triplex, townhomes and hotels as compatible residential occupancies. Consistent with that recognition, Applicant requests, like all other property owners of RM-3 zoned property in the county, to have such flexibility of residential uses unrestricted by zoning condition.

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

Yes. The proposed uses(s) are suitable in view of the similar RM-2 and RM-3 zoning of adjacent and nearby properties. Specifically, the predominate zoning of lake front property is RM-3 according to the County's Official Zoning Map. In addition, there is current commercially zoned and use property directly adjacent to the site. These uses proximate to Collis Road include: 1) a 150-boat capacity dry stack storage facility; 2) the Waterfront, consisting of 72 townhouse units on 10 acres; 3) The Enclave, consisting of 18 townhouse units on 2 acres; 4) Collis Circle, consisting of 50 single-family homes on 60 acres; and 5) Doug Lane, consisting of 17 single-family homes on 16 acres. The density proposed by this application of 124 townhomes on approximately 58 acres is substantially in keeping with surrounding densities. More importantly, the proposed density is consistent with the RM-3 district regulations.

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

No. On the contrary, the proposed use(s) for the site will further reinforce the residential and limited commercial nature of the adjacent and nearby property, whose values originate from their

lake frontage (or lake proximity). As such , the proposed use(s) will have a positive impact on surrounding property values.

4. Is the proposed use compatible with the purpose and intent of the comprehensive plan?

Yes. The proposed use(s) is compatible with the Putnam County and the City of Eatonton Joint Comprehensive Plan (JCP). The JCP has as a primary component economic development, the goals of which are to create new job opportunities and further develop entertainment options. See, JCP, pg. 4. The JCP recognizes the need and opportunity to attract new development to offset lost tax revenue occasioned by the Georgia Power plant closure. Accordingly, the JCP states that it is “imperative that the county and city focus on attracting new development which will allow for a greater mix of complementary industries and businesses to support job creation and a larger tax base”. See, JCP, pg. 4. Applicant’s proposed occupancy use(s) will generate temporary and permanent jobs as well as generate substantial tax revenue. A very reputable company has studied the feasibility of a hotel in Putnam County on Lake Oconee and determined the County can expect approximately \$6,000,000 in tax revenue over ten years.

Regarding land use compatibility, the subject property is the only property along Collis Road that has an agricultural future land use designation on the County’s Future Land Use Map. This agricultural land use designation is misplaced and outdated, as recognized by the December 20, 2019 Planning Staff Report. Virtually all property in the vicinity, and particularly lakefront property, has a residential future land use classification. In fact, the 2007-2030 county future land use map on file with the Middle Georgia Commission shows the property as “mixed use residential” like all other properties in the area.

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

Yes. There is no market for agricultural use (or low-density residential use) as substantiated by surrounding uses and rezoning’s from AG-1 to RM-3. The current AG-1 and RM-1 zoning are antiquated and do not constitute economically viable zoning districts, as illustrated by surrounding developments’ rezoning to RM-3 in the past years.

6. 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 residential use(s) will not cause an excessive or burdensome use of public facilities or services or exceed the present or funded capabilities of the County. Moreover, the proposed residential uses will generate taxes that will contribute to the funding of services to the new residents. Piedmont Water Company has confirmed by letter dated October 9, 2019 that water and sewer are available to serve the site. The County will provide all county services, including police, fire and roads, at the same level of service as it does for all other county residents, which level of service and funding methods are set forth in the 2019 Putnam County’s Service Delivery Strategy adopted by the Board of Commissioners on January 11, 2019. Regarding the funding methods for roads, the SDS lists public funds, not user fees such as impact fees. In addition, the JCP’s Community Work Program for the transportation element lists developing a maintenance

plan to include the widening and redesign of current intersections and roads. See, JCP, pg. 34. But the funding identified for such activity is listed as county budget and SPLOST, not user fees. Collis Road is 20' wide, the same width as all other county-maintained roads. Previous approved developments along Collis Road were not required to self-fund road widening. Notwithstanding this, Applicant is amenable, through zoning condition, to reserve a 20' strip of land along Collis Road for future county-acquisition and widening if the county so choses.

Applicant has 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 28-66(k) specify for consideration of left turn lane.

7. 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?

Yes. As discussed above, the current zoning and land use of the subject property is outdated. The current zoning and land use of surrounding properties is higher density residential, including RM-2 and RM-3.

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

Yes. The proposed residential use(s) strikes the correct balance between single-family residential use and commercial uses in the area. The development will be self-contained on site and will not spill into lower-density residential uses. Applicant is requesting the same zoning that adjacent owners most recently have requested and received from Putnam County.

9. In addition to the standards enumerated in items (1)—(8) of this section, the planning and zoning commission and the board of commissioners may consider the following standards in a rezoning application if applicable:

- a. Duration for which the property has been vacant;

The property has been dormant farmland for years with no current redevelopment potential without rezoning.

- b. Development patterns and trends in the community; and

The development pattern and trends in the area and around Lake Oconee is more dense residential housing options.

- c. Potential air, water, noise and light pollution.

All development will conform to all local, state and federal regulations pertaining to air, water, noise and light pollution. These include Georgia Power, U.S. Fish and Wildlife, Georgia Department of Natural Resources, State Historic Preservation Office and the

Federal Energy Resource Commission. Finally, a portion of the subject property will be set aside for land preservation.

Simonton Engineering, LLC

Consulting Engineers

1050 Parkside Commons Suite 101
Greensboro, GA 30642

Mallard Cove
Traffic Impact Analysis
PCS # 2019-303_Hotel

The Mallard Cove development is a resort hotel development that includes 50.8 acres of RM-3 development on Collis Marina Road and Collis Road NE. The developer desires to construct a 175 room resort hotel. The property is currently zoned A-1 agriculture and will require a zoning change to RM-3.

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:

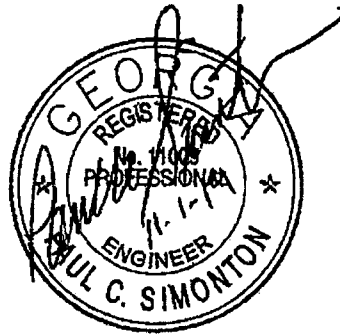
| | |
|-----------------|--------------------|
| Two Way Traffic | 1331 trips per day |
| AM Peak Traffic | 103 trips per day |
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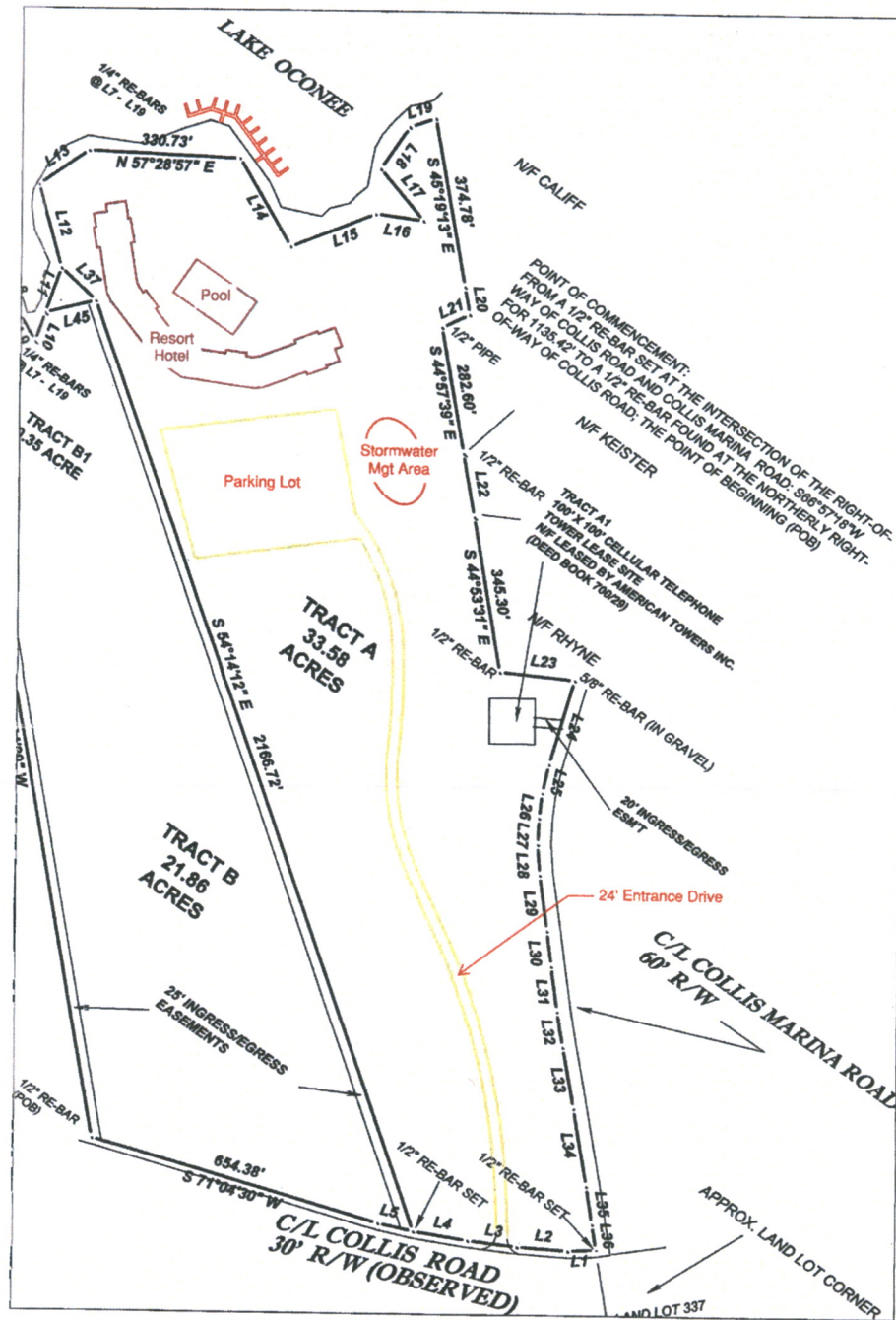
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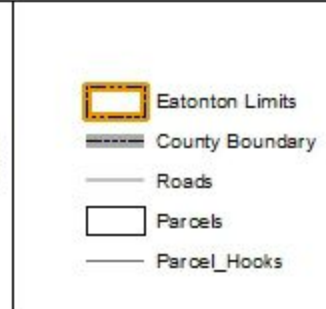
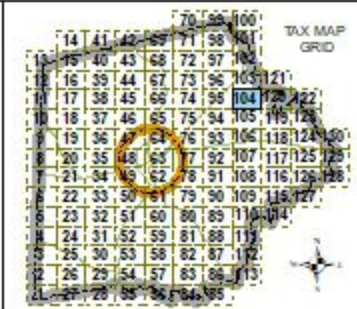
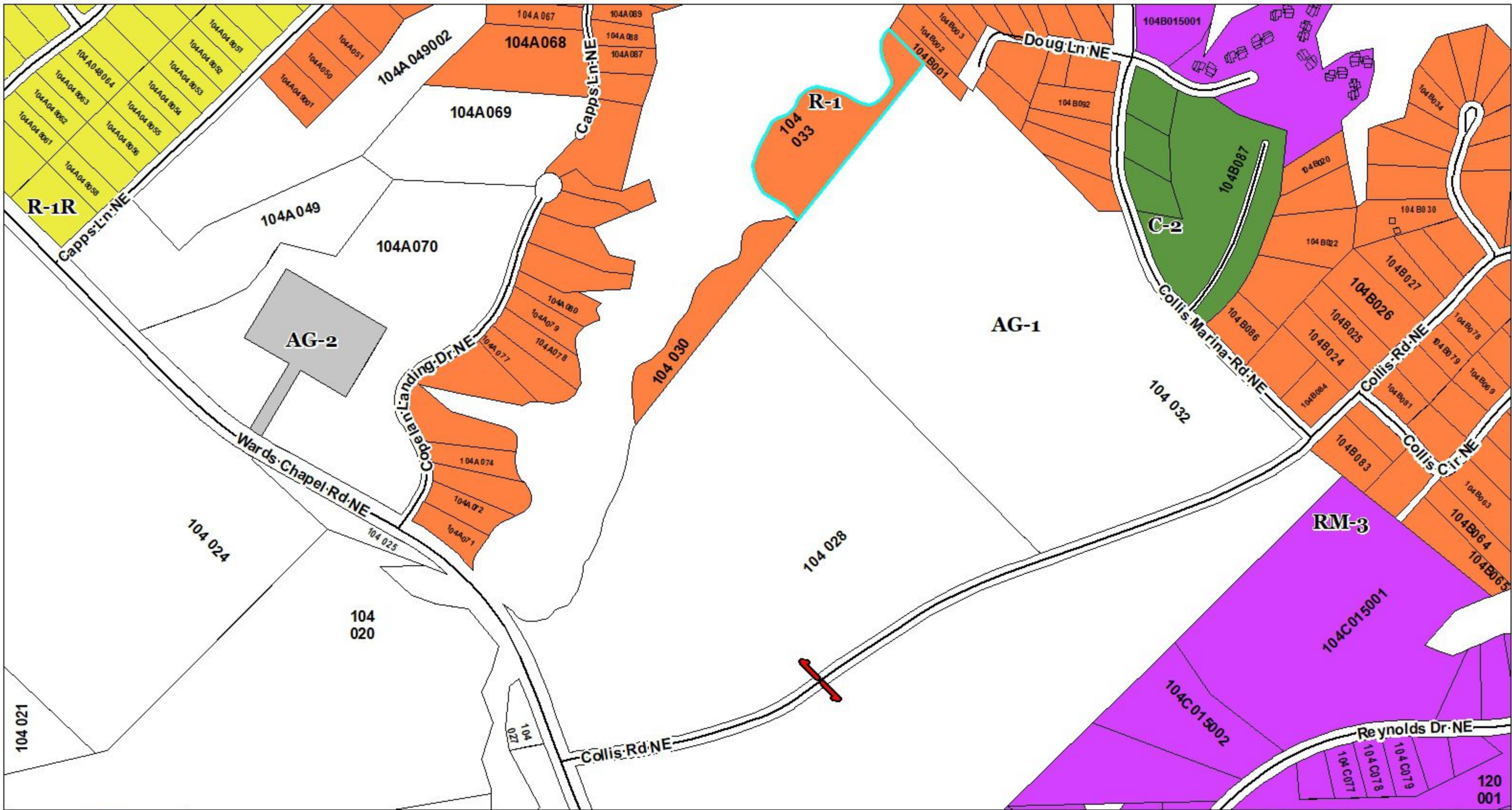
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| Average weekday two-way volume | 937 trips |
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| • Peak hour enter | 36 trips |
| • Peak hour exit | 38 trips |

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GEOGRAPHIC FEATURE LEGEND

| | | | | | | |
|------------------|----------|------------|-------------|------------|------|---------|
| Overlay District | AG-2 | C-2 CITY | IND-2 CITY | R - 1 CITY | R-1 | RM-2 |
| No Code | C-1 | I-M | MHP | R - 2 CITY | R-1R | RM-3 |
| AG-1 | C-1 CITY | IND-1 CITY | PUBLIC | R - 3 CITY | R-2 | VILLAGE |
| AG-1 CITY | C-2 | IND-2 | PUBLIC CITY | R - 4 CITY | RM-1 | |

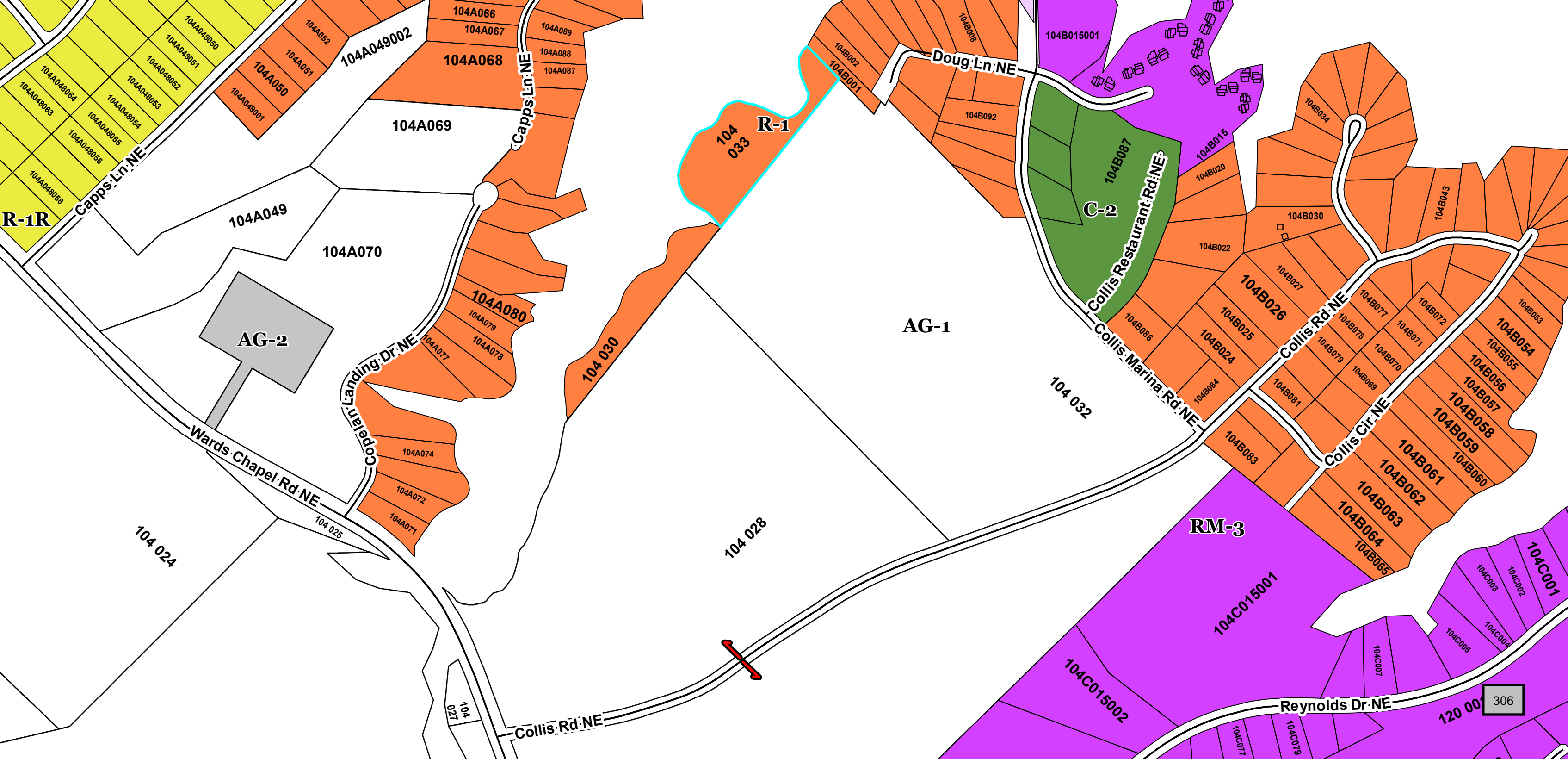
MGRC
IT GIS Services
Middle Georgia Regional Commission
175 Emery Hwy
Suite C
Macon, Georgia 31217
(478) 751-8180
Web:
www.middlegeorgiarc.org

PUTNAM COUNTY, GEORGIA
ZONING MAPS

MAP 104

305

MAP SCALE: 1" = 400' SCALE RATIO: 1:4,800 DATE: NOVEMBER 2019



R-1R

R-1

AG-1

C-2

RM-3

AG-2

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104A048052
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104B102

104B103

104B104

104B105

Doug Ln NE

Capps Ln NE

Collis Restaurant Rd NE

Collis Marina Rd NE

Collis Cir NE

Landing Dr NE

Wards Chapel Rd NE

Collis Rd NE

Reynolds Dr NE

Capps Ln NE



GEOGRAPHIC FEATURE LEGEND

| | | | |
|-----------------|----------------------|------------------------------|--|
| Eatonton Limits | Agriculture/Forestry | Mixed Use | Residential |
| County Boundary | Commercial | Park/Recreation/Conservation | Transportation/Communication/Utilities |
| Roads | Industrial | Public/institutional | Undeveloped/Vacant |
| Parcels | | | |
| Parcel_Hooks | | | |

MGRC
IT GIS Services
Middle Georgia Regional Commission
175 Emery Hwy
Suite C
Macon, Georgia 31217
(478) 751-8180
Web:
www.middlegeorgiarc.org

PUTNAM COUNTY, GEORGIA
FUTURE LAND USE MAPS

MAP 104

307

MAP SCALE: 1" = 416.67' SCALE RATIO: 1:5,000 DATE: NOVEMBER 2019



PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

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

February 24, 2020

TO: Planning & Zoning Commission

FROM: Lisa Jackson

RE: Staff Recommendation for Public Hearing Agenda on 3/5/2020

11. 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]. * **Item postponed.**

New Business

Adjournment

The Planning & Zoning Commission meeting will be conducted pursuant and in accordance with O.C.G.A. Chapter 36-66.

Notice: All opponents to any rezoning request on the Planning & Zoning Commission and the Board of Commission agendas must file a disclosure of campaign contributions with the Planning & Development Department within five calendar days prior to public hearings if you have contributed \$250.00 or more to an elected official in Putnam County within the last five years.

*The Putnam County Board of Commissioners will hear these agenda items on March 17, 2020 at 6:30 P.M., in the Putnam County Administration Building, 117 Putnam Drive, Room 203.

The full meeting package can be reviewed in the Planning & Development office upon request.

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.

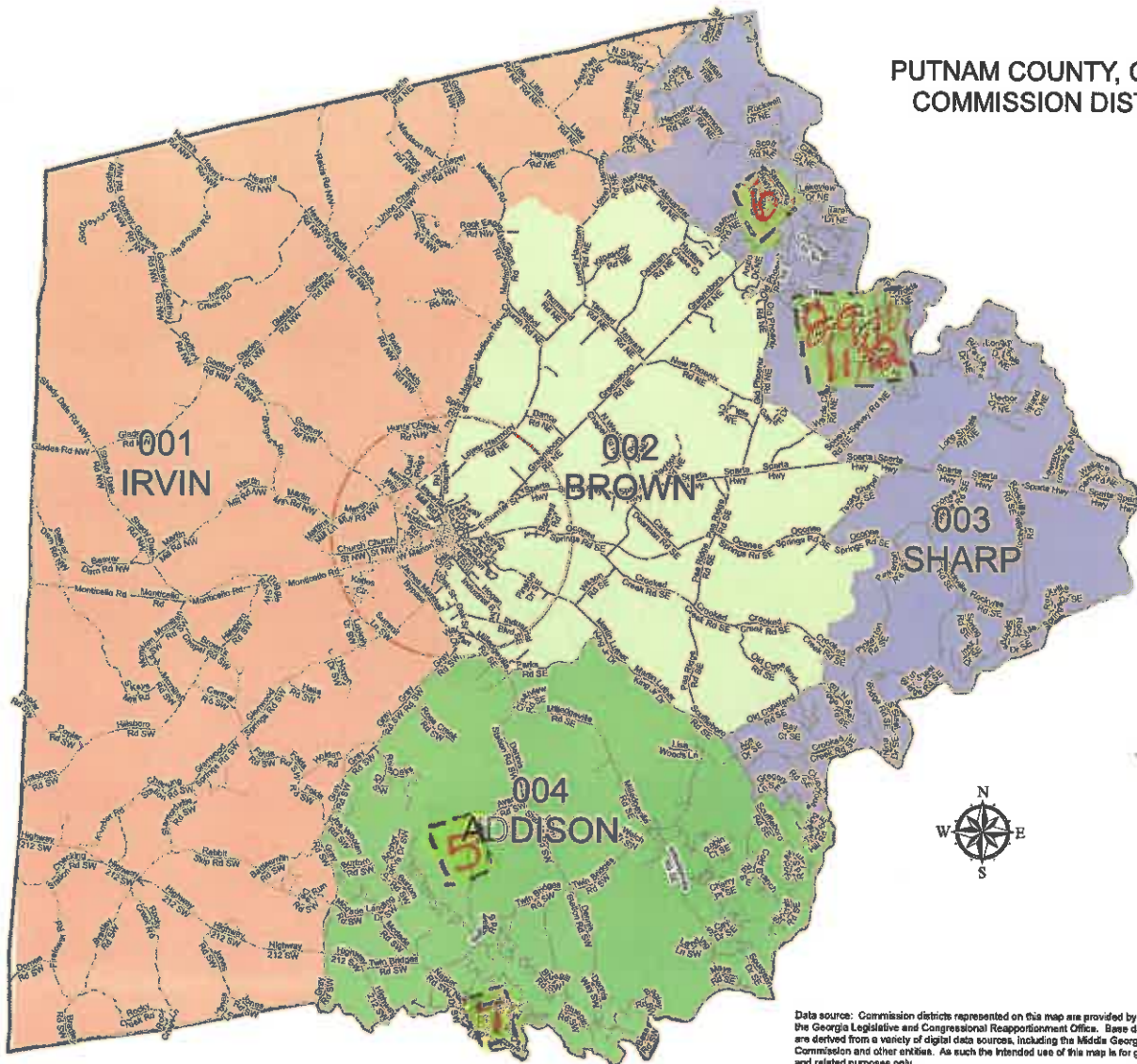
The Board of Commissioners' hearing will be conducted pursuant to O.C.G.A. 50-14-1 and Section 66-159 of the Putnam County Code of Ordinances and meets the requirements of the Zoning Procedures Laws established in O.C.G.A 36-66.

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.

Item Attachment Documents:

12. Request by **Howard McMichael, agent for Oconee Overlook, LLC** to rezone 0.63 acres on Doug Lane from R-1 to RM-3. [**Map 104B, Parcel 001, District 3**]. *

**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" = 5,697.28' SCALE RATIO: 1:68,367.34 DATE: MARCH 2019

5. Request by **Ronnie & Lynn Smith** for a side yard setback variance at 108 Sunset Drive. Presently zoned R-2. [Map 053B, Parcel 056, District 4].
6. Request by **William Wilkinson**. for a side yard setback variance at 163 Lakemore Drive. Presently zoned R-1. [Map 103A, Parcel 001, District 3].
7. Request by **Jerry & Lisa Collins**. for a side yard setback variance at 160 A Oak Lane. Presently zoned R-2. [Map 056C, Parcel 020, District 4].
8. Request by **Howard McMichael**, agent for **Oconee Overlook, LLC & Lick Creek Holding's LLC** to rezone 2.14 acres at Collis Road from R-1 to RM-3. [Map 104, Parcel 030, District 3]. *
9. Request by **Howard McMichael**, agent for **Lick Creek Holding's LLC** to rezone 21.40 acres at Collis Road from AG-1 to RM-3. [Map 104, Parcel 032001, District 3]. *
10. Request by **Howard McMichael**, agent for **Mallard's Overlook, LLC** to rezone 29.58 acres at Collis Road from AG-1 to RM-3. [Map 104, Parcel 032, District 3]. *
11. 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]. *
12. Request by **Howard McMichael**, agent for **Oconee Overlook, LLC** to rezone 0.63 acres on Doug Lane from R-1 to RM-3. [Map 104B, Parcel 001, District 3]. *

DILLARD Sellers
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Jeffrey S. Haymore
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Email:
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January 3, 2020

VIA E-MAIL: bfleming@flemingnelson.com; anelson@flemingnelson.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 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 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 (hereafter "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

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 facially 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

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.

“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

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 radii. 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 examples, 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.

Putnam County Board of Commissioners

January 3, 2020

Page 6

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 Commissioner.") 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. Haymont, Esq.

cc: Howard McMichael, Jr.

DILLARD *Sellers*
ATTORNEYS AT LAW

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February 10, 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:

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

Jeffery S. Haymore
404.665.1243

Email:
jhaymore@dillard sellers.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, 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)

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).

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 require a minimum of 50 feet of road frontage. Code Sec. 66-82(b).

³ See, Putnam County Official Zoning Map

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).

“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, Greene 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

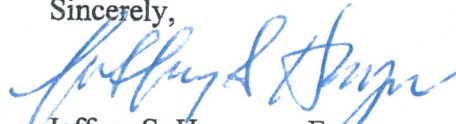
In the event market demands subsequent to rezoning to RM-3 no longer support a hotel, Owners will proceed to develop the Property for a townhome and condominium development. Again, tying the Property to a specific concept plan as a condition of zoning is not feasible. Nonetheless, development of the 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. Hamby*, 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



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

1. Name of Applicant: Dance Overlook, LLC
2. Mailing Address: 16350 Lake Dance Pkwy Suite 110 Eatonton GA 31033 Greenboro
3. Phone: (home) _____ (office) _____ (cell) 706 473 1999
4. 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
6. The proposed zoning district desired: RM-3
7. The purpose of this rezoning is (Attach Letter of Intent)
To develop Property Per Putnam Dev. codes with Townhomes
see Attached LDI.
8. Present use of property: R1 C/A Desired use of property: RM-3
9. Existing zoning district classification of the property and adjacent properties:
Existing: R1 C/A
North: Lake C/A South: AG1 C/A East: R1 C/A West: AG1/R1 C/A
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 dance
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.

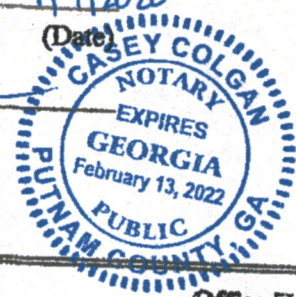
Cronee Overlook, LLC
Map 104B Parcel 001


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] 1/7/2020
Signature (Property Owner) (Date)

[Signature] 1/7/2020
Signature (Applicant) (Date)

[Signature]
Notary Public


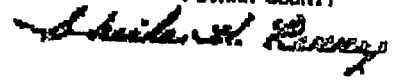
[Signature]
Notary Public


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 _____

RCUD 2020 JAN R

DOCS 005608
FILED IN OFFICE
12/27/2019 01:48 PM
BK:972 PG:230-231
SHEILA H. PERRY
CLERK OF COURT
PUTNAM COUNTY



REAL ESTATE TRANSFER
TAX PAID: \$800.00

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

LIMITED WARRANTY DEED

STATE OF GEORGIA, GREENE COUNTY

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").

PT-61 117-2019-001990

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. 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.

RCUD 2020 JAN 8

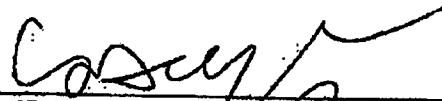
Deed Reference: Deed Book 788, Page 567

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:



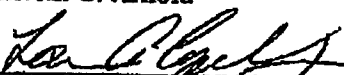
Unofficial Witness



Millicent C. Arnold (SEAL)

Notary Public
My Commission Expires:
(AFFIX NOTARY SEAL)





Lawrence A. Copelan, Jr. a/k/a L.A. (Buster) Copelan, Jr. (SEAL)



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 27.22 ACRES, WHICH HAS THE FOLLOWING ADDRESS: Doug 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
NAME (PRINTED)

James K. Spang
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
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,

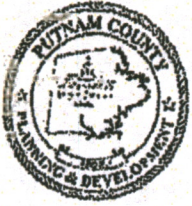
A handwritten signature in black ink, appearing to read "W. J. Matthews", written over a horizontal line.

W. J. Matthews
Vice President of Operations

RCM: 2019 OCT 31

Handwritten initials in black ink, possibly "J.E.", 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.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
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? _____

RCUD 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: pcte117@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. Copelan, Jr.

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



PC0167014 OCT 31

[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

Signature: _____

Kip Oldham, AIA



REC'D 2/19/00 1

Cja

Table of Contents

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| 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 |

NOV 2019 10:11 AM

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 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.

MSA 2019 MTU 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:

RCUN 2019 MDU 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 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:

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 NDU 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. 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.

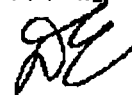
The two roadways (Collis Road and Collis Marina Road) are currently two lanes with a width of about twenty feet (20'). The two roadways serve existing residential and commercial developments comprised of approximately 84 single family residential units, 90 multifamily units and supporting club house 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 |

PCO019 NGU 1



Hinesville, Georgia Phone: (912) 368-5212 Fax (912) 368-6071
Greensboro, Georgia Phone: (706) 454-0870 Fax (706) 454-0871

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.



RCUN 2019 NBU 1

Existing Conditions



Google Earth

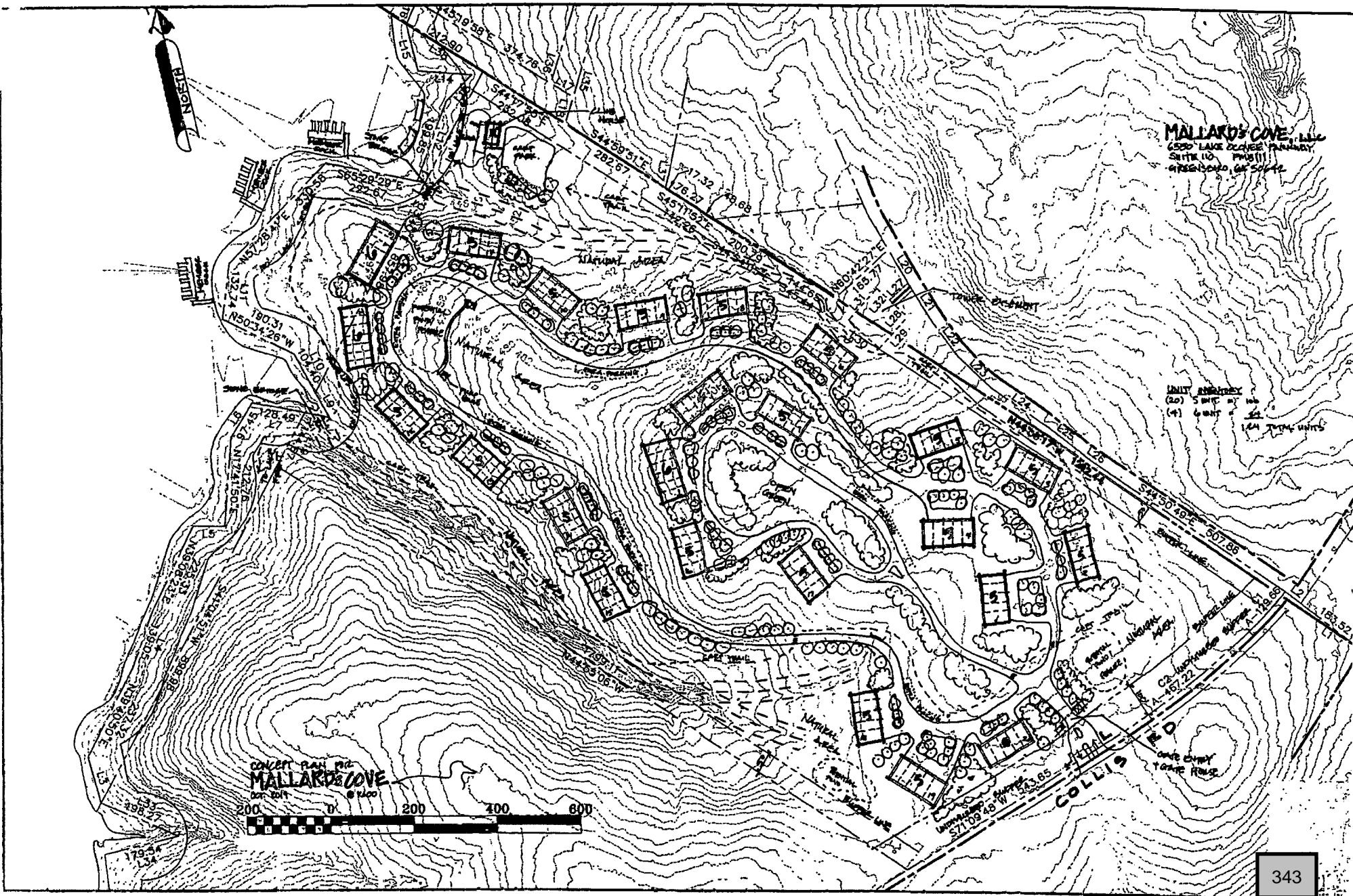
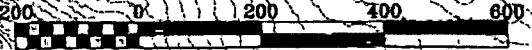
© 2018 Google



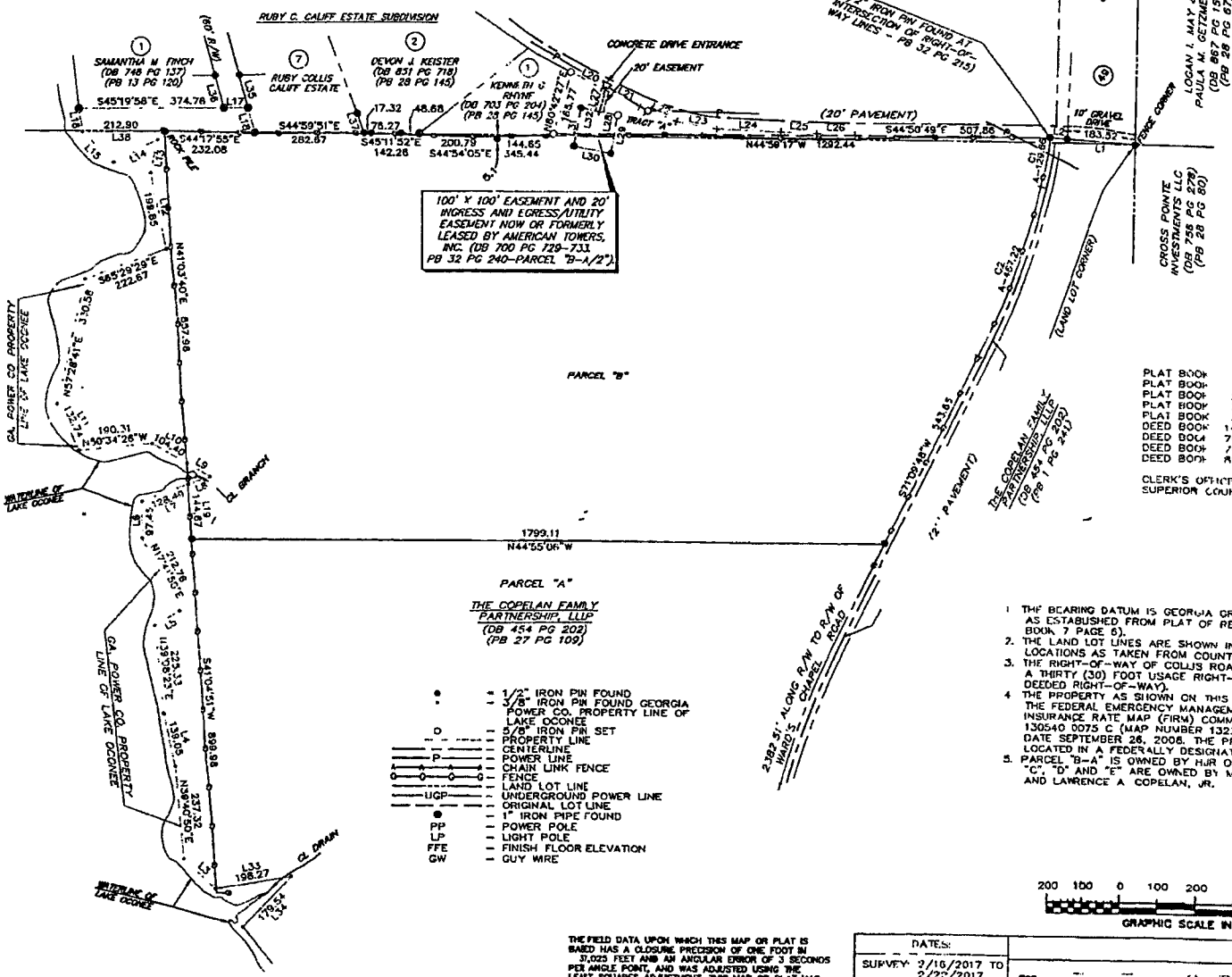
MALLARD'S COVE, LLC
 6500 LAKE OCHEE PARKWAY,
 SUITE 102, FORT
 GREENSBORO, GA 27402

UNIT ANALYSIS
 (20) 5 UNIT 100
 (4) 6 UNIT 100
 164 TOTAL UNITS

CONVERT PLAN FOR
MALLARD'S COVE
 Oct 2014 © 2010



| CURVE DELTA | RADIUS | ARC/TANGENT | BEARING | CHORD |
|-------------|---------|-------------|---------|--------|
| C1 | 851.57 | 87.89 | 129.86 | 64.98 |
| C2 | 1149.23 | 228.40 | 487.22 | 234.44 |



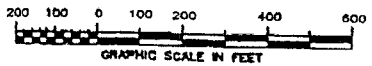
| LINE | BEARING | DISTANCE |
|------|-------------|----------|
| L1 | N41°08'48"W | 183.82 |
| L2 | N40°57'08"W | 45.84 |
| L3 | N02°15'41"W | 112.51 |
| L4 | N32°27'42"E | 135.05 |
| L5 | S75°30'28"E | 74.85 |
| L6 | N44°33'23"E | 97.45 |
| L7 | S83°53'18"E | 128.49 |
| L8 | S85°01'40"E | 26.75 |
| L9 | N01°52'01"W | 87.67 |
| L10 | N15°52'54"W | 104.40 |
| L11 | N20°00'48"E | 132.74 |
| L12 | N33°32'48"E | 195.85 |
| L13 | N62°28'08"E | 102.91 |
| L14 | N72°19'07"W | 147.47 |
| L15 | N00°34'27"W | 112.44 |
| L16 | N32°14'42"E | 60.59 |
| L17 | S43°27'15"E | 81.98 |
| L18 | S29°50'40"W | 88.70 |
| L19 | N41°08'20"E | 144.67 |
| L20 | S18°14'12"E | 102.07 |
| L21 | S19°21'48"E | 100.01 |
| L22 | S24°18'19"E | 102.47 |
| L23 | S47°28'44"E | 105.58 |
| L24 | S47°55'49"E | 186.98 |
| L25 | S70°33'44"E | 92.67 |
| L26 | S43°10'42"E | 85.44 |
| L27 | S60°10'30"W | 57.88 |
| L28 | S34°00'02"E | 49.09 |
| L29 | S54°06'47"W | 100.00 |
| L30 | N53°53'13"W | 100.00 |
| L31 | N55°05'47"E | 100.00 |
| L32 | N40°00'02"E | 50.91 |
| L33 | S54°18'44"E | 198.27 |
| L34 | S89°02'20"W | 179.24 |
| L35 | N29°22'07"E | 88.83 |
| L36 | N27°14'14"E | 87.14 |
| L37 | N28°21'14"E | 83.18 |
| L38 | N43°14'44"W | 212.90 |

100' X 100' EASEMENT AND 20' INGRESS AND EGRESS/UTILITY EASEMENT NOW OR FORMERLY LEASED BY AMERICAN TOWERS, INC. (DB 700 PG 729-733, PB 32 PG 240-PARCEL D-N/2')

| | | | |
|-----------|-----|------|-----|
| PLAT BOOK | 7 | PAGE | 6 |
| PLAT BOOK | 7 | PAGE | 43 |
| PLAT BOOK | 28 | PAGE | 145 |
| PLAT BOOK | 32 | PAGE | 215 |
| PLAT BOOK | 32 | PAGE | 240 |
| DEED BOOK | 146 | PAGE | 82 |
| DEED BOOK | 700 | PAGE | 729 |
| DEED BOOK | 793 | PAGE | 165 |
| DEED BOOK | 753 | PAGE | 358 |

- = 1/2" IRON PIN FOUND
- = 3/8" IRON PIN FOUND
- = POWER CO. PROPERTY LINE OF LAKE OCONEE
- = 5/8" IRON PIN SET
- — — — — PROPERTY LINE
- — — — — CENTERLINE
- — — — — POWER LINE
- — — — — CHAIN LINK FENCE
- — — — — FENCE
- — — — — LAND LOT LINE
- — — — — UNDERGROUND POWER LINE
- — — — — ORIGINAL LOT LINE
- = 1" IRON PIPE FOUND
- PP = POWER POLE
- LP = LIGHT POLE
- FFE = FINISH FLOOR ELEVATION
- GW = GUY WIRE

- 1 THE BEARING DATUM IS GEORGIA GRID-EAST ZONE AS ESTABLISHED FROM PLAT OF REFERENCE (PLAT 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 COLLIS ROAD IS SHOWN AS A THIRTY (30) FOOT USAGE RIGHT-OF-WAY (NO DEEDED 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: 130540 0075 C (MAP NUMBER 1323700075C) EFFECTIVE DATE SEPTEMBER 26, 2008. THE PROPERTY IS NOT LOCATED IN A FEDERALLY DESIGNATED FLOOD PLAIN.
- 5 PARCEL "B-A" IS OWNED BY HUR O'CONNOR, L.C. PARCELS "C", "D" AND "E" ARE OWNED BY MILLIGENT C. ARNOLD AND LAWRENCE A. COPELAN, JR.



"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 HAS A CLOSURE PRECISION OF ONE FOOT IN 3,023 FEET AND AN ANGULAR ERROR OF 3 SECONDS PER ANGLE POINT, AND WAS ADJUSTED USING THE LEAST SQUARES ADJUSTMENT. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 242,423 FEET.

A TRIMBLE 1100 TOTAL STATION SN. 418328 WAS USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS. A LEICA TPS-SYSTEM 1000 PCMCIA MEMORY CARD WAS USED AS A DATA COLLECTOR TO COLLECT THE FIELD DATA.

THE SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE OFFICIAL SURVEYING ACT.

| DATES: | |
|--------|------------------------|
| SURVEY | 2/16/2017 TO 2/22/2017 |
| PLAT | 2/21/2017 |



FOR: T-3 CAPITAL INC.

PART OF LAND LOTS 330 AND 337
 THIRD LAND DISTRICT
 308TH. G. M. DISTRICT
 PUTNAM COUNTY, GEORGIA
 Scale: 1" = 200.0' Date: February

Additional Impact Analysis

Map 104, Parcel 032 District 3: Rezone from AG-1 to RM-3 (approximately 50.8 acres)

Map 104, Parcel 033 District 3: Rezone from R-1 to RM-3 (approximately 3.5 acres)

Map 104B, Parcel 001 District 3: Rezone from R-1 to RM-3 (approximately .63 acres)

Map 104, Parcel 030 District 3: Rezone from R-1 to RM-3 (approximately 2.14 acres)

Putnam County Zoning Ordinance Sec. 66-164(d) Standards governing consideration of a zoning change.

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

Yes. The stated purpose of the RM-3 zoning is to facilitate through a sensitive design solution, the incorporation of a development into the natural environment by using an increased density as the reward. Properties in this district must be developed as integrated whole while offering a variety of housing design solutions in one ownership. Applicant, who has total site control, seeks to provide a range of occupancy options explicitly contemplated by the RM-3 district regulations including townhomes and possibly a hotel that engages the site's natural environment- a large hilltop acreage which slopes downward toward the site's lake frontage. Each occupancy option will be designed to the highest quality, in accordance with County Development Regulations (Chapter 28) as well as the performance standards of article III of the Zoning Ordinance. The RM-3 zoning regulations list single-family, duplex, triplex, townhomes and hotels as compatible residential occupancies. Consistent with that recognition, Applicant requests, like all other property owners of RM-3 zoned property in the county, to have such flexibility of residential uses unrestricted by zoning condition.

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

Yes. The proposed uses(s) are suitable in view of the similar RM-2 and RM-3 zoning of adjacent and nearby properties. Specifically, the predominate zoning of lake front property is RM-3 according to the County's Official Zoning Map. In addition, there is current commercially zoned and use property directly adjacent to the site. These uses proximate to Collis Road include: 1) a 150-boat capacity dry stack storage facility; 2) the Waterfront, consisting of 72 townhouse units on 10 acres; 3) The Enclave, consisting of 18 townhouse units on 2 acres; 4) Collis Circle, consisting of 50 single-family homes on 60 acres; and 5) Doug Lane, consisting of 17 single-family homes on 16 acres. The density proposed by this application of 124 townhomes on approximately 58 acres is substantially in keeping with surrounding densities. More importantly, the proposed density is consistent with the RM-3 district regulations.

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

No. On the contrary, the proposed use(s) for the site will further reinforce the residential and limited commercial nature of the adjacent and nearby property, whose values originate from their

lake frontage (or lake proximity). As such , the proposed use(s) will have a positive impact on surrounding property values.

4. Is the proposed use compatible with the purpose and intent of the comprehensive plan?

Yes. The proposed use(s) is compatible with the Putnam County and the City of Eatonton Joint Comprehensive Plan (JCP). The JCP has as a primary component economic development, the goals of which are to create new job opportunities and further develop entertainment options. See, JCP, pg. 4. The JCP recognizes the need and opportunity to attract new development to offset lost tax revenue occasioned by the Georgia Power plant closure. Accordingly, the JCP states that it is “imperative that the county and city focus on attracting new development which will allow for a greater mix of complementary industries and businesses to support job creation and a larger tax base”. See, JCP, pg. 4. Applicant’s proposed occupancy use(s) will generate temporary and permanent jobs as well as generate substantial tax revenue. A very reputable company has studied the feasibility of a hotel in Putnam County on Lake Oconee and determined the County can expect approximately \$6,000,000 in tax revenue over ten years.

Regarding land use compatibility, the subject property is the only property along Collis Road that has an agricultural future land use designation on the County’s Future Land Use Map. This agricultural land use designation is misplaced and outdated, as recognized by the December 20, 2019 Planning Staff Report. Virtually all property in the vicinity, and particularly lakefront property, has a residential future land use classification. In fact, the 2007-2030 county future land use map on file with the Middle Georgia Commission shows the property as “mixed use residential” like all other properties in the area.

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

Yes. There is no market for agricultural use (or low-density residential use) as substantiated by surrounding uses and rezoning’s from AG-1 to RM-3. The current AG-1 and RM-1 zoning are antiquated and do not constitute economically viable zoning districts, as illustrated by surrounding developments’ rezoning to RM-3 in the past years.

6. 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 residential use(s) will not cause an excessive or burdensome use of public facilities or services or exceed the present or funded capabilities of the County. Moreover, the proposed residential uses will generate taxes that will contribute to the funding of services to the new residents. Piedmont Water Company has confirmed by letter dated October 9, 2019 that water and sewer are available to serve the site. The County will provide all county services, including police, fire and roads, at the same level of service as it does for all other county residents, which level of service and funding methods are set forth in the 2019 Putnam County’s Service Delivery Strategy adopted by the Board of Commissioners on January 11, 2019. Regarding the funding methods for roads, the SDS lists public funds, not user fees such as impact fees. In addition, the JCP’s Community Work Program for the transportation element lists developing a maintenance

plan to include the widening and redesign of current intersections and roads. See, JCP, pg. 34. But the funding identified for such activity is listed as county budget and SPLOST, not user fees. Collis Road is 20' wide, the same width as all other county-maintained roads. Previous approved developments along Collis Road were not required to self-fund road widening. Notwithstanding this, Applicant is amenable, through zoning condition, to reserve a 20' strip of land along Collis Road for future county-acquisition and widening if the county so choses.

Applicant has 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 28-66(k) specify for consideration of left turn lane.

7. 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?

Yes. As discussed above, the current zoning and land use of the subject property is outdated. The current zoning and land use of surrounding properties is higher density residential, including RM-2 and RM-3.

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

Yes. The proposed residential use(s) strikes the correct balance between single-family residential use and commercial uses in the area. The development will be self-contained on site and will not spill into lower-density residential uses. Applicant is requesting the same zoning that adjacent owners most recently have requested and received from Putnam County.

9. In addition to the standards enumerated in items (1)—(8) of this section, the planning and zoning commission and the board of commissioners may consider the following standards in a rezoning application if applicable:

- a. Duration for which the property has been vacant;

The property has been dormant farmland for years with no current redevelopment potential without rezoning.

- b. Development patterns and trends in the community; and

The development pattern and trends in the area and around Lake Oconee is more dense residential housing options.

- c. Potential air, water, noise and light pollution.

All development will conform to all local, state and federal regulations pertaining to air, water, noise and light pollution. These include Georgia Power, U.S. Fish and Wildlife, Georgia Department of Natural Resources, State Historic Preservation Office and the

Federal Energy Resource Commission. Finally, a portion of the subject property will be set aside for land preservation.

Simonton Engineering, LLC

Consulting Engineers

1050 Parkside Commons Suite 101
Greensboro, GA 30642

Mallard Cove
Traffic Impact Analysis
PCS # 2019-303_Hotel

The Mallard Cove development is a resort hotel development that includes 50.8 acres of RM-3 development on Collis Marina Road and Collis Road NE. The developer desires to construct a 175 room resort hotel. The property is currently zoned A-1 agriculture and will require a zoning change to RM-3.

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:

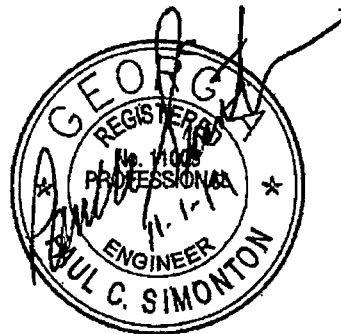
| | |
|-----------------|--------------------|
| Two Way Traffic | 1331 trips per day |
| AM Peak Traffic | 103 trips per day |
| PM Peak Traffic | 131 trips per day |

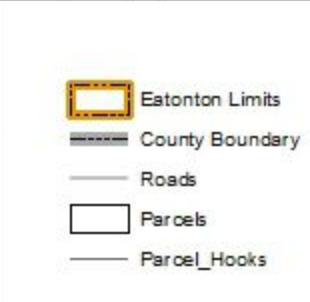
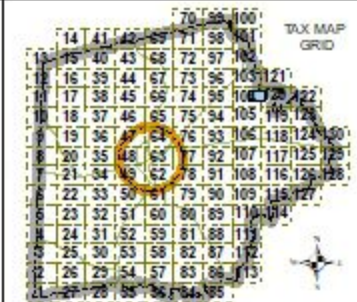
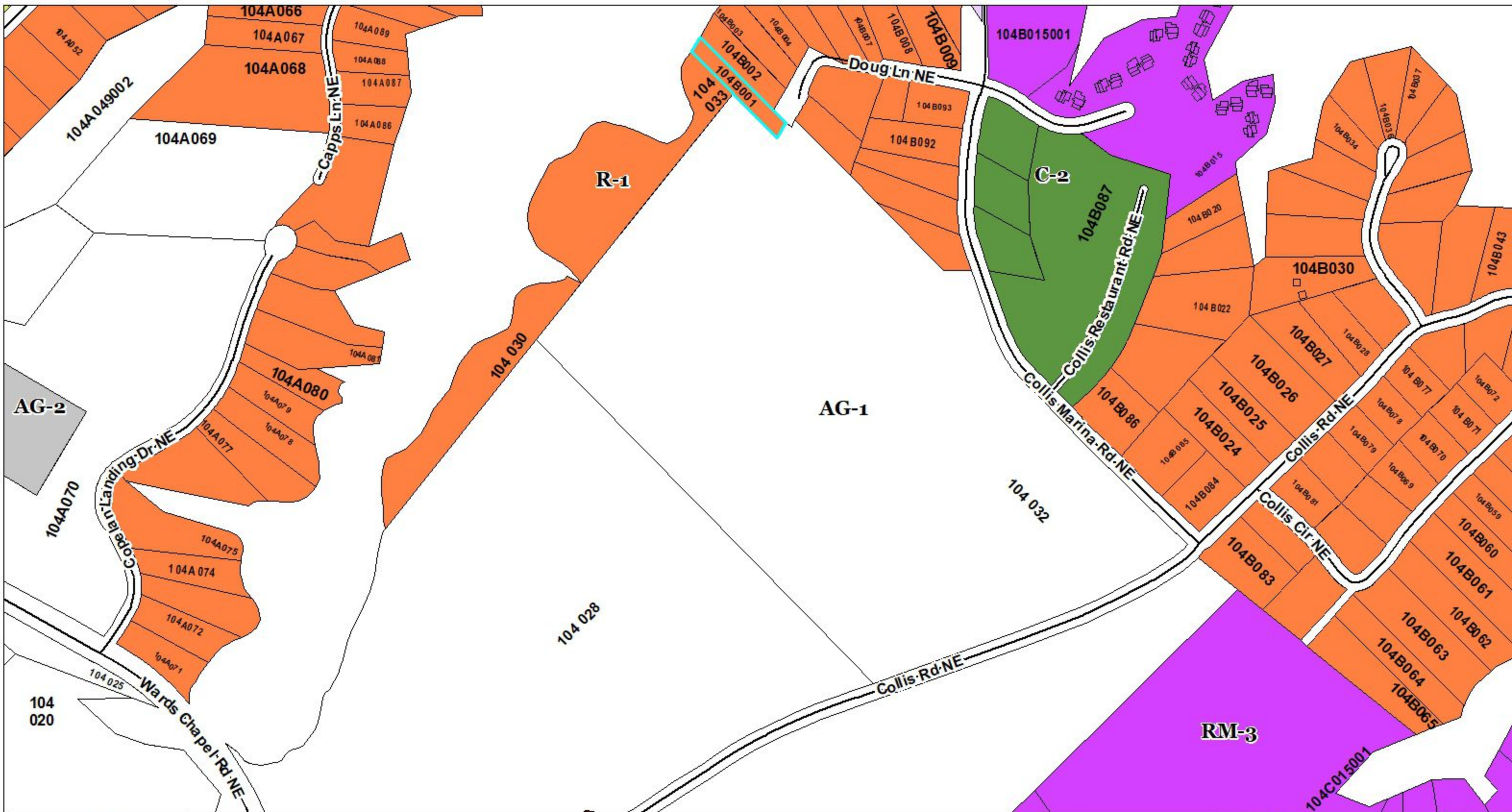
The proposed project includes 175 room hotel located at the intersection by Collis Road and Collis Marina Road. Property configuration will allow all or most of the property to enter from Collis Road and will have no impact on Collis Marina Road. Based on the information submitted traffic projection for the proposed development is:

| | |
|--------------------------------|-----------|
| Average weekday two-way volume | 937 trips |
| AM Peak Traffic | 70 trips |
| • Peak hour enter | 41 trips |
| • Peak hour exit | 29 trips |
| PM Peak Traffic | 74 trips |
| • Peak hour enter | 36 trips |
| • Peak hour exit | 38 trips |

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.





GEOGRAPHIC FEATURE LEGEND

| | | | | | | |
|------------------|----------|------------|-------------|------------|------|---------|
| Overlay District | AG-2 | C-2 CITY | IND-2 CITY | R - 1 CITY | R-1 | RM-2 |
| No Code | C-1 | I-M | MHP | R - 2 CITY | R-1R | RM-3 |
| AG-1 | C-1 CITY | IND-1 CITY | PUBLIC | R - 3 CITY | R-2 | VILLAGE |
| AG-1 CITY | C-2 | IND-2 | PUBLIC CITY | R - 4 CITY | RM-1 | |

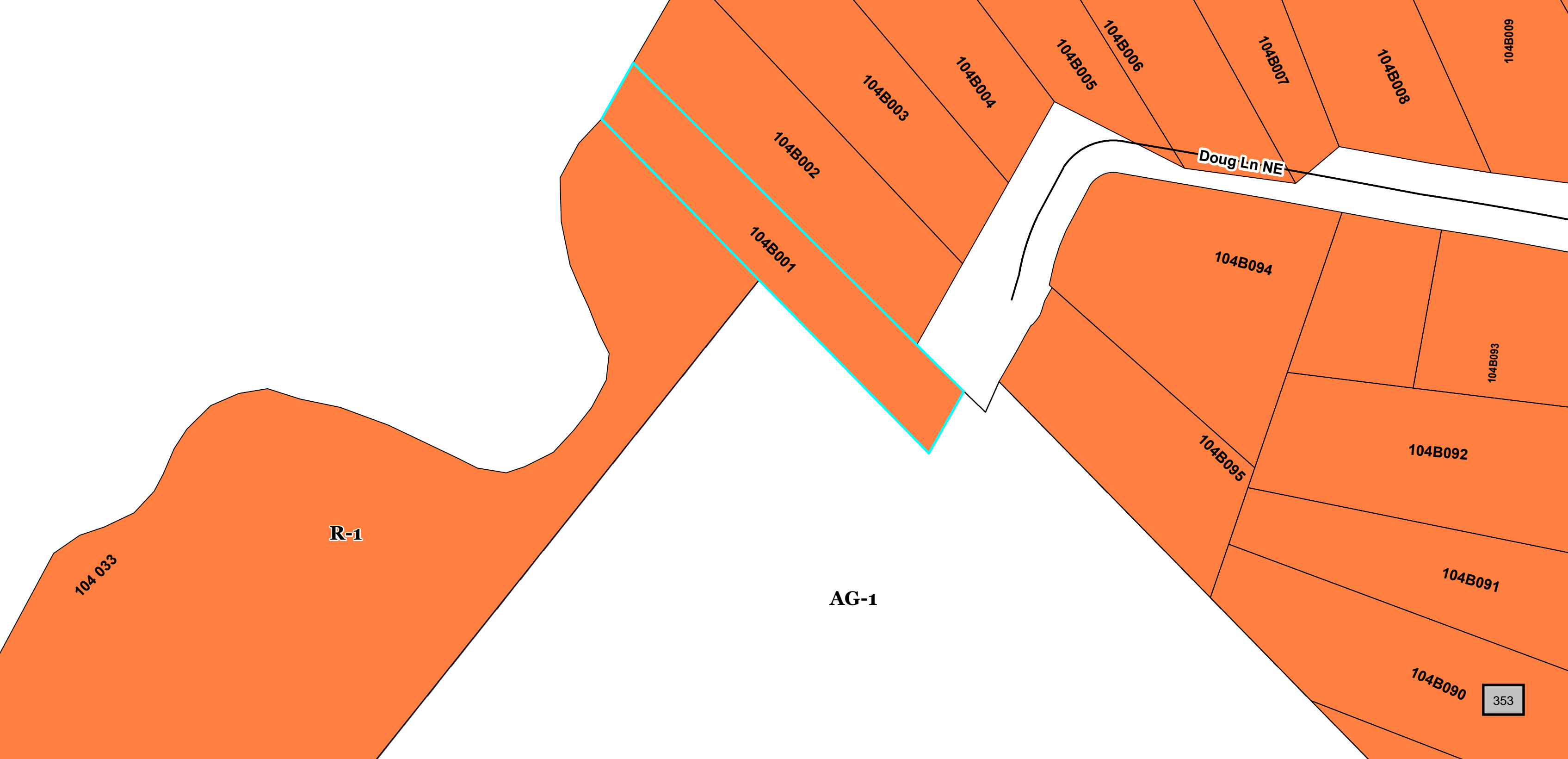
MGRC
IT GIS Services
Middle Georgia Regional Commission
175 Emory Hwy
Suite C
Macon, Georgia 31217
(478) 751-8180
Web:
www.middlegeorgiarc.org

PUTNAM COUNTY, GEORGIA
ZONING MAPS

MAP 104B

352

MAP SCALE: 1" = 333.33' SCALE RATIO: 1:4,000 DATE: JANUARY 2020



104B009

104B008

104B007

104B006

104B005

104B004

104B003

104B002

104B001

Doug Ln NE

104B094

104B093

104B092

104B095

104B091

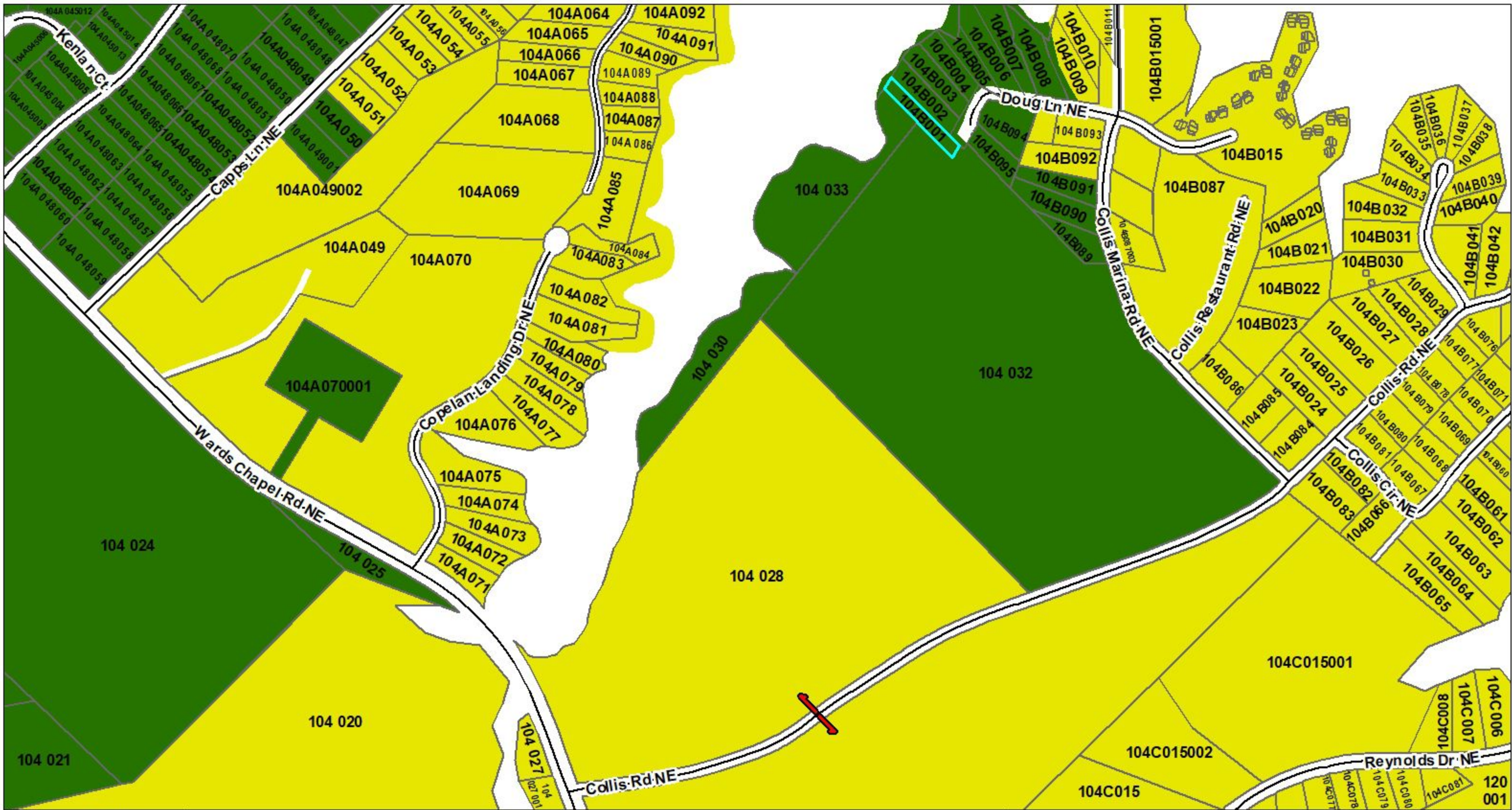
R-1

AG-1

104 033

104B090

353



GEOGRAPHIC FEATURE LEGEND

| | | | |
|-----------------|----------------------|------------------------------|--|
| Eatonton Limits | Agriculture/Forestry | Mixed Use | Residential |
| County Boundary | Commercial | Park/Recreation/Conservation | Transportation/Communication/Utilities |
| Roads | Industrial | Public/Institutional | Undeveloped/Vacant |
| Parcels | | | |
| Parcel Hooks | | | |

MGRC
IT GIS Services
Middle Georgia Regional Commission
175 Emery Hwy
Suite C
Macon, Georgia 31217
(478) 751-8180
Web:
www.middlegeorgiarc.org

PUTNAM COUNTY, GEORGIA
FUTURE LAND USE MAPS

MAP 104B

354

MAP SCALE: 1" = 416.67' SCALE RATIO: 1:5,000 DATE: NOVEMBER 2019



PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

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

February 24, 2020

TO: Planning & Zoning Commission

FROM: Lisa Jackson

RE: Staff Recommendation for Public Hearing Agenda on 3/5/2020

12. Request by **Howard McMichael, agent for Oconee Overlook, LLC** to rezone 0.63 acres on Doug Lane from R-1 to RM-3. [Map 104B, Parcel 001, District 3]. * **Item postponed.**

New Business

Adjournment

The Planning & Zoning Commission meeting will be conducted pursuant and in accordance with O.C.G.A. Chapter 36-66.

Notice: All opponents to any rezoning request on the Planning & Zoning Commission and the Board of Commission agendas must file a disclosure of campaign contributions with the Planning & Development Department within five calendar days prior to public hearings if you have contributed \$250.00 or more to an elected official in Putnam County within the last five years.

*The Putnam County Board of Commissioners will hear these agenda items on March 17, 2020 at 6:30 P.M., in the Putnam County Administration Building, 117 Putnam Drive, Room 203.

The full meeting package can be reviewed in the Planning & Development office upon request.

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 Board of Commissioners' hearing will be conducted pursuant to O.C.G.A. 50-14-1 and Section 66-159 of the Putnam County Code of Ordinances and meets the requirements of the Zoning Procedures Laws established in O.C.G.A 36-66.

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.