



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, June 04, 2020 ♦ 6:30 PM

Putnam County Administration Building – Room 203

Opening

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

Minutes

4. Approval of Minutes - March 5, 2020

Requests

5. Request by **Jimmy O'Dell** for a side yard setback variance at 308 East River Bend Drive. Presently zoned R-1R. [**Map 119B, Parcel 183, District 3**].
6. Request by **Garry & Nina Lassiter** for a side yard setback variance at 153 Hoot Owl Lane. Presently zoned R-1R. [**Map 096A, Parcel 008, District 3**].
7. Request by **Gregory Leepow, agent for Kim Anderson** for a rear yard setback variance at 112 Sinclair Circle. Presently zoned R-2. [**Map 112B, Parcel 003, District 4**].
8. Request by **Kevin & Kristy Slaughter** for a side yard setback variance at 1051 Crooked Creek Road. Presently zoned R-1. [**Map 110B, Parcel 105, District 3**].
9. Request by **Mark Smith, agent for Mary Wooten** for a rear yard setback variance at 147 Collis Marina Road. Presently zoned RM-2. [**Map 104B, Parcel 012, District 3**].
10. Request by **Mark Smith, agent for Duke Gibbs** for a side and rear yard setback variance at 145 Collis Marina Road. Presently zoned RM-2. [**Map 104B, Parcel 011, District 3**].
11. Request by **Jim Brown, agent for Wondal Perry** for a rear yard setback variance at 202 Long Island Drive. Presently zoned R-1R. [**Map 122A, Parcel 064, District 3**].
12. Request by **Jason Sells, agent for Interfor U.S. Inc** for a front yard setback variance at 370 Dennis Station Road. Presently zoned I-M. [**Map 059, Parcel 019, District 4**].
13. Request by **Vincent Richardson** for a front yard setback variance at 114 Allens Alley. Presently zoned R-2. [**Map 055A, Parcel 011, District 4**].
14. Request by **Howard McMichael, agent for Oconee Overlook, LLC & Lick Creek Holding's LLC** to rezone 2.14 acres on Collis Road from R-1 to RM-3. [**Map 104, Parcel 030, District 3**]. *
15. Request by **Howard McMichael, agent for Lick Creek Holding's LLC** to rezone 21.40 acres on Collis Road from AG-1 to RM-3. [**Map 104, Parcel 032001, District 3**]. *
16. Request by **Howard McMichael, agent for Mallard's Overlook, LLC** to rezone 29.58 acres on Collis Road from AG-1 to RM-3. [**Map 104, Parcel 032, District 3**]. *
17. Request by **Howard McMichael, agent for Oconee Overlook, LLC & Lick Creek Holding's LLC** to rezone 3.5 acres on Collis Road from R-1 to RM-3. [**Map 104, Parcel 033, District 3**]. *
18. Request by **Howard McMichael, agent for Oconee Overlook, LLC** to rezone 0.63 acres/27,298 sq. ft. on Doug Lane from R-1 to RM-3. [**Map 104B, Parcel 001, District 3**]. *

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 June 16, 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.

File Attachments for Item:

4. Approval of Minutes - March 5, 2020



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Minutes

The Putnam County Planning & Zoning Commission conducted a public hearing on Thursday March 05, 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
Adam Nelson, Putnam County Attorney

3. Rules of Procedures

Ms. Courtney Andrews read the Rules of Procedures.

Minutes

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

Motion to approve the February 11, 2020 Minutes made by **Member Hardie**, Seconded by **Vice Chairperson Pierson**

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

Requests

5. Request **Ronnie & Lynn Smith** for a side yard setback variance at 108 Sunset Drive. Presently zoned R-2. [**Map 053B, Parcel 056, District 4**]. **Mrs. Smith** represented this request. She stated that she talked with Southland Homes about building a home on this .56-acre lot. Towards the front of the property, the width is only about 34 ft wide and widens towards the lake. The width of the home is 44 ft wide, the depth is 39 ft, and the width of the lot measures 65.5. In order to get the width of the home to fit on the property and allow for

the septic tank, the house would need to be positioned 175 ft from the lake. No one spoke in opposition of this request.

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].

Motion to approve the request by **Ronnie & Lynn Smith** for a side yard setback variance, being 10 feet from the left and right-side property line when facing the lake at 108 Sunset Drive made by **Member Hardie**, Seconded by **Member Farley**
Voting Yea: **Chairman Marshall, Vice Chairperson Pierson, Member Hill, Member Farley, Member Hardie**

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].

Motion to approve the request by **William Wilkinson** to withdraw without prejudice at 163 Lakemore Drive made by **Vice Chairperson Pierson**, Seconded by **Member Hardie**
Voting Yea: **Chairman Marshall, Vice Chairperson Pierson, Member Hill, Member Farley, Member Hardie**

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]. **Mr. Jerry Collins** represented this request. He stated that the property is very narrow and measures 44 feet wide at the roadside. He added that the location where the home must be placed, due to the existing septic system, measures 49 feet wide. The original home they looked at purchasing was going to be 28 feet in width. They are now purchasing a 24-foot-wide manufactured home. He stated that he and his wife own this property and after speaking with staff, they would like to accept the staff recommendation. No one spoke in opposition of this request.

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].

Motion to approve the request by **Jerry & Lisa Collins**, per staff recommendation, 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 made by **Member Hardie**, Seconded by **Member Hill**

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

Ms. Jackson stated that items 8-12 have been postponed. Chairman Marshall stated that since this was an administrative action, the Planning & Zoning Board did not have to vote.

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

None

Adjournment

Motion to adjourn the meeting made by **Member Hardie**, Seconded by **Member Farley**
Voting Yea: **Chairman Marshall, Vice Chairperson Pierson, Member Hill, Member Farley, Member Hardie**

The meeting adjourned at approximately 6:43 p.m.

Attest:

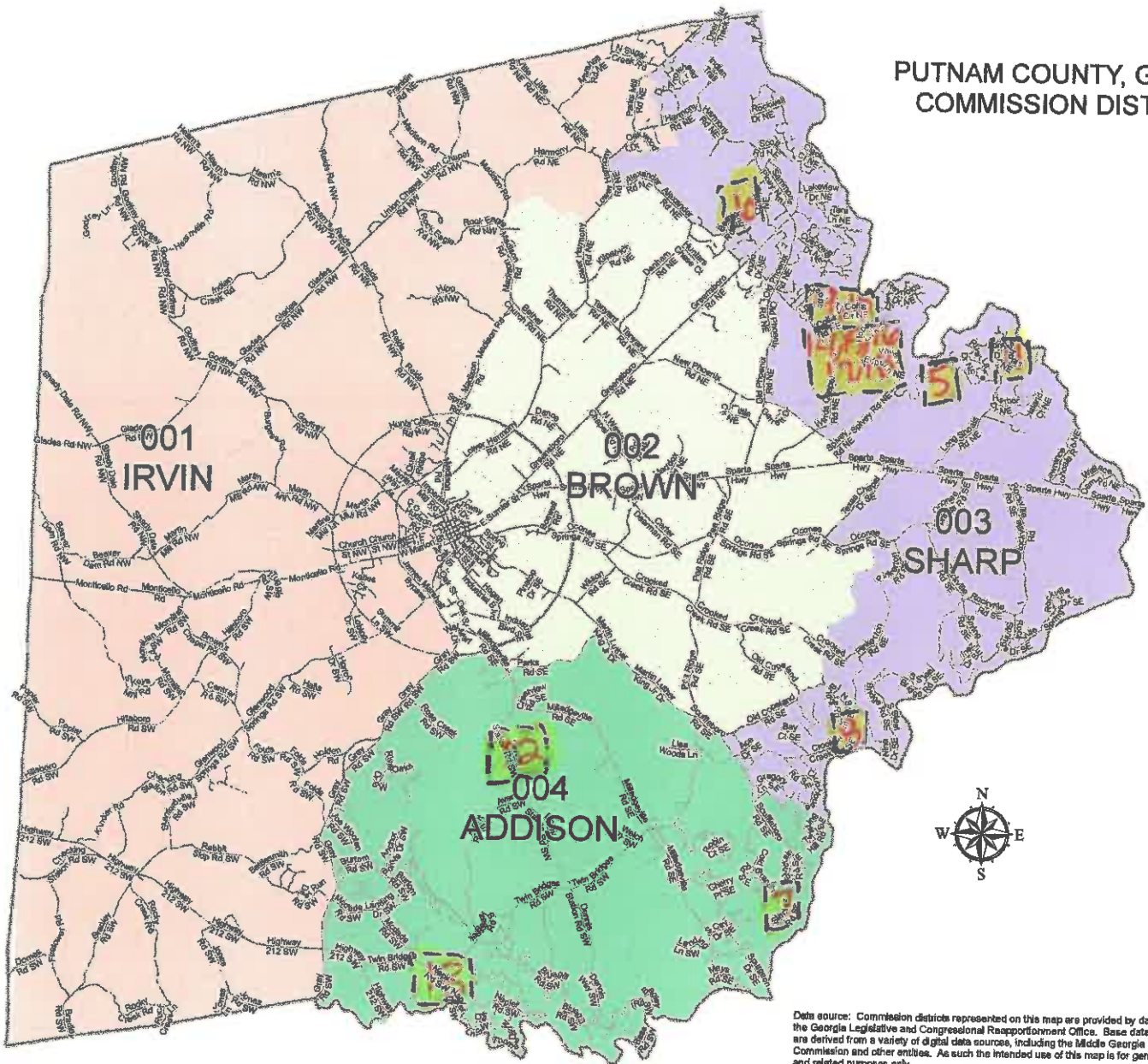
Lisa Jackson
Director

James Marshall, Jr.
Chairman

File Attachments for Item:

5. Request by **Jimmy O'Dell** for a side yard setback variance at 308 East River Bend Drive. Presently zoned R-1R. **[Map 119B, Parcel 183, District 3]**.

**PUTNAM COUNTY, GEORGIA
COMMISSION DISTRICTS**

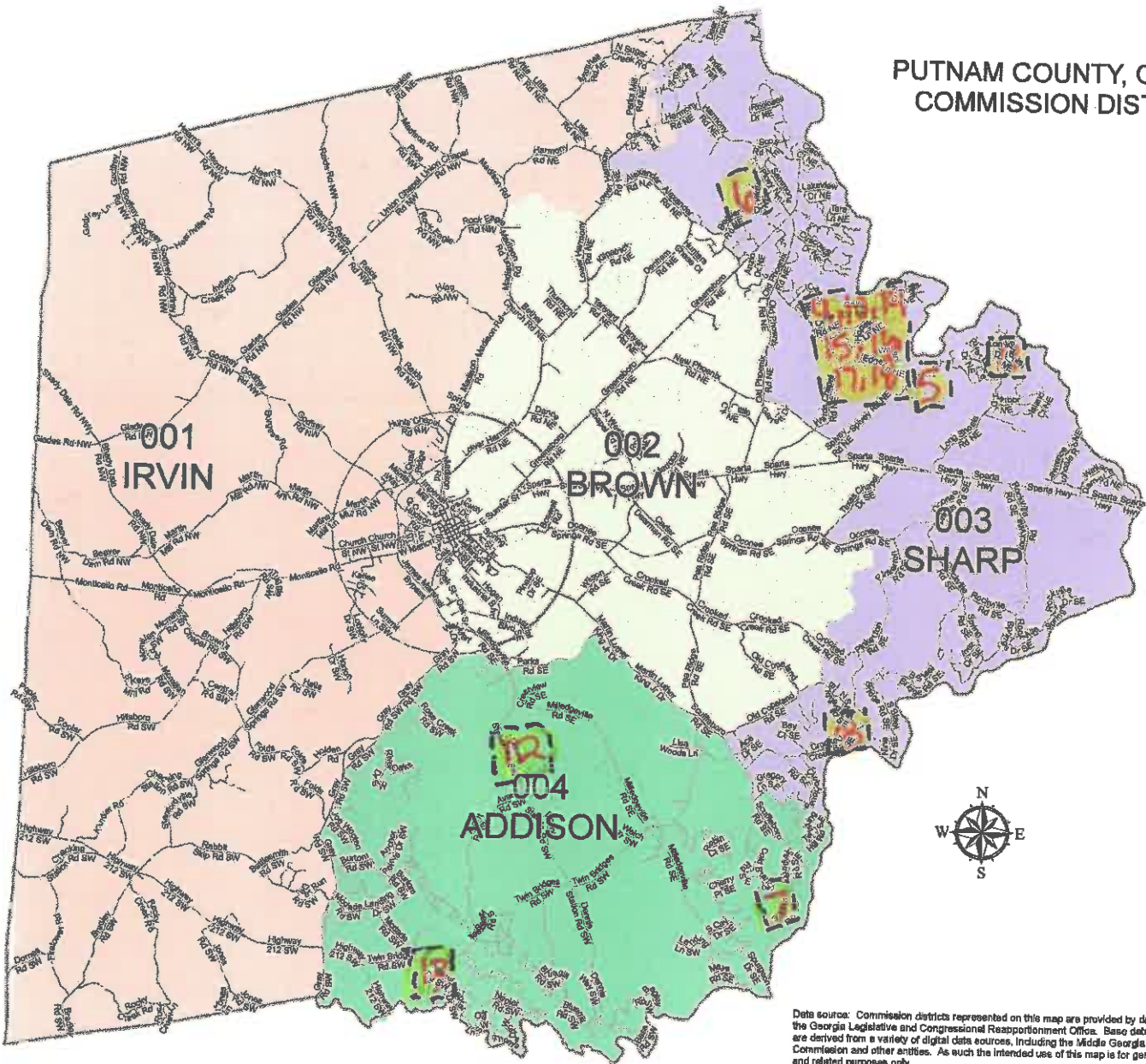


Data source: Commission districts represented on this map are provided by data from the Georgia Legislative and Congressional Reapportionment Office. Base data features are derived from a variety of digital data sources, including the Middle Georgia Regional Commission and other entities. As such the 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: JUNE 2018

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**PUTNAM COUNTY, GEORGIA
COMMISSION DISTRICTS**



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

APPLICATION FOR: VARIANCE CONDITIONAL USE

PLAN 2020-00266

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

Owner name JIMMY L. O'DELL Phone# 813 - 833 - 7033

Applicant name (If different from above) Phone# _____

MAILING ADDRESS 308 EAST RIVER BEND DR, EATONTON GA, 31024
CITY STATE ZIP

PROPERTY LOCATION: 308 E. RIVER BEND DR, EATONTON GA 31024 TOTAL ACREAGE .101

MAP: 119B PARCEL: 193 PRESENTLY ZONED: R-1R C/A DISTRICT: 3 C/A

SETBACKS: Front: 50+ Rear: 100+ Lakeside: NA Left: 11 Right: 13' EX

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: NA No:

12'x16'

TOTAL SQ. FT. (existing structure) 1912 TOTAL FOOTPRINT (proposed structure) 19250 FT

LOT LENGTH (the total length of the lot) 260' + 241.36'

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

REASON FOR REQUEST: I NEED A SHED FOR MY LAWN MOWER AND TOOLS
LEARNER I DO A LITTLE BIT OF WOOD WORKING. OUTDOOR FURNITURE
I HAVE A GARAGE FULL OF STUFF THAT WE BROUGHT UP FROM FLORIDA
AND MY ATTIC IS FULL OF MY WIFE'S STUFF ALONG WITH MORE OF MY STUFF.

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



PROPOSED LOCATION MUST BE STAKED OFF

*SIGNATURE OF APPLICANT: [Signature]

DATE: 2/28/20

*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>2/27/2020</u>	FEE: \$ <u>200.00</u>	CK. NO. _____	CASH _____	C. CARD <input checked="" type="checkbox"/>	INITIALS <u>[Signature]</u>
RECEIPT # <u>034101</u>					
DATE OF NEWSPAPER AD: <u>3-9-2020</u>	DATE SIGN POSTED: <u>3-11-2020</u>				
PLANNING & ZONING HEARING: <u>4-2-2020</u>	RESULT: _____				
COMMISSIONERS/CITY COUNCIL HEARING: _____	RESULT: _____				

Existing On-site Sewage Management System Performance Evaluation Report Form

2/26 10

Property Owner/System Owner Name: Jimmy O'Dell		813.833.7033		Reason for Existing Sewage System Evaluation: (circle)	
Property/System Address: 308 East River Bend Drive				(1) Loan Closing for Home Sale	
Subdivision Name:		Lot: 35	Block:	(2) Refinance	
Existing System Information: Water Supply (circle)		Number of Bedrooms/GPD: 3	Garbage Grinder: (circle)	(3) Home Addition (Non-bedroom) Type: _____	
<input checked="" type="radio"/> Public <input type="radio"/> Private Well <input type="radio"/> Community			(1) Yes <input checked="" type="radio"/> (2) No	(4) Swimming Pool Construction	
				<input checked="" type="radio"/> Structure Addition to Property Type: utility shed 12x16	
				(6) Mobile Home Relocation in plumbing	

SECTION A – System on Record

<input checked="" type="radio"/> Yes <input type="radio"/> 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: Recommend pumping septic tank every 5 to 10 yrs, depending on use. This will help maintain the drainfield in a working condition.
<input checked="" type="radio"/> Yes <input type="radio"/> No	A copy of the original On-site Sewage Management System Inspection Report is attached.	
<input type="radio"/> Yes <input checked="" type="radio"/> 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.	
<input checked="" type="radio"/> Yes <input type="radio"/> 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: Kathryn Hill, REHS	Title: EHSC.M.	Date: 2/26/2020	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.
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SECTION B – System Not on Record

<input type="radio"/> 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: <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<input type="radio"/> Yes <input type="radio"/> No	The septic tank was uncovered at the time of the evaluation and it appears to meet the required design, construction and installation criteria.	
<input type="radio"/> Yes <input type="radio"/> 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.	
<input type="radio"/> Yes <input type="radio"/> 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.	
<input type="radio"/> Yes <input type="radio"/> 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.
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SECTION C – System Not Approved

<input type="radio"/> Yes <input type="radio"/> 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: <div style="border: 2px solid blue; padding: 5px; text-align: center;"> RECEIVED FEB 26 2023 </div>
<input type="radio"/> Yes <input type="radio"/> 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.	
<input type="radio"/> Yes <input type="radio"/> 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.
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SECTION D – Addition to Property or Relocation of Home (section completed in conjunction with A, B, or C above)

<input checked="" type="radio"/> Yes <input type="radio"/> 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: Digging/grading in area of drainfield is not recommended
<input checked="" type="radio"/> Yes <input type="radio"/> 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: Kathryn Hill, REHS	Title: EHSC.M.	Date: 2/26/2020	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.
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Georgia Department of Human Resources
ON-SITE SEWAGE MANAGEMENT SYSTEM INSPECTION REPORT

County Code: 117 Construction Permit: 04307 Health District: 5-2 Day: 15 Month: 09 Year: 04

Property Location / Address <u>Horse shoe Bend</u> <u>308 E. Riverbend Dr. Lot 35</u>	Property Owner <u>Lone Star Inv.</u> Sewage Disposal Contractor <u>Joe Cronen</u>	County <u>Putnam</u>
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ALL ITEMS: Blank = Not Applicable 0 = Unknown *ITEMS: (1) = Yes (2) = No

Section A - GENERAL 1. TYPE OF WATER SUPPLY: <input type="checkbox"/> (1) Public (2) Nonpublic (3) Indiv. 2. HOUSE STRUCTURE: (1) New <input type="checkbox"/> (2) Existing < 1 Year (3) Existing > 1 Year 3. SEWAGE DISPOSAL INSTALLATION: <input type="checkbox"/> (1) New (2) Repair To Existing Sys. 4. If Repair of Existing System, YEAR SYSTEM INSTALLED: (1) < 1 year <input type="checkbox"/> (2) 1-2 (3) 2-3 (4) 3-5 (5) 5-10 (6) > 10 5. PERCOLATION RATE MIN./IN.: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 6. "IS PROPERTY PART OF A SUBDIVISION?" <input type="checkbox"/>	2. LOT WIDTH (average): <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 3. BUILDING LINE (feet): <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Section D - PRIMARY TREATMENT 1. SEWAGE DISPOSAL METHOD: <input type="checkbox"/> (1) Septic Tank (2) Construction Privy (3) Pit Privy (4) Aerobic Unit (5) Other 2. SEPTIC TANK CAPACITY (gallons): <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 3. SEPTIC TANK MATERIAL: <input type="checkbox"/> (1) Concrete (2) Polyethylene (3) Fiberglass (4) Poured in Place (5) Other 4. DOSING TANK (gallons): <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 5. GREASE TRAP (gallons): <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 6. DISTANCE (FT.) SEPTIC TANK FROM: (1) Well (2) Building (3) Stream (4) Lake <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Distance (Dst.) Feet (Ft.) 2. ABSORPTION FIELD: a. Total Square Ft. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <u>468</u> b. Total Linear Ft. <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <u>156</u> c. Length Each Trench (Ft.)/Chambers (1) <input type="checkbox"/> <input type="checkbox"/> <u>9</u> (2) <input type="checkbox"/> <input type="checkbox"/> <u>10</u> (3) <input type="checkbox"/> <input type="checkbox"/> <u>6</u> d. Width of Trenches (inches) <input type="checkbox"/> <input type="checkbox"/> <u>36</u> e. Number Of Trenches <input type="checkbox"/> <input type="checkbox"/> <u>3</u> f. Dst. Between Trenches <input type="checkbox"/> <input type="checkbox"/> <u>4</u> g. Average Trench Depth (inches) <input type="checkbox"/> <input type="checkbox"/> <u>40</u> h. *Aggregate Proper Size <input type="checkbox"/> i. *Aggregate Proper Depth <input type="checkbox"/> J. Dst. From Building (Ft.) <input type="checkbox"/> <input type="checkbox"/> <u>6</u> K. Nearest Property Line: <input type="checkbox"/> <u>3</u> (1) Front (2) Rear (3) R. Side (4) L. Side L. Dst. Nearest Property Line (Ft.) <input type="checkbox"/> <input type="checkbox"/> <u>7</u> M. Dst. Privy or Absorption Field From Well (Ft.) <input type="checkbox"/> <input type="checkbox"/> <u>7</u>
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Section B - FACILITY 1. TYPE OF FACILITY (see code below)** <input type="checkbox"/> <input type="checkbox"/> <u>011</u> 2. WATER USAGE DETERMINED BY: <input type="checkbox"/> (1) No. Bedrooms (2) No. Gallons 3. NUMBER OF BEDROOMS OR GALLONS: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <u>3</u>	Section E - SECONDARY TREATMENT 1. FIELD LAYOUT METHOD: <input type="checkbox"/> <u>3</u> (1) Distribution Box (2) Level Field (3) Serial (4) Mound (5) Other	Section F - HEALTH AGENCY TIME 1. TOTAL INCLUSIVE TIME (min.) <input type="checkbox"/> <input type="checkbox"/> <u>90</u>
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Section C - LOT SIZE See Plat 1. LOT DEPTH (average): <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Section G - SYSTEM APPROVED 1. YES <input checked="" type="checkbox"/> 2. NO <input type="checkbox"/>	
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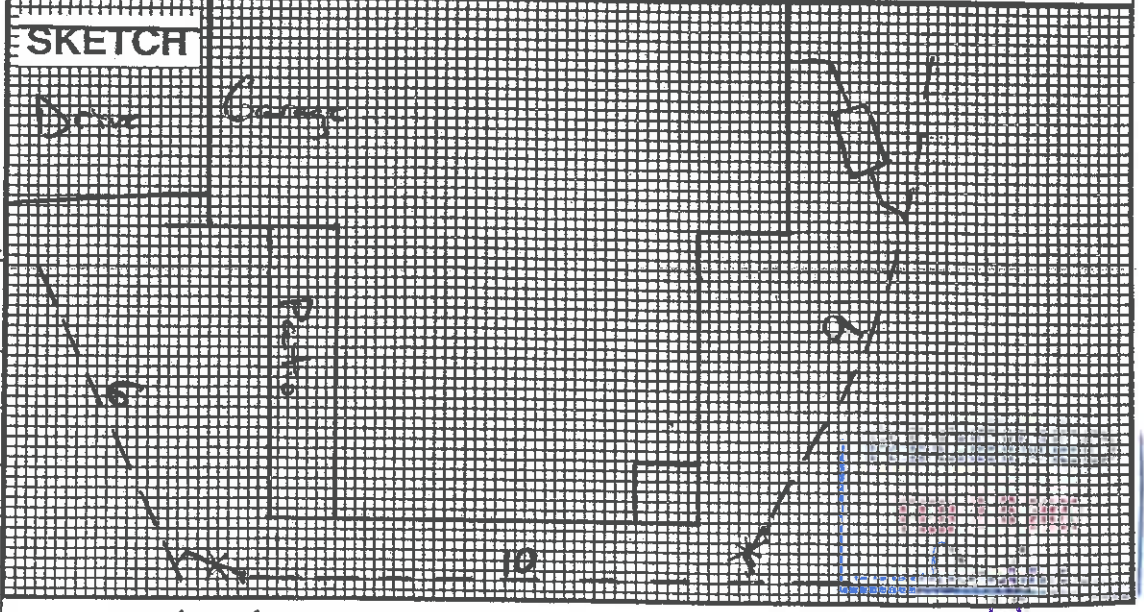
- **TYPE FACILITY**
- (1) Residence
 - (2) Apartment
 - (3) Institution
 - (4) Service Station
 - (5) Restaurant
 - (6) Church
 - (7) Tourist Accommodation
 - (8) Launderette
 - (9) Mobile Home Park
 - (10) Other(Specify)

REMARKS

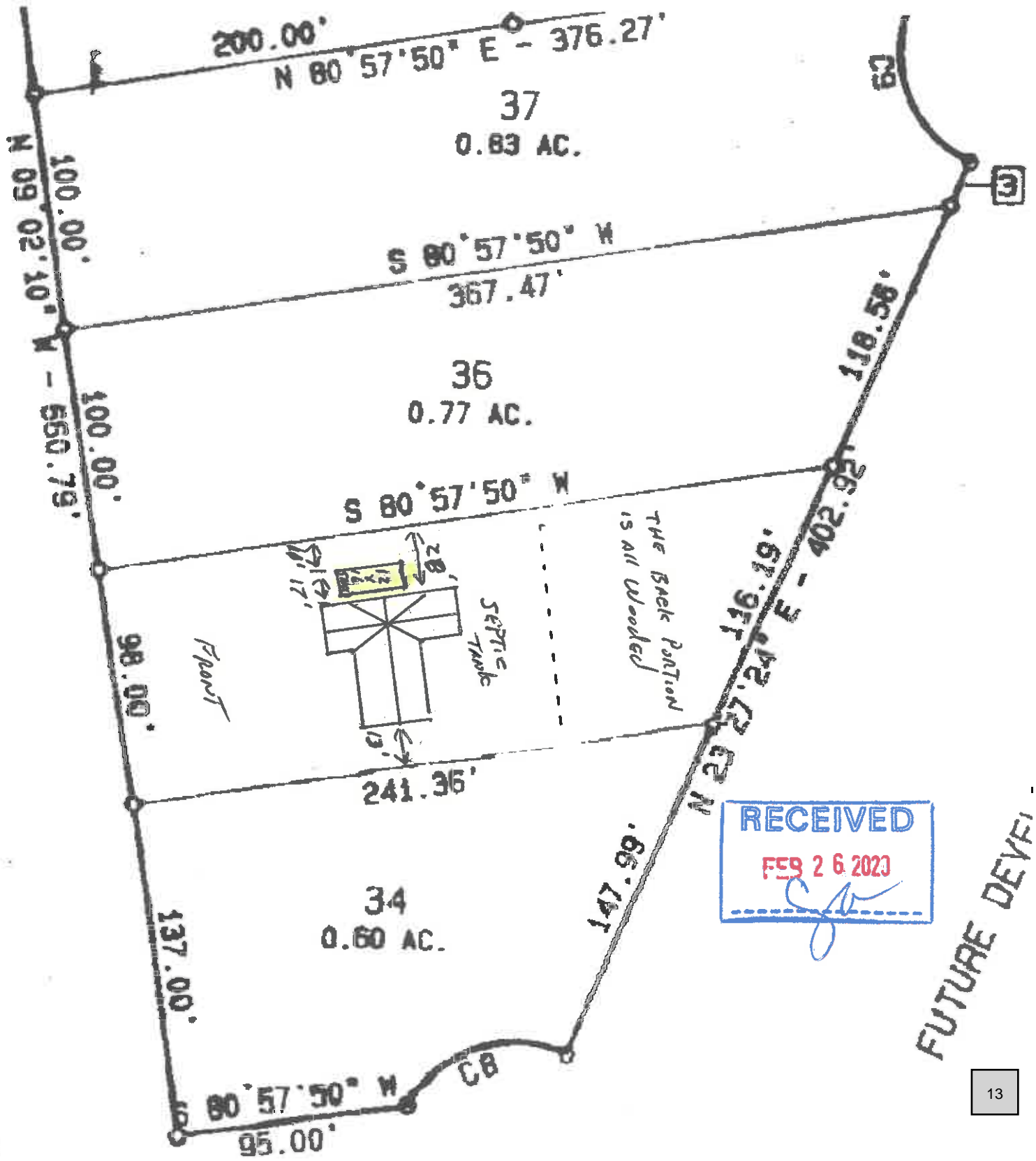
All state

Poly Loc

Hen Cor



Inspected By: Mattie Title: EHSII Health Agency: PCHO





Web Quote Number #: 1696831



Created: Feb 19, 2020 1:58:21 PM



Customer Information

Jimmy O'Dell
 308 E River Bend Dr
 Eatonton, GA 31024
 oaktreewoodworks@aol.com

Shipping Information

Jimmy O'Dell
 308 E River Bend Dr
 Eatonton, GA 31024

Description	Qty	List Price	Discount	Ext Net Price
TR-800 12 x 16	1/Ea	\$4299.00	\$300.00	\$3999.00
Upgrade - 3' x 6'7" Double Shed Door (6')	1/Ea	\$430.00	\$0.00	\$430.00
Credit for Removal of Default Door	1/Ea	\$-225.00	\$0.00	\$-225.00
Paint - Smoky Slate	454/Ea	\$0.00	\$0.00	\$0.00
Paint - Delicate White	1/Ea	\$0.00	\$0.00	\$0.00
PAINT TR-700, TR-800 12' WIDE	1/Ea	\$430.00	\$0.00	\$430.00
Weathered Gray 3 Tab	219/Sq Ft	\$0.00	\$0.00	\$0.00
3/4" Treated Floor Decking Upgrade	192/Sq Ft	\$1.00	\$0.00	\$192.00
16"x8" Wall Vent - White	2/Ea	\$21.00	\$0.00	\$42.00
Leveling 0"-4"	1/Ea	\$0.00	\$0.00	\$0.00
Delivery Fee	1/Ea	\$0.00	\$0.00	\$0.00
List Price				\$5168.00 USD
Discount				\$300.00 USD
Subtotal				\$4868.00 USD



Jimmy O'Dell
308 East River Bend DR.
Eatonton GA. 31024
2/27/2020

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

Dear Putnam County Planning & Development

I own the property located at 308 East River Bend Dr. and plan to have a 12x16 shed put next to the garage on the west side of the house the shed will be for storage. I will need a variance for the ^{NORTH} ~~west~~ side to fit the shed between the garage and the property line. We have a septic system in the back of the house with the drain field running across the back of the house and down the ^{SOUTH} east side. The challenges of the topography and unique shape of the lot and the placement of the existing house on the lot does not leave me many options putting the shed next to the garage I think would be the most pleasing look on the property. I would just like to say that I really need the extra storage my garage and attic is stuffed with things we have accumulated over the past 45 years of marriage. We are not hoarder the garage is mostly my tools I used to do wood working I still do a little bit here and there.

Thank you for your time and consideration.

Jimmy O'Dell





Lone Star Inv.
308 E. Riverbend Dr.
Sep 15, 2004
Joe Cronan

RECEIVED
FEB 26 2020
[Signature]

CURVE TABLE

ARC	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD BEARINGS	CHORD LENGTH
1	1	1	1	1	1
2	2	2	2	2	2
3	3	3	3	3	3
4	4	4	4	4	4
5	5	5	5	5	5
6	6	6	6	6	6
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97	97	97	97	97	97
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99	99	99	99	99	99
100	100	100	100	100	100



IT IS MY OPINION THIS PLAN IS A CORRECT REPRESENTATION OF THE LAND AS SHOWN AND PREPARED WITHIN THE MINIMUM STANDARDS REQUIRED BY LAW.
 Lawrence A. Corry
 Registered Professional Land Surveyor

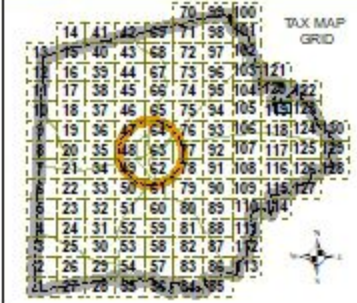
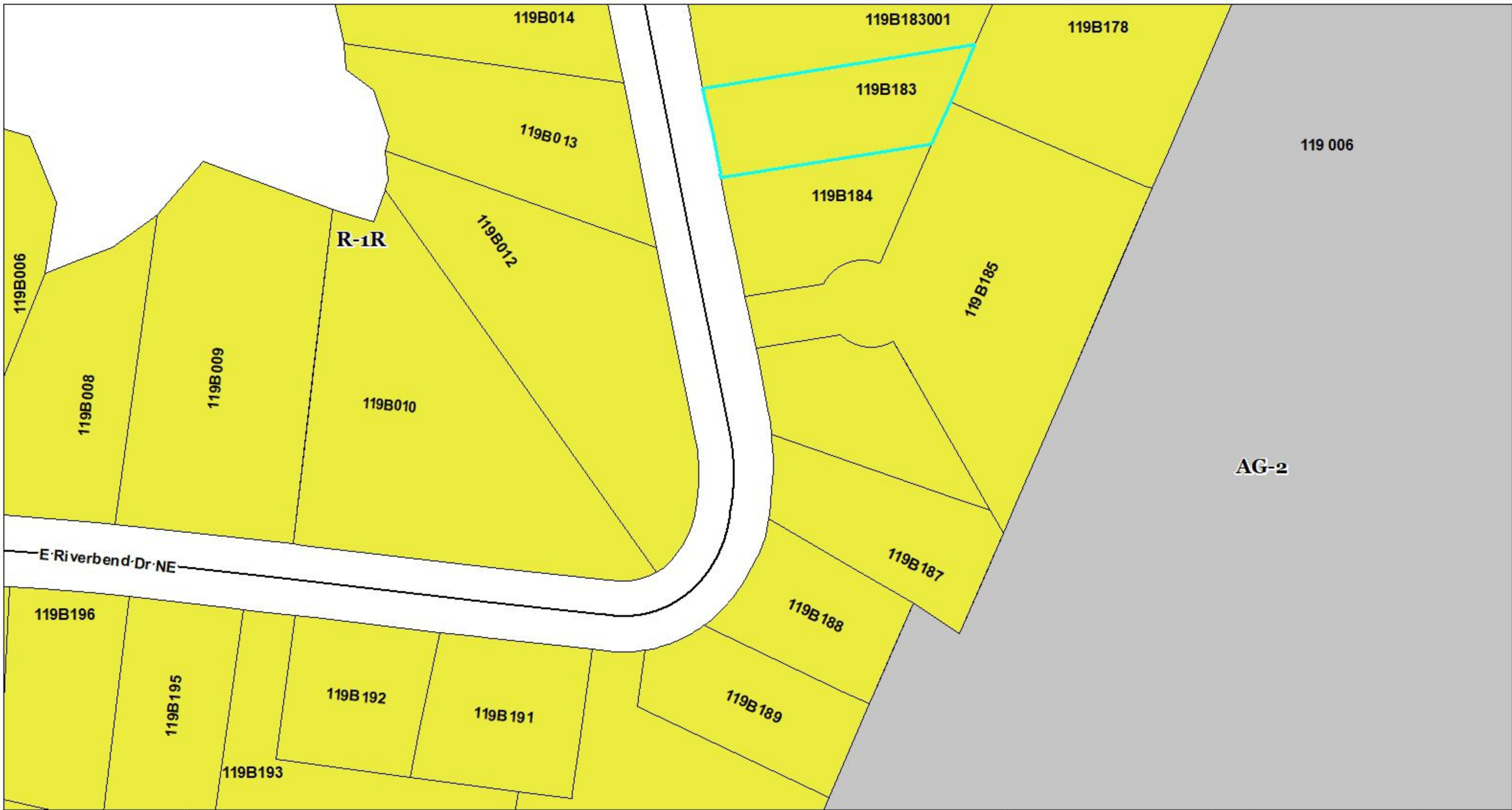
LINE TABLE

QUADRANT	LINE BEARING	DIST.
1	S 88° 23' 47" E	40.00'
2	S 83° 47' 57" E	20.00'
3	S 83° 47' 57" E	20.00'
4	S 83° 47' 57" E	20.00'

HORSESHOE BEND SUBDIVISION
 LAWRENCE A. CORRY, REGISTERED PROFESSIONAL LAND SURVEYOR, INC.
 CORRY AND ASSOCIATES
 LAND LOT 430-443
 DATE: 10-08-08
 LAC: [Signature]

Filed 9/13/90 by Sheila D. Paul rec

RECEIVED
 FEB 26 2023
 [Signature]



Geographic Feature Legend	
Eatonton Limits	Overlay District
County Boundary	No Code
Roads	AG-1
Parcels	AG-1 CITY
Parcel_Hooks	

Zoning					
AG-2	C-2 CITY	IND-2 CITY	R-1 CITY	R-1	RM-2
C-1	I-M	MHP	R-2 CITY	R-1R	RM-3
C-1 CITY	IND-1 CITY	PUBLIC	R-3 CITY	R-2	VILLAGE
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) 751-8100
 Web:
www.middlegeorgiarc.org

PUTNAM COUNTY, GEORGIA
 ZONING MAPS

MAP 119B

MAP SCALE: 1" = 104.17' SCALE RATIO: 1:1,250 DATE: MARCH

119B014

119B178

119B183001

119B183

119B013

E. River bend Dr. NE

119B184

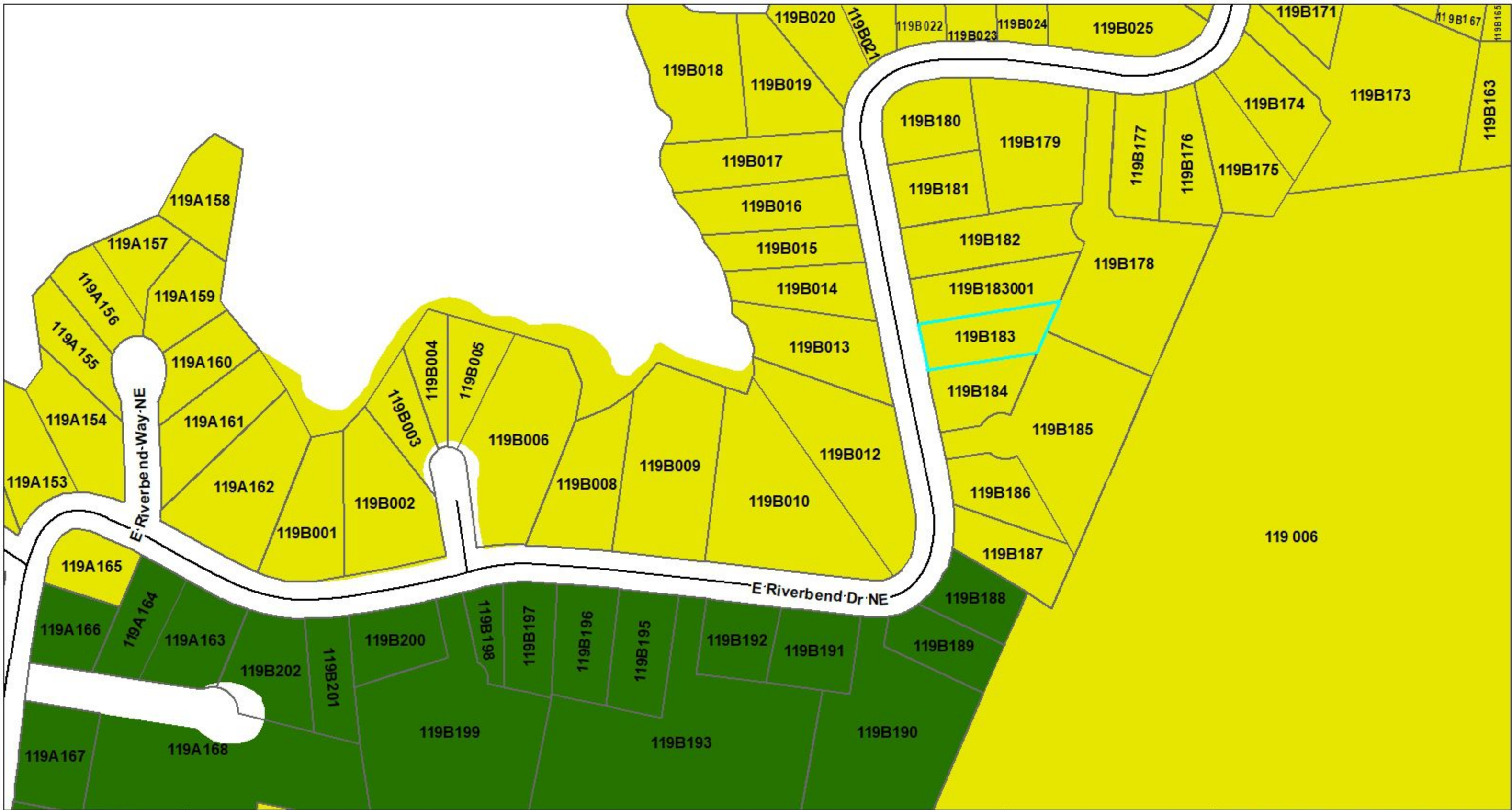
119B185

119B012

R-1R

AG-2

119 006



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) 751-8100
Web:
www.middlegeorgiarc.org

PUTNAM COUNTY, GEORGIA
FUTURE LAND USE MAPS

MAP 119B

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



PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

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

May 21, 2020

TO: Planning & Zoning Commission

FROM: Lisa Jackson

RE: Staff Recommendation for Public Hearing Agenda on 6/4/2020

5. Request by **Jimmy O'Dell** for a side yard setback variance at 308 East River Bend Drive. Presently zoned R-1R. [**Map 119B, Parcel 183, District 3**]. The applicant is requesting a 9-foot side yard setback variance, being 11 feet from the left side property line. He would like to construct a 192 square foot storage shed on the left side of the house. The septic system expands across the rear yard leaving no room for improvement and the house is 13 feet from the adjacent side property line. Moreover, there are no other accessory structures located on the property. Due to the location of the existing home, septic tank and drain lines, 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 9-foot side yard setback variance, being 11 feet from the left side property line at 308 East River Bend Drive [Map 119B, Parcel 183, 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 June 16, 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.

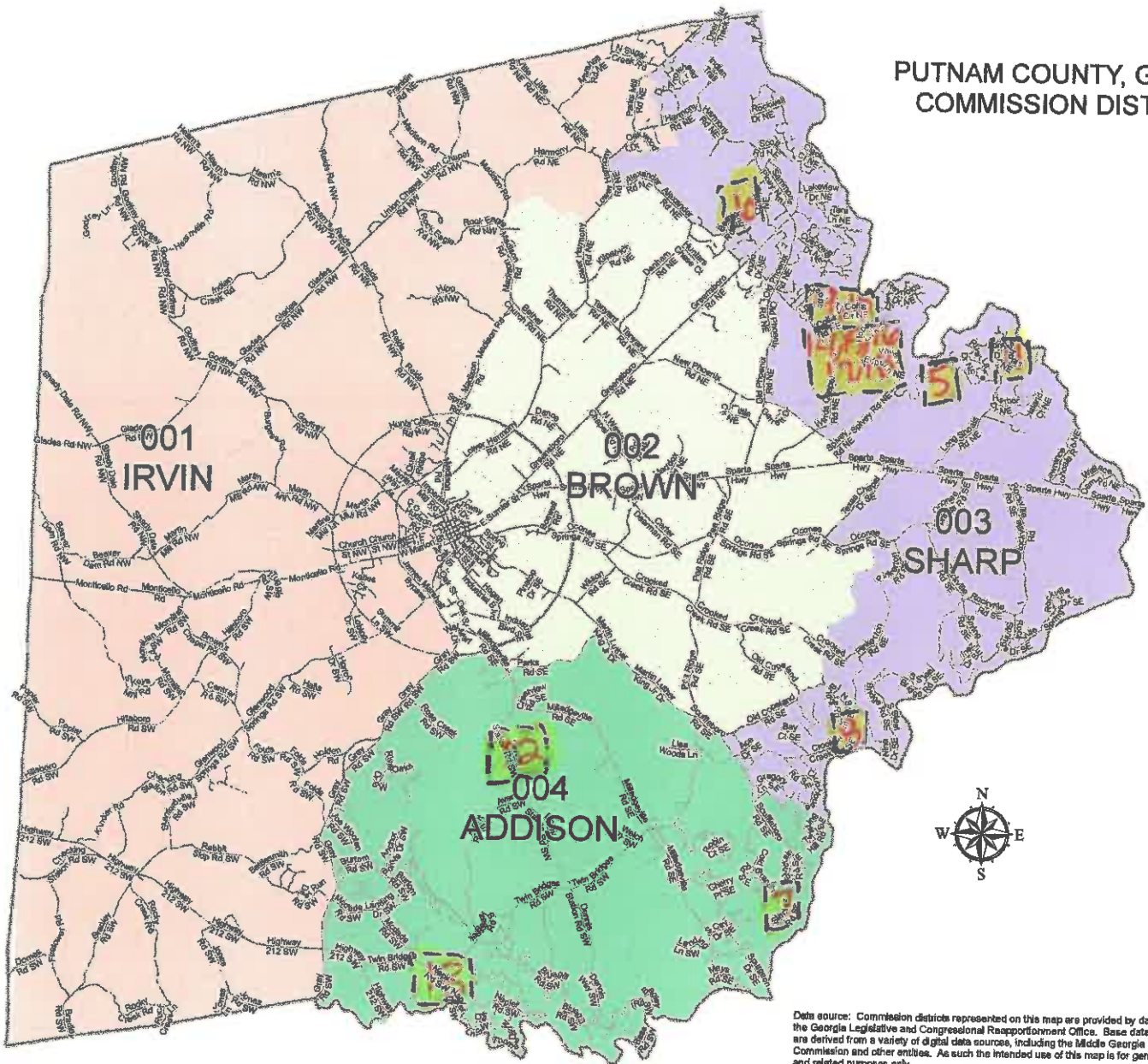
The Board of Commissioners' hearing will be conducted pursuant to O.C.G.A. 50-14-1 and Section 66-159 of the Putnam County Code of Ordinances and meets the requirements of the Zoning Procedures Laws established in O.C.G.A 36-66.

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.

File Attachments for Item:

6. Request by **Garry & Nina Lassiter** for a side yard setback variance at 153 Hoot Owl Lane. Presently zoned R-1R. [**Map 096A, Parcel 008, District 3**].

**PUTNAM COUNTY, GEORGIA
COMMISSION DISTRICTS**

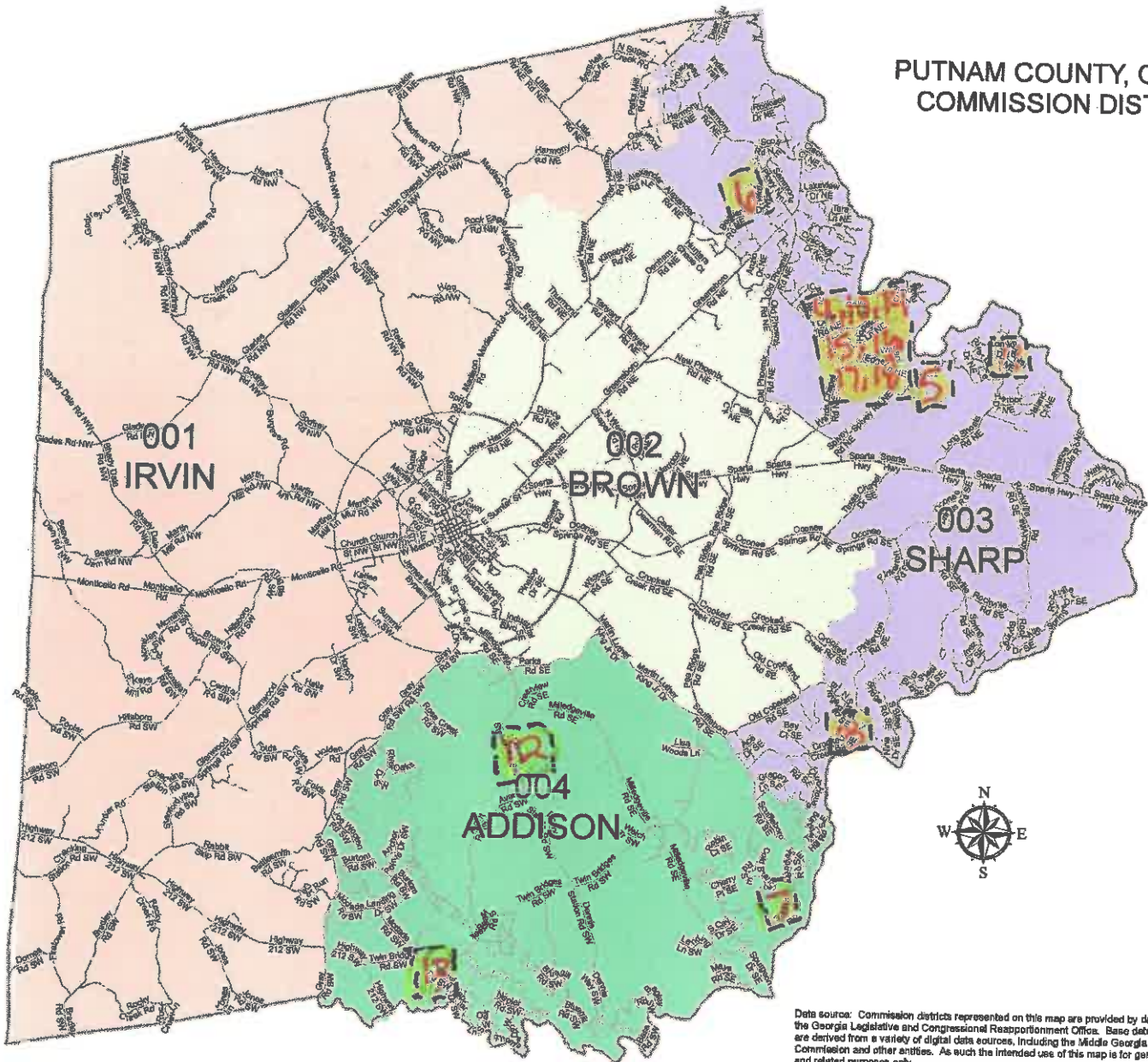


Data source: Commission districts represented on this map are provided by data from the Georgia Legislative and Congressional Reapportionment Office. Base data features are derived from a variety of digital data sources, including the Middle Georgia Regional Commission and other entities. As such the 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: JUNE 2018

5. Request by **Jimmy O'Dell** for a side yard setback variance at 308 East River Bend Drive. Presently zoned R-1R. [Map 119B, Parcel 183, District 3].
6. Request by **Garry & Nina Lassiter** for a side yard setback variance at 153 Hoot Owl Lane. Presently zoned R-1R. [Map 096A, Parcel 008, District 3].
7. Request by **Gregory Leepow, agent for Kim Anderson** for a rear yard setback variance at 112 Sinclair Circle. Presently zoned R-2. [Map 112B, Parcel 003, District 4].
8. Request by **Kevin & Kristy Slaughter** for a side yard setback variance at 1051 Crooked Creek Road. Presently zoned R-1. [Map 110B, Parcel 105, District 3].
9. Request by **Mark Smith, agent for Mary Wooten** for a rear yard setback variance at 147 Collis Marina Road. Presently zoned RM-2. [Map 104B, Parcel 012, District 3].
10. Request by **Mark Smith, agent for Duke Gibbs** for a side and rear yard setback variance at 145 Collis Marina Road. Presently zoned RM-2. [Map 104B, Parcel 011, District 3].
11. Request by **Jim Brown, agent for Wondal Perry** for a rear yard setback variance at 202 Long Island Drive. Presently zoned R-1R. [Map 122A, Parcel 064, District 3].
12. Request by **Jason Sells, agent for Interfor U.S. Inc** for a front yard setback variance at 370 Dennis Station Road. Presently zoned I-M. [Map 059, Parcel 019, District 4].
13. Request by **Vincent Richardson** for a front yard setback variance at 114 Allens Alley. Presently zoned R-2. [Map 055A, Parcel 011, District 4].

**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" = 6,687.28' SCALE RATIO: 1:68,367.34 DATE: JUNE 2019

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



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

APPLICATION FOR: VARIANCE CONDITIONAL USE PLAN 2020-00272

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

GARRY R + Nina S. Lassiter Phone# 850 - 933 - 1651

Owner name

GARRY R. Lassiter Phone# 850 - 933 - 1651

Applicant name (If different from above)

153 HOOT OWL LANE Eatonton, GA 31024
MAILING ADDRESS CITY STATE ZIP

PROPERTY LOCATION: 153 Hoot Owl Lane TOTAL ACREAGE 1.267

MAP: D96A PARCEL: 008 PRESENTLY ZONED: R-1R DISTRICT: 3

SETBACKS: Front: 216' Rear: 160' Lakeside: N/A Left: 10 Right: 97'

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. *

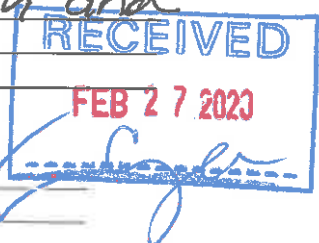
Arterial/State Road. Yes: NA No: (Lex Motorhome shed)

TOTAL SQ. FT. (existing structure) 862' TOTAL FOOTPRINT (proposed structure) 297'

LOT LENGTH (the total length of the lot) 457.79'

LOT WIDTH AT BUILDING SETBACK (how wide the lot is where you're proposing to build) 116'

REASON FOR REQUEST: Build covered screen Room and storage space for equipment.



SUPPORTING INFORMATION ATTACHED TO APPLICATION:

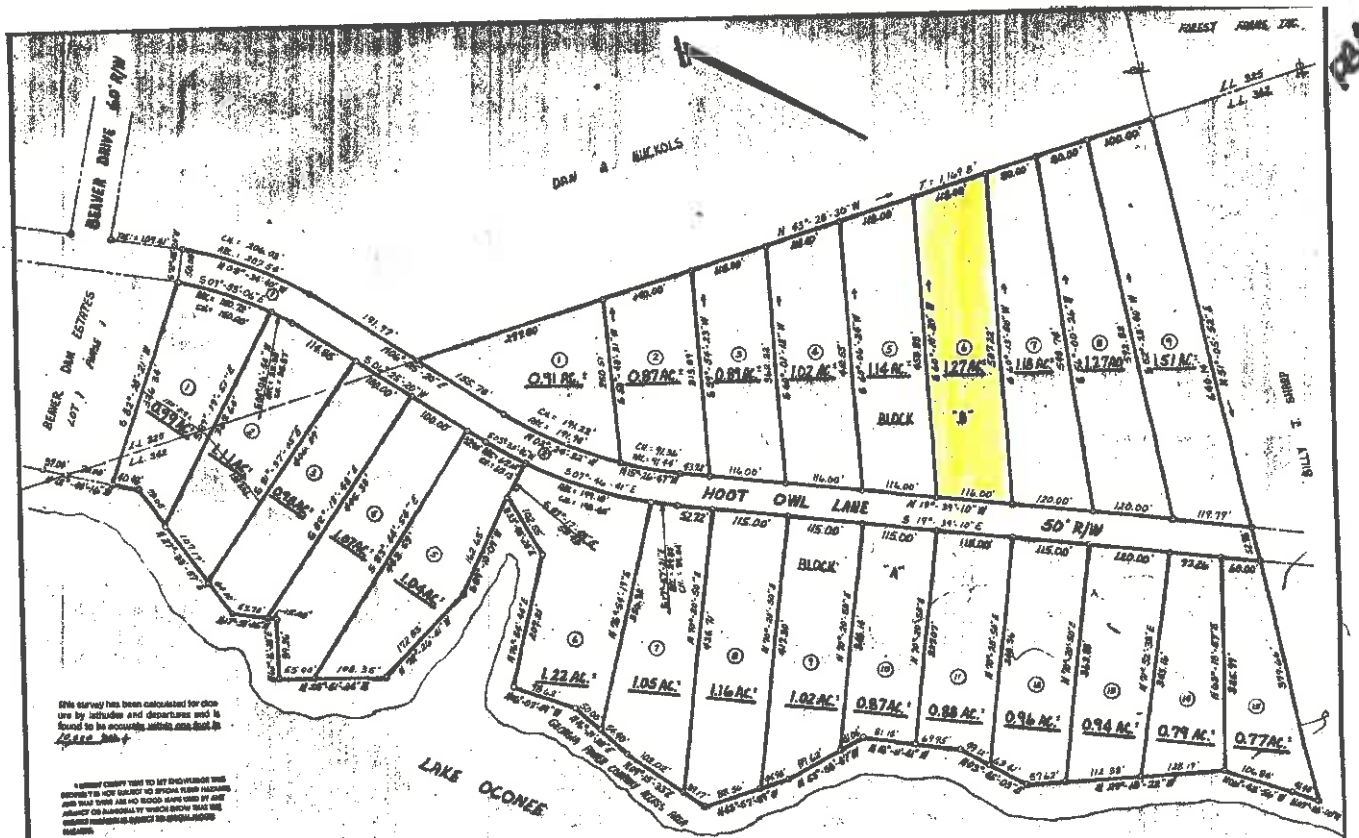
RECORDED PLAT: LETTER OF AGENCY N/A LETTER OF INTENT
SITE APPROVAL/LAYOUT OF SEPTIC SYSTEM FROM HEALTH DEPARTMENT

PROPOSED LOCATION MUST BE STAKED OFF

*SIGNATURE OF APPLICANT: Garry Lassiter DATE: 2/28/20

*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>2-27-2020</u>	FEE: \$ <u>200.00</u>	CK. NO. _____	CASH _____	C. CARD <input checked="" type="checkbox"/>	INITIALS <u>Gja</u>
RECEIPT # <u>034116</u>					
DATE OF NEWSPAPER AD: <u>3-9-2020</u>	DATE SIGN POSTED: <u>3-11-2020</u>				
PLANNING & ZONING HEARING: <u>4-2-2020</u>	RESULT: _____				
COMMISSIONERS/CITY COUNCIL HEARING: _____	RESULT: _____				



This survey has been calculated for close use by lottees and departees and is found to be accurate within one inch in 25,000 feet.

A survey commission was granted to the surveyor by the State of Georgia on 11/11/89. The commission expires on 11/11/92.

APPROVAL FOR INDIVIDUAL SEWER SYSTEM FOR LOTS SHALL BE OBTAINED FROM THE PUTNAM COUNTY HEALTH DEPARTMENT PRIOR TO BEGINNING CONSTRUCTION. APPROVAL CONTINGENT UPON SATISFACTORY TECHNICAL CONDITIONS REQUIRED BY GEORGIA LAW AND REGULATIONS. INDIVIDUAL LOT DEEDS TO THIS SUBDIVISION LINE MAY BE GRANTED BY THE PUTNAM COUNTY HEALTH DEPARTMENT IF NOT IN CONFLICT WITH STATE REGULATIONS.

Ben H. Smith
 RECORDED IN DEED BOOK 16 PAGE 14
 DATE: 2-5-89

- NOTES:**
1. THE GUARANTEE WILL BE SECURED BY AN APPROVED COMMUNITY WIRE SYSTEM.
 2. BOUNDARY SURVEY LINES, BOUNDARY SETBACK LINES AND TO BE 25' AHEAD OF THE BOARD RESOLUTIONS.
 3. PERCOLATION WELLS ON PLOT LOTS ARE 50' FROM WELLS ADJACENT TO OTHER LOTS.

BEAVER DAM ESTATES PHASE 2

DATE PLANNED: 08-10-89
 08-12-89
 08-12-89

CURVE DATA

NO.	DELTA	ORDINATE	TANGENT
1	28-00-30	470.64 301	780.00000
2	81-04-30	647.78677	782.00000



GRAPHIC SCALE: 1" = 100 FT
 0 50 100 200 300

SUBDIVISION SURVEY

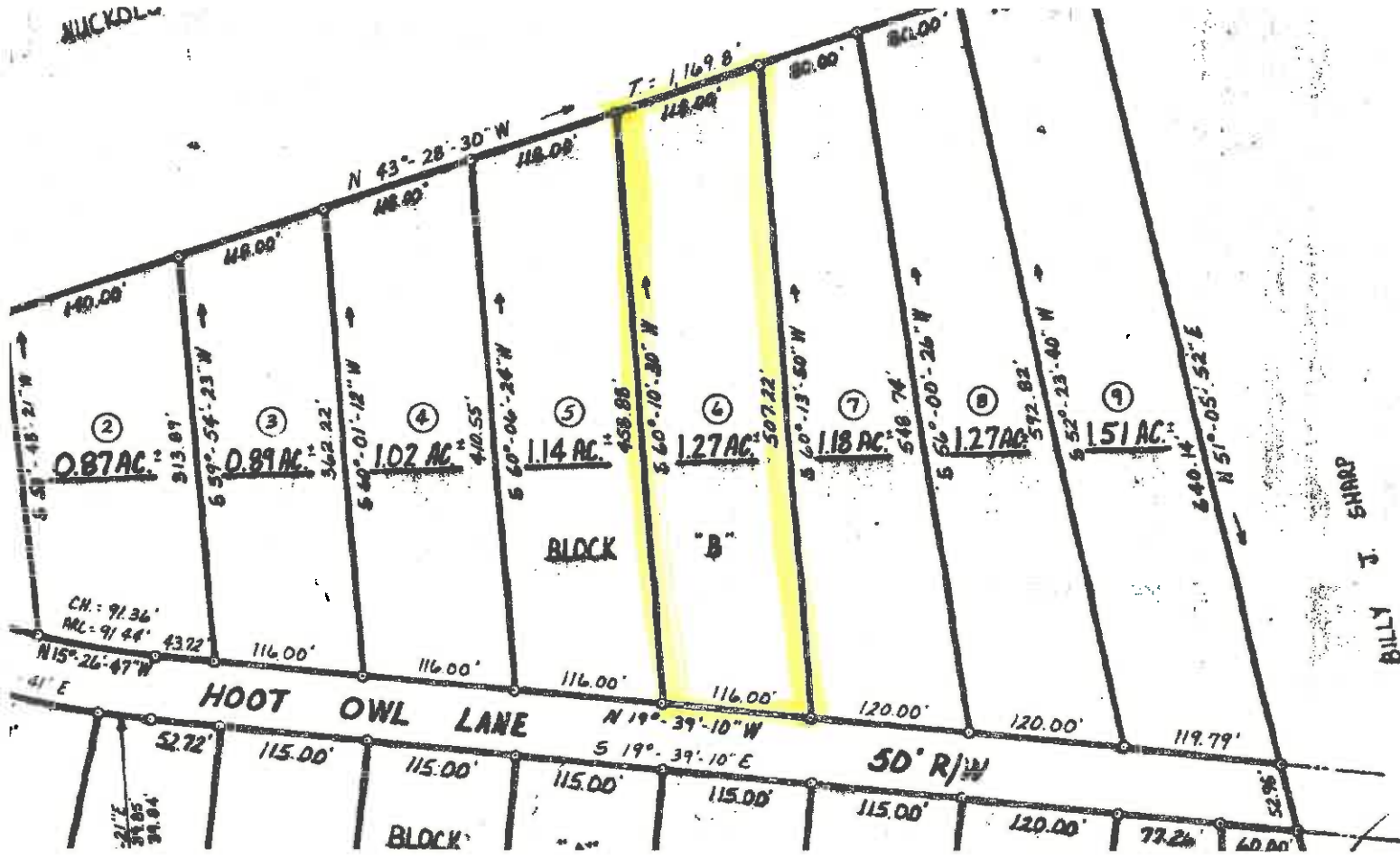
DANIEL B. WATHER & ALBERT M. REED
 LAND SURVEYORS
 399 1/2 G.M.D.
 PUTNAM COUNTY GEORGIA

SCALE: 1" = 100' DATE: 1-11-89
 WALKER McKNIGHT SURVEYORS, INC.
 MILLEDGEVILLE GEORGIA

Recorded 5/24/90 Hilda D. Paul psc

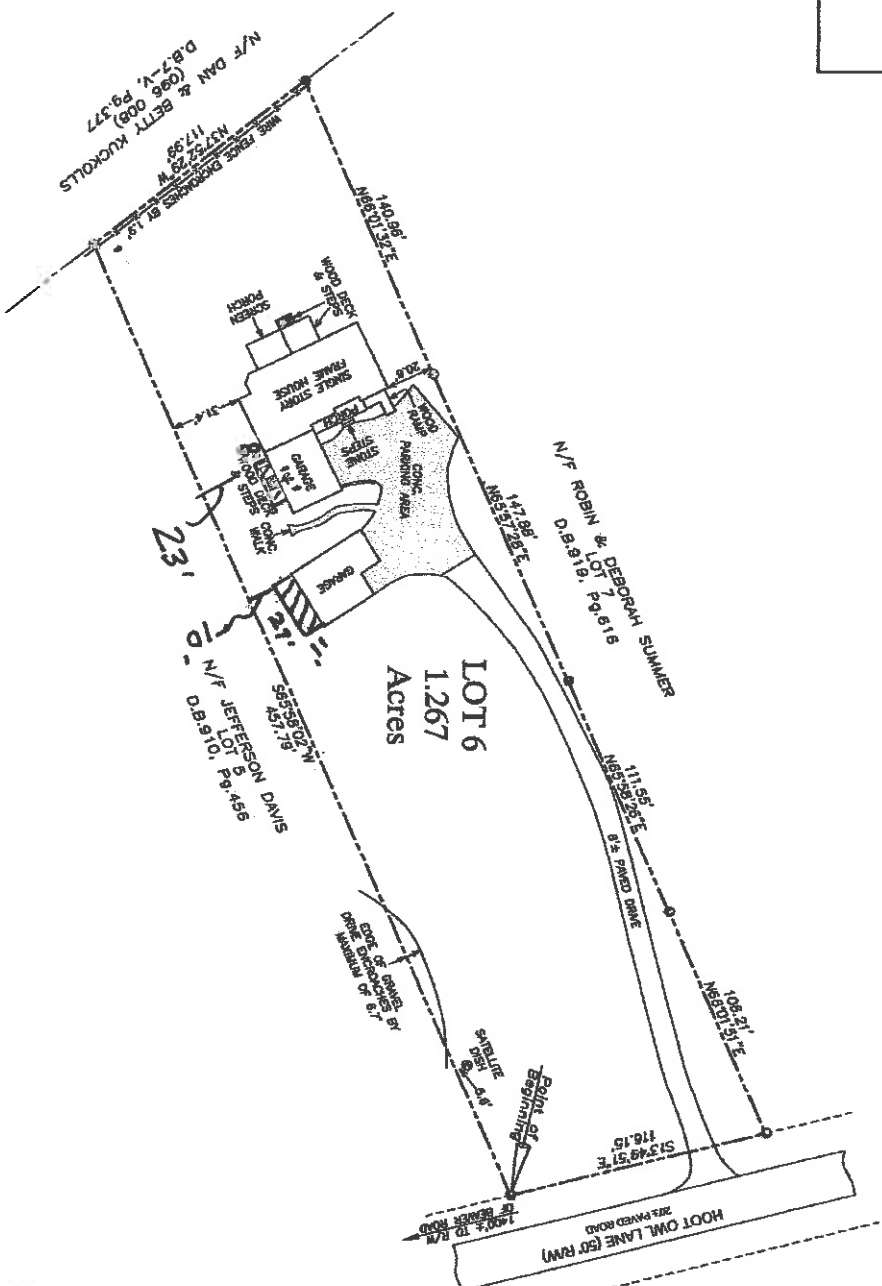
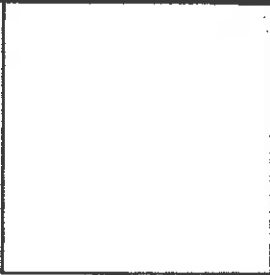


MUCKDL



BILLY J. SHARP

RECEIVED
 FEB 27 2023
[Signature]



NOTES:

- 1) The surveyor whose name is herein attached has made an independent search for unrecorded encroachments, easements, and other matters on records and current tax maps and has determined that the same are correct and that no other encroachments, easements, or other matters of this nature are shown.
- 2) The surveyor does not warrant that the plat hereon shown, nor does the surveyor assume any liability for any such encroachments or other matters of this nature which may hereafter be discovered.
- 3) The plat hereon shown is based on data from a survey conducted by the surveyor or from a survey conducted by another surveyor whose name is herein shown.
- 4) The plat hereon shown is based on data from a survey conducted by the surveyor or from a survey conducted by another surveyor whose name is herein shown.

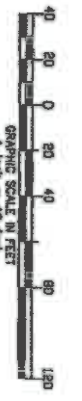
SURVEYOR CERTIFICATION:

The plat is a representation of an existing parcel of land and is not a representation of a new parcel of land. The surveyor has not conducted a physical inspection of the land shown on this plat and has not conducted a physical inspection of the documents, maps, plans, or other instruments which created the parcel or parcels hereon shown. The surveyor has not conducted a physical inspection of the land shown on this plat and has not conducted a physical inspection of the documents, maps, plans, or other instruments which created the parcel or parcels hereon shown. The surveyor has not conducted a physical inspection of the land shown on this plat and has not conducted a physical inspection of the documents, maps, plans, or other instruments which created the parcel or parcels hereon shown.

THE FIELD DATA UPON WHICH THIS SURVEY IS BASED HAS A CLOSEST APPROXIMATION OF ONE FOOT IN 83,744 FEET AND AN ANGULAR ERROR OF 3.0 SECONDS PER FACE PER ANGLE. THE SURVEYOR HAS CONDUCTED A PHYSICAL INSPECTION OF THE LAND SHOWN ON THIS PLAT AND HAS DETERMINED THAT THE DATA UPON WHICH THIS SURVEY IS BASED IS ACCURATE WITHIN ONE FOOT IN 130,000+ FEET.

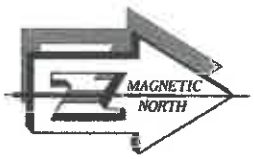


Equipment Used
 Leica Total Station
 Leica GNSS Receiver
 Leica Tripod
 Leica Prisma 3
 Leica Prisma 2
 Leica Prisma 1
 Leica Prisma 0
 Leica Prisma -1
 Leica Prisma -2
 Leica Prisma -3
 Leica Prisma -4
 Leica Prisma -5
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 Leica Prisma -19
 Leica Prisma -20



- LEGEND:**
- 1/2" IRON PIN ROUND (IPR)
 - ⊙ 3/8" IRON PIN ROUND (IPR)
 - FENCE LINE
 - - - - - FENCE OF NEY LINE
 - PROPERTY LINE

REFERENCES:
 D.B. 912, PG. 165
 D.B. 912, PG. 166
 D.B. 912, PG. 167
 D.B. 912, PG. 168
 D.B. 912, PG. 169
 D.B. 912, PG. 170
 D.B. 912, PG. 171
 D.B. 912, PG. 172
 D.B. 912, PG. 173
 D.B. 912, PG. 174
 D.B. 912, PG. 175
 D.B. 912, PG. 176
 D.B. 912, PG. 177
 D.B. 912, PG. 178
 D.B. 912, PG. 179
 D.B. 912, PG. 180



Retracement & As-Built Survey

Garry Lassiter

Lot 6 of
 Beaver Dam Estates Subdivision, Block B
 located in the 38th G. M. District
 Putnam County, Georgia

Scale: 1" = 40'

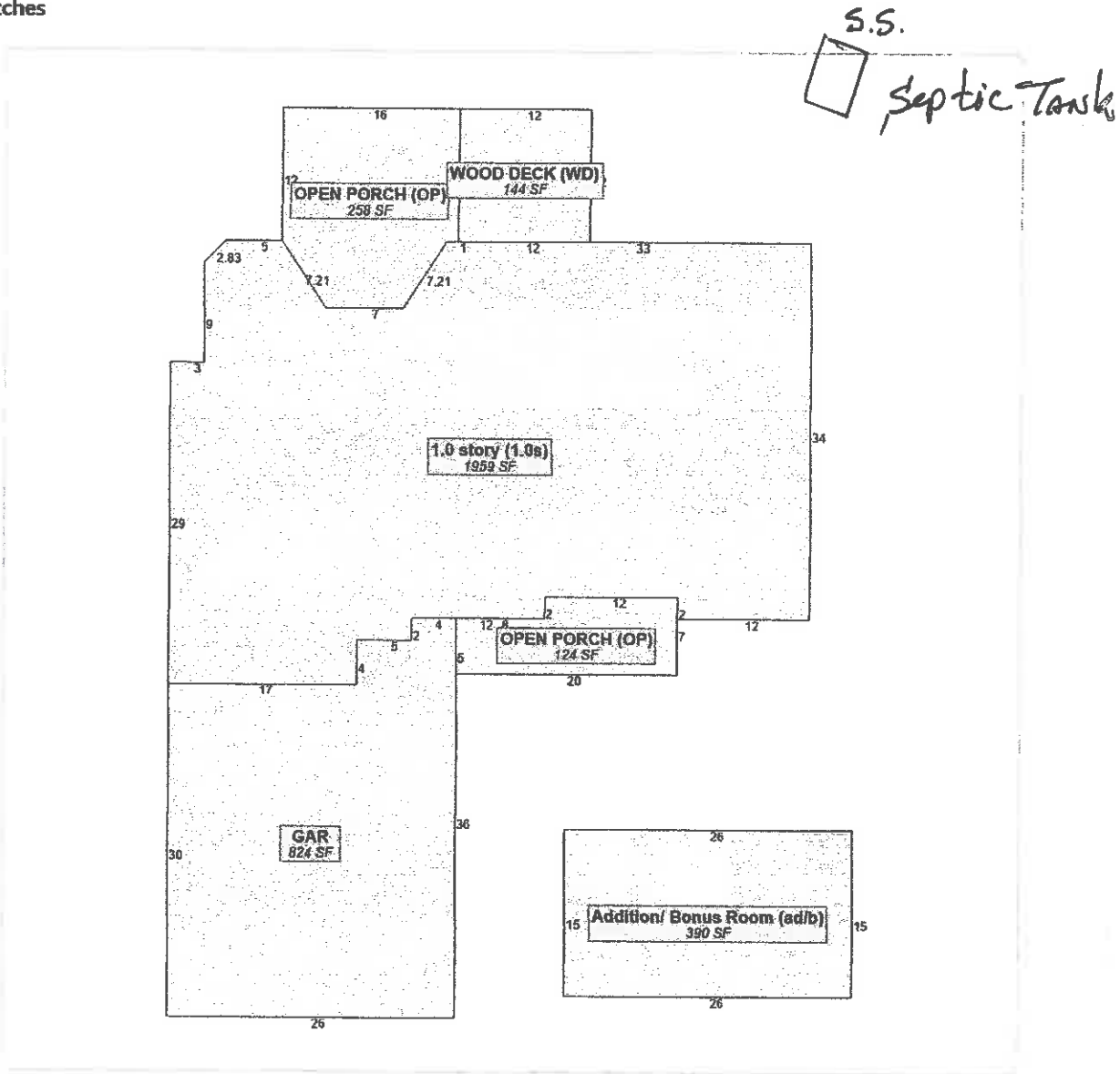
Date: October 8, 2019

Ogletree & Chivers
 Land Surveyors
 693 Dunwoody Rd, Suite 9
 Atlanta, GA 30301
 478-453-3454

Valuation

	2017
Land Value	\$16,500
+ Improvement Value	\$183,000
+ Accessory Value	\$3,528
<hr/>	
= Current Value	\$203,028
* Assessed Value	\$81,211

Sketches



No data available for the following modules: Rural Land, Conservation Use Rural Land, Commercial Improvement Information, Mobile Homes, Prebill Mobile Homes, Photos.

The Putnam County Assessor makes every effort to produce the most accurate information possible. No warranties, expressed or implied are provided for the data herein, its use or interpretation.

Last Data Upload Data: 12/27/2017 9:58:33 PM

Schneider
 Developed by
 The Schneider
 Corporation



February 19, 2020

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

To Whom It May Concern:

We own property located at 153 Hoot Owl Lane in Eatonton and plan to build a 297' addition onto our existing motor home garage. We are requesting a variance of 10 feet from the rear of the existing property line, and a reduction to 10'9" on the south side to property line.

The existing motor home building is 862 square feet and the addition will add 297 square feet. Our lot is 1.267 acers and measures 116.15' x 457.79'. The width of the lot where addition is to be built is currently 21.75 feet from rear of motor home building to property line. The 11' x 27' addition will be used for a screen room enclosure and equipment storage area.

If you would like additional information about this request, please call me at 850-933-1651.

Sincerely,



Garry & Nina Lassiter
153 Hoot Owl Lane
Eatonton, GA 31024



Existing On-site Sewage Management System Performance Evaluation Report Form

2/19 75.00 13

Property Owner/System Owner Name: Garry Lawiter 850.933.1651		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: Screened enclosure w/ storage area (6) Mobile Home Relocation	
Property/System Address: 153 Host Owl Lane			
Subdivision Name: Beaver Dam Estates	Lot: 6		Block:
Existing System Information: Water Supply (circle) (1) Public (2) Private Well (3) Community			Number of Bedrooms/GPD: 3

SECTION A – System on Record

<input checked="" type="radio"/> (1) Yes <input type="radio"/> (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: Recommend diverting rain spout pipe on back corner of porch away from septic drainfield
<input checked="" type="radio"/> (1) Yes <input type="radio"/> (2) No	A copy of the original On-site Sewage Management System Inspection Report is attached.	
<input checked="" type="radio"/> (1) Yes <input type="radio"/> (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.	
<input checked="" type="radio"/> (1) Yes <input type="radio"/> (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: Kathleen Hill, RSHS	Title: ZHSC.M.	Date: 2/26/2020	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

<input type="radio"/> (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: <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<input type="radio"/> (1) Yes <input type="radio"/> (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.	
<input type="radio"/> (1) Yes <input type="radio"/> (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.	
<input type="radio"/> (1) Yes <input type="radio"/> (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.	
<input type="radio"/> (1) Yes <input type="radio"/> (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.
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SECTION C – System Not Approved

<input type="radio"/> (1) Yes <input type="radio"/> (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: <div style="border: 2px solid blue; padding: 5px; text-align: center; color: blue; font-weight: bold; font-size: 1.2em;"> RECEIVED FEB 27 2021 </div>
<input type="radio"/> (1) Yes <input type="radio"/> (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.	
<input type="radio"/> (1) Yes <input type="radio"/> (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)

<input checked="" type="radio"/> (1) Yes <input type="radio"/> (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: <hr/> <hr/> <hr/>	
<input checked="" type="radio"/> (1) Yes <input type="radio"/> (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.		
		Number of Bedrooms/GPD: 3	Garbage Grinder: (circle) (1) Yes (2) No <input checked="" type="radio"/>

Evaluating Environmentalist: Kathleen Hill, RSHS	Title: ZHSC.M.	Date: 2/26/2020	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.
--	--------------------------	---------------------------	--

Georgia Department of Human Resources
ON-SITE SEWAGE MANAGEMENT SYSTEM INSPECTION REPORT

No Picture 5

County Code: Construction Permit: 03 29 5 Health District: 5 / 2 Day: 10 Month: 02 Year: 04

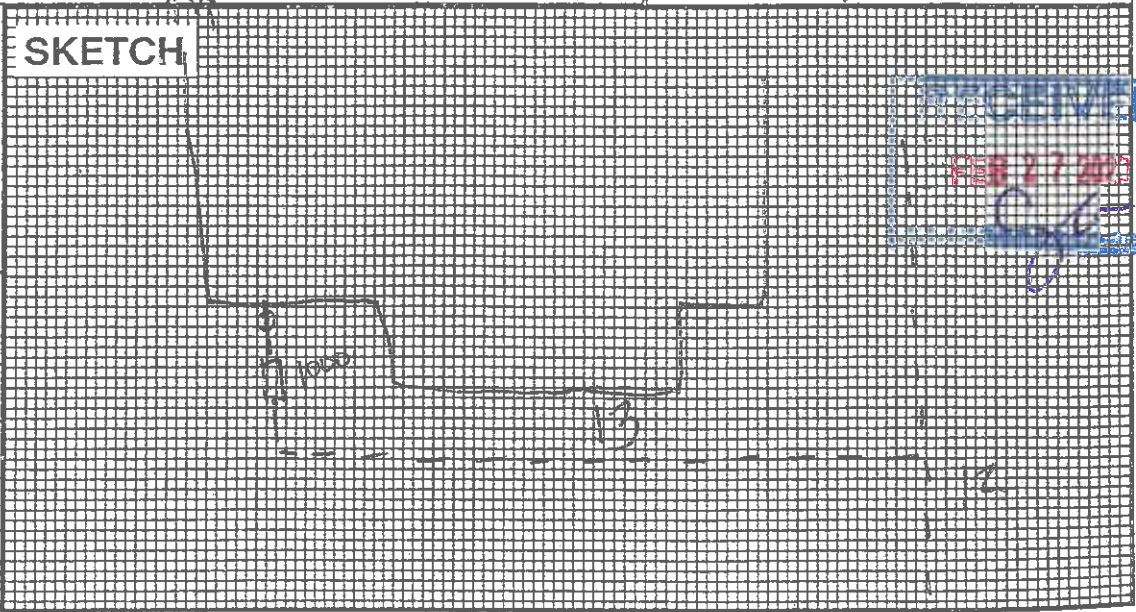
Property Location / Address: 153 Hoot Owl Property Owner: Jim Thompson County: Putnam
Sewage Disposal Contractor: J. Cronan

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

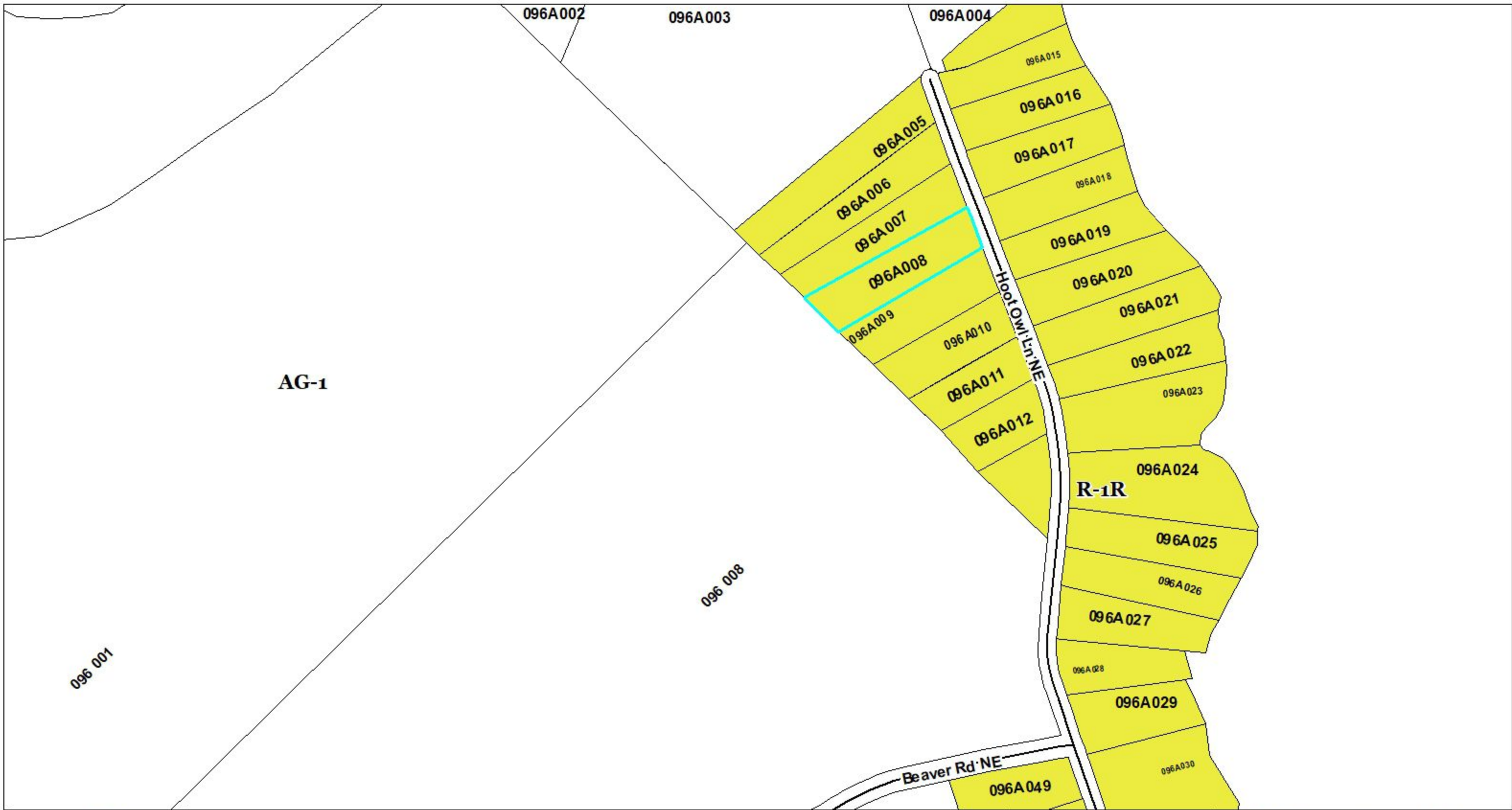
Section A - GENERAL		Section D - PRIMARY TREATMENT		Section F - HEALTH AGENCY TIME	
1. TYPE OF WATER SUPPLY: <input type="checkbox"/> (1) Public (2) Nonpublic (3) Indiv.	2. LOT WIDTH (average): <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	1. SEWAGE DISPOSAL METHOD: <input type="checkbox"/> (1) Septic Tank (2) Construction Privy (3) Pit Privy (4) Aerobic Unit (5) Other	2. ABSORPTION FIELD:	1. TOTAL INCLUSIVE TIME (min.) <input type="text"/> 90	
2. HOUSE STRUCTURE: (1) New <input type="checkbox"/> (2) Existing < 1 Year (3) Existing > 1 Year	3. BUILDING LINE (feet): <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	2. SEPTIC TANK CAPACITY (gallons): <input type="text"/> 160 <input type="checkbox"/>	a. Total Square Ft. <input type="text"/> 430	Section G - SYSTEM APPROVED	
3. SEWAGE DISPOSAL INSTALLATION: <input type="checkbox"/> (1) New (2) Repair To Existing Sys.	3. SEPTIC TANK MATERIAL: <input type="checkbox"/> (1) Concrete (2) Polyethylene (3) Fiberglass (4) Poured in Place (5) Other		b. Total Linear Ft. <input type="text"/> 1510	1. YES <input type="checkbox"/> 2. NO <input type="checkbox"/>	
4. If Repair of Existing System, YEAR SYSTEM INSTALLED: (1) < 1 year (2) 1-2 (3) 2-3 (4) 3-5 (5) 5-10 (6) >10	4. DOSING TANK (gallons): <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>		c. Length Each Trench (Ft.): (1) <input type="text"/> 13 (2) <input type="text"/> 12 (3) <input type="text"/>		
5. PERCOLATION RATE MIN./IN.: <input type="text"/> <input type="text"/> <input type="text"/>	5. GREASE TRAP (gallons): <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>		d. Width of Trenches (inches) <input type="text"/> 150		
6. *IS PROPERTY PART OF A SUBDIVISION? <input type="checkbox"/>	6. DISTANCE (FL) SEPTIC TANK FROM: (1) Well (2) Building (3) Stream (4) Lake <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>		e. Number Of Trenches <input type="text"/> 2		
Section B - FACILITY	Section E - SECONDARY TREATMENT		f. Dst. Between Trenches <input type="text"/> 30		
1. TYPE OF FACILITY (see code below) <input type="checkbox"/> 01	1. FIELD LAYOUT METHOD: <input type="checkbox"/> 3 (1) Distribution Box (2) Level Field (3) <u>Set</u> (4) Mound (5) Other		g. Average Trench Depth (inches) <input type="text"/> 30		
2. WATER USAGE DETERMINED BY: <input type="checkbox"/> (1) No. Bedrooms (2) No. Gallons			h. *Aggregate Proper Size <input type="checkbox"/>		
3. NUMBER OF BEDROOMS OR GALLONS: <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>			i. *Aggregate Proper Depth <input type="checkbox"/>		
Section C - LOT SIZE <u>seplat</u>			J. Dst. From Building (Ft.) <input type="text"/> 10		
1. LOT DEPTH (average): <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>			K. Nearest Property Line: <input type="checkbox"/> 4 (1) Front (2) Rear (3) R. Side (4) L. Side		
			L. Dst. Nearest Property Line (Ft.) <input type="text"/> 10		
			M. Dst. Privy or Absorption Field From Well (Ft.) <input type="text"/> <input type="text"/>		

- **TYPE FACILITY**
- (1) Residence
 - (2) Apartment
 - (3) Institution
 - (4) Service Station
 - (5) Restaurant
 - (6) Church
 - (7) Tourist Accommodation
 - (8) Launderette
 - (9) Mobile Home Park
 - (10) Other(Specify)

REMARKS
Handcove
DO by look
All state tank



Inspected By: Kathryn Hill Title: EHS III Health Agency: Putnam Health



- 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
PUBLIC CITY	R - 1 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
VLLAGE	



Middle Georgia Regional Commission
 175 Emery Hwy
 Suite C
 Macon, Georgia 31217
 (478) 751-8100
 Web:
www.middlegeorgiarc.org

**PUTNAM COUNTY, GEORGIA
 ZONING MAPS**



MAP 096A

096A003

096A005

096A006

096A007

096A017

096A018

096A019

096 001

096
008

R-1R

096A008

096A020

Hoot Owl Ln NE

096A009

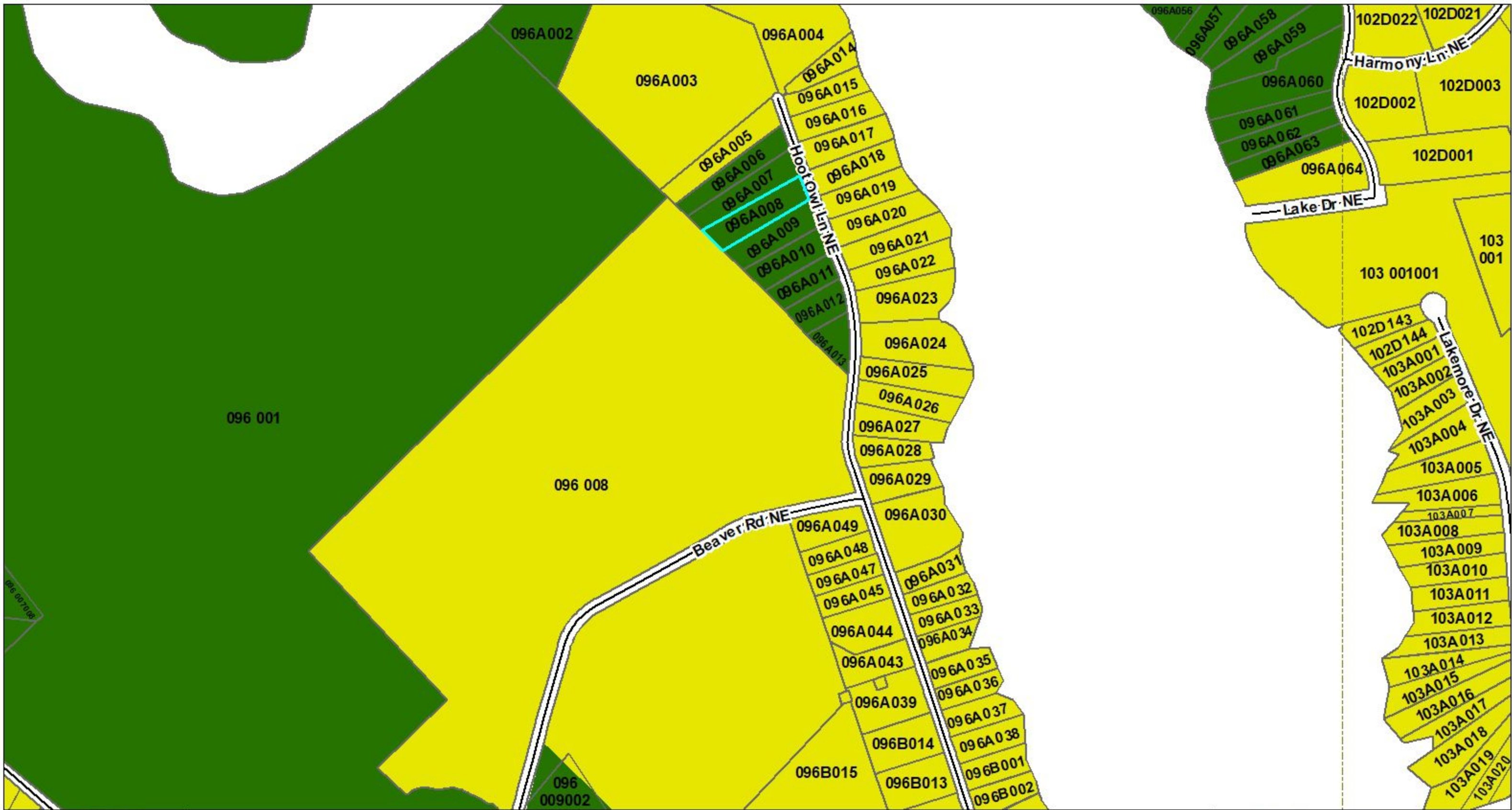
096A021

AG-1

096A010

096A022

096A011




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 096A

MAP SCALE: 1" = 416.67' SCALE RATIO: 1:5,000 DATE: MARCH 2011



PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

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

May 21, 2020

TO: Planning & Zoning Commission

FROM: Lisa Jackson

RE: Staff Recommendation for Public Hearing Agenda on 6/4/2020

6. Request by **Garry & Nina Lassiter** for a side yard setback variance at 153 Hoot Owl Lane. Presently zoned R-1R. [**Map 096A, Parcel 008, District 3**]. The applicants are requesting a 10-foot side yard setback variance, being 10 feet from the left side property line to construct a 297 addition to his existing 862 square foot garage. This is long lot measuring 457.79 feet in length. It has a lot width at building setback of 116 feet. Staff measured the location of the current garage being 24 ft from the left side property line. Upon careful observation and measuring of the proposal, staff concluded that the proposed structure could be relocated to the side of the garage. Moreover, this would keep the proposed addition in line with the current garage footprint and meet the required setbacks. Therefore, this request does not meet the conditions as stated in Putnam County, Code of Ordinances, Chapter 66-157(c)(1) with an alternate recommendation from staff.

Staff recommendation is for denial at 153 Hoot Owl lane [Map 096A, Parcel 008, 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 June 16, 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.

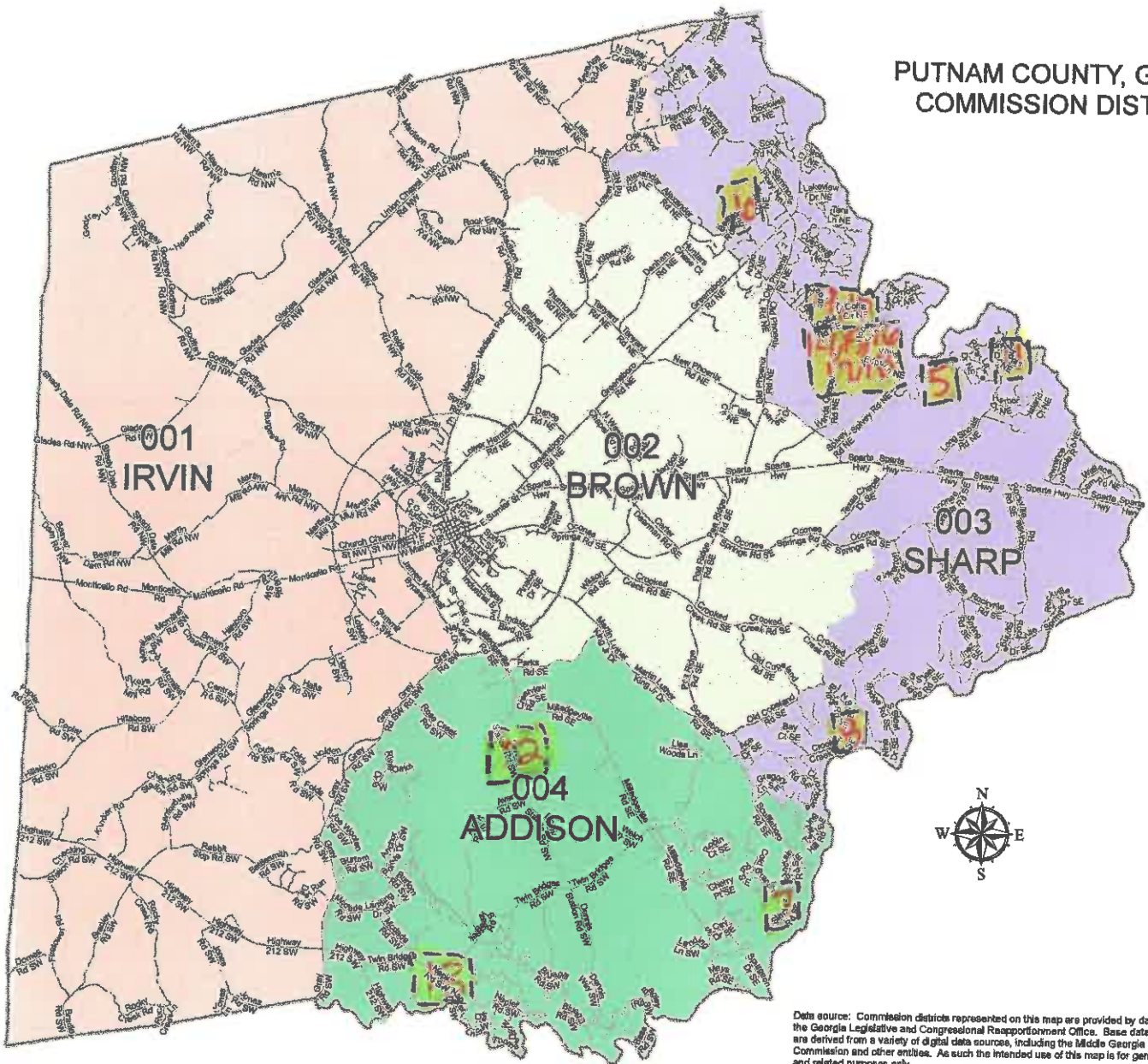
The Board of Commissioners' hearing will be conducted pursuant to O.C.G.A. 50-14-1 and Section 66-159 of the Putnam County Code of Ordinances and meets the requirements of the Zoning Procedures Laws established in O.C.G.A 36-66.

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.

File Attachments for Item:

7. Request by **Gregory Leepow, agent for Kim Anderson** for a rear yard setback variance at 112 Sinclair Circle. Presently zoned R-2. **[Map 112B, Parcel 003, District 4]**.

**PUTNAM COUNTY, GEORGIA
COMMISSION DISTRICTS**

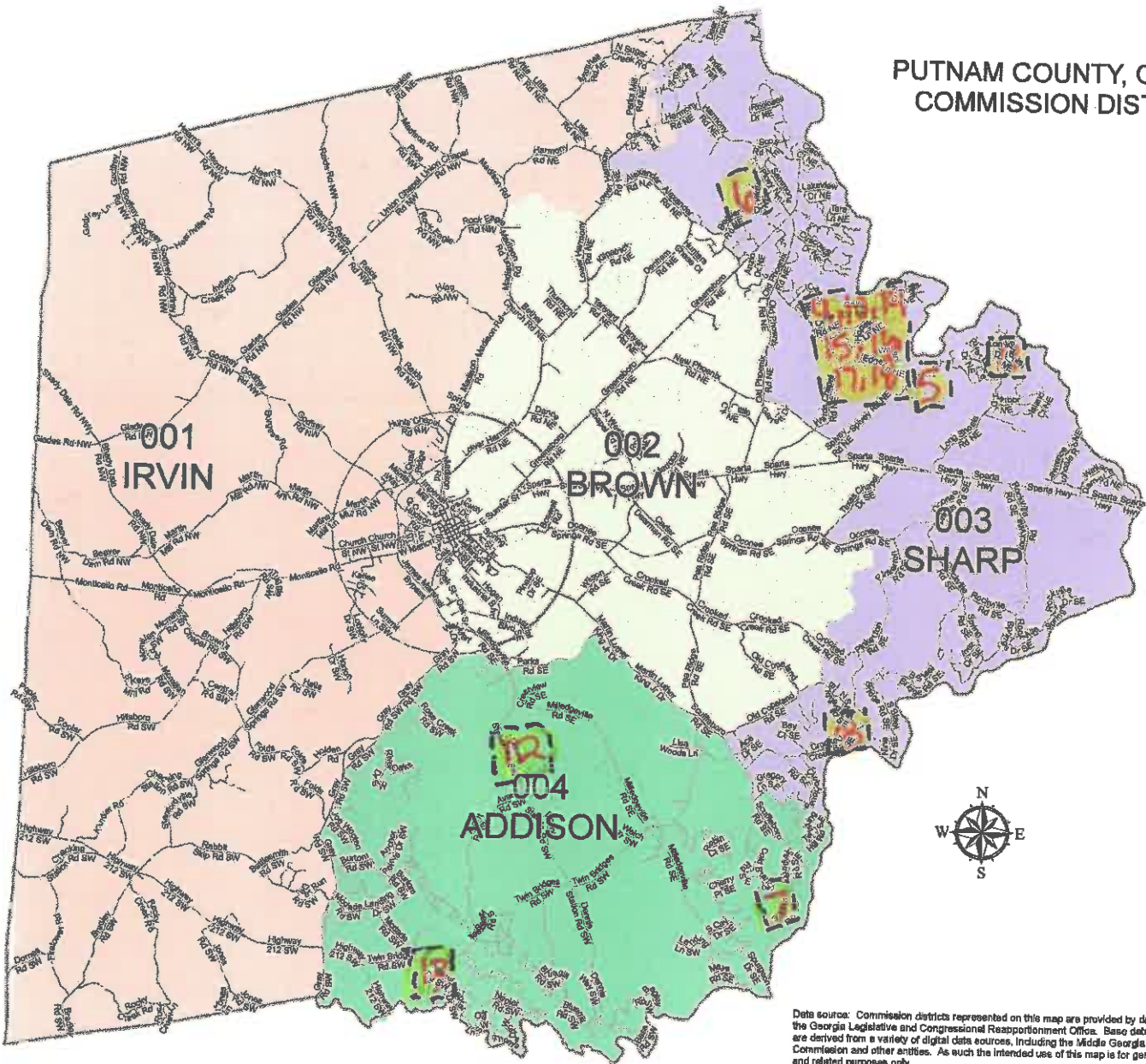


Data source: Commission districts represented on this map are provided by data from the Georgia Legislative and Congressional Reapportionment Office. Base data features are derived from a variety of digital data sources, including the Middle Georgia Regional Commission and other entities. As such the 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: JUNE 2018

5. Request by **Jimmy O'Dell** for a side yard setback variance at 308 East River Bend Drive. Presently zoned R-1R. [Map 119B, Parcel 183, District 3].
6. Request by **Garry & Nina Lassiter** for a side yard setback variance at 153 Hoot Owl Lane. Presently zoned R-1R. [Map 096A, Parcel 008, District 3].
7. Request by **Gregory Leepow, agent for Kim Anderson** for a rear yard setback variance at 112 Sinclair Circle. Presently zoned R-2. [Map 112B, Parcel 003, District 4].
8. Request by **Kevin & Kristy Slaughter** for a side yard setback variance at 1051 Crooked Creek Road. Presently zoned R-1. [Map 110B, Parcel 105, District 3].
9. Request by **Mark Smith, agent for Mary Wooten** for a rear yard setback variance at 147 Collis Marina Road. Presently zoned RM-2. [Map 104B, Parcel 012, District 3].
10. Request by **Mark Smith, agent for Duke Gibbs** for a side and rear yard setback variance at 145 Collis Marina Road. Presently zoned RM-2. [Map 104B, Parcel 011, District 3].
11. Request by **Jim Brown, agent for Wondal Perry** for a rear yard setback variance at 202 Long Island Drive. Presently zoned R-1R. [Map 122A, Parcel 064, District 3].
12. Request by **Jason Sells, agent for Interfor U.S. Inc** for a front yard setback variance at 370 Dennis Station Road. Presently zoned I-M. [Map 059, Parcel 019, District 4].
13. Request by **Vincent Richardson** for a front yard setback variance at 114 Allens Alley. Presently zoned R-2. [Map 055A, Parcel 011, District 4].

**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" = 6,687.28' SCALE RATIO: 1:68,367.34 DATE: JUNE 2019

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



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

APPLICATION FOR: VARIANCE CONDITIONAL USE PLAN 2020-00271

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

Kim Anderson Phone# 404-216- 7656

Owner name

Gregory Leepow Phone# 404-216- 4213

Applicant name (If different from above)

546 McGill Place Atlanta GA 30312
MAILING ADDRESS CITY STATE ZIP

PROPERTY LOCATION: 112 Sinclair Circle Eatonton, GA 31024 TOTAL ACREAGE 1.01

MAP: 112 B PARCEL: 003 PRESENTLY ZONED: R-20 DISTRICT: 4Cja

SETBACKS: Front: 150 feet Rear: _____ Lakeside: 48.2 feet Left: 80.1 feet Right: 72.6 feet

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. *

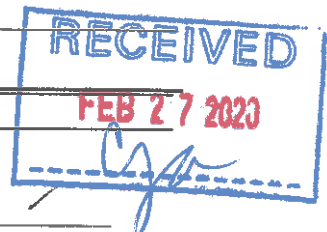
Arterial/State Road. Yes: _____ No:

TOTAL SQ. FT. (existing structure) 975 TOTAL FOOTPRINT (proposed structure) 1600

LOT LENGTH (the total length of the lot) 235.5 feet

LOT WIDTH AT BUILDING SETBACK (how wide the lot is where you're proposing to build) 178.3 feet

REASON FOR REQUEST: Addition to Existing House



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: 2/20/2020

*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>2-27-2020</u>	FEE: \$ <u>200.00</u>	CK. NO. <u>20016</u>	CASH _____	C. CARD _____	INITIALS <u>CJA</u>
RECEIPT # <u>034118</u>	DATE OF NEWSPAPER AD: <u>3-9-2020</u>	DATE SIGN POSTED: <u>3-12-2020</u>	PLANNING & ZONING HEARING: <u>4-20-20</u>		
<u>4-2-2020</u>	RESULT: _____	COMMISSIONERS/CITY COUNCIL HEARING: _____			
	RESULT: _____				



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 **Gregory Leepow** TO BE MY AGENT FOR THE PURPOSE OF APPLYING FOR **VARIANCE** OF PROPERTY DESCRIBED AS MAP # **112B** PARCEL **38 003**, CONSISTING OF **1.1** ACRES, WHICH HAS THE FOLLOWING ADDRESS: **112 Sinclair Circle** 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 **Kim Anderson** ON MY 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 **21** DAY OF **February**, 2020.

PROPERTY OWNER(S): **Kim Anderson**

NAME (PRINTED)

SIGNATURE

ADDRESS: **546 McGill Place NE Atlanta GA 30312**

PHONE: **404-216-4213**

ALL SIGNATURES WERE HEREBY SWORN TO AND SUBSCRIBED BEFORE ME THIS

21 DAY OF **February**, 20**20**

NOTARY

MY COMMISSION EXPIRES:

Jennifer D Burke
NOTARY PUBLIC
Fulton County, GEORGIA
My Commission Expires
6/16/2023



Kim E. Anderson
Gregory Leepow
546 McGill Place, NE
Atlanta, Georgia 30312

February 21, 2020
Putnam County Planning & Development
Attention: Director Lisa Jackson
117 Putnam Dr., Suite B
Eatonton, Ga 31024

Dear Putnam County Planning & Development:

We own the property located at 112 Sinclair Circle, Eatonton Georgia, 31024, and plan to remodel the existing home on the property. We purchased the property in 2016 with plans to make this our retirement home. To accommodate our needs and plans we are requesting a variance on the front (150'), and the lakeside (48.2'), given the lakeside is less than 100' from the house. We request the setbacks from the lake in order to best accommodate the necessary renovations given the heavy topography and location of the existing home on this property.

The challenges of the heavy topography and unique location of the existing house of the lot is the basis for our request for relief from the current setbacks. At the time the community was platted, the setbacks recorded followed the applicable covenants and were used when permitting adjacent properties built earlier in the development. Our variance request is consistent with the setbacks our adjacent and neighboring properties. Placing the renovation on the lot's lakeside gives us the ability to add decks to the existing structure effectively and economically. It allows the renovation/deck additions to be built approximately 48.2' from the lakeside side of the property (the distance of the existing set back) which gives us the ability to maintain a tree buffer from the existing neighbor and away from a portion of the challenging topography.

General building information: The modifications to home we propose to build would have the same foot print of a minimum of 975 square feet of living space, with the addition of 2 open decks totaling 242 square feet. The footprint for the decks will be designed to maintain the unique shape and topography of the lot. The decks will maintain the current 48.2 feet setback from the lake. The final plan design will depend upon a favorable ruling with this variance application. The Health Department has issued a permit and a new septic tank installed to accommodate the new renovation. The soil has been tested favorably for use in a conventionally designed septic system and we have been advised to use the flat contour grades on the northern end of the property for drain fields line locations.

If you would like additional information about this request, you can telephone me at 404-216-4213

Sincerely,



Kim E. Anderson

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

90

COUNTY: PUTNAM	SUBDIVISION:	LOT NUMBER: 75	BLOCK: <i>api. tower</i>
PROPERTY LOCATION (STREET ADDRESS): 112 Sinclair Circle Eatonton GA		112 B003	

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>[Signature]</i>	DATE:
PROPERTY OWNER'S NAME: Kim Anderson	PHONE NUMBER: *404-216-9856
PROPERTY OWNER'S ADDRESS: 546 McGill Place NE Atlanta 30312	ALTERNATE PHONE NUMBER:
AUTHORIZED AGENT'S NAME (IF OTHER THAN OWNER): Gregory Lee Pow	PHONE NUMBER: *404-216-4213 *
	RELATIONSHIP TO OWNER: * Spouse

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 residence, commercial, restaurant, etc.): * Single Family	9. SOIL SERIES (e.g. Pacolet, Orangeburg, etc.): Wonce
2. WATER SUPPLY: (1) Public (2) Private (3) Community	6. WATER USAGE BY: (1) Bedroom Numbers (2) Gallons per Day	10. PERCOLATION RATE / HYDRAULIC LOADING RATE: 70
3. SEWAGE SYSTEM TO BE PERMITTED: (1) New (2) Repair (3) Addition	7. NO. OF BEDROOMS / GPD: * 3	11. RESTRICTIVE SOIL HORIZON DEPTH (INCHES): 752
4. LOT SIZE (SQUARE FEET / ACRES): 1.01	8. LEVEL OF PLUMBING OUTLET: (1) Ground Level (2) Basement (3) Above Ground Level	12. SOIL TEST PERFORMED BY: J. McVay

Section B - Primary / Pretreatment

1. DISPOSAL METHOD: (1) Septic Tank (2) Privy (3) Aerobic Unit (4) Other:	3. SEPTIC TANK CAPACITY (GALLONS): 1500	4. AEROBIC UNIT CAPACITY (GALLONS):	5. DOSING TANK CAPACITY (GALLONS): 1000	6. GREASE TRAP CAPACITY (GALLONS):
2. GARBAGE DISPOSAL: (1) Yes (2) No	7. PRESCRIBED TANK LOCATION / REMARKS: <i>Crush and fill old tank. Pump to location. Close well on property watch allow for more drain field area. Well used for irrigation etc.</i>			

Section C - Secondary Treatment

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: 1065	7. NUMBER OF ABSORPTION TRENCHES: 10
2. ABSORPTION FIELD PRODUCT: Conv. Pipe + Gravel	5. TOTAL ABSORPTION FIELD LINEAR FEET REQUIRED: 355	8. SPECIFIED LENGTH OF ABSORPTION TRENCHES: 10
3. AGGREGATE DEPTH (inches): 12	6. DEPTH OF ABSORPTION TRENCHES (range in inches): 18 - 28	9. DISTANCE BETWEEN ABSORPTION TRENCHES: 10
10. PRESCRIBED ABSORPTION FIELD LOCATION: <i>See soil report. Stay 100 feet from all wells. Area for septic may need to be cleared. Stay 5 feet from prop. lines. Contact H.D. prior to installation. Permit</i>		

RECEIVED
FEB 27 2020

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.

1. SITE APPROVED AS SPECIFIED ABOVE: (1) Yes (2) No

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 REPRESENTATIVE(S) 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.

APPROVING ENVIRONMENTALIST: <i>[Signature]</i>	TITLE: EHS (111)	DATE: 1-22-20	CONSTRUCTION PERMIT NUMBER: 117014691
---	----------------------------	-------------------------	---

Additions & Renovations to
**Lake Sinclair
 Residence**

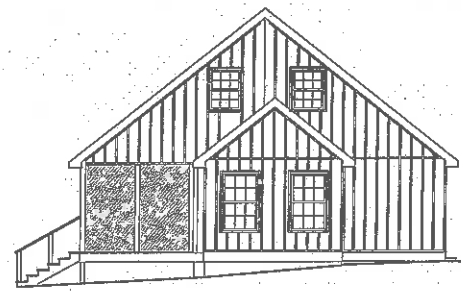
112 Sinclair Cir SE
 Eatonton, GA 31024

Owners
 Kim Anderson
 & Greg LeePow

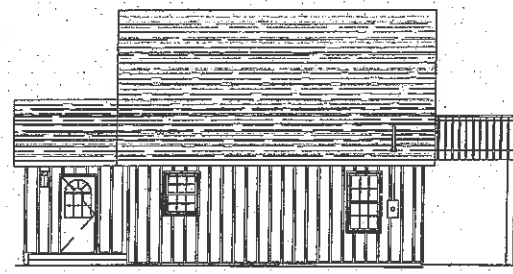
Designer
 Ian Elmore
 Lawrenceville, GA. 30043
 678.939.8602
 ianelmore@gmail.com

General Contractor

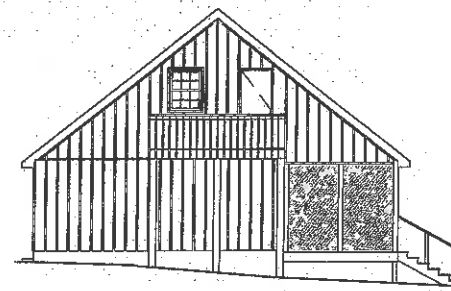
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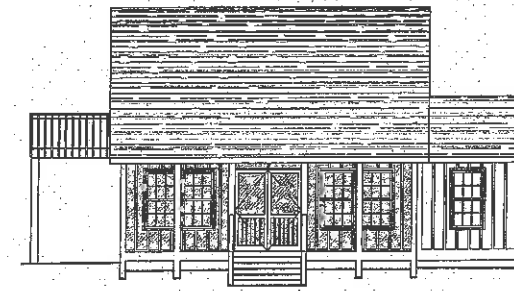
Anderson Lake House
EXISTING LEFT ELEV.
 SCALE: 1/8" = 1'-0"



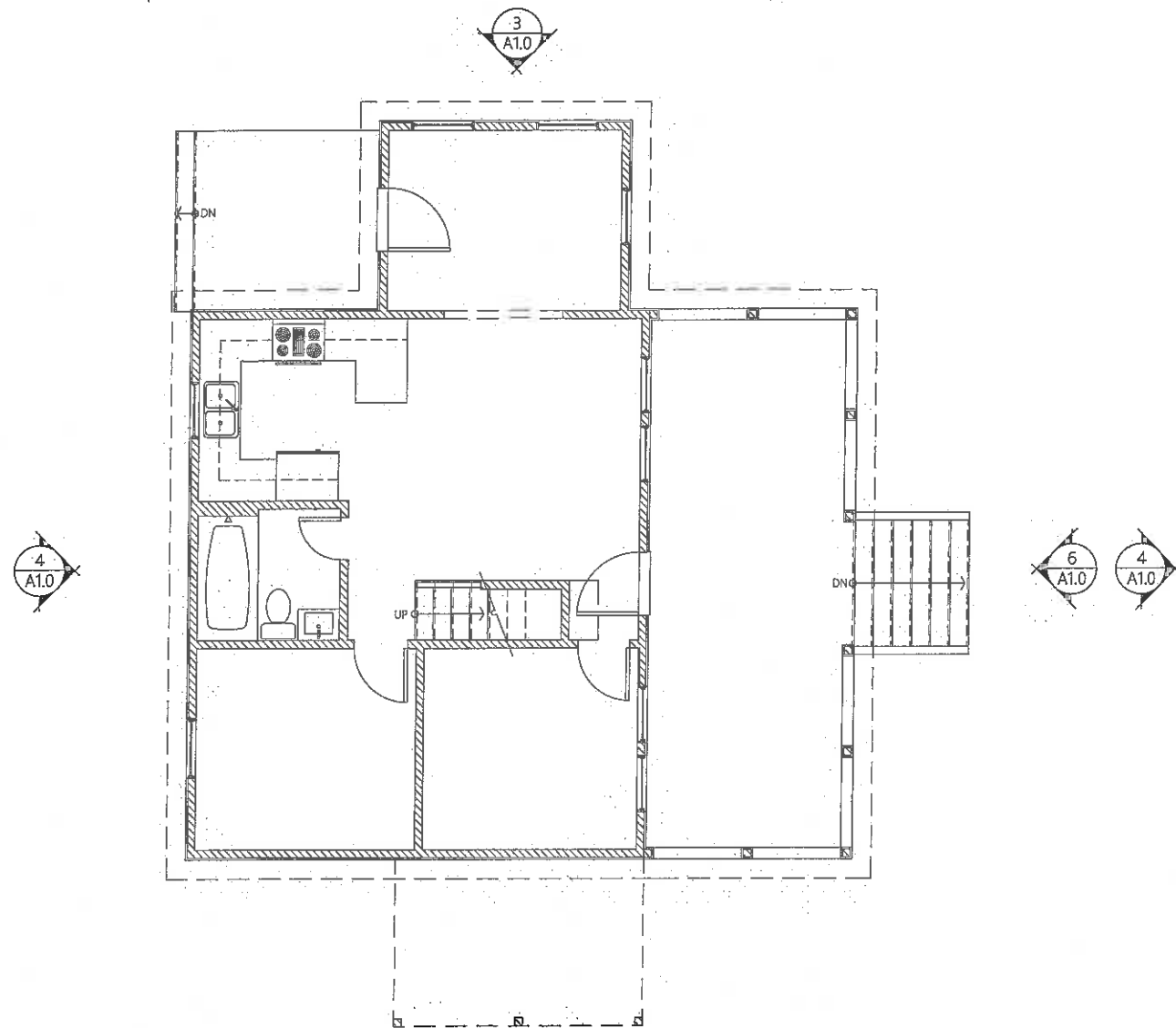
Anderson Lake House
EXISTING FRONT ELEV.
 SCALE: 1/8" = 1'-0"



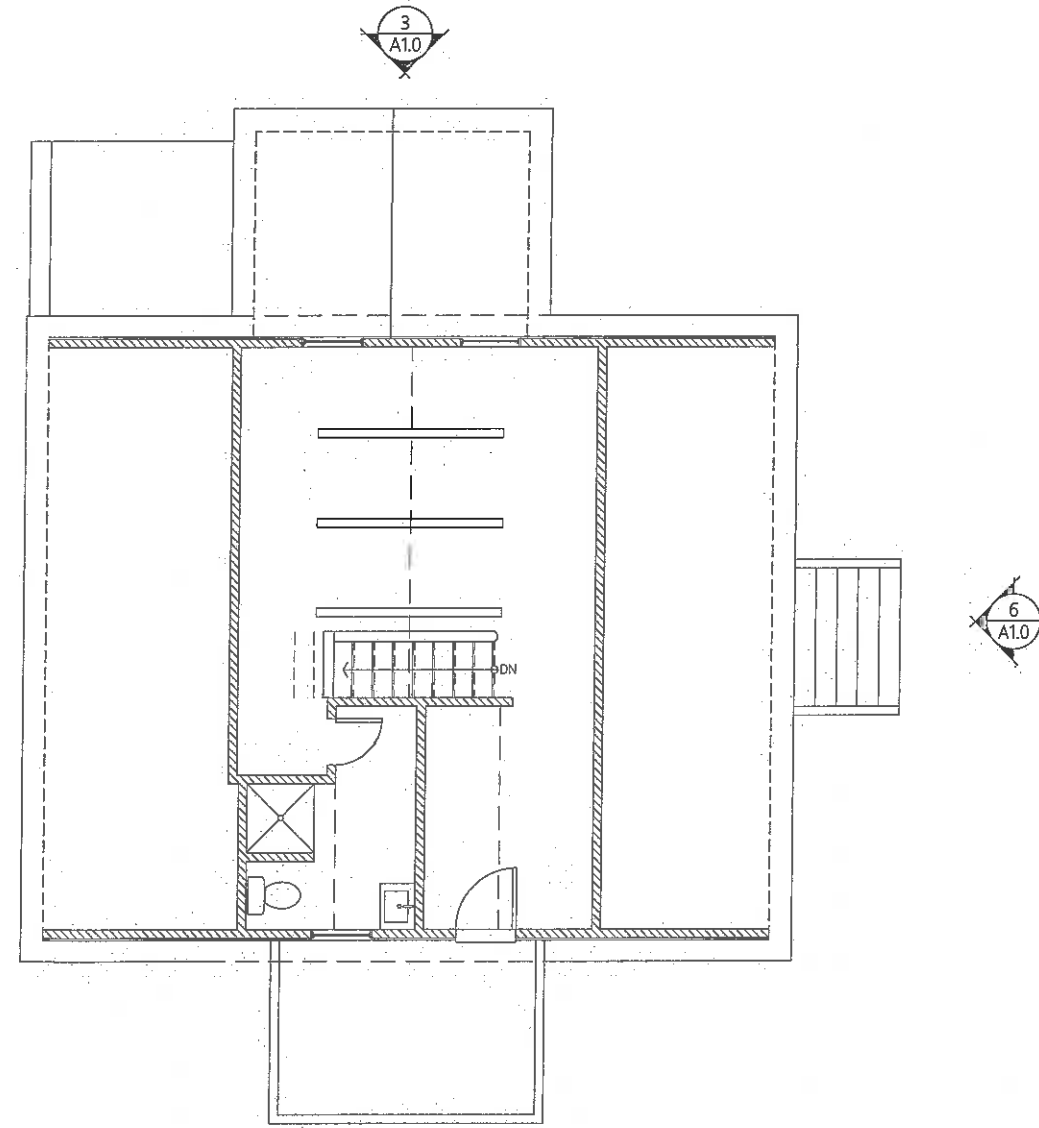
Anderson Lake House
EXISTING RIGHT ELEV.
 SCALE: 1/8" = 1'-0"



Anderson Lake House
EXISTING REAR ELEV.
 SCALE: 1/8" = 1'-0"



Anderson Lake House
MAIN LEVEL EXISTING
 SCALE: 1/4" = 1'-0"



Anderson Lake House
UPPER LEVEL EXISTING
 SCALE: 1/4" = 1'-0"

Issues & Revisions

Δ	Description	Date
	Issued for Pricing	10/31/2019

Date: Oct. 31, 2019

EXISTING CONDITIONS

Sheet:

A1.0

Address & Renovations to
**Lake Sinclair
 Residence**

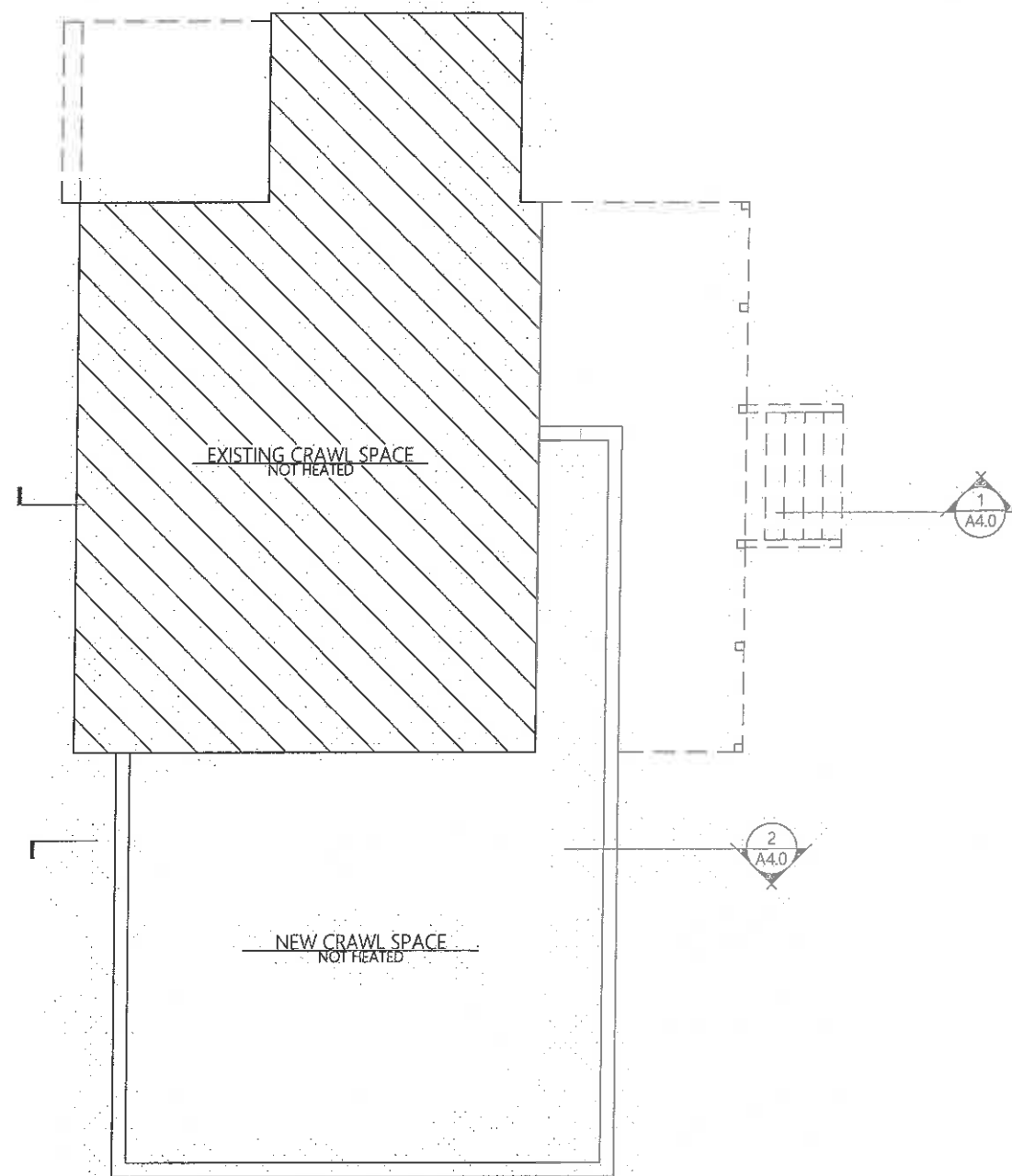
112 Sinclair Cir SE
 Eatonton, GA 31024

Owners
 Kim Anderson
 & Greg LeePow

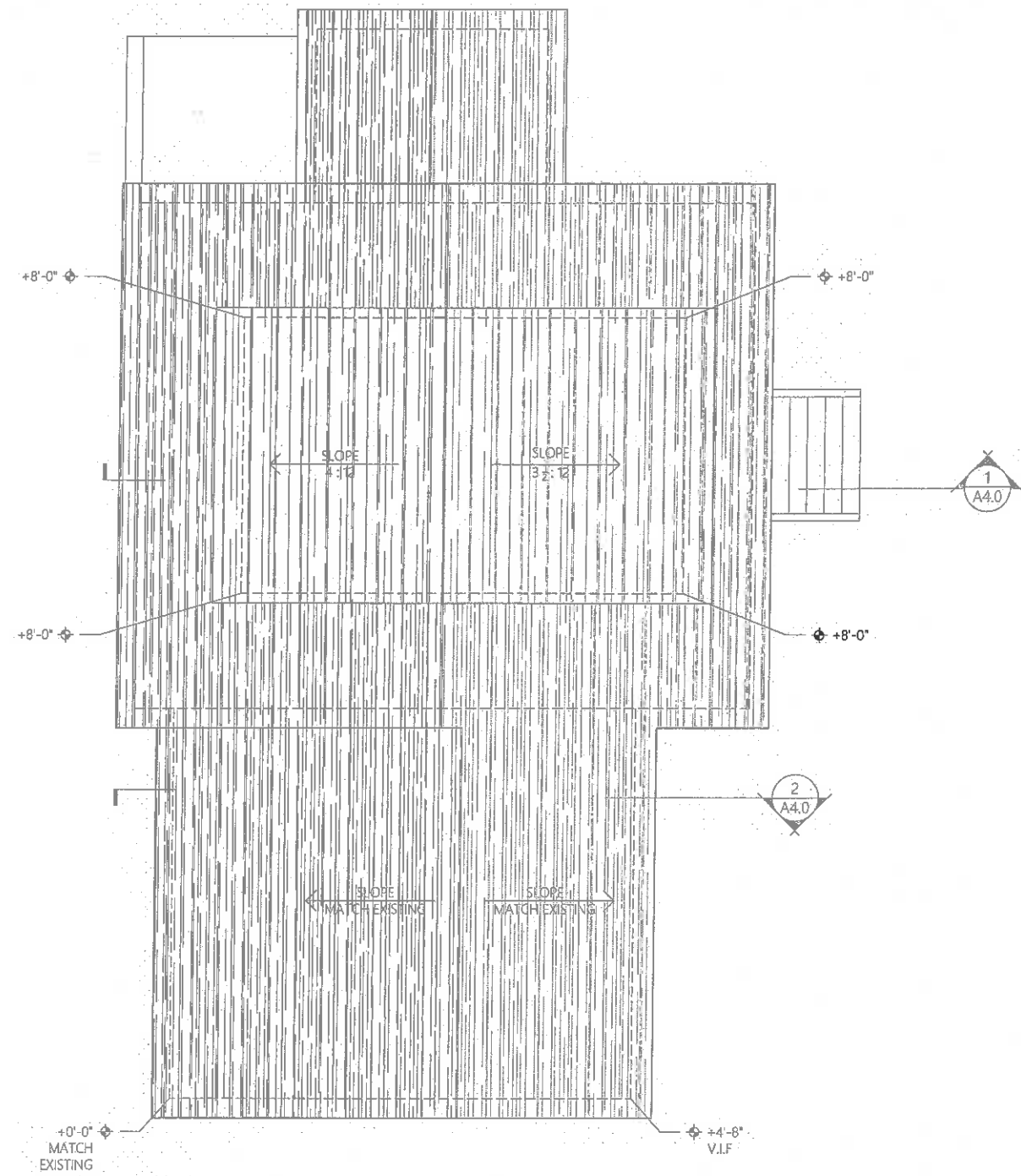
Designer
 Ian Elmore
 Lawrenceville, GA. 30043
 678.939.8602
 ianelmore@gmail.com

General Contractor

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1
 Anderson Lake House
FOUNDATION PLAN PROPOSED
 A2.1 SCALE: 1/4" = 1'-0"



2
 Anderson Lake House
ROOF PLAN PROPOSED
 A2.1 SCALE: 1/4" = 1'-0"

Issues & Revisions

Δ	Description	Date
	Issued for Pricing	10/31/2019

Date: Oct. 31, 2019
 PROPOSED FLOORPLAN
 Sheet:

A2.1

Architecture & Interiors Inc.
**Lake Sinclair
 Residence**

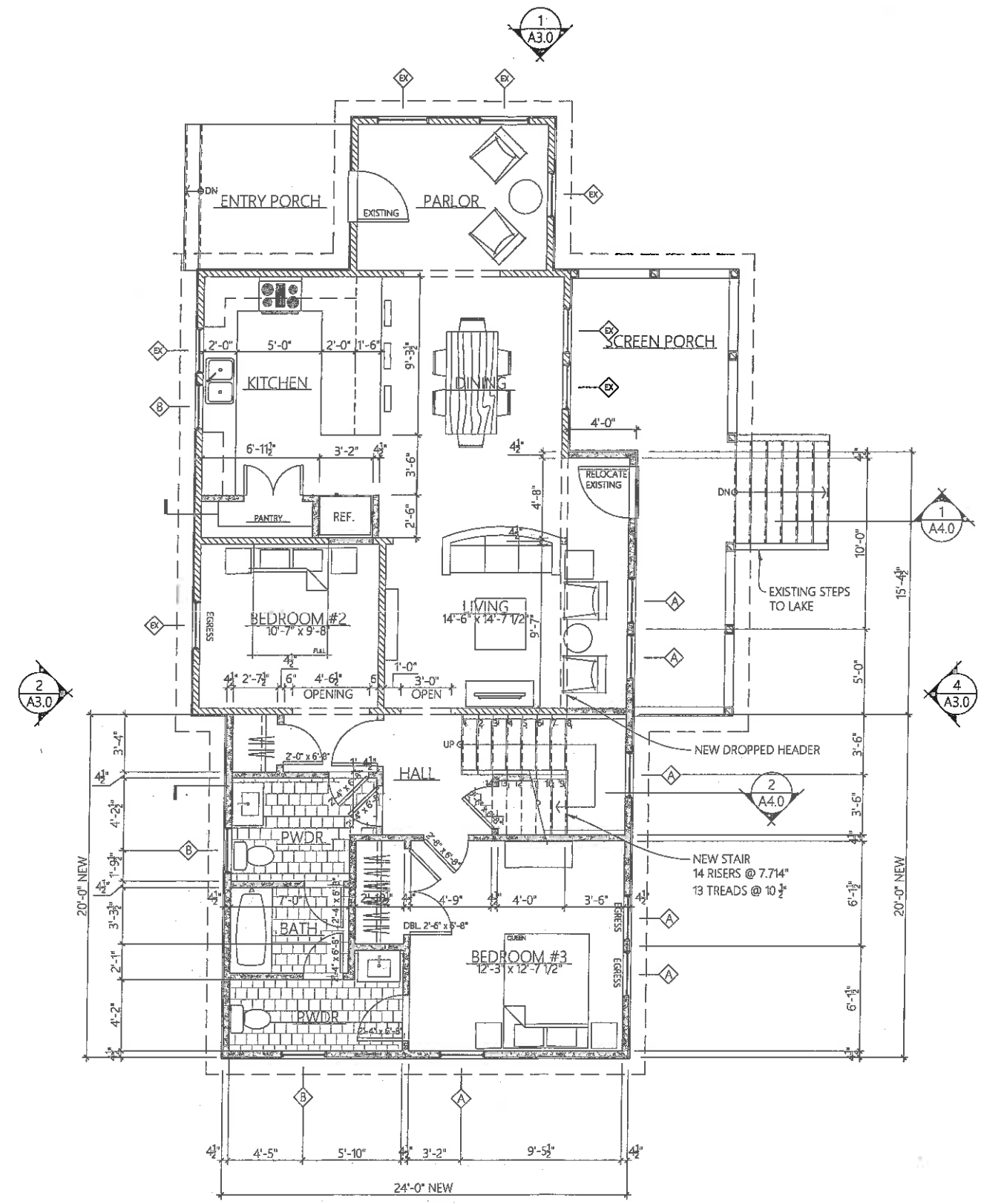
112 Sinclair Cir SE
 Eatonton, GA 31024

Owners
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 & Greg LeePow

Designer
 Ian Elmore
 Lawrenceville, GA. 30043
 678.939.8602
 ianelmore@gmail.com

General Contractor

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Anderson Lake House
2 MAIN LEVEL - PROPOSED
 SCALE: 1/4" = 1'-0"

Issues & Revisions

Δ	Description	Date
	Issued for Pricing	10/31/2019

Date: Nov. 19, 2019

PROPOSED FLOORPLAN

Sheet

A2.2

Additions & Renovations to
**Lake Sinclair
 Residence**

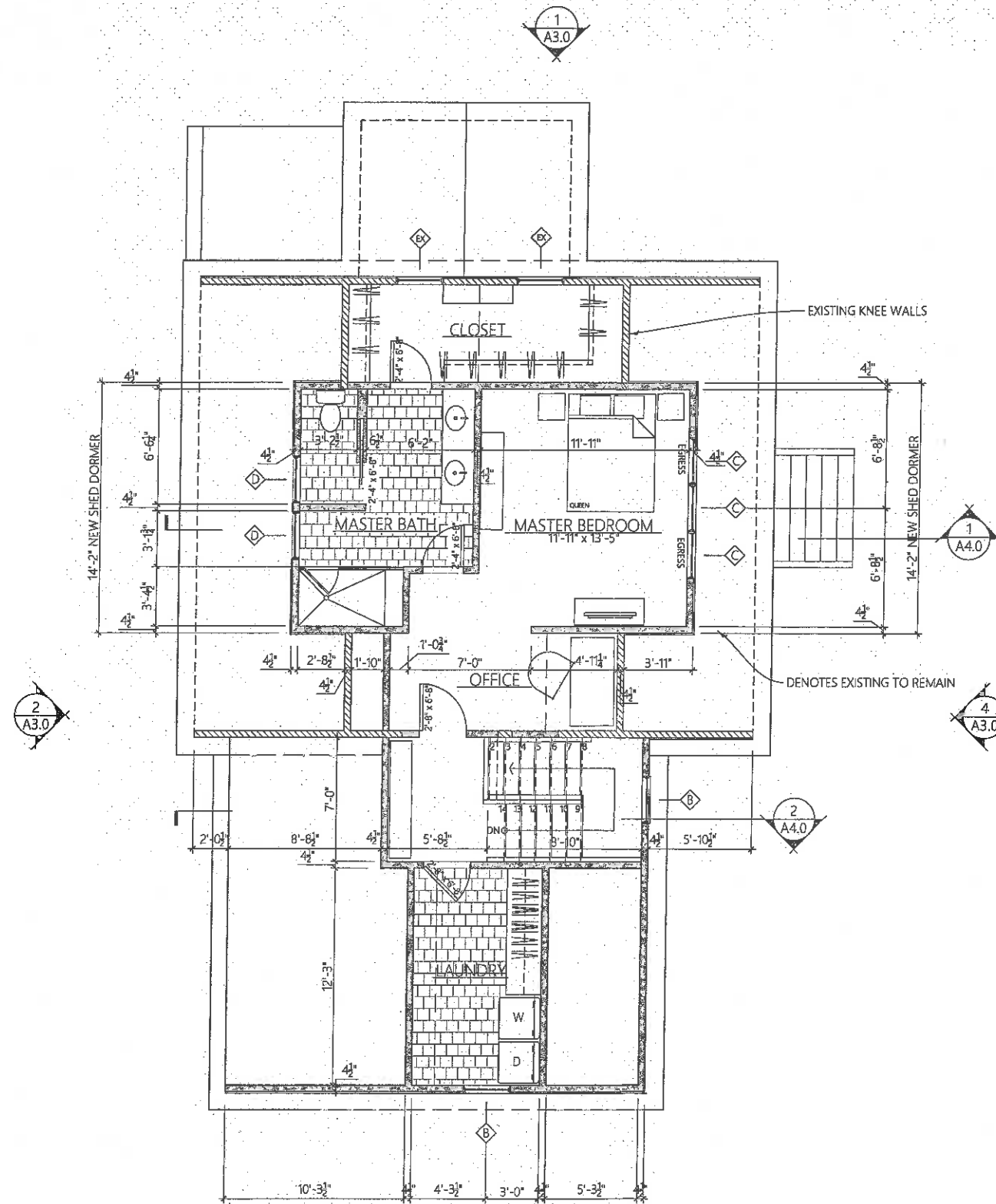
112 Sinclair Cir SE
 Eatonton, GA 31024

Owners
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 & Greg LeePow

Designer
 Ian Elmore
 Lawrenceville, GA. 30043
 678.939.8602
 ianelmore@gmail.com

General Contractor

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Anderson Lake House
UPPER LEVEL PROPOSED
 SCALE: 1/4" = 1'-0"

Issues & Revisions

A	Description	Date
	Issued for Pricing	10/31/2019

Date: Nov. 19, 2019

PROPOSED FLOORPLAN

Sheet

A2.3

Additions & Renovations to
**Lake Sinclair
Residence**

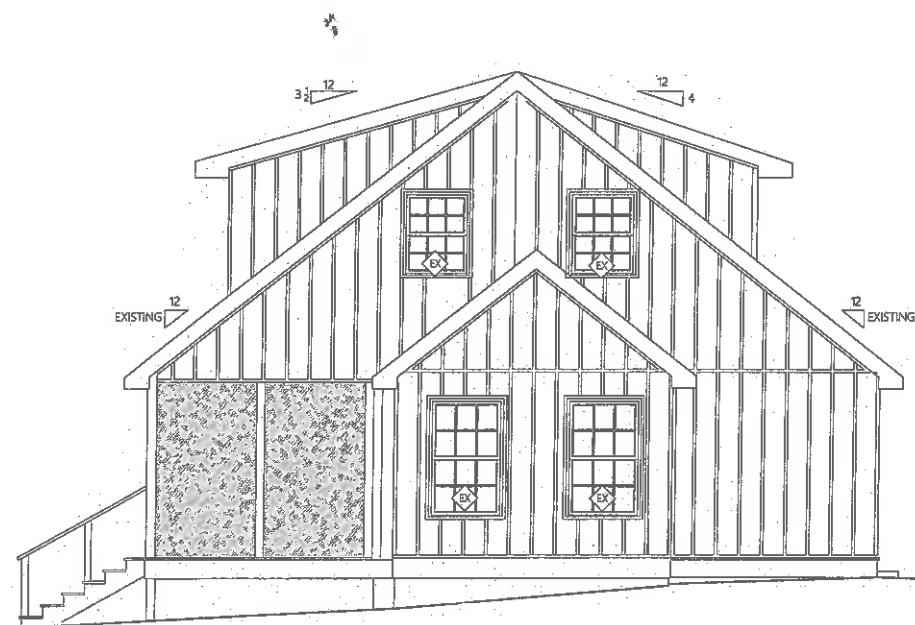
112 Sinclair Cir SE
Eatonton, GA 31024

Owners
Kim Anderson
& Greg LeePow

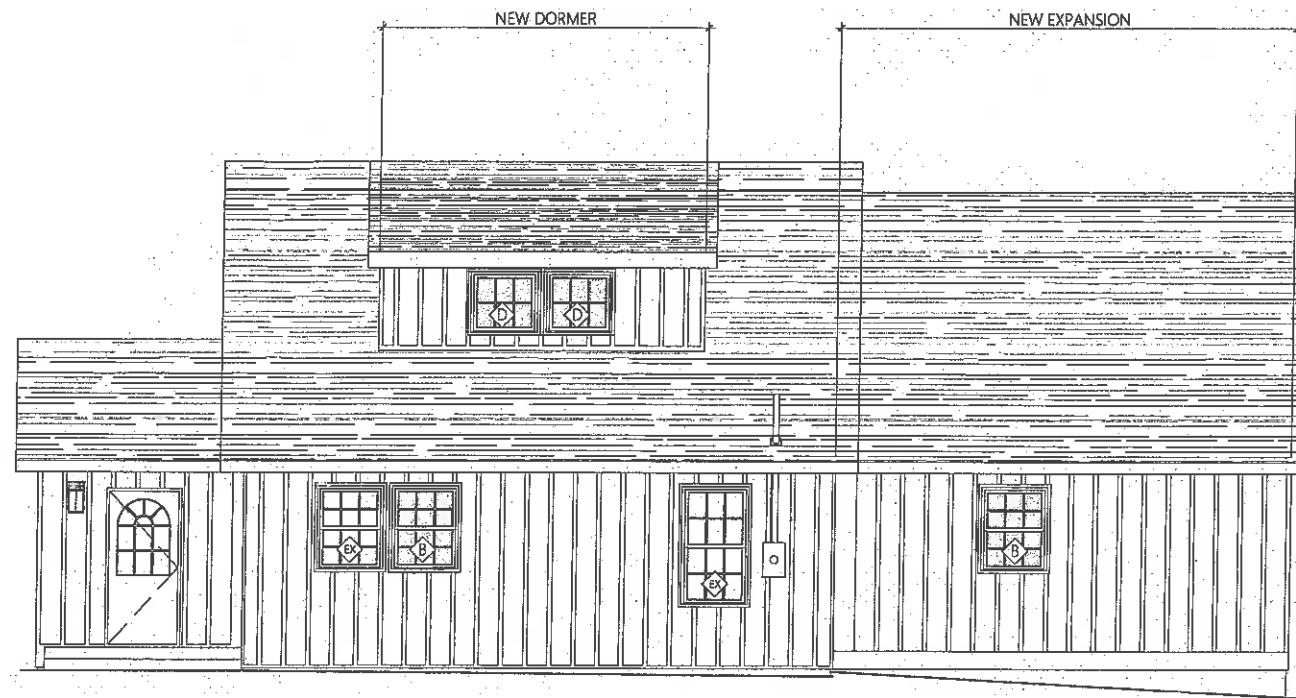
Designer
Ian Elmore
Lawrenceville, GA, 30043
678.939.8602
ianelmore@gmail.com

General Contractor

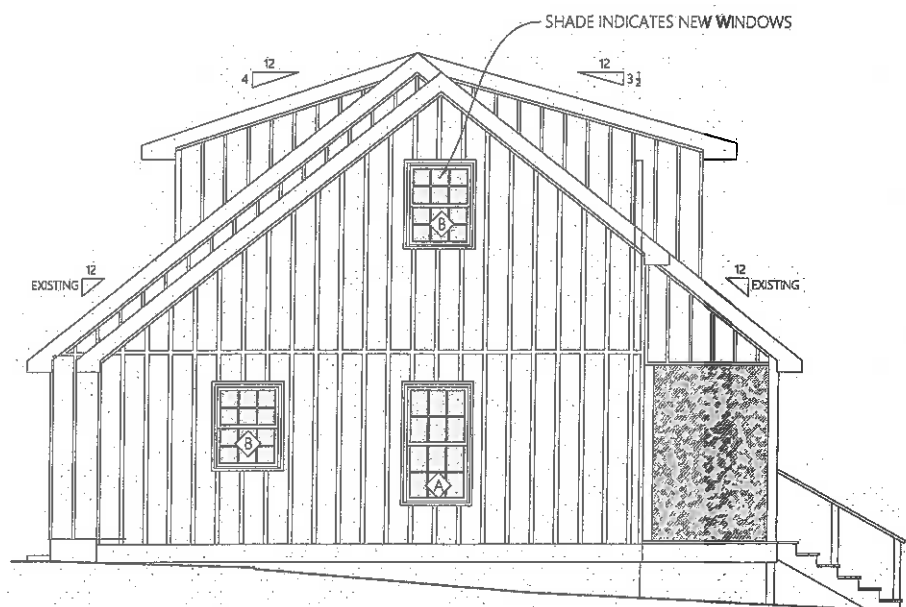
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Anderson Lake House
1 LEFT ELEVATION - PROPOSED
A3.0 SCALE: 1/4" = 1'-0"



Anderson Lake House
2 FRONT ELEVATION - PROPOSED
A3.0 SCALE: 1/4" = 1'-0"



Anderson Lake House
3 RIGHT ELEVATION - PROPOSED
A3.0 SCALE: 1/4" = 1'-0"



Anderson Lake House
4 REAR ELEVATION - PROPOSED
A3.0 SCALE: 1/4" = 1'-0"

Issues & Revisions

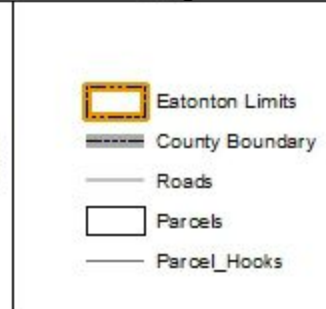
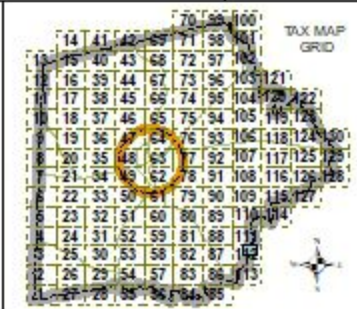
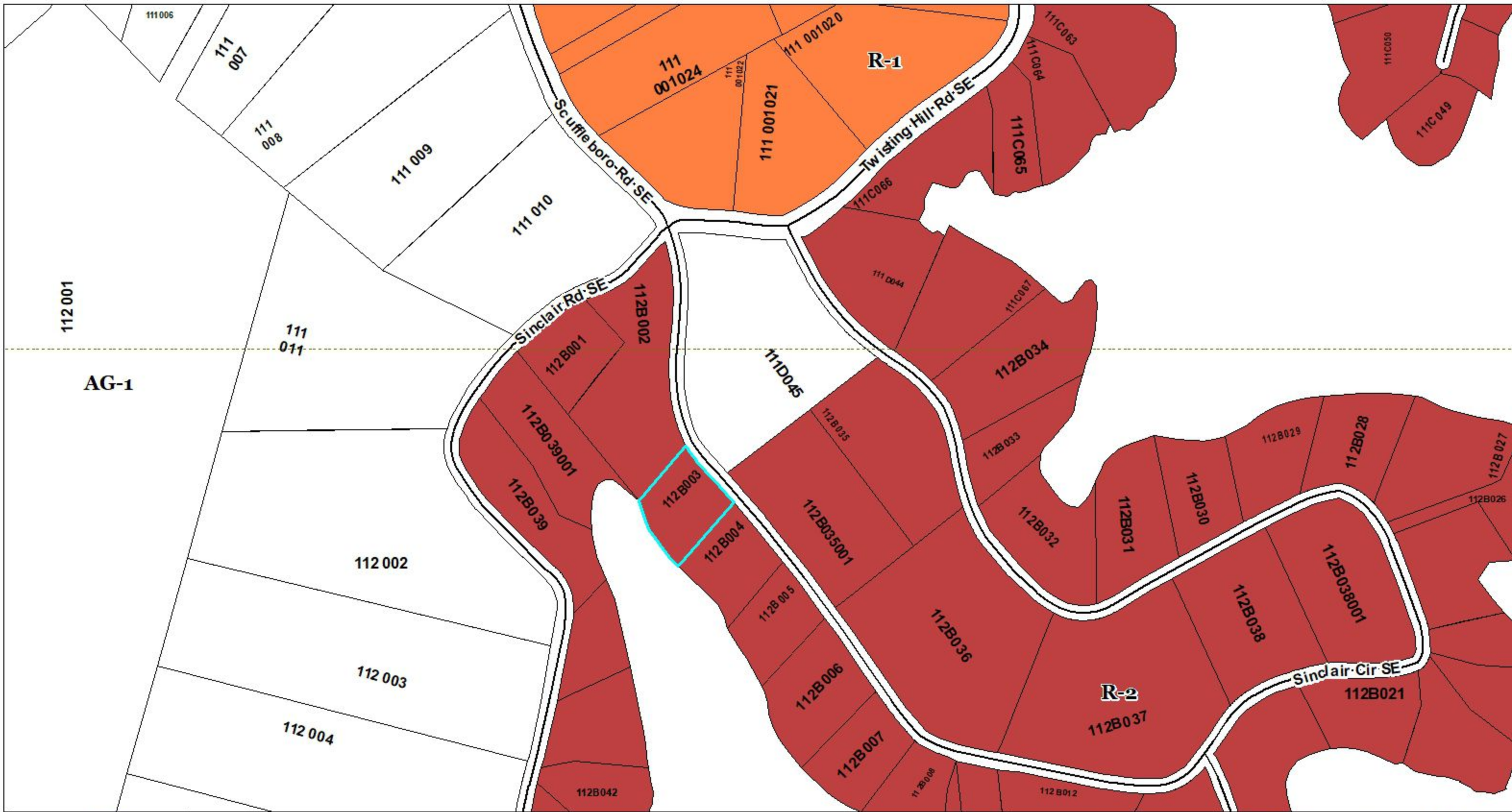
Δ	Description	Date
	Issued for Pricing	10/31/2019

Date: Oct. 31, 2019

PROPOSED FLOORPLAN

Sheet

A3.0



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	VLLAGE
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 112B

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



112B002

111D045

112B035

112B039001

112B003

112B035001

R-2

112B039

Sinclair Cir SE

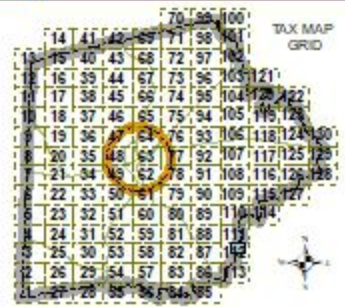
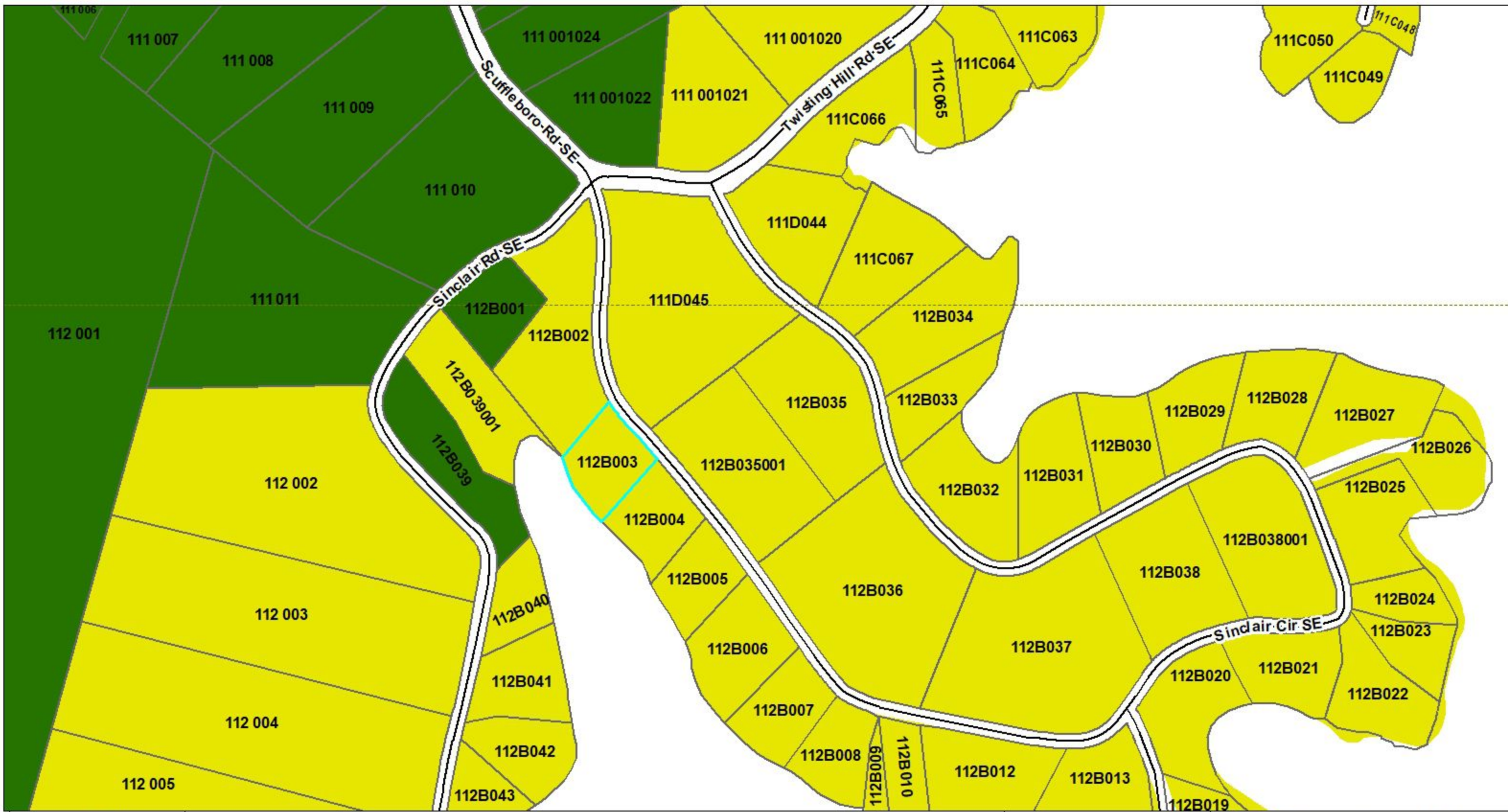
112B004

112 002
AG-1

Sinclair Rd SE

112B036

112B005



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
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PUTNAM COUNTY, GEORGIA
FUTURE LAND USE MAPS

MAP 112B

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



PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

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

May 21, 2020

TO: Planning & Zoning Commission

FROM: Lisa Jackson

RE: Staff Recommendation for Public Hearing Agenda on 6/4/2020

7. Request by **Gregory Leepow, agent for Kim Anderson** for a rear yard setback variance at 112 Sinclair Circle. Presently zoned R-2. [**Map 112B, Parcel 003, District 4**]. The applicants are requesting a 51.8-foot rear yard setback variance, being 48.2 feet from the nearest point to the lake. They would like to convert the existing deck into living space. This would bring the nonconforming 975 square foot home up to the required minimum of 1,000 heated square feet as stated in Putnam County, Code of Ordinances, Chapter 66-85 (g). The applicants are also requesting to add a deck on each side of the remodel. Both decks would not exceed the current footprint of the home. The lot is 235.5 feet in length and has a lot width at building setback of 178.3 feet. Staff carefully assessed the location of the current home, septic system and drain fields, as well as the location of the proposed structures. Although this is a conforming lot, the current home sits exactly 48.2 feet from the nearest point to the lake. The septic system and drain lines are located in front of the home making it difficult to make improvements to the property. Due to the location of the current home, septic system and drain fields, a variance is needed for further development of this lot. Therefore, this request meets the conditions as stated in Putnam County, Code of Ordinances, Chapter 66-157(c)(1)(2).

Staff recommendation is for approval of a 51.8-foot rear yard setback variance, being 48.2 feet from the nearest point to the lake at 112 Sinclair Circle [Map 112B, Parcel 003, 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 June 16, 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.

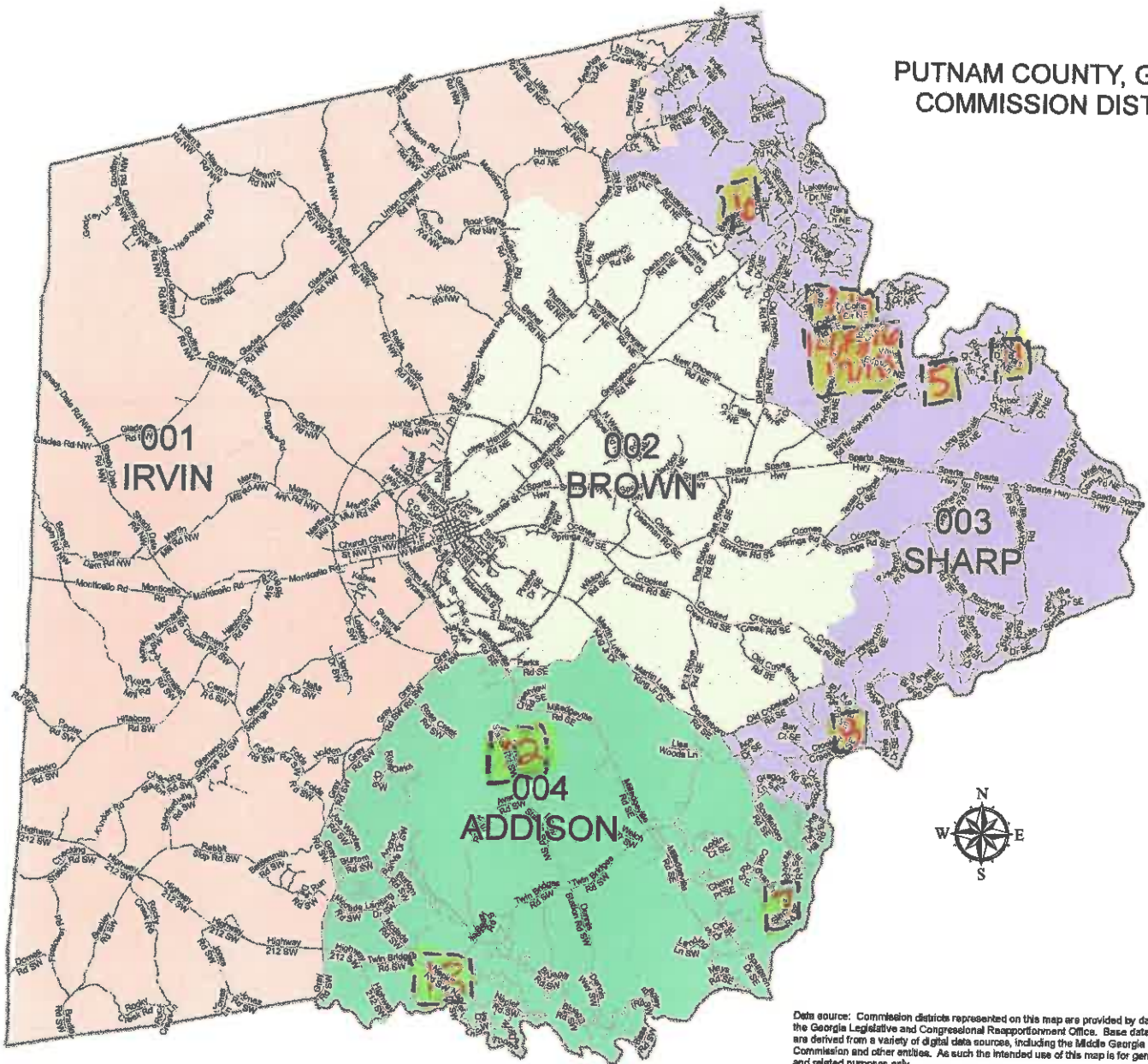
The Board of Commissioners' hearing will be conducted pursuant to O.C.G.A. 50-14-1 and Section 66-159 of the Putnam County Code of Ordinances and meets the requirements of the Zoning Procedures Laws established in O.C.G.A 36-66.

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.

File Attachments for Item:

8. Request by **Kevin & Kristy Slaughter** for a side yard setback variance at 1051 Crooked Creek Road. Presently zoned R-1. **[Map 110B, Parcel 105, District 3]**.

**PUTNAM COUNTY, GEORGIA
COMMISSION DISTRICTS**

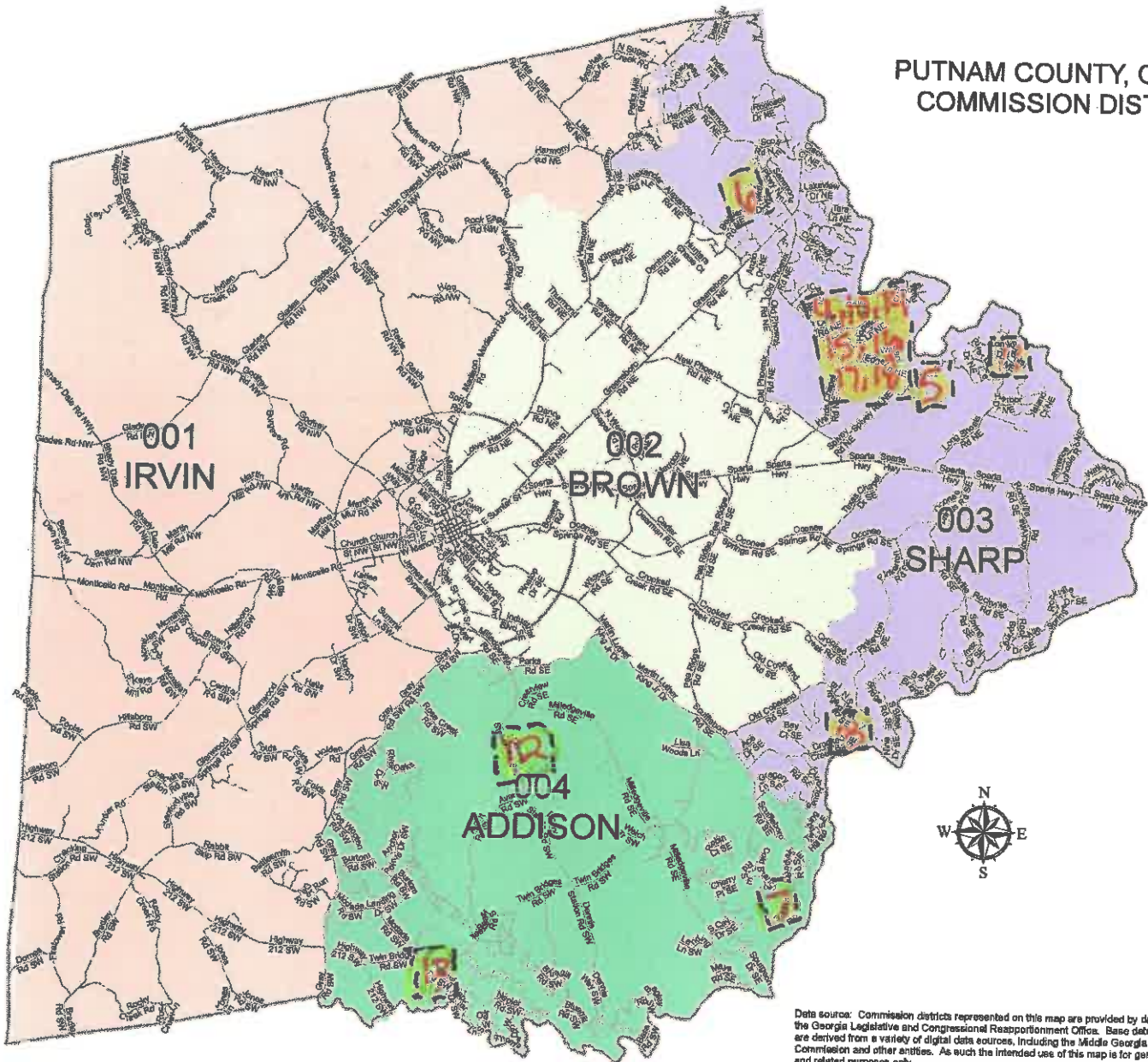


Data source: Commission districts represented on this map are provided by data from the Georgia Legislative and Congressional Reapportionment Office. Base data features are derived from a variety of digital data sources, including the Middle Georgia Regional Commission and other entities. As such the 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: JUNE 2018

5. Request by **Jimmy O'Dell** for a side yard setback variance at 308 East River Bend Drive. Presently zoned R-1R. [Map 119B, Parcel 183, District 3].
6. Request by **Garry & Nina Lassiter** for a side yard setback variance at 153 Hoot Owl Lane. Presently zoned R-1R. [Map 096A, Parcel 008, District 3].
7. Request by **Gregory Leepow, agent for Kim Anderson** for a rear yard setback variance at 112 Sinclair Circle. Presently zoned R-2. [Map 112B, Parcel 003, District 4].
8. Request by **Kevin & Kristy Slaughter** for a side yard setback variance at 1051 Crooked Creek Road. Presently zoned R-1. [Map 110B, Parcel 105, District 3].
9. Request by **Mark Smith, agent for Mary Wooten** for a rear yard setback variance at 147 Collis Marina Road. Presently zoned RM-2. [Map 104B, Parcel 012, District 3].
10. Request by **Mark Smith, agent for Duke Gibbs** for a side and rear yard setback variance at 145 Collis Marina Road. Presently zoned RM-2. [Map 104B, Parcel 011, District 3].
11. Request by **Jim Brown, agent for Wondal Perry** for a rear yard setback variance at 202 Long Island Drive. Presently zoned R-1R. [Map 122A, Parcel 064, District 3].
12. Request by **Jason Sells, agent for Interfor U.S. Inc** for a front yard setback variance at 370 Dennis Station Road. Presently zoned I-M. [Map 059, Parcel 019, District 4].
13. Request by **Vincent Richardson** for a front yard setback variance at 114 Allens Alley. Presently zoned R-2. [Map 055A, Parcel 011, District 4].

**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" = 6,687.28' SCALE RATIO: 1:68,367.34 DATE: JUNE 2019

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



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

APPLICATION FOR: VARIANCE CONDITIONAL USE

PLAN 2020-00257

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

Kevin and Kristy Slaughter Phone# 404 - 516 - 5492

Owner name _____ Phone# _____
Same as above _____ Phone# _____

Applicant name (If different from above) _____
129 Nina Drive Eatonton Georgia 31061
MAILING ADDRESS CITY STATE ZIP

PROPERTY LOCATION: 1051 Crooked Creek Road TOTAL ACREAGE 1.5 acres

MAP: 110B PARCEL: 105 PRESENTLY ZONED: R-1 DISTRICT: 3

SETBACKS: Front: 30' Rear: N/A Lakeside: 200 Left: 70 Right: 30

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) N/A TOTAL FOOTPRINT (proposed structure) 20x30

LOT LENGTH (the total length of the lot) 328.52'

LOT WIDTH AT BUILDING SETBACK (how wide the lot is where you're proposing to build) 150'

REASON FOR REQUEST: Due to the unique shape of the property, keeping the 100' setback would put the workshop in front of the house between the house and the street. Placing the workshop at a 70' setback would allow us to have a more pleasing view of our home from the street.

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

27 FEB '20 12:53 rs

*SIGNATURE OF APPLICANT: [Signature]

DATE: 2/18/2020

*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>2-17-20</u>	FEE: \$ <u>200.00</u>	CK. NO. <u>001012</u>	CASH <input type="checkbox"/>	C. CARD <input type="checkbox"/>	INITIALS <u>DE</u>
RECEIPT # <u>034102</u>	DATE OF NEWSPAPER AD: <u>3-9-2020</u>	DATE SIGN POSTED: <u>3-12-2020</u>			
PLANNING & ZONING HEARING: <u>4-2-2020</u>	RESULT: _____				
COMMISSIONERS/CITY COUNCIL HEARING: _____	RESULT: _____				

Kevin & Kristy Slaughter
129 Nina Dr.
Eatonton, GA 31024
2/16/20

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

Dear Putnam County Planning & Development:

We own the property located at 1051 Crooked Creek Rd, and plan to build our retirement home there. We are requesting a variance on the side (100'). We request the setbacks from the lake in order to best accommodate the workshop. We would like to place the workshop 70' from the sea wall. Due to the unique shape of this property keeping the 100' set back would put the workshop in front of the house and between the house and the street.

The challenges of the heavy topography and unique shape of the lot are the reason we ask for the relief from the current setbacks. Our variance request is consistent with the setbacks our adjacent, and neighborhood properties used during construction.

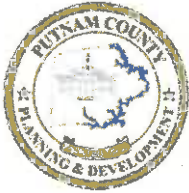
Placing the workshop closer to the lake on the bridge-side of the lot allows us to have a more aesthetically pleasing view of the home from the street and of the street from the home. The currently approved building plans for our home have been approved with not request for variance. Only after laying out the structure it was is apparent that the original plan would place the workshop in the middle of the front yard. The workshop's architectural design will match the aesthetics of the home which has been approved for a building permit already (Building permit #: 2020-00021-BLDR).

If you would like additional information about this request, you can telephone me at 404-516-5492.

Regards,

Kevin & Kristy Slaughter

27 FEB '20 12:53
P



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 Perimeter Builders, INC. TO BE MY AGENT FOR THE PURPOSE OF APPLYING FOR variance OF PROPERTY DESCRIBED AS MAP 110B PARCEL 105, CONSISTING OF 1.5 ACRES, WHICH HAS THE FOLLOWING ADDRESS: 1051 Crooked Creek 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 variance 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 19th DAY OF February 2020, 2019.

PROPERTY OWNER(S): Kevin and Kristy Slaughter

[Signature] NAME (PRINTED)
SIGNATURE

ADDRESS: 129 Nina Drive Eatonton, GA 31024
PHONE: 404-344-1551

27 FEB '20 12:54
78

ALL SIGNATURES WERE HEREBY SWORN TO AND SUBSCRIBED BEFORE ME THIS 26 DAY OF Feb, 2020

Morgan McCommon
NOTARY
MY COMMISSION EXPIRES: July 6, 2020

Morgan McCommon
NOTARY PUBLIC
Baldwin County, GEORGIA
My Commission Expires July 6, 2020

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

COUNTY: PUTNAM	SUBDIVISION:	LOT NUMBER: 39	BLOCK: A
PROPERTY LOCATION (STREET ADDRESS): 1051 Crooked Creek Road		110B105	

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>Kevin Slaughter</i>	DATE: 12/19/2019
PROPERTY OWNER'S NAME: Kevin and Kristy Slaughter	PHONE NUMBER: 440-344-1551
PROPERTY OWNER'S ADDRESS: 129 Nina Road Eatonton, GA 31024	ALTERNATE PHONE NUMBER:
AUTHORIZED AGENT'S NAME (IF OTHER THAN OWNER): Perimeter Builders, INC.	PHONE NUMBER: 478-454-6692
	RELATIONSHIP TO OWNER: Contractor

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 residence, commercial, restaurant, etc.): Single family residence	9. SOIL SERIES (e.g. Pacolet, Orangeburg, etc.): Pacolet Slope to 10
2. WATER SUPPLY: (1) Public (2) Private (3) Community	6. WATER USAGE BY: (1) Bedroom Numbers (2) Gallons per Day	10. PERCOLATION RATE / HYDRAULIC LOADING RATE: 45
3. SEWAGE SYSTEM TO BE PERMITTED: (1) New (2) Repair (3) Addition	7. NO. OF BEDROOMS / GPD: 4 4	11. RESTRICTIVE SOIL HORIZON DEPTH (INCHES): > 60
4. LOT SIZE (SQUARE FEET / ACRES): 1.5 acres	8. LEVEL OF PLUMBING OUTLET: (1) Ground Level (2) Basement (3) Above Ground Level	12. SOIL TEST PERFORMED BY: R. Joslyn

Section B - Primary / Pretreatment

1. DISPOSAL METHOD: (1) Septic Tank (2) Privy (3) Aerobic Unit (4) Other:	3. SEPTIC TANK CAPACITY (GALLONS): 1500	4. AEROBIC UNIT CAPACITY (GALLONS):	5. DOSING TANK CAPACITY (GALLONS): 1000	6. GREASE TRAP CAPACITY (GALLONS):
2. GARBAGE DISPOSAL: (1) Yes (2) No	7. PRESCRIBED TANK LOCATION / REMARKS: Crush & fill old septic tank			

Section C - Secondary Treatment

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: 1200	7. NUMBER OF ABSORPTION TRENCHES:
2. ABSORPTION FIELD PRODUCT: Conc. pipe/gravel	5. TOTAL ABSORPTION FIELD LINEAR FEET REQUIRED: 400	8. SPECIFIED LENGTH OF ABSORPTION TRENCHES:
3. AGGREGATE DEPTH (inches): 12"	6. DEPTH OF ABSORPTION TRENCHES (range in inches): 24 - 30	9. DISTANCE BETWEEN ABSORPTION TRENCHES:

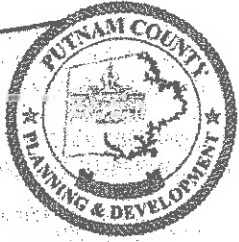
10. PRESCRIBED ABSORPTION FIELD LOCATION:
see soil report, see sight plan & topography map. divert rain water to right property line to keep water away from drainfield stay 100 ft from all wells.

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 REPRESENTATIVE(S) 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.

APPROVING ENVIRONMENTALIST: Kathleen Hill, R.E.H.S.	TITLE: EHS County Manager	DATE: 12/31/19	CONSTRUCTION PERMIT NUMBER: 11701465 19-212
---	-------------------------------------	--------------------------	---



117 Putnam Drive, Suite #B
 Eatonton, GA 31024
 (706) 485-2776
 Fax - (706) 485-0552

Permit NO: **2020-00021-BLDR**
 Permit Type: Building (Residential)
 Work Classification: New
 Permit Status: Issued/Open

Permit

Issue Date: 01/27/2020 Expiration: 07/27/2020

Project Address	Subdivision	Parcel Number	Applicant
1051 Crooked Creek Rd. Eatonton, GA 31024		110B105	Shane Robbins

Owner Information	Address	Phone	Cell
Kevin & Kristy Slaughter	129 Nina Dr. Eatonton, GA 31024	(404) 344-1551	(404) 344-1551

Contractor(s)	Address	Phone	Contractor Type	Certification #	Exp. Date
Shane Robbins	630 Meriwether Rd Suite C MILLEDGEVILLE, GA 31061	(678) 409-9037	State Contractor	RLCI001504	06/30/2020

Square Footage	Setbacks	Zoning
Heated: 3,452.00 Unheated: 732.00 Total: 4,979.00	Front: 167.7 Rear: N/A Left: 27.7 Right: 80 Lakeside: 159	County Zone: R-1 City Zone: Fire: Flood: A Special: School:
Utilities	Legal	27 FEB '20 12:54
Water: Individual Well Sewer: Individual Septic Electric: Tri-County Gas:	Township: Putnam County Lot:	

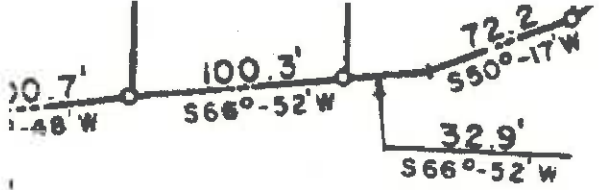
Description: 74X60 single family residence	Comments: Talked to Perimeter Builders. Let them know permit was ready to pick up. 1/24/2020	Valuation: \$500,000.00 Total Sq Feet: 4,979.00
---	---	--

Fees Due	Amount
Residential Building - New (Unheated Space)	\$146.40
Residential Building - New (porches, decks etc)	\$79.50
Energy Code Sticker	\$2.00
Residential Building - New (Heated Space)	\$863.00
TOTAL	\$1,090.90

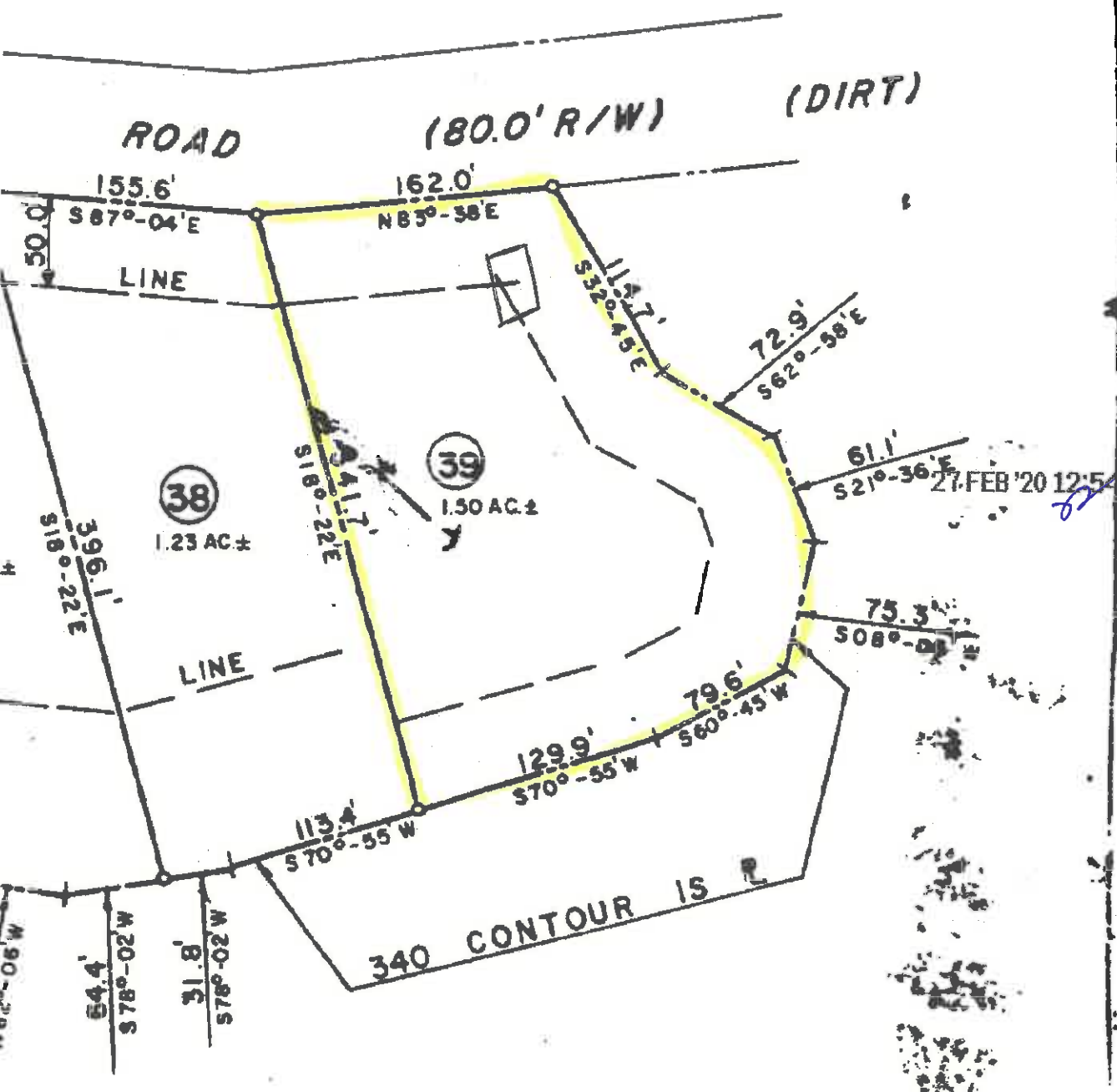
Total	Amt Paid	Amt Due
\$ 1,090.90	\$1,090.90	3981
Payment Type: Check #		\$0.00

Height: 30.00	Structure Type: Primary	Occ. Load:
Stories: 2	Sprinklers: No	Occ. Type:
Units: 1	Fire Alarm: No	Constr. Type:

* Permit for the house if you need a reference.



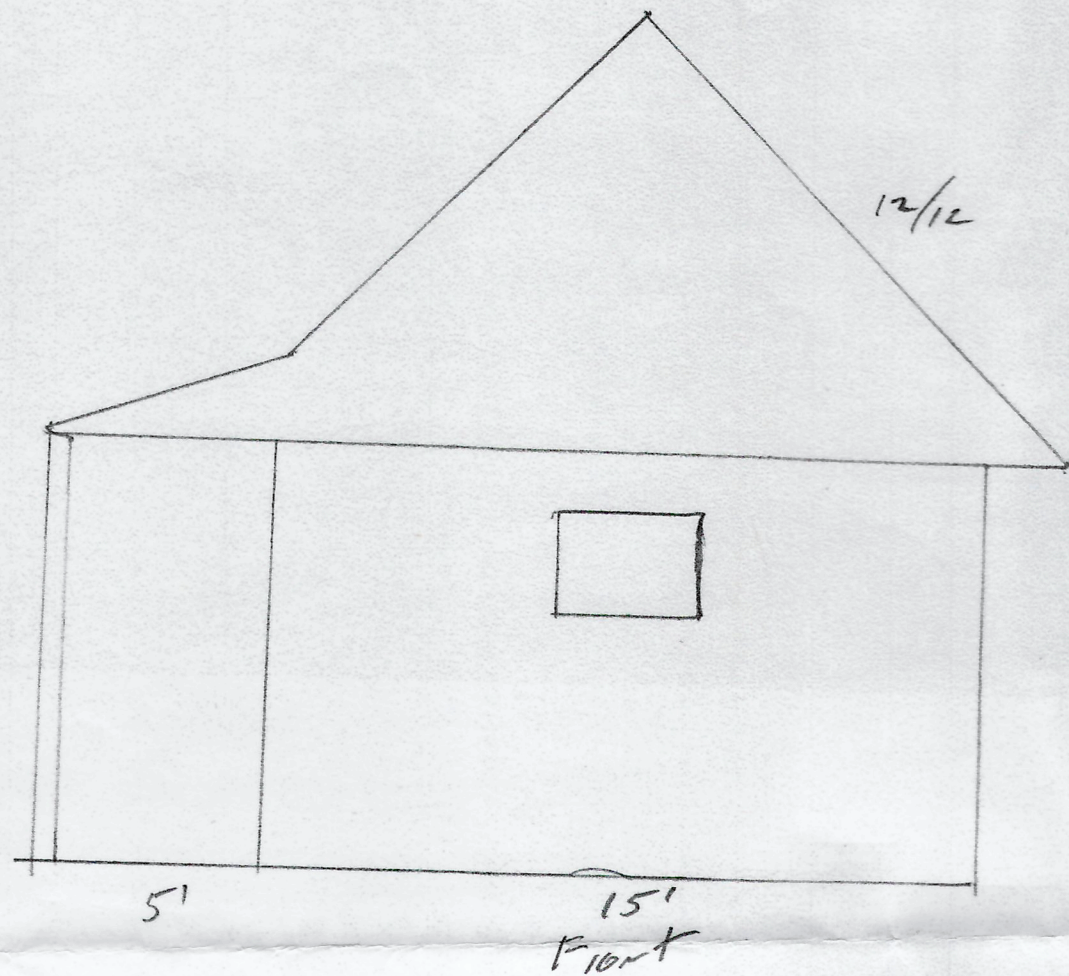
*Andy R. Marshall
Deputy Clerk
2/27/20*



SUBDIVISION SURVEY
R. WAYNE HARRIS, ET AL

Slaughter Workshop

1051 Crooked Creek Road
Eatonton, GA 31024





Environmental & Consulting
 120 W. Main Street
 Eatonton, GA 31029
 Phone: (706) 931-1646
 Email: info@snjenv.com

SLAUGHTER RESIDENCE
 LOT #39, 1.49 ACRES
 AT CROOKED CREEK POINT SUBDIVISION
 313th G.M.D., PUTNAM COUNTY, GEORGIA

DATE DRAWN	11-19-19
DATE PERMITS	2-25-20
DRAWN BY	S.N.J. (LEVEL II CERT.#000003004)
CHECKED BY	S.N.J. (LEVEL II CERT.#000003004)
JOB NO.	2019-1103-4
REVISONS	Revised shed

EROSION CONTROL PLAN

SHEET # **3** OF 4

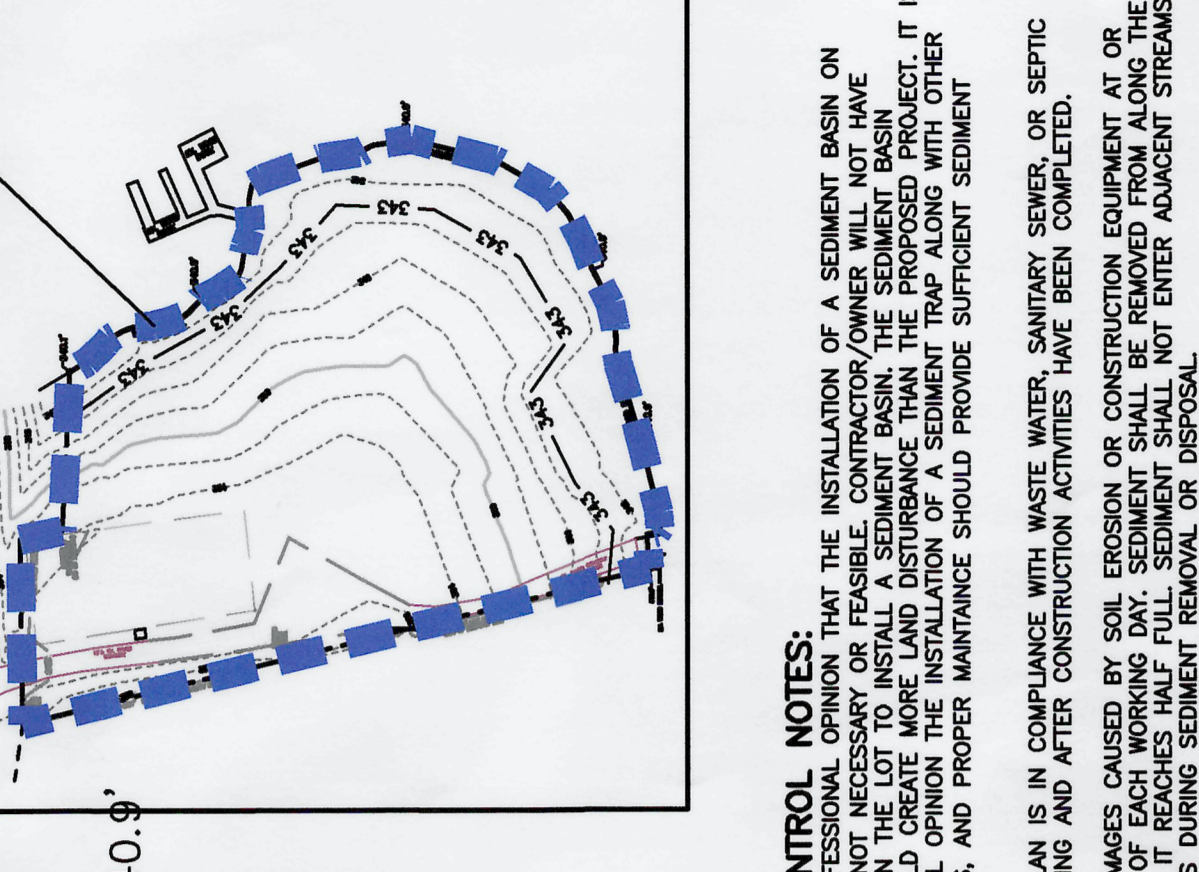
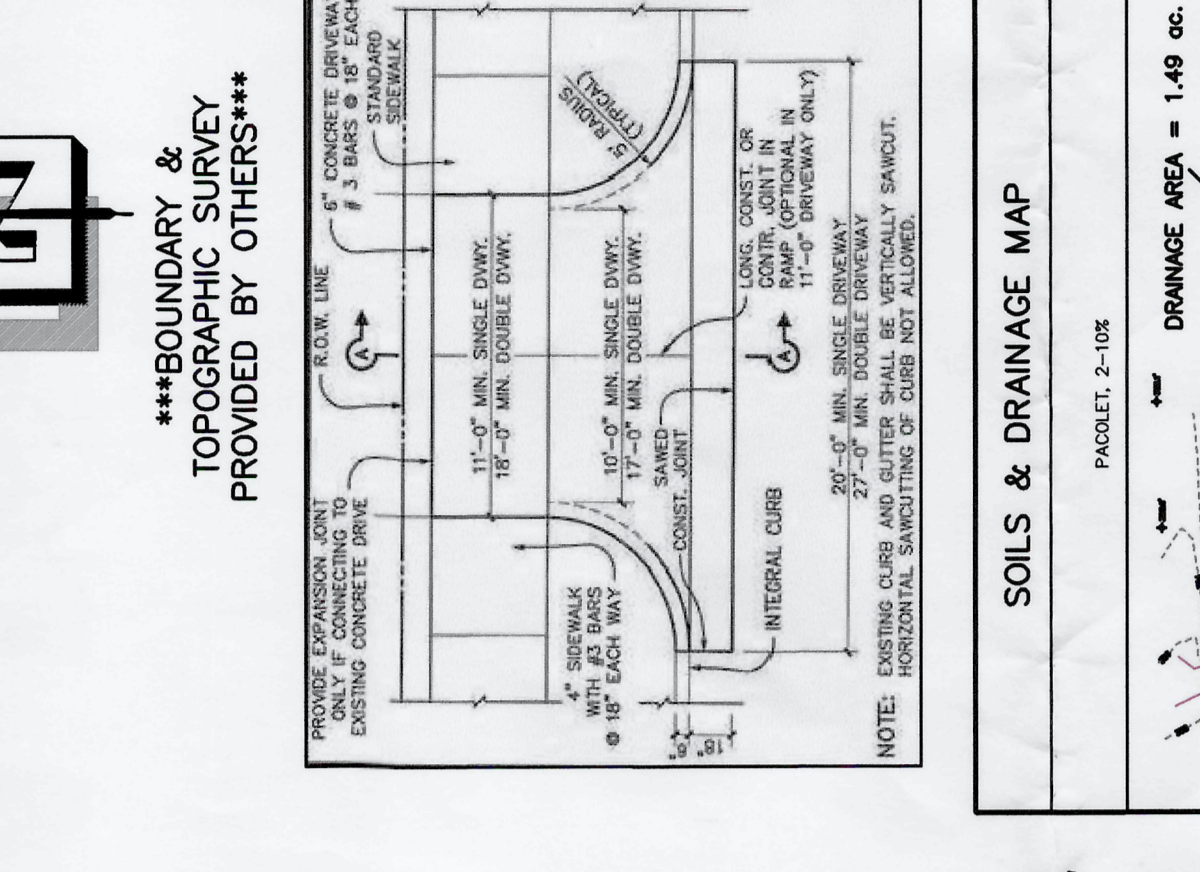
CONSTRUCTION SCHEDULE

Activity	2019	2020
INSTALL INITIAL SEDIMENT CONTROL STRUCTURES	1-10	
CLEARING AND GRUBBING	1-10	
EXCAVATION	1-10	
FOUNDATION	1-10	
TEMP GRASSING, MULCHING, SEDIMENT CONTROL STRUCTURES	1-10	
MAINTENANCE OF BMP'S	1-10	
UTILITY INSTALLATION	1-10	
LANDSCAPING	1-10	
SOODING	1-10	
REMOVAL OF SEDIMENT CONTROL STRUCTURES		10-12

THE CONSTRUCTION SCHEDULE SHOWN ABOVE IS ONLY APPROXIMATE. INSTALLATION IN THE ORDER SHOWN ABOVE AND/OR AS DIRECTED BY PUTNAM COUNTY.

STORM WATER CALCULATIONS FOR DRAINAGE AREA

Drainage Area = 1.49 ac.
 Disturbed Area = 0.66 ac.
 Runoff Coefficient (C) = 0.20 (Average)
 Runoff Coefficient (C) = 0.20 (Average)
 Required Silt Fence = 44.2 c.y. / 0.20 c.y./l.f. = 221 l.f.
 Type 5 Silt Fence Provided = 892 l.f. / 781 l.f. (Total)
 100 FEET OF SILT FENCE REQUIRED FOR EVERY 1/4 ACRE
 0.66 acre x (100 feet/0.25 acre) = 264 feet of Silt Fence Required



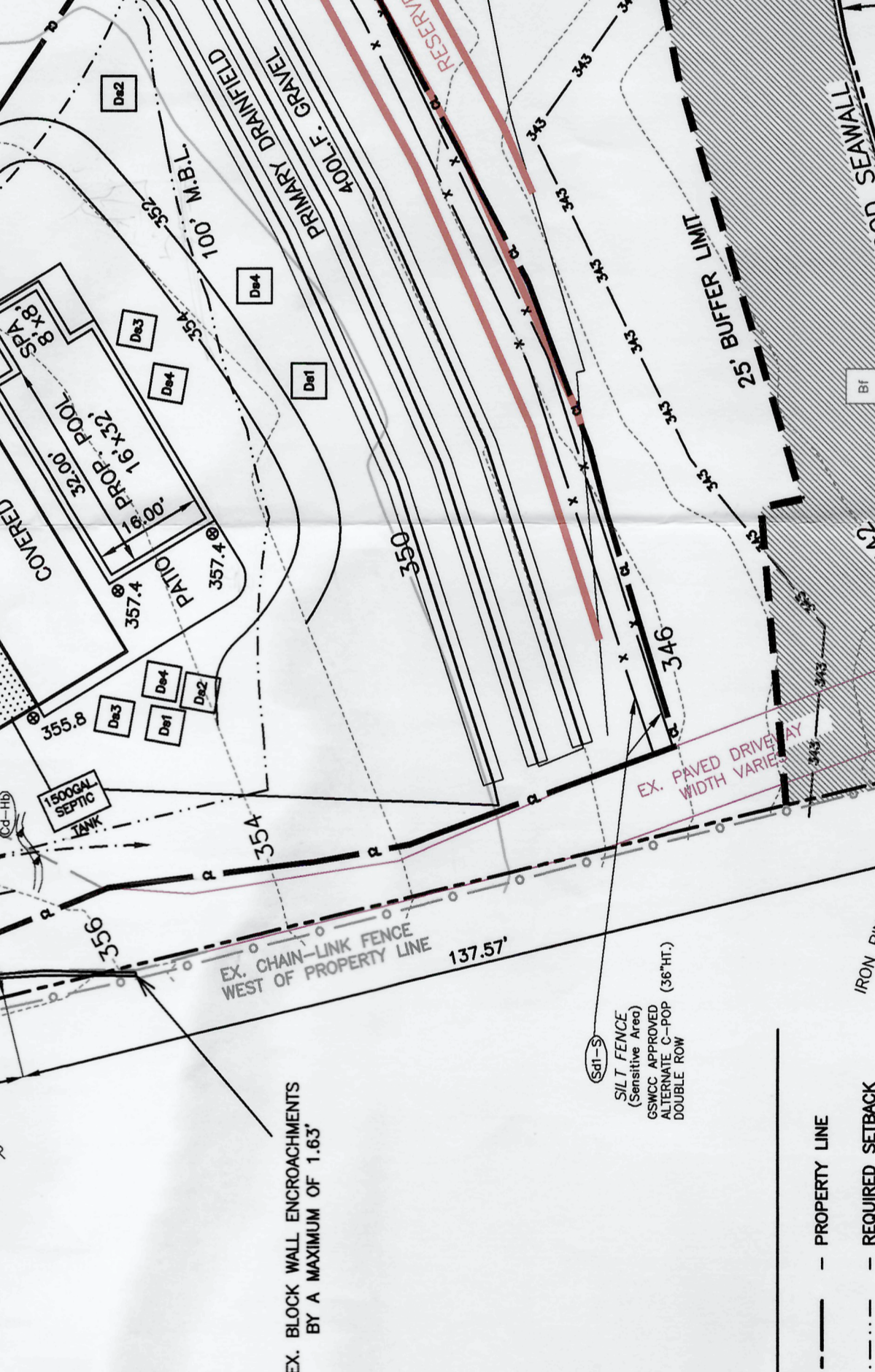
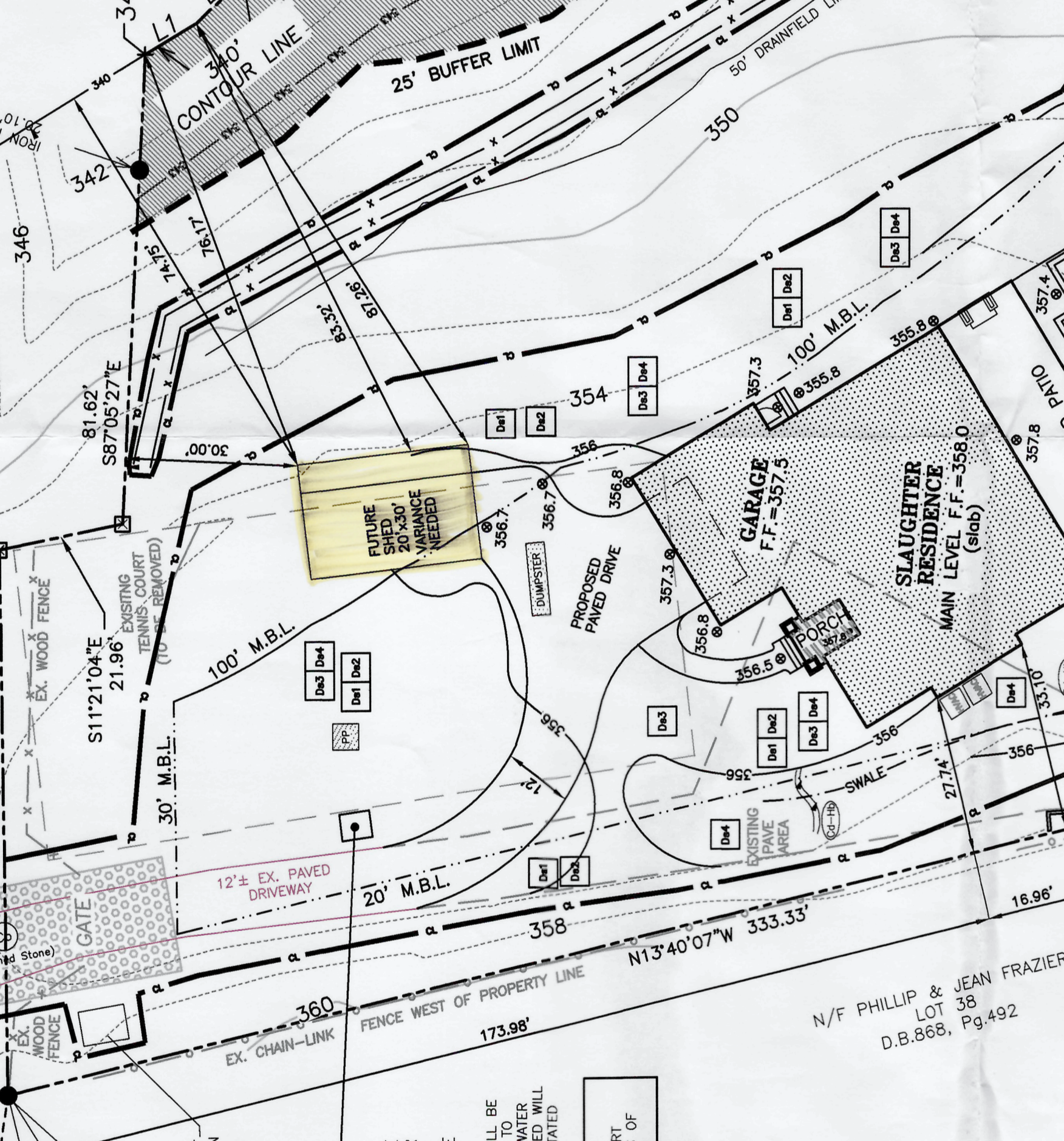
EROSION CONTROL NOTES **

- CONTRACTOR'S NOTE: THE SURVEYOR HAS CONDUCTED A VISUAL CHECK OF THE EXISTING GROUND SURFACE AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE RECORD DRAWINGS. THE SURVEYOR HAS CONDUCTED A VISUAL CHECK OF THE EXISTING GROUND SURFACE AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE RECORD DRAWINGS.
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CONTRACTOR/HOMEOWNER TO ENSURE THAT RUNOFF FROM THIS SITE WILL NOT IMPACT ADJOINING PROPERTIES.**

****WASHOUT OF CONCRETE DRUM IS PROHIBITED AT CONSTRUCTION SITE AND IN THIS DEVELOPMENT.****

****THIS PROJECT DOES NOT DISCHARGE STORM WATER INTO AN IMPAIRED STREAM SEGMENT, AND IS NOT WITHIN 1 LINEAR MILE UPSTREAM OF MILE UPSTREAM OF AN BIOTA IMPAIRED STREAM SEGMENT.****



SYMBOLS LEGEND

- PROPERTY LINE
- REQUIRED SETBACK
- EXISTING CONTOUR
- PROPOSED CONTOUR
- LIMITS OF DISTURBANCE
- SILT FENCE
- PROPOSED GRADE
- PORTA-POTTY
- PROPOSED HOUSE/GARAGE
- 25' BUFFER ZONE

****MAINTENANCE STATEMENTS****

- THE ESCAPE OF SEDIMENT FROM THE SITE SHALL BE PREVENTED BY THE INSTALLATION OF EROSION AND SEDIMENT CONTROL MEASURES AND PRACTICES PRIOR TO LAND-DISTURBING ACTIVITIES.
- EROSION CONTROL MEASURES WILL BE MAINTAINED AT ALL TIMES. IF FULL IMPLEMENTATION OF THE APPROVED PLAN DOES NOT PROVIDE FOR EFFECTIVE EROSION CONTROL, ADDITIONAL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE IMPLEMENTED TO CONTROL OR TREAT THE SEDIMENT SOURCE.
- ANY DISTURBED AREA LEFT EXPOSED FOR A PERIOD GREATER THAN 14 DAYS SHALL BE STABILIZED WITH MULCH OR TEMPORARY SEEDING.

INSPECTIONS: TERTIARY PERMITEE REQUIREMENTS

- Each day when any type of construction activity takes place, at least one (1) certified person shall be present to inspect the site for compliance with the permit conditions. The person shall inspect the site for compliance with the permit conditions. The person shall inspect the site for compliance with the permit conditions.
- The person shall inspect the site for compliance with the permit conditions. The person shall inspect the site for compliance with the permit conditions. The person shall inspect the site for compliance with the permit conditions.
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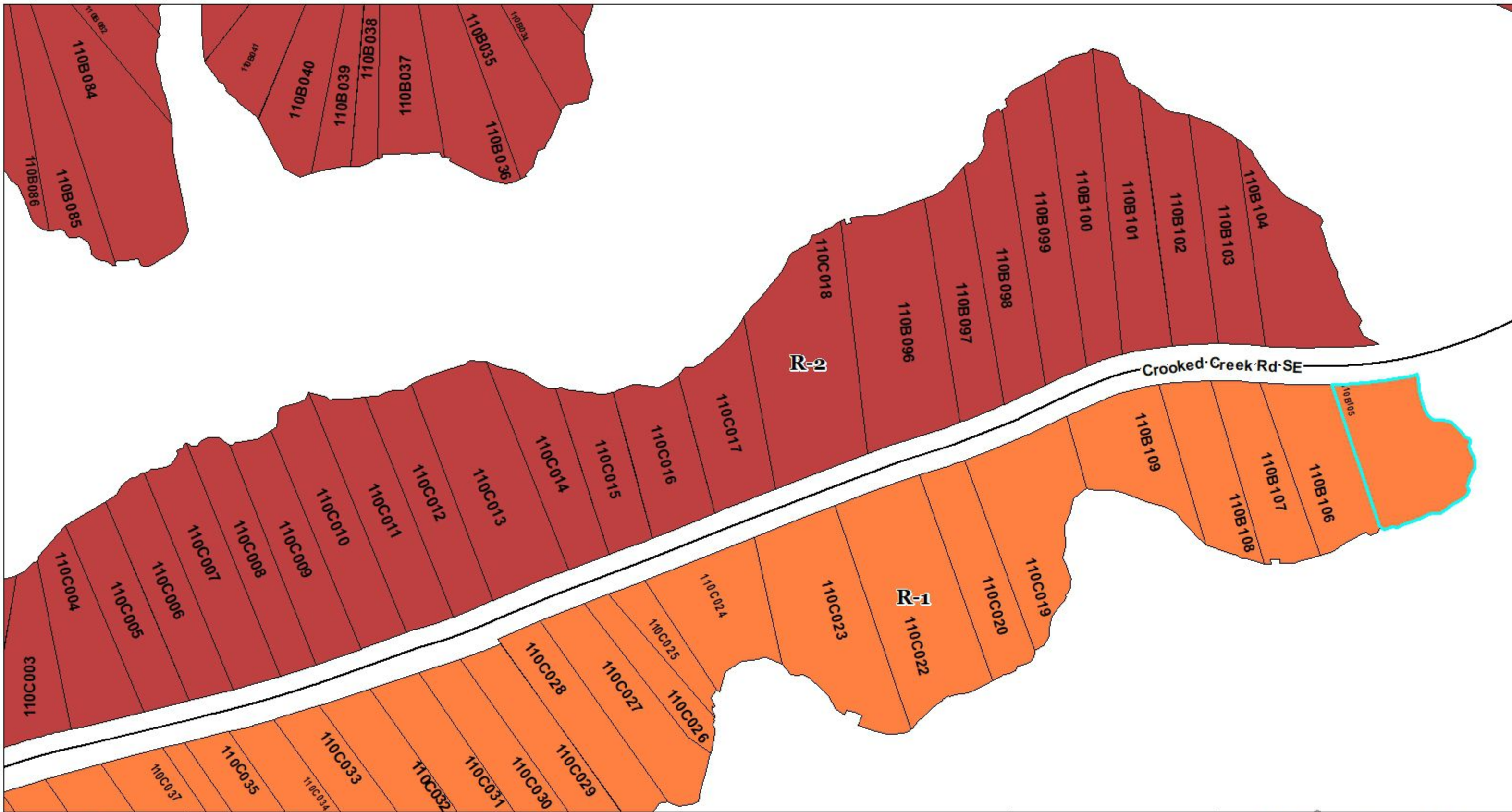
STOCKPILE DETAIL

Stockpile is to be placed at the discretion of the builder. Avoid unnecessary tree damage.

TYPE 5 SILT FENCE (INSTALL ON LOW SIDE)

EROSION CONTROL NOTES **

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

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 | VLLAGE |
| 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**

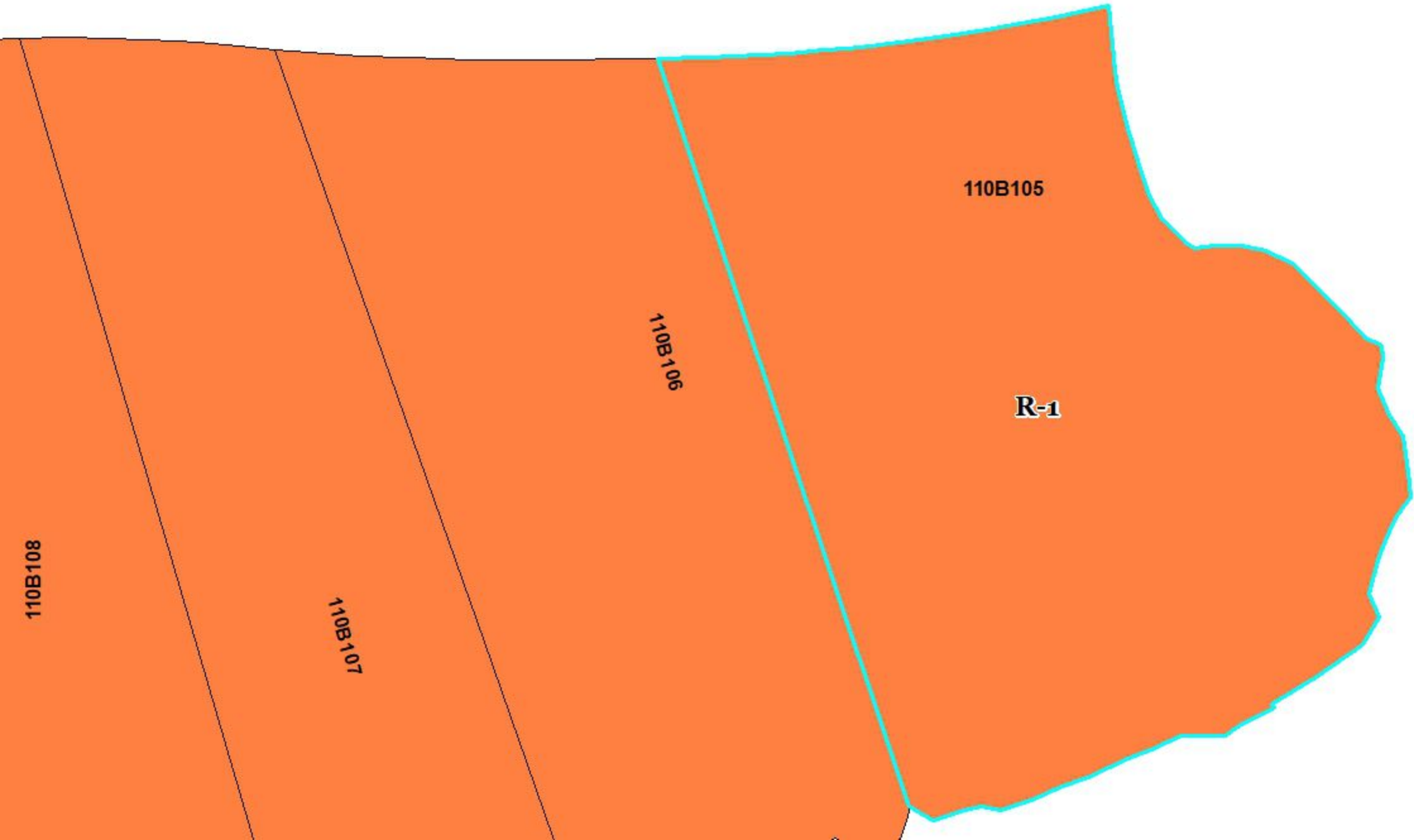


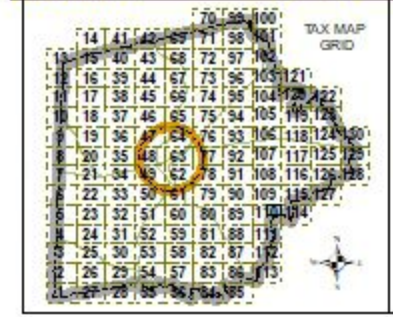
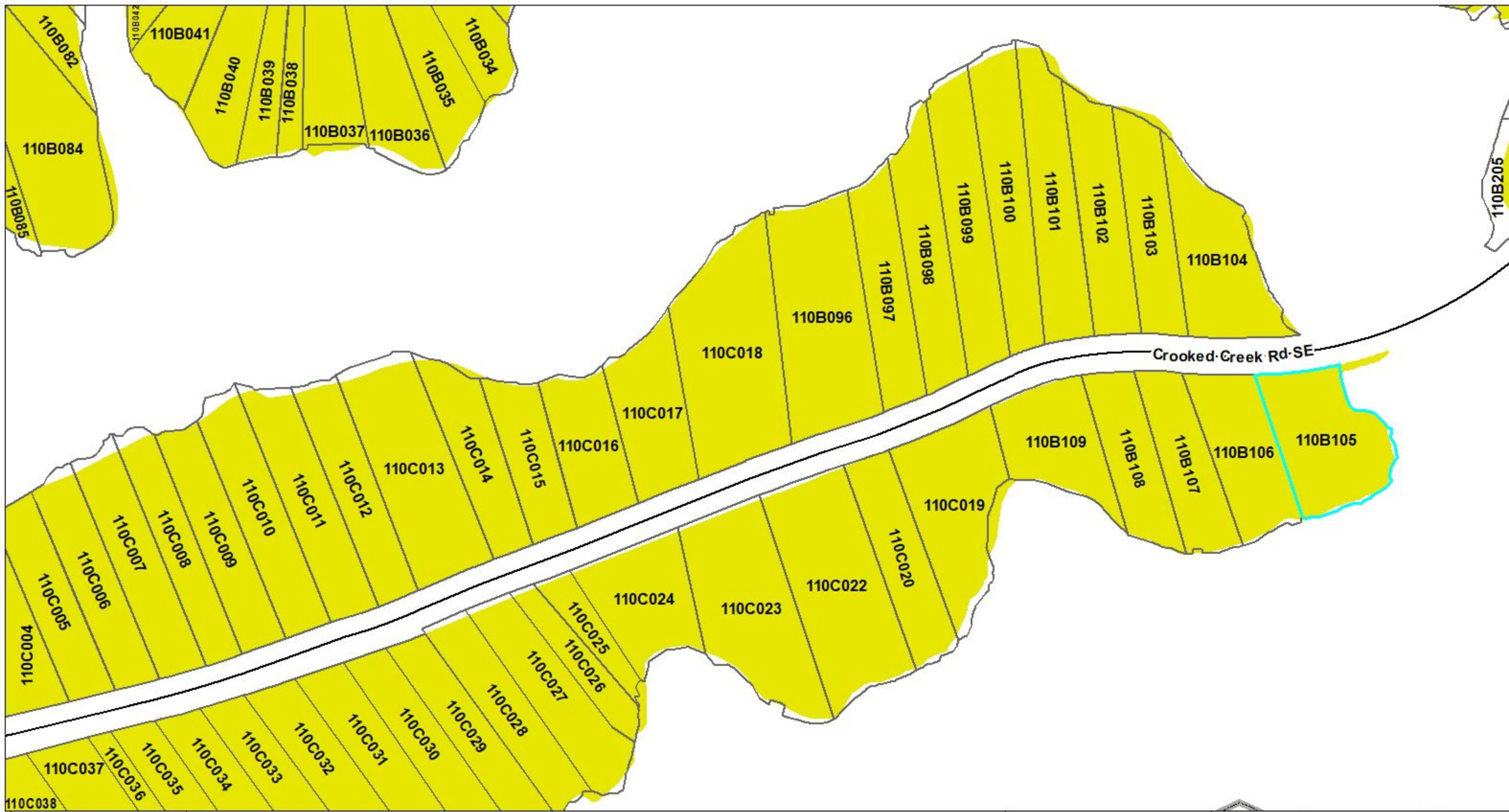
MAP 110B

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

110B102 110B103 110B104 R-2

Crooked Creek Rd SE





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 110B

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

70



PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

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

May 21, 2020

TO: Planning & Zoning Commission

FROM: Lisa Jackson

RE: Staff Recommendation for Public Hearing Agenda on 6/4/2020

8. Request by **Kevin & Kristy Slaughter** for a side yard setback variance at 1051 Crooked Creek Road. Presently zoned R-1. [**Map 110B, Parcel 105, District 3**]. The applicants are requesting a 30-foot side yard setback variance being 70 feet from the nearest point to the lake. They would like to construct a 600 square foot workshop. This is a uniquely shaped lot with a lot length of 328.52 and a lot width at building setback of 150. This lot abuts the lake on both the left and rear side, when facing the lake. The left side of the property has heavy topography and slopes downward towards the lake. Staff assessed the property and noticed that the contour of the lake affects the property tremendously. Due to the contour of the lake, the proposed location is the only option for this request. Therefore, this request meets the conditions as stated in Putnam County, Code of Ordinances, Chapter 66-157(c)(1)(2).

Staff recommendation is for approval of a 30-foot rear yard setback variance, being 70 feet from the nearest point to the lake at 1051 Crooked Creek Road [Map 110B, Parcel 105, 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 June 16, 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.

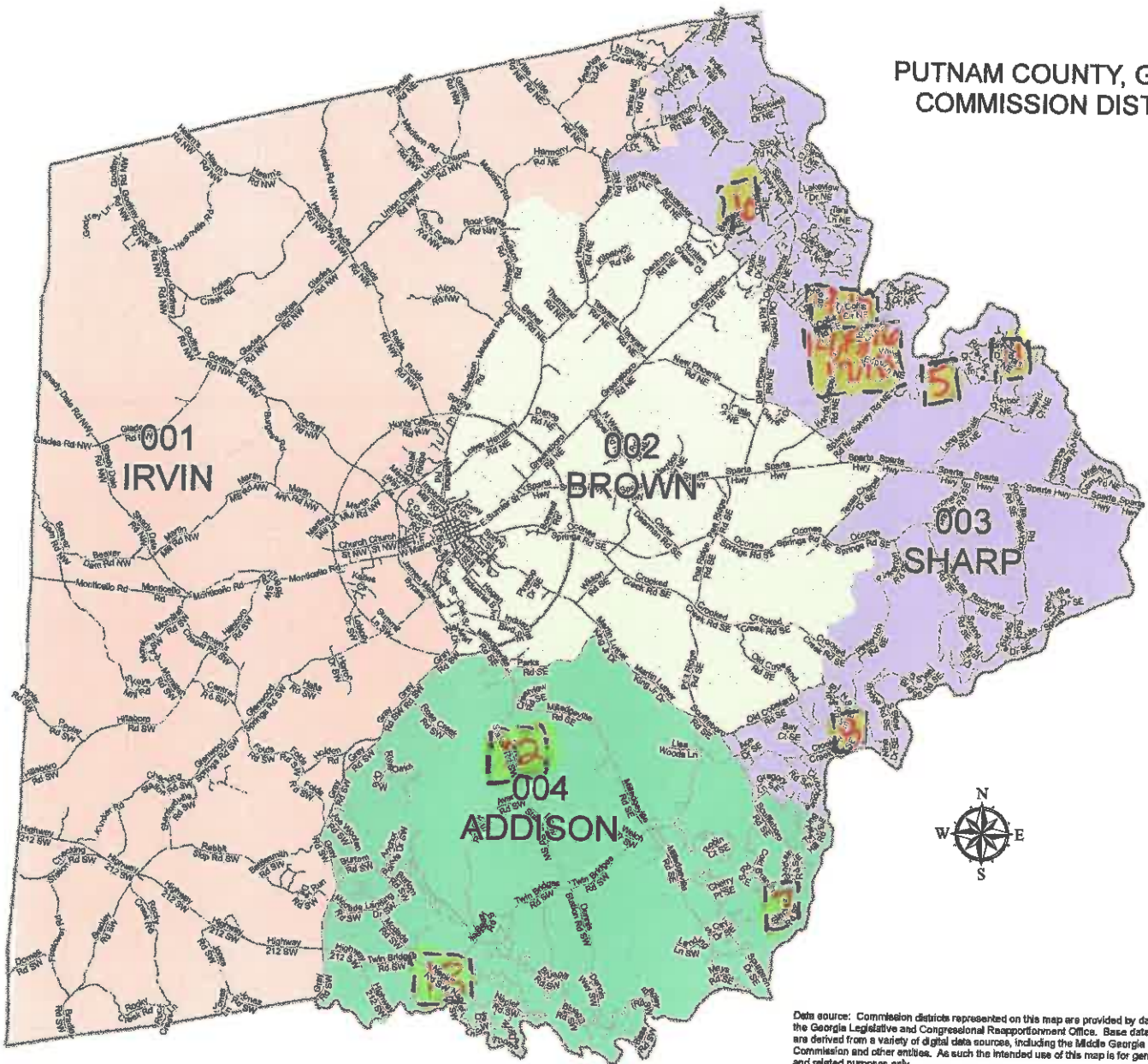
The Board of Commissioners' hearing will be conducted pursuant to O.C.G.A. 50-14-1 and Section 66-159 of the Putnam County Code of Ordinances and meets the requirements of the Zoning Procedures Laws established in O.C.G.A 36-66.

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.

File Attachments for Item:

9. Request by **Mark Smith, agent for Mary Wooten** for a rear yard setback variance at 147 Collis Marina Road. Presently zoned RM-2. **[Map 104B, Parcel 012, District 3]**.

**PUTNAM COUNTY, GEORGIA
COMMISSION DISTRICTS**

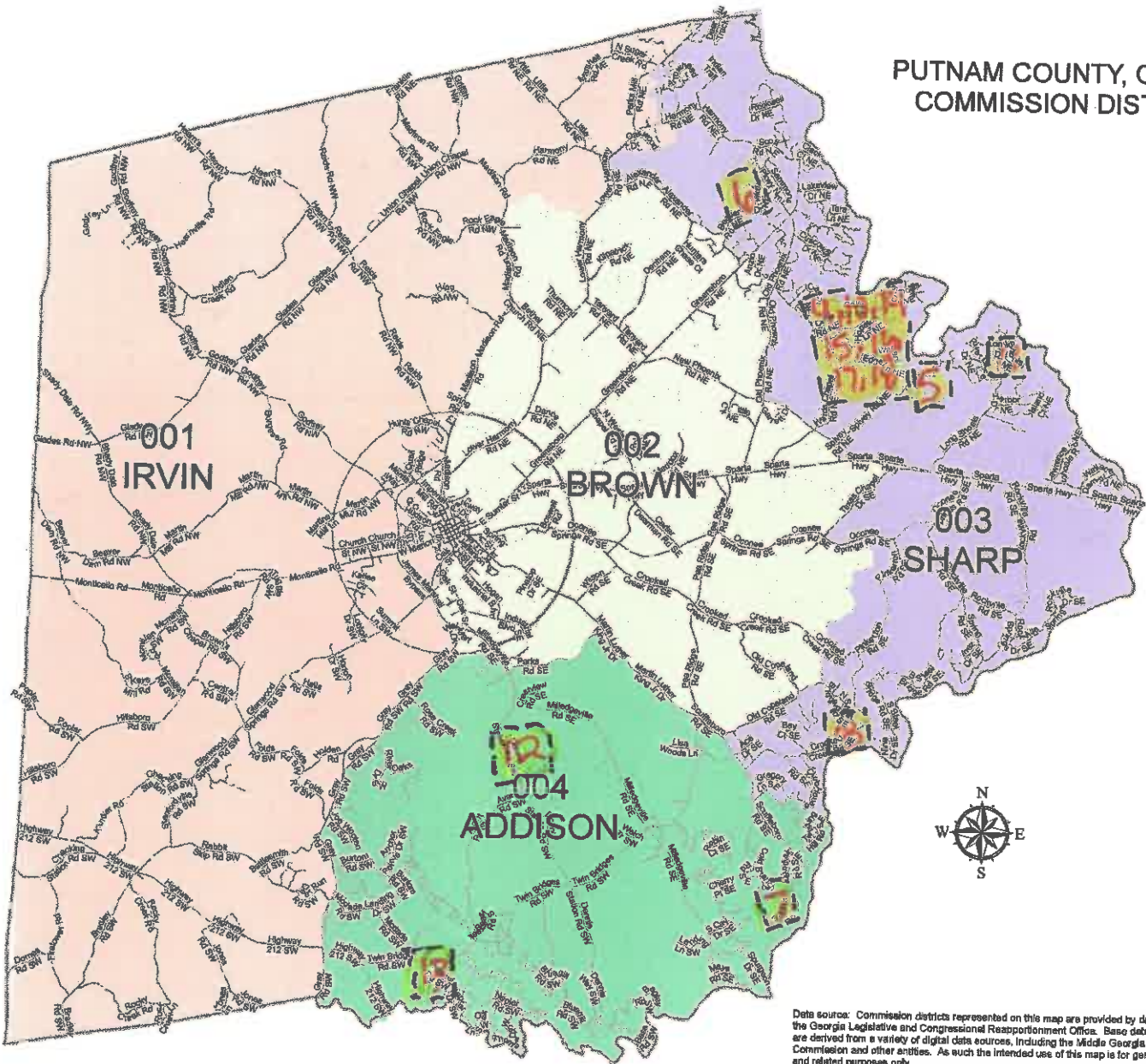


Data source: Commission districts represented on this map are provided by data from the Georgia Legislative and Congressional Reapportionment Office. Base data features are derived from a variety of digital data sources, including the Middle Georgia Regional Commission and other entities. As such the 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: JUNE 2018

5. Request by **Jimmy O'Dell** for a side yard setback variance at 308 East River Bend Drive. Presently zoned R-1R. [Map 119B, Parcel 183, District 3].
6. Request by **Garry & Nina Lassiter** for a side yard setback variance at 153 Hoot Owl Lane. Presently zoned R-1R. [Map 096A, Parcel 008, District 3].
7. Request by **Gregory Leepow, agent for Kim Anderson** for a rear yard setback variance at 112 Sinclair Circle. Presently zoned R-2. [Map 112B, Parcel 003, District 4].
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9. Request by **Mark Smith, agent for Mary Wooten** for a rear yard setback variance at 147 Collis Marina Road. Presently zoned RM-2. [Map 104B, Parcel 012, District 3].
10. Request by **Mark Smith, agent for Duke Gibbs** for a side and rear yard setback variance at 145 Collis Marina Road. Presently zoned RM-2. [Map 104B, Parcel 011, District 3].
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12. Request by **Jason Sells, agent for Interfor U.S. Inc** for a front yard setback variance at 370 Dennis Station Road. Presently zoned I-M. [Map 059, Parcel 019, District 4].
13. Request by **Vincent Richardson** for a front yard setback variance at 114 Allens Alley. Presently zoned R-2. [Map 055A, Parcel 011, District 4].

**PUTNAM COUNTY, GEORGIA
COMMISSION DISTRICTS**



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



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
APPLICATION FOR: VARIANCE CONDITIONAL USE

PLAN 2020-00264

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

Owner name: Mary D. Mabry-Wooten Phone# 706 - 224 - 8587

Applicant name (If different from above): Smith Built Homes, Mark Smith Phone# 770 - 231 - 3764

MAILING ADDRESS: 6350 Lake Oconee Pkwy Ste 110 PMB-176 Greensboro, GA 30642
CITY STATE ZIP

PROPERTY LOCATION: 147 Collis Marina Road TOTAL ACREAGE 0.416

MAP: 104B PARCEL: 012 PRESENTLY ZONED: RM-2 DISTRICT: 3 C/A

SETBACKS: Front: 30ft. Rear: NA Lakeside: 65ft Left: 20ft. Right: 20ft.

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) 800 ft. old trailer TOTAL FOOTPRINT (proposed structure) 10,800 sq. ft. 2-buildings each

LOT LENGTH (the total length of the lot) 570 ft.

LOT WIDTH AT BUILDING SETBACK (how wide the lot is where you're proposing to build) 100 ft.

REASON FOR REQUEST: Relief from existing setbacks due to the unique, irregular configuration and narrowness of lot

RECEIVED

FEB 27 2023

SUPPORTING INFORMATION ATTACHED TO APPLICATION:

RECORDED PLAT: LETTER OF AGENCY LETTER OF INTENT

SITE APPROVAL/LAYOUT OF SEPTIC SYSTEM FROM HEALTH DEPARTMENT SEWER

PROPOSED LOCATION MUST BE STAKED OFF

Piedmont Water

*SIGNATURE OF APPLICANT: Mark Smith

DATE: 2/27/20

*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>2-27-2020</u>	FEE: \$ <u>200.00</u>	CK. NO. <u>0684</u>	CASH _____	C. CARD _____	INITIALS <u>CJA</u>
RECEIPT # <u>034107</u>					
DATE OF NEWSPAPER AD: <u>3-9-2020</u>	DATE SIGN POSTED: <u>3-12-2020</u>				
PLANNING & ZONING HEARING: <u>4-2-2020</u>	RESULT: _____				
COMMISSIONERS/CITY COUNCIL HEARING: _____	RESULT: _____				

STATE OF GEORGIA

COUNTY OF OGLETHORPE

ESTATE NO. 2010-94

LETTERS TESTAMENTARY
(Relieved of Filing Returns)

By Beverly W. Nation, Judge of the Probate Court of said County.

KNOW ALL WHOM IT MAY CONCERN:

That on the 19th day of November, 2010, at a regular term of the Probate Court, the Last Will and Testament dated February 24, 1998, of **CLAUDE PERRY DUNCAN**, deceased, at the time of his death a resident of said County, was legally proven in solemn form and was admitted to record by order, and it was further ordered that **MARY D. WOOTEN** named as Executor in said Will, be allowed to qualify, and that upon so doing, Letters Testamentary be issued to such Executor.

NOW, THEREFORE, the said **MARY D. WOOTEN**, having taken the oath of office and complied with all the necessary prerequisites of the law, is legally authorized to discharge all the duties and exercise all the powers of Executor under the Will of said deceased, according to the Will and the law.

Given under my hand and official seal, the 19th day of November, 2010.

Beverly W. Nation
Probate Judge

NOTE: The following must be signed if the judge does not sign the original of this document:

Issued by:

(Seal)

PROBATE CLERK/DEPUTY CLERK

STATE OF GEORGIA
COUNTY OF OGLETHORPE

This is to certify that the foregoing is a true copy of the original, as appears of file and record in the Probate Court.

This the 19th day of November, 2010
Natasha C. Young
Judge of Probate Court, Oglethorpe County, Georgia

Effective 7-2-07



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 Reduce Lakeside building setback from 100ft to 65ft.

WE, THE UNDERSIGNED OWNERS OF REAL PROPERTY LOCATED IN THE CITY OF EATONTON/PUTNAM COUNTY, GEORGIA, HEREBY APPOINT Smith Burt Thomas TO BE MY AGENT FOR THE PURPOSE OF APPLYING FOR Variance OF PROPERTY DESCRIBED AS MAP 104B PARCEL 012, CONSISTING OF .47 ACRES, WHICH HAS THE FOLLOWING ADDRESS: 1476 Old Marine 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 Variance 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 25 DAY OF February, 2020

PROPERTY OWNER(S): Mary D Mabry - Wooten
NAME (PRINTED)

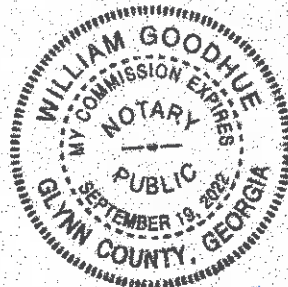
Mary D Mabry - Wooten
SIGNATURE

ADDRESS: 1105 Plantation Pt Dr. St. Simons Island GA 31522
PHONE: 706-224-8587

ALL SIGNATURES WERE HEREBY SWORN TO AND SUBSCRIBED BEFORE ME THIS 25th DAY OF February, 2020

NOTARY

MY COMMISSION EXPIRES: Sept. 19, 2022



SNJ Environmental & Consulting
120 W Marion Street Eatonton, GA 31024
Phone- 706.473.0738
Email: snienvironmental@yahoo.com

SmithBuilt Homes
6350 Lake Oconee Parkway
Suite 110PMB-176
Greensboro, GA 30642
February 26, 2020

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

Re: 35 ft Variance Request from the lake & 10 ft side yard variance

Dear Putnam County Planning and Development,

I have provided a Sketch that depicts the proposed development by SmithBuilt Homes for Tracts C & D at 145 and 147 Collis Marina Road. The proposed development requires a 35' variance from the required 100 ft lake setback, yielding a 65 ft proposed building setback from the lake and Building A also needs a 10 ft variance from the required 20ft side setback. The existing setbacks create a very restrictive building envelope of less than 100 ft width due to the irregular configuration and narrowness of the lots. The lots also contain a 30ft access easement and 10ft drive easement for Tract A and Tract B. The additional 35ft variance from the lake will allow proper access to the proposed units by providing the needed minimum 30ft back out from the garages. In my opinion this development will complement the area and does not exceed the 35% maximum lot coverage. The lots are currently zoned RM2, which allows for 6 dwelling units per acre, or 11 units for this project but only 10 units are being proposed. The variances will allow SmithBuilt to develop the the lots and take advantage of the present zoning status to construct a multi-family development.

General building information: There will be 2 buildings -Buildings A & B, each 72'x150' and each 10,800 sq.ft.; 5 units per building.

Thank you,

Simone N. Jones

Simone N. Jones, CPESC#5424



SNJ Environmental & Consulting
120 W Marion Street Eatonton, GA 31024
Phone- 706.473.0738
Email: snjenvironmental@yahoo.com

Lisa Jackson

Re: 25' Variance Request

February 13, 2020

Ms. Jackson,

I have provided an exhibit that depicts the proposed development by Mark Smith. The proposed development requires a 25' variance from the 100' setback, yielding a 75' proposed building setback from the lake. The existing setbacks create a very restrictive envelope due to the irregular configuration and narrowness of the lots. In my opinion this development will complement the area. The lots are currently zoned RM2, which allows for 6 dwelling units per acre, or 11 units for this project but only 10 units is being proposed. In order to take of advantage of the zoning status and create a multi-family development the additional 25' is necessary, due to narrowness, to allow drive access to units.

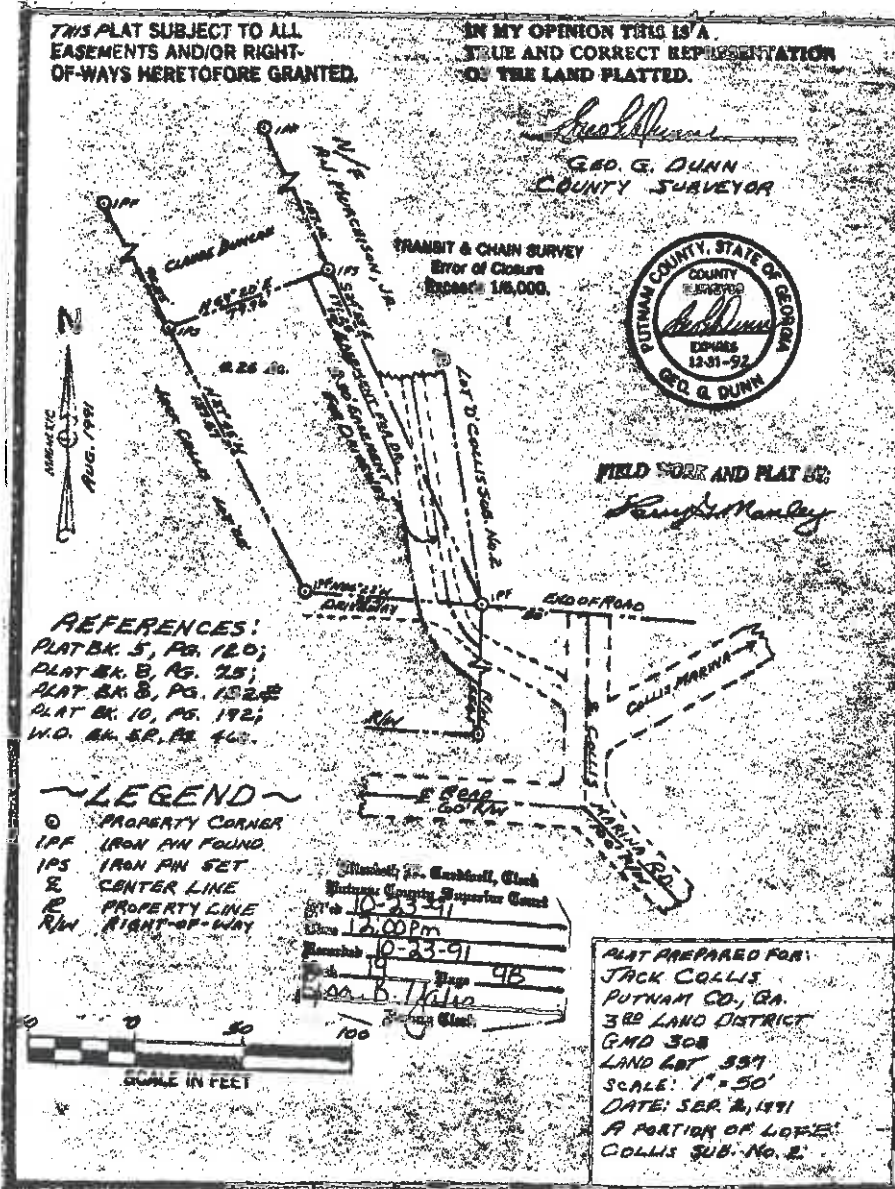
Thank you,

Simone N. Jones

Simone N. Jones, CPESC#5424

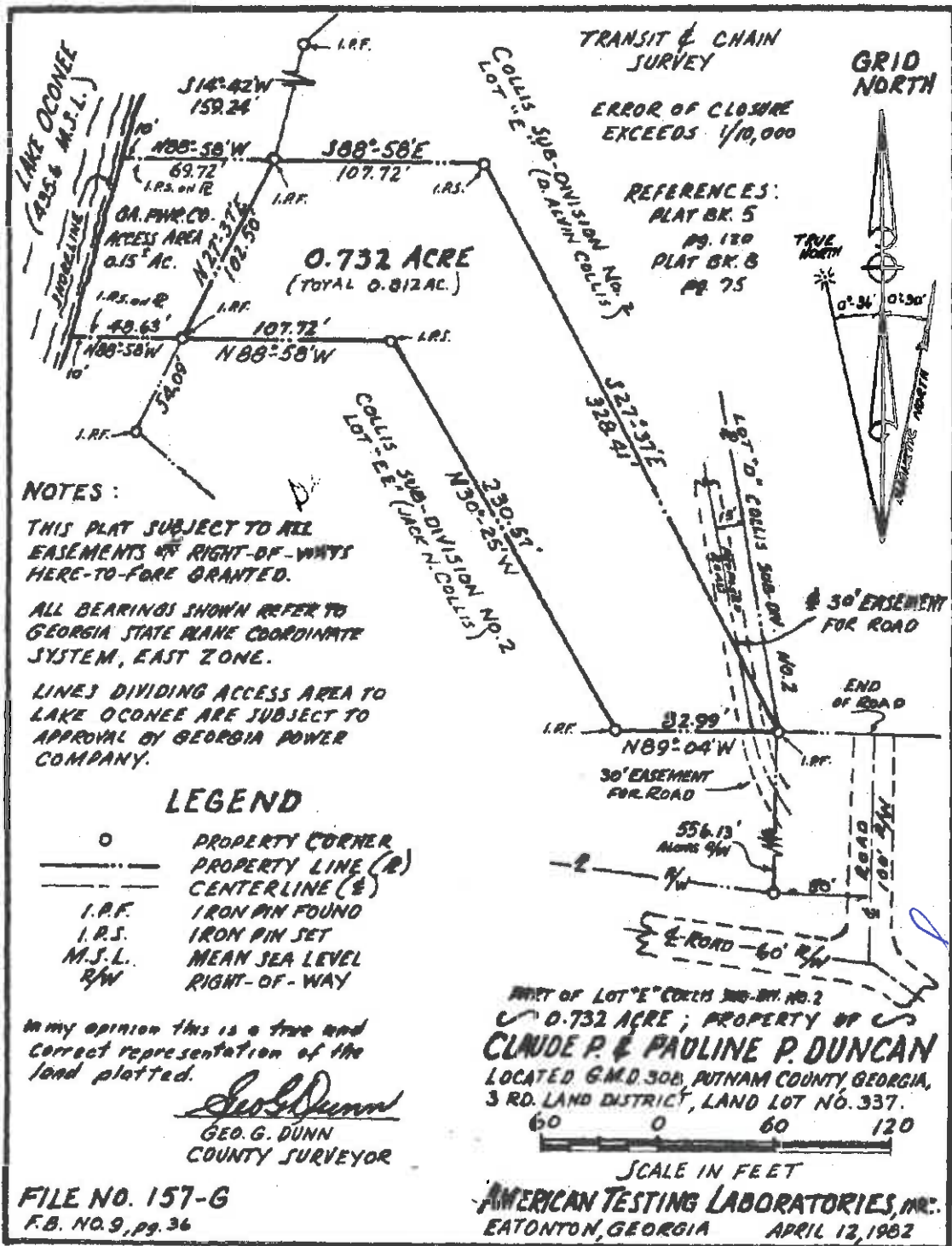
RCUD 2020 FEB 14

SE



Handwritten note: Jack & Maudell
Deputy Clerk 10/1/90

RECEIVED
FEB 27 2023



Handwritten signature: Jack N. Collis Deputy Clerk

Handwritten date: 2/27/82

RECEIVED
 FEB 27 2023



Environmental & Consulting
 121W Marion Street
 Marietta, GA 30064
 Phone: (770) 991-3166
 Email: sageenvironmental@snj.com

SMITHBUILT HOMES
 TRACT C-0.46 ACRES; TRACT D-1.43 ACRES
 145 & 147 COLLIS MARINA ROAD
 3RD LAND DISTRICT; LAND LOT 337
 308TH G.M.D., PUTNAM COUNTY, GEORGIA

SURVEY DATE	N/A
DATE DRAWN	2-20-20
JOB NO.	2020-1000-1
REVISIONS	

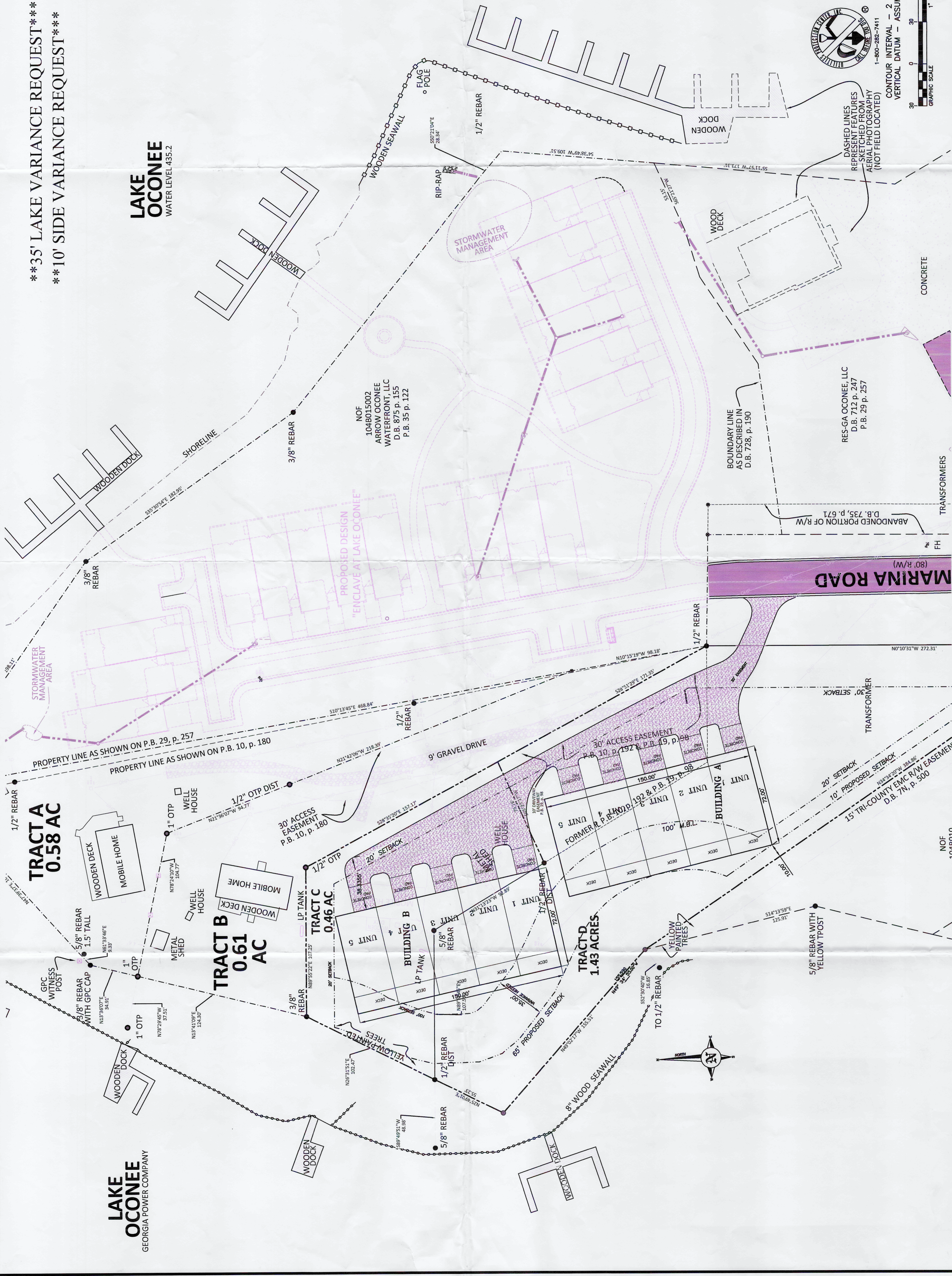


SKETCH

SHEET # 1 OF 1

****35' LAKE VARIANCE REQUEST****
****10' SIDE VARIANCE REQUEST****

LAKE OCONEE
 WATER LEVEL 435.2



GRAPHIC SCALE
 1" = 30'
 0 30 60
 VERTICAL DATUM - ASSUMED
 CONTOUR INTERVAL - 2 FT.
 1-800-265-7411

DASHED LINES
 REPRESENT FEATURES
 SKETCHED FROM
 AERIAL PHOTOGRAPHY
 (NOT FIELD LOCATED)

RES-GA OCONEE, LLC
 D.B. 712 p. 247
 P.B. 29 p. 257

BOUNDARY LINE
 AS DESCRIBED IN
 D.B. 728, p. 190

ABANDONED PORTION OF R/W
 D.B. 735, p. 671

MARINA ROAD
 (80' R/W)

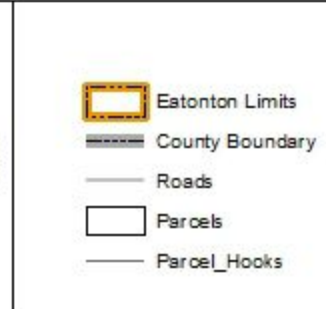
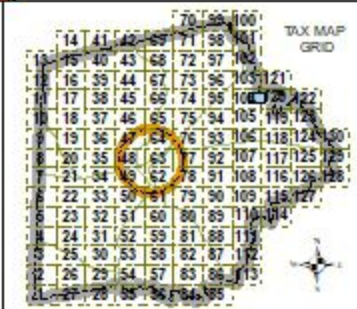
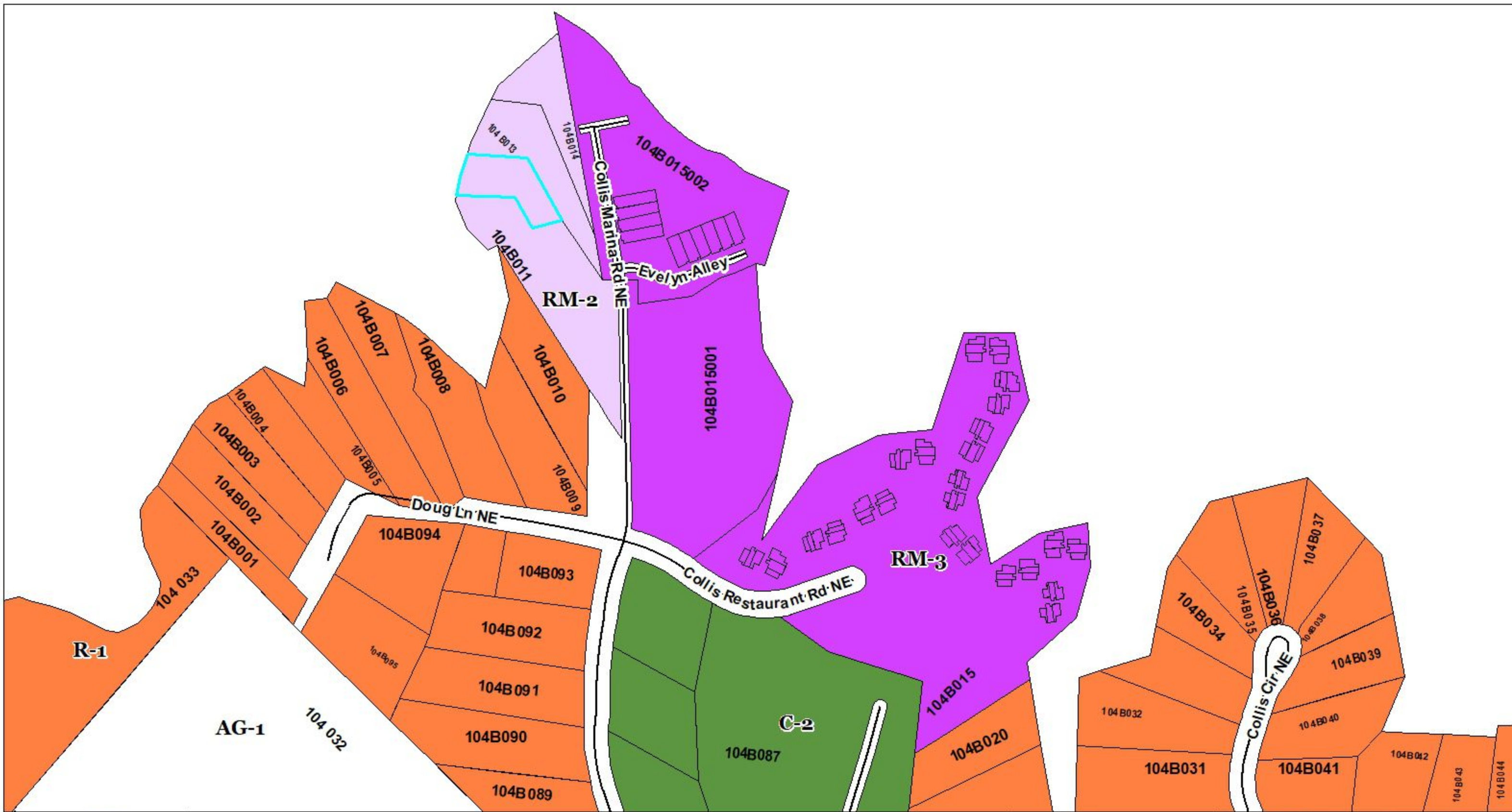
TRACT A
 0.58 AC

TRACT B
 0.61 AC

TRACT C
 0.46 AC

TRACT D
 1.43 ACRES

LAKE OCONEE
 GEORGIA POWER COMPANY



GEOGRAPHIC FEATURE LEGEND

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

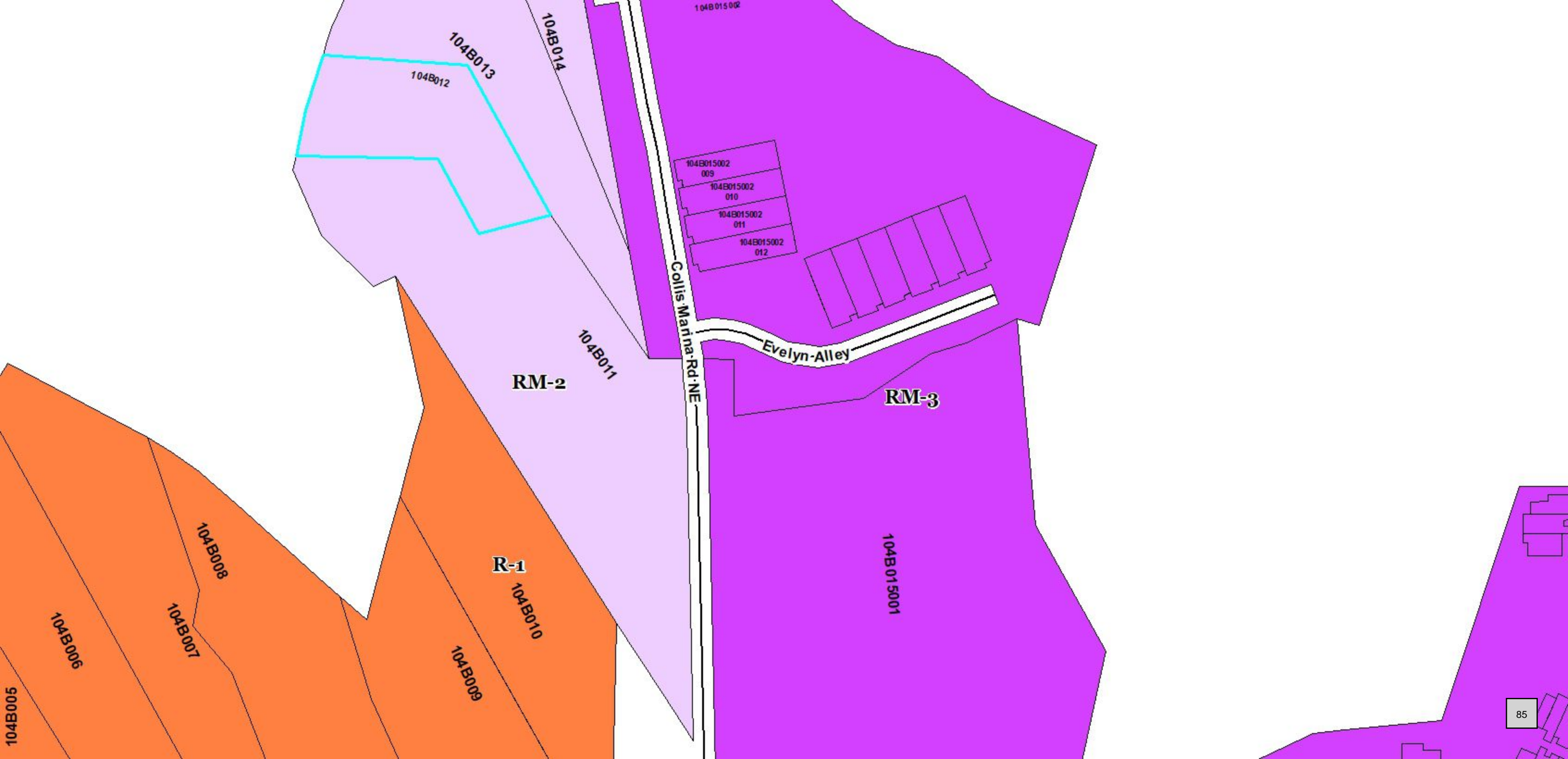
MGRC
IT GIS Services

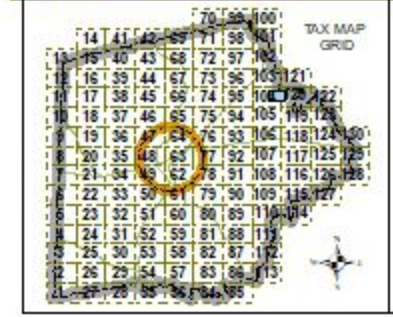
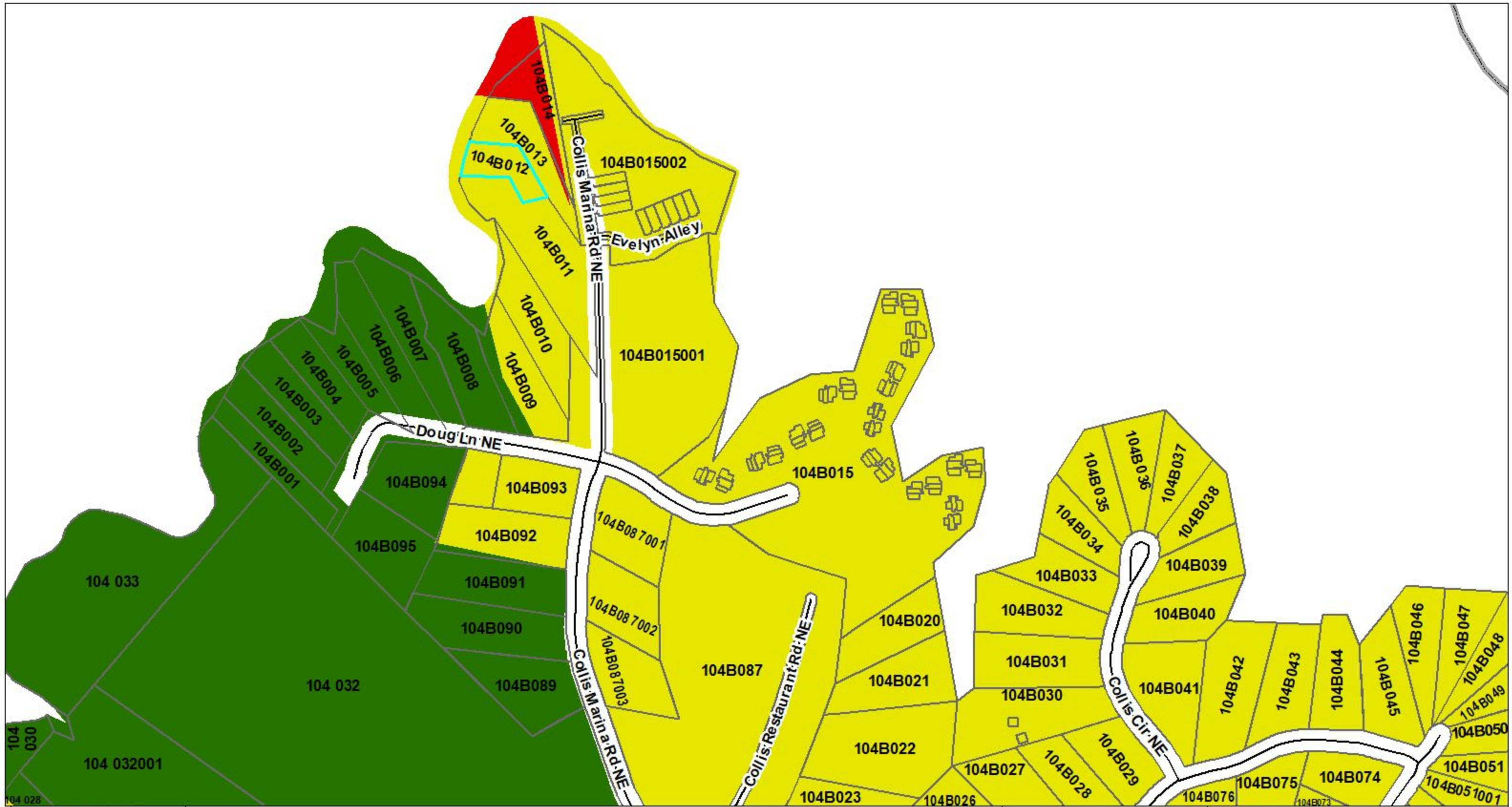
Middle Georgia Regional Commission
175 Emery Hwy
Suite C
Macon, Georgia 31217
(478) 751-8100
Web:
www.middlegeorgiarc.org

PUTNAM COUNTY, GEORGIA
ZONING MAPS

MAP 104B

MAP SCALE: 1" = 208.33' SCALE RATIO: 1:2,500 DATE: MARCH






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
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PUTNAM COUNTY, GEORGIA
FUTURE LAND USE MAPS



MAP 104B

86

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



PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

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

May 21, 2020

TO: Planning & Zoning Commission

FROM: Lisa Jackson

RE: Staff Recommendation for Public Hearing Agenda on 6/4/2020

9. Request by **Mark Smith, agent for Mary Wooten** for a rear yard setback variance at 147 Collis Marina Road. Presently zoned RM-2. [**Map 104B, Parcel 012, District 3**]. The applicant is requesting a 35-foot rear yard setback variance, being 65 feet from the nearest point to the lake. They would like to combine this property with the adjacent lot to build two 5-unit buildings. The buildings would be a total of 10,800 square feet each. This lot is unique in its shape, and measures 570 feet in length with the lot width at building setback of 100 feet. The 35-foot variance will allow proper access to the proposed units and meet the 30-foot front yard setback minimum. Staff assessed the property and due to the unique shape of this lot, discovered that the proposed location was the best option for this request. 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 35-foot rear yard setback variance, being 65 feet from the nearest point to the lake at 147 Collis Marina Road [Map 104B, Parcel 012, 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 June 16, 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.

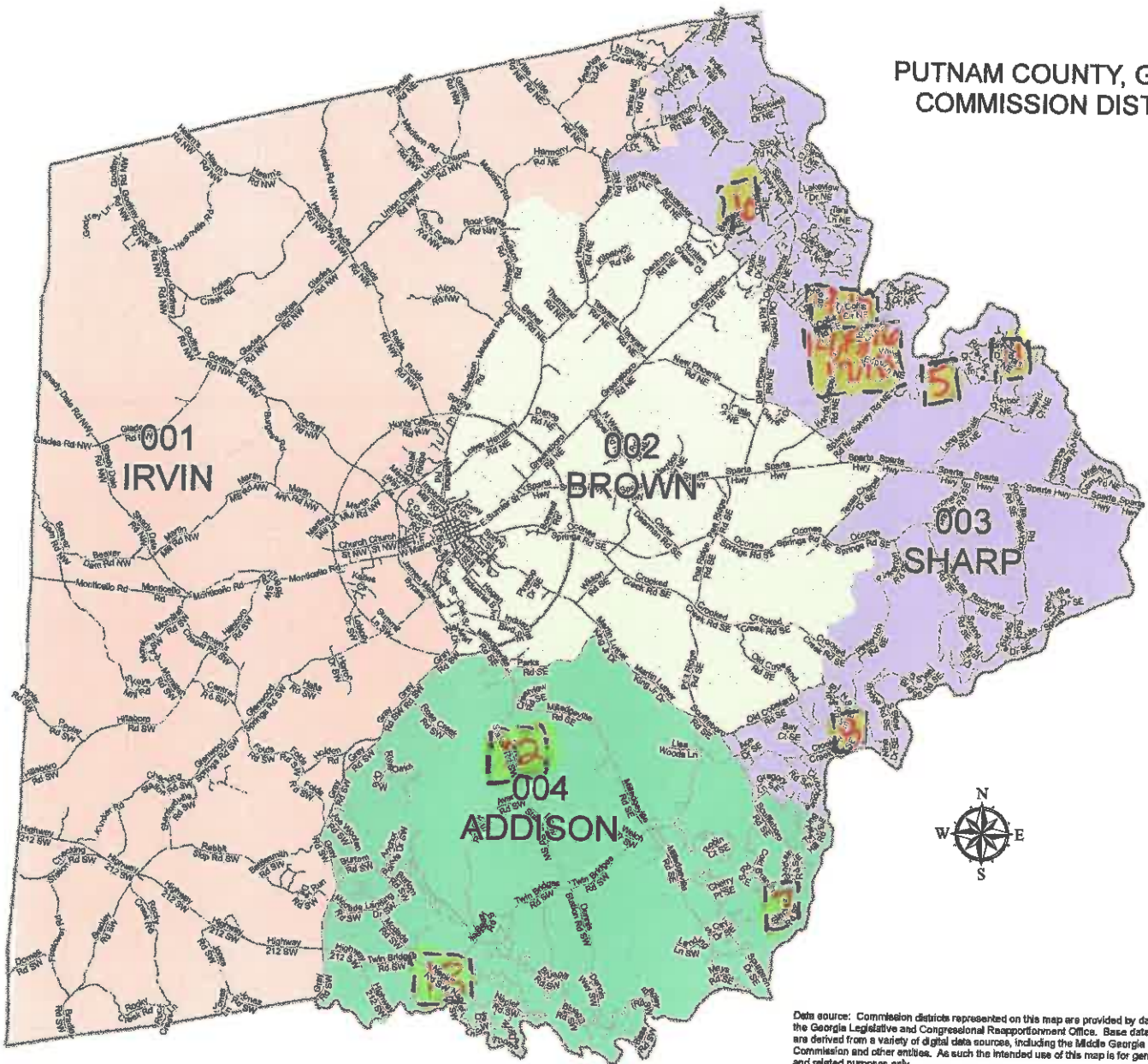
The Board of Commissioners' hearing will be conducted pursuant to O.C.G.A. 50-14-1 and Section 66-159 of the Putnam County Code of Ordinances and meets the requirements of the Zoning Procedures Laws established in O.C.G.A 36-66.

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.

File Attachments for Item:

10. Request by **Mark Smith, agent for Duke Gibbs** for a side and rear yard setback variance at 145 Collis Marina Road. Presently zoned RM-2. **[Map 104B, Parcel 011, District 3]**.

**PUTNAM COUNTY, GEORGIA
COMMISSION DISTRICTS**

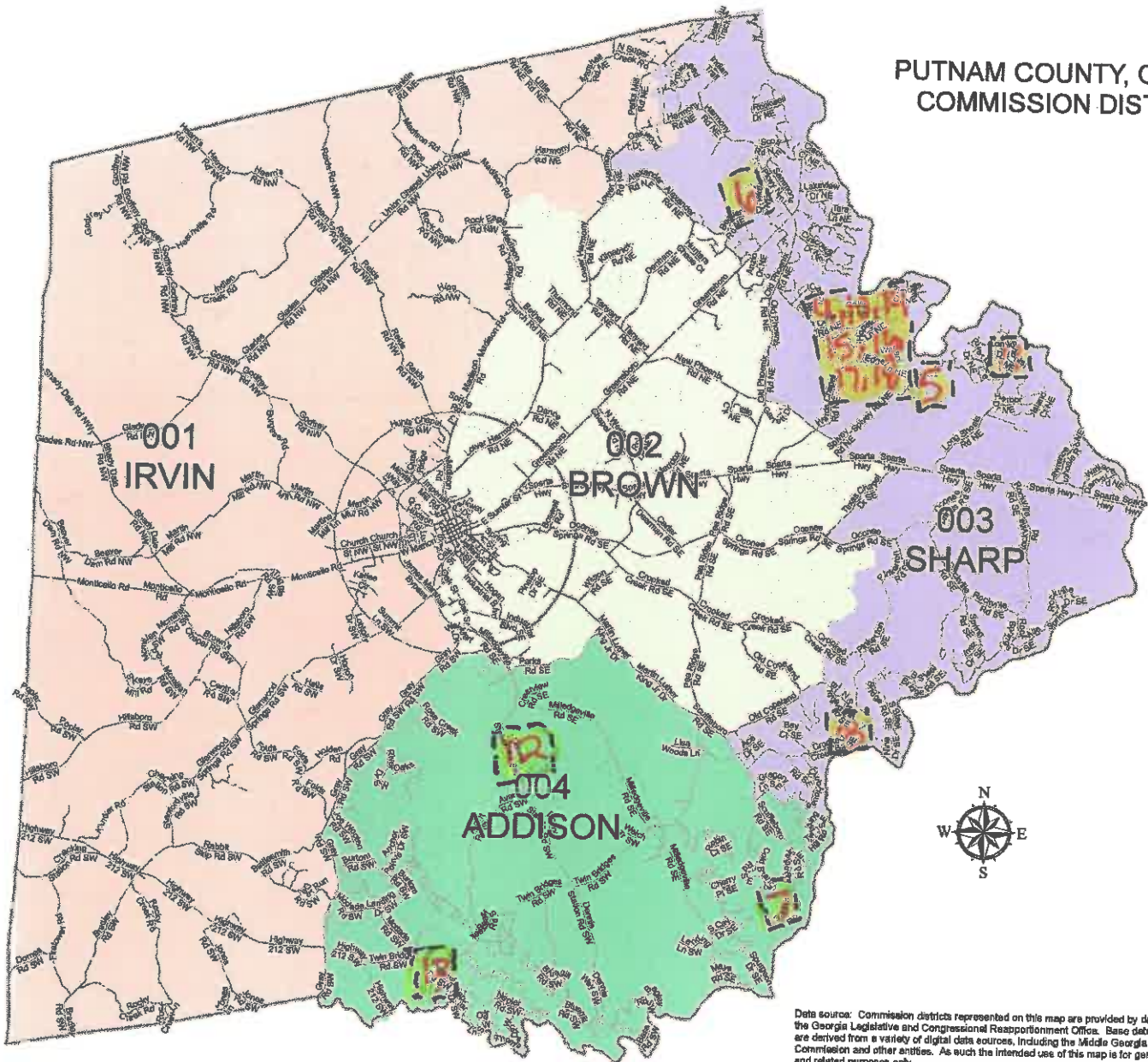


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**PUTNAM COUNTY, GEORGIA
COMMISSION DISTRICTS**



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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
APPLICATION FOR: VARIANCE CONDITIONAL USE

PLAN 2020-00265

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

Duke Bibbs.

Owner name Smith Built Homes, Mark Smith Phone# 706-621-4302

Applicant name (If different from above) Smith Built Homes, Mark Smith Phone# 770-231-3764

MAILING ADDRESS La 350 Lake Dranee Pkwy Ste 110 PMB-176, Greensboro, GA 30642
CITY STATE ZIP

PROPERTY LOCATION: 145 Collis Marina Road TOTAL ACREAGE 1.43
MAP: 104B PARCEL: 011 PRESENTLY ZONED: RM-2 DISTRICT: 3cya
SETBACKS: Front: 30ft Rear: NA Lakeside: 65ft Left: 10ft Right: 20ft

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: 2 buildings

TOTAL SQ. FT. (existing structure) 800 - old trailer TOTAL FOOTPRINT (proposed structure) 10,800 sq. ft each

LOT LENGTH (the total length of the lot) 570 ft.

LOT WIDTH AT BUILDING SETBACK (how wide the lot is where you're proposing to build) 100 ft.

REASON FOR REQUEST: Relief from existing setbacks due to the unique, irregular configuration and narrowness of lot

RECEIVED
FEB 27 2020

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: Mark Smith DATE: 2/27/20

*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>2-27-2020</u>	FEE: \$	<u>200.00</u>	CK. NO.	<u>0083</u>	CASH	_____	C. CARD	_____	INITIALS	<u>Cya</u>
RECEIPT #	<u>034106</u>										
DATE OF NEWSPAPER AD:	<u>3-9-2020</u>	DATE SIGN POSTED:	<u>3-12-2020</u>								
PLANNING & ZONING HEARING:	<u>4-2-2020</u>	RESULT:	_____								
COMMISSIONERS/CITY COUNCIL HEARING:	_____	RESULT:	_____								

SNJ Environmental & Consulting
120 W Marion Street Eatonton, GA 31024
Phone- 706.473.0738
Email: snjenvironmental@yahoo.com

SmithBuilt Homes
6350 Lake Oconee Parkway
Suite 110PMB-176
Greensboro, GA 30642
February 26, 2020

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

Re: 35 ft Variance Request from the lake & 10 ft side yard variance

Dear Putnam County Planning and Development,

I have provided a Sketch that depicts the proposed development by SmithBuilt Homes for Tracts C & D at 145 and 147 Collis Marina Road. The proposed development requires a 35' variance from the required 100 ft lake setback, yielding a 65 ft proposed building setback from the lake and Building A also needs a 10 ft variance from the required 20ft side setback. The existing setbacks create a very restrictive building envelope of less than 100 ft width due to the irregular configuration and narrowness of the lots. The lots also contain a 30ft access easement and 10ft drive easement for Tract A and Tract B. The additional 35ft variance from the lake will allow proper access to the proposed units by providing the needed minimum 30ft back out from the garages. In my opinion this development will complement the area and does not exceed the 35% maximum lot coverage. The lots are currently zoned RM2, which allows for 6 dwelling units per acre, or 11 units for this project but only 10 units are being proposed. The variances will allow SmithBuilt to develop the the lots and take advantage of the present zoning status to construct a multi-family development.

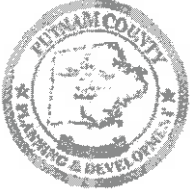
General building information: There will be 2 buildings -Buildings A & B, each 72'x150' and each 10,800 sq.ft.; 5 units per building.

Thank you,



Simone N. Jones, CPESC #5424





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- Reduce Lakeside building setback from 100ft. to 65ft.
11' side setback to left.

WE, THE UNDERSIGNED OWNERS OF REAL PROPERTY LOCATED IN THE CITY OF EATONTON/PUTNAM COUNTY, GEORGIA, HEREBY APPOINT Smith Built Homes TO BE MY AGENT FOR THE PURPOSE OF APPLYING FOR Variance OF PROPERTY DESCRIBED AS MAP 104B PARCEL 011, CONSISTING OF 1.48 ACRES, WHICH HAS THE FOLLOWING ADDRESS: 145 Olds Marina 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 Variance 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 26th DAY OF February, 2019.20

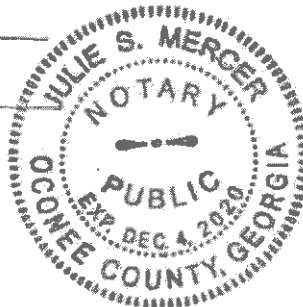
PROPERTY OWNER(S): Duke Gibbs, Manager Gibbs Capital, LLC
NAME (PRINTED)

SIGNATURE

ADDRESS: 1120 Mars Hill Rd, Ste 103, Watkinsville GA 30677
PHONE: 706-1021-4302

ALL SIGNATURES WERE HEREBY SWORN TO AND SUBSCRIBED BEFORE ME THIS 26th DAY OF February, 2019.20.

Julie S. Mercer
NOTARY
MY COMMISSION EXPIRES: 12/4/2020



LAKE OCONEE
GEORGIA POWER COMPANY

TRACT A
0.58 AC

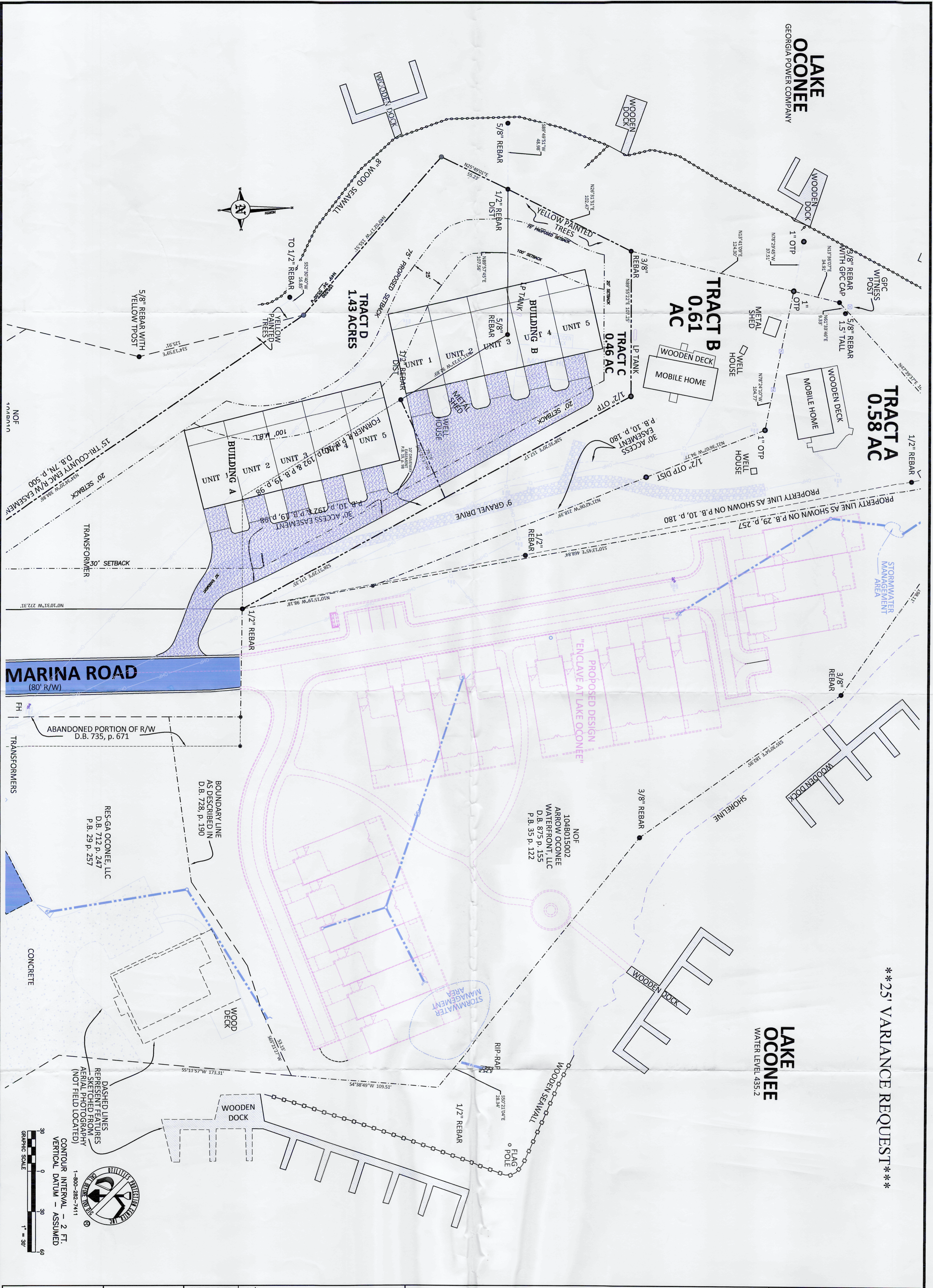
TRACT B
0.61 AC

TRACT C
0.46 AC

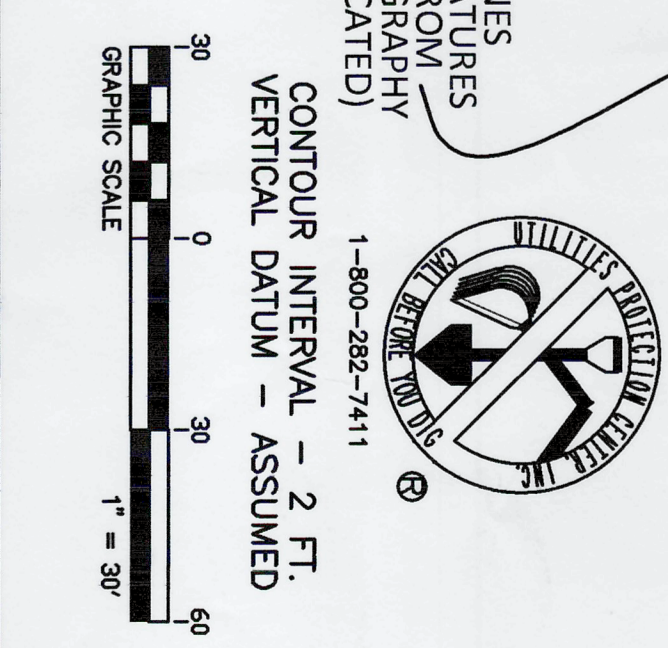
TRACT D
1.43 ACRES

25' VARIANCE REQUEST

LAKE OCONEE
WATER LEVEL 435.2

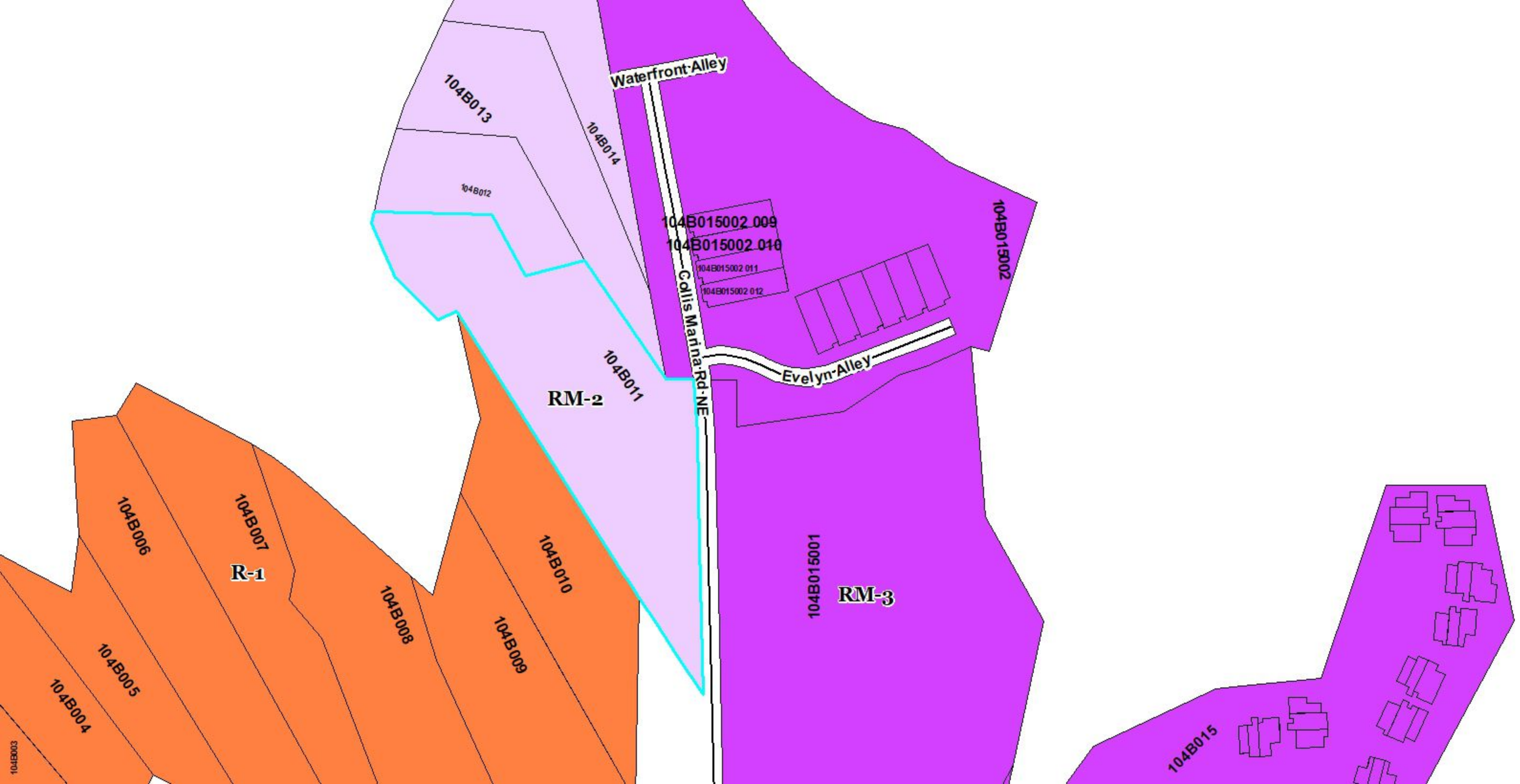


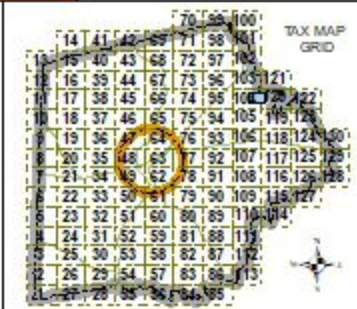
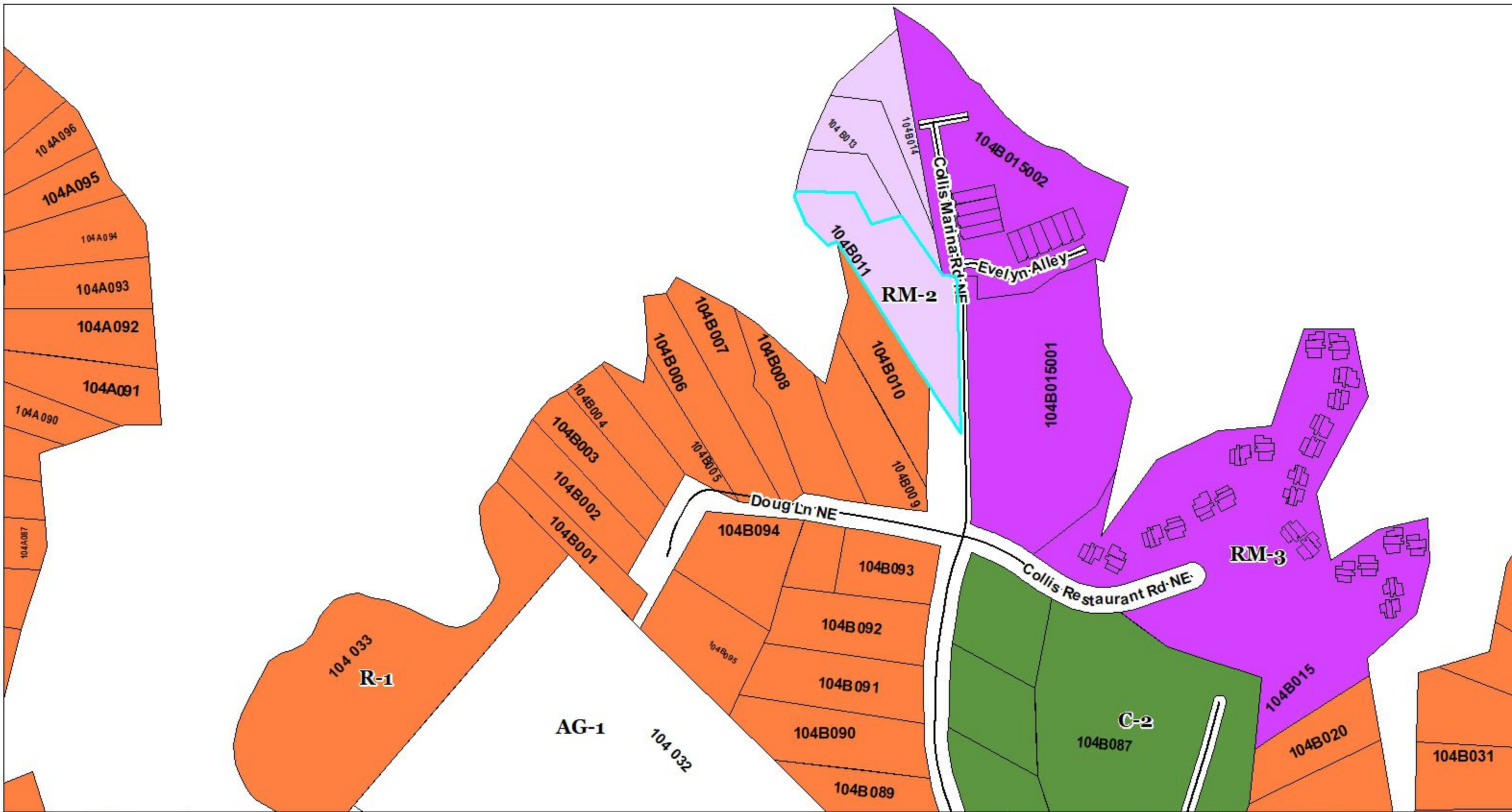
MARINA ROAD
(80' R/W)



SHEET # 1 OF 1	SURVEY DATE N/A
	DATE DRAWN 2-13-20
	JOB NO. 2020-1000-1
	REVISIONS

MARK SMITH
 LOT E
 COLLIS SUBDIVISION
 3RD LAND DISTRICT; LAND LOT 337
 308TH G.M.D., PUTNAM COUNTY, GEORGIA





- 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 | IND-1 CITY |
| MHP | PUBLIC |
| R - 1 CITY | PUBLIC CITY |
| R - 2 CITY | R - 4 CITY |
| R - 3 CITY | RM-1 |
| RM-2 | C-2 CITY |
| RM-3 | I-M |
| VLLAGE | IND-2 |

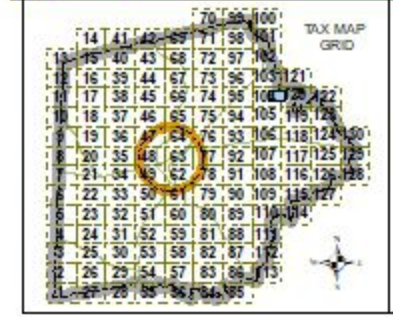
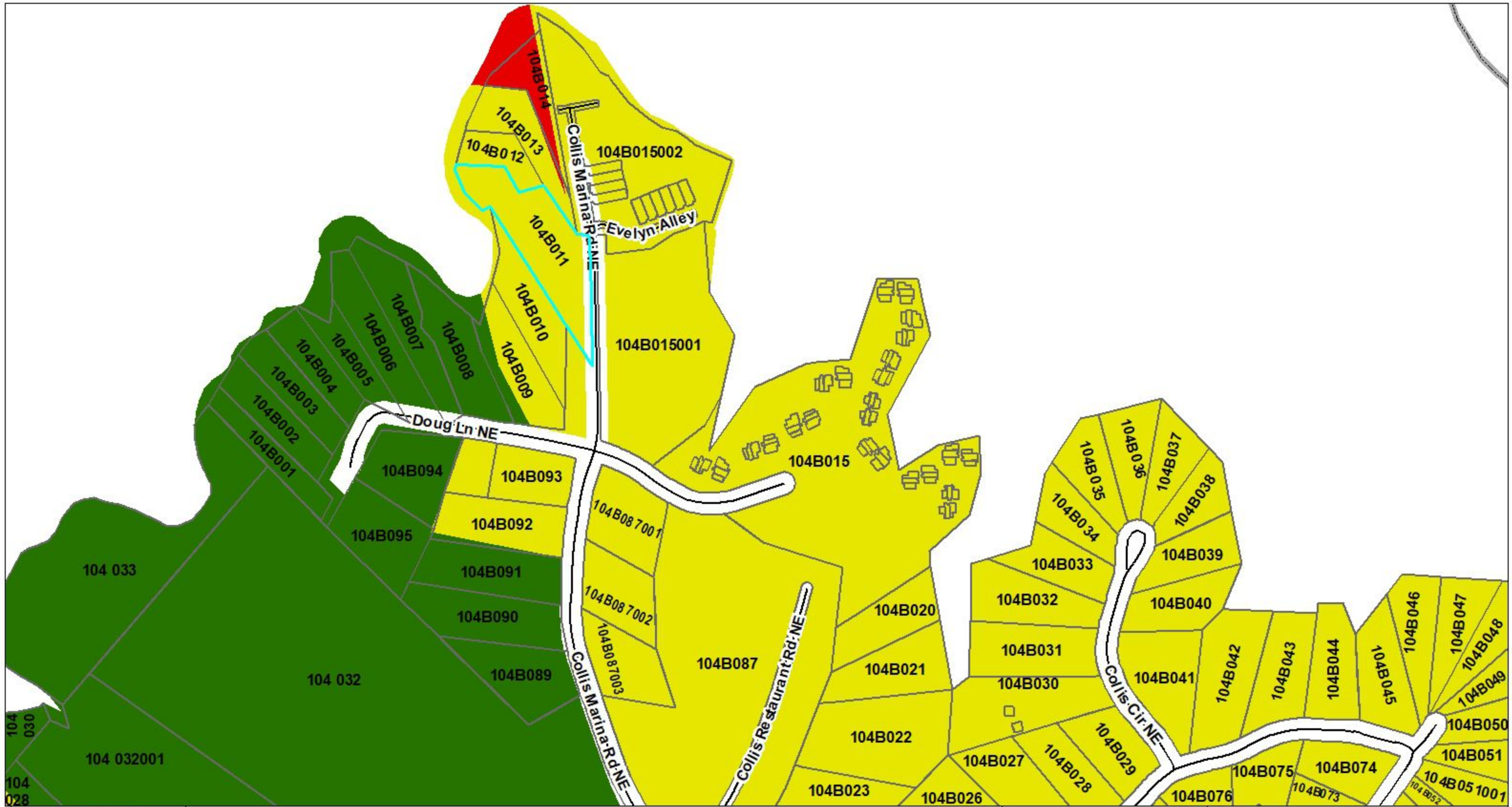


Middle Georgia Regional Commission
 175 Emery Hwy
 Suite C
 Macon, Georgia 31217
 (478) 751-8100
 Web:
www.middlegeorgiarc.org

**PUTNAM COUNTY, GEORGIA
 ZONING MAPS**



MAP 104B




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 104B

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



PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

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

May 21, 2020

TO: Planning & Zoning Commission

FROM: Lisa Jackson

RE: Staff Recommendation for Public Hearing Agenda on 6/4/2020

10. Request by **Mark Smith, agent for Duke Gibbs** for a side and rear yard setback variance at 145 Collis Marina Road. Presently zoned RM-2. [**Map 104B, Parcel 011, District 3**]. The applicant is requesting a 35-foot rear yard setback variance, being 65 feet from the nearest point to the lake. He is also requesting a 10-foot side yard setback variance, being 10 feet from the left side property line when facing the lake. He would like to combine this property with the adjacent lot to build two 5-unit buildings. The buildings would be a total of 10,800 square feet each. This lot is unique in its shape and measures 570 feet in length and has a lot width at building setback of 100 feet. The 35-foot variance will allow proper access to the proposed units and meet the 30-foot front yard setback minimum. In reference to the 10-foot side yard variance, the subject property abuts an R-1 residential property and due to the of the character of an R-M development, it is staff's opinion that the 20-foot side yard setback should be adhered to when possible. Therefore, staff suggest that the applicant consider repositioning the building or reduce the number of proposed units to accommodate the side yard setback. However, due to the unique shape of the two parcels along with the limited buildable area, a rear yard setback is needed. Therefore, this request meets the conditions as stated in Putnam County, Code of Ordinances, Chapter 66-157(c)(1).

Although the applicants are seeking a 10-foot side yard setback variance, being 10 feet from the left side property line when facing the lake, and a 35-foot rear yard setback variance being 65 feet from the nearest point to the lakes, 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, and approval a 35-foot rear yard setback variance, being 65 feet from the nearest point to the lake at 145 Collis Marina Road [104B, Parcel 011, 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 June 16, 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.

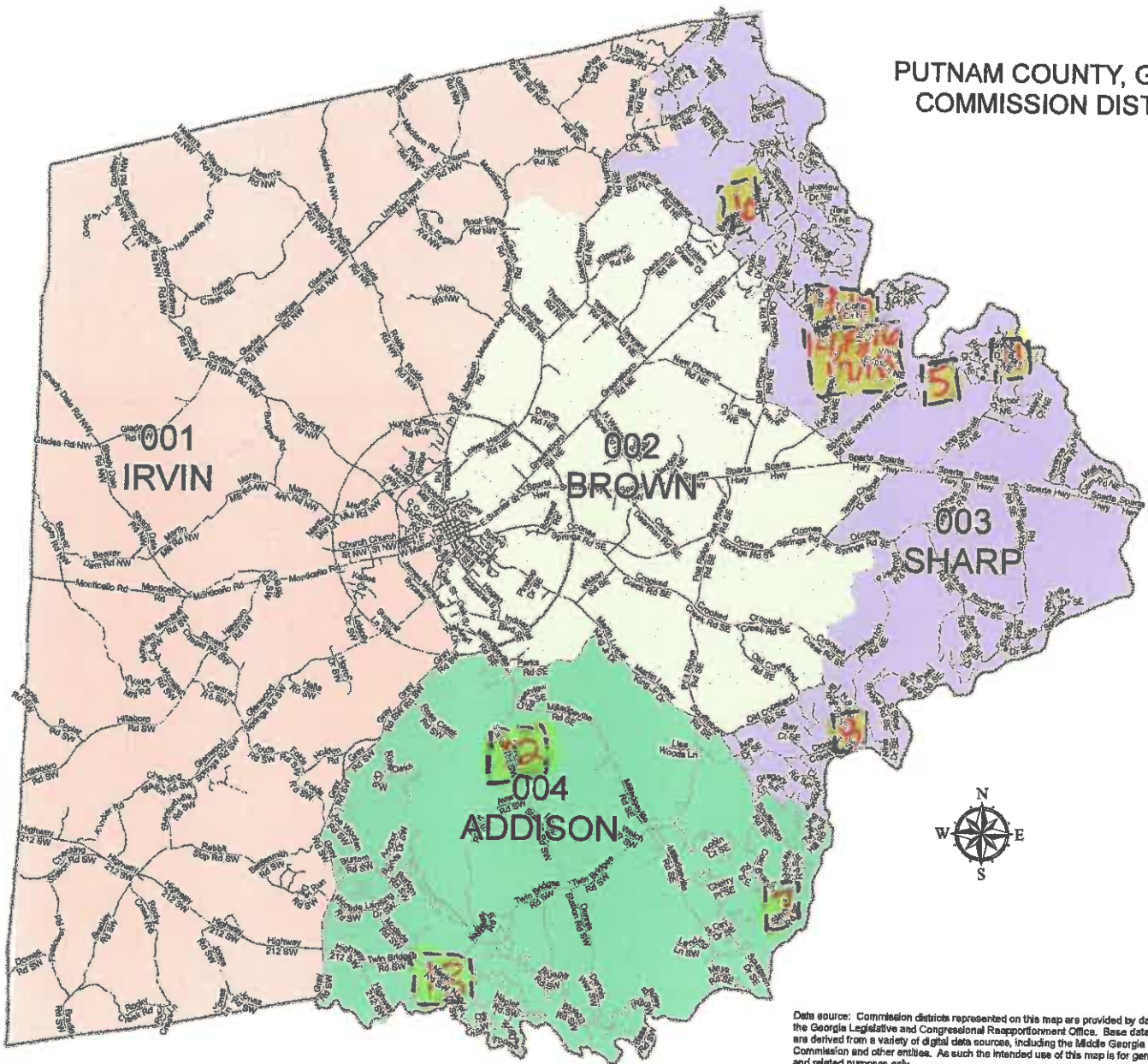
The Board of Commissioners' hearing will be conducted pursuant to O.C.G.A. 50-14-1 and Section 66-159 of the Putnam County Code of Ordinances and meets the requirements of the Zoning Procedures Laws established in O.C.G.A 36-66.

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.

File Attachments for Item:

11. Request by **Jim Brown, agent for Wondal Perry** for a rear yard setback variance at 202 Long Island Drive. Presently zoned R-1R. **[Map 122A, Parcel 064, District 3]**.

**PUTNAM COUNTY, GEORGIA
COMMISSION DISTRICTS**

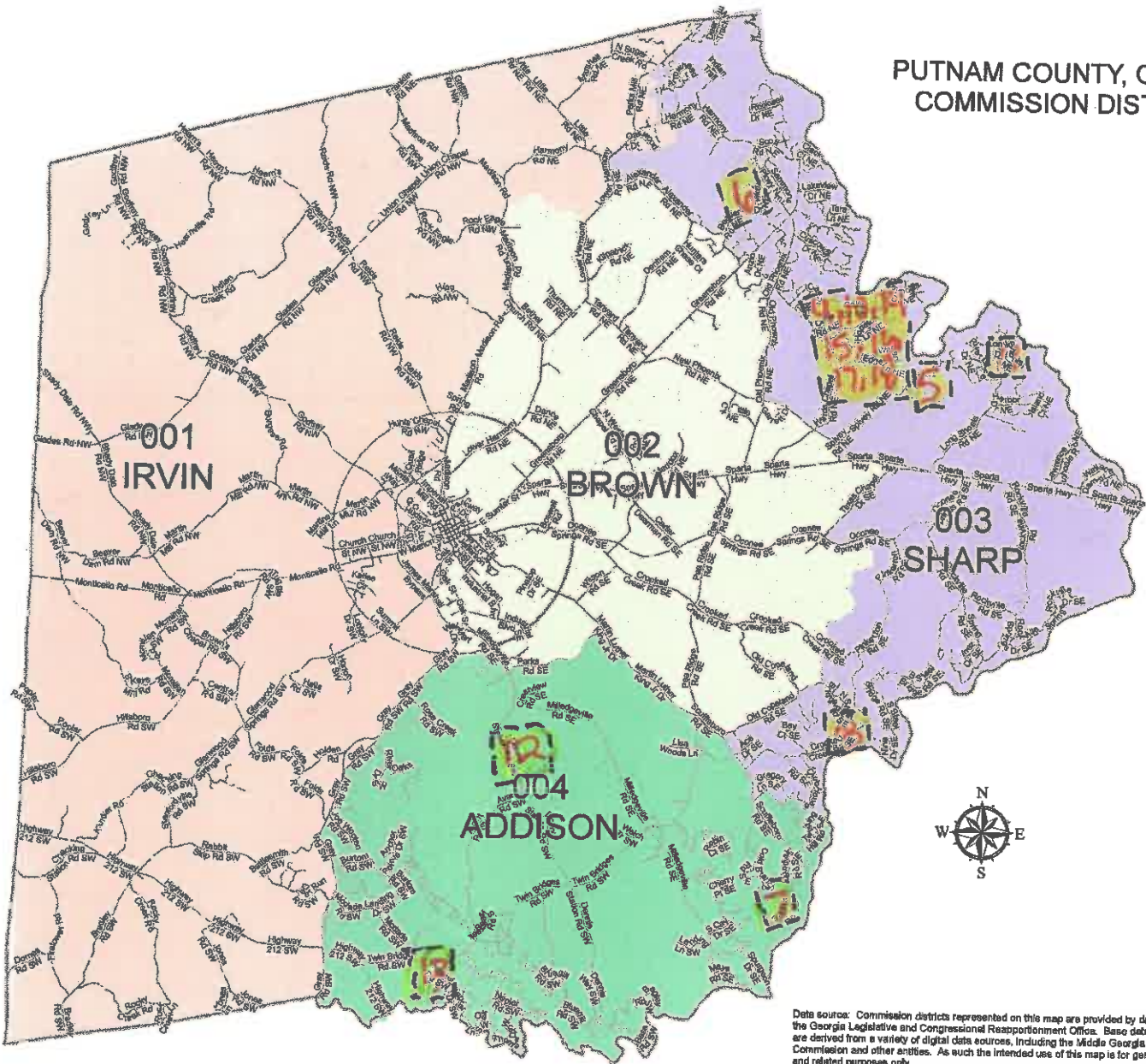


Data source: Commission districts represented on this map are provided by data from the Georgia Legislative and Congressional Reapportionment Office. Base data features are derived from a variety of digital data sources, including the Middle Georgia Regional Commission and other entities. As such the 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: JUNE 2018

5. Request by **Jimmy O'Dell** for a side yard setback variance at 308 East River Bend Drive. Presently zoned R-1R. [Map 119B, Parcel 183, District 3].
6. Request by **Garry & Nina Lassiter** for a side yard setback variance at 153 Hoot Owl Lane. Presently zoned R-1R. [Map 096A, Parcel 008, District 3].
7. Request by **Gregory Leepow, agent for Kim Anderson** for a rear yard setback variance at 112 Sinclair Circle. Presently zoned R-2. [Map 112B, Parcel 003, District 4].
8. Request by **Kevin & Kristy Slaughter** for a side yard setback variance at 1051 Crooked Creek Road. Presently zoned R-1. [Map 110B, Parcel 105, District 3].
9. Request by **Mark Smith, agent for Mary Wooten** for a rear yard setback variance at 147 Collis Marina Road. Presently zoned RM-2. [Map 104B, Parcel 012, District 3].
10. Request by **Mark Smith, agent for Duke Gibbs** for a side and rear yard setback variance at 145 Collis Marina Road. Presently zoned RM-2. [Map 104B, Parcel 011, District 3].
11. Request by **Jim Brown, agent for Wondal Perry** for a rear yard setback variance at 202 Long Island Drive. Presently zoned R-1R. [Map 122A, Parcel 064, District 3].
12. Request by **Jason Sells, agent for Interfor U.S. Inc** for a front yard setback variance at 370 Dennis Station Road. Presently zoned I-M. [Map 059, Parcel 019, District 4].
13. Request by **Vincent Richardson** for a front yard setback variance at 114 Allens Alley. Presently zoned R-2. [Map 055A, Parcel 011, District 4].

**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" = 6,687.28' SCALE RATIO: 1:68,367.34 DATE: JUNE 2019

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



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

APPLICATION FOR: VARIANCE CONDITIONAL USE

PLAN 2020-00273

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

Owner name Wanda Perry Phone# 205 - 531 - 2596

Applicant name (If different from above) Jim Blower Phone# 706 - 347 - 8870

MAILING ADDRESS 1291 Evans Rd Watkinsville CITY GA STATE GA ZIP 30677

PROPERTY LOCATION: 202 Long Island DR. TOTAL ACREAGE .61

MAP: 122A PARCEL: 0604 PRESENTLY ZONED: R-1R2Y DISTRICT: 3

SETBACKS: Front: 100 Rear: NA Lakeside: 85 Left: 42 Right: 110

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: X

TOTAL SQ. FT. (existing structure) 2,300 TOTAL FOOTPRINT (proposed structure) SPA 14x7'

LOT LENGTH (the total length of the lot) 200'

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

REASON FOR REQUEST: We would like to build a custom garage SPA - 14x7 raised 20'



SUPPORTING INFORMATION ATTACHED TO APPLICATION:

RECORDED PLAT: X LETTER OF AGENCY X LETTER OF INTENT _____

SITE APPROVAL/LAYOUT OF SEPTIC SYSTEM FROM HEALTH DEPARTMENT X

PROPOSED LOCATION MUST BE STAKED OFF

*SIGNATURE OF APPLICANT: [Signature] DATE: 2-27-20

*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>2-27-2020</u>	FEE: \$ <u>200.00</u>	CK. NO. _____	CASH _____	C. CARD <u>✓</u>	INITIALS <u>JPB</u>
RECEIPT # <u>034114</u>					
DATE OF NEWSPAPER AD: <u>3-9-2020</u>	DATE SIGN POSTED: <u>3-12-2020</u>				
PLANNING & ZONING HEARING: <u>4-2-2020</u>	RESULT: _____				
COMMISSIONERS/CITY COUNCIL HEARING: _____	RESULT: _____				

Pool Specialist of Oconee LLC.

Jim Brown

1291 Evans Road

Watkinsville Georgia 30677

On Behalf of

Mrs. Wondal Perry

202 Long Island Drive

Eatonton, Georgia

Putnam County Planning and Development

Director Lisa Jackson

117 Putnam Dr. Suite B.

Eatonton Ga, 31024

Dear Putnam County Planning and Development,

I represent Mrs. Wondal Perry owning the residence at 202 Long Island Dr. We have designed a gunite spa for her. Due to the specific layout of the property, we have encroached onto the 100' setback from the lake. I have supplied a site plan with the requested location of the spa. The spa is 14'x7' raised 20" If will be a concrete spa and have decorative natural flagstone around it. We ask that you consider this approval so we may construct this spa for them.

If you have any additional questions please email or call me directly.

Thank you,

Jim Brown

Pool Specialist of Oconee llc.

706.347.8870

jbrown@mypoolspecialist.com

www.mypoolspecialist.com

RCUD 2020 FEB 27





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 JAMES BROWN TO BE MY AGENT FOR THE PURPOSE OF APPLYING FOR VARIANCE OF PROPERTY DESCRIBED AS MAP _____ PARCEL 122A01(4), CONSISTING OF .61 ACRES, WHICH HAS THE FOLLOWING ADDRESS: 202 Long Island DR. 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 VARIANCE 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.

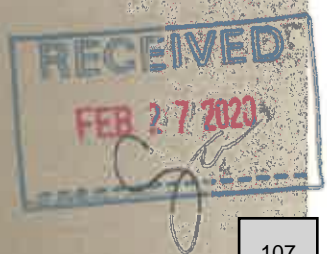
X THIS 26th DAY OF February, 2020.

X PROPERTY OWNER(S): Wanda Perry
NAME (PRINTED)

Y ADDRESS: 20 Tall Pine Circle Wanda Perry
PHONE: 205-531-2596
SIGNATURE

X ALL SIGNATURES WERE HEREBY SWORN TO AND SUBSCRIBED BEFORE ME THIS 26th DAY OF Feb, 2019

X Stephanie C. Cheshire
NOTARY
MY COMMISSION EXPIRES: 12/18/19



Specifix of Ocala LLC
706-347-8870

75.00

Existing On-site Sewage Management System Performance Evaluation Report Form

Property Owner/System Owner Name: WONDAL PERLEY			Reason for Existing Sewage System Evaluation: (circle)		
Property/System Address: 202 Long Island Drive			<input type="checkbox"/> (1) Loan Closing for Home Sale <input type="checkbox"/> (2) Refinance <input type="checkbox"/> (3) Home Addition (non-bedroom) Type: _____ <input checked="" type="checkbox"/> (4) Swimming Pool Construction SPA <input type="checkbox"/> (5) Structure Addition to Property Type: _____ <input type="checkbox"/> (6) Mobile Home Relocation		
Subdivision Name:	Lot: 19	Block:			
Existing System Information: Water Supply (circle)	Number of Bedrooms/CPD:	Garbage Grinder: (circle)			
<input checked="" type="checkbox"/> (1) Public <input type="checkbox"/> (2) Private Well <input type="checkbox"/> (3) Community		<input type="checkbox"/> (1) Yes <input checked="" type="checkbox"/> (2) No			


SECTION A - System on Record

<input checked="" type="checkbox"/> (1) Yes <input type="checkbox"/> (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: Recommend pumping tank every five years.	
<input checked="" type="checkbox"/> (1) Yes <input type="checkbox"/> (2) No	A copy of the original On-site Sewage Management System Inspection Report is attached.		
<input checked="" type="checkbox"/> (1) Yes <input type="checkbox"/> (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.		
<input checked="" type="checkbox"/> (1) Yes <input type="checkbox"/> (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: Bob St	Title: EHS III	Date: 1-17-20	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

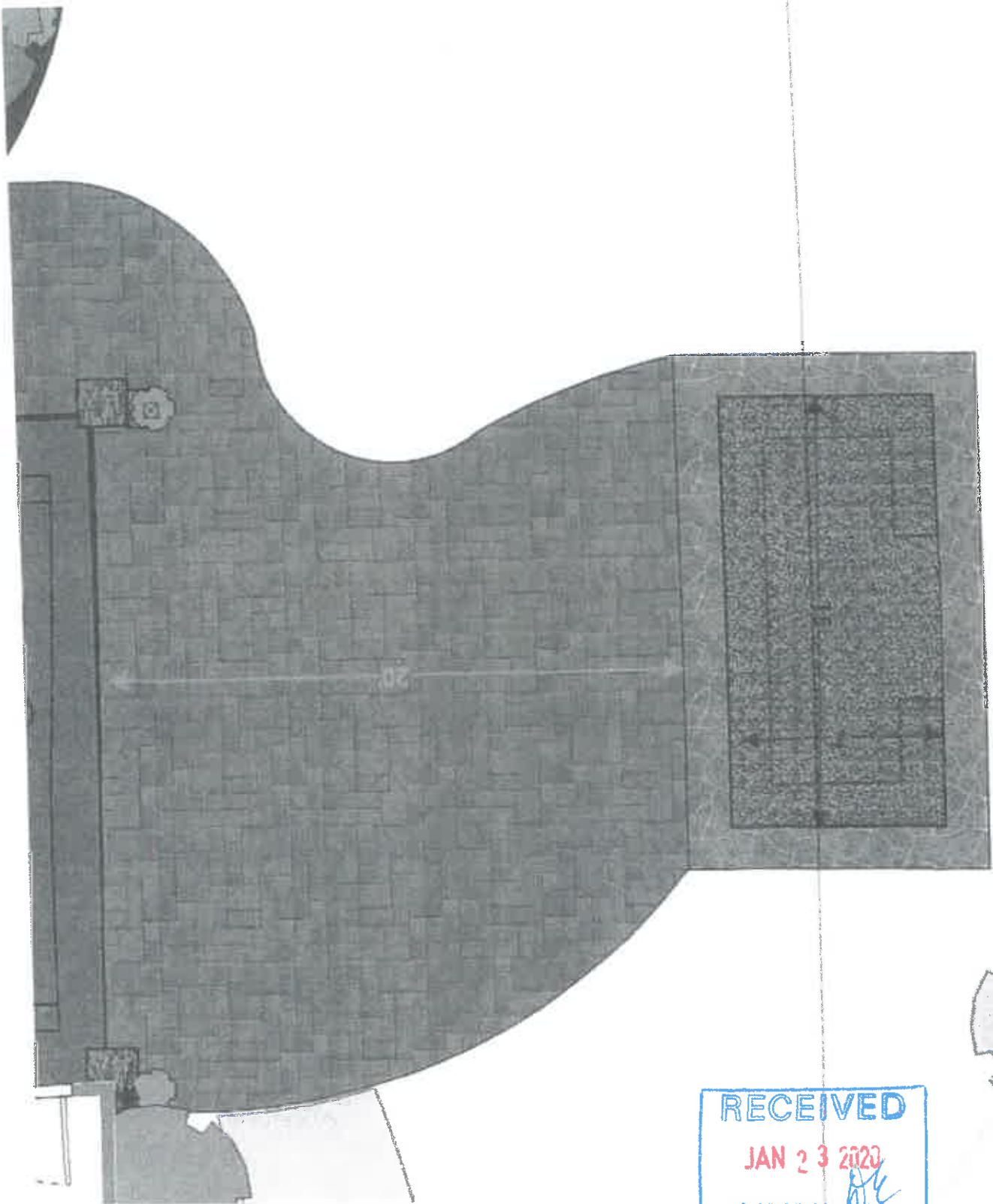
<input type="checkbox"/> (1) Yes	No inspection records are on file showing the On-site Sewage Management System was inspected and approved at the time of the installation.	Comments: 	
<input type="checkbox"/> (1) Yes <input type="checkbox"/> (2) No	The septic tank was uncovered at the time of the evaluation and it appears to meet the required design, construction and installation criteria.		
<input type="checkbox"/> (1) Yes <input type="checkbox"/> (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.		
<input type="checkbox"/> (1) Yes <input type="checkbox"/> (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.		
<input type="checkbox"/> (1) Yes <input type="checkbox"/> (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

<input type="checkbox"/> (1) Yes <input type="checkbox"/> (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: <div style="border: 1px solid black; padding: 5px; text-align: center;"> RECEIVED JAN 23 2020  </div>	
<input type="checkbox"/> (1) Yes <input type="checkbox"/> (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.		
<input type="checkbox"/> (1) Yes <input type="checkbox"/> (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)

<input checked="" type="checkbox"/> (1) Yes <input type="checkbox"/> (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: 	
<input checked="" type="checkbox"/> (1) Yes <input type="checkbox"/> (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: Bob St	Title: EHS III	Date: 1-17-20	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.

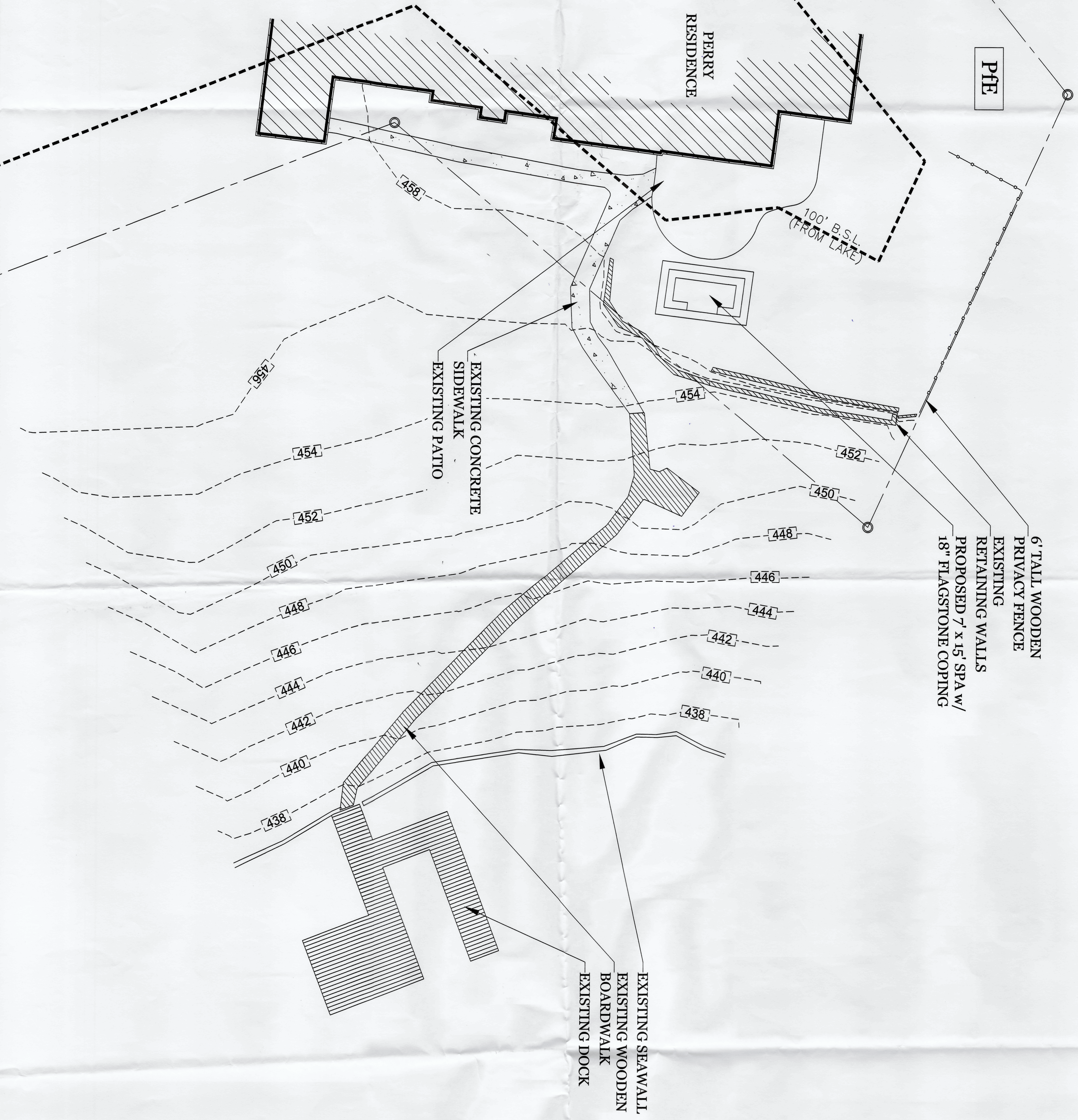


RECEIVED
JAN 23 2020
[Signature]

LEVEL II CERTIFICATION:
 NAME: MATT POYNER
 CERTIFICATION #: 0000088842
 EXPIRATION DATE: 08/29/2022
 CELL: 478.747.2219
 EMAIL: mattpoyner26@yahoo.com

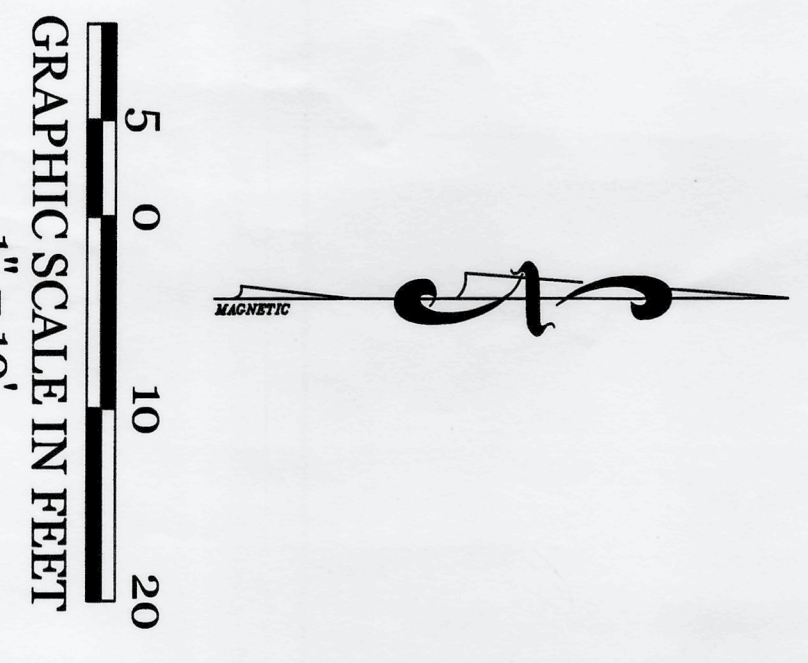
24 HOUR EMERGENCY CONTACT:
 JIMBO BROWN
 1041 CHARITY DRIVE
 GREENSBORO, GA 30642
 CELL: 706.347.8870
 jbrown@mypoolspecialist.com

OWNER/TERTIARY PERMITTEE:
 WONDALL PERRY
 202 LONG ISLAND DRIVE
 EATONTON, GA 31024
 CELL: XX
 EMAIL: XX



P.F.F.

6' TALL WOODEN
 PRIVACY FENCE
 EXISTING
 RETAINING WALLS
 PROPOSED 7' x 15' SPA w/
 18" FLAGSTONE COPING



REVISIONS		
NO.	DATE	DESCRIPTION
2	of 7	

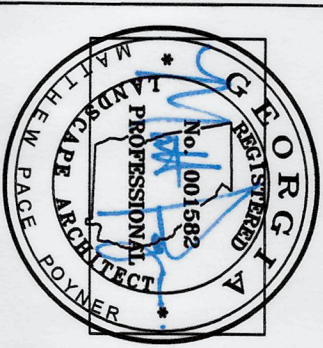
SHEET NUMBER

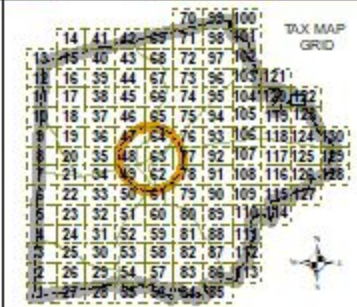
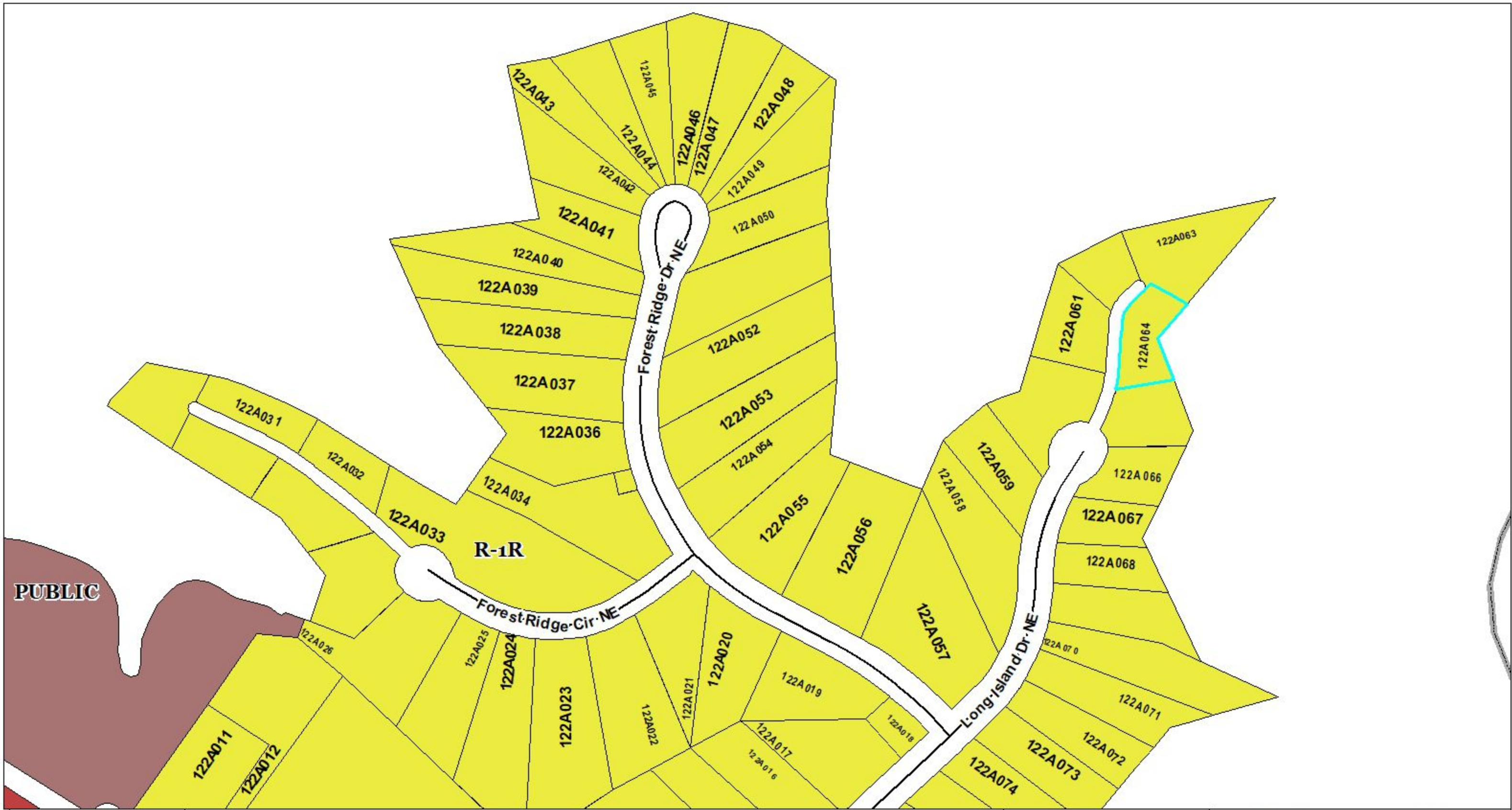
SITE PLAN
PERRY RESIDENCE
 202 LONG ISLAND DRIVE, EATONTON, GA 31024

COUNTY: PUTNAM
 LOT 19 - LONG ISLAND FORT
 DATE: FEBRUARY 21, 2020
 SCALE: 1" = 10' - 0"
 JOB NO.: 20-019

JAMES WESLEY
DESIGNS
 LANDSCAPE ARCHITECTURE
 1021 CHEROKEE BLUFF, GREENSBORO, GA 30642

MATTHEW P. POYNER
 LANDSCAPE ARCHITECT
 CERTIFICATION #1582





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

GEOGRAPHIC FEATURE LEGEND

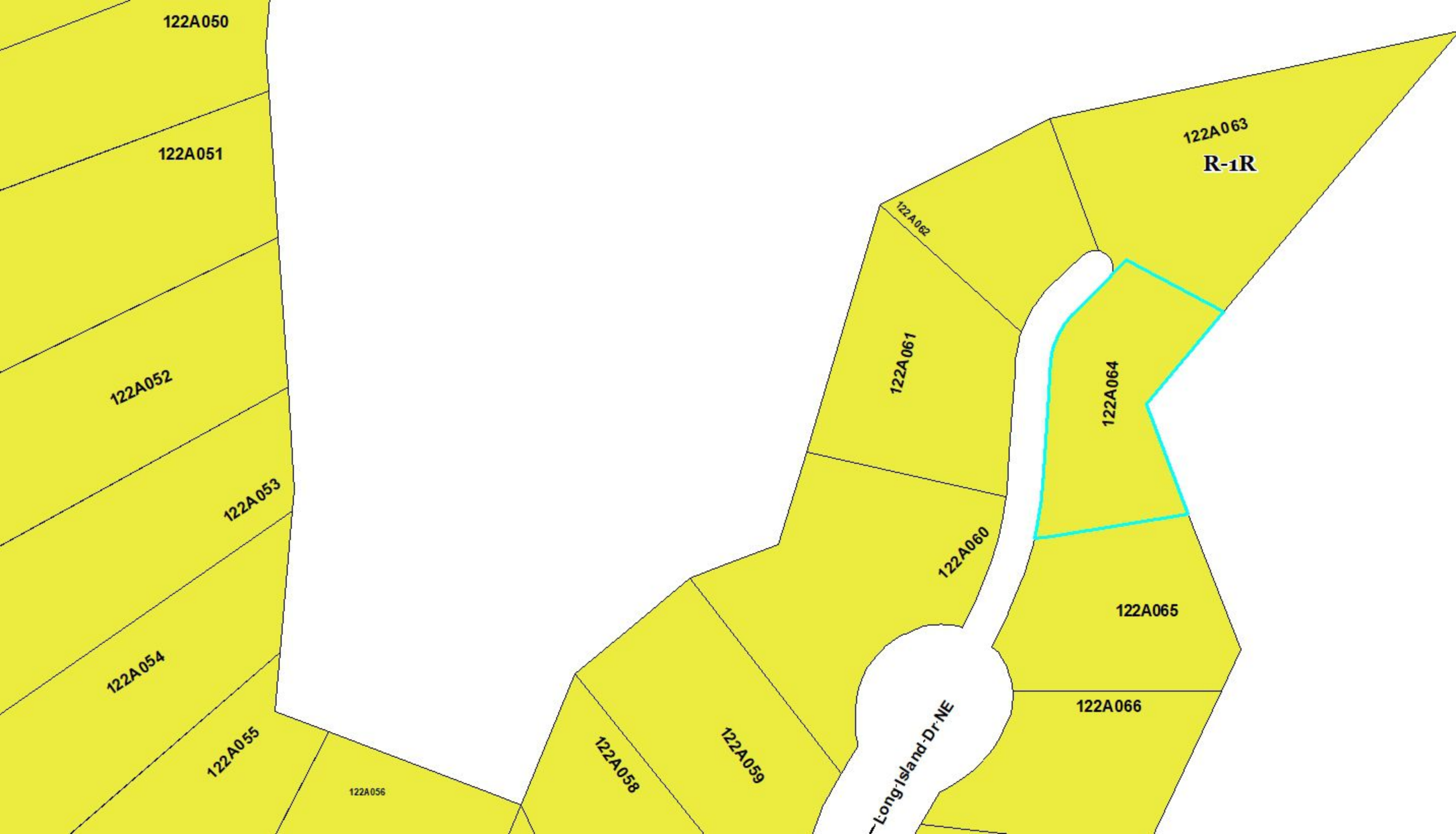
Overlay District	AG-2	C-2 CITY	IND-2 CITY	R - 1 CITY	RM-2
No Code	C-1	I-M	MHP	R - 2 CITY	R-1R
AG-1	C-1 CITY	IND-1 CITY	PUBLIC	R - 3 CITY	RM-3
AG-1 CITY	C-2	IND-2	PUBLIC CITY	R - 4 CITY	VLLAGE

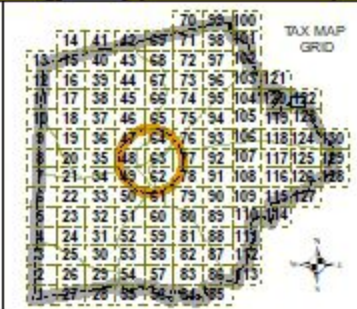
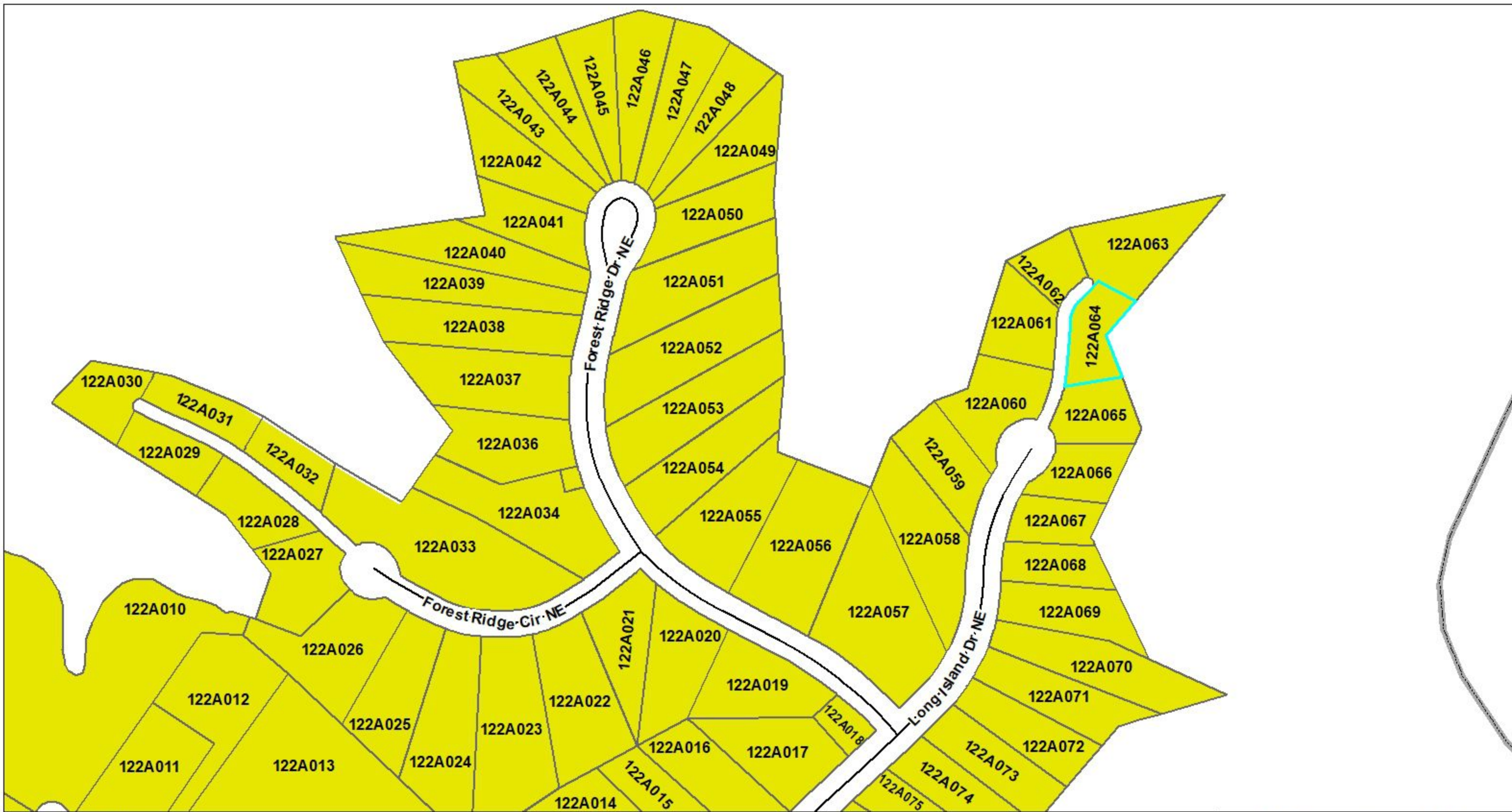
MGRC
IT GIS Services
Middle Georgia Regional Commission
175 Emery Hwy
Suite C
Macon, Georgia 31217
(478) 751-8180
Web:
www.middlegeorgiarc.org

PUTNAM COUNTY, GEORGIA
ZONING MAPS

MAP 122A

MAP SCALE: 1" = 208.33' SCALE RATIO: 1:2,500 DATE: MAY 2011





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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PUTNAM COUNTY, GEORGIA
FUTURE LAND USE MAPS

MAP 122A

MAP SCALE: 1" = 208.33' SCALE RATIO: 1:2,500 DATE: MAY 2011



PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

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

May 21, 2020

TO: Planning & Zoning Commission

FROM: Lisa Jackson

RE: Staff Recommendation for Public Hearing Agenda on 6/4/2020

11. Request by **Jim Brown, agent for Wondal Perry** for a rear yard setback variance at 202 Long Island Drive. Presently zoned R-1R. [**Map 122A, Parcel 064, District 3**]. The applicant is requesting a 15-foot rear yard setback variance, being 85 feet from the nearest point to the lake. She would like to construct a 98 square foot spa. This property is uniquely shaped and measures 92.71 feet in length and has a lot width at building setback of 122.17. Although this lot is considered conforming, less than 10 feet away from the location of the proposed structure is a drop off. This drop off is at least 20 feet high and slopes downward towards the lake. Staff assessed the property looking for a better location for the request. The structure could not be moved further from the lake because of the location of the existing 2,300 square foot home. In addition, the proposed structure would be placed in the same location as the previous owner's pool. Due to the shape of the lot and the location of the current home, the proposed location is the only option for this request. 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 15-foot rear yard setback variance, being 85 feet from the nearest point to the lake at 202 Long Island Drive [Map 122A, Parcel 064, 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 June 16, 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.

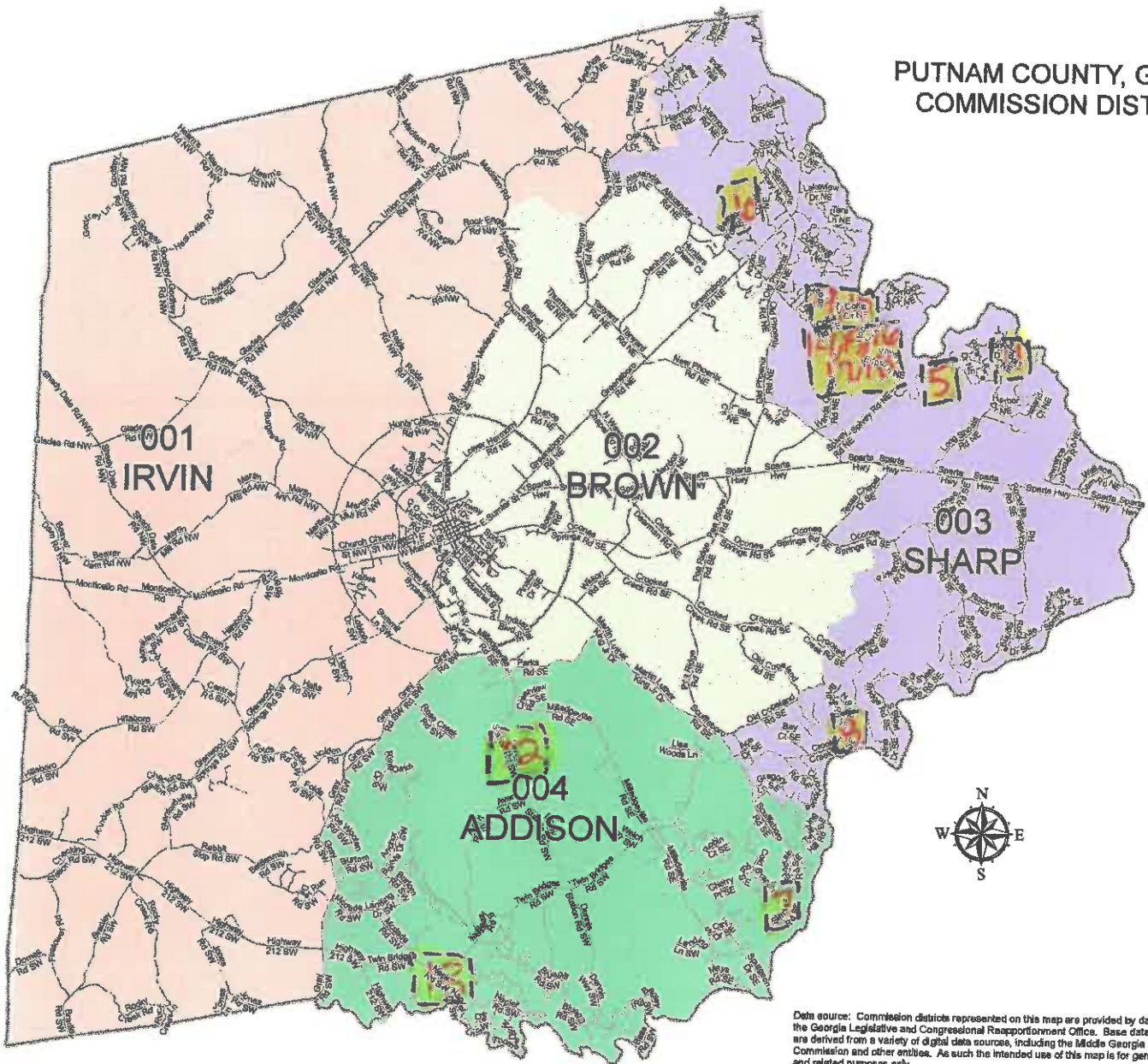
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Individuals with disabilities who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the facilities are required to contact the ADA Compliance Officer, at least three business days in advance of the meeting at 706-485-2776 to allow the County to make reasonable accommodations for those persons.

File Attachments for Item:

12. Request by **Jason Sells, Interfor** for a front yard setback variance at 370 Dennis Station Road. Presently zoned I-M. **[Map 059, Parcel 019, District 4]**.

**PUTNAM COUNTY, GEORGIA
COMMISSION DISTRICTS**

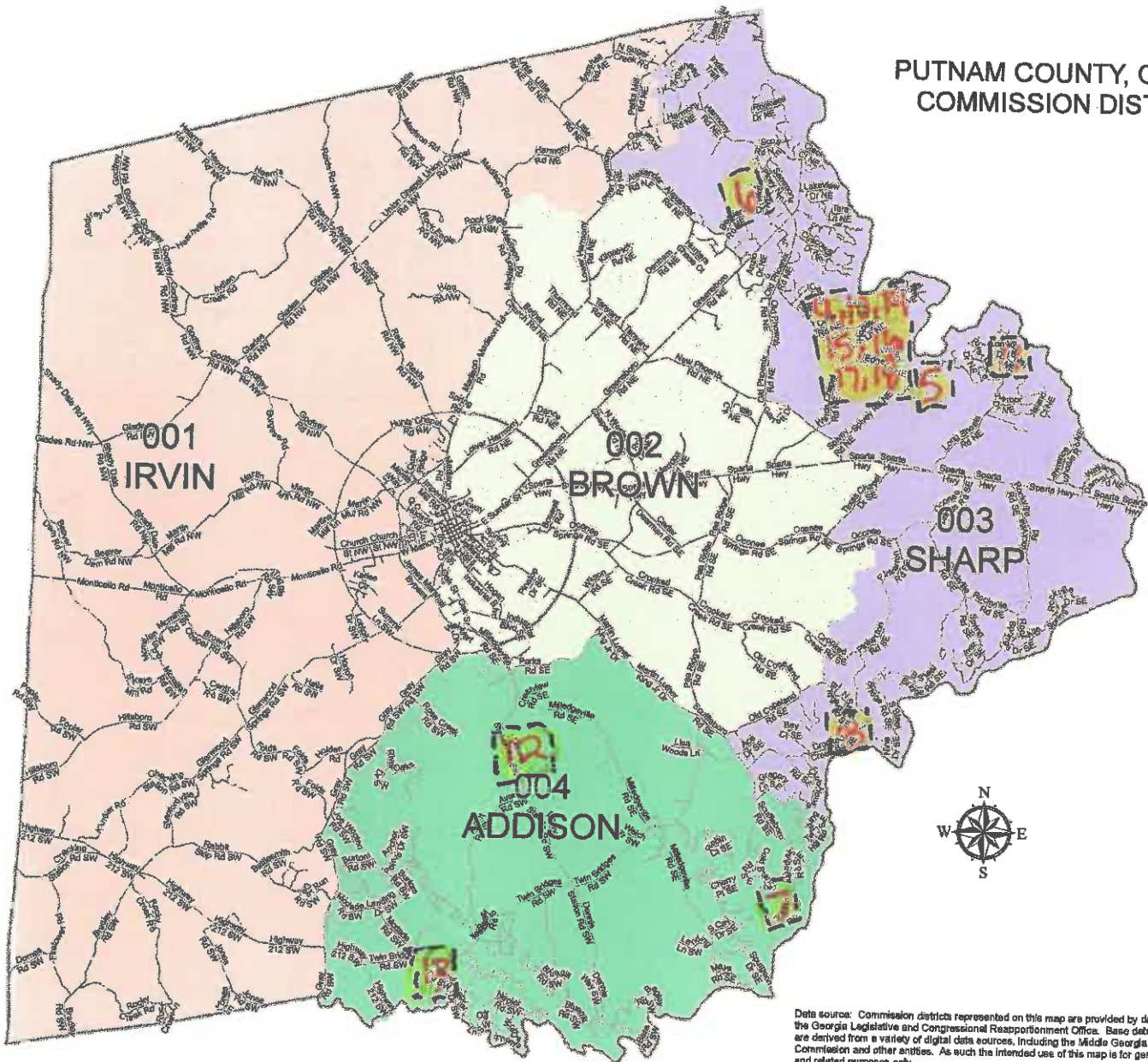


Data source: Commission districts represented on this map are provided by data from the Georgia Legislative and Congressional Reapportionment Office. Base data features are derived from a variety of digital data sources, including the Middle Georgia Regional Commission and other entities. As such the 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: JUNE 2018

5. Request by **Jimmy O'Dell** for a side yard setback variance at 308 East River Bend Drive. Presently zoned R-1R. [Map 119B, Parcel 183, District 3].
6. Request by **Garry & Nina Lassiter** for a side yard setback variance at 153 Hoot Owl Lane. Presently zoned R-1R. [Map 096A, Parcel 008, District 3].
7. Request by **Gregory Leepow, agent for Kim Anderson** for a rear yard setback variance at 112 Sinclair Circle. Presently zoned R-2. [Map 112B, Parcel 003, District 4].
8. Request by **Kevin & Kristy Slaughter** for a side yard setback variance at 1051 Crooked Creek Road. Presently zoned R-1. [Map 110B, Parcel 105, District 3].
9. Request by **Mark Smith, agent for Mary Wooten** for a rear yard setback variance at 147 Collis Marina Road. Presently zoned RM-2. [Map 104B, Parcel 012, District 3].
10. Request by **Mark Smith, agent for Duke Gibbs** for a side and rear yard setback variance at 145 Collis Marina Road. Presently zoned RM-2. [Map 104B, Parcel 011, District 3].
11. Request by **Jim Brown, agent for Wondal Perry** for a rear yard setback variance at 202 Long Island Drive. Presently zoned R-1R. [Map 122A, Parcel 064, District 3].
12. Request by **Jason Sells, agent for Interfor U.S. Inc** for a front yard setback variance at 370 Dennis Station Road. Presently zoned I-M. [Map 059, Parcel 019, District 4].
13. Request by **Vincent Richardson** for a front yard setback variance at 114 Allens Alley. Presently zoned R-2. [Map 055A, Parcel 011, District 4].

**PUTNAM COUNTY, GEORGIA
COMMISSION DISTRICTS**



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MAP SCALE: 1" = 6,687.28' SCALE RATIO: 1:68,367.34 DATE: JUNE 2019

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



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

APPLICATION FOR: VARIANCE CONDITIONAL USE

PLAN 2020-00270

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

Interfor U.S. Inc. (Contact: Jason Sells) Phone# 470 - 317 - 6816

Owner name _____ Phone# _____ - _____ - _____

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

700 Westpark Drive Peachtree City GA 30092

MAILING ADDRESS CITY STATE ZIP

PROPERTY LOCATION: 370 Dennis Station Rd TOTAL ACREAGE 92.597

MAP: 059 PARCEL: 019 PRESENTLY ZONED: I-M DISTRICT: 402

SETBACKS: Front: 50 ft Rear: 50 ft Lakeside: N/A Left: 20 ft Right: 20 ft

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: Minor Collector

TOTAL SQ. FT. (existing structure) NA TOTAL FOOTPRINT (proposed structure) 40,296 SF

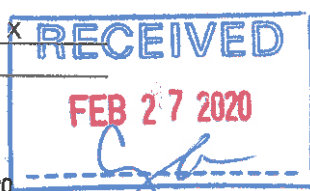
LOT LENGTH (the total length of the lot) 1919.13 FT

LOT WIDTH AT BUILDING SETBACK (how wide the lot is where you're proposing to build) 1980 FT (36 FT to proposed building)

REASON FOR REQUEST: A portion (920 sf) of the northwest side of the proposed building is located within the 50' front building setback with the maximum distance of the building encroaching into the setback being 14'. A variance is being requested to reduce the 50' setback to 30' due to existing infrastructure on-site and an existing railroad and railroad right of way offsite.

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: Jason Sells DATE: 02/26/2020

*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: 2/27/2020	FEE: \$ 200.00	CK. NO. _____	CASH _____	C. CARD <input checked="" type="checkbox"/>	INITIALS: JS
RECEIPT # 039112					
DATE OF NEWSPAPER AD: 3-9-2020	DATE SIGN POSTED: 3-12-2020				
PLANNING & ZONING HEARING: 4-2-2020	RESULT: _____				
COMMISSIONERS/CITY COUNCIL HEARING: _____	RESULT: _____				



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-Interfor U.S. Inc.

WE, THE UNDERSIGNED OWNERS OF REAL PROPERTY LOCATED IN THE CITY OF EATONTON/PUTNAM COUNTY, GEORGIA, HEREBY APPOINT Jason Sells TO BE MY AGENT FOR THE PURPOSE OF APPLYING FOR a variance OF PROPERTY DESCRIBED AS MAP N/A PARCEL 059019, CONSISTING OF 92.60 ACRES, WHICH HAS THE FOLLOWING ADDRESS:
370 Dennis Station Rd 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 Interfor U.S. Inc. 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 11th DAY OF March, 2020.

PROPERTY OWNER(S) Jason Sells
NAME (PRINTED)

[Signature]
SIGNATURE
ADDRESS: 370 Dennis Station Rd Eatonton, GA 31024
PHONE: 706-253-0886

ALL SIGNATURES WERE HEREBY SWORN TO AND SUBSCRIBED BEFORE ME THIS 11th DAY OF March, 2020.

[Signature]
NOTARY
MY COMMISSION EXPIRES: 05/10/2021

Aarondia Lowe
NOTARY PUBLIC
Taliaferro County, GEORGIA
My Comm. Expires 05/10/2021

Letter of Intent:

Interfor U.S. Inc
Contact: Jason Sells
700 Westpark Dr.
Peachtree City, GA 30269
February 26, 2020

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

Dear Putnam County Planning & Development:

The variance requested is for a site located at 370 Dennis Station Rd. This site is a 92.60 acre Lumber Mill that has been undergoing site improvements since the fall of 2019 and will continue to undergo improvements until the summer of 2021. Included in these improvements is a finishing shed that will be used to store fully finished lumber. This 40,296 SF shed's proposed location is located within a 50' front building setback and is set by the workflow of the lumber mill process where finished wood will be moved from the adjacent Planer Mill building to the east to this proposed shed. Additionally, the location of the proposed building is limited by the existing site office and truck scales to the south, the Planer Mill building to the east, the existing railroad to the north, and the property line to the west. Therefore, we are requesting a variance on the front building setback from 50' to 30'. The existing 50' building setback is being governed by Section 66-113 of the Putnam County Municode. The primary condition creating hardship is the existing railroad location.

Due to the existing railroad, the site's front property line is located 100' from the existing 80' Dennis Station Road right of way. This condition, with the 50' front building setback, in effect creates a 150' setback from the existing Dennis Station Road right of way causing the front area of the property to be undevelopable. Although the proposed variance would reduce the front building setback to 30', in effect the proposed building would remain approximately 135' from the Dennis Station Road right of way and approximately 160' from the road itself thus adhering to the intent of the required 50' building setback.

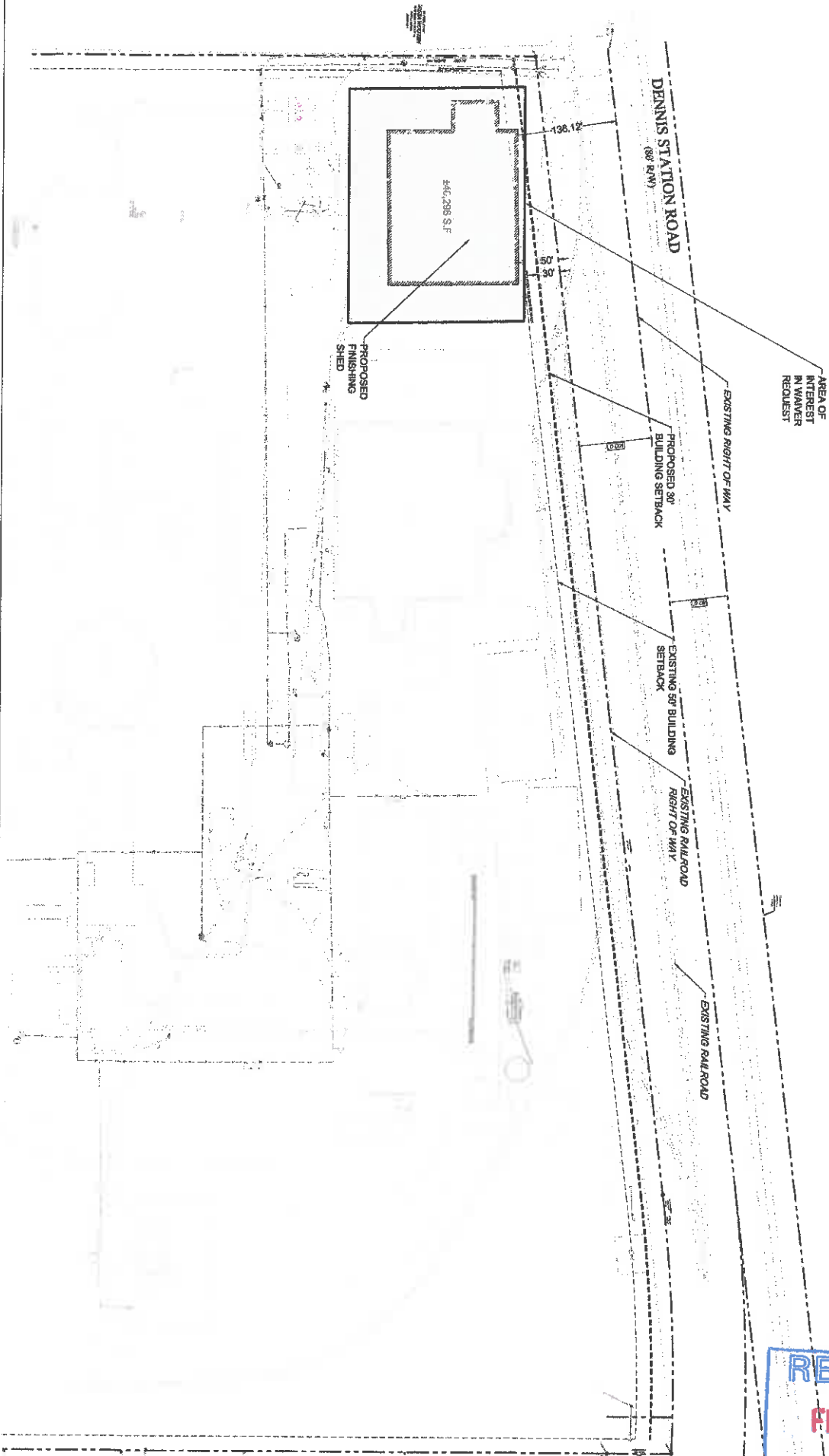
The included Exhibit A and B displays the proposed building location, existing and proposed setbacks, property lines, and railroad. For further information contact Cal Fisher at 770-368-1399 or cfisher@fg-inc.net.

Sincerely,

Cal Fisher



OWNER: INTERFOR US INC.
370 DENNIS STATION ROAD - EATONTON, GA 30092
EXHIBIT A



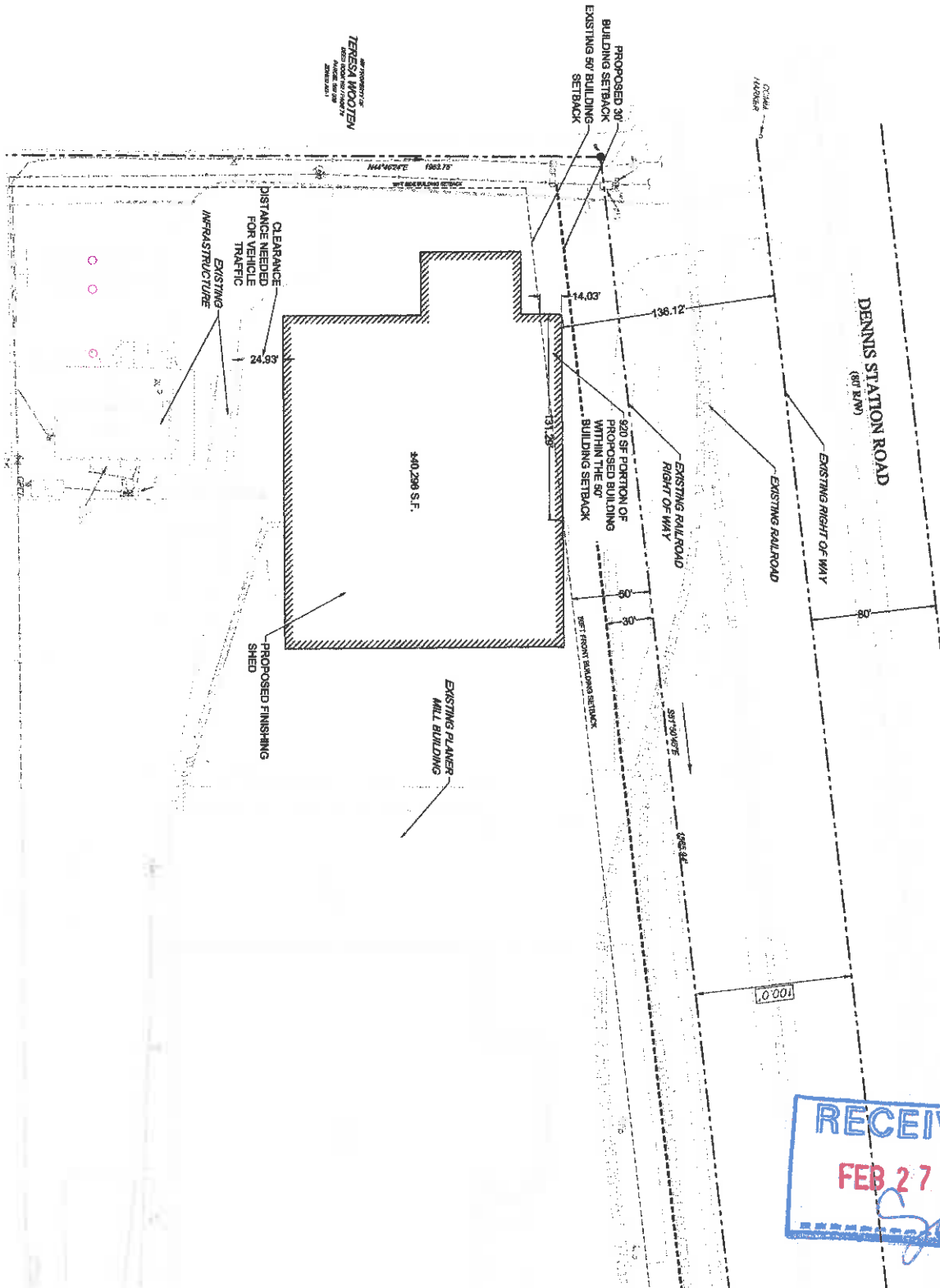
RECEIVED
FEB 27 2020
[Signature]

PROPERTY OF
WEYERHAEUSER COMPANY
6010 BUSH BIVAN PLACE, 2ND
FLOOR, ST. LOUIS, MO 63112
CWB 1017

FORESITE



OWNER: INTERFOR US INC.
 370 DENNIS STATION ROAD - EATONTON, GA 30092
 EXHIBIT B



RECEIVED
 FEB 27 2023
[Signature]

FORESITE
 CONSULTANTS

SCALE IN FEET
 1" = 20'-0"

1564201 | 2/20/23

Letter of Intent:

Interfor U.S. Inc
Contact: Jason Sells
700 Westpark Dr.
Peachtree City, GA 30269
May 28, 2020


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

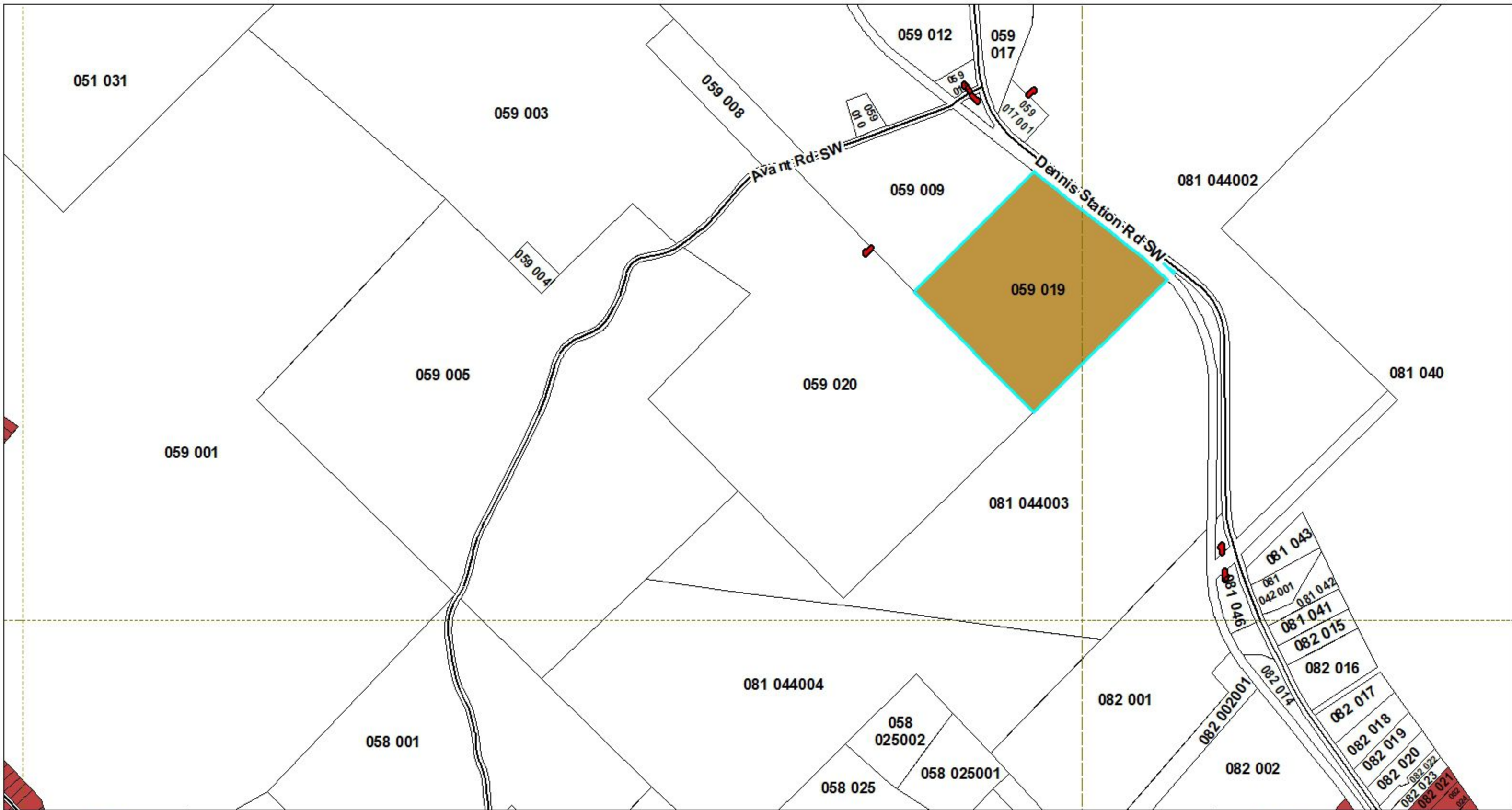
Dear Putnam County Planning & Development:

Interfor U.S. Inc. would like to withdraw without prejudice from the June 4th variance hearing and be placed on the agenda for the July 2nd hearing.

Sincerely,

Jason Sells





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

GEOGRAPHIC FEATURE LEGEND

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

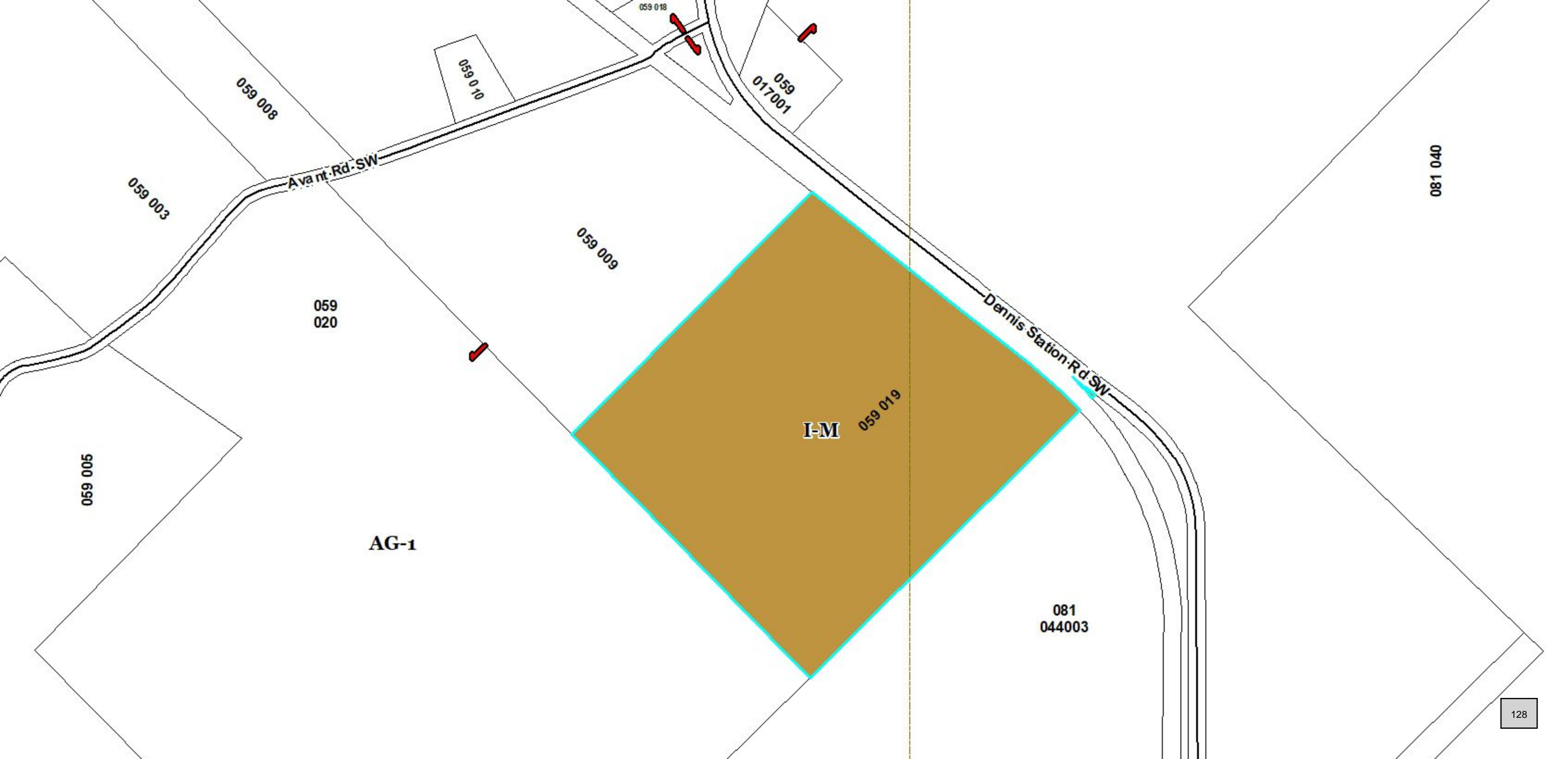
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PUTNAM COUNTY, GEORGIA
ZONING MAPS

MAP 059

127

MAP SCALE: 1" = 1,041.67' SCALE RATIO: 1:12,500 DATE: MAY 2011



059 008

059 003

Avant Rd. SW

059 010

059 018

059 017001

059 009

059 020

Dennis Station Rd SW

081 040

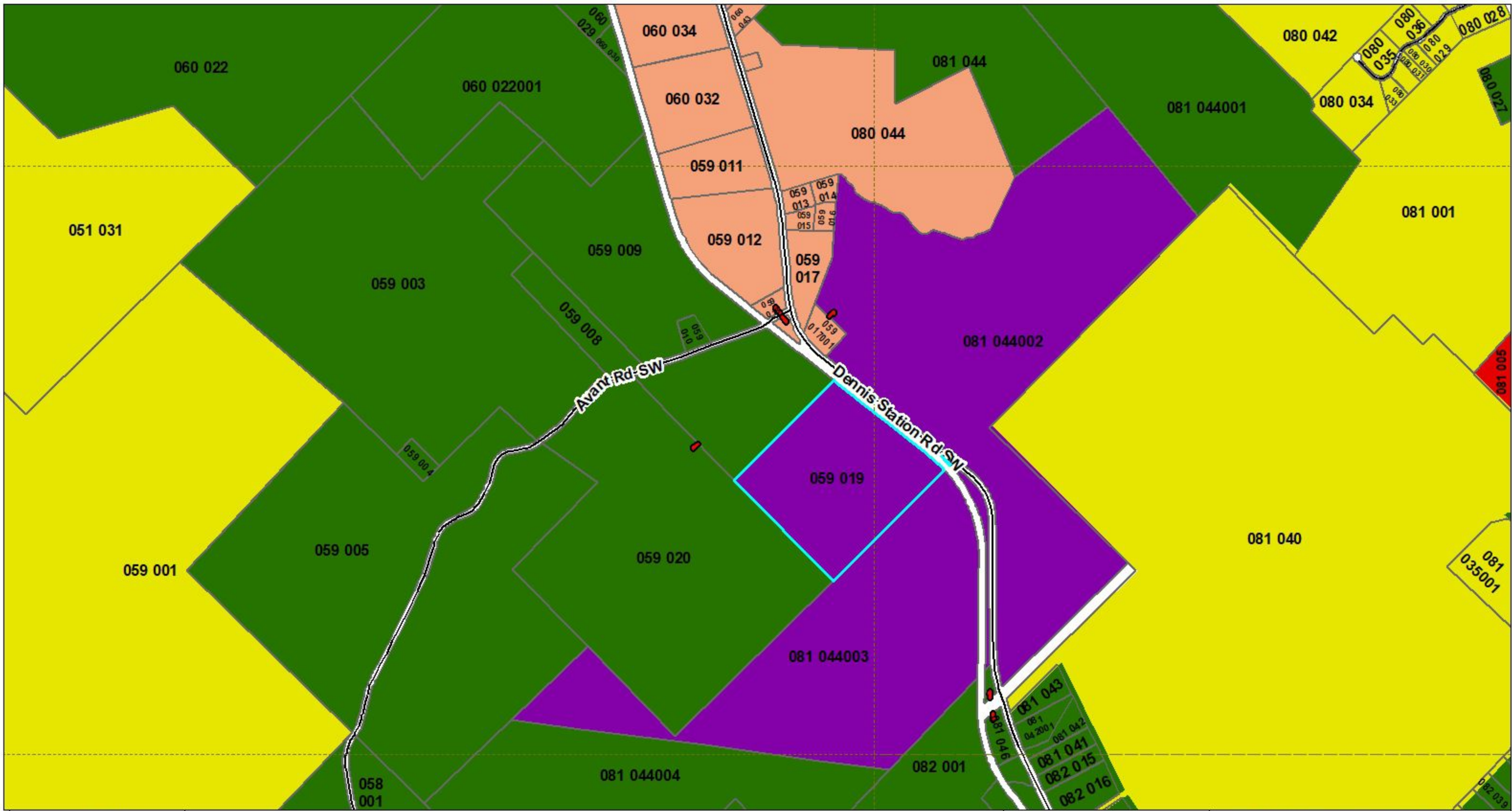
059 005

AG-1

I-M

059 019

081 044003



GEOGRAPHIC FEATURE LEGEND

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PUTNAM COUNTY, GEORGIA
FUTURE LAND USE MAPS

MAP 059

MAP SCALE: 1" = 1,250' SCALE RATIO: 1:15,000 DATE: MAY 2011



PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

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

May 21, 2020

TO: Planning & Zoning Commission

FROM: Lisa Jackson

RE: Staff Recommendation for Public Hearing Agenda on 6/4/2020

12. Request by **Jason Sells, agent for Interfor U.S. Inc** for a front yard setback variance at 370 Dennis Station Road. Presently zoned I-M. [Map 059, Parcel 019, District 4]. **The applicants are requesting to withdraw without prejudice.**

Staff recommendation is for approval to withdraw without prejudice at 370 Dennis Station Road [Map 059, Parcel 019, 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.

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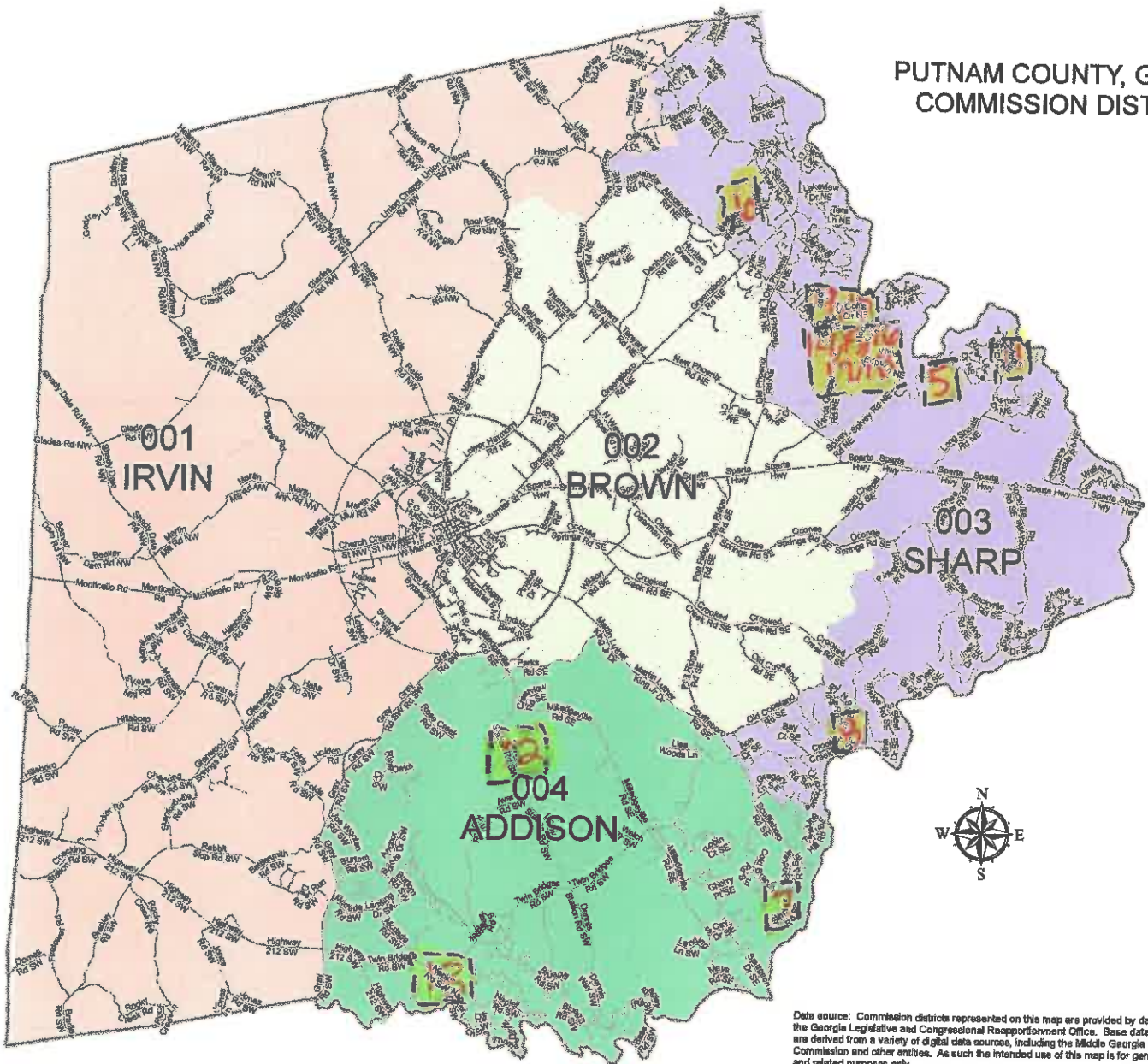
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File Attachments for Item:

13. Request by **Vincent Richardson** for a front yard setback variance at 114 Allen's Alley. Presently zoned R-2. **[Map 055A, Parcel 011, District 4]**.

**PUTNAM COUNTY, GEORGIA
COMMISSION DISTRICTS**

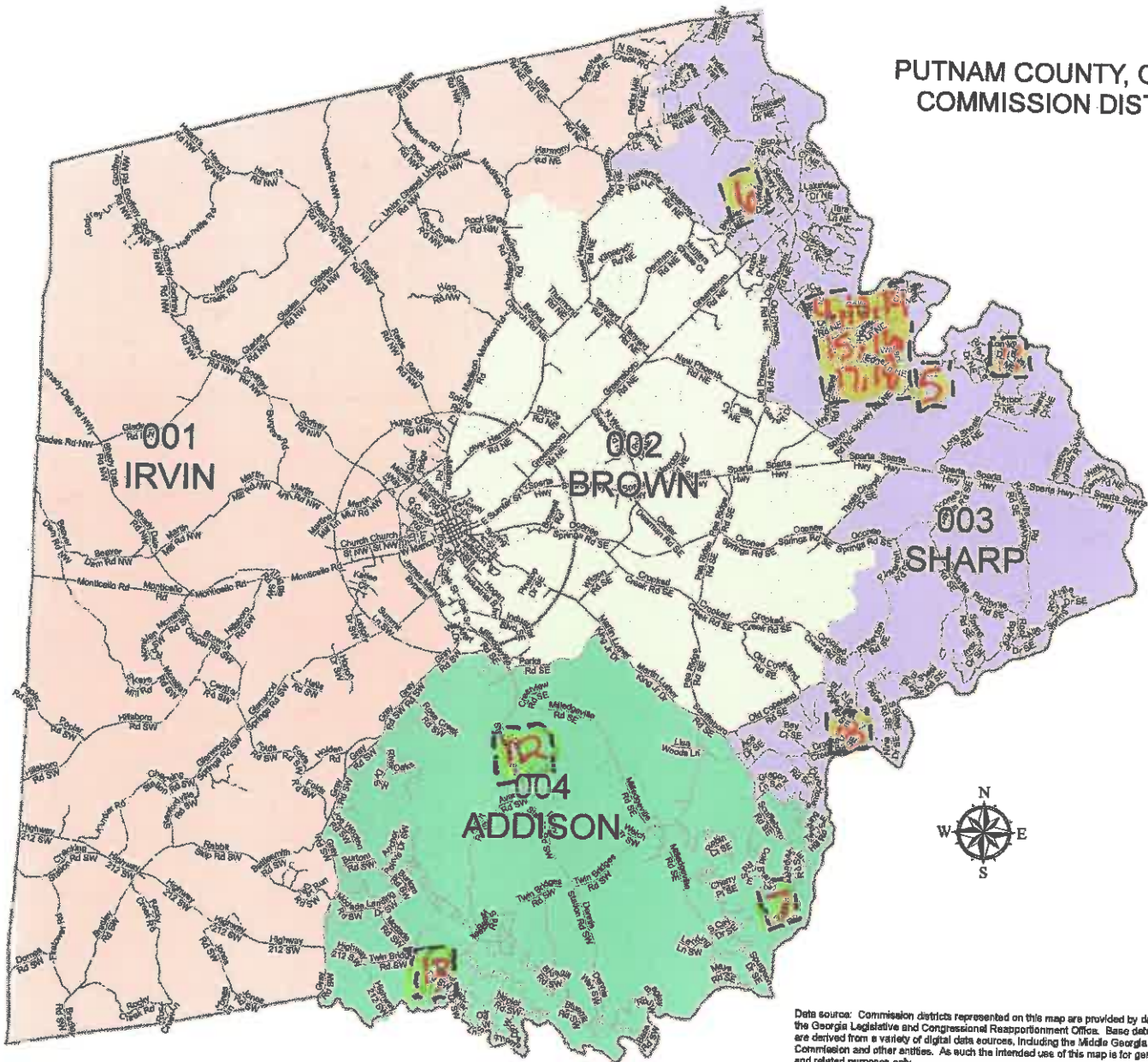


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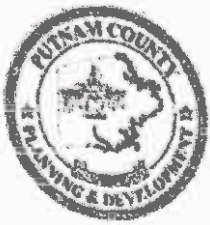
**PUTNAM COUNTY, GEORGIA
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14. Request by **Howard McMichael, agent for Oconee Overlook, LLC & Lick Creek Holding's LLC** to rezone 2.14 acres on Collis Road from R-1 to RM-3. [Map 104, Parcel 030, District 3]. *
15. Request by **Howard McMichael, agent for Lick Creek Holding's LLC** to rezone 21.40 acres on Collis Road from AG-1 to RM-3. [Map 104, Parcel 032001, District 3]. *
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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

APPLICATION FOR: VARIANCE CONDITIONAL USE

THE UNDERSIGNED HEREBY REQUESTS THE CONSIDERATION OF A PLAN 2020-00688
VARIANCE/CONDITIONAL USE AS SPECIFIED.

Owner name: Vincent Richardson Phone# 912 - 281 - 6191

Applicant name (if different from above): NA Phone# NA

MAILING ADDRESS: 114 Allen's Alley Eatonton GA 31024
CITY STATE ZIP

PROPERTY LOCATION: 114 Allen's Alley Dead end of a point TOTAL ACREAGE 0.41

MAP: 055A PARCEL: 011 PRESENTLY ZONED: R2 C/D DISTRICT: 4

SETBACKS: Front: 8ft Rear: 112ft Lakeside: 112ft Left: 33.5ft Right: 224ft

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: NA No: X

TOTAL SQ. FT. (existing structure) NA (concrete pad) TOTAL FOOTPRINT (proposed structure) 20x24 Carport
480 sq ft.

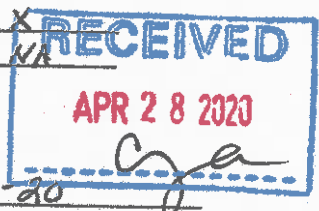
LOT LENGTH (the total length of the lot) 257.66 ft.

LOT WIDTH AT BUILDING SETBACK (how wide the lot is where you're proposing to build) 112 ft.

REASON FOR REQUEST: I live on a dead end of a point on a non-conforming narrow lot compounded by a sloping landscape. The only feasible location for a carport is 8 feet off the gravel drive (Front line)

SUPPORTING INFORMATION ATTACHED TO APPLICATION:

RECORDED PLAT: X LETTER OF AGENCY NA LETTER OF INTENT X
SITE APPROVAL/LAYOUT OF SEPTIC SYSTEM FROM HEALTH DEPARTMENT NA

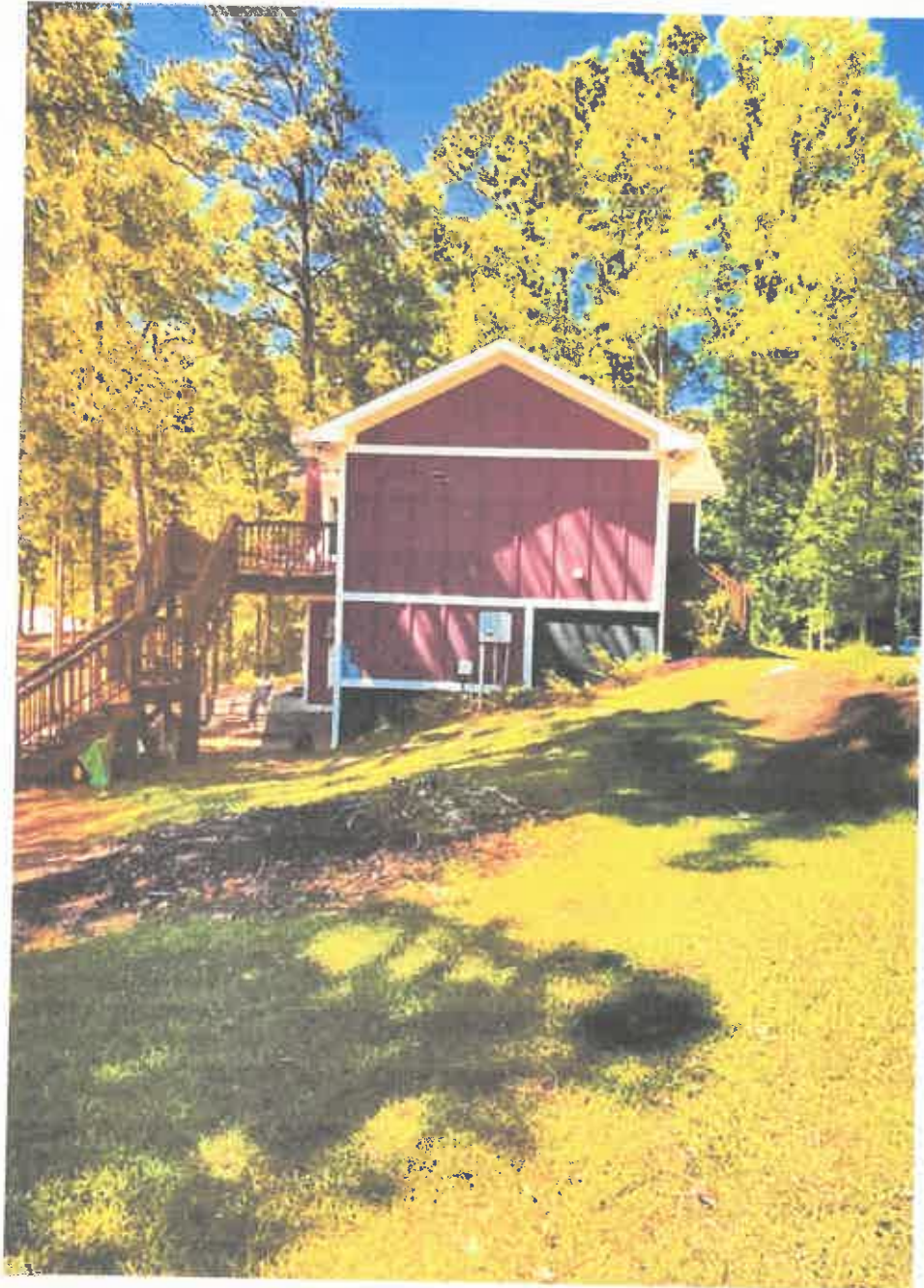


PROPOSED LOCATION MUST BE STAKED OFF

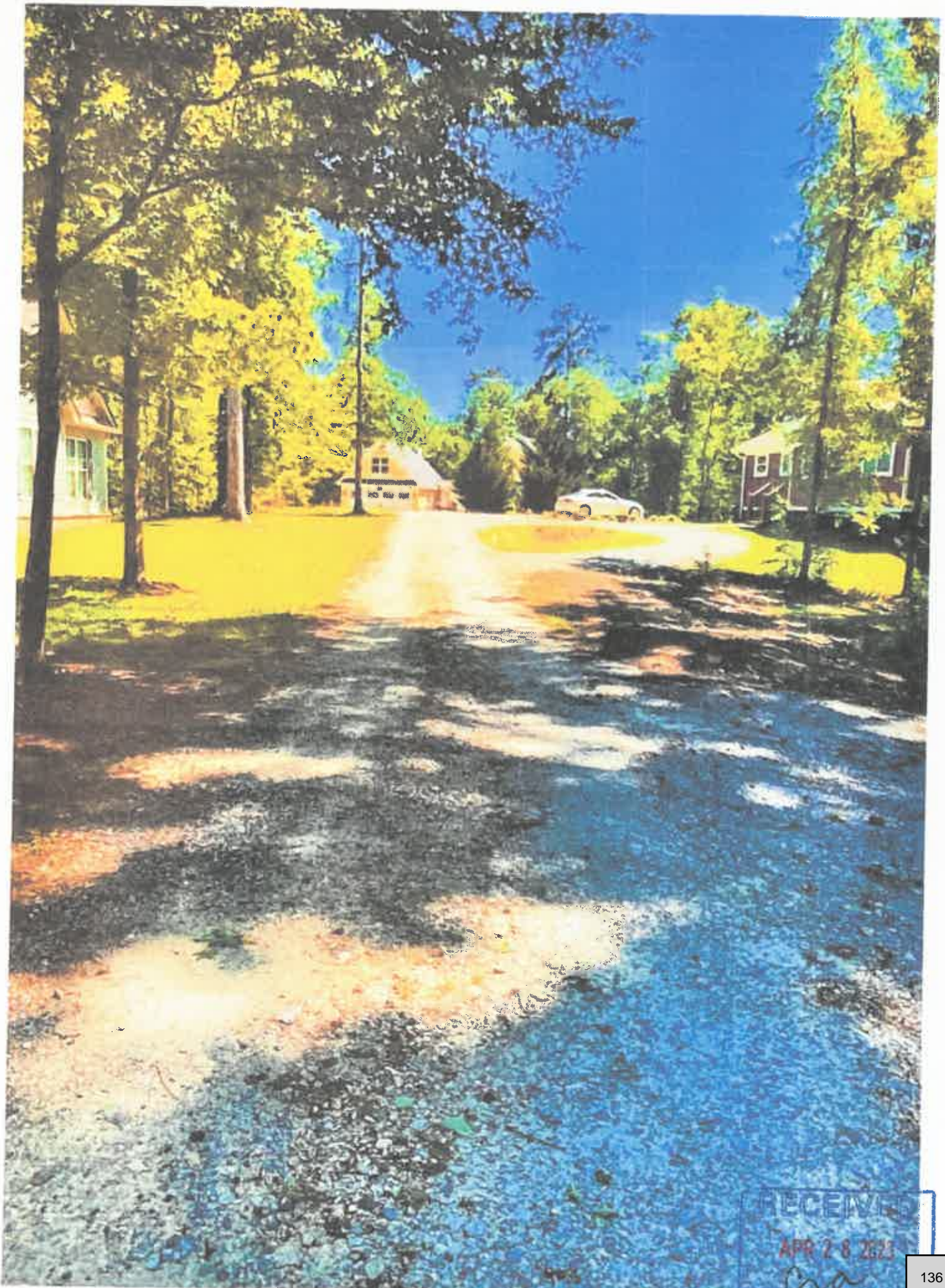
*SIGNATURE OF APPLICANT: Vincent Richardson DATE: 4-27-20

*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>4-20-20</u>	FEE: \$ 200.00	CK. NO. _____	CASH _____	C. CARD <input checked="" type="checkbox"/>	INITIALS <u>Cja</u>
RECEIPT # <u>034446</u>					
DATE OF NEWSPAPER AD: <u>4-11-2020</u>	DATE SIGN POSTED: <u>4-13-2020</u>				
PLANNING & ZONING HEARING: <u>0-4-2020</u>	RESULT: _____				
COMMISSIONERS/CITY COUNCIL HEARING: _____	RESULT: _____				

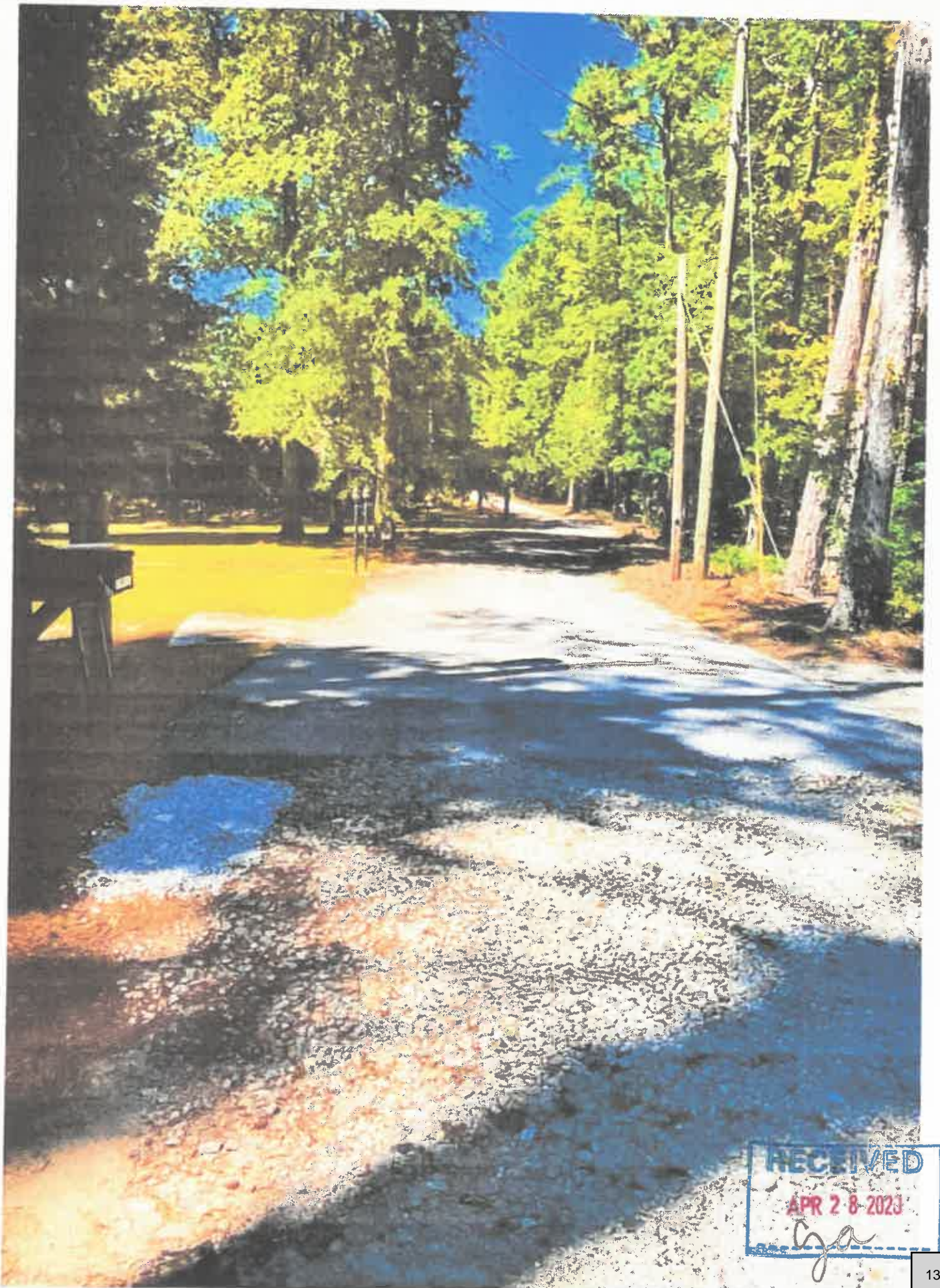


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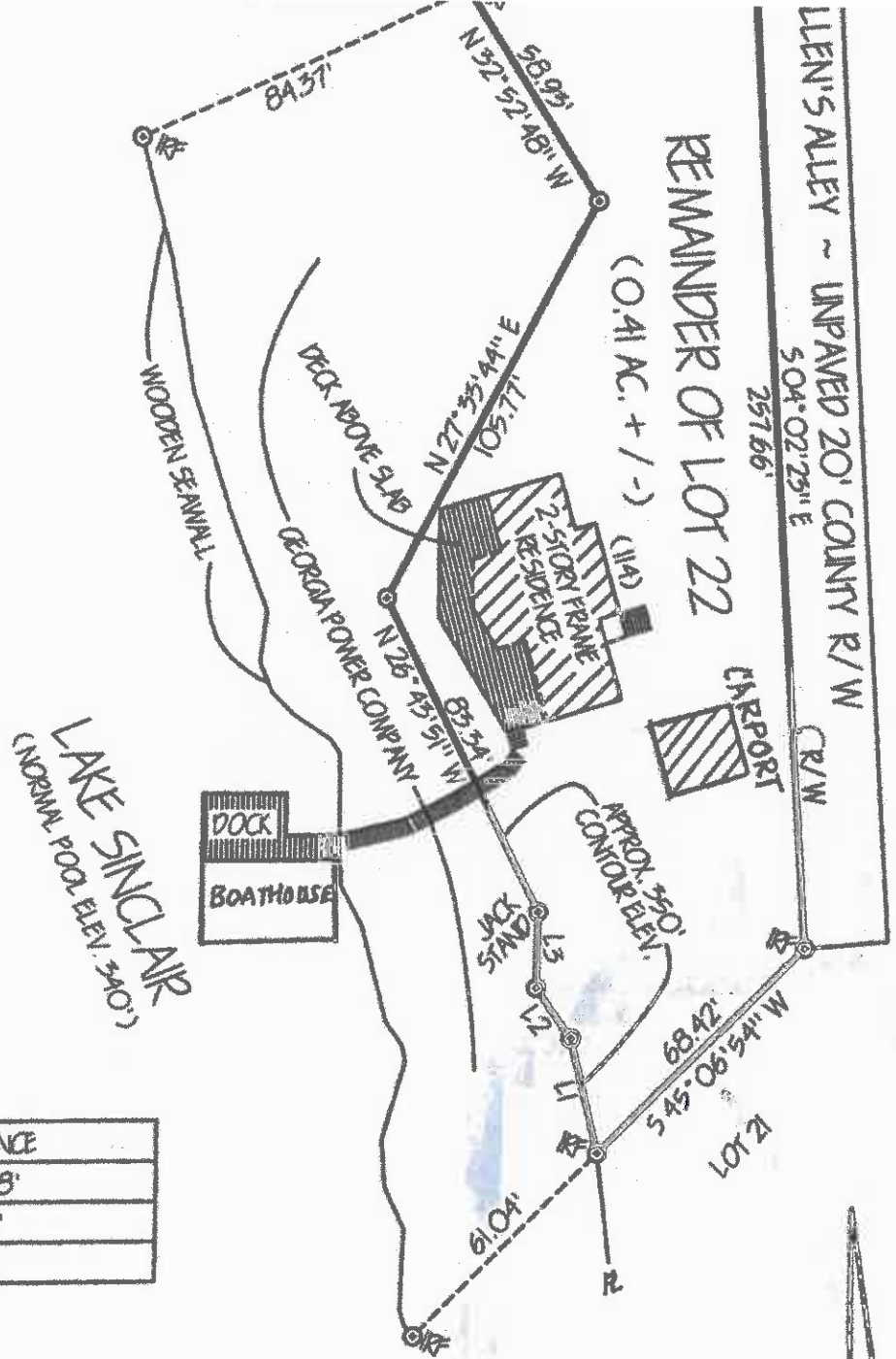


RECEIVED
APR 28 2023
Ga

end of road street 200 ft. from house

THE FIELD DATA ON WHICH THIS PLAT IS BASED WAS COLLECTED USING A TOPCON GPT 900SA ROBOTIC SURVEY SYSTEM AND TOPCON FC-200 DATA COLLECTOR. THE DATA COLLECTED BY THE ROBOTIC SYSTEM HAS A CLOSURE PRECISION OF: 1' PER 27500' AND AN ANGULAR ERROR OF 06" PER ANGLE POINT. NO ADJUSTMENT WAS MADE.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO: 1' FOOT PER 1000000'

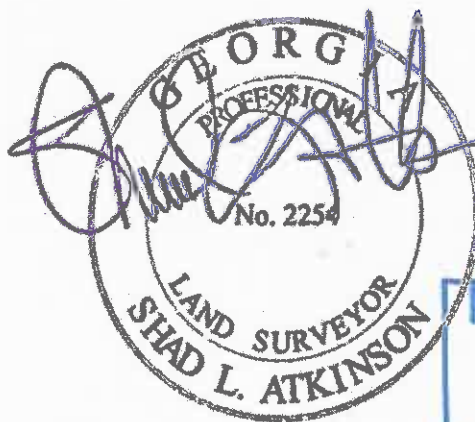


LINE	BEARING	DISTANCE
L1	N 13° 29' 55" W	28.08'
L2	N 35° 06' 31" W	14.78'
L3	N 00° 40' 02" E	18.17'

REFERENCE SURVEYS

- PLAT BOOK 7, PAGE 70
- PLAT BOOK 26, PAGE 182
- PLAT BOOK 27, PAGE 285

THIS IS TO CERTIFY TO THE CLERK OF COURT OF PUTNAM COUNTY THAT THE RECORDING OF THIS PLAT DOES NOT REQUIRE APPROVAL BY THE LOCAL PLANNING AND ZONING AUTHORITY. THIS 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 GEORGIA PLAT ACT O.C.G.A. 15-6-67 AUTHORITY O.C.G.A. SECS. 15-6-67, 43-15-4, 43-15-6, 43-15-19, 43-15-22. NO CEMETERIES OR BURIAL PLOTS WERE EVIDENT AT THE TIME OF THIS SURVEY

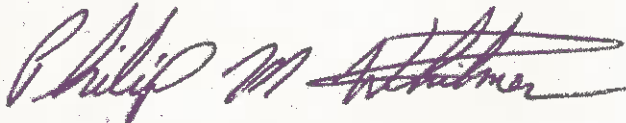


April 27, 2020

To Whom it May Concern:

I have no objection to Vince Richardson building a carport eight feet off the driveway leading to my garage. It will not be in the way or create an obstruction of any kind when passing by to reach my property. If you need any further information, feel free to contact me at 770-815-5747.

Sincerely,



Philip Whitmer

116 Allen's Alley

Eatonton, GA 31024



4-27-20

Vince Richardson

114 Allen's Alley

Eatonton, GA 31024

Dear Ms. Andrews,

I am requesting a variance to construct a 20X24 Carport. (480 Sq. Ft.) A year ago I spoke to Marcus Turner from your office to get information about any required set backs before adding a concrete parking pad. I explained to him that I was planning on building a carport on the parking pad in the future. I was told that I did not live on a county maintained road. The pavement ends at the north end of my property.(where the county water meters are placed) Access to my home and my neighbors home is via a single lane gravel driveway that my neighbor paid for including clearing the trees, installing underground utilities and gravel. Due to a narrow and sloping lot, the only partially flat land available for parking was eight feet off of the front property line/driveway. I was told by Marcus that because of the non-conforming lot and not being on a county maintained road, I would not have to have a required set back off the road. He also told me he had visited the property twice and was very familiar with it.

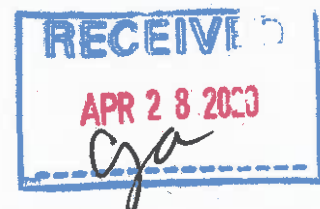
The lot is 257 feet long across the front line and the width of the property where the carport is to be built is approximately 112 feet deep to the water's edge. In order to place the carport 30 feet off the front line, I would have to be building over a steep slope of land requiring a least a 12 foot high retaining wall which would be very cost prohibitive. The septic tank is on the other side of the house along with protruding leased land from Georgia Power requiring many trees to be removed while also being on a slope. My options are extremely limited.

I live on a dead end with the gravel driveway ending at my neighbor's garage. There is no place for or need for a road to be developed or extended. Since a year ago I have tried to do things correctly and communicate with your office and follow your guidelines. I placed a concrete parking pad in the only feasible location based on the information provided me. I respectfully request that you grant a variance to allow a carport to be built. I have attached photos of the property, Google satellite image of the point, plat issued to me when I purchased the home, application for the waiver, this letter and a letter from my neighbor. He was granted a waiver to extend his home to within 10 feet of the property line. If any additional information is needed, please contact me. (912-281-6191)

Respectfully,



Vince Richardson





Imagery ©2020 Maxar Technologies, U.S. Geological Survey, Map data ©2020 50 ft

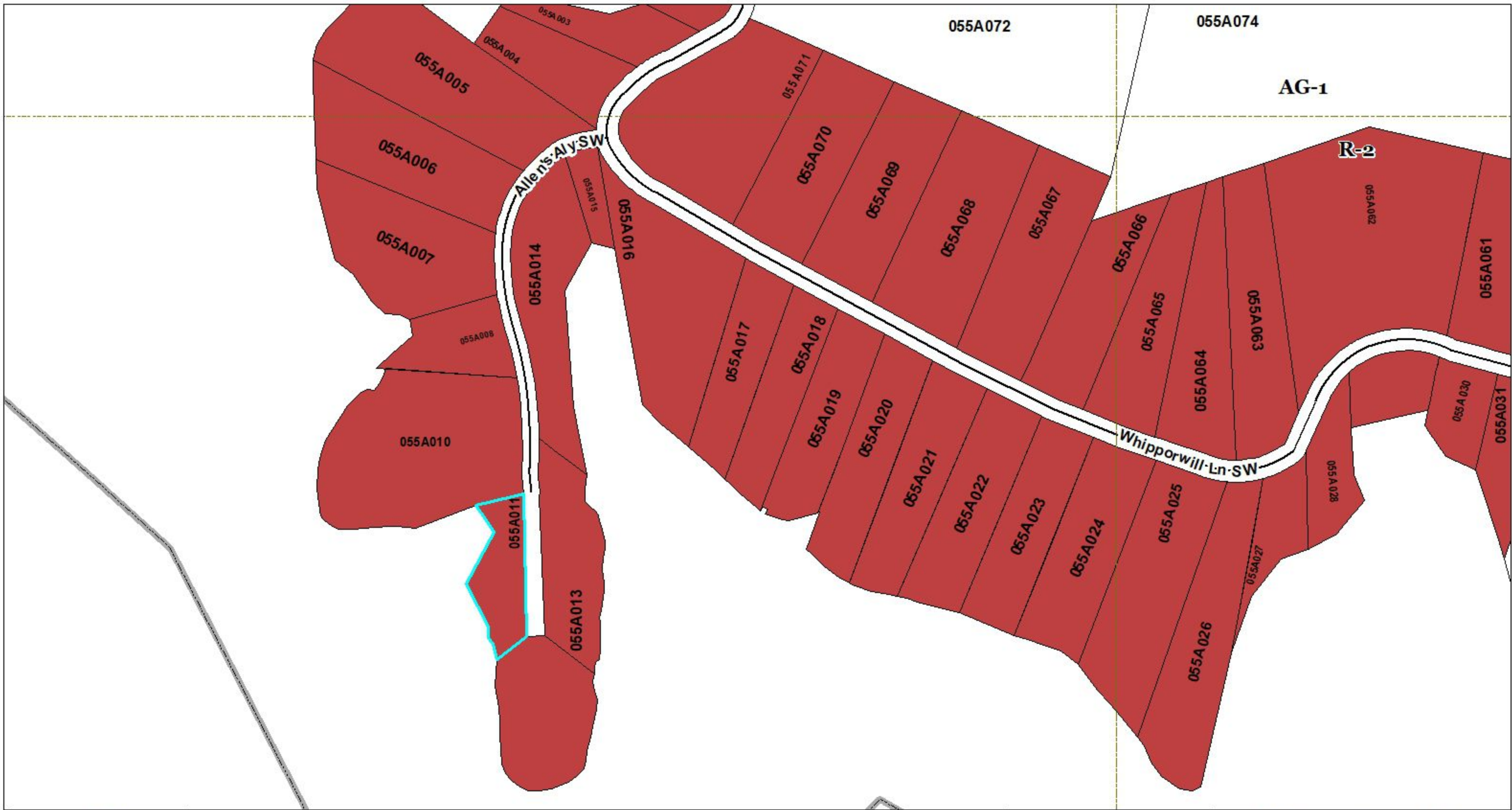


Home

114 Allens Alley
Eatonton, GA 31024

-  Directions
-  Save
-  Nearby
-  Send to your phone
-  Share





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

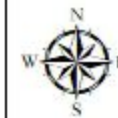
GEOGRAPHIC FEATURE LEGEND

- | | |
|------------------|------------|
| 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 |
| PUBLIC CITY | R - 4 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 | |



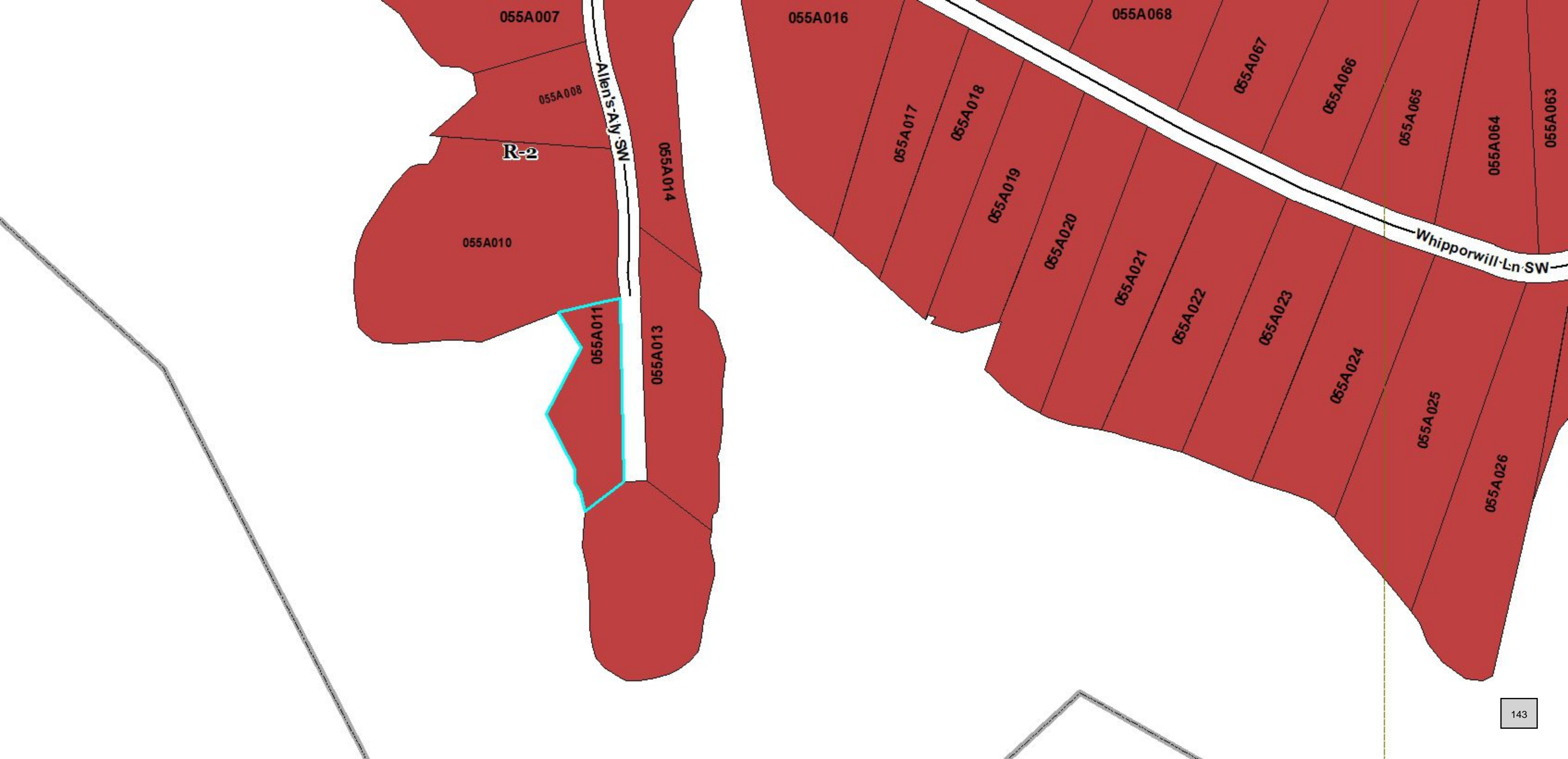
Middle Georgia Regional Commission
 175 Emery Hwy
 Suite C
 Macon, Georgia 31217
 (478) 751-8100
 Web:
www.middlegeorgiarc.org

**PUTNAM COUNTY, GEORGIA
 ZONING MAPS**



MAP 055A

MAP SCALE: 1" = 166.67' SCALE RATIO: 1:2,000 DATE: MAY 2013



055A007

055A008

R-2

055A010

055A011

055A013

055A014

055A016

055A017

055A018

055A019

055A020

055A021

055A022

055A023

055A024

055A025

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055A068

055A067

055A066

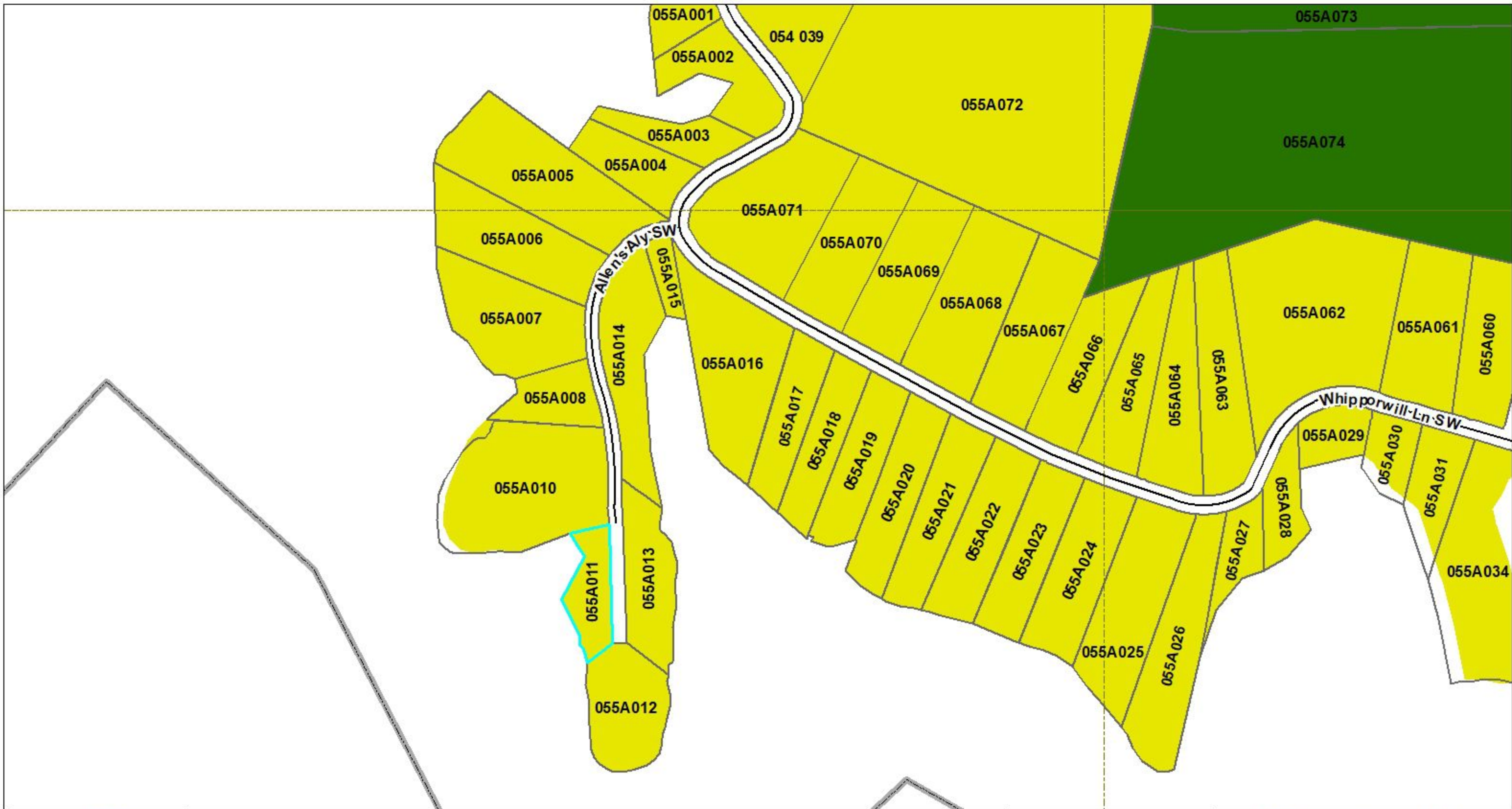
055A065

055A064

055A063

Allen's Alley SW

Whipporwill Ln SW



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) 751-8100
Web:
www.middlegeorgiarc.org

PUTNAM COUNTY, GEORGIA
FUTURE LAND USE MAPS

MAP 055A

MAP SCALE: 1" = 200' SCALE RATIO: 1:2,400 DATE: MAY 2011



PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

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

May 21, 2020

TO: Planning & Zoning Commission

FROM: Lisa Jackson

RE: Staff Recommendation for Public Hearing Agenda on 6/4/2020

13. Request by **Vincent Richardson** for a front yard setback variance at 114 Allens Alley. Presently zoned R-2. [**Map 055A, Parcel 011, District 4**]. The applicant is requesting a 22-foot front yard setback in order to cover his existing concrete parking pad with a carport. This is a uniquely shaped lot that measures 112 feet in length and has a lot width of building set back of 257 feet. Though this property is considered conforming, there are multiple factors that make it difficult to make improvements to the property. There is an existing 1,305 square foot home positioned exactly 30 feet from the front property line. The septic system and drain lines are located on the right-side property line, when facing the lake. The existing concrete pad is located right in front of a large drop of that lopes downward towards the lake. Upon careful observation, staff discovered that this lot is extremely shallow and limits options to build. Due to the extreme shallowness of the property and location of the existing concrete pad, the proposed location is the only option for this request. 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 22-foot front yard setback variance, being 8 feet from the front property line at 114 Allens Alley [Map 055A, Parcel 011, 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 June 16, 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.

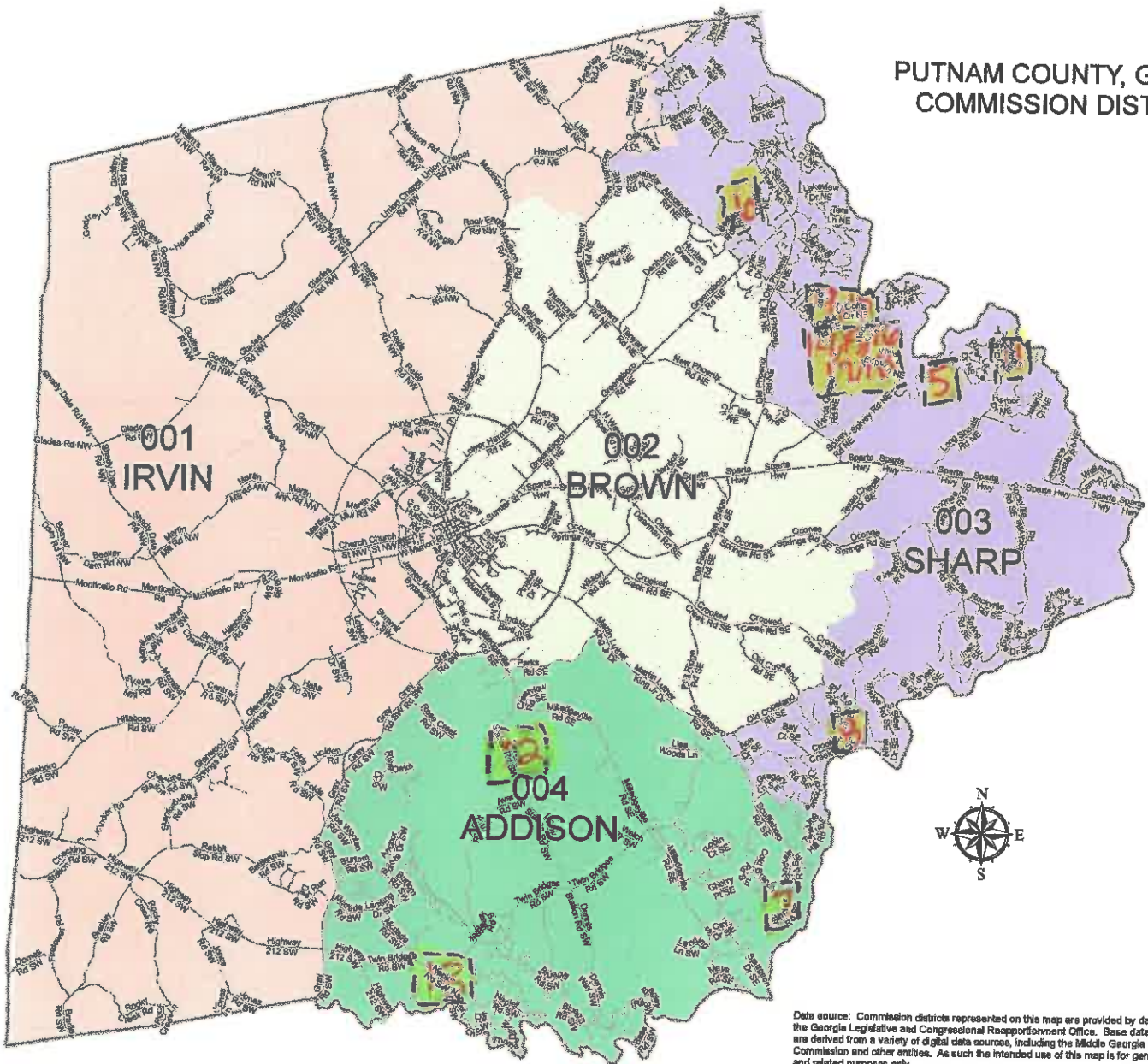
The Board of Commissioners' hearing will be conducted pursuant to O.C.G.A. 50-14-1 and Section 66-159 of the Putnam County Code of Ordinances and meets the requirements of the Zoning Procedures Laws established in O.C.G.A 36-66.

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.

File Attachments for Item:

14. 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**

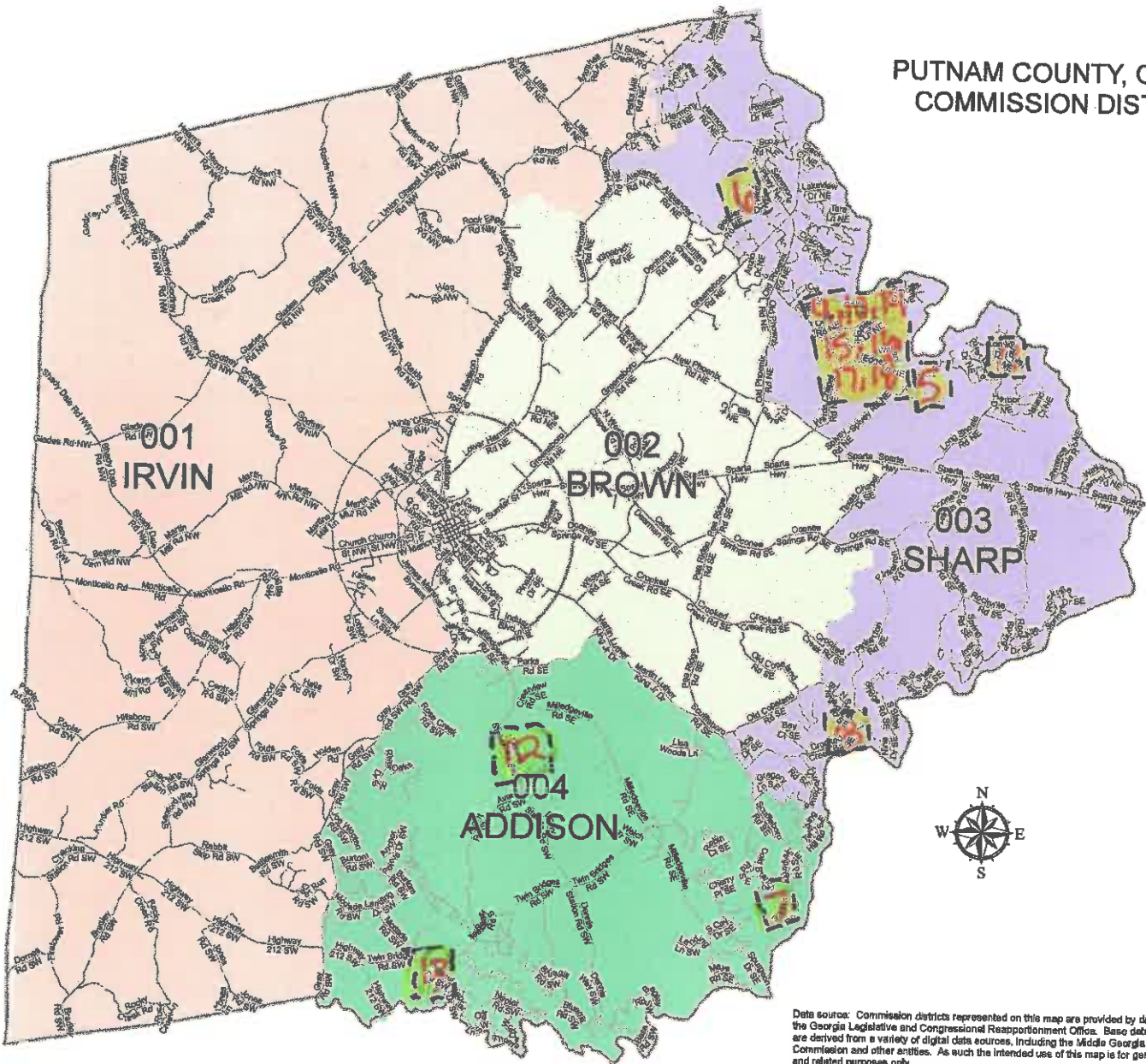


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MAP SCALE: 1" = 5,697.28' SCALE RATIO: 1:68,367.34 DATE: JUNE 2018

5. Request by **Jimmy O'Dell** for a side yard setback variance at 308 East River Bend Drive. Presently zoned R-1R. [Map 119B, Parcel 183, District 3].
6. Request by **Garry & Nina Lassiter** for a side yard setback variance at 153 Hoot Owl Lane. Presently zoned R-1R. [Map 096A, Parcel 008, District 3].
7. Request by **Gregory Leepow, agent for Kim Anderson** for a rear yard setback variance at 112 Sinclair Circle. Presently zoned R-2. [Map 112B, Parcel 003, District 4].
8. Request by **Kevin & Kristy Slaughter** for a side yard setback variance at 1051 Crooked Creek Road. Presently zoned R-1. [Map 110B, Parcel 105, District 3].
9. Request by **Mark Smith, agent for Mary Wooten** for a rear yard setback variance at 147 Collis Marina Road. Presently zoned RM-2. [Map 104B, Parcel 012, District 3].
10. Request by **Mark Smith, agent for Duke Gibbs** for a side and rear yard setback variance at 145 Collis Marina Road. Presently zoned RM-2. [Map 104B, Parcel 011, District 3].
11. Request by **Jim Brown, agent for Wondal Perry** for a rear yard setback variance at 202 Long Island Drive. Presently zoned R-1R. [Map 122A, Parcel 064, District 3].
12. Request by **Jason Sells, agent for Interfor U.S. Inc** for a front yard setback variance at 370 Dennis Station Road. Presently zoned I-M. [Map 059, Parcel 019, District 4].
13. Request by **Vincent Richardson** for a front yard setback variance at 114 Allens Alley. Presently zoned R-2. [Map 055A, Parcel 011, District 4].

**PUTNAM COUNTY, GEORGIA
COMMISSION DISTRICTS**



MAP SCALE: 1" = 6,687.28' SCALE RATIO: 1:68,367.34 DATE: JUNE 2019

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16. Request by **Howard McMichael, agent for Mallard's Overlook, LLC** to rezone 29.58 acres on Collis Road from AG-1 to RM-3. [Map 104, Parcel 032, District 3]. *
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**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. McMichael (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 foot (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. McMichael, or the mystery buyer, can build, much less sell 124 units? The Enclave, a smaller, more cozy development with all of the units close to the Lake (not with many some distance from a cove (see the Applicant's site plan)) has sold less than 3 units a year, likely at a discount. The Enclave was developed by an experienced Atlanta developer; even relevant experience and expertise does not guarantee success.
- (f) The Waterfront finally sold out in 2016 with the last units going for what was half-price. Again, the Waterfront buildings were platted so that each is directly adjacent to the Lake. If you look at the McMichael's site plan, you can see most of the proposed units will not even be on the cove but set back, some far back. (It looks to me like only 4 of the 26 units actually front on the cove; some are far back on Collis Road.) Remember also that RM-3 allows 10% commercial use.
- (g) We have sent a letter to Mr. McMichael asking for the proponents to give specifics about their track record and their basis for claiming that they can do 20-30 times better than the Enclave and why the Waterfront's record is also not relevant. (Attachment A) The project involves two story townhomes costing \$500,000 to \$600,000. That is not only a lot of money but also two stories are not necessarily particularly attractive either to older buyers or buyers with young children.
- (h) The last thing that this County needs is a large failed real estate project. Very experienced developers with deep pockets have had failed projects in Putnam County, lovely as it is. What makes us think that the Maybe Mystery Man has the "secret sauce"?¹

In summary, we respectfully suggest that the County should identify the actual proposed developer for this massive development and determine whether he has the necessary experience and expertise. While we can understand the County may desire further development, we hope that it will take the steps necessary to avoid what could be a 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 66-151(b)(4) and shall be heard by the planning and zoning commission at a public hearing on the first Thursday of the second month following the application deadline and the board of commissioners at a public hearing on the third Tuesday following the planning and zoning public hearing. Applicants will be notified if a hearing is cancelled per subsection 66-150(c)(2)a., along with the rescheduled date of the new hearing.

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

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

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

¹ At the December 30, 2019, I asked Mr. McMichael if he had sold his property, i.e., the property owned by HUR Oconee LLC. He said that he had not, possibly a technically supportable, but wholly 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
Cdn#: 3113-0013

BOOK 005600
FILED IN OFFICE
12/27/2019 01:40 PM
183972 PG-280-281
CHELSEA R. PERRY
CLERK OF COURT
PUTNAM COUNTY



REAL ESTATE TRANSFER
TAX PAID: 4000.00

LIMITED WARRANTY DEED

STATE OF GEORGIA, GREENE COUNTY

PT-61 117-2019-001990

THIS INDENTURE, made this 26th day of December 2019, between Millicent C. Arnold and Lawrence A. Copelan, Jr. a/k/a L.A. (Buster) Copelan, Jr. as party or parties of the first part (hereinafter called "Grantor") and Ocean 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 53, 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 53, 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 163, Clerk's Office, Putnam County Superior

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Court, with the description being corrected as follows: shown as a strip 66.73 feet wide as property of Ruby C. Coliff 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 McKelhaney and 62.66 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 62.66 feet of Georgia Power Access Area to Lake Oconee.

Together with

A right of ingress and egress to the above described property over a 69' 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 3, 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 69' road right of way shown on plat prepared for J. Douglas McKelhaney 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 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:

Cossey
Unofficial Witness

Millicent C. Arnold (SEAL)
Millicent C. Arnold

Notary Public
My Commission Expires:
(AFFIX NOTARY SEAL)



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

notellm031120013\limited warranty deed.doc

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

BOOK 006609
FILED IN OFFICE
12/27/2019 08:40 PM
BK1972 PG232-233
INEZILA H. FERRY
CLERK OF COURT
PUTNAM COUNTY

SDM

Richard King

REN. ESTATE TRUSTEE
TRK FID: 00.00

LIMITED WARRANTY DEED

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

THIS INDENTURE, made this 26th day of December 2019, between HJR Odifoth, ~~111-0119-001987~~
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 39.58 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 708, 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.

mc:\clients\31130014\limited warranty deed- trust a.doc

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 Oceans, 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)



Adrian E. Edwards, Notary Public
J.V. Dell, P.C.
1040 Founders Row, Ste B
Greensboro, Georgia 30642
CMA# 3113-0015

BOOK 005610
FILED IN OFFICE
12/23/2019 11:40 PM
BK:972 PG:296-295
BRENDA H. PERRY
CLERK OF COURT
PUTNAM COUNTY



REAL ESTATE TRANSFER
TAX PAID: \$2.00

LIMITED WARRANTY DEED

STATE OF GEORGIA, GREENE COUNTY

PT61-117-2019-001988

THIS INDENTURE, made this 26th day of December 2019, between HJR O'Neil, LLC 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 388th District, G.M. of Putnam County, Georgia, containing 21.48 acres, more or less, and being designated as Tract B on that certain plat prepared by Jack E. Newton, 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 thereto, 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.

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

Notary Public

My Commission Expires
(AFFIX NOTARY SEAL)



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

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

The Road

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

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

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

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

four foot (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,



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

IV.

Diversified's complaint alleges both an inverse condemnation and a due process violation. But because Diversified requested relief in the form of rezoning without seeking damages for a taking, its claim is properly understood as sounding in due process. Regardless of its language intermixing due process and inverse condemnation claims (understandable given our own lack of precision in the past), the trial court applied the correct standard and concluded, in part, that the Property's current zoning is substantially related to the public's health, safety, morality, and welfare. We agree.^[10]

⁸⁸⁵ 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

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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.^[11] 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.

~~690-690~~ 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.^[12]

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

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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.

RCMD 2020 FEB 3



February 23, 2020

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

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

[Please put a copy of this letter in each application file]

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

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

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

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

¹ A copy of that letter is being submitted herewith.

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

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

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

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

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

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

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

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

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

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

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

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

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

Respectfully

/s/

D. Ronald (“Ron”) Ryland

101 S. Bay Rd., no 1006

Eatonton, Ga. 31024

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

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

March 4, 2020

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

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

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

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

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

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

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

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

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

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

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

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

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


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

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

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

Thanks for your time

Respectfully,



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Site Analysis Overview

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

Ratings:

Advantage (green triangle)

Neutral (yellow dash)

Disadvantage (red triangle)

Criteria:

Size. The site is able to fit a hotel and/or meeting facility with parking. Six acres is the assumed minimum acreage needed for a combined hotel/event center and associated parking, although 10+ acres is ideal. For a hotel-only site, the minimum size is two acres.

Access. The site is easily accessible from major arterial roadways.

Visibility. The facility or facilities is/are visible from arterial roadways.

Location. The site is located in an attractive and/or key area of Putnam County.

Amenities. The site is within walking distance (up to 1,500 linear feet) of retail, food and beverage options and other entertainment.

Recommendations & Site Analysis

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

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

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

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

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

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

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

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

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

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

⁴ At the public hearings, Mr. McMichael acknowledged that his lender forced him to auction off lots at his Chapel Springs project, an attractive project where the lakeside lots have been developed. That lender sent a lawyer a long distance to appear before the Commission not to say that the bank would loan any money for the then project but to say that the bank would appreciate rezoning if it would increase the value of their collateral, a clear sign of a troubled loan. Mr. McMichael is presently being sued by People's Bank over a failed Greene County Project. 9The Peoples Bank v. Sammons-McMichael, LLC and Howard McMichael, Jr. Putnam County SUC2019140 filed July 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.

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

The "Project" is Inconsistent with the Comprehensive Plan

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,



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

IV.

Diversified's complaint alleges both an inverse condemnation and a due process violation. But because Diversified requested relief in the form of rezoning without seeking damages for a taking, its claim is properly understood as sounding in due process. Regardless of its language intermixing due process and inverse condemnation claims (understandable given our own lack of precision in the past), the trial court applied the correct standard and concluded, in part, that the Property's current zoning is substantially related to the public's health, safety, morality, and welfare. We agree.¹¹⁰¹

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. Id. Tap, 273 Ga. at 685, 544 S.E.2d 433. This is particularly relevant when the zoning ordinance at issue was adopted after extensive study and public debate. Id. The trial court ultimately concluded that the current zoning was substantially related to the public health, safety, and welfare. We see no error in that conclusion.

Diversified contends that the trial court did not undertake an appropriate analysis of whether the Property is suitable for development in accordance with the City's comprehensive plan. In other words, Diversified maintains that the Property cannot be developed for commercial use and cannot realistically be developed for high-density office space as the City envisions — meaning, one assumes, that the current zoning restriction is arbitrary and capricious. But, as the City points out, there was evidence that the Property could be developed for some commercial use, including low-intensity office space. And, as both parties concede, much of the difficulty in developing the Property stems from the Property's topography — which, of course, remains unchanged by its zoning classification. It is not for this Court to determine whether the City could have made a different or better zoning classification. Tap, 273 Ga. at 685, 544 S.E.2d 433. When the validity of the legislative classification for zoning purposes is debatable, that judgment must be allowed to control. Id. at 683, 544 S.E.2d 433.^[12]

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.

March 10,2020

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

Re: Collis Road Rezoning

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

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

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

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

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

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

Many thanks for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read 'D. Ryland', written in a cursive style.

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

Kathryn Burgess
126 Doug Ln.
Eatonton, Ga 31024

December 22, 2019

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

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

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

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

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



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

NOV 2019 NOV 1

DE

Proposed project

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

100

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 7019 REV 1

DE

101

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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(inbox/)

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/8088363/), 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 meggot, and folks that is stinking big time.

3 days ago Thank Reply



Tina Gregory (/profile/37713377/), 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 Allutto (/profile/5754754/), 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/43278888/), 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: 678-675-7476
mrueter@aol.com

December 17, 2019

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

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

Gentlemen:

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

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

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

Sincerely,

Martin J. Rueter
Executive Vice President

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NAME	ADDRESS	PHONE NUMBER	SIGNATURE
Kevin Rhyme	119 Collis 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
Hinda Pendergrass	156 Collis Rd Eatonton GA	206-550-6428	Hinda Pendergrass
William Pekeul	101 S. Bay Rd #1005 Eatonton GA 31024	678-361-0908	William F. Pekeul
Ron Ryland	101 S. Bay Rd #1006 "	312-780-9900	
Jeff Martin	161 Collis Road	706-473-9224	Jeff Martin
Denise Moore	164 Collis Road	706-473-1878	Denise L. Moore
Buena Saltamachia	169 Collis Rd	678-231-3698	Buena Saltamachia
RAY SALTAMACCHIO	169 COLLIS ROAD, EATONTON, GA. 31024	706-473-1556	Ray Saltamachio
Bill 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 Cr. Eatonton 31024	904-349-7951	Clifford A. Noyes
Bill Richards	108 Doug Lane Eatonton GA 31024	706-485-9043	William K. 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
Fanicia Harris	131 Collis Marina Road	478-454-8275	Fanicia Harris
Clark Herring	127 Collis Marina Rd	770-331-8231	Clark Herring
Russell Young	110 COLLIS CIR	404-351-0868	Russell Young
SCOTT JORIS	167 COLLIS RD	478 457 6623	Steve Joris
SARA BECK	167 COLLIS rd	706 473 9066	SARA BECK
Amy Joris	167 Collis Rd	478 387-6969	Amy Joris
Jane Richards	108 Doug Lane	706-485-9043	Jane Richards
Marla Dennis Collier	108 Collis Marina Rd.	706-473-1220	Marla Dennis Collier
Dennis Collier	108 Collis Marina Rd.	706-473-1220	Dennis Collier
Tommy Street	102 Doug Lane	678-725-8551	Tommy Street
Kathryn Burgess	126 Doug Lane	678-429-5376	Kathryn J. 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

NAME	ADDRESS	PHONE NUMBER	SIGNATURE
YONG SUN YOUNG	110 Collis Circle	404-358-5667	<i>Yong 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.	404.597.7109	<i>Robert Lee Sailly, Jr</i>
Elizabeth Wencik	1166 Collis Road	(910) 992-6233	<i>Elizabeth Wencik</i>
DAVID WENCIK	166 Collis Rd.	(678) 823-9810	<i>David Wencik</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 Maggini	175 Collis Circle	478-363-3803	<i>Michael Maggini</i>
CHAD CRAWFORD	173 COLLIS CIRCLE	706-816-746	<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

NAME	ADDRESS	PHONE NUMBER	SIGNATURE
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	[Signature]
Heather Hulett	160 Collis Rd	478-363-7509	Heather Hulett
Mark Hulett	160 Collis Rd	478-456-4757	[Signature]
Kathy Martin	161 Collis Rd	706-473-9223	Kathy Martin
Jeff Martin	161 Collis Rd	706-473-9208	Jeff Martin
Kristie McLeod	175 Collis Capps Lane	678-520-4774	Kristie McLeod
Tiffany McLeod	175 Capps Lane	678-480-9546	[Signature]
Julie N Collis	100 Collis Restaurant Rd	706-816-0353	Julie N Collis
Katherine Culpepper	104 Doug Lane	706-207-9036	Katherine Culpepper
John Culpepper	104 Doug Lane	770-354-5444	John Culpepper
Jimmy N Collis	100 Collis Rest Rd	706-816-4013	J. N. Collis

40 Signatures Goal 1000

SIGN THIS PETITION Steve Burgess

Add comment Cancel

SIGN PETITION

- Bruce Yancey, Bryan Wagoner, Bill Vining, Donna Vining, Cynthia Boblert, Brad Boblert
- John Moran, John Culpepper, Steven Wynn, Regina Wynn, Lee Lord, Leah Hobbs
- Chris Pectigrew, Justin Green, Shawn State, Rick Caulfield, Kayla Caulfield, Kathleen McPherson
- Patrick McPherson, Arlene Chandler, Thomas H Rhodes, Pat Niles, Jodi Wazavich, David Pakru
- Ben Smith, Jackson Smith, Kelly Smith, Tim Smith, Kathy Franzloli, Ed Franzloli
- David Hummer, Michael Walker, Pam Walker, Elizabeth Tofer, Michael Bloomfield, Lois Hummer
- Gail Farmer

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

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

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

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.

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

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

(See attached pages for signatures.)

23 COMMENTS

Bruce Yancy
Dec 28, 2019

upvote reply show
Dec 28, 2019

SIGN PETITION

Bryan Wagoner

Dec 27, 2019

40 Signatures Goal: 1000, 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

upvote reply show Dec 24, 2019

I vote no to the property being rezoned.

Brad Boblenz

Dec 24, 2019

upvote reply show Dec 24, 2019

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

John Culpepper

Dec 23, 2019

upvote reply show Dec 23, 2019

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

upvote

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 incompleteness or inaccurate understandings, we view every comment as an expression of a problem or weakness, and we will do our best to respond appropriately. We hope that this communication and the information found here will be the first step in building a strong and favorable relationship with you. We will strive to do just that, and we ask that you join us in this endeavor.

Thank you for your questions which were submitted in anticipation of the Town Hall Meeting of November 5. Based on those questions, as well as your various comments which have appeared in the 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 resolving each question and then responding to it individually, on the following pages we will address each of these key issues, while attempting to answer all of the matters which were raised in your questions or comments. In addition, we will respond to the other comment for information regarding ownership and our community involvement that, 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.



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 1982, Piedmont was formed by members of the Shaffer 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 1985 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. There were very exciting times for Piedmont, as we were able to participate in the development of the commercial areas along Lake Oconee Parkway, including Public and Lake Oconee Village, and the construction of the Ritz-Carlton, the Lake Club and other improvements within Reynolds' boundaries. In Putnam County, we also provided improved water 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 spirit of Lake Oconee is reminiscent of Hilton Head Island in the 1970s and Amelia Island in the 1800s, 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 Shafer family have been committed to the Lake County area for many years. Some of our contributions are charitable in nature. Examples include St. Mary's Good Samaritan Foundation, Lake 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 which will provide numerous jobs and opportunities over the future decades.

Speaking of jobs, we are extremely proud of the fact that Piedmont and the other businesses we have built have created more than 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-12k \$3.50	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+ \$4.50				20k-50k \$7.00	12k-50k \$8.50
				50k+ \$7.50	50k+ \$10

Note that our base rate for 1,000 gallons/month was not increased from 2010 to 2015, when we increased from \$14.00 to \$14.50 (an annualized increase of 0.3%). In 2012 we increased our tiered pricing, after which we had no increases until February 1, 2015. 9 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,



Piedmont Water

C O M P A N Y

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 3,000 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 30,000 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.

PiedmontWater

C O M P A N Y

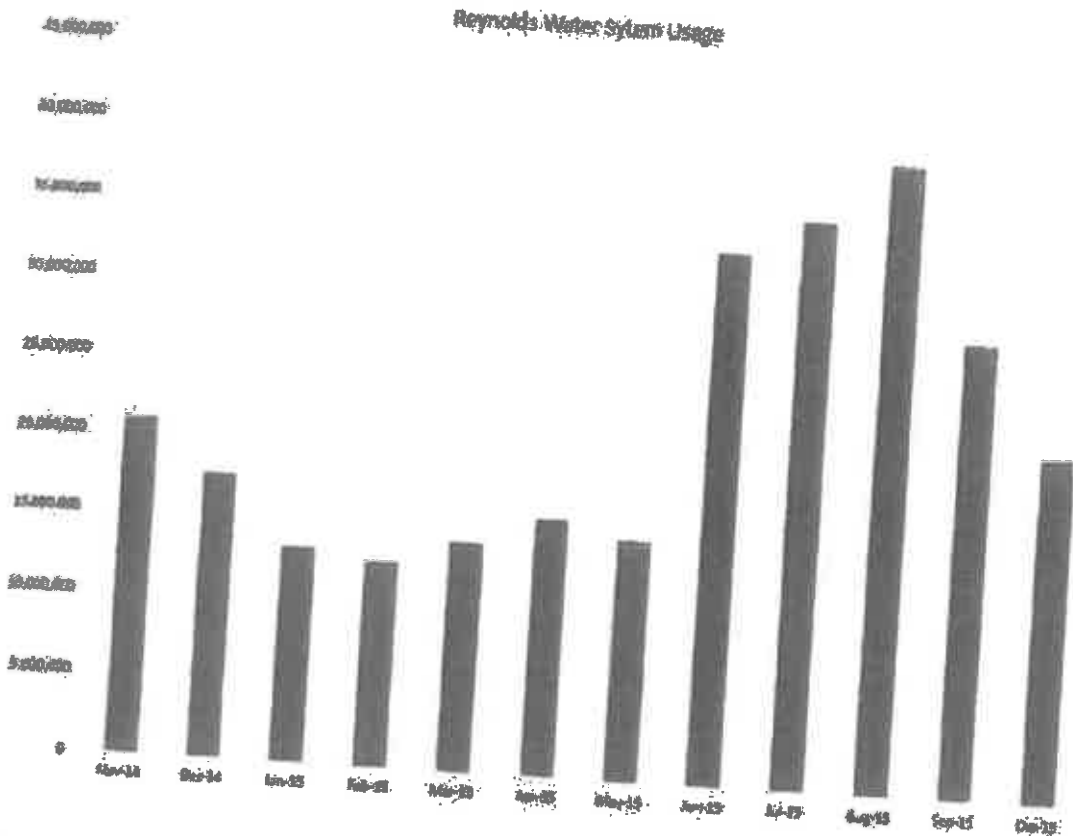
Entry	0	1000	2000	10,000	15,000	20,000	25,000
AWC	\$24.00	\$24.00	\$42.00	\$82.00	\$137.50	\$185.00	\$170.00
Chatsworth (b)	N/A	N/A	\$2.00	\$2.00	\$2.00 / \$2.00	\$2.00	\$2.00
Greenville (f)	\$25.40	\$25.40	\$42.34	\$84.00	\$122.04	\$169.01	\$142.00
Greenville (e)	\$23.75	\$23.91	\$47.18	\$79.22	\$108.03	\$120.73	\$133.23
Greenville (b)	\$25.03	\$25.03	\$43.10	\$87.91	\$123.10	\$164.14	\$141.00
Highland	\$15.04	\$15.04	\$24.38	\$47.22	\$70.26	\$88.25	\$91.01
Highland (a)	\$28.15	\$28.15	\$46.02	\$91.47	\$130.02	\$180.42	\$140.00
Walton County	\$22.00	\$22.00	\$36.04	\$61.02	\$125.02	\$200.07	\$207.07
Winder (a)	\$16.20	\$16.20	\$26.50	\$45.05	\$78.03	\$103.00	\$114.33
Greenville (c)	\$25.00	\$21.50	\$34.50	\$72.20	\$90.00	\$8.00	\$8.00
Greenville (e)	\$23.00	\$9.00	\$17.00	\$27.00	\$37.00	\$44.00	\$224.70
Greenville (a)	\$7.00	\$7.00	\$11.00	\$17.00	\$22.00	\$22.00	\$27.00
Henry Co. WSA	\$18.00	\$30.00	\$30.00	\$30.00	\$107.00	\$207.00	\$207.00
Madison (a)	\$20.24	\$31.12	\$48.25	\$67.16	\$125.05	\$182.08	\$458.00
Spalding Co. WSA	\$13.71	\$34.00	\$40.01	\$60.02	\$137.07	\$188.32	\$470.00
Atlanta	\$6.00	\$10.70	\$11.04	\$11.00	\$141.01	\$181.40	\$481.20
Reynolds	\$17.00	\$20.04	\$33.00	\$50.02	\$142.02	\$224.00	\$751.00
Richy (a)	\$19.00	\$31.00	\$44.00	\$67.14	\$100.04	\$222.14	\$207.14
Union City	\$4.00	\$12.00	\$14.00	\$20.00	\$32.00	\$47.00	\$54.00
Charlotte	\$25.00	\$34.00	\$40.00	\$50.00	\$70.00	\$100.00	\$115.00

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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

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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 "sulfur" 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 stopping 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 1-800-243-7689 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 area 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, those 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.

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Jeffrey S. Haymore
404.665.1243

Email:
jhaymore@dillardsellers.com

May 26, 2020

VIA E-MAIL: anelson@flemingnelson.com

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

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

Dear Adam:

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

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

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

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



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

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

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

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

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



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

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

Sincerely,

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

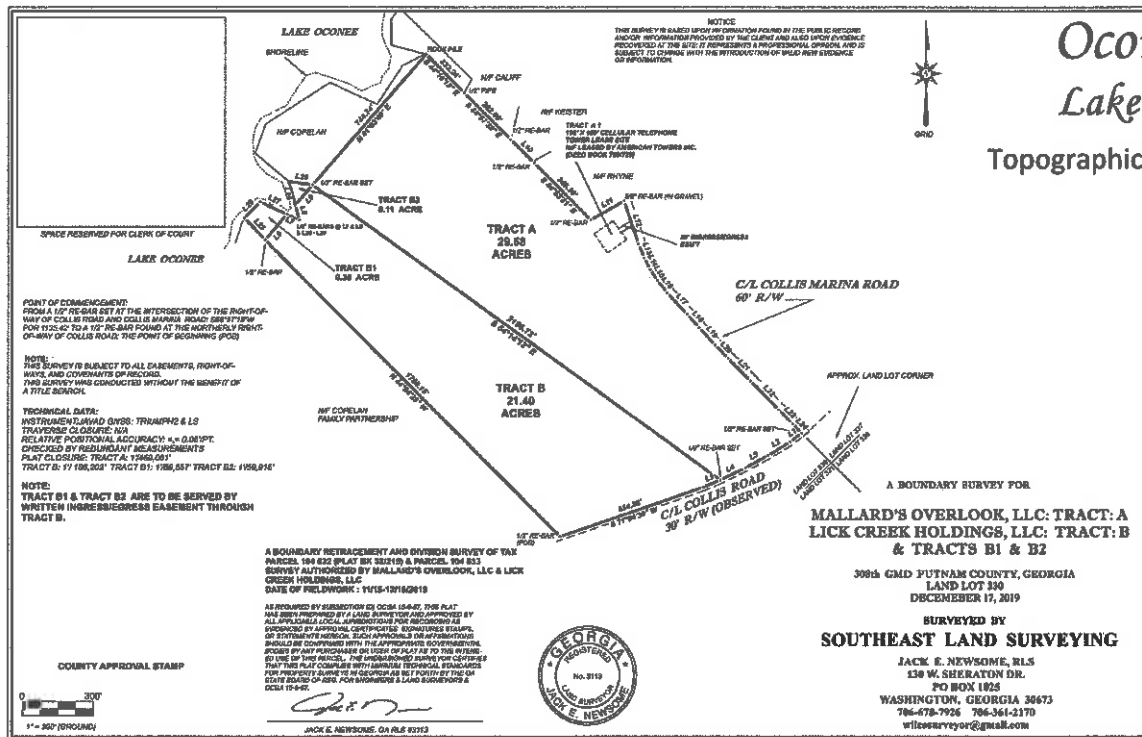
Jeffrey S. Haymore, Esq.

Cc (via e-mail):

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

Oconee Overlook Lake Oconee, Georgia

Topographic and Boundary Survey Rotated in Presentations

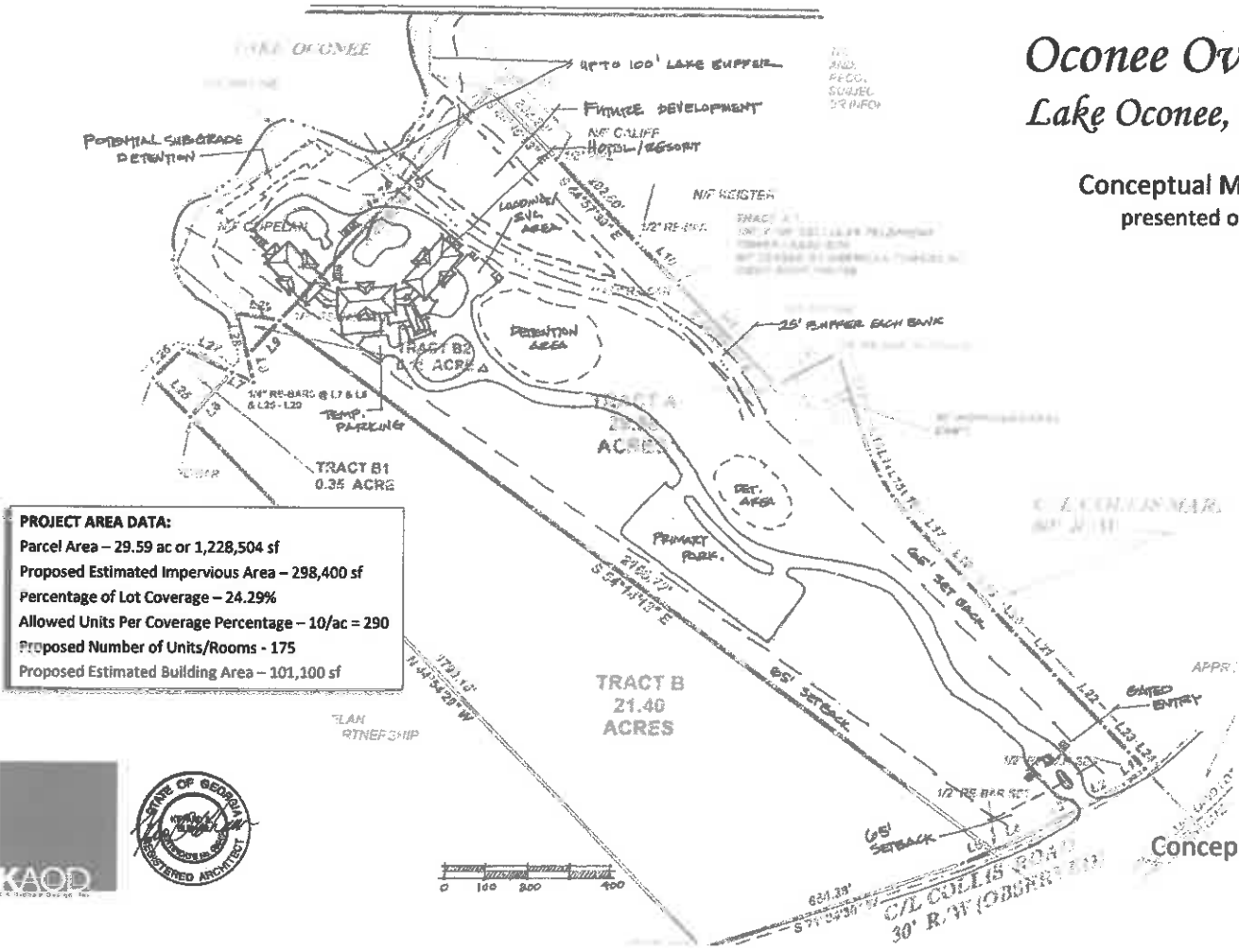


Conceptual Imagery
May 2020

RCVD 2020 MAY 19 *ga*

Oconee Overlook Lake Oconee, Georgia

Conceptual Master Plan
presented on actual plat



PROJECT AREA DATA:

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



Conceptual Imagery
May 2020

RCMD 2020 MAY 19 *Cya*

LAKE OCONEE

Oconee Overlook Lake Oconee, Georgia

Conceptual Resort Plan

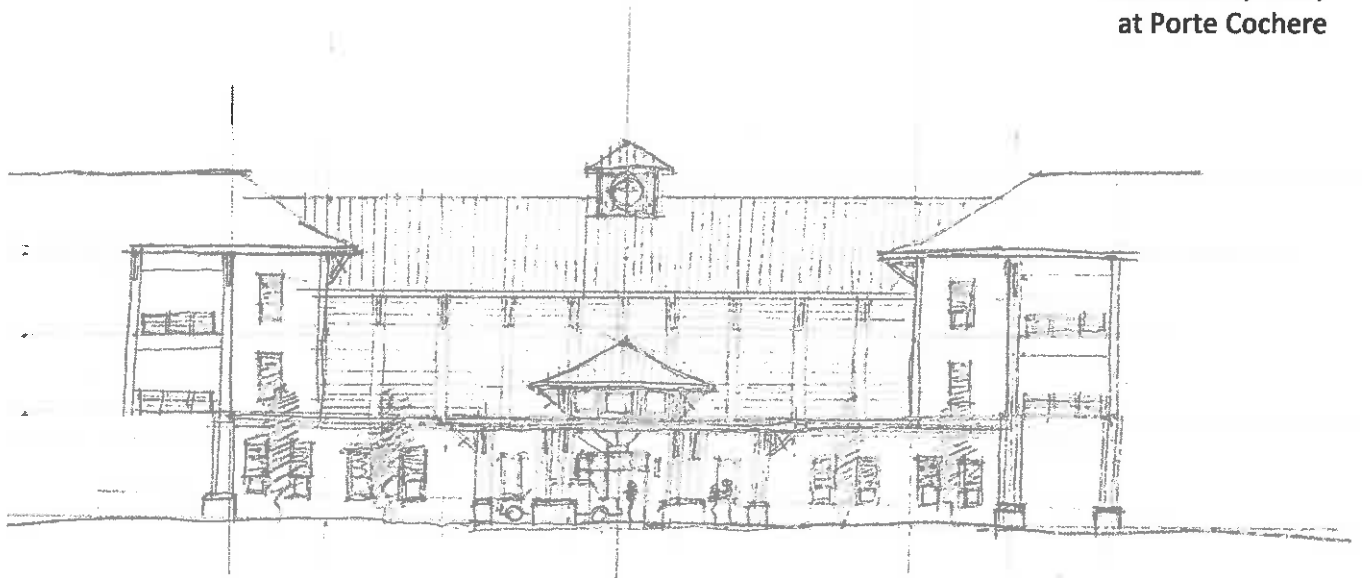


Conceptual Imagery
May 2020

RCUD 2020 MAY 19 *Gja*

Oconee Overlook
Lake Oconee, Georgia

Main Lobby Entry
at Porte Cochere

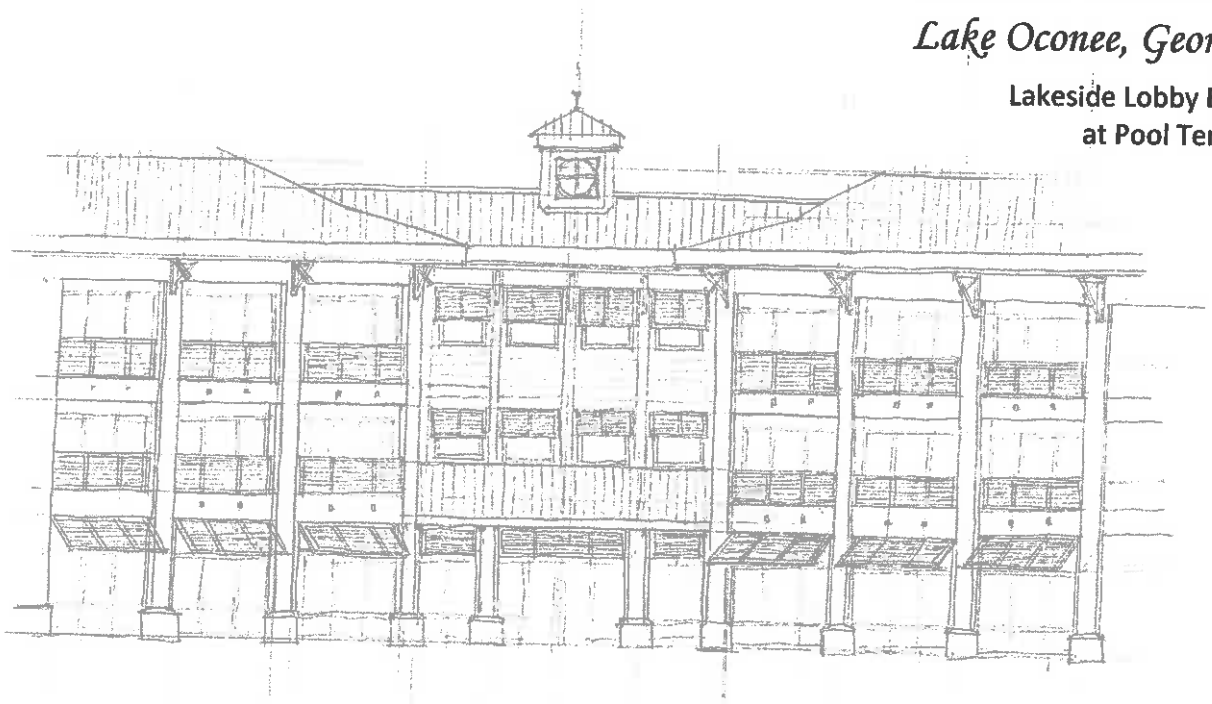


Conceptual Imagery
May 2020

RCUD 2020 MAY 19 *Gja*

Oconee Overlook
Lake Oconee, Georgia

Lakeside Lobby Entry
at Pool Terrace

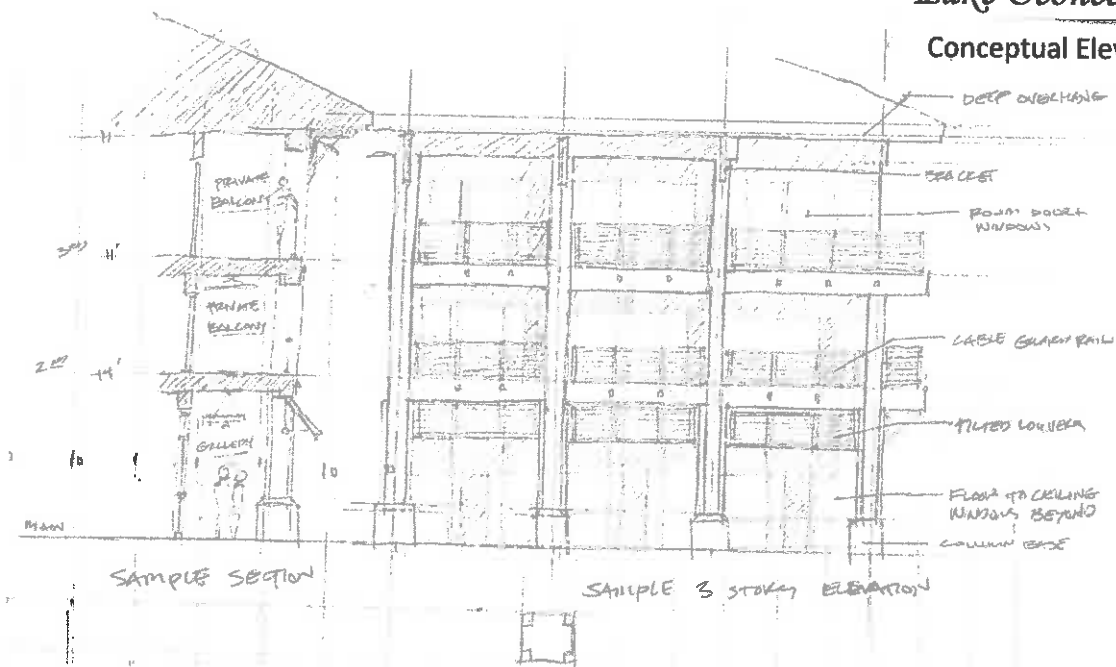


Conceptual Imagery
May 2020

RCUD 2020 MAY 19 *Cja*

Oconee Overlook Lake Oconee, Georgia

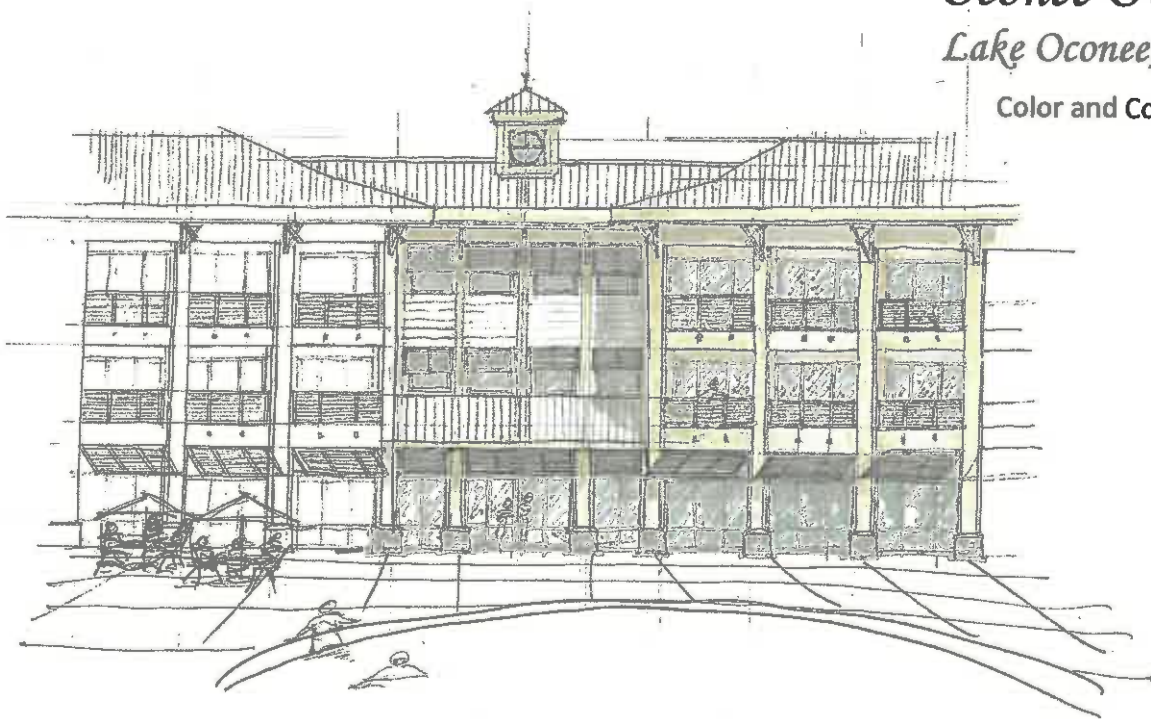
Conceptual Elevation Detail and Section



Conceptual Imagery
May 2020

REVISED 2020 MAY 19 *Ga*

Oconee Overlook
Lake Oconee, Georgia
Color and Context Study



Conceptual Imagery
May 2020

RCUD 2020 MAY 18 *Gja*

Collis Rd. Map 104, Parcel 030



Jeffrey S. Haymore
404.665.1243

Email:
jhaymore@dillardsellers.com

May 8, 2020

VIA E-MAIL: ljackson@putnamcountyga.us

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

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

Dear Lisa:

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

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

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

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

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

Sincerely,

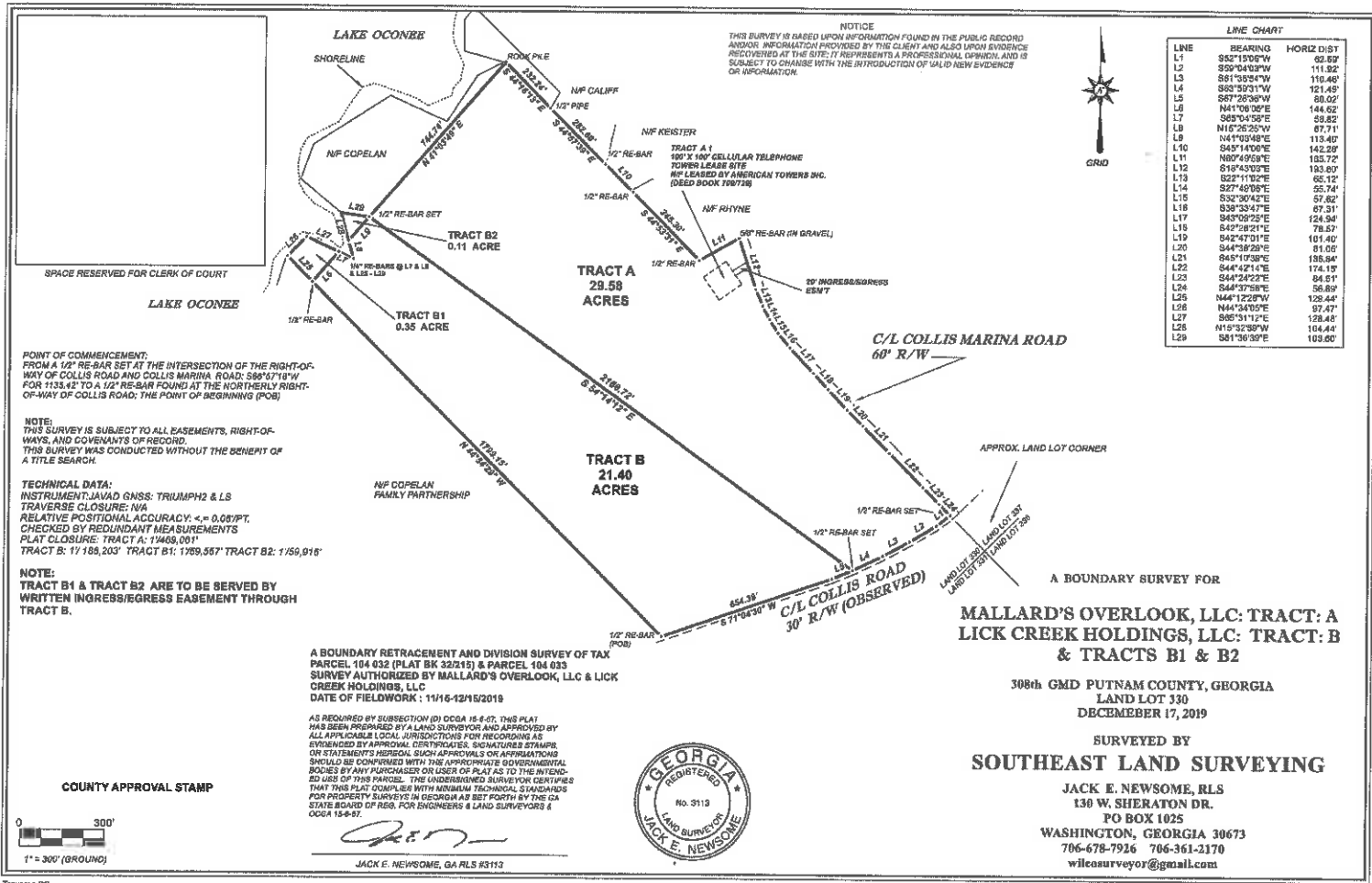


Jeffrey S. Haymore, Esq.

Cc (via e-mail):

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

REVISED 2020 MAY 11 GJO



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: S89°37'18"W FOR 1135.42 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: $\pm 0.08\text{ PPT}$
CHECKED BY REDUNDANT MEASUREMENTS
PLAT CLOSURE: TRACT A: 1"468,001"
TRACT B: 1"188,203" TRACT B1: 1"269,557" TRACT B2: 1"59,018"

NOTE:
TRACT B1 & TRACT B2 ARE TO BE SERVED BY WRITTEN INGRESS/EGRESS EASEMENT THROUGH TRACT B.

A BOUNDARY RETRACEMENT AND DIVISION SURVEY OF TAX PARCEL 104 032 (PLAT BK 32215) & PARCEL 104 033 SURVEY AUTHORIZED BY MALLARD'S OVERLOOK, LLC & LICK CREEK HOLDINGS, LLC
DATE OF FIELDWORK: 11/16-12/15/2019

AS REQUIRED BY SUBSECTION (D) OCCG 15-6-07, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURE STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS OR APPROVATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF PLAT AS TO THE INTENDED 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 & OCCG 15-6-07.



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



A BOUNDARY SURVEY FOR
MALLARD'S OVERLOOK, LLC: TRACT: A
LICK CREEK HOLDINGS, LLC: TRACT: B
& TRACTS B1 & B2

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

SURVEYED BY
SOUTHEAST LAND SURVEYING

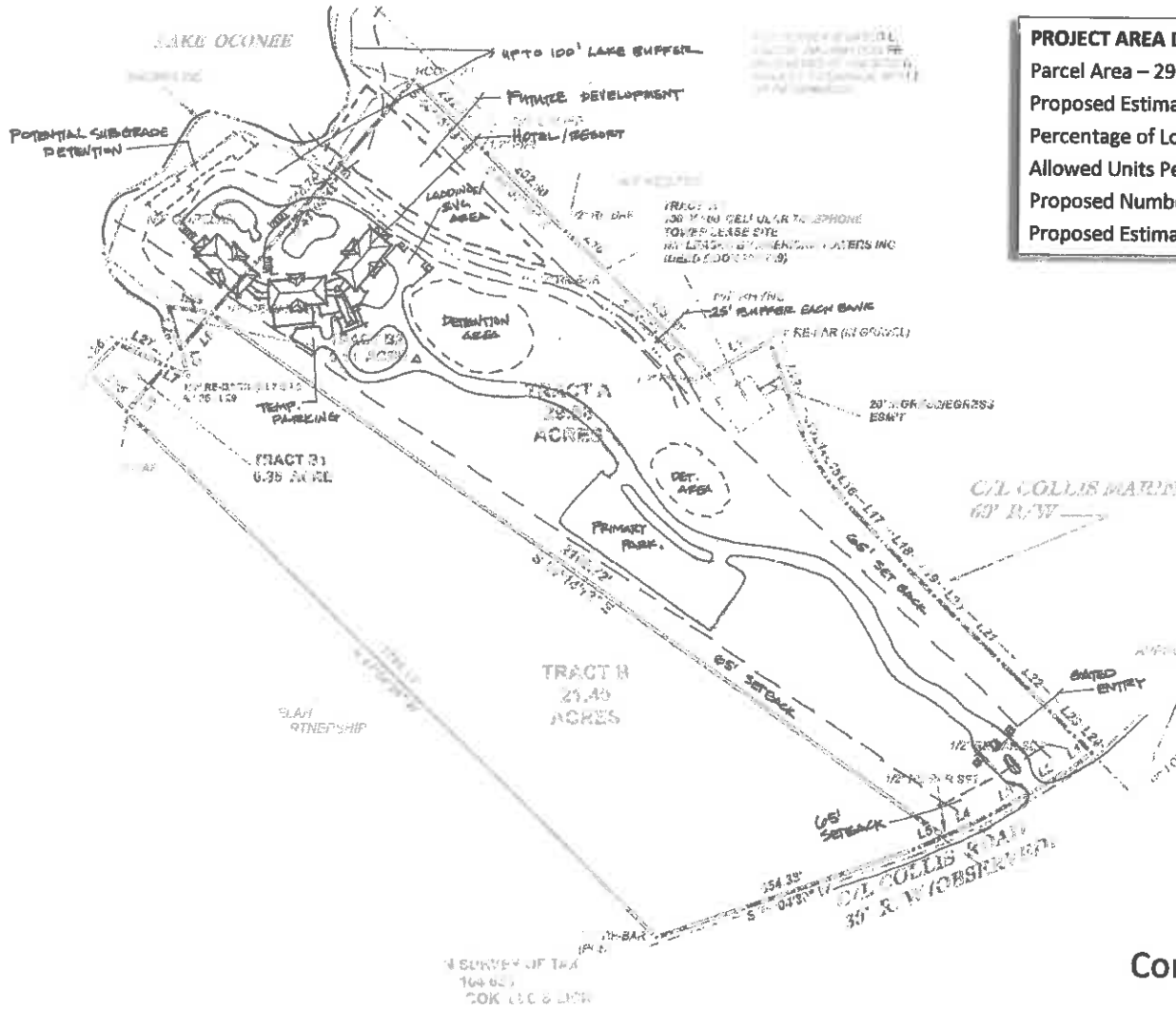
JACK E. NEWSOME, RLS
130 W. SHERATON DR.
PO BOX 1025
WASHINGTON, GEORGIA 30673
706-678-7916 706-361-2170
wileasurveyor@gmail.com



Oconee Overlook Lake Oconee, Georgia

Topographic and Boundary Survey
Rotated in Presentations

Conceptual Imagery
May 2020



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



Ocone Overlook Lake Oconee, Georgia

Conceptual Master Plan
 presented on actual plat

Conceptual Imagery
 May 2020

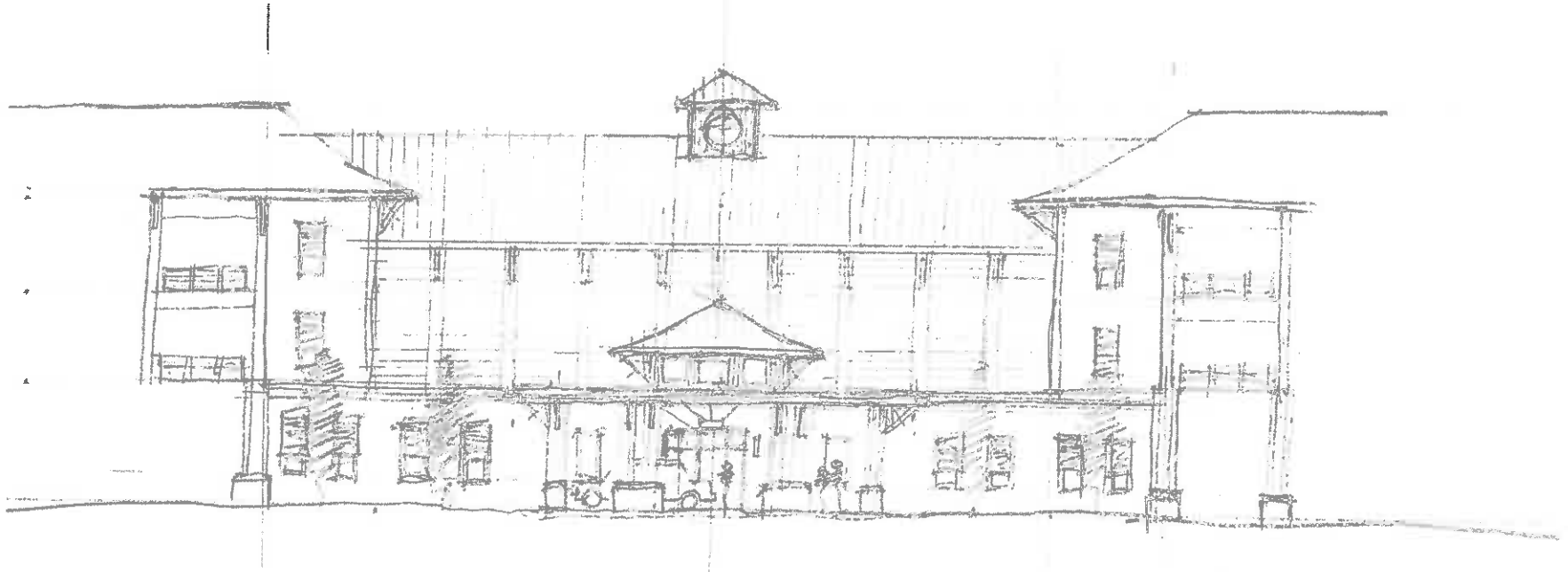


Conceptual Resort Plan

*Oconee Overlook
Lake Oconee, Georgia*

Conceptual Imagery
May 2020



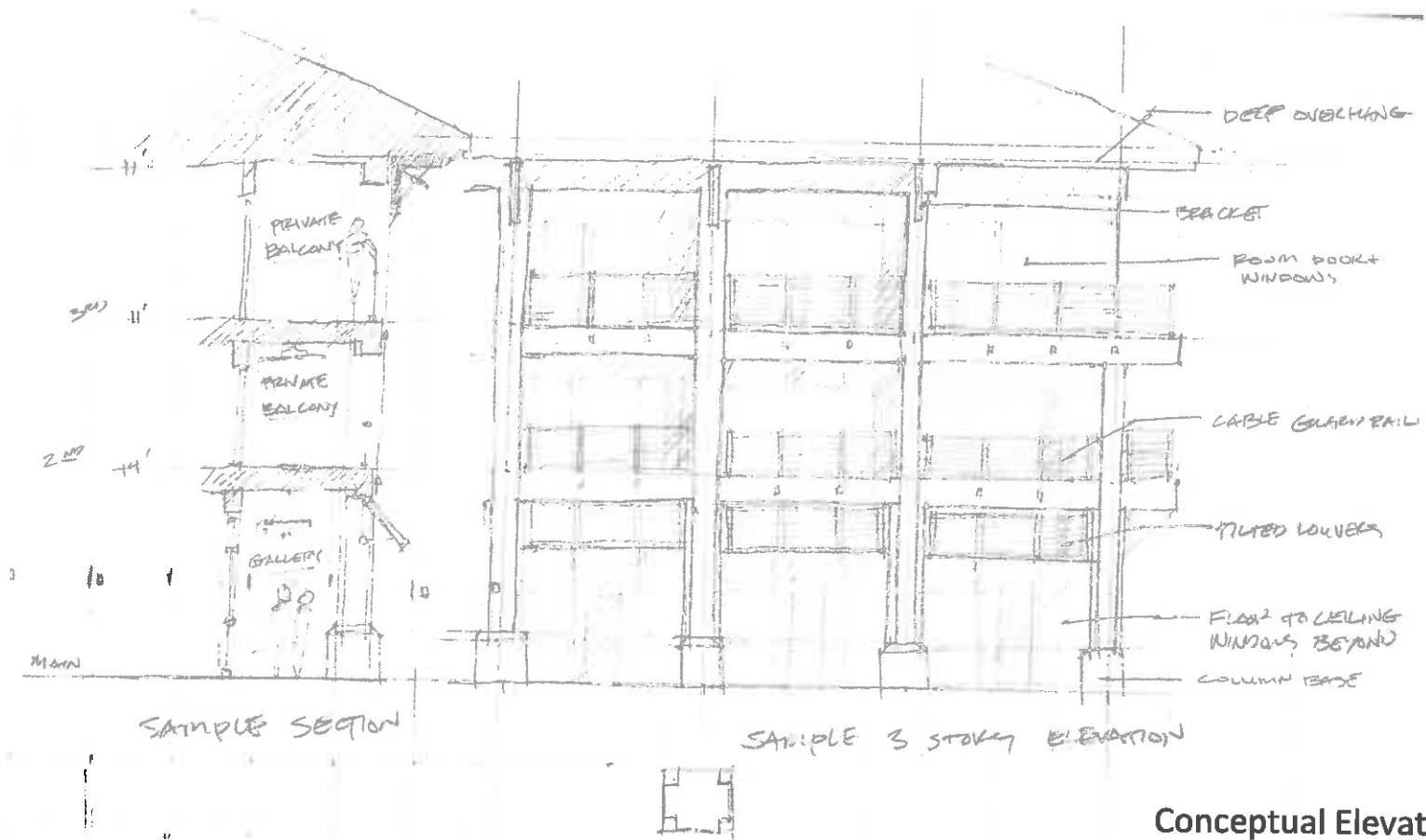


Main Lobby Entry
at Porte Cochere

Oconee Overlook
Lake Oconee, Georgia

Conceptual Imagery
May 2020



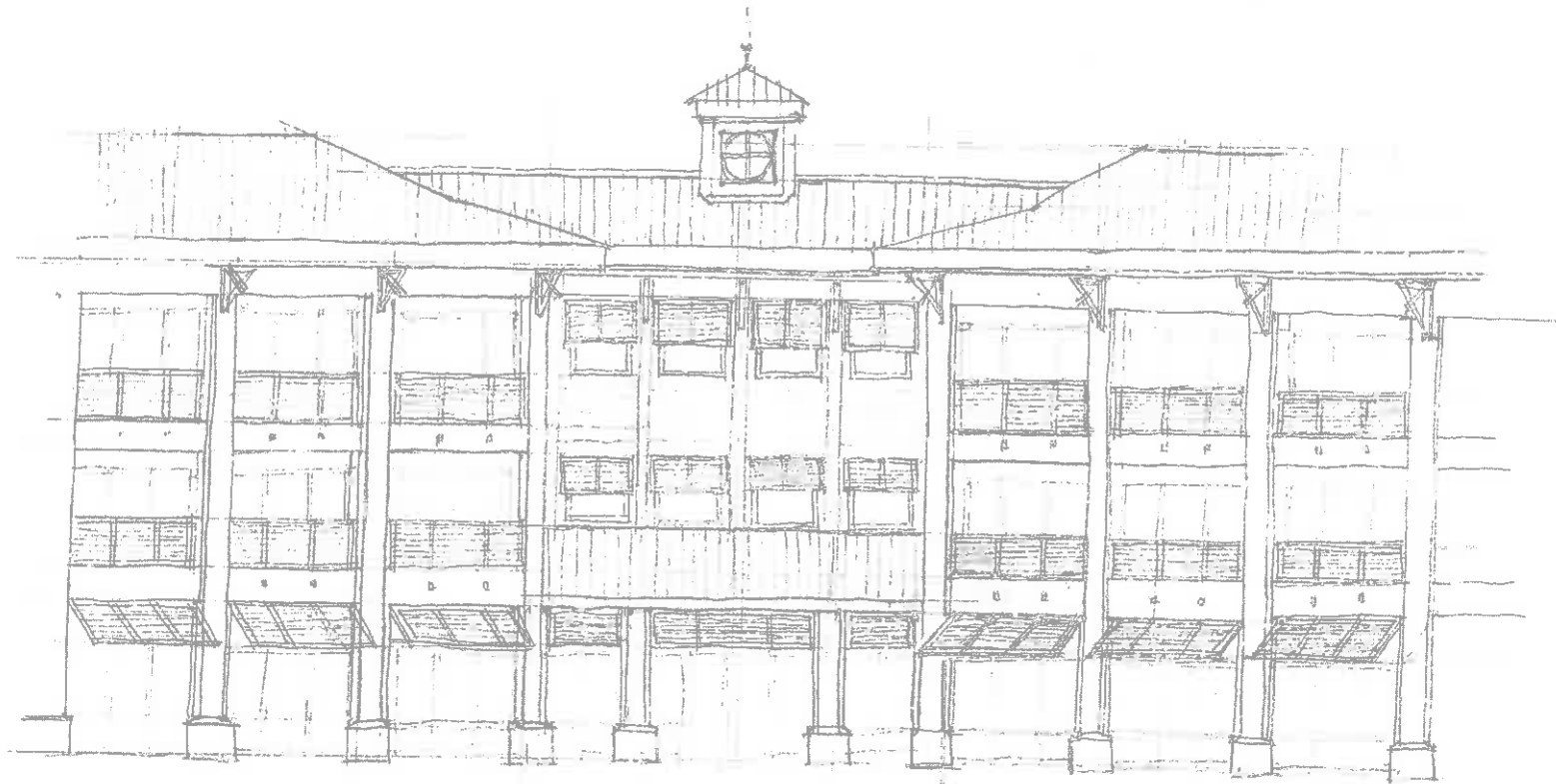


Conceptual Elevation Detail
and Section

Oconee Overlook
Lake Oconee, Georgia

Conceptual Imagery
May 2020



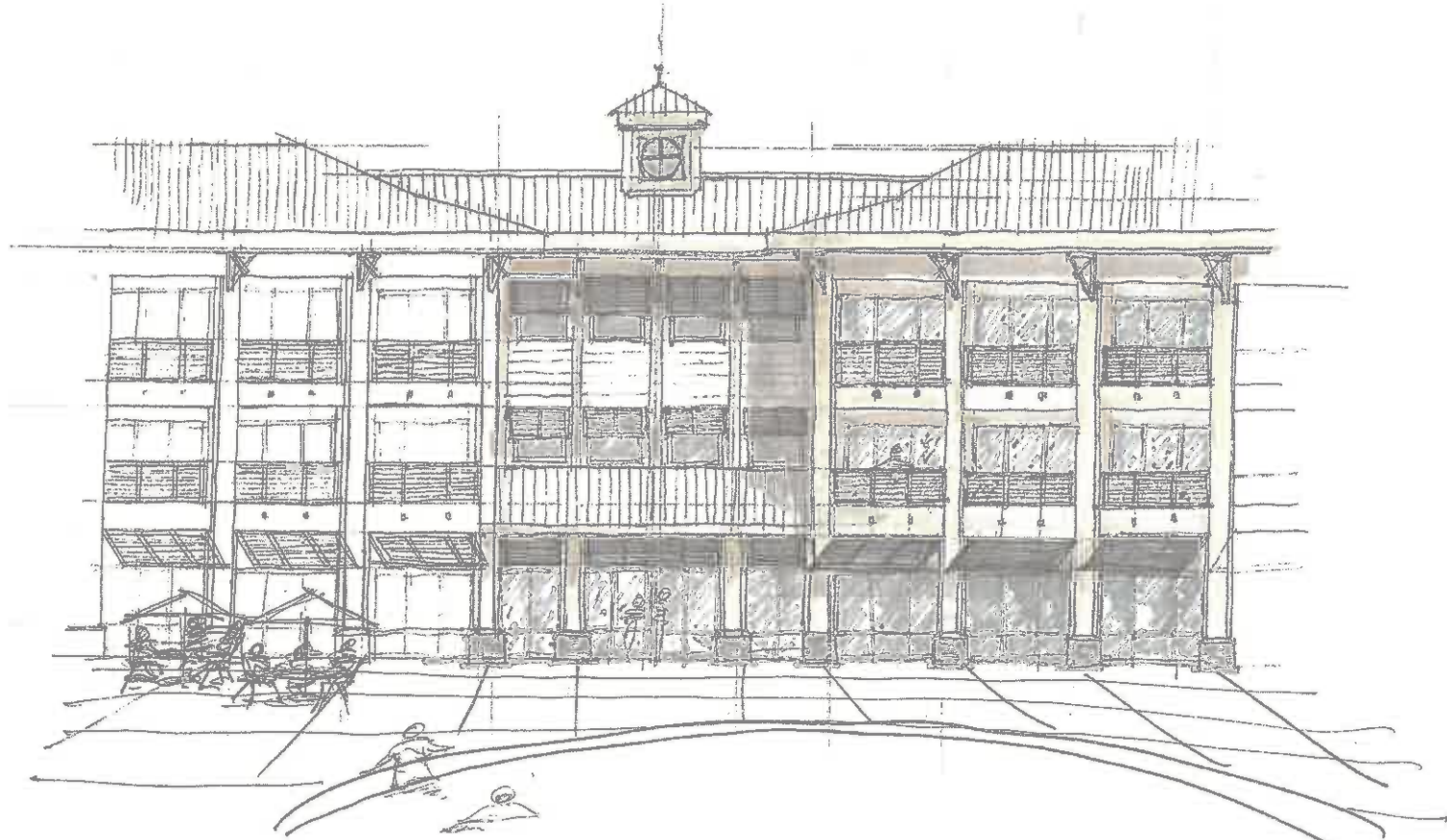


Lakeside Lobby Entry
at Pool Terrace

Oconee Overlook
Lake Oconee, Georgia

Conceptual Imagery
May 2020





Color and Context Study

Oconee Overlook *Lake Oconee, Georgia*

Conceptual Imagery
May 2020





Jeffrey S. Haymore
404.665.1243

Email:
jhaymore@dillardsellers.com

March 4, 2020

VIA E-MAIL: anelson@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:

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

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

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

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

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

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

Please do not hesitate to contact me to discuss.

Sincerely,



Jeffrey S. Haymore, Esq.

Cc (via e-mail):

Howard McMichael, Jr.
Josh Sprayberry
Lauren Sprayberry
Lisa Jackson

DILLARD Sellers
ATTORNEYS AT LAW

Jeffrey S. Haymore
404.665.1243

Email:
jhaymore@dillardsellers.com

March 3, 2020

VIA HAND DELIVERY

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

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

Dear Lisa:

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

Sincerely,



Jeffrey S. Haymore, Esq.

RCUD 2020 MAR 3



DILLARD *Sellers*
ATTORNEYS AT LAW

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

E-mail:
jhaymore@dillardsellers.com

March 2, 2020

VIA HAND DELIVERY

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

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

Honorable members of the Putnam County Board of Commissioners:

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

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

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

Putnam County Board of Commissioners
March 2, 2020
Page 2

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

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

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

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

Standing Objection

RCUD 2020 MAR 3

DE

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

Putnam County Board of Commissioners
March 2, 2020
Page 3

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

Sincerely,



Jeffrey S. Haymore, Esq.

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

PCMD 2020 MAR 3





Jeffery S. Haymore
404.665.1243

Email:
jhaymore@dillardsellers.com

February 20, 2020

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

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

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

Dear Adam:

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

A. Existing Zoning

1. AG-1 zoned parcel

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

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

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 Sec. 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 general 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

DILLARD Sellers
ATTORNEYS AT LAW

Jeffrey S. Haymore
404.665.1243

Email:
jhaymore@dillard sellers.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

DILLARD Sellers
ATTORNEYS AT LAW

Jeffrey S. Haymore
404.665.1243

Email:
jhaymore@dillardosellers.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 centerlines). 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 as a whole², 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.



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

- Name of Applicant: Deonice Overstake, LLC & Lick Creek Holdings LLC
- Mailing Address: 6350 Lake Deonice Parkway Suite 110 Eatonton Ga PNB33 Greenboro
- 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):
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 gpa Desired use of property: RM3

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

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

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.

Jamere Sparty 1/7/2020
Signature (Property Owner) (Date)

Jamere Sparty 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 JAN R

Lick Creek Holdings, LLC
 Map 104 Parcel 030

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

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

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

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

Casey
 Notary Public

Casey
 Notary Public



Office Use

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

Receipt No. _____ Date Paid: _____

Date Application Received: _____

Reviewed for completeness by: _____

Submitted to TRC: _____

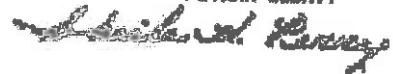
Date of BOC hearing: _____ Return date: _____

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

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:
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.

Deed Reference: Deed Book 788, Page 567

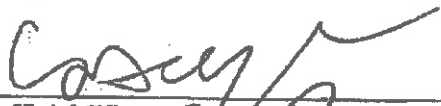
TO HAVE AND TO HOLD, the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee, its successors and assigns, forever in FEE SIMPLE.

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 B




Unofficial Witness

 (SEAL)

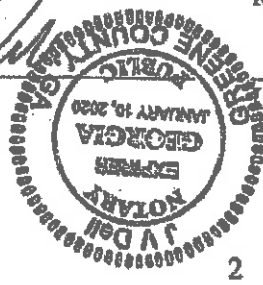
Millicent C. Arnold



Notary Public
My Commission Expires:
(AFFIX NOTARY SEAL)

 (SEAL)

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



DOCH 005611
FILED IN OFFICE
12/27/2019 01:48 PM
BK:972 PG:236-237
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#: 3113-0015

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 ¼" Re-Bar; thence run North 44 degrees 34 minutes 5 seconds East a distance of 97.47 feet to a ¼" Re-Bar; thence run South 65 degrees 31 minutes 12 seconds East a distance of 128.48 feet to a ¼" 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.

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

RCUD 2020 JAN 8

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.

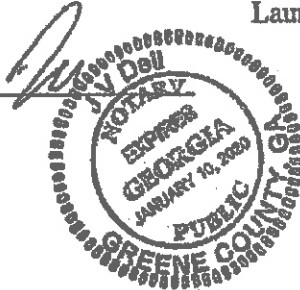
Signed, sealed and delivered
in the presence of:

Oconee Overlook, LLC

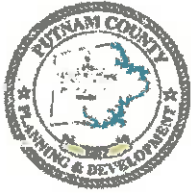
Rebecca Bova
Unofficial Witness

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

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



RCVD 2020 JAN 8



PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

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

LETTER OF AGENCY- _____

WE, THE UNDERSIGNED OWNERS OF REAL PROPERTY LOCATED IN THE CITY OF EATONTON/PUTNAM COUNTY, GEORGIA, HEREBY APPOINT Howard McMichael JR TO BE MY AGENT FOR THE PURPOSE OF APPLYING FOR Rm3 Zoning OF PROPERTY DESCRIBED AS MAP 104 PARCEL 030, CONSISTING OF 2.94 ACRES, WHICH HAS THE FOLLOWING ADDRESS: Collis Road EATONTON, GEORGIA 31024. ATTACHED HERETO IS A COPY OF A DEED AND OR PLAT OF SURVEY DESCRIBING THE PROPERTY OWNED BY THE PROPERTY OWNER(S) TO WHICH THIS LETTER OF AGENCY APPLIES.

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

THIS 7 DAY OF January, 2020.

PROPERTY OWNER(S): Oconee Overlook, LLC

James K. [Signature] NAME (PRINTED)
SIGNATURE

ADDRESS: 6350 Lake Oconee Parkway Suite 110, PMB 33 Greensboro, GA 30648
PHONE: 770 313-7898

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

RCVD 2020 JAN 8

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





PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

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

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.

RCVD 2020 JAN 8

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

Thomas H. H. H.
SIGNATURE

ADDRESS: 6350 Lake Oconee Pkwy, Suite 110, Bldg 111 Greensboro GA 30642
PHONE: 706 473 1999

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

Casey
NOTARY
MY COMMISSION EXPIRES: 2-13-22





October 8, 2019

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

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

Dear Mr. McMichael:

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

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

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

Sincerely,

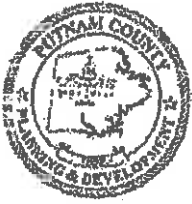
A handwritten signature in black ink, appearing to read "W. J. Matthews", with a long horizontal flourish extending to the right.

W. J. Matthews
Vice President of Operations

RCVD 2019 OCT 31

Handwritten initials in black ink, possibly "WJ" or "JM", 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."

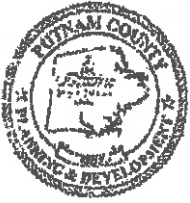
1. Name: Lauren K. Sprayberry (Oconee Overlook, LLC)

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

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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 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: pcic117@yahoo.com
www.putnamtax.com**

October 30, 2019

CERTIFICATION

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

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

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



RCUP 2019 OCT 31
PLC

Impact Analysis

Proposed RM-3 Development Rezoning Request

Agent: Howard McMichael, Jr.

RCUD 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

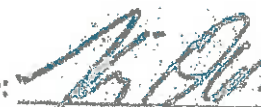
Signature: 
Kip Oldham, AIA



Table of Contents

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Plat of Property	Attachment
Warranty Deeds	Attachment
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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.

REC'D 7/15/14 MAR 1

AE

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:

RCUN 2018 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)

REC'D 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

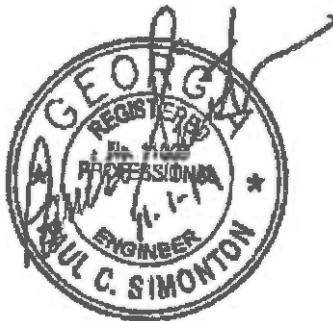
PCW 2019 NEW 1



Hinesville, Georgia Phone: (912) 368-3212 Fax (912) 368-6071
Greensboro, Georgia Phone: (706) 454-0870 Fax (706) 454-0871

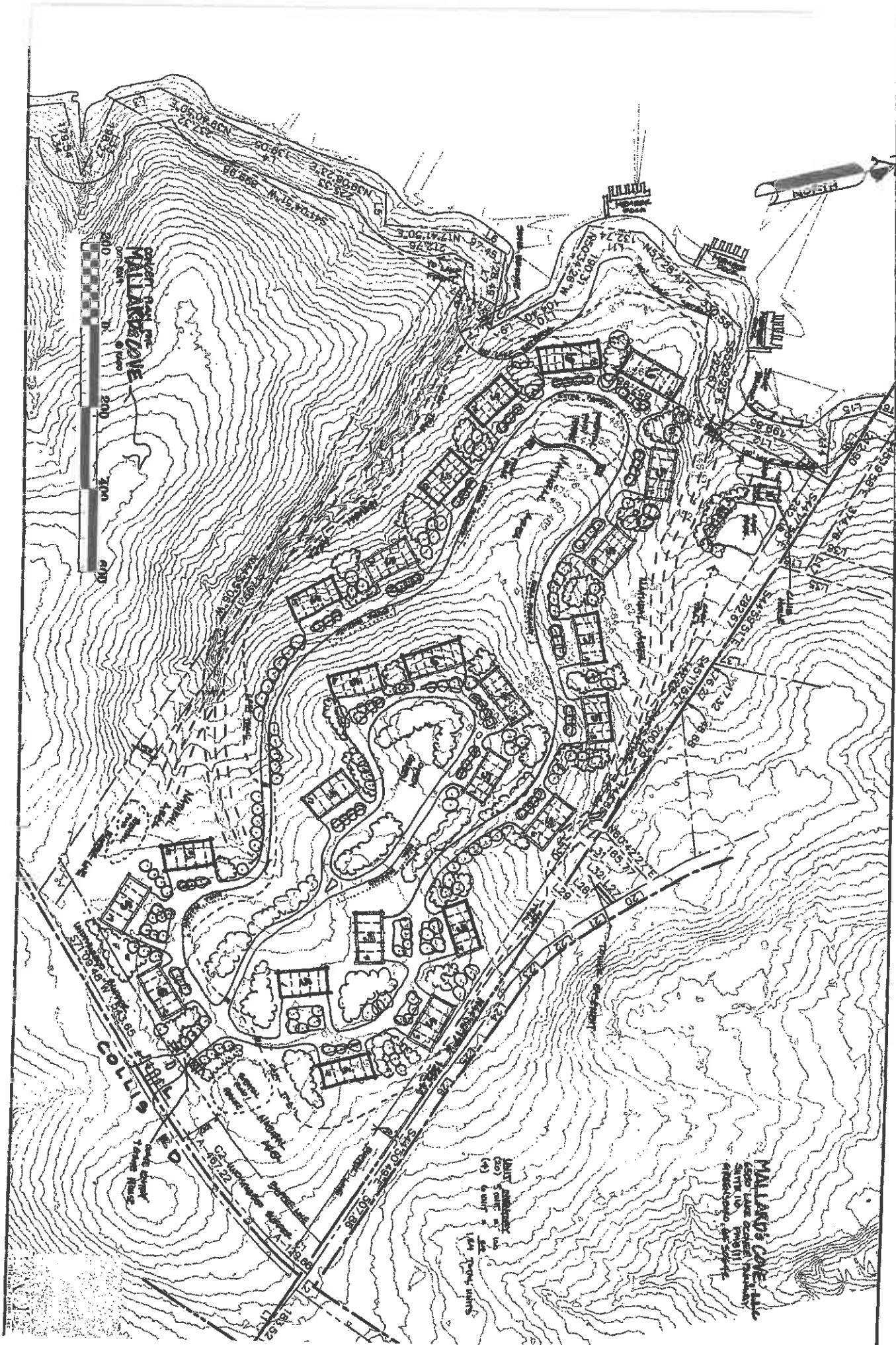
As can be seen the traffic impact, as a result of the rezoning of the tract on Collis Road increases traffic by 70%, to a total of 2,261 two-way trips per day. The 2000 Highway Capacity Manual suggest the capacity of two lane, two-way highways to be 3,400 passenger cars per hour (pcph) for both directions 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.

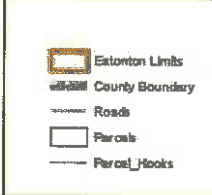
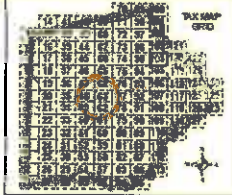
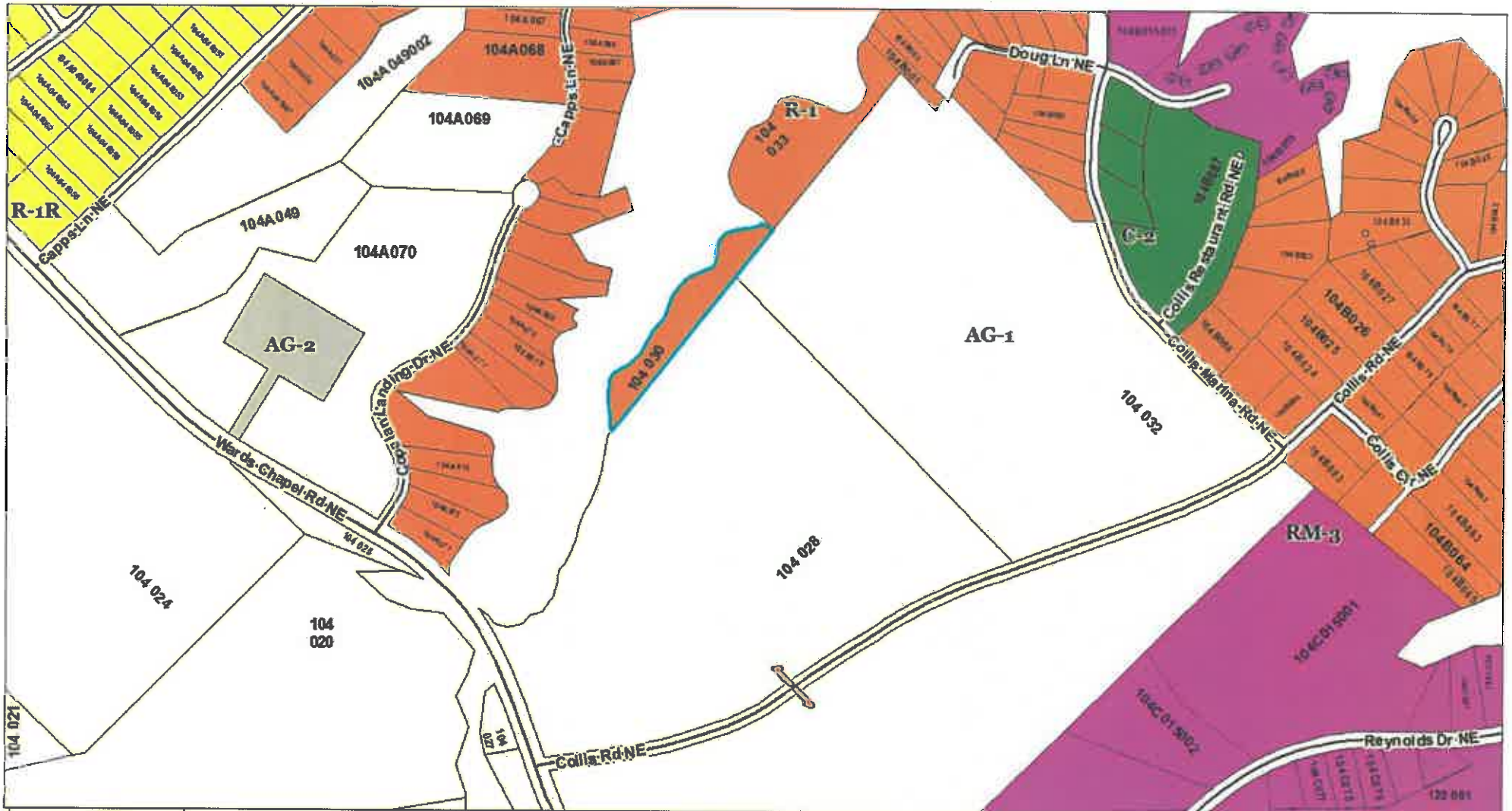
Collis Road does not meet the roadway width shown above. The current roadway is a very narrow twenty feet (20') roadway with little or no shoulder. Expansion of the roadway is expected for the roadway to operate at an acceptable level of service (LOS). The minimum cross section should be two lane, twenty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



NOV 19 2011
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GEOGRAPHIC FEATURE LEGEND

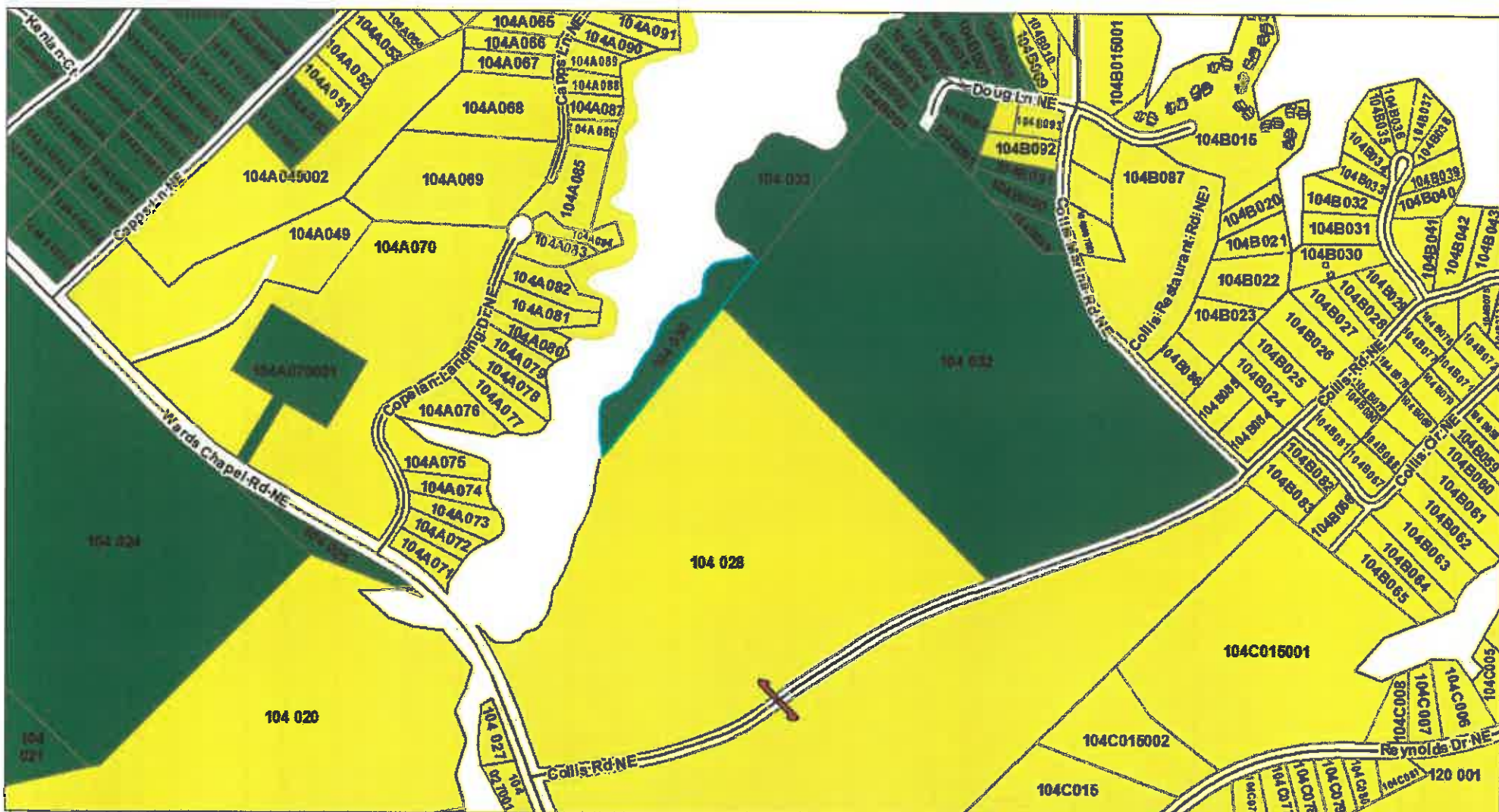
Zoning	
Blue box	Overlay District
White box	No Code
White box with border	AG-1
White box with border	AG-1 CITY
Grey box	AG-2
Green box	C-1
Green box	C-1 CITY
Green box	C-2
Green box	C-2 CITY
Brown box	I-M
Blue box	IND-1 CITY
Orange box	IND-2
Orange box	IND-2 CITY
Brown box	MHP
Brown box	PUBLIC
Brown box	PUBLIC CITY
Light blue box	R-1 CITY
Light blue box	R-2 CITY
Light blue box	R-3 CITY
Light blue box	R-4 CITY
Light blue box	R-1
Light blue box	R-2
Light blue box	R-3
Light blue box	R-4
Light blue box	R-1R
Light blue box	R-1R CITY
Light blue box	RM-1
Light blue box	RM-2
Light blue box	RM-3
Light blue box	VILLAGE

MGRC
Middle Georgia Regional Commission
175 Emory Hwy
Suite C
Macon, Georgia 31217
(478) 751-6180
Web:
www.middlegeorgia.org

PUTNAM COUNTY, GEORGIA
ZONING MAPS

MAP 104

MGP SCALE: 1"=400' SCALE RATIO: 1:800 DATE: NOVEMBER 2019




GEOGRAPHIC FEATURE LEGEND

Extenton 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 Emory Hwy
 Suite C
 Macon, Georgia 31217
 (478) 751-0100
 Web:
www.middlegeorgia.org

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



MAP 104

MGP SCALE: 1"=416.67' SCALAR RATIO: 1:5,000 DATE: NOVEMBER 2010



PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

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

May 21, 2020

TO: Planning & Zoning Commission

FROM: Lisa Jackson

RE: Staff Recommendation for Public Hearing Agenda on 6/4/2020

14. Request by **Howard McMichael, agent for Oconee Overlook, LLC & Lick Creek Holding's LLC** to rezone 2.14 acres on Collis Road from R-1 to RM-3. [**Map 104, Parcel 030, District 3**]. * The applicants are seeking to rezone this parcel along with four adjacent parcels with a total of 57.07 acres to RM-3. If approved, the applicants would like to combine the five parcels in order to develop a waterfront community. The applicants are requesting that the parcels be rezoned R-M3 with no conditions on use. The applicants have provided proposals for either 124 Multi-Family Townhomes or a 175-room hotel, both of which will have a main entrance on Collis Road. This would either add approximately 310 residents to the neighborhood or an increase in 937 average weekday two-way volume. The applicants are proposing to develop this subdivision in accordance with the Putnam County Development Codes with either townhome and condominium units similar to Enclave at Waterfront and Cuscowilla Condominium and Townhome Units or a hotel facility. Water and sewer will be provided by Piedmont Water. According to the applicants, the proposed use will place emphasis on lakeshore protection, recreation use of Lake Oconee, and promote common open space for property owners or hotel occupants. The applicants reference an August 28, 2017 Hunden Strategic Partner's Putnam County Hotel & Conference Center Market, Demand and Financial Study, though the same is not attached to the application.

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

Although the Future Land Use Comprehensive Plan is Agriculture/Forestry in this area, there are several similar developments within a five-mile radius of the proposed location. Recent development trends also indicate that single family and multifamily development will continue to occur in this area. However, staff finds the proposed rezoning will cause an excessive or burdensome use of public facilities and shall exceed the present or funded capabilities and will otherwise have an impact on the public health, safety, morality, or general welfare of Putnam County citizens.

ROAD ENGINEERING COMMENTS: (completed by Larry Kaiser)

Collis Road is a two-lane collector road with average pavement width of approximately 20 feet. Collis Road terminates at Wards Chapel Road, which is a major collector road. Adequate horizontal and vertical sight distance exists to the east and west of Wards Chapel

Road for those vehicles exiting Collis Road. The intersection radius at Collis Road & Wards Chapel is adequate to facilitate the existing traffic demands.

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

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

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

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

- ✓ Pavement Reconstruction of Collis Road. This construction method will consist of reclamation of the existing asphalt pavement, compacting the reclaimed materials and resurfacing the roadway with an asphalt surface course of 2 inches of 12.5 mm asphaltic concrete and a binder course of 3 inches of 19 mm asphaltic concrete (total length of Collis Road impacted from the development is 3000 feet – from Wards Chapel to the proposed entrance).
- ✓ Thermoplastic edge and centerline striping of Collis Road from Wards Chapel to proposed entrance.

- ✓ Shoulder rehabilitation & traffic control of Collis Road from Wards Chapel to proposed entrance, to include the construction of a 5-foot shoulder (minimum 2:1 slope) and roadside ditch
- ✓ Increasing the radii of the intersection of Wards Chapel at Collis Road to a minimum of 30 feet with the widened section to be constructed with 6 inches of graded aggregate base and 2.5 inches of 12.5 mm asphaltic concrete.

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

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

1. To restrict the available uses of the property as follows:
 - a. Hotel
 - i. The hotel shall substantial conform to the submitted scaled conceptual plans and renderings submitted in support of the proposed rezoning application, to include the buildings, ingress and egress improvements, and other structures;
 - ii. No more than ten percent (10%) of the total number of guest rooms may contain stoves, conventional ovens or full-size refrigerators (larger than 11.5 cubic feet). No more than ten percent (10%) of the total number of guest rooms shall be rented or leased by the same person for continuous periods in excess of ten (10) days;
 - iii. Buildings shall be constructed of brick and/or stacked stone on all sides. The hotel building may utilize contrasting architectural metal panels or accents;
 - iv. Not to exceed the proposed total of 175 room as stated in the application. Any increase beyond this total will require approval from the Board of Commissioner;
2. The application of green infrastructure (bioswales/biorention, etc) in combination of water quality retention ponds, will require implementation to minimize the negative effects of imperviousness and stormwater runoff to the water quality of Lake Oconee. The Georgia Stormwater Manual will be applied to the project under review. The manual’s water quality template will be used to assess the various water quality BMP options.
3. Provide at least one 3-inch caliper tree per 3 parking spaces. Trees shall be placed in tree islands within the footprint of the parking lot. Location of trees shall be determined by the county during the site development review (LDP phase). Provide two – 3-inch caliper trees per 100 feet on the shoulder of all roadways within the development. Trees to be placed on both sides of all internal roads. Specific location of the trees adjacent to the internal roads to be determined by the county during the site development review

process. These tree plantings shall not preclude the developer from installing additional vegetation as he/she deems appropriate.

4. Provide a 25-foot-wide densely planted landscape buffer along the property line on Doug Lane and where the property abuts residential parcels on Collis Marina Road. The additional plantings shall provide a 75% buffer within 3 years of planting. Landscape plan and species to be approved during the development review phase.
5. Emergency exit required on Collis Marina Road. Emergency exit shall not be paved. "Grass Crete" or similar product shall be used as the surface treatment for this access. A removable bollard (s) or similar barrier shall be used with only emergency services being provided entryway
6. Preserve a 20' non-buildable strip along the Collis Road frontage measured from edge of right-of-way. The purpose of this condition is for future county acquisition as right-of-way.
7. A minimum of 65 feet building setback from Lake Oconee will be required. This includes all structures and stormwater management facilities. Walkways/paths and boat docks are excluded from this setback requirement.
8. Development shall have only one (1) vehicular access. Access shall be from Collis Road.
9. Map 104, parcel 030, map 104 parcel 032, map 104 parcel 032001, map 104, parcel 033 and map 104 B, parcel 001, must be combined and cannot be used or sold as a standalone parcel.
10. This rezoning shall be conditioned upon the resurveying and recordation of the plat as stated in Section 66-165 (e)(3) of the Putnam County Code of Ordinances.

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 June 16, 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.

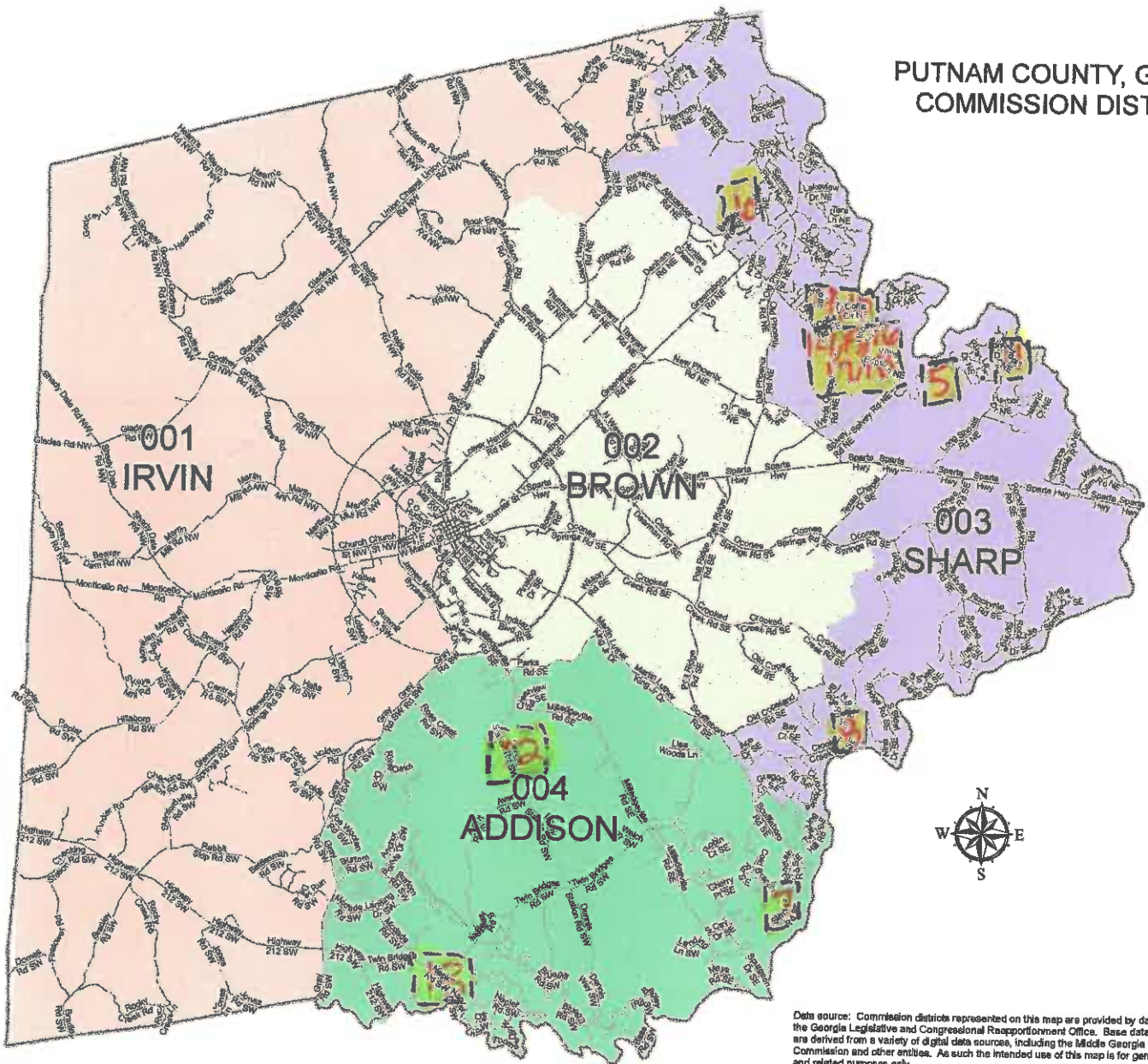
The Board of Commissioners' hearing will be conducted pursuant to O.C.G.A. 50-14-1 and Section 66-159 of the Putnam County Code of Ordinances and meets the requirements of the Zoning Procedures Laws established in O.C.G.A 36-66.

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.

File Attachments for Item:

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

**PUTNAM COUNTY, GEORGIA
COMMISSION DISTRICTS**

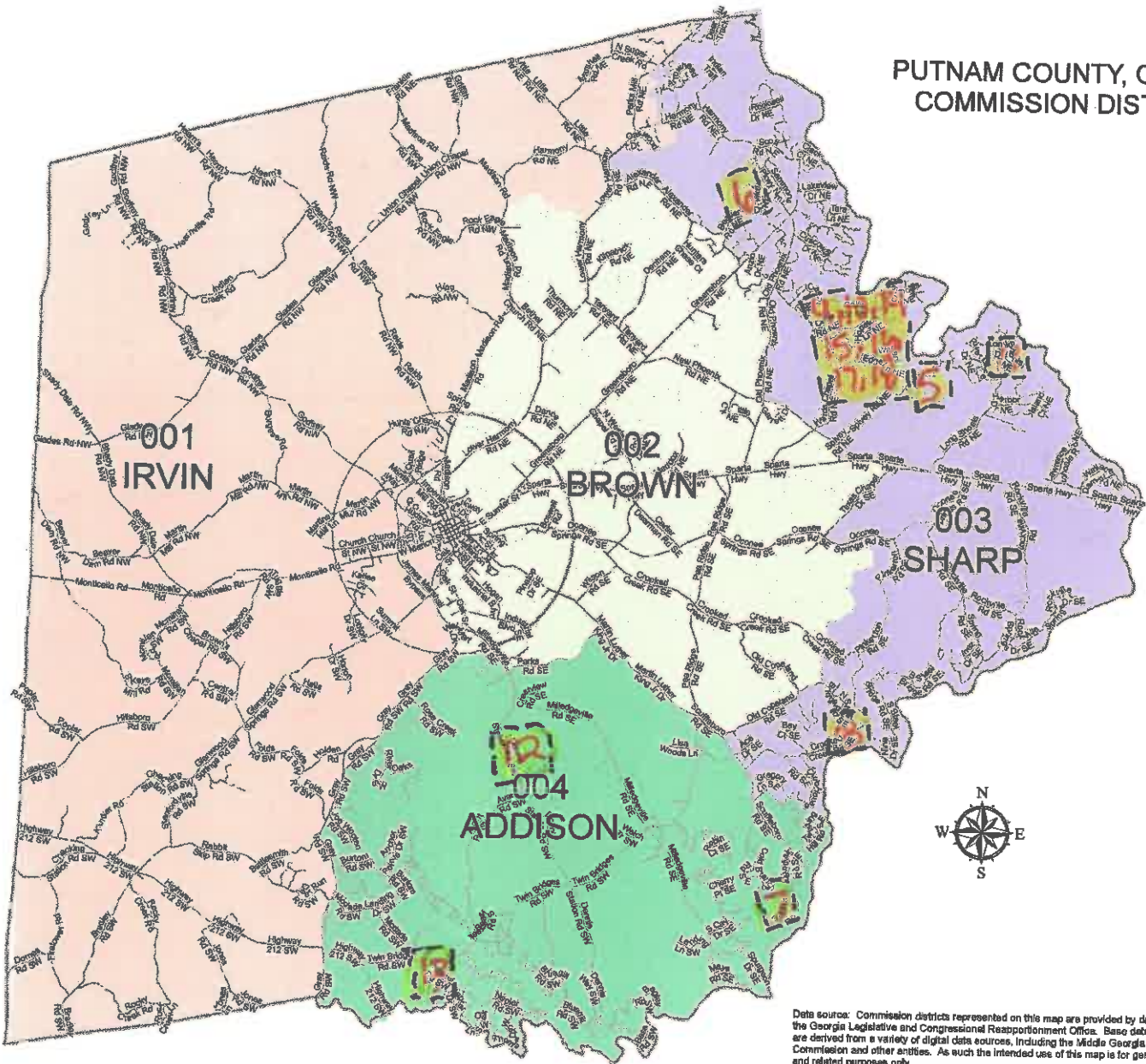


Data source: Commission districts represented on this map are provided by data from the Georgia Legislative and Congressional Reapportionment Office. Base data features are derived from a variety of digital data sources, including the Middle Georgia Regional Commission and other entities. As such the 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: JUNE 2018

5. Request by **Jimmy O'Dell** for a side yard setback variance at 308 East River Bend Drive. Presently zoned R-1R. [Map 119B, Parcel 183, District 3].
6. Request by **Garry & Nina Lassiter** for a side yard setback variance at 153 Hoot Owl Lane. Presently zoned R-1R. [Map 096A, Parcel 008, District 3].
7. Request by **Gregory Leepow, agent for Kim Anderson** for a rear yard setback variance at 112 Sinclair Circle. Presently zoned R-2. [Map 112B, Parcel 003, District 4].
8. Request by **Kevin & Kristy Slaughter** for a side yard setback variance at 1051 Crooked Creek Road. Presently zoned R-1. [Map 110B, Parcel 105, District 3].
9. Request by **Mark Smith, agent for Mary Wooten** for a rear yard setback variance at 147 Collis Marina Road. Presently zoned RM-2. [Map 104B, Parcel 012, District 3].
10. Request by **Mark Smith, agent for Duke Gibbs** for a side and rear yard setback variance at 145 Collis Marina Road. Presently zoned RM-2. [Map 104B, Parcel 011, District 3].
11. Request by **Jim Brown, agent for Wondal Perry** for a rear yard setback variance at 202 Long Island Drive. Presently zoned R-1R. [Map 122A, Parcel 064, District 3].
12. Request by **Jason Sells, agent for Interfor U.S. Inc** for a front yard setback variance at 370 Dennis Station Road. Presently zoned I-M. [Map 059, Parcel 019, District 4].
13. Request by **Vincent Richardson** for a front yard setback variance at 114 Allens Alley. Presently zoned R-2. [Map 055A, Parcel 011, District 4].

**PUTNAM COUNTY, GEORGIA
COMMISSION DISTRICTS**



MAP SCALE: 1" = 6,687.28' SCALE RATIO: 1:68,367.34 DATE: JUNE 2019

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



Jeffrey S. Haymore
404.665.1243

Email:
jhaymore@dillardsellers.com

May 26, 2020

VIA E-MAIL: anelson@flemingnelson.com

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

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

Dear Adam:

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

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

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

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



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

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

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

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

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

RECEIVED
MAY 26 2020
Cyo

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

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

Sincerely,



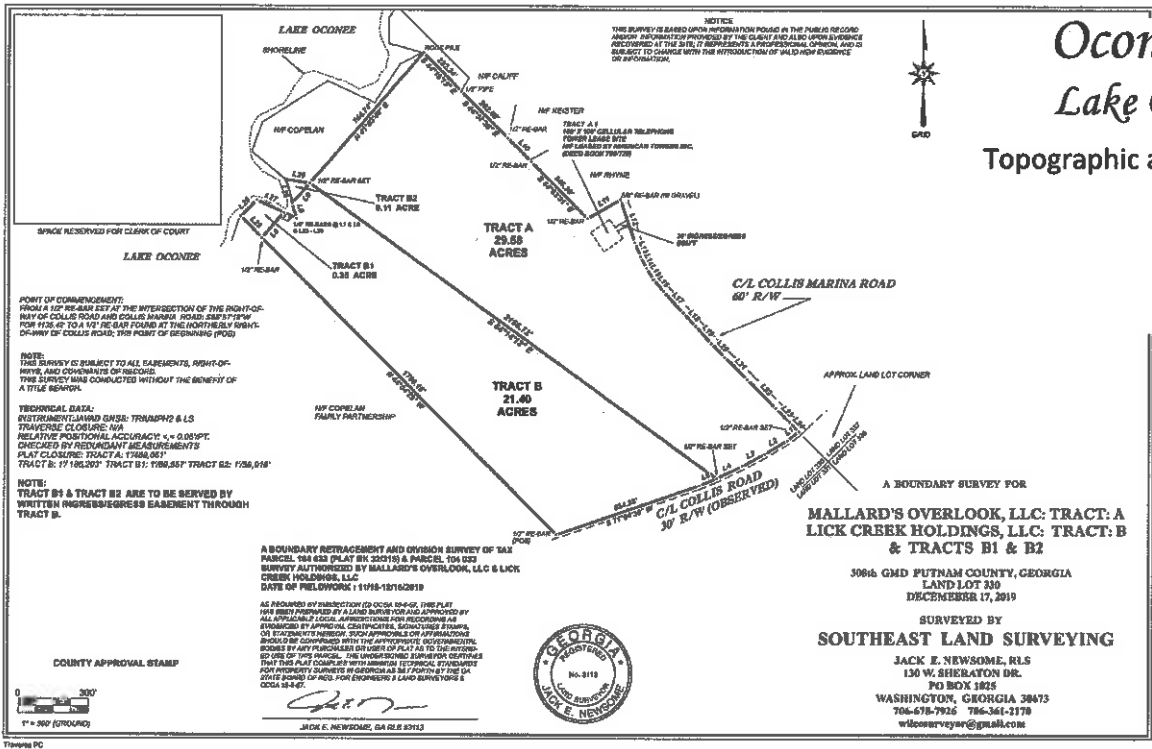
Jeffrey S. Haymore, Esq.

Cc (via e-mail):

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

Oconee Overlook Lake Oconee, Georgia

Topographic and Boundary Survey
Rotated in Presentations

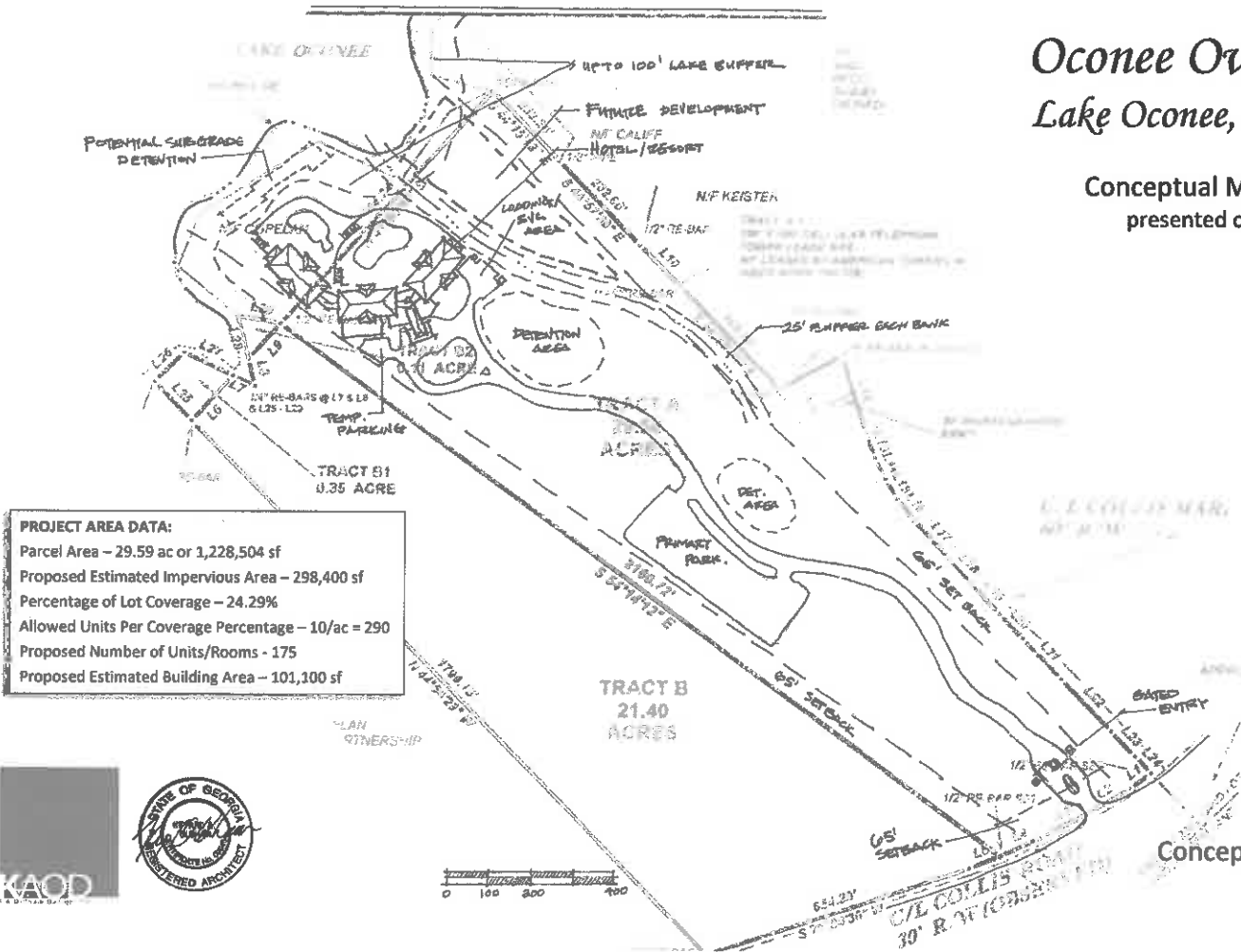


Conceptual Imagery
May 2020

RCUD 2020 MAY 19 *JEN*

Oconee Overlook Lake Oconee, Georgia

Conceptual Master Plan
presented on actual plat



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

Conceptual Imagery
May 2020



RCUD 2020 MAY 19 *ga*

LAKE OCONEE

Oconee Overlook Lake Oconee, Georgia

Conceptual Resort Plan



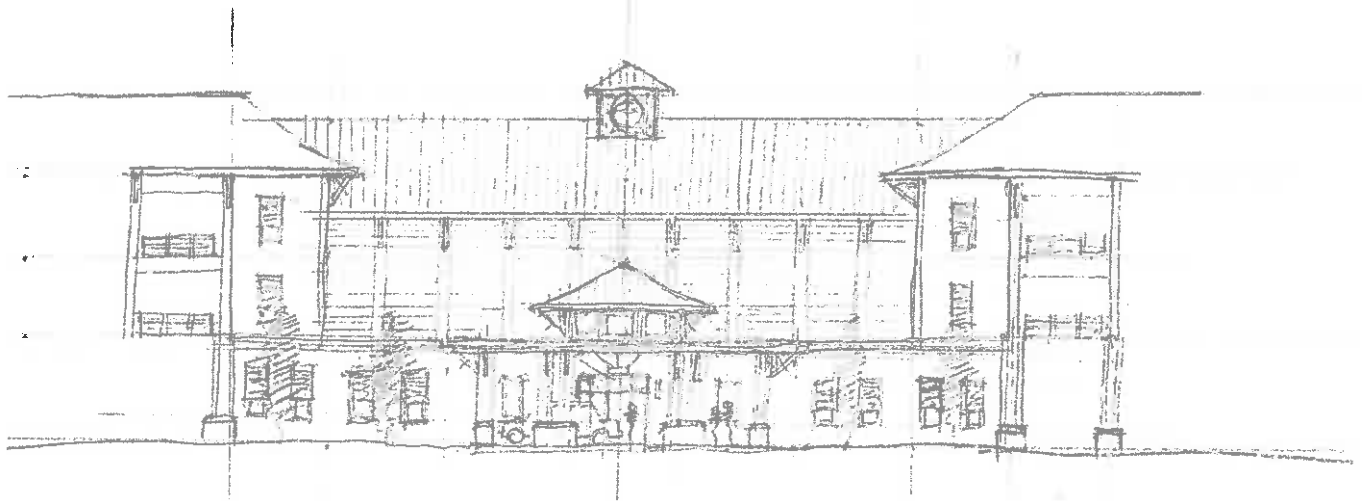
Conceptual Imagery
May 2020



RCUD 2020 MAY 15 *Cja*

Oconee Overlook
Lake Oconee, Georgia

Main Lobby Entry
at Porte Cochere

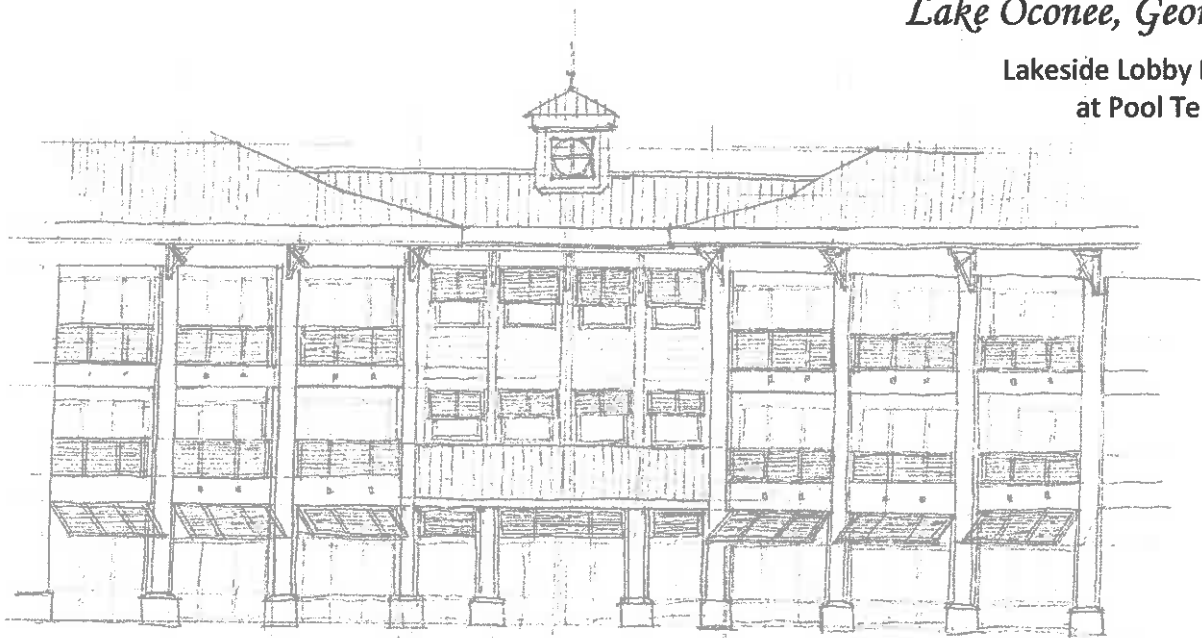


Conceptual Imagery
May 2020

RCUD 2020 MAY 13 *Gja*

Oconee Overlook
Lake Oconee, Georgia

Lakeside Lobby Entry
at Pool Terrace

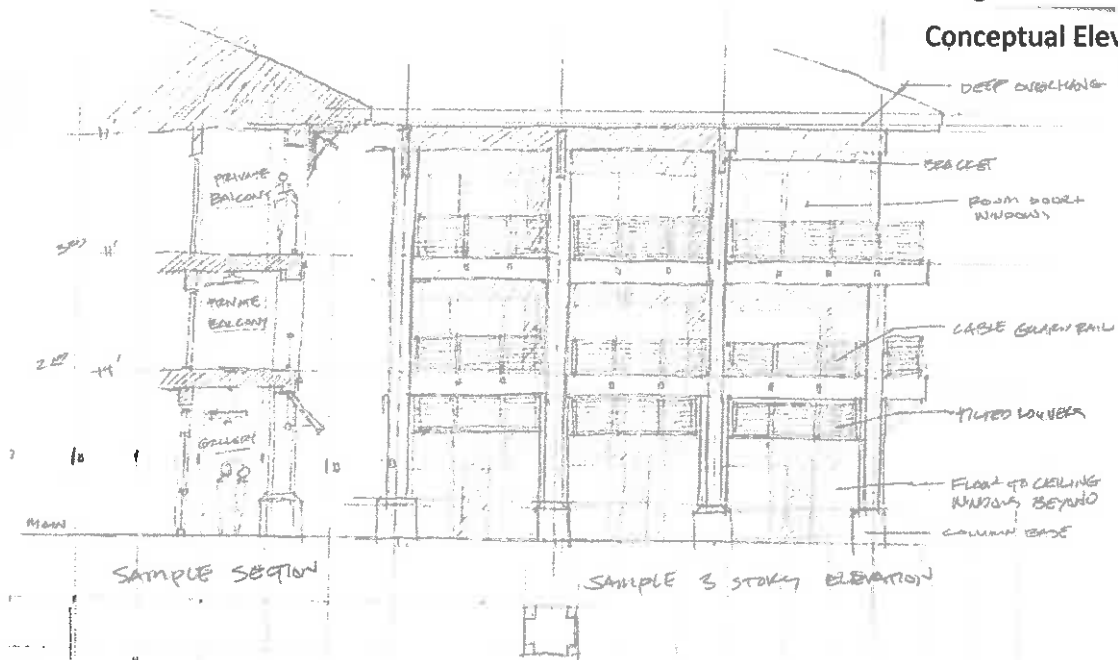


Conceptual Imagery
May 2020

RCUD 2020 MAY 18 *Cya*

Oconee Overlook Lake Oconee, Georgia

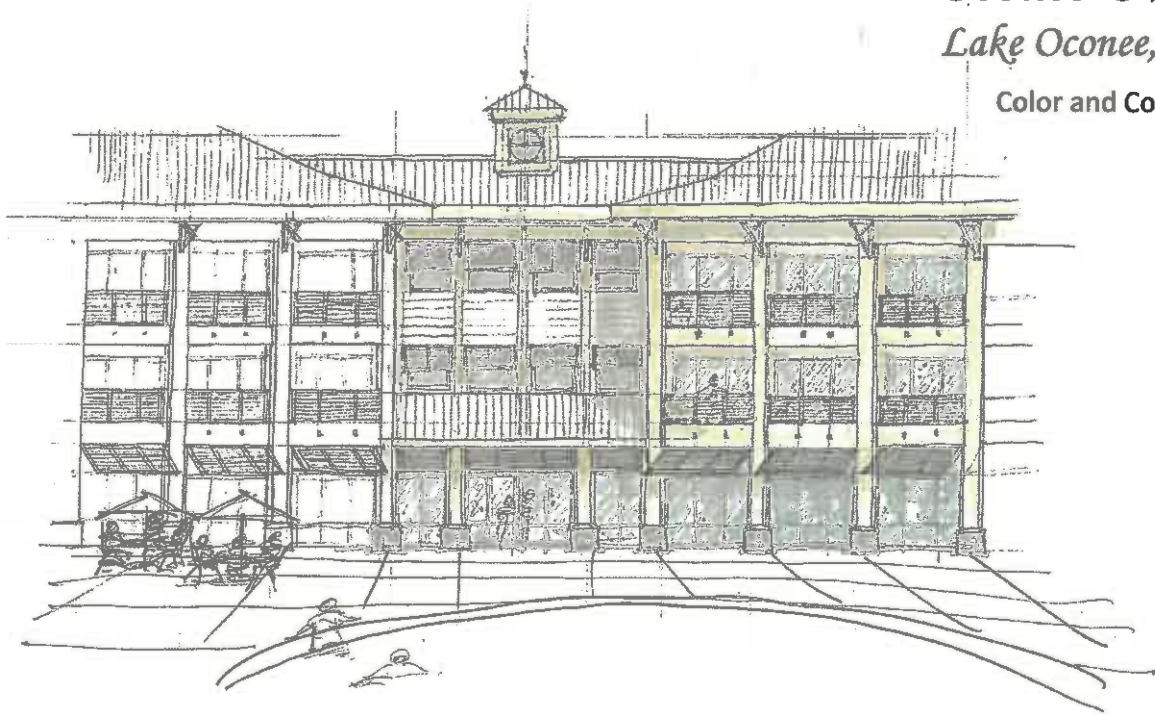
Conceptual Elevation Detail and Section



Conceptual Imagery
May 2020

RCUD 2020 MAY 19 *ga*

Oconee Overlook
Lake Oconee, Georgia
Color and Context Study



Conceptual Imagery
May 2020

RCUD 2020 MAY 19 *Gja*

Collis Rd. Map 104, Parcel 032001



Jeffrey S. Haymore
404.665.1243

Email:
jhaymore@dillard sellers.com

May 8, 2020

VIA E-MAIL: ljackson@putnamcountyga.us

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

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

Dear Lisa:

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

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

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

A handwritten signature in black ink, appearing to be "Cja", written over the "REC'D 2020 MAY 11" stamp.

1

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

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

Sincerely,

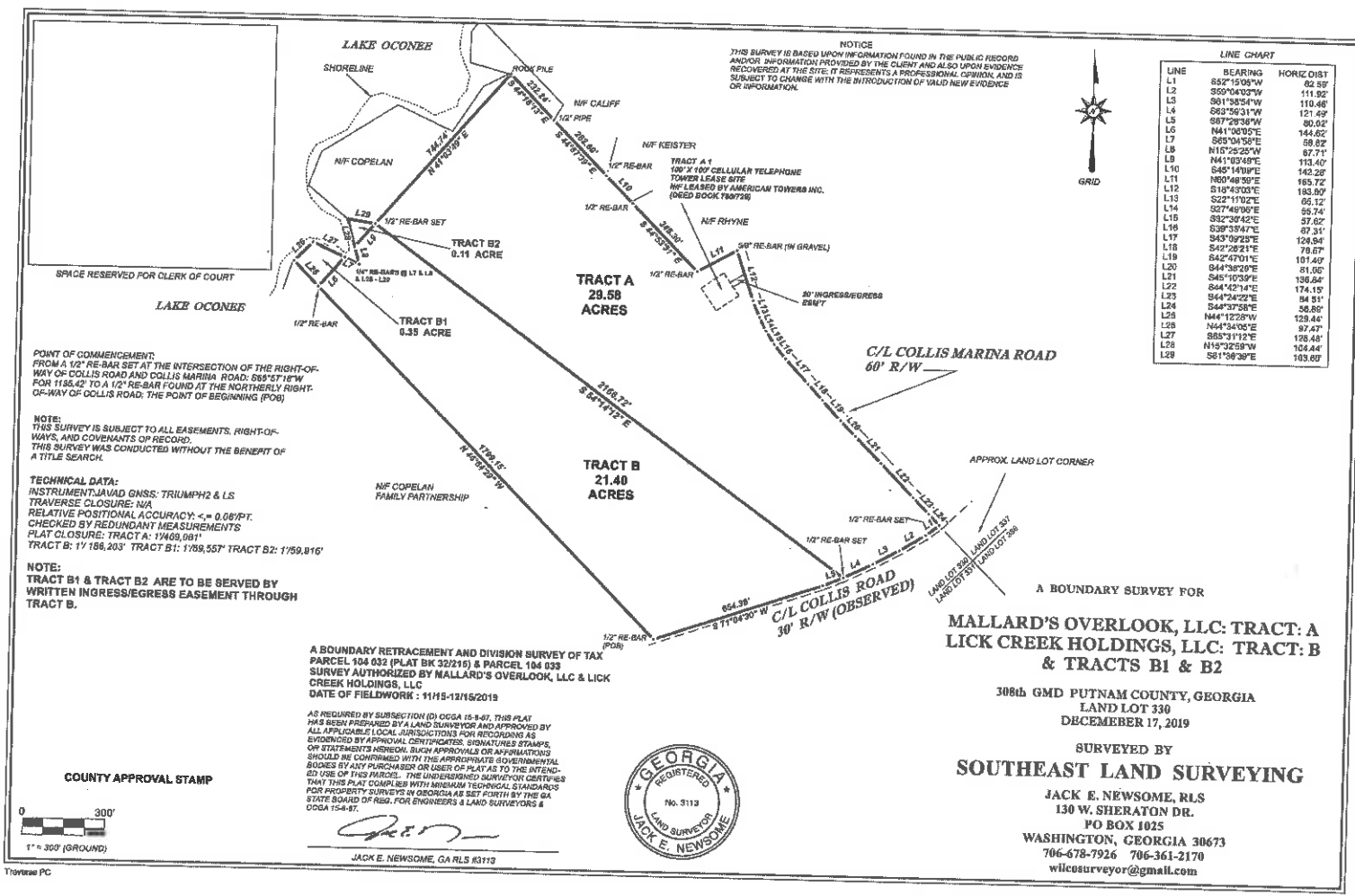


Jeffrey S. Haymore, Esq.

Cc (via e-mail):

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

Handwritten signature



LINE CHART

LINE	BEARING	HORIZ DIST
L1	S22°15'09\"W	62.85'
L2	S20°04'03\"W	111.92'
L3	S01°55'54\"W	110.46'
L4	S83°56'31\"W	121.49'
L5	S67°20'58\"W	80.02'
L6	N41°00'05\"E	144.82'
L7	S65°04'55\"E	58.82'
L8	N10°25'25\"W	87.71'
L9	N41°03'49\"E	113.40'
L10	S45°14'09\"E	142.28'
L11	N60°48'38\"E	165.72'
L12	S18°45'03\"E	183.80'
L13	S22°11'02\"E	65.12'
L14	S27°49'50\"E	55.74'
L15	S32°39'42\"E	57.52'
L16	S38°33'47\"E	87.31'
L17	S43°09'23\"E	128.84'
L18	S47°28'21\"E	78.67'
L19	S42°47'01\"E	101.49'
L20	S44°39'29\"E	81.00'
L21	S45°10'39\"E	136.54'
L22	S44°42'14\"E	174.19'
L23	S44°24'22\"E	94.51'
L24	S44°37'58\"E	56.80'
L25	N44°12'28\"W	123.44'
L26	N44°34'06\"E	97.47'
L27	S83°31'12\"E	126.48'
L28	N15°32'55\"W	164.44'
L29	S81°58'38\"E	103.60'



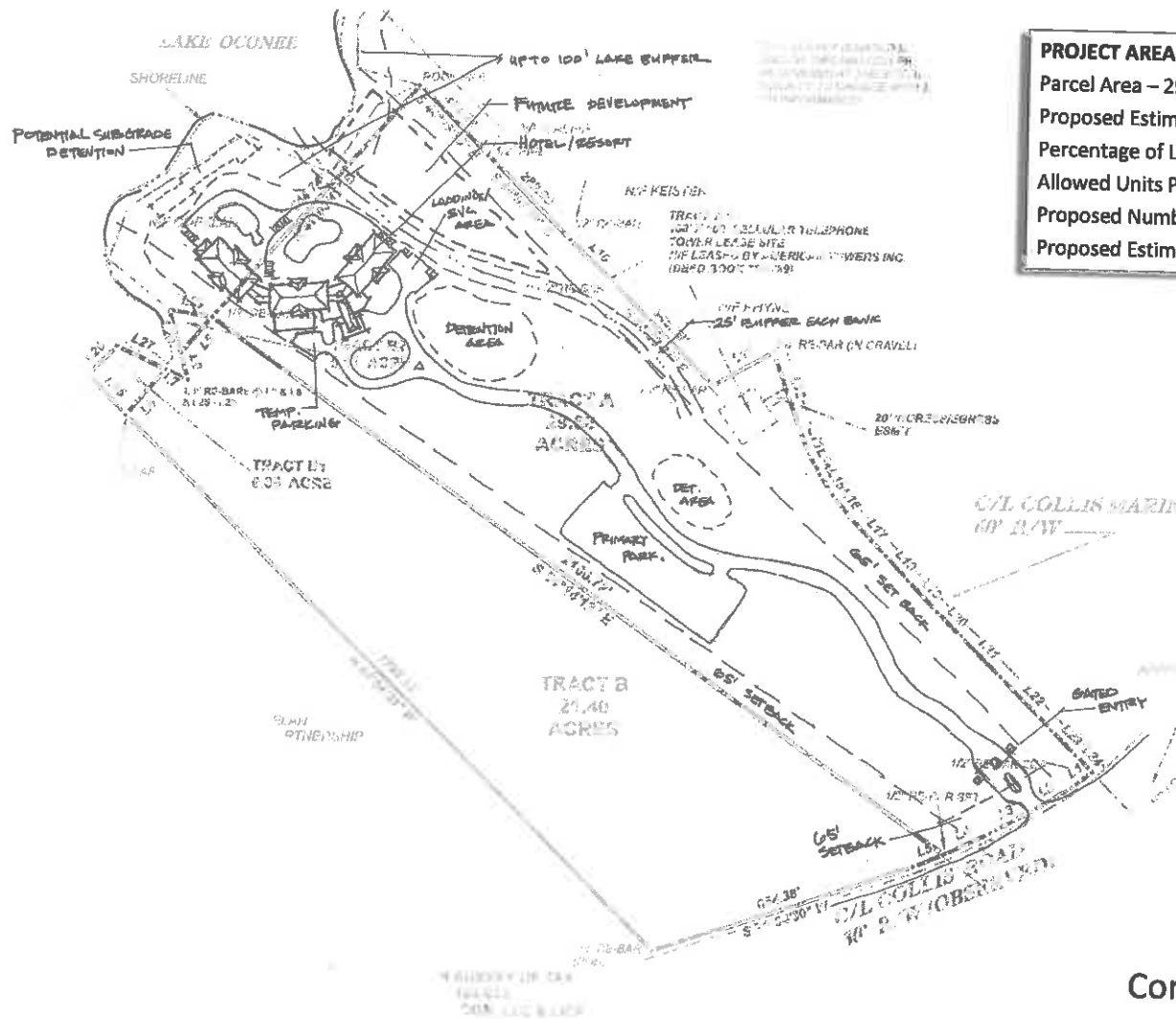
A BOUNDARY SURVEY FOR
MALLARD'S OVERLOOK, LLC: TRACT: A
LICK CREEK HOLDINGS, LLC: TRACT: B
& TRACTS B1 & B2
 308th GMD PUTNAM COUNTY, GEORGIA
 LAND LOT 330
 DECEMBER 17, 2019
 SURVEYED BY
SOUTHEAST LAND SURVEYING
 JACK E. NEWSOME, RLS
 130 W. SHERATON DR.
 PO BOX 1025
 WASHINGTON, GEORGIA 30673
 706-678-7926 706-361-2170
 wilcofsurveyor@gmail.com

Oconee Overlook Lake Oconee, Georgia

Topographic and Boundary Survey
 Rotated in Presentations

Conceptual Imagery
 May 2020





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

*Ocone Overlook
 Lake Ocone, Georgia*

Conceptual Master Plan
 presented on actual plat

Conceptual Imagery
 May 2020



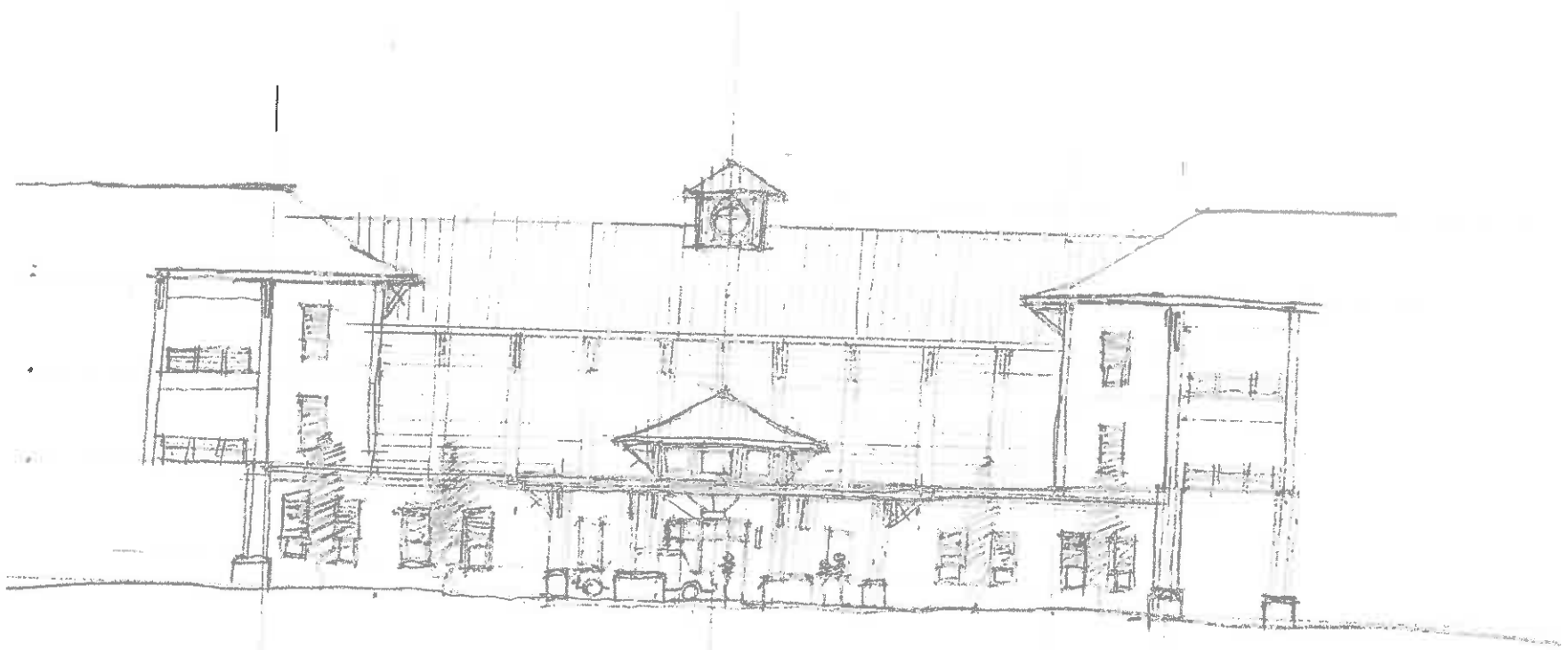


Conceptual Resort Plan

*Oconee Overlook
Lake Oconee, Georgia*

Conceptual Imagery
May 2020



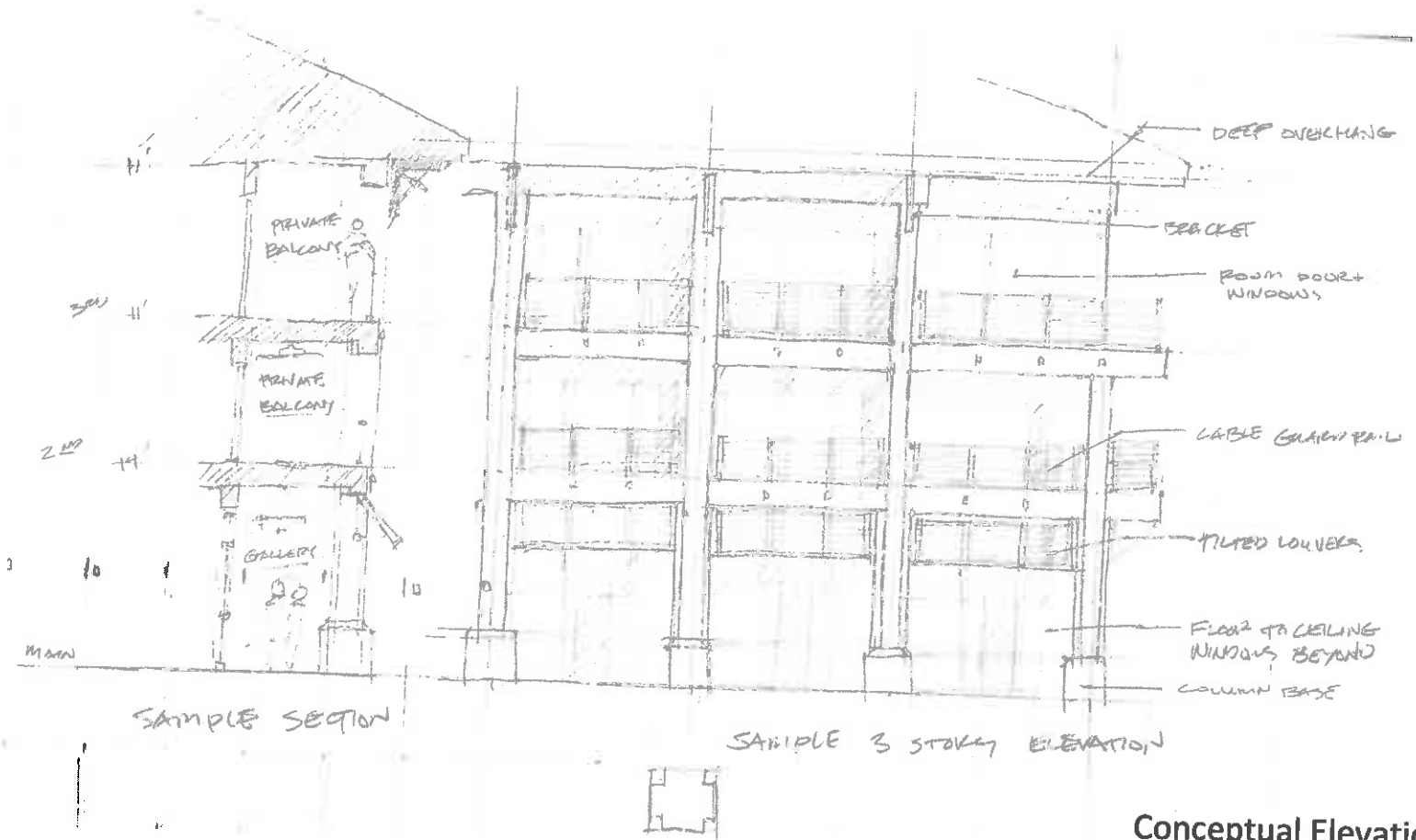


Main Lobby Entry
at Porte Cochere

Oconee Overlook
Lake Oconee, Georgia

Conceptual Imagery
May 2020



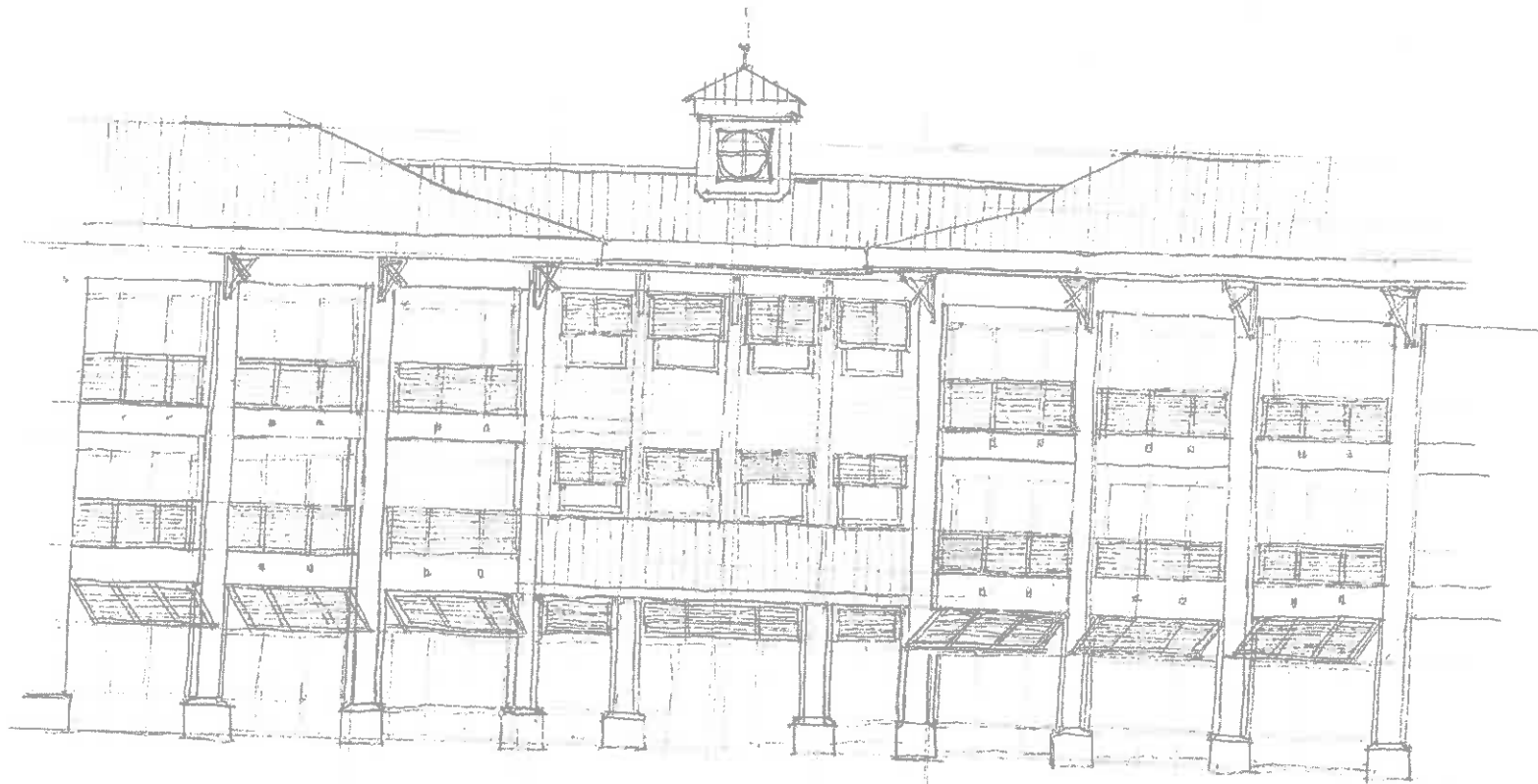


Conceptual Elevation Detail
and Section

Oconee Overlook
Lake Oconee, Georgia

Conceptual Imagery
May 2020



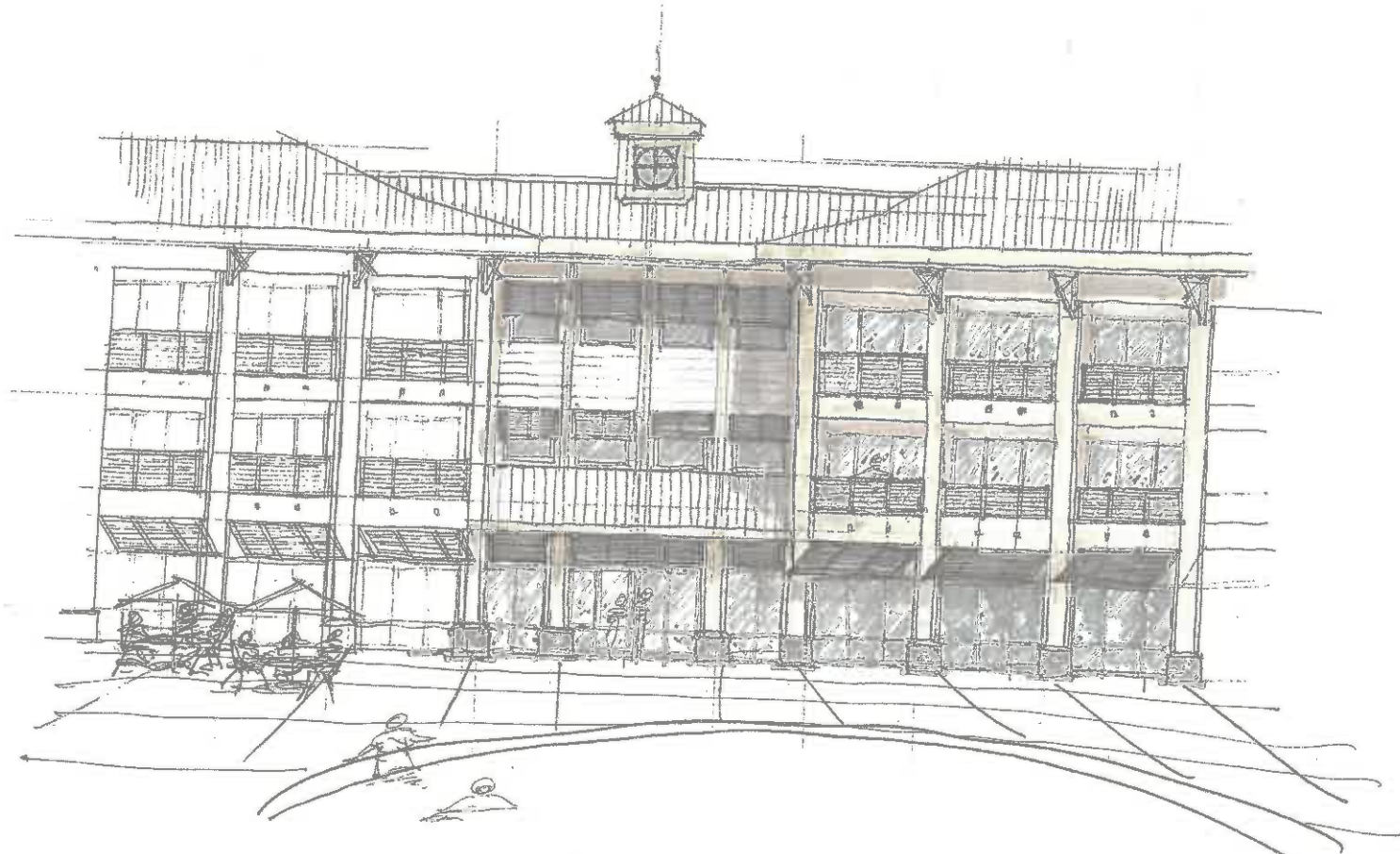


Lakeside Lobby Entry
at Pool Terrace

Oconee Overlook
Lake Oconee, Georgia

Conceptual Imagery
May 2020





Color and Context Study

Oconee Overlook
Lake Oconee, Georgia

Conceptual Imagery
May 2020





Jeffrey S. Haymore
404.665.1243

Email:
jhaymore@dillardsellers.com

March 4, 2020

VIA E-MAIL: anelson@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:

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

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

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

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

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

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

Please do not hesitate to contact me to discuss.

Sincerely,



Jeffrey S. Haymore, Esq.

Cc (via e-mail):

Howard McMichael, Jr.
Josh Sprayberry
Lauren Sprayberry
Lisa Jackson

DILLARD Sellers
ATTORNEYS AT LAW

Jeffrey S. Haymore
404.665.1243

Email:
jhaymore@dillardsellers.com

March 3, 2020

VIA HAND DELIVERY

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

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

Dear Lisa:

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

Sincerely,


Jeffrey S. Haymore, Esq.

RCUD 2020 MAR 3



DILLARD *Sellers*
ATTORNEYS AT LAW

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

E-mail:
jhaymore@dillardsellers.com

March 2, 2020

VIA HAND DELIVERY

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

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

Honorable members of the Putnam County Board of Commissioners:

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

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

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

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

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

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

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

Standing Objection

RCUB 2020 MAR 3

DE

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

Putnam County Board of Commissioners

March 2, 2020

Page 3

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

Sincerely,



Jeffrey S. Haymore, Esq.

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

PCUD 2020 MAR 3





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.¹⁸ 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.

¹⁸ 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

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

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 (30.8 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 services 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. *Koons 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.

Pulaski 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 Commissioners.") Upon rezoning approval, the parcels' use and density should be governed by the RM-3 zoning regulations, not arbitrary limitations imposed solely on my clients' properties but not on similarly situated RM-3 zoned parcels. Furthermore, there has been no showing, let alone finding, by the Staff that Rezoning Condition # 9 is "imposed pursuant to the police power for the protection of neighbors to ameliorate the effects of the zoning change." *Cross v. Hall County*, 238 Ga. 709, 713 (1977).

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

Sincerely,


Jeffrey S. Haymond, Esq.

cc: Howard McMichael, Jr.



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: 630 Lake Oconee Parkway Eatonton, GA. P.O. Box 333 Greenboro, Ga.
- 3. Phone: (home) _____ (office) _____ (cell) 706 473 1999
- 4. The location of the subject property, including street number, if any: Colis Road

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

6. The proposed zoning district desired: RM-3

7. The purpose of this rezoning is (Attach Letter of Intent) To develop the property utilizing Putnam Development Codes with Town homes. see LOI.

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

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

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
 May 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]
 Signature (Property Owner)

1/17/2020
 (Date)

[Signature]
 Signature (Applicant)

1/17/2020
 (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 _____

RCMD 2020 JAN 8

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

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



REN. ESTATE TRANSFER
TAX PAID: \$0.00

LIMITED WARRANTY DEED

STATE OF GEORGIA, GREENE COUNTY

PT61-117-2019-001988

THIS INDENTURE, made this 26th day of December 2019, between HJR O'Connell, LLC, 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)



RCUN 2020.JAN R



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 Thomas M. Colgan TO BE MY AGENT FOR THE PURPOSE OF APPLYING FOR RMB zoning OF PROPERTY DESCRIBED AS MAP 104 PARCEL 030, CONSISTING OF 2.8 ACRES, WHICH HAS THE FOLLOWING ADDRESS: Colby Road EATONTON, GEORGIA 31024. ATTACHED HERETO IS A COPY OF A DEED AND OR PLAT OF SURVEY DESCRIBING THE PROPERTY OWNED BY THE PROPERTY OWNER(S) TO WHICH THIS LETTER OF AGENCY APPLIES.

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

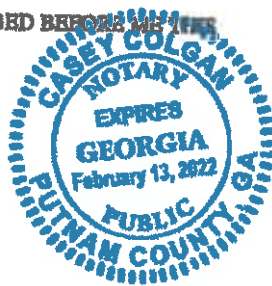
THIS 7 DAY OF January, 2020

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

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

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



RCUD 2020 JAN 8



PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ◊ Eatonton, GA 31024

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

DISCLOSURE OF APPLICANT'S CAMPAIGN CONTRIBUTION

The *Putnam County Code of Ordinances*, Section 66-167(c) states as follows:

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

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

1. Name: Howard McMichael Jr. (Lickcreek Holdings LLC)

2. Address: 6350 Lake Oconee Pkwy Suite 110 Pmb 111
Greensboro, GA 30642

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

Signature of Applicant: _____

Date: 1/7/2020

RCUD 2020 JAN 8



October 8, 2019

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

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

Dear Mr. McMichael:

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

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

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

Sincerely,

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 "RL", 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.putnamtax.com**

October 30, 2019

CERTIFICATION

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

**Parcel number: 104 032
Owner: HJR Oconee LLC**

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



1031-10131

ALC

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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Traffic Study Information Attachment

Plat of Property Attachment

Warranty Deeds Attachment

Existing Conditions Page 5-6

Existing Zoning Attachment

Conceptual Site Plan Attachment

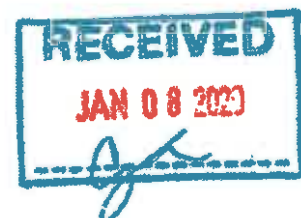
RCUD 2019 NOV 1



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.

WCA 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 Enciave 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:

NOV 2018 NEW



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

ITEM #5

Impact on fire protection

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

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

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

RCUR 2019 MW 1



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

309 North Main Street
Post Office Box 649
Hiawassee, 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.

Trips 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 hour enter	11 trips
• Peak hour exit	60 trips
PM Peak Traffic	89 trips
• Peak hour enter	60 trips
• Peak hour exit	30 trips

RCUR 2019 NOV 1



Hiwassee, Georgia Phone: (912) 368-5212 Fax (912) 368-6871
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 feet (5') shoulders with acceptable clear zone geometrics beyond this shoulder.

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



11/19/2019 10:11 AM

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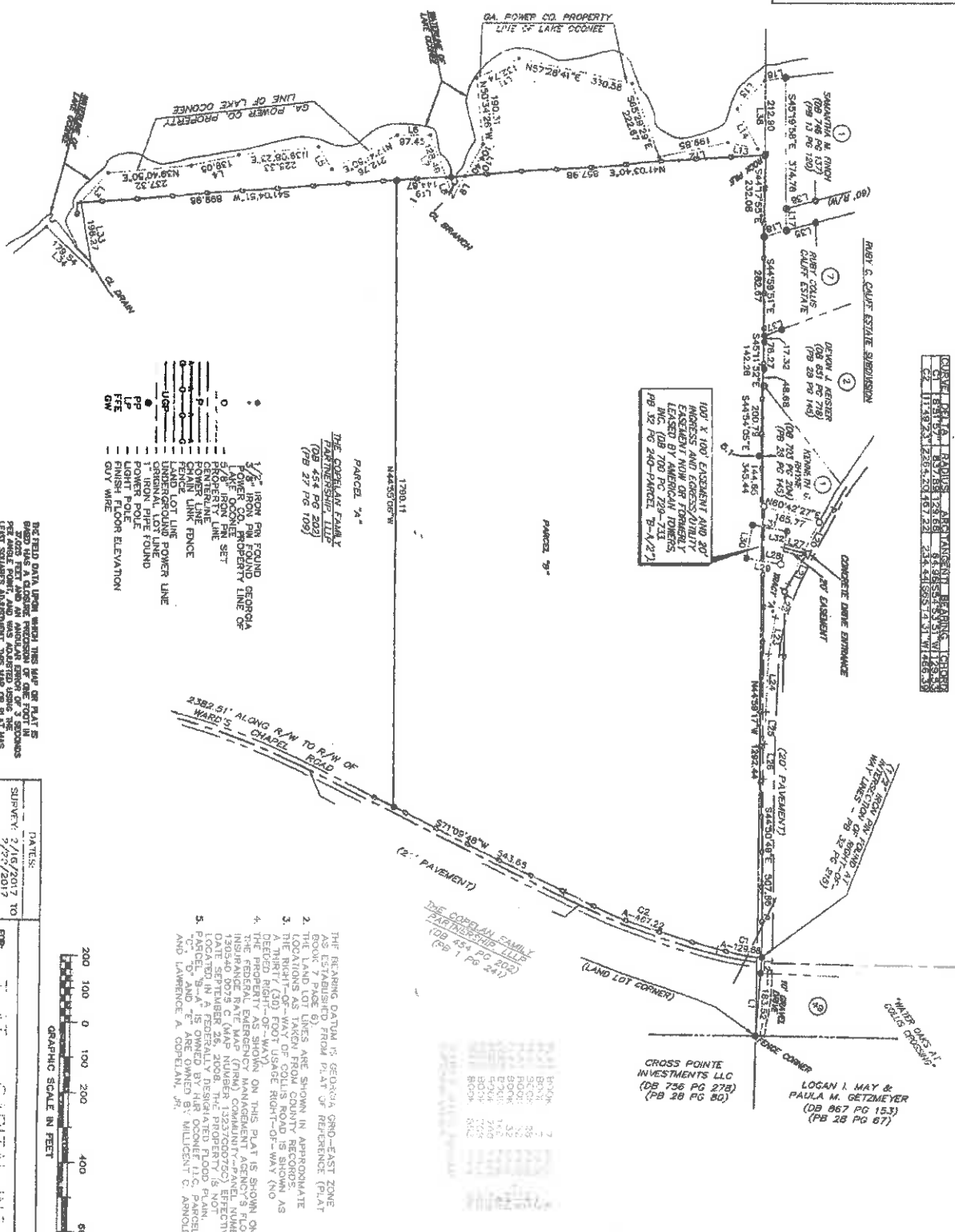
EXISTING CONDITIONS



Google Earth

© 2015 Google

LINE	DESCRIPTION	DISTANCE
1	N 89° 51' 00" W	182.82
2	N 89° 51' 00" W	178.51
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COURSE	BEARING	DISTANCE
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PULNAM COUNTY PLANNING AND DEVELOPMENT DIRECTOR'S CERTIFICATE

PULNAM COUNTY PLANNING AND DEVELOPMENT DIRECTOR

BE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLASSIC PROVISION OF ONE FOOT IN PERCENTAGE ERROR. THE SURVEYOR HAS ADVISED THAT THE BEST AVAILABLE TECHNOLOGY AND METHODS WERE USED TO OBTAIN THE DATA AND THAT THE ACCURACY WITHIN ONE FOOT IN 24,240 FEET.

A TRIP TO THE TOTAL STATION STATION SA 41828 WAS MADE TO OBTAIN THE DATA. THE SURVEYOR HAS ADVISED THAT THE BEST AVAILABLE TECHNOLOGY AND METHODS WERE USED TO OBTAIN THE DATA.

THE SURVEY WAS PREPARED IN CONFORMANCE WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA. THE SURVEYOR HAS ADVISED THAT THE BEST AVAILABLE TECHNOLOGY AND METHODS WERE USED TO OBTAIN THE DATA.

NO. 1895

RECEIVED

PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 2/27/2017

SUPPLY: 2/16/2017 TO 2/27/2017

FOR: TRUST CAPITAL INC

PART OF LAND LOTS 330 AND 337 THIRD LAND DISTRICT 308TH G. M. DISTRICT PULNAM COUNTY, GEORGIA

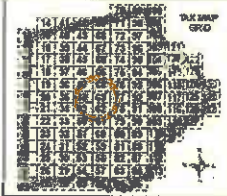
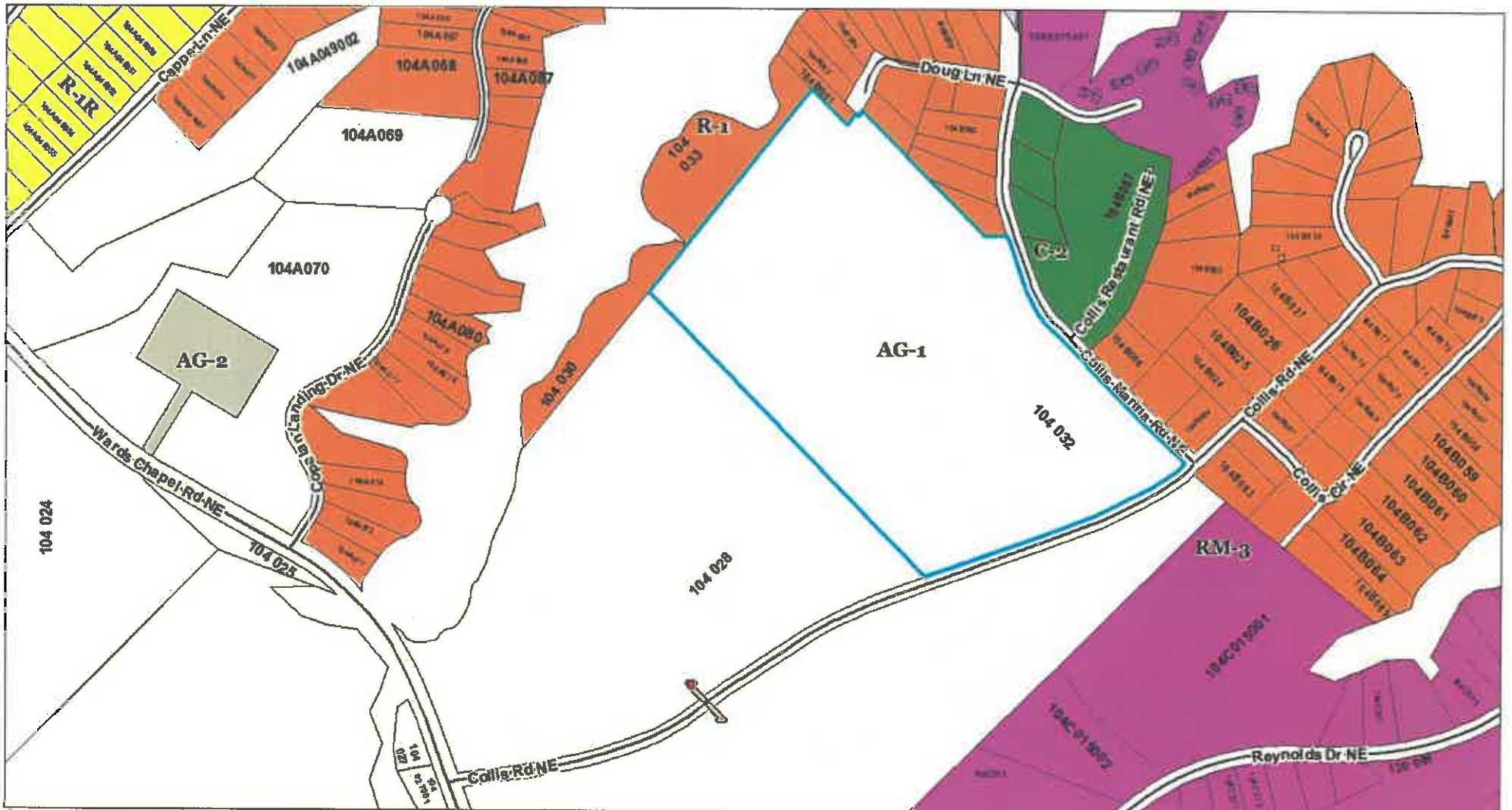
Scale: 1" = 200.0' **Date: February 27, 2017**



THE REMAINING DATA IS GEORGIA GRID-EAST ZONE (BOOK 7 PAGE 9) FROM PLAT OF REFERENCE (PLAT 130340 0075 C (MAP NUMBER 1303400075) EFFECTIVE DATE SEPTEMBER 25, 2008. THE PROPERTY IS NOT A TRUST (50) FOOT USAGE RIGHT-OF-WAY (NO DEEDED RIGHT-OF-WAY).

THE PROPERTY AS SHOWN ON THIS PLAT IS SHOWN ON INSURANCE RATE MAP (INSURANCE MANAGEMENT AGENCY'S FLOOD DATE SEPTEMBER 25, 2008. THE PROPERTY IS NOT PARCELED AS A REDESIGNATED FLOOD PLAIN.

"C", "D" AND "E" ARE OWNED BY WILLIAMS C. ARNOLD AND LAWRENCE A. COPELAN, JR.



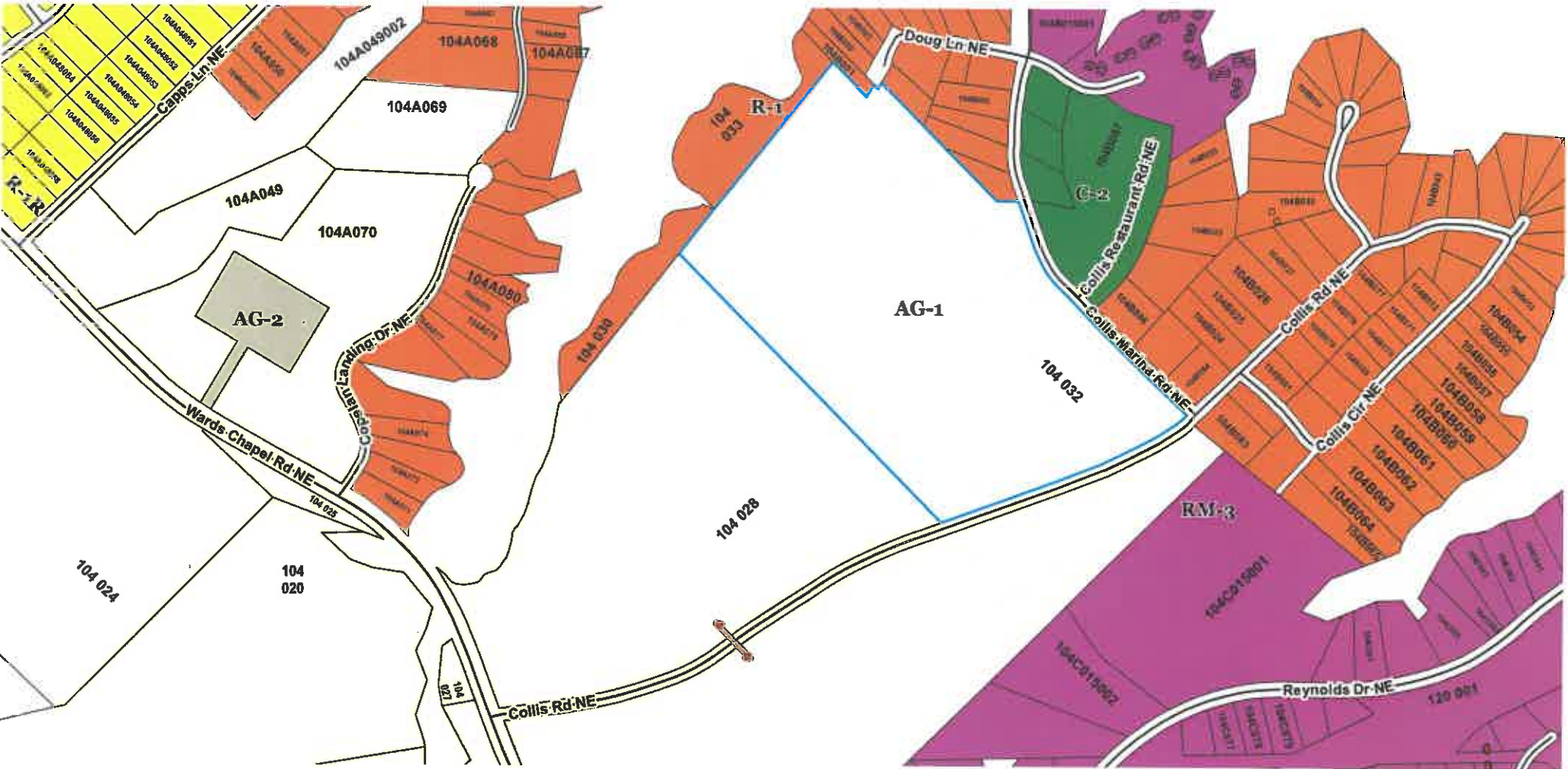
GEOGRAPHIC FEATURE LEGEND	
Estonton Limits	Overlay District
County Boundary	No Code
Roads	AG-1
Parcels	AG-1 CITY
Parcel Hooks	AG-2
C-1 CITY	C-2 CITY
C-1	C-2
IND-1 CITY	IND-2 CITY
IND-1	IND-2
PUBLIC CITY	PUBLIC
PUBLIC CITY	PUBLIC
R-1 CITY	R-1
R-2 CITY	R-2
R-3 CITY	R-3
R-4 CITY	R-4
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RM-2	RM-2
RM-3	RM-3
VILLAGE	VILLAGE
RM-1	RM-1

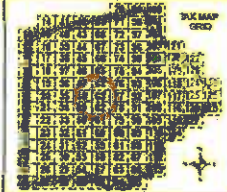
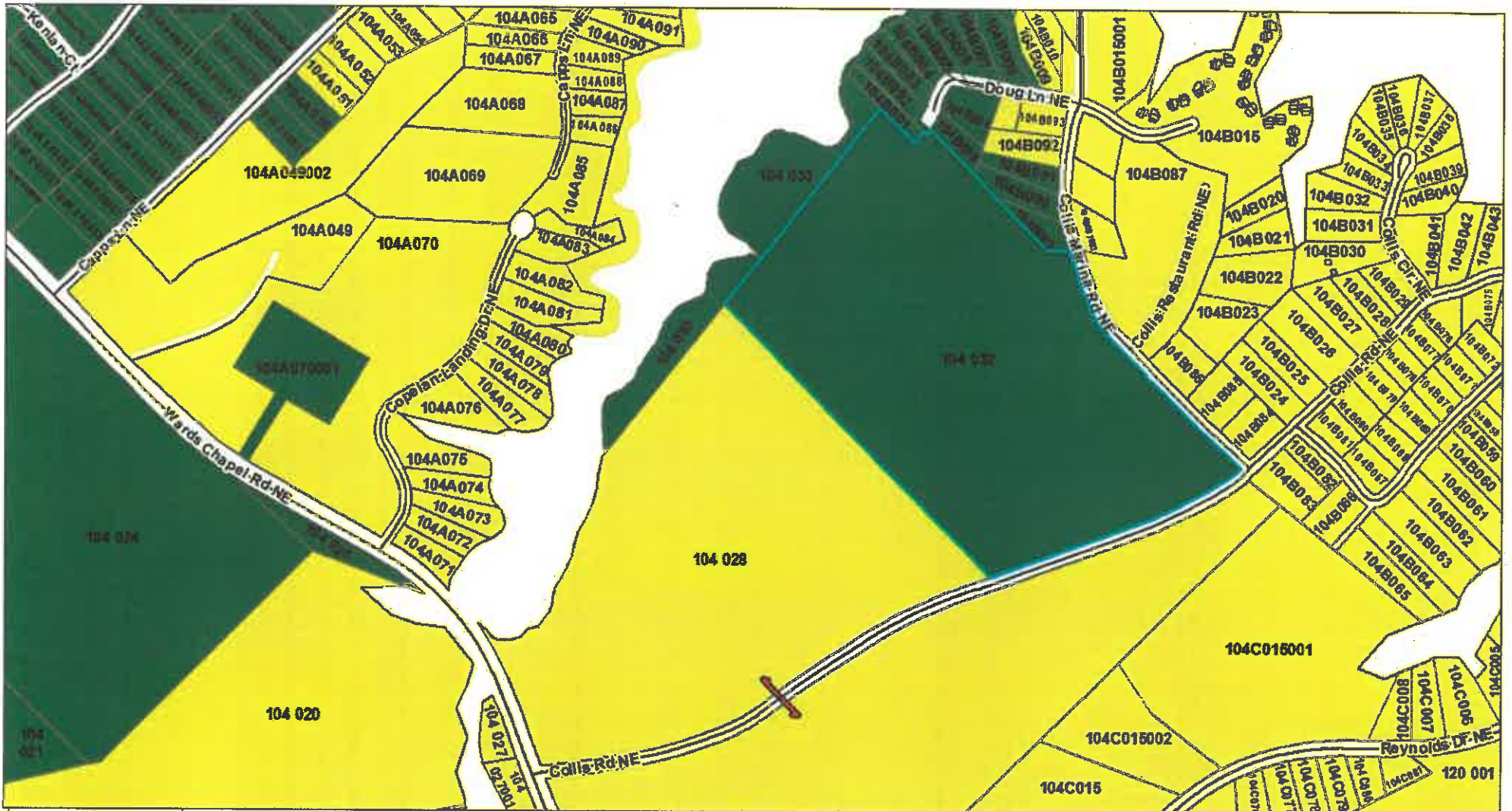
Middle Georgia Regional Commission
 175 Emory Hwy
 Suite C
 Macon, Georgia 31217
 (478) 751-6180
 Web:
www.middlegeorgia.org

PUTNAM COUNTY, GEORGIA
ZONING MAPS

MAP 104

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






GEOGRAPHIC FEATURE LEGEND

Extonon 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 Emory Hwy
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**PUTNAM COUNTY, GEORGIA
FUTURE LAND USE MAPS**



MAP 104

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

May 21, 2020

TO: Planning & Zoning Commission

FROM: Lisa Jackson

RE: Staff Recommendation for Public Hearing Agenda on 6/4/2020

15. Request by **Howard McMichael, agent for Lick Creek Holding's LLC** to rezone 21.40 acres on Collis Road from AG-1 to RM-3. [Map 104, Parcel 032001, District 3]. * The applicants are seeking to rezone this parcel along with four adjacent parcels with a total of 57.07 acres to RM-3. If approved, the applicants would like to combine the five parcels in order to develop a waterfront community. The applicants are requesting that the parcels be rezoned R-M3 with no conditions on use. The applicants have provided proposals for either 124 Multi-Family Townhomes or a 175-room hotel, both of which will have a main entrance on Collis Road. This would either add approximately 310 residents to the neighborhood or an increase in 937 average weekday two-way volume. The applicants are proposing to develop this subdivision in accordance with the Putnam County Development Codes with either townhome and condominium units similar to Enclave at Waterfront and Cuscowilla Condominium and Townhome Units or a hotel facility. Water and sewer will be provided by Piedmont Water. According to the applicants, the proposed use will place emphasis on lakeshore protection, recreation use of Lake Oconee, and promote common open space for property owners or hotel occupants. The applicants reference an August 28, 2017 Hunden Strategic Partner's Putnam County Hotel & Conference Center Market, Demand and Financial Study, though the same is not attached to the application.

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

Although the Future Land Use Comprehensive Plan is Agriculture/Forestry in this area, there are several similar developments within a five-mile radius of the proposed location. Recent development trends also indicate that single family and multifamily development will continue to occur in this area. However, staff finds the proposed rezoning will cause an excessive or burdensome use of public facilities and shall exceed the present or funded capabilities and will otherwise have an impact on the public health, safety, morality, or general welfare of Putnam County citizens.

ROAD ENGINEERING COMMENTS: (completed by Larry Kaiser)

Collis Road is a two-lane collector road with average pavement width of approximately 20 feet. Collis Road terminates at Wards Chapel Road, which is a major collector road. Adequate horizontal and vertical sight distance exists to the east and west of Wards Chapel

Road for those vehicles exiting Collis Road. The intersection radius at Collis Road & Wards Chapel is adequate to facilitate the existing traffic demands.

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

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

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

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

- ✓ Pavement Reconstruction of Collis Road. This construction method will consist of reclamation of the existing asphalt pavement, compacting the reclaimed materials and resurfacing the roadway with an asphalt surface course of 2 inches of 12.5 mm asphaltic concrete and a binder course of 3 inches of 19 mm asphaltic concrete (total length of Collis Road impacted from the development is 3000 feet – from Wards Chapel to the proposed entrance).
- ✓ Thermoplastic edge and centerline striping of Collis Road from Wards Chapel to proposed entrance.

- ✓ Shoulder rehabilitation & traffic control of Collis Road from Wards Chapel to proposed entrance, to include the construction of a 5-foot shoulder (minimum 2:1 slope) and roadside ditch
- ✓ Increasing the radii of the intersection of Wards Chapel at Collis Road to a minimum of 30 feet with the widened section to be constructed with 6 inches of graded aggregate base and 2.5 inches of 12.5 mm asphaltic concrete.

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

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

1. To restrict the available uses of the property as follows:
 - a. Hotel
 - i. The hotel shall substantial conform to the submitted scaled conceptual plans and renderings submitted in support of the proposed rezoning application, to include the buildings, ingress and egress improvements, and other structures;
 - ii. No more than ten percent (10%) of the total number of guest rooms may contain stoves, conventional ovens or full-size refrigerators (larger than 11.5 cubic feet). No more than ten percent (10%) of the total number of guest rooms shall be rented or leased by the same person for continuous periods in excess of ten (10) days;
 - iii. Buildings shall be constructed of brick and/or stacked stone on all sides. The hotel building may utilize contrasting architectural metal panels or accents;
 - iv. Not to exceed the proposed total of 175 room as stated in the application. Any increase beyond this total will require approval from the Board of Commissioner;
2. The application of green infrastructure (bioswales/biorention, etc) in combination of water quality retention ponds, will require implementation to minimize the negative effects of imperviousness and stormwater runoff to the water quality of Lake Oconee. The Georgia Stormwater Manual will be applied to the project under review. The manual’s water quality template will be used to assess the various water quality BMP options.
3. Provide at least one 3-inch caliper tree per 3 parking spaces. Trees shall be placed in tree islands within the footprint of the parking lot. Location of trees shall be determined by the county during the site development review (LDP phase). Provide two – 3-inch caliper trees per 100 feet on the shoulder of all roadways within the development. Trees to be placed on both sides of all internal roads. Specific location of the trees adjacent to the internal roads to be determined by the county during the site development review

process. These tree plantings shall not preclude the developer from installing additional vegetation as he/she deems appropriate.

4. Provide a 25-foot-wide densely planted landscape buffer along the property line on Doug Lane and where the property abuts residential parcels on Collis Marina Road. The additional plantings shall provide a 75% buffer within 3 years of planting. Landscape plan and species to be approved during the development review phase.
5. Emergency exit required on Collis Marina Road. Emergency exit shall not be paved. "Grass Crete" or similar product shall be used as the surface treatment for this access. A removable bollard (s) or similar barrier shall be used with only emergency services being provided entryway
6. Preserve a 20' non-buildable strip along the Collis Road frontage measured from edge of right-of-way. The purpose of this condition is for future county acquisition as right-of-way.
7. A minimum of 65 feet building setback from Lake Oconee will be required. This includes all structures and stormwater management facilities. Walkways/paths and boat docks are excluded from this setback requirement.
8. Development shall have only one (1) vehicular access. Access shall be from Collis Road.
9. Map 104, parcel 030, map 104 parcel 032, map 104 parcel 032001, map 104, parcel 033 and map 104 B, parcel 001, must be combined and cannot be used or sold as a standalone parcel.
10. This rezoning shall be conditioned upon the resurveying and recordation of the plat as stated in Section 66-165 (e)(3) of the Putnam County Code of Ordinances.

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 June 16, 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.

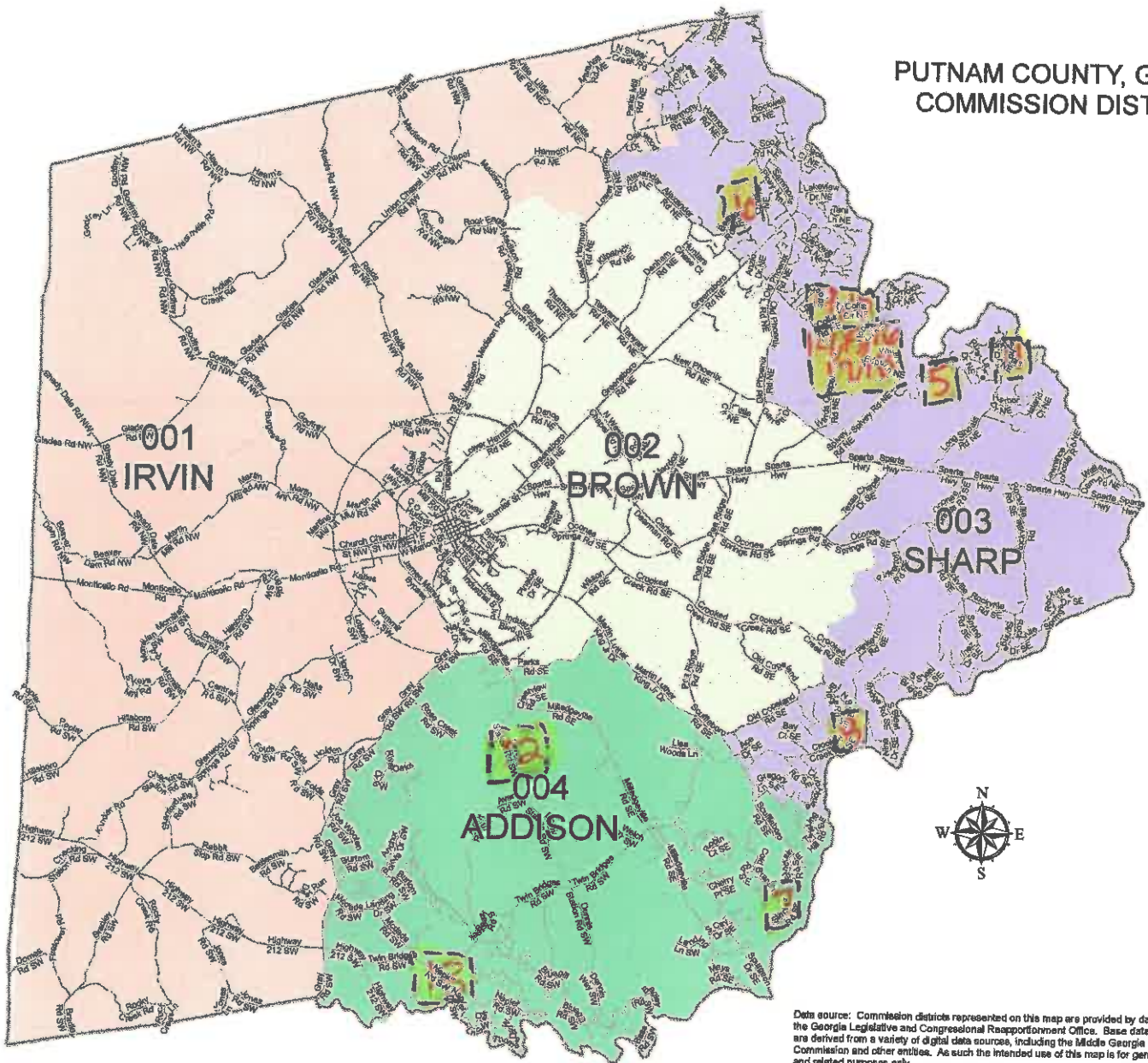
The Board of Commissioners' hearing will be conducted pursuant to O.C.G.A. 50-14-1 and Section 66-159 of the Putnam County Code of Ordinances and meets the requirements of the Zoning Procedures Laws established in O.C.G.A 36-66.

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.

File Attachments for Item:

16. 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**

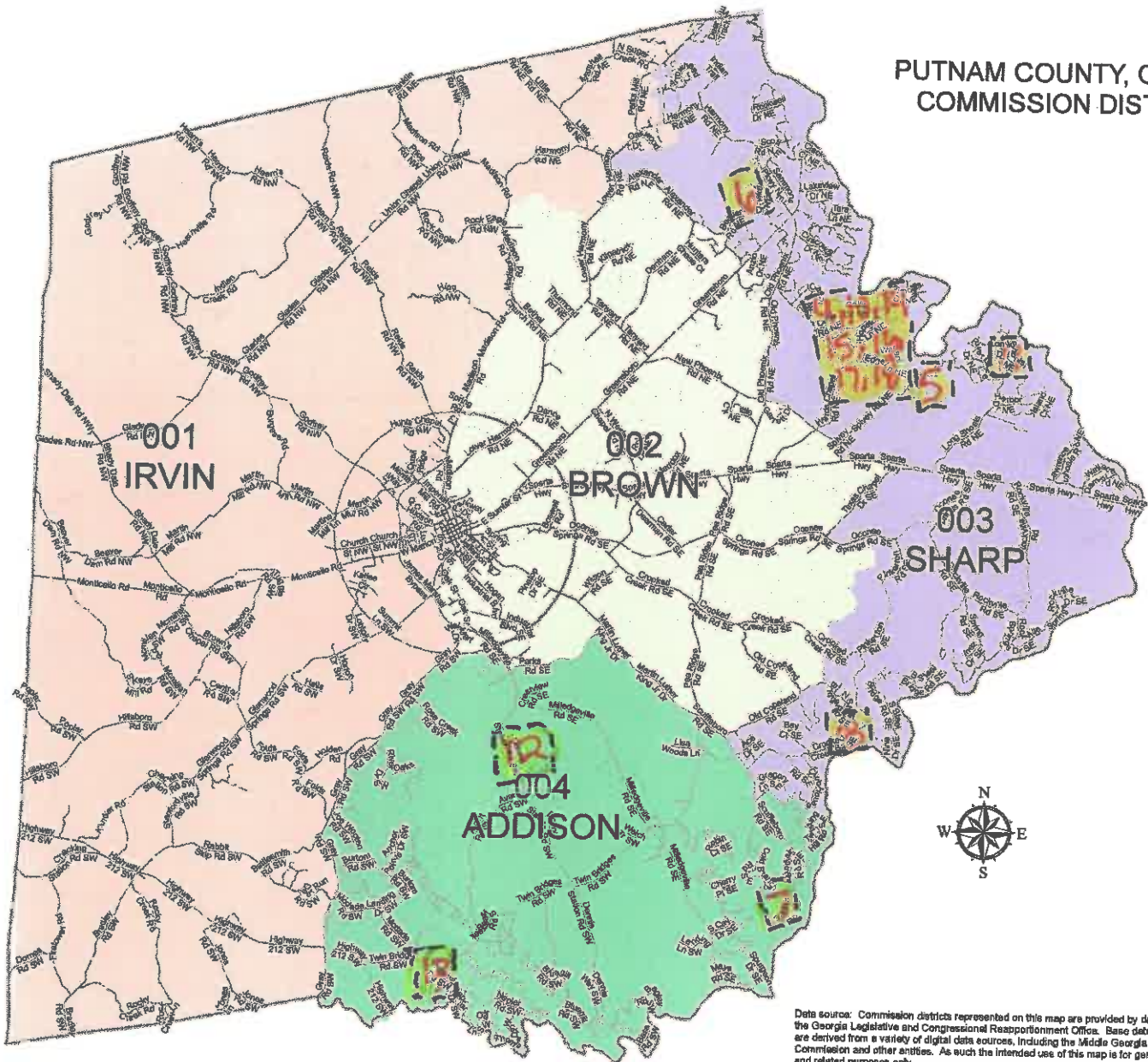


Data source: Commission districts represented on this map are provided by data from the Georgia Legislative and Congressional Reapportionment Office. Base data features are derived from a variety of digital data sources, including the Middle Georgia Regional Commission and other entities. As such the 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: JUNE 2018

5. Request by **Jimmy O'Dell** for a side yard setback variance at 308 East River Bend Drive. Presently zoned R-1R. [Map 119B, Parcel 183, District 3].
6. Request by **Garry & Nina Lassiter** for a side yard setback variance at 153 Hoot Owl Lane. Presently zoned R-1R. [Map 096A, Parcel 008, District 3].
7. Request by **Gregory Leepow, agent for Kim Anderson** for a rear yard setback variance at 112 Sinclair Circle. Presently zoned R-2. [Map 112B, Parcel 003, District 4].
8. Request by **Kevin & Kristy Slaughter** for a side yard setback variance at 1051 Crooked Creek Road. Presently zoned R-1. [Map 110B, Parcel 105, District 3].
9. Request by **Mark Smith, agent for Mary Wooten** for a rear yard setback variance at 147 Collis Marina Road. Presently zoned RM-2. [Map 104B, Parcel 012, District 3].
10. Request by **Mark Smith, agent for Duke Gibbs** for a side and rear yard setback variance at 145 Collis Marina Road. Presently zoned RM-2. [Map 104B, Parcel 011, District 3].
11. Request by **Jim Brown, agent for Wondal Perry** for a rear yard setback variance at 202 Long Island Drive. Presently zoned R-1R. [Map 122A, Parcel 064, District 3].
12. Request by **Jason Sells, agent for Interfor U.S. Inc** for a front yard setback variance at 370 Dennis Station Road. Presently zoned I-M. [Map 059, Parcel 019, District 4].
13. Request by **Vincent Richardson** for a front yard setback variance at 114 Allens Alley. Presently zoned R-2. [Map 055A, Parcel 011, District 4].

**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" = 6,687.28' SCALE RATIO: 1:68,367.34 DATE: JUNE 2019

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



Jeffrey S. Haymore
404.665.1243

Email:
jhaymore@dillardsellers.com

May 26, 2020

VIA E-MAIL: anelson@flemingnelson.com

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

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

Dear Adam:

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

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

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

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

MAY 26 2023



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

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

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

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

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



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

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

Sincerely,

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

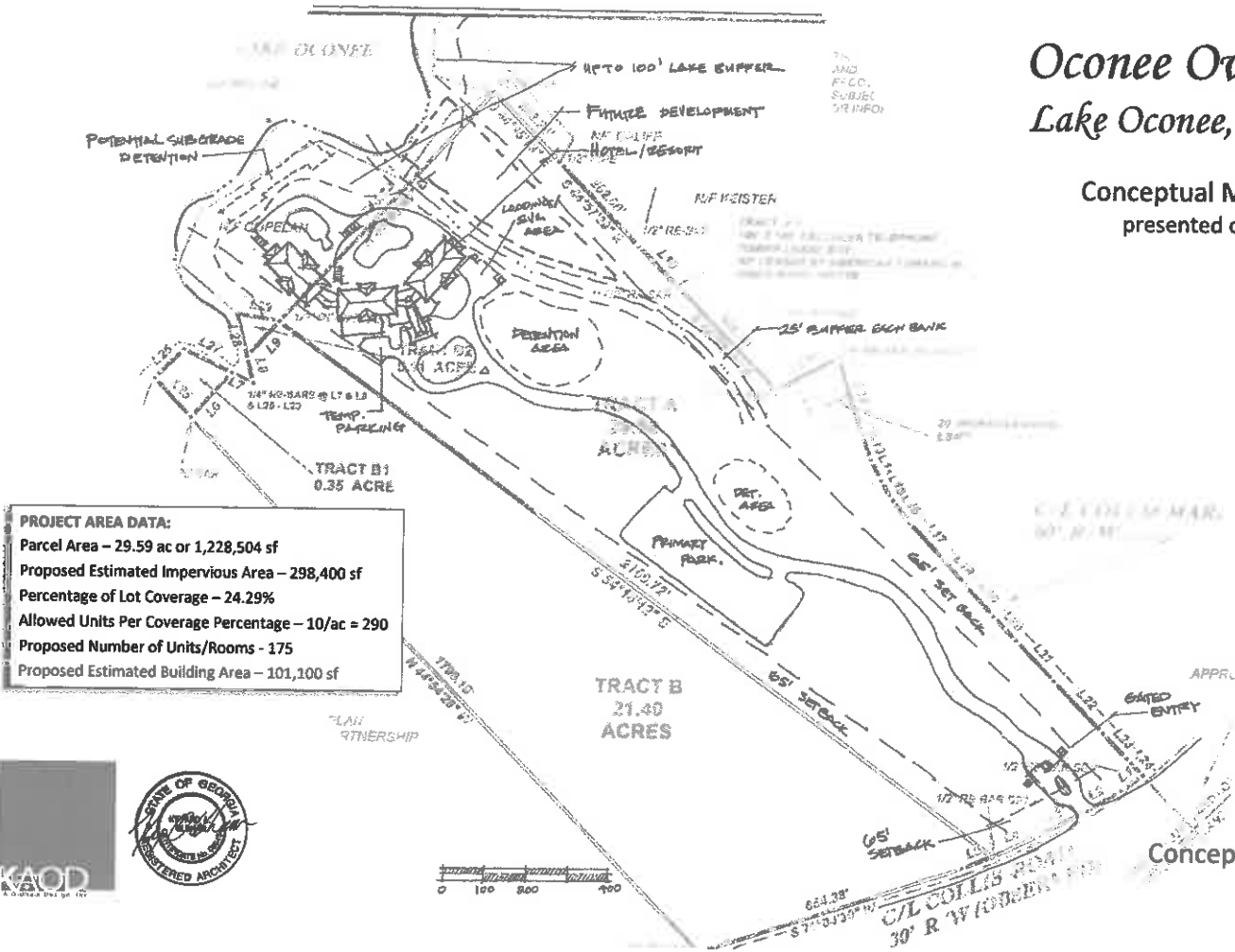
Jeffrey S. Haymore, Esq.

Cc (via e-mail):

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

Oconee Overlook Lake Oconee, Georgia

Conceptual Master Plan
presented on actual plat



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



Conceptual Imagery
May 2020

RCUD 2020 MAY 18 *Gyu*

LAKE OCONEE

Oconee Overlook Lake Oconee, Georgia

Conceptual Resort Plan



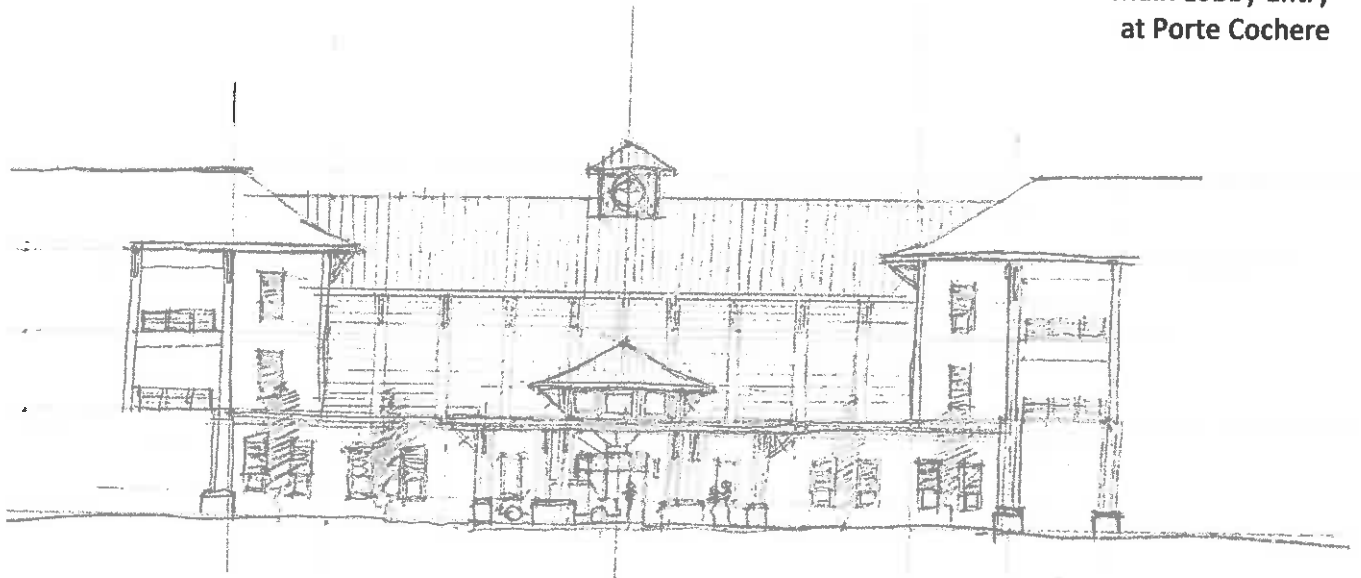
Conceptual Imagery
May 2020



RCUD 2020 MAY 19 *ga*

Oconee Overlook
Lake Oconee, Georgia

Main Lobby Entry
at Porte Cochere

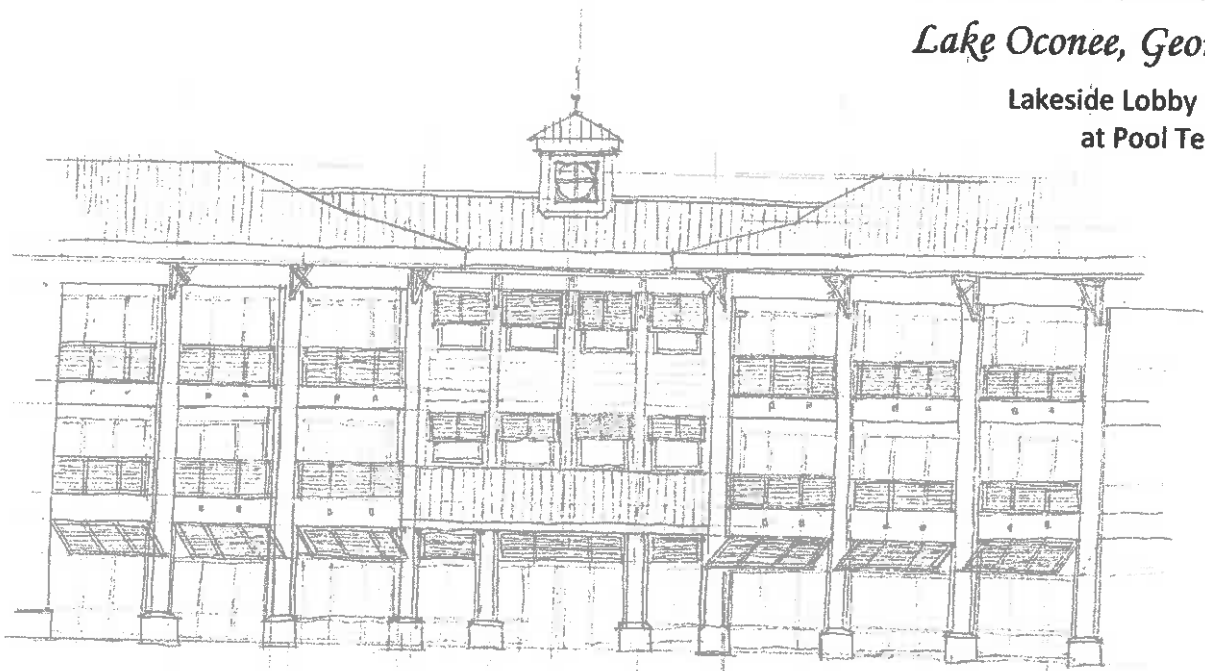


Conceptual Imagery
May 2020

RCUD 2020 MAY 19 *Go*

Oconee Overlook
Lake Oconee, Georgia

Lakeside Lobby Entry
at Pool Terrace

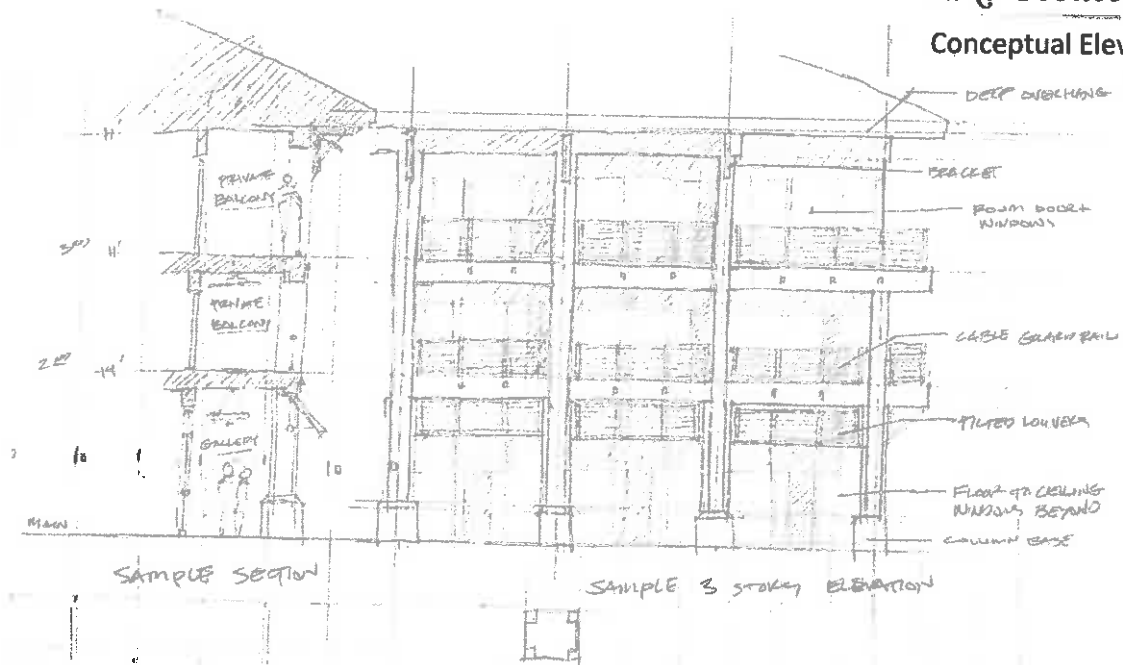


Conceptual Imagery
May 2020

RCUD 2020 MAY 19 *Cya*

Oconee Overlook Lake Oconee, Georgia

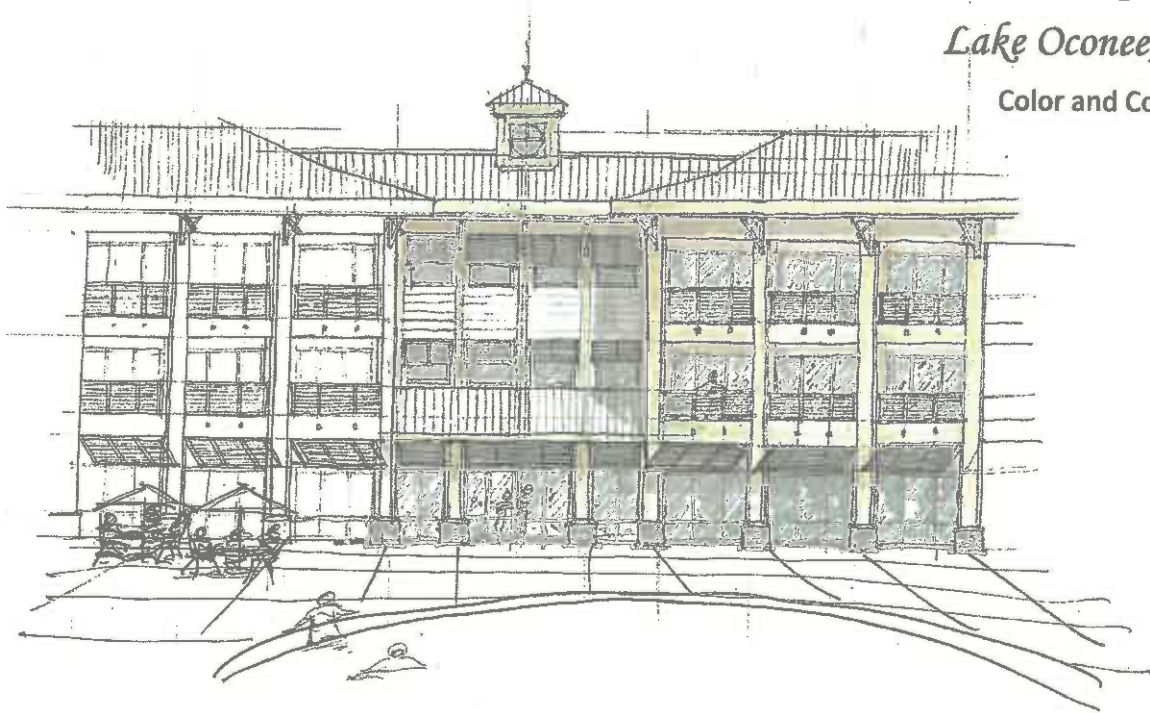
Conceptual Elevation Detail and Section



Conceptual Imagery
May 2020

RCUD 2020 MAY 19 *Cja*

Oconee Overlook
Lake Oconee, Georgia
Color and Context Study



Conceptual Imagery
May 2020

WCUD 2020 MAY 19 *ga*

Collis Rd. Map 104, Parcel 032



Jeffrey S. Haymore
404.665.1243

Email:
jhaymore@dillardsellers.com

May 8, 2020

VIA E-MAIL: ljackson@putnamcountyga.us

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

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

Dear Lisa:

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

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

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

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

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

Sincerely,

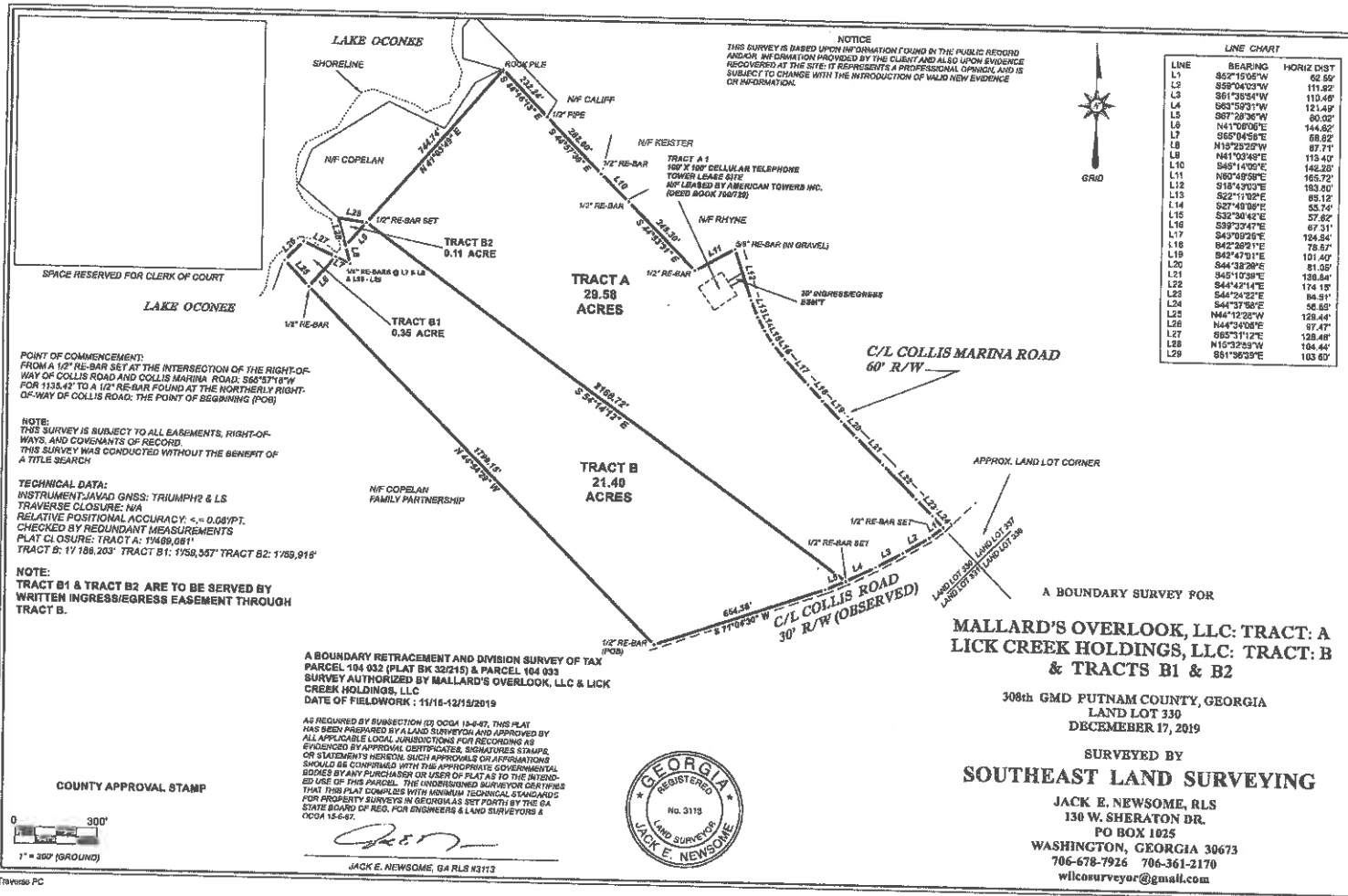


Jeffrey S. Haymore, Esq.

Cc (via e-mail):

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

Cya



Oconee Overlook Lake Oconee, Georgia

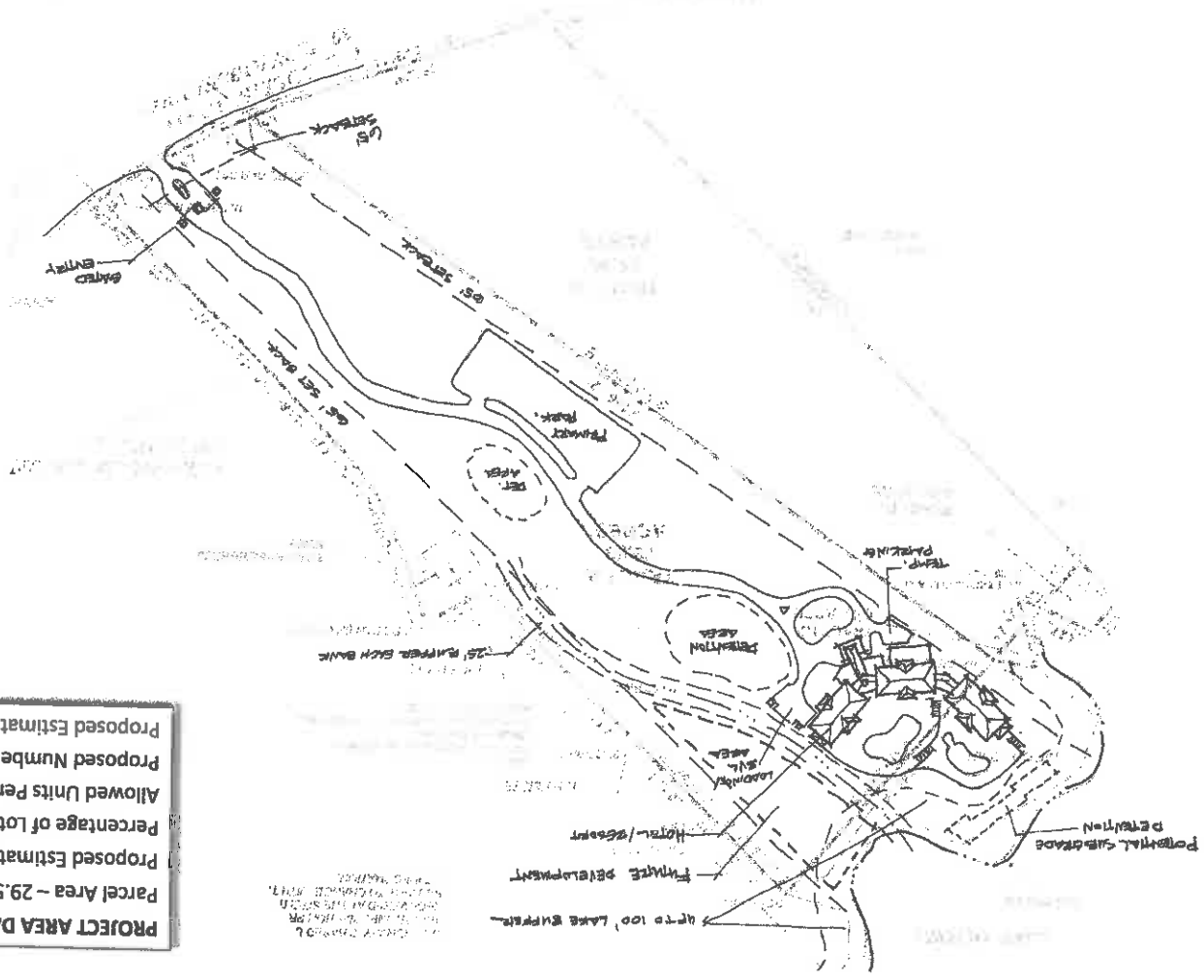
Topographic and Boundary Survey
Rotated in Presentations

Conceptual Imagery
May 2020

Oconee Overlook Lake Oconee, Georgia



Conceptual Master Plan
presented on actual plat
Conceptual Imagery
May 2020



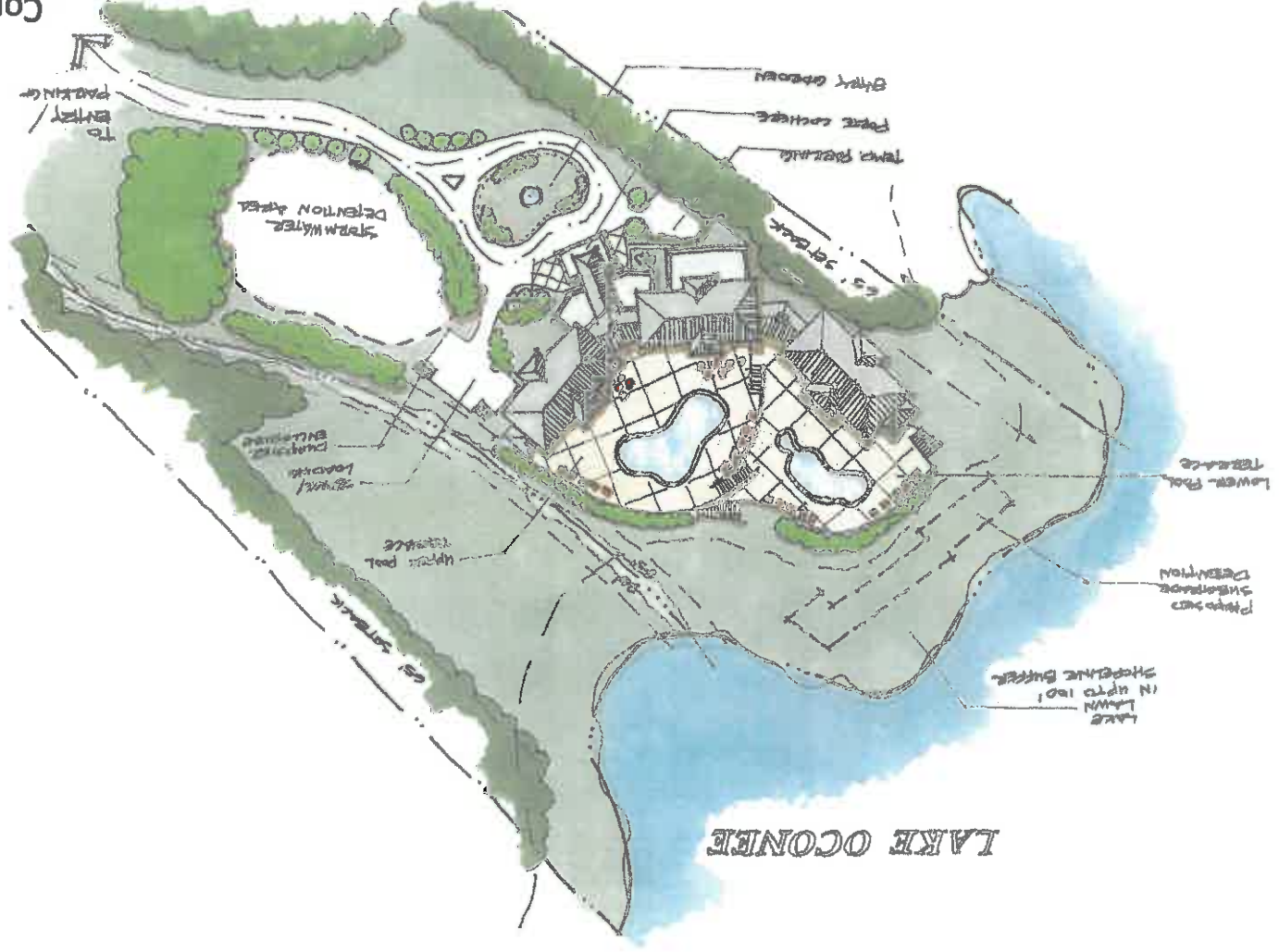
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 Proposed Number of Units/Rooms - 175
 Proposed Estimated Building Area - 101,100 sf



Oconee Overlook Lake Oconee, Georgia

Conceptual Imagery
May 2020

Conceptual Resort Plan

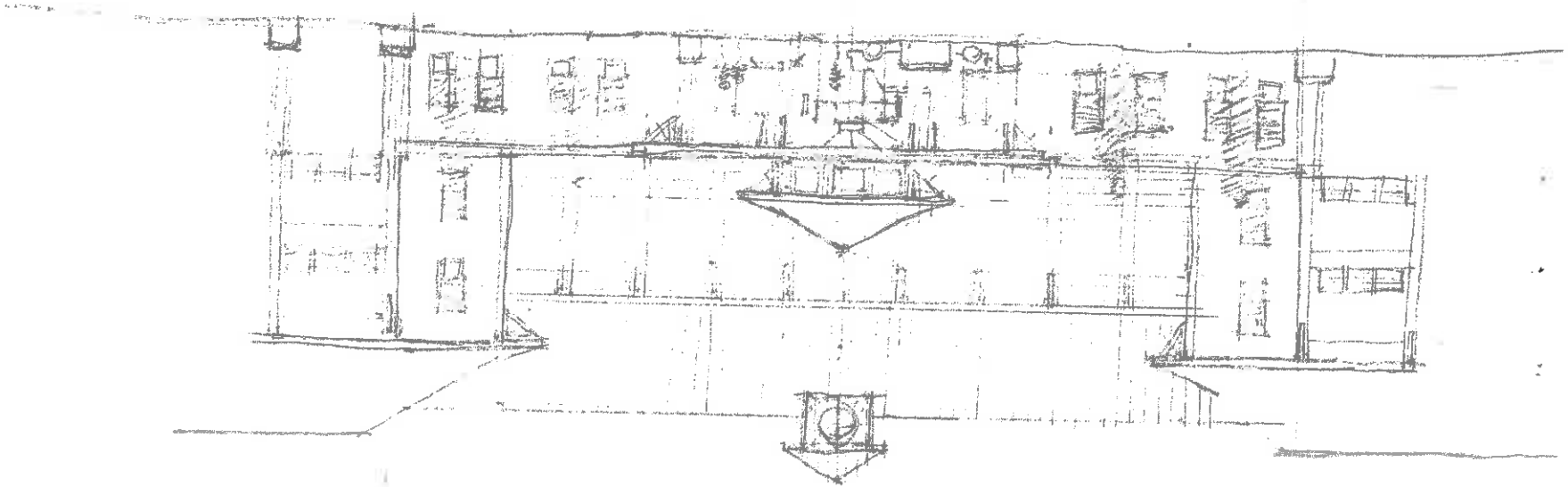


Oconee Overlook Lake Oconee, Georgia



Conceptual Imagery
May 2020

Main Lobby Entry
at Porte Cochere

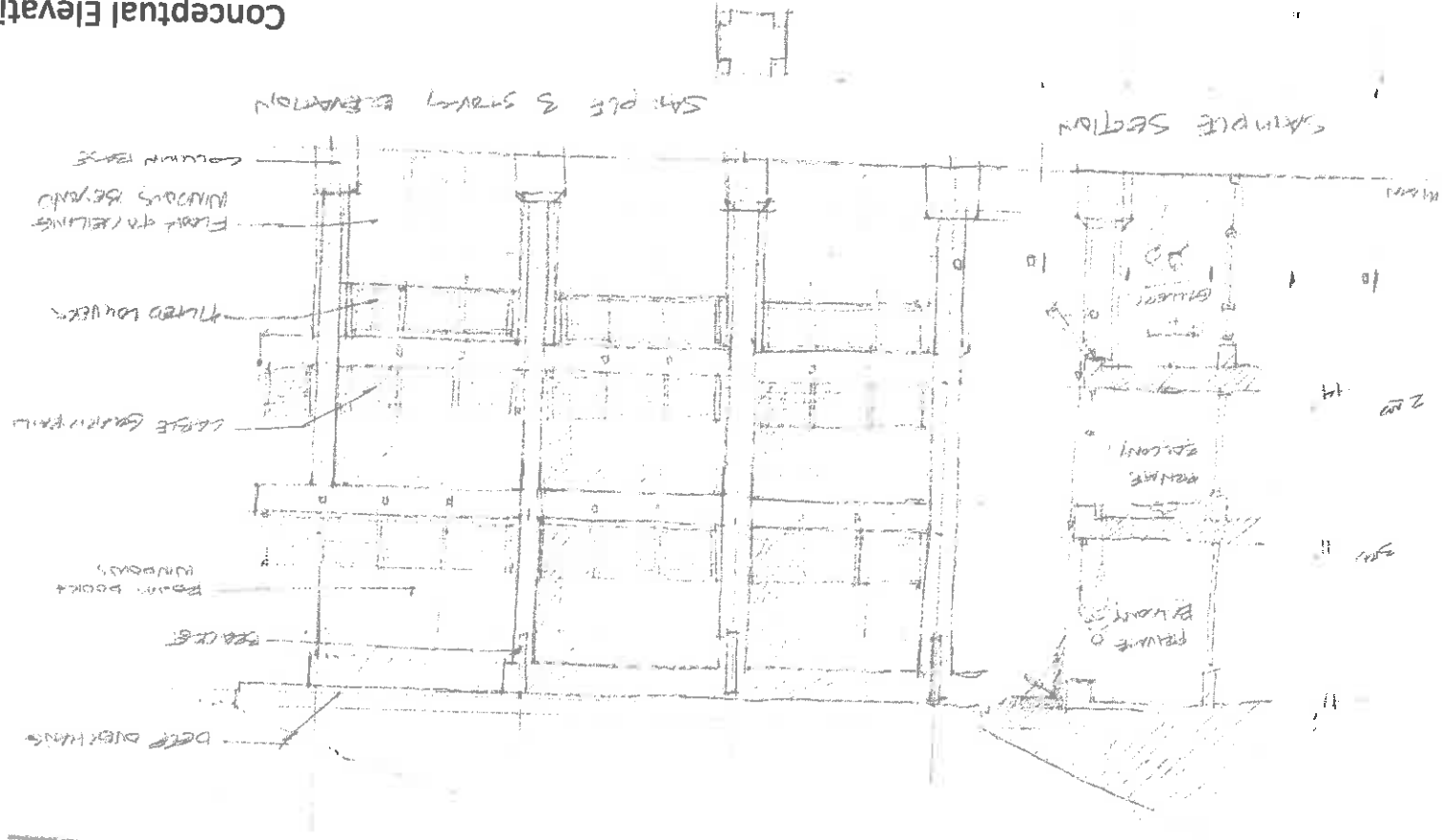


Oconee Overlook Lake Oconee, Georgia

Conceptual Imagery
May 2020



Conceptual Elevation Detail
and Section

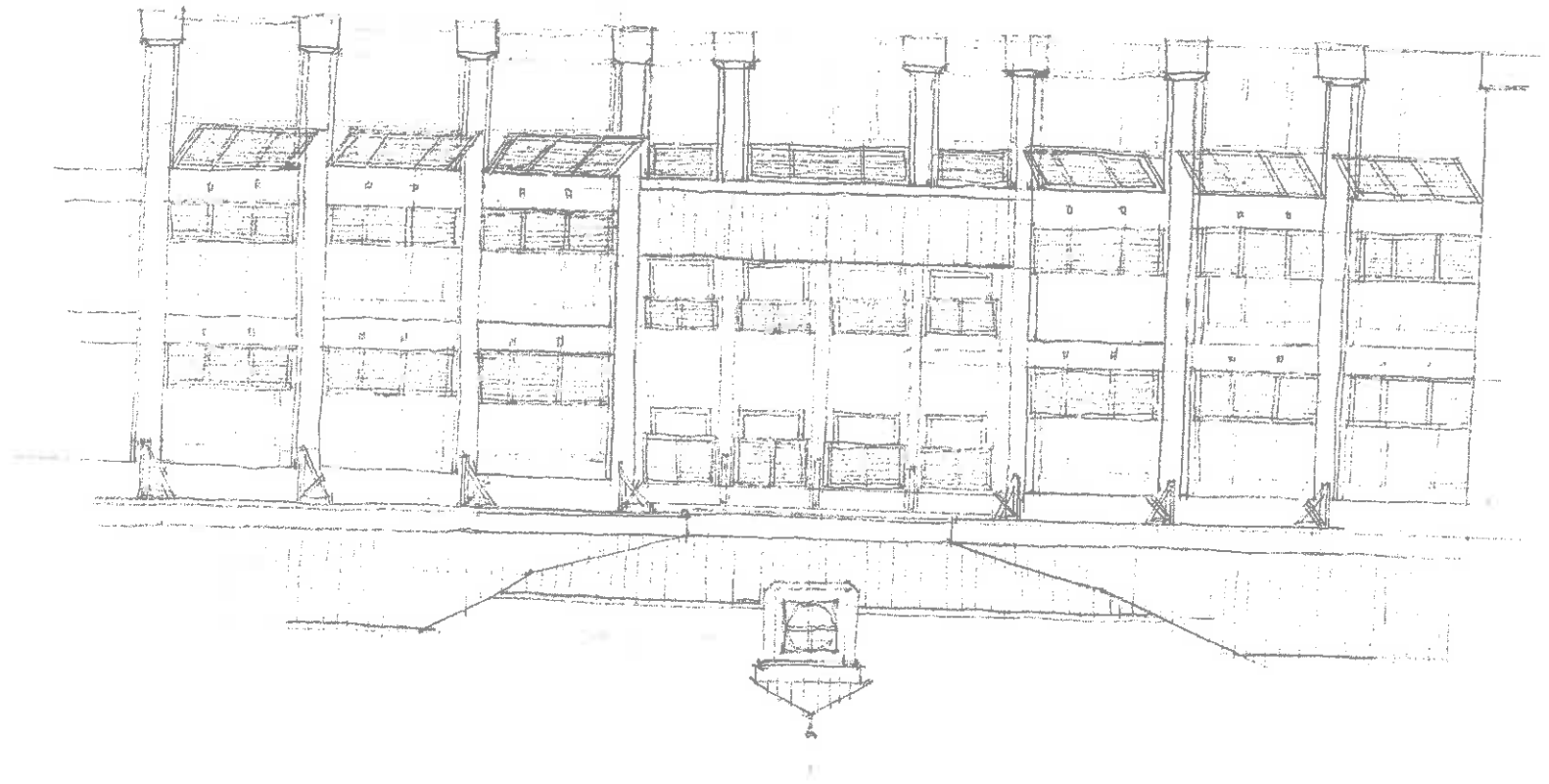


Oconee Overlook Lake Oconee, Georgia



Conceptual Imagery
May 2020

Lakeside Lobby Entry
at Pool Terrace

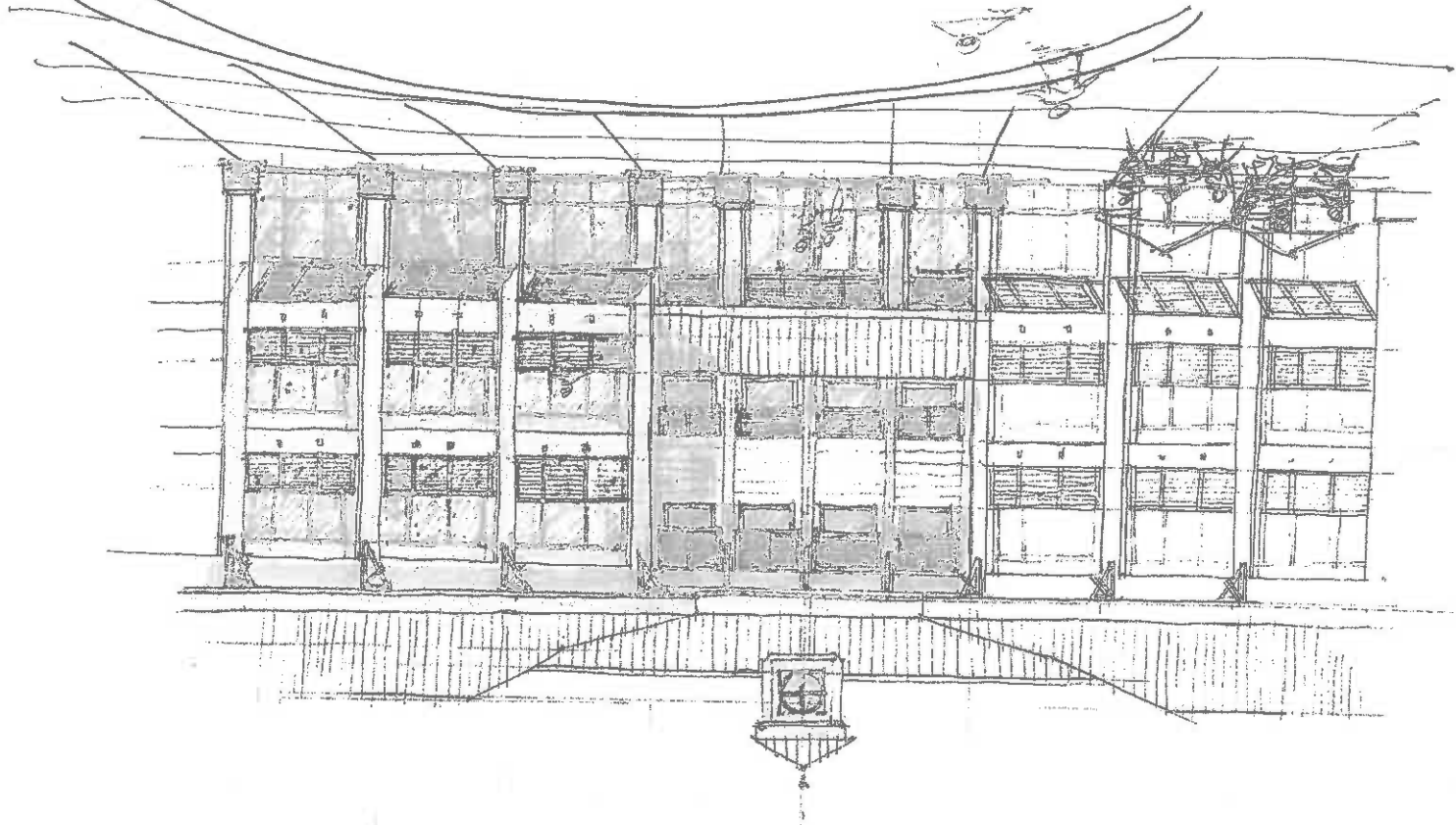


Oconee Overlook Lake Oconee, Georgia

Conceptual Imagery
May 2020



Color and Context Study





Jeffrey S. Haymore
404.665.1243

Email:
jhaymore@dillardsellers.com

March 4, 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:

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

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

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

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

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

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

Please do not hesitate to contact me to discuss.

Sincerely,



Jeffrey S. Haymore, Esq.

Cc (via e-mail):

Howard McMichael, Jr.
Josh Sprayberry
Lauren Sprayberry
Lisa Jackson

DILLARD Sellers
ATTORNEYS AT LAW

Jeffrey S. Haymore
404.665.1243

Email:
jhaymore@dillardsellers.com

March 3, 2020

VIA HAND DELIVERY

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

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

Dear Lisa:

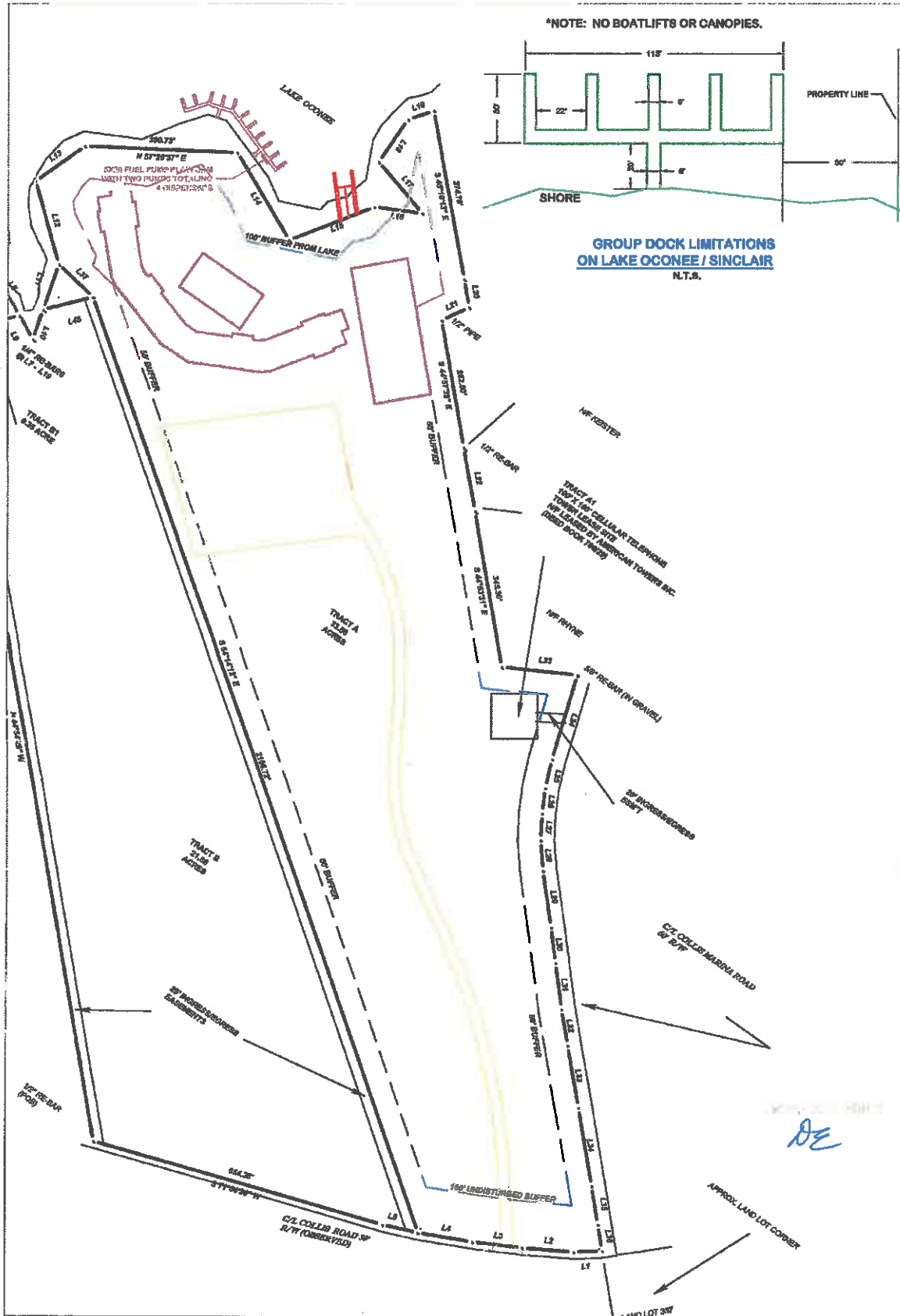
Please find enclosed six hard copies of the updated hotel concept plan previously provided yesterday for inclusion into each rezoning application.

Sincerely,


Jeffrey S. Haymore, Esq.

RCUD 2020 MAR 3





DILLARD *Sellers*
ATTORNEYS AT LAW

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

E-mail:
jhaymore@dillardsellers.com

March 2, 2020

VIA HAND DELIVERY

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

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

Honorable members of the Putnam County Board of Commissioners:

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

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

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

Putnam County Board of Commissioners
March 2, 2020
Page 2

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

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

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

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

Standing Objection

BOARD 2020 MAR 03

DE

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

Putnam County Board of Commissioners
March 2, 2020
Page 3

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

Sincerely,



Jeffrey S. Haymore, Esq.

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

PCVD 2020 MAR 3




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

DILLARD *Sellers*
ATTORNEYS AT LAW

Jeffrey S. Haymore
404.665.1243

Email:
jhaymore@dillard sellers.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

DILLARD Sellers
ATTORNEYS AT LAW

Jeffrey S. Haymore
404.665.1243

Email:
jhaymore@dillard sellers.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. Haymon, Esq.

cc: Howard McMichael, Jr.



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: Mallano's Overlook, LLC
- 2. Mailing Address: 6350 Lake Oconee Parkway, Suite 110 Eatonton Ga 31024 PMB 33 Greensboro, GA.
- 3. Phone: (home) _____ (office) _____ (cell) 706-423-1999
- 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 Future Development Codes with Tax 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/C2 cpa West: AG-1 cpa

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

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

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

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

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

Ward's, Overlook, LLC
map 104 Parcel 032

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

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

James Chapman 11/7/2020
Signature (Property Owner) (Date)

James Chapman 11/7/2020
Signature (Applicant) (Date)

Cosey
Notary Public

Cosey
Notary Public



Office Use

Paid: \$ _____ (cash) _____ (check) _____ (credit card) _____
Receipt No. _____ Date Paid: _____
Date Application Received: _____
Reviewed for completeness by: _____
Submitted to TRC: _____ Return date: _____
Date of BOC hearing: _____ Date submitted to newspaper: _____
Date sign posted on property: _____ Picture attached: yes _____ no _____

RCUD 2020 JAN 8

DOC# 005609
FILED IN OFFICE
12/27/2019 01:48 PM
BK:972 PG:232-233
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#: 3113-0014



REAL ESTATE TRANSFER
TAX PAID: \$0.00

LIMITED WARRANTY DEED

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

THIS INDENTURE, made this 26th day of December 2019, between HJR Odom, ~~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.

PCVD 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.

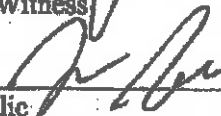
Signed, sealed and delivered
in the presence of:

HJR Oconee, LLC



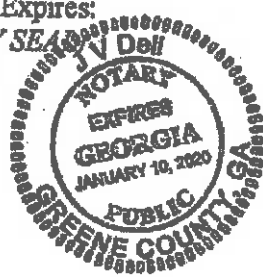
Unofficial Witness

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 Pm3 zoning OF PROPERTY DESCRIBED AS MAP 104 PARCEL 032, CONSISTING OF 50.8 ACRES, WHICH HAS THE FOLLOWING ADDRESS: Col'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, 2020.

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

NAME (PRINTED)

SIGNATURE

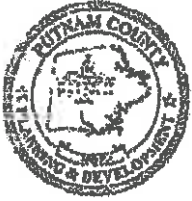
ADDRESS: 6350 Lake Oconee Pkwy Suite 110 PmB33 Greensboro GA 30642
PHONE: 770 313 7898

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

NOTARY
MY COMMISSION EXPIRES: 2-13-22



RCUD 2020 JAN 8



PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

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

DISCLOSURE OF APPLICANT'S CAMPAIGN CONTRIBUTION

The Putnam County Code of Ordinances, Section 66-167(c) states as follows:

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

a. The name and official position of the local government official to whom the campaign contribution was made; and

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

1. Name: 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
Easton, Georgia 31024

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

Dear Mr. McMichael:

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

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

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

Sincerely,

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

W. J. Matthews
Vice President of Operations

RCUD 2019 OCT 31

Handwritten initials in black ink, possibly "JL" or "RL", 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.putnamtax.com

October 30, 2019

CERTIFICATION

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

Parcel number: 104 032
Owner: HJR Oconee LLC

Pamela K Lancaster

Pamela K. Lancaster, CPA
Putnam County Tax Commissioner



10-30-2019

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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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 NOV 1



Letter of Intent – Mallard’s Overlook, LLC – RM-3 (Parcel Number: 104 032 (Tract A, 29.58 acres))

The site includes Tract A including 29.58 acres and is located on Lake Oconee at the intersection of Collis Road and Collis Marina Road and surrounding land uses include existing RM-3 Enclave at Waterfront, C-2 at Collis Marina, and R-1 Single Family Homes. The intended land use for subject property is to be combined into 1 Parcel and rezone to RM-3. A Conceptual plan illustrating proposed development concept is attached. Upon re-zone approval, the area will be developed into a waterfront community. The intent of the property is to be developed utilizing Putnam County Development Codes with townhome and condominium units similar to Enclave at Waterfront and Cuscowilla Condominium and Townhome Units.

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



Impact Analysis

ITEM #1

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

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

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

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

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

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

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

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

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

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

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

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

DATE: 2014 JUN 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:

RCVD 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 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 NOV 1



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

309 North Main Street
Post Office Box 649
Hinsville, 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

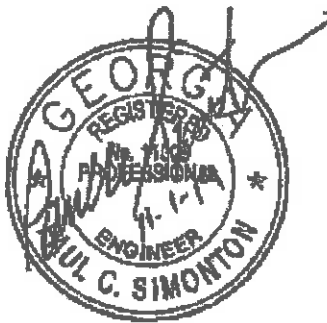
RCUR 2019 NOV 1



Hinsville, 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.

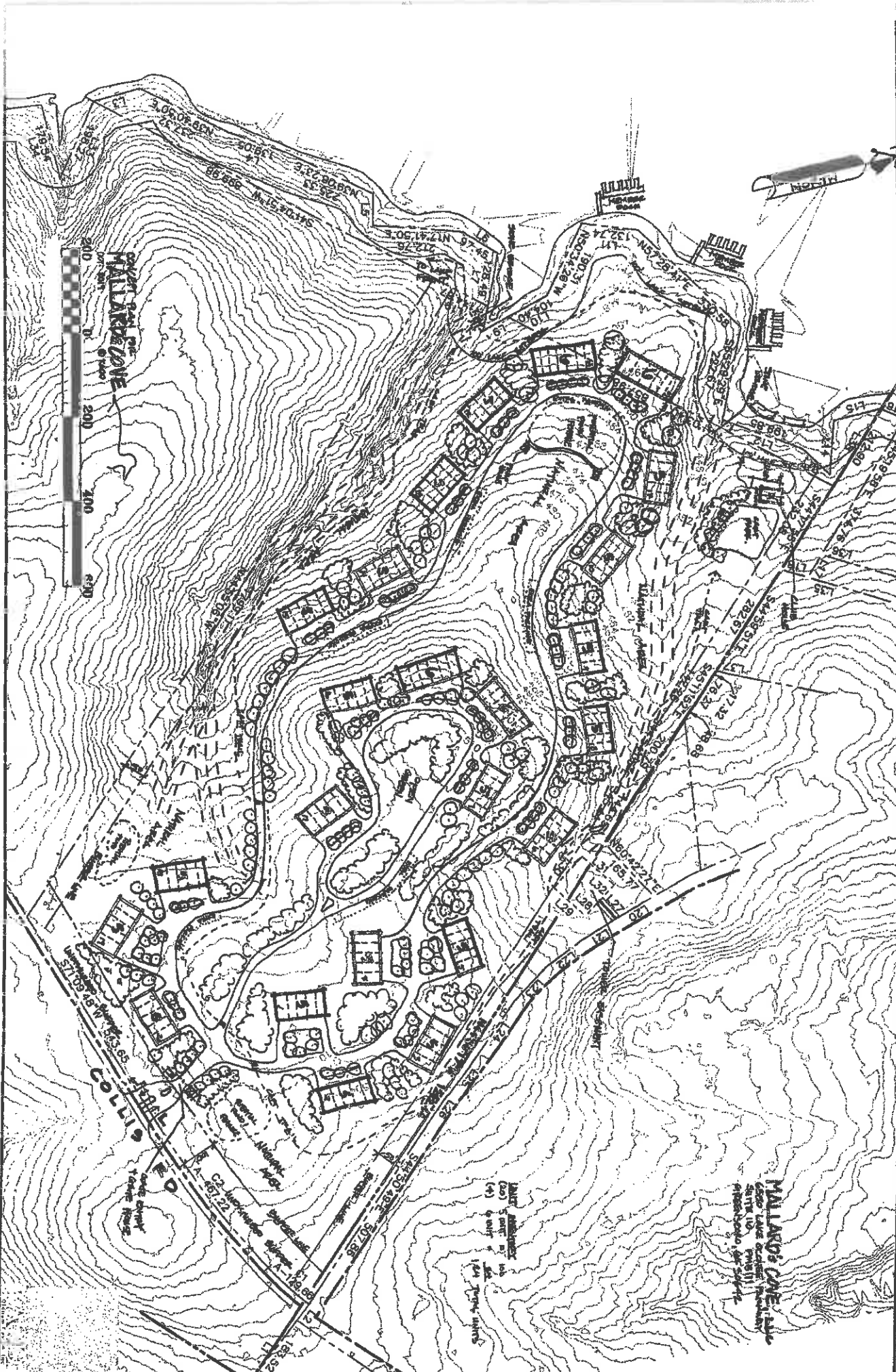


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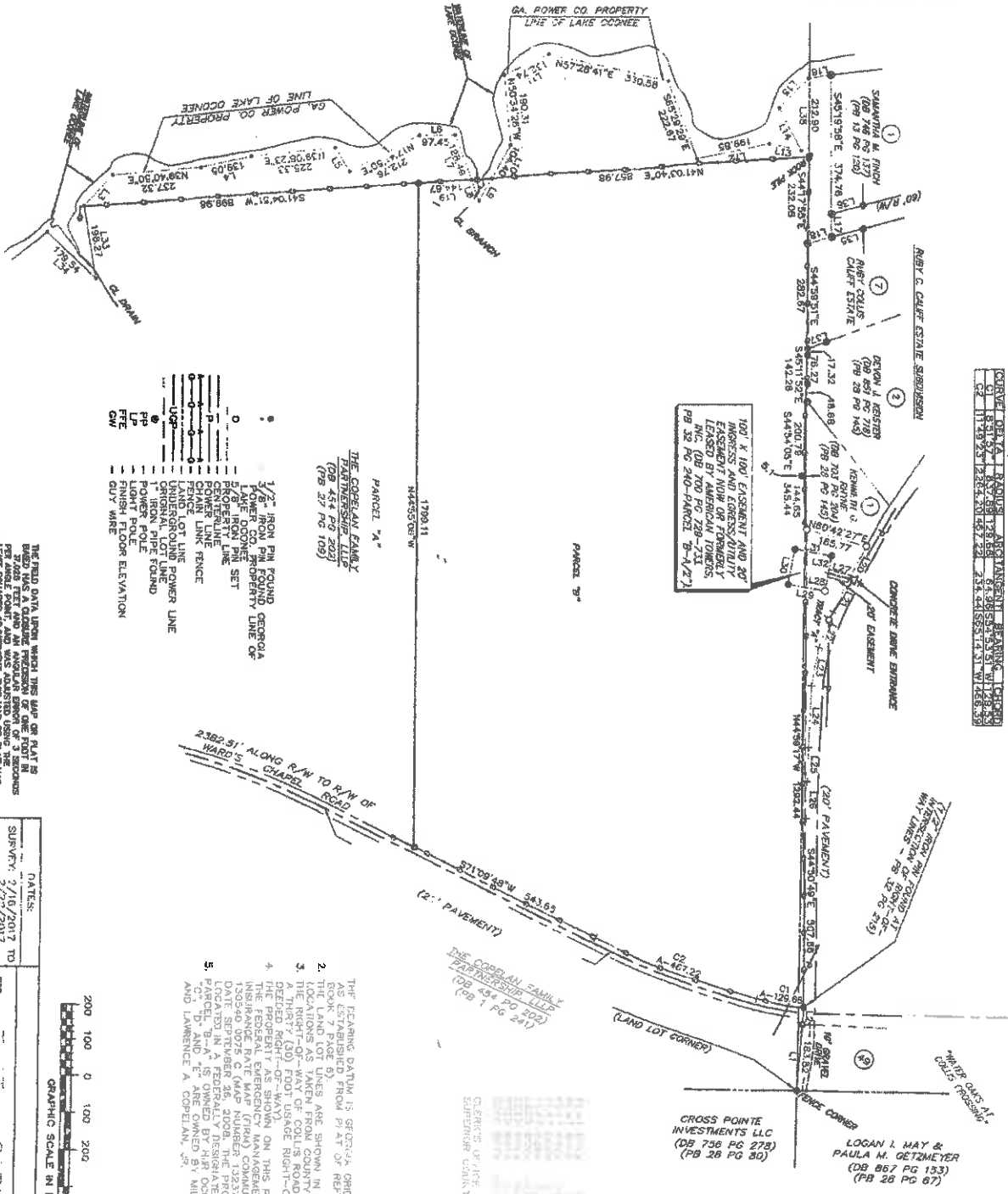
Existing Conditions





CURVED CORNER RADIUS ARC TANGENT BEARING CHORD
 C=1148.23' R=253.30' Δ=42.92' SA=56.54' SA'=128.33'
 CA=1148.23' CB=253.30' AB=42.92' SA=56.54' SA'=128.33'

LINE	BEARING	DISTANCE
1	N 43° 57' 00" W	43.82
2	N 02° 31' 31" W	112.51
3	S 45° 26' 28" E	132.42
4	N 44° 33' 25" E	97.45
5	S 88° 53' 18" E	148.45
6	N 02° 31' 31" W	112.51
7	S 45° 26' 28" E	132.42
8	N 44° 33' 25" E	97.45
9	S 88° 53' 18" E	148.45
10	N 02° 31' 31" W	112.51
11	S 45° 26' 28" E	132.42
12	N 44° 33' 25" E	97.45
13	S 88° 53' 18" E	148.45
14	N 02° 31' 31" W	112.51
15	S 45° 26' 28" E	132.42
16	N 44° 33' 25" E	97.45
17	S 88° 53' 18" E	148.45
18	N 02° 31' 31" W	112.51
19	S 45° 26' 28" E	132.42
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21	S 88° 53' 18" E	148.45
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25	S 88° 53' 18" E	148.45
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29	S 88° 53' 18" E	148.45
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95	S 45° 26' 28" E	132.42
96	N 44° 33' 25" E	97.45
97	S 88° 53' 18" E	148.45
98	N 02° 31' 31" W	112.51
99	S 45° 26' 28" E	132.42
100	N 44° 33' 25" E	97.45



PULNAM COUNTY PLANNING AND DEVELOPMENT
 DIRECTOR'S CERTIFICATE
 PURSUANT TO THE LAND SUBDIVISION REGULATIONS OF PULNAM COUNTY, GEORGIA THIS PLAN COMPLES WITH REQUIREMENTS AND THE SUBDIVISION REGULATIONS OF PULNAM COUNTY.

PULNAM COUNTY PLANNING AND DEVELOPMENT DIRECTOR

DATE

1798.11
 14455.03' W

PARCEL "A"
 THE COPELAN FAMILY PARTNERSHIP, LLC
 (DB 454 PG 202)
 (DB 27 PG 109)

PARCEL "B"
 1798.11
 14455.03' W

100' X 100' EASEMENT AND 30' EASEMENT FOR THE COPELAN FAMILY PARTNERSHIP, LLC (DB 454 PG 202) (DB 27 PG 109)

1/2" IRON PIPE FOUND
 3/8" IRON PIPE FOUND
 POWER CO. PROPERTY LINE OF 5/8" IRON PIPE SET

PROPERTY LINE
 CHAIN LINK FENCE
 LAND LOT LINE
 UNDERGROUND POWER LINE
 POWER POLE
 1" IRON PIPE FOUND
 LIGHT POLE OR ELEVATION
 CUY WIRE

THE FIELD DATA UPON WHICH THIS MAP OR PLAN IS BASED WAS OBTAINED BY ME OR BY AN INDIVIDUAL EMPLOYED BY ME AND I AM AWARE OF THE ACCURACY OF THE DATA AND I AM NOT PROVIDING ANY WARRANTY AS TO THE ACCURACY OF THE DATA.

A BECA 100' X 100' TOTAL STATION SA 418224 WAS USED TO OBTAIN THE DATA. THE STATION WAS SET UP AT THE INTERSECTION OF THE 100' X 100' CORNER AND THE 100' X 100' CORNER.

THE SPECIAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA ARE BEING APPLIED TO THIS SURVEY. THE GENERAL BOARD OF SURVEYING AND MAPPING HAS SET FORTH THE FOLLOWING STANDARDS:

1. THE SURVEY SHALL BE MADE IN ACCORDANCE WITH THE STANDARDS FOR PROPERTY SURVEYS IN GEORGIA.

2. THE SURVEY SHALL BE MADE BY A LICENSED SURVEYOR.

3. THE SURVEY SHALL BE MADE BY A LICENSED SURVEYOR.

4. THE SURVEY SHALL BE MADE BY A LICENSED SURVEYOR.

5. THE SURVEY SHALL BE MADE BY A LICENSED SURVEYOR.

6. THE SURVEY SHALL BE MADE BY A LICENSED SURVEYOR.

7. THE SURVEY SHALL BE MADE BY A LICENSED SURVEYOR.

8. THE SURVEY SHALL BE MADE BY A LICENSED SURVEYOR.

DATES:
 SURVEY 2/19/2017 TO
 PLAN: 2/21/2017

FOR: CAPITAL INC

PART OF LAND LOTS 330 AND 337
 THIRD LAND DISTRICT
 308TH, G. M. DISTRICT
 PULNAM COUNTY, GEORGIA

Scale: 1" = 200.0'

Date: February 27, 2017

Scale: 1" = 200.0'

Date: February 27, 2017

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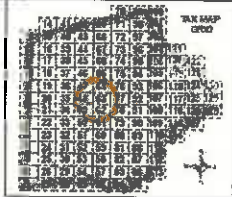
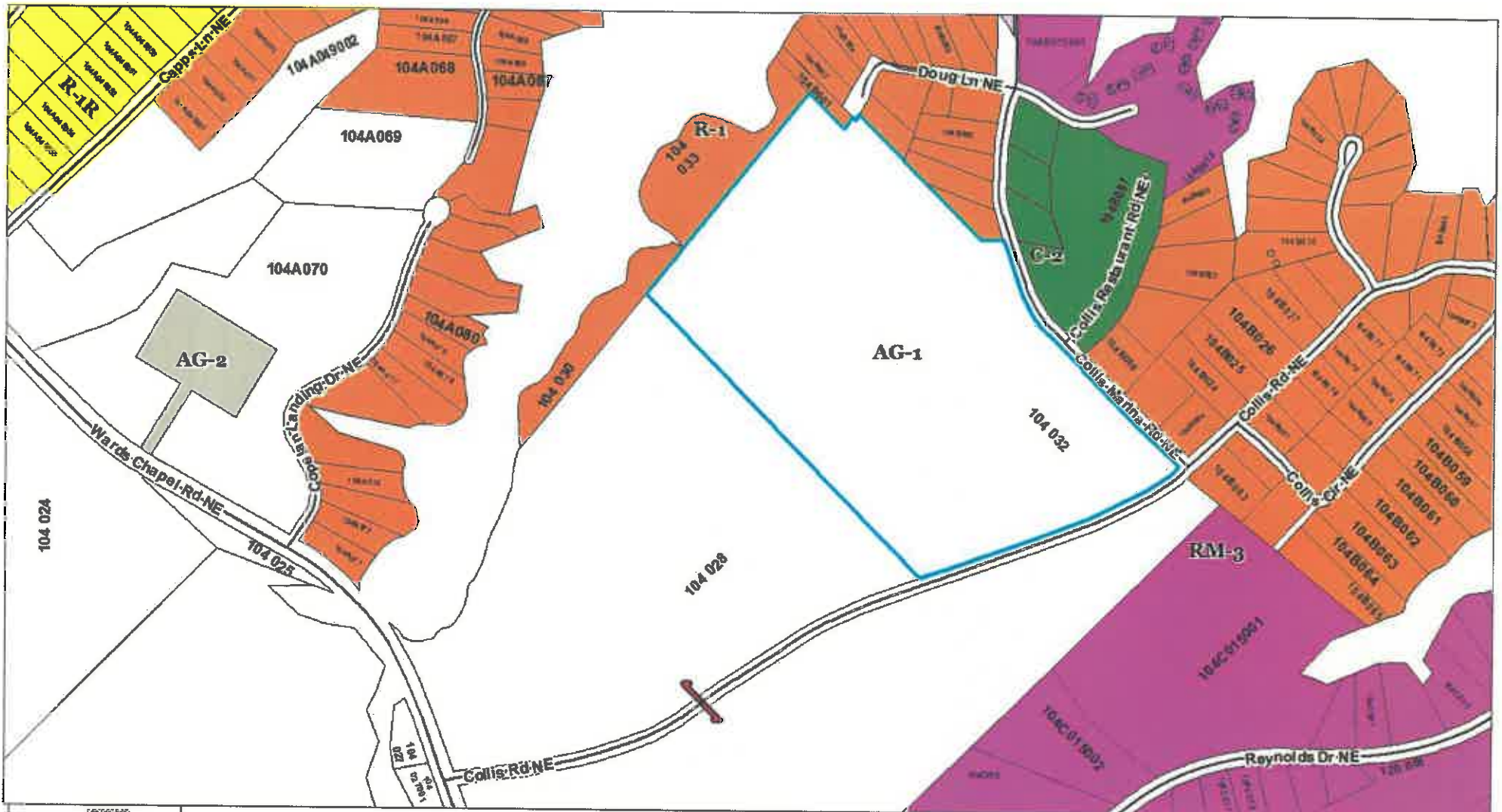
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- Estonton Limits
- County Boundary
- Roads
- Parcels
- Parcel Hooks

GEOGRAPHIC FEATURE LEGEND

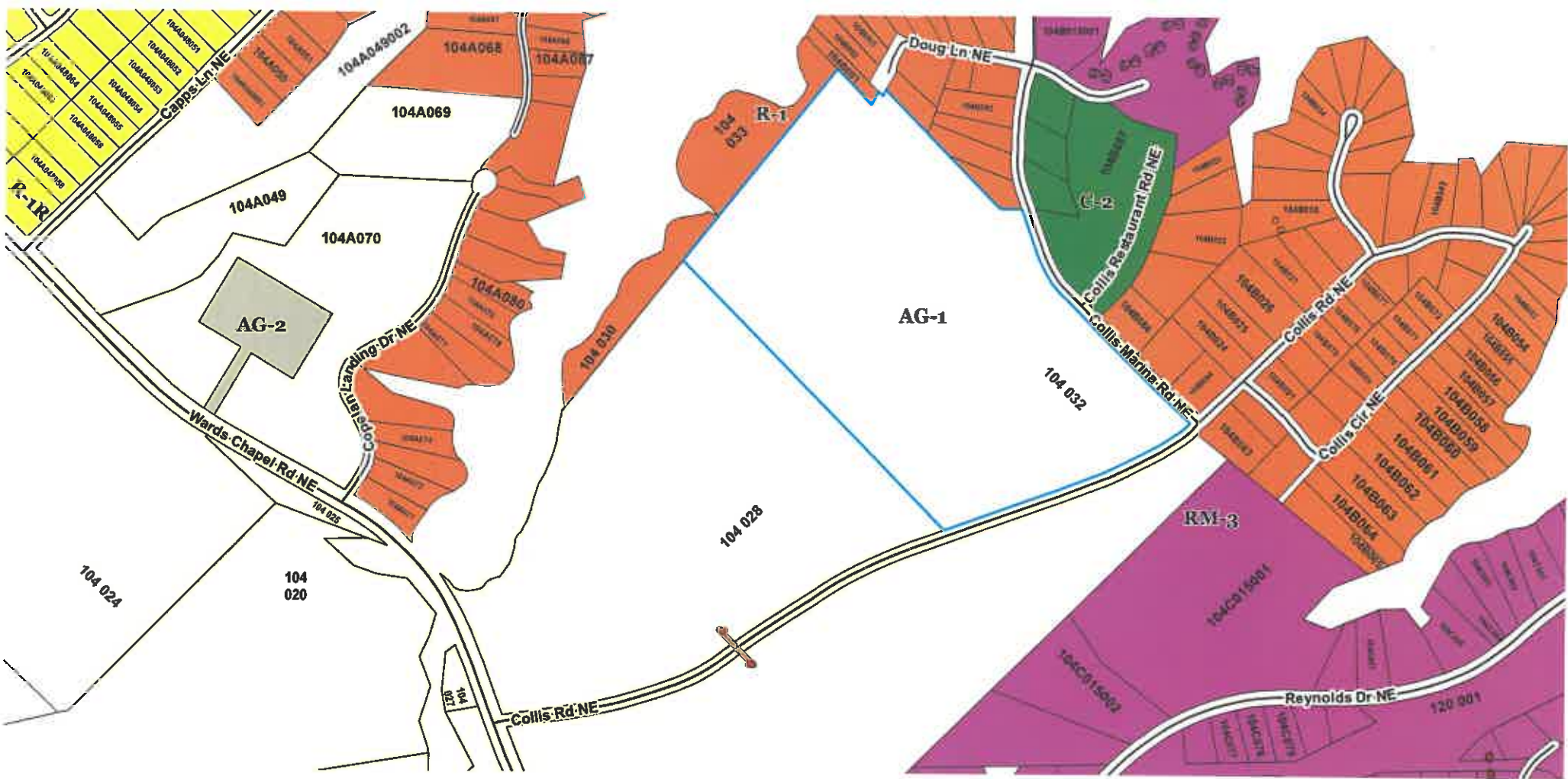
Overlay District	AG-2	C-2 CITY	IND-2 CITY	R-1 CITY	RM-2
No Code	C-1	I-M	MHP	R-2 CITY	R-1R
AG-1	C-1 CITY	IND-1 CITY	PUBLIC	R-3 CITY	RM-3
AG-1 CITY	C-2	IND-2	PUBLIC CITY	R-4 CITY	VILLAGE
				RM-4	

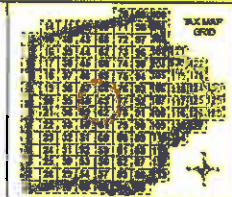
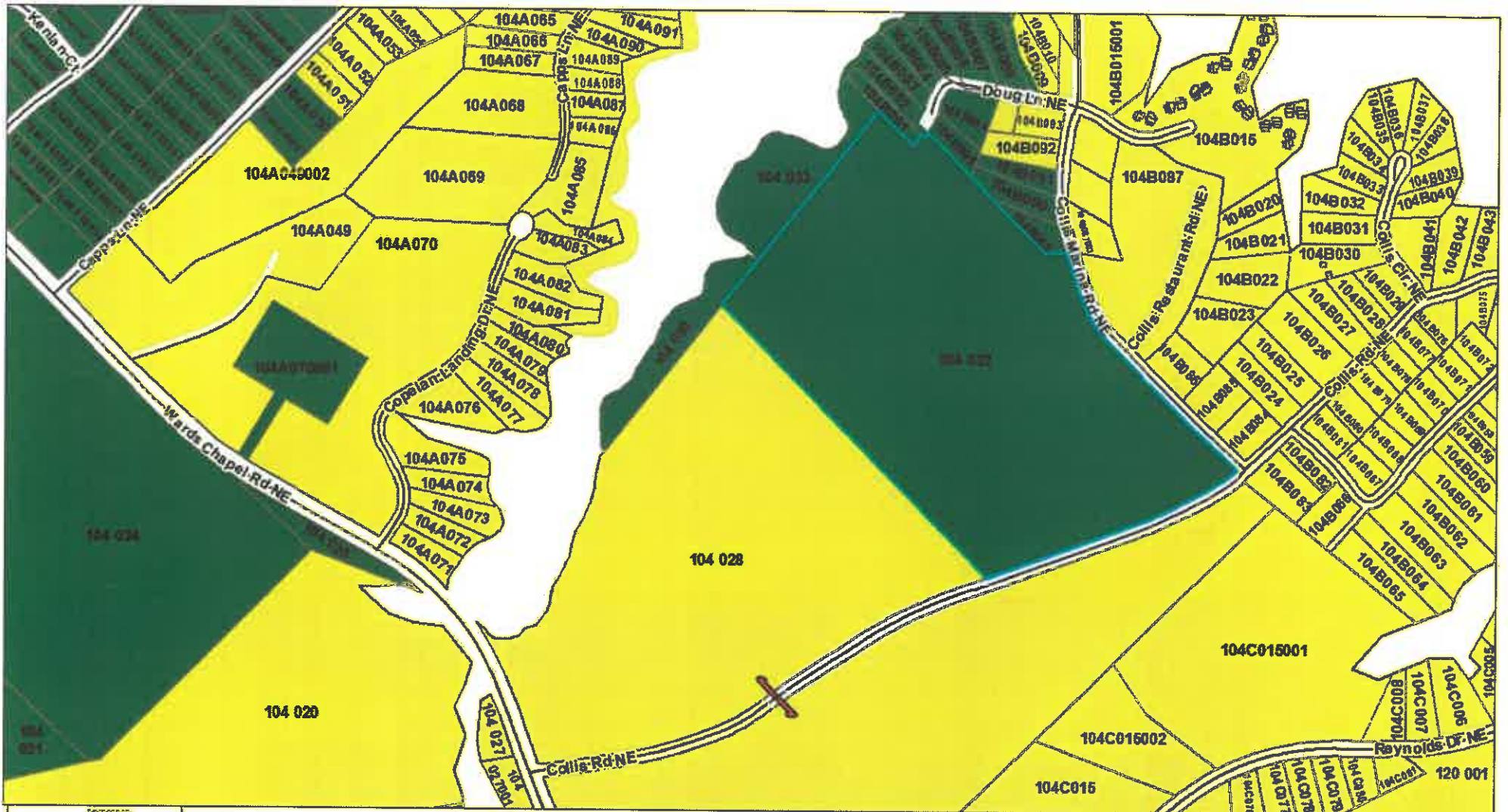
Middle Georgia Regional Commission
 175 Emery Hwy
 Sells C
 Macon, Georgia 31217
 (478) 751-5100
 Web:
www.middlegeorgia.org

PUTNAM COUNTY, GEORGIA
 ZONING MAPS

MAP 104

MAP SCALE: 1"=400' SC.A.R. RATIO: 1:400 DATE: NOVEMBER 2010





- TAX MAP GRID**
- Estonton Limits
 - County Boundary
 - Roads
 - Parcels
 - Parcel_Hoots

GEOGRAPHIC FEATURE LEGEND

Agriculture/Forestry	Mixed Use	Residential
Commercial	Park/Recreation/Conservation	Transportation/Communication/Utilities
Industrial	Public/Institutional	Undeveloped/Vacant

MGR
Middle Georgia Regional Commission
175 Emory Hwy
Suite C
Macon, Georgia 31217
(478) 751-6100
Web: www.middlegeorgia.org

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

MAP 104

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

May 21, 2020

TO: Planning & Zoning Commission

FROM: Lisa Jackson

RE: Staff Recommendation for Public Hearing Agenda on 6/4/2020

16. Request by **Howard McMichael, agent for Mallard's Overlook, LLC** to rezone 29.58 acres on Collis Road from AG-1 to RM-3. [Map 104, Parcel 032, District 3]. * The applicants are seeking to rezone this parcel along with four adjacent parcels with a total of 57.07 acres to RM-3. If approved, the applicants would like to combine the five parcels in order to develop a waterfront community. The applicants are requesting that the parcels be rezoned R-M3 with no conditions on use. The applicants have provided proposals for either 124 Multi-Family Townhomes or a 175-room hotel, both of which will have a main entrance on Collis Road. This would either add approximately 310 residents to the neighborhood or an increase in 937 average weekday two-way volume. The applicants are proposing to develop this subdivision in accordance with the Putnam County Development Codes with either townhome and condominium units similar to Enclave at Waterfront and Cuscowilla Condominium and Townhome Units or a hotel facility. Water and sewer will be provided by Piedmont Water. According to the applicants, the proposed use will place emphasis on lakeshore protection, recreation use of Lake Oconee, and promote common open space for property owners or hotel occupants. The applicants reference an August 28, 2017 Hunden Strategic Partner's Putnam County Hotel & Conference Center Market, Demand and Financial Study, though the same is not attached to the application.

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

Although the Future Land Use Comprehensive Plan is Agriculture/Forestry in this area, there are several similar developments within a five-mile radius of the proposed location. Recent development trends also indicate that single family and multifamily development will continue to occur in this area. However, staff finds the proposed rezoning will cause an excessive or burdensome use of public facilities and shall exceed the present or funded capabilities and will otherwise have an impact on the public health, safety, morality, or general welfare of Putnam County citizens.

ROAD ENGINEERING COMMENTS: (completed by Larry Kaiser)

Collis Road is a two-lane collector road with average pavement width of approximately 20 feet. Collis Road terminates at Wards Chapel Road, which is a major collector road. Adequate horizontal and vertical sight distance exists to the east and west of Wards Chapel

Road for those vehicles exiting Collis Road. The intersection radius at Collis Road & Wards Chapel is adequate to facilitate the existing traffic demands.

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

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

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

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

- ✓ Pavement Reconstruction of Collis Road. This construction method will consist of reclamation of the existing asphalt pavement, compacting the reclaimed materials and resurfacing the roadway with an asphalt surface course of 2 inches of 12.5 mm asphaltic concrete and a binder course of 3 inches of 19 mm asphaltic concrete (total length of Collis Road impacted from the development is 3000 feet – from Wards Chapel to the proposed entrance).
- ✓ Thermoplastic edge and centerline striping of Collis Road from Wards Chapel to proposed entrance.

- ✓ Shoulder rehabilitation & traffic control of Collis Road from Wards Chapel to proposed entrance, to include the construction of a 5-foot shoulder (minimum 2:1 slope) and roadside ditch
- ✓ Increasing the radii of the intersection of Wards Chapel at Collis Road to a minimum of 30 feet with the widened section to be constructed with 6 inches of graded aggregate base and 2.5 inches of 12.5 mm asphaltic concrete.

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

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

1. To restrict the available uses of the property as follows:
 - a. Hotel
 - i. The hotel shall substantial conform to the submitted scaled conceptual plans and renderings submitted in support of the proposed rezoning application, to include the buildings, ingress and egress improvements, and other structures;
 - ii. No more than ten percent (10%) of the total number of guest rooms may contain stoves, conventional ovens or full-size refrigerators (larger than 11.5 cubic feet). No more than ten percent (10%) of the total number of guest rooms shall be rented or leased by the same person for continuous periods in excess of ten (10) days;
 - iii. Buildings shall be constructed of brick and/or stacked stone on all sides. The hotel building may utilize contrasting architectural metal panels or accents;
 - iv. Not to exceed the proposed total of 175 room as stated in the application. Any increase beyond this total will require approval from the Board of Commissioner;
2. The application of green infrastructure (bioswales/biorention, etc) in combination of water quality retention ponds, will require implementation to minimize the negative effects of imperviousness and stormwater runoff to the water quality of Lake Oconee. The Georgia Stormwater Manual will be applied to the project under review. The manual’s water quality template will be used to assess the various water quality BMP options.
3. Provide at least one 3-inch caliper tree per 3 parking spaces. Trees shall be placed in tree islands within the footprint of the parking lot. Location of trees shall be determined by the county during the site development review (LDP phase). Provide two – 3-inch caliper trees per 100 feet on the shoulder of all roadways within the development. Trees to be placed on both sides of all internal roads. Specific location of the trees adjacent to the internal roads to be determined by the county during the site development review

process. These tree plantings shall not preclude the developer from installing additional vegetation as he/she deems appropriate.

4. Provide a 25-foot-wide densely planted landscape buffer along the property line on Doug Lane and where the property abuts residential parcels on Collis Marina Road. The additional plantings shall provide a 75% buffer within 3 years of planting. Landscape plan and species to be approved during the development review phase.
5. Emergency exit required on Collis Marina Road. Emergency exit shall not be paved. "Grass Crete" or similar product shall be used as the surface treatment for this access. A removable bollard (s) or similar barrier shall be used with only emergency services being provided entryway
6. Preserve a 20' non-buildable strip along the Collis Road frontage measured from edge of right-of-way. The purpose of this condition is for future county acquisition as right-of-way.
7. A minimum of 65 feet building setback from Lake Oconee will be required. This includes all structures and stormwater management facilities. Walkways/paths and boat docks are excluded from this setback requirement.
8. Development shall have only one (1) vehicular access. Access shall be from Collis Road.
9. Map 104, parcel 030, map 104 parcel 032, map 104 parcel 032001, map 104, parcel 033 and map 104 B, parcel 001, must be combined and cannot be used or sold as a standalone parcel.
10. This rezoning shall be conditioned upon the resurveying and recordation of the plat as stated in Section 66-165 (e)(3) of the Putnam County Code of Ordinances.

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 June 16, 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.

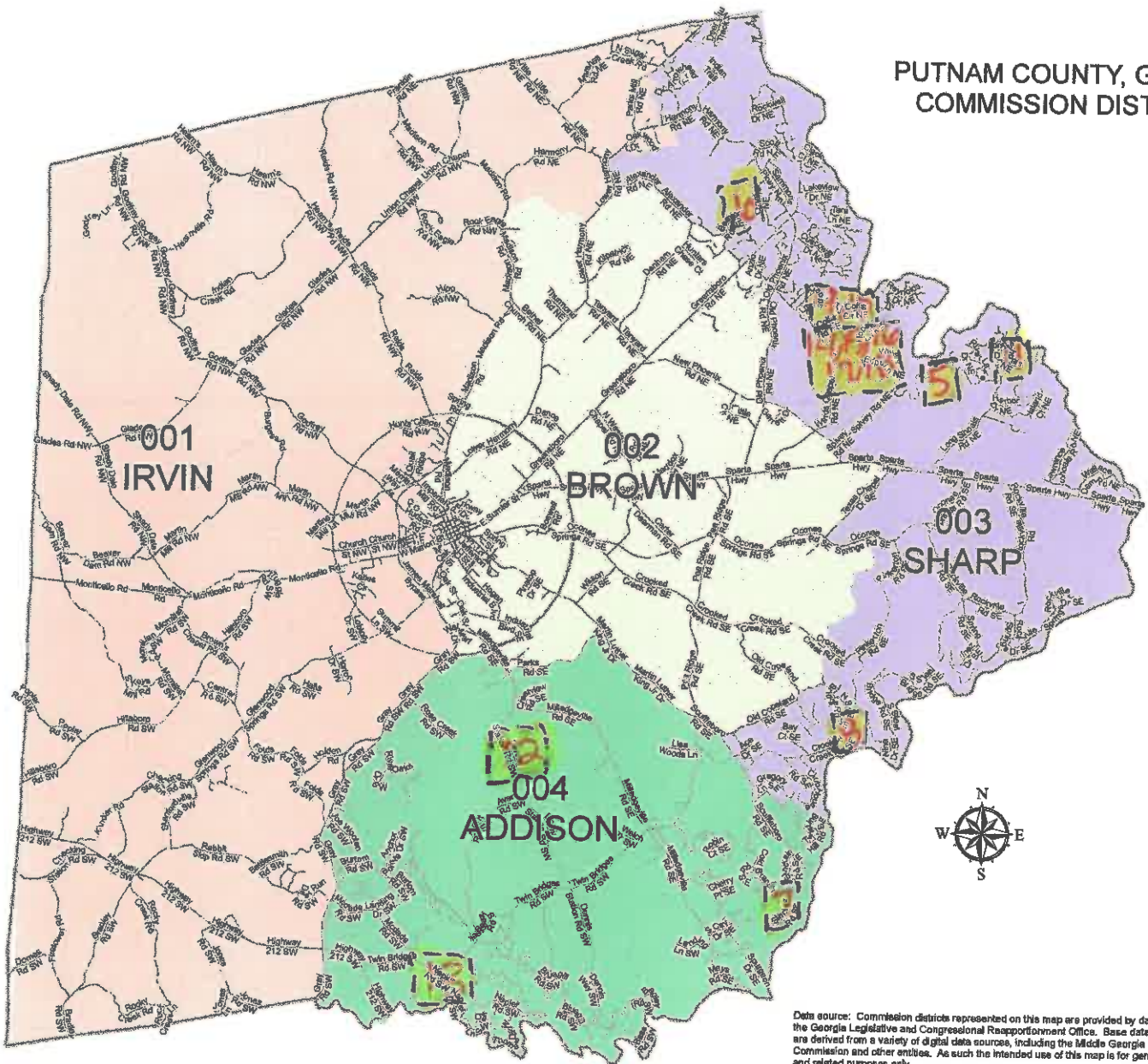
The Board of Commissioners' hearing will be conducted pursuant to O.C.G.A. 50-14-1 and Section 66-159 of the Putnam County Code of Ordinances and meets the requirements of the Zoning Procedures Laws established in O.C.G.A 36-66.

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.

File Attachments for Item:

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

**PUTNAM COUNTY, GEORGIA
COMMISSION DISTRICTS**

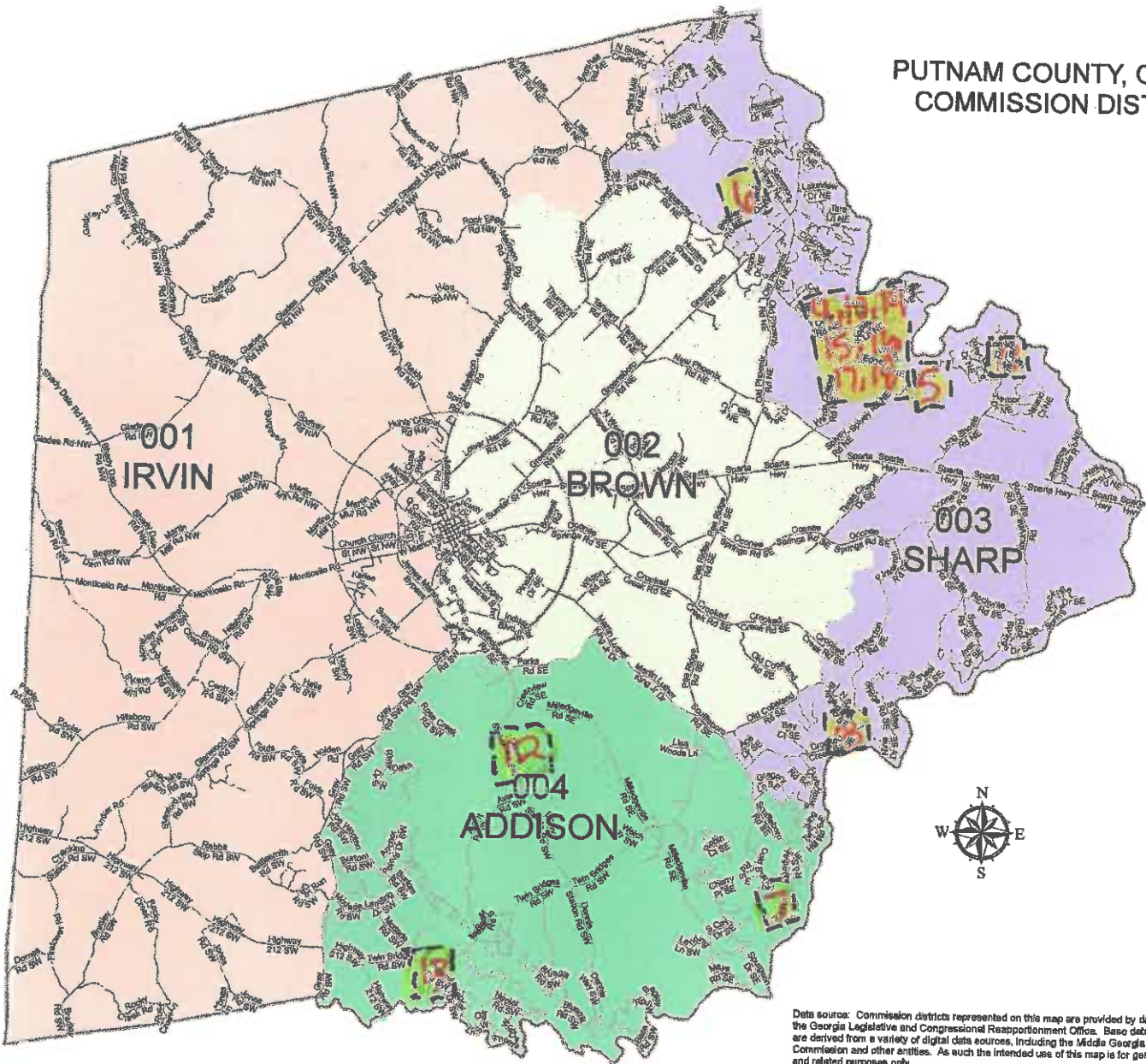


Data source: Commission districts represented on this map are provided by data from the Georgia Legislative and Congressional Reapportionment Office. Base data features are derived from a variety of digital data sources, including the Middle Georgia Regional Commission and other entities. As such the 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: JUNE 2018

5. Request by **Jimmy O'Dell** for a side yard setback variance at 308 East River Bend Drive. Presently zoned R-1R. [Map 119B, Parcel 183, District 3].
6. Request by **Garry & Nina Lassiter** for a side yard setback variance at 153 Hoot Owl Lane. Presently zoned R-1R. [Map 096A, Parcel 008, District 3].
7. Request by **Gregory Leepow, agent for Kim Anderson** for a rear yard setback variance at 112 Sinclair Circle. Presently zoned R-2. [Map 112B, Parcel 003, District 4].
8. Request by **Kevin & Kristy Slaughter** for a side yard setback variance at 1051 Crooked Creek Road. Presently zoned R-1. [Map 110B, Parcel 105, District 3].
9. Request by **Mark Smith, agent for Mary Wooten** for a rear yard setback variance at 147 Collis Marina Road. Presently zoned RM-2. [Map 104B, Parcel 012, District 3].
10. Request by **Mark Smith, agent for Duke Gibbs** for a side and rear yard setback variance at 145 Collis Marina Road. Presently zoned RM-2. [Map 104B, Parcel 011, District 3].
11. Request by **Jim Brown, agent for Wondal Perry** for a rear yard setback variance at 202 Long Island Drive. Presently zoned R-1R. [Map 122A, Parcel 064, District 3].
12. Request by **Jason Sells, agent for Interfor U.S. Inc** for a front yard setback variance at 370 Dennis Station Road. Presently zoned I-M. [Map 059, Parcel 019, District 4].
13. Request by **Vincent Richardson** for a front yard setback variance at 114 Allens Alley. Presently zoned R-2. [Map 055A, Parcel 011, District 4].

**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" = 6,687.28' SCALE RATIO: 1:68,367.34 DATE: JUNE 2019

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



Jeffrey S. Haymore
404.665.1243

Email:
jhaymore@dillardsellers.com

May 26, 2020

VIA E-MAIL: anelson@flemingnelson.com

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

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

Dear Adam:

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

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

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

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

MAY 26 2023



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

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

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

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

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

RECEIVED
MAY 26 2020
cya

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

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

Sincerely,



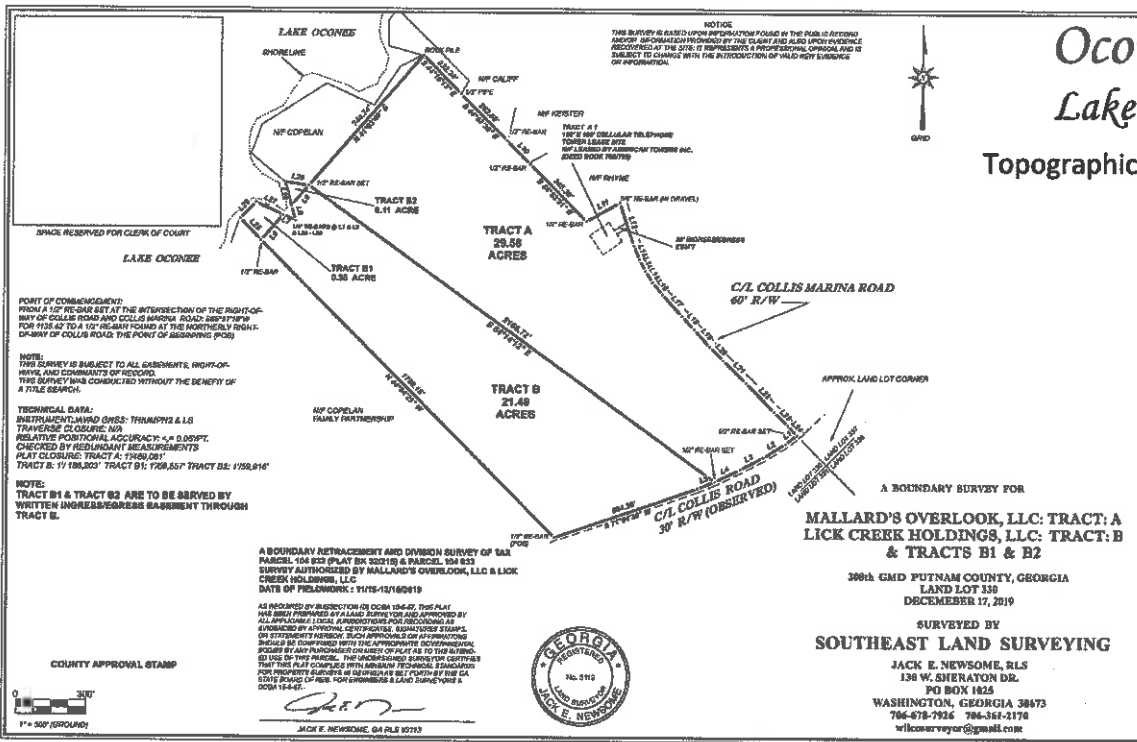
Jeffrey S. Haymore, Esq.

Cc (via e-mail):

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

Oconee Overlook Lake Oconee, Georgia

Topographic and Boundary Survey
Rotated in Presentations

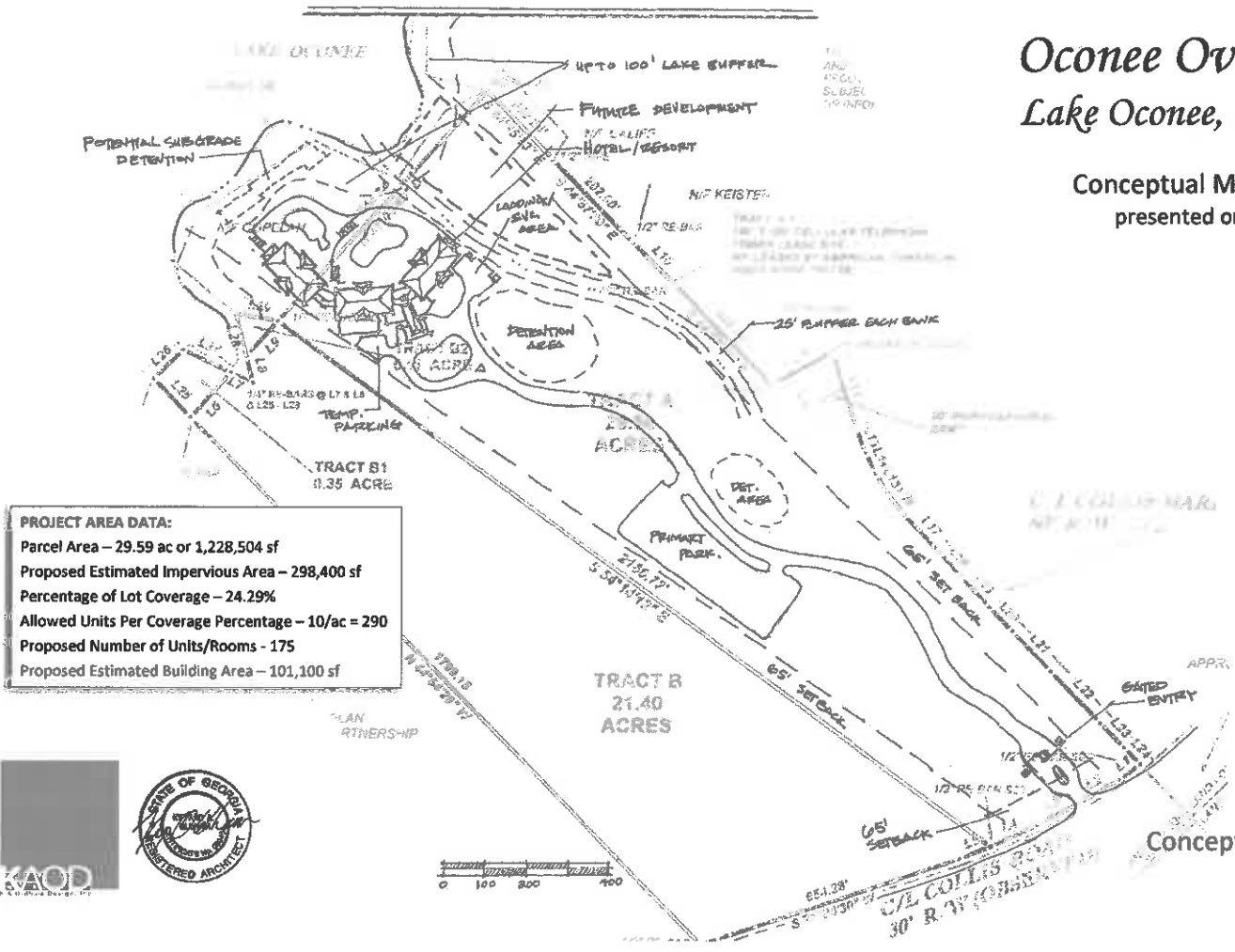


Conceptual Imagery
May 2020

RCUD 2020 MAY 19 *gjo*

Oconee Overlook Lake Oconee, Georgia

Conceptual Master Plan
presented on actual plat



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

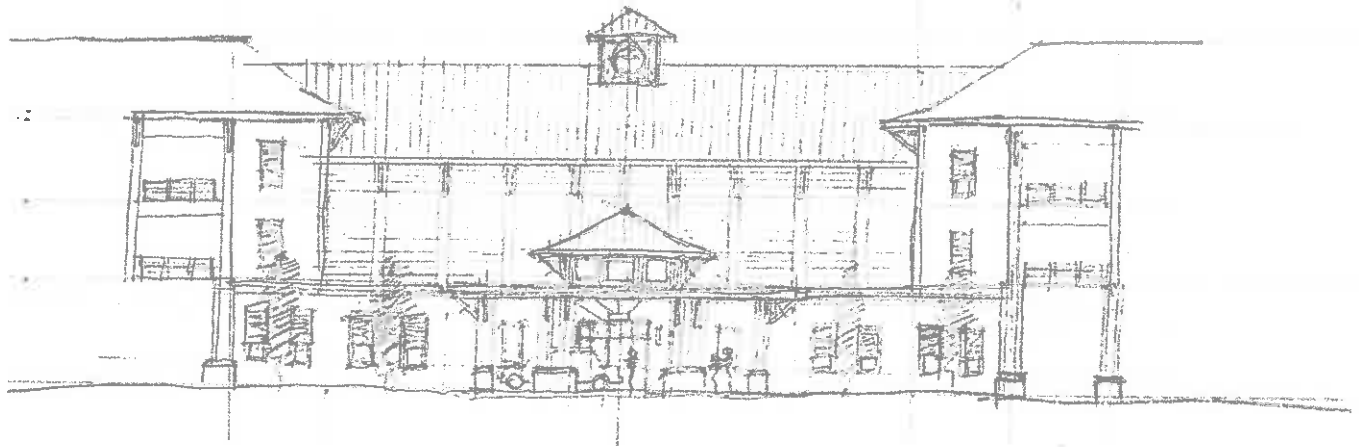


Conceptual Imagery
May 2020

RCVD 2020 MAY 15 *Cyo*

Oconee Overlook
Lake Oconee, Georgia

Main Lobby Entry
at Porte Cochere

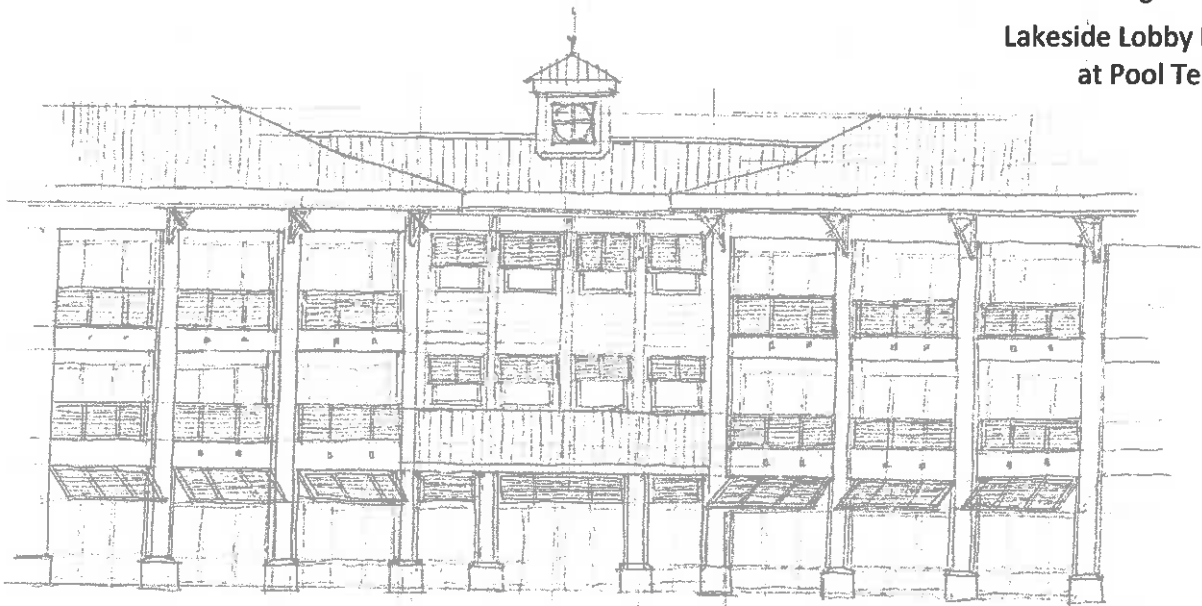


Conceptual Imagery
May 2020

RCUD 2020 MAY 19 *Cja*

Oconee Overlook
Lake Oconee, Georgia

Lakeside Lobby Entry
at Pool Terrace

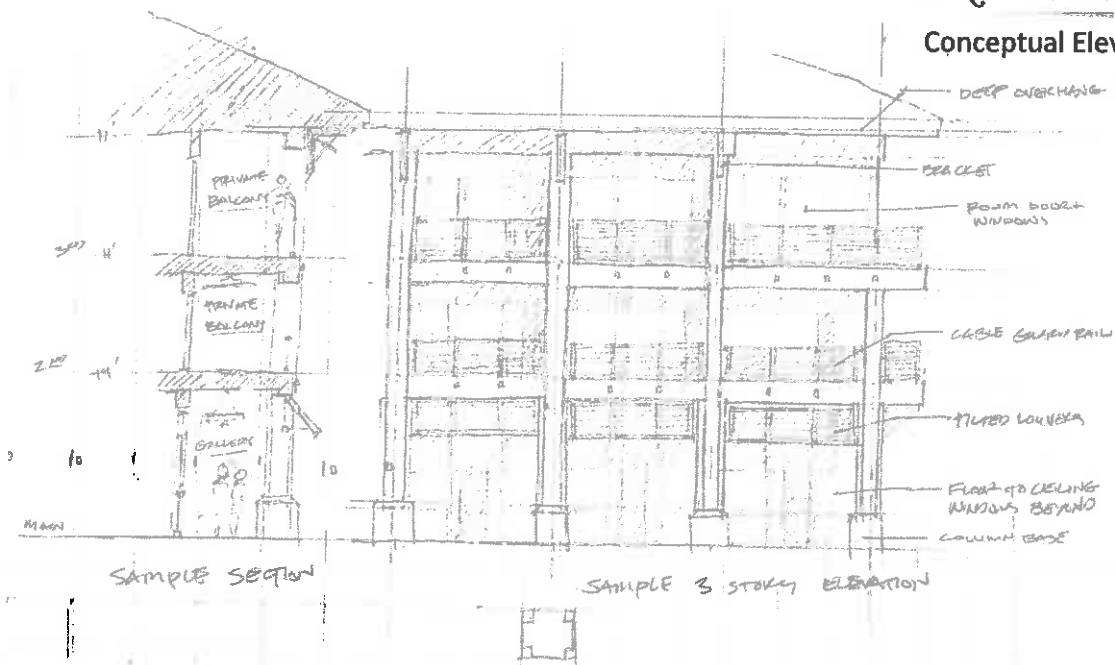


Conceptual Imagery
May 2020

RCUD 2020 MAY 19 *Cyn*

Oconee Overlook Lake Oconee, Georgia

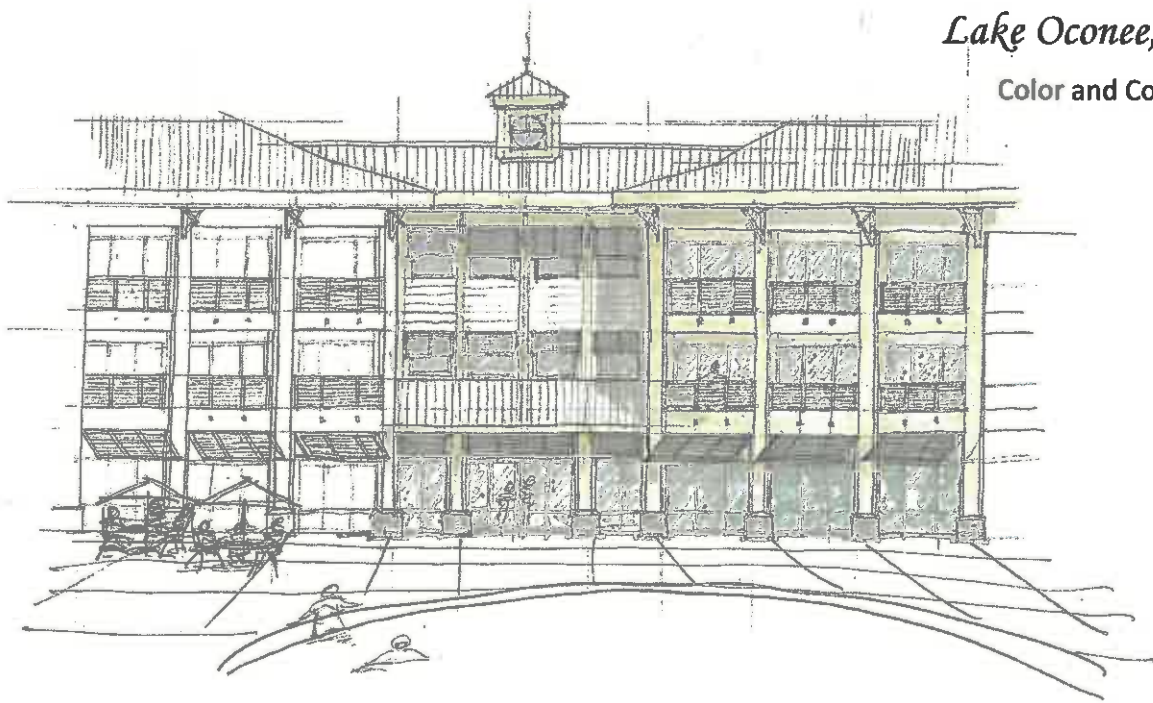
Conceptual Elevation Detail and Section



Conceptual Imagery
May 2020

RCUD 2020 MAY 19 *Gja*

Oconee Overlook
Lake Oconee, Georgia
Color and Context Study



Conceptual Imagery
May 2020

RCUD 2020 MAY 15 *Cyber*

Collis Rd. Map 104, Parcel 033



Jeffrey S. Haymore
404.665.1243

Email:
jhaymore@dillardsellers.com

May 8, 2020

VIA E-MAIL: ljackson@putnamcountyga.us

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

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

Dear Lisa:

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

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

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

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

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

Sincerely,

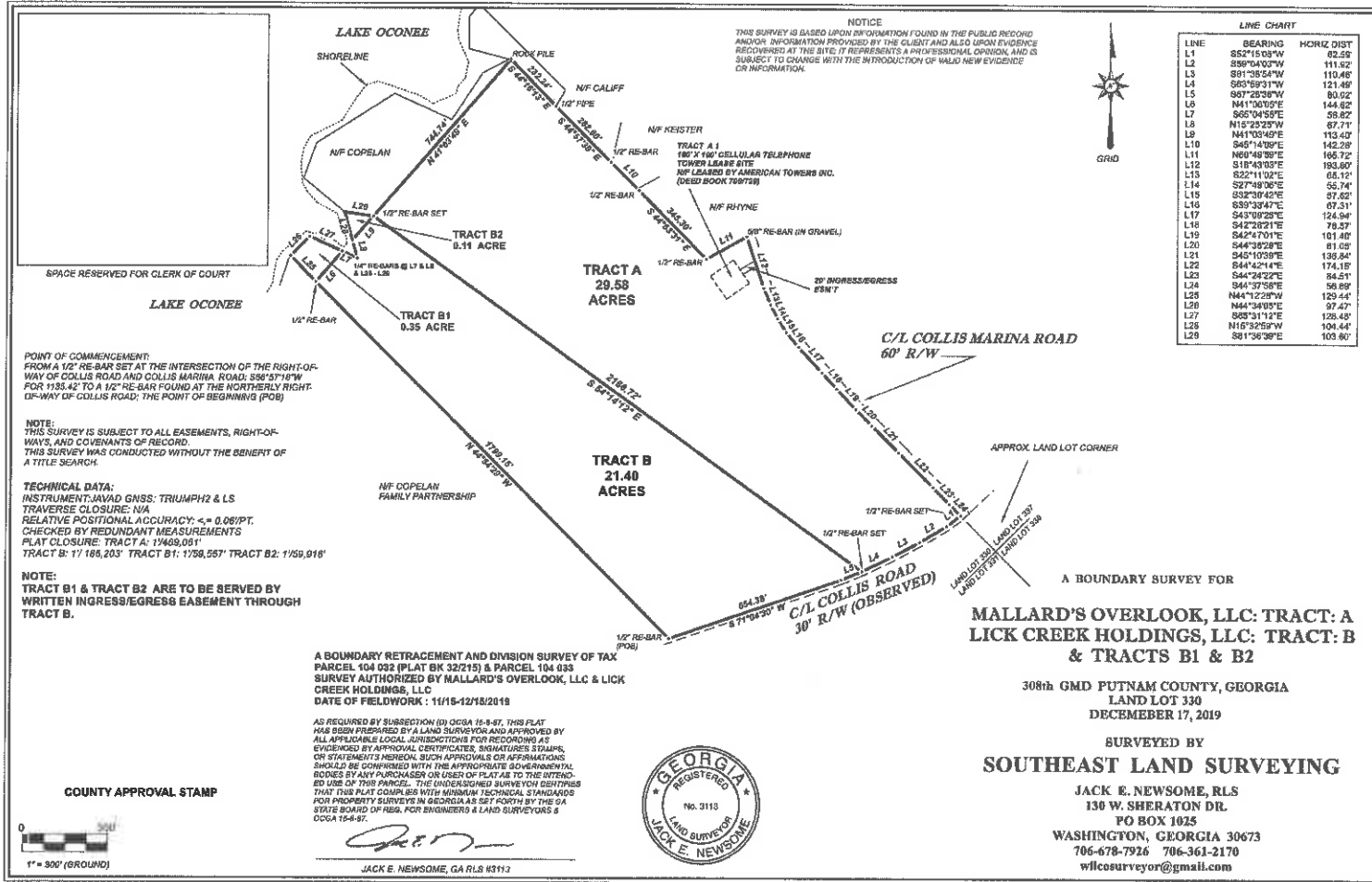


Jeffrey S. Haymore, Esq.

Cc (via e-mail):

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

2019-05-17 11:11 AM
 J.E. Newsome



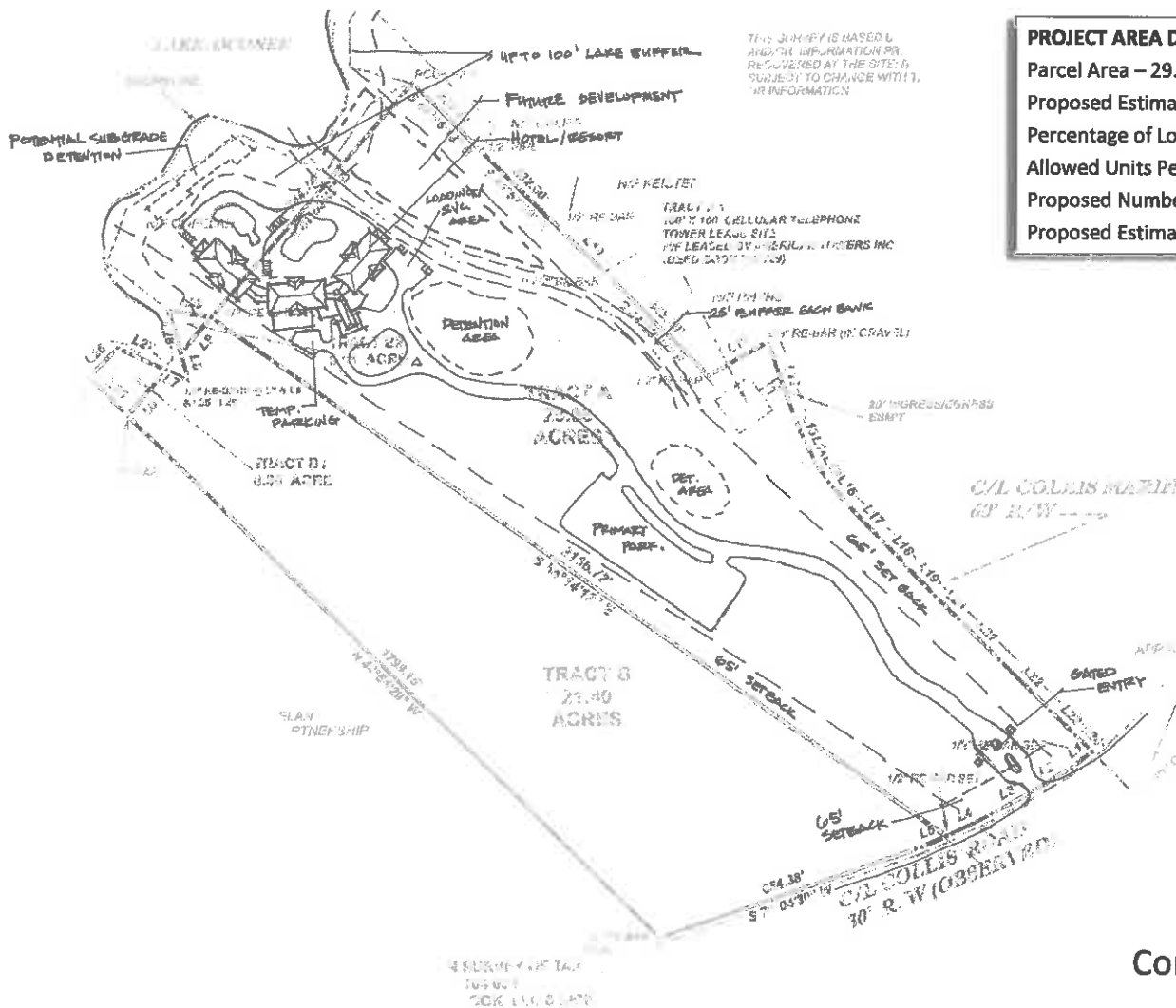
Oconee Overlook Lake Oconee, Georgia

Topographic and Boundary Survey
Rotated in Presentations

Conceptual Imagery
May 2020

PROJECT AREA DATA:

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



*Oconee Overlook
 Lake Oconee, Georgia*

Conceptual Master Plan
 presented on actual plat

Conceptual Imagery
 May 2020



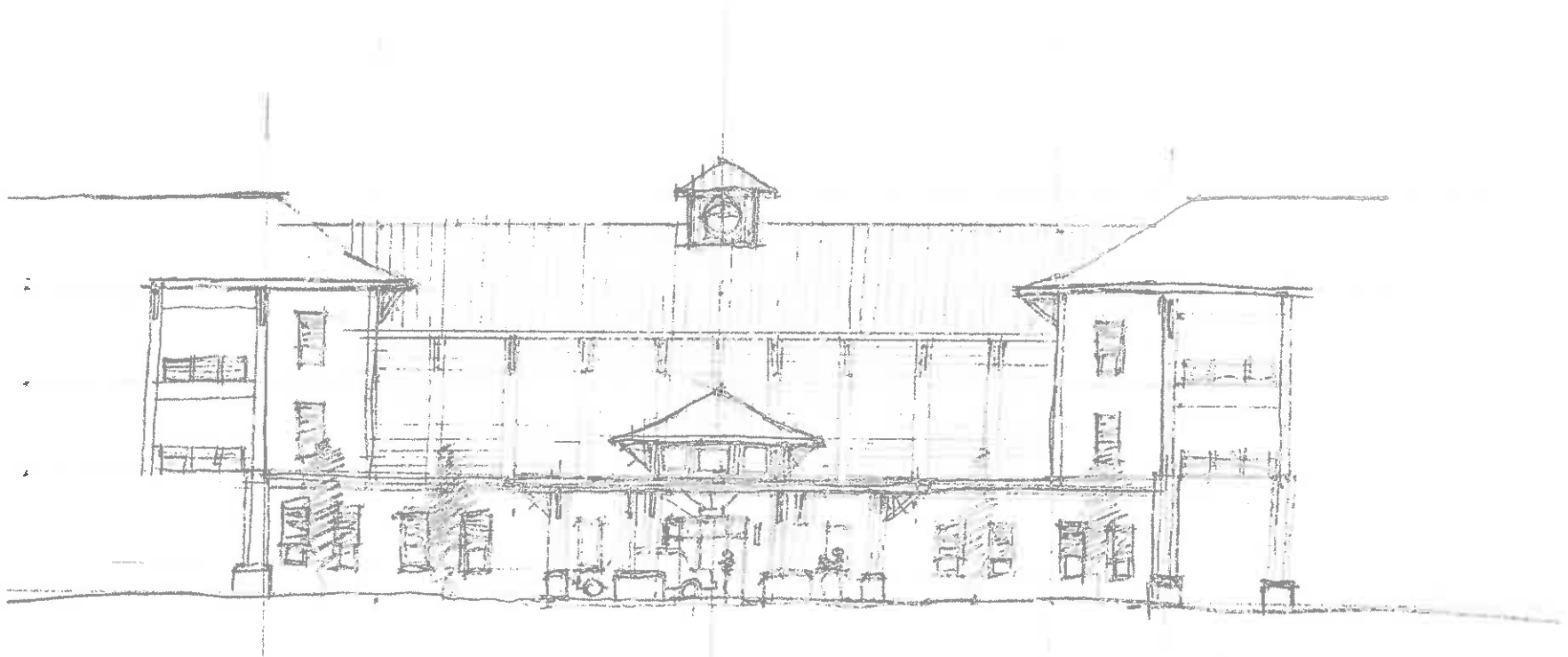


Conceptual Resort Plan

Oconee Overlook
Lake Oconee, Georgia

Conceptual Imagery
 May 2020



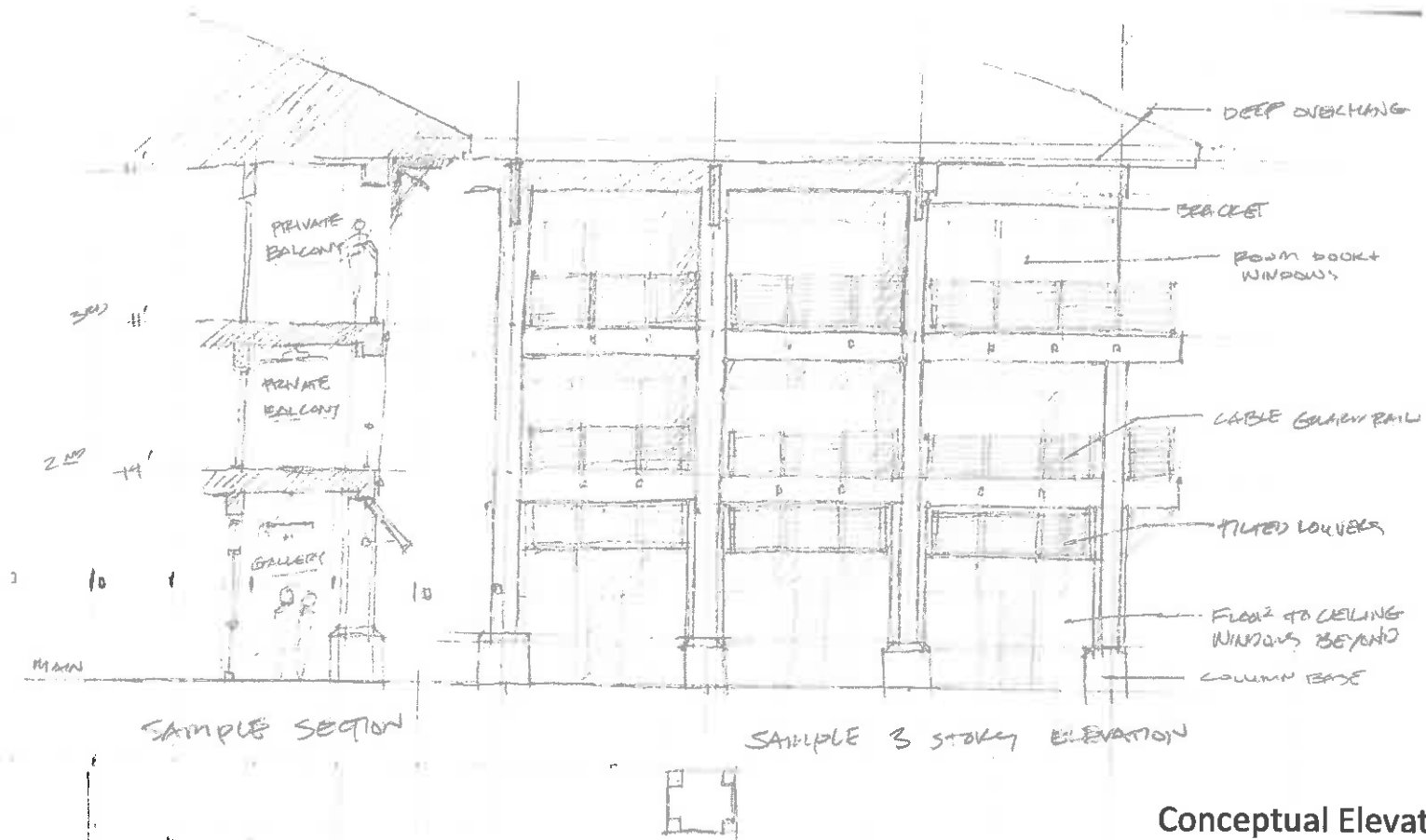


Main Lobby Entry
at Porte Cochere

Oconee Overlook
Lake Oconee, Georgia

Conceptual Imagery
May 2020



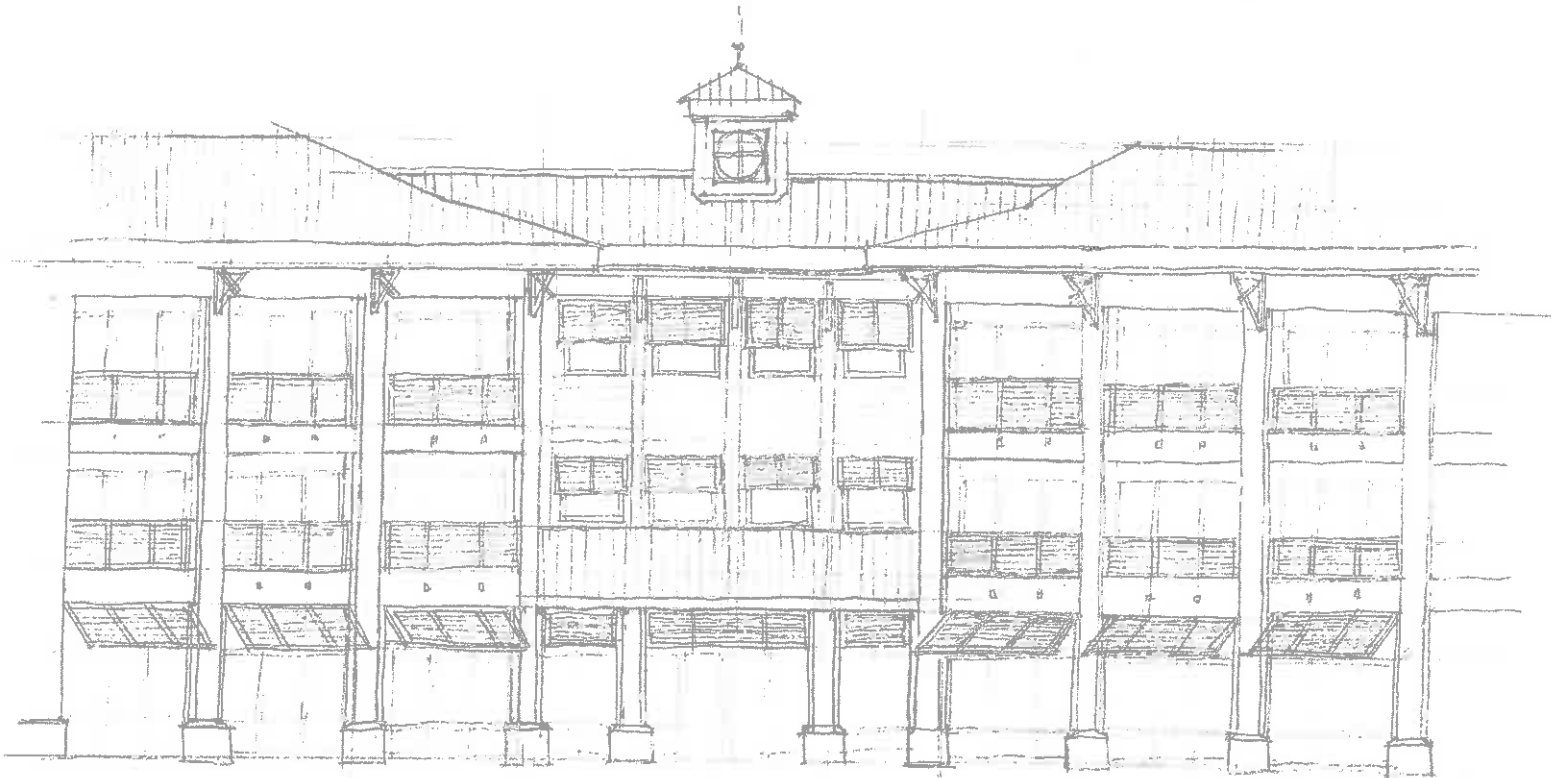


Conceptual Elevation Detail
and Section

Oconee Overlook
Lake Oconee, Georgia

Conceptual Imagery
May 2020



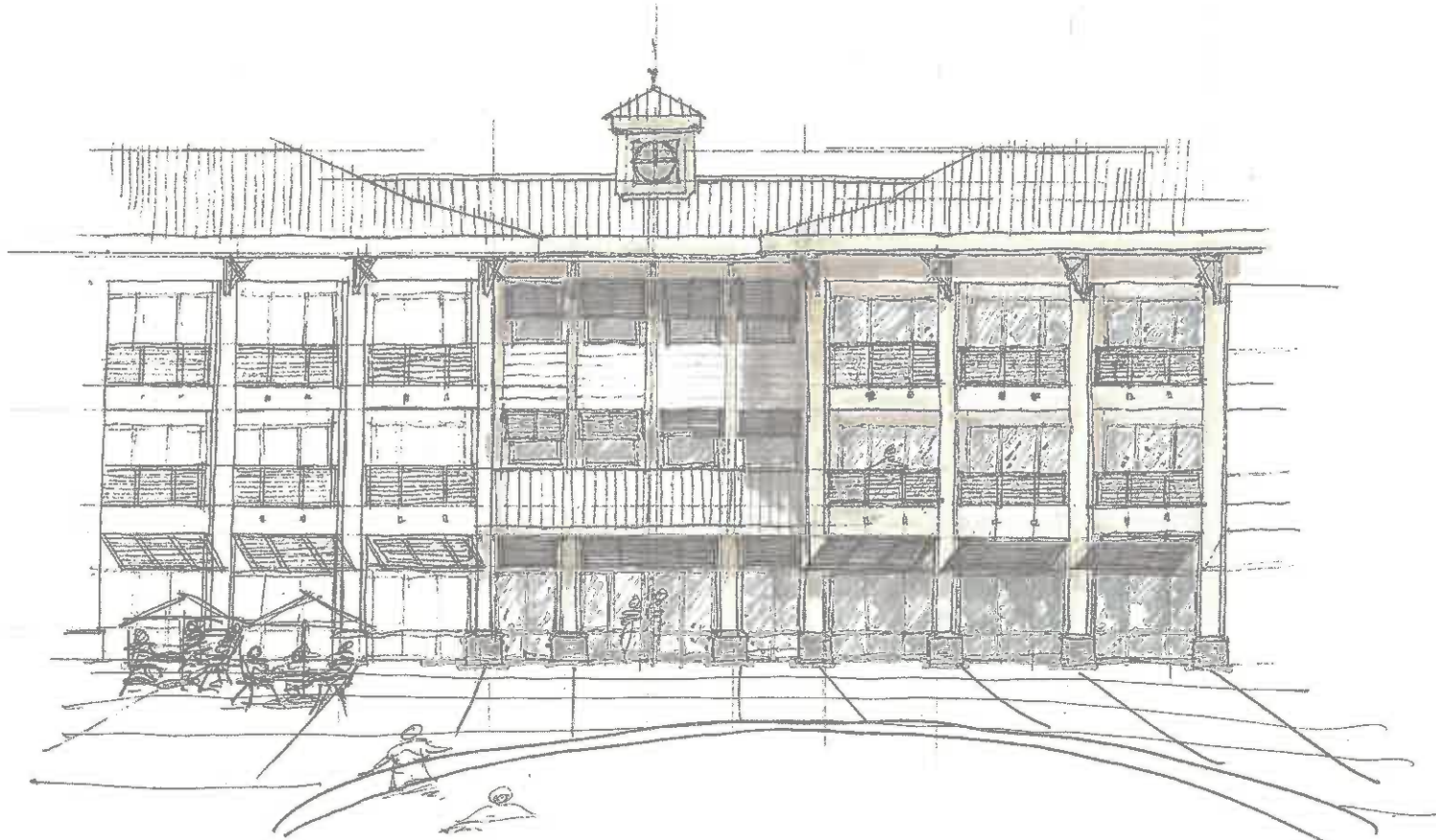


Lakeside Lobby Entry
at Pool Terrace

Oconee Overlook
Lake Oconee, Georgia

Conceptual Imagery
May 2020





Color and Context Study

Oconee Overlook
Lake Oconee, Georgia

Conceptual Imagery
May 2020





Jeffrey S. Haymore
404.665.1243

Email:
jhaymore@dillardsellers.com

March 4, 2020

VIA E-MAIL: anelson@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:

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

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

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

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

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

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

Please do not hesitate to contact me to discuss.

Sincerely,



Jeffrey S. Haymore, Esq.

Cc (via e-mail):

Howard McMichael, Jr.
Josh Sprayberry
Lauren Sprayberry
Lisa Jackson

DILLARD Sellers
ATTORNEYS AT LAW

Jeffrey S. Haymore
404.665.1243

Email:
jhaymore@dillardsellers.com

March 3, 2020

VIA HAND DELIVERY

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

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

Dear Lisa:

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

Sincerely,



Jeffrey S. Haymore, Esq.

RCUD 2020 MAR 3



DILLARD Sellers
ATTORNEYS AT LAW

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

E-mail:
jhaymore@dillardsellers.com

March 2, 2020

VIA HAND DELIVERY

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

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

Honorable members of the Putnam County Board of Commissioners:

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

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

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

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

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

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

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

Standing Objection

RCUB 2020 MAR 3

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

Putnam County Board of Commissioners
March 2, 2020
Page 3

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

Sincerely,



Jeffrey S. Haymore, Esq.

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

PCMD 2020 MAR 3
DE



Jeffery S. Haymore
404.665.1243

Email:
jhaymore@dillardsellers.com

February 20, 2020

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

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

Re: Rezoning for Mallard's Cove: Map 104, Parcel 030, 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 general 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

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

DILLARD Sellers
ATTORNEYS AT LAW

Jeffrey S. Haymore
404.665.1243

Email:
jhaymore@dillard sellers.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 (30.8 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." *Crow 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

Putnam County Board of Commissioners

January 3, 2020

Page 5

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.



PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

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

APPLICATION FOR REZONING

APPLICATION NO. Plan 2019-01685 DATE: 1/8/2020

MAP 104 PARCEL 033 DISTRICT 3

1. Name of Applicant: Oconee Overlook, LLC & Hick Creek Holdings, LLC

2. Mailing Address: 6350 Lake Oconee ^{Suite 110} Parkway, Eatonton Ga PMB 33 Greensboro Ga.

3. Phone: (home) _____ (office) _____ (cell) 706 473 1999

4. The location of the subject property, including street number, if any: Collis Road

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

6. The proposed zoning district desired: RM3

7. The purpose of this rezoning is (Attach Letter of Intent)
To develop the property utilizing Putnam County development codes with town homes. see letter of intent

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

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

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

HCUD 2020 JAN 8

11. Legal description and recorded plat of the property to be rezoned.

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

13. A detailed description of existing land uses: The existing land is wooded and has lake frontage on Lake 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 1033

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

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

[Signature] 11/7/2020
Signature (Property Owner) (Date)

[Signature] 11/7/2020
Signature (Applicant) (Date)

[Signature]
Notary Public

[Signature]
Notary Public



Office Use

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

Receipt No. _____ Date Paid: _____

Date Application Received: _____

Reviewed for completeness by: _____

Submitted to TRC: _____ Return date: _____

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

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

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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.)

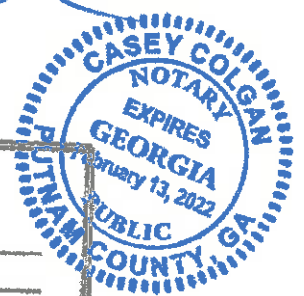
THE ABOVE STATEMENTS AND ACCOMPANYING MATERIALS ARE COMPLETE AND ACCURATE. APPLICANT HEREBY GRANTS PERMISSION FOR PLANNING AND DEVELOPMENT PERSONNEL OR ANY LEGAL REPRESENTATIVE OF PUTNAM COUNTY TO ENTER UPON AND INSPECT THE PROPERTY FOR ALL PURPOSES ALLOWED AND REQUIRED BY THE PUTNAM COUNTY CODE OF ORDINANCES.

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

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

[Signature]
 Notary Public

[Signature]
 Notary Public



Paid: \$ _____ (cash) _____ (check) _____ (credit card) _____	
Receipt No. _____	Date Paid: _____
Date Application Received: _____	
Reviewed for completeness by: _____	
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Date of BOC hearing: _____	Date submitted to newspaper: _____
Date sign posted on property: _____	Picture attached: yes _____ no _____

RCM 2020 JAN 8

DOCK 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

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

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.

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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



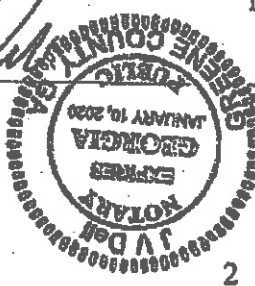
Unofficial Witness

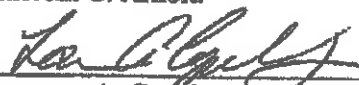


Millicent C. Arnold (SEAL)



Notary Public
My Commission Expires:
(AFFIX NOTARY SEAL)





Lawrence A. Copelan, Jr. 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

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 ¼" Re-Bar; thence run North 44 degrees 34 minutes 5 seconds East a distance of 97.47 feet to a ¼" Re-Bar; thence run South 65 degrees 31 minutes 12 seconds East a distance of 128.48 feet to a ¼" 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 1/2" Re-Bar; thence run South 65 degrees 04 minutes 58 seconds East a distance of 58.82 feet to a 1/2" Re-Bar; thence run North 15 degrees 25 minutes 25 seconds West a distance of 67.71 feet to a 1/2" Re-Bar and the TRUE POINT OF BEGINNING; thence run North 15 degrees 32 minutes 59 seconds West a distance of 104.44 feet to a 1/2" Re-Bar; thence run South 81 degrees 36 minutes 39 seconds East a distance of 103.60 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 1/2" Re-Bar and the TRUE POINT OF BEGINNING.

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

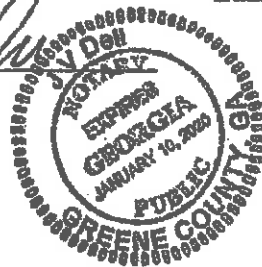
Oconee Overlook, LLC

Rebecca Boren

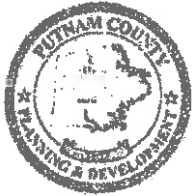
Unofficial Witness

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. Michael Jr TO BE MY AGENT FOR THE PURPOSE OF APPLYING FOR Rm 3 zoning OF PROPERTY DESCRIBED AS MAP 104 PARCEL 023, 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

Stewart K. Spruill NAME (PRINTED)
SIGNATURE

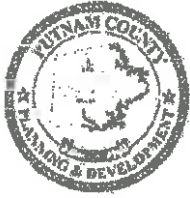
ADDRESS: 6350 Lake Oconee Pkwy, Suite 110, Pmb 33 Greensboro, GA 30642
PHONE: 770 313-7898

MCUD 2020 JAN 8

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

Casey
NOTARY
MY COMMISSION EXPIRES: 2-13-22





PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

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

LETTER OF AGENCY-_____

WE, THE UNDERSIGNED OWNERS OF REAL PROPERTY LOCATED IN THE CITY OF EATONTON/PUTNAM COUNTY, GEORGIA, HEREBY APPOINT Howard McMichael, Jr. TO BE MY AGENT FOR THE PURPOSE OF APPLYING FOR Rm 3 Zoning OF PROPERTY DESCRIBED AS MAP 104 PARCEL 033, CONSISTING OF 3.5 ACRES, WHICH HAS THE FOLLOWING ADDRESS: Collis Road EATONTON, GEORGIA 31024. ATTACHED HERETO IS A COPY OF A DEED AND OR PLAT OF SURVEY DESCRIBING THE PROPERTY OWNED BY THE PROPERTY OWNER(S) TO WHICH THIS LETTER OF AGENCY APPLIES.

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THIS 7 DAY OF January, 2020.

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

James M. J. J.
SIGNATURE

ADDRESS: 6350 Lake Oconee Pkwy, Suite 110, #B111 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,

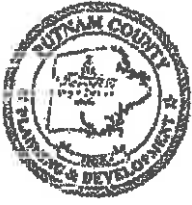
A handwritten signature in black ink, appearing to read "W. J. Matthews", written over a horizontal line.

W. J. Matthews
Vice President of Operations

RCUD 2019 OCT 31

Handwritten initials in black ink, possibly "PJC", written below the RCUD 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: Lauren K. Sprayberry
Date: 01 / 07 / 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: pcctc117@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.

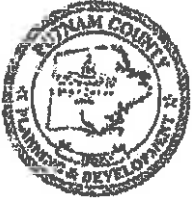
Pamela K. Lancaster

Pamela K. Lancaster, CPA
Putnam County Tax Commissioner



REC'D 2019 OCT 31

PC



PUTNAM COUNTY PLANNING & DEVELOPMENT

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

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

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

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

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

RCUD 2020 JAN B

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

02/19/2019

Ga

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

NOV 1 2019 10:41 AM

Letter of Intent – Oconee Overlook, LLC & Lick Creek Holdings, LLC – RM-3 Zoning (Parcel Number: 104 033)

The site includes 3.5 acres and is located on Lake Oconee at the intersection of Collis Road and Collis Marina Road and surrounding land uses include existing RM-3 Enclave at Waterfront, C-2 at Collis Marina, and R-1 Single Family Homes. The intended land use for subject property is to be combined into 1 Parcel and rezone to RM-3. A Conceptual plan illustrating proposed development concept is attached. Upon re-zone approval, the area will be developed into a waterfront community. The intent of the property is to be developed utilizing Putnam County Development Codes with townhome and condominium units similar to Enclave at Waterfront and Cuscowilla Condominium and Townhome Units.

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



Impact Analysis

ITEM #1

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

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

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

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

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

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

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

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

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

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

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

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

RCAD 2018 NOV 1

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

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

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

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

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

ITEM #2 TRAFFIC ANALYSIS – (SEE ATTACHMENT)

ITEM #3

The estimated number of dwelling units are as follows:

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

Non-Residential use – Estimated 2500 SF for amenity building

ITEM #4

Effect on environment surrounding the area:

Natural:

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

RCUD 2019 JNU 1

Historic:

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

ITEM #5

Impact on fire protection

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

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

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

RCUD 2019 MAY 1



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

309 North Main Street
Post Office Box 649
Hinesville, Georgia 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 NB. 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

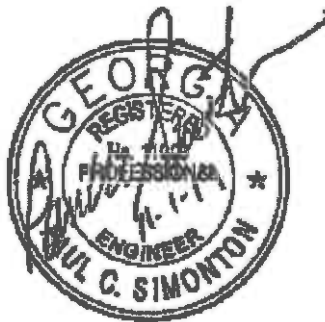
WCM 2019 NOV 1



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.

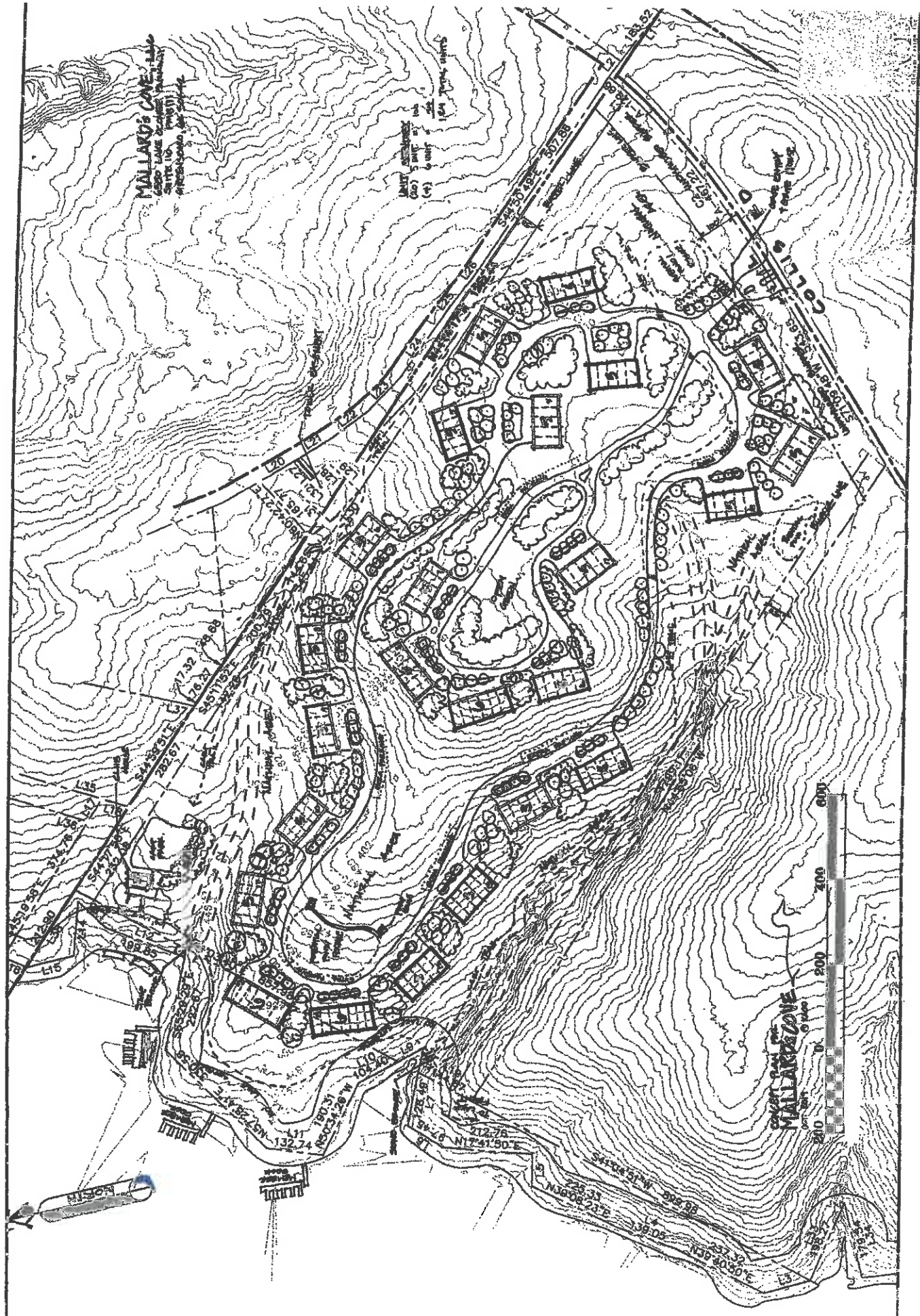


RCM 2013 NOV 1

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Existing Conditions



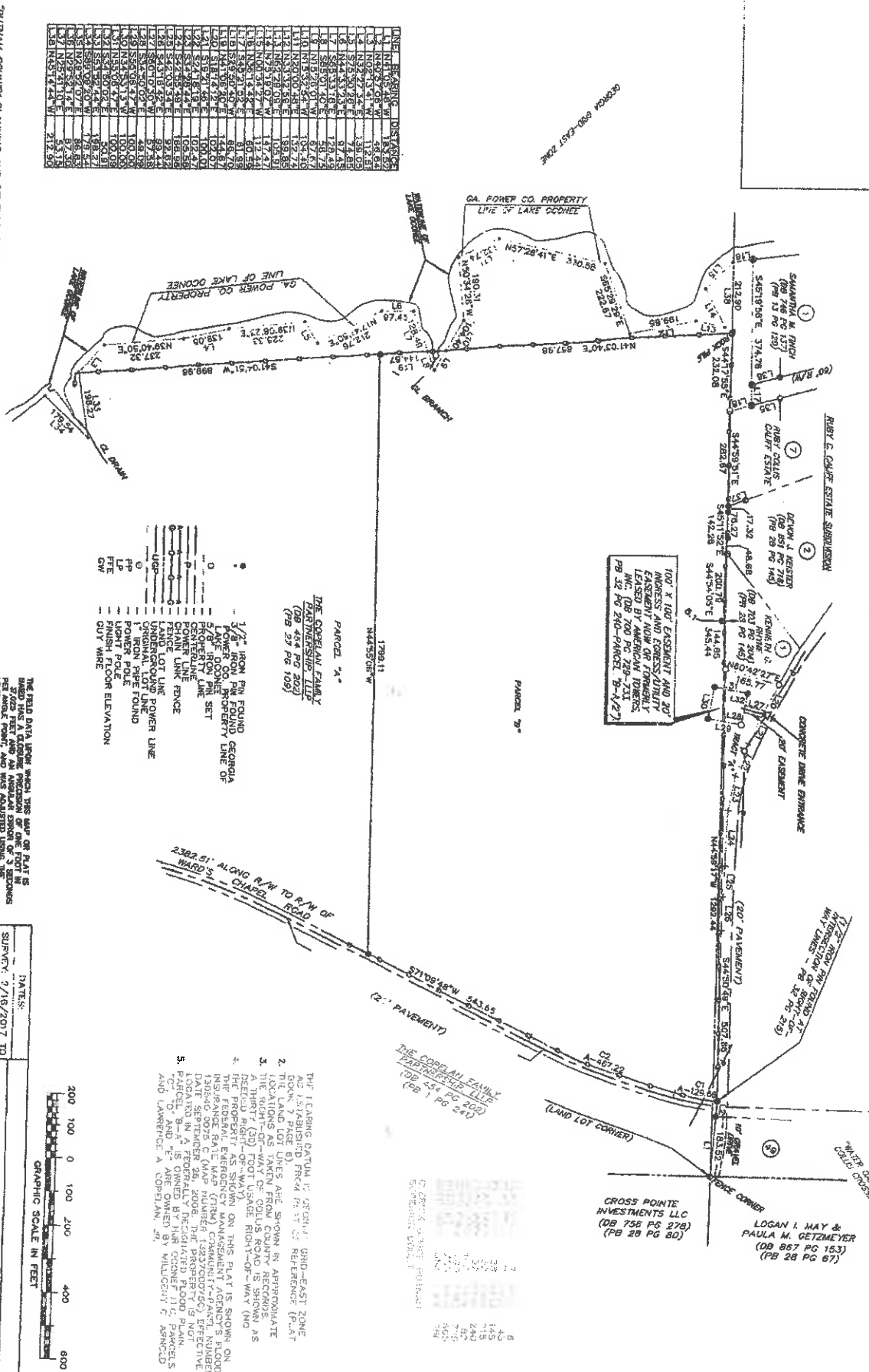


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COURSE DATA - RADIALS AND TANGENTS - BEARING - DISTANCE
 C1 8° 51' 59" N 120° 05' 47" W 64.98534
 C2 11° 48' 25" N 228° 20' 45" W 241.44158
 C3 11° 48' 25" N 228° 20' 45" W 241.44158
 C4 11° 48' 25" N 228° 20' 45" W 241.44158



LINE BEARING	DISTANCE
1	114.0000 W
2	114.0000 W
3	114.0000 W
4	114.0000 W
5	114.0000 W
6	114.0000 W
7	114.0000 W
8	114.0000 W
9	114.0000 W
10	114.0000 W
11	114.0000 W
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37	114.0000 W
38	114.0000 W
39	114.0000 W
40	114.0000 W

- 1/2" IRON PIN FOUND
- 3/8" IRON PIN FOUND
- LAKE COONEE
- PROPERTY LINE SET
- CENTERLINE
- CHAIN LINK FENCE
- CHAIN LINK FENCE
- UNDERGROUND POWER LINE
- ORIGINAL LOT LINE
- POUND NAIL FOUND
- FLUSH POLE
- FLUSH FLOOR ELEVATION
- GOY WIRE



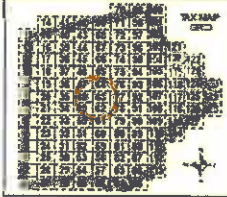
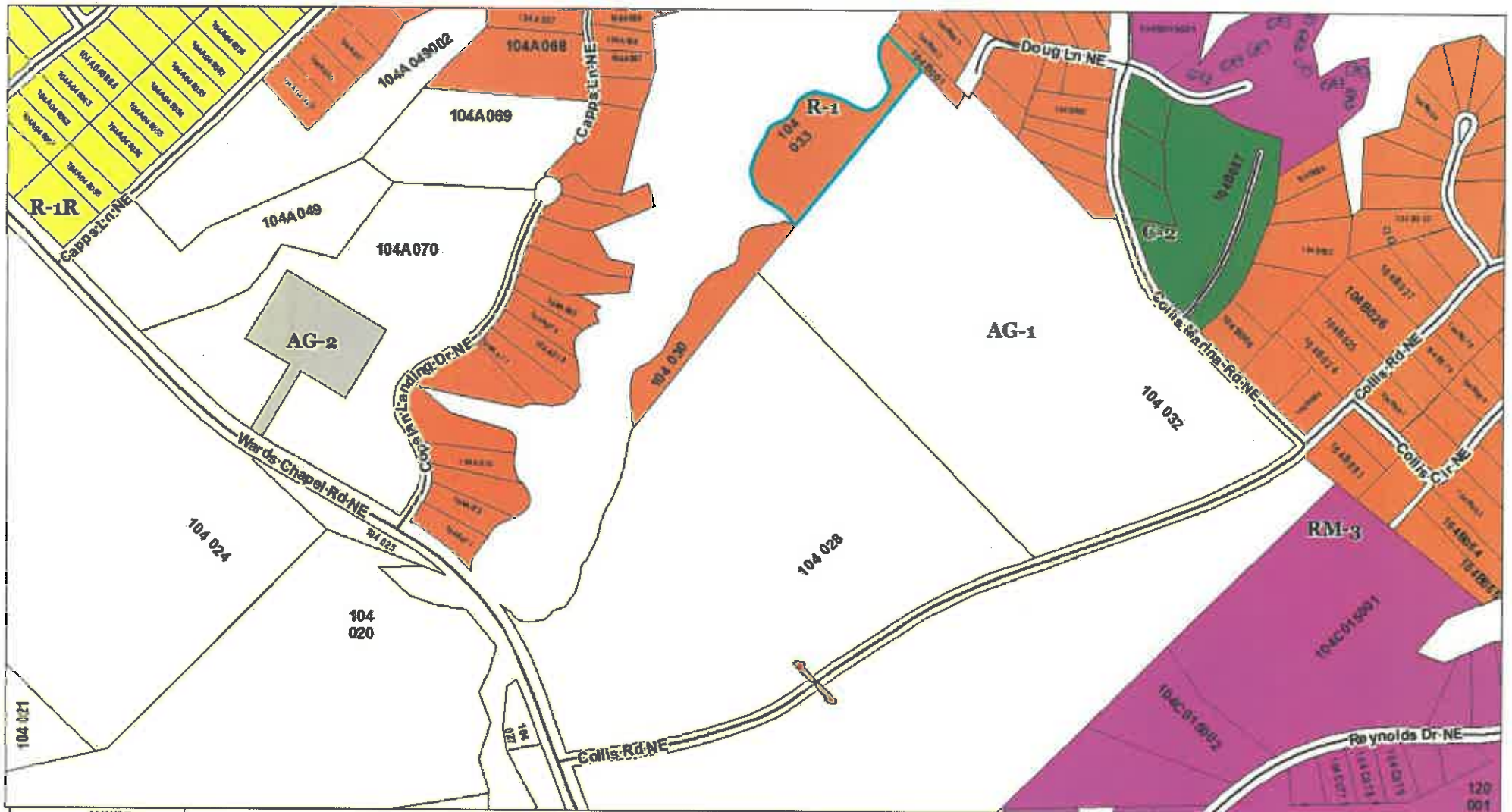
PUNNAM COUNTY PLANNING AND DEVELOPMENT DIRECTOR'S CERTIFICATE
 PURSUANT TO THE LAND SUBDIVISION REGULATIONS OF PUTNAM COUNTY, GEORGIA AND THE SUBDIVISION REGULATIONS OF PUTNAM COUNTY.

PUTNAM COUNTY PLANNING AND DEVELOPMENT DIRECTOR

DATES: SURVEY 2/15/2017 TO 2/22/2017
 PLAT: 1/21/2017
 FOR: TITL CAPITAL INC
 PART OF LAND LOTS 330 AND 337
 THIRD LAND DISTRICT
 PUTNAM COUNTY, GEORGIA
 Scale: 1" = 201.0' Date: February 27, 2017



THE TITLING PORTION OF ORDIN. 60ND-EAST ZONE AS ESTABLISHED FROM THE REFERENCE PLAT BOOK 7 PAGE 8) HAS BEEN APPROXIMATELY THE LOTS AS SHOWN IN APPROXIMATE A THIRTY (30) FOOT WIDE RIGHT-OF-WAY AS PREVIOUSLY SHOWN ON THIS PLAT IS SHOWN ON INSURANCE SALE MAP NUMBER 1323700755-1305D 0075 C (MAP NUMBER 1323700755-1305D DATED 02/26/2008). THE PROPERTY IS NOT A LOT IN THE 11 C PLAN. PARCEL 7A-A IS OWNED BY WILLIAM C. ARNOLD AND PARCEL 7A-B ARE OWNED BY WILLIAM C. ARNOLD AND LAWRENCE A. COPPLAN, JR.



- Estonton Limits
- County Boundary
- Roads
- Parcels
- Parcel Hooks

GEOGRAPHIC FEATURE LEGEND

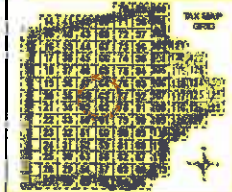
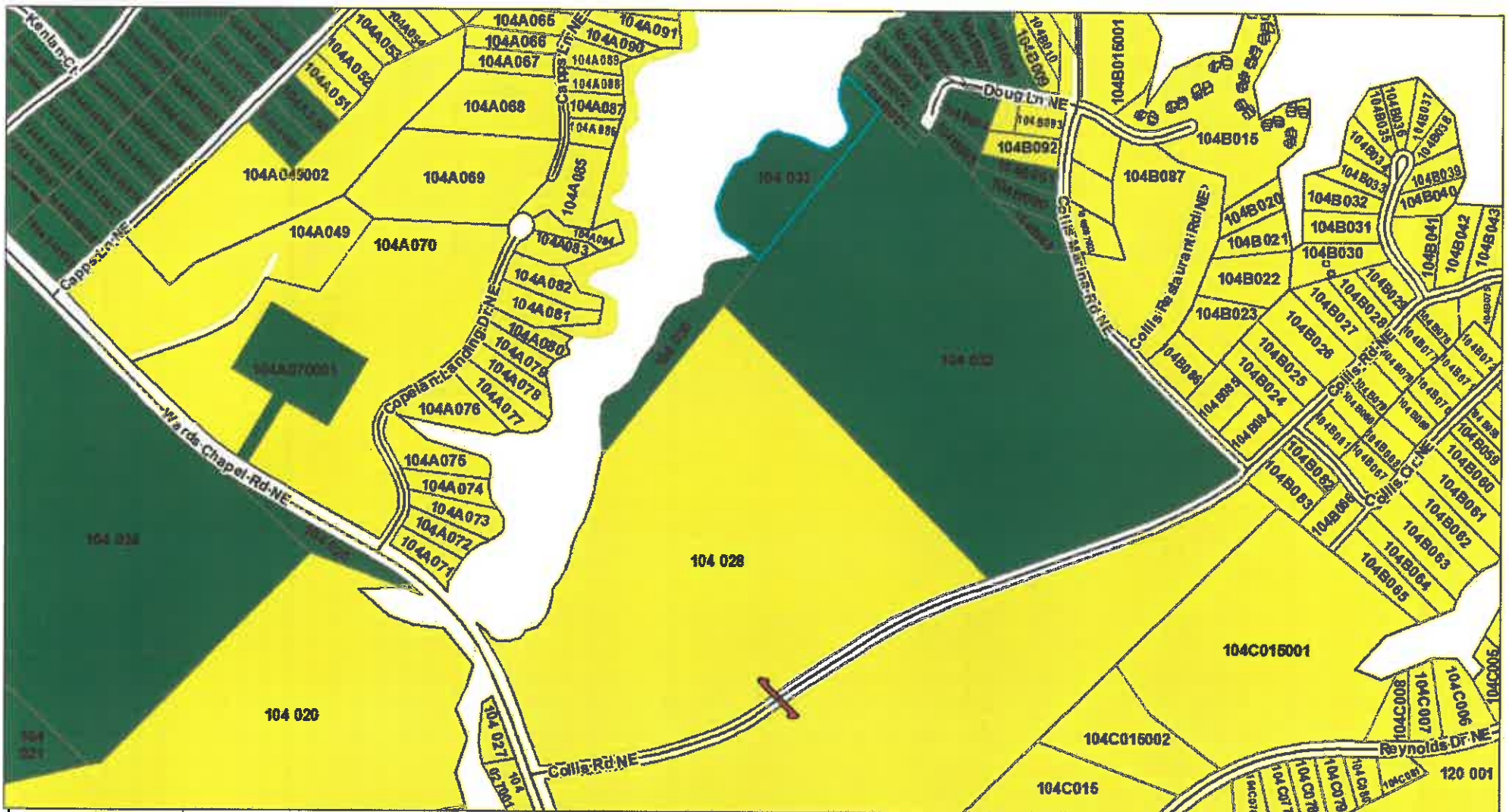
Overlay District	AG-2	C-2 CITY	IND-2 CITY	R-1 CITY	R-1	RM-2
No Code	C-1	I-M	MHP	R-2 CITY	R-1R	RM-3
AG-1	C-1 CITY	IND-1 CITY	PUBLIC	R-3 CITY	R-2	VILLAGE
AG-1 CITY	C-2	IND-2	PUBLIC CITY	R-4 CITY	RM-1	

MGRCA
 Middle Georgia Regional Commission
 175 Emory Hwy
 Suite C
 Macon, Georgia 31217
 (478) 751-6160
 Web:
www.middlegeorgia.org

**PUTNAM COUNTY, GEORGIA
 ZONING MAPS**

MAP 104

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



- TAX MAP GRID**
- Eatonton Limits
 - 1996 County Boundary
 - Roads
 - Parcels
 - Parcel Hooks

GEOGRAPHIC FEATURE LEGEND

Agriculture/Forestry	Mixed Use	Residential
Commercial	Park/Recreation/Conservation	Transportation/Communication/Utilities
Industrial	Public/Institutional	Undeveloped/Vacant

MGRC
 Middle Georgia Regional Commission
 175 Emory Hwy
 Suite C
 Macon, Georgia 31217
 (478) 751-8100
 Web:
www.middlegeorgia.org

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

MAP 104

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

May 21, 2020

TO: Planning & Zoning Commission

FROM: Lisa Jackson

RE: Staff Recommendation for Public Hearing Agenda on 6/4/2020

17. Request by **Howard McMichael, agent for Oconee Overlook, LLC & Lick Creek Holding's LLC** to rezone 3.5 acres on Collis Road from R-1 to RM-3. [Map 104, Parcel 033, District 3]. * The applicants are seeking to rezone this parcel along with four adjacent parcels with a total of 57.07 acres to RM-3. If approved, the applicants would like to combine the five parcels in order to develop a waterfront community. The applicants are requesting that the parcels be rezoned R-M3 with no conditions on use. The applicants have provided proposals for either 124 Multi-Family Townhomes or a 175-room hotel, both of which will have a main entrance on Collis Road. This would either add approximately 310 residents to the neighborhood or an increase in 937 average weekday two-way volume. The applicants are proposing to develop this subdivision in accordance with the Putnam County Development Codes with either townhome and condominium units similar to Enclave at Waterfront and Cuscowilla Condominium and Townhome Units or a hotel facility. Water and sewer will be provided by Piedmont Water. According to the applicants, the proposed use will place emphasis on lakeshore protection, recreation use of Lake Oconee, and promote common open space for property owners or hotel occupants. The applicants reference an August 28, 2017 Hunden Strategic Partner's Putnam County Hotel & Conference Center Market, Demand and Financial Study, though the same is not attached to the application.

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

Although the Future Land Use Comprehensive Plan is Agriculture/Forestry in this area, there are several similar developments within a five-mile radius of the proposed location. Recent development trends also indicate that single family and multifamily development will continue to occur in this area. However, staff finds the proposed rezoning will cause an excessive or burdensome use of public facilities and shall exceed the present or funded capabilities and will otherwise have an impact on the public health, safety, morality, or general welfare of Putnam County citizens.

ROAD ENGINEERING COMMENTS: (completed by Larry Kaiser)

Collis Road is a two-lane collector road with average pavement width of approximately 20 feet. Collis Road terminates at Wards Chapel Road, which is a major collector road. Adequate horizontal and vertical sight distance exists to the east and west of Wards Chapel

Road for those vehicles exiting Collis Road. The intersection radius at Collis Road & Wards Chapel is adequate to facilitate the existing traffic demands.

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

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

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

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

- ✓ Pavement Reconstruction of Collis Road. This construction method will consist of reclamation of the existing asphalt pavement, compacting the reclaimed materials and resurfacing the roadway with an asphalt surface course of 2 inches of 12.5 mm asphaltic concrete and a binder course of 3 inches of 19 mm asphaltic concrete (total length of Collis Road impacted from the development is 3000 feet – from Wards Chapel to the proposed entrance).
- ✓ Thermoplastic edge and centerline striping of Collis Road from Wards Chapel to proposed entrance.

- ✓ Shoulder rehabilitation & traffic control of Collis Road from Wards Chapel to proposed entrance, to include the construction of a 5-foot shoulder (minimum 2:1 slope) and roadside ditch
- ✓ Increasing the radii of the intersection of Wards Chapel at Collis Road to a minimum of 30 feet with the widened section to be constructed with 6 inches of graded aggregate base and 2.5 inches of 12.5 mm asphaltic concrete.

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

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

1. To restrict the available uses of the property as follows:
 - a. Hotel
 - i. The hotel shall substantial conform to the submitted scaled conceptual plans and renderings submitted in support of the proposed rezoning application, to include the buildings, ingress and egress improvements, and other structures;
 - ii. No more than ten percent (10%) of the total number of guest rooms may contain stoves, conventional ovens or full-size refrigerators (larger than 11.5 cubic feet). No more than ten percent (10%) of the total number of guest rooms shall be rented or leased by the same person for continuous periods in excess of ten (10) days;
 - iii. Buildings shall be constructed of brick and/or stacked stone on all sides. The hotel building may utilize contrasting architectural metal panels or accents;
 - iv. Not to exceed the proposed total of 175 room as stated in the application. Any increase beyond this total will require approval from the Board of Commissioner;
2. The application of green infrastructure (bioswales/biorention, etc) in combination of water quality retention ponds, will require implementation to minimize the negative effects of imperviousness and stormwater runoff to the water quality of Lake Oconee. The Georgia Stormwater Manual will be applied to the project under review. The manual’s water quality template will be used to assess the various water quality BMP options.
3. Provide at least one 3-inch caliper tree per 3 parking spaces. Trees shall be placed in tree islands within the footprint of the parking lot. Location of trees shall be determined by the county during the site development review (LDP phase). Provide two – 3-inch caliper trees per 100 feet on the shoulder of all roadways within the development. Trees to be placed on both sides of all internal roads. Specific location of the trees adjacent to the internal roads to be determined by the county during the site development review

process. These tree plantings shall not preclude the developer from installing additional vegetation as he/she deems appropriate.

4. Provide a 25-foot-wide densely planted landscape buffer along the property line on Doug Lane and where the property abuts residential parcels on Collis Marina Road. The additional plantings shall provide a 75% buffer within 3 years of planting. Landscape plan and species to be approved during the development review phase.
5. Emergency exit required on Collis Marina Road. Emergency exit shall not be paved. "Grass Crete" or similar product shall be used as the surface treatment for this access. A removable bollard (s) or similar barrier shall be used with only emergency services being provided entryway
6. Preserve a 20' non-buildable strip along the Collis Road frontage measured from edge of right-of-way. The purpose of this condition is for future county acquisition as right-of-way.
7. A minimum of 65 feet building setback from Lake Oconee will be required. This includes all structures and stormwater management facilities. Walkways/paths and boat docks are excluded from this setback requirement.
8. Development shall have only one (1) vehicular access. Access shall be from Collis Road.
9. Map 104, parcel 030, map 104 parcel 032, map 104 parcel 032001, map 104, parcel 033 and map 104 B, parcel 001, must be combined and cannot be used or sold as a standalone parcel.
10. This rezoning shall be conditioned upon the resurveying and recordation of the plat as stated in Section 66-165 (e)(3) of the Putnam County Code of Ordinances.

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 June 16, 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.

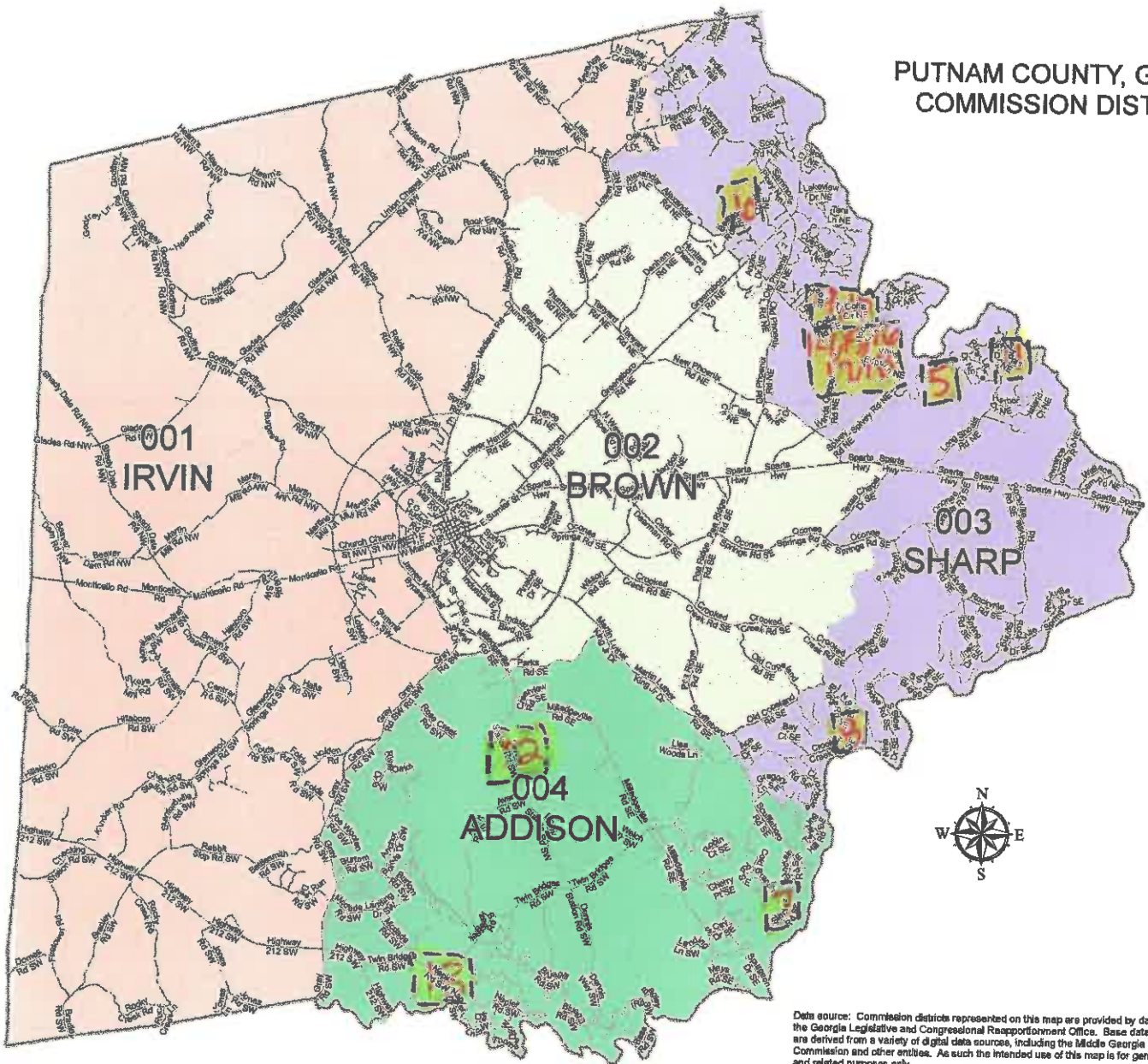
The Board of Commissioners' hearing will be conducted pursuant to O.C.G.A. 50-14-1 and Section 66-159 of the Putnam County Code of Ordinances and meets the requirements of the Zoning Procedures Laws established in O.C.G.A 36-66.

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.

File Attachments for Item:

18. 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**

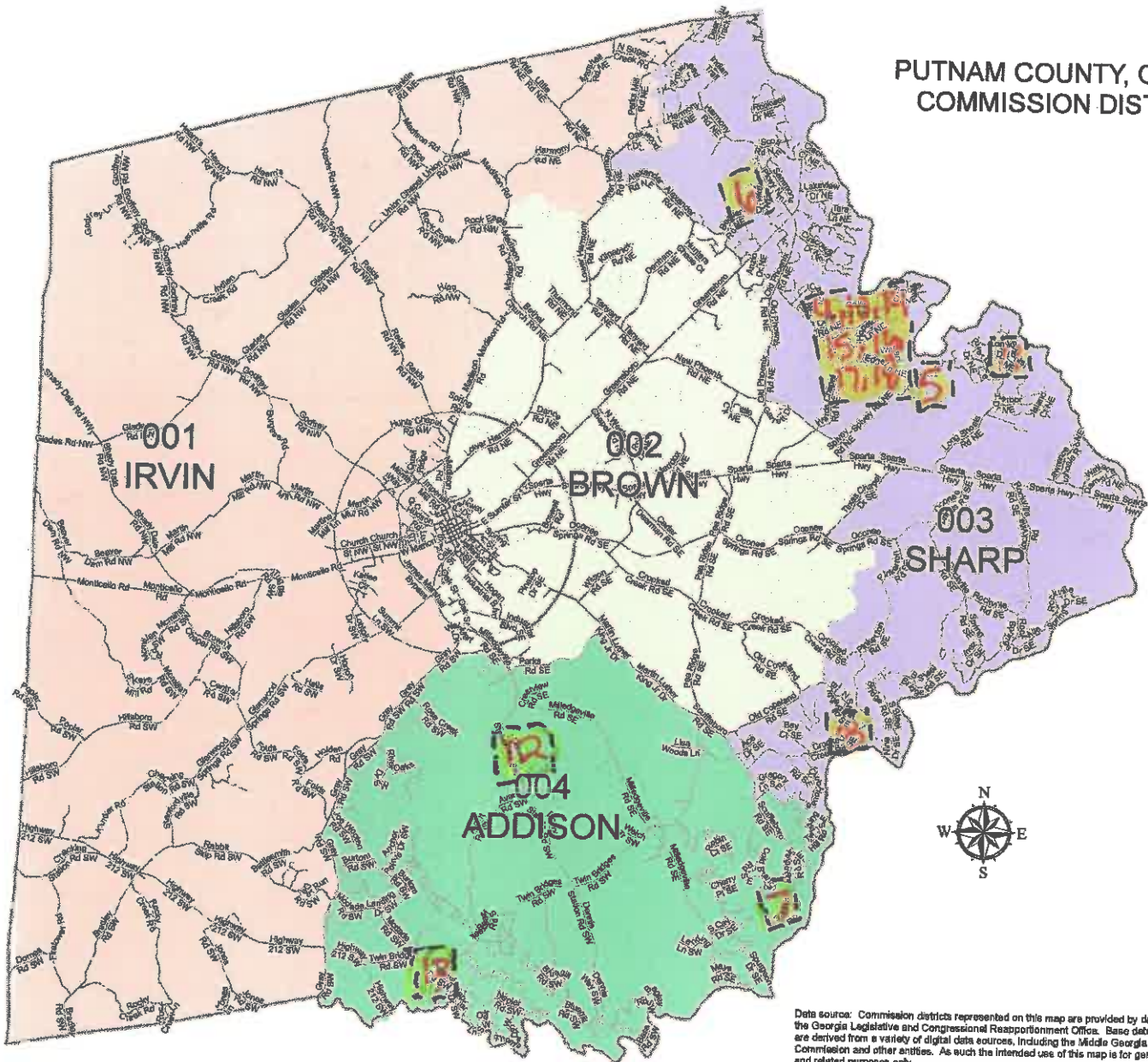


Data source: Commission districts represented on this map are provided by data from the Georgia Legislative and Congressional Reapportionment Office. Base data features are derived from a variety of digital data sources, including the Middle Georgia Regional Commission and other entities. As such the 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: JUNE 2018

5. Request by **Jimmy O'Dell** for a side yard setback variance at 308 East River Bend Drive. Presently zoned R-1R. [Map 119B, Parcel 183, District 3].
6. Request by **Garry & Nina Lassiter** for a side yard setback variance at 153 Hoot Owl Lane. Presently zoned R-1R. [Map 096A, Parcel 008, District 3].
7. Request by **Gregory Leepow, agent for Kim Anderson** for a rear yard setback variance at 112 Sinclair Circle. Presently zoned R-2. [Map 112B, Parcel 003, District 4].
8. Request by **Kevin & Kristy Slaughter** for a side yard setback variance at 1051 Crooked Creek Road. Presently zoned R-1. [Map 110B, Parcel 105, District 3].
9. Request by **Mark Smith, agent for Mary Wooten** for a rear yard setback variance at 147 Collis Marina Road. Presently zoned RM-2. [Map 104B, Parcel 012, District 3].
10. Request by **Mark Smith, agent for Duke Gibbs** for a side and rear yard setback variance at 145 Collis Marina Road. Presently zoned RM-2. [Map 104B, Parcel 011, District 3].
11. Request by **Jim Brown, agent for Wondal Perry** for a rear yard setback variance at 202 Long Island Drive. Presently zoned R-1R. [Map 122A, Parcel 064, District 3].
12. Request by **Jason Sells, agent for Interfor U.S. Inc** for a front yard setback variance at 370 Dennis Station Road. Presently zoned I-M. [Map 059, Parcel 019, District 4].
13. Request by **Vincent Richardson** for a front yard setback variance at 114 Allens Alley. Presently zoned R-2. [Map 055A, Parcel 011, District 4].

**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" = 6,687.28' SCALE RATIO: 1:68,367.34 DATE: JUNE 2019

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



Jeffrey S. Haymore
404.665.1243

Email:
jhaymore@dillardsellers.com

May 26, 2020

VIA E-MAIL: anelson@flemingnelson.com

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

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

Dear Adam:

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

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

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

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



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

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

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

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

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



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

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

Sincerely,

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

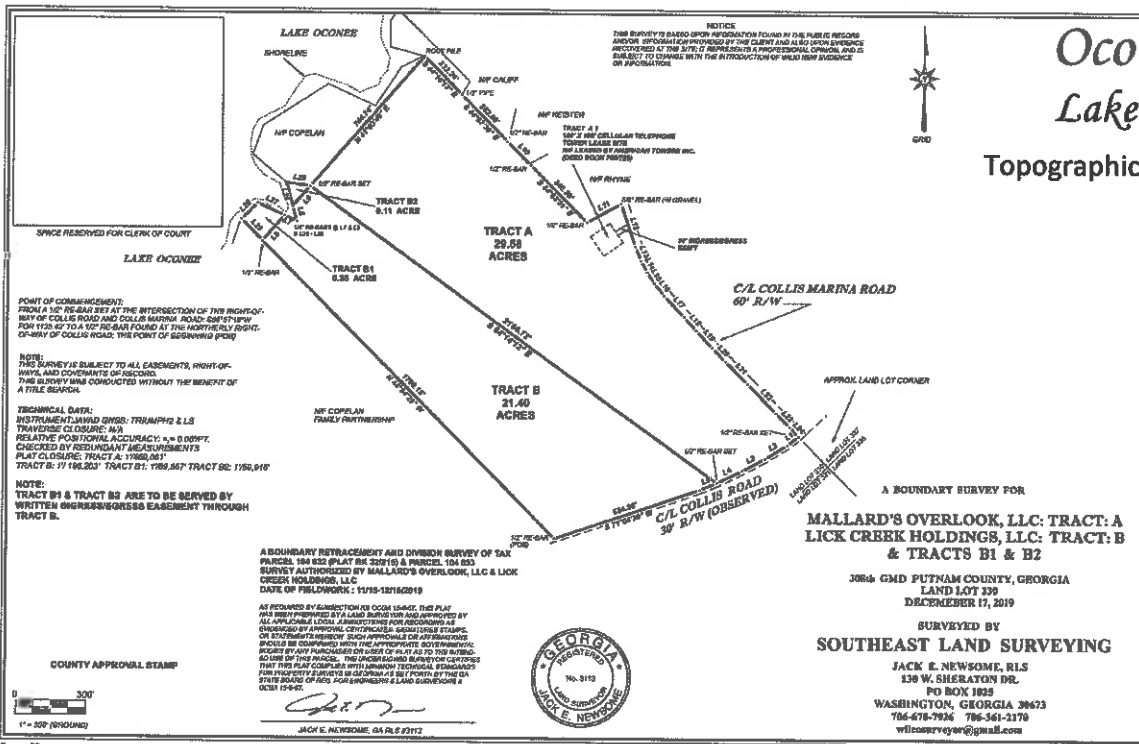
Jeffrey S. Haymore, Esq.

Cc (via e-mail):

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

Oconee Overlook Lake Oconee, Georgia

Topographic and Boundary Survey
Rotated in Presentations

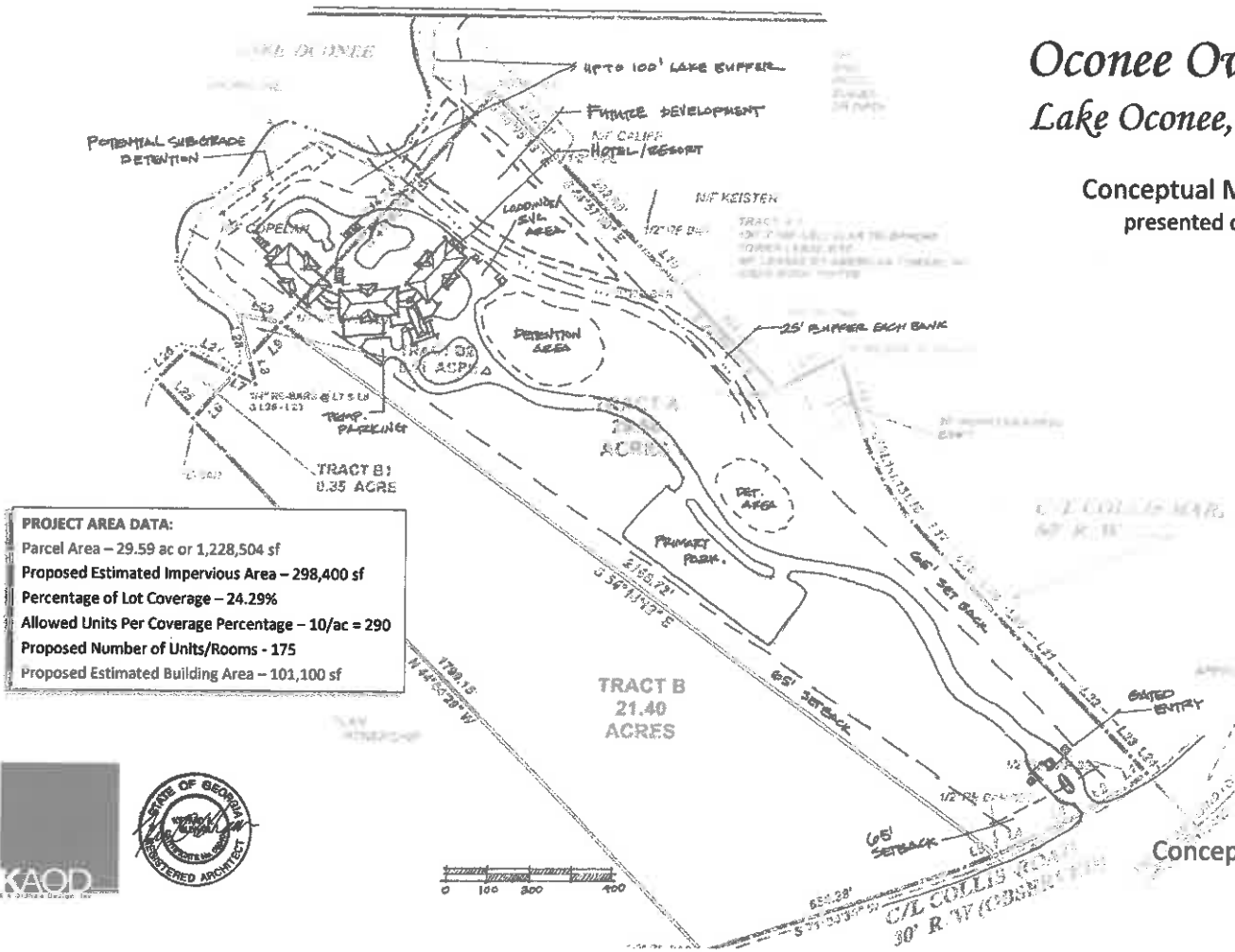


Conceptual Imagery
May 2020

RCUD 2020 MAY 19 *gja*

Oconee Overlook Lake Oconee, Georgia

Conceptual Master Plan
presented on actual plat



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



Conceptual Imagery
May 2020

RCUD 2020 MAY 19 *Cyo*

LAKE OCONEE

Oconee Overlook Lake Oconee, Georgia

Conceptual Resort Plan



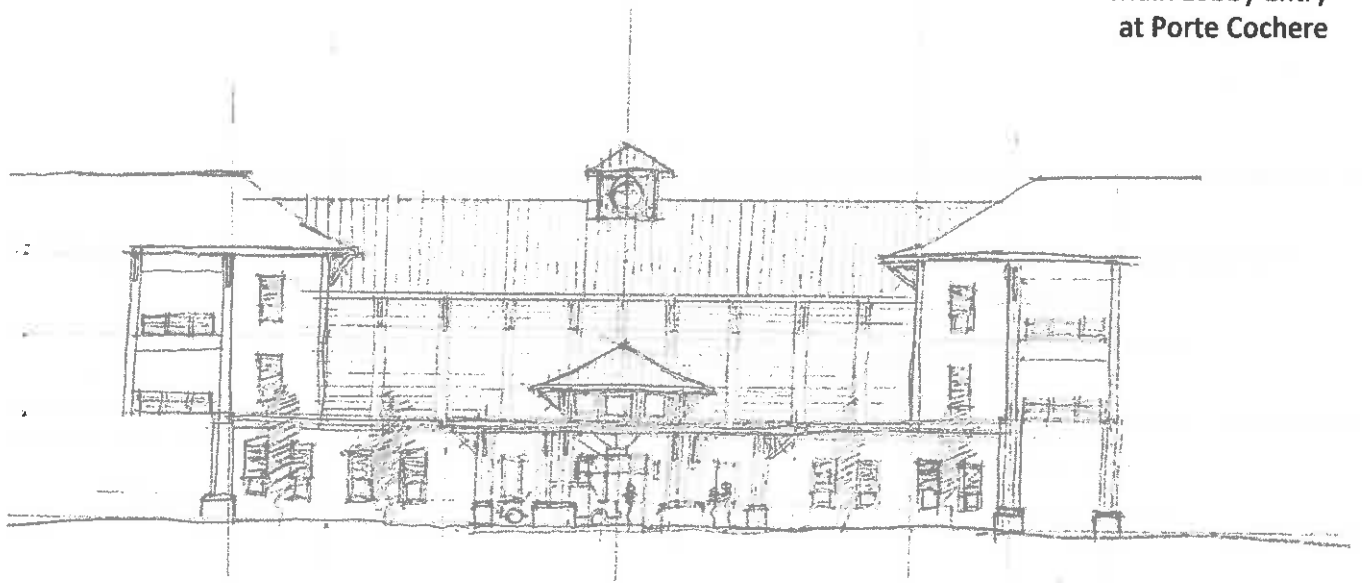
Conceptual Imagery
May 2020



HCUD 2020 MAY 19 *[Signature]*

Oconee Overlook
Lake Oconee, Georgia

Main Lobby Entry
at Porte Cochere

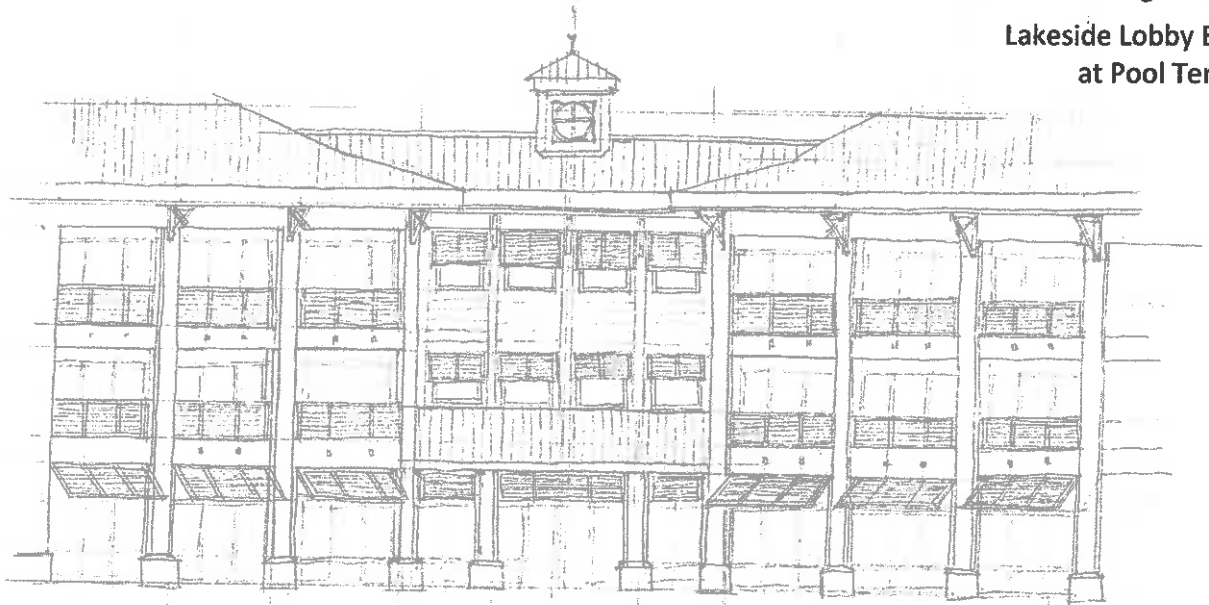


Conceptual Imagery
May 2020

RCUD 2020 MAY 19 *Cyr*

Oconee Overlook
Lake Oconee, Georgia

Lakeside Lobby Entry
at Pool Terrace

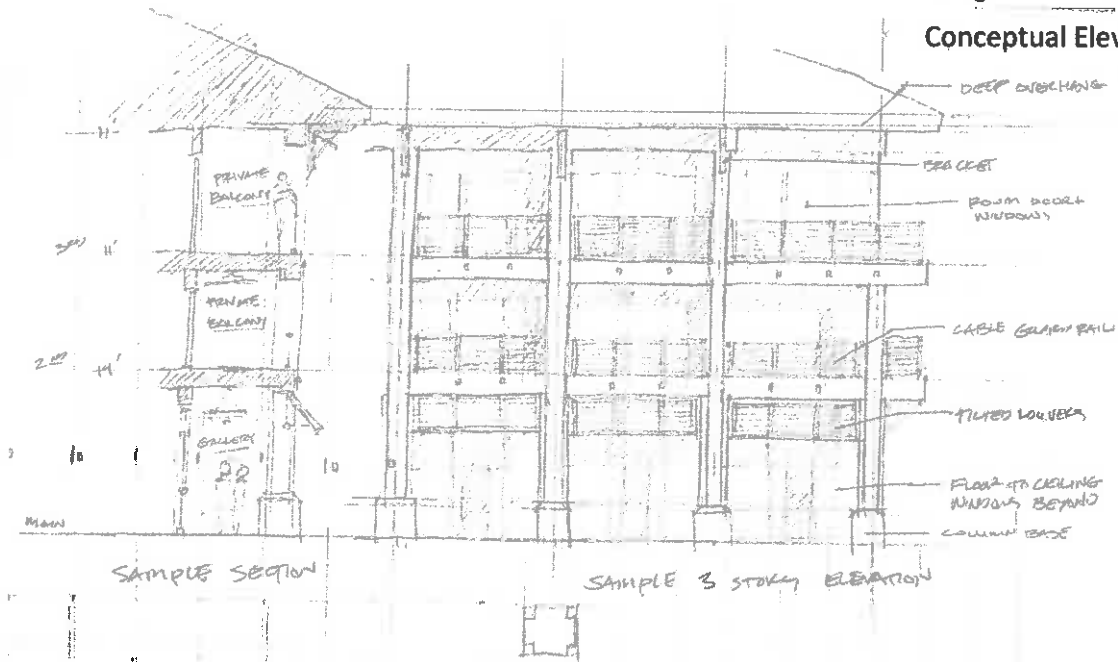


Conceptual Imagery
May 2020

RCUD 2020 MAY 13 *Cyan*

Oconee Overlook Lake Oconee, Georgia

Conceptual Elevation Detail and Section

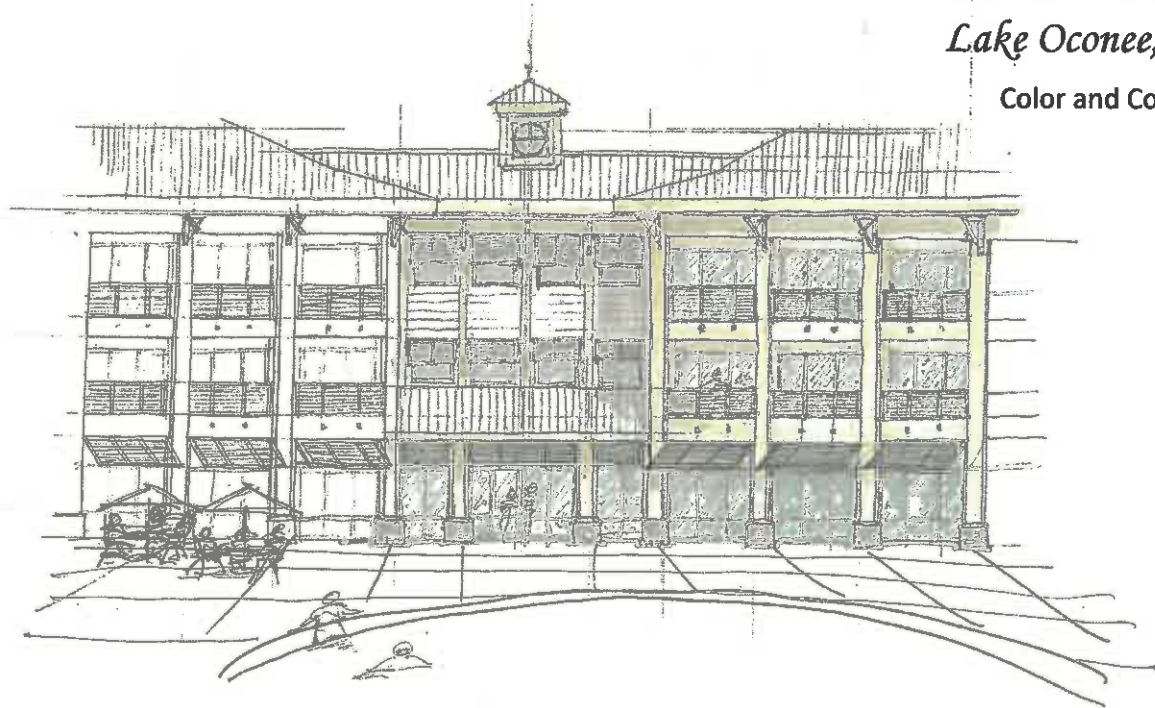


Conceptual Imagery
May 2020

RCUD 2020 MAY 19

Oconee Overlook
Lake Oconee, Georgia

Color and Context Study



Conceptual Imagery
May 2020

RCUD 2020 MAY 19 *Cyo*

Doug Ln. Map 104B, Parcel 001



Jeffrey S. Haymore
404.665.1243

Email:
jhaymore@dillardsellers.com

May 8, 2020

VIA E-MAIL: ljackson@putnamcountyga.us

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

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

Dear Lisa:

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

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

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

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

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

Sincerely,

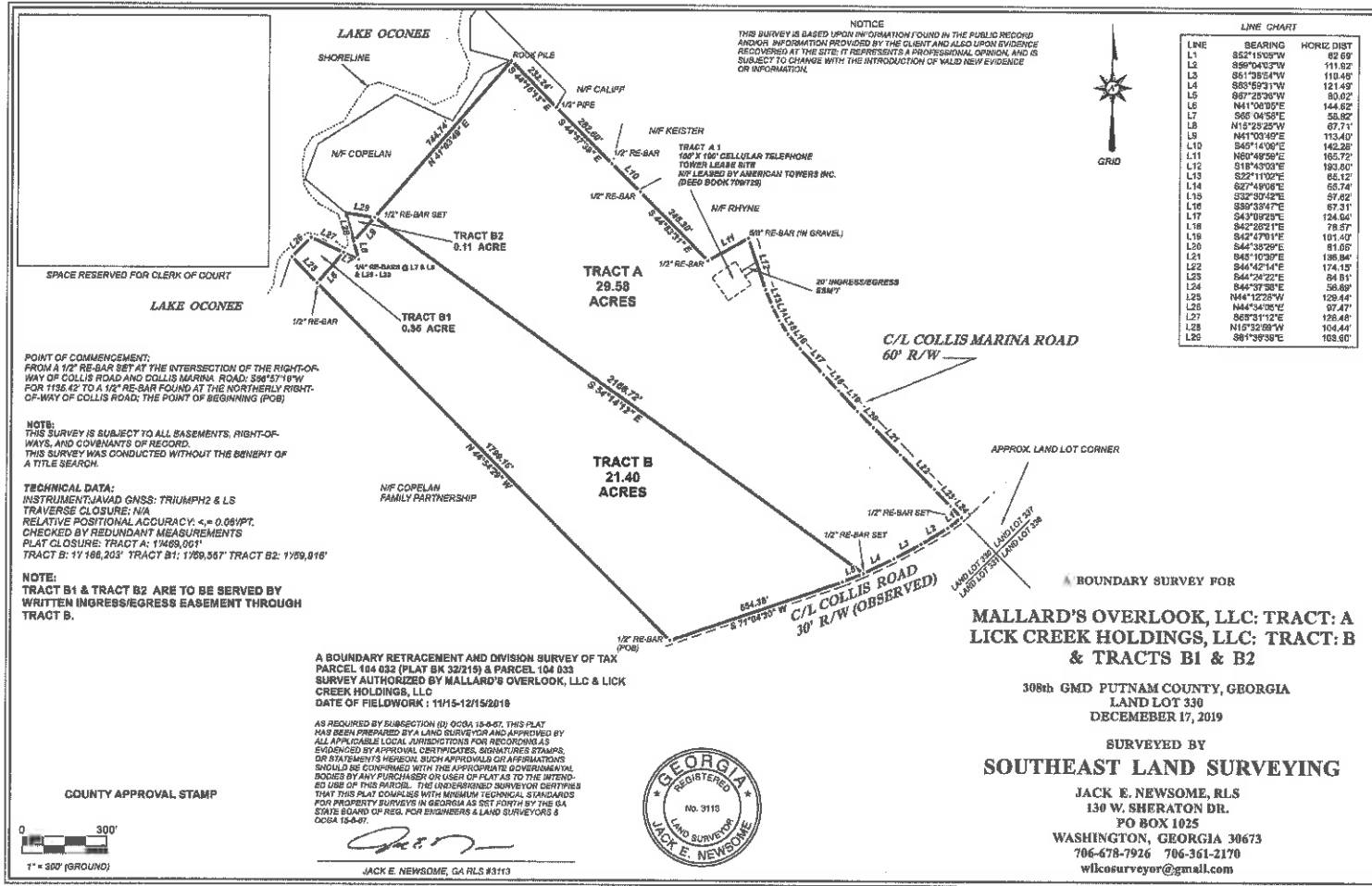


Jeffrey S. Haymore, Esq.

Cc (via e-mail):

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

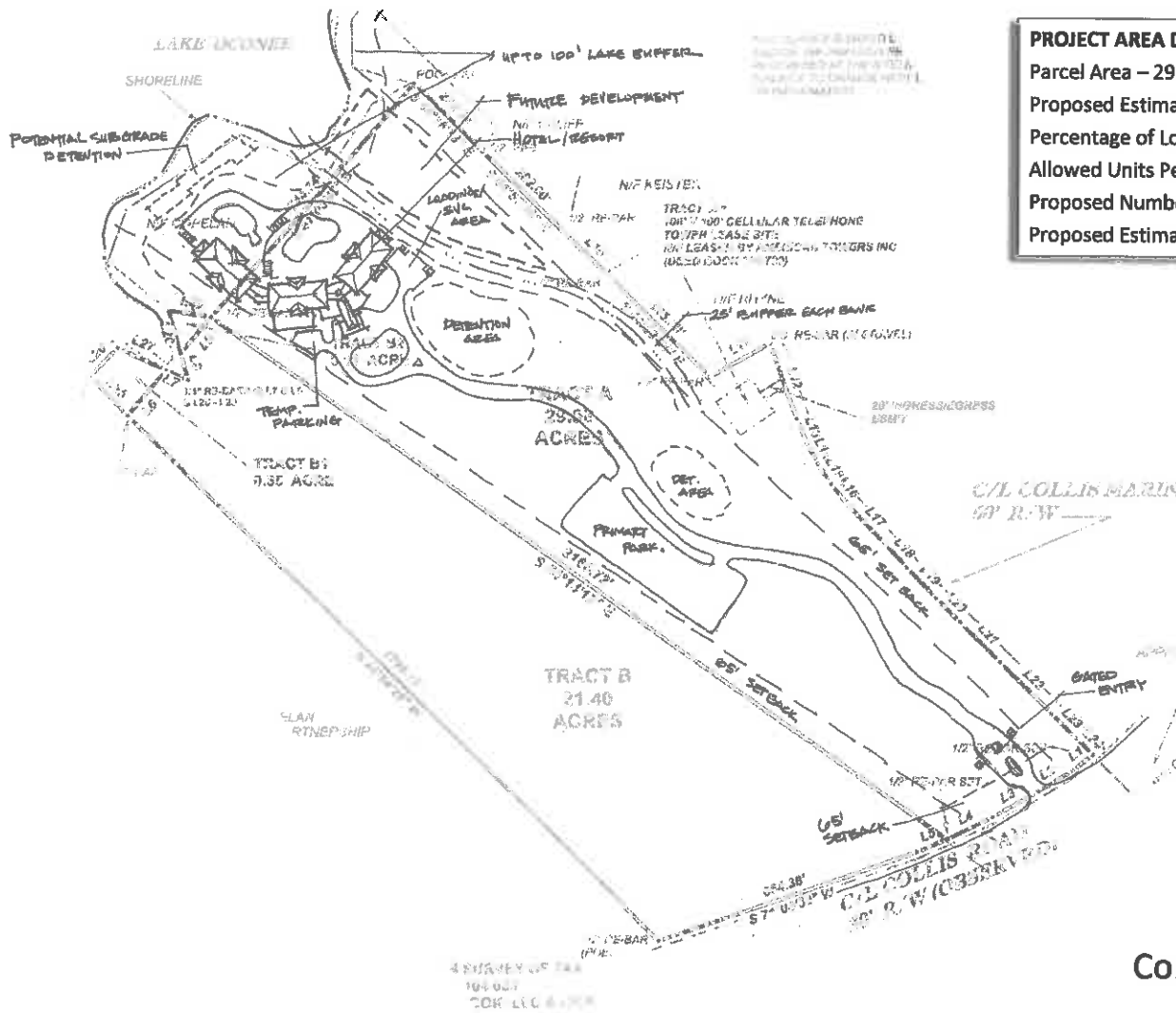
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Oconee Overlook Lake Oconee, Georgia

Topographic and Boundary Survey
Rotated in Presentations

Conceptual Imagery
May 2020



PROJECT AREA DATA:

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Oconee Overlook

Lake Oconee, Georgia

Conceptual Master Plan
presented on actual plat

Conceptual Imagery
May 2020

LAKE OCONEE

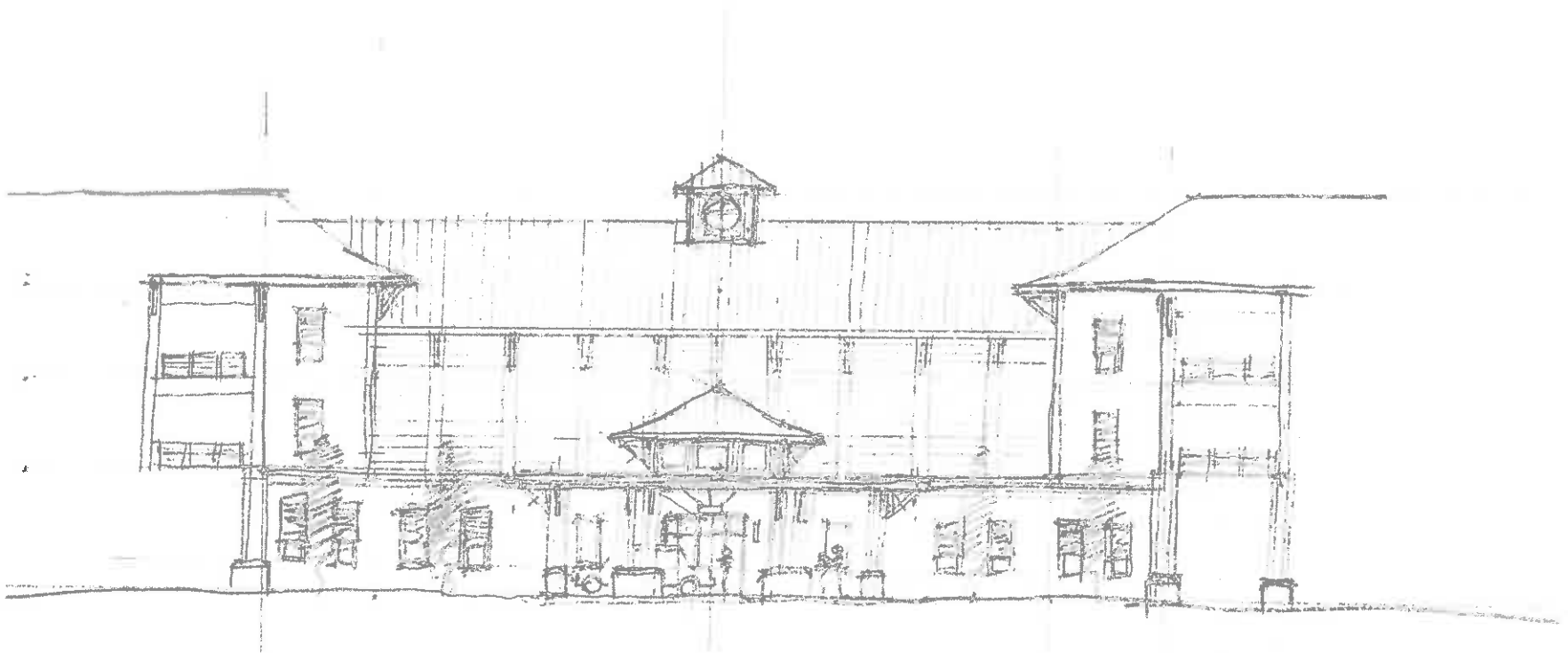


Conceptual Resort Plan

Oconee Overlook Lake Oconee, Georgia

Conceptual Imagery
May 2020



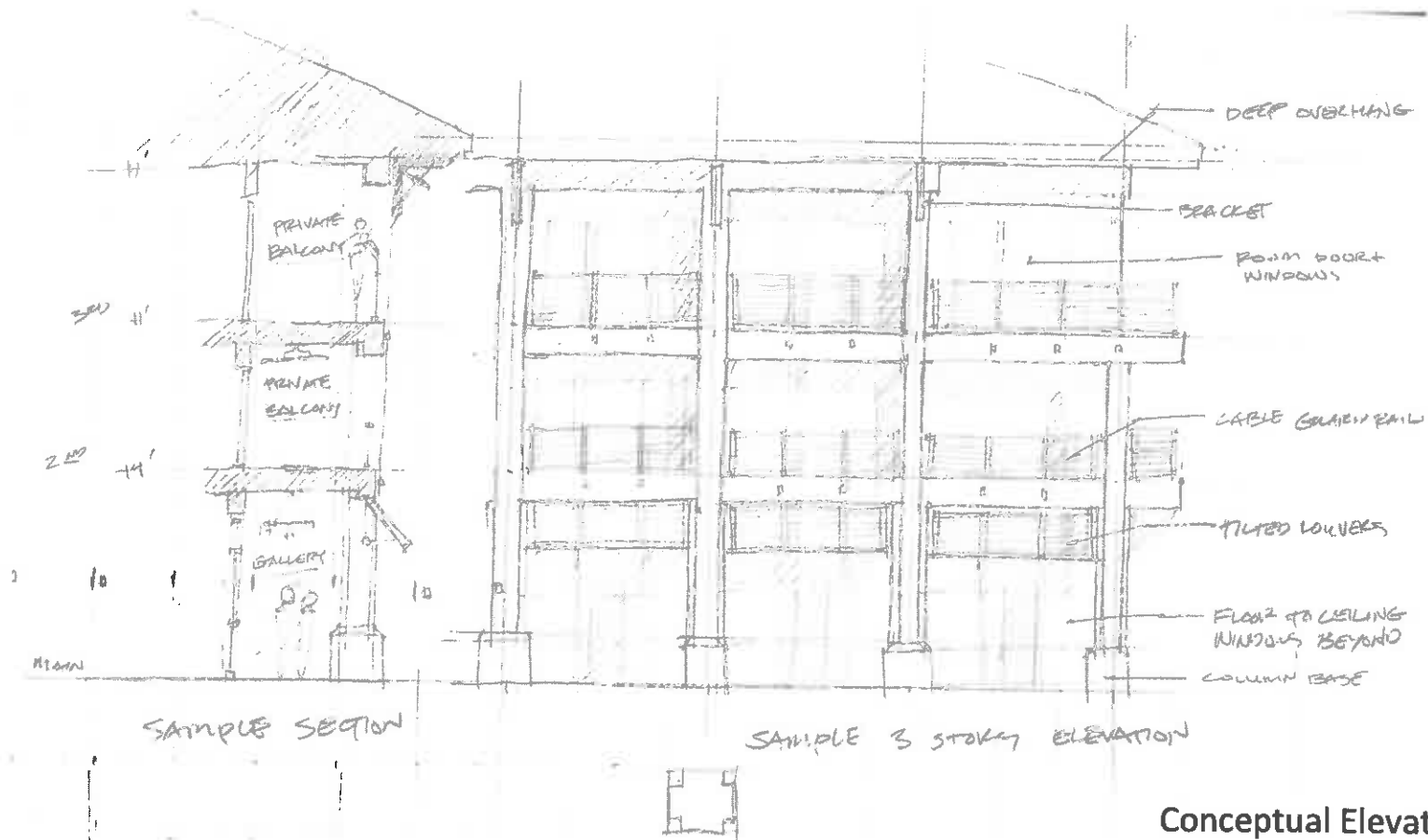


Main Lobby Entry
at Porte Cochere

Oconee Overlook
Lake Oconee, Georgia

Conceptual Imagery
May 2020



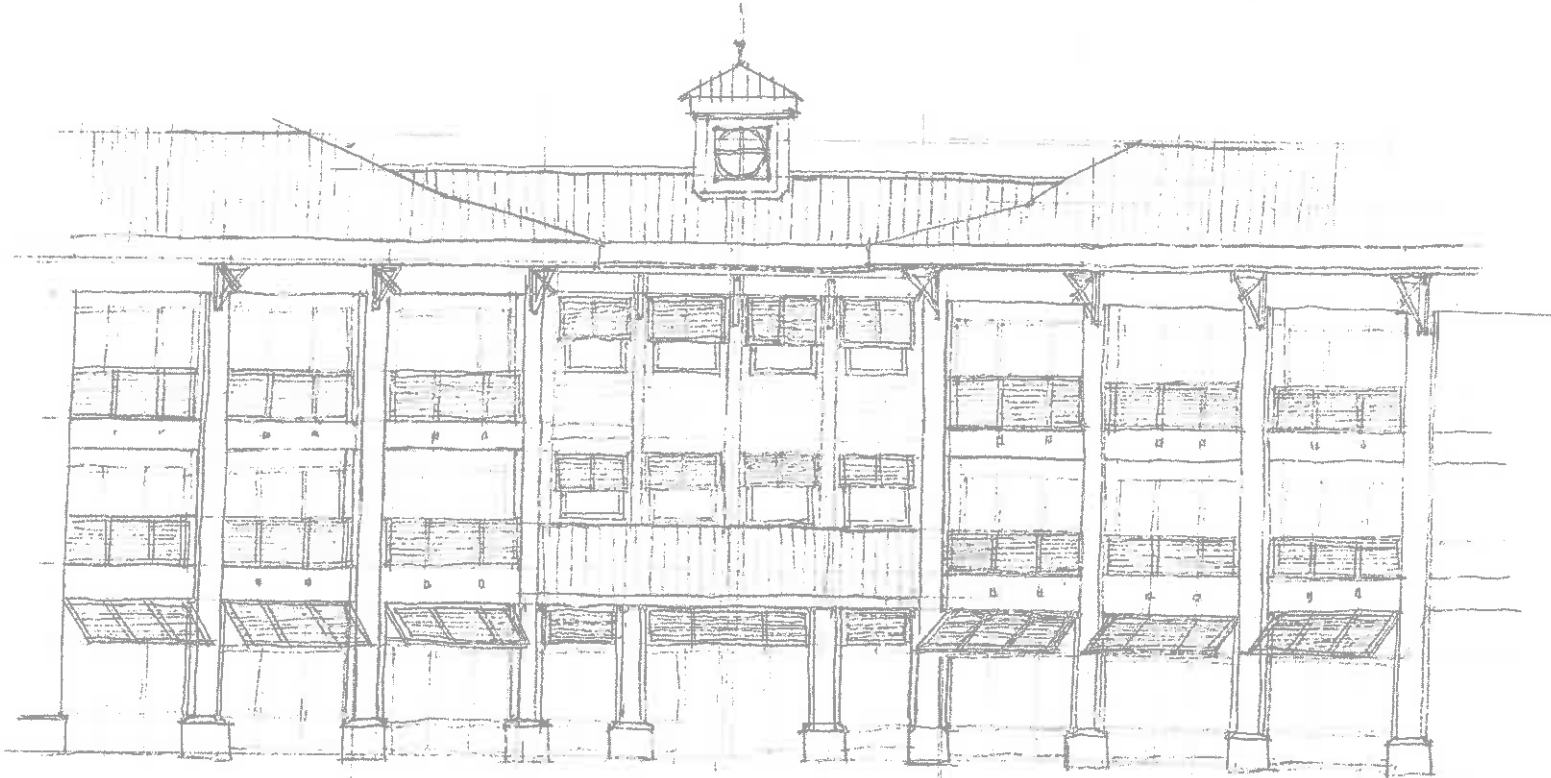


Conceptual Elevation Detail
and Section

Oconee Overlook
Lake Oconee, Georgia

Conceptual Imagery
May 2020



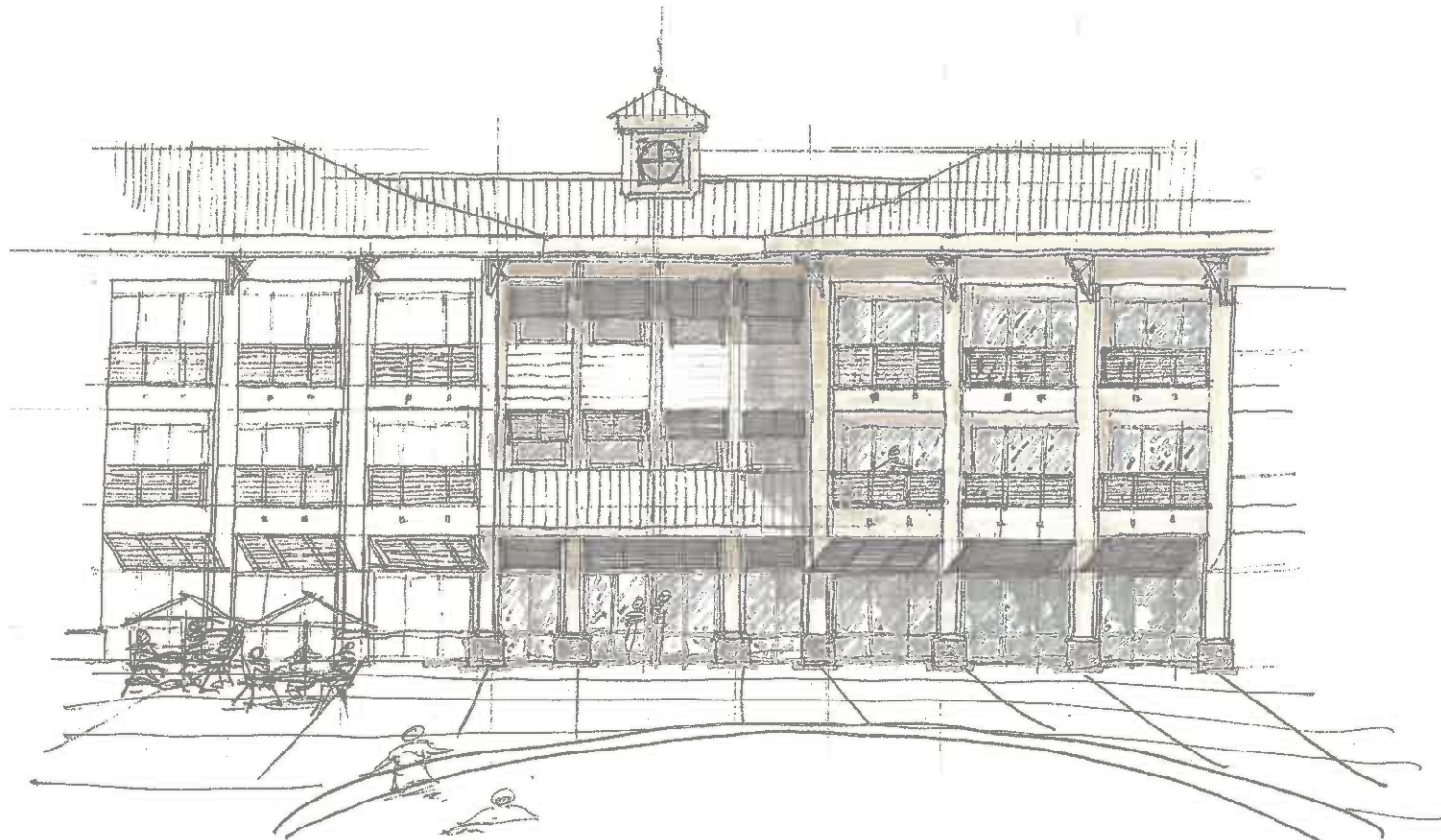


Lakeside Lobby Entry
at Pool Terrace

Oconee Overlook
Lake Oconee, Georgia

Conceptual Imagery
May 2020





Color and Context Study

Oconee Overlook
Lake Oconee, Georgia

Conceptual Imagery
May 2020





Jeffrey S. Haymore
404.665.1243

Email:
jhaymore@dillardsellers.com

March 4, 2020

VIA E-MAIL: anelson@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:

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

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

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

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

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

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

Please do not hesitate to contact me to discuss.

Sincerely,



Jeffrey S. Haymore, Esq.

Cc (via e-mail):

Howard McMichael, Jr.
Josh Sprayberry
Lauren Sprayberry
Lisa Jackson

DILLARD Sellers
ATTORNEYS AT LAW

Jeffrey S. Haymore
404.665.1243

Email:
jhaymore@dillardsellers.com

March 3, 2020

VIA HAND DELIVERY

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

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

Dear Lisa:

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

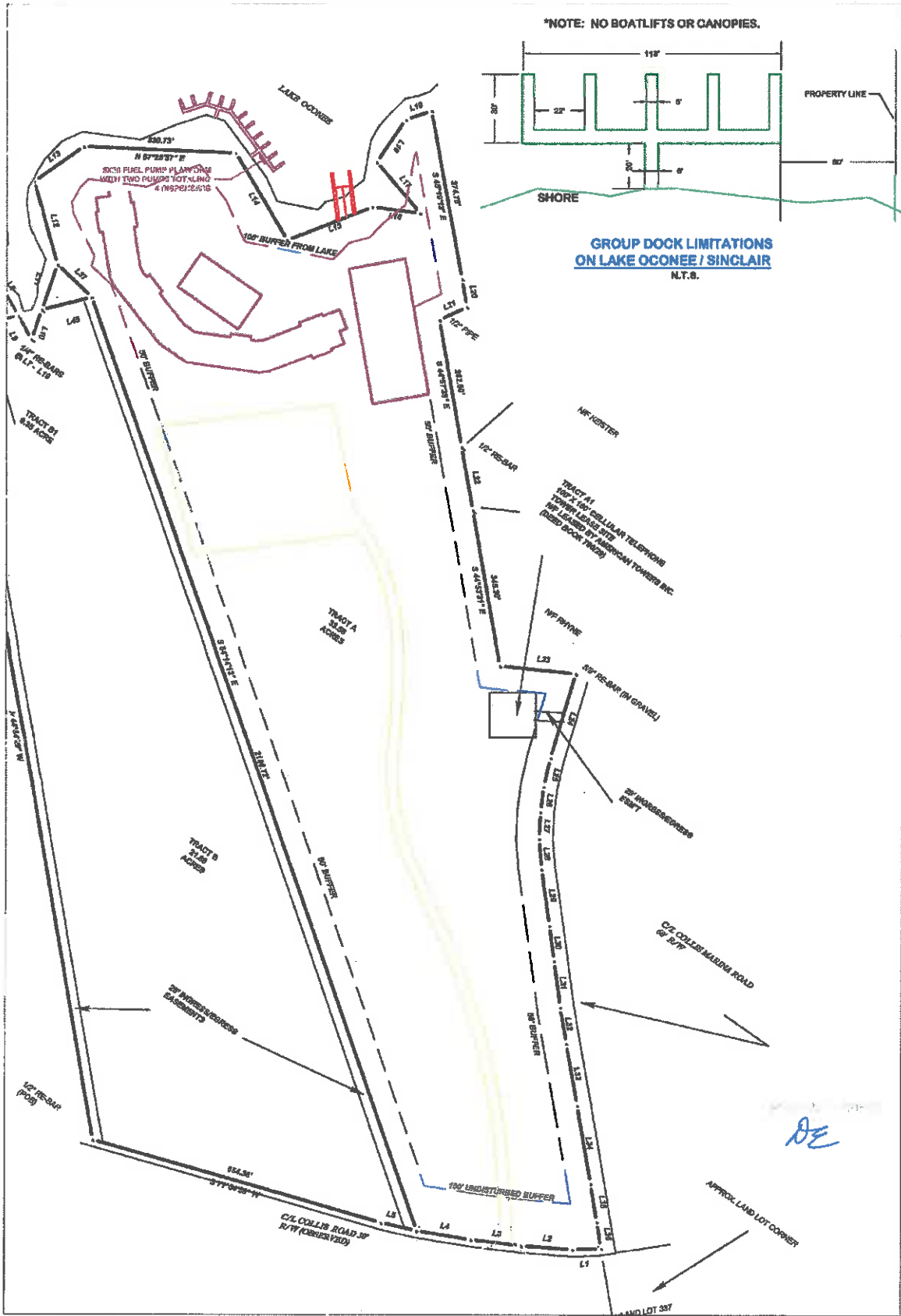
Sincerely,



Jeffrey S. Haymore, Esq.

RCUD 2020 MAR 3





DILLARD Sellers
ATTORNEYS AT LAW

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

E-mail:
jhaymore@dillardsellers.com

March 2, 2020

VIA HAND DELIVERY

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

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

Honorable members of the Putnam County Board of Commissioners:

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

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

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

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

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

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

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

Standing Objection

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

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Putnam County Board of Commissioners
March 2, 2020
Page 3

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

Sincerely,



Jeffrey S. Haymore, Esq.

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

PCUD 2020 MAR 3




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

DILLARD *Sellers*
ATTORNEYS AT LAW

Jeffrey S. Haymore
404.665.1243

Email:
jhaymore@dillard sellers.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

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 Commissioners.") Upon rezoning approval, the parcels' use and density should be governed by the RM-3 zoning regulations, not arbitrary limitations imposed solely on my clients' properties but not on similarly situated RM-3 zoned parcels. Furthermore, there has been no showing, let alone finding, by the Staff that Rezoning Condition # 9 is "imposed pursuant to the police power for the protection of neighbors to ameliorate the effects of the zoning change." *Cross v. Hall County*, 238 Ga. 709, 713 (1977).

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

Sincerely,


Jeffrey S. Haymon, Esq.

cc: Howard McMichael, Jr.



PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

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

APPLICATION FOR REZONING

APPLICATION NO. Plan 2019-01683 DATE: 11/8/2020

MAP 104B PARCEL 001 DISTRICT 3

- Name of Applicant: Dance Overlook, LLC
- Mailing Address: 6350 Lake Dance Pkwy Suite 110 Eatonton GA 31033 Greenboro
- Phone: (home) _____ (office) _____ (cell) 706 473 1949
- The location of the subject property, including street number, if any: Douglas Lane
- The area of land proposed to be rezoned (stated in square feet if less than one acre):
27,298 square feet (0.63 acres)
- The proposed zoning district desired: RM3
- The purpose of this rezoning is (Attach Letter of Intent)
To develop Property Per Putnam Dev. codes with Townhomes see Attached LOI.
- Present use of property: R1 ga Desired use of property: RM-3
- Existing zoning district classification of the property and adjacent properties:
Existing: R1 ga
North: Lake ga South: AG1 ga East: R1 ga West: AG1/R1 ga
- 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.
- Legal description and recorded plat of the property to be rezoned. RCVD 2020 JAN 8
- 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
- A detailed description of existing land uses: The existing land is wooded and has lake frontage on lake Oconee
- Source of domestic water supply: well _____, community water _____, or private provider . If source is not an existing system, please provide a letter from provider.

Wonee Overlook, LLC
 Map 104 B Parcel 001


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

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


Juan K. [Signature] 11/7/2020
 Signature (Property Owner) (Date)

[Signature] 11/7/2020
 Signature (Applicant) (Date)

[Signature]
 Notary Public



[Signature]
 Notary Public



Office Use

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

Receipt No. _____ Date Paid: _____

Date Application Received: _____

Reviewed for completeness by: _____

Submitted to TRC: _____ Return date: _____

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

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

RCUD 2020 JAN R

DOCR 005608
FILED IN OFFICE
12/27/2019 01:48 PM
BK:972 PG:230-231
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#: 3113-0013



REAL ESTATE TRANSFER
TAX PAID: \$800.00

LIMITED WARRANTY DEED

STATE OF GEORGIA, GREENE COUNTY

PT-61 117-2019-001990

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

WITNESSETH:

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

Parcel 1:

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

Deed Reference: Deed Book 788, Page 565

RCUD 2020 JAN 8

Parcel 2:

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

Parcel 3:

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

Court, with the description being corrected as follows: shown as a strip 66.73 feet wide as property of Ruby C. 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



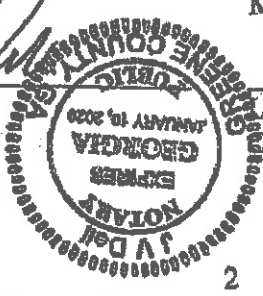
Millicent C. Arnold (SEAL)



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 21.10 ACRES, WHICH HAS THE FOLLOWING ADDRESS: Douglane 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): Oronce Overlook, LLC
NAME (PRINTED)

James K. Grayson
SIGNATURE

ADDRESS: 6350 Lake Oronce Pkwy, Suite 110 PMB33 Greensboro, GA 30642
PHONE: 770 313 7898

RCUD 2020 JAN 8

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

Casey Colgan
NOTARY
MY COMMISSION EXPIRES: 2-13-22





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

RCW 2019 OCT 31

Handwritten initials in black ink, possibly "JE", written below the date 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 Overlooks, 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: pc117@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: 104B 001
Owner: Millicent C Arnold & Lawrence A. Copelan, Jr.**

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



10/30/2019

A handwritten signature in black ink, appearing to be "P. Lancaster", is written over the date stamp.

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

REC'D 01/19/2011

Cyan

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

NOV 2015 NEW 1

Letter of Intent – Oconee Overlook, LLC – RM-3 Zoning (Parcel Number: 104B 001)

The site includes 0.8 acres (27,298 square feet) and is located on Lake Oconee at the intersection of Collis Road and Collis Marina Road and surrounding land uses include existing RM-3 Enclave at Waterfront, C-2 at Collis Marina, and R-1 Single Family Homes. The intended land use for subject property is to be combined into 1 Parcel and rezone to RM-3. A Conceptual plan illustrating proposed development concept is attached. Upon re-zone approval, the area will be developed into a waterfront community. The intent of the property is to be developed utilizing Putnam County Development Codes with townhome and condominium units similar to Enclave at Waterfront and Cuscowilla Condominium and Townhome Units.

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



Impact Analysis

ITEM #1

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

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

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

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

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

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

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

The Putnam County / City of 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 001 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:

RCUB 2019 NDU 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 19 prepared by Middle Georgia RDC

ITEM #5

Impact on fire protection

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

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

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

RCUD 2019 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. 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

PCSD 2019 NEW 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 geometries beyond this shoulder.

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



REC'D 2019 NOV 1

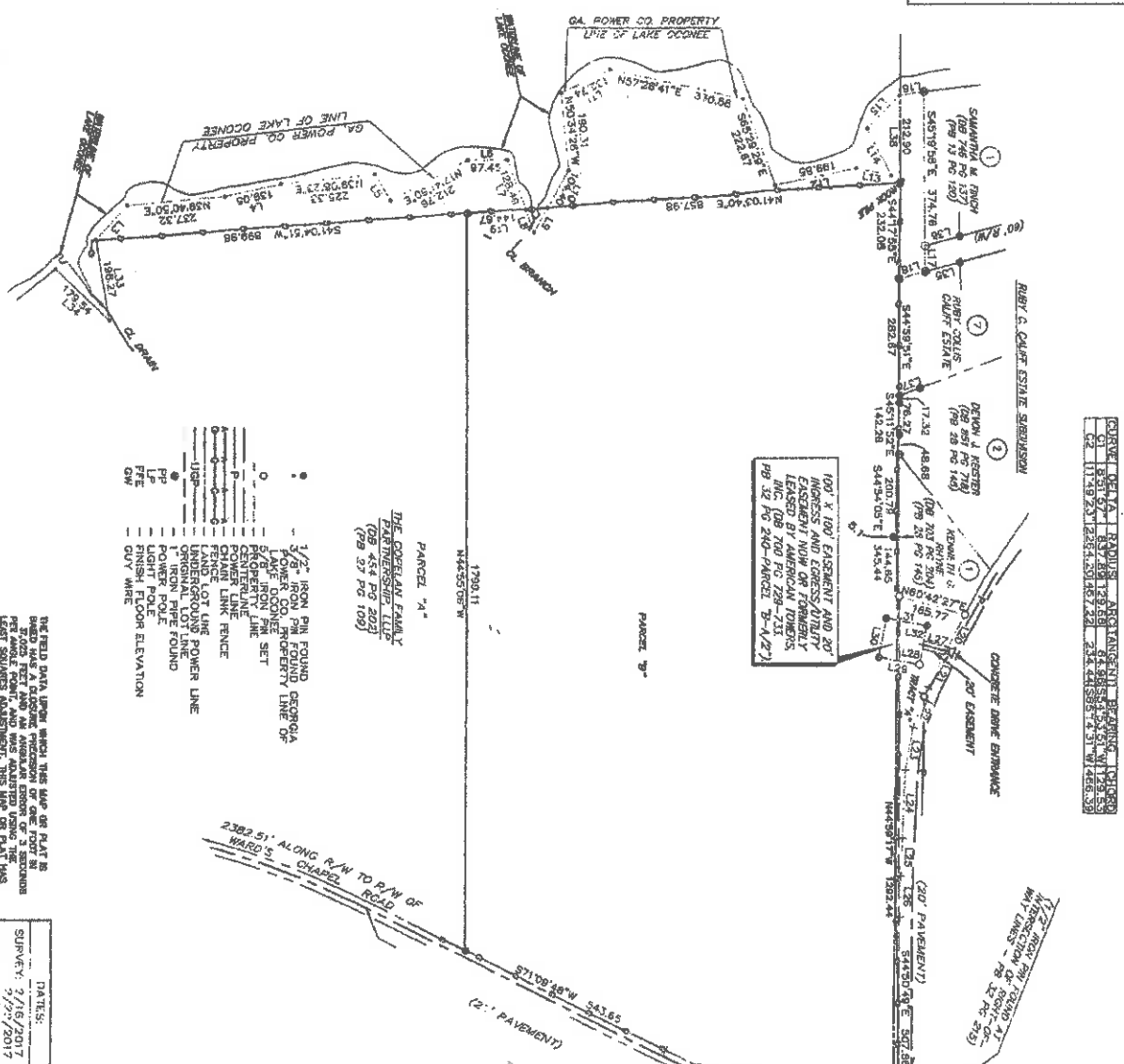
Handwritten initials or a signature, possibly "PC" or "PS", written in black ink.

Existing Condition



CURVE DATA	ARC RADIUS	ARC ANGLE IN DEGREES	CHORD
C1	181.07'	129.08°	129.55'
C2	118.23'	126.74°	126.44'
C3	118.23'	126.74°	126.44'

LINE	BEARING	DISTANCE
1	N89°07'48"W	129.55
2	N09°34'41"W	118.43
3	N89°07'48"W	129.55
4	N89°07'48"W	129.55
5	N24°43'21"E	97.43
6	N89°07'48"W	129.55
7	S85°53'18"E	129.43
8	S89°07'40"E	59.75
9	N89°07'48"W	129.55
10	N89°07'48"W	129.55
11	N20°00'48"E	132.74
12	N89°07'48"E	132.85
13	N89°07'48"E	132.85
14	N89°07'48"E	132.85
15	N89°07'48"E	132.85
16	N89°07'48"E	132.85
17	N89°07'48"E	132.85
18	N89°07'48"E	132.85
19	N89°07'48"E	132.85
20	N89°07'48"E	132.85
21	N89°07'48"E	132.85
22	N89°07'48"E	132.85
23	N89°07'48"E	132.85
24	N89°07'48"E	132.85
25	N89°07'48"E	132.85
26	N89°07'48"E	132.85
27	N89°07'48"E	132.85
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47	N89°07'48"E	132.85
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50	N89°07'48"E	132.85

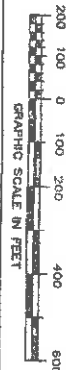


- 1/2" IRON PIN FOUND
- 3/8" IRON PIN FOUND
- POWER CO. PROPERTY LINE OF
- 5/8" IRON PIN SET
- PROPERTY LINE
- POWER LINE
- CHAIN LINK FENCE
- LAND LOT LINE
- UNDERGROUND POWER LINE
- T-IRON PIPE FOUND
- LIGHT POLE
- T-IRON PIPE FOUND
- CONCRETE DRIVE ENTRANCE
- GUY WIRE
- GUY WIRE

THE FIELD DATA UPON WHICH THIS MAP OR PLAN IS BASED WAS OBTAINED BY MEASUREMENTS MADE BY ME OR BY OTHERS WHOSE QUALITY OF WORK AND ACCURACY OF RESULTS HAS BEEN DETERMINED BY ME TO BE SUFFICIENT TO WARRANT THE ACCURACY OF THIS MAP OR PLAN.

A 100' X 100' TOTAL STATION, S/N: 418208 WAS USED TO COLLECT THE FIELD DATA.

THE SURVEY WAS PREPARED IN CONFORMANCE WITH THE TECHNICAL STANDARDS FOR PROFESSIONAL SURVEYING IN GEORGIA. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL SURVEYORS AND LAND SURVEYORS AND AS SET FORTH IN THE BYLAWS OF SAID BOARD.



DATE: 2/27/2017
 SURVEY: 2/27/2017 TO 2/27/2017
 PLAN: 1721/2017

PART OF LAND LOTS 330 AND 331
 THIRD LAND DISTRICT
 308TH, G. M. DISTRICT
 PUTNAM COUNTY, GEORGIA

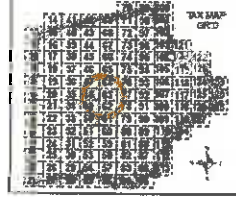
Scale: 1" = 200.0'
 Date: February 27, 2017

PUNAM COUNTY PLANNING AND DEVELOPMENT DIRECTOR'S CERTIFICATE

PUNAM COUNTY PLANNING AND DEVELOPMENT DIRECTOR

DATE

PUNAM COUNTY PLANNING AND DEVELOPMENT DIRECTOR



- Estonton Limits
- County Boundary
- Roads
- Parcels
- Parcel Hooks

GEOGRAPHIC FEATURE LEGEND

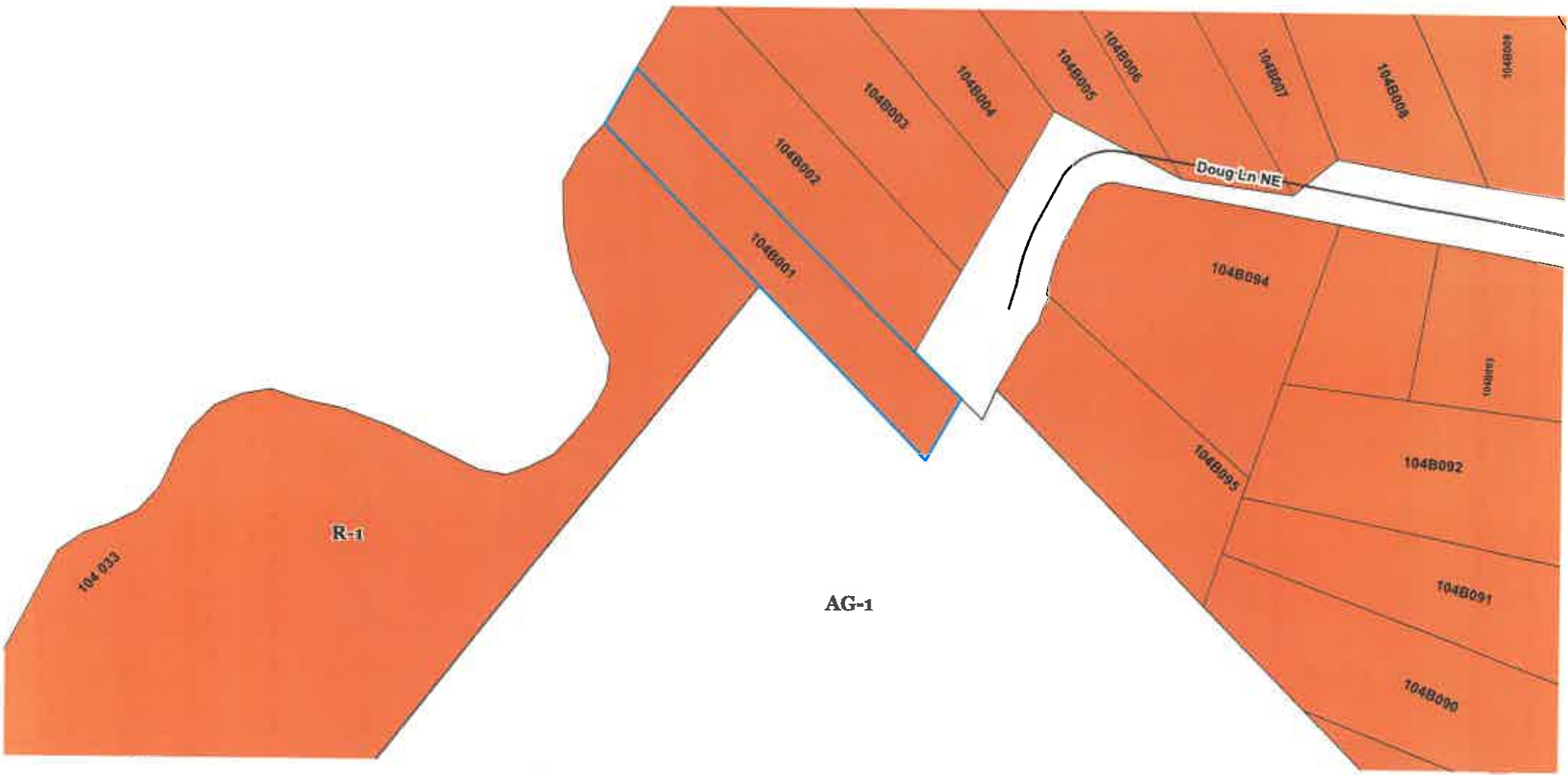
Overlay District	AG-2	C-2 CITY	IND-2 CITY	R-1 CITY	R-1	RM-2
No Code	C-1	IM	MHP	R-2 CITY	R-1R	RM-3
AG-1	C-1 CITY	IND-1 CITY	PUBLIC	R-3 CITY	R-2	VLLAGE
AG-1 CITY	C-2	IND-2	PUBLIC CITY	R-4 CITY	RM-1	

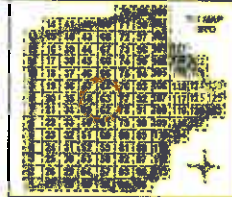
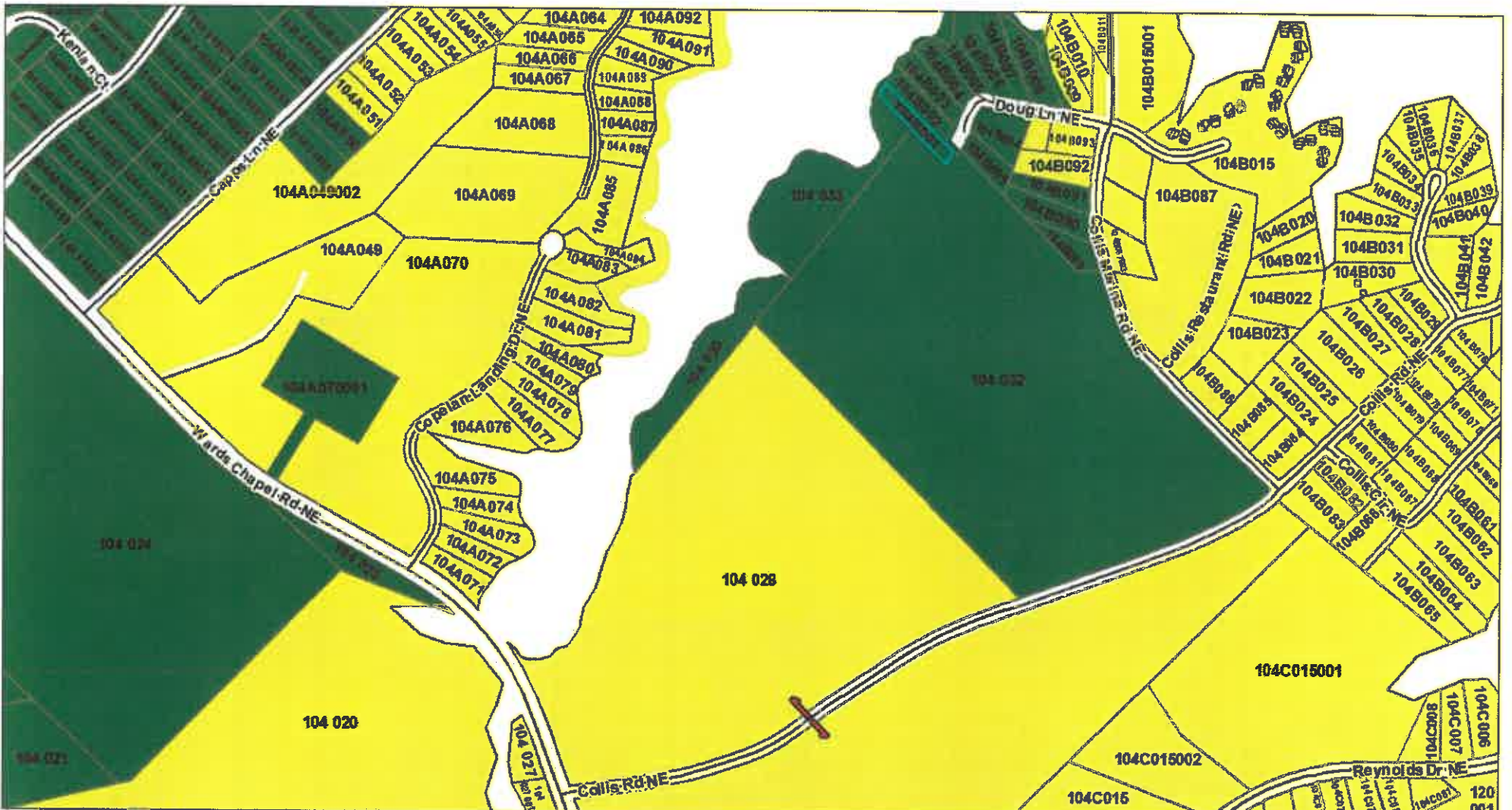
MGRC
Middle Georgia Regional Commission
175 Emory Hwy
Suite C
Macon, Georgia 31217
(478) 751-6180
Web:
www.middlegeorgia.org

**PUTNAM COUNTY, GEORGIA
ZONING MAPS**

MAP 104B

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






GEOGRAPHIC FEATURE LEGEND

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


MGR
 Middle Georgia Regional Commission
 175 Emory Hwy
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 Macon, Georgia 31217
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 Web:
www.middlegeorgia.org/mgrc

PUTNAM COUNTY, GEORGIA
FUTURE LAND USE MAPS



MAP 104B

MPP SCALE: 1" = 418.87' 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

May 21, 2020

TO: Planning & Zoning Commission

FROM: Lisa Jackson

RE: Staff Recommendation for Public Hearing Agenda on 6/4/2020

18. Request by **Howard McMichael, agent for Oconee Overlook, LLC** to rezone 0.63 acres/27,298 sq. ft. on Doug Lane from R-1 to RM-3. [Map 104B, Parcel 001, District 3]. * The applicants are seeking to rezone this parcel along with four adjacent parcels with a total of 57.07 acres to RM-3. If approved, the applicants would like to combine the five parcels in order to develop a waterfront community. The applicants are requesting that the parcels be rezoned R-M3 with no conditions on use. The applicants have provided proposals for either 124 Multi-Family Townhomes or a 175-room hotel, both of which will have a main entrance on Collis Road. This would either add approximately 310 residents to the neighborhood or an increase in 937 average weekday two-way volume. The applicants are proposing to develop this subdivision in accordance with the Putnam County Development Codes with either townhome and condominium units similar to Enclave at Waterfront and Cuscowilla Condominium and Townhome Units or a hotel facility. Water and sewer will be provided by Piedmont Water. According to the applicants, the proposed use will place emphasis on lakeshore protection, recreation use of Lake Oconee, and promote common open space for property owners or hotel occupants. The applicants reference an August 28, 2017 Hunden Strategic Partner's Putnam County Hotel & Conference Center Market, Demand and Financial Study, though the same is not attached to the application.

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

Although the Future Land Use Comprehensive Plan is Agriculture/Forestry in this area, there are several similar developments within a five-mile radius of the proposed location. Recent development trends also indicate that single family and multifamily development will continue to occur in this area. However, staff finds the proposed rezoning will cause an excessive or burdensome use of public facilities and shall exceed the present or funded capabilities and will otherwise have an impact on the public health, safety, morality, or general welfare of Putnam County citizens.

ROAD ENGINEERING COMMENTS: (completed by Larry Kaiser)

Collis Road is a two-lane collector road with average pavement width of approximately 20 feet. Collis Road terminates at Wards Chapel Road, which is a major collector road. Adequate horizontal and vertical sight distance exists to the east and west of Wards Chapel

Road for those vehicles exiting Collis Road. The intersection radius at Collis Road & Wards Chapel is adequate to facilitate the existing traffic demands.

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

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

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

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

- ✓ Pavement Reconstruction of Collis Road. This construction method will consist of reclamation of the existing asphalt pavement, compacting the reclaimed materials and resurfacing the roadway with an asphalt surface course of 2 inches of 12.5 mm asphaltic concrete and a binder course of 3 inches of 19 mm asphaltic concrete (total length of Collis Road impacted from the development is 3000 feet – from Wards Chapel to the proposed entrance).
- ✓ Thermoplastic edge and centerline striping of Collis Road from Wards Chapel to proposed entrance.

- ✓ Shoulder rehabilitation & traffic control of Collis Road from Wards Chapel to proposed entrance, to include the construction of a 5-foot shoulder (minimum 2:1 slope) and roadside ditch
- ✓ Increasing the radii of the intersection of Wards Chapel at Collis Road to a minimum of 30 feet with the widened section to be constructed with 6 inches of graded aggregate base and 2.5 inches of 12.5 mm asphaltic concrete.

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

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

1. To restrict the available uses of the property as follows:
 - a. Hotel
 - i. The hotel shall substantial conform to the submitted scaled conceptual plans and renderings submitted in support of the proposed rezoning application, to include the buildings, ingress and egress improvements, and other structures;
 - ii. No more than ten percent (10%) of the total number of guest rooms may contain stoves, conventional ovens or full-size refrigerators (larger than 11.5 cubic feet). No more than ten percent (10%) of the total number of guest rooms shall be rented or leased by the same person for continuous periods in excess of ten (10) days;
 - iii. Buildings shall be constructed of brick and/or stacked stone on all sides. The hotel building may utilize contrasting architectural metal panels or accents;
 - iv. Not to exceed the proposed total of 175 room as stated in the application. Any increase beyond this total will require approval from the Board of Commissioner;
2. The application of green infrastructure (bioswales/biorention, etc) in combination of water quality retention ponds, will require implementation to minimize the negative effects of imperviousness and stormwater runoff to the water quality of Lake Oconee. The Georgia Stormwater Manual will be applied to the project under review. The manual’s water quality template will be used to assess the various water quality BMP options.
3. Provide at least one 3-inch caliper tree per 3 parking spaces. Trees shall be placed in tree islands within the footprint of the parking lot. Location of trees shall be determined by the county during the site development review (LDP phase). Provide two – 3-inch caliper trees per 100 feet on the shoulder of all roadways within the development. Trees to be placed on both sides of all internal roads. Specific location of the trees adjacent to the internal roads to be determined by the county during the site development review

process. These tree plantings shall not preclude the developer from installing additional vegetation as he/she deems appropriate.

4. Provide a 25-foot-wide densely planted landscape buffer along the property line on Doug Lane and where the property abuts residential parcels on Collis Marina Road. The additional plantings shall provide a 75% buffer within 3 years of planting. Landscape plan and species to be approved during the development review phase.
5. Emergency exit required on Collis Marina Road. Emergency exit shall not be paved. "Grass Crete" or similar product shall be used as the surface treatment for this access. A removable bollard (s) or similar barrier shall be used with only emergency services being provided entryway
6. Preserve a 20' non-buildable strip along the Collis Road frontage measured from edge of right-of-way. The purpose of this condition is for future county acquisition as right-of-way.
7. A minimum of 65 feet building setback from Lake Oconee will be required. This includes all structures and stormwater management facilities. Walkways/paths and boat docks are excluded from this setback requirement.
8. Development shall have only one (1) vehicular access. Access shall be from Collis Road.
9. Map 104, parcel 030, map 104 parcel 032, map 104 parcel 032001, map 104, parcel 033 and map 104 B, parcel 001, must be combined and cannot be used or sold as a standalone parcel.
10. This rezoning shall be conditioned upon the resurveying and recordation of the plat as stated in Section 66-165 (e)(3) of the Putnam County Code of Ordinances.

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 June 16, 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.