
AGENDA

**BOARD OF COMMISSIONERS
OF
OCONEE COUNTY, GEORGIA
Tuesday, June 4, 2019
Commission Meeting Chambers
Oconee County Courthouse
6:00 PM**

- 1. Approval of Agenda**
- 2. Statements and Remarks from Citizens**
- 3. Statements and Remarks from Commissioners**
- 4. Approval of Minutes**
 - 1) May 7, 2019 Regular Meeting
 - 2) May 21, 2019 Public Hearing - FY20 Budget
 - 3) May 21, 2019 Agenda Meeting
- 5. Approval of Resolutions, Ordinances, Policies, Etc.**
 - 1) Discuss and Consider [Short Term Rental Text Amendments](#) to Articles 2 and 3 of the Unified Development Code - Guy Herring.
 - 2) Public Hearing and Consideration of [Text amendments to Article 12](#), Procedures and Permits, of the Oconee County Unified Development Code - Guy Herring.
 - 3) Public Hearing and Consideration of [Text Amendments to Article 13](#), Appeals, of the Oconee County Unified Development Code -- Guy Herring.
- 6. Approval of Contracts, Rights-of-Way, Awarding Bids, Purchases, Etc.:**
 - 1) Discuss and Consider Amendment No. 1 to the Agreement Between Owner and Construction Manager of the Courthouse Expansion Project.
- 7. Hearings and Actions on Zoning Matters, Special Use Permits, Street Light Tax Districts, Etc.**

Individuals with disabilities who require accommodations to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting, are required to contact the ADA Coordinator at 706-769-5120 promptly to allow the County to make reasonable accommodations.

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OF
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- 1) Consider [Special Use No. 7766](#) - Applicant: HPC Auto Services, Owners: Mike Thornton and Tommy Saxon, Acreage: ±1.35. Location: Intersection of Salem Road and Macon Highway. Zoning: B-2. Special Use Request: Motor vehicle towing and wrecker services (vehicle impoundment lot).
- 2) Consider [Special Exception Variance No. 7789](#) - Applicant: HPC Auto Services, Owners: Mike Thornton and Tommy Saxon; Acreage: ±1.35. Location: Intersection of Salem Road and Macon Highway. Zoning: B-2. Request: Allow for a chain link fence with vinyl covering as a screening around an automobile storage yard.
- 3) Consider [Rezone No. 7767](#) - Applicant: Nichols Land & Investment Company, Owner: Resurgence Park, LLC, Acreage: ±3.97. Location: 2055 Resurgence Drive (Resurgence Drive and Virgil Langford Road). Zoning Request: B-1 to B-1 with Modifications to Rezone No. 6356 to allow for additional lots in the approved commercial subdivision.
- 4) Consider [Rezone No. 7768](#) - Applicant: ERT, Inc. c/o David Elder, Owner: Oconee Medical Holdings, LLC, Acreage: ±14.226. Location: Intersection of Jennings Mill Road and Virgil Langford Road. Zoning Request: B-2 to B-2 with Modifications to Rezone No. 6598 to allow for an increase in total allowed building square footage.
- 5) Consider [Hardship Variance No. 7769](#) - Applicant: Williams & Associates Land Planners, Owner: Holly Purcell, Acreage: ±19.096. Location: 2070 Hodges Mill Road. Zoning: A-1. Request: Allow more than three lots to be accessed from a private access drive.
- 6) Consider [Hardship Variance No. 7770](#) - Applicant: Williams & Associates Land Planners, Owner: Ashley D. Hill and Stacey K. Hill, Acreage: ±14.861 Location: 2246 Hodges Mill Road. Zoning: A-1. Request: Allow more than three lots to be accessed from a private access drive.

8. Budget Items

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OF
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6:00 PM**

- 1) Public Hearing and Consideration of Adoption of the 2020 Fiscal Year Budget and Fee Schedule.
- 9. County-wide Matters**
 - 1) Discuss and consider construction of the Malcom Bridge Road Roundabout Projects.
- 10. Consent Items**
 - 1) Approve Resolution for the Issuance of Citations.
 - 2) Approve Memorandum of Understanding with Georgia Environmental Finance Authority regarding the WaterFirst Program.
 - 3) Approve Contract with Epps Bridge Centre regarding the July 4th Fireworks event.
 - 4) Dissolution of the Advisory Committee for Cultural Affairs & Tourism.
 - 5) Approve New Alcohol License for Alliance Express, LLC at 2111 Oconee Connector (a/k/a Athens Shell), with MD Jaharul Islam serving as the Registered Agent.
- 11. Executive Session to discuss land acquisition, personnel matters and/or potential litigation (if needed)**
- 12. Adjourn**

Individuals with disabilities who require accommodations to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting, are required to contact the ADA Coordinator at 706-769-5120 promptly to allow the County to make reasonable accommodations.

The Regular Meeting of the Oconee County Board of Commissioners was held on Tuesday, May 7, 2019 at 6:00 p.m. in the Commission Meeting Chambers at the Oconee County Courthouse.

Members Present: Chairman John Daniell
Commissioner Mark Thomas
Commissioner Chuck Horton
Commissioner W.E. “Bubber” Wilkes
Commissioner Mark Saxon

Staff Present: Justin Kirouac, County Administrator
Daniel Haygood, County Attorney
Tracye Bailey, Deputy Clerk
Patrick Magana, Assistant IT Director
Diane Baggett, Communications Manager
Guy Herring, Planning and Code Enforcement Director
Gabriel Quintas, Planning and Code Enforcement Assistant Director
Grace Tuschak, Planner
Diane Baggett, Communications Manager
C. J. Worden, EMA Director
Alex Newell, Internal Services Director
Lisa Davol, Parks & Recreation Director
Wes Geddings, Finance Director

Chairman John Daniell began the Board Meeting at 6:00 p.m. with a moment of silence, and the Pledge of Allegiance was led by Commissioner William Wilkes.

Approval of Agenda:

On motion by Commissioner Horton and second by Commissioner Wilkes, the Agenda was unanimously approved.

Statements and Remarks from Citizens:

Charles Hay, The Olive Basket, asked that the Alcohol Ordinance be amended to allow Class B3 licensees to have wine/beer tastings or serve alcoholic drinks during cooking demonstrations.

Statements and Remarks from Commissioners:

Chairman Daniell shared with the audience the following dates:

- May 21st at 5:30 p.m. – FY20 Budget Public Hearing
- May 21st at 6:00 p.m. – Board of Commissioners Meeting

Approval of Minutes:

On motion by Commissioner Saxon and second by Commissioner Horton, the minutes of April 2, April 16, April 23 and April 30, 2019 were unanimously approved as submitted.

Unified Development Code Articles 2 and 3 Amendments:

Planning & Code Enforcement Director Guy Herring briefed the Board regarding text amendments proposed by Staff.

- Unified Development Code, Article 2: Zoning districts consolidated to better align with the Comp Plan; principal uses allowed by right and by special use approval are added to the description of each zoning district; Mars Hill Overlay District is modified to address certain uses and nonconforming structures; Table 2.1 and Table 2.2 are modified to add/delete/modify

principal and accessory uses allowed by right or by special use approval due to the zoning districts.

- Zoning map includes proposed consolidated zoning districts: Section 208 and Table 2.3 are added to address zoning guidelines for future land use and out-of-character areas.
- Unified Development Code, Article 3: New provisions restricting short-term rentals, landscaping services, backyard hens and agri-tourism. Modified provisions and restrictions for guesthouses, cemeteries, and exterior lighting for nonresidential development have been added.

The Planning Commission tabled the text amendments on March 18, 2019. On April 15, 2019, the Planning Commission recommended approval of the proposed text amendments subject to 15 suggested revisions. Recommended revisions by the Planning Commission and corresponding staff comments are attached to the Department Memorandum dated April 30, 2019, which was provided to the Board and made a part of the Board Minutes for May 7, 2019.

Chairman Daniell opened the Public Comment period.

Dennis Norton, Liberty Lane, agrees with the Planning Department recommendations and stated that the Planning Department did an outstanding job.

Chairman Daniell closed the Public Comment period.

On motion by Commissioner Horton and second by Commissioner Thomas, the Board unanimously adopted amendments to Articles 2 and 3 of the Unified Development Code as presented by Staff; table Section 352 (Short-term Rentals) until the June 4, 2019 Board Meeting; Section 205.09 c.(b)(2)(a) be amended to reflect the times included in the current Noise Ordinance of 11:00 p.m. until 7:00 a.m.; and adopt recommended changes from the Planning Commission that are accepted by the Planning Staff.

Rezone Nos. 7702 – Applicant: JPC Design and Constructions / Owner: William B. Jones, US 78 and Mars Hill Road:

The Board held a Public Hearing on Rezone No. 7702. Applicant: JPC Design and Constructions, LLC, Owner: William B. Jones, +32.079 Acres, located on the southwest corner US Highway 78 and Mars Hill Road intersection. Zoning Request: A-1 and B-2 to B-2 to allow for five contiguous parcels for a commercial development.

Gabriel Quintas, Assistant Planning & Code Enforcement Director, presented the request and stated that the Planning Commission recommended denial with a vote of 7-3 and staff recommends approval with 11 conditions.

Chairman Daniell opened the Public Comment period.

Steven Rowland, Rowland Engineering and Owner Representative, spoke in favor of the request and asked that Conditions No. 5 and No. 7 be removed. He asked that the following be removed from the Table of Disallowed Uses: Automotive Repair and Maintenance, except Car Washes; Automotive Parts, Accessories and Tire Stores; General Automotive Repair; Automotive Exhaust System Repair; Passenger Car Rental and Leasing; Car Washes; Automotive Transmission Repair; Automotive Oil Change and Lubrication Shops; Automobile Commercial Parking Lots and Garages; and New Car Dealers.

Burt Jones, Owner, spoke in favor of the request stating his company is a family-owned and vested in several types of businesses. The highest and best use of the property will be for commercial use to be determined by the future market. The concept plan presented is a potential outlay of the property.

Linda Carol Porterfield, Chestnut Glen, spoke in favor of the request stating that the property has been commercial during her lifetime and the area/community needs commercial development.

Ken Beall, Beall & Company, spoke in favor of the request and stated that his office is located close to the subject property and he would like more commercial development in the area. Also, a development of this size would increase property taxes with no increase in the number of students in the schools.

James Hunter spoke in favor of the request stating people that were raised in Oconee County in the vicinity of the subject property are in favor of the commercial development for the area.

Dennis Norton, Liberty Lane, spoke against the request stating that he disagrees with Staff's conclusion. He has concerns regarding traffic congestion and roadway expansion/costs, and the request is not in line with the Unified Development Code or the Comprehensive Plan's classification for a technology/business corridor on Highway on 78.

Ken Beall, presented rebuttal as Owner's Representative, stating that Oconee County has controls to manage growth and that the subject property does not qualify for a technology/business classification due to its size. There will be additional growth in the area and road improvements will be required, but there is an approval process in place.

Chairman Daniell closed the Public Comment period.

Further discussion included signage; a right-in-right-out entrance; contact with the Georgia Department of Transportation; the possibility of a grocery store and/or car dealership; traffic counts/study; retention pond location; developing the property in phases; and uses included on the Table for Disallowed Uses.

On motion by Commissioner Thomas and second by Commissioner Horton, the Board approved Rezone No. 7702. Applicant: JPC Design and Constructions, LLC, Owner: William B. Jones, +32.079 Acres, southwest corner US Highway 78 and Mars Hill Road intersection; Zoning Request: A-1 and B-2 to B-2 to allow for five contiguous parcels for a commercial development with 11 conditions. Condition No. 5 will be modified to meet current sign requirements and all uses will remain on the Table of Disallowed Uses. Commissioners Thomas, Horton and Wilkes voted in favor of the motion and Commissioner Saxon voted against the motion. The motion passed 3-1. ***See documentation in Ordinances & Resolutions Book No. 22.***

Rezone No. 7732 – Applicant: Williams & Associates Land Planners / Owner: Danny White, Epps Bridge Parkway and Pine Ridge Court:

The Board held a Public Hearing on Rezone No. 7732, Applicant: Williams & Associates Land Planners, Owner: Danny White, +1.3925 Acres, southeast corner of Epps Bridge Parkway and Pine Ridge Court intersection, Zoning Request: R-2 to B-1 to allow construction of two-story financial center.

Gabriel Quintas, Assistant Planning & Code Enforcement Director, presented the request and stated that the Planning Commission and staff recommends approval with six conditions. The Planning Commission recommends an additional condition: Should Special Exception Variance No. 7736 be denied, a 50-foot landscape buffer shall be installed along all property lines adjoining residential use. Staff has no objections to the additional condition.

Chairman Daniell opened the Public Comment period.

David Ellison, Owner Representative, spoke in favor the request stating that the current property use is inconsistent with the zoning and that surrounding properties are trending commercial. The rezone will enhance property values, promote the welfare of the community and increase the tax base without adding students to the school system. The request is consistent with the future planning map and the present use is inconsistent with future development plans.

Kathy Hurley, Laurel Place, spoke against the request and is concerned with ingress/egress for Tanglebrook Subdivision. Traffic increase could rise from 80 to 700 vehicles per day. She asked that future development be managed without causing harm to Tanglebrook Subdivision.

Nancy Woodard signed up to speak but declined.

Julie Hunter, property manager of remaining duplexes on Pine Ridge Court, stated concerns regarding school bus stops for the children living in the remaining duplexes. She would like for the bank to have another entrance and not an entrance shared with the remaining residents on Pine Ridge Court.

William Peak, Pine Ridge Court, asked if the residents would receive assistance when they are required to leave. Chairman Daniell responded that Mr. Peak would need to discuss with the property owner.

David Ellison, Owner Representative, presented rebuttal and stated that the tenants have short-term leases and the landowner has a right to the private drive. There will be no increased traffic on Tanglebrook Drive and he is in agreement with conditions proposed by County Staff.

Chairman Daniell closed the Public Comment period.

Discussion continued regarding Pine Ridge Court as a public road or private drive; maintenance of Pine Ridge Court by the bank including the bank's access; concerns regarding traffic volume entering and leaving the property; and County staff should review the entrances/exits, including median areas, on Epps Bridge Parkway.

On motion by Commissioner Saxon and second by Commissioner Wilkes, the Board unanimously approved Rezone No. 7732. Applicant: Williams & Associates Land Planners, Owner: Danny White, +1.3925 Acres, southeast corner of Epps Bridge Parkway and Pine Ridge Court intersection. Zoning Request: R-2 to B-1 to allow construction of two-story financial center with six (6) conditions and add Condition No. 7 that developer/owner will be required to construct all road improvements as required by the Unified Development Code and Public Works Department at the expense of the developer/owner. ***See documentation in Ordinances & Resolutions Book No. 22.***

Special Exception Variance No. 7736 – Applicant: Williams & Associates Land Planners, Owner: Danny White, Epps Bridge Parkway and Pine Ridge Court:

The Board held a Public Hearing on Special Exception Variance No. 7736. Applicant: Williams & Associates Land Planners, Owner: Danny White, +1.3925 Acres, southwest corner of Epps Bridge Parkway and Pine Ridge Court intersection. Zoning: R-2, to reduce required incompatible use buffer from 50 feet to 15 feet along property lines adjoining residential use.

Gabriel Quintas, Assistant Planning & Code Enforcement Director, presented the request with one (1) condition recommended by staff.

Chairman Daniell opened the Public Comment period.

David Ellison, Owner Representative, spoke in favor the request.

Nancy Woodard signed up to speak but was not present for the Public Comment period.

Julie Hunter, Pine Ridge Court, stating that the 50-foot buffer should remain since there are residents living in the duplexes surrounding the bank property.

David Ellison, Owner Representative, presented rebuttal stating that the applicant needs the requested variance in order to develop the property.

Chairman Daniell closed the Public Comment period.

Discussion continued regarding if there has been contact with adjoining property owners regarding the buffer and replacing the fence buffer with a berm and landscaping buffer with an overall height of eight feet.

On motion by Commissioner Thomas and second by Commissioner Wilkes, the Board approved Special Exception Variance No. 7736. Applicant: Williams & Associates Land Planners, Owner: Danny White, +1.3925 Acres, southwest corner of Epps Bridge Parkway and Pine Ridge Court intersection. Zoning: R-2, to reduce required incompatible use buffer from 50 feet to 15 feet along property lines adjoining residential use with one condition, which will be modified to include an eight-foot dirt berm with landscaping. Commissioners Thomas, Horton and Wilkes voted in favor of the motion and Commissioner Saxon voted against the motion. The motion passed 3-1. ***See documentation in Ordinances & Resolutions Book No. 22.***

Tourism and Visitors Bureau:

On motion by Commissioner Saxon and second by Commissioner Thomas, the Board unanimously approved the following appointments for one year to begin July 1, 2019 and expire June 30, 2020: Dean Bright, Sarah Cumuze and Candice Meeler; and the following appointments for two years to begin July 1, 2019 and expire June 30, 2021: Casey Deming, Deesha Hagwood, David Titshaw and Stephanie VanDyck. (The one-year appointments will convert to two-year appointments on July 1, 2020.)

Board of Tax Assessors:

On motion by Commissioner Wilkes and second by Commissioner Thomas, the Board unanimously approved the appointment of Donna Fee for an unexpired term to begin immediately and expire March 31, 2022.

Final Proposed FY20 Budget:

Finance Director Wes Geddings presented the final proposed FY20 Budget. The next FY20 Budget Public Hearing will be held on May 21, 2019 at 5:30 p.m. prior to the Board's Agenda Setting Meeting. The final Public Hearing and action will be on June 4, 2019 at 6:00 p.m. at the Board's Regular Meeting. The FY20 proposed final budget is balanced and totals \$30,507,038.00, which is a 4.5% increase over the FY19 Budget. Maintenance and Operations increased modestly; employee costs/benefits with an increase of \$500,000.00 to include the Step Pay Program, Health Care and Cost of Living Adjustments (COLA); and \$530,000.00 increase for roadway paving improvements.

FY19 Third Quarter Financial Update:

Finance Director Wes Geddings presented the FY2019 Third Quarter Financial Update. Mr. Geddings stated that the County is financially sound and reviewed the financial status of the County's General Fund, LOST, SPLOST and the Water Resources Enterprise Fund. General Fund Revenue is 89% collected; General Fund Expenditures are 70% expended; Water Resources Revenue is 69% collected; and Water Resources Expenditures are 56% expended. He also gave an overview of Capital and SPLOST projects.

Consent Agenda:

Chairman Daniell asked the Board if any items should be removed from the Consent Agenda. No items were removed. On motion by Commissioner Horton and second by Commissioner Thomas, the following Consent Agenda items were unanimously approved.

- 1) Approve Award of Annual Custodial Services for Parks & Recreation (\$76,080.00) and the Senior Center (\$28,200.00) to Intercontinental Commercial Services, Inc., to begin July 1, 2019.
- 2) Approve Concessionaire Agreements with Oconee County Little League Association, Inc, (\$5,000.00) and Oconee Futbol Club, Inc. (\$2,000.00) to begin August 1, 2019.
- 3) Approve Bishop Farms Parkway Extension Project Design Services Agreement with Williams & Associates Land Planners in the amount of \$225,000.00.
- 4) Approve Conveyance of Abandoned Prescriptive Easement located on a portion of Peck Circle from Oconee County to Gregory A. Peck and conveyance of right-of-way from Gregory A. Peck to Oconee County as shown on an easement survey entitled, "Oconee County Public Works Department" dated January 1, 2019 and authorize Chairman John Daniell to execute the Quit Claim Deeds.

Executive Session:

On motion by Commissioner Saxon and second Commissioner Thomas by 8:17 p.m. to discuss land acquisition and potential litigation.

On motion by Commissioner Saxon and second by Commissioner Horton, the Board adjourned Executive Session at 8:34 p.m. On motion by Commissioner Saxon and second by Commissioner Horton, the Board adjourned back into Regular Session.

Settlement Agreement – Site Engineering, Inc:

County Attorney Daniel Haygood presented the terms of a Settlement Agreement with Site Engineering, Inc., in connection with the McNutt Creek Sewer Connection Project. The County will retain liquidated damages in the amount of \$139,562.90, pay a balance of \$62,500.00 on the contract with Site Engineering, Inc., and approve Change Order No. 3 to the contract all as specified in the Settlement Agreement. On motion by Commissioner Saxon and second by Commissioner Horton, the Board unanimously approved the Settlement Agreement with Site Engineering, Inc., in regarding the McNutt Creek Sewer Connection Project as presented.

There being no further business, on motion by Commissioner Wilkes and second by Commissioner Horton, the meeting was adjourned at 8:36 p.m.

Chairman John Daniell

Kathy Hayes, County Clerk

Date: _____

DRAFT

The Budget Public Hearing of the Oconee County Board of Commissioners was held on Tuesday, May 21, 2019 at 5:30 p.m. in the Commission Chambers of the Oconee County Courthouse.

Members Present: Chairman John Daniell
Commissioner Mark Thomas
Commissioner Chuck Horton
Commissioner W. E. "Bubber" Wilkes
Commissioner Mark Saxon

Staff Present: Justin Kirouac, County Administrator
Kathy Hayes, County Clerk
Daniel Haygood, County Attorney
Tracye Bailey, Deputy Clerk
Wes Geddings, Finance Director
Donna Norton, Budget Officer
Paula Nedza, Information Technology Director
Alex Newell, Internal Services Director
Alex Perschka, Tourism Director
Jody Woodall, Public Works Director
Tim Durham, Water Resources Director
Lisa Davol, Parks & Recreation Director

Chairman John Daniell began the Public Hearing at 5:30 p.m.

Wes Geddings, Finance Director, presented the proposed Fiscal Year 2020 Budget. The proposed FY20 General Fund Budget is \$30,507,038.00 with a total proposed budget of \$52,112,905.00 (SPLOST, General Fund, Special Revenue and Enterprise Fund). Sales tax continues to provide the County with a low millage rate of 6.686.

The proposed General Fund Revenues are \$30,507,038.00, which is \$1.3 million or 4.48% higher than the FY19 Budget, and total revenues are proposed at \$52,348,278.00.

The FY19 Budget included 260 full-time employees. In FY20, there will be 257 full-time employees with no additional personnel added. Included in the FY20 budget is a step-pay increase and Cost of Living Adjustment (COLA).

County Administrator Justin Kirouac stated that health care costs will increase approximately 5% with the County absorbing the increase for those employees enrolled in the Wellness Program. Mr. Kirouac thanked the Human Resources Department, Sherry Seila and Jill Faulkner, for their hard work regarding the health care costs. Two health care plans will be available for employees in the FY20 Budget Year.

In addition to Personnel costs/benefits, other Goal-Based expenditures include: Fleet Phase Replacement Program, Strategic Maintenance of Facilities, Sewer Network Maintenance, Transportation Improvements, Fire Equipment and Courthouse Expansion.

Mr. Geddings stated that a summary of the FY20 Budget will be available in the Commissioners Office, Library and posted on the County's website. The Budget is scheduled to be adopted on June 4, 2019.

Chairman Daniell opened the Public Comment period.

William Mayberry, Cedar Drive, stated that Mr. Kirouac did an excellent job with obtaining building permit for the courthouse expansion during the Watkinsville City Council Meeting. He asked that the Board consider funding the reopening of the front door of the courthouse. He also asked that unused SPLOST funds be returned to the citizens in order to reduce taxes.

Chairman Daniell closed the Public Comment period.

There being no further business, the Public Hearing was adjourned at 5:57 p.m.

John Daniell, Chairman

Kathy Hayes, County Clerk

Date: _____

DRAFT

The Agenda Setting Meeting of the Oconee County Board of Commissioners was held on Tuesday, May 21, 2019 at 6:00 p.m. in the Commission Meeting Chambers at the Oconee County Courthouse.

Members Present: Chairman John Daniell
Commissioner Mark Thomas
Commissioner Chuck Horton
Commissioner William E. “Bubber” Wilkes
Commissioner Mark Saxon

Staff Present: Justin Kirouac, County Administrator
Daniel Haygood, County Attorney
Kathy Hayes, County Clerk
Tracye Bailey, Deputy Clerk
Wes Geddings, Finance Director
Diane Baggett, Communications Manager
Jody Woodall, Public Works Director
Lisa Davol, Parks & Recreation Director
Alex Newell, Internal Services Director
Alex Perschka, Tourism Director
Tim Durham, Water Resources Director

Chairman John Daniell began the Board Meeting at 6:01 p.m. with a moment of silence, and the Pledge of Allegiance was led by Commissioner Mark Saxon.

Approval of Agenda:

Chairman John Daniell asked that the agenda be amended to include “Schedule Public Hearing for Text Amendments of the Unified Development Code Article 12 and Article 13.” The amended item will be added after Item 10.

On motion by Commissioner Saxon and second by Commissioner Thomas, the Agenda was unanimously approved as amended.

Statements and Remarks from Citizens:

None.

Statements and Remarks from Commissioners:

Chairman Daniell reminded the office that County Government Offices will be closed for Memorial Day on May 27, 2019 and there will be a Memorial Day Ceremony at Oconee Veterans Park on May 27 at 12:00 noon.

Resolution for Issuance of Citations:

County Administrator Justin Kirouac reviewed revisions for the Resolution for Issuance of Citations. Public Works Director Jody Woodall is added for Articles 10 and 11 of the Unified Development Code, Utility Accommodation Ordinance, Hauling and Logging Operations Ordinance and Related County Ordinances.

Chairman Daniell asked for Public Comment and there was none.

By consensus, this item will be placed on the Consent Agenda of the June 4, 2019 Regular Meeting.

Memorandum of Understanding – Georgia Environmental Finance Authority:

Water Resources Director Tim Durham presented a Memorandum of Understanding with the Georgia Environmental Finance Authority (GEFA) regarding the WaterFirst Program. Oconee County received its first WaterFirst Community designation in 2008 and review is completed every five years to continue as a WaterFirst Community. Communities that hold the designation are eligible for a one percent (1%) interest rate reduction for a GEFA loan.

Chairman Daniell asked for Public Comment and there was none.

By consensus, this item will be placed on the Consent Agenda of the June 4, 2019 Regular Meeting.

Cultural Affairs & Tourism Advisory Committee:

Tourism Director Alex Perschka briefed the Board regarding the Cultural Affairs & Tourism Advisory Committee. Three members of the Committee have been appointed to the Tourism & Visitors Bureau. Currently, there are no meetings scheduled for the Advisory Committee.

Chairman Daniell stated that the recommendation is to dissolve the Cultural Affairs & Tourism Advisory Committee. Other committees may be reorganized to serve as a task force with a particular purpose. When there is a need, a task force will be formed to complete the task and the group will be dismissed until the need arises for another task force.

Chairman Daniell asked for Public Comment and there was none.

By consensus, this item will be placed on the Consent Agenda of the June 4, 2019 Regular Meeting.

Parks & Recreation – Oconee 4th of July Fireworks:

Parks & Recreation Director Lisa Davol presented an agreement with Epps Bridge Centre as a launch site for the 4th of July fireworks display. County Attorney Daniel Haygood has reviewed the contract.

Chairman Daniell asked for Public Comment and there was none.

By consensus, this item will be placed on the Consent Agenda of the June 4, 2019 Regular Meeting.

Malcom Bridge Road - Roundabouts:

Chairman John Daniell presented an update regarding the construction of roundabouts on Malcom Bridge Road. County coordination with the School Board has been attempted regarding the roundabout projects. Chairman Daniell reviewed a timeline regarding discussions with the School Board and staff (attached as a part of the minutes).

Chairman Daniell presented pictures showing the traffic congestion on Malcom Bridge Road at the school entrance. Traffic counts will increase on Malcom Bridge Road with the addition of a new shopping center, new students in the Malcom Bridge Road schools, 180 undeveloped lots zoned in the early 2000 that are within three miles of the schools, seven acres zoned OIP next to school property and 36 acres zoned B-2 across the street from school property. The Sheriff's Office has safety concerns regarding deputies positioned in high traffic areas with several points of traffic conflict. The County's goal has been to work with the Sheriff's Office to remove deputies from these high traffic areas and unsafe conditions.

Board of Education had a concept plan and legal description approved by counsel for both sets of right-of-way. Plans were not fully engineered for the parent entrance, but were fully engineered for

the bus entrance. The Board of Education revoked its donation of right-of-way for the bus and parent entrances at its meeting on May 13, 2019.

The County is considering the future growth of the Malcom Bridge Road area with potential homes and businesses that are scheduled or zoned for construction. Both roundabouts can be constructed without right-of-way from the Board of Education. The County owns property across the street from the bus entrance and has developed a concept plan that would allow completion of the project. Time will be needed to further assess the plan and reviewing funding options. It will be difficult to complete the projects by the time school begins. Construction while school is in session will be likely, due to the School Board revoking the right-of-way and the need to redesign the roundabouts without School Board right-of-way.

The Malcom Bridge Road Roundabout Projects will be discussed further, with possible action, at the June 4, 2019 Regular Meeting of the Board.

Alcohol License Application – Alliance Express (Athens Shell):

Mr. MD Jaharul Islam has applied for a new alcohol license under the name of Alliance Express, which is known as Athens Shell, on Epps Bridge Parkway. Ms. Islam will serve as the Registered Agent and has completed the RASS Training. The property survey was not submitted with the application. Should the application be approved, Mr. Islam will be allowed 30 days from approval to submit the survey.

Chairman Daniell asked for Public Comment and there was none.

By consensus, this item will be placed on the Consent Agenda of the June 4, 2019 Regular Meeting.

Clarification of Unified Development Code Section 362 Outdoor Storage:

Planning & Code Enforcement Director Guy Herring briefed the Board regarding a conflict that was discovered during the revision of Article 3 regarding outdoor storage between Article 2, Table 2.1 and Article 3, Section 362. Table 2.1 allows outdoor storage in OBP districts as an accessory use, and Section 362 prohibits outdoor storage in OBP districts. Staff proposes to amend Article 3, Section 362 to reflect the intent of Article 2, Table 2.1 by incorporating corrections below:

Sec. 362.01. Outdoor storage in commercial zoning districts.

- a. Outdoor storage is not permitted in the, OIP ~~and OBP~~ Districts.
- b. Outdoor storage is permitted in *the OBP District by right* and in the B-1 and B-2 Districts with Special Use approval only. All outdoor storage must be located in a side or rear yard and must be screened from public streets and residential districts by an opaque imitation-wood vinyl fence or free-standing wall no less than 8 feet in height or a landscape buffer meeting the standards of the Landscaping and Buffers Article of this Code.
- c. No required parking spaces, required landscaped area, or any other required site element shall be used for outdoor storage.

Chairman Daniell asked for Public Comment and there was none.

On motion by Commissioner Thomas and second by Commissioner Wilkes, the Board unanimously adopted the changes presented in correcting a clerical error in the Unified Development Code Article 2 and Article 3.

Schedule Public Hearing-Unified Development Code Article 12 and 13 Amendments:

Planning & Code Enforcement Director Guy Herring stated that the Unified Development Code requires the Board to schedule a Public Hearing for amendments to the Code. The Planning Commission recommended approval of the amendments to Article 12 and Article 13.

On motion by Commissioner Saxon and second by Commissioner Horton, the Board unanimously approved scheduling a Public Hearing for Unified Development Code Articles 12 and 13 at the Regular Meeting of the Board on June 4, 2019 at 6:00 p.m. in the Commission Chambers of the Oconee County Courthouse.

Executive Session:

On motion by Commissioner Thomas and second by Commissioner Horton, the Board unanimously voted to adjourn into Executive Session at 6:32 p.m. to discuss land acquisition and potential litigation.

No action was taken in Executive Session.

On motion by Commissioner Saxon and second by Commissioner Horton, the Board adjourned Executive Session at 6:54 p.m.

On motion by Commissioner Thomas and second by Commissioner Horton, the Board adjourned back into Regular Session.

There being no further business, on motion by Commissioner Wilkes and second by Commissioner Saxon, the meeting was adjourned at 6:55 p.m.

Chairman John Daniell

Kathy Hayes, County Clerk

Date: _____



Memorandum

1291 Greensboro Hwy • P.O. Box 145 • Watkinsville, GA 30677

P: (706) 769-3910 • F: (706) 310-3506

www.oconeecounty.com

Planning and Code Enforcement Department

DATE: May 30, 2019
TO: Oconee County Board of Commissioners
CC: Kathy Hayes
Gabriel Quintas
Deanna Ruark
FROM: Guy Herring, Director of Planning & Code Enforcement
RE: Short Term Rental Text Amendments to Articles 2 and 3 of the Unified Development Code

Attached is a copy of the proposed Short Term Rental amendments to Article 2 and Article 3 of the Unified Development Code for consideration and approval at the June 4, 2019, BOC meeting. In Article 2, the following edits have been made:

- Definition of Short Term Rental added in Section 202, Definitions related to the use of land and structures
- Short Term Rentals added to Table 2.2: Accessory Uses Allowed by Zoning District

In Article 3, the following edits have been made:

- New provisions/restrictions on added for Short Term Rentals

Comments from the County Attorney have been incorporated into the proposed amendments, and all proposed changes are highlighted in the attached text. On March 18, 2019, the Planning Commission tabled the proposed text amendments. On April 15, 2019, the Planning Commission recommended approval of the proposed text subject to one suggested revision. The Planning Commission's recommended revision and corresponding staff comments are attached to this memo. On May 7, 2019, the Board of Commissioners tabled the proposed text amendments. Please feel free to contact me should you have any questions or if you would like to discuss the proposed amendments.

Planning Commission Recommendations - Proposed Text Amendments to UDC Articles 2 and 3

Number	Planning Commission Recommendation	<u>Staff Notes</u>
1	352.b, Short Term Rentals – Strike “No Short Term Rental may be rented more than once during the same 30-day period.”	Objection



Memorandum

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Planning and Code Enforcement Department

DATE: May 29, 2019

TO: Oconee County Board of Commissioners

CC: Kathy Hayes
Gabriel Quintas
Deanna Ruark

FROM: Guy Herring, Director of Planning & Code Enforcement

RE: Text Amendments to Articles 12 and 13 of the UDC

Attached is a copy of the proposed amendments to Article 12 and Article 13 of the Unified Development Code for consideration at the June 4, 2019, BOC meeting.

In Article 12, the following edits have been made:

- Update development review and zoning processes
- Amend zoning review standards
- Replacement of outdated terms and department labels with the updated terms and labels

In Article 13, the following edits have been made:

- Replacement of outdated terms and department labels with the updated terms and labels
- Amend limitations for special exception variances

Comments from the County Attorney have been incorporated into the proposed amendments, and all proposed changes are highlighted in the attached text. On May 20, 2019, the Planning Commission recommended approval of the proposed text amendments subject to six suggested revisions. The Planning Commission's recommended revisions and corresponding staff comments are attached to this memo. Please feel free to contact me should you have any questions or if you would like to discuss the proposed amendments.

Planning Commission Recommendations – Proposed Text Amendments to Articles 12 and 13

Number	Planning Commission Recommendation	Staff Notes
1.	Section 1202: retain the current definition of “Condition of Zoning Approval”	Objection
2.	Section 1207.01.a, 1207.01.b, & 1207.01.d: retain the current version of this text.	Objection
3.	Throughout Article 12: the number of days allowed for staff plan review should mirror the state standards.	Objection
4.	Section 1208.02: retain current version of this text.	Objection
5.	Section 1209.01.c.1: The Planning Department should be required to notify adjacent property owners of proposed zoning changes no less than 15 days prior to the public hearing.	No objection
6.	1223.07.c: change from “Written notice of pending expiration of the building permit or development permit may be issued by the Planning Director” to “ Written notice of pending expiration of the building permit or development permit will be issued by the Planning Director”	Objection
7.	Section 1208.05.d: strike “or for other purposes deemed to be in the best interests of the public by the Board of Commissioners.”	Objection



Memorandum

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Planning and Code Enforcement Department

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7.	Section 1208.05.d: strike “or for other purposes deemed to be in the best interests of the public by the Board of Commissioners.”	Objection



Oconee County Department Memorandum

DATE: June 4, 20169

TO: Board of Commissioners

FROM: Justin Kirouac, County Administrator

SUBJECT: Amendment to Contract with KPC on Courthouse Expansion

ISSUE SUMMARY:

In reviewing the process during the Fire Station 8 construction with Kevin Price Construction and looking for ways to improve efficiency, one of the items discussed was amending the contingency line items so that they are specific to the contractor, architect and owner as opposed to a lump sum. This delineation assists with cost containment and provides smaller and more specific areas. Additionally, the level of retainage under Fire Station 8 provided some difficulty in the contractor paying subs while awaiting minor final punch list items. The amendment with retainage will allow more efficient means of payment.

Typically contract amendments will be held until the further into the project so that they can be considered as a package; however, as the proposed amendment does not present a price change, it is beneficial to approve prior to significant construction occurring.

Amendment No. 1 to Agreement Between Owner and Construction Manager

Date: May 23, 2019

Oconee County Courthouse Addition

The following Amendment modifies the Agreement Between Owner: Oconee County Board of Commissioners and Construction Manager: Kevin Price Construction dated March 25, 2019. Only portions of the Agreement are modified by this Amendment, the remaining unaltered portions of the Agreement shall remain in effect.

2.2.4 – Remove in its entirety. Replace with the following:

The Guaranteed Maximum Price has contingency line items included to cover unforeseen costs during construction of the project. Refer to Attachment 2 – GMP Pricing for the list of contingencies. These contingencies shall be indicated as separate line items on the Construction Manager's schedule of values and pay applications. The Owner, Architect and Construction Manager shall mutually agree on use of contingency funds. Contingency funds will be allocated only by Change Order. At closeout of Contract, funds remaining in contingency allowance will be credited to Owner by Change Order. Refer to revised Specification Section 01 02 30 Contingency Allowance attached hereto.

7.1.3 – Remove in its entirety. Replace with the following:

Provided that an application for payment is received by the Architect not later than the 25th of a month, the Owner shall make payment of the certified amount to the Construction Manager not later than the 10th of the following month. If an application of payment is received by the Architect after the application date fixed above, payment shall be made by the Owner not later than two (2) weeks after receipt from Architect.

7.1.4 – Remove in its entirety. Replace with the following:

With each application for payment, the Construction Manager shall submit adequate backup documentation from subcontractors to justify dollar amounts requested as required.

7.1.7.3 – Revise "less retainage of Ten percent (10.00%)" to Read "less retainage of Five percent (5.00%)".

7.1.7.4 – Revise "Subtract retainage of Ten percent (10.00%)" to Read "Subtract retainage of Five percent (5.00%)".

7.1.8 – Add: Five percent (5.00%) retainage shall be held on all applications for payment until the end of project. Upon successful completion of all contract close out requirements, the Owner shall pay retainage amount.

11.5 – Add: City of Watkinsville issued the building permit on May 15, 2019. The date of Substantial Completion established by this Amendment is: **December 31, 2019.**

OWNER

(Signature)

(Printed name and title)

Date

ATTEST

CONSTRUCTION MANAGER

(Signature)

Kevin Price, President

(Printed name and title)

May 28, 2019

Date

ATTEST Susan Shelton

Attachment: Specification Section 01 02 30 Contingency Allowance

G:\DOCUMENT\16\A16-173 Oconee Courthouse\Contract\Owner\CM Amendment No 1 05-23-19.Doc

SECTION 01 02 30

CONTINGENCY ALLOWANCE

PART 1 – GENERAL

1.01 REQUIREMENTS INCLUDED

- A. Monetary amount of allowance in Contract Sum.
- B. Disbursement of funds from allowance.

1.02 RELATED REQUIREMENTS

- A. Owner-Construction Manager Agreement.
- B. GMP Pricing – Attachment 2.

1.03 ALLOWANCE

- A. Allow contingency funds as indicated in GMP Pricing – Attachment 2 for disbursement at Owner's instructions.
- B. Construction Manager's costs for products, labor, insurance, payroll taxes, bond, transportation, equipment rental, and overhead and profit will be included in Change Orders authorizing expenditure of funds from this allowance.
- C. Contingencies shall be indicated as separate line items on the Construction Manager's schedule of values and pay application.

1.04 USE OF ALLOWANCE

- A. Funds will be drawn from allowance only by Change Order.
- B. At closeout of Contract, funds remaining in allowance will be credited to Owner by Change Order.

PART 2 – PRODUCTS

Not Used.

PART 3 – EXECUTION

Not Used.

END OF SECTION 01 02 30

#7766



OCONEE COUNTY ZONING CHANGE APPLICATION

Requested Action:

- ☐ Rezoning from: _____ to _____ ☐ Change in Conditions of Approval for Case #: _____
☒ Special Use Approval for: Towing wrecker services. in the B-2 Zoning District

Applicant

Name: HPC Auto Services.

Address: 7356 Hwy 106 South
Hull GA 30646
(No P.O. Boxes)

Telephone: 706-549-7406

Property Owner

Name: Mike Thorton.

Address: 620 Agricultura Drive
Atlanta GA 30605
(No P.O. Boxes)

Telephone: 706-540-4235

Applicant is (check one): ☐ the Property Owner ☒ Not the Property Owner (attach Property Owner's Authorization)

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

Signature: [Signature] Date: Mar 19 Notarized: [Signature]
Exp. 5-5-20

Property

Location: 1010 Salem Rd
Watkinsville GA 30677
(Physical Description)

Tax Parcel Number: A09A004

Size (Acres): 1.35 Current Zoning: B-2

Future Development Map—Character Area Designation: _____

Use

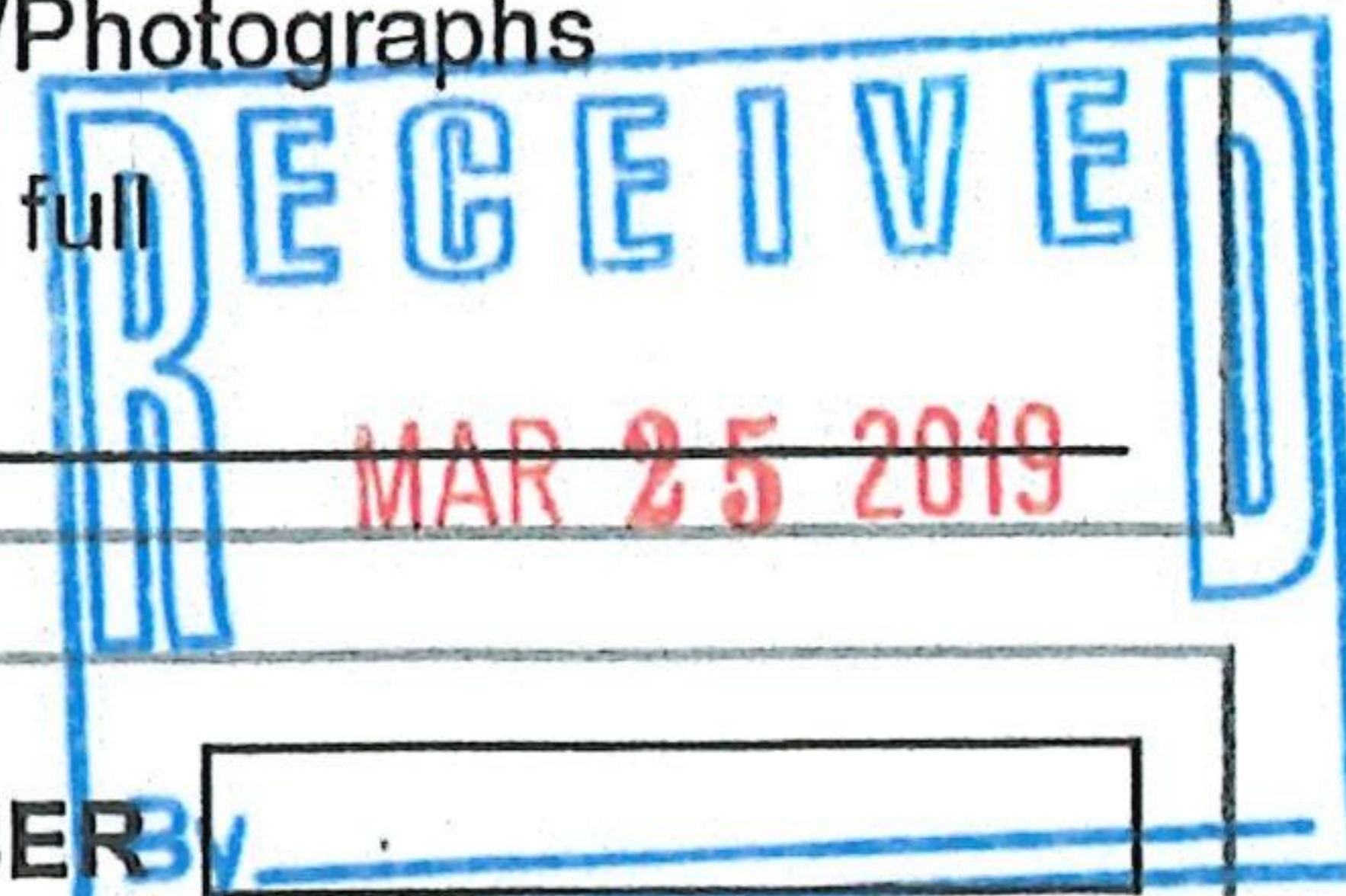
Current Use: Vacant

Proposed Use: Towing storage lot
for Oconee Co.
Neighborhood Village

Attachments (check all that apply)

- ☒ Property Owner's Authorization (if applicable)
☐ Application Fee
☒ Warranty Deed
☒ Typed Legal Description
☒ Plat of Survey
☒ Disclosures (Interest & Campaign Contributions)
☐ Zoning Impact Analysis
Special Use

- ☐ Narrative (Detailed Description of the Request)
☐ Concept Plan
☐ Attachments to the Concept Plan:
☐ Water and/or Sewer Capacity Letter from OCUD
☐ Representative Architecture/Photographs
☒ Proof all property taxes paid in full
☐ Other Attachments: _____



For Oconee County Staff Use Only

Application
Date Received: _____ Date Accepted: _____
DRI Transmitted to RDC ☐ Date: _____ ☐ N/A
Date Submitted: _____ ☐ Findings Complete
Posted: _____ Ad: _____ Ad: _____
Application Withdrawn ☐ Date: _____

Action
Planning Commission Date: _____
☐ Approval ☐ With Conditions ☐ Denial
Board of Commissioners Date: _____
☐ Approved ☐ With Conditions ☐ Denied

APPLICATION NUMBER: _____

CONDITIONS

1. In addition to fencing in compliance with Sec. 311.d. or an approved variance, landscaping in compliance with the vegetative structural buffer requirements UDC Sec. 808.04 shall be installed along all subject property lines. Such landscaping shall be installed between the fence and the property line, facing surrounding properties/rights-of-way.

TAX MAP



LEGAL DESCRIPTION

STARTING AT AN IRON PIN AT THE NORTHWEST CORNER OF THE PROPERTY GO SOUTH 63 DEGREES 16 MINUTES 00 SECONDS 167.73 FEET EAST TO AN IRON PIN THEN GO SOUTH 21 DEGREES 56 MINUTES 44 SECONDS WEST 350.00 FEET TO AN IRON PIN THEN GO NORTH 63 DEGREES 41 MINUTES 06 SECONDS WEST 168.40 FEET TO AN IRON THEN GO NORTH 22 DEGREES 04 MINUTES 14 SECONDS 351.17 FEET BACK TO THE STARTING POINT.

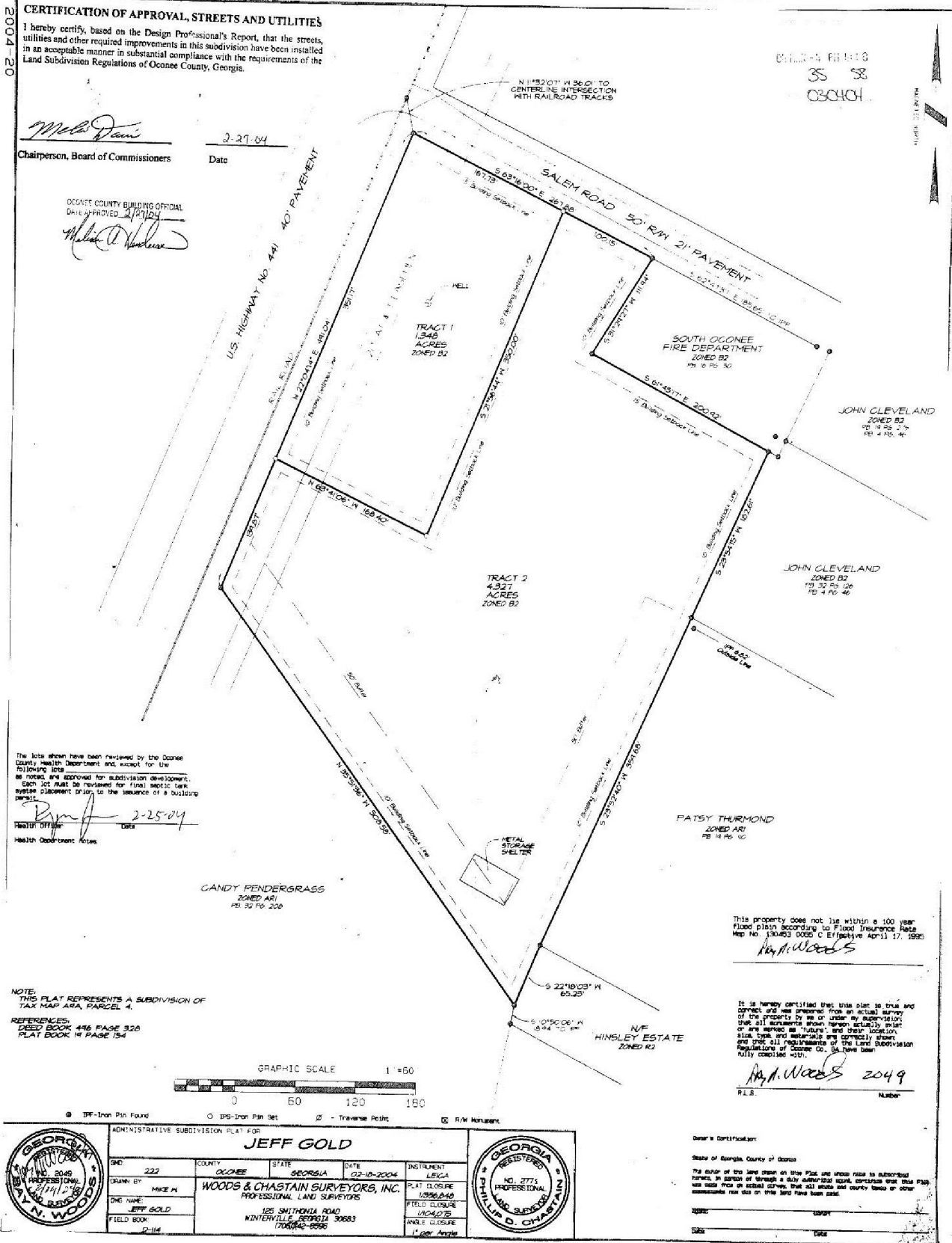
THE TRACT IS 1.348 ACRES AND IS ZONED B2

EXHIBIT "A" TO SPECIAL USE APPROVAL #7766

Page 2 of 8

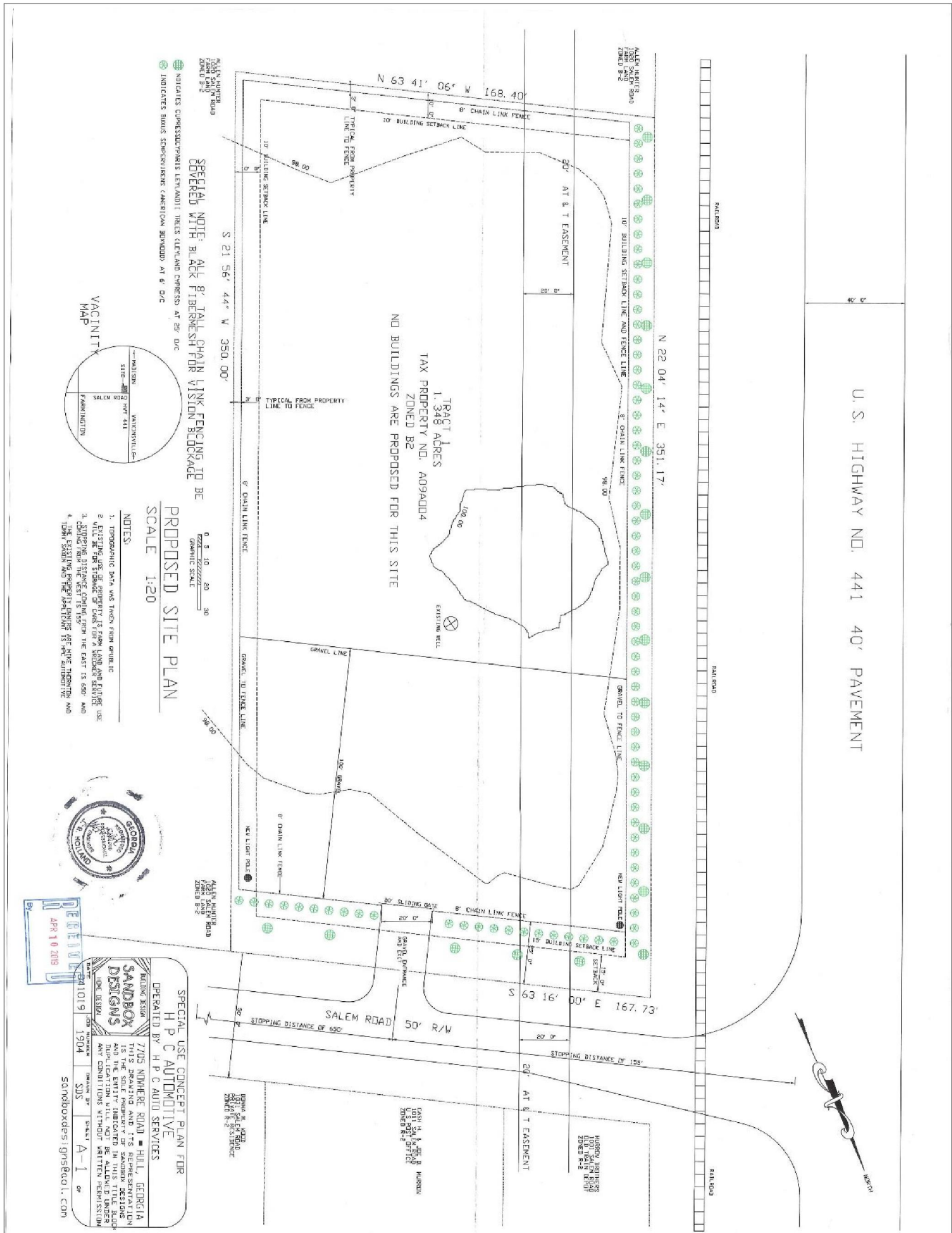
PLAT

CLERK BK 35 PG 58



Page 3 of 8

CONCEPT PLAN



NARRATIVE

HPC Auto Services, Inc(towing division) and Ben Hanley are applying to use the land at 1010 Salem Road Watkinsville, Ga for a storage/impound lot for our towing division.

The property is 1.35 acres. It is currently a vacant lot. The property will not need to be rezoned for this special use. The surrounding properties will not be affected by the property and its uses proposed. The current street will be adequate to serve the proposed special use. Our average daily trips will be 4-5 per day. The current access in and out of the property is adequate for proposed special use. The traffic and safety should not be impacted by proposed special use. There will not be any impact on the school system. There is currently a working well on the property. The water usage will be minimal approximately less than 10 gallons per day. There is currently not any sewage disposal on site. The only utilities needed will be electricity for a security light. The lot will be fenced in and there will be Cypress trees and American boxwoods planted to maintain the beautification of the area. The property will be surrounded by a barrier to reduce noise, light, and glare. The following are not applicable to the special use of the property. Storm Water drainage. Multiple lots, common/open areas, sidewalks, recreation areas, or any items related to multiple lots/residential issues.

The proposed special use is compatible with the goals, objectives, purpose and intent with the Community Agenda. The current public facilities are adequate for the proposed special use. The house and manner of operations of the special use will have no adverse effects on the other properties in the area. Any buildings or other structures on the property will be compatible with the height, size, or location of other buildings and/or structures on neighboring properties.

The property is zoned B-2. One side of the property is Salem Road frontage. One side of the property is the rail road owned by CSX. The two other sides of the property are surrounded by property owned by the owner of the property we are interested in and are zoned B-2. The property is currently a vacant lot. The entrance/access location will remain where it is currently on Salem Road. At this time, there is not any proposed buildings on the site.

There is a companion variance request in order to allow for a chain link fence.



**Planning and Code Enforcement Department
Oconee County, Georgia
STAFF REPORT**

SPECIAL USE CASE NO. 7766

DATE: May 8, 2019

STAFF REPORT BY: Grace Tuschak, Planner

APPLICANT NAME: HPC Auto Services, Inc.

PROPERTY OWNER: Mike Thornton and Tommy Saxon

LOCATION: 1010 Salem Road, southeast corner of the intersection of Macon Highway and Salem Road

PARCEL SIZE: ± 1.35 acres



EXISTING ZONING: B-2 (Highway Business District)

2040 CHARACTER AREAS MAP: Agricultural Preservation

EXISTING LAND USE: Vacant/undeveloped

SPECIAL USE REQUESTED: Motor vehicle towing and wrecker services (vehicle impoundment lot)

REQUEST SUMMARY: The owner is petitioning for a special use permit in order to operate a motor vehicle impoundment lot on the property.

STAFF RECOMMENDATION: Denial

DATE OF SCHEDULED HEARINGS

PLANNING COMMISSION: May 20, 2019

BOARD OF COMMISSIONERS: June 4, 2019

ATTACHMENTS:

- Application
- Narrative
- Special Use Impact Analysis
- Concept Plan
- Aerial Photo
- Tax Map
- Plat

BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

On May 18, 1978, the subject property was rezoned from I-1 (Industrial District) to B-2 (Highway Business District) in order to allow for installation of a billboard.

SURROUNDING LAND USE AND ZONING

	EXISTING LAND USES	EXISTING ZONING
NORTH	Art Gallery/Antique Store and Post Office	R-2 (Two Family Residential)
SOUTH	Pastureland/Vacant	B-2 (Highway Business)
EAST	Pastureland/Vacant	B-2 (Highway Business)
WEST	Pastureland/Agricultural Production	AR-1 (Agricultural Residential One Acre)

PROPOSED PROJECT DESCRIPTION

The applicant is proposing to establish a vehicle impoundment lot on the site. No buildings are currently proposed, and the lot is proposed to be graveled with a chain link fence and black fibermesh around all four sides of the lot. Companion variance no. 7789 has been requested in order to allow for the above-mentioned fencing, as it is not compliant with UDC Sec. 311.d which requires a solid masonry wall or imitation-wood vinyl fence.

PUBLIC FACILITIES

Water:

- Water usage is proposed to be roughly 10 GPD, and will be drawn from an existing onsite well.

Sewer:

- No sewer is proposed as part of this special use.

Roads:

- One graveled entrance is proposed off of Salem Road.

TRAFFIC PROJECTIONS

- The applicant estimates 4-5 ADT as a result of the proposed special use.

ENVIRONMENTAL

- No 100-Year Flood Plain is located on the site.
- No Jurisdictional Wetlands areas are located on the site.

COMMENTS FROM OTHER DEPARTMENTS & AGENCIES

Water Resources Department:

- No comments

Public Works Department:

- Show all existing driveway near the site to show there is adequate driveway separation
- The design professionals stamp is cut off on the sheet. Please make sure the stamp, signature is visible.

Fire Department:

- No comments

STAFF ANALYSIS

THE ANALYSIS OF THE APPLICATION IS MADE BASED UPON THE “STANDARDS FOR SPECIAL USE CONSIDERATION” AS SET FORTH IN SECTION 1207.02 OF THE *OCONEE COUNTY UNIFIED DEVELOPMENT CODE*.

A. Will the proposed special use be consistent with the stated purpose of the zoning district in which it will be located?

The B-2 zoning district is intended to serve those business activities generally oriented to the highways. Related automobile-oriented uses such as commercial parking lots and garages, automotive repair and maintenance establishments, and motor vehicle dealers are allowed by right in B-2 and are common uses of the B-2 zoning district. Staff holds that the proposed special use is consistent with the stated purpose of the zoning district in which it will be located.

B. Is the proposed special use compatible with the goals, objectives, purpose, and intent of the Comprehensive Plan?

The 2040 Character Areas Map designates this site with a character area of Agricultural Preservation. The 2040 Comprehensive Plan describes this character area as intended for “open land and active agricultural production,” with primary land uses of active agricultural crop and animal production and homesteads on large individual lots. Compatible secondary land uses are “compatible ‘cottage’ industries and semi-public and institutional uses.” A vehicle impoundment lot does not fit into any primary or secondary land uses intended for the Agricultural Preservation Character Area, and therefore this special use is not compatible with the goals, objectives, purpose, and intent of the 2040 Comprehensive Plan.

C. Will the establishment of the special use impede the normal and orderly development of surrounding property for uses predominate in the area?

Predominant uses in the immediate vicinity of the subject property are low-intensity commercial, institutional, residential, and agricultural. A vehicle impoundment lot is not compatible with these uses and could impede the normal and orderly development of surrounding property for residential and/or agricultural use.

D. Is the location and character of the proposed special use consistent with a desirable pattern of development for the locality in general?

Based on the Character Area designation of Agricultural Preservation (see above), a desirable pattern of development for the general area is considered to be open land and agricultural production. Furthermore, the proposed high-intensity commercial use is not compatible with the predominant light-commercial and agricultural character of the immediate vicinity. For these reasons, the proposed special use is not consistent with the desired pattern of development for the general area.

E. Is or will the type of street providing access to the use be adequate to serve the proposed special use?

Between 4-5 average daily trips are projected to be generated by the vehicle impoundment lot; the proposed project entrance should be sufficient to access the proposed special use.

F. Is or will access into and out of the property be adequate to provide for traffic and pedestrian safety, the anticipated volume of traffic flow, and access by emergency vehicles? Based on the negligible pedestrian foot traffic present along Salem Road and the limited vehicular traffic projected to be generated by the proposed special use, the proposed project entrance should be adequate to provide for traffic and pedestrian safety, traffic flow and emergency vehicle access.

G. Are or will public facilities such as schools, water or sewer utilities, and police or fire protection be adequate to serve the special use? The special use request does not require service by County water or sewer; impact to police and fire protection services should be minimal. Public facilities should be adequate to serve this special use.

H. Are or will refuse, service, parking and loading areas on the property be located or screened to protect other properties in the area from such adverse effects as noise, light, glare, and odor?

In order to protect surrounding properties from adverse effects of the proposed special use, UDC Section 311.d specifies that an 8-foot-tall solid masonry wall or imitation-wood vinyl fence must be used for screening of automobile storage yards. Staff notes that a companion variance has been requested in order to allow for the installation of a chain link fence with black fibermesh. Staff holds that such a fence would not adequately screen

the proposed special use from adjoining properties in the area and would not contribute to high quality development in the vicinity.

I. Will the hours and manner of operation of the special use have no adverse effects on other properties in the area?

The hours of operation may be disruptive to other properties in the area, as vehicle impoundment lots generally operate at any time of the day or night. The manner of operation should not adversely impact other properties in the area.

J. Will the height, size, or location of the buildings or other structures on the property be compatible with the height, size or location of buildings or other structures on neighboring properties? No structures are proposed as part of this special use.

STAFF RECOMMENDATION & CONDITIONAL REQUIREMENTS

Based on Board of Commissioners policies, decision-making criteria, and standards outlined in the development codes of Oconee County, staff recommends denial of the present special use request. However, should the present special use request be approved, staff recommends it be subject to the following conditions to be fulfilled by the developer/owner at his or her expense:

1. In addition to fencing in compliance with Sec. 311.d. or an approved variance, landscaping in compliance with the vegetative structural buffer requirements UDC Sec. 808.04 shall be installed along all subject property lines. Such landscaping shall be installed between the fence and the property line, facing surrounding properties/rights-of-way.

07789



OCONEE COUNTY APPEAL APPLICATION

Type of Appeal Submitted:

- ☐ Hardship Variance ☐ Appeal of Administrative Decision ☐ Flood Damage Prevention Variance
☒ Special Exception for: HPC Auto Services Inc Property Fencing

Applicant Benjamin Hanley

Name: HPC Auto Services Inc

Address: 7356 Hwy 106S

Hull GA 30646
(No P.O. Boxes)

Telephone: 706 549-7406

Property Owner Towing Wrecker Service

Name: Mike Thornton

Address: 620 Agriculture Drive

Athens GA 30605
(No P.O. Boxes)

Telephone: 706-540-4235

Applicant is (check one): ☐ the Property Owner ☒ Not the Property Owner (attach Property Owner's Authorization)

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

Signature: [Signature]

Date: 4/10/19

Notarized: [Signature]

Property

Location: 1010 Salem Road

Watkinsville GA

Tax Parcel Number: A09A004

Size (Acres): 1.35 Current Zoning: B-2

Future Development Map—Character Area Designation: Neighborhood Village

Use

Current Use: Vacant Lot

Proposed Use: Impoundment tow

yard

Attachments (check all that apply)

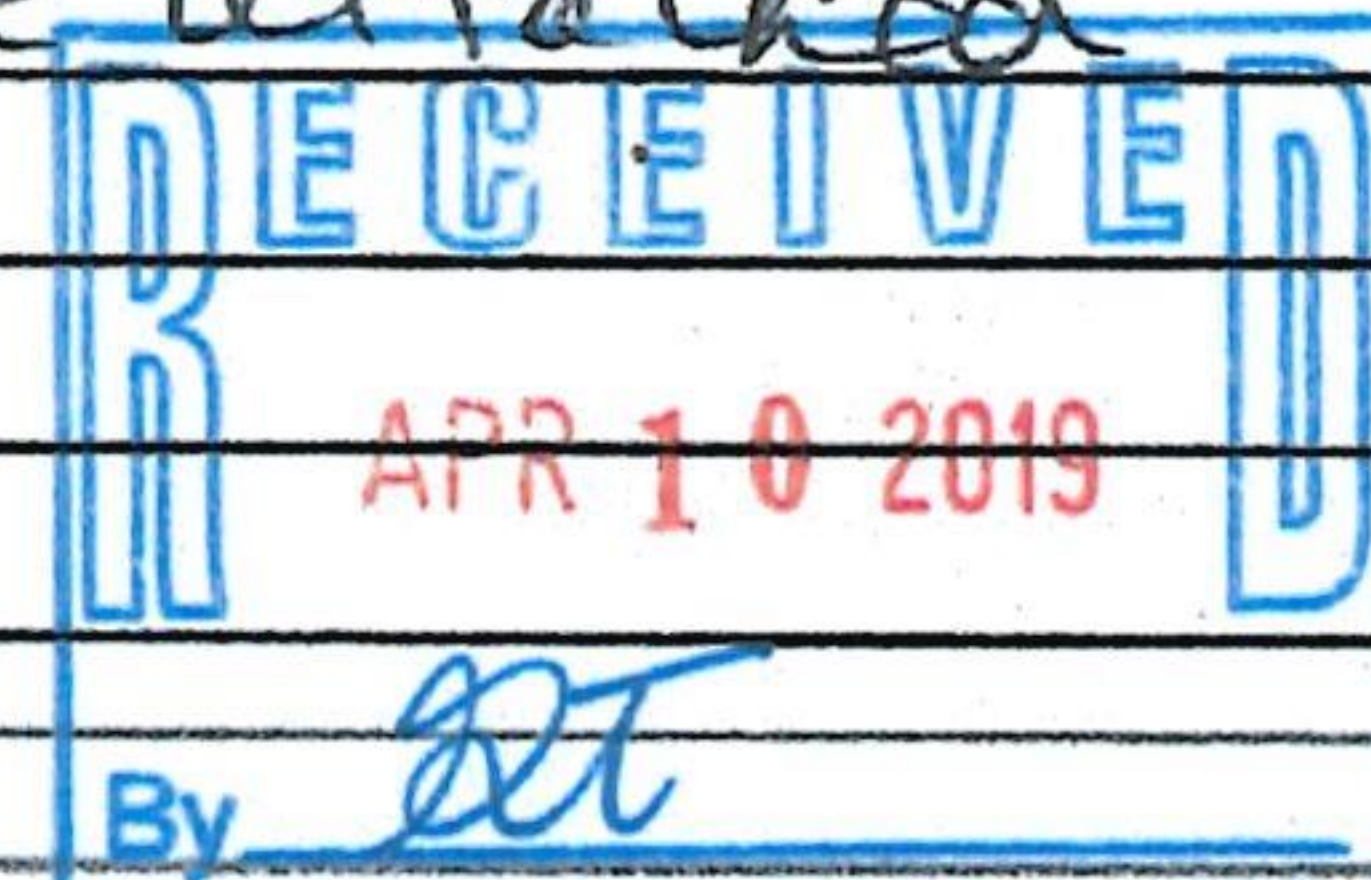
- ☐ Property Owner's Authorization (if applicable)
☐ Application Fee
☐ Warranty Deed(s), Legal Description, & Plat of Survey
☐ Disclosures
☐ Maps or Drawings Illustrating Variance Request
☐ Narrative Statement Explaining Variance Request
☐ Concept Plan

Appeal or Variance Requested

Provide the code section and briefly explain the requested variance

UDC Section 311 d -

we are proposing Chain Link Fence with vinyl covering - see attached example



For Oconee County Staff Use Only

Application
Date Received: 4.10.19 Date Accepted: _____
DRI Transmitted to RDC ☐ Date: _____ ☒ N/A
Review Submitted: _____ Location Map: _____
Posted: _____ Ad: _____ Ad: _____
Application Withdrawn ☐ Date: _____

Action
ADMINISTRATIVE APPEAL: Date: _____
☐ Approved ☐ With Conditions ☐ Denied ☐ N/A
BOARD OF COMMISSIONERS Date: _____
☐ Approved ☐ With Conditions ☐ Denied ☐ N/A

APPLICATION NUMBER 7789

CONDITIONS

1. Landscaping in compliance with the vegetative structural buffer requirements of UDC Sec. 808.04 shall be installed along all subject property lines. Such landscaping shall be installed between the fence and the property line, facing surrounding properties/rights-of-way.
2. Any fencing installed along the property line shall be at least eight feet in height.

TAX MAP



LEGAL DESCRIPTION

STARTING AT AN IRON PIN AT THE NORTHWEST CORNER OF THE PROPERTY GO SOUTH 63 DEGREES 16 MINUTES 00 SECONDS 167.73 FEET EAST TO AN IRON PIN THEN GO SOUTH 21 DEGREES 56 MINUTES 44 SECONDS WEST 350.00 FEET TO AN IRON PIN THEN GO NORTH 63 DEGREES 41 MINUTES 06 SECONDS WEST 168.40 FEET TO AN IRON THEN GO NORTH 22 DEGREES 04 MINUTES 14 SECONDS 351.17 FEET BACK TO THE STARTING POINT.

THE TRACT IS 1.348 ACRES AND IS ZONED B2

EXHIBIT "A" TO SPECIAL EXCEPTION VARIANCE #7789

Page 2 of 4

PLAT

CLERK BK 35 PG 58

2004-20

CERTIFICATION OF APPROVAL, STREETS AND UTILITIES
I hereby certify, based on the Design Professional's Report, that the streets, utilities and other required improvements in this subdivision have been installed in an acceptable manner in substantial compliance with the requirements of the Land Subdivision Regulations of Oconee County, Georgia.

Mark Davis
Chairperson, Board of Commissioners

2-27-04
Date

OCCOEE COUNTY BUILDING OFFICIAL
DATE APPROVED: 2/27/04

Mark D. Anderson

CHUCK-4 FB 8-10

35 58

030404

NORTH

The lots shown have been reviewed by the Oconee County Health Department and, except for the following items, are approved for subdivision development. Each lot must be reviewed for final septic tank system placement prior to the issuance of a building permit.

2-25-04
Health Officer
Health Department Notice

CANDY FENDERGRASS
ZONED ARI
PB 32 PG 208

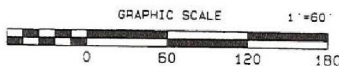
PATSY THURMOND
ZONED ARI
PB 14 PG 10

This property does not lie within a 100 year flood plain according to Flood Insurance Rate Map No. 130453 0000 C Effective April 17, 1995

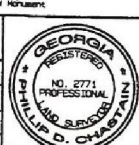
Ray M. Woods

NOTE:
THIS PLAT REPRESENTS A SUBDIVISION OF TAX MAP A14, PARCEL 4.

REFERENCES
DEED BOOK 448 PAGE 226
PLAT BOOK 14 PAGE 154



ADMINISTRATIVE SUBDIVISION PLAT FOR					
JEFF GOLD					
NO. 222	COUNTY	STATE	DATE	INSTRUMENT	
222	OCCOEE	GEORGIA	02-10-2004	LEICA	
DRAWN BY:	WOODS & CHASTAIN SURVEYORS, INC.				
NAME:	JEFF GOLD				
FIELD BOOK:	12114				
125 SMITHSONIA ROAD WINTERVILLE, GEORGIA 30682 (706) 442-0556			PLAT CLOSURE 1/250.040 FIELD CLOSURE 1/104.078 ANGLE CLOSURE 1" per Angle		



Owner's Certification

State of Georgia, County of Oconee

I, the owner of the land shown on this Plat and whose name is subscribed hereon, in witness whereof a duly attested copy, certify that this Plat was made from an actual survey, that all state and county taxes or other encumbrances now due on this land have been paid.

DATE: _____ COUNTY: _____
SIGNED: _____

NARRATIVE

HPC Auto Services, Inc(towing division) and Ben Hanley are applying to use the land at 1010 Salem Road Watkinsville, Ga for a storage/impound lot for our towing division.

The property is 1.35 acres. It is currently a vacant lot. The property will not need to be rezoned for this special use. The surrounding properties will not be affected by the property and its uses proposed. The current street will be adequate to serve the proposed special use. Our average daily trips will be 4-5 per day. The current access in and out of the property is adequate for proposed special use. The traffic and safety should not be impacted by proposed special use. There will not be any impact on the school system. There is currently a working well on the property. The water usage will be minimal approximately less than 10 gallons per day. There is currently not any sewage disposal on site. The only utilities needed will be electricity for a security light. The lot will be fenced in and there will be Cypress trees and American boxwoods planted to maintain the beautification of the area. The property will be surrounded by a barrier to reduce noise, light, and glare. The following are not applicable to the special use of the property. Storm Water drainage. Multiple lots, common/open areas, sidewalks, recreation areas, or any items related to multiple lots/residential issues.

The proposed special use is compatible with the goals, objectives, purpose and intent with the Community Agenda. The current public facilities are adequate for the proposed special use. The house and manner of operations of the special use will have no adverse effects on the other properties in the area. Any buildings or other structures on the property will be compatible with the height, size, or location of other buildings and/or structures on neighboring properties.

The property is zoned B-2. One side of the property is Salem Road frontage. One side of the property is the rail road owned by CSX. The two other sides of the property are surrounded by property owned by the owner of the property we are interested in and are zoned B-2. The property is currently a vacant lot. The entrance/access location will remain where it is currently on Salem Road. At this time, there is not any proposed buildings on the site.

There is a companion variance request in order to allow for a chain link fence with black fibermesh for vision blockage in lieu of a masonry/vinyl fencing as required by the code. We are proposing the chain link fence with black fibermesh due to cost and low maintenance as compared to other fencing.

If you have any questions or request further details, do not hesitate to contact us at the number listed above.



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

VARIANCE CASE #: 7789

DATE: May 23, 2019

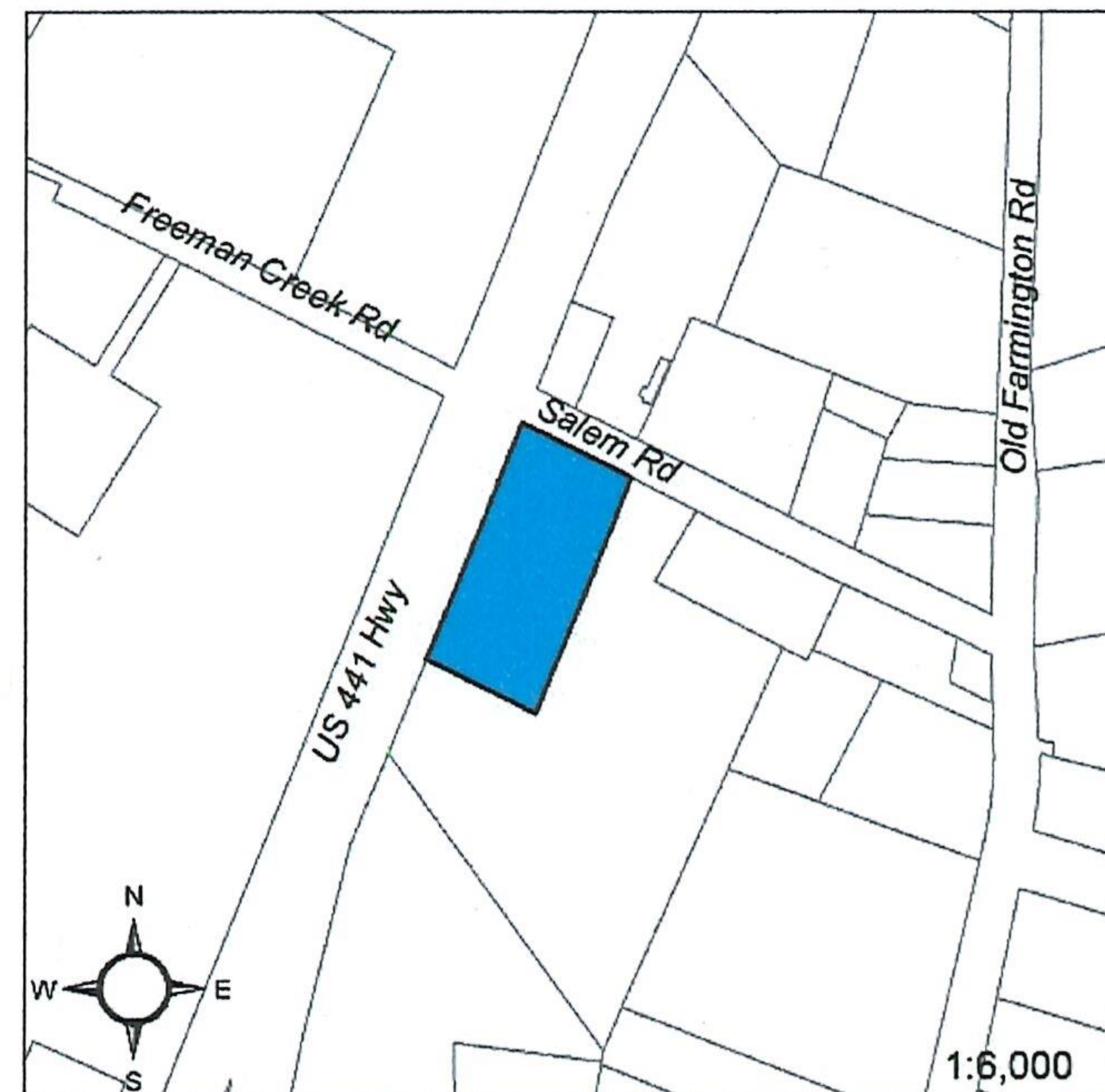
STAFF REPORT BY: Grace B. Tuschak, Planner

APPLICANT NAME: HPC Auto Services, Inc.

PROPERTY OWNER: Mike Thornton and Tommy Saxon

LOCATION: Intersection of Salem Road and US Highway 441

PARCEL SIZE: ± 1.35 acres



EXISTING ZONING: B-2 (Highway Business District)

EXISTING LAND USE: Vacant/undeveloped

TYPE OF VARIANCE REQUESTED: Special Exception

REQUEST SUMMARY: The applicant is requesting a variance from UDC Sec. 311.d which requires a solid masonry wall or imitation-wood vinyl fence to be used as screening for an automobile storage yard. The applicant is proposing to install a chain link fence with black vinyl covering along all four sides of the automobile storage yard proposed under the companion special use no. 7766.

DATE OF SCHEDULED HEARINGS

BOARD OF COMMISSIONERS: June 4, 2019

ATTACHMENTS:

- Application
- Narrative
- Plat
- Representative
- Photo
- Aerial Imagery
- Zoning Map
- Future Development Map
- Concept Plan

BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- On May 18, 1978, the subject property was rezoned from I-1 (Industrial District) to B-2 (Highway Business District) in order to allow for the installation of a billboard.
- Concurrent special use application no. 7766 has been requested to allow for the installation of a vehicle impoundment lot on the site.

VARIANCE DESCRIPTION

- The applicant is requesting a variance from UDC Sec. 311.d, which requires a solid masonry wall or imitation-wood vinyl fence to be used as screening for an automobile storage yard. The applicant is proposing to install a chain link fence with black vinyl covering along all four sides of the automobile impoundment lot proposed under the companion special use no. 7766.
- Cypress trees and American boxwood bushes are also proposed for screening along Salem Road and US Highway 441.

UDC – Section 311 Automobile storage yards and wrecker services.

Automobile storage yards and wrecker yards for damaged or confiscated vehicles must meet the following requirements:

- d. Such use shall be surrounded by a solid masonry wall or imitation-wood vinyl fence at least eight feet tall.*

ENVIRONMENTAL

- No state waters or jurisdictional wetlands are located on the property.
- No 100-year flood plains are located on the property.

STAFF ANALYSIS

THE ANALYSIS OF THE APPLICATION IS MADE BASED UPON THE “STANDARDS FOR SPECIAL EXCEPTION VARIANCE APPROVAL” AS SET FORTH IN SECTION 1303.03 OF THE OCONEE COUNTY UNIFIED DEVELOPMENT CODE.

Special exception variances may be granted upon findings that if granted, the relief will not cause an occurrence of any of the following:

a. Cause a substantial detriment to the public good: No significant negative impacts to the tax base or to nearby public infrastructure, schools, or environmentally sensitive areas should result from the approval of the present request. Approval of the present request should not cause any substantial detriment to the public good.

b. Be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity: It is reasonable to believe that the installation of chain link fencing on the subject site could be injurious to the use and enjoyment of other property in the immediate vicinity. The proposed fencing would not adequately screen the proposed automobile storage lot from adjoining properties. This could diminish the area’s rural aesthetic and/or result in additional noise and light in the area.

c. Diminish and impair property values within the surrounding neighborhood: It is possible that chain link fencing on the subject site may diminish and impair property values within the surrounding neighborhood by impairing the area’s view shed and conflicting with Farmington’s rural character. Staff holds that such a fence would not contribute to high quality development in the vicinity.

d. Impair the purpose and intent of this Development Code: The purpose of UDC Sec. 311.d is to screen automobile storage lots from adjacent properties with a completely opaque and aesthetically pleasing barrier. The

proposed fencing is less opaque and less aesthetically pleasing than the fencing required by the UDC and staff holds that approval of this variance would impair the purpose and intent of this Development Code.

STAFF SUMMARY & CONDITIONAL RECOMMENDATIONS

Based upon the standards and limitations for special exception variance approval, this request **does not meet all necessary conditions to grant a special exception variance** and staff recommends the special exception variance be denied. Should the present request be approved, staff recommends that it be **subject to the following conditions to be fulfilled by the owner/developer at their expense:**

1. Landscaping in compliance with the vegetative structural buffer requirements of UDC Sec. 808.04 shall be installed along all subject property lines. Such landscaping shall be installed between the fence and the property line, facing surrounding properties/rights-of-way.
2. Any fencing installed along the property line shall be at least eight feet in height.

#1169



OCONEE COUNTY ZONING CHANGE APPLICATION

Requested Action:

☐ Rezoning from: B-1 to B-1

☒ Change in Conditions of Approval for Case #: 6356

☐ Special Use Approval for: _____ in the _____ Zoning District

Applicant

Name: Nichols Land & Investment Co.

Address: 2500 Daniells Bridge Road

(No P.O. Boxes)
Building 200, Suite 1F

Athens, GA 30606

Telephone: 706-353-3900

Property Owner

Name: Resurgence Park, LLC

Address: 2500 Daniells Bridge Road

(No P.O. Boxes)
Building 200, Suite 1F

Athens, GA 30606

Telephone: 706-353-3900

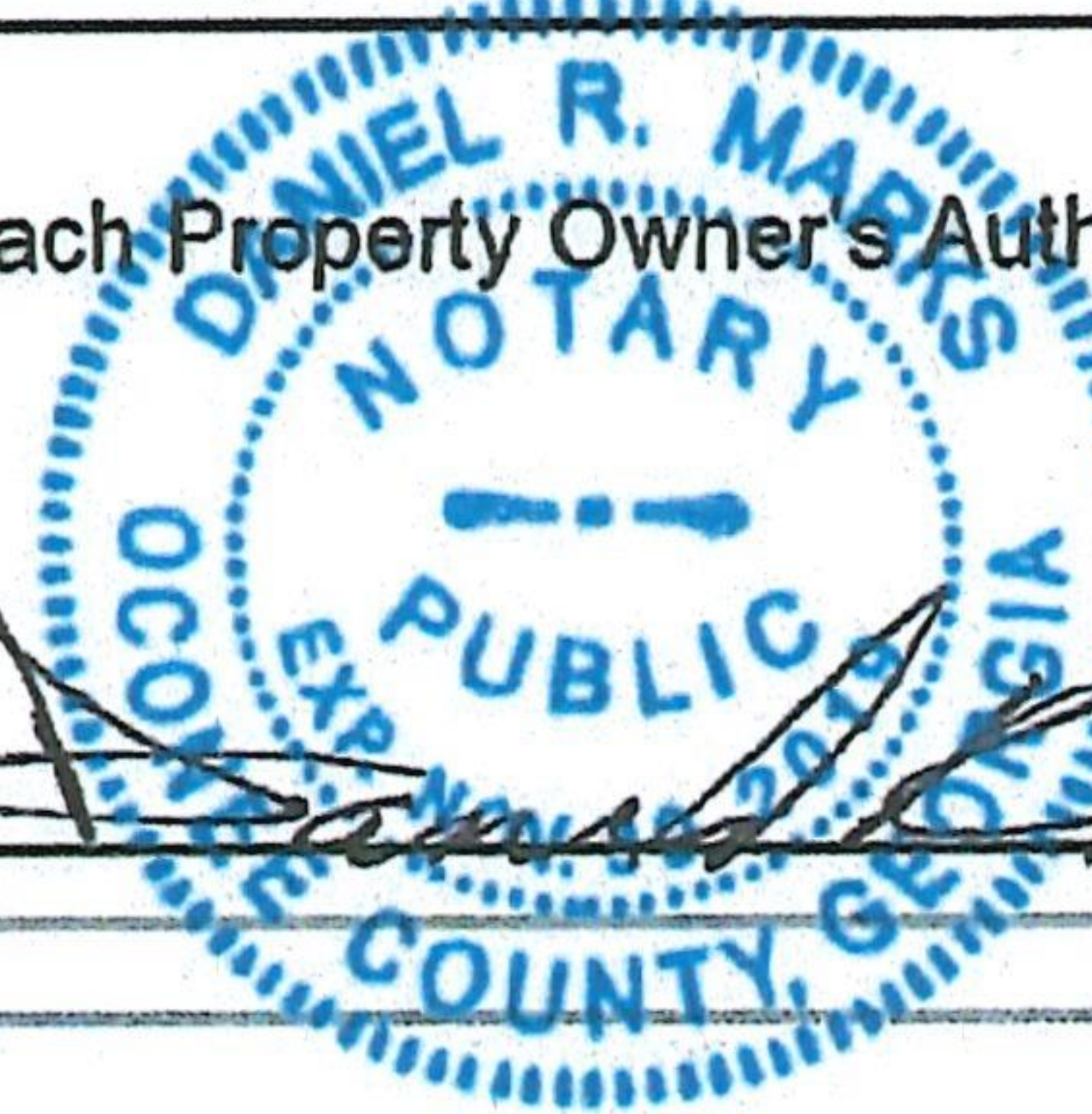
Applicant Is (check one): ☐ the Property Owner ☒ Not the Property Owner (attach Property Owner's Authorization)

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

Signature: Carl F. Nichols

Date: 4/9/19

Notarized: [Signature]



Property

Location: 2055 Resurgence Drive

(Physical Description)

Tax Parcel Number: B 04P 008

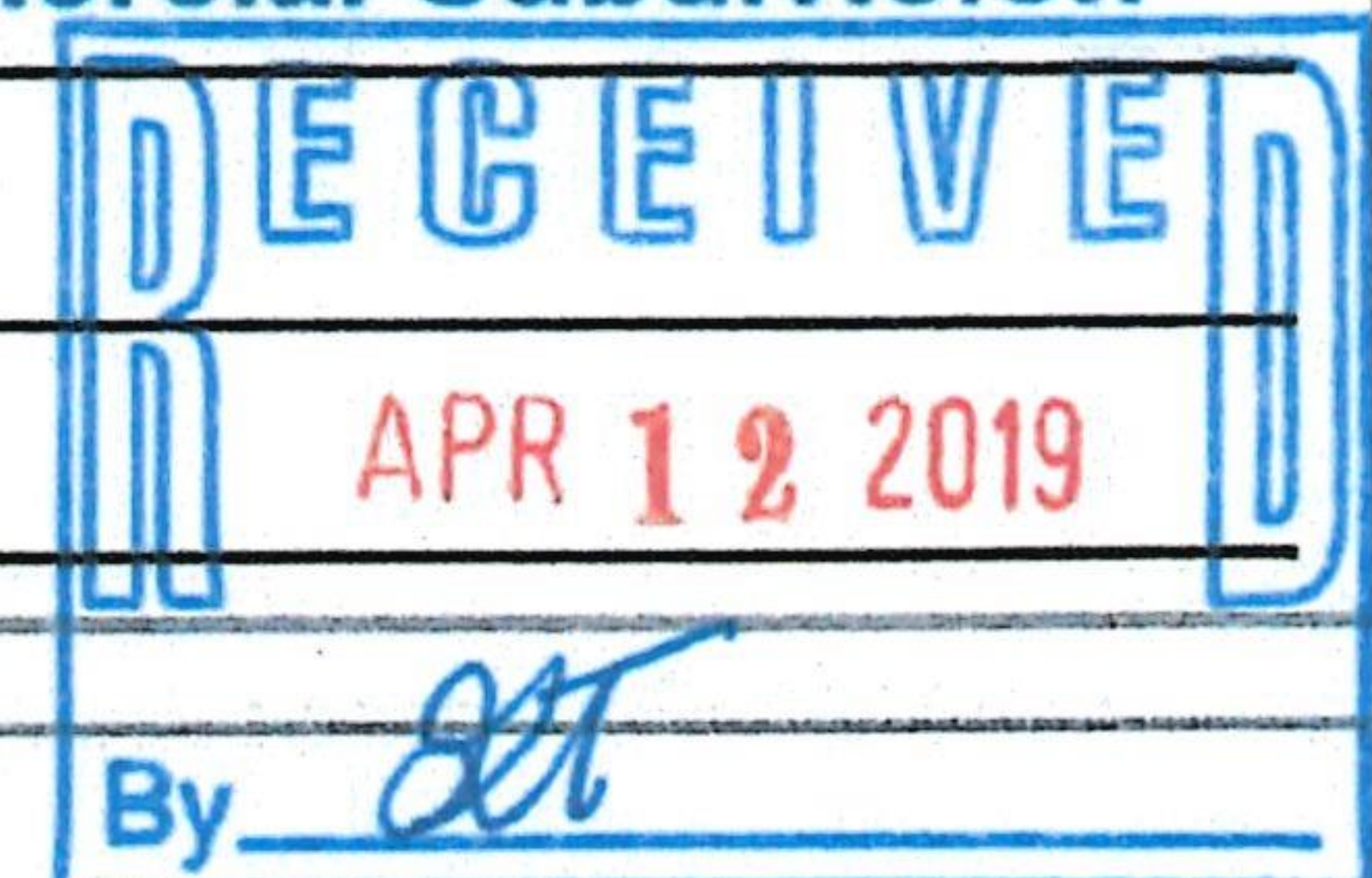
Size (Acres): 3.97 Current Zoning: B-1

Future Development Map—Character Area Designation: Regional Center

Use

Current Use: B-1, Vacant Lot

Proposed Use: B-1, Commercial Subdivision



Attachments (check all that apply)

- ☒ Property Owner's Authorization (if applicable)
- ☒ Application Fee
- ☒ Warranty Deed
- ☒ Typed Legal Description
- ☒ Plat of Survey
- ☒ Disclosures (Interest & Campaign Contributions)
- ☒ Zoning Impact Analysis

- ☒ Narrative (Detailed Description of the Request)
- ☒ Concept Plan
- ☒ Attachments to the Concept Plan:
 - ☐ Water and/or Sewer Capacity Letter from OCUD
 - ☒ Representative Architecture/Photographs
- ☒ Proof all property taxes paid in full
- ☐ Other Attachments: _____

For Oconee County Staff Use Only

Application
Date Received: _____ Date Accepted: _____
DRI Transmitted to RDC ☐ Date: _____ ☐ N/A
Date Submitted: _____ ☐ Findings Complete
Posted: _____ Ad: _____ Ad: _____
Application Withdrawn ☐ Date: _____

Action
APPLICATION NUMBER
Planning Commission Date: _____
☐ Approval ☐ With Conditions ☐ Denial
Board of Commissioners Date: _____
☐ Approved ☐ With Conditions ☐ Denied

CONDITIONS

1. The development shall be connected to the Oconee County water and sewer systems at the developer's expense in a manner approved by the Oconee County Water Resources Department and the Oconee County Public Works Department.
2. Developer shall be responsible for all improvements required for the project entrances on Virgil Langford Road and at the intersection with the Oconee Connector and Virgil Langford Road as required by the Oconee County Public Works Department.
3. Site and building design shall meet the required standards of all state and local fire safety codes.
4. Development structures shall meet or exceed the architectural standards as indicated on the concept plan, narrative, representative architectural sketches and other documents submitted with the zoning application and attached hereto, paying special attention to the materials and design elements shown in the representative photos
5. The total building floor area of the development shall not exceed 296,300 Sf.
6. The total number of lots resulting from the subdivision of the subject property shall not exceed five.

TAX MAP



LEGAL DESCRIPTION

All that tract or parcel of land, lying and being in Oconee County, Georgia, G.M.D. 1331, containing 3.973 acres of land, more or less, and being more particularly described as:

Beginning at the a concrete right-of-way marker at the mitered intersection of the westerly margin of the 60 foot right-of-way Resurgence Drive with the southerly margin of the variable right-of-way of Virgil Langford Road; thence along the right-of-way of Virgil Langford Road South 71 degrees 15 minutes 09 seconds East, 180.67 feet to the TRUE POINT OF BEGINNING; thence continuing along said right-of-way South 71 degrees 15 minutes 09 seconds East, 17.84 feet to a point; thence North 18 degrees 44 minutes 51 seconds East, 9.74 feet to a point; thence 66.21 feet along an arc of a curve to the right, said curve having a radius of 1041.00 feet, a chord bearing of South 69 degrees 22 minutes 04 seconds East, and a chord distance of 66.20 feet to a point; thence South 67 degrees 32 minutes 44 seconds East, 8.57 feet to a point; thence South 67 degrees 32 minutes 44 seconds East, 287.42 feet to a miter point; thence leaving the right-of-way of Virgil Langford Road and along the right-of-way of Resurgence Park Drive South 22 degrees 23 minutes 49 seconds East, 14.11 feet to the end of the miter; thence continuing along said right-of-way South 22 degrees 45 minutes 07 seconds West, 153.86 feet to a point; thence 257.30 feet along an arc of a curve to the right, said curve having a radius of 220.00 feet, a chord bearing of South 56 degrees 15 minutes 23 seconds West, and a chord distance of 220.00 feet to a point; thence South 89 degrees 45 minutes 39 seconds West, 136.53 feet to a point; thence 21.08 feet along an arc of a curve to the right, said curve having a radius of 220.00 feet, a chord bearing of North 87 degrees 29 minutes 40 seconds West, and a chord distance of 21.07 feet to a point; thence 397.37 feet along an arc of a curve to the right, said curve having a radius of 220.00 feet, a chord bearing of North 33 degrees 00 minutes 16 seconds West, and a chord distance of 345.52 feet to a point; thence North 18 degrees 44 minutes 27 seconds East, 3.60 feet to a point; thence leaving said right-of-way South 71 degrees 15 minutes 33 seconds East, 172.00 feet to a point; thence North 18 degrees 44 minutes 27 seconds East, 36.50 feet to a point; thence South 71 degrees 15 minutes 33 seconds East, 18.65 feet to a point; thence North 18 degrees 44 minutes 51 seconds East, 164.64 feet to the TRUE POINT OF BEGINNING.

Said tract being the same as Lot 8 on a plat entitled, “ADMINISTRATIVE RECOMBINATION PLAT FOR: RESURGENCE PARK, LOTS 8 & 9,” by Williams and Associates, certified by John Mark Dunlap, Ga. R.L.S. #3142, dated 12/21/2017, and recorded in Plat Book 2018 Page 1, and together with the rights, obligations and easements under the Declaration of Restrictions, Easements and Covenants for Resurgence Park, as the same may be amended, and recorded in Deed Book 1196, Page 668, in the Office of Superior Court of Oconee County, Georgia.

PLAT



EXHIBIT "A" TO REZONE No. 7767

Page 5 of 6

NARRATIVE

Introduction:

The subject site is located at the intersection of Resurgence Drive and Virgil Langford Road with the address of 2055 Resurgence Drive. Frank Halpin and James Lance are the current property owners and they have engaged Nichols Land & Investment Company to act on their behalf as agent for this Application. The submitted application is to request approval to subdivide "Lot 8" into five (5) smaller lots.

Background, Existing Conditions:

The subject property consists of 3.973 acres located within the larger Resurgence Park commercial subdivision that was re-zoned to B-1 pursuant to the conditions of Zoning Case #6356. The conditions of that rezoning were approved on August 6, 2013 and have been attached to this Narrative as Exhibit "A". Existing uses and zonings in the immediate vicinity are a primarily office, commercial-retail, and commercial- service oriented uses. The zoning classifications bordering this site to the east is B-1 with a Memory Care Center; to the west is also B-1 with a Medical Office Building; to the south-west, undeveloped land, zoned B-2; to the North, A-1, undeveloped land; and to the North, B-2, undeveloped land. There are multiple retail, office and commercial service oriented zoning classifications across Oconee Connector and in the immediate vicinity. The subject property is currently at finished grade, has direct access to Resurgence Drive and access to all utilities along the property lines.

Pursuant to the original 2013 rezoning, Lots 8 & 9 of the Resurgence Park development consisted of 2.47 and 2.36 acres respectively. For the period of time between August 2013 and until January 2018, Lots 8 & 9 within Resurgence Park, together, consisted of 4.84 acres and remained unsold. In early 2017, the property owner was compelled to endeavor further development of Lots 8 & 9 to clear the trees and provide more marketable lots at finished grade with all utilities. The owner was forced to meet the

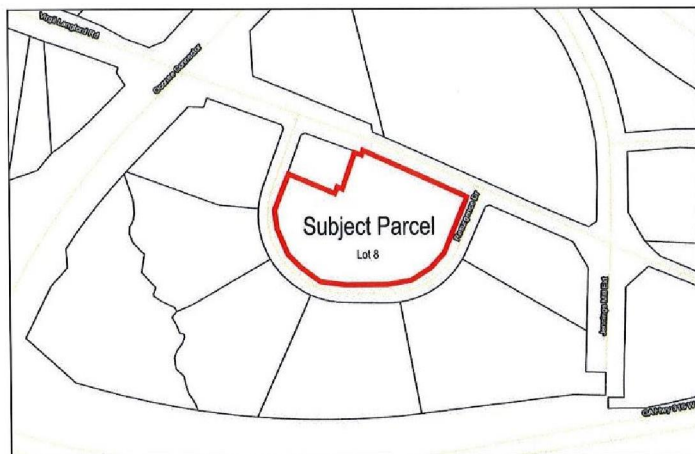
Market's demands in January 2018, and sold 0.86 acres from Lot 9. The remaining "Lot 8" was reconfigured into a larger lot consisting of 3.973 acres.

Proposed Changes to existing Zoning #6356 "Rezoning Narrative":

The Site:

The subject site is located at the intersection of Resurgence Drive and Virgil Langford Road with the address of 2055 Resurgence Drive. The subject parcel consists of 3.973 acres, currently Zoned B-1, and was created by administrative plat recombination process as depicted on the plat that was approved and recorded in Plat Book 2018, Page 1-1 with the Oconee County Clerk of Courts on January 2, 2018. This property has been cleared and graded down to a finished elevation with access to all utilities and roads. This parcel is commonly referred to as "Lot 8" within the Resurgence Park commercial subdivision as shown in the illustration below.

TAX MAP



The Development:

The applicant's request herein is to further subdivide the existing 3.973 acre single lot "8" into a maximum of 5 smaller lots as shown on the Concept Plan. No other changes or modifications to the conditions set forth under Rezone #6356

Buildings:

Buildings may range in size from +/- 8,000 sf to +/- 60,000 SF and the architectural themes and construction/facade materials will be identical to those submitted with and approved within the original conditions stated in Rezone #6356.

Water Supply:

Water service for the subject parcel will be provided by utilizing three (currently existing) 12" sleeves that extend underneath Resurgence Drive to facilitate access to the existing 8" water main located within the ROW of Resurgence Drive; additionally, a 12" water main runs within the ROW of Virgil Langford Road.

No changes to the Estimated Probable Water Demand stated in conditions of Zoning Case #6356.

Sewage Disposal:

Sanitary sewer currently exists in the ROW of Resurgence Drive.

Surface Water Drainage:

Existing concrete curb and gutter and county approved pipe will be employed to collect and divert surface water to the existing storm water management facility located on Lot 4 of the Commercial Subdivision as per the plat recorded in Book 38, Page 12. Storm-water management will be in compliance with the Oconee County UDC.

Access:

Shared access drives connected to Resurgence Drive will serve the 5 parcels as generally depicted on the attached site plan.

Traffic:

No additional traffic above what was originally contemplated and accounted for in the original conditions stated in Rezone #6356.

Schools:

Impact to schools will have a positive impact by increasing the County's commercial property tax base.

Schedule:

It is anticipated that the total build-out of the project should be completed by 2023.

Maintenance of Common Areas:

Parcels will be owned fee simple, with each of the properties subject to a Property Owners Association.

Buffers:

All buffers will be installed in accordance with the Oconee County UDC.

Utilities:

All utilities are proposed to be underground and currently exist along the subject property.

Garbage Collection:

Garbage collection will be handled by private contract service.

Sidewalks:

Sidewalks will be installed along each lot's frontage as each lot is developed and after completion of all underground utility service installation.

Public & Semi-public areas:

Drainage and public utility easements exist. Easements for power, telephone, cable TV, and gas will be dedicated as required for specific utility construction. Any access easements will be dedicated to serving lots.

Outdoor Lighting:

Light fixtures on metal poles will be installed to illuminate the development for safety and security. This light standard will be oriented inward, down and away from any neighboring residential areas. A lighting plan will be submitted to the Oconee Planning Department illustrating light templates and proposed fixtures. This plan will be reviewed during the site development plans approval states of each individual project.

Development Valuation:

We are not requesting any increase to the total allowable building square footage as approved by Zoning Case # 6356. Construction Costs are estimated to range between \$165.00 and \$210.00 per square foot, and average \$200.00 per square foot. We anticipate the value of the entire Resurgence Park commercial subdivision to be between \$45,000,000 and \$50,000,000.



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

REZONE CASE #: 7767

DATE: May 7, 2019

STAFF REPORT BY: Grace B. Tuschak, Planner

APPLICANT NAME: Nichols Land & Investment Co.

PROPERTY OWNER: Resurgence Park, LLC

LOCATION: 2055 Resurgence Drive, along
Resurgence Drive and Virgil Langford Road

PARCEL SIZE: ± 3.97

EXISTING ZONING: B-1 (General Business District)

EXISTING LAND USE: Vacant

FUTURE DEVELOPMENT MAP CHARACTER AREA DESIGNATION: Regional Center

ACTION REQUESTED: Rezone to B-1 with modifications to rezone approval no. 6356

REQUEST SUMMARY: The property owner is petitioning for a rezone modification in order to allow for additional lots in the approved commercial subdivision.

STAFF RECOMMENDATION: Staff recommends conditional approval of the present request.

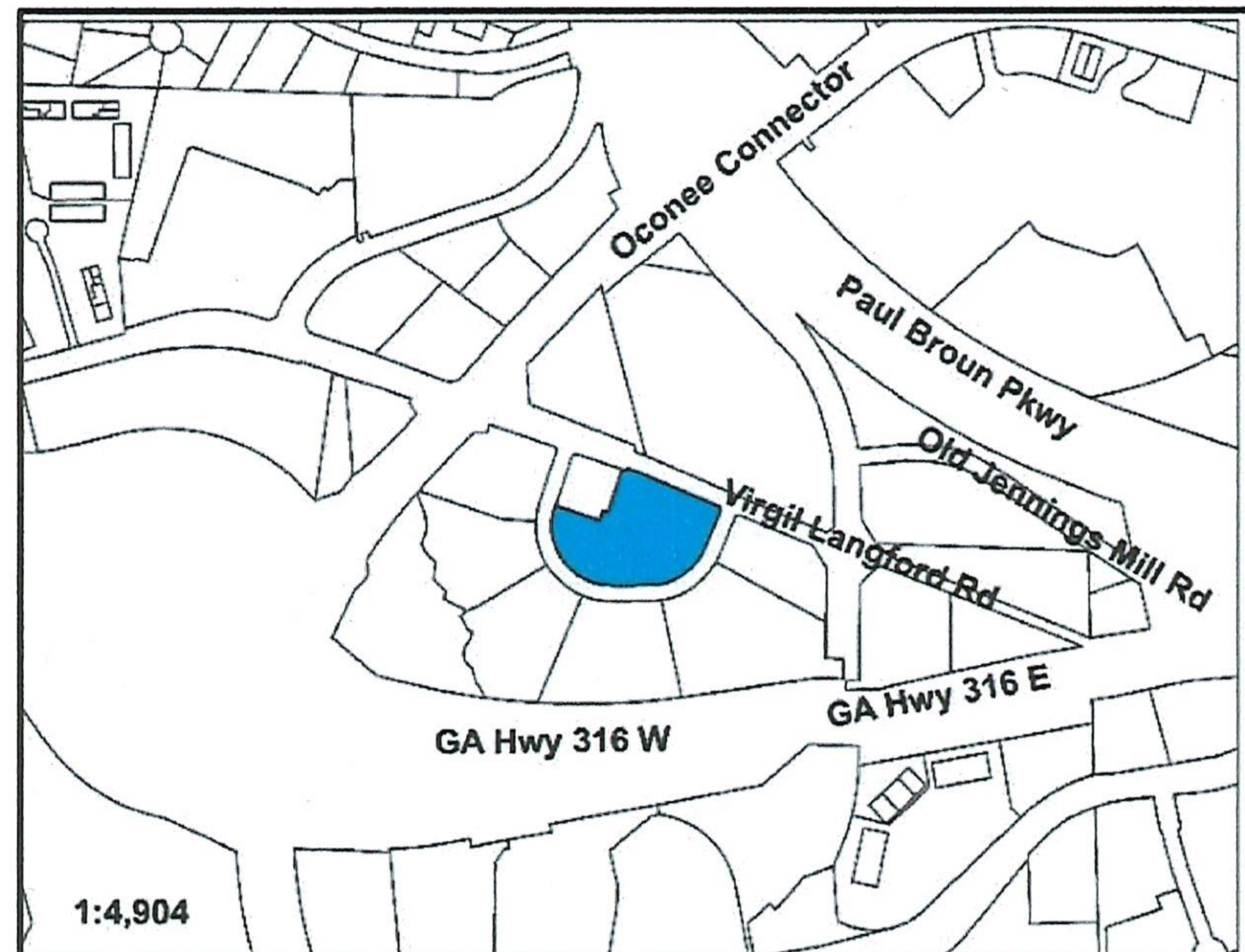
DATE OF SCHEDULED HEARINGS

PLANNING COMMISSION: May 20, 2019

BOARD OF COMMISSIONERS: June 4, 2019

ATTACHMENTS:

- Application
- Zoning Impact Analysis
- Narrative
- Site Review
- Aerial Photo
- Tax Map
- Plat of Survey
- Concept Plan
- Representative Photos



BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- On April 4, 1994, the subject site was rezoned from A-1 and A-2 to B-1 PUD (General Business – Planned Unit Development) as part of a ±77.83 acre planned unit development.
- On August 6, 2013, the subject site was rezoned from B-1 PUD (General Business – Planned Unit Development) to B-1 (General Business), to allow for the development of a medical and general office complex with assisted living component (rezone #6356).
- On November 16, 2012, the preliminary plat for Resurgence Park was approved, and on 05/24/2013, the site development plans were approved.
- On April 2, 2014, the final plat for the Resurgence Park was approved for recordation.
- On December 12, 2017, a recombination plat for lots 8 and 9 (as labeled on the final plat) was approved for recordation.

SITE VISIT DESCRIPTION

- The Resurgence Park subdivision is partially developed.
- Construction is complete of an assisted living facility on lot 7.
- Construction is complete of a medical office building on lot 1 (not included in rezone no. 6356 but included on the final plat for Resurgence Park).
- Lot 8 has been graded and remains vacant.

SURROUNDING LAND USE AND ZONING

	EXISTING LAND USES	EXISTING ZONING
NORTH	Undeveloped lots	A-1, B-2
SOUTH	Undeveloped lots (Resurgence Park) and detention pond	B-1
EAST	Undeveloped lots (Resurgence Park) and Assisted Living Facility	B-1
WEST	Undeveloped lots and medical office complex	B-1

DESCRIPTION OF PROPOSED MODIFICATION TO REZONE #6356

The applicant is requesting a modification to the previously approved concept plan in order to subdivide Lot 8 into five smaller lots. Lot 8 was recombined via administrative plat in December 2017 and is currently ±3.973 acres. The five proposed lots range in size from ±0.66 acres to ±1.00 acres. An increase in total building square footage has not been requested as part of this modification.

PUBLIC FACILITIES

Water:

- Existing County water mains are located in the Oconee Connector and Virgil Langford Road rights of way
- Development plan proposes to connect to the existing water mains to serve the project
- Estimated demand for water usage is projected to be 31,005 gallons per day, per rezone #6356

Sewer:

- Existing County sanitary sewer lines are located on the subject property near the southern boundary of the site adjacent to SR 316
- Development plan proposes to connect to the existing sewer lines to serve the development

Roads:

- Three project entrances are proposed off of Resurgence Drive
- Deceleration lanes and acceleration tapers have been constructed at the intersections of Virgil Langford Road and Resurgence Drive.

ENVIRONMENTAL

- No state waters or jurisdictional wetlands are located on the site.
- No 100-year flood plains are located on the site.

COMMENTS FROM OTHER DEPARTMENTS & AGENCIES

Water Resources:

- Each new building will need an individual water and sewer service.

Public Works Department:

- No comments

Fire Department:

- No comments

NOTE: For reference purposes, the staff analysis for rezone no. 6356 is repeated below:

STAFF ANALYSIS

THE ANALYSIS OF THE APPLICATION IS MADE BASED UPON THE “STANDARDS FOR REZONING CONSIDERATION” AS SET FORTH IN SECTION 1207.01 OF THE OCONEE COUNTY UNIFIED DEVELOPMENT CODE.

- A. *How does the current request compare to the existing uses and zoning of nearby properties? This request is compatible with the existing uses and zoning on nearby properties. Properties located near the site are predominantly zoned for commercial or office use.***
- B. *To what extent are property values diminished by the particular zoning restrictions of the current zoning category? The existing B-1 PUD zoning classification for the property does not diminish the property value. However, conditions applied to the B-1 PUD rezoning approval limited the overall project size to a maximum building area of 284,000 Sf throughout the original site containing ±77.83 acres. Additionally, assisted living facilities were excluded from the permitted uses allowed within the development. In order to develop the site as intended on the submitted rezone concept plan, the site must be rezoned to remove the PUD designation and eliminate the restrictive conditions applied to the development.***
- C. *To what extent does the destruction of the property values of the individual property owner promote the health, safety, or general welfare of the public with consideration to:***
- A. *Population density and effect on community facilities such as streets, schools, water and sewer? County facilities, services, and infrastructure should be adequate to accommodate the proposed development. Two entrances are proposed off Virgil Langford Road to access a proposed public street within the development, Resurgence Drive. The Public Works Department has identified upgrades and construction requirements to offset impacts to Virgil Langford Road and at the Oconee Connector/Virgil Langford Road intersection (see the Comments from Other Departments & Agencies section above). Water and sewer capacity are available to serve the proposed development.***
- B. *Environmental impact? The site does not contain any 100-year floodplain areas. Jurisdictional Wetland areas are located along the southwestern portion of the site adjacent to an unnamed branch of Barber Creek and an old pond bed. Stormwater management facilities are proposed to serve the overall project.***
- C. *Effect on adjoining property values? If the project is developed similar to the quality and character of existing non-residential developments nearby, the property value of nearby non-residential projects should be enhanced.***
- D. *What is the relative gain to the public in maintaining the current zoning category, as compared to the hardship imposed upon the current property owner? This standard does not apply to this request.***
- E. *What is the length of time that the property has been vacant as currently zoned, considered in the context of land development in the area of the vicinity of the property? A single-family dwelling has been located on the subject property since 1920, but has not been occupied for some time. Land development around the vicinity of this site has been primarily commercial or office development.***
- F. *Is the proposed use consistent with the stated purpose of the zoning district that is being requested? The B-1 General Business District is intended for those business activities providing goods and services for local citizens of Oconee County and surrounding areas. The proposed development plan for an office park and an assisted living facility is consistent with the requested B-1 zoning designation.***

- G. *How does this request conform with or diverge from established land use patterns? As previously stated, established land use patterns near this site have been primarily commercial and office development.***
- H. *How does this request conform with or diverge from the Future Land Use Map or the goals and objectives of the Comprehensive Plan? The 2030 Future Development Map designates this tract with a character area of "Regional Center." Primary land uses suitable under the Regional Center character area include small office complexes and regional and medical professional offices. Senior housing is identified as being a suitable secondary land use within the Regional Center character area. Based upon the proposed land uses included on the development plan, this request complies with the development strategies, goals and objectives for the Regional Center character area.***
- I. *What is the availability of adequate sites for the proposed use in districts that permit such use? There are undeveloped properties zoned for commercial and office development along the Oconee Connector near the subject property.***
- J. *Is the site suitable for the proposed use relative to the requirements set forth in the Unified Development Code (off-street parking, setbacks, buffer zones, open space, etc.)? The site is adequate for the proposed development to meet the requirements of the Oconee County Unified Development Code.***
-

STAFF RECOMMENDATION & CONDITIONAL REQUIREMENTS

Staff recommends conditional approval of this rezone request, subject to the following conditions to be fulfilled by the owner/developer at his/her expense:

1. The development shall be connected to the Oconee County water and sewer systems at the developer's expense in a manner approved by the Oconee County Water Resources Department and the Oconee County Public Works Department.
2. Developer shall be responsible for all improvements required for the project entrances on Virgil Langford Road and at the intersection with the Oconee Connector and Virgil Langford Road as required by the Oconee County Public Works Department.
3. Site and building design shall meet the required standards of all state and local fire safety codes.
4. Development structures shall meet or exceed the architectural standards as indicated on the concept plan, narrative, representative architectural sketches and other documents submitted with the zoning application and attached hereto, paying special attention to the materials and design elements shown in the representative photos
5. The total building floor area of the development shall not exceed 296,300 Sf.
6. The total number of lots resulting from the subdivision of the subject property shall not exceed five.

#7766



OCONEE COUNTY ZONING CHANGE APPLICATION

Requested Action:

- ☐ Rezoning from: _____ to _____ ☒ Change in Conditions of Approval for Case #: 6598
- ☐ Special Use Approval for: _____ in the _____ Zoning District

Applicant

Name: ERT, INC. c/o DAVID ELDER

Address: 123 BEAR CREEK LN.

(No P.O. Boxes)

BOGART, GA 30622

Telephone: 678.227.4545

Property Owner

Name: OCONEE MEDICAL HOLDINGS, LLC

Address: 1181 LANGFORD DR.

(No P.O. Boxes)

BLDG. 200 STE. 101

BOGART, GA 30622

Telephone: 706.202.4200

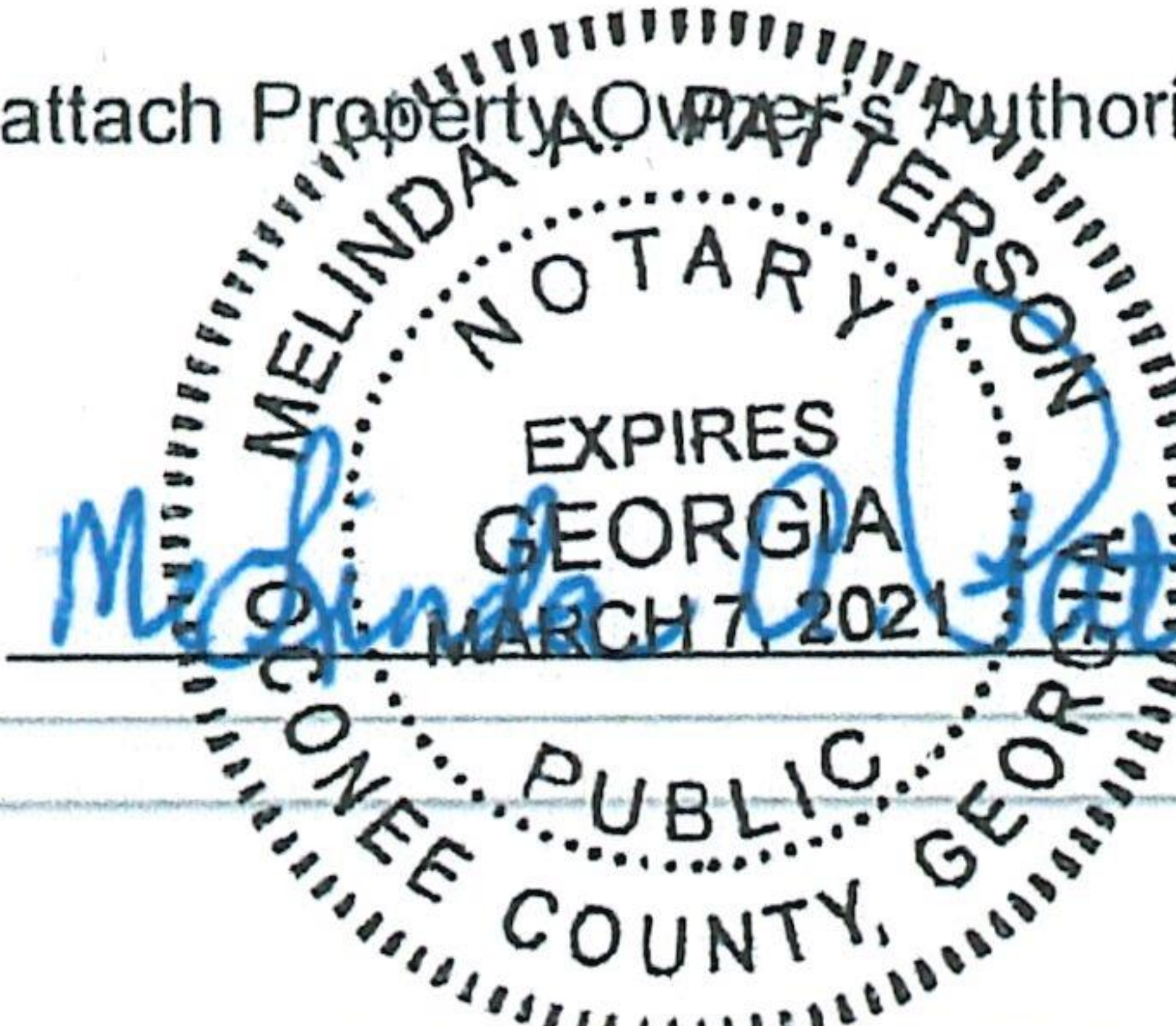
Applicant is (check one): ☐ the Property Owner ☒ Not the Property Owner (attach Property Owner's Authorization)

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

Signature: [Signature]

Date: 04/19/19

Notarized: [Signature]



Property

Location: 1305 JENNINGS MILL RD.

WATKINSVILLE, GA 30677

(Physical Description)

Tax Parcel Number: CO1A Q001 & CO1A C002

Size (Acres): 14.226 Current Zoning: B-2

Future Development Map—Character Area Designation: REGIONAL CENTER

Use

Current Use: MEDICAL OFFICE/

VACANT LAND

Proposed Use: MEDICAL OFFICE

Attachments (check all that apply)

- ☒ Property Owner's Authorization (if applicable)
☒ Application Fee
☒ Warranty Deed
☒ Typed Legal Description
☒ Plat of Survey
☒ Disclosures (Interest & Campaign Contributions)
☒ Zoning Impact Analysis

- ☒ Narrative (Detailed Description of the Request)
☒ Concept Plan
☒ Attachments to the Concept Plan:
☒ Water and/or Sewer Capacity Letter from OCUD
☒ Representative Architecture/Photographs
☒ Proof all property taxes paid in full
☐ Other Attachments: _____



For Oconee County Staff Use Only

Application Date Received: _____ Date Accepted: _____
DRI Transmitted to RDC ☐ Date: _____ ☐ N/A
Date Submitted: _____ ☐ Findings Complete
Posted: _____ Ad: _____ Ad: _____
Application Withdrawn ☐ Date: _____

APPLICATION NUMBER _____
Planning Commission Date: _____
☐ Approval ☐ With Conditions ☐ Denial
Board of Commissioners Date: _____
☐ Approved ☐ With Conditions ☐ Denied

CONDITIONS

1. The development shall be connected to the Oconee County water system at the developer’s expense in a manner approved by the Oconee County Utility Department and the Oconee County Public Works Department.
2. Developer shall construct center left turn lanes at each project entrance in accordance with the Unified Development Code and as required by the Public Works Department.
3. Development structures shall meet or exceed the architectural standards as indicated on the concept plan, narrative, representative architectural sketches and other documents submitted with the zoning application and attached hereto, paying special attention to the materials and design elements shown in the representative photos.
4. The total building floor area of the development shall not exceed 164,165 square feet.

TAX MAP



LEGAL DESCRIPTION

Tract 1 Legal Description.

Commencing at the Point of Beginning, thence North 12°57'24" East, a distance of 643.78 feet; thence South 88°06'32" East, a distance of 709.47 feet; thence South 02°00'47" East, a distance of 316.75 feet; thence South 87°59'13" West, a distance of 54.56 feet; thence South 48°38'01" West, a distance of 57.00 feet to the beginning of a curve concave to the southwest having a radius of 299.55 feet and a central angle of 3°25'20" and being subtended by a chord which bears North 60°04'35" West 17.89 feet; thence northwesterly along said curve, a distance of 17.89 feet; thence South 38°12'45" West radial to said curve, a distance of 36.05 feet to the beginning of a curve radial to said line; thence northwesterly and westerly a distance of 86.41 feet along the curve concave to the southwest, having a radius of 263.50 feet and a central angle of 18°47'20"; thence North 70°34'35" West tangent to said curve, a distance of 400.17 feet to the beginning of a curve tangent to said line; thence westerly, southwesterly and southerly a distance of 34.56 feet along the curve concave to the southeast, having a radius of 22.00 feet and a central angle of 90°00'00"; thence South 19°25'25" West tangent to said curve, a distance of 421.15 feet to the beginning of a curve tangent to said line; thence southerly a distance of 9.32 feet along the curve concave to the east, having a radius of 263.50 feet and a central angle of 2°01'34"; thence North 77°43'09" West, a distance of 47.86 feet; thence South 57°10'51" West, a distance of 13.08 feet; thence North 77°43'09" West, a distance of 50.00 feet to the Point of Beginning. Containing 6.108 Acres, more or less.

Tract 2 Legal Description.

Commencing at the Point of Beginning, thence North 71°15'46" West, a distance of 40.74 feet to the beginning of a curve concave to the south having a radius of 548.22 feet and a central angle of 13°41'59" and being subtended by a chord which bears North 78°06'17" West 130.77 feet; thence westerly along said curve, a distance of 131.08 feet; thence South 45°07'40" West, a distance of 1.81 feet to the beginning of a curve concave to the south having a radius of 548.22 feet and a central angle of 16°08'51" and being subtended by a chord which bears South 86°20'55" West 153.99 feet; thence westerly along said curve, a distance of 154.50 feet; thence North 11°45'52" West, a distance of 83.15 feet to the beginning of a curve tangent to said line; thence northerly, northeasterly, easterly, southeasterly, southerly, southwesterly, westerly, northwesterly and northerly a distance of 81.65 feet along the curve concave to the east, having a radius of 150.00 feet and a central angle of 31°11'17"; thence North 19°25'25" East, a distance of 329.65 feet; thence South 70°34'35" East, a distance of 308.67 feet to the beginning of a curve tangent to said line; thence easterly and southeasterly a distance of 89.34 feet along the curve concave to the southwest, having a radius of 150.00 feet and a central angle of 34°07'28"; thence South 36°27'07" East, a distance of 120.03 feet to the beginning of a curve concave to the southeast having a radius of 548.22 feet and a central angle of 17°42'02" and being subtended by a chord which bears South 44°41'17" West 168.89 feet; thence southwesterly along said curve, a distance of 169.36 feet to a point of cusp on a curve, from which the radius point bears South 54°03'40" East; thence southwesterly and southerly a distance of 135.06 feet along the arc of said curve concave to the southeast having a radius of 548.22 feet and a central angle of 14°06'34"; thence South 64°43'27" West, a distance of 28.80 feet to the Point of Beginning. Containing 4.104 Acres, more or less.

Tract 3 Legal Description.

Commencing at the Point of Beginning, thence North 04°17'51" West, a distance of 264.42 feet; thence South 77°43'09" East, a distance of 50.80 feet; thence North 57°16'51" East, a distance of 13.08 feet; thence South 77°43'09" East, a distance of 47.86 feet to the beginning of a curve concave to the east having a radius of 263.50 feet and a central angle of 2°01'34" and being subtended by a chord which bears North 18°24'38" East 9.32 feet; thence northerly along said curve, a distance of 9.32 feet; thence North 10°25'25" East tangent to said curve, a distance of 421.15 feet to the beginning of a curve tangent to said line; thence northerly, northeasterly and easterly a distance of 34.56 feet along the curve concave to the southeast, having a radius of 22.00 feet and a central angle of 90°00'00"; thence South 70°34'35" East tangent to said curve, a distance of 400.17 feet to the beginning of a curve tangent to said line; thence easterly and southeasterly a distance of 86.41 feet along the curve concave to the southwest, having a radius of 263.50 feet and a central angle of 18°47'20"; thence North 38°12'45" East radial to said curve, a distance of 36.05 feet to the beginning of a curve radial to said line; thence southeasterly a distance of 17.89 feet along the curve concave to the southwest, having a radius of 299.55 feet and a central angle of 3°25'20"; thence North 48°38'01" East, a distance of 57.00 feet; thence North 87°59'13" East, a distance of 54.56 feet; thence South 02°00'47" East, a distance of 207.27 feet to the beginning of a curve concave to the southeast having a radius of 548.22 feet and a central angle of 13°28'00" and being subtended by a chord which bears South 60°46'18" West 128.55 feet; thence southwesterly along said curve, a distance of 128.85 feet to a point of cusp; thence North 36°27'07" West, a distance of 120.03 feet to the beginning of a curve tangent to said line; thence northwesterly and westerly a distance of 89.34 feet along the curve concave to the southwest, having a radius of 150.00 feet and a central angle of 34°07'28"; thence North 70°34'35" West, a distance of 308.67 feet; thence South 19°25'25" West, a distance of 329.65 feet to the beginning of a curve tangent to said line; thence southerly a distance of 81.65 feet along the curve concave to the east, having a radius of 150.00 feet and a central angle of 31°11'17"; thence South 11°45'52" East, a distance of 83.15 feet to a point of cusp on a curve concave to the south having a radius of 548.22 feet and a central angle of 4°59'48" and being subtended by a chord which bears South 75°46'36" West 47.79 feet; thence westerly along said curve, a distance of 47.81 feet; thence South 73°49'11" West, a distance of 169.53 feet to the Point of Beginning. Containing 4.014 Acres, more or less.

NARRATIVE

PROPOSED USE

This property will be utilized for Medical and Office space. Currently, a portion of this property features the new Piedmont Orthopedic Center, currently under construction. The balance of this property is graded to rough pads. To the West of this property is Phase II of Three Sixteen Professional Quarter which is zoned O-I-P. To the North is Jennings Mill Subdivision which is zoned R-3 PUD. The portions of Jennings Mill contiguous to this property feature one residence, a vacant tract and several parking lots belonging to the Athens Area Board of Realtors. To the East is a vacant tract already zoned B2. To the South of the campus, across Virgil Langford Rd., is a tract zoned ARI.

Proposed in this project is one additional three story structure that will be the final component of the Oconee Health Campus. The final gross floor area of the campus will be 164,165. The two, more prominent structures on the Oconee Health Campus set the tone for the property and are two-story buildings. The Piedmont Orthopedic Building currently under construction is one-story, and will match the anchor buildings from an architectural standpoint. This third, and final, Three Story building will complete the build-out of the property. It is situated in close proximity to the other structures, giving the property a true 'campus' feel that promotes pedestrian travel from building to building.

The totality of this Requested Modification to Rezone #6598 is an increase in the Total Building Square Footage for the 14.226 acre Oconee Health Campus property.

TRAFFIC IMPACTS

Projected traffic has been calculated from the trip generation rates published by the Institute of Transportation Engineers, Trip Generation, 7th Edition. Traffic counts are projected as follows:

Total ADT:	5,965 per day
AM Peak:	415 trips
PM Peak:	428 trips

When considering the estimates shown above and the proximity of the project to several major arteries in the county, as well as the newly completed Mars Hill Road Widening, the proposed project should minimally affect the existing roadways. The site also features excellent circulation and two entrances that will allow for greater ease of ingress and egress. Both entrances feature deceleration lanes, in keeping with Oconee County Ordinances. One entrance is located along Virgil Langford and the other is along the new alignment of Jennings Mill Road.

Rezone Narrative (B2- Change in conditions)
Oconee Health Campus

Page 1 of 3

OWNERSHIP AND MAINTENANCE OF COMMON OPEN SPACE

Common open space and stormwater management facilities will be owned and maintained by the Condo Association. Strict covenants will be created for this project as required for establishing the legal ownership and maintenance of the common areas including stormwater management facilities.

ARCHITECTURAL RENDERINGS AND SIGNAGE

Architectural elevations are included as part of this packet under the tab "Architectural Elevations" immediately following this narrative.

PLANTINGS, BUFFERS, SIDEWALKS AND CURBING

Tree plantings in the parking lot area will conform to Oconee County Code. Landscaping will meet or exceed all code requirements. There is an existing 50' planted buffer against the residences in Jennings Mill to the Northwestern corner of the property. The property features a pedestrian friendly feel with many sidewalks interconnecting the different areas of the property.

All of the parking areas feature curb and gutter that serves to convey the storm water run-off, but also defines the landscape and pedestrian areas, giving the project an appealing aesthetic.

SCHEDULE AND PHASING

This project will be built out based on the following anticipated schedule:

Anchor Building 100:	Complete	44,158 s.f.
Anchor Building 200:	Complete	44,040 s.f.
Connector:	Complete	7,402 s.f.
Building 300:	Under Const.	23,565 s.f.
Building 400:	One year	45,000 s.f.

SCHOOL SYSTEM IMPACTS

Projected impacts to the school system are positive due to the tax revenue generated by this development. The regional status of the services provided (both now and in the future) at this facility means that people come from other counties to pay for services. The taxes generated benefit the county with minimal utilization of county services.

PUBLIC WATER AND SEWER

Public water supplies this project. There is an existing 12" line along the realigned portion of Jennings Mill Road on the frontage of the property. There is also an existing 12" line along the opposite side of Virgil Langford Road in front of the property.

Sewer leaves this project and gravity flows to a manhole located in the rear corner of Three Sixteen Professional Quarter Phase II. From there it travels to the existing lift station located along Langford Drive at the rear of Three Sixteen Professional Quarter Phase I.

The water main has been tapped and already serves the proposed development. Water demands are estimated for the proposed development at a average of 16,520 GPD with a maximum peak demand of 18,500 GPD.

Other utilities for this project include cable and telephone, both of which are provided by AT&T. Walton EMC provides power to the property. No gas service is available.

STORM WATER AND DRAINAGE

Storm water is channeled to a detention pond in the northwestern corner of the property, which is where the majority of the water left the site in its pre-developed condition. The increase in storm water runoff from the impervious surfaces is handled by the detention pond as well as other storm water management facilities and conveyances.

BUILDINGS AND FACADE MATERIALS

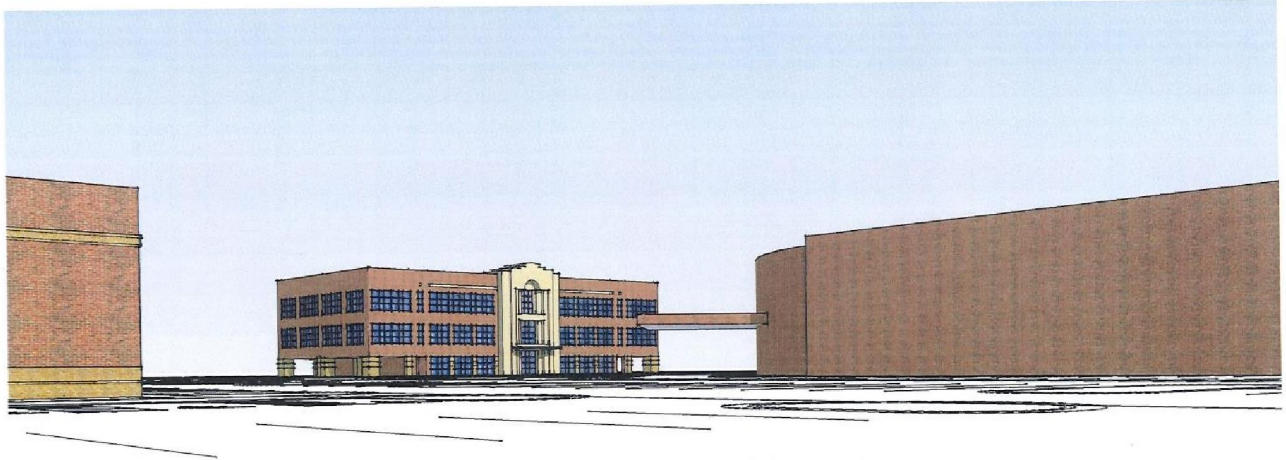
The structure will be constructed utilizing a congruous pallet of materials including high quality brick, stone, glass, metal and copper, or combination thereof. All roofing shall match the other structures on the campus. Please refer to Architectural Elevations for conceptual architectural elevations. Signage will be the existing sign on the corner of Jennings Mill and Virgil Langford Road.

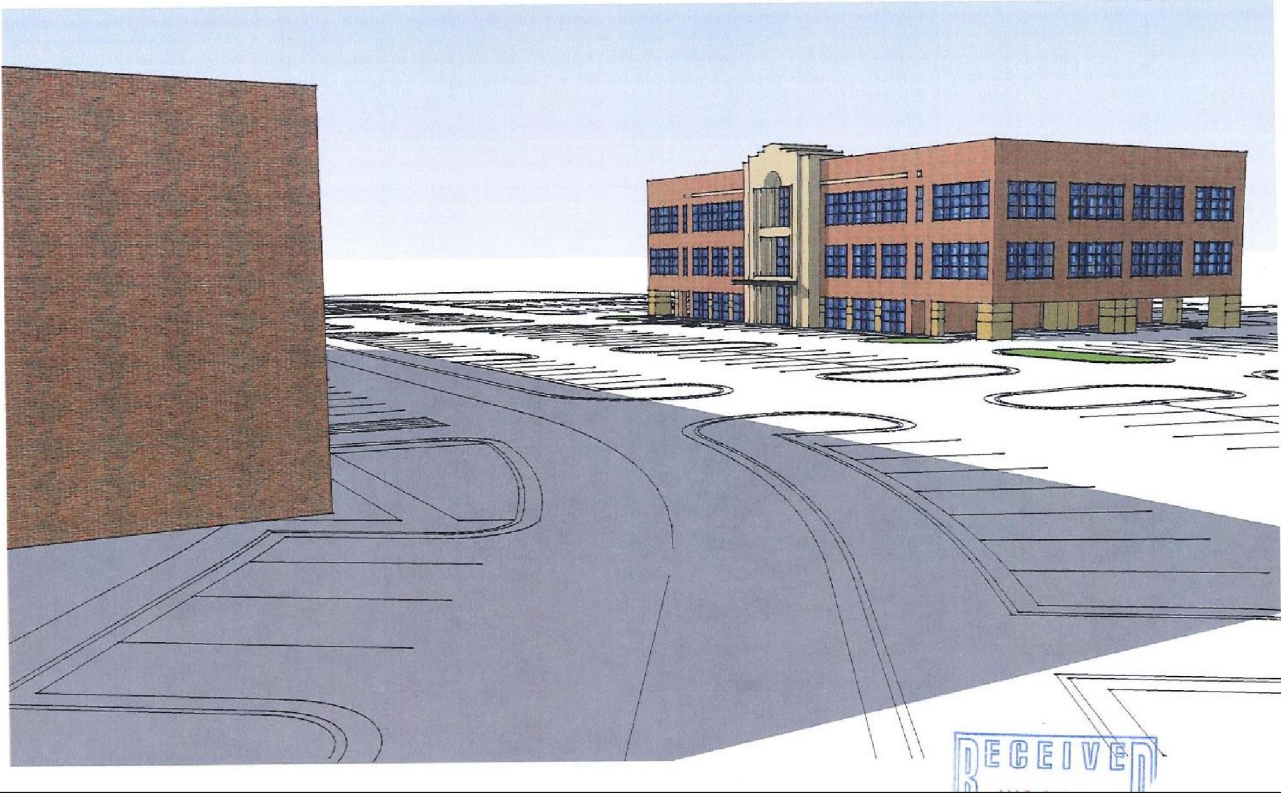
ESTIMATED VALUE OF PROJECT AT COMPLETION

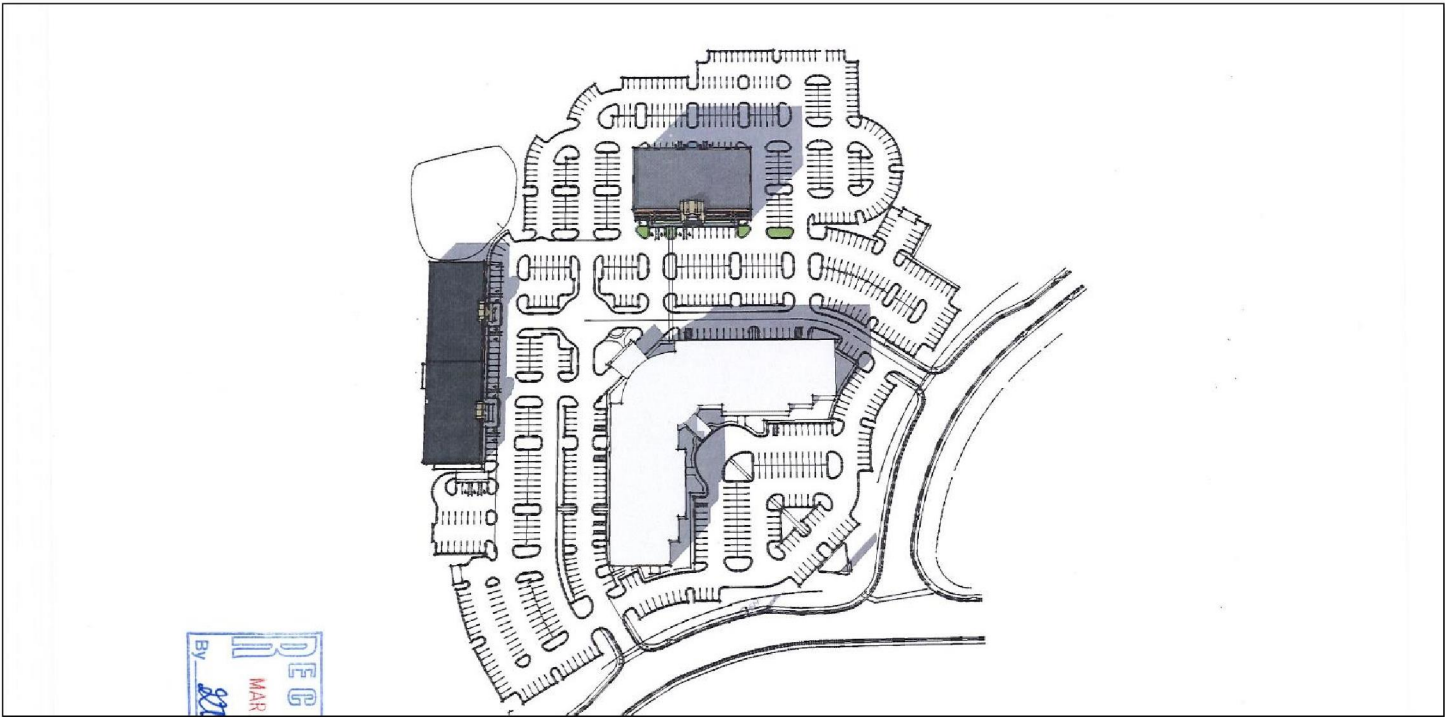
Once fully built out, this project's estimated value is \$60,000,000 in 2019 dollars. The value of Building 400 should be around \$12,000,000 at the time of completion.

REPRESENTATIVE SKETCHES & PHOTOGRAPHS











Planning Department
Oconee County, Georgia
STAFF REPORT

REZONE CASE #: 7768

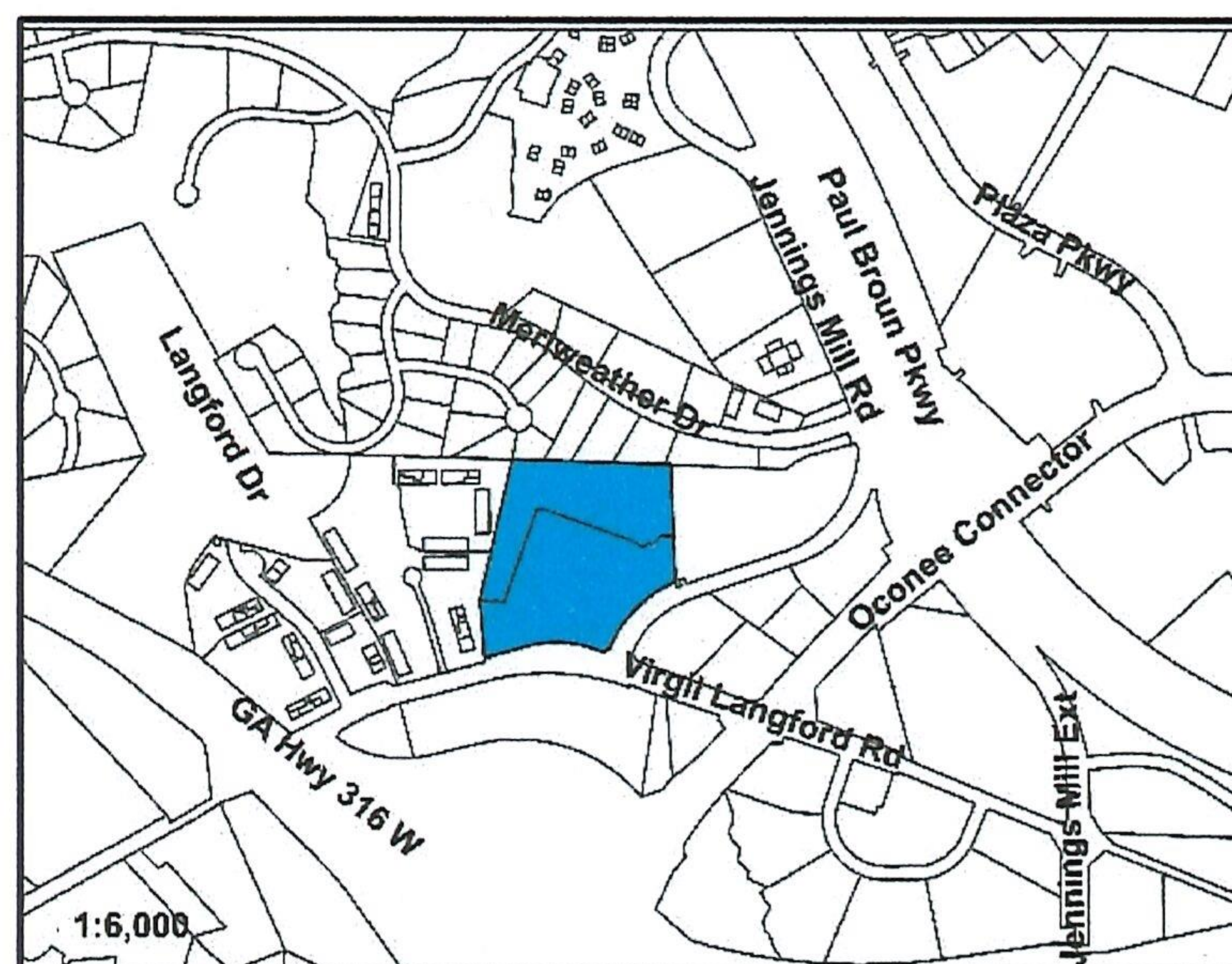
DATE: May 8, 2019

STAFF REPORT BY: Grace Tuschak, Planner

APPLICANT NAME: ERT, Inc. c/o David Elder

PROPERTY OWNER: Oconee Medical Holdings, LLC &
PPF AHP OFF 1305 JENNINGS MILL ROAD OWNER,
LLC

LOCATION: Northwest corner of the intersection of
Jennings Mill Road and Virgil Langford Road



PARCEL SIZE: ±14.23 Acres

EXISTING ZONING: B-2 (Highway Business)

EXISTING LAND USE: Vacant and Medical Office Park

ACTION REQUESTED: B-2 (Highway Business)

REQUEST SUMMARY: The owners are petitioning for a modification to rezone no. 6598 to allow for an increase in total allowed building square footage for the subject property.

STAFF RECOMMENDATION: Staff recommends approval of this rezone request subject to conditions.

DATE OF SCHEDULED HEARINGS

PLANNING COMMISSION: May 20, 2019

BOARD OF COMMISSIONERS: June 4, 2019

ATTACHMENTS:

- Application
- Zoning Impact Analysis
- Narrative
- Architectural Renderings
- Aerial Photo
- Tax Map
- Plat
- Concept Plan

BACKGROUND INFORMATION & FINDINGS OF FACT**HISTORY**

- On February 3, 2019, rezone no. 6598 was approved, rezoning the subject property from A-1 (Agricultural) to B-2 (Highway Business) to allow for the development of a medical office park.
- Preliminary site plan approval for Phase V of the Three Sixteen Professional Quarter (a portion of the subject site) was issued on March 15, 2015.
- Site development plan approval for Phase V of the Three Sixteen Professional Quarter (a portion of the subject site) was issued on August 12, 2015.

SITE VISIT DESCRIPTION

- The subject property is partially developed in accordance with rezone no. 6598.
- Buildings 100 and 200 (as labeled on the approved concept plan for rezone no. 6598) are completed; building 300 is currently under construction.

SURROUNDING LAND USE AND ZONING

	EXISTING LAND USES	EXISTING ZONING
NORTH	Office and Mixed-Use Residential	R-3 PUD (Multi-Family Residential – Planned Unit Development)
SOUTH	Undeveloped	AR-1 (Agricultural-Residential One Acre)
EAST	Undeveloped	B-2 (Highway Business)
WEST	Office Park	O-I-P (Office-Institutional-Professional) & B-1 (General Business)

PROPOSED MODIFICATION DESCRIPTION

- The applicant is petitioning to modify condition #4 of rezone no. 6598, which limits the total building floor area of the development to 140,000 square feet.
- In place of buildings D, E, and F depicted on the original concept plan approved under rezone no. 6598, the applicant is proposing to construct a three-story, 45,000-square foot building.
- Total building square footage at full buildout is proposed to be 164,165 square feet.

TRAFFIC PROJECTIONS

- The modification request is estimated to increase traffic by 210 ADT with 66 a.m. and 18 p.m. peak hour trips (see table below).
- Traffic impacts are estimated based on ITE's Trip General Manual, 9th Edition.

	ADT	a.m. peak hour trips	p.m. peak hours trips
Previously approved under rezone no. 6598	5,755	349	410
Present modification request	5,965	415	428

PUBLIC FACILITIES**Water:**

- Existing County water mains are located in the Virgil Langford Road and Jennings Mill Road rights-of-way
- The remainder of the development proposes to connect to the existing water mains to serve the project

Sewer:

- An existing County gravity sewer line is located on the site
- The remainder of the development proposes to utilize gravity flow and connect to an existing gravity system adjoining the site in the Caduceus office park development

Roads:

- Two entrances are in place to access the site, from Virgil Langford Road and Jennings Mill Road
- The two project entrances include deceleration lanes and acceleration tapers

ENVIRONMENTAL

- No 100 Year Flood Plains are located on the site
- No Jurisdictional Wetland areas are located on the site

COMMENTS FROM OTHER DEPARTMENTS & AGENCIES**Water Resources Department:**

- No comments

Public Works Department:

- No comments

Fire Department:

- No comments

NOTE: For reference purposes, the staff analysis included in the staff report for rezone no. 6598 is repeated below:

STAFF ANALYSIS

THE ANALYSIS OF THE APPLICATION IS MADE BASED UPON THE “STANDARDS FOR REZONING CONSIDERATION” AS SET FORTH IN SECTION 1207.01 OF THE OCONEE COUNTY UNIFIED DEVELOPMENT CODE.

- A. **How does the current request compare to the existing uses and zoning of nearby properties?** This request is consistent with the existing uses and zoning of neighboring properties along Jennings Mill Road and Virgil Langford Road.*
- B. **To what extent are property values diminished by the particular zoning restrictions of the current zoning category?** Medical and professional offices are not permitted land uses in the existing A-1 zoning classification of the property. The property must be rezoned in order to allow development of the site as proposed.*
- C. **To what extent does the destruction of the property values of the individual property owner promote the health, safety, or general welfare of the public with consideration to:***
 - 1. **Population density and effect on community facilities such as streets, schools, water and sewer?** County facilities, services, and infrastructure should be adequate to accommodate the proposed development. Project entrances on Virgil Langford Road and Jennings Mill Road are proposed to include deceleration lanes and acceleration tapers. As required by UDC Section 1206.04.b, a traffic study was performed and submitted with this request. In addition to the proposed improvements at the project entrances, the traffic study recommends construction of center left turn lanes at each of the project entrances. The Public Works Department also recommends construction of center left turn lanes. Staff has included a recommended condition requiring construction of center left turn lanes at each of the project entrances. Water and sewer capacity are available to serve the proposed development.*
 - 2. **Environmental impact?** The site does not contain any 100-year floodplain or Jurisdictional Wetland areas. Stormwater management facilities are proposed to control stormwater runoff.*
 - 3. **Effect on adjoining property values?** If the project is developed similar to the quality and character of existing non-residential developments nearby, the property value of nearby non-residential projects should be enhanced.*
- D. **What is the relative gain to the public in maintaining the current zoning category, as compared to the hardship imposed upon the current property owner?** Less intense zoning districts benefit the public by maintaining a lower density, creating less traffic and need for road maintenance, and less demand for law enforcement and fire suppression activities, emergency services, and other County services. The hardship imposed on the property owner under the current A-1 zoning classification would be the inability to develop the property for medical and professional offices.*
- E. **What is the length of time that the property has been vacant as currently zoned, considered in the context of land development in the area of the vicinity of the property?** The subject property has never been developed. Land development around the vicinity of this site has been primarily non-residential or commercial development.*

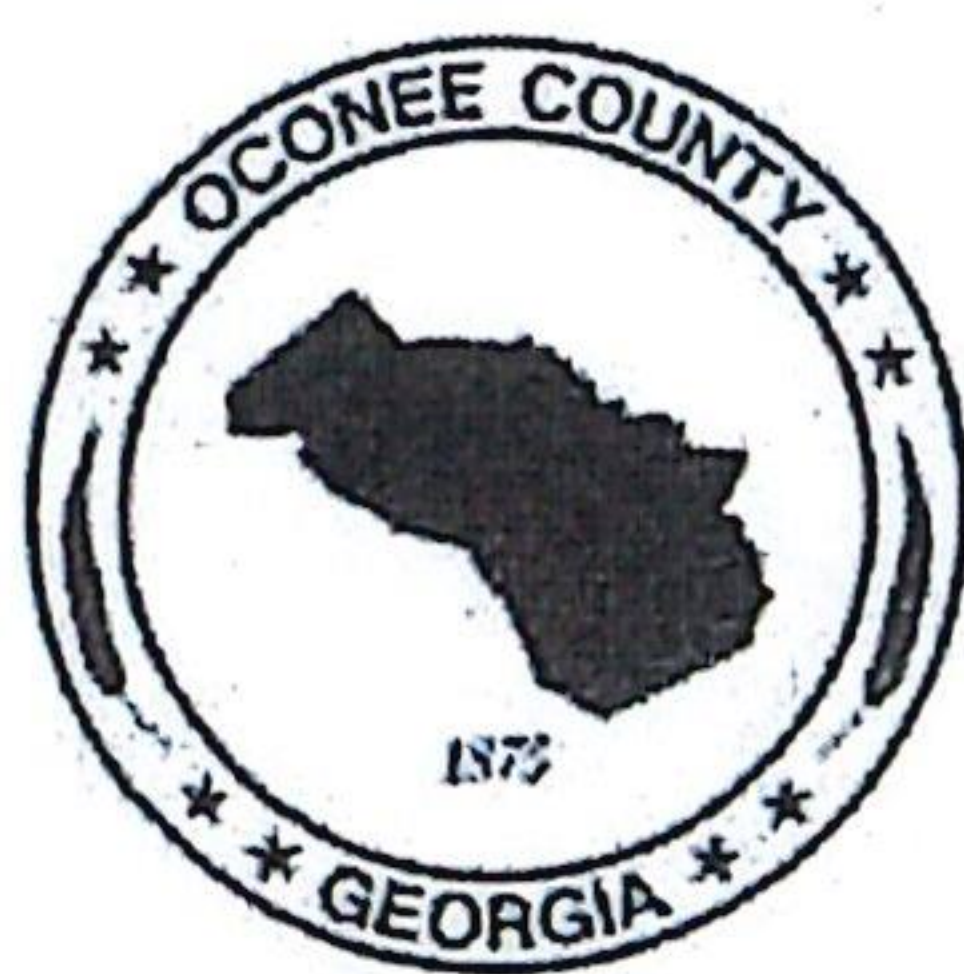
- F. Is the proposed use consistent with the stated purpose of the zoning district that is being requested?** The B-2 (General Business) zoning district is intended to serve those business activities generally oriented to the highways. Considering the project's proximity to SR 316 and Loop 10, the proposed development plan for regional medical and professional offices is consistent with the intent of the B-2 zoning classification.
- G. How does this request conform with or diverge from established land use patterns?** As previously stated, established land use patterns near this site have been primarily non-residential and commercial development.
- H. How does this request conform with or diverge from the Future Land Use Map or the goals and objectives of the Comprehensive Plan?** The 2030 Future Development Map designates this tract with a character area of "Regional Center". Regional medical and professional offices are identified in the Community Agenda as primary land uses for the Regional Center character area. Based upon the proposed development plan, this request complies with the development strategies, goals and objectives for the Regional Center character area.
- I. What is the availability of adequate sites for the proposed use in districts that permit such use?** There are numerous undeveloped properties located in this vicinity of the County which are currently zoned for commercial development.
- J. Is the site suitable for the proposed use relative to the requirements set forth in the Unified Development Code (off-street parking, setbacks, buffer zones, open space, etc.)?** The site is adequate for the proposed development to meet the requirements of the Oconee County Unified Development Code.

STAFF RECOMMENDATION & CONDITIONAL REQUIREMENTS

Staff recommends **conditional approval**, subject to the following conditions **to be fulfilled by the developer at his/her expense:**

1. The development shall be connected to the Oconee County water system at the developer's expense in a manner approved by the Oconee County Utility Department and the Oconee County Public Works Department.
2. Developer shall construct center left turn lanes at each project entrance in accordance with the Unified Development Code and as required by the Public Works Department.
3. Development structures shall meet or exceed the architectural standards as indicated on the concept plan, narrative, representative architectural sketches and other documents submitted with the zoning application and attached hereto, paying special attention to the materials and design elements shown in the representative photos.
4. The total building floor area of the development shall not exceed 164,165 square feet.

#177609



OCONEE COUNTY APPEAL APPLICATION

Type of Appeal Submitted:

- ☒ Hardship Variance ☐ Appeal of Administrative Decision ☐ Flood Damage Prevention Variance
☐ Special Exception for: _____

Applicant

Name: Williams & Associates, Land Planners P.C.
Address: 2470 Daniells Bridge Road
Suite 161 (No P.O. Boxes)
Athens, GA 30606
Telephone: (706) 310-0400

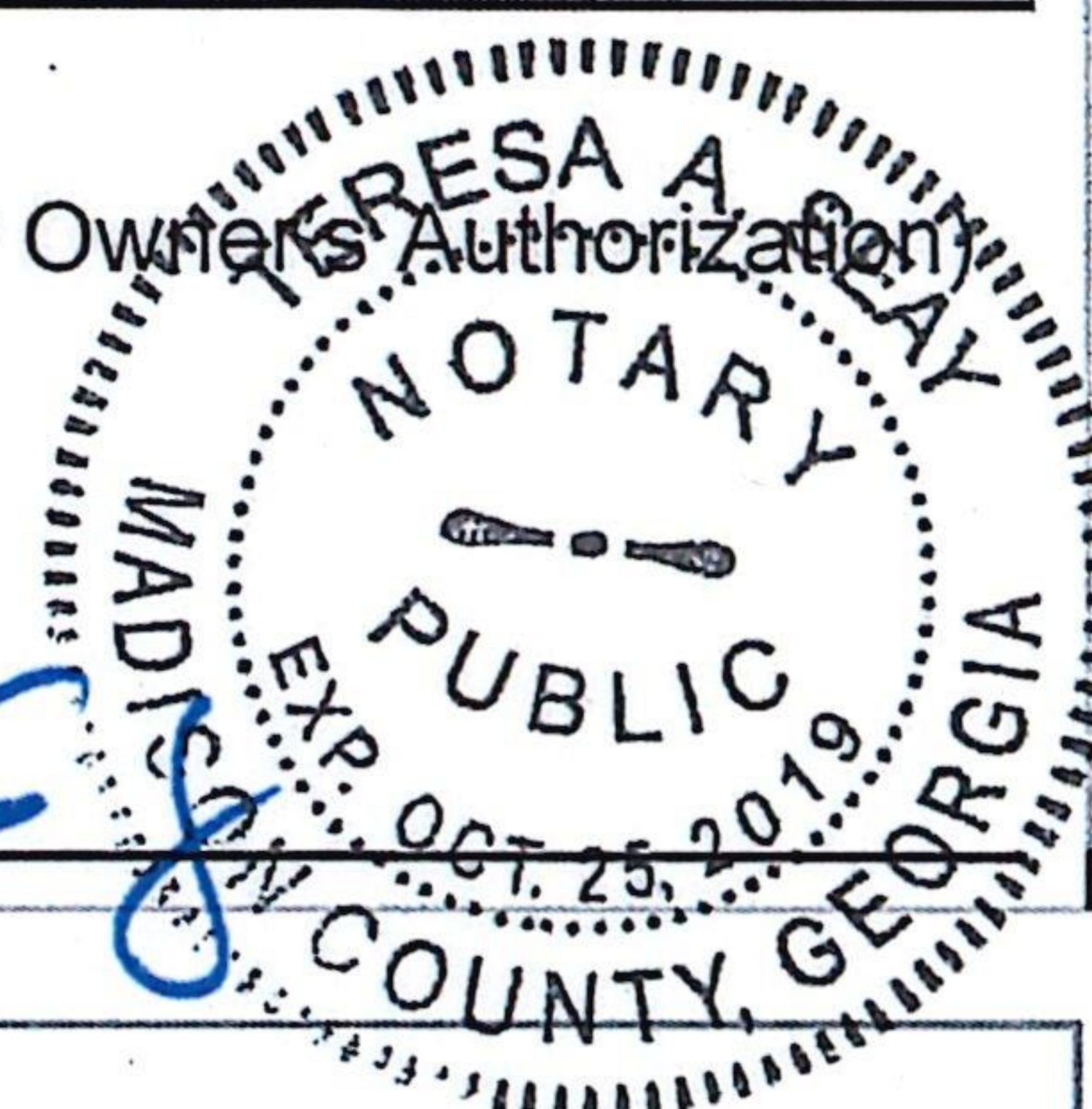
Property Owner

Name: Holly Purcell
Address: 2397 Eisenhower Ave.
Bogart, GA 30622 (No P.O. Boxes)
Telephone: (706) 338-3639

Applicant is (check one): ☐ the Property Owner ☒ Not the Property Owner (attach Property Owner's Authorization)

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

Signature: [Signature] - W&A Engineering - owner Date: 04/09/19 Notarized: [Signature]



Property

Location: 2070 Hodges Mill Road
(Physical Description)
Shown as Tract 1 on the administrative subdivision plat
Tax Parcel Number: B04-001
Size (Acres): 19.096 Current Zoning: A-1
Future Development Map-Character Area Designation: Suburban Neighborhood

Use

Current Use: Residential Property
Proposed Use: Residential Property

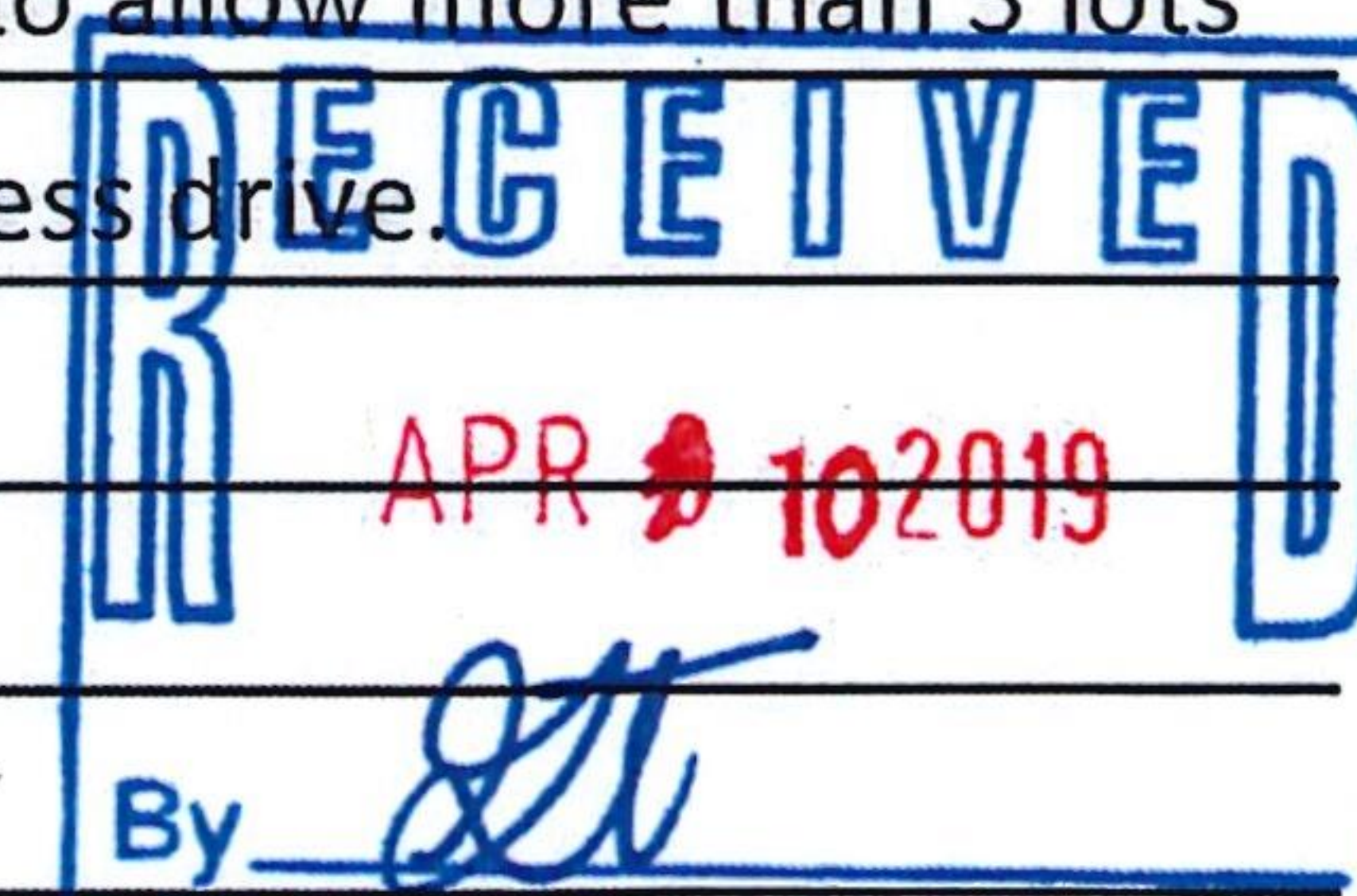
Attachments (check all that apply)

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

Appeal or Variance Requested

Provide the code section and briefly explain the requested variance

Sec. 1012.07.a - Private Access Drives
A hardship variance is requested to allow more than 3 lots
to be accessed from a private access drive.



For Oconee County Staff Use Only

Application

Date Received: _____ Date Accepted: _____
DRI Transmitted to RDC ☐ Date: _____ ☒ N/A
Review Submitted: _____ Location Map: _____
Posted: _____ Ad: _____ Ad: _____
Application Withdrawn ☐ Date: _____

Action

ADMINISTRATIVE APPEAL: 7769
Date: _____
☐ Approved ☐ With Conditions ☐ Denied ☐ N/A
Board of Commissioners Date: 6/4/19
☐ Approved ☐ With Conditions ☐ Denied ☐ N/A

EXHIBIT "A" TO HARDSHIP VARIANCE #7769

Page 1 of 4

CONDITIONS

1. The subject private access drive shall serve no more than five tracts.

TAX MAP



LEGAL DESCRIPTION

Tract 1 Legal Description

All that tract, or parcel of land, lying and being in Oconee County, Georgia, G.M.D. 239, containing 19.096 acres, more or less, and being more particularly described as:

Beginning at a 1/2" rebar at the intersection of the southeasterly margin of the 100-foot right-of-way of Hodges Mill Road with the southwesterly margin of the 60-foot right-of-way of Palomino Pass; thence continuing along the right-of-way of Hodges Mill Road South 48 degrees 17 minutes 12 seconds West, 399.77 feet to a 1/2" rebar, thence South 48 degrees 18 minutes 22 seconds West, 720.55 feet to a point, being the TRUE POINT OF BEGINNING; thence leaving said right-of-way South 36 degrees 54 minutes 05 seconds East, 675.27 feet to a point; thence South 59 degrees 47 minutes 06 seconds East, 187.14 feet to a point; thence South 20 degrees 04 minutes 14 seconds East, 688.87 feet to a point; thence North 89 degrees 47 minutes 06 seconds West, 487.30 feet to a point; thence North 54 degrees 09 minutes 59 seconds West, 339.88 feet to a point; thence North 42 degrees 28 minutes 04 seconds West, 833.92 feet to a 3/8" rod on the southeasterly margin of right-of-way of Hodges Mill Road; thence continuing along said right-of-way North 48 degrees 18 minutes 22 seconds East, 699.48 feet to the TRUE POINT OF BEGINNING.

PLAT

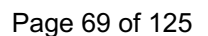


EXHIBIT "A" TO HARDSHIP VARIANCE #7769

Page 3 of 4 CONCEPT PLAN

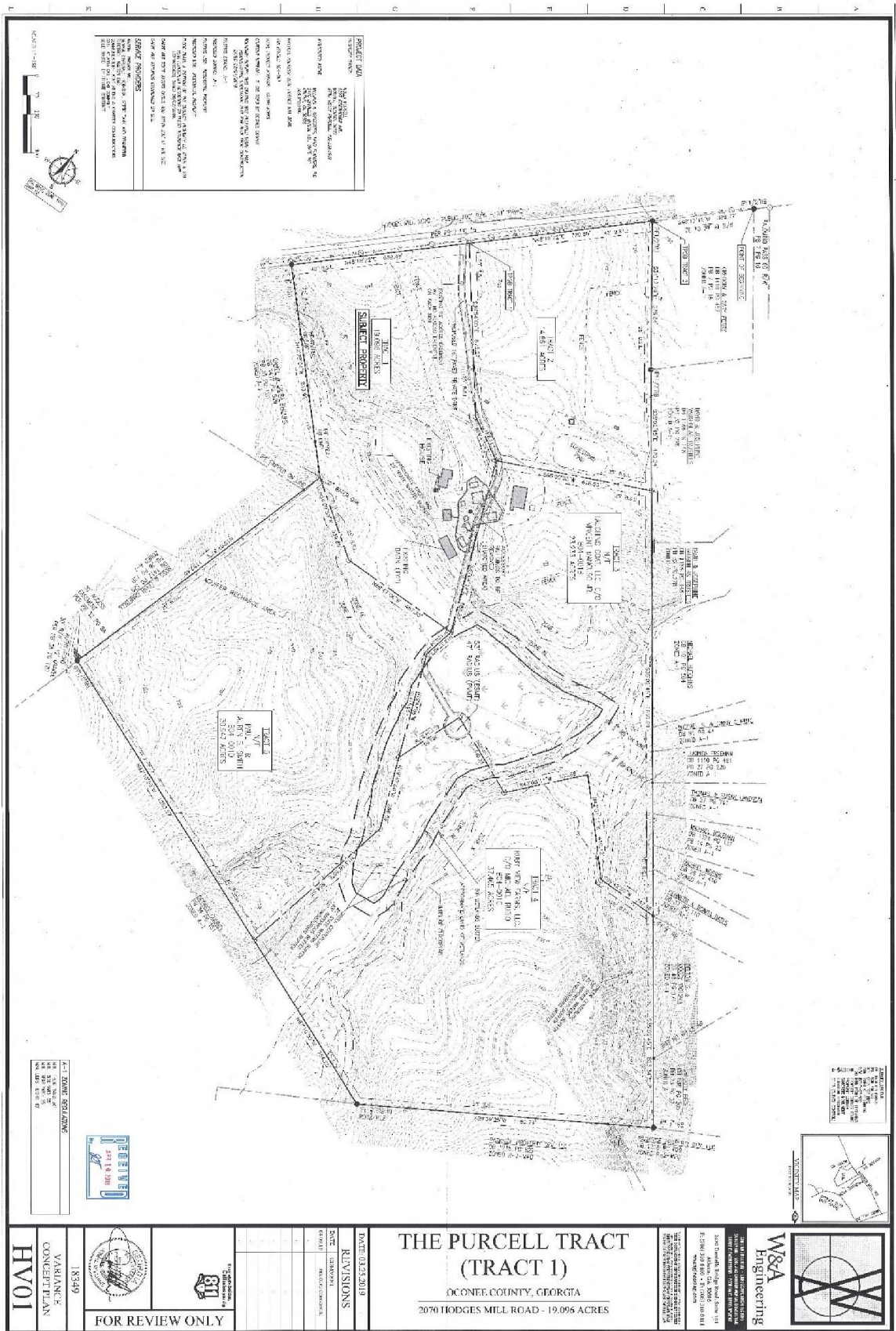


EXHIBIT "A" TO HARDSHIP VARIANCE #7769

Page 4 of 4

NARRATIVE

Narrative

The Purcell Tract is an existing residential lot located at 2070 Hodges Mill Road in Bogart, Georgia. The tract exists as 19.096 acres. Mrs. Holly Purcell is the current property owner and will act as the primary contact. Williams & Associates Land Planners, P.C. has been engaged by the owner to act as agent in the preparation of the necessary hardship variance documentation associated with this request.

The Site

The subject tract fronts on Hodges Mill Road for approximately 699 LF. The site is predominantly a mixture of pines, hardwoods, and open pasture land. There is one existing residential structure on the tract. The tract also contains multiple outbuildings and barns. The topography primarily drops from the northeast to the south west to an existing onsite creek. Existing zoning and land uses surrounding the site are as follows: to the north Hodges Mill Road and one (1) A-1 zoned vacant tract; to the west – one (1) A-1 zoned tract with residence; to the south and east – two (2) A-1 zoned vacant tracts. The Future Development Map 2030 identifies the site with a Future Character Area designation of Suburban Living.

The Development

Mrs. Purcell proposes to remodel the existing house located on the tract. Some of the barns are to remain and some are to be demolished.

Buildings

The proposed architectural design theme is a traditional style utilized in residential dwellings and similar in character to existing homes in the area. Exterior facades and accents include, but are not limited to: architectural brick, stone, simulated or cultured stone, cast stone, cement fiber board plank siding, board and batten siding, shingle siding, exterior insulation and finish system (EIFS), stucco and cedar plank or shingle siding with low-maintenance composite trim and ornamentations. The roof is anticipated to be a pitched or gabled structure with material options including asphalt shingles or metal. The architectural style may also incorporate shed dormers, wide overhanging eaves, tapered square wood or masonry columns, and divided light windows and doors. See attached representative architecture.

Water Supply

A private well is proposed to service the tract.

Sewage Disposal

A conventional septic tank and drain-field are planned for the tract. A soil survey map will be prepared by an approved soil scientist to insure that the system will be constructed in an area with appropriate soils per county and state regulations.

Surface Water Drainage

Surface water drainage is proposed to remain as sheet flow.

Access

Access will be via a single driveway from the existing paved private drive. This hardship variance request is a result of more than 3 lots having access to the private drive. Currently there are 3 single family tracts with proposed residences that are using the existing private drive for their primary access.

The tract will have to be re-platted because there is an existing 1' no access easement adjacent to the private drive.

Traffic

Projected traffic is based on the trip generation rate published by the Institute of Transportation Engineers, *Trip Generation*, 9th Edition. Traffic projections are based on the ITE code (210) Single-Family Detached Housing.

The average rate is 9.52 trips per Dwelling Unit on a weekday.
(1 Dwelling Unit) x 9.52 trips = 9.52 ADT

The average rate is 0.77 trips per Dwelling Unit for AM peak hour.
(1 Dwelling Unit) x 0.77 trips = 0.77 ADT AM peak

The average rate is 1.02 trips per Dwelling Unit for PM peak hour.
(1 Dwelling Unit) x 1.02 trips = 1.02 ADT PM peak

Schools

There will be no impact to schools because there are no new lots created as a result of this variance request.

Schedule

The petitioners plan to complete the variance efforts on the subject property by June 2019.

Maintenance of Common Areas

There are no common areas currently proposed for this development.

Landscaping and Buffers

No specific landscaping or buffers are required as part of this variance request.

Utilities

At this time, all utilities are proposed to be underground. Anticipated utilities that will serve the tract are power, gas, telephone, cable TV & internet access.

Garbage Collection

Garbage collection will be handled by private contract service.

Sidewalks

No sidewalks are proposed as part of the variance request.

Public & Semi-public Areas

Easements for power, telephone, cable TV, and gas will be dedicated as required for specific utility construction.

Outdoor Lighting

No lighting is proposed as part of this variance request.

Development Valuation

Proposed total value of the project at completion: \$1,200,000

Variance

A Hardship Variance is requested from UDC Sec. 1012.07.A allowing more than 3 lots to be accessed from a private access drive.

UDC Sec. 1012.07 – Private Access Drives

A hardship variance may be granted in such individual case of unnecessary hardship upon a finding by the Board of Commissioners that all of the following conditions exist:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography:

The particular piece of property for which the variance is being requested has extraordinary and exceptional conditions due to the parent parcel's road frontage and shape. The parent parcel was administratively subdivided five times as allowed by code, resulting in large acreage tracts with three of the tracts currently accessed by a private drive. Due to the large size of the tracts, long driveways are required to access home sites for the two lots not on the private access drive. Allowing more than three lots on a private access drive would reduce the length of driveway required for tracts 1 and 2.

- b. The application of this development code to this particular piece of property would create an unnecessary hardship:

The application of this development code to this particular piece of property would create an unnecessary hardship by requiring the petitioners to provide unnecessary improvements when an existing private access drive is located directly adjacent to the tract.

- c. Such conditions are peculiar to the particular piece of property involved:

The conditions involved in this request are peculiar to this particular piece of property. The parent parcel was administratively subdivided into 5 tracts as allowed by code. The owners of the created 5 tracts worked together collectively on the purchase and subdivision. They would like to continue to work together to have one shared drive for access and limit the number of curbs cuts along the Hodges Mill Road frontage and share maintenance on the proposed private drive soon to be constructed.

- d. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this ordinance:

The allowance of the variance will not cause substantial detriment to the public good because there is no advantage to the public if the private access drive requirements are not met. The variance will provide the flexibility of access without creating the unnecessary hardship of providing additional access to Hodges Mill Road.



Planning Department
Oconee County, Georgia
STAFF REPORT

VARIANCE CASE #: 7769

DATE: May 23, 2019

STAFF REPORT BY: Grace Tuschak, Planner

APPLICANT NAME: Williams & Associates, Land Planners
P.C.

PROPERTY OWNER: Holly Purcell

LOCATION: 2246 Hodges Mill Road; along Hodges Mill Road

PARCEL SIZE: ±19.096 acres

EXISTING ZONING: A-1 (Agricultural)

EXISTING LAND USE: Single-family residential

TYPE OF VARIANCE REQUESTED: Hardship Variance

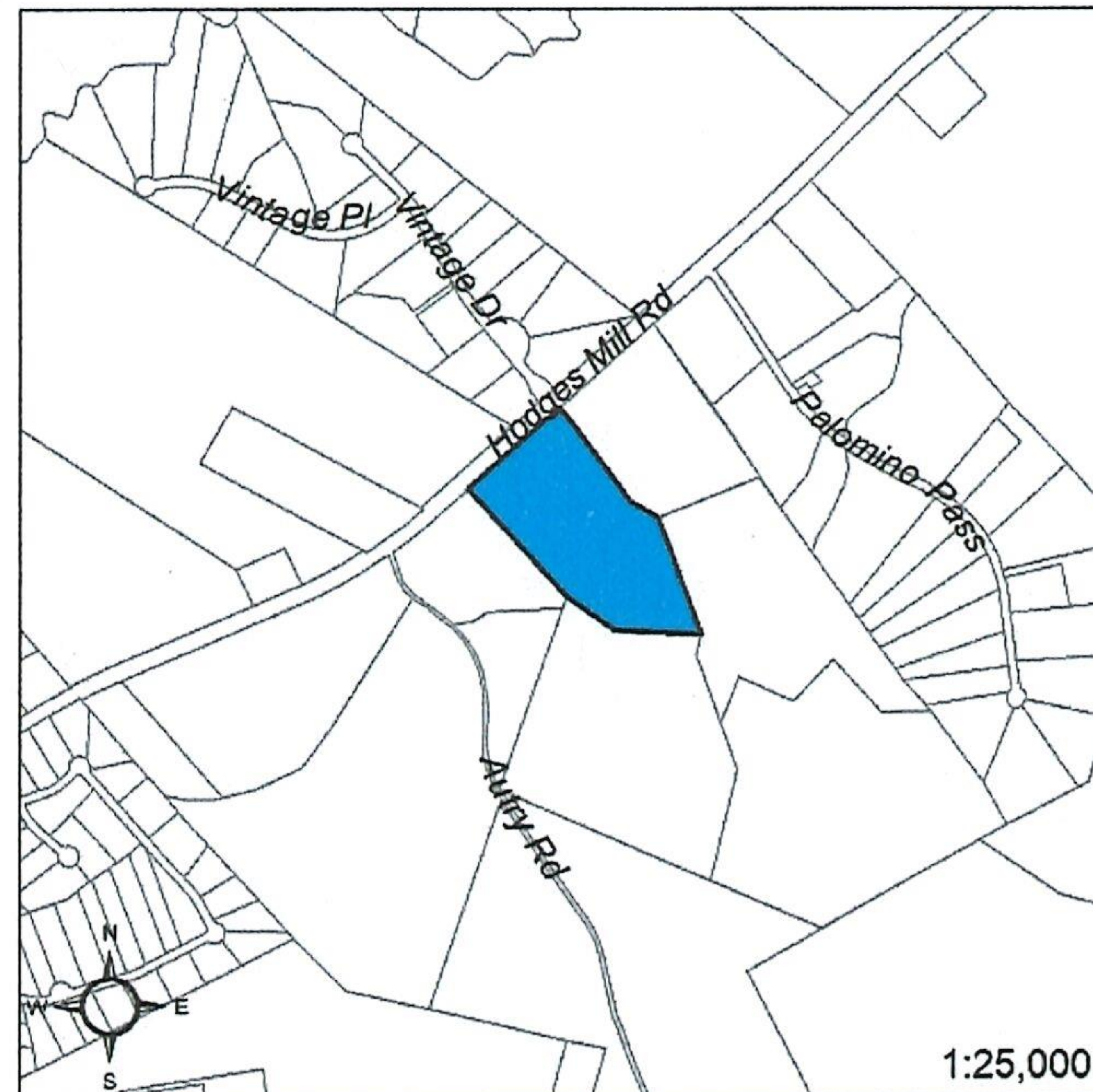
REQUEST SUMMARY: The property owner is requesting approval of a hardship variance to increase the number of tracts currently allowed access on a private access drive

DATE OF SCHEDULED HEARINGS

BOARD OF COMMISSIONERS: June 4, 2019

ATTACHMENTS:

- Application
- Narrative
- Plat
- Aerial Imagery
- Zoning Map
- Future Development Map
- Concept Plan



BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- The subject property was administratively subdivided from the parent parcel on 02/12/2019, labeled as Tract 1. The following note was included on the administrative subdivision plat: "private access drive to access tracts 3, 4, and 5 only," and a one-foot no-access easement was recorded along the private access drive where it abuts Tract 1 and 2.

VARIANCE DESCRIPTION

- The owner is requesting approval of a hardship variance for relief from Section 1012.07 (a) of the Unified Development Code:
 - ***Section 1012.07 – Private access drives.***
 - a. *A private access drive which meets all of the following standards may serve a maximum of 5 lots within the OIP, OBP, B-1, B-2, and I districts. Within all other zoning districts, a private access drive, which meets all of the following standards, may serve a maximum of 3 lots.*
- The owner is requesting that the existing private access drive be allowed to serve Tract 1 in addition to the three that are currently served.
- Hardship variance no. 7770 has been submitted by Ashley D. Hill and Stacy K. Hill to allow access for Tract 2 via the private access drive.

PUBLIC FACILITIES

- County services, facilities, and infrastructure should not be affected by the present request.

ENVIRONMENTAL

- No 100-Year Flood Plain or Jurisdictional Wetland areas are located along the subject private access drive.

STAFF ANALYSIS

THE ANALYSIS OF THE APPLICATION IS MADE BASED UPON THE "STANDARDS FOR HARDSHIP APPROVAL" AS SET FORTH IN SECTION 1304.03 OF THE OCONEE COUNTY UNIFIED DEVELOPMENT CODE:

Hardship variances may be granted in such individual cases of unnecessary hardship upon a finding by the Board of Commissioners that all of the following conditions exist:

- a. **Are there extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography?** The large size of the subject property necessitates a long driveway to access any future home site. Because of the large acreage involved, constructing an additional driveway instead of using the existing private access drive presents a great financial burden.
- b. **Does the application of requirements in the Unified Development Code create an unnecessary hardship to this particular piece of property?** The strict application of the requirements of the UDC would create an unnecessary financial hardship to the property owners, as they would incur the expense of constructing a separate drive instead of using the existing private access drive. Approval of the present request would eliminate the need for construction of additional drives along Hodges Mill Road; staff believes that this to be advantageous as it would reduce the number of access points along Hodges Mill Road.
- c. **Are conditions creating the need for the hardship variance peculiar to the particular piece of property involved?** The conditions are peculiar to the subject property because of its large size and close proximity to an existing private access drive. Considering these conditions and the public benefit provided by reducing access points along Hodges Mill Road, staff holds that the need for a hardship variance is peculiar to the subject property.

- d. **Will relief, if granted, not cause substantial detriment to the public good or impair the purposes and intent of the Unified Development Code?** The purposes of UDC Section 1012.07 are to prevent the proliferation of small-tract minor subdivisions in rural areas of the county and to ensure that emergency services can easily access all residential areas. In this case, all subject lots are large in acreage and the access drive requires paving before a third house can be built in the recently approved minor subdivision. Additionally, the public interest would be served by eliminating the need for additional access points along Hodges Mill Road. Staff holds that granting relief would not cause substantial detriment to the public good nor impair the purposes and intent of the UDC.
-

STAFF RECOMMENDATION & CONDITIONAL RECOMMENDATIONS

Based upon the standards and limitations for hardship variance approval, this request does meet the necessary criteria to grant a hardship variance. However, should the present request be approved, staff recommends the following conditions to be fulfilled by the owner at his expense:

1. The subject private access drive shall serve no more than five tracts.

#07770



OCONEE COUNTY APPEAL APPLICATION

Type of Appeal Submitted:

- ☒ Hardship Variance ☐ Appeal of Administrative Decision ☐ Flood Damage Prevention Variance
☐ Special Exception for: _____

Applicant

Name: Williams & Associates, Land Planners P.C.
Address: 2470 Daniells Bridge Road
Suite 161 (No P.O. Boxes)
Athens, GA 30606
Telephone: (706) 310-0400

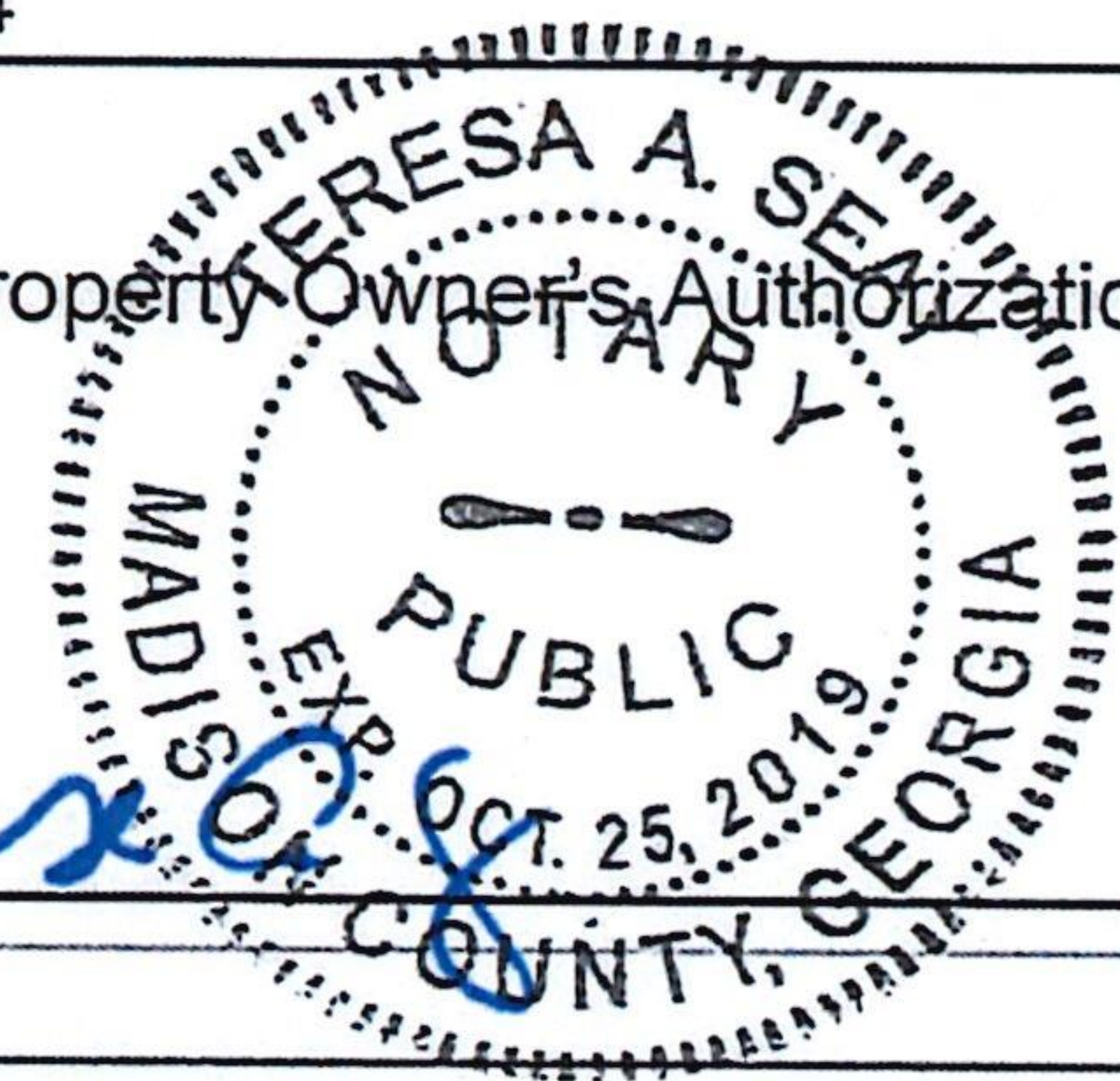
Property Owner

Name: Ashley D. Hill & Stacy K. Hill
Address: 1 Oak Grove Road
Athens, GA 30607 (No P.O. Boxes)
Telephone: (706) 215-2104

Applicant is (check one): ☐ the Property Owner ☒ Not the Property Owner (attach Property Owner's Authorization)

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

Signature: [Signature] - WTA Engineering - AGENT FOR OWNER Date: 04/09/19 Notarized: [Signature]



Property

Location: 2246 Hodges Mill Road
(Physical Description)
Shown as Tract 2 on the administrative subdivision plat
Tax Parcel Number: B04-001A
Size (Acres): 14.861 Current Zoning: A-1
Future Development Map-Character Area Designation: Suburban Neighborhood

Use

Current Use: Residential Property
Proposed Use: Residential Property

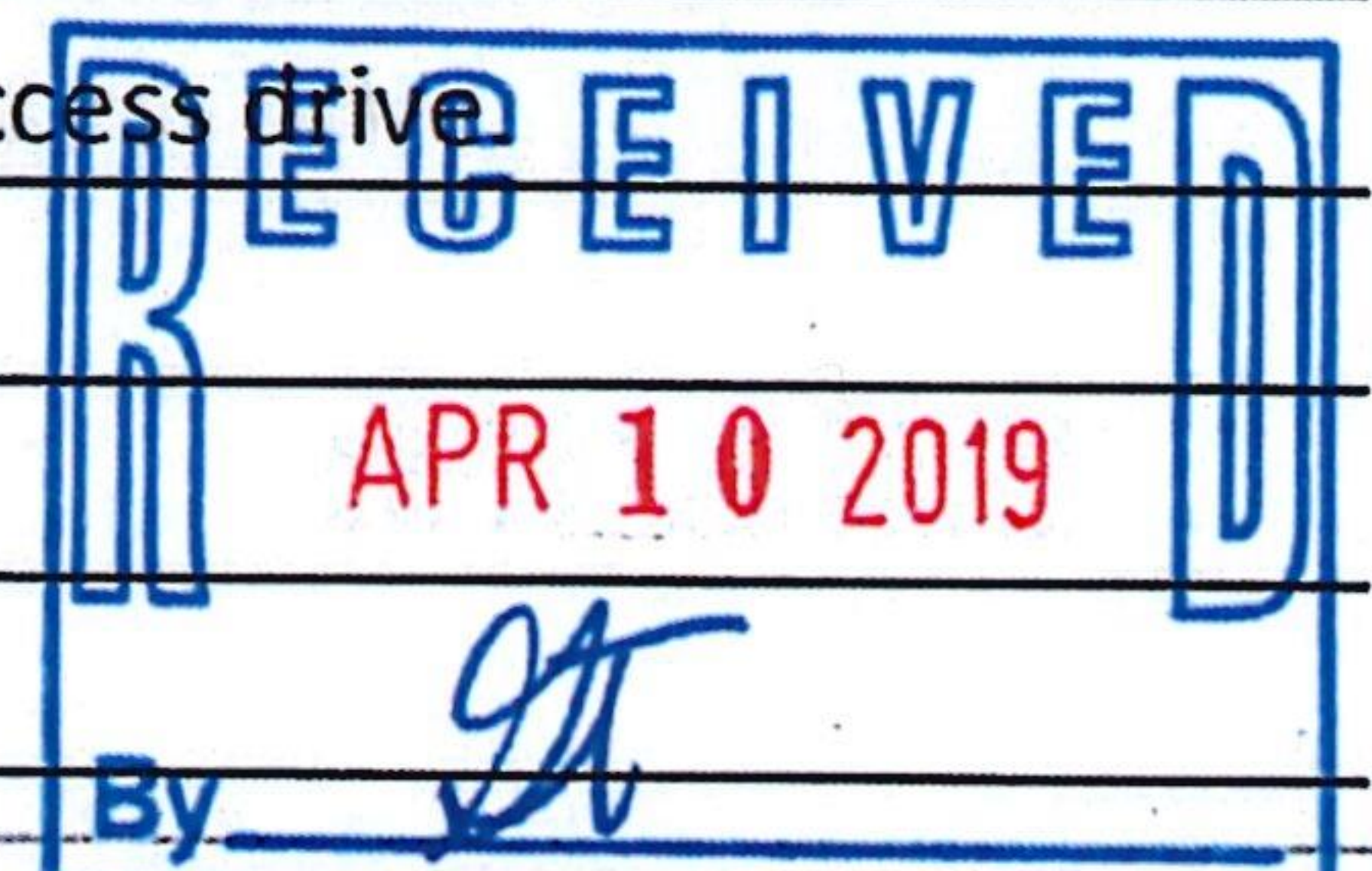
Attachments (check all that apply)

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

Appeal or Variance Requested

Provide the code section and briefly explain the requested variance

Sec. 1012.07.a - Private Access Drives
A hardship variance is requested to allow more than 3 lots
to be accessed from a private access drive
By [Signature]



For Oconee County Staff Use Only

Application
Date Received: _____ Date Accepted: _____
DRI Transmitted to RDC ☐ Date: _____ ☐ N/A
Review Submitted: _____ Location Map: _____
Posted: _____ Ad: _____ Ad: _____
Application Withdrawn ☐ Date: _____

Action
ADMINISTRATIVE APPEAL: Date: _____
☐ Approved ☐ With Conditions ☐ Denied ☐ N/A
BOARD OF COMMISSIONERS: Date: _____
☐ Approved ☐ With Conditions ☐ Denied ☐ N/A

APPLICATION NUMBER

EXHIBIT "A" TO HARDSHIP VARIANCE #7770

Page 1 of 4

CONDITIONS

1. The subject private access drive shall serve no more than five tracts.

TAX MAP



LEGAL DESCRIPTION

All that tract, or parcel of land, lying and being in Oconee County, Georgia, G.M.D. 239, containing 14.861 acres, more or less, and being more particularly described as:

Beginning at a 1/2" rebar at the intersection of the southeasterly margin of the 100-foot right-of-way of Hodges Mill Road with the southwesterly margin of the 60-foot right-of-way of Palomino Pass; thence continuing along the right-of-way of Hodges Mill Road South 48 degrees 17 minutes 12 seconds West, 399.77 feet to a 1/2" rebar, being the TRUE POINT OF BEGINNING, thence leaving said right-of-way South 34 degrees 12 minutes 29 seconds East, 576.84 feet to a 1/2" rebar; thence South 35 degrees 02 minutes 45 seconds East, 470.04 feet to a point; thence South 66 degrees 00 minutes 03 seconds West, 618.55 feet to a point; thence North 59 degrees 47 minutes 06 seconds West, 187.14 feet to a point; thence North 36 degrees 54 minutes 05 seconds West, 675.27 feet to a point on the southeasterly margin of right-of-way of Hodges Mill Road; thence continuing along said-right-of-way North 48 degrees 18 minutes 22 seconds East, 720.55 feet to the TRUE POINT OF BEGINNING.

PLAT



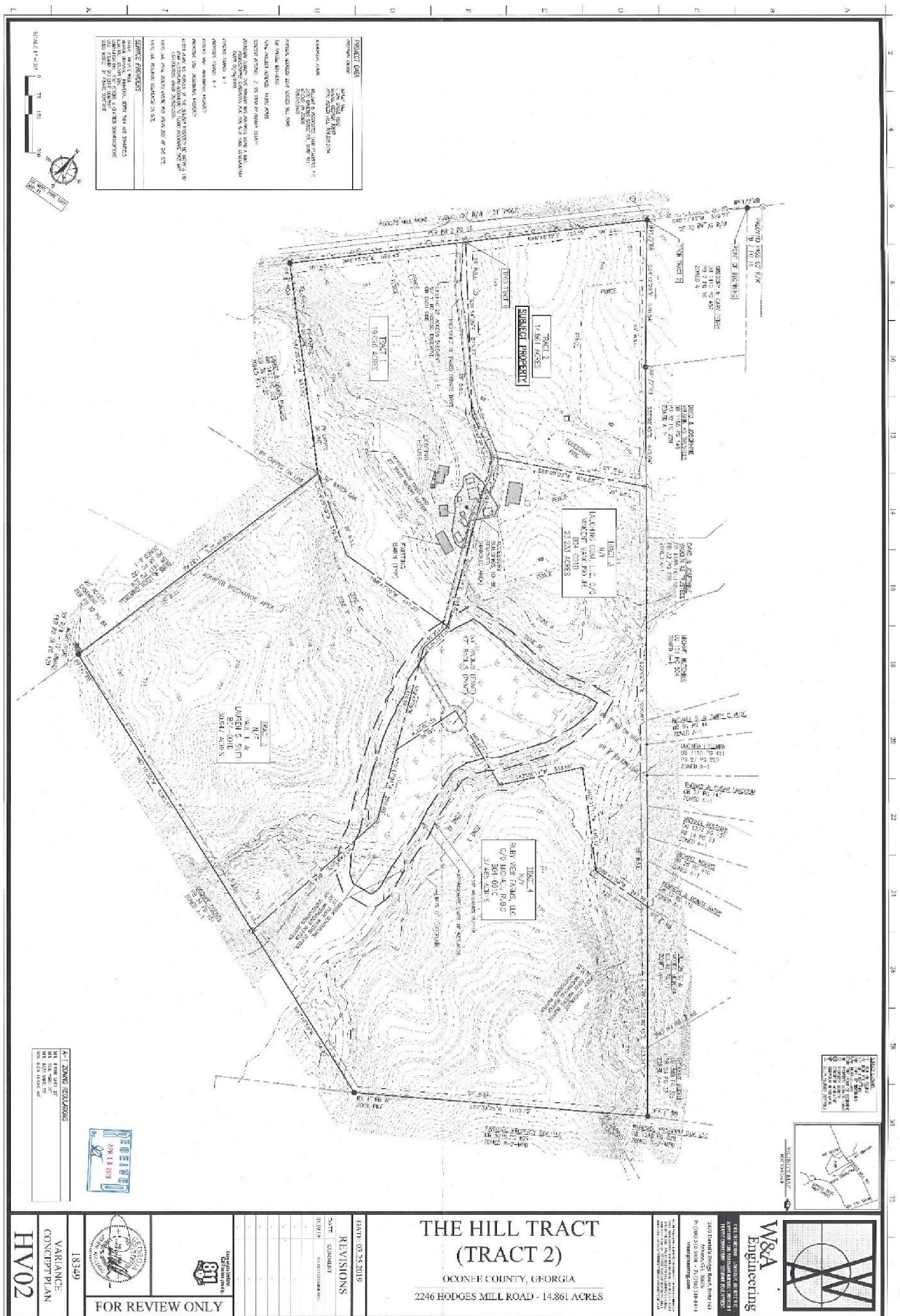


EXHIBIT "A" TO HARDSHIP VARIANCE #7770

Page 4 of 4

NARRATIVE

Narrative

The Hill Tract is an existing residential lot located at 2246 Hodges Mill Road in Bogart, Georgia. The tract exists as 14.861 acres. Mr. Ashley Hill is the current property owner and will act as the primary contact. Williams & Associates Land Planners, P.C. has been engaged by the owner to act as agent in the preparation of the necessary hardship variance documentation associated with this request.

The Site

The subject tract fronts on Hodges Mill Road for approximately 720 LF. The site is predominantly open pasture. There are no existing residential structures on the tract. The tract does contain a barn and horse-riding ring. The topography primarily drops from the center of the property out in all directions. Existing zoning and land uses surrounding the site are as follows: to the north Hodges Mill Road and one (1) A-1 zoned tract with residence; to the west – one (1) A-1 zoned tract with residence; to the south and east – one (1) A-1 zoned vacant tract. The Future Development Map 2030 identifies the site with a Future Character Area designation of Suburban Living.

The Development

Mr. Hill proposes to construct a home on the property. At this time, the existing barn and riding ring are to remain.

Buildings

The proposed architectural design theme is a traditional style utilized in residential dwellings and similar in character to existing homes in the area. Exterior facades and accents include, but are not limited to: architectural brick, stone, simulated or cultured stone, cast stone, cement fiber board plank siding, board and batten siding, shingle siding, exterior insulation and finish system (EIFS), stucco and cedar plank or shingle siding with low-maintenance composite trim and ornamentations. The roof is anticipated to be a pitched or gabled structure with material options including asphalt shingles or metal. The architectural style may also incorporate shed dormers, wide overhanging eaves, tapered square wood or masonry columns, and divided light windows and doors. See attached representative architecture.

Water Supply

A private well is proposed to service the tract.

Sewage Disposal

A conventional septic tank and drain-field are planned for the tract. A soil survey map will be prepared by an approved soil scientist to insure that the system will be constructed in an area with appropriate soils per county and state regulations.

Surface Water Drainage

Surface water drainage is proposed to remain as sheet flow.

Access

Access will be via a single driveway from the existing paved private drive. This hardship variance request is a result of more than 3 lots having access to the private drive. Currently there are 3 single family tracts with proposed residences that are using the existing private drive for their primary access.

The tract will have to be re-platted because there is an existing 1' no access easement adjacent to the private drive.

Traffic

Projected traffic is based on the trip generation rate published by the Institute of Transportation Engineers, *Trip Generation*, 9th Edition. Traffic projections are based on the ITE code (210) Single-Family Detached Housing.

The average rate is 9.52 trips per Dwelling Unit on a weekday.
(1 Dwelling Unit) x 9.52 trips = 9.52 ADT

The average rate is 0.77 trips per Dwelling Unit for AM peak hour.
(1 Dwelling Unit) x 0.77 trips = 0.77 ADT AM peak

The average rate is 1.02 trips per Dwelling Unit for PM peak hour.
(1 Dwelling Unit) x 1.02 trips = 1.02 ADT PM peak

Schools

There will be no impact to schools because there are no new lots created as a result of this variance request.

Schedule

The petitioners plan to complete the variance efforts on the subject property by June 2019.

Maintenance of Common Areas

There are no common areas currently proposed for this development.

Landscaping and Buffers

No specific landscaping or buffers are required as part of this variance request.

Utilities

At this time, all utilities are proposed to be underground. Anticipated utilities that will serve the tract are power, gas, telephone, cable TV & internet access.

Garbage Collection

Garbage collection will be handled by private contract service.

Sidewalks

No sidewalks are proposed as part of the variance request.

Public & Semi-public Areas

Easements for power, telephone, cable TV, and gas will be dedicated as required for specific utility construction.

Outdoor Lighting

No lighting is proposed as part of this variance request.

Development Valuation

Proposed total value of the project at completion: \$950,000

Variance

A Hardship Variance is requested from UDC Sec. 1012.07.A allowing more than 3 lots to be accessed from a private access drive.

UDC Sec. 1012.07 – Private Access Drives

A hardship variance may be granted in such individual case of unnecessary hardship upon a finding by the Board of Commissioners that all of the following conditions exist:

- a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography:

The particular piece of property for which the variance is being requested has extraordinary and exceptional conditions due to the parent parcel's road frontage and shape. The parent parcel was administratively subdivided five times as allowed by code, resulting in large acreage tracts with three of the tracts currently accessed by a private drive. Due to the large size of the tracts, long driveways are required to access home sites for the two lots not on the private access drive. Allowing more than three lots on a private access drive would reduce the length of driveway required for tracts 1 and 2.

- b. The application of this development code to this particular piece of property would create an unnecessary hardship:

unnecessary improvements when an existing private access drive is located directly adjacent to the tract.

- c. Such conditions are peculiar to the particular piece of property involved:

The conditions involved in this request are peculiar to this particular piece of property. The parent parcel was administratively subdivided into 5 tracts as allowed by code. The owners of the created 5 tracts worked together collectively on the purchase and subdivision. They would like to continue to work together to have one shared drive for access and limit the number of curbs cuts along the Hodges Mill Road frontage and share maintenance on the proposed private drive soon to be constructed.

- d. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this ordinance:

The allowance of the variance will not cause substantial detriment to the public good because there is no advantage to the public if the private access drive requirements are not met. The variance will provide the flexibility of access without creating the unnecessary hardship of providing additional access to Hodges Mill Road.





Planning Department
Oconee County, Georgia
STAFF REPORT

VARIANCE CASE #: 7770

DATE: May 23, 2019

STAFF REPORT BY: Grace Tuschak, Planner

APPLICANT NAME: Williams & Associates, Land Planners P.C.

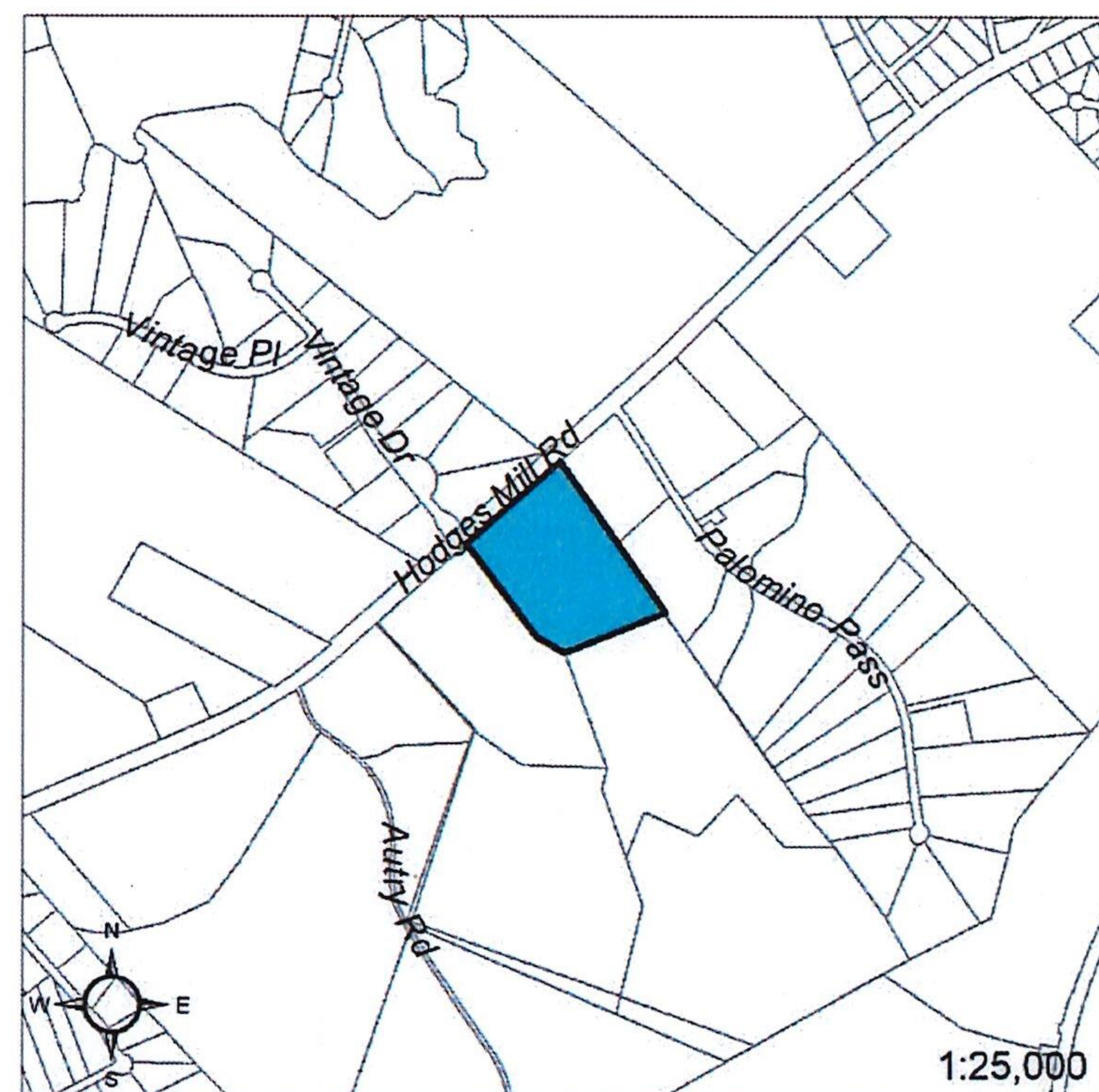
PROPERTY OWNER: Ashley D. Hill and Stacy K. Hill

LOCATION: 2246 Hodges Mill Road; along Hodges Mill Road

PARCEL SIZE: ±14.861 acres

EXISTING ZONING: A-1 (Agricultural)

EXISTING LAND USE: Single-family residential



TYPE OF VARIANCE REQUESTED: Hardship Variance

REQUEST SUMMARY: The property owner is requesting approval of a hardship variance to increase the number of tracts currently allowed access on a private access drive

DATE OF SCHEDULED HEARINGS

BOARD OF COMMISSIONERS: June 4, 2019

ATTACHMENTS:

- Application
- Narrative
- Plat
- Aerial Imagery
- Zoning Map
- Future Development Map
- Concept Plan

BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- The subject property was administratively subdivided from the parent parcel on 02/12/2019, labeled as Tract 2. The following note was included on the administrative subdivision plat: “private access drive to access tracts 3, 4, and 5 only,” and a one-foot no-access easement was recorded along the private access drive where it abuts Tract 1 and 2.

VARIANCE DESCRIPTION

- The owner is requesting approval of a hardship variance for relief from Section 1012.07 (a) of the Unified Development Code:
 - ***Section 1012.07 – Private access drives.***
 - a. *A private access drive which meets all of the following standards may serve a maximum of 5 lots within the OIP, OBP, B-1, B-2, and I districts. Within all other zoning districts, a private access drive, which meets all of the following standards, may serve a maximum of 3 lots.*
- The owner is requesting that the existing private access drive be allowed to serve Tract 2 in addition to the three that are currently served.
- Hardship variance no. 7769 has been submitted by Holly Purcell to allow access for Tract 1 via the existing private access drive.

PUBLIC FACILITIES

- County services, facilities, and infrastructure should not be affected by the present request.

ENVIRONMENTAL

- No 100-Year Flood Plain or Jurisdictional Wetland areas are located along the subject private access drive.

STAFF ANALYSIS

THE ANALYSIS OF THE APPLICATION IS MADE BASED UPON THE “STANDARDS FOR HARDSHIP APPROVAL” AS SET FORTH IN SECTION 1304.03 OF THE OCONEE COUNTY UNIFIED DEVELOPMENT CODE:

Hardship variances may be granted in such individual cases of unnecessary hardship upon a finding by the Board of Commissioners that all of the following conditions exist:

- Are there extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography?** The large size of the subject property necessitates a long driveway to access any future home site. Because of the large acreage involved, constructing an additional driveway instead of using the existing private access drive presents a great financial burden.
- Does the application of requirements in the Unified Development Code create an unnecessary hardship to this particular piece of property?** The strict application of the requirements of the UDC would create an unnecessary financial hardship to the property owners, as they would incur the expense of constructing a separate drive instead of using the existing private access drive. Approval of the present request would eliminate the need for construction of additional drives along Hodges Mill Road; staff believes that this to be advantageous as it would reduce the number of access points along Hodges Mill Road.
- Are conditions creating the need for the hardship variance peculiar to the particular piece of property involved?** The conditions are peculiar to the subject property because of its large size and close proximity to an existing private access drive. Considering these conditions and the public benefit provided by reducing access points along Hodges Mill Road, staff holds that the need for a hardship variance is peculiar to the subject property.

- d. **Will relief, if granted, not cause substantial detriment to the public good or impair the purposes and intent of the Unified Development Code?** The purposes of UDC Section 1012.07 are to prevent the proliferation of small-tract minor subdivisions in rural areas of the county and to ensure that emergency services can easily access all residential areas. In this case, all subject lots are large in acreage and the access drive requires paving before a third house can be built in the recently approved minor subdivision. Additionally, the public interest would be served by eliminating the need for additional access points along Hodges Mill Road. Staff holds that granting relief would not cause substantial detriment to the public good nor impair the purposes and intent of the UDC.

STAFF RECOMMENDATION & CONDITIONAL RECOMMENDATIONS

Based upon the standards and limitations for hardship variance approval, this request does meet the necessary criteria to grant a hardship variance. Staff recommends approval subject to the following conditions, to be fulfilled by the owner at his expense:

1. The subject private access drive shall serve no more than five tracts.



Oconee County Department Memorandum

DATE: June 4, 2019
TO: Board of Commissioners
FROM:
SUBJECT: FY20 Budget

Final Public Hearing and consideration of the FY20 Proposed Budget.

**OCONEE COUNTY BOARD OF COMMISSIONERS
FY20 PROPOSED BUDGET**

	FY20 REVENUE	FY20 EXPENDITURES
<u>GENERAL FUND</u>		
Commission	-	696,010
Administration	-	736,912
Human Resources	-	464,682
Finance	9,941,376	743,313
Law Enforcement	58,600	4,090,288
Jail	90,000	3,056,305
Tax Commissioner	16,278,909	533,912
Probate Court	461,500	551,191
Clerk of Courts	738,433	875,410
Juvenile Court	62,000	121,560
Superior Court	50,000	343,221
Public Defender's Office	-	181,352
District Attorney	-	163,180
Magistrate Court	58,900	89,249
Coroner	-	36,225
Property Appraisal	-	708,635
Board of Elections	1,500	276,118
Public Works	629,000	4,196,205
Operations	-	1,057,127
Fleet Maintenance	-	765,442
Public Safety - Animal Services	30,070	466,534
Public Safety - Fire/EMS	-	999,639
Public Safety- EMA	-	150,759
Public Safety - E911	-	1,043,907
Planning/Code Enforcement	734,050	895,015
Information Technology	-	749,095
Economic Development	-	1,332,237
Tourism	10,100	85,704
Civic Center	-	321,071
Joint Governmental Programs		
County Agent/Extension	-	175,198
Division of Family & Children Services	-	93,473
Extra Special People, Inc.	-	13,770
Georgia Forestry Commission	-	6,194
Health Department	-	150,000
Library	-	541,182
Mental Health	-	55,075
Oconee Area Resource Council	-	6,871
Oconee River Soil & Water	-	2,500
Senior Center	-	400,825
Parks & Recreation-Programs	1,074,700	1,313,303
Parks & Recreation-Parks	287,900	2,018,349
Transfer from Fund Balance	-	-
TOTAL GENERAL FUND	\$30,507,038	\$30,507,038 •
<u>SPECIAL FUNDS</u>		
Senior Center (204)	545,725	545,725
Law Library (205)	31,000	31,000
Confiscated Assets (210)	15,000	15,000
Special Revenue (211)	65,600	65,600
Victim Services (214)	715,398	715,398
Emergency Telephone System- E911 (215)	1,818,696	1,818,696
Multiple Grant Fund (250)	70,065	70,065
Street Light (270)	206,000	206,000
Hotel Sales & Use Tax (275)	182,542	182,542
TOTAL SPECIAL FUNDS	\$3,650,026	\$3,650,026 •
<u>CAPITAL PROJECTS FUNDS</u>		
Capital Improvement (350)	592,591	592,591
TOTAL CAPITAL PROJECTS FUNDS	\$592,591	\$592,591 •
<u>SPLOST FUNDS</u>		
SPLOST (320/321/322)	9,017,379	9,017,379
TOTAL SPLOST FUNDS	\$9,017,379	\$9,017,379 •
<u>ENTERPRISE FUNDS</u>		
Solid Waste (540)	546,330	546,330
Civic Center (555)	489,071	489,071
Water Resources (505)	10,419,817	10,184,444
TOTAL ENTERPRISE FUNDS	\$11,455,218	\$11,219,845 •
LESS INTERFUND TRANSFER	(2,873,974)	(2,873,974)
TOTAL FY20 BUDGET	\$52,348,278	\$52,112,905

FY20 Proposed Capital

Description	Cost
Administration: ERP System/Digitalization	\$200,000
Fleet Maintenance: Vehicle Phased Replacement	\$276,000
Public Works: Equipment Roller	\$37,591
Public Works: Tilt Trailer	\$5,500
Public Works: Tank for Water Truck	\$7,500
Information Technology: Backup/Disaster Recovery Solution	\$51,000
Park & Recreation: Capital Expenditures	\$15,000
Total	\$592,591

FY20 Proposed SPLOST Budget

Department	Amount
Recreational Facilities	
GO Bond Payment - Principal and Interest	\$758,085
Water & Sewer Facilities	
WASI Plan FY19-FY20 Divisions 1-4	\$1,700,000
Roads, Streets & Bridges	
TIM Plan FY19-FY20 Elements 1-4	\$1,602,206
Fire Station Rescue Facilities & Equipment	
Fire Equipment	\$500,000
General County Facilities	
Courthouse Security Renovation	\$2,499,660
General Facilities	\$645,000
Animal Services Facilities	
Building Addition & Renovation	\$48,700
Technology Facilities	
Technology Improvements (Court Systems & Sheriff's Office)	\$110,000
Municipality Distributions	
Intergovernmental - Watkinsville	\$710,683
Intergovernmental - Bogart	\$223,993
Intergovernmental - North High Shoals	\$163,054
Intergovernmental - Bishop	\$55,998
Subtotal	\$9,017,379



Oconee County Department Memorandum

DATE: May 15, 2019

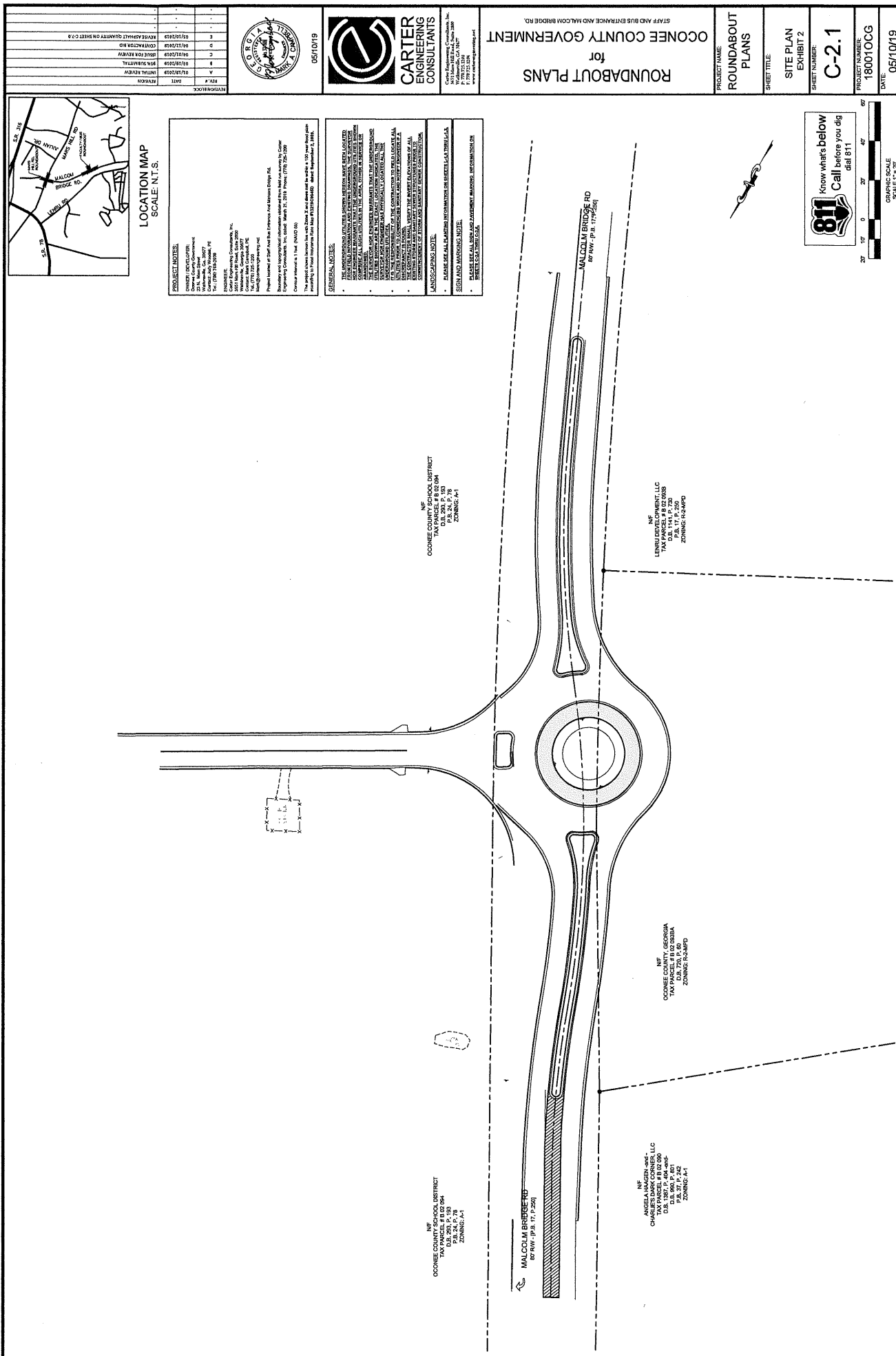
TO: Board of Commissioners

FROM: Jody Woodall, PE – Public Works Director

SUBJECT: Malcolm Bridge Roundabouts

ISSUE SUMMARY:

Discuss progress to date of the roundabout projects on Malcolm Bridge Road.



Malcom Bridge Roundabout Timeline with Board of Education

September 2018 – Initial conversation indication to Dr. Branch that BOC is considering roundabouts in front of Malcom Bridge ES/MS concurrent with pending rezoning at Lenru Road.

9/14/18 – Initial email to Dr. Branch shows rough roundabout concept (see attached email)

9/19/18 – Dr. Branch sends comments from BOE Operation Division (See attached email)

9/26/18 – Chairman contacts Dr. Branch regarding Walnut Grove ES in Walton County.

9/28/18 – Dr. Branch sends additional comments about surrounding counties and roundabouts. References phone call from Chairman on 9/26 which indicated Walnut Grove ES in Walton County contains a roundabout. (See attached email)

9/28/18– BOE Chairman Odom emails Chairman Daniell expressing BOE concerns on proposed roundabouts (see attached email).

10/1/18 – Chairman Daniell responds to BOE regarding Walnut Grove roundabout.

10/2/18 – Chairman Daniell met with Chairman Odom.

12/3/18 – Brock Toole informs the BOE that BOC is exploring three roundabouts in proximity to MB ES/MS.

2/22/19 – First coordination meeting with BOE Staff (Jake Grant, Dallas LeDuff, Brock Toole, John Daniell, Justin Kirouac, Jody Woodall, Jessica Jackson) (Email from Brock Toole 2/25/19 and Jody Woodall 2/25/19)

2/28/19 – BOE receives concepts for bus entrance (Email from Jody Woodall 2/28/19, Brock Toole 3/1/19, and Jody Woodall 3/1/19)

3/4/19 – Roundabout project update presented to BOE by BOE staff

3/11/19 – Email exchange to establish regular staff update meetings (see attached emails)

3/18/19 – Right of Way from developer roundabout sent to BOE (Email from Jody Woodall 3/18/19 and Brock Toole 3/19/19)

3/29/19 – Deed, right-of-way exhibits, and legal descriptions sent to the BOE with a request that the right-of-way be dedicated. (Email from Jody Woodall 3/29/19)

4/2/19 – Signed exhibit plat for bus driveway sent to BOE to complete right-of-way packet (Email from Jody Woodall 4/2/19)

4/4/19 – Confirmed that the BOC will replace the existing monument sign at MBMS with a similar sign if it is impacted by the construction project (Email from Jody Woodall 4/4/19)

4/8/19 – Roundabout status meeting with BOE (Jake Grant, Dallas LeDuff, Brock Toole, John Daniell, Justin Kirouac, Jody Woodall, Jessica Jackson) (Email from Brock Toole 4/10/19)

4/15/19 – BOE met and unanimously approved the right-of-way dedication with two conditions:

1. Formal approval by the Oconee County Board of Commissioners for the Malcom Bridge Road construction project
2. A timeline assurance that the roundabout project will be completed before the first day of school, August 7, 2019

4/30/19 – Revised roundabout configuration sent to BOE reducing amount of right-of-way needed and revising the construction limits to avoid existing monument sign (Email from Jody Woodall 4/30/19)

4/30/19 – Roundabout status meeting with BOE attended by Jake Grant, Dallas LeDuff, Brock Toole, John Daniell, Justin Kirouac, Jody Woodall, Jessica Jackson (Email from Brock Toole 4/30/19, Jody Woodall 5/1/19, Brock Toole 5/1/19, and Jody Woodall 5/2/19)

5/13/19 – Second Utility Coordination meeting held. Attended by Jake Grant, Dallas LeDuff, Brock Toole, Jody Woodall, Jessica Jackson

5/13/19 – BOE takes no action on right-of-way donation at BOE meeting (see attached email)

5/20/19 – Roundabout status meeting with BOE. Attended by Jake Grant, Dallas LeDuff, Brock Toole, John Daniell, Justin Kirouac, Jody Woodall, Jessica Jackson



Oconee County Department Memorandum

DATE: May 16, 2019
TO: Board of Commissioners
FROM: Justin Kirouac, County Administrator
SUBJECT: Resolution to Issue Citations

ISSUE SUMMARY:

Oconee County periodically updates the personnel listing under the Resolution to Issue Citations.

**RESOLUTION OF THE
OCONEE COUNTY BOARD OF COMMISSIONERS**

WHEREAS, prosecutions for violations of ordinances upon citations shall be commenced by the completion, signing and service of a citation by any agent of the county who is authorized by the Board of Commissioners of Oconee County to issue citations.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Oconee County, Georgia, that the following County personnel are authorized to issue citations for County Ordinance Violations:

All County Ordinances: Guy Herring, Gabriel Quintas, Gaby Bryan, Mark Bowman.

Ordinances Regulating Building Construction and Related County Ordinances: Guy Herring, Gabriel Quintas, Aaron Young, Russ Henson.

Animal Control Ordinance and Related County Ordinances: C.J. Worden, Crystal Berisko, Sherry Aycock, Kayla McAllister, Jessica Burnley and Kate Jarrard.

Ordinances Regulating State Mandated Environmental Health Programs: Apryl Blair Singer, Matthew Tamisin.

Fire Codes: C.J. Worden, Bruce Thaxton, Russ Henson

Unified Development Code - Articles 10 and 11, Utility Accommodation Ordinance, Hauling and Logging Operations Ordinance, and Related County Ordinances: Jody Woodall, Michael Weathers

Ordinances Regulating Water and Sewer and Related County Ordinances: Tim Durham, Donald "Mickey" Baughcum

BE IT FURTHER RESOLVED, that this action is taken pursuant to O.C.G.A. 15-10-63. All prior resolutions authorizing agents for issuing citations are hereby rescinded

Done, this ____ day of _____, 20__.

OCONEE COUNTY BOARD OF COMMISSIONERS

John Daniell, Chairman

Mark Thomas, Post 1 Commissioner

Chuck Horton, Post 2 Commissioner

William E. Wilkes, Post 3 Commissioner

Mark Saxon, Post 4 Commissioner

Attest:

Kathy Hayes, County Clerk

(SEAL)



Oconee County Department Memorandum

DATE: May 16, 2019

TO: Board of Commissioners

FROM: Tim Durham -Water Resources Director

SUBJECT: Georgia Environmental Finance Authority Memorandum of Agreement for WaterFirst

ISSUE SUMMARY:

The WaterFirst program is a voluntary partnership between local governments, state agencies and other organizations working together to increase the quality of life in communities through the wise management and protection of water resources. Oconee County obtained its WaterFirst designation on January 10, 2008. It is a rigorous program that requires achievement of standard policies and practices in order to be recognized as a WaterFirst Community. A community must pass an onsite review to receive the WaterFirst designation every 5 years. Readiness for the onsite review is determined through the WaterFirst application process and a water resources management audit. The Water Resources department recently achieved the requirements for renewal.

In short, the program requires: Thinking beyond political boundaries, recognizing the inextricable links created by shared water resources, and considering the watershed as a whole; pursuing and rewarding environmental excellence beyond what is required by law in the management and protection of water resources.

RECOMMENDATION:

It is recommended to sign the Memorandum of Agreement and renew our participation in the program.

FINANCIAL IMPACT:

- There is no financial impact to signing the Memorandum of Agreement, however WaterFirst communities are eligible for a 1 percent interest rate reduction on GEFA loans.

ANALYSIS:

- Other benefits to signing the agreement include: Statewide recognition for environmental stewardship; eligibility for water-related project applications to the Community Development Block Grant Program through the Georgia Department of Community Affairs; priority status for the 319 Grant Program through the Georgia Department of Natural Resources.

MEMORANDUM OF AGREEMENT

BY AND BETWEEN

THE GEORGIA ENVIRONMENTAL FINANCE AUTHORITY

AND

OCONEE COUNTY

Dated _____

This Memorandum of Agreement (hereinafter "Memorandum") for the WaterFirst Program is made and entered into effective December 31, 2018, by and between the Georgia Environmental Finance Authority (hereinafter "GEFA") and Oconee County (hereinafter "Designee") (each a "Party" and collectively the "Parties"). All Parties agree to enter into this cooperative arrangement to maintain the Designee as a WaterFirst Community for a five-year period.

ARTICLE I

Benefits and Activities

The benefits associated with the WaterFirst Community designation are listed below. The Parties intend to explore opportunities under each benefit.

1. Five years of resources, tools, and support provided by GEFA to help meet water management goals.
2. Statewide recognition for being environmental stewards.
 - Listed on GEFA's website.
 - Listed on WaterFirst outreach fliers.
 - Listed on WaterFirst presentations.
 - Provided two road signs and authorization to use the WaterFirst logo and brand.
3. Access to WaterFirst peer network and resources.
4. Invitation to workshops addressing critical water stewardship issues.
5. A 1 percent interest rate reduction on GEFA loans.
6. Annual eligibility for Georgia Department of Community Affairs Community Development Block Grants for water-related projects.
7. Priority for 319(h) grant funding administered by the Georgia Environmental Protection Division.

ARTICLE II

WaterFirst Community Responsibilities

The Designee agrees to the following responsibilities to remain in good standing and to retain its WaterFirst Community designation:

1. Continue achieving environmental excellence in all areas of water resource management.
2. Enhance effective maintenance practices.
3. Improve customer service.
4. Participate in a WaterFirst Program peer review.

5. Provide support and encourage staff participation in at least one WaterFirst function during the five-year term.
6. Notify GEFA of any water permit violations levied against the Designee.
7. Maintain eligibility as a qualified local government by having an approved Comprehensive Plan and Service Delivery Strategy.
8. Maintain a Solid Waste Management Plan in accordance with applicable regulatory requirements.
9. Strive to improve on the water audit individual leak index and validity score.
10. Reduce water loss through replacing and calibrating meters, decreasing leak response time, and minimizing clerical errors and water theft.
11. Continue working with outside agencies and organizations to improve and raise awareness on the importance of protecting streams and rivers.
12. Increase educational outreach with school programs, especially to raise awareness about stormwater and how it affects the environment.
13. Investigate new technologies for stormwater treatment.

ARTICLE III Amendments

This Memorandum represents the entire agreement between the Parties. An amendment can be added to this Memorandum if it is presented in writing and signed by all Parties.

ARTICLE IV Name and WaterFirst Community Logo/Banner/Pins or Similar Items

GEFA agrees to allow the use of the WaterFirst Program logo and brand items by the Designee on/for any WaterFirst Program activities, grant applications, and related activities. The Designee acknowledges receipt of the WaterFirst Program logo and brand items and any additional products and agrees to use these items only for activities related to, or affected by, the WaterFirst Program.

ARTICLE V Term and Termination

The Memorandum is effective as dated above and expires December 31, 2023. GEFA has the authority to terminate this agreement if the Designee does not maintain compliance with program requirements, or if the Designee falls out of compliance with its Georgia Environmental Protection Division permits. The Designee will receive a

written notice that its designation has been rescinded and GEFA will apply the standard interest rate upon any new loan agreement subsequent to the termination. In this eventuality, the Designee agrees to discontinue using the logo and remove the WaterFirst signs.

This Memorandum constitutes the entire agreement and understanding between the Parties hereto and replaces, cancels, and supersedes any prior agreements and understandings relating to the subject matter hereof; and all prior representations, agreements, and undertakings between the parties hereto with respect to the subject matter hereof are merged herein.

IN WITNESS WHEREOF, the Parties hereto have executed this contract as of the date first written above.

**GEORGIA ENVIRONMENTAL
FINANCE AUTHORITY**

Attest

By: _____

By: _____

Print Name: _____

Title: _____

OCONEE COUNTY

Attest

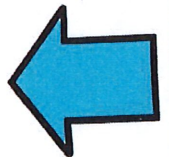
By: _____

By: _____

Print Name: _____

Title: _____

Please Note:
*Attester cannot
be one of the
signatures above*





Oconee County Department Memorandum

DATE: 5/9/2019

TO: Board of Commissioners

FROM: Lisa D. Davol, Parks and Recreation Director

SUBJECT: July 4 Fireworks Agreement

ISSUE SUMMARY:

An agreement with Epps Bridge Centre and Oconee County is required to utilize the Epps Bridge Centre properties as a launch site and spectator site for the Oconee Fourth of July Fireworks event. Launch site will be in the Hobby Lobby area, same as in 2018. Spectator site will be at the Epps Bridge Centre shopping area, same as in 2018.

RECOMMENDATION:

Staff recommendation is to complete agreement in order to provide the 2019 fireworks event for the community.

FINANCIAL IMPACT:

Special events insurance for the properties will be \$5,314.40.

ANALYSIS:

Once both parties sign the agreement, final preparations for the event may proceed.

**License Agreement
for the 2019 Oconee County Parks and Recreation Department's Oconee 4th of July
Fireworks Event**

**Between
Oconee County, Georgia
and
Epps Bridge Centre Property Company, LLC,
Epps Bridge Centre, LLC
Epps Bridge Centre II, LLC, and
Epps Bridge Centre III, LLC**

THIS LICENSE AGREEMENT ("License Agreement") is entered into on the date of the last signatory noted below (the "Effective Date"), between Oconee County, a political subdivision of the State of Georgia (hereinafter "County") and Epps Bridge Centre Property Company, LLC, a Delaware limited liability company, Epps Bridge Centre, LLC, a Missouri limited liability company, Epps Bridge Centre II, LLC a Missouri limited liability company, and Epps Bridge Centre III, LLC, a Missouri limited liability company (hereinafter, collectively the "Property Owners") for the 2019 Oconee County Parks and Recreation Department's Oconee 4th of July Fireworks Event. County and Property Owners are each individually referred to herein as a "Party" and collectively as the "Parties."

WITNESSETH:

WHEREAS, the County desires to host a community fireworks display and event on July 4, 2019 (hereinafter "Event");

WHEREAS, Property Owners own property within the fall zone of the fireworks display or within the footprint of the Event, located at 1791, 1785, 1787, 1789, 1795, 1797, 2001, 2020, 2030, 2035, 2045 and 2050 Oconee Connector, Athens, Georgia 30606; 5550, 5770 and 6000 Parkway Boulevard, Athens, Georgia 30606 (hereinafter the "Property" or "Properties"); and

WHEREAS, the County is contracting for the services of Pyrotecnico Fireworks, Inc. (the "Fireworks Vendor") to provide the fireworks display for the Event (the "Fireworks Contract").

NOW, THEREFORE, the Parties hereto, for good and sufficient consideration, the receipt of which is hereby acknowledged, intending to be legally bound, do hereby agree as follows:

1. **Purpose.** The purpose of this License Agreement is to allow the County to host the Event on the Properties in accordance with the terms and provisions of this License Agreement and to further delineate the responsibilities of the Parties with regard to the Event. County shall use the Properties for the purpose of hosting the Event, and for no other purpose.
2. **Properties.** Property Owners hereby grant, at no cost to County, a non-exclusive license to use the "Common Areas" of the Properties for the Event. "Common Areas" shall include, but not limited to, any existing parking facilities, sidewalks, ramps, stairs, and other public areas designated by Property Owners for the Event as shown on the Event Maps identified below. Said license shall not include any buildings, space or premises leased to any tenants and occupants of the Properties (whether or not under construction or open for business).
3. **Event Maps.** The Event shall be organized and limited to the areas identified on the Event Maps attached hereto as Exhibit A and by this reference made a part hereof.

4. **Relationship of the Parties.** The Parties hereby agree, stipulate and recognize that in the entering of this Agreement, the Parties are not in any way partners, co-partners, or in any way jointly interested in any mutual enterprise, but are to each other licensor and licensee respectively, and occupy that status only.

5. **Responsibilities of the Parties.**

- a. **County's Rights and Responsibilities.** County shall, as County's sole cost and expense:
- i. Provide portable toilets, trash cans and trash removal at the locations set forth in the special event permit and as shown on Exhibit A.
 - ii. Be permitted to set up the Event on the Properties beginning on July 3, 2019, to allow County adequate time to place portable toilets, trash cans, barricades, temporary fencing, and or other supplies or equipment needed for the Event.
 - iii. Complete County's clean-up and repair of any and all damage to the Properties, including landscaping, by the close of business on July 5, 2019, unless otherwise extended by agreement of the Parties.
 - iv. Be permitted to include Property Owners' name and marks, including the location of the Event, in the advertising of the Event, subject to Property Owner's prior approval, which approval shall not be unreasonably withheld.
 - v. Obtain, at County's sole expense, all necessary permits for the Event, including the special event permit.
 - vi. County shall reimburse Property Owners for the actual cost of the Special Event Insurance Policy in the amount of \$5,314.40.
 - vii. Assume the risk of weather which may prevent the Event from being held on the scheduled date. If the Event is cancelled due to inclement weather, the parties shall attempt to agree on a new Event date, tentative as July 5, 2019, or in the alternative, agree that the Event will not be rescheduled.
- b. **Property Owners' Rights and Responsibilities.** Property Owners shall:
- i. Permit County to conduct the Event at the location set forth on Exhibit A.
 - ii. Allow County to bring in a tent, display materials, and approved vendors as designated in Exhibit A.
 - iii. Allow County access to the Properties beginning on July 3, 2019, to set up for the Event.
 - iv. Should Property Owner' choose to hold an event at the same time as the County's Event, Property Owner', at Property Owners' sole expense, shall be responsible for obtaining all necessary permits for Property Owners' event.
 - v. Have grass at launch site cut prior to the event.
 - vi. Have its contractor clean and sweep the parking lots prior to tenants opening for business on the morning after the Event (County hereby agreeing to pay any additional expense charged to Property Owners by its cleaning contractor).
- c. **Event Permit Requirements.** County shall comply with all requirements set forth in the special event permit.
- d. **Fireworks Vendor.** County agrees that the Fireworks Contract shall include, at a minimum, the following provisions:
- i. Fireworks Vendor shall provide a properly trained and licensed pyrotechnic operator to take charge of and, along with sufficient qualified helpers (properly trained and licensed if required), safely discharge the fireworks for the Event.
 - ii. Fireworks Vendor shall secure all applicable permits, licenses and governmental authorizations as required by federal, state and local statutes, ordinances or regulations for a fireworks display.

6. **Term.** This License Agreement will commence on the Effective Date and shall terminate on July 30, 2019 ("Term").
7. **Termination.** Should County be in default of any provision of this License Agreement, Property Owners may immediately terminate this License Agreement. If Property Owners shall elect to so terminate, this License Agreement shall terminate immediately upon County's receipt of notice from Property Owners.
8. **Access.** The use and occupation by the County of the Common Areas of the Properties shall be in common with others entitled thereto. The Properties shall at all times be subject to the exclusive control and management of Property Owners. The County shall not use the Properties in any manner that would block any of the drives, curb cuts and parking areas on the Properties, or in any manner that would prevent or affect the ingress and egress of any tenant within the Properties or their customers, employees and invitees or otherwise materially affect the visibility and/or access of other tenants, occupants or invitees of the Properties or any part thereof except as set forth in the Event Maps.
9. **Clean up.** County shall not injure or mar, or in any manner damage or deface the Properties or any part thereof, including landscaping. During the Event, the County shall keep the Properties and landscaping orderly, neat, clean, and free from rubbish and trash at all times and permit no refuse to accumulate on or around the exterior of the Properties. During the Event, the Trash shall be stored in a sanitary and inoffensive manner, and the County shall cause the same to be removed at reasonable intervals. By the close of business on July 5, 2019, unless otherwise extended by agreement of the Parties, County covenants and agrees that it will clean-up and repair any and all damage to the Properties, including landscaping. All parties agree that should any landscaping repairs be required, the work will be performed by the existing landscape maintenance company, SKB Industries, Inc., at County's sole cost and expense.
10. **Safety.** At all times during the Event, County shall provide, at County's sole cost and expense, all security in connection with the Event, including reasonably sufficient law enforcement and fire department personnel to be onsite to reasonably maintain a safe environment for all invitees during the Event. County covenants and agrees that no alcohol will be sold, given away or distributed by the County or any of the County's vendors at the Event.
11. **Insurance.** At all times during the Term of this License Agreement, County shall carry at County's own expense, commercial General Liability (comparable to Comprehensive General Liability Insurance) against all claims or suits with the following minimum limit of liability:

\$2,000,000.00 combined single limit for bodily injury and property damage, per occurrence and aggregate.

In addition to the above coverage, County shall provide for Workers' Compensation coverage at statutory limits and Employers' liability coverage with a minimum limit of \$1,000,000.00 per occurrence and aggregate. The County's Certificate of Insurance is contained in Exhibit B.

County shall cause the Fireworks Vendor to carry during the Term of this License Agreement, and at the Fireworks Vendor's sole cost and expense, a policy of commercial general liability insurance with respect to the Properties and the activities of the Fireworks Vendor and its agents, employees and contractors in and upon the Properties in which the limits of coverage shall not be less than \$1,000,000 per occurrence, \$2,000,000.00 aggregate, for bodily and/or personal injuries and an umbrella or excess liability policy(s) totaling \$9,000,000 excess liability.

It is expressly understood by the parties to this Contract that it is the intent of the Parties that any insurance obtained by the Property Owners is deemed excess, non-contributory and not co-primary in relation to the coverage(s) procured by the Fireworks Vendor, any Subcontractor or any of their respective consultants, officers, agents, subcontractors, employees or anyone directly or indirectly employed by any of them, or by anyone for whose acts any of the aforementioned may be liable by operation of statute, government regulation or applicable case law.

To the fullest extent permitted by applicable state law, a Waiver of Subrogation Clause shall be added to the Firework Vendor's General Liability, Automobile and Workers Compensation policies in favor of the Property Owners, and this clause shall apply to the Property Owners' officers, agents and employees, with respect to the Event during the policy term.

Prior to commencement of the event, Fireworks Vendor shall submit a Certificate of Insurance in favor of the Property Owners and an Additional Insured Endorsement (in a form acceptable to the Owner's) as required hereunder and adding the Property Owners and TKG Management, Inc. as an Additional Insured with respects to the General Liability, Auto Liability and Umbrella/Excess Liability insurance policies.

All insurance policies shall be carried with companies licensed to do business in the State of Georgia and shall be non-cancelable and non-amendable except upon written notice to Property Owners.

12. **No Assignment.** This License Agreement shall inure to the benefit of and be binding upon the Parties and their respective successors and permitted assigns. Neither Party shall assign this License Agreement or any of its rights or obligations hereunder without the prior written consent of the other Party.
13. **Notices.** Any notice, demand, request, or communication required or authorized by this License Agreement shall be delivered in writing, either by hand, overnight courier (e.g. Federal Express), or mailed by certified mail, return receipt requested, with postage prepaid, to:

If to County:

Oconee County
Attn: County Clerk
PO Box 145
Watkinsville, GA 30677

If to Property Owner:

Epps Bridge Centre Property Company, LLC
c/o The Bishop Company, LLC
6445 Powers Ferry Road, Suite 120
Atlanta, Georgia 30339

Epps Bridge Centre, LLC
c/o The Bishop Company, LLC
6445 Powers Ferry Road, Suite 120
Atlanta, Georgia 30339

Epps Bridge Centre II, LLC c/o
The Bishop Company, LLC
6445 Powers Ferry Road, Suite 120
Atlanta, Georgia 30339

Epps Bridge Centre III, LLC
c/o The Bishop Company, LLC
6445 Powers Ferry Road, Suite 120
Atlanta, GA 30339

The designation and titles of the person to be notified or the address of such person may be changed at any time by written notice. Any such notice, demand, request, or communication shall be deemed delivered on receipt if delivered by hand or overnight delivery, and on deposit by the sending party if delivered by courier or U.S. mail.

14. **No Third-Party Beneficiary.** No provision of this License Agreement is intended to nor shall it in any way inure to the benefit of any shopping center tenant, customer, property owner or any other third party, so as to constitute any such Person a third-party beneficiary under this License Agreement.
15. **Amendment.** No amendment, addition to, or modification of any provision hereof shall be binding upon the Parties, and neither Party shall be deemed to have waived any provision or any remedy available to it unless such amendment, addition, modification or waiver is in writing and signed by a duly authorized officer or representative of the applicable Party or Parties.
16. **Governing Law and Venue.** This License Agreement shall be governed, interpreted, and enforced in accordance with the laws of the State of Georgia and/or the laws of the United States, as applicable. The venue for all litigation arising out of, or relating to this License Agreement shall be in Oconee County, Georgia, or the United States Northern District of Georgia. The Parties hereto irrevocably agree to submit to the exclusive jurisdiction of such courts in the State of Georgia. The Parties agree to waive any defense of forum non conveniens. In the event legal action is instituted by either of the Parties to enforce the terms of this License Agreement or arising out of the execution of this License Agreement, the prevailing party will be entitled to receive from the other party its reasonable attorney's fees actually incurred to be determined by the court in which the action is brought.
17. **General Laws.** The Parties shall comply with all federal, state, and local laws, rules, regulations, and ordinances.
18. **No Waiver of Immunities.** In no event shall the language of this License Agreement constitute or be construed as a waiver or limitation for either party's rights or defenses with regard to each party's applicable sovereign, governmental, or official immunities and protections as provided by federal and state constitutions or laws.
19. **Contract Documents.** This License Agreement includes the following exhibits, which are incorporated herein by reference:

<u>Exhibit</u>	<u>Description</u>
A	Event Maps
B	Certificates of Insurance

In the event of a conflict between the terms of an exhibit and the terms of this License Agreement, the terms of this License Agreement controls.

20. **Entire Agreement.** This License Agreement represents the entire and integrated Agreement between Property Owners and County relative to the Event. All previous or contemporaneous

agreements, representations, promises and conditions, whether verbal or in writing, relating to the Event described herein are superseded. Time is of the essence of this License Agreement.

21. **Counterparts.** This License Agreement may be executed in multiple counterparts, each of which shall be deemed an original and all of which, collectively, shall be one and the same instrument. Facsimile signatures and electronic signatures delivered in Portable Document Format (PDF) shall be deemed to be originals thereof for all purposes hereunder.
22. **Authority.** County and Property Owners hereby represent, warrant and covenant that each has the full right and authority to enter into this License Agreement and to consummate the transactions contemplated herein, and no other consents or approvals are required from any other party in connection with this License Agreement.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the Parties have executed this License Agreement on the day and year of the last signatory noted below.

Signed and acknowledged in the presence of: Property Owners:

Epps Bridge Centre Property Company, LLC
a Delaware limited liability company

By: Epps Bridge Centre Holding Company, LLC
a Missouri limited liability company, a Manager

By: Oconee 316 Associates, LLC
a Georgia limited liability company, its Manager

Witness

By: _____
Frank M. Bishop, Manager

Epps Bridge Centre, LLC
a Missouri limited liability company

By: Oconee 316 Associates, LLC
a Georgia limited liability company, its Manager

Witness

By: _____
Frank M. Bishop, Manager

Epps Bridge Centre II, LLC
a Missouri limited liability company

By: Oconee 316 Associates, LLC
a Georgia limited liability company, its Manager

Witness

By: _____
Frank M. Bishop, Manager

Epps Bridge Centre III, LLC
a Missouri limited liability company

By: Oconee 316 Associates, LLC
a Georgia limited liability company, its Manager

Witness

By: _____
Frank M. Bishop, Manager

Signed and acknowledged in the presence of:

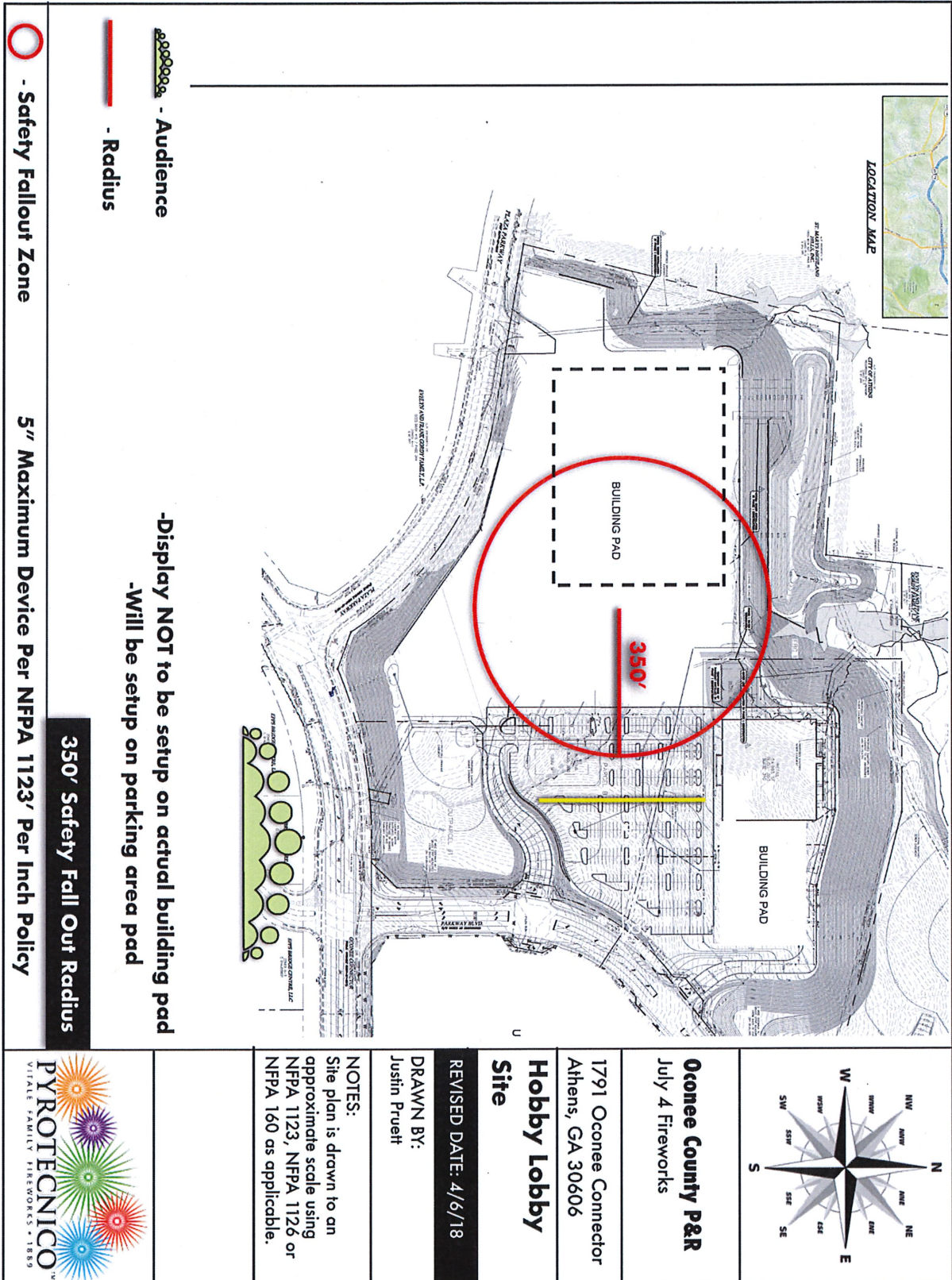
County:

Witness

By: _____

John Daniell, County Chairman

EXHIBIT A (page 1 of 2)

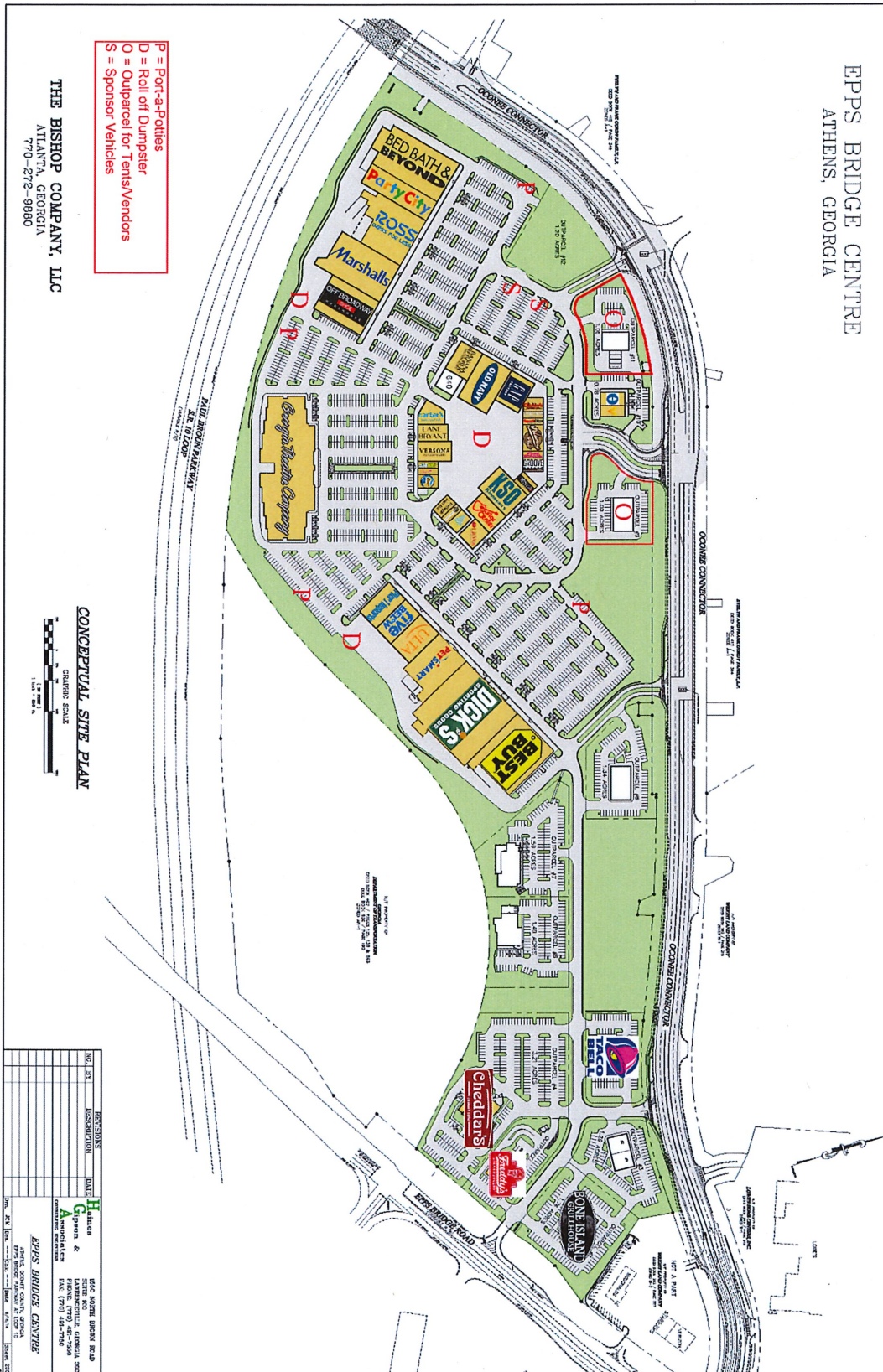


FIREWORKS DISPLAY SITE

9

EXHIBIT A (page 2 of 2)

EPPS BRIDGE CENTRE ATHENS, GEORGIA



EVENT SITE

EXHIBIT B
CERTIFICATE OF INSURANCE



Oconee County

Department Memorandum

DATE: May 15, 2019

TO: Board of Commissioners

FROM: Alex Perschka – Tourism Director

SUBJECT: Cultural Affairs & Tourism Citizen Advisory Committee

ISSUE SUMMARY:

On May 7, 2019, three of the current Cultural Affairs & Tourism Citizen Advisory Committee members were appointed to serve on the Oconee County Tourism & Visitor Bureau Board of Directors. The Cultural Affairs & Tourism Citizen Advisory Committee at this time has no scheduled meeting or matters of business that need to be addressed by the group.

RECOMMENDATION:

For Board discussion / consideration

FINANCIAL IMPACT:

None

ANALYSIS:

Members of the Citizen Advisory Committee are aware of the appointments to the Bureau's Board and understand changes are possible.



Oconee County

Department Memorandum

DATE: May 16, 2019

TO: Board of Commissioners

FROM: Kathy Hayes, County Clerk

SUBJECT: New Alcohol License – Alliance Express (Athens Shell)

ISSUE SUMMARY:

Mr. MD Jaharul Islam, Alliance Express, is applying for a new alcohol license for the location of 2111 Oconee Connector. The current license is in the name of Jamal Tajuddin, Suwanee Express a/k/a Athens Shell. Mr. Islam began leasing the property from Mr. Tajuddin as of April 3, 2019. Mr. Islam will be the Registered Agent and has completed his RASS training. The property survey was not submitted with the application.

RECOMMENDATIONS:

Approval of the license for Mr. MD Jaharul Islam of Alliance Express (as lessee for the property located at 2111 Oconee Connector) with the stipulation that a property survey, as required by the ordinance, be submitted to the County Clerk's Office no later than June 21, 2019.

FINANCIAL IMPACT:

Application Fee: \$100.00

License Fees: \$1,000.00 (prorated for 2019 - \$750.00)

**OCONEE COUNTY BOARD OF COMMISSIONERS
COUNTY CLERK**

P.O. Box 145
23 North Main Street
Watkinsville, Georgia 30677
Phone (706) 769-5120 ~ Fax (706) 769-0705

REC'D MAY 10 2019

(143)

**APPLICATION FOR NEW OR RENEWAL LICENSE
FOR SALE OF MALT BEVERAGES, WINE & DISTILLED SPIRITS**

1. Type of License – please check one:

☐ New - \$100 ☐ Renewal - no fee ☒ Modification - \$500

2. Background Check (New License Only): ☒ \$41

3. Type of Business:

☐ Restaurant ☐ Wholesale ☒ Convenience Store
☐ Package Store ☐ Supermarket ☐ Recreational Club ☐ Other*

* Please explain _____

Will live entertainment be offered? ☐ Yes ☒ No

If yes, please explain _____

4. License Classification & Fees – please check all that apply:

Retail Consumption on Premises (restaurants)

☐ Beer \$1000 ☐ Wine \$1000 ☐ Distilled Spirits \$1000 TOTAL \$ _____

Retail Package

☐ Beer \$500 ☐ Wine \$500 ☒ Beer & Wine \$1000 TOTAL \$ 1,000

Wholesale Distributor

☐ Beer \$100 ☐ Wine \$100 ☐ Beer & Wine \$200 TOTAL \$ _____

Recreational Club

☐ Beer/Wine/Distilled Spirits \$1000

5. Business:

Business Name Alliance Express, LLC - Athens Shell

Location Address 2111 Oconee Connector Phone (678) 927-4058

City Athens State GA Zip Code 30606

Mailing Address _____ Phone _____

City _____ State _____ Zip Code _____

Who to contact if there are questions regarding the application?

Name MD Islam Phone (678) 927-4058

Email Athenstore12@gmail.com

6. **Registered Agent** (person responsible for alcohol issues for the entity) –
~~If non-individual ownership or non-resident/non-managing owner:~~

Full Name MD J Islam

Home Address 1371 Scenic Pines Dr. Home Phone (678) 927-4058

City Lawrenceville State GA Zip Code 30044

Race A Sex M Birth date _____ SSN _____

7. **Type of Ownership** (please mark appropriate box and fill out section a, b or c as indicated):

☐ Individual (a)

☐ Partnership (b)

☒ Limited Liability
Company (b)

☐ Corporation (c)

a) **For Individual:**

Full Legal Name _____

Home Address _____ Home Phone _____

City _____ State _____ Zip Code _____

Race _____ Sex _____ Birthdate _____ SSN _____

b) **For Partnership or LLC:**

All applicants who are non-individual persons shall list the names, addresses and ownership interest of each owner of a 5% or greater interest.

Partnership or LLC Name Alliance Express, LLC

Address 2111 Oconee Connector Home Phone (678) 927-4058

City Athens State GA Zip Code 30601

Partners:

- Full Legal Name MD J Islam % Interest 100%

Home Address 1371 Scenic Pines Dr. Home Phone (678) 927-4058

City Lawrenceville State GA Zip Code 30044

- Full Legal Name _____ % Interest _____

Home Address _____ Home Phone _____

City _____ State _____ Zip Code _____

- Full Legal Name _____ % Interest _____

Home Address _____ Home Phone _____

City _____ State _____ Zip Code _____

(Attach additional pages if necessary)

c) For Corporation:

All applicants who are non-individual persons shall list the names, addresses and ownership interest of each owner of a 5% or greater interest.

Name of Corporation _____
(name should be shown exactly as in Articles of Incorporation or Charter)

Date of Incorporation _____ Place of Incorporation _____

Address _____ Phone _____

City _____ State _____ Zip Code _____

Officers:

• Full Legal Name _____

% Stock Owned _____ Office held _____

Home Address _____ Home Phone _____

City _____ State _____ Zip Code _____

• Full Legal Name _____

% Stock Owned _____ Office held _____

Home Address _____ Home Phone _____

City _____ State _____ Zip Code _____

• Full Legal Name _____ % Interest _____

% Stock Owned _____ Office held _____

Home Address _____ Home Phone _____

City _____ State _____ Zip Code _____

(Attach additional pages if necessary)

Stockholders (if different from Officer names):

• Full Legal Name _____ % Interest _____

% Stock Owned _____ Office held _____

Home Address _____ Home Phone _____

City _____ State _____ Zip Code _____

• Full Legal Name _____ % Interest _____

% Stock Owned _____ Office held _____

Home Address _____ Home Phone _____

City _____ State _____ Zip Code _____

Stockholders (if different from Officer names):

- Full Legal Name _____ % Interest _____
 % Stock Owned _____ Office held _____
 Home Address _____ Home Phone _____
 City _____ State _____ Zip Code _____
 (Attach additional pages if necessary)

Trustees:

- Full Legal Name _____ % Interest _____
 % Stock Owned _____ Office held _____
 Home Address _____ Home Phone _____
 City _____ State _____ Zip Code _____
- Full Legal Name _____ % Interest _____
 % Stock Owned _____ Office held _____
 Home Address _____ Home Phone _____
 City _____ State _____ Zip Code _____
- Full Legal Name _____ % Interest _____
 % Stock Owned _____ Office held _____
 Home Address _____ Home Phone _____
 City _____ State _____ Zip Code _____
 (Attach additional pages if necessary)

8. Property:

Owner of the property (land & building) where the business will be located

Name JAMAL TAJUDDIN Address 2664 Thurleston LN
 City Duluth State GA Zip Code 30097

Phon # 7709123672
 Is the commercial space where the business is to be located rented or leased?

☐ Yes ☒ No If yes, please state name of landlord or lessor and address.

Name _____ Address _____
 City _____ State _____ Zip Code _____

9. Silent, undisclosed partners or joint venture partners:

Does any person or firm have any interest in the proposed business as a silent, undisclosed partner or joint venture partner; or has anyone agreed to split the profits or receipts from the proposed business with any persons, firms, companies, corporations or other?

☐ Yes ☒ No If yes, please state name of person or other entity with address and amount of percentage of profits and receipts to be split.

Name _____ Address _____ % _____

City _____ State _____ Zip Code _____

10. Residency/Age requirement:

Is there any party identified in Question 7 or Question 9 that is not a legal resident of the United States and at least twenty-one (21) years of age?

☐ Yes ☒ No If yes, please give full details on separate sheet.

If not a U.S. Citizen, can they legally be employed in the United States?

☐ Yes ☐ No If yes, please explain on separate sheet and submit copies of eligibility.

11. Disclosure of previous denials:

Is there anyone connected with this business that has applied for a beer, wine, and/or liquor license from Oconee County or other City or County in the State of Georgia or other state or political subdivision and been denied such?

☐ Yes ☒ No If yes, please give full details on separate sheet.

12. Disclosure of licenses held:

Is there anyone connected with this business who holds another alcohol license in any retail category or any license under any wholesale category?

☐ Yes ☒ No If yes, please give full details on separate sheet.

13. Disclosure of felony/other convictions or offenses:

Is there anyone connected with this business that has been convicted of a felony or a crime involving moral turpitude?

☐ Yes ☒ No If yes, please give full details on separate sheet including dates, charges and disposition.

Is there anyone connected with this business that has been convicted of any state, federal or local ordinance pertaining to the manufacture, possession, use, transportation or sale of malt beverages, wine, or intoxicating liquors, or the taxability thereof within the last ten years immediately prior to the filing of this application?

☐ Yes ☒ No If yes, please give full details on separate sheet including dates, charges and disposition.

Is there anyone connected with this business that has been found in violation of the ordinances of Oconee County, or any other county or municipality, governing alcoholic beverages licenses with the last five years immediately prior to the filing of this application?

☐ Yes ☒ No If yes, please give full details on separate sheet.

Is there anyone connected with this business that has been convicted under any Federal, State or County law for a criminal offense involving alcoholic beverages, gambling or tax law violations?

☐ Yes ☒ No If yes, please give full details on separate sheet.

14. Training:

Have the owner/agent and manager(s) completed the Training for Responsible Alcohol Services & Sales (RASS) Program? A copy of the RASS certificate(s) must be attached prior to the issuance of an alcoholic beverage license.

Name _____ Date of Training _____

Name _____ Date of Training _____

Name _____ Date of Training _____

Name _____ Date of Training _____

I, MD J Islam, solemnly swear, subject to the penalties for false swearing as provided under Georgia Law, all information required in this application and supporting documents for a license to sell malt beverages & wine in Oconee County, Georgia is true and correct to the best of my knowledge and I fully understand that any false information may cause the denial or revocation of said license.

MD J ISLAM
Print full name as signed below

md j Member 5-8-2019
Signature of Applicant/Registered Agent Title Date

Sworn to and subscribed before me
this 8 day of may, 2019.

Kristal Young
Notary Public (SEAL)



**** Pursuant to Title II ADA and Section 504 of the Rehabilitation Act of 1973, as amended, no otherwise qualified individual with a disability in the United States shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal Financial Assistance or under any program or activity conducted by Oconee County, Georgia. Additionally, pursuant to Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987, no person shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by Oconee County, Georgia.**

**OCONEE COUNTY BOARD OF COMMISSIONERS
COUNTY CLERK**

PREMISES & STRUCTURE

INSTRUCTIONS: Under oath, each question must be fully answered. If space provided is not sufficient, answer on a separate sheet and indicate in the space provided that a separate sheet is attached.

1. Type of Business:

- ☐ Restaurant ☐ Package Store ☐ Wholesale
☐ Supermarket ☒ Convenience Store ☐ Other*

* Please explain _____

2. Trade Name of Business: Athens Shell

Location Address 2111 Oconee Connector Phone (678) 927-4058

City Athens State GA Zip Code 30601

Parcel Number _____

3. Is this location within a commercial zoning district?

☒ Yes ☐ No

Please indicate zoning classification: _____

4. Does the completed building or the proposed building comply with the ordinances of Oconee County, regulations of the State Revenue Commissioner and the Laws of the State of Georgia?

☒ Yes ☐ No

If no, please explain reason for non-compliance and proposed methods to rectify the same:

5. Lighting of Premises (exterior and interior)

(a) Does the building in which business is to be located contain sufficient lighting so that the building itself and the premises on all sides of the building are readily visible at all times from the front of the street on which the building is located as to reveal all of the outside premises of such building?

☒ Yes ☐ No

(b) Is the building so illuminated that the interior of the store is visible day and night?

☒ Yes ☐ No

If answer is no to either (a) or (b) or both above, please explain proposed methods to rectify the insufficient lighting:

6. For Restaurants Only:

- (a) Number of square feet of total floor area: _____
- (b) Number of square feet devoted to dining area: _____
- (c) Seating capacity: _____
- (d) Number of full time employees: _____
- (e) Do you have a full service kitchen? ☐ Yes ☐ No
- (f) Hours of service for prepared meals or foods: _____
- (g) Hours of operation: _____
- (h) Is the place of business in full compliance with the definition of "Restaurant" under the Oconee County Malt Beverages and Wine Ordinance?
- ☐ Yes ☐ No

7. **For Supermarket/Convenience Store Only:**

- (a) Number of square feet of floor area: _____
- (b) Number of square feet devoted to the sale of groceries/food products: _____
- (c) Is the establishment devoted principally to the retail sale of groceries and food products?
- ☒ Yes ☐ No

If no, please explain:

8. **Proposed Property Location:** Attach a certified scale drawing of the proposed premises by a registered land surveyor or professional engineer, showing the distance requirement from church and school.
9. **Property Location:** Attach a certificate of a registered land surveyor or professional engineer that the location complies with the distance requirement from churches and schools.
10. **Evidence of Ownership / Lease:** Attach evidence of ownership of the building or proposed building or a copy of the lease if the applicant is leasing the building.
11. **Franchise Agreement:** If the applicant is a franchise, attach a copy of the franchise agreement or contract.
12. **Restaurant Menu:** If establishment is a restaurant, attach a copy of the menu(s).
13. **Site Plans**
- (a) If the building is complete, attach copies of detailed site plans of said building including outside premises and floor plan.
- (b) If the building is proposed, attach copies of proposed site plan and specifications and building permit of the proposed building.
- (c) Show all areas where alcoholic beverages may be sold, served or consumed.

14. **Applicant's Oath:**

NOTE: Before signing this statement, check all answers and explanations to see that you have answered all questions fully and correctly. This statement is to be executed under oath and subject to the penalties for false swearing and it includes all attached sheets submitted herewith.

STATE OF GEORGIA, Dekalb COUNTY

I, MD J Islam, solemnly swear, subject to the penalties for false swearing as provided under Georgia Law, that the statements and answers made by me as the applicant in the foregoing premise and structure statement are true and correct.

MD-J Islam
Signature of Applicant/Registered Agent

I hereby certify that MD J Islam signed his/her name to the foregoing application stating to me that he/she knew and understood all statements and answers made herein, and, under oath actually administered by me, has sworn that said statements and answers are true and correct.

This the 8 day of may, 2019.

Kristal Young
Notary Public (SEAL)



**OCONEE COUNTY BOARD OF COMMISSIONERS
COUNTY CLERK**

P.O. Box 145, 23 North Main Street
Watkinsville, Georgia 30677
Phone (706) 769-5120 ~ Fax (706) 769-0705

REGISTERED AGENT CONSENT FORM

Business Name Alliance Express, LLC
Location Address 2111 Oconee Connector Phone (770) 927-4038
City Athens State GA Zip Code 30601

I, MD J ISLAM, do hereby consent to serve as the *Registered Agent* for the licensee, owners, officers, and/or directors and to perform all obligations of such agency under the ordinance regulating the sale of malt beverages & wine in Oconee County. I understand the basic purpose is to have and continuously maintain in the County a *Registered Agent* upon which any process, notice, or demand required or permitted by law or under said Ordinance to be served upon the licensee or owner may be served.

This the 8 day of May, 2019.

MD J ISLAM
Signature of Agent

MD J ISLAM
Print/Type Name of Agent

1371 Scenic Pines Dr.
Print/Type Agent's Home Address

Lawrenceville GA 30044
Print/Type City, County and State

APPROVED:

Owner/Officer/Director

Title

**Affidavit Verifying Status
for County Public Benefit Application
O.C.G.A. § 50-36-1(e)(2)**

By executing this affidavit under oath, as an applicant for an Business Occupation Tax Certificate, Alcohol License or other public benefit as referenced in O.C.G.A. § 50-36-1, from Oconee County, Georgia, the undersigned applicant verifies one of the following with respect to my application for a public benefit:

- 1) X I am a United States citizen.
- 2) I am a legal permanent resident of the United States.
- 3) I am a qualified alien or non-immigrant under the Federal Immigration and Nationality Act with an alien number issued by the Department of Homeland Security or other federal immigration agency.

My alien number issued by the Department of Homeland Security or other federal immigration agency is: _____

My card number is: _____

The undersigned applicant also verifies that he or she is 18 years of age or older and has provided at least one secure and verifiable document, as required by O.C.G.A. § 50-36-1(e)(1), with this affidavit.

The secure and verifiable document provided with this affidavit can best be classified as:

GA DL

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of §16-10-20, and face criminal penalties as allowed by such criminal statute.

Executed in Duluth (city), GA (state).

Signature of Applicant: MD 2 Date: 5-8-2019

Printed Name: MD 2 ISLAM

Date of Birth: _____

Subscribed and Sworn to before me, this

8 day of may, 2019.

Kristal Young
Notary Public

My Commission Expires: _____



Orange County
Certificate of Completion

is hereby granted to

MD JAHARUL ISLAM

For certifying the successful completion of the

RESPONSIBLE ALCOHOL SALES AND SERVICE COURSE

on May 14, 2019

[Signature]

James H. Harrison
County Training Coordinator

Allyson Shell