

**AMENDMENT
TO THE UNIFIED DEVELOPMENT CODE OF OCONEE COUNTY, GEORGIA
AND THE ZONING MAPS OF OCONEE COUNTY, GEORGIA**

TITLE

An Ordinance amending the Unified Development Code of Oconee County, Georgia, and the Zoning Maps of Oconee County, Georgia, pursuant to Article 12, Division I et seq., to rezone from zoning classifications R-2 MPD (Two-Family Residential Master Planned Development) to R-2 MPD with Modifications pursuant to the settlement agreement with Parkside Property Development, LLC, in the case of Parkside Property Dev. v. Oconee County, Georgia, et al. (Civil Action File No. SU-CV-2017-000087).

ENACTMENT CLAUSE

Pursuant to the authority conferred by the Constitution and Laws of the State of Georgia and after consideration of a zoning change initiated by Oconee County Board of Commissioners, on ± 500.61 acres of land located on the north side of SR 53 and the west side of Mars Hill Road, in the 221st and 239th G.M.D., Oconee County, Georgia, (tax parcel numbers B-05H-002OS, B-05H-001OS, B-05L-001, B-05H-001F, B-05H-003UE, B-05-005D, B-05H-001AA, B-05H-001A, B-05H-001E, B-05H-001D, B-05H-001B, B-05H-001C, B-05H-002UE, B-05H-001UE), the Board of Commissioners of Oconee County does hereby ordain and enact to law the following:

SECTION 1. An Ordinance known as the “Unified Development Code of Oconee County, Georgia” as enacted and amended by the Board of Commissioners of Oconee County and the Zoning Maps described therein are hereby amended as follows:

The zoning classification for the property described on the attached “Exhibit A” is hereby changed from R-2 MPD (Two-Family Residential Master Planned Development) to R-2 MPD with Modifications pursuant to the settlement agreement with Parkside Property Development, LLC, in the case of Parkside Dev. v. Oconee County, GA, for the purpose as set forth in “Exhibit A” attached hereto.

Said rezone is subject to the following conditions: as set forth in “Exhibit A” attached hereto.

SECTION 2. Severability. It is intended that the provisions of this Ordinance be severable and should any portion be held invalid, such invalidity shall not affect any other portion of the Ordinance.

SECTION 3. Repeal of Conflicting Resolutions or Ordinances. All Resolutions or Ordinances and parts or sections of Resolutions or Ordinances in conflict with this Ordinance are hereby repealed.

SECTION 4. Effective Date. This Ordinance shall take effect this date.

On December 10, 2018, the present Zoning Petition was first presented and discussed at the public hearing conducted by the Oconee County Planning Commission in its regular meeting. Said Zoning Petition was subsequently considered at a Public Hearing held by the Oconee County Board of Commissioners at its regular meeting on January 8, 2019.

ADOPTED AND APPROVED, this 8th day of January, 2019.

OCONEE COUNTY BOARD OF COMMISSIONERS

BY: John Daniell
John Daniell, Chairman

ATTEST:
Kathy Hayes
Kathy Hayes
Clerk, Board of Commissioners

Mark Thomas
Mark Thomas, Member

Chuck Horton
Chuck Horton, Member

W. E. “Bubber” Wilkes
W. E. “Bubber” Wilkes, Member

Mark Saxon
Mark Saxon, Member



CONDITIONS

Staff recommends approval of Rezone #7637 from R-2 MPD to R-2 MPD with Modifications, subject to the following conditions which shall be fulfilled by the developer at its expense:

1. The zoning for the development shall remain R-2-MPD (Master Planned Development). By approval of the master plan, the entire site's acreage will be used to calculate any MPD requirements. The preliminary plats/preliminary site plans, construction plans, final plats, covenants, conservation easements and homeowners' association shall meet the standards set forth in the Oconee County Unified Development Code for an R-2-MPD. The conditions of this rezone are intended to be consistent with the settlement agreement and the attachments thereto between the County and the applicant and shall be interpreted in such fashion; however, where the settlement agreement is silent then regardless of any item to the contrary on the concept plan, narrative or other submitted documents, this development shall meet all design requirements for this zoning district under the Oconee County Unified Development Code.
2. The development must be connected to the Oconee County water system and sewer system in a manner approved by Oconee County Utility and Public Works Departments. The costs associated with connecting the development to the systems shall be as set forth in these conditions.
3. At a minimum, developer shall comply with storm water management regulations in effect at the time of construction plan approval. Drainage structures shall be located a suitable distance from the project boundaries to permit visual buffering from neighboring properties and to avoid point source discharge onto neighboring properties. Drainage from said structures shall obtain sheet flow character prior to leaving the property boundary unless discharging to a well-defined drainage corridor.
4. The development shall meet all requirements of the Aquifer Recharge Area Protection Ordinance.
5. Prior to construction plan approval, the developer shall comply with all requirements and obtain approval from all state agencies regulating any land disturbance inside of State Waters Buffers for road crossings and other permitted activities.
6. Developer shall plant a minimum of 2,503 trees throughout the development (5 trees per acre). Said trees shall be a mix of shade trees and evergreen trees. The shade trees shall be single-trunked trees, at least two inch (2") caliper and at least 10' tall at time of planting, capable of reaching 35 feet in height and spread at maturity. The evergreen trees shall be at least 6 feet in height at time of planting. These trees may be located as street trees, lot trees or as supplements to the green space areas outside of the 50' wide perimeter buffer. The trees may be planted in phases corresponding to the phases of the development. Tree locations must be designated on future construction plans for the development. This number of planted trees may be decreased by the number of existing healthy, vigorous shade trees preserved within any residential or commercial area outside of green space or open space areas provided that such existing shade tree(s) are at least 2" caliper or larger.
7. Except for the addition of supplemental material in the buffer, wherever construction is to occur within 50 feet of the "50' Perimeter Buffer", the buffer edge must be clearly marked in the field with erosion control fencing and protected. No construction material or debris shall be allowed to be stored or located within the buffer. No storm water detention areas, other than drainage corridors, shall be located within the 50' perimeter buffer.
8. All through road corridor setbacks shall be as shown on the concept plan.
9. All perimeter buffers shall be as shown on the concept plan and representative buffer drawings.
10. Prior to Preliminary Plat/Site Plan submittal, applicant must receive approval of project and street naming from Planning and Code Enforcement. Applicant must also submit a Unit Numbering System Plan to Planning and Code Enforcement for approval. Provide documentation of this at time of Preliminary Plat/Site Plan submittal.
11. In cases where the Unified Development Code does not address it, alleys shall be designed and built in compliance with AASHTO standards in effect at time of construction plan approval.
12. All dumpster and waste container areas shall be in enclosed structures away from the public view.

EXHIBIT "A" TO REZONE #7637

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13. 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 to Rezoning No. 5315 and incorporated herein, paying special attention to the materials and design elements shown in the representative photos.
14. Site design shall meet the minimum standards of all state and local fire safety codes.
15. Building rooftops and roof-mounted equipment of all commercial areas shall be screened from public rights-of-way and adjoining property by adequate parapet walls and planted landscape buffers. This shall be conclusively shown at building permit stage by the use of sections and elevations from the adjacent public roads and adjacent properties.
16. Developer shall provide all necessary traffic improvements (center turn lanes, signalization, traffic safety devices, etc.) as required by GA D.O.T. and/or the Oconee County Public Works Department.
17. All roads designed to carry traffic through the property, including the central boulevard and the roads immediately adjacent to the amenity lot and commercial area, shall be built as part of the first phase of the project. Final design of these roadways shall include traffic calming devices located at sufficient intervals along the road so as to deter speeding, such as full stop intersections, roundabouts and other such devices, as approved by the Public Works Department. These roads shall be constructed to the same standards as Industrial Uses classification.
18. In addition to the planned amenity area, developer shall provide for park space and active recreation areas within each neighborhood, such as, but not limited to swimming pools, tennis courts, ball courts, playscapes, sports fields or other similar recreation uses. Said amenity areas shall be planned so as to provide an active amenity area within ¼ to 1/3 of a mile from all residential lots.
19. When constructed, and except as modified in these conditions, Developer shall construct the commercial portion of the development as illustrated and described in Zoning Amendment Resolution #4118.
20. The County will retain the amounts previously paid to the County by Parkside (or its predecessors in title) to reserve sewer capacity for the Parkside Development. The County will provide sewer service to the Parkside Development on and subject to the terms and conditions set forth below, including the number of agreed lots within the Parkside Development. The Owners or their successors must pay the connection fees in the amounts required at the time applications for building permits are made. The County shall retain sewer capacity reservation funds previously paid for lots in excess of the number of lots permitted by the revised zoning amendments contemplated by this settlement proposal and shall apply such funds to pay connection fees at the current rates when such connection fees become due until such credits are exhausted.
21. The County shall have no obligation to reserve sewer capacity for the Parkside Development after December 31, 2030 if fewer than 80% of the lots within the respective Development have been platted by that date. Beginning July 1, 2027, Parkside must pay minimum monthly sewer service charges for each remaining lot until certificates of occupancy have been issued for 90% of the residential units. As remaining lots, if any, within the Parkside Development are connected to sewer during the year, the minimum monthly sewer service charges due from Parkside shall be reduced by the number of lots added. If the County rescinds capacity because less than 80% of the Parkside lots have been platted by December 31, 2030, Parkside has no further obligation to pay service charges for Remaining Lots.
22. Parkside will agree to record in the County land records covenants restricting 269 lots (the "Parkside Age Restricted Lots") within the Parkside Development to ownership by persons 55 and older. Parkside and its successors shall take all necessary steps to ensure that the covenants and this portion of the Development comply with 42 U.S.C. §§ 807(b)(2)(C), 3601 et seq. (as amended) and all implementing regulations. The locations of the Parkside Age Restricted Lots are shown as "The Seasons" and "The Preserve" neighborhoods on the attached Parkside Master Site Plan, which is included as a condition of this settlement proposal. There is no phasing requirement on the construction of homes on the Parkside Age Restricted Lots within the Parkside Development.
23. Parkside shall construct single family detached homes on no more than 507 lots within the Parkside Development (the "Traditional Residential Lots"). Each Traditional Residential Lot must contain at least 18,000 square feet, as shown on the attached Parkside Master Site Plan. In no event shall the Parkside Development be entitled to building permits in excess of seventy-five (75) Traditional Residential Lots per year on a cumulative basis. In any year in which less than 75 building permits are

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issued, the difference between 75 and the number issued will "roll-over" into the next year in addition to the next 75 allowed.

24. Prior to commencement of construction on the "Commercial" portion of the Parkside Development, Parkside shall submit a new site plan for that portion of the Parkside Development to the County for review and approval by the Board of Commissioners, which submittal will be in accordance with code requirements in effect on the date of the submittal (which shall include restrictions such as not allowing certain users, billboards, hookah bars, or adult entertainment). Any retail development will target tenants that complement the residential community such as a daycare facility, restaurants (including those with drive through services), pharmacy, bank and/or other services. All restrictions relating to the "Commercial" area contained in the previous re-zoning approvals #4118 and #5315 for the Parkside Development shall be removed.
25. With respect to foundations, all homes in the Parkside Development shall be constructed in accordance with the applicable County UDC criteria in effect on the date that proper applications for building permits are submitted; provided however, homes on Parkside Age Restricted Lots may be constructed with slab-on-grade foundations.
26. All existing water and sewer infrastructure and utilities in the Parkside Development may remain in place, subject to successful testing and inspection witnessed by a County employee that such water and sewer infrastructure and utilities can function under County standards existing at the time they were installed. There shall be a one (1) year warranty period on materials and installation from the time infrastructure is accepted by Oconee County and placed in operation. Any modifications to existing water and sewer infrastructure required by the design architect or project engineer shall be subject to review and approval by the Oconee County Water Resources Department.
27. Future water and sewer infrastructure and utilities will be accepted by the County upon demonstration that such infrastructure and/or utilities have been certified that they meet the County's current design standards, performance requirements and specifications for such developments.
28. Parkside will not begin discharging sewage into the County sewer system from any homes within the Parkside Development until after September 1, 2019. Before any discharge, Parkside must complete the infrastructure required to connect sewer within the Development to the County's Daniels Bridge Pump Station. The route and design of such line (the "Connecting Sewer Line") will be determined by the County. Parkside shall pay for the design of the Connecting Sewer Line. Any necessary easements or other property interests (collectively the "Utility Easements") required for installation of the Connecting Sewer Line will be acquired by the County. Parkside shall reimburse the County for its cost of the design work and acquisitions (cost of the interest, closing costs, attorneys' fees, and condemnation expenses, if any), within 30 days after Parkside's receipt of the County's request for reimbursement, accompanied by evidence of the County's payment. Parkside will construct the Connecting Sewer Line within the easements obtained by the County subject to an Encroachment Agreement entered into by the County and Parkside, the form of which is attached hereto.
29. The County may require Parkside to construct the Connecting Sewer Line that is larger than necessary to serve the Parkside Development, in which case the County will reimburse Parkside for the difference in cost for the line necessary to serve the Parkside Development and the Line installed (e.g. 18" vs. 24").
30. Owners of Parkside Development may only assign the reserved sewer capacity for the Parkside Development to a new land owner acquiring all or part of Parkside's property who will then have the right to assign reserved sewer capacity to a subsidiary of the new land owner or to any entity that has purchased land, phases, pods, or lots within the boundaries of the Parkside Development. Before such assignment is effective, written notice must be provided to the County. The Parkside sewer capacity cannot be transferred for use by third parties outside the boundaries of the Parkside Development.
31. The County may require Parkside to obtain and keep in place maintenance bonds on all existing water and sewer infrastructure for two (2) years after Certificates of Occupancy have been issued for 90% of the approved lots in the Parkside Development or ten years from the date of the revised zoning ordinance for the Parkside Development, whichever occurs first. All bonds required herein shall be 100% bonds
32. Parkside shall construct a road (the "Access Road") connecting the County's park adjacent to the Parkside Development (the "Park") to the main road through the Parkside Development (the "Spine

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Road") in order to provide alternative means of ingress to and egress from the Park. The location of the Access Road is depicted on the Parkside Master Site Plan. The timing of construction of the Access Road will be mutually agreed. Upon completion, the Access Road will be dedicated to and thereafter maintained by the County and no maintenance bond shall be provided by Parkside with regard to the Access Road.

- 33. Existing road infrastructure in the Parkside Development may remain in place, subject to any modifications required by the design architect or project engineer of the Parkside development. Existing roads in the Parkside Development must be brought to County standards and specifications in effect at the time the roads were constructed and the cost thereof must be borne by Parkside. Roads constructed in the future in the Parkside Development must meet then current County standards. Roads constructed in the future will be accepted by the County in the manner then required by current policies or development regulations. Parkside shall keep in place a maintenance bond on the Spine Road connecting GA Highway 53/Hog Mountain Road and Mars Hill Road until the sooner of two (2) years after the time at which final plats are recorded containing 75% of the residential lots in the Parkside Development, or ten (10) years from the date of this agreement. The County may require Parkside to obtain and keep in place maintenance bonds on other roads until two (2) years after Certificates of Occupancy have been issued for 75% of the homes in the pod served by the road.
- 34. In order to increase the treatment capacity of the existing system and assist in allowing the County to serve the Developments, after the County's approval of the next final plat of the respective development, Parkside shall contribute \$150,000 to the Oconee County Water Resources Department earmarked for the County's Infiltration & Inflow Maintenance Program.

TAX MAP

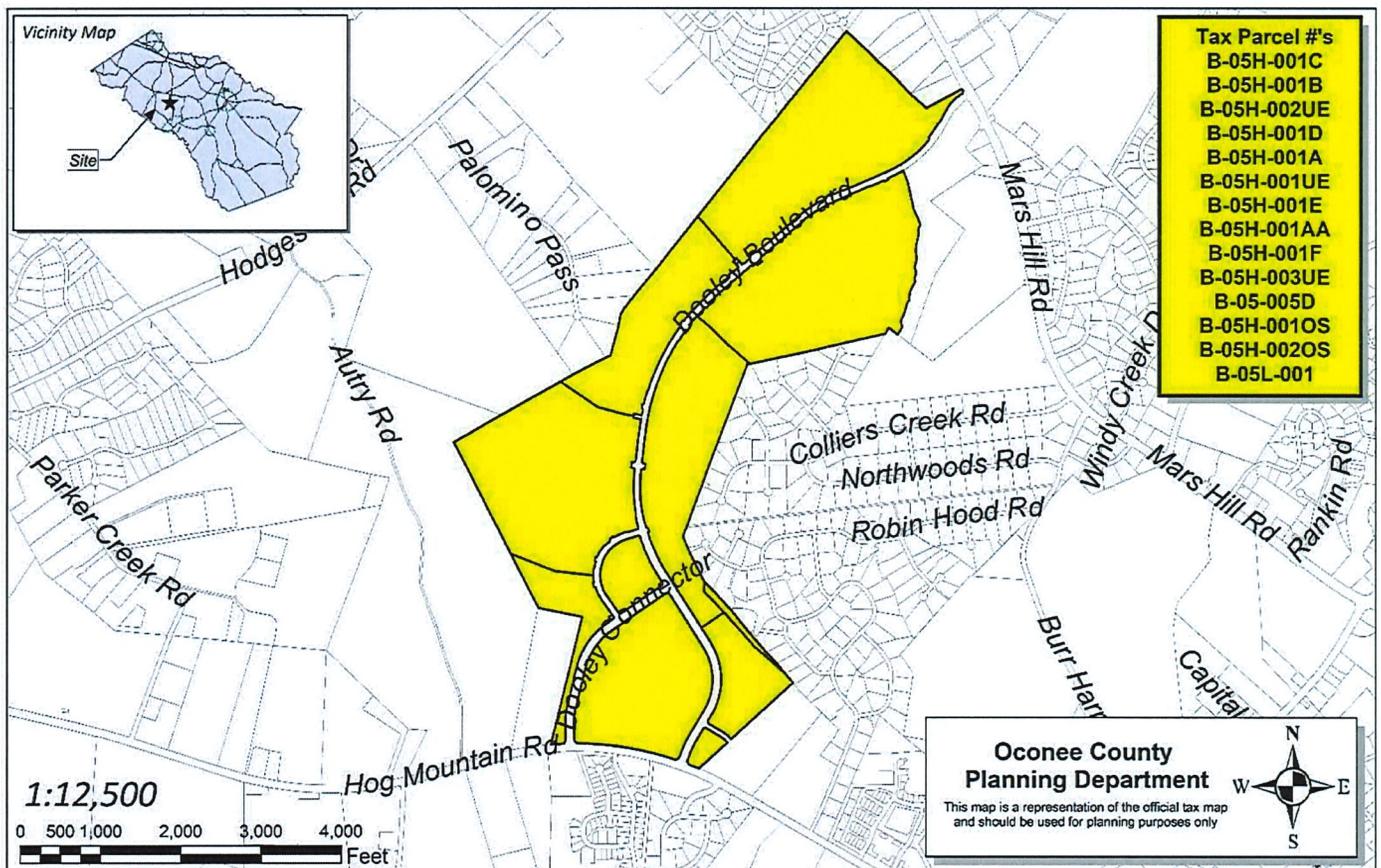


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LEGAL DESCRIPTION

All that tract of parcel of land lying and being in the county of Oconee, State of Georgia, GMD 221, and described as a 500.61 acre tract on a Composite Survey, more particularly described as follows:

Commencing at the centerline intersection of Ga Hwy. 53 and Robin Hood Road; Thence 0.32 miles northwesterly to a point along the northern right of way of Ga Hwy. 63, said point being the POINT OF BEGINNING

Thence N60°29'20"W a linear distance of 1,670.05, with an arc length of 1,680.61 and a radius of 3,857.64' to an iron pin;

Thence N14°02'10"E, a distance of 1,633.51' to an iron pin;

Thence N78°48'50"W, a distance of 551.02' to an iron pin;

Thence N27°04'18"W, a distance of 2,320.48' to an iron pin;

Thence N62°21'20"E, a distance of 546.60' to an iron pin;

Thence N59°01'26"E, a distance of 1,161.20' to an iron pin;

Thence N62°52'28"E, a distance of 626.35' to an iron pin;

Thence N11°25'45"E, a distance of 485.53' to an iron pin;

Thence N37°54'00"E, a distance of 119.77' to an iron pin;

Thence N37°58'40"E, a distance of 216.33' to an iron pin;

Thence N37°52'40"E, a distance of 463.12' to an iron pin;

Thence N39°19'20"E, a distance of 2,252.17' to an iron pin;

Thence N38°28'50"E, a distance of 128.45' to an iron pin;

Thence N38°21'10"E, a distance of 671.80' to an iron pin;

Thence N39°20'30"E, a distance of 819.77' to an iron pin;

Thence S48°03'25"E, a distance of 747.01' to an iron pin;

Thence S44°24'50"E, a distance of 628.28' to an iron pin;

Thence N51°28'20"E, a distance of 533.66' to an iron pin;

Thence S29°01'50"E, a distance of 154.88' to a point, which is Point 'A';

Thence S55°38'13"W, a distance of 93.08' to a point;

Thence S41°55'48"W, a linear distance of 285.70', with an arc of 288.26' and a radius of 560.00' to a point;

Thence S28°12'25"W, a distance of 228.88' to a point;

Thence S46°25'24"W, a linear distance of 650.22', with an arc of 661.31' and a radius of 1,048.00' to a traverse point;

Thence S22°37'31"E, a distance of 136.90' to a traverse point;

Thence S07°31'35"E, a distance of 973.26' to a traverse point;

Thence S35°15'14"E, a distance of 104.38' to a traverse point;

Thence S01°36'18"E, a distance of 123.66' to a traverse point;

Thence S07°54'41"W, a distance of 157.32' to a traverse point;

Thence S02°53'52"W, a distance of 168.12' to a traverse point;

Thence S07°51'55"W, a distance of 149.89' to a traverse point;

Thence S00°58'25"E, a distance of 141.35' to a traverse point;

Thence S18°48'43"W, a distance of 219.25' to a traverse point;

Thence S18°05'37"W, a distance of 323.66' to a traverse point;

Thence S01°58'10"W, a distance of 248.16' to a traverse point, which is Point 'B';

Thence N59°38'05"W, a distance of 204.20' to an iron pin;

Thence S80°40'45"W, a distance of 81.17' to an iron pin;

Thence S73°11'15"W, a distance of 519.74' to an iron pin;

Thence S73°07'55"W, a distance of 384.82' to an iron pin;

Thence S73°28'40"W, a distance of 100.18' to an iron pin;

Thence S72°57'00"W, a distance of 194.52' to an iron pin;

Thence S73°21'00"W, a distance of 175.29' to an iron pin;

Thence S73°11'20"W, a distance of 322.01' to an iron pin;

Thence S73°10'40"W, a distance of 77.82' to an iron pin;

Thence S20°37'00"W, a distance of 329.20' to an iron pin;

Thence S20°33'40"W, a distance of 336.92' to an iron pin;

Thence S20°32'45"W, a distance of 1,148.48' to an iron pin;

Thence S20°32'35"W, a distance of 240.11' to an iron pin;

Thence S20°47'45"W, a distance of 85.37' to an iron pin;

Thence S23°31'45"E, a distance of 210.09' to an iron pin;

Thence S23°26'55"E, a distance of 60.01' to an iron pin;

Thence S23°22'50"E, a distance of 239.88' to an iron pin;

Thence S23°27'00"E, a distance of 148.02' to an iron pin;

Thence S01°46'30"W, a distance of 119.43' to an iron pin;

Thence S41°47'05"E, a distance of 32.67' to an iron pin;

Thence S41°52'20"E, a distance of 287.06' to an iron pin;

Thence S41°44'25"E, a distance of 678.97' to an iron pin;

Thence S48°52'30"E, a distance of 597.29' to an iron pin;

Thence S43°13'30"E, a distance of 81.20' to an iron pin;

Thence S47°49'45"W, a distance of 1,611.21' to an iron pin;

to the POINT OF BEGINNING.

END OF DESCRIPTION.

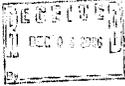
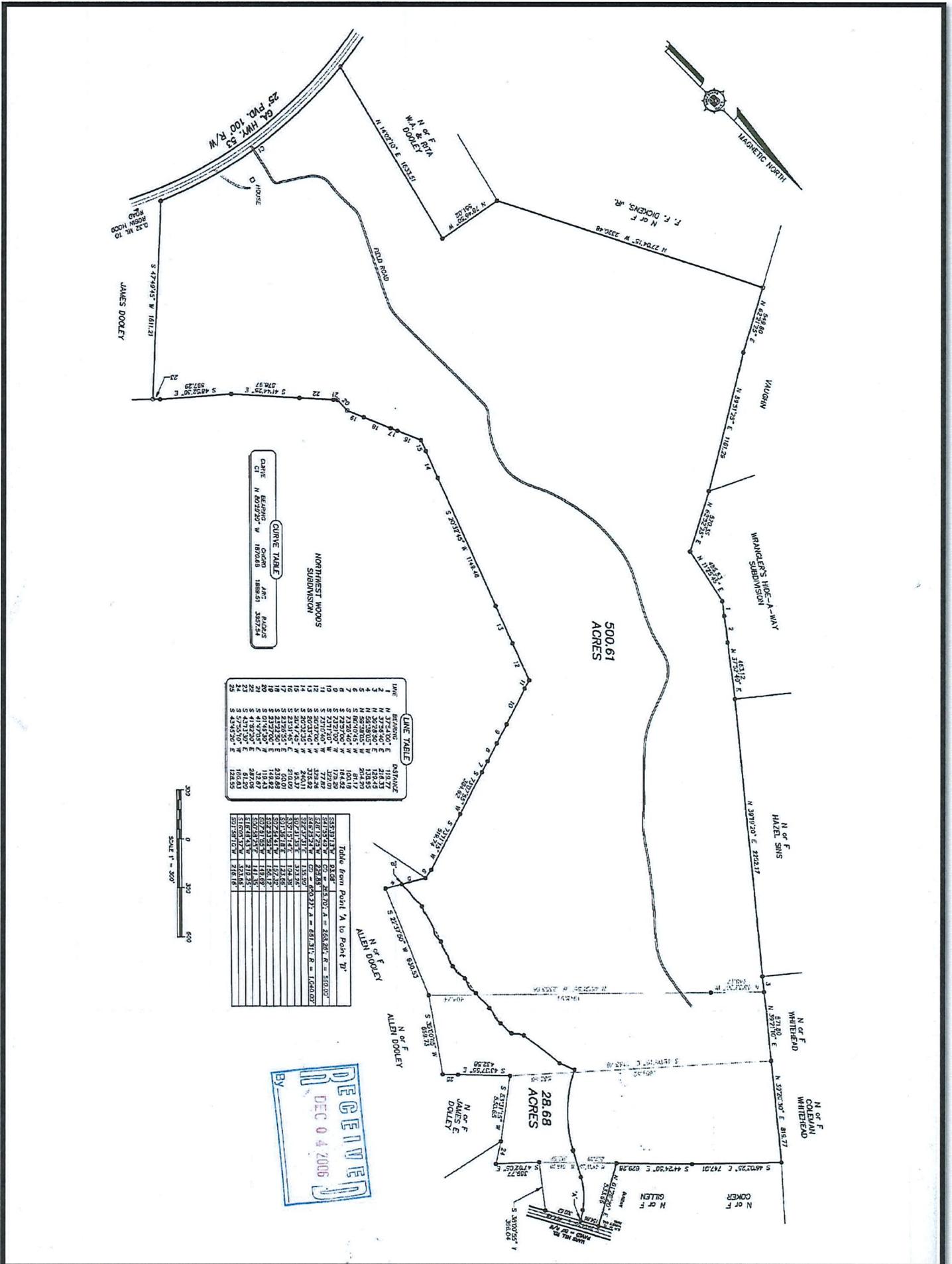
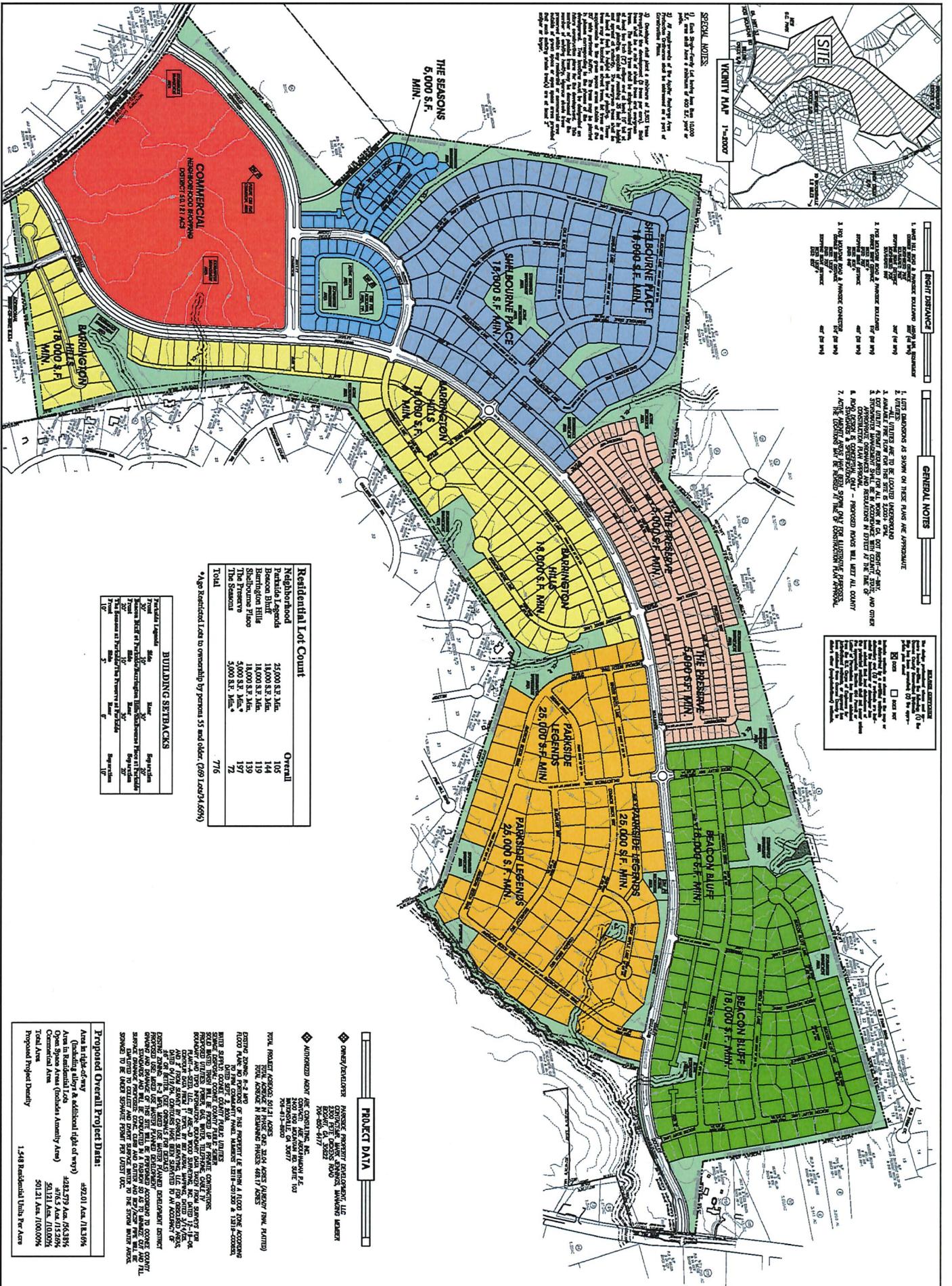


EXHIBIT "A" TO REZONE #7637

PLAT



CONCEPT PLAN



- RIGHT DISTANCE**
- 1. 10' MIN. DISTANCE FROM PROPERTY LINE TO PROPERTY LINE
 - 2. 10' MIN. DISTANCE FROM PROPERTY LINE TO PROPERTY LINE
 - 3. 10' MIN. DISTANCE FROM PROPERTY LINE TO PROPERTY LINE
 - 4. 10' MIN. DISTANCE FROM PROPERTY LINE TO PROPERTY LINE
 - 5. 10' MIN. DISTANCE FROM PROPERTY LINE TO PROPERTY LINE
 - 6. 10' MIN. DISTANCE FROM PROPERTY LINE TO PROPERTY LINE
 - 7. 10' MIN. DISTANCE FROM PROPERTY LINE TO PROPERTY LINE
- GENERAL NOTES**
1. LOT DIMENSIONS AS SHOWN ON THESE PLANS ARE APPROXIMATE.
 2. UTILITIES LOCATED ARE TO BE LOCATED AS SHOWN.
 3. A 10' MIN. DISTANCE FROM PROPERTY LINE TO PROPERTY LINE IS REQUIRED FOR ALL UTILITIES EXCEPT FOR WATER, GAS, AND SEWER.
 4. ALL UTILITIES SHALL BE LOCATED AS SHOWN ON THESE PLANS.
 5. ALL UTILITIES SHALL BE LOCATED AS SHOWN ON THESE PLANS.
 6. ALL UTILITIES SHALL BE LOCATED AS SHOWN ON THESE PLANS.
 7. ALL UTILITIES SHALL BE LOCATED AS SHOWN ON THESE PLANS.

Residential Lot Count

Neighborhood	Overall
Preserve	142
Balcon Bluff	119
Aradonation Hills	139
The Seasons	197
Total	776

*Map Standard Code to ownership by parcel 53 and other: (089 1268314686)

BUILDING SETBACKS

Property Type	Side	Front	Rear
Single-Family Residential	5'	10'	5'
Multi-Family Residential	5'	10'	5'
Commercial	5'	10'	5'

Proposed Overall Project Data:

Area to Right of Way	48201 Ac. (118.39%)
Area to Right of Way (Including Utility & Additional Right of Way)	4943.579 Ac. (95.838%)
Area to Right of Way (Including Utility & Additional Right of Way)	5765.5 Ac. (115.29%)
Open Space Area (Including Amenity Area)	55131 Ac. (110.09%)
Commercial Area	50121 Ac. (100.09%)
Total Area	1548 Residential Units Per Acre

PROJECT DATA

OWNER/DEVELOPER
 PARKSIDE PROPERTY DEVELOPMENT, LLC
 2410 HOOD MOULTON ROAD
 WATSONVILLE, CA 95077
 704-432-3431 FAX 704-432-3431
 www.parksideproperties.com

APPROVED ARCHITECT
 PARKSIDE ARCHITECTURE, INC.
 2410 HOOD MOULTON ROAD
 WATSONVILLE, CA 95077
 704-432-3431 FAX 704-432-3431
 www.parksideproperties.com

DATE: 11-21-18

PROJECT #: 04-037-01

SCALE: 1"=300'

SHEET #: 7

PARKSIDE CONSULTING INC.

CONSULTING ENGINEERING SERVICES
 CIVIL ENGINEERING
 LAND SURVEYING
 CONSTRUCTION PLANNING
 LANDSCAPE ARCHITECTURE
 SOIL SAMPLING & TESTING SYSTEMS
 WETLAND & ENVIRONMENTAL MONITORING

2410 HOOD MOULTON ROAD
 WATSONVILLE, CA 95077
 704-432-3431 FAX 704-432-3431
 www.parksideproperties.com

REZONE CONCEPT PLAN

DATE: 11-21-18

PROJECT #: 04-037-01

SCALE: 1"=300'

SHEET # 7

REVISIONS

NO.	DATE	DESCRIPTION
1	11-21-18	ISSUED FOR PERMIT

DATE: 11-21-18

PROJECT #: 04-037-01

SCALE: 1"=300'

SHEET #: 7



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

REZONE CASE #: 7637

APPLICANT NAME: Oconee County Board of Commissioners

PROPERTY OWNER: Parkside Property Development, LLC

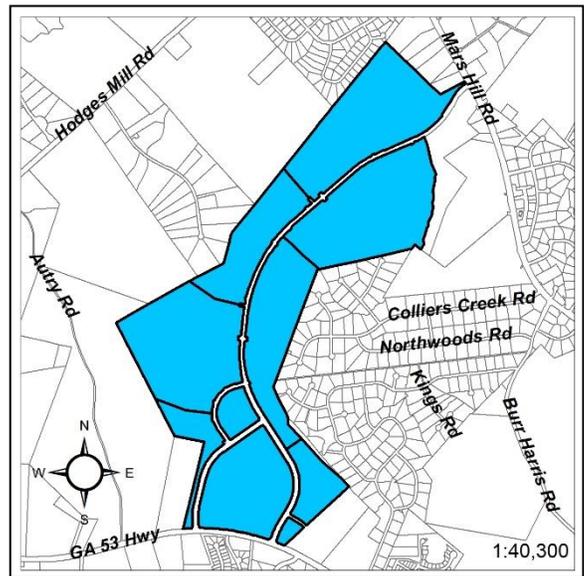
LOCATION: Between Mars Hill Road and GA Hwy 53

PARCEL SIZE: ± 500.61 Acres

EXISTING ZONING: R-2 MPD (Two-Family Residential Master-Planned Development)

2040 CHARACTER AREAS MAP: Suburban Neighborhood & Community Village

EXISTING LAND USE: Vacant and undeveloped residential land



ACTION REQUESTED: Rezone R-2 MPD to R-2 MPD with modifications.

REQUEST SUMMARY: The Oconee County Board of Commissioners is initiating and will consider a rezone modification of the subject property pursuant to the settlement agreement with Parkside Property, LLC, in the case of Parkside Property Dev. v. Oconee County, Georgia, et al. (Civil Action File No. SU-CV-2017-000087)

DATE OF SCHEDULED HEARINGS

PLANNING COMMISSION: December 10, 2018

BOARD OF COMMISSIONERS: January 8, 2019

ATTACHMENTS: Summary Tables Provided by Abe Abouhamdan
Revised Concept Plan
Staff Recommendation and Conditions
Staff Report for Rezone no. 5315 (02/09/2007)
Settlement Agreement (Civil Action File No. SU-CV-2017-000087)

Previous Overall Project Data:	
Area in right-of-way (Including alleys & additional right of ways)	88.043 Acs./ 17.57%
Area in Residential Lots	253.23 Acs./ 50.52%
Open Space Areas	±109.816 Acs./ 21.91%
Commerical Area	<u>50.121 Acs./10.00%</u>
Total Area	501.21 Acs./ 100.00%
Previous Project Density:	1.616 Residential Units Per Acre
Previous Average Lot Size:	±13,631.78 S.F./ 0.3129 Acre

Proposed Overall Project Data:	
Area in right-of-way (Including alleys & additional right of ways)	±92.01 Acs./ 18.36%
Area in Residential Lots	±282.579 Acs./ 56.38%
Open Space Areas	±76.5 Acs./ 15.26%
Commerical Area	<u>50.121 Acs./10.00%</u>
Total Area	501.21 Acs./ 100.00%
Proposed Project Density:	1.548 Residential Units Per Acre
Proposed Average Lot Size:	±15,637.75 S.F./ 0.3590 Acre

Provided by Abe Abouhamdan on November 30, 2018

Residential Lot Count	2004 APPROVED REZONE	2018 Rezone Plan
Neighborhood	Previous Plan	New Rezone Plan
Parkside Legends	25,000 S.F. Min. 106	25,000 S.F. Min. 105
Beacon Bluff	18,000 S.F. Min. 144	18,000 S.F. Min. 144
Barrington Hills	18,000 S.F. Min. 92	18,000 S.F. Min. 119
Shelbourne Place	10,000 S.F. Min. 228	18,000 S.F. Min. ** 139
The Preserve	5,000 S.F. Min. * 199	5,000 S.F. Min. * 197
The Seasons	5,000 S.F. Min. * 41	5,000 S.F. Min. * 72
Total	810	776 (-34 Lots)

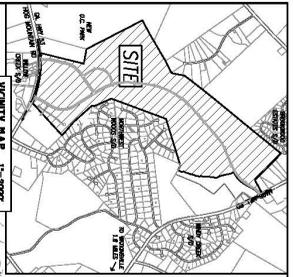
* No Age Restricted Lots to ownership by persons 55 and older.

* Age Restricted Lots to ownership by persons 55 and older. (269 Lots/ 34.66%)

** Lot Size Increased to 18,000 S.F.

Provided by Abe Abouhamdan on November 30, 2018

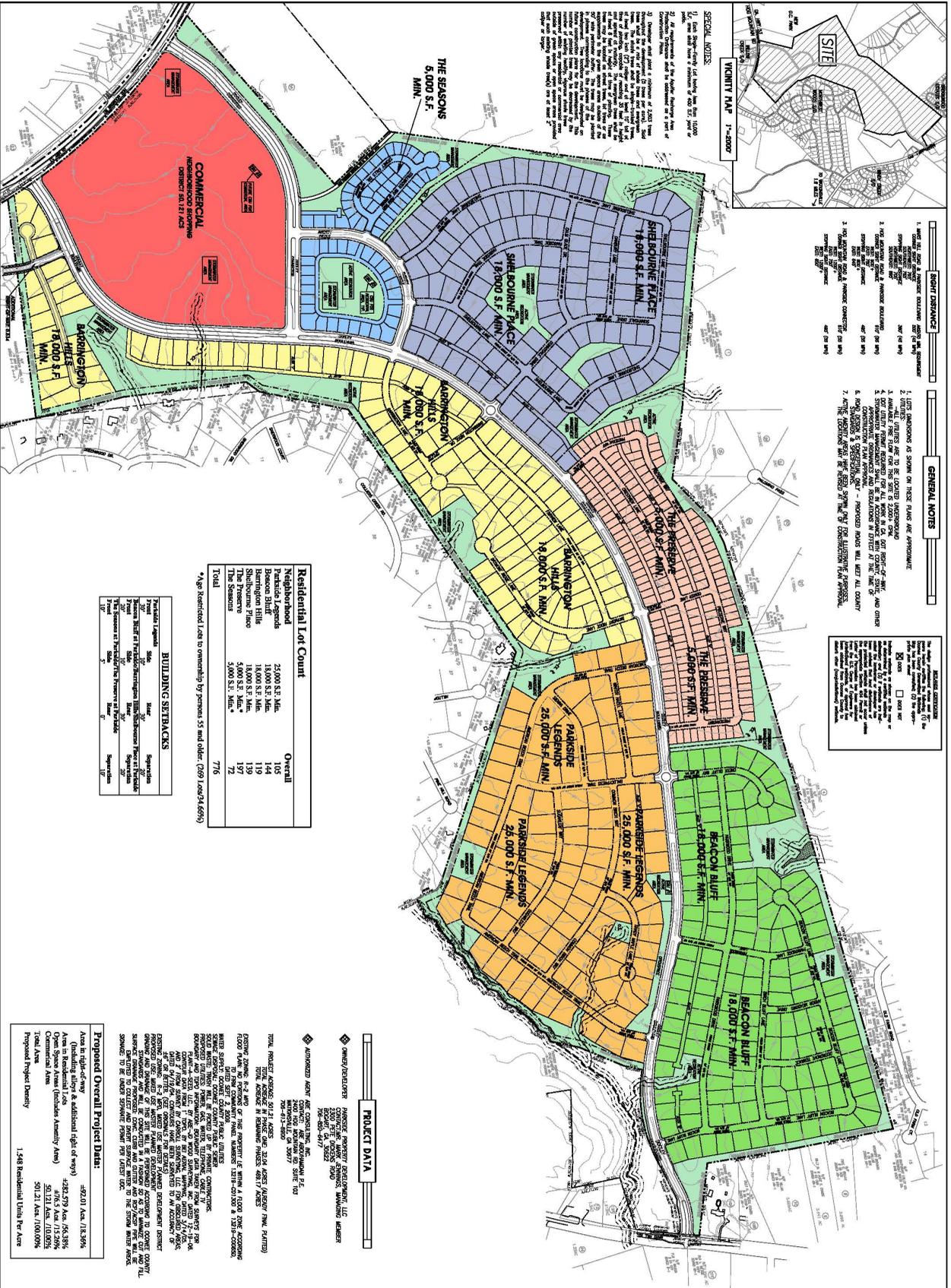
Loss of 34 Lots



- SHORT DISTANCES**
- 1. ROAD TO STATE AGENCY BUILDINGS: 1/2 MILE TO THE WEST
 - 2. ROAD TO STATE AGENCY BUILDINGS: 1/2 MILE TO THE WEST
 - 3. ROAD TO STATE AGENCY BUILDINGS: 1/2 MILE TO THE WEST
 - 4. ROAD TO STATE AGENCY BUILDINGS: 1/2 MILE TO THE WEST
 - 5. ROAD TO STATE AGENCY BUILDINGS: 1/2 MILE TO THE WEST
 - 6. ROAD TO STATE AGENCY BUILDINGS: 1/2 MILE TO THE WEST
 - 7. ROAD TO STATE AGENCY BUILDINGS: 1/2 MILE TO THE WEST
- GENERAL NOTES**
1. LOTS SHOWN AS SHOWN ON THESE PLANS ARE APPROXIMATE
 2. ALL LOTS ARE TO BE CONVEYED TO THE STATE
 3. ALL LOTS ARE TO BE CONVEYED TO THE STATE
 4. ALL LOTS ARE TO BE CONVEYED TO THE STATE
 5. ALL LOTS ARE TO BE CONVEYED TO THE STATE
 6. ALL LOTS ARE TO BE CONVEYED TO THE STATE
 7. ALL LOTS ARE TO BE CONVEYED TO THE STATE

SPECIAL NOTES

1. Road Right-of-Way: 1st showing has been 100.00' wide and 2nd showing is 100.00' wide.
2. All easements of the adjacent property owner are shown and by reference to the adjacent property owner's records.
3. Owner and joint a portion of 1.5001 acre. The portion of 1.5001 acre is shown in blue. The portion of 1.5001 acre is shown in blue. The portion of 1.5001 acre is shown in blue.
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Residential Lot Count

Neighborhood	Overall
Parkside Legends	105
Beacon Bluff	146
She Bourne Place	139
The Seasons	197
The Seasons	72
Total	716

*Age Restricted Lots to ownership by persons 55 and older. (289) (out of 659)

BUILDING SETBACKS

Setback	Front	Side	Rear
Residential	10'	5'	5'
Commercial	15'	10'	10'
Public	20'	15'	15'
Industrial	25'	20'	20'

PROJECT DATA

OWNER/DEVELOPER: PARKSIDE PROPERTY DEVELOPMENT, LLC
 3000 N. MOUNTAIN ROAD, SUITE 100
 WASHINGTON, DC 20007
 (202) 462-1100
 www.parksideproperty.com

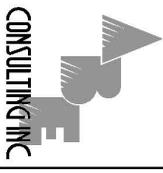
ARCHITECT: CONSULTING ENGINEERS INC.
 2410 HOB MOUNTAIN ROAD
 SUITE 103
 WASHINGTON, DC 20007
 (202) 462-1100
 www.consultingengineers.com

DATE: 11-21-18
PROJECT #: 04-037-01

PROPOSED OVERALL PROJECT DATA:

Area to right-of-way	492.01 Ac. / 18,338,6
(including street & additional light of ways)	428.279 Ac. / 15,398,
Open Space Areas (includes Amenity Area)	476.5 Ac. / 17,209,
Commercial Area	50.121 Ac. / 1,000,094
Total Area	50.21 Ac. / 1,000,094

Proposed Project Density: 1,548 Residential Units Per Acre



CONSULTING ENGINEERS SERVICES
 CIVIL ENGINEERING
 LAND SURVEYING
 LAND DEVELOPMENT
 CONSULTING ARCHITECTURE
 SOIL REMEDIATION & SITE INVESTIGATION
 WATER & ENVIRONMENTAL MONITORING

2410 HOB MOUNTAIN ROAD
 SUITE 103
 WASHINGTON, DC 20007
 (202) 462-1100
 www.consultingengineers.com

PARKSIDE

MARSH HILL RD, HOB MOUNTAIN RD,
 DOCKET #10, DOCKET CONNECTION
 WASHINGTON, DC 20007
 2801 21st Ave. S.E. #461, 17 Ac. Phase 2-4
 PHASE 1
 2801 21st Ave. S.E. #100,
 2 Ac. PHASE 1, 1.00 ACRE,
 8 DED. 07/10/18 & 1/2018/2020/20

REZONE CONCEPT PLAN

DATE: 11-21-18
 PROJECT #: 04-037-01
 GRAPHIC SCALE
 SCALE: 1"=300'

SEAL: CONSULTING ENGINEERS INC. CIVIL ENGINEER
 11-21-18

REVISIONS:

NO.	DATE	DESCRIPTION

DATE: 11-21-18
PROJECT #: 04-037-01
 GRAPHIC SCALE
 SCALE: 1"=300'

SHEET #
 1

STAFF RECOMMENDATION

Staff recommends approval of Rezone #7637 from R-2 MPD to R-2 MPD with Modifications, subject to the following conditions which shall be fulfilled by the developer at its expense:

1. The zoning for the development shall remain R-2-MPD (Master Planned Development). By approval of the master plan, the entire site's acreage will be used to calculate any MPD requirements. The preliminary plats/preliminary site plans, construction plans, final plats, covenants, conservation easements and homeowners' association shall meet the standards set forth in the Oconee County Unified Development Code for an R-2-MPD. The conditions of this rezone are intended to be consistent with the settlement agreement and the attachments thereto between the County and the applicant and shall be interpreted in such fashion; however, where the settlement agreement is silent then regardless of any item to the contrary on the concept plan, narrative or other submitted documents, this development shall meet all design requirements for this zoning district under the Oconee County Unified Development Code.
2. The development must be connected to the Oconee County water system and sewer system in a manner approved by Oconee County Utility and Public Works Departments. The costs associated with connecting the development to the systems shall be as set forth in these conditions.
3. At a minimum, developer shall comply with storm water management regulations in effect at the time of construction plan approval. Drainage structures shall be located a suitable distance from the project boundaries to permit visual buffering from neighboring properties and to avoid point source discharge onto neighboring properties. Drainage from said structures shall obtain sheet flow character prior to leaving the property boundary unless discharging to a well-defined drainage corridor.
4. The development shall meet all requirements of the Aquifer Recharge Area Protection Ordinance.
5. Prior to construction plan approval, the developer shall comply with all requirements and obtain approval from all state agencies regulating any land disturbance inside of State Waters Buffers for road crossings and other permitted activities.
6. Developer shall plant a minimum of 2,503 trees throughout the development (5 trees per acre). Said trees shall be a mix of shade trees and evergreen trees. The shade trees shall be single-trunked trees, at least two inch (2") caliper and at least 10' tall at time of planting, capable of reaching 35 feet in height and spread at maturity. The evergreen trees shall be at least 6 feet in height at time of planting. These trees may be located as street trees, lot trees or as supplements to the green space areas outside of the 50' wide perimeter buffer. The trees may be planted in phases corresponding to the phases

of the development. Tree locations must be designated on future construction plans for the development. This number of planted trees may be decreased by the number of existing healthy, vigorous shade trees preserved within any residential or commercial area outside of green space or open space areas provided that such existing shade tree(s) are at least 2" caliper or larger.

7. Except for the addition of supplemental material in the buffer, wherever construction is to occur within 50 feet of the "50' Perimeter Buffer", the buffer edge must be clearly marked in the field with erosion control fencing and protected. No construction material or debris shall be allowed to be stored or located within the buffer. No storm water detention areas, other than drainage corridors, shall be located within the 50' perimeter buffer.
8. All through road corridor setbacks shall be as shown on the concept plan.
9. All perimeter buffers shall be as shown on the concept plan and representative buffer drawings.
10. Prior to Preliminary Plat/Site Plan submittal, applicant must receive approval of project and street naming from Planning and Code Enforcement. Applicant must also submit a Unit Numbering System Plan to Planning and Code Enforcement for approval. Provide documentation of this at time of Preliminary Plat/Site Plan submittal.
11. In cases where the Unified Development Code does not address it, alleys shall be designed and built in compliance with AASHTO standards in effect at time of construction plan approval.
12. All dumpster and waste container areas shall be in enclosed structures away from the public view.
13. 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 to Rezoning No. 5315 and incorporated herein, paying special attention to the materials and design elements shown in the representative photos.
14. Site design shall meet the minimum standards of all state and local fire safety codes.
15. Building rooftops and roof-mounted equipment of all commercial areas shall be screened from public rights-of-way and adjoining property by adequate parapet walls and planted landscape buffers. This shall be conclusively shown at building permit stage by the use of sections and elevations from the adjacent public roads and adjacent properties.

16. Developer shall provide all necessary traffic improvements (center turn lanes, signalization, traffic safety devices, etc.) as required by GA D.O.T. and/or the Oconee County Public Works Department.
17. All roads designed to carry traffic through the property, including the central boulevard and the roads immediately adjacent to the amenity lot and commercial area, shall be built as part of the first phase of the project. Final design of these roadways shall include traffic calming devices located at sufficient intervals along the road so as to deter speeding, such as full stop intersections, roundabouts and other such devices, as approved by the Public Works Department. These roads shall be constructed to the same standards as Industrial Uses classification.
18. In addition to the planned amenity area, developer shall provide for park space and active recreation areas within each neighborhood, such as, but not limited to swimming pools, tennis courts, ball courts, playscapes, sports fields or other similar recreation uses. Said amenity areas shall be planned so as to provide an active amenity area within ¼ to 1/3 of a mile from all residential lots.
19. When constructed, and except as modified in these conditions, Developer shall construct the commercial portion of the development as illustrated and described in Zoning Amendment Resolution #4118.
20. The County will retain the amounts previously paid to the County by Parkside (or its predecessors in title) to reserve sewer capacity for the Parkside Development. The County will provide sewer service to the Parkside Development on and subject to the terms and conditions set forth below, including the number of agreed lots within the Parkside Development. The Owners or their successors must pay the connection fees in the amounts required at the time applications for building permits are made. The County shall retain sewer capacity reservation funds previously paid for lots in excess of the number of lots permitted by the revised zoning amendments contemplated by this settlement proposal and shall apply such funds to pay connection fees at the current rates when such connection fees become due until such credits are exhausted.
21. The County shall have no obligation to reserve sewer capacity for the Parkside Development after December 31, 2030 if fewer than 80% of the lots within the respective Development have been platted by that date. Beginning July 1, 2027, Parkside must pay minimum monthly sewer service charges for each remaining lot until certificates of occupancy have been issued for 90% of the residential units. As remaining lots, if any, within the Parkside Development are connected to sewer during the year, the minimum monthly sewer service charges due from Parkside shall be reduced by the number of lots added. If the County rescinds capacity because less than 80% of the Parkside lots have been platted by December 31, 2030, Parkside has no further obligation to pay service charges for Remaining Lots.

22. Parkside will agree to record in the County land records covenants restricting 269 lots (the "Parkside Age Restricted Lots") within the Parkside Development to ownership by persons 55 and older. Parkside and its successors shall take all necessary steps to ensure that the covenants and this portion of the Development comply with 42 U.S.C. §§ 807(b)(2)(C), 3601 et seq. (as amended) and all implementing regulations. The locations of the Parkside Age Restricted Lots are shown as "The Seasons" and "The Preserve" neighborhoods on the attached Parkside Master Site Plan, which is included as a condition of this settlement proposal. There is no phasing requirement on the construction of homes on the Parkside Age Restricted Lots within the Parkside Development.
23. Parkside shall construct single family detached homes on no more than 507 lots within the Parkside Development (the "Traditional Residential Lots"). Each Traditional Residential Lot must contain at least 18,000 square feet, as shown on the attached Parkside Master Site Plan. In no event shall the Parkside Development be entitled to building permits in excess of seventy-five (75) Traditional Residential Lots per year on a cumulative basis. In any year in which less than 75 building permits are issued, the difference between 75 and the number issued will "roll-over" into the next year in addition to the next 75 allowed.
24. Prior to commencement of construction on the "Commercial" portion of the Parkside Development, Parkside shall submit a new site plan for that portion of the Parkside Development to the County for review and approval by the Board of Commissioners, which submittal will be in accordance with code requirements in effect on the date of the submittal (which shall include restrictions such as not allowing certain users, billboards, hookah bars, or adult entertainment). Any retail development will target tenants that complement the residential community such as a daycare facility, restaurants (including those with drive through services), pharmacy, bank and/or other services. All restrictions relating to the "Commercial" area contained in the previous re-zoning approvals #4118 and #5315 for the Parkside Development shall be removed.
25. With respect to foundations, all homes in the Parkside Development shall be constructed in accordance with the applicable County UDC criteria in effect on the date that proper applications for building permits are submitted; provided however, homes on Parkside Age Restricted Lots may be constructed with slab-on-grade foundations.
26. All existing water and sewer infrastructure and utilities in the Parkside Development may remain in place, subject to successful testing and inspection witnessed by a County employee that such water and sewer infrastructure and utilities can function under County standards existing at the time they were installed. There shall be a one (1) year warranty period on materials and installation from the time infrastructure is accepted by Oconee County and placed in operation. Any modifications to existing water

and sewer infrastructure required by the design architect or project engineer shall be subject to review and approval by the Oconee County Water Resources Department.

27. Future water and sewer infrastructure and utilities will be accepted by the County upon demonstration that such infrastructure and/or utilities have been certified that they meet the County's current design standards, performance requirements and specifications for such developments.
28. Parkside will not begin discharging sewage into the County sewer system from any homes within the Parkside Development until after September 1, 2019. Before any discharge, Parkside must complete the infrastructure required to connect sewer within the Development to the County's Daniels Bridge Pump Station. The route and design of such line (the "Connecting Sewer Line") will be determined by the County. Parkside shall pay for the design of the Connecting Sewer Line. Any necessary easements or other property interests (collectively the "Utility Easements") required for installation of the Connecting Sewer Line will be acquired by the County. Parkside shall reimburse the County for its cost of the design work and acquisitions (cost of the interest, closing costs, attorneys' fees, and condemnation expenses, if any), within 30 days after Parkside's receipt of the County's request for reimbursement, accompanied by evidence of the County's payment. Parkside will construct the Connecting Sewer Line within the easements obtained by the County subject to an Encroachment Agreement entered into by the County and Parkside, the form of which is attached hereto.
29. The County may require Parkside to construct the Connecting Sewer Line that is larger than necessary to serve the Parkside Development, in which case the County will reimburse Parkside for the difference in cost for the line necessary to serve the Parkside Development and the Line installed (e.g. 18" vs. 24").
30. Owners of Parkside Development may only assign the reserved sewer capacity for the Parkside Development to a new land owner acquiring all or part of Parkside's property who will then have the right to assign reserved sewer capacity to a subsidiary of the new land owner or to any entity that has purchased land, phases, pods, or lots within the boundaries of the Parkside Development. Before such assignment is effective, written notice must be provided to the County. The Parkside sewer capacity cannot be transferred for use by third parties outside the boundaries of the Parkside Development.
31. The County may require Parkside to obtain and keep in place maintenance bonds on all existing water and sewer infrastructure for two (2) years after Certificates of Occupancy have been issued for 90% of the approved lots in the Parkside Development or ten years from the date of the revised zoning ordinance for the Parkside Development, whichever occurs first. All bonds required herein shall be 100% bonds

32. Parkside shall construct a road (the "Access Road") connecting the County's park adjacent to the Parkside Development (the "Park") to the main road through the Parkside Development (the "Spine Road") in order to provide alternative means of ingress to and egress from the Park. The location of the Access Road is depicted on the Parkside Master Site Plan. The timing of construction of the Access Road will be mutually agreed. Upon completion, the Access Road will be dedicated to and thereafter maintained by the County and no maintenance bond shall be provided by Parkside with regard to the Access Road.
33. Existing road infrastructure in the Parkside Development may remain in place, subject to any modifications required by the design architect or project engineer of the Parkside development. Existing roads in the Parkside Development must be brought to County standards and specifications in effect at the time the roads were constructed and the cost thereof must be borne by Parkside. Roads constructed in the future in the Parkside Development must meet then current County standards. Roads constructed in the future will be accepted by the County in the manner then required by current policies or development regulations. Parkside shall keep in place a maintenance bond on the Spine Road connecting GA Highway 53/Hog Mountain Road and Mars Hill Road until the sooner of two (2) years after the time at which final plats are recorded containing 75% of the residential lots in the Parkside Development, or ten (10) years from the date of this agreement. The County may require Parkside to obtain and keep in place maintenance bonds on other roads until two (2) years after Certificates of Occupancy have been issued for 75% of the homes in the pod served by the road.
34. In order to increase the treatment capacity of the existing system and assist in allowing the County to serve the Developments, after the County's approval of the next final plat of the respective development, Parkside shall contribute \$150,000 to the Oconee County Water Resources Department earmarked for the County's Infiltration & Inflow Maintenance Program.

NOTE: The following staff report was written based on the application for rezone no. 5315 and is provided for reference purposes only; the report does not analyze the proposed development as modified in the settlement agreement with Parkside Property Development, LLC.



Planning Department Oconee County, Georgia

STAFF REPORT – ZONING CASE #: 5315

DATE: February 9, 2007

STAFF REPORT BY: Brad S. Callender, Planner

APPLICANT NAME: ABE Consulting, Inc.

PROPERTY OWNER: Plant A Seed, LLC

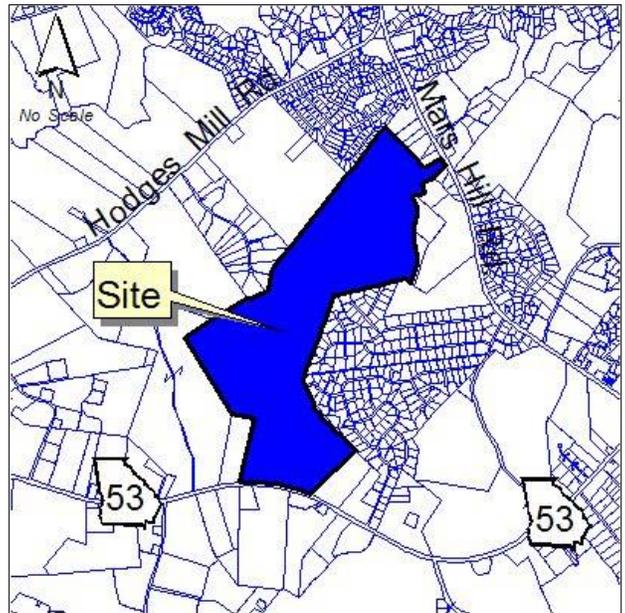
LOCATION: North side of SR 53 and west side of Mars Hill Road

PARCEL SIZE: ±500.61 Acres

EXISTING ZONING: R-2 MPD (Two-Family Residential – Master Planned Development District)

EXISTING LAND USE: Parkside (Under Construction)

ACTION REQUESTED: Rezone R-2 MPD & FP to R-2 MPD & FP with Modifications



REQUEST SUMMARY: The owners are petitioning for a rezone of this property in order to modify the original development plan to allow for construction of a street to interconnect with an adjoining development.

DATE OF SCHEDULED HEARINGS

PLANNING COMMISSION: February 19, 2007

BOARD OF COMMISSIONERS: March 6, 2007

ATTACHMENTS:

- Application
- Zoning Impact Analysis
- Narrative
- Architectural Sketches
- Site Review
- Aerial Photo
- Tax Map
- Property Survey
- Concept Plan

BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

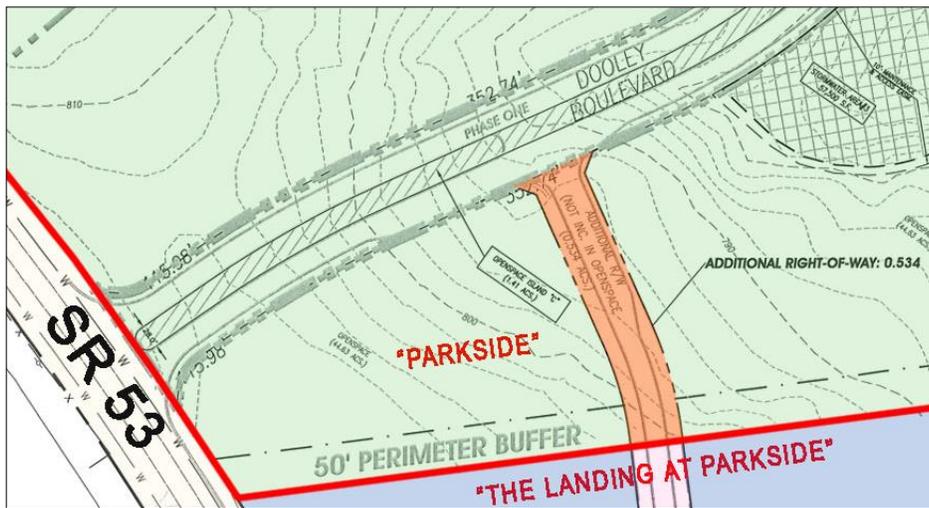
- Property was rezoned from A-1 and AR-1 to R-2 MPD (Two-Family Residential – Master Planned Development) by the BOC on 12/07/04 for a mixed use development with 810 dwelling units and 550,000 Sf of commercial use

SITE VISIT DESCRIPTION

- The first phase of this project is currently under construction

PROPOSED MODIFICATION

- Developer wishes to modify the original development plan to allow for construction of a street interconnection with the adjoining development
- Request for the interconnecting street is the only modification to the original development plan for this project (please refer to the drawing shown below and on page 2 of the rezone concept plan)
- No other changes are proposed as part of this request



COMMENTS FROM OTHER DEPARTMENTS & AGENCIES

- No comments

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 issue does not apply to this request.
- B. **To what extent are property values diminished by the particular zoning restrictions of the current zoning category?** This issue does not apply to this request.
- 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?** These issues do not apply to this request.
 - 2. **Environmental impact?** This issue does not apply to this request.

- 3. Effect on adjoining property values?** This issue does not apply to this request.
- 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?** Public benefits would include better connectivity for traffic movement between these two developments and reduce additional traffic on SR 53.
- 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 in the vicinity of the property?** The project is currently under construction.
- F. Is the proposed use consistent with the stated purpose of the zoning district that is being requested?** This issue does not apply to this request.
- G. How does this request conform with or diverge from established land use patterns?** This issue does not apply to this request.
- H. How does this request conform with or diverge from the Future Land Use Map or the goals and objectives of the Comprehensive Plan?** This issue does not apply to this request.
- I. What is the availability of adequate sites for the proposed use in districts that permit such use?** This issue does not apply to this request.
- 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.)?** These issues do not apply to this request.

FURTHER ANALYSIS OF THE APPLICATION IS MADE BASED UPON THE "CRITERIA FOR APPROVAL" FOR MASTER PLANNED DEVELOPMENTS AS SET FORTH IN SECTION 1401.4 OF THE *OCONEE COUNTY ZONING ORDINANCE* (NOTE: THE EXISTING DEVELOPMENT PLAN WAS APPROVED UNDER THE MASTER PLANNED DEVELOPMENT REQUIREMENTS AND PARAMETERS ADOPTED BY THE BOARD OF COMMISSIONERS ON 12/03/02.)

- a. Are the proposed uses compatible and not detrimental to present surrounding uses and potential surrounding development as shown on the future land use plan?** After the original master development plan was approved, the adjoining property was approved for an office park and commercial subdivision known as The Landing at Parkside. The approved development plan for The Landing at Parkside included a potential location for a street to interconnect with the subject property.
- b. Are exceptions from lot area, setback and other development standards of the underlying zoning district warranted by the design and amenities incorporated in the development concept plan?** These issues do not apply to this request.
- c. Can land surrounding the proposed development be planned in coordination with the proposed development and will it be compatible in use?** This is the basis for this request. The adjoining development was approved with a development plan which included a potential location to provide a street interconnection with the subject property.
- d. Is the MPD in conformance with the general intent of the Zoning Regulations and the Comprehensive Plan?** The development currently conforms to all of the regulations in effect at the time the current development plan was approved.
- e. Does the MPD request incorporate features of exceptional architecture, landscaping or site design?** These issues do not apply to this request.

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

(Please note these conditions are from the original rezone approval of Zoning Amendment #4118, with modifications (bold and italicized) to accommodate an interconnection with the adjoining development. Staff recommends removal of original condition #15. Condition #15 addressed proposals to the approved development plan and are not part of this amendment request.)

1. The development must be connected to the Oconee County water system and sewer system at the developer's expense in a manner approved by Oconee County Utility and Public Works Departments.
2. At a minimum, developer shall comply with storm water management regulations in effect at the time of construction plan approval. Drainage structures shall be located a suitable distance from the project boundaries to permit visual buffering from neighboring properties and to avoid point source discharge onto neighboring properties. Drainage from said structures shall obtain sheet flow character prior to leaving the property boundary unless discharging to a well defined drainage corridor.
3. The development shall meet all requirements of the Aquifer Recharge Area Protection Ordinance.
4. Prior to construction plan approval, the developer shall comply with all requirements and obtain approval from all state agencies regulating any land disturbances inside of State Waters Buffers for road crossings and other permitted activities.
5. Developer shall plant a minimum of 2,503 trees throughout the development (5 trees per acre). Said trees shall be a mix of shade trees and evergreen trees. The shade trees shall be single-trunked trees, at least two inch (2") caliper and at least 10' tall at time of planting, capable of reaching 35 feet in height and spread at maturity. The evergreen trees shall be at least 6 feet in height at time of planting. These trees may be located as street trees, lot trees or as supplements to the green space areas outside of the 50' wide perimeter buffer. The trees may be planted in phases corresponding to the phases of the development. Tree locations must be designated on future construction plans for the development. This number of planted trees may be decreased by the number of existing healthy, vigorous shade trees preserved within any residential or commercial area outside of green space or open space areas provided that such existing shade tree(s) are at least 2" caliper or larger.
6. Except for the addition of supplemental material in the buffer, wherever construction is to occur within 50 feet of the 50' Perimeter Buffer, the buffer edge must be clearly marked in the field with erosion control fencing and protected. No construction material or debris shall be allowed to be stored or located within the buffer. No storm water detention areas, other than drainage corridors, shall be located within the 50' perimeter buffer.
7. All project street designs within the development, including the use of roundabouts and cul-de-sac islands, must meet the approval of Oconee County. The project access points (road intersections) and the streets shall be designed and constructed to the appropriate road classifications for the build out traffic volumes.
8. All through road corridor setbacks shall be as shown on the concept plan.
9. All perimeter buffers shall be as shown on the concept plan and representative buffer drawings.
10. Prior to Preliminary Plat/Site Plan submittal, applicant must receive approval of project and street naming from EMA. Applicant must also submit a Unit Numbering System Plan to EMA for approval. Provide documentation of this at time of Preliminary Plat/Site Plan submittal.
11. In cases where the Zoning and Subdivision Regulations do not address it, alleys shall be designed and built in compliance with AASHTO standards in effect at time of construction plan approval.

12. All dumpster and waste container areas shall be in enclosed structures away from the public view.
13. 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.
14. Site design shall meet the minimum standards of all state and local fire safety codes.
- ~~15. Should the areas identified on the concept plan as **Proposed County Facility**, and **Proposed School Site**, not be developed as such, then these areas shall not be developed at all and shall remain as part of the passive open space for the overall project.~~
16. Building rooftops and roof-mounted equipment of all commercial areas shall be screened from public rights-of-way and adjoining property by adequate parapet walls and planted landscape buffers. This shall be conclusively shown at building permit stage by the use of sections and elevations from the adjacent public roads and adjacent properties.
17. Developer shall provide all necessary traffic improvements (center turn lanes, signalization, traffic safety devices, etc.) as required by GA D.O.T. and/or the Oconee County Public Works Department.
18. All roads designed to carry traffic through the property, including the central boulevard and the roads immediately adjacent to the amenity lot and commercial area, shall be built as part of the first phase of the project. Final design of these roadways shall include traffic calming devices located at sufficient intervals along the road so as to deter speeding, such as full stop intersections, roundabouts and other such devices, as approved by the Public Works Department. These roads shall be constructed to the same standards as Industrial Uses classification.
19. At least 30% of the commercial space (which includes all buildings and parking areas, but not public streets) shall be constructed to building shell permit status prior to the final platting of the second residential phase of the project. At least 60% of the commercial space (which includes all buildings and parking areas, but not public streets) shall be constructed to building shell permit status prior to the final platting of the third residential phase of the project. For the purposes of this condition, each phase shall constitute no more than 350 residential lots.
20. Regardless of any item to the contrary on the site plan, narrative or other submitted documents, this development shall meet all design requirements for this zoning district under the Oconee County Zoning Regulations.
21. In addition to the planned amenity area, developer shall provide for park space and active recreation areas within each neighborhood, such as, but not limited to swimming pools, tennis courts, ball courts, playscapes, sports fields or other similar recreation uses. Said amenity areas shall be planned so as to provide an active amenity area within 1/4 to 1/3 of a mile from all residential lots.
22. Developer shall install reuse water lines servicing this development to the requirements of the Oconee County Utility Department and the Oconee County Public Works Department.
- 23. Developer shall provide for an interconnecting street, as shown on the rezone concept plan, to the adjoining development known as "The Landing at Parkside". Developer shall also provide sidewalks along each side of the interconnecting street.**
- 24. Developer shall construct the commercial portion of the development as illustrated and described in Zoning Amendment Resolution #4118.**

Settlement Agreement

On October 8, 2018, Oconee County (the “County”), Parkside Property Development, LLC (“Parkside”), Westland-TLG, LLC (“Westland”), and REO Funding Solutions and its successor ACA Holdings, LLC (collectively referenced as “REO”) (Westland and REO collectively referenced below as the “Westland Owners”) agreed, pending formal approval by the Board of Commissioners and compliance with the Zoning Procedures Law, to resolve the three matters styled Parkside Property Dev. v. Oconee County, Georgia, et al., Civil Action File No. SU-CV-000087; Westland-TLG, a Georgia limited liability company, v. Oconee County, Georgia, et al., Civil Action File No. SU-CV-2017-000084; and REO Funding Solutions III, LLC v. Oconee County, Georgia, et al., Civil Action File No. SU-CV-2017-000085 (the “Lawsuits”) pending against the County in the Superior Court of Oconee County on the following terms:

1. The County will retain the amounts previously paid to the County by Parkside (or its predecessors in title) to reserve sewer capacity for the Parkside Development and the amounts previously paid to the County by the Westland Owners (or their predecessors in title) for the Westland Development. The County will provide sewer service to the Parkside Development and the Westland Development (collectively the “Developments”) on and subject to the terms and conditions set forth below, including the number of agreed lots within the respective Developments. The Owners or their successors must pay the connection fees in the amounts required at the time applications for building permits are made. The County shall retain sewer capacity reservation funds previously paid for lots in excess of the number of lots permitted by the revised zoning amendments contemplated by this settlement proposal and shall apply such funds to pay connection fees at the current rates when such connection fees become due until such credits are exhausted.
2. The County shall have no obligation to reserve sewer capacity for either or both the Developments after December 31, 2030 if fewer than 80% of the lots within the respective Development have been platted by that date.
 - a. Beginning July 1, 2027, Parkside must pay minimum monthly sewer service charges for each remaining lot until certificates of occupancy have been issued for 90% of the residential units. As remaining lots, if any, within the Parkside Development are connected to sewer during the year, the minimum monthly sewer service charges due from Parkside shall be reduced by the number of lots added. If the County rescinds capacity because less than 80% of the Parkside lots have been platted by December 31, 2030, Parkside has no further obligation to pay service charges for Remaining Lots.
 - b. Beginning January 1, 2025, the Westland Owners must pay minimum sewer service charges for each remaining lot until certificates of occupancy have been issued for 90% of the residential units. As remaining lots, if any, within the Westland Development are connected to sewer during the year, the minimum monthly sewer service charges due from Westland shall be

reduced by the number of lots added. If the County rescinds capacity because less than 80% of the Westland lots have been platted by December 31, 2030, the Westland Owners have no further obligation to pay service charges for Remaining Lots.

3. All bonds required herein shall be 100% bonds.
4. Reserved.
5. Parkside will agree to record in the County land records covenants restricting 269 lots (the "Parkside Age Restricted Lots") within the Parkside Development to ownership by persons 55 and older. Parkside and its successors shall take all necessary steps to ensure that the covenants and this portion of the Development comply with 42 U.S.C. §§ 807(b)(2)(C), 3601 et seq. (as amended) and all implementing regulations. The locations of the Parkside Age Restricted Lots are shown as "The Seasons" and "The Preserve" neighborhoods on the attached Parkside Master Site Plan, which is included as a condition of this settlement proposal. There is no phasing requirement on the construction of homes on the Parkside Age Restricted Lots within the Parkside Development.
6. Parkside will have the right to construct single family detached homes on up to 507 lots within the Parkside Development (the "Traditional Residential Lots"). Each Traditional Residential Lot must contain at least 18,000 square feet, as shown on the attached Parkside Master Site Plan. Homes on the Traditional Residential Lots shall be built out over at least eight (8) years from the date the appeal period has expired following the County's adoption of a rezoning for the Parkside Development. The velocity of development will be influenced by market demand for single-family homes. The actual number of Traditional Residential Lots platted and developed per year will be determined by Parkside based on such market demand, but in no event shall the County issue building permits in excess of seventy-five (75) Traditional Residential Lots per year on a cumulative basis. In any year in which less than 75 building permits are issued, the difference between 75 and the number issued will "roll-over" into the next year in addition to the next 75 allowed.
7. Prior to commencement of construction on the "Commercial" portion of the Parkside Development, Parkside shall submit a new site plan for that portion of the Parkside Development to the County for review and approval by the Board of Commissioners, which submittal will be in accordance with code requirements in effect on the date of the submittal (which shall include restrictions such as not allowing certain users, billboards, hookah bars, or adult entertainment). Any retail development will target tenants that complement the residential community such as a daycare facility, restaurants (including those with drive through services), pharmacy, bank and/or other services. All restrictions relating to the "Commercial" area contained in the current zoning approval for the Parkside Development shall be removed.

8. The Westland Owners agree to reduce the number of residential units approved in the current MPD-R1 zoning for the Westland Development to an amount not to exceed 399 units. Additionally, the Westland Owners will agree to amend the MPD-R1 zoning to eliminate all townhomes and zero lot line or other multi-family type homes, thereby limiting residential construction to single family detached housing. The Westland Owners have produced a new proposed site plan for the Westland Development (the “Westland Master Site Plan”) that, among other things, eliminates all townhomes and zero lot line multi-family homes and increases the size of most of the lots around the “wheel” (central area with lots radiating in a circular design) which is shown in the Westland Master Site Plan as follows:

1-	Phase 2B	37 lots	60’ minimum
2-	Phase 2C	59 lots	70’ minimum
3-	Phase 2D	20 lots	80’ minimum

The Westland Master Site Plan (attached) is a condition of this settlement proposal. The size and number of each type lot is contained in the legend shown on the Westland Master Site Plan.

9. The lots in the Westland development may, but are not required to be age restricted to 55 and older “Active Adult Residents.” If Westland Owners determine to perform age restricted development, that development must be concentrated in one or more clusters or phasings. If Westland Owners determine to build age restricted development, Westland Owners will record in the County land records covenants restricting those lots (the “Westland Age Restricted Lots”) within the Westland Development to ownership by persons 55 and older. If Westland Owners and their successors do determine to build age restricted development they shall take all necessary steps to ensure that the covenants and this portion of the Westland Development comply with 42 U.S.C. §§807(b)(2)(C), 3601 et seq. (as amended) and all implementing regulations.
10. Construction of lots in the Westland Development shall occur in multiple phases, approximately over a four- to five-year period from the date the appeal period has expired, following the County’s adoption of the rezoning, the velocity of which will be influenced by market demand for single family homes. The actual number of lots platted and developed per year will be determined by Westland based on such market demand, but in no event shall the County issue building permits in excess of seventy-five (75) lots per year on a cumulative basis. In any year in which less than 75 building permits are issued, the difference between 75 and the number issued will “roll-over” into the next year in addition to the next 75 allowed.
11. Prior to commencement of construction for the Westland commercial/retail portion of the Westland Development, Westland shall submit a new site plan for that portion of the Westland Development to the County for review and approval by the Board of Commissioners, which submittal will be in accordance with code requirements in effect on the date of the submittal (which shall include restrictions

such as not allowing certain users, billboards, hookah bars or adult entertainment). Office use has been eliminated from the Westland Master Site Plan. Any retail development will target tenants that complement the residential community such as a daycare facility, restaurants (including restaurants with drive-through services), pharmacy, bank and/or other services.

12. With respect to foundations, all homes in the Parkside Development shall be constructed in accordance with the applicable County UDC criteria in effect on the date that proper applications for building permits are submitted; provided however, homes on Parkside Age Restricted Lots may be constructed with slab-on-grade foundations.
13. With respect to foundations, all homes in the Westland Development shall be constructed in accordance with the applicable County UDC criteria in effect on the date that proper applications for building permits are submitted; provided however, homes on Westland Age Restricted Lots may be constructed with slab-on-grade foundations. The County acknowledges that slab foundations are permitted for the lots in Phase 1A that were final platted.
14. All existing water and sewer infrastructure and utilities in the Parkside Development may remain in place, subject to successful testing and inspection witnessed by a County employee that such water and sewer infrastructure and utilities can function under County standards existing at the time they were installed, including a one (1) year warranty period on materials and installation from the time infrastructure is accepted by Oconee County and placed in operation. Any modifications to existing water and sewer infrastructure required by the design architect or project engineer shall be subject to review and approval by the Oconee County Water Resources Department. Future water and sewer infrastructure and utilities will be accepted by the County upon demonstration that such infrastructure and/or utilities have been certified that they meet the County's current design standards, performance requirements and specifications for such developments.

Parkside will agree that it will not begin discharging sewage into the County sewer system from any homes within the Parkside Development until after September 1, 2019. Before any discharge, Parkside must complete the infrastructure required to connect sewer within the Development to the County's Daniels Bridge Pump Station. The route and design of such line (the "Connecting Sewer Line") will be determined by the County. Parkside shall pay for the design of the Connecting Sewer Line. Any necessary easements or other property interests (collectively the "Utility Easements") required for installation of the Connecting Sewer Line will be acquired by the County. Parkside shall reimburse the County for its cost of the design work and acquisitions (cost of the interest, closing costs, attorneys' fees, and condemnation expenses, if any), within 30 days after Parkside's receipt of the County's request for reimbursement, accompanied by evidence of the County's payment. Parkside will construct the Connecting Sewer Line within the easements obtained by the County subject to an Encroachment Agreement entered into by the County and Parkside.

The County may require Parkside to construct the Connecting Sewer Line that is larger than necessary to serve the Parkside Development, in which case the County will reimburse Parkside for the difference in cost for the line necessary to serve the Parkside Development and the Line installed (e.g. 18" vs. 24").

If the Connecting Sewer Line is not completed on or before September 1, 2019, as a result of the County's acts or omissions (or the acts or omissions of the County's consultants, contractors, attorneys, or other agents), the dates in Paragraph 2 applicable to the Parkside Development shall be extended by one (1) day for each day of delay in completion of the Connecting Sewer Line. The County shall expedite and pursue its work to implement the Connecting Sewer Line in good faith. The County shall acquire the Utility Easements as soon as possible and in no event later than August 1, 2019.

15. Except for Westland pump station(s), existing water and sewer infrastructure and utilities in the Westland Development may remain in place subject to successful testing and inspection witnessed by a County employee that all existing infrastructure is in accordance with County standards existing at the time they were installed, including a one (1) year warranty period on materials and installation from the time infrastructure is accepted by Oconee County and placed in operation. Any modifications to existing water and sewer infrastructure required by the design architect or project engineer shall be subject to review and approval by the Oconee County Water Resources Department. The lift station(s) and lift station infrastructure constructed in the future in the Westland Development must meet the County's current design standards, performance requirements and specifications. The water and sewer infrastructure and utilities to be constructed in the future will be accepted by the County upon successful pressure testing, visual inspection (gravity sewer), and demonstration that such infrastructure and/or utilities have been certified that they meet the County's current performance and infrastructure specifications for such developments.

The Westland Owners will agree that they will not begin discharging sewage into the County sewer system from any homes within the Westland Development until after September 1, 2019. Westland Owners must complete the infrastructure as designed or required by the County to collect and convey effluent to a point determined by the County to allow to flow to Calls Creek WRF. The parties acknowledge that the previous owners of the Westland Development designed and installed a sewer force main and water reuse main from the Westland property to the Rocky Branch Road LAS Facility. Said offsite sewer infrastructure shall be subject to design verification by a certified Professional Engineer that the facilities are adequately sized to accommodate and convey the projected sewer flows from the Westland development. If proven sufficient the infrastructure shall be subject to successful testing and inspection of all existing infrastructure in accordance with County standards existing at the time they were installed, including a one (1) year

warranty period on materials and installation from the time said offsite infrastructure is accepted by Oconee County and placed in operation. The Westland Owners will also be required to pay for the full cost (including design and construction) of an upgrade to the Brookshire Pump Station (PS#8) and new force mains to convey Westland effluent to the Brookshire Pump Station and connect the Pump Station Discharge to the existing 10-inch County force main on Rocky Branch Road at an approximate cost of \$500,000.00 (the "Upgrade"); provided, however, that the maximum amount the Westland Owners shall be required to pay for completing all off-site infrastructure, including the Upgrade, is the not-to-exceed amount of \$500,000.00 (the "Cap"), to be documented by actual out-of-pocket expenses.

The Westland Owners are responsible for timely completing the off-site construction of infrastructure contemplated by this Paragraph 15 pursuant to an Encroachment Agreement with the County. Westland Owners will provide cost and performance updates and documentation to the County upon its reasonable request. If the Upgrade and any other required off-site improvements are not completed on or before September 1, 2019, as a result of the County's acts or omissions (or the acts or omissions of the County's consultants, contractors, attorneys, or other agents), the dates in Paragraph 2 applicable to the Westland Development shall be extended by one (1) day for each day of delay in completion of the Upgrade and any other required off-site improvements; provided, however, that the County shall expedite and pursue its work to implement the Upgrade and any other required off-site improvements in good faith.

The County shall waive any conflicts and shall authorize the Westland Owners to pursue Developers Surety and Indemnity Company (the "Surety") at their cost in the name of the County, including litigation, to recover on the four bonds (the "Bonds") (Bond Numbers 592665S, 592666S, 592667S, and 592668S) that were issued (and continued) by the Surety for the benefit of the County Board of Commissioners and/or the Oconee Utility Department as obligee(s). The County shall provide reasonable cooperation, including providing witnesses and documents in the event litigation is pursued against the Surety. The County grants and assigns the Westland Owners the right to receive and utilize the proceeds of the Bonds, which proceeds recovered in settlement or litigation shall be used solely for the purpose of completing the on-site pump station and other required infrastructure (including roads, water pipes, and sewer pipes) in the Westland Subdivision (in accordance with the purpose of the Bonds) and reimbursement of the actual fees and costs of pursuing the Surety in litigation, if necessary. Westland Owners shall indemnify and hold harmless the County from any damages, attorneys' fees, costs or expenses that arise for the County as the result of Westland Owners pursuing any rights under this authorization. This indemnification will be set forth in a separate agreement.

16. The County may require Parkside to obtain and keep in place maintenance bonds on all existing water and sewer infrastructure for two (2) years after Certificates of Occupancy have been issued for 90% of the approved lots in the Parkside Development or ten years from the date of the revised zoning ordinance for the Parkside Development, whichever occurs first.
17. The County may require the Westland Owners to obtain and keep in place maintenance bonds on all existing water and sewer infrastructure for two (2) years after Certificates of Occupancy have been issued for 90% of the approved lots in the Westland Development or ten years from the date of the revised zoning ordinance for the Westland Development, whichever occurs first.
18. Parkside may assign all or part of the reserved sewer capacity for the Parkside Development to a new land owner acquiring all or part of Parkside's property who will then have the right to assign reserved sewer capacity to a subsidiary of the new land owner or to any entity that has purchased land, phases, pods, or lots within the boundaries of the Parkside Development. Before such assignment is effective, written notice must be provided to the County. The Parkside sewer capacity cannot be transferred for use by third parties outside the boundaries of the Parkside Development.
19. The Westland Owners may assign all or part of the reserved sewer capacity to a new land owner acquiring all or part of the Westland Owners' property who will then have the right to assign reserved sewer capacity to a subsidiary of the new land owner or to any entity that has purchased land, phases, pods, or lots within the boundaries of the Westland Development. Before such assignment is effective, written notice must be provided to the County. The Westland sewer capacity cannot be transferred for use by third parties outside the boundaries of the Westland Development.
20. Parkside agrees to construct for the County a road (the "Access Road") connecting the County's park adjacent to the Parkside Development (the "Park") to the main road through the Parkside Development (the "Spine Road") in order to provide alternative means of ingress to and egress from the Park. The location of the Access Road is depicted on the Parkside Master Site Plan. The timing of construction of the Access Road will be mutually agreed. Upon completion, the Access Road will be dedicated to and thereafter maintained by the County and no maintenance bond shall be provided by Parkside with regard to the Access Road.
21. A portion of the Westland Development's "green space area" totaling approximately 125 acres shall be placed under a conservation easement with an entity similar to the Athens Land Trust to hold the easement, provided such green space area continues to fulfill the green space zoning requirements for the Westland Development.
22. Along with its submission to the County of the plat for the next construction phase of the Westland Development, Westland will submit a letter from the Georgia

Department of Transportation and proof of right-of-way allowing improvement to and construction of Goat Farm Road. Prior to issuance of any Certificates of Occupancy for residential homes in the Westland Development, the improvement to and construction of Goat Farm Road must be completed and dedicated to the County.

23. Road infrastructure in the Parkside Development may remain in place, subject to any modifications required by the design architect or project engineer of the Parkside development. Existing roads in the Parkside Development must be brought to County standards and specifications in effect at the time the roads were constructed and the cost thereof must be borne by Parkside. Roads constructed in the future in the Parkside Development must meet then current County standards. Roads constructed in the future will be accepted by the County in the manner then required by current policies. Parkside shall keep in place a maintenance bond on the Spine Road connecting GA Highway 53/Hog Mountain Road and Mars Hill Road until the sooner of two (2) years after the time at which final plats are recorded containing 75% of the residential lots in the Parkside Development, or ten (10) years from the date of this agreement. The County may require Parkside to obtain and keep in place maintenance bonds on other roads until two (2) years after Certificates of Occupancy have been issued for 75% of the homes in the pod served by the road.
24. Road infrastructure in the Westland Development may remain in place, subject to any modifications required by the design architect or project engineer of the Westland Development. Existing roads in the Westland Development must be brought to County standards and specifications in effect at the time the roads were constructed and the cost thereof must be borne by the Westland Owners. Roads constructed in the future in the Westland Development must meet then current County standards. Roads not previously dedicated or accepted by the County will be accepted by the County in the manner required by current policies or development regulations. The County may require the Westland Owners to obtain and keep in place maintenance bonds on roads until two (2) years after Certificates of Occupancy have been issued for 75% of the homes in the phase served by the road.
25. In order to increase the treatment capacity of the existing system and assist in allowing the County to serve the Developments, Parkside and the Westland Owners, after the County's approval of the next final plat of the respective development, shall each contribute \$150,000 to the Oconee County Water Resources Department earmarked for the County's Infiltration & Inflow Maintenance Program.
26. The County will not unduly delay processing of completed applications by Parkside for approval of any County required permits or plats for the Parkside Development. At the time of site plan submission, Parkside shall cause to be submitted a palette book depicting architecture to be approved by the Board of Commissioners.

27. The County will not unduly delay processing of completed applications by the Westland Owners for approval of any County required permits or plats for the Westland Development. At the time of site plan submission, the Westland Owners shall cause to be submitted a palette book depicting architecture to be approved by the Board of Commissioners.
28. The settlement terms and conditions, any other agreements and the revised Parkside Master Site Plan shall be incorporated into a revised zoning amendment for the Parkside development, and thereafter such amendment will be addressed at a public hearing before the Oconee County Planning Commission and then considered at the following regularly scheduled meeting of the Board of Commissioners. The County anticipates that this matter will be heard before the Oconee County Planning Commission on December 10, 2018 and before the Board of Commissioners on January 8, 2019.
29. The settlement terms and conditions, any other agreements and the revised Westland Master Site Plan shall be incorporated into a revised zoning amendment for the Westland development, and thereafter such amendment will be addressed at a public hearing before the Oconee County Planning Commission and then considered at the following regularly scheduled meeting of the Board of Commissioners. The County anticipates that this matter will be heard before the Oconee County Planning Commission on December 10, 2018 and before the Board of Commissioners on January 8, 2019.
30. Within ten (10) days following i) the final approval by the County of the revised zoning amendment containing the Parkside settlement terms and conditions, including the Parkside Master Site Plan and ii) expiration of time available for appeal of such final approval by the County, the Parkside lawsuit will be dismissed with prejudice; and within ten (10) days following i) the final approval by the County of the revised zoning amendment containing the Westland settlement terms and conditions, including the Westland Master Site Plan and ii) expiration of time available for appeal of such final approval by the County, the Westland lawsuit and the REO lawsuit will be dismissed with prejudice.
31. Nothing in this Settlement or any of the agreements referenced herein shall foreclose any claim, cause of action, demand or right of any party hereto to enforce the provisions of this Agreement, a zoning or other land use decision arising from or related to this Agreement, or the ordinances, codes and regulations of Oconee County as otherwise allowed by Georgia law.

Fully executed this _____ day of October, 2018.

CAROTHERS & MITCHELL, LLC



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Fully executed this 25th day of October, 2018.

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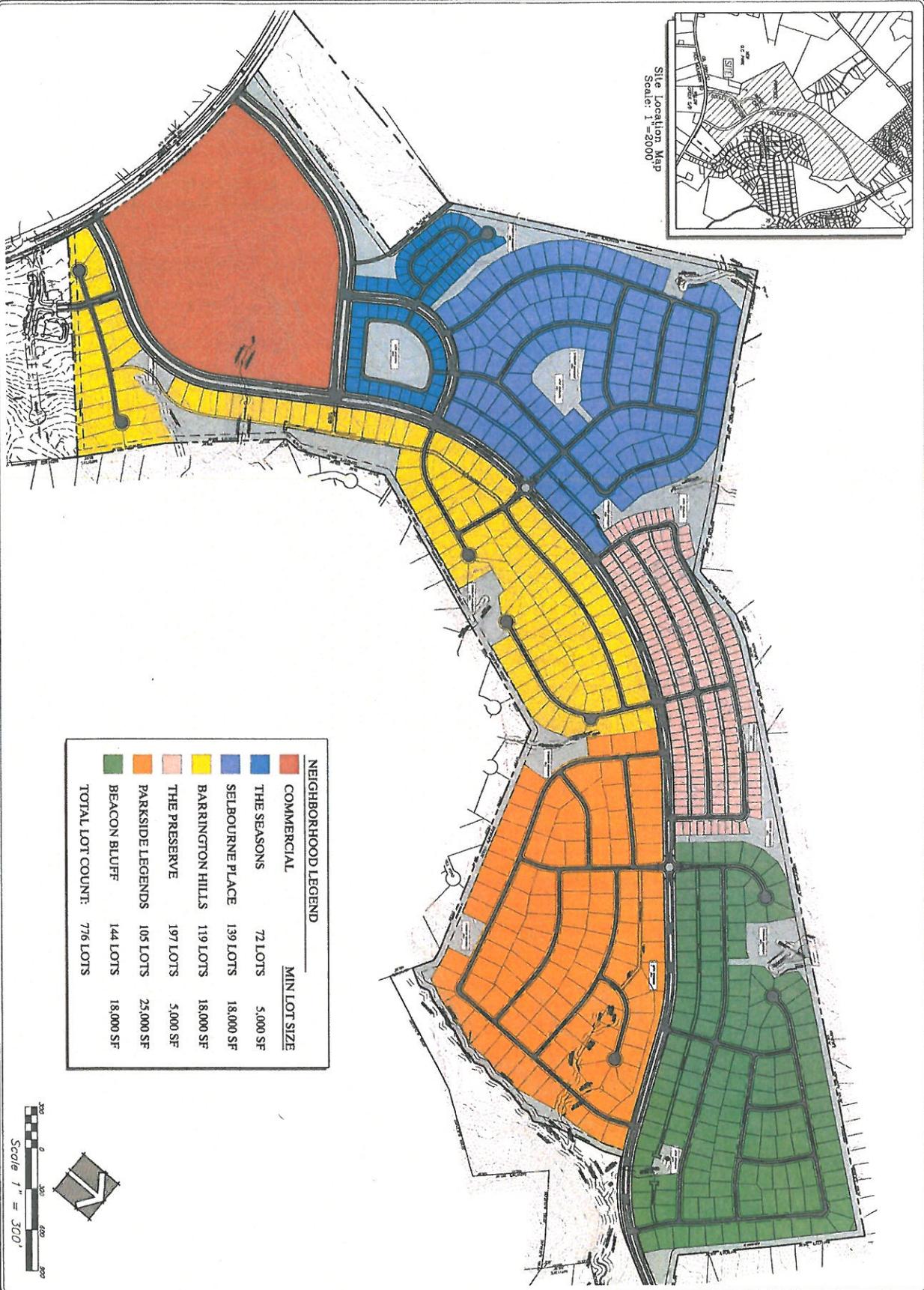
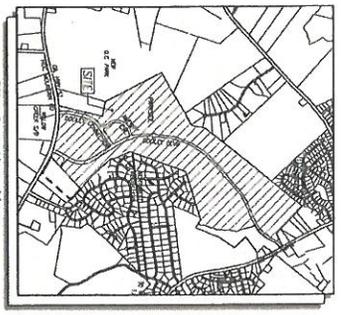
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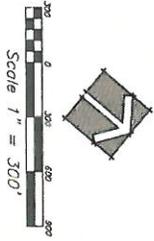
WILLIAM J. SHEPPARD [signed w/exp. permission]
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Development, LLC

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Suite 1700
Atlanta, GA 30326
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(404) 997-6021 FAX

Site Location Map
Scale: 1" = 2000'



NEIGHBORHOOD LEGEND		
	MIN LOT SIZE	
COMMERCIAL		
THE SEASONS	72 LOTS	5,000 SF
SELBOURNE PLACE	139 LOTS	18,000 SF
BARRINGTON HILLS	119 LOTS	18,000 SF
THE PRESERVE	197 LOTS	5,000 SF
PARKSIDE LEGENDS	105 LOTS	25,000 SF
BEACON BLUFF	144 LOTS	18,000 SF
TOTAL LOT COUNT:		776 LOTS



NOTICE: THESE DRAWINGS ARE INSTRUMENTS OF PROFESSIONAL SERVICE AND ARE PROTECTED BY COMMON LAW, STATUTORY, AND OTHER ALLEGED RIGHTS INCLUDING COPYRIGHT. THESE DRAWINGS MAY NOT BE REPRODUCED OR USED FOR ANY PURPOSE WITHOUT THE WRITTEN CONSENT OF BEALL AND COMPANY AND ASSOCIATED PROJECT CONSULTANTS.

DATE: 05/16/16	1
PROJECT: PRELIMINARY CONCEPT PLAN	
DRAWN BY: [Name]	
CHECKED BY: [Name]	
DATE: [Date]	

REVISION	DATE
OTHER REQUESTED REVISIONS	5/1/16



OWNER:
MANSFIELD DEVELOPMENT, LLC
1115 BOWEN CLAYBURN
BOWEN, CLAYBURN
BOWEN, CLAYBURN
707-460-8800

PARKSIDE PHASES 2-8
MARS HILL RD, HOG MOUNTAIN RD
±501.21 Acres
TAX PARCEL #
B05H 001A, B, C, D, E, F
B05L 001, B05 005D
B05H 0010S, B 05H 0020S

Beall & Company
Lead Planner
Landscape Architect
Site Designer
3030 Hog Hill Road
Kilmerdale, PA 15077
www.beallandcompany.com

Beall & Company
 Landscape Architecture
 3000 West 10th Street
 Tallahassee, FL 32304
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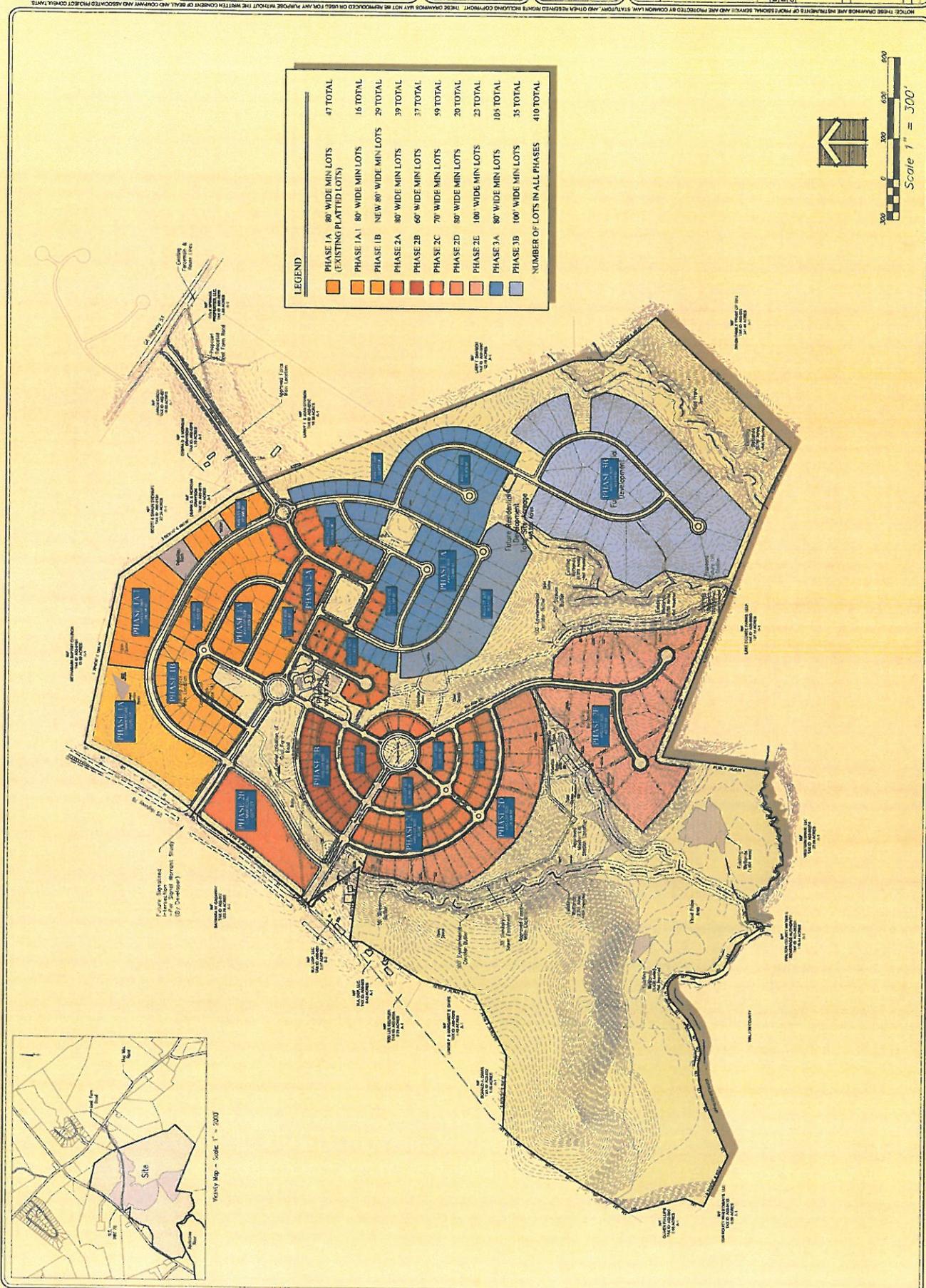
Westland
 Master Planned Development
 Total Project Acreage: 143.50 - US Hwy 78
 Ocean County, Georgia

OPENING
 24 HOUR CONTACT
 2445 Peachtree Lake NE
 Atlanta, GA 30329
 404-524-0880

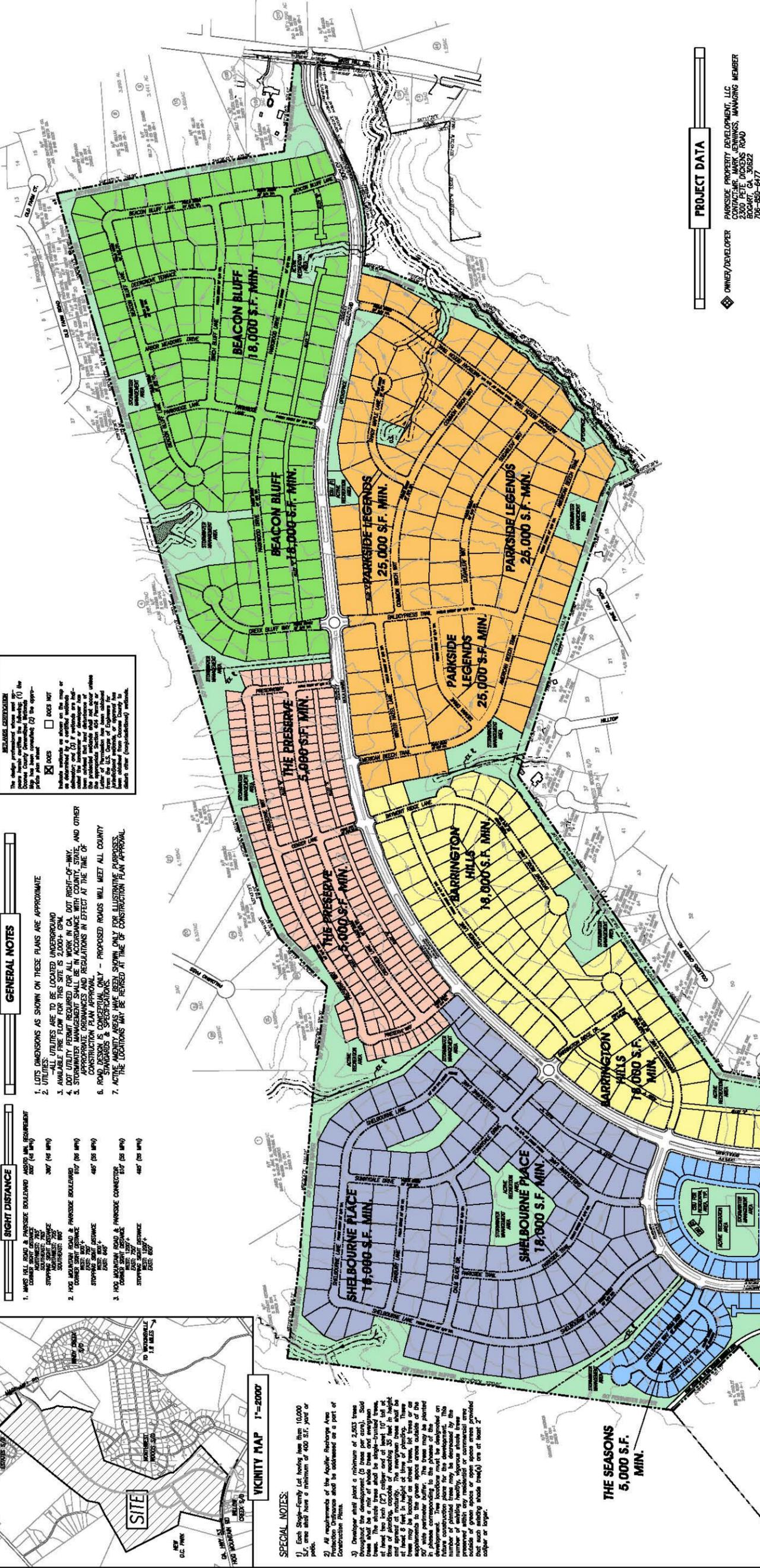


DATE	DESCRIPTION
12/15/11	Final Plan
12/15/11	Modified Exhibit Plan
12/15/11	Final Plan

DESIGNED BY: [Signature]
 CHECKED BY: [Signature]
 SCALE: 1" = 300'
 SHEET: 14-043
 NOT RELATED TO CONTRACT



NOTE: THESE DRAWINGS ARE NOT TO BE REPRODUCED OR USED FOR ANY PURPOSE WITHOUT THE WRITTEN CONSENT OF BEALL AND COMPANY AND ASSOCIATED PROJECT CONSULTANTS.



GENERAL NOTES

1. LOTS DIMENSIONS AS SHOWN ON THESE PLANS ARE APPROXIMATE
2. UTILITIES - ALL UTILITIES ARE TO BE LOCATED UNDERGROUND
3. AVAILABLE FIRE FLOW FOR THIS SITE IS 2,000+ GPM
4. DOT UTILITY PERMIT REQUIRED FOR ALL WORK IN CA, DOT RIGHT-OF-WAY, AND OTHER JURISDICTIONS. ALL UTILITIES SHALL BE IN ACCORDANCE WITH COUNTY, STATE, AND OTHER APPLICABLE REGULATIONS AND REGULATIONS IN EFFECT AT THE TIME OF CONSTRUCTION PLAN APPROVAL
5. ROAD DESIGN IS CONCEPTUAL ONLY - PROPOSED ROADS WILL MEET ALL COUNTY STANDARDS & SPECIFICATIONS
6. ROAD DESIGN IS CONCEPTUAL ONLY - PROPOSED ROADS WILL MEET ALL COUNTY STANDARDS & SPECIFICATIONS
7. ACTIVE UTILITY AREAS HAVE BEEN SHOWN ONLY FOR ILLUSTRATIVE PURPOSES. THE LOCATIONS MAY BE REVISIT AT TIME OF CONSTRUCTION PLAN APPROVAL

RIGHT DISTANCE

1. HARGIS HILL ROAD & PARKSIDE BOULEVARD ASSTD/MA REQUIREMENT
 CORNER POINT DISTANCE: 300' (40 BAY)
 CENTER POINT DISTANCE: 300' (40 BAY)
 STOPPING DISTANCE: 300' (40 BAY)
 STOPPING DISTANCE: 300' (40 BAY)

2. HOG MOUNTAIN ROAD & PARKSIDE BOULEVARD
 CORNER POINT DISTANCE: 600' (80 BAY)
 CENTER POINT DISTANCE: 600' (80 BAY)
 STOPPING DISTANCE: 600' (80 BAY)
 STOPPING DISTANCE: 600' (80 BAY)

3. HOG MOUNTAIN ROAD & PARKSIDE CONNECTOR
 CORNER POINT DISTANCE: 600' (80 BAY)
 CENTER POINT DISTANCE: 600' (80 BAY)
 STOPPING DISTANCE: 600' (80 BAY)
 STOPPING DISTANCE: 600' (80 BAY)

BEACON BLUFF
 18,000 S.F. MIN.

PARKSIDE LEGENDS
 25,000 S.F. MIN.

THE PRESERVE
 5,000 S.F. MIN.

BARRINGTON HILLS
 18,000 S.F. MIN.

SHELBOURNE PLACE
 18,000 S.F. MIN.

THE SEASONS
 5,000 S.F. MIN.

BARRINGTON HILLS
 18,000 S.F. MIN.

COMMERCIAL NEIGHBORHOOD SHOPPING DISTRICT 50.121 ACS

RELATIVE CONTRIBUTION

The design professional whose seal or stamp is on this plan certifies that (1) the design complies with all applicable laws, rules and regulations of the State of Georgia and (2) the design complies with all applicable laws, rules and regulations of the local jurisdiction. The design professional also certifies that the design complies with all applicable laws, rules and regulations of the local jurisdiction. The design professional also certifies that the design complies with all applicable laws, rules and regulations of the local jurisdiction.

PROJECT DATA

OWNER/DEVELOPER
 PARKSIDE PROPERTY DEVELOPMENT, LLC
 CONTRACTOR: MARK JENNINGS, MANAGING MEMBER
 2300 PETE DOOLEY ROAD
 WATKINSVILLE, GA 30677
 706-850-6477

AUTHORIZED AGENT
 ABE CONSULTING, INC.
 CONTRACT: ABE ABOUAMOUNA P.E.
 1000 WATKINSVILLE ROAD, SUITE 103
 WATKINSVILLE, GA 30677
 706-613-8900

TOTAL PROJECT ACREAGE: 50.121 ACRES
TOTAL ACREAGE IN REMAINING PHASES: 489.17 ACRES

EXISTING ZONING: R-2 MFD
FLOOD PLANE: NO PORTIONS OF THIS PROPERTY ARE WITHIN A FLOOD ZONE, ACCORDING TO FLOOD PLANE MAPS, PANEL NUMBERS 13218-C01500 & 13219-C0060A, DATED SEPT. 2, 2010.

WATER SUPPLY: COOKE COUNTY PUBLIC UTILITIES
 SEWER DISPOSAL: COOKE COUNTY PUBLIC SEWER
 PROPOSED TRASH DISPOSAL: TRASH WILL BE DEPOSITED AT THE PRIVATE COMMUNITY WASTE TREATMENT PLANT. SEE PHASE 1 CONCEPT PLAN FOR DETAILS.

BOUNDARY AND TOPOG INFORMATION: BOUNDARY DATA TAKEN FROM SURVEYS FOR PLANT - A - SEED, LLC, BY ABE-JD WOOD SURVEYING, INC. DATED 12-19-08. CONTOUR DATA FROM 1" TOPG. BY BEI AERIAL MAPPING, DATED 3/14/05. SURVEY DATA FOR UNDEVELOPED AREAS, CONTOUR DATA, AND ELEVATIONS HAVE BEEN OBTAINED FROM AN AERIAL PHOTOGRAPH OR BETTER. (SEE ORIGINALS FOR DETAILS)

EXISTING ZONING: R-2 MFD, MIXED USE MASTER PLANNED DEVELOPMENT DISTRICT
PROPOSED USE: MIXED USE MASTER PLANNED DEVELOPMENT DISTRICT
STANDARDS AND REGULATIONS: STANDARDS AND REGULATIONS TO COOKE COUNTY, GEORGIA, SHALL BE IN EFFECT AT THE TIME OF CONSTRUCTION PLAN APPROVAL. SURFACE DRAINAGE PROPOSED: CONC. CURB AND GUTTER AND RES/ASPH PAVEMENT WILL BE EMPLOYED TO COLLECT AND DIVERTE SURFACE WATER TO THE STORM WATER AREAS. SWIMMING POOL TO BE UNDER SEPARATE PERMIT PER LATEST OOC.

Proposed Overall Project Data:

Area in right-of-way: ~92.01 Acs. /18.36%
 (Including alleys & additional right of ways)
 Area in Residential Lots: ~282.579 Acs. /56.38%
 Open Space Areas (Includes Amenity Areas): ~76.5 Acs. /15.26%
 Commercial Area: 50.121 Acs. /10.00%
 Total Area: 501.21 Acs. /100.00%
 Proposed Project Density: 1,548 Residential Units Per Acre

Residential Lot Count

Neighborhood	Overall
Parkside Legends	105
Beacon Bluff	144
Barrington Hills	119
Shelbourne Place	139
The Seasons	197
Total	776

BUILDING SETBACKS

Neighborhood	Side	Rear	Separation
Parkside Legends	10'	30'	20'
Beacon Bluff at Parkside/Barrington Hills/Shelbourne Place at Parkside	10'	30'	20'
The Seasons at Parkside/The Preserve at Parkside	10'	30'	20'
The Seasons at Parkside/The Preserve at Parkside	10'	30'	20'

*Age Restricted Lots to ownership by persons 55 and older. (269 Lots/34.66%)

SPECIAL NOTES:

1. Each Single-Family Lot having less than 10,000 S.F. area shall have a minimum of 400 S.F. yard or less.
2. All requirements of the Appling Recharge Area Protection District shall be addressed as a part of Construction Plan.
3. Developer shall plant a minimum of 2,500 trees throughout the development (2 trees per acre). Said trees shall be planted in a grid pattern with a minimum of 10' spacing between trees. The trees shall be at least 10' tall at the time of planting, with a minimum of 10' spacing between trees. The trees shall be planted in a grid pattern with a minimum of 10' spacing between trees. The trees shall be at least 10' tall at the time of planting, with a minimum of 10' spacing between trees. The trees shall be planted in a grid pattern with a minimum of 10' spacing between trees. The trees shall be at least 10' tall at the time of planting, with a minimum of 10' spacing between trees.

VICINITY MAP 1"=2000'



THE SEASONS
 5,000 S.F. MIN.

COMMERCIAL NEIGHBORHOOD SHOPPING DISTRICT 50.121 ACS

BARRINGTON HILLS
 18,000 S.F. MIN.

SHELBOURNE PLACE
 18,000 S.F. MIN.

THE PRESERVE
 5,000 S.F. MIN.

BARRINGTON HILLS
 18,000 S.F. MIN.

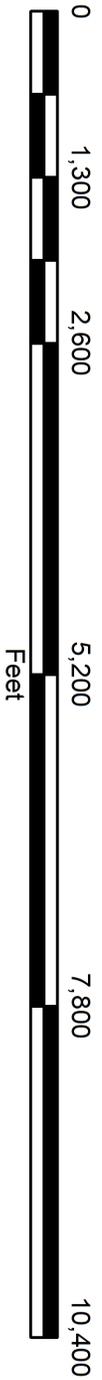
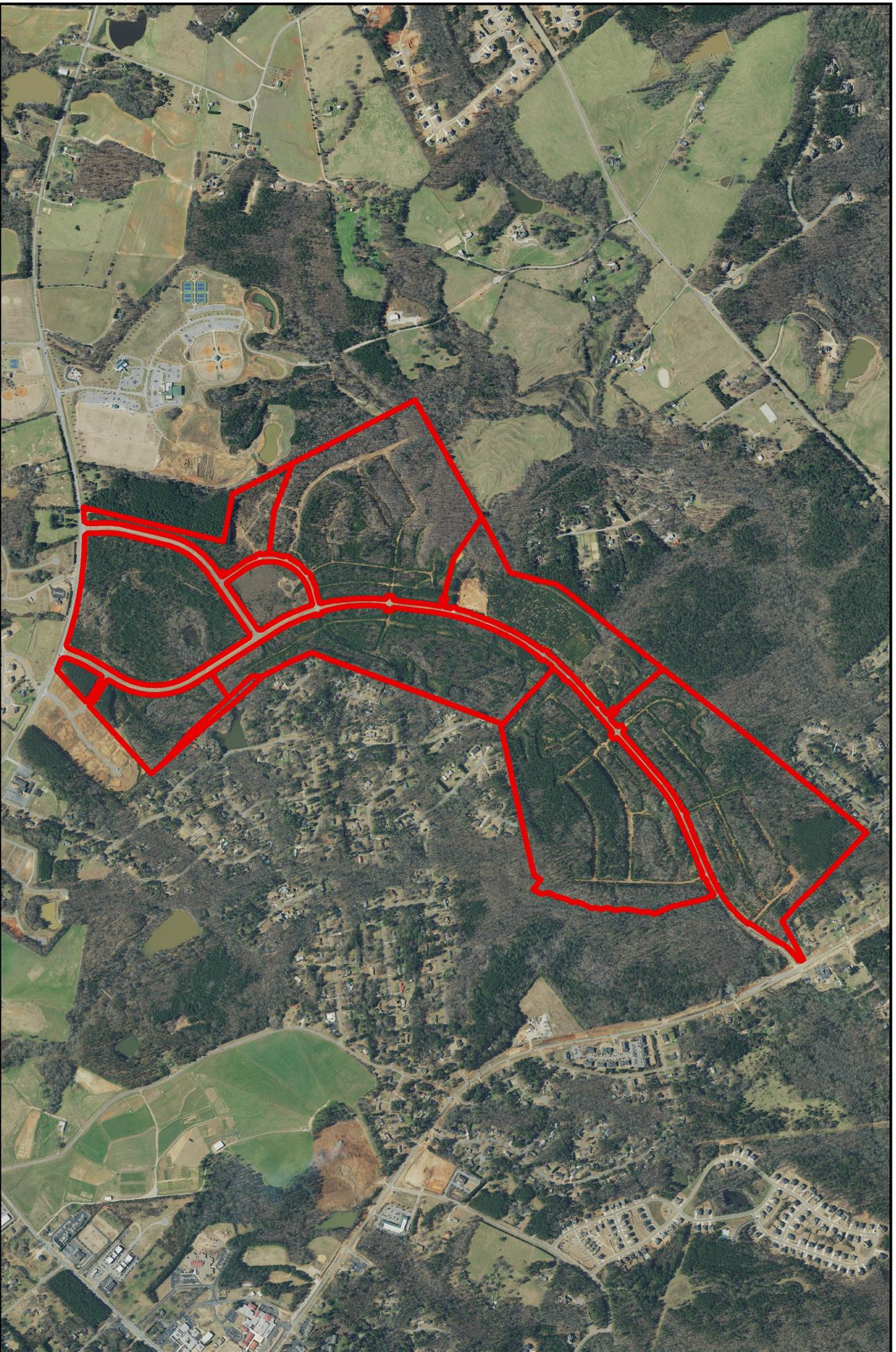
PARKSIDE LEGENDS
 25,000 S.F. MIN.

BEACON BLUFF
 18,000 S.F. MIN.

BEACON BLUFF
 18,000 S.F. MIN.

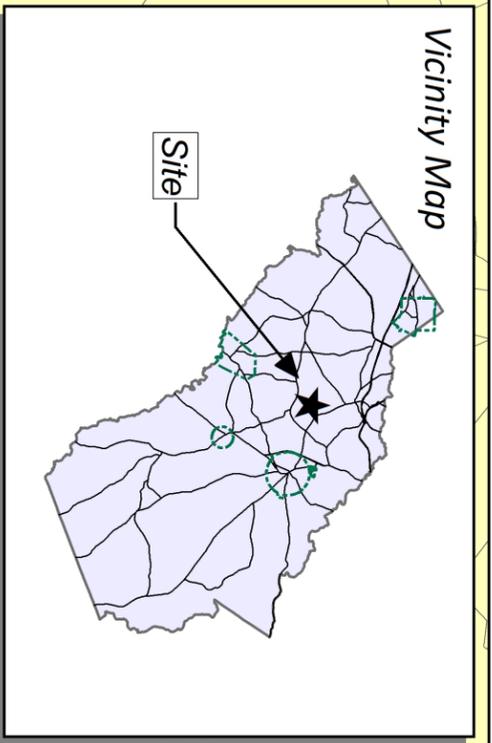
PARKSIDE LEGENDS
 25,000 S.F. MIN.

Parkside Aerial View

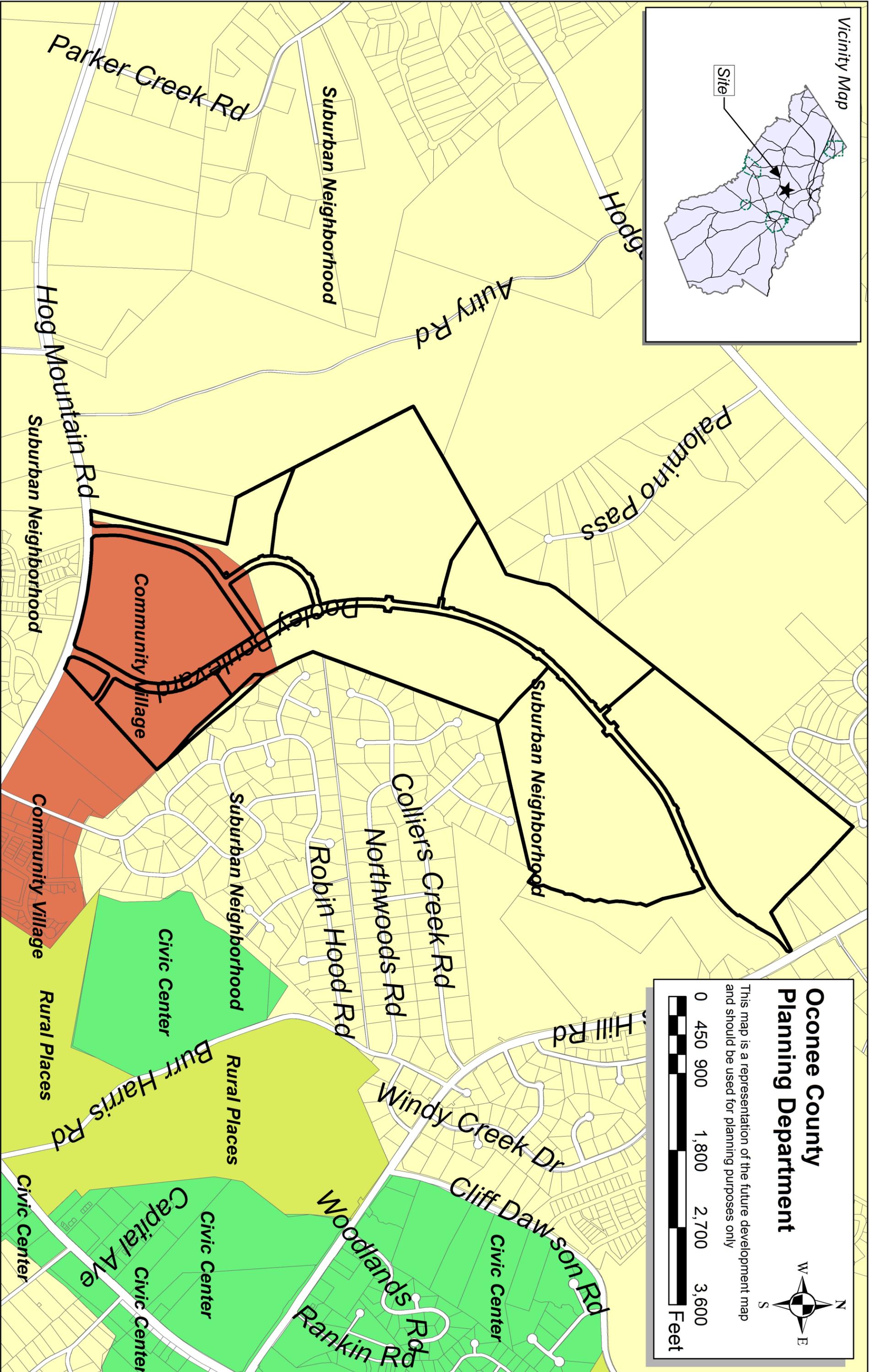


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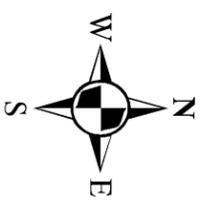




Vicinity Map



**Oconee County
Planning Department**



This map is a representation of the future development map and should be used for planning purposes only



Parker Creek Rd

Suburban Neighborhood

Hodge

Autry Rd

Hog Mountain Rd

Suburban Neighborhood

Community Village

Palomino Pass

Doolley Boulevard

Suburban Neighborhood

Colliers Creek Rd

Northwoods Rd

Robin Hood Rd

Suburban Neighborhood

Civic Center

Community Village

Rural Places

Rural Places

Burr Harris Rd

Windy Creek Dr

Hill Rd

Cliff Dawson Rd

Civic Center

Woodlands Rd

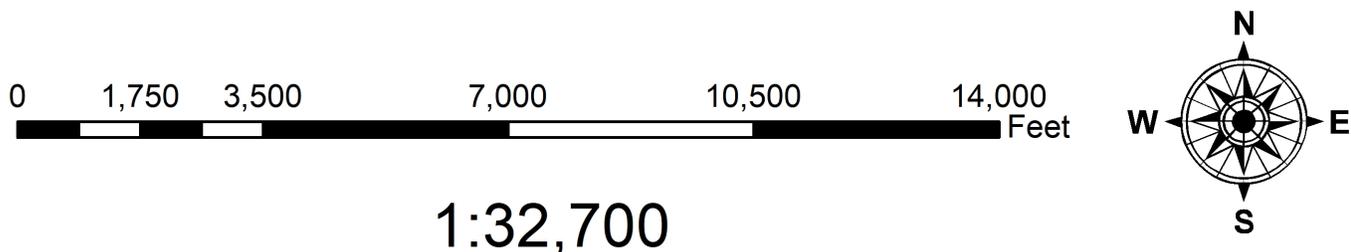
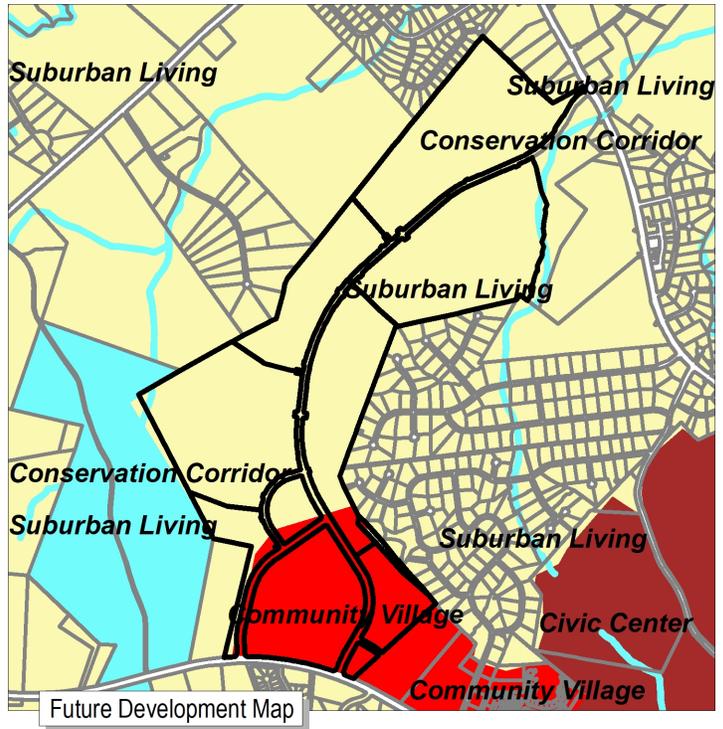
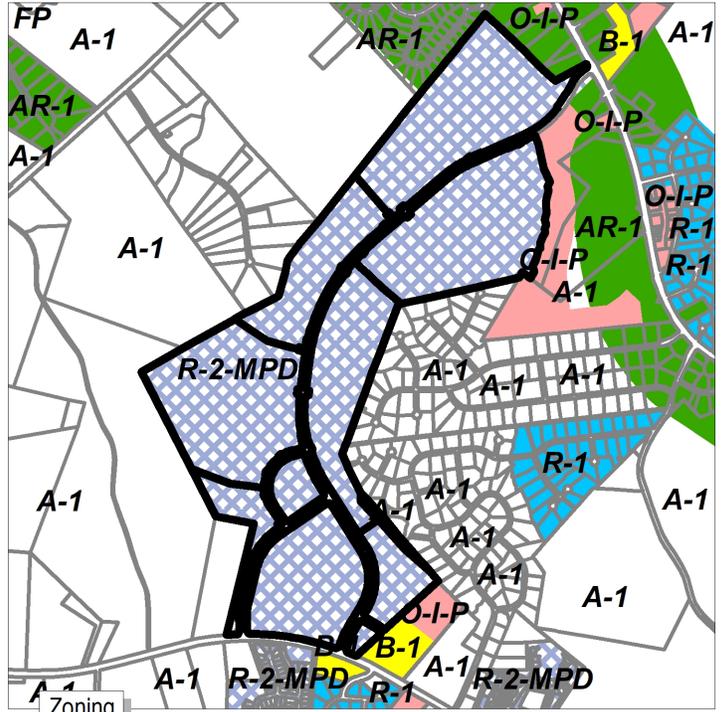
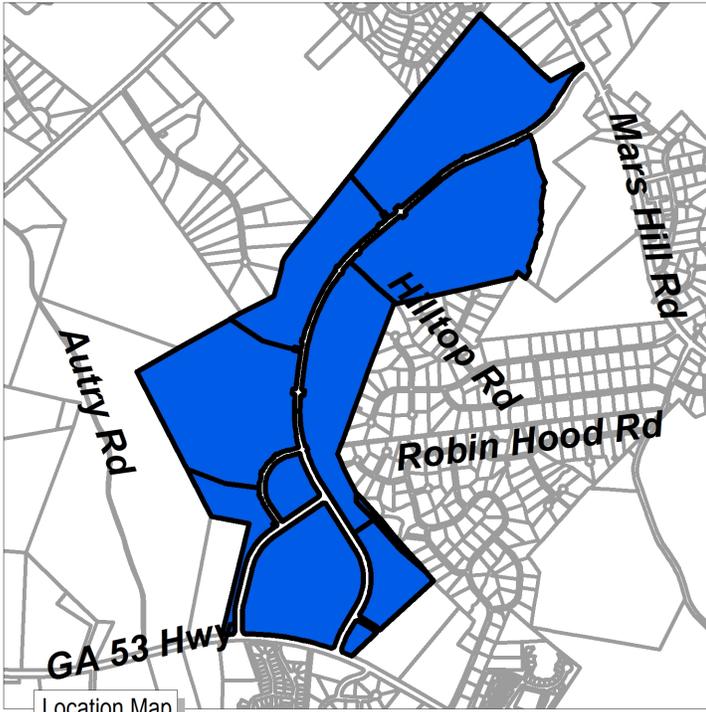
Rankin Rd

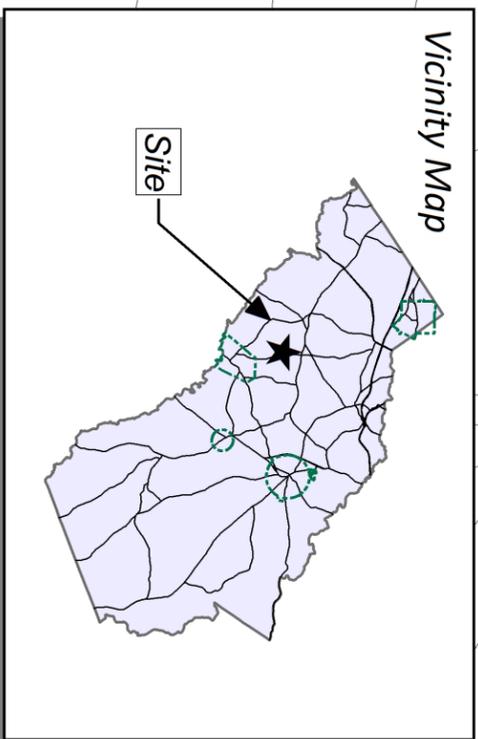
Capital Ave

Civic Center

Civic Center

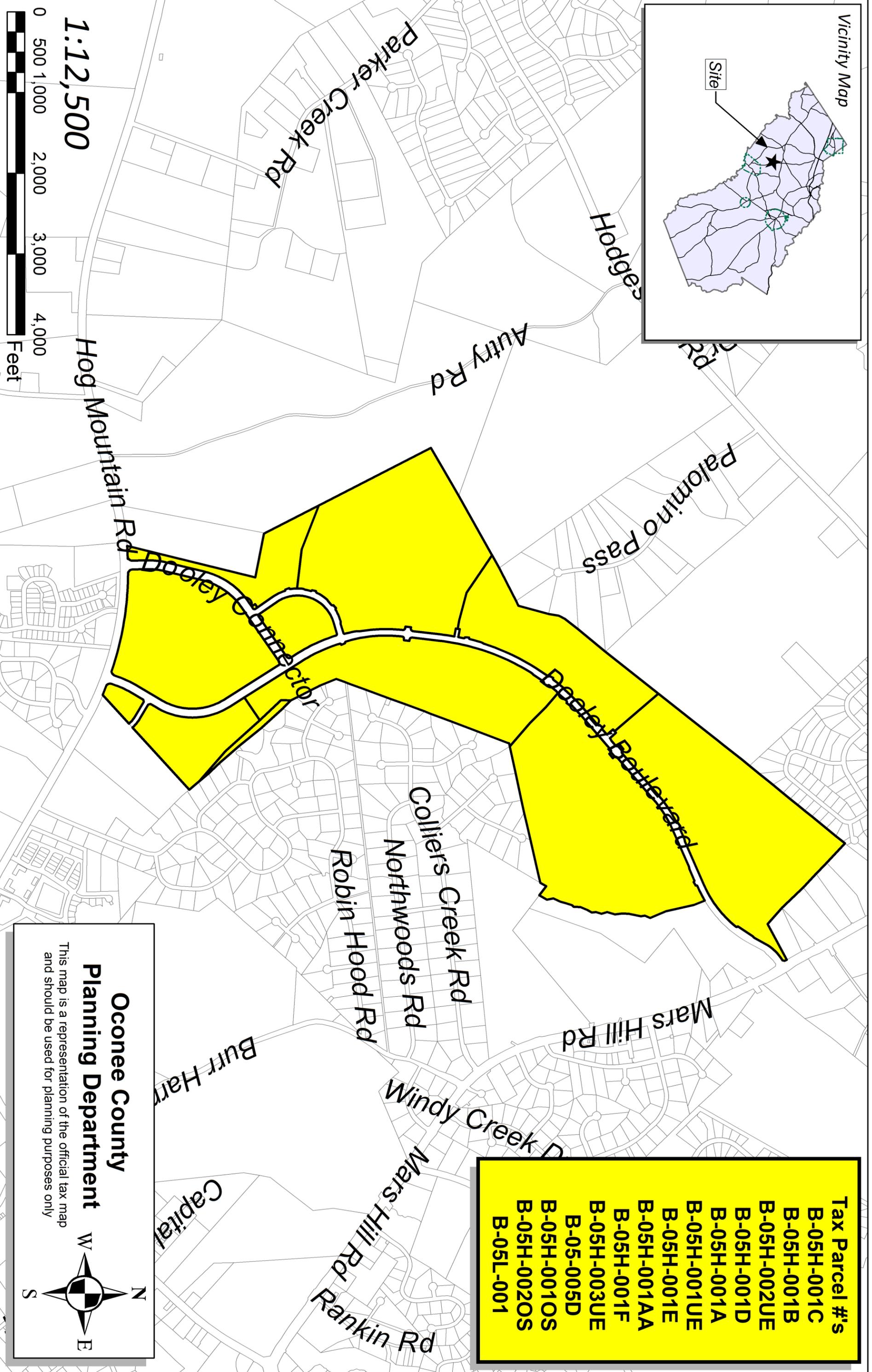
Parkside Site Review



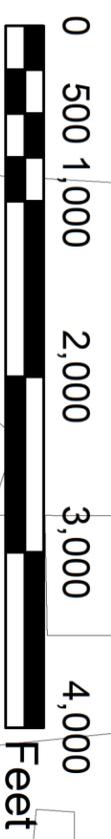


Vicinity Map

Site



1:12,500



- Tax Parcel #'s
- B-05H-001C
- B-05H-001B
- B-05H-002UE
- B-05H-001D
- B-05H-001A
- B-05H-001UE
- B-05H-001E
- B-05H-001AA
- B-05H-001F
- B-05H-003UE
- B-05-005D
- B-05H-001OS
- B-05H-002OS
- B-05L-001

**Oconee County
Planning Department**

This map is a representation of the official tax map and should be used for planning purposes only

