

The Regular Meeting of the Oconee County Board of Commissioners was held on Tuesday, May 6, 2008, in the Commission Meeting Chambers at the Oconee County Courthouse.

Members Present: Chairman Melvin Davis
Commissioner Jim Luke
Commissioner Don Norris
Commissioner Margaret Hale
Commissioner Chuck Horton

Staff Present: Administrative Officer Alan Theriault
County Attorney Daniel Haygood
County Clerk Gina M. Lindsey

BR White, Planning Director
Brad Callender, Planner
Krista Gridley, Planner
Jason Gantt, Planner
Emil Beshara, Public Works Director
John Hatcher, Utility Director
William White, Project Coordinator
Jeff Benko, Finance Director
Steve Hansford, Code Enforcement Director
Rusty Haygood, Econ Development Director
Wayne Provost, Strategic Planning Director

Media Present: Vinnie Williams, The Oconee Enterprise
Adam Thompson, Athens Banner-Herald

Chairman Davis began the meeting with a moment of silence. Commissioner Horton led the Pledge of Allegiance.

Minutes: On motion by Commissioner Horton and second by Commissioner Norris, Minutes of the April 1, April 7 (Budget), April 8 (Budget), April 8 (Called), April 9 (Budget) and April 22, 2008 meetings were approved as distributed.

Rezone Request No. 5639, Rezone Request No. 5640, Rezone Request No. 5641 and Rezone Request No. 5642– Barber Creek Land Company: The Board held a Public Hearing on four (4) Rezone Requests by Barber Creek Land Company, LLP, for properties located on Barber Creek Road as follows:

- Rezone Request No. 5639, ±53.362 acres, from A-1 to R-3;
- Rezone Request No. 5640, ±12.029 acres, from A-1 to R-1;
- Rezone Request No. 5641, ±49.90 acres, from A-1 to AR-3;
- Rezone Request No. 5642, ±112.43 acres, from R-1 MPD to R-1 MPD with modifications;

Planner Brad Callender presented the staff reports for Rezone Requests No. 5639, 5640, 5641, and 5642 at the same time, as agreed to by Kenneth Beall, the applicant's representative.

Rezone Request No. 5639: Mr. Beall said The Village at Blue Heron Lake is to be a residential R-3 subdivision of 34 detached free-standing condominiums. An amenity area is proposed adjacent to the lake on the property. Mr. Beall expressed concerns with a proposed condition that would not allow raised or poured slab foundations, a proposed condition that would not allow the issuance of a Certificate of Occupancy for any residential dwellings until the recreation facility is completed and a proposed condition that would require a hardship variance to allow all of the residences from the "neighborhoods" of the Blue Heron Lake development to use the amenity area.

Rezone Request No. 5640: Mr. Beall said The Homes at Blue Heron Lake is to be an upscale single-family residential R-1 subdivision of 10 lots. He noted the development will be accessed by private, gated streets and a vegetative screen will be placed at the entrance to shield the adjoining property owner.

Rezone Request No. 5641: Mr. Beall said The Estates at Blue Heron Lake is to be a residential AR-3 subdivision of 10 detached single-family estate homes. Two of the estate lots are to be accessed with a private access drive from the adjoining MPD neighborhood. Mr. Beall noted the developers of Wildflower Meadows Subdivision have agreed to allow a private road interconnection with the main road proposed in this development.

Rezone Request No. 5642: Mr. Beall said an amendment to the R-1 MPD Plan is requested to allow the construction of a private drive through the 50' perimeter buffer of the existing MPD project to access two lots of the proposed AR-3 subdivision.

Russ Page expressed concern for the high density development and asked the Board to delay action on the requests until the county completes its study on impact fees and transfer of development rights. Adjoining property owner James Fishburn requested a condition be added to the R-3, R-1 and AR-3 rezones to obviate the impact of the development on the adjoining property owners.

The Board of Commissioners discussed the applications and the proposed conditions at length and agreed to the following:

1. The three neighborhoods are considered as one development and the condition requiring a hardship variance to allow all of the residences to use the amenity area can be deleted.
2. Raised slab foundations will be allowed.
3. Poured slab foundation will not be allowed.
4. The proposed condition that would not allow the issuance of a C.O. for any residential dwellings until the recreation facility is completed can be deleted.
5. A condition is to be added that will require the developer to install structures or plantings to obviate the impact of the development, if consented to by the impacted adjoining owners of parcels A01-045 and A01-044F.

On motion by Commissioner Luke and second by Commissioner Norris, the Board voted unanimously to approve Rezone Request No. 5639 by Barber Creek Land Company, LLLP, ±53.362 acres, located on Barber Creek Road, from A-1 to R-3, with conditions. (The Village at Blue Heron Lake)

On motion by Commissioner Horton and second by Commissioner Hale, the Board voted unanimously to approve Rezone Request No. 5640 by Barber Creek Land Company, LLLP, ±12.029 acres, located on Barber Creek Road, from A-1 to R-1, with conditions. (The Homes at Blue Heron Lake)

On motion by Commissioner Hale and second by Commissioner Horton, the Board voted unanimously to approve Rezone Request No. 5641 by Barber Creek Land Company, LLLP, ±49.90 acres, located on Barber Creek Road, from A-1 to AR-3, with conditions. (The Estates at Blue Heron Lake)

On motion by Commissioner Norris and second by Commissioner Hale, the Board voted unanimously to approve Rezone Request No. 5642 by Barber Creek Land Company, LLLP, ±112.43 acres, located on Barber Creek Road, from R-1 MPD to R-1 MPD with modifications, with conditions. (Oconee Springs Subdivision at the Georgia Club)

See Documentation in Ordinances and Resolutions Book No. 18.

Variance Request No. 5647 – Barber Creek Land Company: The Board held a Public Hearing on Variance Request No. 5647 by Barber Creek Land Company, LLLP, ±115.29 acres, located on Barber Creek Road, to

- A. Reduce the required right-of-way width
- B. Allow multiple private access drives
- C. Allow sidewalks only on one side of the street
- D. Reduce the separation distance required for streets from project boundaries
- E. Increase the maximum length of a cul-de-sac
- F. Allow sole access to a subdivision over a private dam, and
- G. Allow private streets in an R-3 zoning district.

Planning Director B.R. White presented the staff report.

Kenneth Beall, representing the applicant, said that because the developers of Wildflower Meadows Subdivision have agreed to allow a private road interconnection with the main road in the proposed AR-3 subdivision, Variance Request 5647-E and 5647-F will no longer be required for the development.

Mr. Beall explained the remaining variances are requested for the following reasons:

- The property is currently accessed with a 50' wide private drive and a variance is being sought to allow sections of the road to be 50' in width.
- Because multiple private access drives already exist, a variance is being sought to allow additional private access drives to serve other existing properties now served by a private access drive.
- Due to the 50' right-of-way limitation and a 50' perimeter MPD buffer adjacent to one side of the right-of-way, a variance is being sought to construct sidewalks only on the south side of the road.

- A variance to construct the street below the minimum separation distance is required to avoid impacting the dam located on the site.
- Due to the construction of private streets throughout the entire development, a variance is requested to allow private streets in an R-3 zoning district.

No one spoke in favor or in opposition to the Variance Request.

On motion by Commissioner Luke and second by Commissioner Horton, the Board voted unanimously to approve Variance Request No. 5647-A by Barber Creek Land Company, LLLP, ±115.29 acres, located on Barber Creek Road, to reduce the required right-of-way width, with two conditions.

On motion by Commissioner Horton and second by Commissioner Hale, the Board voted unanimously to approve Variance Request No. 5647-B by Barber Creek Land Company, LLLP, ±115.29 acres, located on Barber Creek Road, to allow multiple private access drives, with one condition.

On motion by Commissioner Norris and second by Commissioner Luke, the Board voted unanimously to approve Variance Request No. 5647-C by Barber Creek Land Company, LLLP, ±115.29 acres, located on Barber Creek Road, to allow sidewalks only on one side of the street.

On motion by Commissioner Hale and second by Commissioner Horton, the Board voted unanimously to approve Variance Request No. 5647-D by Barber Creek Land Company, LLLP, ±115.29 acres, located on Barber Creek Road, to reduce the separation distance required for streets from project boundaries, with one condition.

On motion by Commissioner Luke and second by Commissioner Horton, the Board voted unanimously to deny Variance Request No. 5647-E and Variance Request No. 5647-F by Barber Creek Land Company, LLLP, ±115.29 acres, located on Barber Creek Road.

On motion by Commissioner Horton and second by Commissioner Norris, the Board voted unanimously to approve Variance Request No. 5647-G by Barber Creek Land Company, LLLP, ±115.29 acres, located on Barber Creek Road, to allow private streets in an R-3 zoning district.

See Documentation in Ordinances and Resolutions Book No. 18.

Rezone Request No. 5691 – KBB, LLC (Presbyterian Homes): The Board held a Public Hearing on Rezone Request #5691, by KBB, LLC, ±55.00 acres, located on Experiment Station Road and Limerick Drive, from A-1 to OIP.

Planner Brad Callender presented the staff report.

Dr. Frank McElroy spoke on the history and mission of Presbyterian Homes of Georgia, Inc. He noted they have developed and currently manage four communities serving senior adults located in Quitman, Austell, Decatur and Atlanta.

Don Dorsey explained the architectural concepts and functions of the proposed buildings. Residential options will range from single-family homes to nursing care units as well as on-site recreational facilities.

Bob Smith, representing the applicant, said Bishop Farms Parkway is proposed to be extended to provide access to the site. The extension will provide direct access to both Experiment Station Road and to Highway 441 Bypass. Mr. Smith stated Georgia DOT has approved the entrance from Highway 441 Bypass in concept. He requested modification of a condition proposed by the Planning Staff that would allow site development approval only upon DOT approval of a signaled access interchange on Highway 441. The Board agreed to remove the word “signaled” from the condition.

Dr. Penny Mills, Executive Dean of Gainesville College, said the extension of Bishop Farms Parkway will benefit the students and faculty of the college as well as the residents of the development.

On motion by Commissioner Norris and second by Commissioner Luke, the Board unanimously approved Rezone Request #5691, by KBB, LLC, ±55.00 acres, located on Experiment Station Road and Limerick Drive, from A-1 to OIP, with conditions. (Presbyterian Village) ***See Documentation in Ordinances and Resolutions Book No. 18.***

Variance Request No. 5692 – KBB, LLC (Presbyterian Homes): The Board held a Public Hearing on Variance Request #5692, by KBB, LLC, ±55.00 acres, located on Experiment Station Road and Limerick Drive, to increase the maximum building height.

Planning Director B.R. White presented the staff report. He explained the request applies to the Independent Living Building proposed in the Presbyterian Village Development. The building includes four floors of resident apartments at a height of 48 feet, plus a pitched roof.

No one spoke in favor or in opposition to the Variance Request.

On motion by Commissioner Hale and second by Commissioner Horton, the Board unanimously approved Variance Request #5692, by KBB, LLC, ±55.00 acres, located on Experiment Station Road and Limerick Drive, to increase the maximum building height, with conditions. (Presbyterian Village) ***See Documentation in Ordinances and Resolutions Book No. 18.***

Rezone Request No. 5693 – Norman Grayson, et al: The Board held a Public Hearing on Rezone Request #5693, by Frank Norman Grayson, et al, ±3.374 acres, located on SR 53 and Jamestown Boulevard, from OIP and OBP to B-1.

Planner Krista Gridley presented the staff report.

Scott Haines, representing the applicant, said the property is proposed to be developed as a set of medical offices and a retail center.

No one spoke in favor or in opposition to the Rezone Request.

The Board discussed buffers around the property. Although all planting requirements per the Unified Development Code will be met, Commissioner Luke expressed a desire for additional screening.

Commissioner Norris made a motion to approve Rezone Request No. 5693 by Frank Norman Grayson, et al, ±3.374 acres, located on SR 53 and Jamestown Boulevard, from OIP and OBP to B-1, with conditions. Commissioner Hale seconded the motion. Commissioners Norris, Hale and Horton voted yes. Commissioner Luke voted no. The motion to approve Rezone Request No. 5693 was passed. ***See Documentation in Ordinances and Resolutions Book No. 18.***

Consent Agenda: On motion by Commissioner Luke and second by Commissioner Norris, the Board unanimously approved the following Consent Agenda items:

- **Jennings Mill Parkway - Renaming:** Approved naming the road extending from the intersection of Mars Hill Road and Daniells Bridge Road north to GA 316, continuing over GA 316 to the new Loop 10 interchange, to Epps Bridge Parkway at Lowes, across to Home Depot, over Loop 10 at the proposed flyover and ending at Daniells Bridge Road as “The Oconee Connector”. The section of Hollow Creek Lane that runs in front of Oak Ridge Subdivision is to be named “Old Mars Hill Road”. ***See Documentation in Ordinances and Resolutions Book No. 18.***
- **Boulder Springs Subdivision Right-of-Way:** Accepted the road right-of-way and right-of-way deeds for Boulder Springs Subdivision.
- **Meadow Springs Subdivision Right-of-Way:** Accepted the road right-of-way and right-of-way deeds for Meadow Springs Subdivision.
- **Pebble Creek Subdivision Right-of-Way:** Accepted the road right-of-way and right-of-way deeds for Pebble Creek Subdivision.
- **Health Insurance:** Approved the Group Health Insurance Renewal with Health Plan Select for plan year June 1, 2008 through May 31, 2009.

Citizen Remarks: Lee Becker, Russ Page, Charles Baugh and Tony Glenn requested the Board telecast or webcast the Board of Commissioners meetings.

Lee Becker announced Candidate Forums will be held June 2nd and June 4th at the Oconee County Library.

There being no further business, on motion by Commissioner Horton and second by Commissioner Luke the meeting was adjourned.

County Clerk

Chairman

Date