

**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 (Two-Family Residential – Master Planned Development) with modifications pursuant to an application for rezoning of property owned by Homeowners Association of Coldwater Creek III, Inc. Et Al submitted on October 3, 2014.

ENACTMENT CLAUSE

Pursuant to the authority conferred by the Constitution and Laws of the State of Georgia and after consideration of an application for zoning change submitted by James C. Warnes on October 3, 2014 requesting rezoning a ±91.89 acre tract of land located on the east and west sides of Whippoorwill Road and the west side of Union Church Road in the 221st G.M.D., Oconee County, Georgia, (TP# B-6S-1A – B-6S-51A), 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 (Two-Family Residential – Master Planned Development) with modifications for the purpose of 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Resolutions or Ordinances and parts or sections of Resolutions or Ordinances in conflict with this Ordinance are hereby repealed.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.

Said Zoning Petition was submitted to the Oconee County Planning Commission and a Public Hearing was duly held by same on January 20, 2015, and a Public Hearing was held by the Oconee County Board of Commissioners at its regular meeting on February 3, 2015.

ADOPTED AND APPROVED, this 3rd day of February, 2015.

OCONEE COUNTY BOARD OF COMMISSIONERS

BY: G. Melvin Davis
G. Melvin Davis, Chairman

Jim Luke
Jim Luke, Member

John Daniell
John Daniell, Member

W. E. "Bubber" Wilkes
W. E. "Bubber" Wilkes, Member

Mark Saxon
Mark Saxon, Member

ATTEST:

Jane Greathouse
Jane Greathouse
Clerk, Board of Commissioners

CONDITIONS

This Zoning Amendment shall be subject to the following conditions which shall be fulfilled by the developer at his/her expense:

1. The conservation corridors shown on the Future Land Use Plan shall be shown on all plans and plats and shall be protected by a minimum one-hundred foot (100') wide undisturbed buffer (to be centered on the creek) except that necessary utility crossing(s) may be made generally perpendicular to said conservation corridors.
2. The development must be connected to the Oconee County water system and the Oconee County sanitary system at developer's expense in a manner approved by Oconee County Public Works and Utility Departments.
3. No section of the areas designated as "passive recreation" areas on the concept plan shall be disturbed except in order to construct the project entrance, roadways, utility crossing or storm water detention areas or channels. During construction, the border between the neighborhoods and the "passive recreation" areas must be clearly marked in the field and protected. These areas shall be allowed to revert to a natural state and shall not be mowed or maintained except for the maintenance of trails and paths and any maintenance related to Georgia Forestry Service's Best Management Practices such as the removal of diseased, dying or dead trees. These areas shall also be placed under a Conservation Easement as allowed for under the "Georgia Uniform Conservation Easement Act."
4. Developer shall plant a minimum of 470 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 ten feet (10') tall at time of planting, capable of reaching thirty-five feet (35') in height and spread at maturity. The evergreen trees shall be at least six feet (6') 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 fifty foot wide (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.
5. Except for the addition of supplemental material in the buffer, wherever construction is to occur within fifty feet (50') of the fifty foot wide (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 fifty (50') perimeter buffer.
6. Development shall meet or exceed the architectural standards as indicated on the concept plan, representative architectural sketches and other documents submitted with the zoning application and attached hereto including building square footages and exterior materials.
7. The use of circular entry ways at the project entrances shall be subject to approval by the Oconee County Public Works Department.
8. On at least 66% of the homes in the neighborhoods, all exterior building walls visible from the public streets or project's streets shall be finished in predominately (80%) masonry exteriors (brick, stone, stucco, etc.). All homes shall have brick or stone foundations on basements or crawlspaces. All non-predominate masonry homes shall include unique architectural details. As part of the required covenants and at the time of Preliminary Plat and/or Preliminary Site Plan submittal, the developer shall submit for approval to Oconee County a "Home Builder's Plan Requirements Document" which shall include descriptive requirements and photos/illustrations of unique architectural elements (specific requirements for columns, lighting fixtures, windows, doors, dormers, molding, shutters, etc., showing them to be exceptional architectural elements) that a builder must include in a home in order to satisfy this condition.
9. No Certificates of Occupancy will be issued for non-predominate masonry homes that do not substantially meet the requirements outlined in the "Home Builder's Plan Requirements Document".

EXHIBIT "A" TO ZONING AMENDMENT #6637

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CONDITIONS CONT.

10. The amenity areas shall be for the exclusive use of the Coldwater Creek development (including all neighborhoods as shown on the rezone concept plan) residents and their accompanied guests.
11. Applicant must receive approval of project naming from EMA. Applicant must also submit a Unit Numbering System Plan to EMA for approval.
12. At a minimum, developer shall comply with storm water management regulations in effect at the time of construction plan approval.
13. In order to receive access permits, developer shall demonstrate adequate sight distance at all project entrances in accordance with AASHTO standards and as approved by Public Works on all future preliminary plats, preliminary site plans, construction plans and final plats.
14. Developer shall upgrade the intersection of State Route 53 and Union Church Road as well as the intersection of Whippoorwill Road and Union Church to acceptable levels of service and to AASHTO and ITE standards. A new traffic study and warrants analysis shall be conducted to verify that the proposed improvements adequately address the differential impact between current traffic conditions and the post-developed conditions.
15. Developer shall document through video the pre-construction status of Whippoorwill and Union Church Roads. Developer shall provide proof of documentation to Public Works prior to construction plans being approved by Oconee County. After construction, the developer shall repair any damage made to these roads due to the construction of the subdivision.
16. Prior to submittal of any preliminary plats, site plans, or construction plans of the extension of Turtle Pond Drive or onto the adjoining property, the developer shall provide all documentation required to be addressed in Condition 15 to the Public Works departments.
17. Prior to the issuance of any new building permits or site development permits, a surety in the amount of 110% of the approved intersection improvements for Whippoorwill Road and Union Church Road, and State Route 53 and Union Church Road shall be issued to the county.
18. Dwellings constructed in Phase III shall be allowed to be constructed with "at-grade" slab foundations and shall be a minimum of 2,150 square feet of heated space, excluding properties owned by Cruce Construction, Inc. (Tax Parcel #s B-6S-13AB, B-6S-15AB, B-6S-48A & B-6S-49A) which shall be constructed as required in Condition #8.

EXHIBIT "A" TO ZONING AMENDMENT #6637

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NARRATIVE

Coldwater Creek

A Residential Master Planned Development
Union Church Road & Whippoorwill Road
Oconee County Georgia

R-2 MPD to Amended R-2 MPD Rezone Request
91.89 Acres in MPD (101.80 Total); Tax Parcel #B-06S-001-GSB
July 9, 2007

First Amendment Narrative

The sole purpose of this amendment request is to modify the currently approved R-2 MPD plan to allow the construction of a section of road through the 50' perimeter buffer of the MPD project. It is necessary to submit a plan amendment request to be reviewed by the planning staff and planning commission, and the request must be approved by the Oconee County Board of Commissioners before any modification to the perimeter buffer is allowed. Provisions for allowing access to adjoining properties exist in the recorded final plat, preliminary plat, and covenants of Coldwater Creek as well as in the original MPD narrative incorporated into the Coldwater Creek R-2 MPD approval.

No modifications to the original approval are being requested other than those incidental to the single section of road interconnecting the private road network of the existing Coldwater Creek development with the proposed private streets of the adjoining property.

Coldwater Creek is an existing R-2 MPD residential development containing 150 lots on 91.89 acres developed by Coldwater Creek, LLC. Mr. Ronny Kittle, a resident builder and developer in Oconee County, will act as primary contact person of the development and president of the development corporation. Beall & Company has been engaged by the owner to act as agent in the preparation of the necessary rezone documentation associated with the rezone amendment request.

As it currently exists, the project is being exclusively developed as an owner occupied, single-family detached development. It features a mixture of quality housing from \$194,500.00 to \$395,000.00, a swimming pool, tennis courts, pool & tennis cabana, private streets, abundant green-space, wildlife habitat, playscapes, sidewalks, and convenience to schools and shopping areas.

The property is presently developed and final platted (or is currently being final platted) as three neighborhoods of a single project. All neighborhoods are developed as fee-simple neighborhood. All home construction is "stick-built" on site.

Original MPD Rezone Narrative

Coldwater Creek is a proposed residential Master Planned Development on 94.03 acres recently placed under contract for development by Coldwater Creek Development, LLC. Mr. Ronny Kittle, an Oconee county resident and real estate developer, is the managing member of the LLC and contact person of the development. Beall, Gonnsen & Company has been engaged by the owner and the developer to act as their agent in the preparation of the necessary rezone documentation associated with the rezone request.

The project will be developed to include approximately 157 residential lots, two active amenity areas including pools, tennis courts, walking track & playground, nature trails, four attractively landscaped entrances, curb and gutter streets, sidewalks, abundant green-space, storm-water management areas, and related items. It will feature quality housing from \$194,500.00 to \$395,000.00 and convenience to schools and shopping areas.

The Site

The site is made up of two separate tax parcels, one of which is divided by Whippoorwill Road creating a third tract. One of the parcels (27.31 acres) fronts on Union Church Road for approximately 750 LF and on Whippoorwill Road for approximately 600 LF. A second parcel (33.58 acres) fronts on Whippoorwill Road for approximately 3075 LF, and a third parcel (33.14 acres) also fronts on Whippoorwill Road for approximately 1950 LF. The 27.31 acre site is primarily an undeveloped rural tract with open grassland pastures on the front 2/3rd and wooded on the southwest 1/3rd. The tax parcel split by Whippoorwill Road is predominantly wooded.

The Coldwater Creek Development

The concept plan that accompanies this narrative illustrates a total of 157 residential units served by sanitary sewer.

The project will be constructed with gated and non-gated entrances, private and public curb & gutter streets and 4' wide sidewalks throughout. Specially designed handicap ramps will be installed by the developer at all crosswalk locations throughout the development. All utilities will be underground. Extensive landscaping including street trees will be installed throughout the development.

The project development and homes will be constructed in three phases over a four year period.

Buildings

The exterior materials of the homes will vary from all brick, to brick and stucco, to brick with hardy-plank detailing, to all stucco, to all hardy-plank siding with extensive architectural detailing with brick or stone foundations (see representative architecture elevations). These units will vary in size from around 1650 SF to around 3200 SF. The average house size will be around 2500 square feet. The architectural styles of the homes will range from Traditional, to Classical, to Colonial, to Coastal in appearance. All buildings in the development will be stick-built on site. As part of the required covenants and at the time of Preliminary Plat submittal, the developer will submit for approval to Oconee County a "Home Builder's Plan Requirements Document" which will include descriptive requirements and photos/illustrations of unique architectural elements that a builder must include to satisfy the MPD architectural requirements.

Coldwater Creek Single Family Homes (157 Units)

Single family homes will vary in size from approximately 1650 SF to 3200 SF. The prices for these homes will range from around \$194,500.00 to \$395,000.00. Builders will be required to sod not only the fronts, but also the side and portions of the rear yards as well. The buildings are designed to have a "traditional" appearance.

(see attached representative architectural plans & elevations)

Water Supply

A county water main-line exists in the right-of-way of Union Church Road. New water mains (8" minimum diameter) will be extended along Whippoorwill Road to the westernmost property corner and into each entrance and throughout the development. Water mains will be stubbed out for future interconnection with adjoining properties if desired by the Oconee Utility Department. The water system within the project will be designed to form a "loop" to provide enhanced water quality and flow.

Probable Water Demand (residential)

*assume water use 100 gal./person/day *assume 2.7 persons/unit
*assume 157 total units

PWD = (100 gpd x 2.7 x 157 units = 42,390 gpd

Peak Water Demand = 42,390 gpd/16 hr./day = 2,649 gal/hr. = 44.15 gpm

44.15 gpm x 3(peaking factor) = 132.45 gpm peak

Note: Probable Water Demand and Peak Demand figures will increase during summer months with intense lawn sprinkler use if connected to the county supply line.

Sewage Disposal

This development can only occur if served by sanitary sewer. It is the intent of the developer to install a gravity sanitary sewer system within the development, a pump station, and an off-site sewer force-main extension to convey all wastewater to existing Oconee County lines that exist on the Oconee County High School site. The petitioner as also aware that he may be required to upsize the existing force-main on Ga. Hwy. 53 as well as upsize the pumps at the existing pump station on the high school site.

Probable Project Residential Waste-Water

*assume 42,390 gpd water usage

*assume wastewater at 85% of water usage

Probable Wastewater = 42,390 gpd x .85 = 36,031.5 gpd at build-out

Surface Water Drainage

Concrete curb & gutter, county approved pipe, grassed and natural waterways will be employed to collect and divert storm-water to proposed detention/retention areas, infiltration, and stilling basins. Post development run-off will be maintained at predevelopment rates for 2, 5, 10, 25, and 50 year events. The proposed storm-water management structures will be designed to achieve the required capacity and volume based on hydrological analysis to be performed and submitted with site improvement construction plans.

Access

The two parcels will be accessed from two roads via four separate entrances: one gated entrance from Union Church Road looping through the development and out to another gated Whippoorwill Road entrance; Another entrance mirroring the Whippoorwill Road entrance (but not gated) provides access to the northern Whippoorwill Road tract; One other non-gated entrances provide access to the southern Whippoorwill Road Tract.

Traffic

See attached traffic study prepared by Mattern & Craig Consulting Engineers, according to instructions provided by the Oconee County Public Works Department.

Schedule

The petitioners plan to complete the zoning efforts on the subject property by August 2004. The Preliminary Plat of the development will be submitted by October 2004 and the infrastructure construction plans approved by December 2004. Construction of the project infrastructure will commence immediately upon approval of these plans. The infrastructure and building construction will require approximately four years to complete. The total build-out of the project should be completed by November 2008.

Maintenance of Common Areas

A homeowners/condominium association will be created to provide for mandatory fees to maintain, control, and insure common areas including but not limited to community facilities, and storm water management facilities within the project. Provisions for architectural control will also be specified in these covenants. A draft copy of these covenants is submitted along with this rezone application to the Oconee County Planning Department.

Buffers

Green-space buffers have been incorporated into the re-zone concept plan along the perimeter of the property. Green-space fingers are also incorporated into the design. These green-spaces can be penetrated for access, with utilities, and for drainage purposes only. No structures or paving other than those associated with access, utilities and or drainage structures will be allowed.

NARRATIVE CONT.

Utilities

All utilities are proposed to be underground. Any overhead services that currently exist will be rerouted within the appropriate utility corridor acceptable to Oconee County and the affected utility company. Proposed utilities are power, water, telephone, gas, and cable TV & internet access.

The design consultant has reviewed the required dimensions, capacities, and volumes related to required waterline and sewer-line extensions, and has determined that (a) the proposed waterline extensions will supply adequate fire flows and pressures and domestic water demands, and (b) the proposed sanitary sewer line extensions will satisfy the waste-water demands.

Sidewalks

Concrete sidewalks will be constructed throughout the project.

Public & Semi-public Areas

Water & sewer easements as well as some drainage easements will be dedicated to Oconee County. Easements for power, telephone, cable TV, and gas will be dedicated as required for specific utility construction.

Outdoor Lighting

Light fixtures on metal poles will be installed to illuminate the development for safety and security. These light standards will be oriented inward, down and away from any neighboring residential areas. Where dedicated streets are proposed a *street light tax district* request will be made to the Oconee County Board of Commissioners at the appropriate time prior to final plat approval.

Code Compliance

The development will be constructed in compliance with all applicable county codes.

Garbage Collection

Garbage collection will be handled by private contract service. Roll carts will be utilized throughout the entire development.

Residential Neighborhoods

Neighborhood "A" will be single-family detached homes on lots designed to be no less than 60' wide, closely spaced to resemble a village concept. Lots will vary in size from 5,500 SF to 12,800 SF. This neighborhood will be gated at the Union Church entrance as well as at the Whipoorwill Road entrance. Private streets are proposed in this section constructed in accordance with MPD Zoning and Oconee County Subdivision regulations. A neighborhood green is incorporated into this section of the development. There will be a total of 67 single family detached homes in this neighborhood type. The exterior materials of the homes will vary from all brick, to brick and stucco, to brick with hardy-plank detailing, to all stucco, to all *hardy-plank* siding and detailing with brick foundations. The average size home in this neighborhood will be 1,800 square feet. Some garages will be to the rear of the homes while others are accessed from the front.

Neighborhood "B" will be made up of slightly larger lots designed to be no less than 80' wide and homes still constructed predominantly of brick. The lot sizes will range from 7,500 SF to 17,000 SF. Vehicular access to homes in this section will be a combination of front entry garages, side entry garages, and courtyard entries to side garages (see Neighborhood "B" Representative Architecture photographs). There will be a total of 49 homes on lots of this neighborhood type. The average size home in this neighborhood is to be 2,400 square feet. The active amenities of the development are located within this neighborhood

Neighborhood "C" will have the appearance of other traditional upscale Oconee County residential subdivisions that are made up of predominantly brick homes on lots from 13,600 SF to 46,000 SF designed to be no less than 100' wide. The most expensive homes in the development will be built in this neighborhood type. There will be a total of 41 homes constructed in this neighborhood at an average size of 2,900 square feet (see Neighborhood "C" Representative Architecture photographs). Garages will be predominately side entry courtyard style in this section.

Coldwater Creek Master Planned Development Valuation

Neighborhood	# Homes	Average Home Price	Total/Neighborhood	Totals
Neighborhood "A"				
SFD Homes	6	\$225,000.00	\$15,075,000.00	
Neighborhood "B"				
SFD Homes	4	\$253,500.00	\$12,421,500.00	
Neighborhood "C"				
SFD Homes	4	\$345,000.00	\$14,145,000.00	
Total Residential	157			\$41,641,500.00
Average Home Value		\$265,232.48		
Total Completed Project Value				\$41,641,500.00

*SFD – Single Family Detached

Purpose Of The Master Planned Development Request

One purpose of this MPD request is to provide the best possible site plan and building arrangements under a unified plan of development rather than the typical lot-by-lot regulation of the Oconee County Subdivision Regulations where there is no requirement for "open space", "green space", or "amenities". The developer will benefit from a better utilization of the land; the county will benefit from greater variety in building types and price ranges for its citizens, compatibility of uses, and optimum community development.

This development is one of the first of its kind in Oconee County. Its purpose is to illustrate ingenuity and resourcefulness in land planning and to assure the provision of park and recreational facilities for the use of the occupants of the development while providing a reasonable return on investment to the developer.

Standards Applying to This Master Planned Development Developments

Compatibility With Topography & Preservation of Natural Features

The Coldwater Creek development is compatible with the topography of the land, and the design of the project preserves major drainage ways and environmentally sensitive areas. A sizable portion of the site will be left in its natural state to serve as a nature preserve and wildlife habitat.

Affect on Adjoining Properties

The development as planned will not adversely affect developed or undeveloped neighboring properties. Some form of green-space buffer separates all developed areas within the project from all adjoining properties, including those across abutting streets. Visually there will only be a positive impact to the frontage appearance of the site.

Per *Criteria for Approval* Section 1401.4.c of the Oconee Zoning Ordinance pertaining to Master Planned Developments, land surrounding the proposed development should be able to be planned in coordination with the proposed development and will be compatible in use. Since the *2022 future land use map* illustrates residential use on the major portion of this site and low density residential use on the balance of the site, and since the *future land use map* also suggests the same future use on all surrounding tracts, then the petitioner is of the opinion that the plan as proposed meets required criteria.

In the area of the site identified on the future land use map as *low density residential* the proposed MPD plan has been modified to illustrate a large usable, heavily wooded green-space area on the portion north of Whipoorwill Road, and modified to increase lot sizes to one acre adjacent to the western boundary on the portion south of Whipoorwill Road.

Per Section 1402.6 of the Oconee Zoning Ordinance the plan illustrates a) separation of mixed use areas from single use areas, b) it provides pedestrian access linkages, c) it places open space and amenities to define neighborhoods and provide community focus, and d) the plan provides for peripheral buffers and utilizes these buffers to mitigate and transition from higher intensity use to lower intensity use (the adjoining properties).

Design/Development Features Not Possible Applying Typical Sub. Regs.

The proposed development is an example of a type of urban design whereby development is concentrated in certain areas in order to preserve green-space in other more environmentally sensitive and aesthetically desirable areas.

Adequacy Of Infrastructure Or Proposal For Making It So

The developer plans to construct deceleration lanes to accommodate right turns into the project. In addition to paving, these improvements will involve grading and curbing to handle the surface drainage and piping to route the water to the appropriate drainage corridor. If additional right-of-way is required for any of these improvements then the developer will provide it at no cost to Oconee County.

Because the petitioner is aware that morning peak hour trips will increase, and that lane improvements on Union Church Road at Highway 53 can be made that will improve right and left turn movements from Union Church Road, he is willing to fund the cost of lengthening the right turn lane to improve turn movements.

Water-mains will be extended from an existing water main into the development at the developer's expense to satisfy demand and fire flow requirements.

Sanitary sewer lines will be constructed by the developer at his expense to receive and deliver sanitary waste-water to existing sanitary sewer mains.

Home building generates substantial economic activity, including new income and jobs for residents, and additional revenue for local governments.

During the construction phase jobs, wages, and local taxes (including permits, utility connections, and application fees) are generated by the actual development, construction and sale of the homes. These jobs include on-site and off-site construction work as well as jobs generated in retail and wholesale components, transportation to the site, and the professional services required to build a home and deliver it to its final customer.

There is also an economic ripple effect in that wages and profits for local area residents earned during the construction period are spent on other locally produced goods and services. This generates additional income for local residents, which is spent on still more locally produced goods and services, and so on. This continuing recycling of income back into the community is called a "multiplier" or "ripple" effect.

There is also an ongoing annual positive economic effect on local jobs, income, and taxes generated as a result of the homes being occupied. A household moving into a new home generally spends about three-fifths if its income on goods and services sold in the local economy. A fraction of this will become income for local workers and local business proprietors. In a typical local area, the household will also pay 1.25 percent of its income to local governments in the form of taxes and user fees, and a fraction of this will become income for local government employees. This is the first step in another set of economic ripples that cause a permanent increase in the level of economic activity, jobs, wages, and local tax receipts.

This development when complete will represent in excess of \$41,641,500.00 in enhanced property values over a 4-year period of time. It is through this enhanced tax base, system improvements constructed by the developer, and these other positive economic effects that provisions for school facilities, teachers, etc., can be made more than adequate to accommodate the subject development as well as other developments.

NARRATIVE SUPPLEMENT

Coldwater Creek III Subdivision Rezone Application Narrative

SUPPLEMENT TO REZONE NARRATIVE IN REZONE NO.5604

The change requested by this rezone request is limited to Neighborhood A as shown in MPD Rezone 3906, September 7, 2004. Neighborhood A and Coldwater Creek III are one and the same. The final plat for Coldwater Creek III, is dated July 14, 2006, recorded in Plat Book 36, pages 358-361. Coldwater Creek III contains 27.165 acres

The development known as Coldwater Creek was originally created as a Master Planned Development on September 7, 2004, Rezone 3906. In this Master Planned Development, three separate phases, designated as Neighborhood A, Neighborhood B, and Neighborhood C, were to be built utilizing one set of restrictive covenants for all three Phases. What is now Coldwater Creek III was described as Neighborhood A in the original Master Planned Development to have 67 lots. Neighborhood B and Neighborhood C were completed first. The recorded restrictive covenants for Neighborhoods B and C were never expanded to include Neighborhood A, which was not completed at the time the other two sections were developed.

Although the private roads and the amenities area, together with 10 houses have been completed in Neighborhood A, the developer never formed a homeowners association for Neighborhood A and Neighborhood A was never subject to any restrictive covenants to govern how the private roads, green space and the swimming pool and tennis courts were to be maintained.

The developer lost all of the unbuilt lots to foreclosure. The homeowners living in Neighborhood A formed the Homeowners Association of Coldwater Creek III, Inc. (HOA) to govern Neighborhood A only. The developer refused to convey the private roads, green space, and amenity area to the HOA as required by Rezone 3906. In order to gain control over the private roads of the subdivision as well as the neighborhood amenities and green space, the homeowners and the HOA brought suit against the developer. On June 11, 2014 a judgment was awarded to the HOA granting it ownership and control over the private roads, amenities, and green space in Neighborhood A. The homeowners and other lot owners are now in the process of adopting a set of restrictive covenants to govern Neighborhood A. A copy of these restrictive covenants is attached to this application. All of the homeowners have signed. There is one builder who owns 4 lots who has not signed at the filing of this application.

On January 3, 2008, at the request of the developer, Rezone Number 5604 was adopted which altered Condition 8 on Page 1 of Rezone 3906 to change the original language which reads "All homes shall have brick or stone foundations." to state "All homes shall have brick or stone foundations on basements or crawlspaces." All of the existing houses in Neighborhood A were built on slab prior to the change of Rezone No. 5604, dated January 3, 2008. The Homeowners Association and the current homeowners in Neighborhood A (Coldwater Creek III) now submit this Oconee County Zoning Change Application to return Condition 8 **only** to its original wording under Rezone Number 3906 for Neighborhood A **only** to allow the houses in Neighborhood A to be built on slab. This requested change will allow the remaining lots in Neighborhood A to be built on slab in the same style as the existing homes in Neighborhood A in compliance with the requirements of Rezone 3906, September 7, 2004. By allowing the additional 57 houses to be built on slab, funds will be saved by the builder who owns or controls 53 of the remaining lots to refurbish the swimming pool and tennis courts for the benefit of all of the homeowners in Neighborhood A. The current homeowners in Neighborhood A have been without the use of the swimming pool and tennis courts for the time they built their houses.

Cruce Construction, Inc., has not provided authorization for lots 48A, 49A, 13B, 15B, tax map numbers B06S 048A, B06S 049A, B06S 013AB, B06S 015AB to be included in this request. Please eliminate these four lots from this request.

CONCEPT PLAN

Neither Neighborhood B nor Neighborhood C as described in the original MPD Rezone No. 3906, September 7, 2004, and MPD Rezone No. 5604, January 3, 2008, are included as a part of this request. Both Neighborhood B and Neighborhood C are controlled by other owners, other Protective Covenants and other Homeowners Associations.

This rezone is for the 27.165 acres which is Neighborhood A, Coldwater Creek III. The architectural sketches and the Home Builders Plan Document and the original MPD concept Plan for rezone request for Rezone 3906, stay the same except for the following listed items. Because the Developer of Coldwater Creek did not follow through Neighborhood A, Coldwater Creek III is now a separate neighborhood.

1. Neighborhood A, Coldwater Creek III has its own Protective covenants, a copy of which has been submitted with this application.
2. Neighborhood A, Coldwater Creek III has its own separate homeowners association, Homeowners Association of Coldwater Creek III, Inc. A copy of the corporate documents has been submitted with this application.
3. Attached is an aerial photograph showing the footprint of the 10 houses which have previously been constructed in Coldwater Creek III.
4. Attached are photographs of the existing houses in Coldwater Creek III. These are representative of the additional 57 houses to be constructed within Coldwater Creek III.

Rezone 3906, September 7, 2004, allowed the houses in Neighborhood A to be built on slabs with the requirement "All homes shall have brick or stone foundations." This was changed by Rezone 5604, January 3, 2008 which required "All homes to have brick or stone foundations on basements or crawl spaces." This current request is to eliminate the requirement for basements or crawl spaces for Neighborhood A, Coldwater Creek III, **only**.

REPRESENTATIVE ARCHITECTURE

Elevation



Coldwater Creek
Representative Architecture



2nd Story Floor Plan



1st Story Floor Plan

Neighborhood A

Staff: [Logo] [Name] [Title] [Phone] [Email]

Elevation



Coldwater Creek
Representative Architecture



1st Story Floor Plan



2nd Story Floor Plan

Neighborhood A

Staff: [Logo] [Name] [Title] [Phone] [Email]

Elevation



Coldwater Creek
Representative Architecture



1st Story Floor Plan

Neighborhood B

Staff: [Logo] [Name] [Title] [Phone] [Email]

Elevation



Coldwater Creek
Representative Architecture



1st Story Floor Plan



2nd Story Floor Plan

Neighborhood B

Staff: [Logo] [Name] [Title] [Phone] [Email]

Elevation



Coldwater Creek
Representative Architecture

Elevation



Neighborhood C

Staff: [Logo] [Name] [Title] [Phone] [Email]

Elevation



Coldwater Creek
Representative Architecture

Neighborhood C

Staff: [Logo] [Name] [Title] [Phone] [Email]

REPRESENTATIVE ARCHITECTURE CONT.

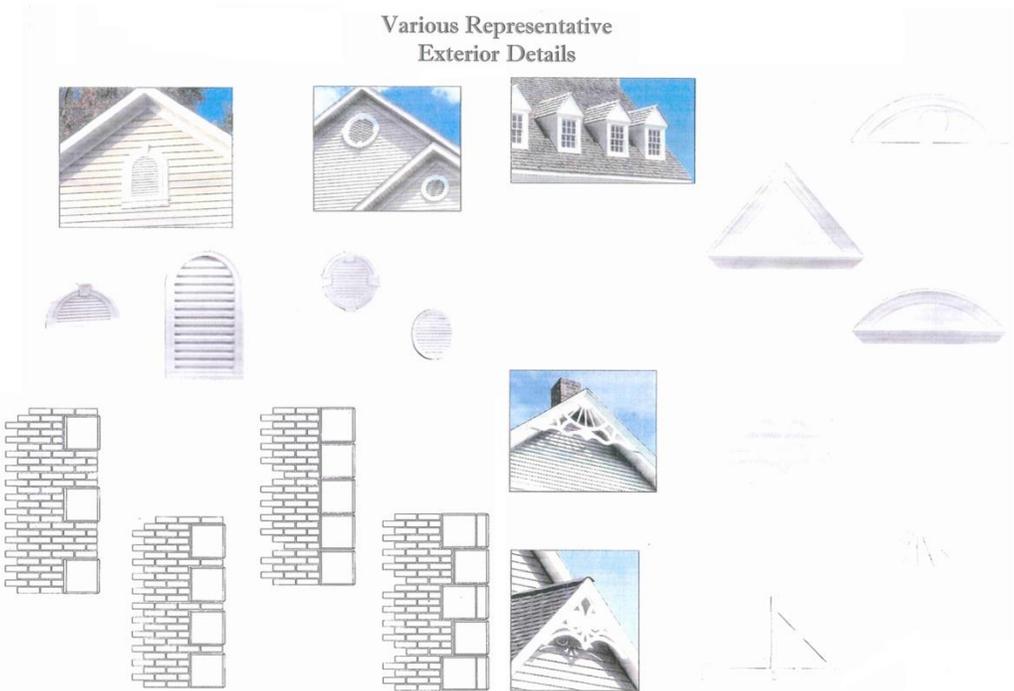
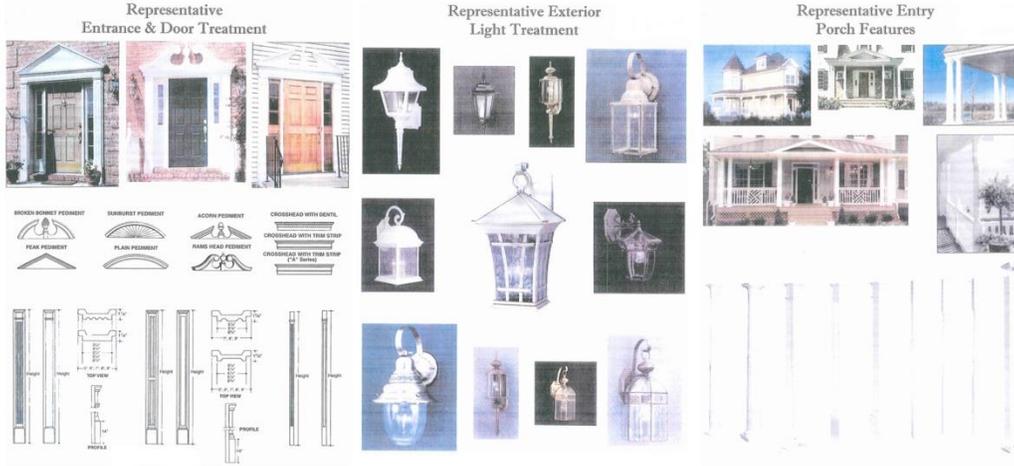


EXHIBIT "A" TO ZONING AMENDMENT #6637

LEGAL DESCRIPTION & FINAL PLATS

All that tract of parcel of land lying and being in the county of Oconee, State of Georgia, GMD 221, and described as Coldwater Creek Phase 1 (The Enclave at Coldwater Creek Block "C") on a survey by Woods & Chastain Surveyors, Inc., dated 3/13/2006 for Oconee Coldwater Creek, LLC, more particularly described as follows:

Commencing at the intersection of the centerlines of Union Church Road and Whipponwill Road; Thence S00°11'30"E, a distance of 1830.56' to an iron pin located on the eastern Right-of-Way of Whipponwill Road; said pin being the **POINT OF BEGINNING**

- Thence N72°12'36"E, a distance of 65.87' to an iron pin;
- Thence S20°58'51"E, a distance of 517.89' to an iron pin;
- Thence S20°17'25"E, a distance of 1,029.87' to an iron pin;
- Thence S65°00'43"W, a distance of 558.26' to an iron pin;
- Thence N66°33'15"W, a distance of 547.17' to an iron pin;
- Thence S31°58'49"W, a distance of 437.03' to an iron pin;
- Thence N63°08'03"W, a distance of 182.09' to an iron pin;
- Thence N59°34'31"W, a distance of 336.10' to an iron pin;
- Thence N67°33'00"E, a distance of 183.01' to an iron pin;
- Thence N35°55'24"W, a distance of 531.86' to an iron pin;
- Thence N82°08'29"E, a distance of 374.55' to an iron pin;
- Thence N81°15'36"E, a distance of 209.51' to an iron pin;
- Thence N70°43'28"E, a linear distance of 265.39', with an arc length of 266.87', and a radius of 730.54' to an iron pin;

- Thence N53°45'30"E, a linear distance of 165.42', with an arc length of 165.78', and a radius of 730.54' to an iron pin;
 - Thence N39°19'02"E, a linear distance of 201.83', with an arc length of 202.48', and a radius of 730.54' to an iron pin;
 - Thence N29°51'19"E, a distance of 82.30' to an iron pin;
 - Thence N28°46'42"E, a linear distance of 10.94', with an arc length of 10.94', and a radius of 741.94' to an iron pin;
 - Thence N24°58'15"E, a linear distance of 88.48', with an arc length of 88.53', and a radius of 741.94' to an iron pin;
 - Thence N12°05'42"E, a linear distance of 242.96', with an arc length of 244.06', and a radius of 741.94' to an iron pin;
 - Thence N02°29'17"E, a distance of 127.09' to an iron pin;
 - Thence N00°17'01"E, a distance of 114.80' to an iron pin; said pin being the **POINT OF BEGINNING**.
- Containing 31.399 acres, more or less.

All that tract of parcel of land lying and being in the county of Oconee, State of Georgia, GMD 221, and described as Coldwater Creek Phase 2 (Pebblebrook at Coldwater Creek Block "B") on a survey by Woods & Chastain Surveyors, Inc., dated 4/06/2006 for Oconee Coldwater Creek, LLC, more particularly described as follows:

Commencing at the intersection of the centerlines of Union Church Road and Whipponwill Road; Thence S04°14'21"W, a distance of 811.10' to an iron pin; said pin being the **POINT OF BEGINNING**

- Thence S00°26'48"E, a distance of 357.96' to a point;
 - Thence S00°17'01"E, a distance of 777.36' to a point;
 - Thence S02°29'17"W, a distance of 125.45' to a point;
 - Thence S15°55'20"W, a linear distance of 312.62', with an arc length of 315.42', and a radius of 681.94' to a point;
 - Thence S29°51'19"W, a distance of 81.14' to a point;
 - Thence S56°19'00"W, a linear distance of 564.07', with an arc length of 582.18', and a radius of 670.54' to a point;
 - Thence S81°15'36"W, a distance of 209.44' to a point;
 - Thence S82°08'29"W, a distance of 550.75' to an iron pin;
 - Thence N48°34'11"W, a distance of 234.09' to an iron pin;
 - Thence N38°59'45"E, a distance of 737.15' to an iron pin;
 - Thence N38°55'15"E, a distance of 1,390.30' to an iron pin;
 - Thence N37°23'58"E, a distance of 304.77' to an iron pin; said pin being the **POINT OF BEGINNING**.
- Containing 33.331 acres, more or less.

All that tract of parcel of land lying and being in the county of Oconee, State of Georgia, GMD 221, and described as Coldwater Creek Phase 3 on a survey by Woods & Chastain Surveyors, Inc., dated 7/14/2006 for Coldwater Creek, more particularly described as follows:

- Commencing at a pin located on the eastern Right-of-Way of Whipponwill Road, located 1,233.56' along centerline, from centerline/centerline intersections of Whipponwill Road and Union Church Road; said pin being the **POINT OF BEGINNING**
- Thence N81°31'03"E, a distance of 437.79' to an iron pin;
 - Thence N02°21'57"W, a distance of 650.90' to an iron pin;
 - Thence N57°47'19"E, a distance of 227.01' to an iron pin;
 - Thence S77°36'42"E, a distance of 301.59' to a point;
 - Thence S62°33'21"E, a linear distance of 364.15', with an arc length of 368.41', and a radius of 697.54' to an iron pin;
 - Thence S13°47'18"W, a distance of 452.26' to an iron pin;
 - Thence S08°41'50"E, a distance of 146.43' to an iron pin;
 - Thence N79°58'17"E, a distance of 347.81' to an iron pin;
 - Thence S16°49'17"E, a distance of 338.08' to an iron pin;
 - Thence S84°41'17"W, a distance of 620.08' to an iron pin;
 - Thence S72°12'36"W, a distance of 931.43' to an iron pin;
 - Thence S72°12'36"W, a distance of 65.87' to an iron pin;
 - Thence N00°17'01"E, a distance of 603.63' to an iron pin; said pin being the **POINT OF BEGINNING**.
- Containing 27.165 acres, more or less.

END OF DESCRIPTION.

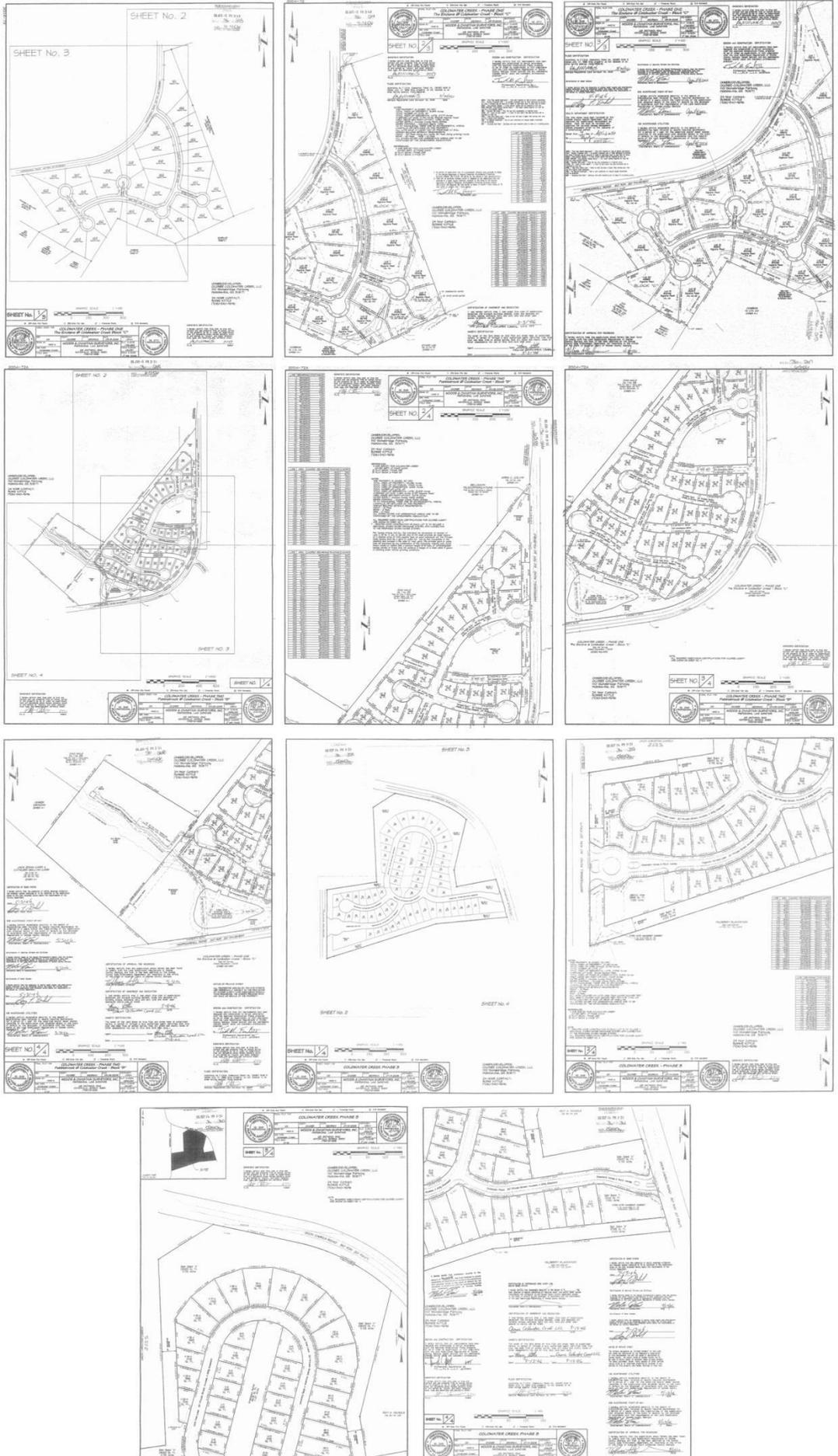


EXHIBIT "A" TO ZONING AMENDMENT #6637

TAX MAP

