

**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 classification AR-3 (Agricultural Residential Three Acre District) to AR-3 (Agricultural Residential Three Acre District) with modifications to rezone no. 3576 pursuant to an application for rezoning of property owned by Tommie L. Dukes submitted on February 21, 2020.

**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. Dukes on February 21, 2020, requesting rezoning of a ±12.14-acre tract of land located south of Apalachee Downs Drive in the 224<sup>th</sup> G.M.D., Oconee County, Georgia, (tax parcel no. A-03C-012), 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 classification AR-3 (Agricultural Residential Three Acre District) to AR-3 (Agricultural Residential Three Acre District) with modifications 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Resolutions or Ordinances and parts or sections of Resolutions or Ordinances in conflict with this Ordinance are hereby repealed.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.

Said Zoning Petition was submitted to the Oconee County Planning Commission and a Public Hearing was duly held by the same on June 15, 2020 and a Public Hearing was held by the Oconee County Board of Commissioners at its regular meeting on July 7, 2020.

ADOPTED AND APPROVED, this 7<sup>th</sup> day of July, 2020.

**OCONEE COUNTY BOARD OF COMMISSIONERS**

BY: John Daniell  
John Daniell, Chairman

Mark Thomas  
Mark Thomas, Member

Chuck Horton (by: Kathy Hayes)  
Chuck Horton, Member

Mark Saxon  
Mark Saxon, Member



ATTEST

Kathy Hayes  
Kathy Hayes  
Clerk, Board of Commissioners

## Kathy Hayes

---

**From:** Chuck Horton  
**Sent:** Monday, July 6, 2020 11:54 AM  
**To:** Kathy Hayes  
**Subject:** Sighting of documents

To whom it might concern. Because of my recent surgery and the inability of going to the courthouse I give permission for the county clerk, Kathy Hayes to sign county documents for me.

Respectfully  
Chuck Horton

Sent from my iPad

**EXHIBIT "A" TO REZONE NO P20-0009**

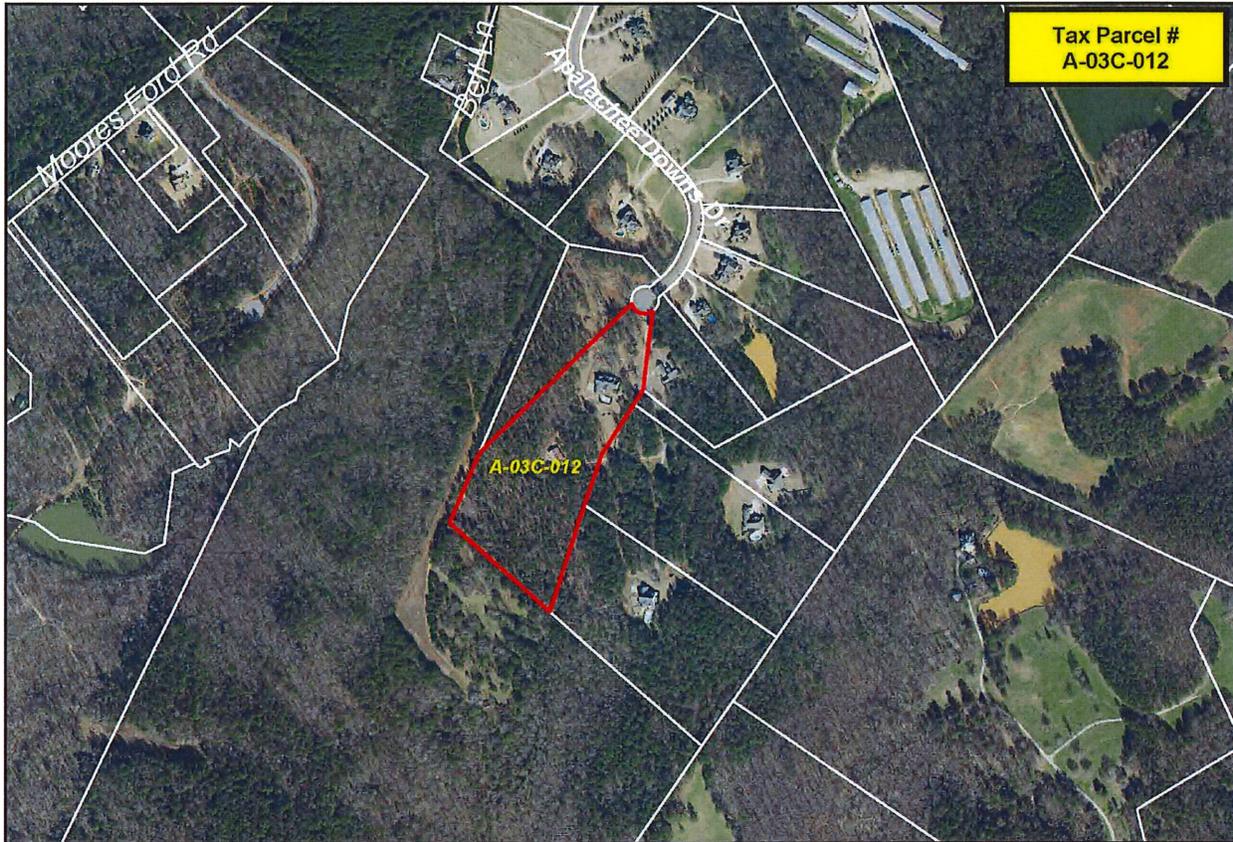
Page 1 of 5

**CONDITIONS**

1. Development design and structures shall meet or exceed the standards indicated on the concept plan, narrative, representative architectural sketches, and other documents submitted with the zoning application and attached hereto. This condition shall not construe approval of any standard that is not in conformity with the Unified Development Code.

**TAX MAP**

**Rezone # P20-0009 - Dukes**



LEGAL DESCRIPTION

Commencing at a point at the right of way of Apalachee Downs Drive; said point being the POINT OF BEGINNING;

Thence S 04°11'08" W, a distance of 342.93' to a point;

Thence S 41°24'02" W, a distance of 280.04' to a point;

Thence S 10°37'26" W, a distance of 133.45' to a point;

Thence S 10°37'26" W, a distance of 175.94' to a point;

Thence S 10°37'26" W, a distance of 526.32' to a point;

Thence N 49°41'40" W, a distance of 659.99' to a point;

Thence N 22°00'00" E, a distance of 429.97' to a point;

Thence N 48°34'03" E, a distance of 851.64' to a point;

Thence along a curve to the right having a radius of 60.00' and a chord length of 69.82' that bears S 77°00'48" W and an arc length of 74.52' to a point; said point being the POINT OF BEGINNING.

# EXHIBIT "A" TO REZONE NO P20-0009

## NARRATIVE

Project Narrative

Tax Parcel No. A 03C 012

Project Narrative

Tax Parcel No. A 03C 012

### APALACHEE DOWNS SUBDIVISION

1271 Apalachee Downs Drive

#### Project Narrative

January 21, 2020  
Revised February 20, 2020

#### GENERAL DATA - SUMMARY

Existing Zoning: AR-3 (Agricultural Residential District)  
Proposed Zoning: AR-3 (Agricultural Residential District)

Adjacent Zoning: North: AR-3 (Agricultural Residential District)  
South: AG (Agricultural District)  
East: AR-3 (Agricultural Residential District)  
West: AG (Agricultural District)

Existing Use: Agricultural Residential  
Proposed Use: Agricultural Residential

Total Project Area: 12.14 Acres

#### SITE

The parcel is located at the end of Apalachee Downs Drive cul-de-sac known as lot 12. The existing site consists of a total of 12.14 acres and is densely covered with hardwood and pine trees.

The terrain consists of an approximate 8% slope starting at a ridge located near the center of the site. From the ridge, the site slopes from the South to the North.

There are no areas on or within the site that would cause environmental concern.

#### ZONING

The current zoning is AR-3 (Agricultural Residential District)  
The proposed zoning is AR-3 (Agricultural Residential District)

#### THE DEVELOPMENT

The owner desires to subdivide the 12.14 acre tract into two tracts of approximately 6 acres per tract. This is allowed by right under the Oconee County Development Code; however, a condition of zoning when Apalachee Downs Subdivision was approved was that there would be a maximum of 17 lots that were proposed at that time. The owner is requesting a change to the zoning conditions to allow an additional lot shown at lot 12A and 12B on the site plan submitted.

#### ACCESS

Access to the subject property will be via a private access easement beginning at the right of way of Apalachee Downs Drive and terminating at Lot 12.

#### TRAFFIC IMPACT

The result of the addition of one large residential tract will be negligible.

#### WATER SUPPLY

Water supply will be served by the Oconee County Public Utilities Department.



www.carterengineering.net  
Page 11

Assisted Living Unit: 65 residents @ 75 gpd = 4,875 gpd  
Memory Care Units: 31 residents @ 75 gpd = 2,325 gpd

2 person senior units  
Independent Living Unit: 20 units @ 260 gpd = 5,200 gpd  
Independent Living Cottage: 32 units @ 260 gpd = 8,320 gpd  
Active Adult Condominium: 86 units @ 260 gpd = 22,360 gpd

Health/Medical Office Bldg:  
Average Daily Flow = 12,000 SF x 5 gpd/100 SF = 600 gpd

Employees/Staff Members  
Opening date: 40 staff @ 50 gpd = 2,000 gpd

TOTAL Sanitary Sewer Capacity Needed for the Project 57,980 gpd

Equivalent Residential Unit (ERU) 57,980 gpd / 260 gpd per ERC = 223 ERU

Note: No actual capacity at the treatment plant will be utilized until the first buildings are fully constructed and occupancy begins. The developer's best case scenario anticipated date for that occupancy is around July 2021.

\*\*\*

#### Surface Water Drainage

Concrete curb & gutter, county approved pipe, sheet flow, and natural drainage corridors will be employed to collect and divert storm-water to existing and/or propose retention areas and water-quality basins. Post development run-off will be maintained at predevelopment rates for 2, 5, 10, 25, and 50 year events. The existing retention pond will be retrofitted and modified (if necessary) to achieve the required capacity and volume based on hydrological analysis to be performed and submitted with site improvement construction plans in full compliance with the GEORGIA STORMWATER MANAGEMENT MANUAL, 2016 EDITION, VOLUME 2: TECHNICAL HANDBOOK (pages 343-358) for compliance with current local, state, and federal requirements. Constructed infiltration areas and rain gardens are also proposed in select areas of the development to further enhance water quality objectives

\*\*\*

#### Access & Traffic

An extension of the OCONEE CONNECTOR will be constructed by the developer as necessary to provide access at 90 degrees from said road to the development. Private access and utility easements will be extended from adjoining roads to serve the project.

The main entrance to CELEBRATION VILLAGE will be a gated entrance providing ingress/egress to the Oconee Connector and destinations beyond. Two other gated entrances on Dowdy Road will function as emergency alternate and service entrances to the development.

Per code 250 (Retirement Community) of the Trip Generation Manual, the weighted trip rates are as follows:

1 person senior units  
\*assume 60 Independent Senior units = 60 units  
\*assume 104 Concierge Senior units = 104 units  
\*assume 65 Assisted Living units = 65 units



www.carterengineering.net  
Page 12

### ZONING IMPACT ANALYSIS STANDARDS FOR REZONING CHANGE OF CONDITIONS CONSIDERATION Apalachee Downs Subdivision

- Whether the zoning proposal will permit a use that is suitable in view of the existing uses, development, and zoning of nearby property:  
*The permitted use is suitable for the area. The existing use and zoning of nearby properties include the following:*  
North: AR-3 (Agricultural Residential District)  
South: AG (Agricultural District)  
East: AR-3 (Agricultural Residential District)  
West: AG (Agricultural District)
- Whether the property to be rezoned has a reasonable economic use as currently zoned: *Property values should not change in any way.*
- The extent to which the zoning proposal promotes the health, safety, morals or general welfare of the public with consideration to: (1) Population density and effect on community facilities such as streets, schools, water and sewer; (2) Environmental impact; (3) Effect on the existing use, usability and/or value of adjoining property: *The extent can be summarized as follows: (1) There will be no effect on community facilities as a result of this zoning condition change (2) There will be no environmental impact. The subject property is within a previously zoned and platted commercial subdivision (3) There will be no effect on adjoining property values.*
- The length of time the property has been vacant as zoned, considered in the context of land development in the vicinity of the property: *The property was originally platted in 2005.*
- Consistency of the proposed use with the stated purpose of the zoning district that is being requested: *It is the opinion of the applicant that the subject use is in conformance with the other parcels within the Apalachee Downs Subdivision.*
- Whether there are other existing or changing conditions or land use patterns affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal: *It is the opinion of the applicant that the subject use is in conformance with the other parcels within the Apalachee Downs Subdivision.*
- Conformity with or divergence from the Future Development Map or the goals and objectives of the Oconee County Comprehensive Plan: *It is the opinion of the property owner that the subject use is entirely within conformity of the future development map and the goals and objectives of the Oconee County Community Agenda.*
- The availability of adequate sites for the proposed use in districts that permit such use: *The subject site fits well within the existing subdivision.*



www.carterengineering.net  
Page 13

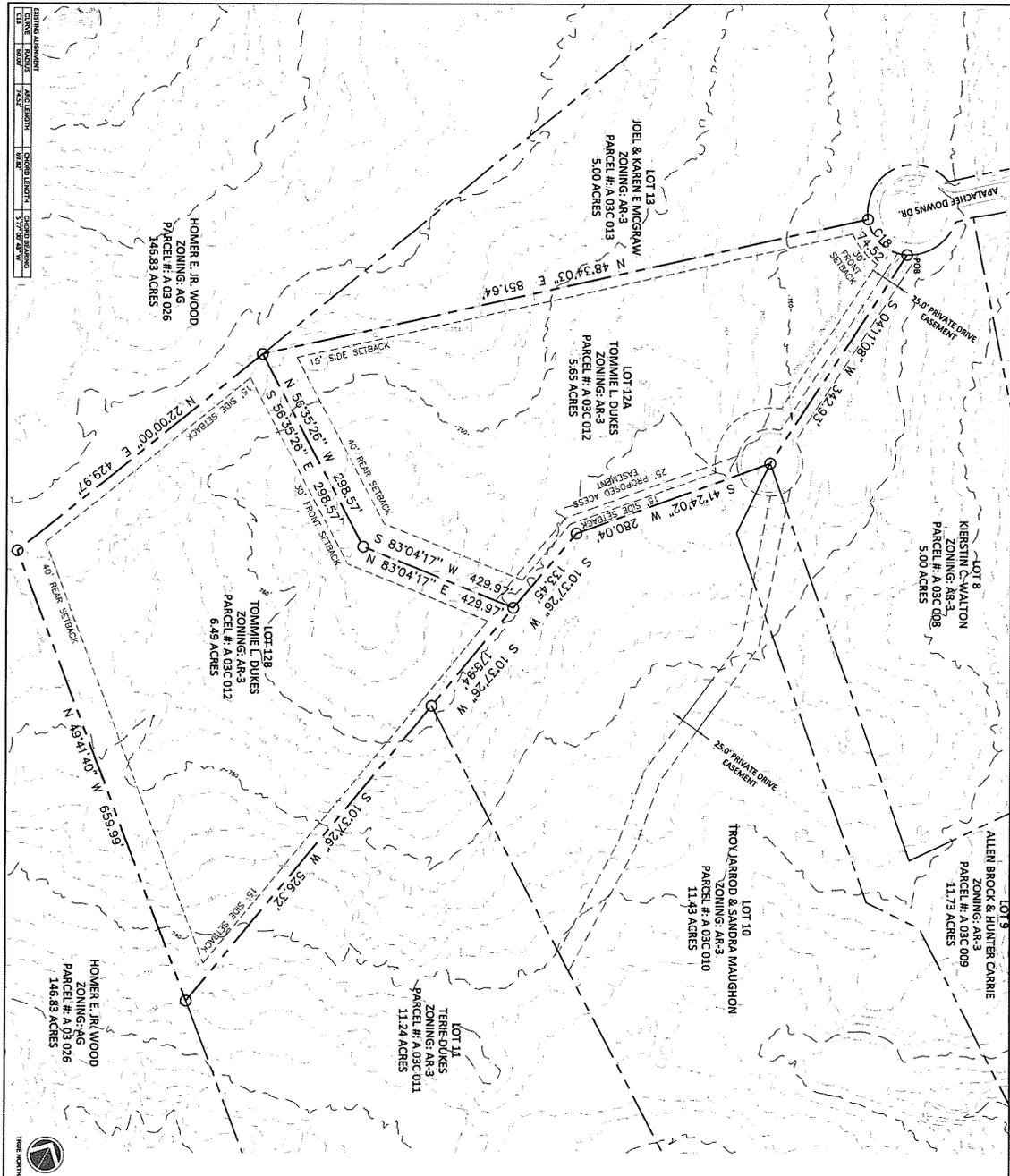




# EXHIBIT "A" TO REZONE NO P20-0009

Page 5 of 5

## CONCEPT PLAN



**PROJECT NOTES:**

1. This plan is a conceptual plan and is not intended to be used for any other purpose.

2. The owner is responsible for obtaining all necessary permits and approvals from the appropriate authorities.

3. The owner is responsible for providing all necessary information and data to the consultant.

4. The consultant is not responsible for any errors or omissions in this plan.

5. The consultant is not responsible for any changes or modifications to this plan.

6. The consultant is not responsible for any legal or financial consequences of this plan.

7. The consultant is not responsible for any environmental or social impacts of this plan.

8. The consultant is not responsible for any cultural or historical resources of this plan.

9. The consultant is not responsible for any archaeological or paleontological resources of this plan.

10. The consultant is not responsible for any utility or infrastructure resources of this plan.

11. The consultant is not responsible for any other resources of this plan.



PROJECT NUMBER: 20001A00	DATE: 01/21/20	PROJECT NAME: REZONE MODIFICATION CONCEPT PLAN for <b>TOMMIE L. DUKES</b> 1271 APALACHEE DOWNS DR., BOGART, OCONEE COUNTY, GA	PROJECT NUMBER: 20001A00	DATE: 01/21/20	PROJECT NAME: REZONE MODIFICATION CONCEPT PLAN for <b>TOMMIE L. DUKES</b> 1271 APALACHEE DOWNS DR., BOGART, OCONEE COUNTY, GA
SHEET NUMBER: 1	MODIFICATION CONCEPT PLAN				
<b>REVISION BLOCK:</b>					
#	DATE	DESCRIPTION	#	DATE	DESCRIPTION
1	01.21.20	PERM SUBMITTAL	2	01.27.20	ADDRESS COUNTY COMMENTS



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

**REZONE CASE #:** P19-0009

**DATE:** February 25, 2020

**STAFF REPORT BY:** Grace Tuschak, Senior Planner

**APPLICANT NAME:** Carrol Dukes

**PROPERTY OWNER:** Tommie Dukes

**LOCATION:** South of Apalachee Downs Drive

**PARCEL SIZE:** ±12.14 acres

**EXISTING ZONING:** AR-3 (Agricultural Residential Three Acre District)

**EXISTING LAND USE:** Single Family Residential

**FUTURE DEVELOPMENT MAP CHARACTER AREA DESIGNATION:** Suburban Neighborhood

**ACTION REQUESTED:** Modification to the approved concept plan of rezone no. 3676

**REQUEST SUMMARY:** The petitioner is requesting a change to the previously approved concept plan in order to subdivide lot 12 of the Apalachee Downs subdivision into two lots: lot 12A (±5.65 acres) and 12B (±6.49 acres).

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

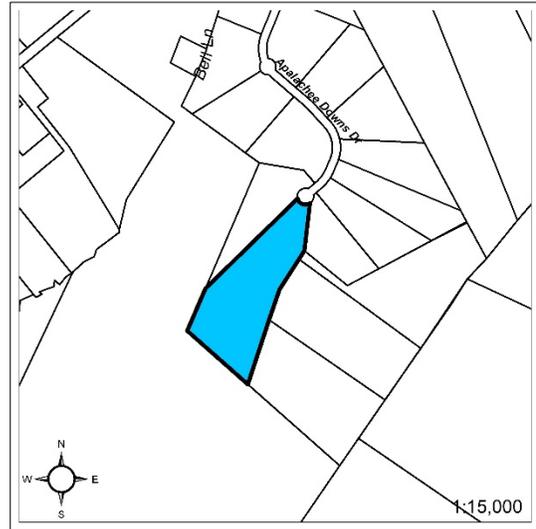
**DATE OF SCHEDULED HEARINGS**

**PLANNING COMMISSION:** June 15, 2020

**BOARD OF COMMISSIONERS:** July 7, 2020

**ATTACHMENTS:**

- Application
- Narrative
- Zoning Impact Analysis
- Aerial Imagery
- Zoning Map
- Future Development Map
- Plat of Survey
- Concept Plan



---

## **BACKGROUND INFORMATION & FINDINGS OF FACT**

### **HISTORY**

- The property was rezoned from A-1 (Agricultural District) to AR-5 (Agricultural Residential Five Acre District – now AR-3) on 01/21/2004 to allow for the development of Apalachee Downs subdivision
- A single family residence was constructed on the property in 2005

### **SURROUNDING LAND USE AND ZONING**

	<b>EXISTING LAND USES</b>	<b>EXISTING ZONING</b>
<b>NORTH</b>	Single-family residential (Apalachee Downs subdivision)	AR-3 (Agricultural Residential Three-Acre)
<b>SOUTH</b>	Vacant/undeveloped	AR-3 (Agricultural Residential Three-Acre)
<b>EAST</b>	Single-family residential (Apalachee Downs subdivision)	AR-3 (Agricultural Residential Three-Acre)
<b>WEST</b>	Vacant/undeveloped	AG (Agricultural)

### **PROPOSED DEVELOPMENT**

- The applicant proposes to subdivide lot 12 of the Apalachee Downs subdivision in two lots: lot 12A (±5.65 acres) and 12B (±6.49 acres) as shown on the associated concept plan.

### **PROPOSED TRAFFIC PROJECTIONS**

- Projected traffic increases are expected to be negligible

### **PUBLIC FACILITIES**

#### **Water:**

- Oconee County water service is proposed to serve the development
- The Water Resources Department indicated in a letter dated 01/21/2020 that potable water is available at the site

#### **Sewer:**

- A private on-site septic system is proposed to serve the additional lot

#### **Roads:**

- Access is proposed with a private access easement off of Apalachee Downs Drive

### **ENVIRONMENTAL**

- No state waters, jurisdictional wetlands, or flood plain are known to exist on the site

## **COMMENTS FROM OTHER DEPARTMENTS & AGENCIES**

### **OCONEE COUNTY PUBLIC WORKS DEPARTMENT**

- No comments

### **OCONEE COUNTY FIRE DEPARTMENT**

- No comments

### **OCONEE COUNTY WATER RESOURCES DEPARTMENT**

- 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. Whether the zoning proposal will permit a use that is suitable in view of the existing uses, development, and zoning of nearby property.**  
Surrounding properties are primarily in single family residential use or undeveloped with AG or AR-3 zoning. Staff holds that the zoning proposal is suitable in view of the existing uses, development, and zoning of nearby property.
- B. Whether the property to be rezoned has a reasonable economic use as currently zoned.**  
The property has a reasonable economic use for single family residential and agricultural purposes as currently zoned.
- C. The extent to which the zoning proposal promotes the health, safety, morals or general welfare of the public with consideration to:**
- i. Population density and effect on community facilities such as streets, schools, water, and sewer;**  
The present request should have negligible impacts on population density and community facilities.
  - ii. Environmental impact;**  
No environmentally sensitive areas are known to exist on the site and no significant negative environmental impacts are anticipated as a result of the present request.
  - iii. Effect on the existing use, usability and/or value of adjoining property.**  
The proposed additional residential lot within an established residential subdivision should not have a significant impact on the existing use, usability, and/or value of adjoining property.
- D. The length of time the property has been vacant as zoned, considered in the context of land development in the vicinity of the property.** The subject property is not currently vacant; this standard is not applicable to the present request.
- E. Consistency of the proposed use with the stated purpose of the zoning district that is being requested.**  
The AR-3 zoning district is intended to “encourage a compatible relationship between agricultural and residential subdivisions in the district” and “to allow low rural residential densities and compatible agricultural activities without encouraging commercial development or multi-family development” (UDC Sec. 205.02). No change in zoning district is currently being requested and staff holds that the proposed use remains consistent with the stated purpose of the existing zoning.
- F. Whether there are other existing or changing conditions or land use patterns affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.**  
The immediate vicinity continues to be used for primarily single family residential and agricultural purposes, lending grounds for approval of the present request.
- G. Conformity with or divergence from the Future Development Map or the goals and objectives of the Oconee County Comprehensive Plan.**  
The Future Development Map designates the subject property a character area of “Rural Places” which is described in the 2018 Comprehensive Plan as “a residential-agricultural community, which benefits from its scenic rural landscape, with much of its identity based on its agrarian past while accommodating limited residential growth” (p. 31). Staff holds that the proposed large lot residential use within an established subdivision is in conformity with the Future Development Map and the goals and objectives of the Comprehensive Plan.
- H. The availability of adequate sites for the proposed use in districts that permit such use.**  
It is likely that other similarly-sized lots exist within the county that would permit construction of a single-family residence.

## **STAFF RECOMMENDATION & CONDITIONAL REQUIREMENTS**

Staff recommends approval of this request subject to the following conditions to be fulfilled at the expense of the owner/developer:

1. Development design and structures shall meet or exceed the standards indicated on the concept plan, narrative, representative architectural sketches, and other documents submitted with the zoning application and attached hereto. This condition shall not construe approval of any standard that is not in conformity with the Unified Development Code.



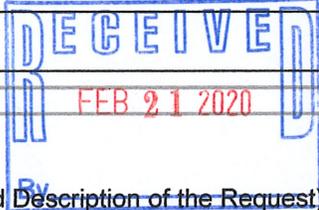
# OCONEE COUNTY ZONING CHANGE APPLICATION

**Requested Action:**

- Rezoning from: \_\_\_\_\_ to \_\_\_\_\_
- Change in Conditions of Approval for Case #: 3576
- Special Use Approval for: \_\_\_\_\_ in the \_\_\_\_\_ Zoning District

<p><b>Applicant</b></p> <p>Name: <u>Carrol Dukes</u></p> <p>Address: <u>1271 Apalachee Downs Drive</u> <u>Bogart, GA 30622</u> <small>(No P.O. Boxes)</small></p> <p>Telephone: <u>770-351-7576</u></p> <p>Email: <u>jcdcenter@bellsouth.net</u></p> <p>Applicant is (check one): <input type="checkbox"/> the Property Owner <input checked="" type="checkbox"/> Not the Property Owner (attach Property Owner's Authorization)</p> <p>Applicant's Certification: I hereby certify that the information contained in and attached to this application is true and correct.</p> <p>Signature: <u>[Signature]</u> Date: <u>2-21-20</u> Notarized: <u>[Signature]</u></p>	<p><b>Property Owner</b></p> <p>Name: <u>Tommie Dukes</u></p> <p>Address: <u>1271 Apalachee Downs Drive</u> <u>Bogart, GA 30622</u> <small>(No P.O. Boxes)</small></p> <p>Telephone: <u>770-351-7576</u></p> <p>Notary Public: <u>Seven Perry</u> Clarke County, GEORGIA My Commission Expires 01/01/2024</p>
---	---

<p><b>Property</b></p> <p>Location: <u>1271 Apalachee Downs Drive</u> <small>(Physical Description)</small></p> <p>Tax Parcel Number: <u>A 03C 012</u></p> <p>Size (Acres): <u>12.14</u> Current Zoning: <u>AR-3</u></p> <p>Future Development Map—Character Area Designation: <u>Rural Places</u></p>	<p><b>Use</b></p> <p>Current Use: <u>Single family residential</u></p> <p>Proposed Use: <u>Single family residential</u></p>
--	--



**Attachments** (check all that apply)

<input checked="" type="checkbox"/> Property Owner's Authorization (if applicable)	<input checked="" type="checkbox"/> Narrative (Detailed Description of the Request)
<input checked="" type="checkbox"/> Application Fee	<input checked="" type="checkbox"/> Concept Plan
<input checked="" type="checkbox"/> Warranty Deed	<input checked="" type="checkbox"/> Attachments to the Concept Plan:
<input checked="" type="checkbox"/> Typed Legal Description	<input checked="" type="checkbox"/> Water and/or Sewer Capacity Letter from OCUD
<input checked="" type="checkbox"/> Plat of Survey	<input checked="" type="checkbox"/> Representative Architecture/Photographs
<input checked="" type="checkbox"/> Disclosures (Interest & Campaign Contributions)	<input checked="" type="checkbox"/> Proof all property taxes paid in full
<input checked="" type="checkbox"/> Zoning Impact Analysis	<input type="checkbox"/> Other Attachments: _____

*For Oconee County Staff Use Only*

<b>Application</b>	Date Received: _____ Date Accepted: _____	<b>APPLICATION NUMBER</b> <span style="border: 1px solid black; padding: 2px 20px;"> </span>
	DRI Transmitted to RDC <input type="checkbox"/> Date: _____ <input type="checkbox"/> N/A	<b>Planning Commission</b> Date: _____
	Date Submitted: _____ <input type="checkbox"/> Findings Complete	<input type="checkbox"/> Approval <input type="checkbox"/> With Conditions <input type="checkbox"/> Denial
	Posted: _____ Ad: _____ Ad: _____	<b>Board of Commissioners</b> Date: _____
	Application Withdrawn <input type="checkbox"/> Date: _____	<input type="checkbox"/> Approved <input type="checkbox"/> With Conditions <input type="checkbox"/> Denied

# APALACHEE DOWNS SUBDIVISION

1271 Apalachee Downs Drive

## Project Narrative

January 21, 2020

Revised February 20, 2020

### GENERAL DATA - SUMMARY

Existing Zoning	AR-3 (Agricultural Residential District)
Proposed Zoning	AR-3 (Agricultural Residential District)
Adjacent Zoning:	North: AR-3 (Agricultural Residential District) South: AG (Agricultural District) East: AR-3 (Agricultural Residential District) West: AG (Agricultural District)
Existing Use:	Agricultural Residential
Proposed Use:	Agricultural Residential
Total Project Area	12.14 Acres

### SITE

The parcel is located at the end of Apalachee Downs Drive cul-de-sac known as lot 12. The existing site consists of a total of 12.14 acres and is densely covered with hardwood and pine trees.

The terrain consists of an approximate 8% slope starting at a ridge located near the center of the site. From the ridge, the site slopes from the South to the North.

There are no areas on or within the site that would cause environmental concern.

### ZONING

The current zoning is AR-3 (Agricultural Residential District)  
The proposed zoning is AR-3 (Agricultural Residential District)

### THE DEVELOPMENT

The owner desires to subdivide the 12.14 acre tract into two tracts of approximately 6 acres per tract. This is allowed by right under the Oconee County Development Code; however, a condition of zoning when Apalachee Downs Subdivision was approved was that there would be a maximum of 17 lot's that were proposed at that time. The owner is requesting a change to the zoning conditions to allow an additional lot shown as lot 12A and 12B on the site plan submitted.

### ACCESS

Access to the subject property will be via a private access easement beginning at the right of way of Apalachee Downs Drive and terminating at Lot 12.

### TRAFFIC IMPACT

The result of the addition of one large residential tract will be negligible

### WATER SUPPLY

Water supply will be served by the Oconee County Public Utilities Department.



**SEWAGE DISPOSAL**

Sewage disposal will be served by an on-site septic system

**GARBAGE COLLECTION**

Garbage collection will be handled by a private contract service.

**UTILITIES**

The proposed subdivision will be served by electricity, public water, on-site septic system, telephone and other communications.

**STORMWATER MANAGEMENT**

There is no stormwater management required for this subdivision

**IMPACT TO SCHOOL SYSTEM**

There will be no adverse effects to the school system.

**BUFFERS**

There are no buffer required for this subdivision.

**PROJECT IDENTITY**

No project sign proposed

**COMMON AREAS**

There are no common areas proposed for this site.

**AMENITIES/RECREATIONAL AREAS**

There are no public recreational areas proposed for this site.

**PUBLIC & SEMI-PUBLIC AREAS**

No additional easements, Rights-of-Way, or other public and/or semi-public areas are proposed.

**OWNERSHIP**

The project is privately owned.

**ESTIMATED VALUE**

The estimated value of the project at completion is approximately \$500,000.



**ZONING IMPACT ANALYSIS**  
**STANDARDS FOR REZONING CHANGE OF CONDITIONS CONSIDERATION**  
**Apalachee Downs Subdivision**

**A. Whether the zoning proposal will permit a use that is suitable in view of the existing uses, development, and zoning of nearby property:**

*The permitted use is suitable for the area. The existing use and zoning of nearby properties include the following:*

North: AR-3 (Agricultural Residential District)  
 South: AG (Agricultural District)  
 East: AR-3 (Agricultural Residential District)  
 West: AG (Agricultural District)

**B. Whether the property to be rezoned has a reasonable economic use as currently zoned: Property values should not change in any way.**

**C. The extent to which the zoning proposal promotes the health, safety, morals or general welfare of the public with consideration to: (1) Population density and effect on community facilities such as streets, schools, water and sewer; (2) Environmental impact; (3) Effect on the existing use, usability and/or value of adjoining property:**

*The extent can be summarized as follows: (1) There will be no effect on community facilities as a result of this zoning condition change (2) There will be no environmental impact. The subject property is within a previously zoned and platted commercial subdivision (3) There will be no effect on adjoining property values.*

**D. The length of time the property has been vacant as zoned, considered in the context of land development in the vicinity of the property: The property was originally platted in 2005.**

**E. Consistency of the proposed use with the stated purpose of the zoning district that is being requested: It is the opinion of the applicant that the subject use is in conformance with the other parcels within the Apalachee Downs Subdivision.**

**F. Whether there are other existing or changing conditions or land use patterns affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal: It is the opinion of the applicant that the subject use is in conformance with the other parcels within the Apalachee Downs Subdivision.**

**G. Conformity with or divergence from the Future Development Map or the goals and objectives of the Oconee County Comprehensive Plan: It is the opinion of the property owner that the subject use is entirely within conformity of the future development map and the goals and objectives of the Oconee County Community Agenda.**

**H. The availability of adequate sites for the proposed use in districts that permit such use: The subject site fits well within the existing subdivision.**





OCONEE COUNTY PROPERTY OWNER AUTHORIZATION
FOR APPLICATIONS

I swear that I am the owner of the property located at (Address or Physical Description):
1271 Apalachee Downs Dr., Bogart, GA. 30622

Tax Parcel #: A03C012

Which is the subject matter of the attached application, as shown in the records of Oconee County, Georgia.

I authorize the person identified below to act as applicant or agent in the pursuit of the requested action or consideration of this property.

Name of applicant or agent: J.C. Dukes

Address (No P.O. boxes): 1271 Apalachee Downs Dr., Bogart, GA 30622

City, State, & Zip Code: Bogart, GA 30622

Telephone Number: 770-351-7576

SIGNATURE OF OWNER OR MANAGING MEMBER: Tommie L Dukes, owner

NAME OF OWNER OR MANAGING MEMBER (PLEASE PRINT): Tommie L Dukes

OFFICER POSITION OR MEMBER TITLE, IF APPLICABLE:

DATE: 1-19-2020

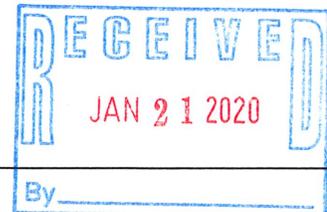
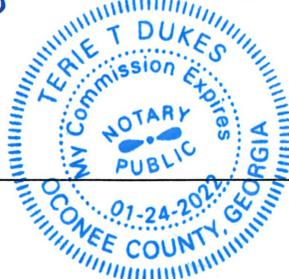
NOTARIZATION:

SWORN TO AND SUBSCRIBED BEFORE THIS 19th DAY OF Jan, 2020

NOTARY SIGNATURE: Terie T Dukes

DATE: Jan. 19 2020

SEAL:



**LEGAL DESCRIPTION**

Commencing at a point at the right of way of Apalachee Downs Drive; said point being the POINT OF BEGINNING;

Thence S 04°11'08" W, a distance of 342.93' to a point;

Thence S 41°24'02" W, a distance of 280.04' to a point;

Thence S 10°37'26" W, a distance of 133.45' to a point;

Thence S 10°37'26" W, a distance of 175.94' to a point;

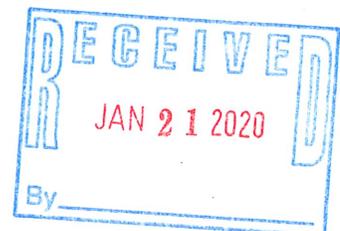
Thence S 10°37'26" W, a distance of 526.32' to a point;

Thence N 49°41'40" W, a distance of 659.99' to a point;

Thence N 22°00'00" E, a distance of 429.97' to a point;

Thence N 48°34'03" E, a distance of 851.64' to a point;

Thence along a curve to the right having a radius of 60.00' and a chord length of 69.82' that bears S 77°00'48" W and an arc length of 74.52' to a point; said point being the POINT OF BEGINNING.



# 2019 Property Tax Statement

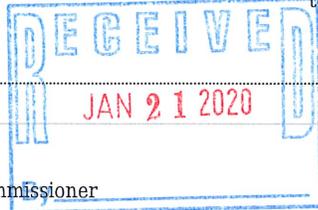
JENNIFER T. RIDDLE  
 Oconee County Tax Commissioner  
 PO BOX 106  
 WATKINSVILLE, GA 30677  
 oconeecountypay.com

**MAKE CHECK/MONEY ORDER PAYABLE TO:**  
 Oconee County Tax Commissioner

DUKES TOMMIE L.  
 1271 APALACHEE DOWNS DRIVE  
 BOGART, GA 30622

**RETURN THIS PORTION WITH PAYMENT**

(Interest will be added per month if not paid by due date)



JENNIFER T. RIDDLE  
 Oconee County Tax Commissioner  
 PO BOX 106  
 WATKINSVILLE, GA 30677  
 oconeecountypay.com

Phone: (706) 769-3917 Fax: (706) 769-3964



**Tax Payer:** DUKES TOMMIE L.  
**Map Code:** A 03C 012 Real  
**Description:** 1077/744 843/566 828/9 784/184 35/177  
**Location:** 1271 APALACHEE DOWNS DR  
**Bill No:** 2019-4812  
**District:** 001

Bill No.	Due Date	Current Due	Prior Payment	Back Taxes	*Total Due*
2019-4812	11/20/2019	\$0.00	\$5107.09	\$0.00	Paid 11/20/2019

Map: A 03C 012

Printed: 01/17/2020

Location: 1271 APALACHEE DOWNS DR

Please note that taxes outstanding as of 11/15 (or applicable due date) will be subject to additional interest and penalties set forth by Georgia law.

If property tax remains unpaid, the Office of the Tax Commissioner has the right and responsibility to levy on the property for nonpayment (additional fees apply). This is considered a last resort tax collection and other collection methods are always preferred.

Please visit our website [oconeecountypay.com](http://oconeecountypay.com) for additional information and to make online payments.

Building Value	Land Value	Acres	Fair Market Value	Due Date	Billing Date	Payment Good through	Exemptions	
511,411.00	166,898.00	11.2200	\$678,309.00	11/20/2019			SC SV SC	
Entity	Adjusted FMV	Net Assessment	Exemptions	Taxable Value	Millage Rate	Gross Tax	Credit	Net Tax
COUNTY M&O	\$678,309.00	\$271,323.00	\$53,806.00	\$217,517.00	10.826000	\$2,354.84	\$0.00	\$2,354.84
INSURANCE PREMIUM ROLL BAC	\$678,309.00	\$271,323.00	\$53,806.00	\$217,517.00	-0.940000	\$0.00	-\$204.47	-\$204.47
SALES TAX ROLLBACK	\$678,309.00	\$271,323.00	\$53,806.00	\$217,517.00	-3.200000	\$0.00	-\$696.05	-\$696.05
SCHOOL M&O	\$678,309.00	\$271,323.00	\$53,806.00	\$217,517.00	16.500000	\$3,589.03	\$0.00	\$3,589.03
STATE TAX	\$678,309.00	\$271,323.00	\$258,912.00	\$12,411.00	0.000000	\$0.00	\$0.00	\$0.00
STREET LIGHT	\$678,309.00	\$0.00	\$0.00	\$0.00	0.000000	\$63.74	\$0.00	\$63.74
<b>TOTALS</b>					<b>23.186000</b>	<b>\$6,007.61</b>	<b>-\$900.52</b>	<b>\$5,107.09</b>

We accept partial payments. Outstanding balances as of the due date will accrue interest monthly and additional penalties. Payments can be made in person, by mail or online at [oconeecountypay.com](http://oconeecountypay.com). We accept cash, check (e-check online-\$1.50), money order, and debit/credit cards. There is a service fee to pay with a card in the office or online. Please remit top portion to your mortgage company if applicable. Status of payment received may be verified online at [oconeecountypay.com](http://oconeecountypay.com). Mortgage companies usually remit payment the first week of November.

Owner occupied residences may qualify for certain homestead exemptions. PERSONS OVER AGE 65 MAY BE ELIGIBLE FOR ADDITIONAL EXEMPTIONS (age 62 eligibility-net income less than \$10,000). The full law relating to each exemption must be referred in order to determine eligibility (details available at [oconeecountypay.com](http://oconeecountypay.com) or 706-769-3917). Applications for homestead exemptions must be received by April 1, 2020. It is not necessary to refile for exemptions each year, unless there is a change in the property deed.

<b>Current Due</b>	\$5,107.09
<b>Discount</b>	\$0.00
<b>Penalty</b>	\$0.00
<b>Interest</b>	\$0.00
<b>Other Fees</b>	\$0.00
<b>Previous Payments</b>	\$5,107.09
<b>Back Taxes</b>	\$0.00
<b>Total Due</b>	<b>\$0.00</b>
<b>Paid Date</b>	11/20/2019



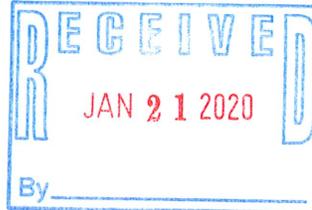
# Oconee County Utility Department

## Board of Commissioners

John Daniell, Chairman  
Mark Thomas, Post 1  
Chuck Horton, Post 2  
W. E. "Bubber" Wilkes, Post 3  
Mark Saxon, Post 4

January 21, 2020

Jessica Hood  
Carter Engineering Consultants, Inc.  
3651 Mars Hill Road, Suite 2000  
Watkinsville, GA 30677



Re: 1271 Apalachee Downs Drive

Dear Jessica,

Based on the email request on January 21, 2020 for a Letter of Availability for the above referenced project we offer the following.

### Water & Wastewater Capacity

*Potable water* is available for domestic and irrigation purposes. We note that an estimate of fire flow is not requested or provided. Our development files may contain nearby tests, if needed.

Regarding *wastewater treatment / sewer collection and transmission capacity*, we advise that a sewer connection at this location is not available.

### Availability

- The availability of water and/or sewer at the rezone phase *does not guarantee connection*.
- Unforeseen drought conditions or wastewater treatment capacity limitations may affect or delay the issuance of permits or connections to the water and sewer systems.
- Availability is also subject to obtaining a satisfactory technical review of the applicable water and/or sewer extension application package during the construction plan review.

This Water and Sewer Availability Letter expires 1 year from the date of issuance.

### Costs and Fees

All costs associated with this project for connecting to the existing water distribution system or sewer collection system is the responsibility of the Developer / Owner. Costs may include the following:

- Additional fire hydrants as requested by Fire Department
- Relocation of buried infrastructure to avoid road widening (ingress / egress lanes)
- Offsite gravity sewer extensions

1291 GREENSBORO HIGHWAY ♦ PO BOX 88 ♦ WATKINSVILLE, GEORGIA 30677  
PHONE: 706.769.3960 ♦ FAX: 706.769.3997

[www.oconeecounty.com](http://www.oconeecounty.com)

- Private screening facilities to prevent future sewer blockage
- Upgrades of transmission facilities such as pumping stations
- Contributions to operation and maintenance costs such as odor control facilities,
- Other improvements as identified in the current Water and Sewer Improvement Plan.

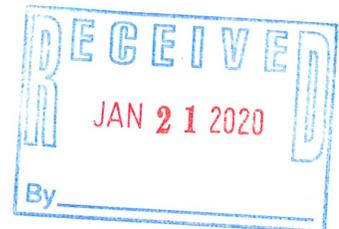
Payment of fees associated with a new connection must be received in compliance with the Water and Wastewater Systems Ordinance, as revised.

Please give us a call if further discussion or clarification is needed.

Sincerely,



Tim Durham  
Director



**DISCLOSURE OF INTEREST  
APPLICATION FOR REZONING  
OCONEE COUNTY, GEORGIA**

To the best of my knowledge, no local government official, including members of the Planning Commission and members of the Board of Commissioners, has a property interest in any real property affected by a rezoning action or has a financial interest in any business entity which has a property interest, or has a member of his/her family having such interest.

  
\_\_\_\_\_  
Signature of Applicant

2-21-20  
Date

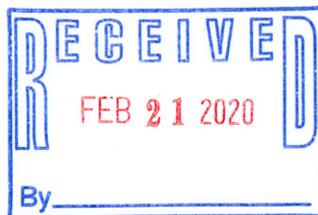
  
\_\_\_\_\_  
Signature of Property Owner

2-21-20  
Date

  
\_\_\_\_\_  
Signature of Notary Public

Seven Perry  
NOTARY PUBLIC  
Clarke County, GEORGIA  
My Commission Expires 01/01/2024

2/21/20  
Date



OCONEE COUNTY, GEORGIA

Disclosure of Campaign Contributions & Gifts

The undersigned below, making application for a zoning action, has complied with Oconee County Unified Development Code Section 1206.03.b, disclosure of campaign contributions and has submitted or attached the required information on this form.

Have you as applicant or agent for applicant within the two (2) years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to an elected official of Oconee County?

[ ] YES  NO

If YES, the name of the official with position, dollar amount of contribution and date of contribution shall be attached to this document.

I do hereby certify the information provided herein is both complete and accurate to the best of my knowledge.

J.C. Dukes  
Signature of Applicant

J.C. Dukes, Applicant  
Typed Name & Title

Tommie L. Dukes  
Signature of Property Owner

Tommie L. Dukes, Owner  
Typed Name & Title

Terie T. Dukes  
Signature of Notary Public

Jan 19 2020  
Date

(Seal)



DOCH# 005741  
FILED IN OFFICE  
12/09/2010 08:57 AM  
BK:1077 PG:744-744  
ANGELA WATSON  
CLERK OF SUPERIOR  
COURT  
OCONEE COUNTY

**QUIT CLAIM DEED**

**STATE OF GEORGIA  
COUNTY OF OCONEE**

THIS INDENTURE, made the 15th day of April, in the year 2010, before me,

REAL ESTATE TRANSFER TAX  
PAID: \$0.00  
PC-61 108-2010-1287

**James C. Dukes, Sr.**

of the County of Oconee, and the State of Georgia, as party or parties of the first,  
hereinafter called Grantor, and

**Tommie L. Dukes**

of the County of Oconee, and the State of Georgia, as party or parties of the second part,  
hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective  
heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of Ten Dollars  
(\$10.00) and other valuable consideration, cash in hand paid at and before the sealing and  
delivery of these presents, the receipt whereof is hereby acknowledged, by these presents  
does hereby remise, convey and forever QUIT CLAIM unto said Grantee.

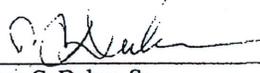
**All that tract or parcel of land lying and being in GMD 224, Oconee County,  
Georgia, being Lot 12, Apalachee Downs Subdivision, as per plat thereof recorded  
in Plat Book 35, page 177, Oconee County, Georgia Records, which recorded plat is  
incorporated herein by reference and made a part of this description.**

TO HAVE AND TO HOLD the said described premises to Grantee, so that neither  
Grantor nor any person or persons claiming under Grantor shall at any time, by any  
means or ways, have, claim or demand any right to title to said premises or  
appurtenances, or any rights thereof.

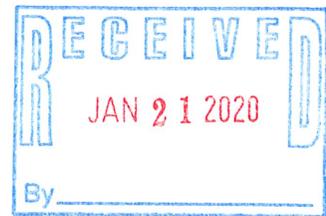
IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year  
first above written.

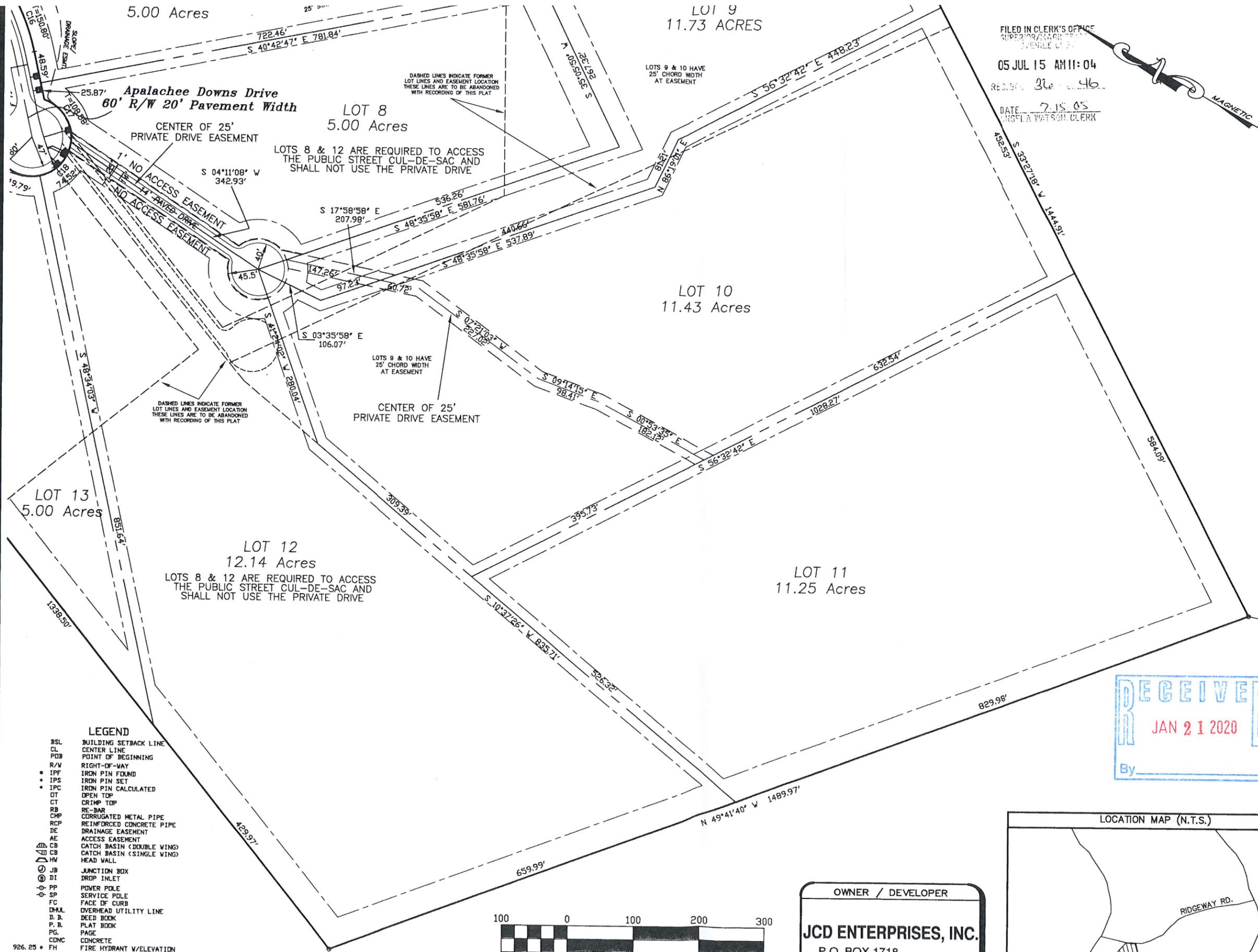
Signed, sealed and delivered in  
the presence of:

  
Unofficial Witness

 (SEAL)  
James C. Dukes, Sr.

  
Notary Public  
My Commission Expires \_\_\_\_\_





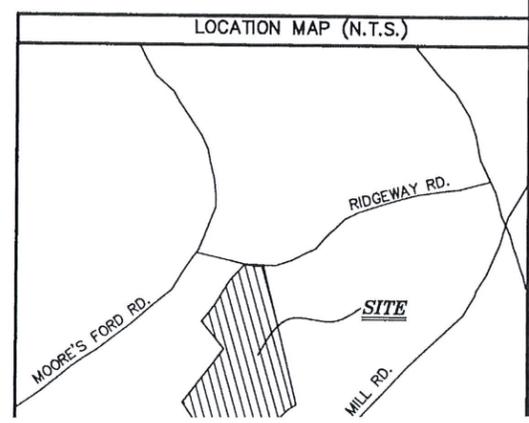
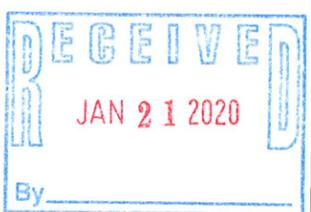
FILED IN CLERK'S OFFICE  
SUPERIOR COURT  
JUN 15 2005  
05 JUL 15 AM 11:04  
RECORDED BY: 36-1-46  
DATE: 7-15-05  
MAGNETIC

REVISED MAY 23, 2005

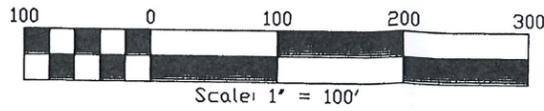
SURVED:	DJA
FLOTTED BY:	EEA
DRAWN BY:	CKB
APPROVED BY:	FBK
DATE:	9/10/04
SCALE:	T = 1" = 100'
FRADATA:	15824FF15824FF.dwg

FINAL PLAT  
**APALACHEE DOWNS**

TAX PARCELS A-03-017J & A-03-027  
OCONEE COUNTY, GEORGIA



- LEGEND**
- BSL BUILDING SETBACK LINE
  - CL CENTER LINE
  - PDB POINT OF BEGINNING
  - R/W RIGHT-OF-WAY
  - IPF IRON PIN FOUND
  - IPS IRON PIN SET
  - IPC IRON PIN CALCULATED
  - OT OPEN TOP
  - CT CRIMP TOP
  - RE-BAR RE-BAR
  - CHP CORRUGATED METAL PIPE
  - RCP REINFORCED CONCRETE PIPE
  - DE DRAINAGE EASEMENT
  - AE ACCESS EASEMENT
  - CB CATCH BASIN (DOUBLE WING)
  - CB CATCH BASIN (SINGLE WING)
  - HV HEAD WALL
  - JB JUNCTION BOX
  - DI DROP INLET
  - PP POWER POLE
  - SP SERVICE POLE
  - FC FACE OF CURB
  - DHUL OVERHEAD UTILITY LINE
  - D.B. DEED BOOK
  - P.B. PLAT BOOK
  - PG. PAGE
  - CONC CONCRETE
  - 926.25 • FH FIRE HYDRANT W/ELEVATION
  - ELEVATION TAKEN AT CITY/STATE BOLT UNLESS OTHERWISE NOTED
  - WL WATER LINE (SIZE & TYPE)
  - WH WATER SERVICE LONG SIDE (SINGLE)
  - WH WATER SERVICE LONG SIDE (DOUBLE)
  - GV WATER LINE VALVE
  - SAN SEWER LINE W/LATERALS

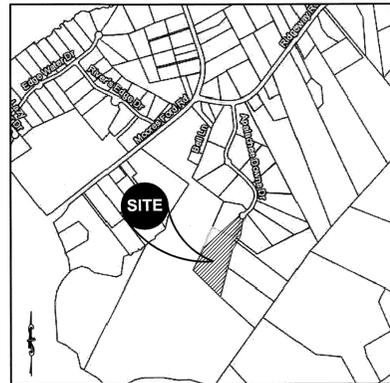
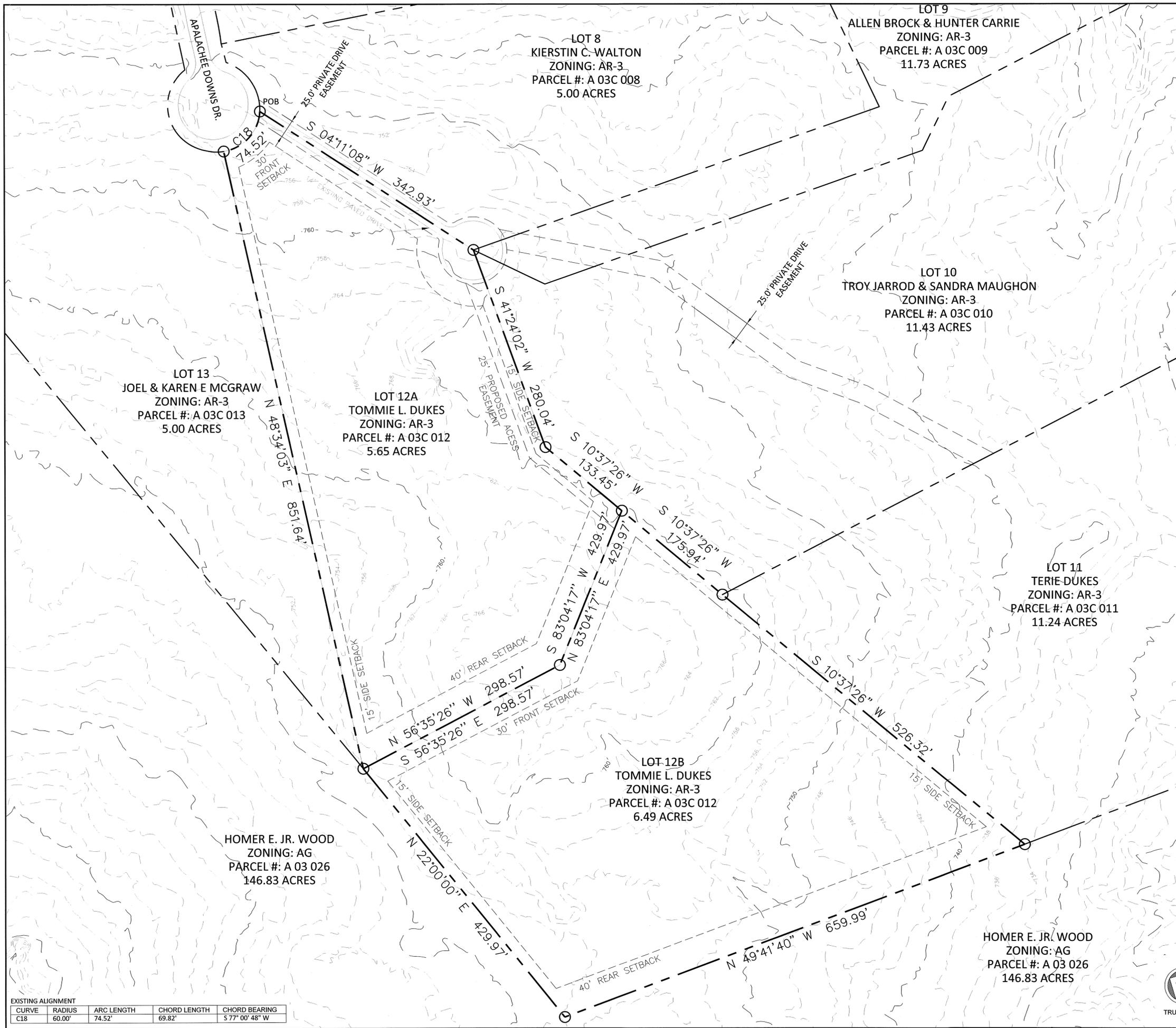


\*NOTE: ALL IMPROVEMENTS SHOWN ARE PROPOSED PER CONSTRUCTION PLANS FOR APALACHEE DOWNS SUBDIVISION DATED JUNE 2, 2004, PREPARED BY BEALL, GONNSEN AND COMPANY.

OWNER / DEVELOPER  
**JCD ENTERPRISES, INC.**  
P.O. BOX 1718  
Loganville, Georgia 30052  
Contact: JIM DUKES  
Phone: 770-554-5774  
Fax: 770-554-5775  
**24 HOUR - EMERGENCY CONTACT**



**DILLS ~ JONES & ASSOCIATES, INC**  
CIVIL ENGINEERS ~ LAND SURVEYORS  
P.O. BOX 1618  
LOGANVILLE, GEORGIA 30052-1618  
PHONE: (770) 466-9975 FAX: (770) 466-9188



LOCATION MAP  
SCALE: N.T.S.

**PROJECT NOTES:**

**OWNER:** Tommie L. Dukes, 1271 Apalachee Downs Drive, Bogart, GA 30622, Contact: Carrol Dukes, Tel. (770) 351-7576

**APPLICANT:** Carrol Dukes, 1271 Apalachee Downs Drive, Bogart, GA 30622, Contact: Carrol Dukes, Tel. (770) 351-7576

**ENGINEER:** Carter Engineering Consultants, Inc., 3651 Mars Hill Road, Suite 2000, Watkinsville, GA 30677, Contact: Jeff Carter, P.E., Tel. (770) 725-1200, jeff@carterengineering.net

Property located on 1271 Apalachee Downs Drive, Bogart, Oconee County, GA

Parcel No.: A 03C 012 (1 Additional Lot Proposed)  
Current Zoning: AR-3 (Agricultural-Residential District)  
Proposed Zoning: AR-3 (Agricultural-Residential District)  
Setbacks: Front: 30-feet, Rear: 40-feet, Side: 15-feet  
Proposed use: Single Family Residential Home

Minimum Buildable Area: 24,892-feet  
Maximum Building Height: 40-feet

Project Tract: 12.14 acres

Boundary, Site Survey and Contour Information obtained from final plat by Ralph B. Key, at Dills - Jones & Associates, INC. dated 9/10/2004 Phone: (770) 466-9975.

Contour Information obtained from Oconee County GIS. Contour interval is 2 feet.

The subject property as shown hereon lies within an "X" flood plain according to FEMA and Flood Insurance Rate Map #13219C0105D dated September 2, 2009.

The underground utilities shown hereon have been located from field information and existing drawings. The surveyor nor engineer warrants that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor nor engineer warrants that the underground utilities shown are in the exact location indicated. The surveyor nor engineer has physically located all the underground utilities.

It is the responsibility of the contractor to field locate all utilities prior to commencing work and notify engineer if a discrepancy is found.

The contractor shall verify the invert elevations of all existing storm and sanitary sewer structures prior to commencement of storm and sanitary sewer construction.

Stormwater Management shall be in accordance with county, state, and other appropriate ordinances and regulations in effect at time of construction plan approval.

Water will be supplied by Oconee County.

Sewer will be provided by on-site septic system.

**UNDERGROUND UTILITIES DISCLAIMER**

Information regarding the reputed presence, size, character and location of existing underground utilities and structures related to underground utilities is shown hereon. There is no certainty of the accuracy of this information and it shall be considered in that light by those using this drawing. The location and arrangement of underground utilities and structures related to underground utilities shown hereon may be inaccurate and utilities and structures related to underground utilities not shown may be encountered. The owner, his employees, his consultants and his contractors shall hereby distinctly understand that the surveyor is not responsible for the correctness or sufficiency of this information regarding the underground utilities and structures related to underground utilities shown hereon.

REVISION BLOCK	#	DATE	DESCRIPTION
	1	02.21.20	INITIAL SUBMITTAL
	2	02.21.20	ADDRESS COUNTY COMMENTS



Carter Engineering Consultants, Inc.  
3651 Mars Hill Road, Suite 2000  
Watkinsville, GA 30677  
P: 770.725.1200  
F: 770.725.1204  
www.carterengineering.net

REZONE MODIFICATION CONCEPT PLAN  
for  
**TOMMIE L. DUKES**  
1271 APALACHEE DOWNS DR., BOGART, OCONEE COUNTY, GA

PROJECT NAME:  
**APALACHEE DOWNS DR.**

SHEET TITLE:  
**REZONE MODIFICATION CONCEPT PLAN**

SHEET NUMBER:  
**1**

PROJECT NUMBER:  
**20001ADD**

DATE:  
**01/21/20**

EXISTING ALIGNMENT	CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
	C18	60.00'	74.52'	69.82'	S 77° 00' 48" W

