

**MAYOR**

Richard E. Roquemore

**CITY ADMINISTRATOR**

Michael E. Parks

**CITY COUNCIL**

Robert L. Vogel III

Taylor J. Sisk

Jamie L. Bradley

Joshua Rowan

**CITY OF AUBURN  
MAYOR and CITY COUNCIL  
Work Session  
September 26, 2024  
6:00 PM  
Council Chambers  
1 Auburn Way  
Auburn, GA 30011**

1. Council Reports and Announcements

**PUBLIC HEARING**

2. Blue River Development, LLC Waiver Case #WAI-24001- Sarah McQuade

**WORKSHOP**

3. Auburn Map Revision – Sarah McQuade
4. Rezoning– Lyle Rd. – Discussion Only (P&Z Update) – Sarah McQuade
5. PUD Zoning Text Amendment- Lyle Rd. – Discussion Only (P&Z Update) – Sarah McQuade
6. Stormwater Fee Adjustment – Michael Parks
7. Withers Building Discussion – Michael Parks
8. Municipal Building Closeout – Michael Parks
9. Watershed Protection Area – Michael Parks
10. USGS/City of Auburn Partnership – Michael Parks

**VOTING ITEMS**

11. DDA & Planning Appointees – Michael Parks
12. Citizen Comments on Agenda Items

**ADJOURNMENT**

**Agenda subject to change prior to meeting**



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Joshua Rowan

**AGENDA ITEM: \_2\_**

**TO:** Mayor and Council

**FROM:** Sarah McQuade  
City Planner

**DATE:** September 26, 2024

**PURPOSE:** Intersection angles at Harmony Farms ("o" 6th Street, parcel # AU11 152)

**BACKGROUND:** The applicant is proposing to vary from typical intersection angles pursuant to Title 16 - Development Regulations of the City of Auburn.

**STAFF RECOMMENDATION:** Denial.

**FUNDING:** N/A



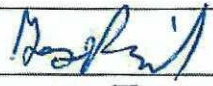
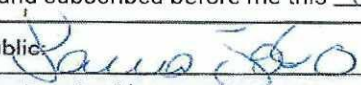
**VARIANCE, WAIVER, OR SPECIAL EXCEPTION APPLICATION CHECKLIST**

(Incomplete applications will not be accepted)

- ☒ Pre-Application Meeting
- ☒ Completed Application and fee of \$450.00. Make checks payable to City of Auburn.
- ☒ Survey Plat of the subject property in accordance with the attached site plan checklist.
- ☒ Signed and notarized affidavits of all property owners. Use additional sheets as needed.
- ☒ Signed Campaign Contributions Disclosure Statement.
- ☒ Written legal description which includes a narrative of the metes and bounds of the property.
- ☒ Relevant site photos.
- ☒ Letter of Intent. Please describe your situation and why you are requesting a variance, waiver, or special exception.



### WAIVER APPLICATION

Type of Request:	<input type="checkbox"/> Zoning/Special Exception	<input type="checkbox"/> Administrative	<input type="checkbox"/> Sign	<input checked="" type="checkbox"/> Dev Regs.	<input type="checkbox"/> Other
Applicable Zoning/Sign Code Section:					
Nature of Request:	Required	Proposed	Minimum Setback Requirements	Proposed Setback Requirements	
Setback					
Sign					
# Parking Spaces					
Other					
Name of Project/Subdivision: <b>Harmony Farms</b>			Present Zoning: <b>AG and CCD</b>		
Property Address/Location: <b>6th Street</b>			Tax Parcel ID: <b>AU11 152</b>		
Briefly describe variance request:  <b>Allowance for Street, Right-of-Way, Shoulder, and Clear Zones design as shown in the preliminary plans (See attached Exhibits) Code 16.40.050 &amp; 16.28.020</b>					
Owner Name: <b>Blue River Development, LLC</b>					
Address: <b>3810 Windermere Pkwy, Suite 504</b>					
Phone: <b>1-800-424-8802</b>			Email: <b>GReid@blueriverdevelopment.com</b>		
Applicant Name (if different from above): <b>Blue River Development, LLC c/o LJA Engineering, Inc.</b>					
Address: <b>299 South Main Street, Alpharetta, Georgia 30009</b>					
Phone: <b>770-855-2430</b>			Email: <b>cdurnwald@lja.com</b>		
<i>To the best of my knowledge, this variance application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Auburn Zoning Ordinance. I understand that failure to supply all required information (per the relevant Applicant Checklists and Requirements of the Auburn Zoning Ordinance) will result in the rejection of this application. I have read the provisions of the Georgia Code Section 36-67A-3 as required regarding Campaign Disclosures. My Signed Campaign Disclosure Statement is included.</i>					
Owner/Applicant Signature: 			Date: <b>8/5/24</b>		
Sworn to and subscribed before me this <u>5</u> day of <u>August</u> , 20 <u>24</u> .					
Notary Public: 			Date: <b>8/5/24</b>		
Application Received by:			Case Number:		
Application Fee: <input type="checkbox"/> \$450					
ZBOA Public Hearing Date:					







**CERTIFICATIONS**

*In the event an owner's agent or contract purchaser is filing this application, both the owner's and agent's certifications must be completed. If the owner is filing the application, only the owner's certification must be completed.*

**OWNER'S CERTIFICATION**

The undersigned below, hereby declares that they are the owner(s) of the property, located at

AV 11 152

as shown in the records of Barrow or Gwinnett County, GA.

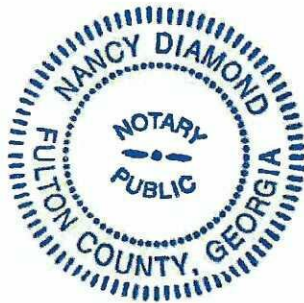
[Signature]  
Signature

8.1.2024  
Date

Appeared before me personally this 1st day of August, 2024.

Nancy Diamond  
Signature of Notary Public

8-1-24  
Date





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**AGENT'S CERTIFICATION**

The undersigned below, or as attached, is hereby authorized to make this application by the property owner for the property listed below and located at

AV11 152

as shown in the records of Barrow or Gwinnett County, GA.

[Signature]  
Signature

8/1/24  
Date

Appeared before me personally this 1 day of August, 20 24.

[Signature]  
Signature of Notary Public

8-1-24  
Date





### CONFLICT OF INTEREST DISCLOSURE

The undersigned below, making application for Rezoning, Special Exception, Special Use Permit, Variance, etc., has complied with the Official Code of Georgia Section 36-67A-1, et. sec., Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

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

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Appeared before me personally this

Appeared before me personally this

\_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

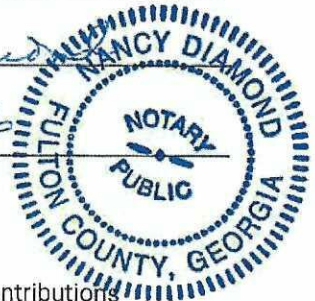
15<sup>th</sup> day of August, 2024

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

My Commission Expires: 2-7-26



### DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made contributions aggregating \$250.00 or more to a member of the City Council, Planning Commission, Zoning Board of Appeals, or any other government officials who may consider this application?

(Check one)

YES ☐

NO ☒

Your Name: \_\_\_\_\_

DAVID J. SCHMIT

Name and position of government official(s):  
\_\_\_\_\_  
\_\_\_\_\_

Date and amount (which aggregated \$250 or more) of the contribution(s):  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
Signature of Applicant's Attorney/Representative

Date: \_\_\_\_\_

8-1-2024

Date: \_\_\_\_\_





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[Signature]  
Signature of Applicant

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

8/1/24  
Date

\_\_\_\_\_  
Date

Appeared before me personally this

Appeared before me personally this

1 day of August, 20 24.

\_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

[Signature]  
Notary Public

\_\_\_\_\_  
Notary Public

My Commission Expires: 9-17-25

My Commission Expires: \_\_\_\_\_

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Have you, within the two years immediately preceding the filing of this application, made contributions aggregating \$250.00 or more to a member of the City Council, Planning Commission, Zoning Board of Appeals, or any other government officials who may consider this application?

YES

NO

Your Name: Gregory Reid

Name and position of government official(s):  
\_\_\_\_\_  
\_\_\_\_\_

Date and amount (which aggregated \$250 or more) of the contribution(s):  
\_\_\_\_\_  
\_\_\_\_\_

[Signature]  
Signature of Applicant

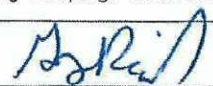
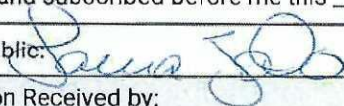
[Signature]  
Signature of Applicant's Attorney/Representative

8/1/24  
Date

8/1/24  
Date



## WAIVER APPLICATION

Type of Request:	<input type="checkbox"/> Zoning/Special Exception	<input type="checkbox"/> Administrative	<input type="checkbox"/> Sign	<input checked="" type="checkbox"/> Dev Regs.	<input type="checkbox"/> Other
Applicable Zoning/Sign Code Section:					
Nature of Request:	Required	Proposed	Minimum Setback Requirements	Proposed Setback Requirements	
Setback					
Sign					
# Parking Spaces					
Other					
Name of Project/Subdivision: <b>Harmony Farms</b>			Present Zoning: <b>AG and CCD</b>		
Property Address/Location: <b>6th Street</b>			Tax Parcel ID: <b>AU11 152</b>		
Briefly describe variance request:  <b>Horizontal Curve reduction from 120' to 100' - Provided the posted speed limit will be 20mph to encourage pedestrian walkability (See attached Exhibits) Code 16.40.050.C</b>					
Owner Name: <b>Blue River Development, LLC</b>					
Address: <b>3810 Windermere Pkwy, Suite 504</b>					
Phone: <b>1-800-424-8802</b>			Email: <b>GReid@blueriverdevelopment.com</b>		
Applicant Name (if different from above): <b>Blue River Development, LLC c/o LJA Engineering, Inc.</b>					
Address: <b>299 South Main Street, Alpharetta, Georgia 30009</b>					
Phone: <b>770-855-2430</b>			Email: <b>cdurnwald@lja.com</b>		
<i>To the best of my knowledge, this variance application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Auburn Zoning Ordinance. I understand that failure to supply all required information (per the relevant Applicant Checklists and Requirements of the Auburn Zoning Ordinance) will result in the rejection of this application. I have read the provisions of the Georgia Code Section 36-67A-3 as required regarding Campaign Disclosures. My Signed Campaign Disclosure Statement is included.</i>					
Owner/Applicant Signature: 			Date: <b>8/5/24</b>		
Sworn to and subscribed before me this <u><b>5</b></u> day of <u><b>August</b></u> , 20 <u><b>24</b></u> .					
Notary Public: 			Date: <b>8/5/24</b>		
Application Received by:			Case Number:		
Application Fee: <input type="checkbox"/> \$450					
ZBOA Public Hearing Date:					







**CERTIFICATIONS**

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**OWNER'S CERTIFICATION**

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AV 11 152

as shown in the records of Barrow or Gwinnett County, GA.

[Signature]  
Signature

8.1.2024  
Date

Appeared before me personally this 1st day of August, 2024.

Nancy Diamond  
Signature of Notary Public

8-1-24  
Date





### CERTIFICATIONS

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### AGENT'S CERTIFICATION

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Avi 152

as shown in the records of Barrow or Gwinnett County, GA.

[Signature]  
Signature

8/1/24  
Date

Appeared before me personally this 1 day of August, 20 24

[Signature]  
Signature of Notary Public

8-1-24  
Date





**CONFLICT OF INTEREST DISCLOSURE**

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

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Appeared before me personally this

Appeared before me personally this

\_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

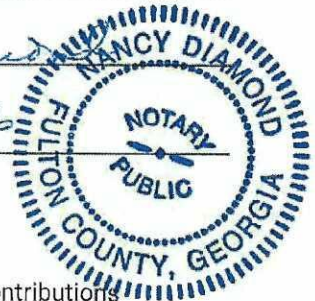
15<sup>th</sup> day of August, 2024

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

My Commission Expires: 2-7-26



**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

Have you, within the two years immediately preceding the filing of this application, made contributions aggregating \$250.00 or more to a member of the City Council, Planning Commission, Zoning Board of Appeals, or any other government officials who may consider this application?

(Check one)

YES ☐

NO ☒

Your Name: DAVID J. SCHMIT

Name and position of government official(s):  
\_\_\_\_\_  
\_\_\_\_\_

Date and amount (which aggregated \$250 or more) of the contribution(s):  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
Signature of Applicant's Attorney/Representative

Date: 8-1-2024

Date: \_\_\_\_\_





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As Reid  
Signature of Applicant

Signature of Owner

8/1/24  
Date

Date

Appeared before me personally this

Appeared before me personally this

1 day of August, 20 24

\_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

Laura Zorko  
Notary Public

Notary Public

My Commission Expires: 9-17-25

My Commission Expires: \_\_\_\_\_

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YES

NO

Your Name: Geoffrey Reid

Name and position of government official(s):  
\_\_\_\_\_  
\_\_\_\_\_

Date and amount (which aggregated \$250 or more) of the contribution(s):  
\_\_\_\_\_  
\_\_\_\_\_

As Reid  
Signature of Applicant

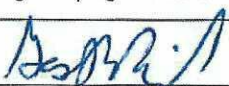
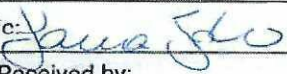
[Signature]  
Signature of Applicant's Attorney/Representative

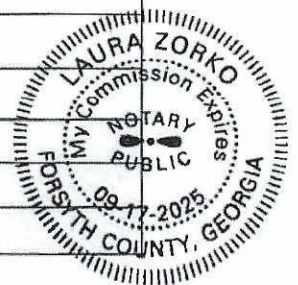
8/1/24  
Date:

8/1/24  
Date:



### WAIVER APPLICATION

Type of Request:	<input type="checkbox"/> Zoning/Special Exception	<input type="checkbox"/> Administrative	<input type="checkbox"/> Sign	<input checked="" type="checkbox"/> Dev Regs.	<input type="checkbox"/> Other
Applicable Zoning/Sign Code Section:					
Nature of Request:	Required	Proposed	Minimum Setback Requirements	Proposed Setback Requirements	
Setback					
Sign					
# Parking Spaces					
Other					
Name of Project/Subdivision: <b>Harmony Farms</b>			Present Zoning: <b>AG and CCD</b>		
Property Address/Location: <b>6th Street</b>			Tax Parcel ID: <b>AU11 152</b>		
Briefly describe variance request:  <b>Reduction of minimum intersection angle from 85 degrees to 70 degrees (See attached Exhibits) Code 16.40.060.A</b>					
Owner Name: <b>Blue River Development, LLC</b>					
Address: <b>3810 Windermere Pkwy, Suite 504</b>					
Phone: <b>1-800-424-8802</b>			Email: <b>GReid@blueriverdevelopment.com</b>		
Applicant Name (if different from above): <b>Blue River Development, LLC c/o LJA Engineering, Inc.</b>					
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Application Fee: <input type="checkbox"/> \$450					
ZBOA Public Hearing Date:					







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[Signature]  
Signature

8.1.2024  
Date

Appeared before me personally this 1st day of August, 2024.

Nancy Diamond  
Signature of Notary Public

8-1-24  
Date





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[Signature]  
Signature

8/1/24  
Date

Appeared before me personally this 1 day of August, 20 24.

[Signature]  
Signature of Notary Public

8-1-24  
Date





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

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Appeared before me personally this

Appeared before me personally this

\_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

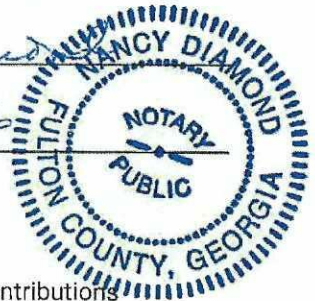
15<sup>th</sup> day of August, 2024.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



### DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made contributions aggregating \$250.00 or more to a member of the City Council, Planning Commission, Zoning Board of Appeals, or any other government officials who may consider this application?

(Check one)

YES ☐

NO ☒

Your Name: \_\_\_\_\_

DAVID J. SCHMIT

Name and position of government official(s):  
\_\_\_\_\_  
\_\_\_\_\_

Date and amount (which aggregated \$250 or more) of the contribution(s):  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
Signature of Applicant's Attorney/Representative

Date: \_\_\_\_\_

8-1-2024

Date: \_\_\_\_\_





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My Reid  
Signature of Applicant

Signature of Owner

8/1/24  
Date

Date

Appeared before me personally this

Appeared before me personally this

1 day of August, 20 24.

\_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Paula J. Go  
Notary Public

Notary Public

My Commission Expires: 9-17-25

My Commission Expires: \_\_\_\_\_

### DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

However, within the two years immediately preceding the filing of this application, made contributions aggregating \$250.00 or more to a member of the City Council, Planning Commission, Zoning Board of Appeals, or any other government officials who may consider this application?

YES

NO

Your Name: Geoffrey Reid

Name and position of government official(s):  
\_\_\_\_\_  
\_\_\_\_\_

Date and amount (which aggregated \$250 or more) of the contribution(s):  
\_\_\_\_\_  
\_\_\_\_\_

My Reid  
Signature of Applicant

[Signature]  
Signature of Applicant's Attorney/Representative

8/1/24  
Date:

8/1/24  
Date:

Applicant's Letter of Intent  
Blue River Development, LLC  
Intersection Angle Reduction/Increase

The Applicant, Blue River Development, LLC., requests a waiver regarding the Harmony Farms residential development, which is currently in the engineering and review stages with the City of Auburn. The plan set has been drawn up to be consistent with the approved layout that was considered through the initial rezoning process, including its street network. The streets were designed to be parallel and directly offset from the exterior property lines in an effort to sufficiently utilize the property to its fullest extent, despite its unique shape and site constraints. Using that as a design pattern, the overall layout has resulted in a suitable grid that promotes both pedestrian and vehicular safety.

However, to allow for the best outcome of pedestrian and vehicular circulation, Blue River is requesting the following waivers to be accepted as shown on the attached submitted site plan and supplemental exhibits:

- Allow Street, Right-of-Way, Shoulder, and Clear Zones design as shown in the preliminary plans - Code 16.40.050 & 16.28.020
- Horizontal Curve reduction from 120' to 100' - Code 16.40.050.C
- Reduction of minimum intersection angle from 85 degrees to 74 degrees - Code 16.40.060.A

Due to the above deviations being minor, the Applicant does not anticipate any issues or negative impact regarding the safety of the residents. This is in part due to the slow vehicle speeds throughout the community, which is established at 20 miles per hour, stop signs, and "complete streets" that include wide sidewalks on each side. Granting the waivers will allow for the development to proceed under its existing layout, which is designed based on Blue River's objective of creating a community that is convenient and safe for its residents. Additionally, there have been no comments made by review staff through the permitting process regarding the street layout pertaining to the requested waivers. Blue River submits that the waivers are necessary, and denying the waivers would result in hardship that will lead to alternative and lesser layout that will not be consistent with the approved zoning plan.

Blue River looks forward to continuing the permitting process with the city and ultimately providing more high-quality housing in the community. Please refer to the attached application materials and feel free to reach out to the contact person listed on the application form regarding any questions or concerns related to the waiver request.

Based upon the above reasons, the applicant feels that this is a reasonable request and that action contradictory to the zoning request will constitute a taking of property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, and Article 1, Section 3, Paragraph 1 of the Constitution of Georgia, denying the owner viable use of its land.



## SURVEY DESCRIPTION

### TRACT 1:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN GMD 316, CITY OF AUBURN, BARROW COUNTY, GEORGIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

1/2" REBAR

4' BARBED WIRE FENCE

BEGINNING AT A 1/2 INCH REBAR IN THE EASTERLY RIGHT-OF-WAY LINE OF 6TH STREET (60 FOOT RIGHT-OF-WAY WIDTH), LOCATED NORTH 13 DEGREES 59 MINUTES 00 SECONDS WEST, 121.15 FEET FROM THE CENTERLINE INTERSECTION OF 6TH STREET AND WOODLAWN DRIVE;

THENCE, NORTH 60 DEGREES 44 MINUTES 47 SECONDS EAST, 779.40 FEET TO A NAIL IN A ROCK;

THENCE, NORTH 56 DEGREES 23 MINUTES 55 SECONDS EAST, 157.09 FEET TO AN AXLE;

THENCE, SOUTH 22 DEGREES 40 MINUTES 36 SECONDS EAST, 228.64 FEET TO A 1/2 INCH REBAR;

THENCE, SOUTH 63 DEGREES 34 MINUTES 00 SECONDS EAST, 405.84 FEET TO A ROCK;

THENCE, SOUTH 61 DEGREES 33 MINUTES 00 SECONDS EAST, 269.00 FEET TO A POINT IN CREEK;

THENCE, SOUTH 44 DEGREES 51 MINUTES 00 SECONDS WEST, 1,331.33 FEET TO A POINT IN SAID EASTERLY RIGHT-OF-WAY LINE OF 6TH STREET;

THENCE, NORTH 28 DEGREES 15 MINUTES 30 SECONDS WEST, 570.60 FEET TO A POINT;

THENCE, NORTH 30 DEGREES 59 MINUTES 00 SECONDS WEST, 460.55 FEET TO A POINT;

THENCE, NORTH 28 DEGREES 12 MINUTES 00 SECONDS WEST, 111.64 FEET TO THE POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINING 24.01 ACRES (1,046,092 SQUARE FEET).

TRACT 2:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN GMD 316, CITY OF AUBURN, BARROW COUNTY, GEORGIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH REBAR IN THE EASTERLY RIGHT-OF-WAY LINE OF 6TH STREET (60 FOOT RIGHT-OF-WAY WIDTH), LOCATED NORTH 13 DEGREES 59 MINUTES 00 SECONDS WEST, 121.15 FEET FROM THE CENTERLINE INTERSECTION OF 6TH STREET AND WOODLAWN DRIVE;

THENCE, NORTH 27 DEGREES 33 MINUTES 20 SECONDS WEST, 217.90 FEET TO A POINT;

THENCE, NORTH 26 DEGREES 49 MINUTES 43 SECONDS WEST, 173.53 FEET TO A 1/2 INCH REBAR;

THENCE, NORTH 71 DEGREES 07 MINUTES 00 SECONDS EAST, 300.00 FEET TO A 1/2 INCH REBAR;

THENCE, NORTH 02 DEGREES 05 MINUTES 00 SECONDS WEST, 98.00 FEET TO A 1/2 INCH REBAR;

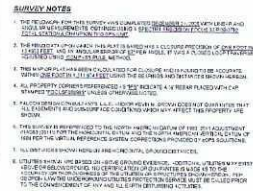
THENCE, SOUTH 74 DEGREES 21 MINUTES 28 SECONDS EAST, 166.42 FEET TO A 1/2 INCH OPEN TOP PIPE;

THENCE, SOUTH 74 DEGREES 20 MINUTES 36 SECONDS EAST, 434.71 FEET TO A NAIL IN A ROCK;

THENCE, SOUTH 60 DEGREES 44 MINUTES 47 SECONDS WEST, 779.40 FEET TO THE POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINING 5.00 ACRES (217,794 SQUARE FEET).

THIS BOOK REVIEWED FOR CLASS OF 2004



**FLOOD NOTE**  
AS SHOWN ON FLOOD SURFACE RATE MAPS OF BAY COUNTY, FLORIDA COMMUNITY  
FLOOD NUMBER: 130303000 EFFECTIVE DATE: 06/01/2010. THIS PROPERTY IS NOT  
LOCATED IN SPECIAL FLOOD HAZARD AREA.

[illegible][illegible][illegible][illegible]

and CHICAGO TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THE PLAT OR PLATS AND THIS SURVEY OR SURVEYS HAVE BEEN MADE IN ACCORDANCE WITH THE FOLLOWING STANDARD STRINGENT REQUIREMENTS OF THE ILLINOIS LAND TITLE ACT, AND ARE ESTABLISHED AND ADJUSTED BY ALTA AND ALTA'S SUCCESSORS, PLS. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824

BOUGHTER, THE RECORDING INSTRUMENT OF THE DOCUMENTS HEREIN, AND OTHER INSTRUMENTS WHICH OBTAINED THE PRICE OF PURCHASE AND SETTING THEREOF.

RECORDATION OF THIS PLAT DOES NOT HAVE A PREJUDICIAL EFFECT ON THE VALIDITY OF RIGHTS CONFERRED BY LOCAL REGULATIONS OR REGULATIONS ON LIABILITY FOR NOISE OR PURPOSE OF THE LAND.

FURTHERMORE, THE UNDERSIGNED, AND SUBSCRIBER HERETO, DECLARE THAT THERE IS COMPLIANCE WITH THE NATIONAL POLITICAL STANDARDS OF PROPERTY OWNERSHIP IN THE STATE OF GEORGIA, AS SET FORTH IN THE STATE AND FEDERAL LAWS, AND THE COMPLIANCE OF THE UNDERSIGNED, OR PROFESSIONAL ENGINEERS AND LAND SURVEYORS, AND AS SET FORTH IN A SECTION 5546.

*MB*

4/17/2002



ALTAIRSPS LAND TITLE SURVEY FOR  
SCHMITT + ASSOCIATES, LLC  
& CHICAGO TITLE INSURANCE COMPANY  
GMD 316  
CITY OF AUBURN, BARROW COUNTY, GEORGIA

REVISIONS	
2.	
3.	
4.	

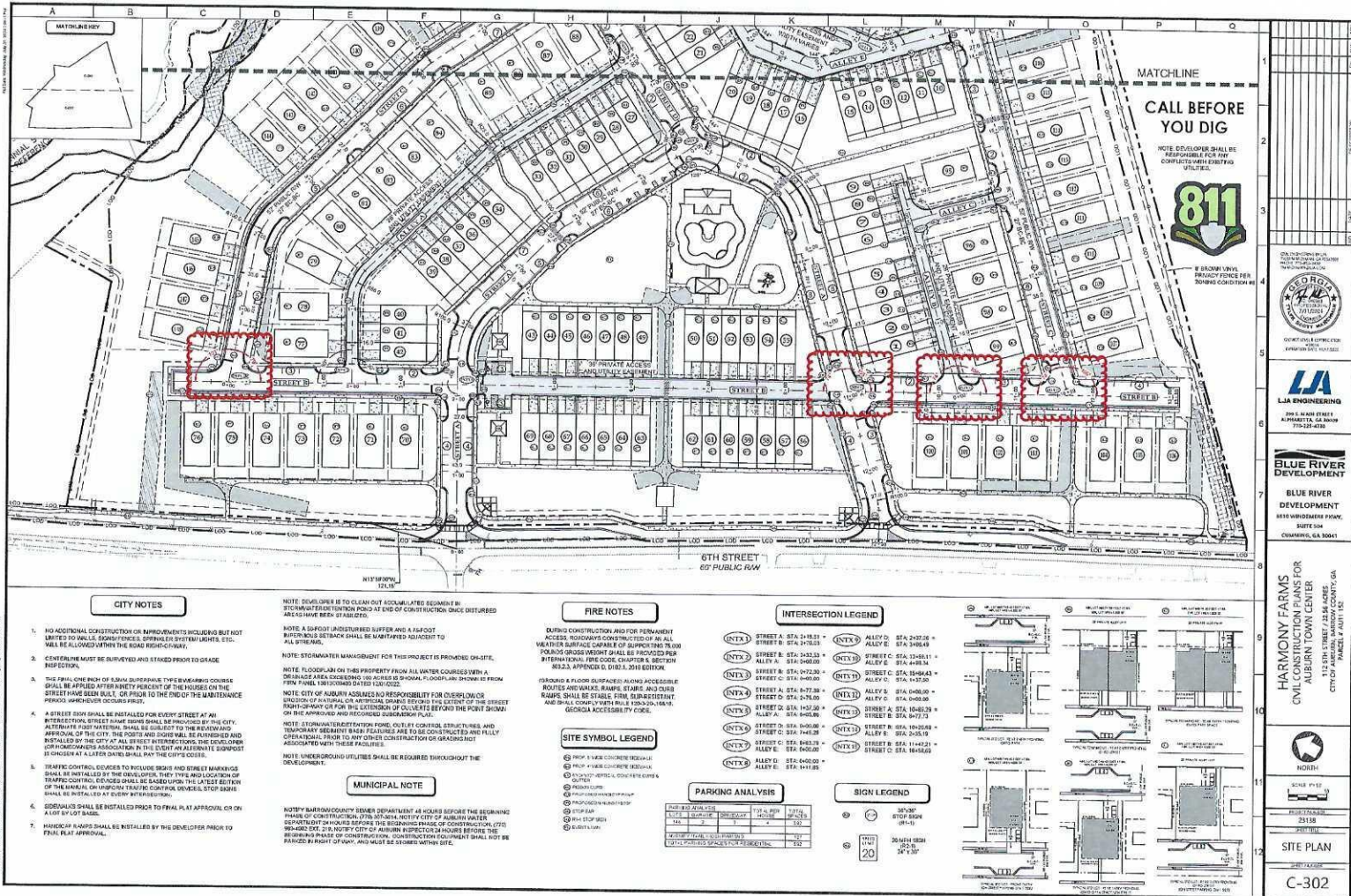
THIS PLAN MUST BE REVISORIED FOR THE  
ENCLINING USE OF THE TERTIUM, PERSONS;  
FOR THE PURPOSE OF THE TERTIUM, PERSONS;  
THESE REVISIONS OF THE TERTIUM, PERSONS;  
EXTEND TO ANY UNCHANGED PERSONS,  
PERSONS, PERSONS, PERSONS, PERSONS,  
BY THE SIGNATURE MANAGED SAID PERSON.

DATE:	4-16-2023
SCALE:	1" = 100'
FILE NUMBER:	279.001
DRAWN BY:	PC
REVIEWED BY:	K. BROWN



SHEET NUMBER  
1 of 1





**811**  
CALL BEFORE YOU DIG  
NOTE: DEVELOPER SHALL BE RESPONSIBLE FOR ANY CONFLICTS WITH EXISTING UTILITIES.  
IF BROWN/WHITE PRODUCE FOR ZONING CONDITION #

**GEORGIA**  
REGISTERED PROFESSIONAL ENGINEER  
EXPIRATION DATE 12/31/2023

**LA ENGINEERING**  
201 S. MAIN STREET  
ALPHARETTA, GA 30606

**BLUE RIVER DEVELOPMENT**  
BLUE RIVER DEVELOPMENT  
800 WILLOWHURST DRIVE  
SUITE 104  
CHAMBERS, GA 30601

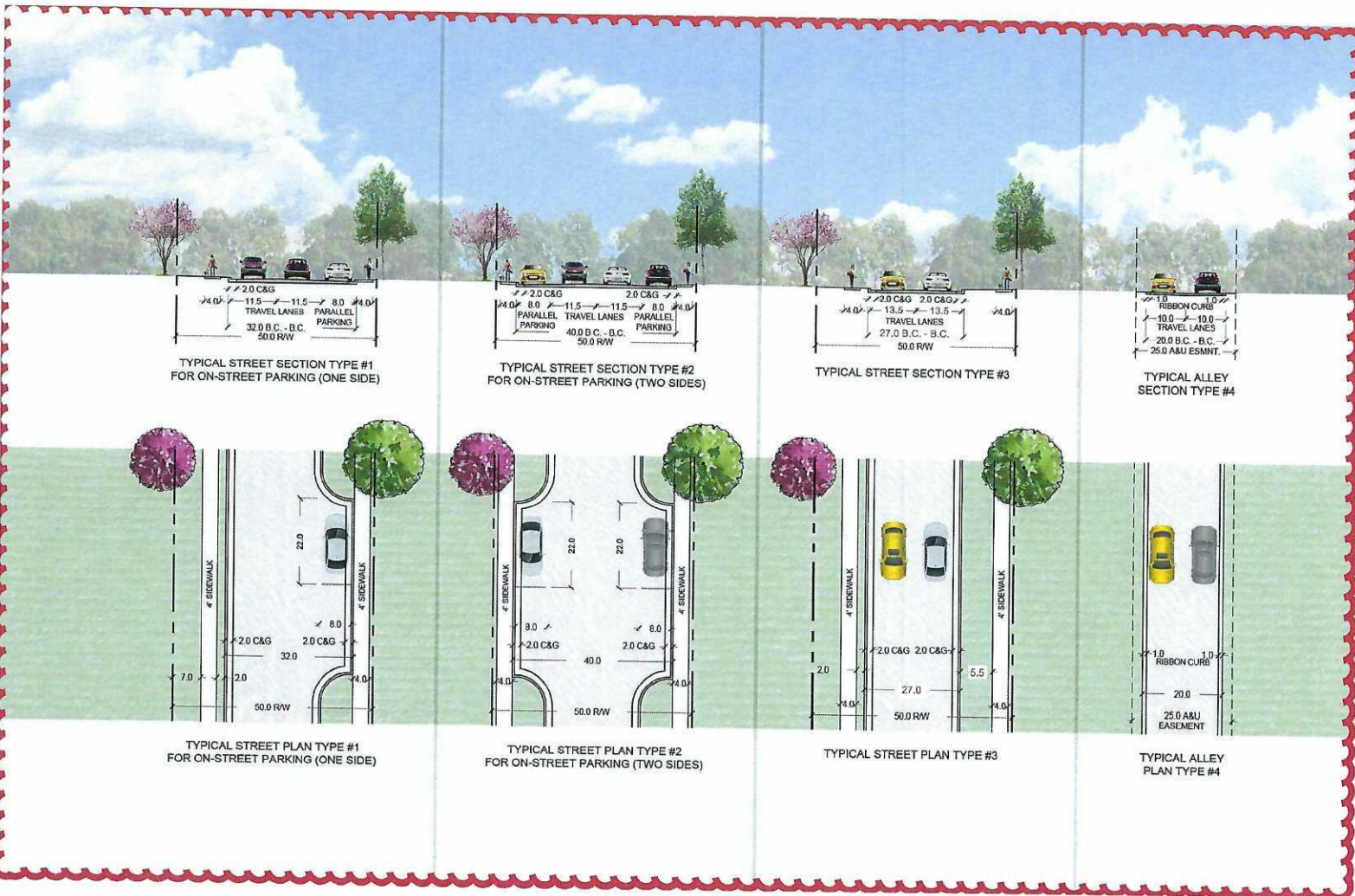
**HARMONY FARMS**  
CIVIL ENGINEERING AND ARCHITECTURE  
11111 HARMONY FARMS DRIVE  
SUITE 100  
ALPHARETTA, GA 30606  
TEL: 404.444.1111  
FAX: 404.444.1112

**SITE PLAN**  
C-302











**MAYOR**  
Rick E. Roquemore

**CITY ADMINISTRATOR**  
Michael E. Parks

**CITY COUNCIL**  
Robert L. Vogel III  
Taylor J. Sisk  
Jamie L. Bradley  
Joshua Rowan

**AGENDA ITEM: 3**

TO: Mayor and Council  
FM: Sarah McQuade  
City Planner  
DATE: September 26, 2024

**PURPOSE:** Proposed adoption of the Updated Official Zoning Map for the City of Auburn

**BACKGROUND:** This is a map update from the July 2024 approval. The purpose of this request is to record an updated Official Zoning Map for the City. The city last adopted an Official Zoning Map in 2021. In most cases, the update should be done on an annual basis to capture any annexations or rezonings approved during the previous 12 months.

**RECOMMENDATION:** Recommendation to approve the Official Zoning Map, as presented.

**FUNDING:** N/A



# ZONING MAP

## CITY OF AUBURN, GA

## Legend

- ## City Limits

- ## Streams

# Zoning Districts

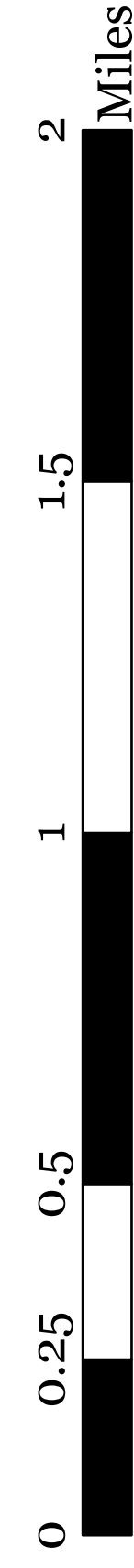
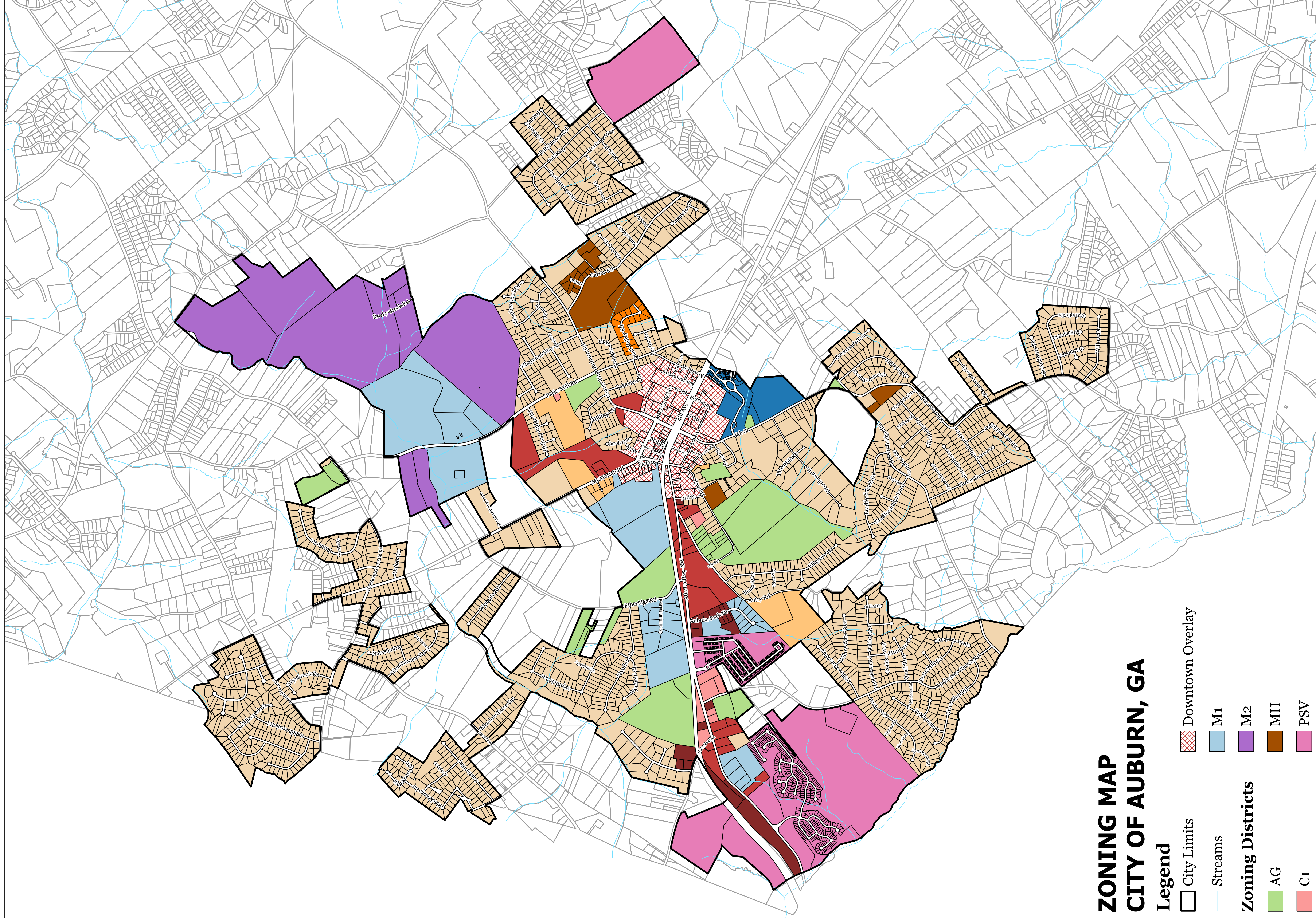
- AG

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**MAYOR**  
Rick E. Roquemore

**CITY ADMINISTRATOR**  
Michael E. Parks

**CITY COUNCIL**  
Robert L. Vogel III  
Taylor J. Sisk  
Jamie L. Bradley  
Joshua Rowan

**AGENDA ITEM: 4**

**TO:** Mayor and Council

**FROM:** Sarah McQuade  
City Planner

**DATE:** September 26, 2024

**PURPOSE:** Rezone a 57.92 ± acre tract from AG: Agricultural to PUD: Planned Unit Development to construct a 188-lot single-family detached development.

**BACKGROUND:** The applicant is proposing to rezone the development site, composed of parcels AU11 148 and AU11 031B, adjacent to Lyle Road. If approved, the site will be developed with 188 single family houses at a density of 3.25 units per acre.

**STAFF RECOMMENDATION:** Update on Planning and Zoning recommendations.

**FUNDING:** N/A

**ANNEXATION & REZONING APPLICATION**  
**AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP FOR THE CITY OF AUBURN, GA.**

APPLICANT INFORMATION		PROPERTY OWNER INFORMATION	
NAME: MBC Developers, LLC c/o Andersen Tate & Carr		NAME: Donna J. Evans	
ADDRESS: 1960 Satellite Blvd S-4000		ADDRESS: 100 Lyle Road	
CITY: Duluth		CITY: Auburn	
STATE: GA                      ZIP: 30097		STATE: GA                      ZIP: 30011	
PHONE: 770-822-0900		PHONE:	
EMAIL: mglouton@atclawfirm.com		EMAIL:	
CONTACT PERSON: Melody A. Glouton		PHONE: 770-822-0900	
EMAIL: mglouton@atclawfirm.com			

APPLICANT IS: <input type="checkbox"/> OWNER'S AGENT <input type="checkbox"/> PROPERTY OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER			
PRESENT ZONING DISTRICT(S): AG		REQUESTED ZONING DISTRICT: PUD	
PARCEL NUMBER(S): AU11 148 & AU11 031B		ACREAGE: 57.917	
ADDRESS OF PROPERTY: 100 Lyle Road, Auburn, GA			
PROPOSED DEVELOPMENT:      Single Family Detached			

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
NO. OF LOTS/DWELLING UNITS: 188	NO. OF BUILDINGS/LOTS:
DWELLING UNIT SIZE (SQ.FT.): 1600 sq feet	TOTAL BUILDING SQ.FT.:
GROSS DENSITY: 3.25 upa	DENSITY:
NET DENSITY:	

**\*PLEASE ATTACHED A LETTER OF INTENT EXPLAINING PROPOSED DEVELOPMENT\***

## LEGAL DESCRIPTION

All that tract or parcel of land lying and being in G.M.D. 1740, City of Auburn, Barrow County, Georgia and being more particularly described as follows:

Beginning at the intersection of the centerline of Lyle Road (a.k.a. Main Street) and the centerline of Third Street; THENCE continuing 492.66 feet along said centerline of Lyle Road in a southwesterly direction to a point; THENCE South 29 degrees 53 minutes 18 seconds East 20.00 feet to a point located on the southeasterly right-of-way of Lyle Road, said point being THE TRUE POINT OF BEGINNING;

THENCE South 38 degrees 54 minutes 23 seconds East for a distance of 506.56 feet to a point;  
THENCE South 39 degrees 07 minutes 00 seconds East for a distance of 262.17 feet to a point;  
THENCE South 39 degrees 42 minutes 12 seconds East for a distance of 260.91 feet to a point;  
THENCE South 37 degrees 12 minutes 14 seconds East for a distance of 117.42 feet to a point;  
THENCE South 36 degrees 22 minutes 35 seconds East for a distance of 96.06 feet to a point;  
THENCE South 36 degrees 22 minutes 35 seconds East for a distance of 72.20 feet to a point;  
THENCE South 21 degrees 24 minutes 35 seconds West for a distance of 272.51 feet to a point located in the centerline of a creek;  
THENCE continuing along said centerline of creek the following 13 calls:  
THENCE South 12 degrees 08 minutes 00 seconds East for a distance of 94.40 feet to a point;  
THENCE South 43 degrees 07 minutes 00 seconds East for a distance of 146.70 feet to a point;  
THENCE South 28 degrees 33 minutes 00 seconds West for a distance of 124.90 feet to a point;  
THENCE South 36 degrees 05 minutes 00 seconds West for a distance of 143.07 feet to a point;  
THENCE South 42 degrees 57 minutes 00 seconds West for a distance of 149.40 feet to a point;  
THENCE South 33 degrees 46 minutes 00 seconds West for a distance of 294.96 feet to a point;  
THENCE South 6 degrees 53 minutes 00 seconds East for a distance of 66.00 feet to a point;  
THENCE South 50 degrees 2 minutes 00 seconds West for a distance of 103.80 feet to a point;  
THENCE North 85 degrees 44 minutes 00 seconds West for a distance of 57.70 feet to a point;  
THENCE South 58 degrees 33 minutes 00 seconds West for a distance of 97.50 feet to a point;  
THENCE South 36 degrees 26 minutes 00 seconds West for a distance of 50.00 feet to a point;  
THENCE South 23 degrees 10 minutes 00 seconds East for a distance of 35.00 feet to a point;  
THENCE South 54 degrees 53 minutes 00 seconds West for a distance of 71.10 feet to a point;  
THENCE North 40 degrees 00 minutes 00 seconds West for a distance of 2075.30 feet leaving said creek to a point;  
THENCE North 56 degrees 11 minutes 00 seconds East for a distance of 385.80 feet to a point located on the southeasterly right-of-way of Lyle Road;  
THENCE North 60 degrees 03 minutes 41 seconds East for a distance of 114.32 feet to a point;  
THENCE North 57 degrees 36 minutes 02 seconds East for a distance of 240.38 feet to a point;  
THENCE North 56 degrees 03 minutes 34 seconds East for a distance of 76.79 feet to a point;  
THENCE North 55 degrees 04 minutes 36 seconds East for a distance of 104.51 feet to a point;  
THENCE along an arc of curve to the left for an arc length of 490.73 feet having a radius of 7,691.74 feet and being subtended by a chord bearing North 58 degrees 05 minutes 33 seconds East for a distance of 490.65 feet to a point, said point being THE TRUE POINT OF BEGINNING.

The above-described tract contains an area of 57.917 acres.







August 23, 2024

**LETTER OF INTENT AND JUSTIFICATION FOR REZONING**

**Rezoning Application  
City of Auburn  
Barrow County, Georgia**

**Applicant:**  
MBC Developers, LLC

**Rezoning Tract:**  
Tax Parcel IDs AU11 031B and AU11 148  
±57.917 Acres of Land

Located at 100 Lyle Road, Auburn, Georgia  
**From AG to PUD**

**Submitted for Applicant by:**  
Melody A. Glouton, Esq.  
ANDERSEN TATE & CARR, P.C.  
One Sugarloaf Centre  
1960 Satellite Blvd.  
Suite 4000  
Duluth, Georgia 30097  
770.822.0900  
[mglouton@atclawfirm.com](mailto:mglouton@atclawfirm.com)



## **I. INTRODUCTION**

This Application for Rezoning is submitted for a 57.917-acre parcel of land located at 100 Lyle Road, just south of its intersection of Autry Road (hereinafter the "Property"). The Property is an assemblage of two tax parcels, with frontage on Lyle Road. The Property is currently zoned AG (Agricultural District) pursuant to the City of Auburn Zoning Ordinance (the "Zoning Ordinance"). The Applicant, MBC Developers, LLC (the "Applicant") now seeks approval to rezone the Property to PUD (Planned Unit Development District) in order to develop a distinctive and attractive single-family detached residential community with 188 lots.

This document is submitted as the Letter of Intent, Impact Analysis Statement, and other materials required by the Zoning Ordinance.

## **II. DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA**

The Property is a large tract fronting Lyle Road. It contains a personal residence and several accessory structures. The Property is mostly wooded and slopes southward toward a creek with floodplain. The surrounding zoning classifications and uses are as follows:

<b>Location</b>	<b>Zoning</b>
<i>Proposed Site</i>	<i>PUD</i>
North	AG and R-100
East	MH and R-100
South	R-100
West	AG



The Applicant is requesting the City of Auburn rezone the Property to allow for a planned unit development. The site is surrounded by other residential uses to include primarily R-100 zoning classifications. As such, the Property is ideal for development as a residential community and will allow for the development of more housing.

As stated in the City of Auburn's 2018 Comprehensive Plan (the "Comprehensive Plan"), the Future Land Use Map identifies this area as single-family residential. The rezoning and development of the Property, as intended by the Applicant, will enhance the surrounding and existing area. Specifically, the proposed development of a planned unit development will provide additional housing options for residents.

### **III. PROJECT SUMMARY**

As shown on the site plan by Thomas & Hutton, dated August 21, 2024, and filed with this Application (hereinafter the "Site Plan"), the Applicant is proposing to rezone 57.917 acres from AG to PUD in order to accommodate the development of a planned unit development with 188 units. The Applicant proposes to develop the Property in compliance with the PUD zoning classification to allow for a more unique and creative community. The minimum heated floor area would be 1,600 square feet. To the extent necessary, the Applicant is seeking a concurrent variance from Section 17.90.150 as related to the minimum dwelling unit size. The proposed development will consist of homes at a size, quality, and price point commensurate with or exceeding homes in the surrounding communities. Generally, the architectural style and composition of the exterior of the homes would consist of brick, stacked stoned, cedar and/or cementitious shake, siding board and batten or combinations thereof. The Applicant has included sample renderings with this submittal. The proposed development would be served by a primary full access entrance and a secondary entrance for emergency vehicles as required by Barrow County Fire Marshall along Lyle Road, which would be landscaped and maintained by a Homeowners' Association.

The Applicant further submits that several community benefits would result in the property being developed under the City's PUD zoning classification. For example, the proposed development would increase the supply of housing in the area, which is currently in high demand. By providing more homes, the development can help alleviate the shortage of single-family detached housing and provide citizens with additional housing options. In summary, the requested zoning of PUD for development of a neighborhood is consistent with the Comprehensive Plan.

#### **PUD – Planned Unit Development District**

Pursuant to Section 17.90.140, the intent and purpose of a PUD zoning is to provide for the possibility of relatively large scale, mixed-use planned developments, which incorporate innovative concepts of efficiency in land use, public services delivery, energy conservation, and environmental preservation. A planned unit development may allow more flexible placement, arrangement and orientation of residential structures, the accompanying flexibility in the subdivision of land, and the grouping of open space and accessory facilities such as garages and parking. A planned unit development is intended to allow a mixture and/or density of land uses not otherwise allowed in an established zoning district.



The planned development will contain a variety of housing and lot sizes to meet the increasing demand for the community. Moreover, the proposed development would provide attractive, high-end personal residences. Approximately 21 acres of the overall site will be preserved as open space, which far exceeds the minimum required per the Zoning Ordinance.

#### **IV. SITE IMPACT ANALYSIS**

Pursuant to the Zoning Resolution, the Applicant submits its written responses to the impact analysis which shows that rezoning to PUD satisfies the “Standards Governing Exercise of the Zoning Power,” as follows:

- A) Whether a proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property:

Yes. The proposed rezoning is consistent and suitable with the existing use and development of adjacent and nearby properties. The Property maintains frontage on Lyle Road. The proposed residential development is compatible with existing residential uses and will further diversify housing options in the surrounding area.

- B) Whether a proposed rezoning will adversely affect the existing use or useability of adjacent or nearby property:

No, approval of the proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby properties. The proposed development is compatible with the Comprehensive Plan and complimentary to adjacent and nearby uses.

- C) Whether the property to be affected by a proposed rezoning has reasonable economic use as currently zoned:

The Applicant submits that due to the size, location, layout, topography, and natural features of the Subject Property, it does not have reasonable economic use as currently zoned.

- D) Whether the proposed rezoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools:

No, approval of the proposed rezoning will not result in an excessive or burdensome use of the existing infrastructure systems. The Property has direct access to Lyle Road and is in close proximity to Atlanta Highway. Appropriate zoning conditions and site development requirements can mitigate any potential impacts on public facilities such as traffic, utility demand, stormwater, and schools.

- E) Whether the proposed rezoning is in conformity with the policy and intent of the Land Use Plan:



Yes, the proposed Rezoning Application conforms with the policy and intent of the Comprehensive Plan and Future Land Use Map. The Subject Property is identified as single-family residential on the future land use map.

- F) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either the approval or disapproval of the zoning proposal:

Yes. The proposed Rezoning achieves a goal of the Comprehensive Plan by proposing a development and site layout that serves as an opportunity to provide additional housing.

## **V. JUSTIFICATION FOR REZONING**

The Applicant respectfully submits that "City of Auburn Zoning Ordinance" (the "Zoning Ordinance"), as amended from time to time, to the extent that it classifies the Property in any zoning district that would preclude development of a planned, unit development, under the PUD zoning classification, is unconstitutional as a taking of property, a denial of equal protection, an arbitrary and capricious act, and an unlawful delegation of authority under the specific constitutional provisions later set forth herein. Any existing inconsistent zoning of the Property pursuant to the Zoning Resolution deprives the Applicant and Property owner of any alternative reasonable use and development of the Property. Additionally, all other zoning classifications, including ones intervening between the existing classification and that requested herein, would deprive the Applicant and Property owner of any reasonable use and development of the Property. Further, any attempt by the Mayor and Council of the City of Auburn to impose greater restrictions upon the manner in which the Property will be developed than presently exist would be equally unlawful.

Accordingly, Applicant submits that the current zoning classification and any other zoning of the Property save for what has been requested as established in the Zoning Resolution constitute an arbitrary and unreasonable use of the zoning and police powers because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant and Property owner. All inconsistent zoning classifications between the existing zoning and the zoning requested hereunder would constitute an arbitrary and unreasonable use of the zoning and police powers because they bear or would bear no substantial relationship to the public health, safety, morality, or general welfare of the public and would substantially harm the Applicant and Property owner. Further, the existing inconsistent zoning classification constitutes, and all zoning and plan classifications intervening between the existing inconsistent zoning classification and that required to develop this Project would constitute, a taking of the owner's private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the Constitution of the United States.

Further, the Applicant respectfully submits that failure to approve the requested rezoning change would be unconstitutional and would discriminate in an arbitrary, capricious and

unreasonable manner between the Applicant and Property owner and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

Finally, the Applicant respectfully submits that the Mayor and Council of the City of Auburn cannot lawfully impose more restrictive standards upon the development of the Property than presently exist, as to do so not only would constitute a taking of the Property as set forth above, but also would amount to an unlawful delegation of their authority, in response to neighborhood opposition, in violation of Article IX, Section IV, Paragraph II of the Georgia Constitution.

This Application meets favorably with the prescribed test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning and planning as an expression of the government's police power. See Guhl v. Holcomb Bridge Road Corp., 238 Ga. 322 (1977).

## **VI. CONCLUSION**

For the foregoing reasons, the Applicant respectfully requests that this Application to Rezone from AG to PUD be approved. The Applicant welcomes the opportunity to meet with the City of Auburn Planning Department staff to answer any questions or to address any concerns relating to this Letter of Intent or supporting materials.

Respectfully submitted this 23<sup>rd</sup> day of August, 2024.

**ANDERSEN, TATE & CARR, P.C.**

*Melody A. Glouton*

Melody A. Glouton, Esq.

Enclosures  
MAG/dwb  
4855-9356-0795, v. 1

## **REZONING CHECKLIST**

THE FOLLOWING IS A CHECKLIST OF INFORMATION REQUIRED FOR SUBMISSION OF A REZONING APPLICATION. THE COMMUNITY DEVELOPMENT DEPARTMENT RESERVES THE RIGHT TO REJECT ANY INCOMPLETE APPLICATION.

- ☐ COMPLETED APPLICATION FORMS AND CERTIFICATIONS
- ☐ LEGAL DESCRIPTION
- ☐ BOUNDARY SURVEY
- ☐ SITE PLAN - THREE (3) COPIES AND ONE (1) 8-1/2" X 11" REDUCTION
- ☐ A PDF, CD, OR USB THUMB DRIVE WITH DIGITAL COPIES OF THE PLANS
- ☐ LETTER OF INTENT
- ☐ \$1,000.00 APPLICATION FEE – MAKE CHECKS PAYABLE TO CITY OF AUBURN

### **ADDITIONAL EXHIBITS (IF REQUIRED):**

- ☐ SITE PLAN, ARCHITECTURAL EXHIBITS, AND/OR NARRATIVE REQUIREMENTS.
- ☐ TRAFFIC STUDY
- ☐ REVIEW FORM FOR DEVELOPMENT OF REGIONAL IMPACT (DRI)
- ☐ BUILDING COMPLIANCE INSPECTION





**MAYOR**  
Rick E. Roquemore

**CITY ADMINISTRATOR**  
Michael E. Parks

**CITY COUNCIL**  
Robert L. Vogel III  
Taylor J. Sisk  
Jamie L. Bradley  
Joshua Rowan

**AGENDA ITEM: 5**

**TO:** Mayor and Council

**FROM:** Sarah McQuade  
City Planner

**DATE:** September 26, 2024

**PURPOSE:** Applicant-initiated zoning text amendment to Title 17, Section 17.90.140, PUD Planned Unit Development.

**BACKGROUND:** Staff has received a request to amend the text of City of Auburn Zoning Ordinance, Section 17.90.140, which governs the PUD: Planned unit development district. Specifically, the applicant has requested to amend subsection (C)(1) and omit subsection (C)(6).

**STAFF RECOMMENDATION:** Update on Planning and Zoning recommendations.

**FUNDING:** N/A



## Zoning Text Amendment Application

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**(17.170.020) Initiation of Amendments:** Applications for amendment of the text or maps of this title or for a special use permit, may be initiated by ordinance of the City Council, or by petition of any property owner addressed to the City Council. In the case a petition for the rezoning of property or special use permit is filed at the same time as a Text Amendment Application, the petition shall be submitted by the owner of record of the property, the owner's agent or by a contract purchaser with the owner's written consent.

### **Initiation by Petition of any Property Owner Addressed to the City Council for an Amendment of the Text of this Title.**

**Instructions:** A properly completed application and fees are due at the time of submittal. Incomplete applications will not be accepted.

A petition for the amendment of text of this title shall be submitted by any property owner addressed to the City Council, and shall include the following:

1. Petition application (on form provided by the City planner);
2. Proposed text to be added, amended, or changed;
3. Provide a letter of intent stating the reason and need for the change in text. Describe the benefit to the public health, safety and welfare.

(Ord. 03-008, 2003; Ord. 265A (part), 2001).

### **Items Required to be Submitted with this Application**

**A. Filing Fee.** The non-refundable filing fee is based on the type of use for which relief is requested. Make check payable to City of Auburn. Fee is subject to change.

☐ Text Amendment: \$600.00

**B. Meeting with City staff.** Prior to the submittal of an application for a Text Amendment to the Zoning Ordinance, the applicant shall participate in a pre-application conference with the City staff.

☒ Meeting Date: August 2024

☒ Staff in Attendance: The Applicant met with City representatives



## Zoning Text Amendment Application

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### Application Checklist

Pursuant to O.C.G.A. § 8-2-26, this checklist must be completed and submitted with each permit application. Please check every item that is included with the application.

- ☐ Completed Application
- ☐ Text Amendment Information
- ☐ Owner Certification
- ☐ Agent Certification (if applicable)
- ☐ Conflict of Interest Disclosure
- ☐ Disclosure of Campaign Contributions
- ☐ Application Fee
- ☐ Application Checklist

*Please note: Supplemental information may be required during application review to address deficiencies.*





## Zoning Text Amendment Application

<b>I. Application History:</b> Have any previous applications been made to the subject property Subdivision, Site Permit (General Development Plan), Text Amendment)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If yes, please provide the Plan/Permit File Number(s)		
<b>II. Petitioner Information:</b> (If the petitioner(s) will have an agent serve on his or her behalf, the petitioners(s) must complete Section III. Agent, if different from Petition of the application.)		
Name(s): MBC Developers, LLC c/o Andersen Tate & Carr		Registered Agent: (Or Officer or Authorized Signatory, if Petitioner is not an individual)
Address: 1960 Satellite Blvd., Suite 4000, Duluth, GA 30097		Parcel ID: AU11 031B; AU11 148
Telephone: 770-822-0900	Alt. Phone:	Fax:
Email Address: mglouton@atclawfirm.com		Alt. Email Address:
<b>III. Agent (if different from Petitioner)</b>		
Name(s): Melody A. Glouton, Esq.		Firm or Agency Andersen Tate & Carr
Address: 1960 Satellite Blvd., Suite 4000, Duluth, GA 30097		
Telephone: 770-822-0900	Alt. Phone:	Fax:
Email Address: mglouton@atclawfirm.com		Alt. Email Address:
<i>To the best of my knowledge, this application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Auburn Zoning Ordinance. I understand that failure to supply all required information (per the relevant Applicant Checklists and Requirements of the Auburn Zoning Ordinance) will result in the rejection of this application. I have read the provisions of the Georgia Code Section 36-67A-3 as required regarding Campaign Disclosures. My Signed Campaign Disclosure Statement is included.</i>		
Owner/Applicant Signature: 		Date: 08/23/2024
Sworn to and subscribed before me this <u>23</u> day of <u>Aug 20 24</u> .		
Notary Public: 		Date: 08/23/2024
Application Received by:		Plan/Permit File Number:
Application Fee: <input type="checkbox"/> \$600		
Public Hearing Date:		





## Zoning Text Amendment Application

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### Text Amendment Information

- A. Identify the specific section(s) number(s) of the Zoning Ordinance sought to be amended.

Section 17.90.140 (C)(1) and (6)

- B. What is the existing text requested to be repealed, if any? Please provide an attachment if more space is needed.

(C) 1. The maximum density shall not exceed two and two-tenths dwelling units per gross acre.

(C) 6. There shall be no land disturbance beyond the areas needed for the construction of roads and other public utilities/facilities, prior to the issuance of building permits for the individual buildings within a PUD planned unit development.

- C. What is the proposed text, if any? Please provide an attachment if more space is needed.

(C) 1. The maximum density shall not exceed three and two-tenths dwelling units per gross acre.

(C) 6. Repeal in its entirety.

- D. State the reason(s) for the text amendment. Describe the benefit to the public health, safety and welfare. Please provide an attachment if more space is needed.

The Applicant is seeking to increase the overall density from 2.2/upa to provide more variety in housing types/sizes, as well as more affordable housing units. The request to repeal the land disturbance provision is to allow for multiple lot grading preparation and cohesiveness of the site, in addition to stormwater conveyance/management. The requested text amendments will enable the Applicant to develop the site as residential, single-family detached and provide necessary housing in the area.



**MAYOR**  
Rick E. Roquemore

**CITY ADMINISTRATOR**  
Michael E. Parks

**CITY COUNCIL**  
Robert L. Vogel III  
Taylor J. Sisk  
Jamie L. Bradley  
Joshua Rowan

**AGENDA ITEM: 6**

**TO:** Mayor and Council

**FROM:** Michael Parks, City Administrator

**DATE:** September 26, 2024

**PURPOSE:** Stormwater Fee Update

**BACKGROUND:** The stormwater fee schedule has not been updated since 2011. To align our fees with similar communities, it is essential to revise the schedule. This update will enhance the effectiveness of the City of Auburn Stormwater Department, which operates under an enterprise fund. Improved fees will contribute to better water quality in our streams, leading to more efficient operations at our water treatment facility.

**RECOMMENDATION:** To approve an update in the City of Auburn stormwater fees

**FUNDING:** N/A



**Stormwater Fee – Option 1 (Square Footage)**

The residential property fee is \$30.00/year. (3,000 square feet of impervious surface = 1 ERU)

For commercially zoned property, the number of ERUs to be billed is calculated by taking the square footage of the property and multiplying the square footage by seventy-five percent (75%) and then dividing by 3,000

(ex. 5 acre parcel –  $43,560 \times 5 = 217,800$ ;  $217,800 \times 75\% = 163,350$ ;  $163,350 / 3000 = 54.45$  ERUs;  $54.45 \times \$5.00 = \$272.25$  per month).

**Stormwater Fee – Option 2 (Impervious Surface)**

The residential property fee is \$30.00/year for (3000 SF = 1 ERU) of impervious area.

Commercial will pay \$2.17 per 100 square feet of impervious area a year. For example, a parcel with 3,000 square feet of impervious surface would pay \$65.10 per year.



**MAYOR**  
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Michael E. Parks

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Joshua Rowan

**AGENDA ITEM: 7**

**TO:** Mayor and Council

**FROM:** Michael Parks  
City Administrator

**DATE:** September 26, 2024

**PURPOSE:** Discuss the possibility of deeding the Withers Building to the Downtown Development Authority.

**BACKGROUND:** We have had an interest in The Withers Building for commercial use. With its prime location in Downtown Auburn, it would bring opportunities for growing businesses in our city.

**RECOMMENDATION:** To grant the Downtown Development Authority use of the building.

**FUNDING:** N/A

**ATTACHMENTS:** N/A



**MAYOR**  
Rick E. Roquemore

**CITY ADMINISTRATOR**  
Michael E. Parks

**CITY COUNCIL**  
Robert L. Vogel III  
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Jamie L. Bradley  
Joshua Rowan

**AGENDA ITEM: 8**

**TO:** Mayor and Council

**FROM:** Michael Parks  
City Administrator

**DATE:** September 26, 2024

**PURPOSE:** Municipal Complex Closeout

**BACKGROUND:** The City of Auburn entered into a contract with BM&K Construction to build the Auburn Municipal Complex. The complex has been awarded a certificate of occupancy from the state. The city has been in negotiations with BM&K to close out the contract with BM&K. Attached you will find the recommendation from the project manager for the city as the procedure to end the contract.

**RECOMMENDATION:** To approve the recommendation to close out the construction contract with BM&K in reference to the Auburn Municipal Complex.

**FUNDING:** SPLOST/General Fund



## Municipal Complex Status

### Construction

- All sitework has been completed and final engineering certification issued by the design engineer.
- The building has been substantially complete since December 2023 and been operating under Temporary Certificates of Occupancy (CO)
- A final CO was obtained in August 2024 after the final fire marshal and elevator inspections.
- Ongoing finish work and punchout related activities are nearing completion.

### Financial Payment

- BM&K submitted two Payment Applications requesting payment of retention.
- Requested retention payments are:

Sitework	\$ 416,653.75
Building	\$ 890,787.33
Total	\$1,307,441.08

- Contract value of \$185,097.00 is remaining for completion of the Parks/PD change order.

### Closeout Recommendations

- Final payment can be made pursuant to the contract.
- Performance bonds are in place for the sitework and building sufficient to cover city's exposure.
- Per an email received from BM&K on 2/13/2024, BM&K claims outstanding payables to subcontractors in the amount of \$1,168,051.00. Recommend the following payments:

Sitework	\$416,653.75	Pay in full
Building	\$690,787.33	Retain \$200,000 for 30 days

- Validate subcontractors have been paid prior to release of \$200,000
- Secure an extended warranty of 3 years related to exterior moisture control (roof/walls)
- Conditions to a final settlement include:
  - BM&K made a claim of \$236,235 in extra overhead related to a range of delays. Those claims can be deemed in properly filed due to method and timing.
  - The city can claim Liquidated Damages under the contract based on an original completion date 7/31/2022 and Substantial Completion of 12/13/2023 (500 days). The value without adjustment is \$375,000 (500 days @ \$750/day)
- Recommend settlement at no payments to either party.



**MAYOR**  
Rick E. Roquemore

**CITY ADMINISTRATOR**  
Michael E. Parks

**CITY COUNCIL**  
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Joshua Rowan

**AGENDA ITEM: 9**

**TO:** Mayor and Council  
**FROM:** Michael Parks, City Administrator  
**DATE:** September 26, 2024

**PURPOSE:** Watershed Protection Area

**BACKGROUND:** Auburn's New Drinking Water Treatment Plant uses raw water from Rock Creek as its water source. When Auburn was granted a raw water withdrawal permit the Land Uses in the Rock Creek Watershed came under regulation by Rule 391-3-16-.01 Minimum Criteria for Small Water Supply Watersheds. A watershed is all the land that rainfall runs off into a stream, wetland, creek, or river up stream of a given location. The watershed for Auburn's Rock Creek raw water intakes is about 5.2 square miles north and west of the culvert where Parks Mill Road crosses Rock Creek near the Public Works Building. The watershed includes land in Downtown, Auburn City Limits, Barrow County, the Proposed City of Mulberry, and Gwinnett County. The roads that approximately encompass the watershed are Auburn County Line Road, Parks Mill Road, Harmony Grove Church Road, Union Grove Church Road, Fence Road, Auburn Road, Hill's Shop Road, and Atlanta Highway.

**RECOMMENDATION:** To approve the land requirements in the protected watershed area.

**FUNDING:** N/A

## Auburn's Rock Creek Watershed Protection Area

Significant land use requirements in Rule 391-3-16-.01 Minimum Criteria for Small Water Supply Watersheds are:

- impervious surface area shall be less than 25 percent of the property area.
- A 100-foot-wide buffer along all stream banks.
- A 150-foot setback for impervious surfaces from stream banks,
- A 150-foot setback for septic tanks and drain fields from stream banks,

Proposed Actions are:

- Prepare and display Watershed Protection Map in City Hall offices for 60 or more days.
- Obtain mailing list from Tax Assessor's Offices in Gwinnett and Barrow County and mail letters to all property owners.
- Contact Barrow County Planning and Community Development and Gwinnett County Planning and Development and request their cooperation in enforcing the Georgia regulations.
- Require compliance with Rule 391-3-16-.01 on all future development in the Rock Creek Watershed.

By Jim Aton, 404-234-7412, Hussey Gay Bell





# Rules and Regulations of the State of Georgia

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## **Subject 391-3-16 RULES FOR ENVIRONMENTAL PLANNING CRITERIA**

### **Rule 391-3-16-.01 Criteria for Water Supply Watersheds**

#### **(7) Minimum Criteria for Small Water Supply Watersheds.**

- a) A small water supply watershed has less than 100 square miles of land within the drainage basin upstream of a governmentally owned public drinking water supply intake.
- b) Stream Corridor Criteria for Small Water Supply Watersheds.
  1. The perennial stream corridors of a small water supply watershed within a seven (7) mile radius upstream of a governmentally owned public drinking water supply intake or water supply reservoir are protected by the following criteria:
    - i. A buffer shall be maintained for a distance of 100 feet on both sides of the stream as measured from the stream banks.
    - ii. No impervious surface shall be constructed within a 150 foot setback area on both sides of the stream as measured from the stream banks.
    - iii. Septic tanks and septic tank drainfields are prohibited in the setback area of (ii) above.
  2. The perennial stream corridors within a small water supply watershed and outside a seven (7) mile radius upstream of a governmentally owned public drinking water supply intake or water supply reservoir are protected by the following criteria:
    - i. A buffer shall be maintained for a distance of 50 feet on both sides of the stream as measured from the stream banks.
    - ii. No impervious surface shall be constructed within a 75 foot setback area on both sides of the stream as measured from the stream banks.
    - iii. Septic tanks and septic tanks drainfields are prohibited in the setback areas of (ii) above.
- c) The following criteria apply at all locations in a small water supply watershed.
  1. New sanitary landfills are allowed only if they have synthetic liners and leachate collection systems.
  2. New hazardous waste treatment or disposal facilities are prohibited.
  3. The impervious surface area, including all public and private structures, utilities, or facilities, of the entire water supply watershed shall be limited to twenty-five (25) percent, or existing use, whichever is greater.
  4. New facilities which handle hazardous materials of the types and amounts determined by the Department of Natural Resources shall perform their operations on impermeable surfaces having spill and leak collection systems as prescribed by the Department of Natural Resources.
- d) The water supply reservoirs in small water supply watersheds are to be managed as described in (8).



**Legend**

- Contam. Inv. Facility
- Pump/Lift Station
- Bridge/Culvert
- Lake
- River
- Rock Creek
- Railway
- Reservoir Parcel
- County Park
- City of Auburn
- County Line

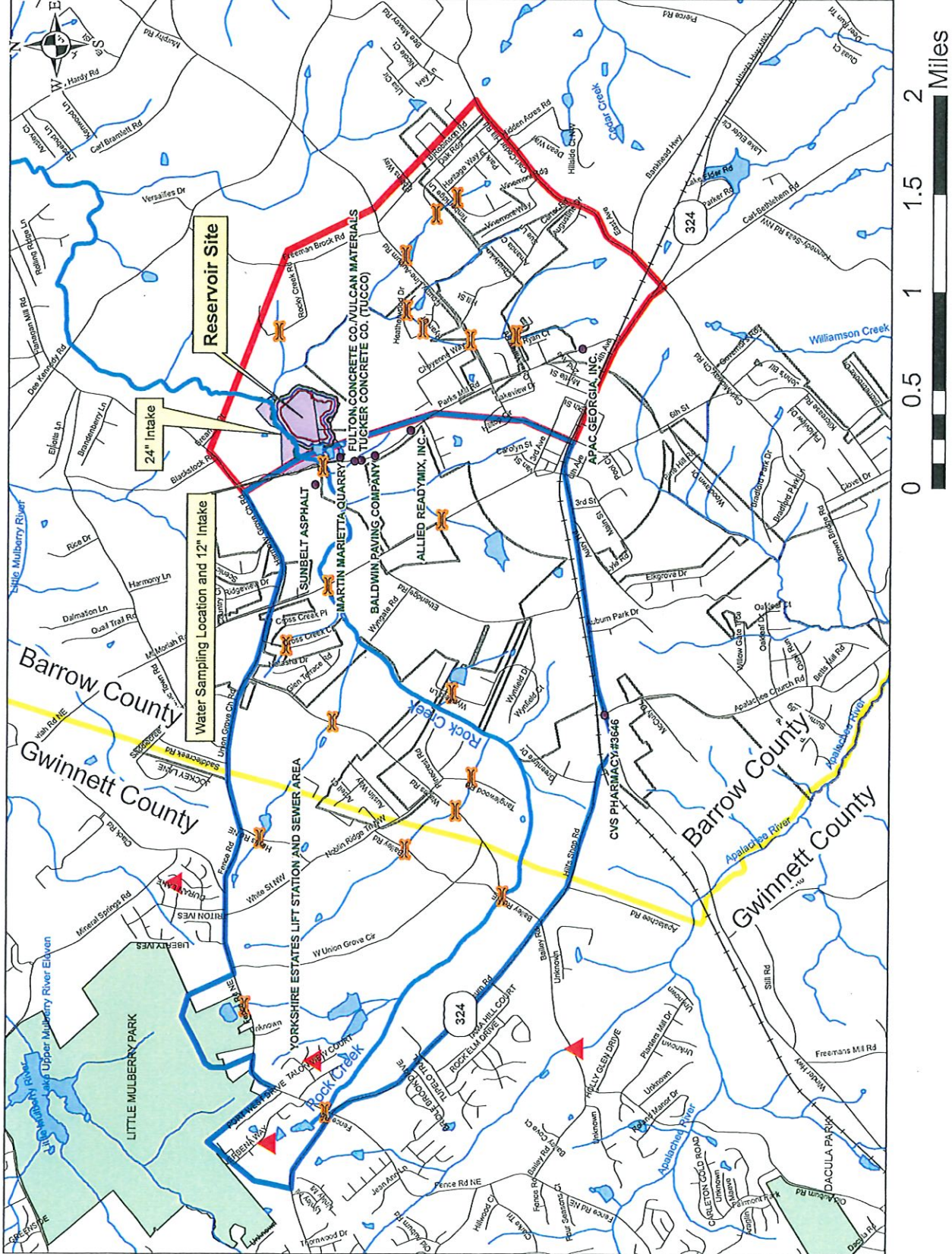
**Basins**

- Rock Creek Basin
- Tributary Basin

Auburn's Watershed Protection Map

9/18/2024

Prepared by  
Hussey Gay Bell





**MAYOR**  
Rick E. Roquemore

**CITY ADMINISTRATOR**  
Michael E. Parks

**CITY COUNCIL**  
Robert L. Vogel III  
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Joshua Rowan

**AGENDA ITEM: 10**

**TO:** Mayor and Council  
**FROM:** Michael Parks City  
Administrator  
**DATE:** September 26, 2024

**PURPOSE:** U.S. Geological Partnership

**BACKGROUND:** The City of Auburn needs to install a stream gage in Rock Creek to meet one of the conditions in the Permit 007-0303-07 to withdraw water from Rock Creek. The City of Auburn has a permit to withdraw raw water from Rock Creek for treatment at the new Drinking Water Treatment Plant. Georgia Environmental Protection Division (EPD) prefers that the gage be installed and operated by the United States Geological Survey (USGS). For your approval is an agreement between the City and USGS to install and operate the gage. The agreement is for five years and will need to be renewed in five years. The operating cost has been included in the operating budget for the DWTP.

**RECOMMENDATION:** To approve the partnership with U.S. Geological Survey for installation of a stream gauge to monitor the flow conditions

**FUNDING:** GEFA/Operational Budget

**ATTACHMENTS:**  
EPD Withdrawal Permit  
USGA Agreement





## United States Department of the Interior

U.S. GEOLOGICAL SURVEY  
South Atlantic Water Science Center  
1770 Corporate Drive, Suite 500  
Norcross, GA 30093

August 21, 2024

Mr. Michael Park  
City Administrator  
City of Auburn  
1369 4th Ave  
Auburn, GA 30011

Dear Mr. Park:

Attached is our standard joint-funding agreement 25MPJFAG0000078 between the U.S. Geological Survey South Atlantic Water Science Center and City of Auburn for negotiated deliverables (see attached), during the period October 1, 2024 through September 30, 2029 in the amount of \$116,750.00 from your agency. U.S. Geological Survey contributions for this agreement are \$0.00 for a combined total of \$116,750.00. Please sign and return one fully-executed original to Megan Jernigan at [sawscbudgethelp@usgs.gov](mailto:sawscbudgethelp@usgs.gov) or mail to the address above.

Federal law requires that we have a signed agreement before we start or continue work. Please return the signed agreement by **October 1, 2024**. If, for any reason, the agreement cannot be signed and returned by the date shown above, please contact Robert Sobczak at (470) 734-1524 or email [rsobczak@usgs.gov](mailto:rsobczak@usgs.gov) to make alternative arrangements.

This is a fixed cost agreement to be billed annually via Down Payment Request (automated Form DI-1040). Please allow 30-days from the end of the billing period for issuance of the bill. If you experience any problems with your invoice(s), please contact Megan Jernigan at phone number (919) 819-9441 or [sawscbudgethelp@usgs.gov](mailto:sawscbudgethelp@usgs.gov).

The results of all work performed under this agreement will be available for publication by the U.S. Geological Survey. We look forward to continuing this and future cooperative efforts in these mutually beneficial water resources studies.

Sincerely,

*Victor Engel*

Victor C. Engel  
Director, South Atlantic Water Science Center

Attachment  
25MPJFAG0000078

**U.S. Department of the Interior  
U.S. Geological Survey  
Joint Funding Agreement  
FOR  
Water Resource Investigations**

**Customer #: 600008815  
Agreement #: 25MPJFAG0000078  
Project #: MP00GXH  
TIN #: 58-0945938**

**Fixed Cost Agreement YES[ X ] NO[ ]**

THIS AGREEMENT is entered into as of the October 1, 2024, by the U.S. GEOLOGICAL SURVEY, South Atlantic Water Science Center, UNITED STATES DEPARTMENT OF THE INTERIOR, party of the first part, and the City of Auburn party of the second part.

1. The parties hereto agree that subject to the availability of appropriations and in accordance with their respective authorities there shall be maintained in cooperation for negotiated deliverables (see attached), herein called the program. The USGS legal authority is 43 USC 36C; 43 USC 50, and 43 USC 50b.

2. The following amounts shall be contributed to cover all of the cost of the necessary field and analytical work directly related to this program. 2(b) include In-Kind-Services in the amount of \$0.00.

- (a) \$0.00 by the party of the first part during the period  
October 1, 2024 to September 30, 2029
- (b) \$116,750.00 by the party of the second part during the period  
October 1, 2024 to September 30, 2029
- (c) Contributions are provided by the party of the first part through other USGS regional or national programs,  
in the amount of: \$0.00.
- (d) Additional or reduced amounts by each party during the above period or succeeding periods as may be  
determined by mutual agreement and set forth in an exchange of letters between the parties.
- (e) The performance period may be changed by mutual agreement and set forth in an exchange of letters  
between the parties.

3. The costs of this program may be paid by either party in conformity with the laws and regulations respectively governing each party.

4. The field and analytical work pertaining to this program shall be under the direction of or subject to periodic review by an authorized representative of the party of the first part.

5. The areas to be included in the program shall be determined by mutual agreement between the parties hereto or their authorized representatives. The methods employed in the field and office shall be those adopted by the party of the first part to insure the required standards of accuracy subject to modification by mutual agreement.

6. During the course of this program, all field and analytical work of either party pertaining to this program shall be open to the inspection of the other party, and if the work is not being carried on in a mutually satisfactory manner, either party may terminate this agreement upon 60 days written notice to the other party.

7. The original records resulting from this program will be deposited in the office of origin of those records. Upon request, copies of the original records will be provided to the office of the other party.

8. The maps, records or reports resulting from this program shall be made available to the public as promptly as possible. The maps, records or reports normally will be published by the party of the first part. However, the party of the second part reserves the right to publish the results of this program, and if already published by the party of the first part shall, upon request, be furnished by the party of the first part, at cost, impressions suitable for purposes of reproduction similar to that for which the original copy was prepared. The maps, records or reports published by either party shall contain a statement of the cooperative relations between the parties. The Parties acknowledge that scientific information and data developed as a result of the Scope of Work (SOW) are subject to applicable USGS review, approval, and release requirements, which are available on the USGS Fundamental Science Practices website (<https://www.usgs.gov/office-of-science-quality-and-integrity/fundamental-science-practices>).

U.S. Department of the Interior  
U.S. Geological Survey  
Joint Funding Agreement  
FOR

Customer #: 6000008815  
Agreement #: 25MPJFAG0000078  
Project #: MP00GXH  
TIN #: 58-0945938

Water Resource Investigations

9. Billing for this agreement will be rendered annually. Invoices not paid within 60 days from the billing date will bear Interest, Penalties, and Administrative cost at the annual rate pursuant the Debt Collection Act of 1982, (codified at 31 U.S.C. § 3717) established by the U.S. Treasury.

USGS Technical Point of Contact

Name: Robert Sobczak  
Assistant Director for Data- Georgia  
Address: 1770 Corporate Drive Suite 500  
Norcross, GA 30093  
Telephone: (470) 734-1524  
Fax: (678) 924-6710  
Email: [rsobczak@usgs.gov](mailto:rsobczak@usgs.gov)

Customer Technical Point of Contact

Name: Michael Park  
City Administrator  
Address: 1369 4th Ave  
Auburn , GA 30011  
Telephone: (770) 963-4002 Ext 202  
Fax: (n/a)  
Email: [mparks@cityofauburn-ga.org](mailto:mparks@cityofauburn-ga.org)

USGS Billing Point of Contact

Name: Megan Jernigan  
Budget Analyst  
Address: 3916 Sunset Ridge Road  
Raleigh, NC 27607  
Telephone: (919) 819-9441  
Fax:  
Email: [sawscbudgethelp@usgs.gov](mailto:sawscbudgethelp@usgs.gov)

Customer Billing Point of Contact

Name: Michael Park  
City Administrator  
Address: 1369 4th Ave  
Auburn , GA 30011  
Telephone: (770) 963-4002 Ext 202  
Fax: (n/a)  
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U.S. Geological Survey  
United States  
Department of Interior

City of Auburn

Signature

Signatures

By \_\_\_\_\_  
Name: Victor C. Engel  
Title: Director, South Atlantic Water Science Center

By \_\_\_\_\_ Date: \_\_\_\_\_  
Name:  
Title:

By \_\_\_\_\_ Date: \_\_\_\_\_  
Name:  
Title:

By \_\_\_\_\_ Date: \_\_\_\_\_  
Name:  
Title:



PERMIT NO. 007-0303-07

ISSUANCE DATE:

MAR 15 2019



# GEORGIA

DEPARTMENT OF NATURAL RESOURCES

## ENVIRONMENTAL PROTECTION DIVISION

### PERMIT TO WITHDRAW, DIVERT OR IMPOUND SURFACE WATER

PERMIT HOLDER'S NAME **City of Auburn**  
PERMIT HOLDER'S ADDRESS **P. O. Box 1059, Auburn, GA 30011**  
COUNTY: **Barrow County**

In accordance with the provisions of the Georgia Water Quality Control Act, (O.C.G.A. § 12-5-20 et seq.) as amended, and the Rules and Regulations for Water Quality Control, Chapter 391-3-6, promulgated pursuant thereto, this permit is issued to **withdraw** surface water from **Rock Creek at Parks Mill Road (1), and Rock Creek at Reservoir (2) in Oconee River Basin** for the purpose of **municipal water supply**.

The City of Auburn (Permittee) must comply with the following limitations:

- (1) Maximum 24 hour: Withdrawal **15.6** MGD; Impoundment \_\_\_\_ MGD; Diversion \_\_\_\_ MGD
- (2) Not to exceed a monthly average of **7.2** MGD
- (3) Not to exceed an annual average of **3.9** MGD

This Permit is conditioned upon the permit holder complying with the attached **Standard Conditions** (1 through 5) and the additional **Special Conditions** (12 through 21) which are hereby made a part of this Permit.

In accordance with the application dated **5/1/2018** and in conformity with the statements and supporting data entered therein or attached thereto, all of which are filed with the Environmental Protection Division of the Department of Natural Resources and are hereby made part of this Permit.

This Permit is effective from the date first above written and is subject to revocation pursuant to the Georgia Water Quality Control Act, as amended, O.C.G.A. § 12-5-31 (k).

Absent prior revocation in accordance with the above language, this Permit will expire **ten (10) years** from the issuance date on this permit.



*Richard*  
\_\_\_\_\_  
Director  
Environmental Protection Division



**MAYOR**  
Rick E. Roquemore

**CITY ADMINISTRATOR**  
Michael E. Parks

**CITY COUNCIL**  
Robert L. Vogel III  
Taylor J. Sisk  
Jamie L. Bradley  
Joshua Rowan

**AGENDA ITEM: 11**

**TO:** Mayor and Council

**FROM:** Michael Parks  
City Administrator

**DATE:** September 26, 2024

**PURPOSE:** To appoint Jon Gomolak to the Downtown Development Authority and Silvia Barber to the Planning Commission Board.

**BACKGROUND:** Jon Gomolak has been nominated by Councilmember Josh Rowan to the City of Auburn Downtown Development Authority and Silvia Barber has been nominated by Mayor Roquemore to the Planning Commission.

Auburn Municipal Code provisions establish four-year terms for these boards that coincide with the term of the elected official appointing them. The slots would be vacant to be filled by reappointment of the same person or appointment of a new person for the new four-year term. Board Members are subject to approval by a majority vote of the City Council.

**RECOMMENDATION:** To approve recommendations appointing Jon Gomolak to the Downtown Development Authority and Silvia Barber to the Planning Commission Board.

**FUNDING:** N/A

**ATTACHMENTS:** N/A