



City of Stockbridge
Bringing People
Together

STOCKBRIDGE CITY COUNCIL

Mayor Judy Neal

Mayor Pro Tem Anthony S. Ford

Councilman Elton Alexander

Councilman John Blount

Councilwoman LaKeisha Gantt

Councilwoman Neat Robinson

CITY MANAGER

Michael Harris

CITY CLERK

Vanessa Holiday

DEPUTY CLERK

Randi Rainey

CITY ATTORNEY

Michael Williams

**Council Meeting
Agenda**

December 16, 2016 6:00 PM



Council Chamber 2nd Floor

4640 N. Henry Blvd.

Stockbridge, GA 30281

Website: www.cityofstockbridge.com

Phone: 770-389-7900

Fax: 770-389-7912



AGENDA COUNCIL MEETING CITY OF STOCKBRIDGE

FRIDAY, DECEMBER 16, 2016 6:00 PM

Mayor & City Council

Judy Neal, Mayor
Anthony S. Ford, Mayor Pro Tem
Elton Alexander, Councilman
John Blount, Councilman
LaKeisha Gantt, Councilwoman
Neat Robinson, Councilwoman

Administration

Michael Harris, City Manager
Vanessa Holiday, City Clerk
Randi Rainey, Deputy City Clerk
Michael Williams, City Attorney

I. Invocation

II. Call to Order

III. Roll Call

Present

Absent

Mayor Pro Tem Ford

Councilman Alexander

Councilman Blount

Councilwoman Gantt

Councilwoman Robinson

IV. Pledge of Allegiance

V. Adoption of the Agenda

PUBLIC HEARING

Item # 1 - PUBLIC HEARING Annexation Request AX16-47

Presented by: Michael Harris, City Manager

Item # 2 - Public Hearing

Rezoning - RZ16-32-S

Presented by: Michael Harris, City Manager

Item # 3 - Public Hearing

Annexation Request AX16-50

Presented by: Michael Harris, City Manager

Item # 4 - Public Hearing

Annexation Request AX16-48

Presented by: Michael Harris, City Manager

Item # 5 - Public Hearing

Annexation Request AX16-49

Presented by: Michael Harris, City Manager

Item # 6 - Public Hearing

Rezoning Request RZ-16-30-S

Presented by: Michael Harris, City Manager

EXECUTIVE SESSION (Exemptions to the Georgia Open Meetings Acts)

Motion to Adjourn.

STATE OF GEORGIA

CITY OF STOCKBRIDGE

ORDINANCE NO. _____

AN ORDINANCE TO ANNEX CERTAIN PROPERTY INTO THE CITY OF STOCKBRIDGE AND TO AMEND THE OFFICIAL ZONING MAP, CITY OF STOCKBRIDGE, GEORGIA, AS AMENDED; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the governing authority of the City of Stockbridge is the Mayor and Council thereof;

WHEREAS, the governing authority of the City of Stockbridge, Georgia desires to annex certain property into the City and to modify the zoning designation of certain property located within the City; and,

WHEREAS, the health, safety, and welfare of the citizens of Stockbridge, Georgia, will be positively impacted by the adoption of this Ordinance.

NOW THEREFORE, THE COUNCIL OF THE CITY OF STOCKBRIDGE HEREBY ORDAINS:

Section 1. The property described in Exhibit "A" (the "Property"), a copy of which is attached hereto and incorporated herein by reference, is hereby annexed into the City of Stockbridge, Georgia pursuant to the authority of O.C.G.A. Sections 36-36-1 *et seq.* and 36-36-90 *et seq.*

Section 2. The property described as Parcel ID 053-01-018-000 in Exhibit "A," a copy of which is attached hereto and incorporated herein by reference, is hereby rezoned to R-3 (Single Family Residential) (City of Stockbridge's Classification), such rezoning to be noted on the City of Stockbridge Official Zoning Map approved by Mayor and Council as soon as reasonably possible following adoption of this Ordinance by the Zoning Administrator along with an editorial note on the City of Stockbridge Official Zoning Map approved by Mayor and Council specifying the parcel(s) affected by this Ordinance and the date of adoption of this Ordinance. Pursuant to the Official Code of Georgia Annotated Section 36-66-4(e) and the provisions of the Zoning Code of the City of Stockbridge, Georgia, the remaining property described in Exhibit "A," is automatically zoned by the City through the operation of said Section for the same use for which the property was zoned immediately prior to annexation (RA, Residential Agriculture District). Until the rezoning is indicated on the City of Stockbridge Official Zoning Map approved by Mayor and Council, this Ordinance shall govern over the City of Stockbridge Official Zoning Map approved by Mayor and Council to the extent of any discrepancy between this Ordinance and the City of Stockbridge Official Zoning Map approved by Mayor and Council.

Section 3. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 4. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this

Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 5. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 6. Penalties in effect for violations of the Zoning Ordinance of the City of Stockbridge at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.

Section 7. The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

ORDAINED this 16th day of December, 2016.

CITY OF STOCKBRIDGE, GEORGIA

Judy Neal, Mayor

ATTEST:

Vanessa Holiday, City Clerk

APPROVED AS TO FORM:

Michael Williams, City Attorney

Date Presented to Mayor: _____

Date Received from Mayor: _____

EXHIBIT "A"



Annexation Report
City of Stockbridge Zoning Advisory Board

City of Stockbridge Planning & Zoning

AX16-47

Applicant: Carriage Lake Home Owners Association

Agent: Ron Pasedag, HOA President
231 Lakeview Place
Stockbridge, Ga 30281
404-597-2942

Location: Walt Stephens Road west of I-75

Parcel ID(s): Various parcels as listed in the application

Request: Annexation through the 60% method.

Lot Size: The parcels on the north side of the road (Carriage Lake Subdivision) consists of 74.97+/- acres.
The parcels on the south side of the road (church properties) are a total of 5.67+/- acres.

Zoning History:

The parcels on the north side of the road were zoned by the County as PD (Planned Development) in 1995 for a residential subdivision. The parcels on the south side of the road are RA (Residential Agriculture) and have been utilized for church purposes for numerous years.

Current Land Use: Residential within the established Subdivision and Church Uses on the parcels on the south side of Walt Stephens Road.

Future Land Use: Medium Density Residential

Proposed Use

/Purpose: There is no change in the proposed use of the properties.

Table 1.0 Current Zoning and Land Use of Surrounding Properties

Parcels on the north side of the road (Subdivision)

Current Zoning		Current Land Use
North	RM (Multifamily Residential District)	Subdivision
East	Interstate	Interstate
South	PD (Planned Development) and C2 (General Commercial)	Subdivision and Vacant Lot
West	RM (Multifamily Residential District)	Neighborhood Amenities (track) and Church

Source: Henry County Zoning Map

Parcels on the south side of the road (Church)

Current Zoning		Current Land Use
North	RM (Multifamily Residential District)	Subdivision
East	C2- (General Commercial)	Vacant
South	PD (Planned Development) and C2 (General Commercial)	Subdivision and School
West	C2- (General Commercial)	Commercial

Source: Henry County Zoning Map

Estimated Costs of Future Municipal Services:

- **Streets Lights:** \$5,500 per year as of 11/2016
- **Streets (estimate):** \$750,000 (repaving 8,000 linear feet of road). This should be budgeted within the next five (5) years.
- **Sidewalks (estimate):** \$320,000 (16,000 linear feet of sidewalk). This should be budgeted within the next five to seven (5-7) years.
- **Stormwater (estimate):** Any corrective construction would be paid for in future Stormwater fees.

Executive Summary:

Representatives of the Carriage Lake Subdivision have submitted a request for their subdivision to be annexed into the City limits. Additionally parcels on the south side of the Walt Stephens Road, presently the home to Red Oak Church and the Anointed Prayers of Faith Church, are included in the request. There will not be any change in the use of the properties, however the current zoning of the subdivision does not exist in the Municipal Code. Therefore, the City is requesting to rezone the subdivision parcels to the zoning classification that is closest to the present use, which is R3 (Multiple Family Residential). Please see RZ-16-32-S. The properties on the south side of Walt Stephens Road will remain their current use and zoning, which is RA (Residential Agriculture).



Rezoning Evaluation Report
City of Stockbridge Zoning Advisory Board

City of Stockbridge Planning & Zoning

RZ-16-32-S

Applicant: City Initiated Zoning

Agent: Ron Pasedag, HOA President
231 Lakeview Place
Stockbridge, Ga 30281
404-597-2942

Location: Walt Stephens Road
Land Lots 77, 78 & 83 of the 6th District

Request: Rezoning from county PD (Planned Development) to City of Stockbridge R3

Parcel ID(s): 053-01-018-000

Proposed Use /Purpose: Residential Subdivision

Current Land Use: Residential Subdivision

Future Land Use: Medium Density Residential

Sign Posted: November 23, 2016

ZAB Meeting: November 28, 2016
Council Meeting: December 16, 2016

Lot Size: 74.97+/- acres

Road Access: Walt Stephens Road

Zoning History:

The subject property was recommended for approval of rezoning by the Henry County Planning and Zoning Board on March 9, 1995 from RA (Residential Agricultural) to PD (Planned Development) for the purpose of a single-family residential subdivision. Which was subsequently approved by the Henry County Board of Commissioners on April 18, 1995. Conditions of approval were placed on the property and they are as follows:

- A 1:1 ratio of R2 and R3 Conditional single-family residential development to be built at the same time.
- The amenity area to be built before more than 50% of PD (residential development) is completed.
- A minimum 10-foot landscaped buffer on all rear yard properties abutting Walt Stephens Road with a minimum 5-foot planting tree.
- A minimum 1,200 square foot heated floor area for R3 conditional single-family residential development.
- A minimum 1,600 square foot heated floor area for R2 single-family residential development.

Table 1.0 Current Zoning and Land Use of Surrounding Properties

Current Zoning		Current Land Use
North	RM (Multifamily Residential District)	Subdivision
East	Interstate	Interstate
South	PD (Planned Development) and C2 (General Commercial)	Subdivision and Vacant Lot
West	RM (Multifamily Residential District)	Neighborhood Amenities (track) and Church

Source: Henry County Zoning Map

Executive Summary:

The applicant intends to rezone 74.97+/- acres, on the north side of Walt Stephens Road adjacent to I-75 in Land Lot 26 of the 12th District from the county's designation of PD (Planned Development) to the most appropriate zoning classification in the City of Stockbridge, which is R3.

Development Regulations Relevant to Request:

- Section 2.08.00 Planned Town Development District
- Henry County Unified Land Development Code Section 3.04.00 Watershed Protection Areas
- All other sections regarding site development standards and requirements

Analysis of Request (12.02.09.C):**Criteria point 1: Consistency with the comprehensive plan**

Rezoning the subject property is consistent with the Comprehensive Plan as there will be no change in proposed use as the development is fully developed.

Criteria point 2: The relation that the proposed amendment bears to the purpose of the overall zoning scheme with due consideration given to whether or not the proposed change will help carry out the purposes of this UDC.

This request is due to the fact that the City does not have the exact zoning classification (PD) that exists in the County. However R3 is the closest category in the City Code to the fully developed subdivision.

Criteria Point 3: Potential positive effects of the amendment on the character of the proposed zoning district, a particular piece of property, neighborhood, a particular area, or the community.

The proposed development is consistent with the Future Land Use Map (FLUM) of the Henry County/Cities Joint 2030 Comprehensive Plan (Comp Plan), which designates the subject property for Medium-Density Residential.

Criteria Point 4: The physical conditions of the site relative to its capacity to be developed as requested, including topography, drainage, access, and size and shape of the property.

The property is fully developed as a residential subdivision, therefore the property is well suited for this use.

Criteria Points 6 & 7: The potential impact of the proposed amendment on City infrastructure including water and sewerage systems. The impact of proposed amendment on adjacent thoroughfares and pedestrian and vehicular circulation and traffic volumes.

As previously indicated, the property is fully developed as a residential subdivision, therefore the infrastructure is in place to support the development. However the City would be responsible for upkeep and should budget for future maintenance of local roads, street lights, sidewalks and stormwater matters.

Criteria Point 8: *The merits of the requested change in zoning relative to any other guidelines and policies for development that the Zoning Advisory Board and Mayor and Council may use in furthering the objectives of the comprehensive plan.*

The property is fully developed as a residential subdivision and no changes are proposed, therefore the request meets all zoning requirements.

Criteria Point 9: *The capacity of the site to be developed as presently zoned.*

The property is fully developed as a residential subdivision, therefore the property is well suited for this use.

Recommendation:

Pending annexation approval (see AX16-47), Staff recommends **Approval** of rezoning the property from County PD (Planned Development) to City of Stockbridge R3 (Multiple Family Residential).

Attachments:

- Rezoning Application

STATE OF GEORGIA

CITY OF STOCKBRIDGE

ORDINANCE NO. _____

AN ORDINANCE TO ANNEX CERTAIN PROPERTY INTO THE CITY OF STOCKBRIDGE AND TO AMEND THE OFFICIAL ZONING MAP, CITY OF STOCKBRIDGE, GEORGIA, AS AMENDED; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the governing authority of the City of Stockbridge is the Mayor and Council thereof;

WHEREAS, the governing authority of the City of Stockbridge, Georgia desires to annex certain property into the City and to modify the zoning designation of certain property located within the City; and,

WHEREAS, the health, safety, and welfare of the citizens of Stockbridge, Georgia, will be positively impacted by the adoption of this Ordinance.

NOW THEREFORE, THE COUNCIL OF THE CITY OF STOCKBRIDGE HEREBY ORDAINS:

Section 1. The property described in Exhibit "A" (the "Property"), a copy of which is attached hereto and incorporated herein by reference, is hereby annexed into the City of Stockbridge, Georgia pursuant to the authority of O.C.G.A. Sections 36-36-1 *et seq.* and 36-36-90 *et seq.*

Section 2. Pursuant to the Official Code of Georgia Annotated Section 36-66-4(e) and the provisions of the Zoning Code of the City of Stockbridge, Georgia, the property described in

Exhibit "A," is automatically zoned by the City through the operation of said Section for the same use for which the property was zoned immediately prior to annexation (C-2, General Commercial District), Until the rezoning is indicated on the City of Stockbridge Official Zoning Map approved by Mayor and Council, this Ordinance shall govern over the City of Stockbridge Official Zoning Map approved by Mayor and Council to the extent of any discrepancy between this Ordinance and the City of Stockbridge Official Zoning Map approved by Mayor and Council.

Section 3. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 4. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

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(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases,

clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 5. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 6. Penalties in effect for violations of the Zoning Ordinance of the City of Stockbridge at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.

Section 7. The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

ORDAINED this 16th day of December, 2016.

CITY OF STOCKBRIDGE, GEORGIA

Judy Neal, Mayor

ATTEST:

Vanessa Holiday, City Clerk

APPROVED AS TO FORM:

Michael Williams, City Attorney

Date Presented to Mayor: _____

Date Received from Mayor: _____

EXHIBIT "A"



Annexation Report
City of Stockbridge Zoning Advisory Board

City of Stockbridge Planning & Zoning

AX16-50

Applicant: Spirit Master Funding VI LLC
16767 N Perimeter Dr. STE 210
Scottsdale, AZ 85260

Agent: Jodeco Atlanta South, LLC
P.O. Box 18713

Location: 2153 Jodeco Road

Parcel ID(s): 053B06001000

Request: Annexation through the 100% method.

Lot Size: 1.44 +/- Acres

Zoning History: The subject property is currently zoned C2 (General Commercial).

Current Land Use: Restaurant

Future Land Use: Commercial

**Proposed Use
/Purpose:** Commercial

Table 1.0 Current Zoning and Land Use of Surrounding Properties

Current Zoning		Current Land Use
North	C2 (General Commercial)	GDOT Property
East	C2 (General Commercial) and R3 (Single Family Residential)	Strip Shopping Center and Single Family Residences
South	R3 (Single Family Residential)	Single Family Residences
West	RA (Residential Agricultural) and C3 (Highway Commercial)	Interstate and Vacant

Source: Henry County Zoning Map

Estimated Costs of Future Municipal Services:

- There is not an estimated increase in cost of services for this property.

Executive Summary:

Representatives of Spirit Master Funding VI LLC have submitted a request for their property to be annexed into the City limits. Property is currently a Hardee's Restaurant.

Attachments:

- HCTA Map
- Application for Annexation Packet



CITY OF STOCKBRIDGE | APPLICATION FOR ANNEXATION

4640 North Henry Boulevard
Stockbridge, GA 30281
Phone: (770) 389-7900
Fax: (770) 389-7912

Annexation No: AX16-50

Date: 11-10-2016

Received by: Tamara Holiday

RECEIVED

NOV 10 2016

TYPE OF ANNEXATION

City Clerk's Office

☐ **60% Method:** Petitioners owning at least 60% of the property in the area to be annexed, and at least 60% of the voters in an area, may seek to have their property annexed into an adjacent city.

☒ **100% Method:** Property owners of all the land in an area may seek to have their property annexed into an adjacent city by signing a petition.

Property Address: 3056 Jodeco Road (Parcel 053B-06001000)

Is this property contiguous to the city limits? ☒ Yes ☐ No

LAND USE AND ZONING

County: Henry

County Zoning Classification: C-2

Present Land Use: Restaurant-Fast Food

Requested Zoning Classification: C-2

PROPERTY OWNER

Name: Spirit Master Funding VI LLC, a Delaware limited liability company

Mailing Address: 2727 N. Harwood Street, Suite 300 / Dallas, Texas 75201

Telephone: (480) 606-0820

Email: _____

Signature: [Signature]

Date: November 3, 2016

* If this application is submitted pursuant to the 60% Method, please attach additional names, signatures, addresses, dates of signature, and elector/landowners information on a separate sheet.

APPLICANT

Name: Jodeco Atlanta South, LLC

Mailing Address: P.O. Box 18713 / Huntsville, Alabama 35804

Telephone: (256) 489-4157

Email: max@rexcp.com

Signature: [Signature]

Date: November 3, 2016

PLEASE DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Signature: [Signature]

Date: 11/10/2016

11/10/1919

11/10/1919

11/10/1919



CITY OF STOCKBRIDGE | OWNER'S AUTHORIZATION

4640 North Henry Boulevard
Stockbridge, GA 30281
Phone: (770) 389-7900
Fax: (770) 389-7912

The undersigned below, or as attached, is the owner of the property that is the subject of this application. The undersigned does duly authorize the applicant named below to act as applicant in the pursuit of an annexation of the property.

Name:

Spirit Master Funding VI LLC, a Delaware limited liability company
By: Spirit SPE Manager, LLC, a Delaware limited liability company, its manager
Property Address: 3056 Jodeco Road (Parcel 053B-06001000)

Telephone: (480) 606-0820

Email: _____

I swear that I am the owner of the property that is the subject matter of the attached application, as it is shown in the records of Henry County, Georgia.

Signature: _____

Date: 11/9/16

Personally appeared before me

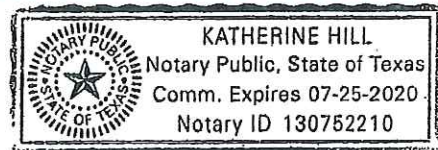
Daniel Rosenberg

Who swears the information contained in this authorization is true and correct to the best of his/her knowledge and belief.

Katherine Hill
Notary Public

11/9/2016
Date

(Affix Seal Here)



Print



JODECO ATLANTA SOUTH, LLC
P.O. Box 18713
Huntsville, Alabama 35804

November 3, 2016

VIA Email and Hand Delivery

Spirit Master Funding VI LLC
2727 N. Harwood Street, Suite 300
Dallas, Texas 75201
Attn: Ms. Courtney Avakian

Re: That certain City of Stockbridge Annexation Checklist for the application for annexation into the City of Stockbridge (the "**Annexation Application**") for certain property located at 3056 Jodeco Road (Parcel 053B-06001000), Henry County, GA (the "**Property**") owned by Spirit Master Funding VI LLC ("**Owner**")

Agreement to payment of costs related to Annexation Application

Dear Ms. Avakian:

As discussed, please allow this letter to serve as the binding agreement of Jodeco Atlanta South, LLC ("**JAS**") to be responsible for all costs and expenses which may be owed or incurred by Owner and/or its tenant in connection with (i) the filing of the above-referenced Annexation Application and/or (ii) the annexation of the Property into the City of Stockbridge. JAS shall pay any fees or costs required in connection with the Annexation Application or the annexation itself; provided, however, that if Owner pays such costs initially or incurs any such expense in the first instance, then JAS shall reimburse Owner within ten (10) days following JAS' receipt of an invoice and reasonable supporting documentation evidencing such cost. Notwithstanding anything contained herein to the contrary, Owner is under no obligation to pay any fees or costs related to the Annexation Application or the annexation of the Property into the City of Stockbridge.

This Letter may be executed and delivered by electronic transmission of a scanned image (in .PDF format or otherwise). Please contact the undersigned should you have any questions with respect to the terms of this Letter.

Sincerely

JODECO ATLANTA SOUTH, LLC



Max J. Grelief

cc: Ms. Tracy Hopkins-Tindall (via email)
Mr. Remy Gross (via email)
Mr. Odie Fakhouri (via email)
Jeremy D. Cohen, Esq. (via email)

RECEIVED IN OFFICE
HENRY COUNTY
CLERK OF SUPERIOR COURT

2015 JAN -5 AM 11:13

BK: 13874 PG: 132-135

Filed and Recorded Jan-05-2015 12:35:45PM

DOC#: D2015-000236

Real Estate Transfer Tax Paid \$1,270.00

0752014008861

BARBARA A. HARRISON

CLERK OF SUPERIOR COURT Henry County GA.

PREPARED BY:

Reed Smith LLP
1717 Arch Street, Suite 3100
Philadelphia, PA 19103
Attention: Stephen M. Lyons III, Esq.

When Recorded Return To:
Heather Townsend
National Commercial Services
First American Title Insurance Company
Six Concourse Parkway, Ste. 2000
Atlanta, GA 30328

668427 6A11

LIMITED WARRANTY DEED

THIS LIMITED WARRANTY DEED, is made this 26 day of November 2014, between SPIRIT MASTER FUNDING IV, LLC, a Delaware limited liability company, as party of the first part, hereinafter called Grantor, and SPIRIT MASTER FUNDING VI, LLC, a Delaware limited liability company, as party 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 the said Grantor for the consideration of Ten Dollars (\$10.00) and other considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby convey unto the said Grantee, its successors and assigns, all of Grantor's right, title and interest in and to that certain real property situated in Henry County, Georgia, legally described on Exhibit A hereto, together with (a) any and all improvements on such real property; (b) all fixtures affixed to such real property or any improvements thereon; (c) all mineral, oil and gas rights, water rights, sewer rights and other utility rights allocated to such real property; (d) all leases and rental agreements relating to the real property (and improvements thereon) or any portion thereof; and (e) all appurtenances, easements, licenses, privileges and other property interests belonging

#P03712
Henry County, GA

US_ACTIVE-119897695.1

BK: 13874 PG: 133

or appurtenant to such real property (the real property described on Exhibit A, and all of the foregoing items in clauses (a) through (e) above, now or hereafter existing, are referred to collectively as the "**Property**"), subject to current taxes and assessments, reservations in patents, all easements, rights-of-way, encumbrances, liens, covenants, conditions, restrictions, obligations, liabilities and other matters as may appear of record, and all matters which an accurate survey of the Property or a physical inspection of the Property would disclose.

BEING in all respects the same property conveyed to Grantor by that certain Limited Warranty Deed from Smart Growth Resources, LLC, a Colorado limited liability company, dated December 24, 2013 and recorded on January 14, 2014, in Deed Book 13443, Page 212-215, in the Records of Henry County, Georgia.

TO HAVE AND TO HOLD the Property, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining to the only proper use, benefit and behalf of Grantee, its successors and assigns forever, in fee simple.

AND Grantor will warrant and defend title to the Property against all acts of Grantor but against none other, subject to the matters set forth above.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

BK: 13874 PG: 135

EXHIBIT A

LEGAL DESCRIPTION

Street Address: 3056 Jodeco Rd., McDonough, GA

All that tract or parcel of land lying and being in Land Lot 79 of the 6th District, Henry County, Georgia, and being more particularly described as follows:

Beginning at a 1/2 inch rebar set at the intersection of the southerly right-of-way of Jodeco Road (AKA S.R. 351 - Right-of-Way varies) and the westerly right-of-way of Meadowbrook Drive (50 foot Right-of-Way); thence along the westerly right-of-way of Meadowbrook Drive along a curve to the right an arc distance of 198.89 feet (said arc being subtended by a chord bearing South 12 degrees 32 minutes 35 seconds East a distance of 198.81 feet and a radius of 1,952.00 feet) to a 1/2 inch rebar set; thence along said right-of-way South 08 degrees 18 minutes 40 seconds East a distance of 135.26 feet to a 1 inch pipe found; thence South 81 degrees 37 minutes 20 seconds West a distance 199.79 feet to a 1/2 inch rebar found on the easterly right-of-way of Interstate 75; thence along the Easterly right-of-way of Interstate 75 North 08 degrees 27 minutes 39 seconds West a distance of 99.71 feet to a 1/2 inch rebar found; thence along said right-of-way North 08 degrees 15 minutes 15 seconds West a distance of 203.71 feet to a 1/2 inch rebar set on the southerly right-of-way of Jodeco Road; thence along the southerly right-of-way of Jodeco Road North 72 degrees 59 minutes 18 seconds East a distance of 187.33 feet to a 1/2 inch rebar set and the point of beginning; said tract contains 1.4454 acres of land.

Less and Except 0.003 acres, more or less, as conveyed to the Department of Transportation, and their successors in office, as described in Right of Way Deed recorded in Book 12007, Page 329 Henry County, Georgia records.

BK: 13874 PG: 134

IN WITNESS WHEREOF, Grantor has caused these presents to be duly executed under seal the day, month and year first above written.

GRANTOR:

SPIRIT MASTER FUNDING IV, LLC, a
Delaware limited liability company

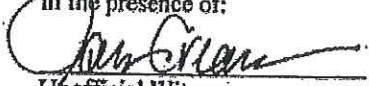
By: Spirit SPE Manager, LLC, a Delaware
limited liability company, its manager

By: 
Mark Manheimer, Executive Vice
President

Attest:


Name: JULIANNE BLANCHETTE
Title: Asst. Secretary

Signed, sealed and delivered
in the presence of:


Unofficial Witness


Notary Public

My Commission Expires:

12.12.16

[NOTARIAL SEAL]



Georgia

S-1

STATE OF GEORGIA

CITY OF STOCKBRIDGE

ORDINANCE NO. _____

AN ORDINANCE TO ANNEX CERTAIN PROPERTY INTO THE CITY OF STOCKBRIDGE; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the governing authority of the City of Stockbridge is the Mayor and Council thereof;

WHEREAS, the governing authority of the City of Stockbridge, Georgia desires to annex certain property into the City and to modify the zoning designation of certain property located within the City;

WHEREAS, pursuant the Zoning Code of the City of Stockbridge, Georgia, so long as the City and Henry County zoning ordinances share a common zoning classification for such use, and as provided under Official Code of Georgia Annotated Section 36-66-4(e), a zoning action taken pursuant to said section shall exempt the City from the notice and public hearing requirements of the Zoning Procedure Law, Official Code of Georgia Annotated Section 36-66-1 et seq., and the zoning amendment procedures under the Stockbridge Municipal Code; and

WHEREAS, the health, safety, and welfare of the citizens of Stockbridge, Georgia, will be positively impacted by the adoption of this Ordinance.

NOW THEREFORE, THE COUNCIL OF THE CITY OF STOCKBRIDGE HEREBY ORDAINS:

Section 1. The property described in Exhibit "A", a copy of which is attached hereto and incorporated herein by reference, is hereby annexed into the City of Stockbridge, Georgia pursuant to the authority of O.C.G.A. Sections 36-36-1 *et seq.* and 36-36-90 *et seq.*

Section 2. Pursuant to the Zoning Code of the City of Stockbridge, Georgia and as provided under Official Code of Georgia Annotated Section 36-66-4(e), the property described in Exhibit "A," a copy of which is attached hereto and incorporated herein by reference, is automatically zoned by the City through the operation of said Section for the same use for which the property was zoned immediately prior to annexation (C-2, General Commercial), such rezoning to be noted on the City of Stockbridge Official Zoning Map approved by Mayor and Council as soon as reasonably possible following adoption of this Ordinance by the Zoning Administrator along with an editorial note on the City of Stockbridge Official Zoning Map approved by Mayor and Council specifying the parcel(s) affected by this Ordinance and the date of adoption of this Ordinance.

Section 3. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 4. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this

Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 5. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 6. Penalties in effect for violations of the Zoning Ordinance of the City of Stockbridge at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.

Section 7. The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

ORDAINED this 16th day of December, 2016.

CITY OF STOCKBRIDGE, GEORGIA

Judy Neal, Mayor

ATTEST:

Vanessa Holiday, City Clerk

APPROVED AS TO FORM:

Michael Williams, City Attorney

Date Presented to Mayor: _____

Date Received from Mayor: _____

EXHIBIT "A"

That certain parcel of land known as Tax Parcel Number 053-01015000 according to the system of numbering tax parcels in Henry County, Georgia, more particularly described as follows:

[Attach legal description for 0.053 acres]



City of Stockbridge Planning & Zoning

AX16-48

Applicant: Kirit and Vanlila Amin

Agent: Kirit and Vanlila Amin

Location: Jodeco Road (No address assigned)

Parcel ID(s): 053-01015000

Request: Annexation through the 100% method.

Lot Size: .53 +/- Acres

Zoning History: The subject property is currently zoned C2 (General Commercial).

Current Land Use: Vacant

Future Land Use: Commercial

Proposed Use /Purpose: Commercial

Table 1.0 Current Zoning and Land Use of Surrounding Properties

Current Zoning		Current Land Use
North	C3 (Highway Commercial)	Vacant
East	C2 (General Commercial) and R3 (Single Family Residential)	Interstate and Restaurant and Single Family Homes
South	RA (Residential Agricultural)	Vacant
West	C3 (Highway Commercial)	Vacant

Source: Henry County Zoning Map

Estimated Costs of Future Municipal Services:

- Items are yet to be determined, will be contingent on future development of subject property.

Executive Summary:

Kirit and Vanlila Amin have submitted a request for their property to be annexed into the City limits. The property is currently vacant.

Attachments:

- HCTA Map
- Annexation Application Packet



City of Stockbridge

4640 North Henry Blvd. • Stockbridge, GA 30281

City Hall: (770) 389-7900 • Fax: (770) 389-7912

November 10, 2016

HAND DELIVERED

Mr. Lyndon Bonner, County Manager
Henry County Administration Building
140 Henry Parkway
McDonough, Georgia 30253

Re: Notification of Annexation Request for
Parcel ID: 053-01015000; Parcel ID: 053-01018000;
Parcel ID: 053-B 06001000 (Details noted below)

Dear Mr. Bonner:

Please be advised the City of Stockbridge, Georgia, by the authority vested in the Mayor and Council of the City of Stockbridge, Georgia by Article 2 of Chapter 36, Title 36, O.C.G.A., has received an annexation request from:
Owner/Applicant of: Kirit and Vanlila Amin of Morrow, GA request an annexation into the City of Stockbridge for the property located at the northeast corner of 2153 Jodeco Road, west of Mt. Olive Road, and south of Jodeco Road in Land Lot 78 of the 6th District. The property consists of 0.53 +/- acres.

Owner/Applicant of: Estate of Guey L. Chen & the Marital Trust of McDonough, GA request an annexation into the City of Stockbridge for the property located at 2153 Jodeco Road in Land Lot 77, 78, and 83 of the 6th District. The property consists of 158.65 +/- acres.

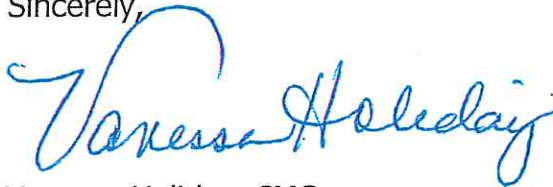
Owner/Applicant of: Spirit Master Funding VI LLC of Scottsdale, AZ request an annexation into the City of Stockbridge for the property located at 3056 Jodeco Rd. McDonough, GA in Land Lot 50 and 79 of the 6th District. The property consists of 1.437 +/- acres.

Attached please find the annexation applications, property owner signatures and property legal descriptions.

The above referenced annexation items will be heard by the Stockbridge City Council during a Public Hearing on Friday, December 16, 2016 at 6 p.m. at Stockbridge City Hall 4640 North Henry Blvd. Stockbridge, GA 30281.

If you have any questions regarding this matter, please contact Michael Harris, City Manager at (770) 389-7904.

Sincerely,



Vanessa Holiday, CMC
City Clerk

Encl.

cc: Michael Harris, City Manager
Daunte Gibb, Henry County Planning & Zoning Director



CITY OF STOCKBRIDGE | APPLICATION FOR ANNEXATION

4640 North Henry Boulevard
Stockbridge, GA 30281
Phone: (770) 389-7900
Fax: (770) 389-7912

Annexation No: AX16-48 Date: 11-7-2016

RECEIVED

Received by: Tamara Holiday

NOV 7 2016

TYPE OF ANNEXATION

City Clerk's Office
City of Stockbridge

☐ **60% Method:** Petitioners owning at least 60% of the property in the area to be annexed, and at least 60% of the voters in an area, may seek to have their property annexed into an adjacent city.

☒ **100% Method:** Property owners of all the land in an area may seek to have their property annexed into an adjacent city by signing a petition.

Property Address: Parcel 053-01015000

Is this property contiguous to the city limits? ☒ Yes ☐ No

LAND USE AND ZONING

County: Henry County

County Zoning Classification: _____

Present Land Use: vacant

Requested Zoning Classification: _____

PROPERTY OWNER

Name: Kirit and Vanlila Amin

Mailing Address: 1281 Kingston Road - Morrow, GA 30260

Telephone: (404) 944-2248

Email: mailboxexp@gmail.com

Signature: _____

Date: _____

* If this application is submitted pursuant to the 60% Method, please attach additional names, signatures, addresses, dates of signature, and elector/landowners information on a separate sheet.

APPLICANT

Name: Kirit and Vanlila Amin

Mailing Address: 1281 Kingston Road - Morrow, GA 30260

Telephone: (404) 944-2248

Email: mailboxexp@gmail.com

Signature: K. Amin, V. K. Amin

Date: 11-5-2016

Signature: [Signature]

Date: 11/7/2016

PLEASE DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY



CITY OF STOCKBRIDGE | OWNER'S AUTHORIZATION

4640 North Henry Boulevard
Stockbridge, GA 30281
Phone: (770) 389-7900
Fax: (770) 389-7912

The undersigned below, or as attached, is the owner of the property that is the subject of this application. The undersigned does duly authorize the applicant named below to act as applicant in the pursuit of an annexation of the property.

Name:

Kirit and Vanlila Amin

Property Address: Jodeco Road - Tax Map

Telephone: (404) 944-2248

Email: mailboxexp@gmail.com

I swear that I am the owner of the property that is the subject matter of the attached application, as it is shown in the records of Henry County, Georgia.

Signature:

K. Amin V. K. Amin

Date:

11-5-2016

Personally appeared before me

KIRIT AND VANLILA AMIN

Who swears the information contained in this authorization is true and correct to the best of his/her knowledge and belief.

Reepu Patel

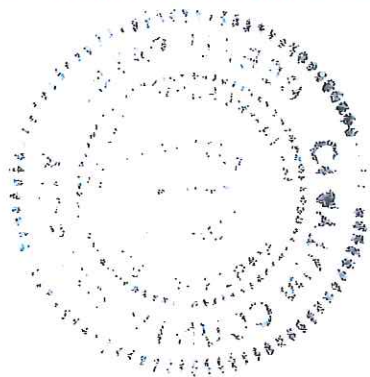
Notary Public

Date

Nov - 5 - 2016



Print





CITY OF STOCKBRIDGE | ANNEXATION CHECKLIST

4640 North Henry Boulevard
Stockbridge, GA 30281
Phone: (770) 389-7900
Fax: (770) 389-7912

☒ **NON-REFUNDABLE APPLICATION FEE - \$50.00**

Payment: Check or Money Order Payable to the City of Stockbridge.

☒ **APPLICATION FORM**

Two Original (2) Copies: Complete and signed with original signatures.

☒ **PETITION FOR ANNEXATION**

Two (2) Original Copies: The Annexation Petitions must be notarized and signed by the owner or authorized applicant. (The petition for the 60% Method must clearly indicate if the applicant is an elector or a landowner.)

☒ **CONSENT OF OWNER(S)**

Original: If the property owner does not sign the application and/or petition, submit a notarized affidavit signifying the approval or consent of all owners. (An affidavit form is attached.) Use additional affidavits, if necessary, for multiple owners.

☒ **PLAT OF SURVEY AND/OR LEGAL DESCRIPTION**

Original and One (1) copy - Submit an accurate, as-built survey showing all improvements on the site, to scale. The survey must be completed by a registered surveyor and must be reproducible. If a photocopy is submitted, the original seal must be visible and the survey must still be to scale. The survey must not be more the 1 year old.

☐ **VERIFIED LEGAL DESCRIPTION FORM**

Original and One (1) Copy - Submit one original, signed copy of the verified legal description form and 1 copy. Forms should be typed and include acreage. If the legal description does not fit on one form, additional forms shall be used and numbered accordingly.

05000
002041 Ann
J281 KINGSTON Rd
Mableton GA 30248
778-968-6586

BOOK 5000 PAGE 204

OUTCLAIM DEED

**STATE OF GEORGIA
COUNTY OF HENRY**

THIS DEED, made this 15 day of June, in the year Two thousand and Four, between William Earl as Grantor and Kiri-Amin and Vanita Amin as Grantees, (the terms Grantor and Grantees include their respective heirs, successors, and assigns where the context requires or permits)

WITNESSETH that Grantor, for and in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt, adequacy and sufficiency of which being hereby acknowledged by Grantor, his heirs, heirs, and assigns, and by these presents does hereby bargain, sell, remise, release, and forever quit-claim unto Grantees all his right, title, interest, claim, or demand which the said Grantor has, or may have had, in and to the following described real property, to wit:

"All that parcel and piece of land lying and being in and to the 78 of the 6th Land District of Henry County, Georgia, more particularly described as follows:

Commencing at the existing intersection of the Southerly right of way of State Route 551 (Folena Rd. R/W varies), and the Westerly right of way of Ml. Olive Rd. R/W varies, Thence Southeasterly along the existing right of way of Ml. Olive Rd. a distance of 70.73 feet to a point, this point being **THE POINT OF BEGINNING**.

Bound to Point of Beginning: Thence along an arc of 55.82 feet to the left having a radius of 204.6 feet, and a chord bearing of S 80° 16' 15" E for 59.23 feet to a point; Thence N 81° 38' 49" E for 102.10 feet to a point; Thence along an arc of 73.04 feet to the right having a radius of 60.0 feet, and a chord bearing of S 61° 59' 40" E for 68.61 feet to a point; Thence S 27° 59' 42" E for 72.50 feet to a point; Thence S 7° 44' 18" W for 268.24 feet to a point; Thence N 62° 32' 07" W for 24.59 feet to the Point of Beginning.

Containing 23,069.13 sq. ft. (0.529 acres) as per Plat prepared by Precision Surveying & Mapping (Angel M. Mancini, GA. R.L.S. #2642 dated 9-08-04).

This conveyance is made subject to all zoning ordinances, easements, and restrictions of record affecting said designated premises.

TO HAVE AND TO HOLD the said described premises unto said Grantees, as that certain Hereditament, together with any other person claiming under Grantor shall in any time, claim or demand any right, title, or interest in the aforesaid described premises or its appurtenances.

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

REAL ESTATE TRANSFER
HENRY COUNTY
SUPERIOR COURT

Mableton

MAY 16 2002

WITNESSES
[Signature]
[Signature]

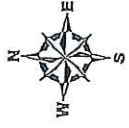
[Signature: Mableton B. Noel]

Witness, sealed, and delivered in the presence of:

[Signature: B. Noel]
[Signature: Mableton B. Noel]
Notary Public
My Commission Expires [Signature]



BOOK 5000 PAGE 204
FILED IN OFFICE
05/16/2002
11:32:42 AM
KIRI AMIN PG: 0004
VANITA A. LENTS
CLERK OF
SUPERIOR COURT
HENRY COUNTY, GA.



Legend

2011_PARCEL_ZONING

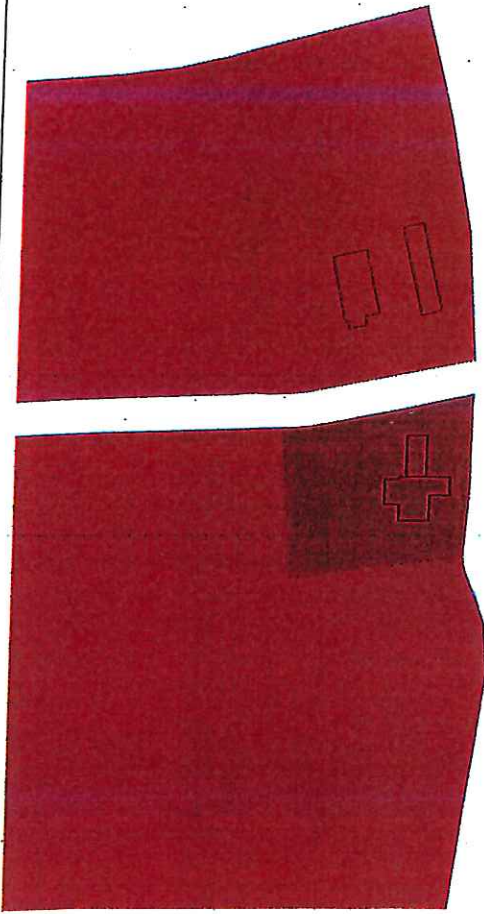
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	R-2
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	C-3
	M-1
	M-2
	PD
	CITY

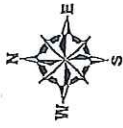
Scale: 1"= 800'

Current Zoning

This map is for graphical representation only. It is not a legal document.

MOUNT OLIVA





Legend



Scale: 1"= 800'

Future Land Use Map

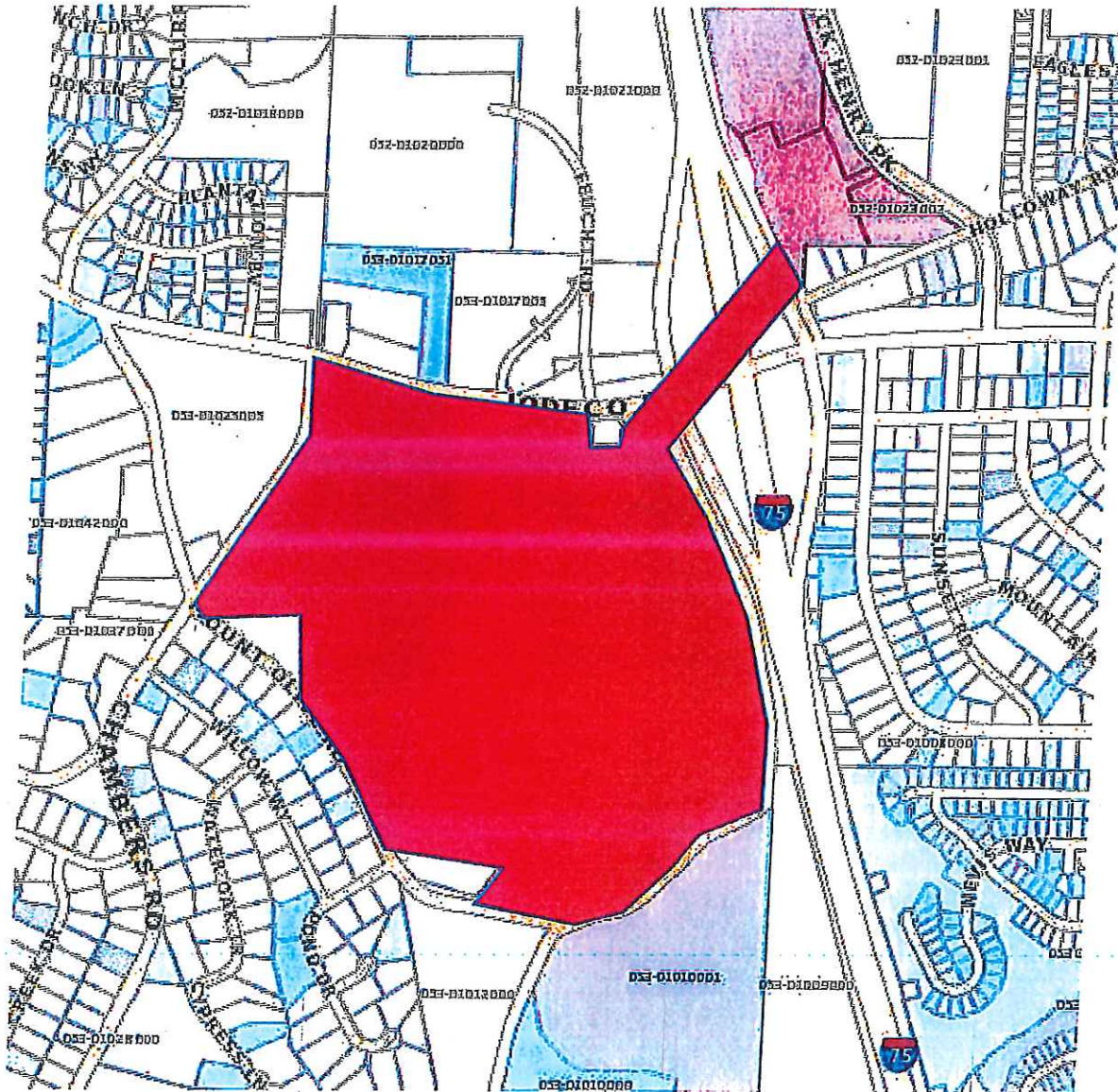
This map is for graphical representation only. It is not a legal document.



Stockbridge Annexations

AX16-42: Tax Map 053-01015000

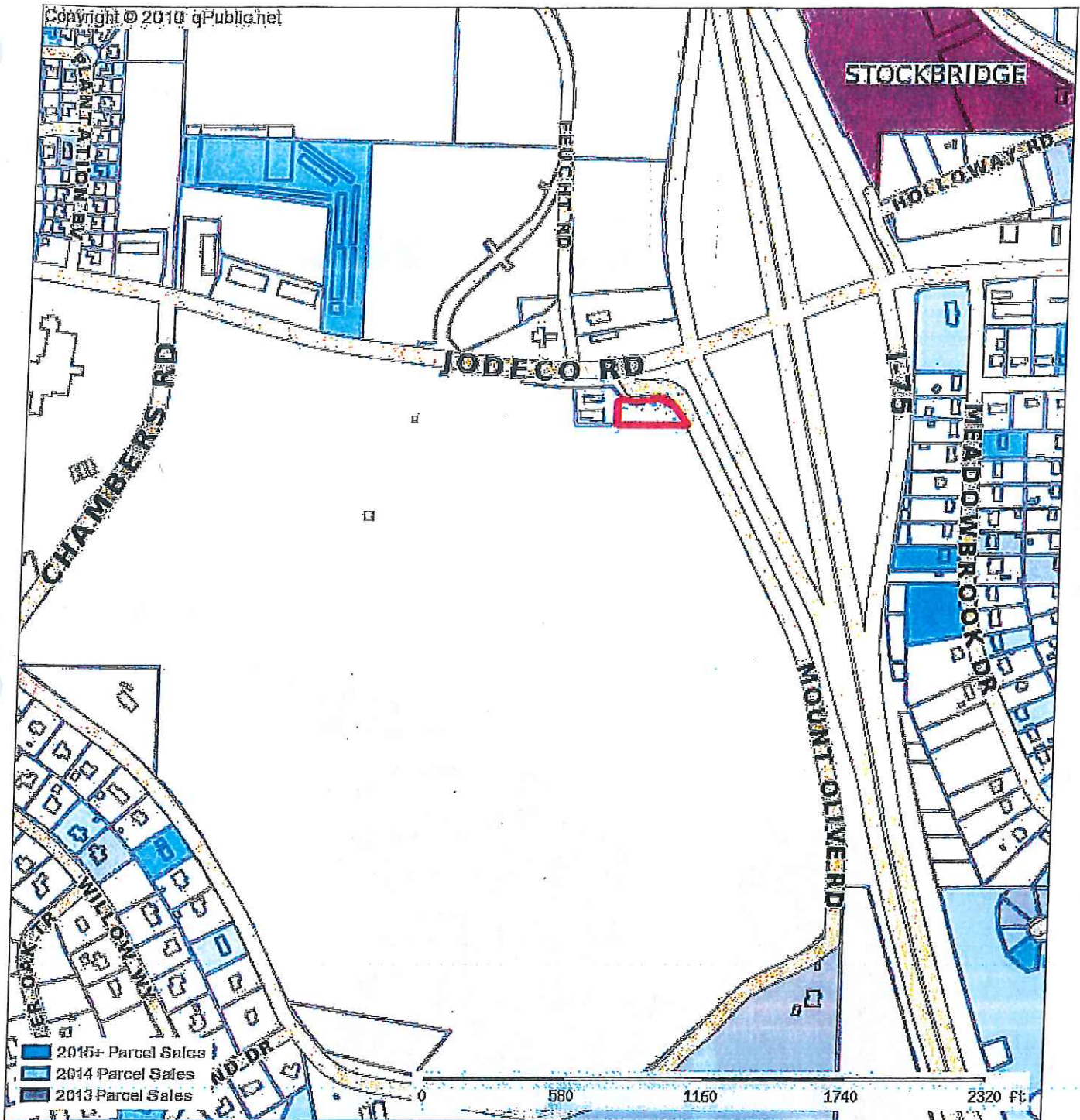
AX16-43: Tax Map 053-01018000



Map not to scale

February 1, 2016

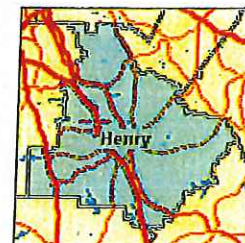
100% Method by O.C.G.A § 36-36-20(a)(1)(A)



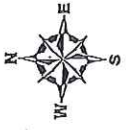
Henry County Assessor

Parcel: 053-01015000 Acres: 0.53

Name	AMIN KIRIT & VANLILA	Land Value	\$156,700.00
Site	JODECO RD	Building Value	\$0.00
Sale	\$0 on 05-2002 Reason=QC Qual=U	Misc Value	\$0.00
	1281 KINGSTON RD	Total Value	\$156,700.00
Mail	MORROW, GA 30260		



Parcel lines depicted on the maps do not reflect a true and exact representation of property boundaries and should not be relied upon for said purpose. Property boundary lines are depicted on recorded plats available at the Henry County courthouse or can be determined by employing the services of a licensed surveyor.
Date printed: 02/04/16 : 12:24:29



Legend

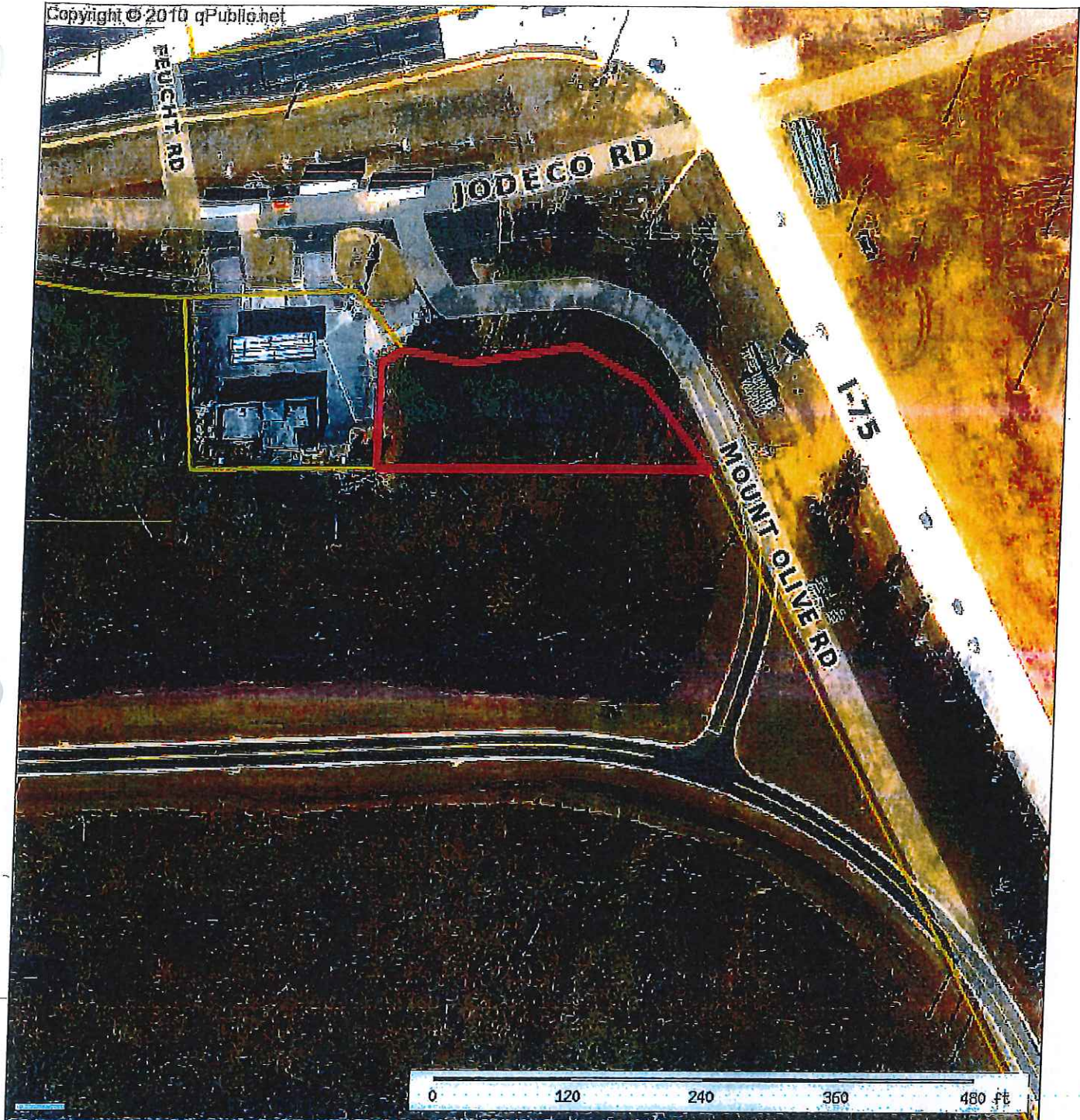
COM	HD	INDUS	LD	MD	MHD	OI	PI	PRC	RR	TCU

Scale: 1"= 800'

Future Land Use Map

This map is for graphical
representation only. It is
not a legal document.

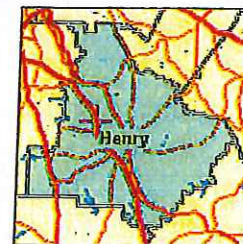




Henry County Assessor

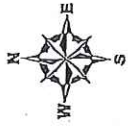
Parcel: 053-01015000 Acres: 0.53

Name	AMIN KIRIT & VANLILA	Land Value	\$156,700.00
Site	JODECO RD	Building Value	\$0.00
Sale	\$0 on 05-2002 Reason=QC Qual=U	Misc Value	\$0.00
Mail	1281 KINGSTON RD	Total Value	\$156,700.00
	MORROW, GA 30260		



Parcel lines depicted on the maps do not reflect a true and exact representation of property boundaries and should not be relied upon for said purpose. Property boundary lines are depicted on recorded plats available at the Henry County courthouse or can be determined by employing the services of a licensed surveyor.

Date printed: 02/03/16 : 09:15:09



Legend

2011_PARCEL_ZONING

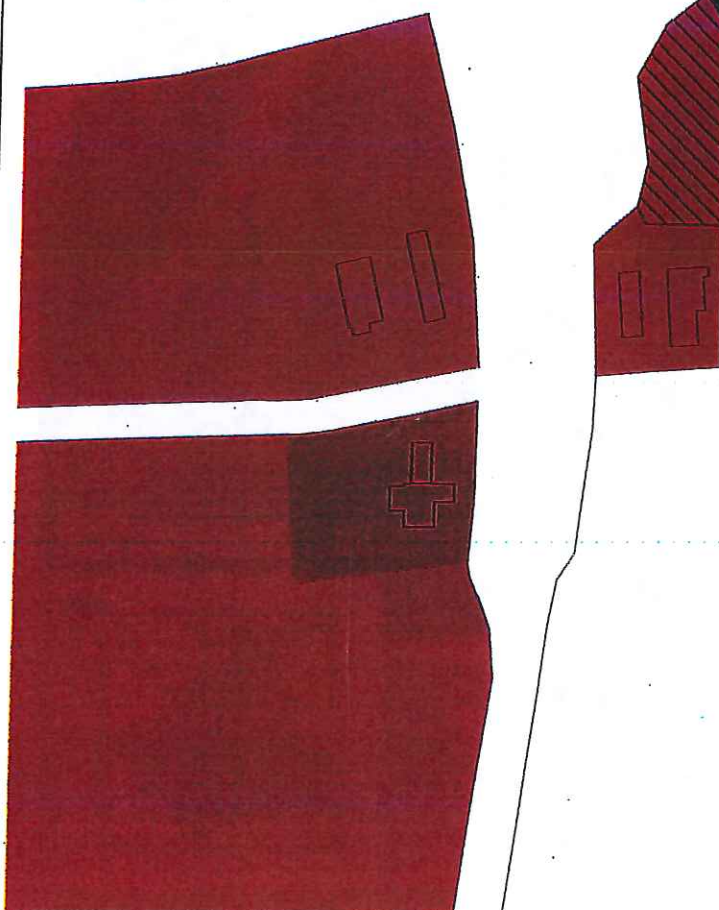


Scale: 1"= 800'

Current Zoning

This map is for graphical representation only. It is not a legal document.

MOUNT OLIVE



STATE OF GEORGIA

CITY OF STOCKBRIDGE

ORDINANCE NO. _____

AN ORDINANCE TO ANNEX CERTAIN PROPERTY INTO THE CITY OF STOCKBRIDGE AND TO AMEND THE OFFICIAL ZONING MAP, CITY OF STOCKBRIDGE, GEORGIA, AS AMENDED; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the governing authority of the City of Stockbridge is the Mayor and Council thereof;

WHEREAS, the governing authority of the City of Stockbridge, Georgia desires to annex certain property into the City and to modify the zoning designation of certain property located within the City; and,

WHEREAS, the health, safety, and welfare of the citizens of Stockbridge, Georgia, will be positively impacted by the adoption of this Ordinance.

NOW THEREFORE, THE COUNCIL OF THE CITY OF STOCKBRIDGE HEREBY ORDAINS:

Section 1. The property described in Exhibit "A" (the "Property"), a copy of which is attached hereto and incorporated herein by reference, is hereby annexed into the City of Stockbridge, Georgia pursuant to the authority of O.C.G.A. Sections 36-36-1 *et seq.* and 36-36-90 *et seq.*

Section 2. The property described in Exhibit "A," a copy of which is attached hereto and incorporated herein by reference, is hereby rezoned to PTD (Planned Town Development) (City of Stockbridge's Classification) with conditions, such rezoning to be noted on the City of Stockbridge Official Zoning Map approved by Mayor and Council as soon as reasonably possible following adoption of this Ordinance by the Zoning Administrator along with an editorial note on the City of Stockbridge Official Zoning Map approved by Mayor and Council specifying the parcel(s) affected by this Ordinance and the date of adoption of this Ordinance. Until the rezoning is indicated on the City of Stockbridge Official Zoning Map approved by Mayor and Council, this Ordinance shall govern over the City of Stockbridge Official Zoning Map approved by Mayor and Council to the extent of any discrepancy between this Ordinance and the City of Stockbridge Official Zoning Map approved by Mayor and Council. Such rezoning shall be conditioned on the following:

1. The Property shall be developed in substantial accordance with the site plan shown in Exhibit "B," a copy of which is attached hereto and incorporated herein by reference.
2. The signs shown on Exhibit "C," a copy of which is attached hereto and incorporated herein by reference, are hereby approved.
3. The building plans and specifications attached hereto as Exhibit "D" are hereby approved subject to the provisions of the Stockbridge Municipal Code.
4. No additional permits or plans for any development of any portion of the Property shall be approved by the City until such time as a development agreement encumbering the specific portion of the Property for which development is proposed is entered into between the owners and/or developers of the Property and the City.

Section 3. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 4. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 5. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 6. Penalties in effect for violations of the Zoning Ordinance of the City of Stockbridge at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.

Section 7. The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

ORDAINED this 16th day of December, 2016.

CITY OF STOCKBRIDGE, GEORGIA

Judy Neal, Mayor

ATTEST:

Vanessa Holiday, City Clerk

APPROVED AS TO FORM:

Michael Williams, City Attorney

Date Presented to Mayor: _____

Date Received from Mayor: _____

EXHIBIT "A"

A portion of that certain parcel of land known as Tax Parcel Number 053-01018000 according to the system of numbering tax parcels in Henry County, Georgia, more particularly described as follows:

[Attach legal description for 158.65 acres]

EXHIBIT “B”

SITE PLAN

EXHIBIT “C”

SIGN PLAN

EXHIBIT “D”

BUILDING PLANS AND SPECIFICATIONS



City of Stockbridge Planning & Zoning

AX16-49

Applicant: Yee C. Chen/Estate of Guey L. Chen & The Marital Trust

Agent: Jeff R. Grant

Location: 2153 Jodeco Road

Parcel ID(s): 053-01018000

Request: Annexation through the 100% method.

Lot Size: 158.65 +/- Acres

Zoning History: The subject property is currently zoned RA (Residential Agricultural).

Current Land Use: Vacant

Future Land Use: Mixed Use & High Density Residential

Proposed Use
/Purpose: PTD (Planned Town Development)

Table 1.0 Current Zoning and Land Use of Surrounding Properties

	Current Zoning	Current Land Use
North	C2 (General Commercial) and C3 (Highway Commercial)	Vacant
East	C2 (General Commercial) and R3 (Single Family Residential)	Interstate and Restaurant and Single Family Homes
South	RA (Residential Agricultural), R1 (Single Family Residential), C2 (General Commercial), and C3 (Highway Commercial)	Single Family Residences, Campground and Church
West	RA (Residential Agricultural)	Church and HCWSA Property

Source: Henry County Zoning Map

Estimated Costs of Future Municipal Services:

- Items are yet to be determined, will be contingent on future development of subject property.

Executive Summary:

Representatives of the *Yee C. Chen/Estate of Guey L. Chen & The Marital Trust* have submitted a request for their property to be annexed into the City limits. Additionally, the property is requested to be rezoned from RA to PTD for a mixed-use development.

Attachments:

- HCTA Map
- Annexation Application Packet



City of Stockbridge

4640 North Henry Blvd. • Stockbridge, GA 30281

City Hall: (770) 389-7900 • Fax: (770) 389-7912

November 10, 2016

HAND DELIVERED

Mr. Lyndon Bonner, County Manager
Henry County Administration Building
140 Henry Parkway
McDonough, Georgia 30253

Re: Notification of Annexation Request for
Parcel ID: 053-01015000; Parcel ID: 053-01018000;
Parcel ID: 053-B 06001000 (Details noted below)

Dear Mr. Bonner:

Please be advised the City of Stockbridge, Georgia, by the authority vested in the Mayor and Council of the City of Stockbridge, Georgia by Article 2 of Chapter 36, Title 36, O.C.G.A., has received an annexation request from:
Owner/Applicant of: Kirit and Vanlila Amin of Morrow, GA request an annexation into the City of Stockbridge for the property located at the northeast corner of 2153 Jodeco Road, west of Mt. Olive Road, and south of Jodeco Road in Land Lot 78 of the 6th District. The property consists of 0.53 +/- acres.

Owner/Applicant of: Estate of Guey L. Chen & the Marital Trust of McDonough, GA request an annexation into the City of Stockbridge for the property located at 2153 Jodeco Road in Land Lot 77, 78, and 83 of the 6th District. The property consists of 158.65 +/- acres.

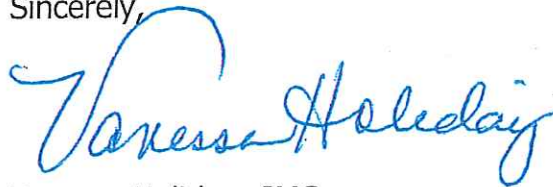
Owner/Applicant of: Spirit Master Funding VI LLC of Scottsdale, AZ request an annexation into the City of Stockbridge for the property located at 3056 Jodeco Rd. McDonough, GA in Land Lot 50 and 79 of the 6th District. The property consists of 1.437 +/- acres.

Attached please find the annexation applications, property owner signatures and property legal descriptions.

The above referenced annexation items will be heard by the Stockbridge City Council during a Public Hearing on Friday, December 16, 2016 at 6 p.m. at Stockbridge City Hall 4640 North Henry Blvd. Stockbridge, GA 30281.

If you have any questions regarding this matter, please contact Michael Harris, City Manager at (770) 389-7904.

Sincerely,



Vanessa Holiday, CMC
City Clerk

Encl.

cc: Michael Harris, City Manager
Daunte Gibb, Henry County Planning & Zoning Director



CITY OF STOCKBRIDGE | APPLICATION FOR ANNEXATION

4640 North Henry Boulevard
Stockbridge, GA 30281
Phone: (770) 389-7900
Fax: (770) 389-7912

Annexation No: AX16-49 Date: 11-10-2016

RECEIVED

Received by: Tamara Holiday

NOV 10 2016

TYPE OF ANNEXATION

City Clerk's Office
City of Stockbridge

☐ **60% Method:** Petitioners owning at least 60% of the property in the area to be annexed, and at least 60% of the voters in an area, may seek to have their property annexed into an adjacent city.

☒ **100% Method:** Property owners of all the land in an area may seek to have their property annexed into an adjacent city by signing a petition.

Property Address: 2153 JODECO ROAD TAX MAP 053-01018000

Is this property contiguous to the city limits? ☐ Yes ☐ No

LAND USE AND ZONING

County: HENRY

County Zoning Classification: RA

Present Land Use: _____

Requested Zoning Classification: PTD CITY OF STOCKBRIDGE

PROPERTY OWNER

Name: ESTATE OF YEE C. CHEN

Mailing Address: 1378 BRANNAN ROAD McDONOUGH, GA. 30253

Telephone: (404) 925-3917

Email: JGRANT@SOUTHERNCONSULTINGLLC.COM

Signature: Jeff Grant

Date: 11-10-16

* If this application is submitted pursuant to the 60% Method, please attach additional names, signatures, addresses, dates of signature, and elector/landowners information on a separate sheet.

APPLICANT

Name: JEFF R GRANT

Mailing Address: P.O. Box 1274 STOCKBRIDGE, GA. 30281

Telephone: (404) 925-3917

Email: JGRANT@SOUTHERNCONSULTINGLLC.COM

Signature: Jeff Grant

Date: 11-10-16

Signature: [Signature]

Date: 11/10/2016

PLEASE DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY



CITY OF STOCKBRIDGE | ANNEXATION CHECKLIST

4640 North Henry Boulevard
Stockbridge, GA 30281
Phone: (770) 389-7900
Fax: (770) 389-7912

☒ **NON-REFUNDABLE APPLICATION FEE - \$50.00**

Payment: Check or Money Order Payable to the City of Stockbridge.

☒ **APPLICATION FORM**

Two Original (2) Copies: Complete and signed with original signatures.

☒ **PETITION FOR ANNEXATION**

Two (2) Original Copies: The Annexation Petitions must be notarized and signed by the owner or authorized applicant. (The petition for the 60% Method must clearly indicate if the applicant is an elector or a landowner.)

☒ **CONSENT OF OWNER(S)**

Original: If the property owner does not sign the application and/or petition, submit a notarized affidavit signifying the approval or consent of all owners. (An affidavit form is attached.) Use additional affidavits, if necessary, for multiple owners.

☒ **PLAT OF SURVEY AND/OR LEGAL DESCRIPTION**

Original and One (1) copy - Submit an accurate, as-built survey showing all improvements on the site, to scale. The survey must be completed by a registered surveyor and must be reproducible. If a photocopy is submitted, the original seal must be visible and the survey must still be to scale. The survey must not be more than 1 year old.

☐ **VERIFIED LEGAL DESCRIPTION FORM**

Original and One (1) Copy - Submit one original, signed copy of the verified legal description form and 1 copy. Forms should be typed and include acreage. If the legal description does not fit on one form, additional forms shall be used and numbered accordingly.



CITY OF STOCKBRIDGE | OWNER'S AUTHORIZATION

4640 North Henry Boulevard
Stockbridge, GA 30281
Phone: (770) 389-7900
Fax: (770) 389-7912

The undersigned below, or as attached, is the owner of the property that is the subject of this application. The undersigned does duly authorize the applicant named below to act as applicant in the pursuit of an annexation of the property.

Name:

YEE C. CHEN ESTATE

Property Address: 2153 JODECO ROAD TAX MAP 053-01018000

Telephone: (404) 925-3917

Email: JGRANT@SOUTHERNCONSULTINGLLC.COM

I swear that I am the owner of the property that is the subject matter of the attached application, as it is shown in the records of Henry County, Georgia.

Signature:

Jeff R. Grant

Date:

11-10-16

Personally appeared before me

JEFF R. GRANT

Who swears the information contained in this authorization is true and correct to the best of his/her knowledge and belief.

Randi Rainey

Notary Public

11-10-16

Date



Print

EXHIBIT "A"

A portion of that certain parcel of land known as Tax Parcel Number 053-01018000 according to the system of numbering tax parcels in Henry County, Georgia, more particularly described as follows:

[Attach legal description for 158.65 acres]

[illegible]

These are the first published results of a study of the effects of a 12-week, low-intensity, supervised exercise program on the health and quality of life of older adults with heart failure. The study was conducted in a community-based setting, and the results suggest that such a program may be beneficial for this population. The study was limited by its small sample size and the lack of a control group. Further research is needed to confirm these findings and to explore the long-term effects of such a program.

[illegible]

1. *La cultura è un insieme di valori, di norme, di comportamenti che si trasmettono da una generazione all'altra.*
 2. *La cultura è un fenomeno sociale che si sviluppa nel tempo e nello spazio.*
 3. *La cultura è un fenomeno complesso che coinvolge tutti gli aspetti della vita umana.*
 4. *La cultura è un fenomeno dinamico che si evolve continuamente.*
 5. *La cultura è un fenomeno relativo che dipende dal contesto storico e sociale.*
 6. *La cultura è un fenomeno globale che coinvolge tutta l'umanità.*
 7. *La cultura è un fenomeno locale che coinvolge una specifica comunità.*
 8. *La cultura è un fenomeno individuale che coinvolge una singola persona.*
 9. *La cultura è un fenomeno collettivo che coinvolge un gruppo di persone.*
 10. *La cultura è un fenomeno sociale che coinvolge una società.*
 11. *La cultura è un fenomeno storico che si evolve nel tempo.*
 12. *La cultura è un fenomeno geografico che si evolve nello spazio.*
 13. *La cultura è un fenomeno economico che si evolve nel tempo e nello spazio.*
 14. *La cultura è un fenomeno politico che si evolve nel tempo e nello spazio.*
 15. *La cultura è un fenomeno religioso che si evolve nel tempo e nello spazio.*
 16. *La cultura è un fenomeno artistico che si evolve nel tempo e nello spazio.*
 17. *La cultura è un fenomeno scientifico che si evolve nel tempo e nello spazio.*
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 26. *La cultura è un fenomeno cinematografico che si evolve nel tempo e nello spazio.*
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 29. *La cultura è un fenomeno editoriale che si evolve nel tempo e nello spazio.*
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 31. *La cultura è un fenomeno sportivo che si evolve nel tempo e nello spazio.*
 32. *La cultura è un fenomeno ludico che si evolve nel tempo e nello spazio.*
 33. *La cultura è un fenomeno gastronomico che si evolve nel tempo e nello spazio.*
 34. *La cultura è un fenomeno fashion che si evolve nel tempo e nello spazio.*
 35. *La cultura è un fenomeno beauty che si evolve nel tempo e nello spazio.*
 36. *La cultura è un fenomeno wellness che si evolve nel tempo e nello spazio.*
 37. *La cultura è un fenomeno lifestyle che si evolve nel tempo e nello spazio.*
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 100. *La cultura è un fenomeno think tank che si evolve nel tempo e nello spazio.*

1. WATSON, R. and B. J. 1972, p. 512
2. JOURNAL OF THE ROYAL SOCIETY OF MEDICINE (1972), p. 118
3. NIGHT OF WAYS, CAMBODIA, 1972, p. 118
4. JOURNAL OF THE ROYAL SOCIETY OF MEDICINE (1972), p. 118
5. JOURNAL OF THE ROYAL SOCIETY OF MEDICINE (1972), p. 118

[illegible]

התאחדות המורים והמורות הישראלית, ת"מ, תשס"ח, עמ' 107. ראו גם: *התאחדות המורים והמורות הישראלית, ת"מ, תשס"ח, עמ' 107*.

[Handwritten signature]

1-2-16

INVESTIGATION
10-20-2016

EXHIBIT 7
PAGE 2

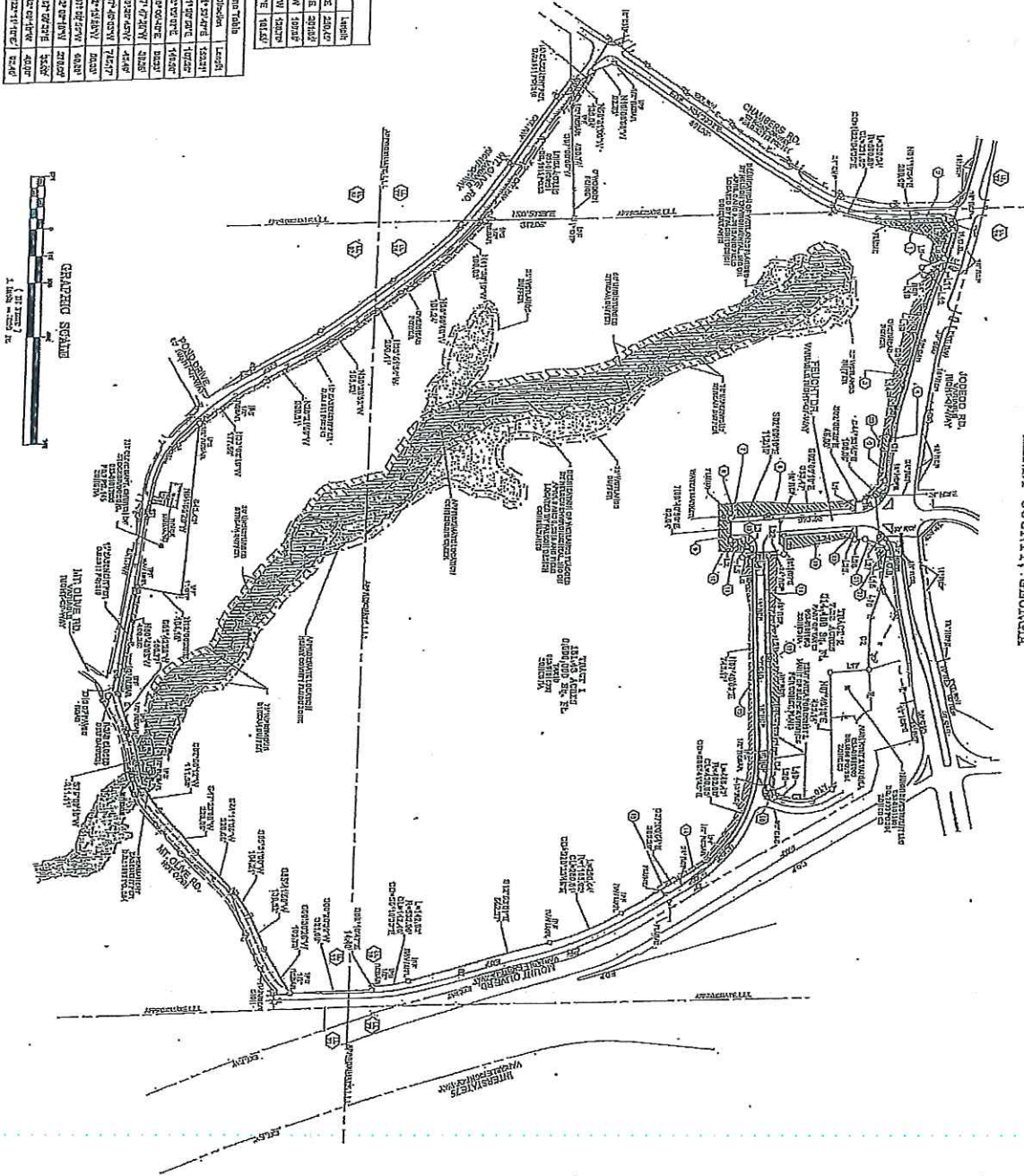
ALTA/AGSM SURVEY FOR:
BODEGA BAY, LLC AND
FIDELITY NATIONAL TITLE
INSURANCE COMPANY
LAND LOTS 72, 78 & 83 6TH DISTRICT
MURPHY COUNTY, GEORGIA



1042
SHEET NUMBER

ALTA/ACSM SURVEY FOR:
BODEGA BAY, LLC AND FIDELITY NATIONAL
TITLE INSURANCE COMPANY
LAND LOTS 77, 78 & 83 6TH DISTRICT
HENRY COUNTY, GEORGIA

THIS SURVEY WAS PREPARED FOR THE BODEGA BAY, LLC AND FIDELITY NATIONAL TITLE INSURANCE COMPANY, BY THE ALTA/ACSM SURVEYOR, JAMES W. BOWEN, JR., P.E., LICENSE NO. 10000, AND HIS ASSISTANT, JAMES W. BOWEN, JR., P.E., LICENSE NO. 10000. THE SURVEY WAS PREPARED FOR THE BODEGA BAY, LLC AND FIDELITY NATIONAL TITLE INSURANCE COMPANY, BY THE ALTA/ACSM SURVEYOR, JAMES W. BOWEN, JR., P.E., LICENSE NO. 10000, AND HIS ASSISTANT, JAMES W. BOWEN, JR., P.E., LICENSE NO. 10000. THE SURVEY WAS PREPARED FOR THE BODEGA BAY, LLC AND FIDELITY NATIONAL TITLE INSURANCE COMPANY, BY THE ALTA/ACSM SURVEYOR, JAMES W. BOWEN, JR., P.E., LICENSE NO. 10000, AND HIS ASSISTANT, JAMES W. BOWEN, JR., P.E., LICENSE NO. 10000.



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100+00.00	91	Station 100+00.00
100+00.00	92	Station 100+00.00
100+00.00	93	Station 100+00.00
100+00.00	94	Station 100+00.00
100+00.00	95	Station 100+00.00
100+00.00	96	Station 100+00.00
100+00.00	97	Station 100+00.00
100+00.00	98	Station 100+00.00
100+00.00	99	Station 100+00.00
100+00.00	100	Station 100+00.00

DATE: 1-2-2012
DRAWN BY: JWB
CHECKED BY: JWB
APPROVED BY: JWB

REVISIONS

NO.	DATE	DESCRIPTION
1	1-2-2012	Initial Survey

THIS SURVEY WAS PREPARED FOR THE BODEGA BAY, LLC AND FIDELITY NATIONAL TITLE INSURANCE COMPANY, BY THE ALTA/ACSM SURVEYOR, JAMES W. BOWEN, JR., P.E., LICENSE NO. 10000, AND HIS ASSISTANT, JAMES W. BOWEN, JR., P.E., LICENSE NO. 10000.

ALTA/ACSM SURVEY FOR:
BODEGA BAY, LLC AND FIDELITY NATIONAL
TITLE INSURANCE COMPANY
LAND LOTS 77, 78 & 83 6TH DISTRICT
HENRY COUNTY, GEORGIA

EXHIBIT "B"

SITE PLAN



Exhibit B

1082

Jodeco Crossing

April 2016

Jodeco
Henry County, Atlanta, Georgia
RCP Companies
4245 Baltimore Drive
Suite 204
Huntsville, Alabama
APRIL 2016
PROJECT NO. JDC-16-001
DRAWN BY: JDC-16-001
CHECKED BY: JDC-16-001
DATE: 4/22/16

2 PPG PLACE
PHILADELPHIA, PA 19102
TEL: 215-261-2200
FAX: 215-261-2201
WWW.2PPG.COM

URBAN DESIGN ASSOCIATES
Falcon Design Consultants
La Quatra Bonci and Associates



Rezoning Evaluation Report
City of Stockbridge Zoning Advisory Board

City of Stockbridge Planning & Zoning

RZ-16-30-S

Applicant: Estate of Guey L. Chen & The Marital Trust/Trustee Yee Chen
1378 Brannan Road
McDonough, GA 30253

Agent: Jeff Grant/Adam Price, PE
PO Box 1274
Stockbridge, GA 30281
(404) 925-3917

Location: 2153 Jodeco Road
Land Lots 77, 78 & 83 of the 6th District

Request: Rezoning from RA (Residential-Agricultural) to PTD (Planned Town Development)

Parcel ID(s): 053-01-018-000

Proposed Use /Purpose: Retail, Restaurant, Office, Daycare, Hotel, Multi-Family

Current Land Use: Vacant

Future Land Use: Mixed Use

Sign Posted: November 11, 2016

ZAB Meeting: November 28, 2016

Lot Size: 158.65+/- acres

Road Access: Jodeco Road, Mt. Olive Road, Chambers Road

Zoning History:

The subject property is zoned RA (Residential-Agricultural). A review of zoning records indicates that there have been no previous rezoning approvals regarding the subject property. The subject property was previously submitted as a Development of Regional Impact (DRI #1931) for review by the Georgia Regional Transportation Authority (GRTA) in 2008 but was withdrawn. The Georgia Regional Transportation Authority has completed its review of the current proposal (DRI #2504) and has issued a Notice of Decision with conditions. The subject property was also included within a larger study area for the Hudson Bridge-Jonesboro Roads Connector Activity Center Livable Centers Initiative (LCI) Study. The subject property was also included within a larger study area for a supplemental LCI study. The Board of Commissioners changed the Future Land Use Map on January 20, 2015, to create an activity center with appropriate land use designations to conform to the recommendations of the LCI study. The applicant applied for a rezoning of the property in February 2016 for mixed, however legal matters pertaining to annexation prohibited progress of the development. Those issues have been resolved with further annexations and the applicant has submitted this application for consideration. Should this request be approved, the resulting development should serve as a model for the development of other sites within the LCI study area.

Table 1.0 illustrates the zoning and current land uses for the adjacent properties.

Table 1.0 Current Zoning and Land Use of Surrounding Properties

	Current Zoning	Current Land Use
North	C-2 (General Commercial) & C-3 (Heavy Commercial)	Vacant and Shopping Center and Self-Storage
East	R-3 (Single-Family Residence) & C-2 (General Commercial)	Vacant and Single-Family Residences
South	RA (Residential-Agricultural) & R-1 (Single-Family Residence) & C-3 (Heavy Commercial)	Church and Single-Family Residences and RV Campground
West	RA (Residential-Agricultural)	Church and Single-Family Residences

Source: Henry County Zoning Map

Executive Summary:

The applicant intends to rezone 158.65+/- acres, on the south side of Jodeco Road generally from I-75 to Chambers Road from RA (Residential-Agricultural) to PTD (Planned Town Development) for the development of a retail, restaurant, office, daycare, hotel, and multi-family development. The development had been previously evaluated by the State of Georgia through the Georgia Regional Transportation Authority (GRTA) and the Atlanta Regional Commission (ARC) as a Development of Regional Impact (DRI# 2504) which at the time consisted of approximately 724,400 square feet of commercial space (including three large retail superstores, specialty retail, restaurants, convenience store, bank, grocery store, and daycare facility), two hotels (110 rooms and 120 rooms), 615 multi-family residential units (300 stand-alone and 315 above commercial), and 14.5 acres of open space. The gross density of the preliminary site plan was 3.88 dwelling units over the whole proposed development. GRTA approved that plan of development subject to conditions, as provided in the GRTA Notice of Decision, Attachment A.

The preliminary site plan was significantly modified after the State review. The applicant has not provided a complete development plan (of which the site plan is a part), meeting the requirements of the City of Stockbridge PTD ordinance. The process to request PTD zoning requires compliance with *Section 8.36.050 Planned Town Development District* of the City of Stockbridge Code of Ordinances. Requirements of the ordinance include a preliminary concept plan review before the rezoning request may be heard. The applicant's incomplete development plan does not meet the ordinance requirements for a preliminary concept plan. Indeed, several aspects of the applicant's site plan are not able to be accommodated within the PTD zoning district as currently proposed.

Beyond the requirements of the City of Stockbridge Code of Ordinances, it is the purpose of staff to make a recommendation which will result in a development which will conform to the recommendations of the Livable Centers Initiative (LCI) Study of which the subject property was a part. Additionally, the staff of the Atlanta Regional Commission (ARC) has put together comments from the various departments within ARC which are able to best contribute to the discussion. The value that ARC brings to the table includes a variety of perspectives from Aging to Environment to Land Use to Transportation and beyond.

The subject property lies within the Limited Development area of the Walnut Creek Watershed Protection Area which drains to the City of McDonough drinking water reservoir. Any development on the site should protect the integrity of this protected reservoir with a standard which meets or exceeds that required by Henry County Unified Land Development Code (ULDC) *Section 3.04.00*.

Development Regulations Relevant to Request:

- *Section 2.08.00 Planned Town Development District*
- *Henry County Unified Land Development Code Section 3.04.00 Watershed Protection Areas*
- All other sections regarding site development standards and requirements

Analysis of Request (12.02.09.C):**Criteria point 1: Consistency with the comprehensive plan**

Rezoning the subject property will affect the character of the area as it continues to transition along Jodeco Road from residential and agricultural land uses to commercial land uses. The area has been established through the Comprehensive Plan and FLUM as a mixed use area. Approval of the development may have the effect of increasing noise and traffic volume in the immediate area. The preliminary site plan illustrates a development which will be intensively commercial along Jodeco Road and I-75, transitioning into apartments along Mt. Olive Road (West).

Criteria point 2: The relation that the proposed amendment bears to the purpose of the overall zoning scheme with due consideration given to whether or not the proposed change will help carry out the purposes of this UDC.

The Planned Town Development (PTD) district will provide development standards more closely related to the Future Land Use Map than the current zoning of RA (Residential Agricultural). Section 2.08.01: "The purpose of the Planned Town Development District is to encourage development of compatible land uses within the framework of the master development plan for residential and nonresidential uses within an environmentally compatible setting."

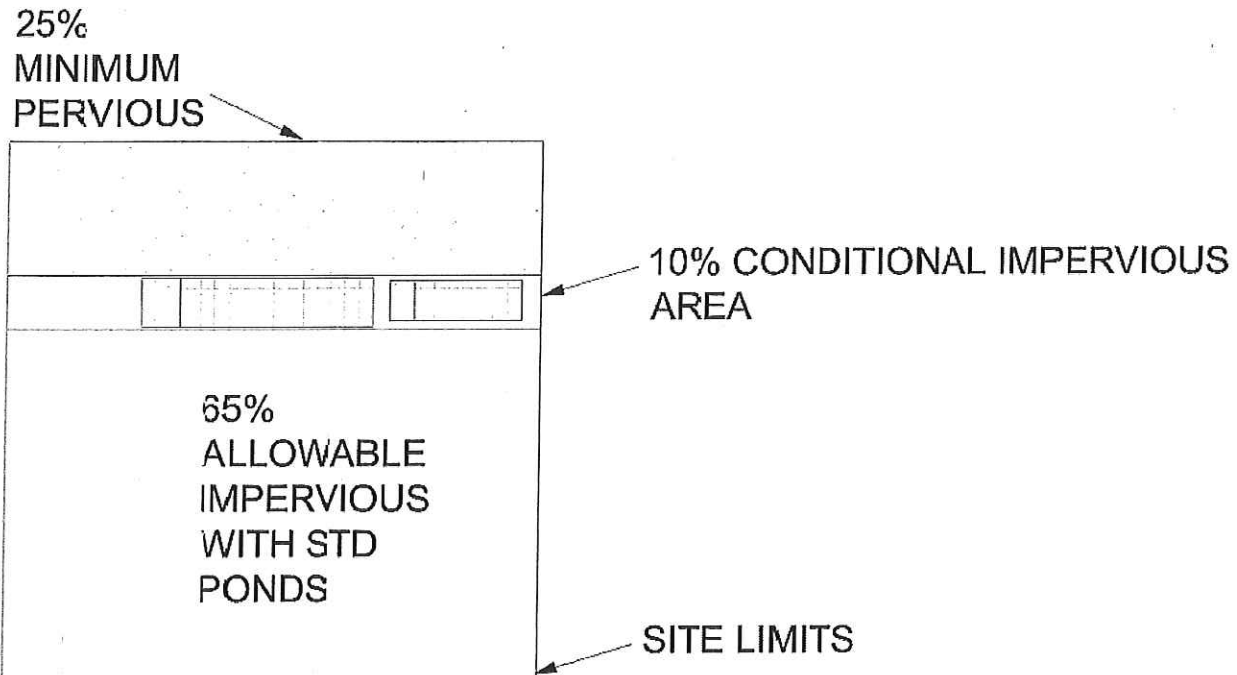
Criteria Point 3: Potential positive effects of the amendment on the character of the proposed zoning district, a particular piece of property, neighborhood, a particular area, or the community.

The proposed development is consistent with the Future Land Use Map (FLUM) of the Henry County/Cities Joint 2030 Comprehensive Plan (Comp Plan), which designates the subject property for Mixed Use within the Hudson Bridge-Jonesboro Roads Connector Activity Center. Hudson Bridge-Jonesboro Roads is a Suburban Employment Activity Center comprised of approximately 900 acres. According to the Activity Center typology in the Comprehensive Plan, thirty percent (30%) of the land use mix should be residential at a net density of 8.0 dwelling units per acre. This target would be approximately 4,000 dwelling units across the entire activity center. The section states that high-density residential, commercial, and civic uses should be encouraged in Suburban Employment Centers. *These areas should become vibrant mixed-use environments that provide a variety of cultural and recreational opportunities. The high concentrations of employment and housing in these centers coupled with their locations along Interstate 75 make future transit service very feasible...* The development regulations for PTD zoning will require open space to be provided and to be accessible. The open space requirements may be an opportunity to use Green Infrastructure principles to mitigate against stormwater run-off externalities, while providing attractive features.

Criteria Point 4: The physical conditions of the site relative to its capacity to be developed as requested, including topography, drainage, access, and size and shape of the property.

The Natural Resources Division of the ARC notes that Building A (noted on the previous site plan) encroaches on required stream buffers. Should development plans for Building A confirm that there is any encroachment, a variance will be required before permitting. Wetland areas are subject to applicable US Army Corps of Engineers requirements under Section 404 of the Clean Water Act as well as being subject to the State Erosion and Sedimentation Act requirements which include buffers. Complete ARC comments are attached to the staff report and incorporated in its entirety by reference. ARC estimates that the total impervious surface area (illustrated on the previous site plan) is seventy-one percent (71%). The WCWPA limits the impervious surface area to twenty-five percent (25%). A downstream portion of Walnut Creek is currently listed on GA EPD's 2014 Draft 303(d) list of impaired waters. Therefore, impervious surfaces may be increased up to 65% with standard water quality ponds, and an additional 10% (up to a total maximum of 75%) may be permitted with the implementation of further water quality control devices such as pervious concrete, biofilters, parking infiltration islands, bioretention areas, etc. Such features as approved are to be installed and maintained by the property owner according to the Better Site Design Practices as defined in the Georgia Stormwater Management Manual. These stormwater features shall treat

the first 1.2 inches of stormwater runoff from the respective impervious areas, and shall not be placed in the 25% minimum pervious area as shown in the graph below.



Criteria Point 5: *The impact upon adjacent property owners shall the request be approved.*

The impacts upon adjacent property owners may include increased noise, light and traffic. Truck traffic, residents, shoppers, employees, and through-traffic would be probable. Buffering should be required to shield adjacent residential and campground properties.

Criteria Points 6 & 7: *The potential impact of the proposed amendment on City infrastructure including water and sewerage systems. The impact of proposed amendment on adjacent thoroughfares and pedestrian and vehicular circulation and traffic volumes.*

Water and Sewer:

A letter from the Henry County Water and Sewerage Authority, dated September 28, 2015, indicates that County water service is available to the subject property. Sewerage treatment capacity is presently available to the property; however, sewer service will require the installation of a line extension at the developer's expense. Development of the site, particularly the Western Parallel Connector which bisects the subject property may require the relocation of an existing sixteen inch (16") water line at the developer's expense.

Adjacent Thoroughfares, Pedestrian and Vehicular Circulation, and Traffic Volumes:

The Georgia Regional Transportation Authority (GRTA) Notice of Decision recommended approval with conditions. These conditions include specific transportation improvements, noted in Attachment A.

General Conditions for GRTA Notice of Decision:

Pedestrian Accessibility

- Provide a multi-use trail system connecting to all land uses and/or the sidewalk system.
- Provide sidewalks along both sides of all internal roadways, with exception to where the multi-use trail is located.
- Provide sidewalks across parking areas from roadways to front entrances of all proposed buildings.

Access Management

- No direct access is allowed onto Jodeco Road from any outparcels.
- A minimum of 200' throat depth for internal intersections is required on full movement site driveways off of Jodeco Road, as shown on the site plan.
- A minimum of 100' throat depth for internal intersections is required on full movement site driveways off of Chambers Road and new Road A, as shown on site plan.

Road Connectivity

- Extend Road B to connect to Road C creating a direct vehicular roadway connection.

Road Improvements for GRTA Notice of Decision:

Road A

- Construct a four-lane roadway between Jodeco Road and Mt. Olive Road (West) adjoining to the existing Mt. Olive Road, including a multi-use trail on one side, sidewalk on the other side, and a 120' right-of-way cross section.
- Re-align existing Mt. Olive Road to intersect with Road A (Intersection #14), as shown on site plan labeled "Road B."
- Install dedicated turn lanes in both directions along Road A at major internal intersections (median openings).

Jodeco Road

- Install second eastbound and westbound through lanes along Jodeco Road between Mt. Olive Road/Road A and Chambers Road (termini to be determined by Henry County DOT).

Jodeco Road at Mt. Olive Road/Road A (Intersection #3)

- Install a second dedicated westbound left-turn lane creating dual lefts along Jodeco Road.
- Install southbound and northbound dedicated left-turn lanes along Mt. Olive Road.
- Install two northbound dedicated right-turn lanes creating dual rights along Mt. Olive Road. Signalize if and when warranted.

Jodeco Road at Chambers Road/Private Driveway (Intersection #4)

- Install northbound dedicated left-turn lane along Chambers Road/Private Driveway.
- Signalize if and when warranted.
- Widen intersection to include the second eastbound and westbound through lanes along Jodeco Road.

Chambers Road at Road C (Intersection #17)

- Install a southbound dedicated left-turn lane along Chambers Road.
- Install a northbound dedicated right-turn lane along Chambers Road.
- Install a westbound dedicated left-turn lane along Road C.

Mt. Olive Road/Road A at Mt. Olive Road (West) (Intersection #19)

- Re-align existing Mt. Olive Road to create an intersection with Road A.
- Install southbound and northbound dedicated left-turn lanes along Mt. Olive Road/Road A.
- Install southbound and north bound dedicated right-turn lanes along Mt. Olive Road/Road A.

ARC notes that the development will have three access points: Jodeco Road to the north, Mt. Olive Road to the south, and Chambers Road to the west. The site is proposed to have 4,908 parking spaces based upon the previous site plan. Projected trip generation (into and out of the site only) was calculated at 34,317 new daily trips. ARC notes that only two road improvement projects are in the long-range plan: 1) widening Jodeco Road, 2) constructing new frontage roads along I-75.

The applicant completed a transportation analysis as a requirement of a Development of Regional Impact (DRI) review. The findings of the transportation analysis (in part) serve as a basis for the GRTA conditions requiring transportation improvements as well as other conditions that may be placed by the City of Stockbridge requiring transportation improvements.

According to the transportation analysis, the following roadway and intersections (beyond those mentioned above) require improvement:

Segment of Mt. Olive Road between the subject property and Jonesboro Road

- Improve existing blacktop to four lane roadway meeting GDOT standards.

Intersection of Mt. Olive Road and Jonesboro Road

- Install a southbound dedicated left turn lane.
- Install a northbound dedicated left turn lane.
- Install traffic signal when warranted (Protected + Permissive on all left turns).

Intersection of Mt. Olive Road (West) and Chambers Road

- Install an eastbound dedicated left turn lane.
- Install a westbound dedicated left turn lane.

Intersection of Mt. Olive Road (West) and Jodeco Road

- Install an eastbound dedicated right turn lane.
- Install a northbound dedicated left turn lane.
- Install traffic signal (Permissive westbound lane and northbound lane).

Intersection of Jodeco Road and Flippen Road

- Install an eastbound dedicated right turn lane.
- Install a westbound dedicated right turn lane.

Intersection of Chambers Road and McCullough Road

- Install a mini-roundabout.

The applicant's previous site plan showed Mt. Olive Road (East) as a future ring road. This segment is important for circulation at build-out but has been removed from the current site plan.

The GDOT Office of Planning commented that no other roadway under GDOT jurisdiction was affected by the proposed development beyond what was addressed in the transportation analysis.

The GDOT Aviation Program manager stated that any construction or equipment proposed to exceed 200' above ground level would require Federal Aviation Administration review. At this time, staff is unaware of any proposed construction or equipment that would be applicable.

It is important to note that several revisions to the site plan have occurred since initial review and comments by the ARC. Therefore it is highly recommended that the ARC be consulted prior to issuance of final plan approval to ensure compliance with the intent of the comments. Furthermore, a development agreement should be required to guide the timing of the various improvements and the responsibilities of the various parties to the agreement.

The site appears to be suitable for a development of the type proposed. Any issues with regard to physical conditions will be addressed during the development plan review process. The subject property is located within the Walnut Creek Watershed Protection Area (WCWPA). Because of the intensity of development, exceptions to the requirements and provisions of the WCWPA should be subject to more stringent requirements than the ordinance typically requires (which would typically be done through conditions of zoning or a development agreement).

Criteria Point 8: The merits of the requested change in zoning relative to any other guidelines and policies for development that the Zoning Advisory Board and Mayor and Council may use in furthering the objectives of the comprehensive plan.

The City of Stockbridge is dedicated to requiring the implementation of the recommendations of the LCI study while encouraging creativity and viability of development. Approval of the request would further the goals and help achieve the objectives of the Comp Plan, particularly the FLUM.

The comments from ARC mention favorably the proposed multi-residential and hotel uses above commercial space in close proximity to a central town green.

Regarding the urban design, all areas of the development, even those permitted for single-uses, should provide attractive, safe, and convenient opportunities for walking, biking, and gathering as a community. Inter-parcel connectivity and cross access easements shall be required. Areas designated for buildings with more than one use should have the highest degree of walkability. Every street and private drive should feature continuous street trees. On-street parking should not be permitted on collectors or above. Internal streets with a classification of local and any private streets or drives should feature on-street parking to the greatest extent possible to provide at a minimum a psychological barrier between pedestrians and vehicular traffic. Streetscaping should be provided along every internal street and private drive. The streetscaping should have a minimum width of ten feet (10') which should incorporate a minimum six foot (6') wide sidewalk

Criteria Point 9: The capacity of the site to be developed as presently zoned.

The subject property is currently zoned RA. Development as an RA subdivision would go against the Comp Plan which calls for Mixed Use developments with a higher gross density (8.0 dwelling units per acre) and intensity of land uses to implement the recommendations of the LCI study. The recommendations of the LCI study encourage attractive, walkable built environments which are inspiring places where citizens and visitors want to gather, lending developments a sense of community, hopefully a unique sense of community.

Recommendation:

Staff recommends **Approval** of the applicant's request for PTD with the following being submitted to and approved by the City Council prior to any issuance of any permits:

1. A development agreement is entered into between the owners and/or developers of the Property and the City encumbering the Property;
2. A master development plan (both in graphic and written format) which meets the requirements of the DRI Improvements for DRI 2504 dated October 25, 2015;
3. Design Guidelines resembling form-based codes including additional information about the character of architecture and landscape providing a step-by-step, predicable approach to submitting, reviewing and acting on the site plans and potential phasing and subdivisions.

Attachments:

- Survey
- Site Plan dated September 21, 2015
- Site Plan dated January 22, 2016
- Site Photos
- Tax Map
- Zoning Map
- Aerial Map
- Future Land Use Map
- GRTA Notice of Decision, Attachment A
- ARC Regional Review Finding
- Development Handbook (Based on LCI Study Recommendations)

**Henry County Planning & Zoning
Rezoning Request Application**

Name of Applicant YEE C. CHEN ESTATE Phone: 404-925-3917 Date: 11-10-16
Address Applicant: 1378 BRANNAN ROAD Fax _____ Pager/Cell # _____
City: Mc DONOUGH State: GA Zip: 30253 E-mail: JGRANT@SOUTHERNCONSULTINGLLC.COM
Name of Agent JEFF GRANT / ADAM PRICE Phone: 404-925-3917 Date: 11-10-16
Address Agent: P.O. Box 1274 Fax _____ Pager/Cell # _____
City: STOCKBRIDGE State: GA Zip: 30281 E-mail: JGRANT@SOUTHERNCONSULTINGLLC.COM

THE APPLICANT NAMED ABOVE AFFIRMS THAT THEY ARE THE OWNER OR AGENT OF THE OWNER OF THE PROPERTY DESCRIBED BELOW AND REQUESTS

Request from RA to PTD
(Present Zoning) (Requested Zoning)

For the Purpose of _____
(Type of Development)
Address of Property: 2153 JODECO ROAD Nearest intersection to the property: JODECO ROAD / MT OLIVE ROAD
(Street Address)
Size of Tract: 158.65 acre(s), Land Lot Number(s): 78, District(s): 6

Gross Density: _____ units per acre Net Density: _____ units per acre

Property Tax Parcel Number: 053 - 010 - 180 - 00 (Required)

Witness' Signature

Signature of Applicant/s

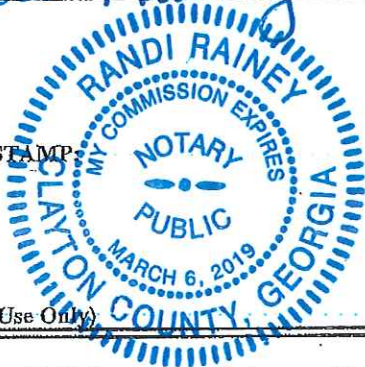
Printed Name of Witness

Printed Name of Applicant/s

Notary

Signature of Agent

NOTARY STAMP



(For Office Use Only)

Total Amount Paid \$ _____ Cash _____ Check # _____ Received by: _____ (FEES ARE NON-REFUNDABLE)

Application checked by: _____ Date: _____ Map Number(s): _____

Pre-application meeting: _____ Date: _____

Recommendation of Zoning Advisory Board: _____

30C Decision: _____

Planning Director's Signature: _____ Date: _____

PRE-APPLICATION FORM

DATE 2/1/16

APPLICANT: Estate of Guey L. Chen & The Marital Trust/Trustee Yee Chen

TYPE OF APPLICATION: Rezoning

PROPERTY ADDRESS: 2153 Jodeco Road

DIST: 6 LAND LOT(S): 78 PARCEL I.D.: 053-01018000

MAP NUMBER: _____ CURRENT ZONING: RA PROPOSED ZONING: PUD(City of Stockbridge)

FUTURE LAND USE MAP DESIGNATION:

Commercial, Medium High Density Residential(3.6-6 units/ac), High Density Residential(6-16 units/ac)

REQUEST/ITEMS DISCUSSED:

Requests a PUD(City of Stockbridge) consisting of commercial, high density residential.

[illegible]

ADJACENT PROPERTIES ZONING:

NORTH: C2/C3 SOUTH: RA/C3 EAST: I-75 WEST: RA/R1

Applicant Campaign Disclosure Form

(Must be completed by the applicant, the property owner, and the agent. Use as many forms as needed.)

Has the applicant* made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating \$250 or more or made gifts having in the aggregate a value of \$250 or more to a member of the Henry County Board of Commissioners or Zoning Advisory Board who will consider the application?

Yes ☐ No ☒

If Yes, the applicant and the attorney representing the applicant must file the following information with the Henry County Board of Commissioners within ten (10) days after this application is first filed:

Commissioner/Zoning Advisory Board Member Name	Dollar amount of Campaign Contribution	Description of Gift \$250 or greater given to Board Member

We certify that the foregoing information is true and correct, this 10th day of NOVEMBER, 2016
YEE C. CHEN ESTATE
MICHAEL CHEN
SOPHIE SIM
Applicant's Name - Printed

[Signature]
Signature of Applicant/Property Owner/Agent

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 10th day of November, 2016



Randi Rainey
Notary Public

* Applicant means any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association, or trust) applying for rezoning.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

ATTENDANTS:

Signature

Dante Hall Signature

No application will be accepted unless all necessary documentation is complete and a pre-application meeting has been held (No exceptions).



Henry County Water Authority

100 Westridge Industrial Blvd, McDonough, GA 30253
(770) 914-3688 (770) 914-3359 Fax

September 28, 2015

Re: Water and Sewer Services - Availability
Proposed Development: Jodeco Crossings
Property Information: West side of I-75, South side of Jodeco Road
LL 77, 78, 83; District 6; 158.65+/- acres
Zoning: Mixed-Use
Sewer Basin: Walnut Creek
Watershed Basin: Walnut Creek

TO WHOM IT MAY CONCERN:

You have requested that this Authority provide you with information concerning the present availability of water and sewer services to the above-described property. This letter is being provided for informational purposes only and will not act to reserve water capacity to you or the property and will not create any liability to the Authority. The information contained in this letter will remain in effect for a period of 365 days from the date of this letter unless subsequently notified in writing by the Authority. The information provided herein is based upon the above-stated zoning of the property. Any deviation in zoning that would increase density or usage above that evaluated by the Authority will automatically void the information provided herein and will require a separate re-evaluation by this Authority.

Water service is available to the property described above. A fire flow test calculated in the area revealed the following data:

Static:	86	psi
Residual:	20	psi
Flow	2875	gpm

As shown, these results are above the minimum adopted standards of 20 psi residual pressure at 1000 gpm for said commercial development as established by the Henry County Board of Commissioners.

Sewage treatment and sewer line capacity are presently available to the property. However, an offsite sanitary sewer line extension is required at the developer's expense. The offsite sewer line extension may require acquisition of easements at the developer's expense.

The Authority provides water and sewer services where capacity is available on a first-come, first served basis. Each customer, developer, and property owner must also comply with the rules, regulations, and ordinances of the Authority.

The Authority will reevaluate the availability of water and sewer services to the property at the time that the development plans are submitted. If there are any additional requirements, or if water or sewer capacity is not available, you will be notified in writing.

Please note that the proposed layout for the road is in conflict with an existing 16-inch water line; consequently the water line may have to be relocated at the developer's expense prior to connection to the public water system.

This letter was prepared with information submitted to HCWA on a Conceptual Master Plan and Concept Sewer Layout dated 6/11/15 prepared by Falcon Design Consultants.

 2015.09.28
08:45:53 -04'00'

Scott Sage, P. E.
Engineering Division Manager
Henry County Water Authority

FALCON DESIGN CONSULTANTS

ENGINEERING • SURVEYING • LAND PLANNING

WWW.FALCONDESIGNCONSULTANTS.COM

February 8, 2016

Mr. Dale Hall
Administration & Community Service Director
4640 North Henry Boulevard
Stockbridge, GA 30281

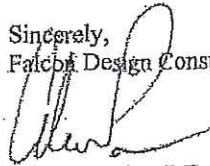
RE: "Jodeco" Project Annexation and Zoning Documents

Dear Mr. Hall:

This letter is to clarify the previously submitted annexation and zoning documents. Please note, our documents refer to the requested zoning in the City of Stockbridge as "PUD". The correct designation should be Planned Town Development or "PTD". Please note this in your records for the annexation and zoning documents submitted last week.

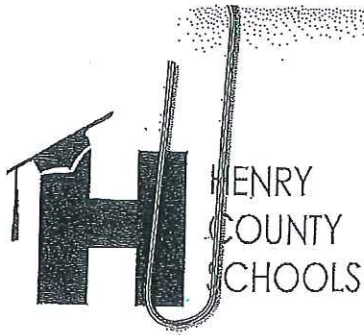
Please let me know if you have any further questions.

Sincerely,
Falcon Design Consultants



Adam L. Price, P.E.
Managing Partner

CC: Daunte Gibbs, Director, Henry County Planning & Zoning



February 16, 2016

Mr. Stacy Jordan
Henry County Planning & Zoning
140 Henry Parkway
McDonough, GA 30253

Dear Mr. Jordan,

Henry County Schools recently received an application for zoning input (Henry County Department of Planning and Zoning School Board Information for Zoning Requests) for the property located at 2153 Jodeco Road. The required form was completed and submitted on January 27, 2016. This statement includes information indicating that the proposed development would have a substantial impact on Henry County Schools with a projected number of 1500 school children.

Currently, the schools serving the proposed site for development are Pate's Creek Elementary, Dutchtown Middle, and Dutchtown High. As these facilities are already at capacity, the addition of 1500 school children would require approximately sixty classrooms, which is equitable to a high school facility. To illustrate the financial impact this proposal would have on Henry County Schools, it should be noted that in the SPLOST Five referendum, the Board has allocated sixty million dollars to acquire land, build, and furnish McDonough High School. As the projects for the next SPLOST have already been outlined for voter review, any additional classroom spaces or buildings to relieve the potential overcrowding would be slated for consideration in SPLOST Six (to go before voters in 2021 and begin construction in 2022 or later). While the proposal for 2153 Jodeco Road has an estimated period of construction of five years, this does not allow the Board of Education ample time to develop a feasible financial and building plan.

Due to these limitations, Henry County Board of Education respectfully request that the following considerations be assessed by the applicant and the Henry County Department of Planning and Zoning:

- 1) Land set aside – Henry County Schools requests a land set aside of thirty usable acres within the proposed development for a potential school location. This location must have safe access to Jodeco Road, McCullough Road, and Jonesboro Road as part of the overall residential development.
- 2) Restriction of number of housing units accepted as part of the development. If a restriction is not accepted, the Board requests that the completion of the proposed 600 dwelling units be equally spread out over the term of the construction.

Please accept this as an invitation to discuss any concerns the Zoning Board/applicant may have as to our requests.

Sincerely,

April Brown, LCSW, Ed.S.
Director of Student Services
33 N. Zack Hinton Pkwy
McDonough, GA 30252
(770) 957-6601



Henry County Department of Planning & Zoning

School Board Information for Zoning Requests

april.brown@henry.k12.ga.us

33 North Zack Hinton Parkway McDonough, GA 30253
770-957-6601

This form must be completed and submitted to Planning & Zoning with all zoning applications for residential developments.

Name of Applicant: Estate of Guey L. Chen & The Marital Trust/Trustee Yee Chen Phone: 404-925-3917 Mobile: _____

Applicant Address: 1378 Brannon Road City: McDonough State: GA Zip: 30253

Name of Agent: Adam Price, P.E. Phone: 770-389-8666 Mobile: _____

Agent Address: 235 Corporate Center Drive, Suite 200 City: Stockbridge State: GA Zip: 30281

For the Purpose of Rezoning to PUD City of Stockbridge

Property Address: 2153 Jodeco Rd Nearest Intersection to property: Jodeco Rd/Mt. Olive Rd

Size of Tract: 158.65 acres Land Lot(s): 78 District(s): 6

Property Tax Parcel Number: 053 - 010 - 180 - 00 Proposed Number of Lots: _____

Request from RA (present zoning) to PUD(City of Stockbridge) (requested zoning)

Projected number of dwelling units 600 Estimated period of construction and phases 5 years

Signature of Owner: _____

Printed Name of Owner: Yee Chen

Signature of Agent: _____

Printed Name of Agent: Adam Price

(To be Completed by Henry County School Board)

✓ Schools serving proposed development

Pate's Creek Elementary
Dutchtown Middle
Dutchtown High

✓ Number of trailers

0
0) but all at capacity
0

✓ Projected number of school children for development

600 units x 2.5 children = 1500 students

✓ Projected

number

of

additional

classrooms/buses

required

to

serve

the proposed development

✓ Projected capital improvement costs

* Significant effect on school system
18 million to provide permanent classrooms
1.5 million to house in modular units

Name of Person Completing Form: _____

Title: _____

Signature: _____

Date: _____

E-mail Address: _____

Phone Number: _____

Letters will require a minimum of three weeks from the date of application submittal.

Cost 300,000 per classroom (permanent) - 18 million
Cost 25,000 per modular (temporary) - 1.5 million

