



Where Community Connects

**STOCKBRIDGE
PLANNING COMMISSION**

BOARD MEMBERS

Askia Abdullah, Chair

Vacant, Vice Chair

Stanley Dumas

Harold Thibodeaux

David Planchon

Anthony Mitten

ADMINISTRATION

Brecca Carter

Community Development Director

Ryan Anderson, Chief Planner

Linda Logan

Senior Planner, Secretary

Gordon Linton, Planner I

Valerie Ross, Attorney

**Planning Commission
Meeting
Agenda
July 27, 2023 6:30 PM**



STOCKBRIDGE CITY HALL

4640 NORTH HENRY BLVD.

STOCKBRIDGE, GA 30281

Website: www.stockbridgega.org

Phone: 770-389-7900

Fax: 770-389-7912



AGENDA PLANNING COMMISSION MEETING CITY OF STOCKBRIDGE

THURSDAY, JULY 27, 2023 6:30 PM

- I. CALL TO ORDER**
- II. INVOCATION**
- III. PLEDGE OF ALLEGIANCE**
- IV. ROLL CALL**
- V. ADOPTION OF THE AGENDA**
- VI. APPROVAL OF MINUTES -- May 25, 2023 Summary Minutes
PC Summary Minutes for May 25, 2023**

WELCOME TO NEW PLANNING COMMISSION MEMBER, ANTHONY MITTEN

ELECTION OF OFFICERS: VICE-CHAIRMAN

BRUSH CREEK COMMONS TOWNHOMES: FINAL TOWNHOME PLAT APPROVAL

Item # 1 - Eaman Fatemi, Applicant and Member of Pivotal Enterprises, LLC (Owner as Applicant), requests the approval of his proposed "Final Townhome Plat", prepared by Seiler & Associates and dated July 20, 2023 for the Brush Creek Commons Townhomes, to be developed on Parcel # S07-01006005 on Shields Road. The Stockbridge City Council previously approved Zoning Modification Case #ZM-2022-01 for the Brush Creek Commons Townhomes on November 14, 2022. The property contains 15.895 +/- acres, with frontages on Brush Creek Court and Shields Road. It is located in Land Lots 59 & 70 of District 12 within the Stockbridge City Limits.

To be presented by the Community Development Staff.

Presented by:

PROJECT UPDATES

STAFF COMMENTS

BOARD COMMENTS

ADJOURNMENT

City of Stockbridge

Mission: To provide visionary leadership and superior municipal services that enhance the quality of life for citizens while creating a welcoming business atmosphere focused on sustainability and expansion of tourism and cultural events.



SUMMARY MINUTES **PLANNING COMMISSION** THURSDAY, May 25, 2023 at 6:30 p.m.

BOARD MEMBERS:

Askia Abdullah, Chairman
Kathleen Nelson, Vice Chairman
Stanley Dumas
Harold Thibodeaux
David Planchon

ADMINISTRATION:

Brecca Carter, Community Dev. Director
Valerie Ross, City Zoning Attorney
Vanessa Holiday, City Clerk
Ryan Anderson, Chief Planner
Linda Logan, Senior Planner / PC Sect'y
Gordon Linton, Planner I

I. CALL TO ORDER – Made by Chairman Abdullah at 6:30 p.m.

II. INVOCATION – Given by Harold Thibodeaux.

III. PLEDGE OF ALLEGIANCE -- Done in unison.

IV. ROLL CALL (Taken by Linda Logan):

	Present	Absent
~ Askia Abdullah	<u> X </u>	<u> </u>
~ Kathleen Nelson	<u> X </u>	<u> </u>
~ Stanley Dumas	<u> X </u>	<u> </u>
~ Harold Thibodeaux	<u> X </u>	<u> </u>
~ David Planchon	<u> X </u>	<u> </u>

V. ADOPTION OF THE AGENDA

A motion to adopt the Agenda was made by Kathleen Nelson and seconded by Harold Thibodeaux. A vote was taken and the Agenda was unanimously adopted.

VI. APPROVAL OF MINUTES – April 27, 2023 Summary Minutes.

Harold Thibodeaux stated that a correction needed to be made to the Invocation, which was actually given by Stanley Dumas. Mr. Dumas then made a motion to approve the Minutes with the stated correction, and Kathleen Nelson seconded the motion. A vote was taken and the Minutes were unanimously approved.

VII. CITY OF STOCKBRIDGE – TEXT AMENDMENT CASE #TX-2023-01.

Consideration of a text amendment to the Stockbridge Unified Development Code (UDC) in Section 2.5.2(D)(12) and Section 2.5.3(F)(11) to allow hookah bars/lounges, cigar bars/lounges, and tobacco/vape shops as ancillary uses to the primary use of a restaurant / lounges. Currently, the above uses are Prohibited Uses within the Parkway Mixed-Use (PMU) Overlay District and the Downtown Village (DV) Overlay District.

To be presented by the Community Development Staff.

Staff Presentation. Ryan Anderson gave the Planning and Zoning Staff's PowerPoint presentation of this case. He stated that TX-2023-01 would allow hookah bars/lounges, cigar bars/lounges, and tobacco/vape shops as ancillary uses in the Parkway Mixed-Use Overlay District and the Downtown Village Overlay District.

Board Questions and Comments. Askia Abdullah inquired about smoke. How does tobacco use impact those who are in the building? He expressed ventilation concerns. Ryan Anderson replied that pertinent regulations would be written into the ordinance of approval. He explained that several business owners have inquired about having these types of uses within their establishments, citing a need for an additional revenue source. These business owners have also spoken to several Council members. Mr. Anderson stated that some nearby businesses which are located outside of the overlay districts are allowed to include these uses within their establishments.

Stanley Dumas wanted to know how many people had inquired about having hookah bars/lounges, cigar bars/lounges, and tobacco/vape shops within restaurants. He expressed his opposition to this case, saying that the City's Unified Development Code (UDC) was adopted after a great effort was made. He also expressed the same health concerns as Mr. Abdullah, and he said that allowing these types of uses would be premature. Mr. Anderson replied that the UDC is a "living document", making it available to be amended as conditions arise.

Askia Abdullah inquired about the minimum size which an establishment would need to be in order for it to be allowed to include the proposed uses. He also wondered whether establishments could have a separate room for these smoke-generating uses, and whether even having a separate room would allow enough ventilation. Mr. Anderson replied that customers could decide not to go into those establishments. Mr. Abdullah explained that he is not opposed to TX-2023-01, but that there should be some additional regulations to require businesses to have a separate room for the proposed uses.

Valerie Ross said that since this case has been advertised, it must move forward to City Council, but that then it could still come back to the Planning Commission for further consideration. Harold Thibodeaux stated that he wanted the Council members to know the Board members' thoughts.

Public Hearing. Chairman Abdullah opened the Public Hearing. Citizen Jocelyn Williams (from 190 Banks Drive in Stockbridge) spoke in opposition of TX-2023-01. She wanted restaurants to be required to derive at least 51 percent of their total sales from food. She wondered how smoke from hookahs, cigars, tobacco, and vape could be prevented from moving around and getting into the areas where food is served, even if a separate room is provided for the proposed uses.

Board Action. Stanley Dumas made a motion to deny this case, and Harold Thibodeaux seconded the motion. A vote was taken, and the Board members voted unanimously to deny this case.

VIII. COMPREHENSIVE PLAN AMENDMENT CASE #CP-2022-04.

Consideration of a request for a Comprehensive Plan Amendment to assign the future land use designation of 'High-Density Residential' to certain property on Flippen Road, to allow for the construction of a mixed-use residential development, including commercial and office uses. The applicant is Vista Residential Partners (c/o Dennis J. Webb, Jr.). The property contains three parcels in Land Lot 38 of District 12, as are listed below, with 276.91+/- total acres within the Stockbridge City Limits.

- Parcel #030-01004000—Large parcel with 249.19 +/- acres, located between Flippen Road and Interstates 75 & 675.
- Parcel #030-01003001—Medium-sized parcel with 24.97 acres, located at 630 Flippen Road.
- Parcel #030-01004008 -- Small parcel with 2.75 acres, located at 384 Flippen Road.

To be presented by the Community Development Staff.

Staff and Applicant Presentations. Gordon Linton gave the Planning and Zoning Staff's PowerPoint presentation of this case. Then the applicant's attorney, Dennis Webb of the law firm of Smith, Gambrell and Russell, made a PowerPoint presentation. Mr. Webb said that there would be 20 percent fewer residential units

that what Henry County approved in 2019 for the Reeves Creek I development proposal, plus the developer has added commercial and office components. The existing site topography limits the amount of commercial uses that could be included. The proposed site plan shows that a tie-in would be provided to the adjacent Drive-Time property to the north on Walter Way, at the northwest corner of the subject property. The proposed development would be built in several phases and pods.

Board Questions and Comments. Askia Abdullah asked the applicant about holding a community meeting to discuss the proposed Drive-Time connection. Harold Thibodeaux asked about a traffic study. Mr. Webb explained that one was previously done by ARC and GRTA along with the previous Reeves Creek DRI review (#3799). Conditions from that traffic study were adopted by the applicant. Mr. Thibodeaux asked about the community response, and Mr. Webb stated that there was not much. Stanley Dumas asked the applicant about the adopted DRI road improvements. He was concerned about one-way traffic signals. Mr. Webb explained the planned project improvements and the “system” (City) traffic improvements. He said that turn lanes are needed off Flippen Road. David Planchon wondered about the visibility of the proposed retail and office uses on Flippen Road, and he wanted to see a traffic study.

Public Hearing. Chairman Abdullah opened the public hearing for CP-2022-04. Citizen Sara Phillips of 238 Northwind Drive stated that a lot of decisions have been made already. She said that she doesn’t want a high-density area, and that citizens were not involved in the decision-making process. Ms. Phillips was concerned about transportation and safety. She had a late notice of the attorney’s Zoom meeting (community meeting), and she wanted to have more input. Mr. Abdullah pointed out that there would be a buffer around the development. Dennis Webb clarified that a 50-foot buffer and greenspace would be located around the proposed townhomes, next to Ms. Phillips’ property. Mr. Abdullah said that there would thus be a separation. Mr. Webb stated that a traffic signal would be added. Stanley Dumas said that a one-way access stub-out to the north would not prevent traffic from Drive-Time from entering the proposed development. Kenneth Wood, the project architect (from 350 Research Court) explained how the access stub-out would work. David Planchon asked whether there were concerns about the visibility of retail space from Flippen Road. Mr. Webb replied that there would be small, general office space.

Citizen John Clowdus of 115 Mimosa Drive said that he lives across the street from Northbridge Drive, and that there is too much traffic in the morning on Flippen Road. He said that he did not receive a letter about this meeting. He also said there is lots of foot traffic on Flippen Road, and that it is too scary to walk there. Stanley Dumas asked him what he wanted to see built there. Mr. Clowdus replied that he was not opposed to new houses, but that he was concerned about the infrastructure. He liked the idea of trails, and he would like to see a community park. He had no problem with housing or even with high-density, but he did not

want any apartments. Mr. Clowdus was afraid that the proposed commercial uses would not get built. Citizen Jocelyn Williams from 190 Banks Drive said that better public notification was needed. She had traffic concerns regarding the two-lane traffic conditions on Flippen Road, and she wanted a community meeting with the developer. Mr. Webb said that a turn lane, a deceleration lane, a traffic signal, and sidewalks would all be included in the the development plan, and that he had spent the past year working with the developer on these issues. Nevertheless, he said that he would be happy to hold a community meeting with the citizens before the City Council meeting on June 12th. He noted that this proposed development would be better than what Henry County approved in 2019.

Board Action. David Planchon motioned to approve this case with the Staff's listed conditions, and Stanley Dumas seconded the motion. A vote was taken, and the motion was approved by a vote of 4 to 1, with Kathleen Nelson voting to oppose it.

IX. REZONING CASE #RZ-2022-05.

Consideration of a request for rezoning to assign the 'PUD' (Planned Unit Development) district to certain property on **Flippen Road**, to allow for the construction of a mixed-use residential development, including commercial and office uses. The applicant is Vista Residential Partners (c/o Dennis J. Webb, Jr.). The property contains three parcels in Land Lot 38 of District 12, as are listed below, with 276.91+/- total acres within the Stockbridge City Limits.

- Parcel #030-01004000—Large parcel with 249.19 +/- acres, located between Flippen Road and Interstates 75 & 675.
- Parcel #030-01003001—Small parcel with 24.97 acres, located at 630 Flippen Road.
- Parcel #030-01004008 -- Small parcel with 2.75 acres, located at 384 Flippen Road.

To be presented by the Community Development Staff.

Staff and Applicant Presentation. Ryan Anderson gave the Planning and Zoning Staff's PowerPoint presentation of this case. He stated that the subject property was assigned the 'PUD' (Planned Unit Development) zoning district as a result of the adoption of the City's 2023 Zoning Map on May 8, 2023. He explained that the proposed project requires a Master Plan, and he provided the zoning history of the property. The original development proposal was much larger under the Reeves Creek DRI #3799. The applicant's attorney, Dennis Webb of the law firm of Smith, Gambrell and Russell, was available for questions and comments.

Public Hearing. Chairman Abdullah opened the Public Hearing, but there were no public comments.

Board Questions and Comments. Stanley Dumas asked about the small parcels which are located near the center of the proposed development site. Mr. Webb

said that he was unable to include them since the property owners of those parcels did not want to sell their properties to the developer.

Board Action. David Planchon made a motion to approve this case, and Stanley Dumas seconded the motion. A vote was taken, and the Board members voted to approve the motion by a vote of 4 to 1, with Kathleen Nelson voting to oppose it.

X. CONDITIONAL USE PERMIT CASE #CU-2023-01.

Consideration of a request for a conditional use permit to allow for the development of a place of worship at **713 Valley Hill Road.** The applicant is Victory Worship Center, represented by Keith G. Nation. The property is located in Land Lot 103 of District 12, and it contains 4.000 +/- acres within the Stockbridge City Limits.

To be presented by the Community Development Staff.

Linda Logan gave the Planning and Zoning Staff's PowerPoint presentation of this case. She explained that the applicant has submitted a joint site plan showing the proposed place of worship (church) at 713 Valley Hill Road, as well as the applicant's proposed townhome development on the adjacent parcel to the west (Parcel #029-01009001). Both developments would share the same entrance driveway. CU-2023-01 is for the place of worship (church) only, and the applicant has also submitted three other applications for the proposed townhomes on the adjacent parcel. The applicant recently combined and re-subdivided the parcels, and obtained a new recorded plat on May 2, 2023. A "place of worship" must meet the regulations for "mass assembly center" within the Stockbridge Unified Development Code (UDC).

Regarding the history of the property, Ms. Logan said that both properties have been owned by the applicant since 2005, and they were annexed into the City of Stockbridge in 2022 as part of the City-wide annexation referendum. Victory Worship Center is an existing church within the City, operating from a retail space within a commercial center at 6043 North Henry Boulevard, within Council District 4. Ms. Logan stated that the applicant previously obtained approval in 2006 from Henry County for a conditional use permit to use the property at 713 Valley Hill Road for a place of worship (church). However, since the property was annexed into the City, the conditional use permit which was issued by Henry County is not valid within the City of Stockbridge, and the City required the applicant to apply for a new conditional use permit.

The applicant's joint site plan shows the proposed church at 713 Valley Hill Road, with 12,586 total square feet, and 56 townhomes to be developed on the adjacent parcel to the west. Each development would have its own parking areas. The applicant submitted the required parking plan. The existing residence would remain on the church property, but it would not be used as a parsonage. No other

accessory uses are planned at this time.

Ms. Logan said that the applicant has met the standards for places of worship, as well as the standards for the granting of conditional use permits, and that the Planning and Zoning Staff therefore recommends the approval of this case, with three conditions. The three conditions include the applicant adhering to a very similar site plan to the one that was presented, meeting the UDC requirements for the inclusion of any additional buildings, uses, or activities, and providing sufficient parking to accommodate the church's special activities and future growth.

Reverend Keith G. Nation, Pastor of Victory Worship Center, described his development proposals. He said that he wants to build a worship center that would be good for the surrounding community. Originally, he proposed building 70 townhomes, but he has now reduced that number to 56.

Public Hearing. Chairman Abdullah opened the Public Hearing. Citizen Anthony Mitten of 164 Valley Hill Drive stated that he had lived near the subject property for thirty years, and that he was concerned that the applicant might begin construction on the proposed development but that the church would not be finished. He wondered whether the development would take place in phases, which would not be his preference. He was not opposed to the church, though. Raymond King of 112 Valley Hill Drive mentioned similar concerns. Jocelyn Williams of 190 Banks Drive, though, was opposed to the church, fearing that the existing two-lane road would not be sufficient to handle the increase in traffic. Donna Daniels of 306 Grove Hill Drive agreed, citing frequent accidents on the busy Valley Hill Road, which would likely become worse with added traffic from the proposed townhomes. She said that not all of the residents of the adjacent Valley Hill Station received letters of notification. She mentioned a transcontinental pipeline meeting that was conducted by the Clayton County Water Authority, whose facilities are located directly across the street from the subject property.

Reverend Nation stated that no community meeting had taken place, and that he was not opposed to holding a meeting. He wanted to consider the residents' concerns. The church's plan in 2006 was to build a church first, then condominiums. Recently, the church wanted to build 70 townhomes, but that number was reduced to 56 units upon Staff's concerns.

Chairman Abdullah said that citizens are concerned about the applicant's ability to build the church when he has allowed the property to be overgrown. The existing house on the property would be maintained. He said that the applicant would address the overgrowth immediately after case approval, and that the applicant planned to schedule a community meeting.

Stanly Dumas inquired about the separate parcels. Would either the church or the townhomes be dependent upon the other being built? If one project was not approved, could the other one still be built? And would any townhome renting take

place? Reverend Nation replied that the two projects have separate funding, and that both projects need the proposed central driveway and detention pond. He said that if one of the projects were not approved, then he would need to change the site plan. No townhome renting would occur. An HOA would be provided. Mr. Dumas said that the maintenance of the central driveway would put an unnecessary burden on the HOA. Reverend Nation said that the driveway entrance would be private at first, then public later.

David Planchon asked whether Victory Worship Center was an existing church congregation. Reverend Nation replied that yes, it meets in an existing commercial building in a congested area, and that a new location is needed for their ministry programs. Mr. Planchon further asked about the location of the church membership, and wondered whether there would be any objection by the existing residents of the surrounding area to church members coming into their neighborhood from the outside. Reverend Nation explained that the church was first going to be located on the western parcel, but now it would be built on the eastern parcel, farther away from the existing homes in the Valley Hill Station Subdivision.

Kathleen Nelson asked whether the townhomes would be open to anyone to purchase. Reverend Nation replied, “absolutely”, stating that there would be no discrimination. Stanley Dumas asked about the timeline for the construction of the church. Reverend Nation stated that it would begin in the fall, after plans had been prepared and approved by the City. Construction of the church would be completed by December. The price range for the townhomes was still being determined, and it would probably be in the low \$300s or mid-\$300s. He wanted the proposed townhomes to complement the values of the existing homes.

Brandon King of 112 Valley Hill Drive stated that Henry County, in its previous approval of the applicant’s conditional use permit application, had various stipulations for the church, but no changes happened (i.e., construction) for “year after year”, until finally their approval became void. Further, the townhome proposal was never brought up until three weeks ago.

Board Action. Chairman Abdullah asked the Board members for a motion. Kathleen Nelson motioned to approve CU-2023-01, with the Staff’s three recommended conditions, plus two more: 1) requiring the applicant to clear the property; and 2) requiring the applicant to hold a community meeting prior to the City Council meeting on June 12, 2023. A vote was taken, and the motion was approved unanimously, containing all five conditions.

XI. COMPREHENSIVE PLAN AMENDMENT CASE #CP-2023-01.

Consideration of a request for a Comprehensive Plan Amendment to assign the future land use designation of ‘High-Density Residential’ to **Parcel #029-01009001 on Valley Hill Road,** to allow for the construction of a townhome development. The applicant is Victory Worship Center, represented by Keith G.

Nation. The property is located in Land Lot 103 of District 12, and it contains 7.864 +/- acres within the Stockbridge City Limits.

To be presented by the Community Development Staff.

Linda Logan gave the Planning and Zoning Staff's PowerPoint presentation of this case. She said that the applicant had also submitted rezoning and variance applications for this property, via RZ-2023-01 and VR-2023-01. A Comprehensive Plan amendment is needed to assign the future land use designation of 'High-Density Residential' to the subject property to allow for a rezoning of the property to 'MFR' (Multiple Family Residential) and the construction of a townhome development at a density of 7.12 units per acre. Ms. Logan explained that the applicant's proposal would be inconsistent with the property's current land use designation of 'Low-Density Residential' since townhomes are not a permissible use under the Low-Density Residential designation; because the applicant's requested MFR zoning is not permissible; and because the proposed density of 7.12 units per acre would exceed the allowable range of 1.25 to 2.0 units per acre. Assigning the High-Density Residential designation to the property would further the implementation of various housing policies that are identified by the Comprehensive Plan. The property is suitable for the requested land use designation change due to its location along a major collector road and its proximity to another High-Density Residential property at 576 Davis Road, which was just approved for a Comprehensive Plan Amendment on May 8, 2023. Ms. Logan stated that the Planning and Zoning Staff recommended the approval of CP-2023-01 with the condition that the applicant's requested rezoning of the subject property to 'MFR' (Multiple Family Residential) via RZ-2023-01 was also approved.

Board Questions and Comments. Kathleen Nelson asked the applicant whether only townhomes were considered for the subject property. Reverend Nation replied that originally, condominiums were proposed.

Public Hearing. Donna Denk of 306 Grove Hill Drive and Jocelyne Williams of 190 Banks Drive both raised traffic concerns. Raymond King of 112 Valleydale Drive expressed his concerns about pressure and gas tank vibrations coming from the Clayton County Water Authority's facilities across from the subject property, and he was opposed to this case.

Board Action. Kathleen Nelson motioned to approve this case, to include the Staff's condition, plus requiring the applicant to hold a community meeting. David Planchon seconded the motion. But Brecca Carter stated that these conditions were not appropriate for a Comprehensive Plan amendment case. Ms. Nelson therefore amended her motion to include only the Staff's one condition. Mr. Planchon then seconded Ms. Nelson's amended motion. A vote was taken, and the motion was approved by a vote of 4 to 1, with Stanley Dumas opposed.

XII. REZONING CASE #RZ-2023-01.

Consideration of a request for a rezoning to assign the 'MFR' (Multiple Family Residential) zoning district to **Parcel # 029-01009001 on Valley Hill Road,** to allow for the construction of a townhome development. The applicant is Victory Worship Center, represented by Keith G. Nation. The property is located in Land Lot 103 of District 12, and it contains 7.864 +/- acres within the Stockbridge City Limits.

To be presented by the Community Development Staff.

Staff Presentation. Linda Logan gave the Staff's PowerPoint presentation for this case. She stated that the applicant also had Comprehensive Plan Amendment Case #CP-2023-01, which was just discussed, and Variance Case #VR-2023-01, which will be discussed after this case, as well as Conditional Use Permit Case #CU-2023-01, which was previously discussed tonight. She said that the applicant's requested rezoning of the property to MFR was necessary because the proposed townhomes would not be allowed under the property's current zoning, and she pointed out that another MFR district was located nearby at 576 Davis Road, which the City Council had recently rezoned. The proposed site plan would be shared by the proposed church at 713 Valley Hill Road under the applicant's CU-2023-01 case. It showed an internal looped street and a detention pond to serve both developments. A total of 56 townhome units would be built within six townhome buildings. Front yard setbacks of 25 feet instead of the required 50 feet were shown due to the applicant's requested variance via VR-2023-01. The proposed amenities would include a recreation area (to include a gazebo, a pavilion, a playground, and a bargeque area), a mail kiosk, and two small park areas. A total of 126 parking spaces would be provided, including 14 guest parking spaces. The Staff recommended the approval of this case, conditioned on the approval of CP-2023-01 and VR-2023-01, plus adherence to a very similar site plan which the applicant presented.

Applicant Presentation. Reverend Nation presented a revised site plan during the meeting, which he had not yet sent to the Staff. It showed only minor changes, though, including the relocation of the park and parking areas.

Public Hearing. Since most of the citizens left the Council Chamber following the Board's approval of CP-2023-01, few citizens remained, and there were no public comments.

Board Questions and Comments. The Board members asked some technical questions about the applicant's new site plan, and responses were provided by Reverend Nation and his architect.

Board Action. The Board voted to approve RZ-2023-01 to include the Staff's three conditions, plus two more. The Staff's conditions included the approval of CP-2023-01, the approval of VR-2023-01, and adherence to a site plan which was very similar to the one which the applicant had submitted to the Staff prior to this

meeting. The Board members added a condition that the applicant cut the grass on the property, plus another condition that the applicant hold a community meeting before the June 12th City Council meeting.

XIII. VARIANCE CASE #VR-2023-01

Consideration of a request for a variance for **Parcel # 029-01009001 on Valley Hill Road**, to allow for the construction of a townhome development. The purpose of the variance is to allow the reduction in the front yard setbacks from the required 50 feet to 25 feet in the MFR (Multiple Family Residential) zoning district. The property is located in Land Lot 103 of District 12, and it contains 7.864 +/- acres within the Stockbridge City Limits.

To be presented by the Community Development Staff.

Staff Presentation. Linda Logan gave the Planning and Zoning Staff's PowerPoint presentation of this case. She stated that the subject property contains a low area adjacent to Valley Hill Road which is prone to flooding, making it unbuildable. The presence of this unbuildable condition might cause the applicant to be unable to develop a townhome community with lots that are of similar sizes to those which are found in other MFR districts. She pointed out that the City Council had recently granted a similar variance request to the applicant for a proposed townhome development at 576 Davis Road nearby, allowing a reduction in the front yard setback from the required 50 feet to 25 feet. The applicant's variance request was reasonable.

Public Hearing. There were no public comments.

Board Questions and Comments. The Board members had few comments.

Board Action. The Board members voted to approve this case.

XIV. PROJECT UPDATES

To be presented by the Community Development Staff. No action is required.

There were no project updates.

XV. STAFF COMMENTS

To be presented by the Community Development Staff. No action is required.

There were no staff comments.

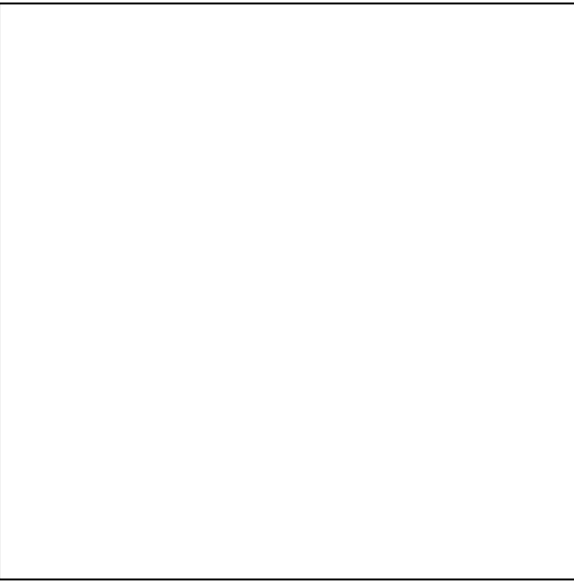
XVI. BOARD COMMENTS

There were no Board comments.

XVII. ADJOURNMENT

Kathleen Nelson made a motion to adjourn the meeting. There was no second to her motion, and no vote was taken. The meeting was adjourned at 9:35 p.m.

C:\Users\BAM\Seiler & Associates, Inc. Team\Site - Documents\Technical\Land Projects\12-2022\data\2022-500-001-8.dwg, COVER, BW, Jul 21, 2023 - 1:54:15pm



SITE INFORMATION

1. SITE ZONING: MFR TOWNHOMES
2. TOTAL SITE AREA IS 15.74 ACRES (11.90 AC OPEN SPACE)
TOTAL LENGTH OF BRUSH CREEK COURT: 1064.94 LF
TOTAL RIGHT-OF-WAY AREA OF BRUSH CREEK COURT: 1.395 AC
3. TOTAL NUMBER OF LOTS IS 41
4. MAXIMUM BLDG HEIGHT IS THE LESSER OF 45 FEET OR (4) STORIES. (SEE MUNICIPAL CODE SECTION 12.02.0311 FOR THE CITY OF STOCKBRIDGE.)
5. MINIMUM LOT SIZE IS 2147 SQ. FT.
6. MINIMUM LOT WIDTH IS 20' (LOT 23); ALL OTHER LOTS ARE 24' (INTERIOR)
7. SETBACK INFORMATION:
MINIMUM FRONT = 10 FT
MINIMUM SIDE = 20 FT. BETWEEN BUILDINGS
MINIMUM REAR = 30 FT
MINIMUM HEATED SPACE = 1,000 SQ FT FOR 1 BEDROOM, 1,300 SQ FT FOR 2 BEDROOM, 1,400 SQFT FOR 3 BEDROOM. +200 SQ FT FOR EACH ADDITIONAL BEDROOM BEYOND 3.
8. WIDTH OF TYPICAL ROADWAY IS 26 FT. MODIFICATION TO DEVELOPMENT AGREEMENT FOR AMENITIES STREETLIGHTS ARE REQUIRED. ALL UTILITIES MUST BE UNDERGROUND. *PER THE CITY OF STOCKBRIDGE ORDINANCES, THE MAINTENANCE BOND FOR THE PUBLIC ROADWAY AND SIDEWALKS IS \$80,850 FOR THREE (3) YEARS. PER AGREEMENT, BEFORE THE EXPIRATION OF THE BOND OR AFTER THE COMPLETION OF THE 41 TOWNHOME COMMUNITY WHICHEVER COMES FIRST, THE ROAD WILL BE ROLL TESTED, REPAIRED AS NEEDED, AND SEAL COATED.*
9. LOTS SHALL UTILIZE SANITARY SEWER SERVICE.
10. POTABLE WATER SHALL BE PROVIDED BY CITY OF STOCKBRIDGE.
11. SANITARY SEWER SHALL BE PROVIDED BY CITY OF STOCKBRIDGE.
12. ALL STORM DRAINS SHALL BE EXTENDED A MINIMUM OF 30' BEHIND ANY FUTURE RESIDENCE OR BUILDING.
13. PROPOSED SPEED LIMIT WITHIN DEVELOPMENT IS 25 MPH.
14. A PORTION OF THIS SITE IS LOCATED IN A SPECIAL FLOOD AREA AS PER F.I.R.M. COMMUNITY PANEL NO. 13151C0087D AND 13151C0086D BOTH DATED 10/06/2016. THE LOCATION AND CROSS-SECTIONS OF THE FLOOD AREA IS SCALED HEREON FROM SAID FEMA PANELS.
15. THE UTILITIES SHOWN HEREON ARE BASED UPON RECORDS FROM VARIOUS UTILITY COMPANIES, DEEDS AND PLATS OF RECORD, AND WHERE POSSIBLE, ACTUAL FIELD MEASUREMENTS. CONTRACTOR SHALL VERIFY UTILITY LOCATIONS BEFORE CONSTRUCTION BEGINS.
16. A TWENTY-FOOT STORM SEWER AND SANITARY SEWER EASEMENT AS REQUIRED BY THE CITY OF STOCKBRIDGE AND SHOWN ON THE FINAL PLAT.
17. SIDEWALKS REQUIRED BOTH SIDES OF STREET, 5' WIDE & 2' BEHIND CURB AND HANDICAP ACCESSIBLE AT ALL CORNERS. PRIOR TO RELEASE OF 2 YEAR MAINTENANCE BOND ALL SIDEWALKS MUST BE COMPLETE.
18. MAINTENANCE OF DETENTION PONDS SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNERS AND SHALL BE MAINTAINED AND REPAIRED WHEN NEEDED OR AS REQUESTED BY THE CITY OF STOCKBRIDGE.
19. ALL STORM DRAIN PIPES OUTSIDE THE RIGHT-OF-WAY SHALL BE MAINTAINED BY THE PROPERTY OWNER. IF IT BECOMES NECESSARY FOR THE CITY OF STOCKBRIDGE TO PROVIDE ANY MAINTENANCE OR MAKE ANY REPAIRS TO THE LINE THAT IS AN EXTENSION OF THE STORM DRAIN LINE UNDER THE ROADWAY, TO PROTECT THE ROADWAY OR OTHER PROPERTY UPSTREAM FROM THIS LINE, THE CITY OF STOCKBRIDGE WILL BACK CHARGE THE PROPERTY OWNER FOR ALL EXPENSES INCURRED IN CORRECTING THE DRAINAGE PROBLEM. THE CITY OF STOCKBRIDGE SHALL NOT BE RESPONSIBLE FOR DAMAGE TO ANY IMPROVEMENT RESULTING FROM THE REPAIR OF THIS LINE INCLUDING BUT NOT LIMITED TO THE REPLACEMENT OR REPAIR OF CURB AND GUTTER, PAVEMENT OR OTHER INFRASTRUCTURE IMPROVEMENT.

20. HENRY COUNTY MAP S07 A
ALL BLOCK 1
PARCEL #'S SAME AS LOT #'S
COMMON AREAS S07A01 100000
21. DETENTION POND TO BE OWNED BY THE HOMEOWNERS ASSOCIATION.
22. THERE IS A LIVE STREAM ON THIS SITE.
23. THE CITY OF STOCKBRIDGE ASSUMES NO RESPONSIBILITY FOR THE OVERFLOW OF EROSION OF NATURAL OR ARTIFICIAL DRAINS BEYOND THE EXTENT OF THE STREET RIGHT-OF-WAY, NOR THE EXTENSION OF CULVERTS BEYOND THE POINTS SHOWN ON THIS PLAT AND AS REQUIRED BY THE CITY OF STOCKBRIDGE SUBDIVISION ORDINANCE.
24. OPEN SPACE IS TO BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
25. DENSITY CALCULATIONS: GROSS DENSITY: 41/15.87 = 2.58 UPA
NET DENSITY: 41/4.952 = 6.28 UPA

SURVEYOR'S NOTES

1. A TOPCON DS 105 (ROBOTIC TOTAL STATION), TOPCON TRAVERSING EQUIPMENT, A 200 FOOT TAPE AND SPECTRA PRECISION SP80 VRS GPS EQUIPMENT WERE USED TO OBTAIN THE ANGULAR AND LINEAR MEASUREMENTS FOR THIS SURVEY.
2. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAD A CLOSURE PRECISION OF ONE FOOT IN 18,663 FEET, AND AN ANGULAR ERROR OF 09 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE.
3. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 715,551 FEET.
4. NO N.G.S. MONUMENT WAS FOUND WITHIN 500 FEET OF ANY POINT ON THE SUBJECT PROPERTY.
5. THE SOURCE OF VERICAL DATUM IS EGPS VRS CORS NETWORK.
6. THE HORIZONTAL DATUM IS THE NORTH AMERICAN DATUM OF 1983 READJUSTED IN 2011 (NAD83 (2011)). THE VERTICAL DATUM IS THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
7. THE FIRM OF SEILER & ASSOCIATES, INC DOES NOT CERTIFY TO THE CORRECTNESS OR ACCURACY OF THE UNDERGROUND UTILITIES SHOWN OR NOT SHOWN HEREON. CONTACT THE UTILITY PROTECTION CENTER (800-282-7411) PRIOR TO ANY DIGGING.
8. MFFE'S REFERENCED TO THIS NOTE ARE SHOWN AS THEY WERE PROVIDED TO THIS OFFICE BY POINT TO POINT LAND SURVEYORS, INC. THE FIRM OF SEILER & ASSOCIATES, INC HAS MADE NO INDEPENDENT STUDY OF MINIMUM FINISHED FLOOR ELEVATIONS OR THE OVERALL DRAINAGE SYSTEM OF BRUSH CREEK COMMONS.
9. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT WHICH MAY REVEAL ADDITIONAL CONVEYANCES, EASEMENTS, OR RIGHTS OF WAY NOT SHOWN HEREON.

SURVEYOR'S REFERENCES

1. FINAL PLAT FOR BRUSH CREEK COMMONS PREPARED BY POINT TO POINT LAND SURVEYORS DATED JANUARY 29, 2018.
2. APPROVED SITE DEVELOPMENT PLANS FOR BRUSH CREEK COMMONS BY LAND ENGINEERING AND DEVELOPMENT DATED JANUARY 25, 2005 (LAST REVISED 3-17-06).

ZONING REFERENCES

CURRENT ZONING:
MFR-TOWNHOMES

CONTROLLING ZONING CONDITIONS:
RM-2 FROM 07-21-2003

PREVIOUS AGREEMENTS:

1) DEVELOPMENT AGREEMENT DATED 07-21-2003
ADOPTED IN COMPANION TO REZONING CASE
#RZ-03-04 (COPIED HERE TO PAGES 6-8)

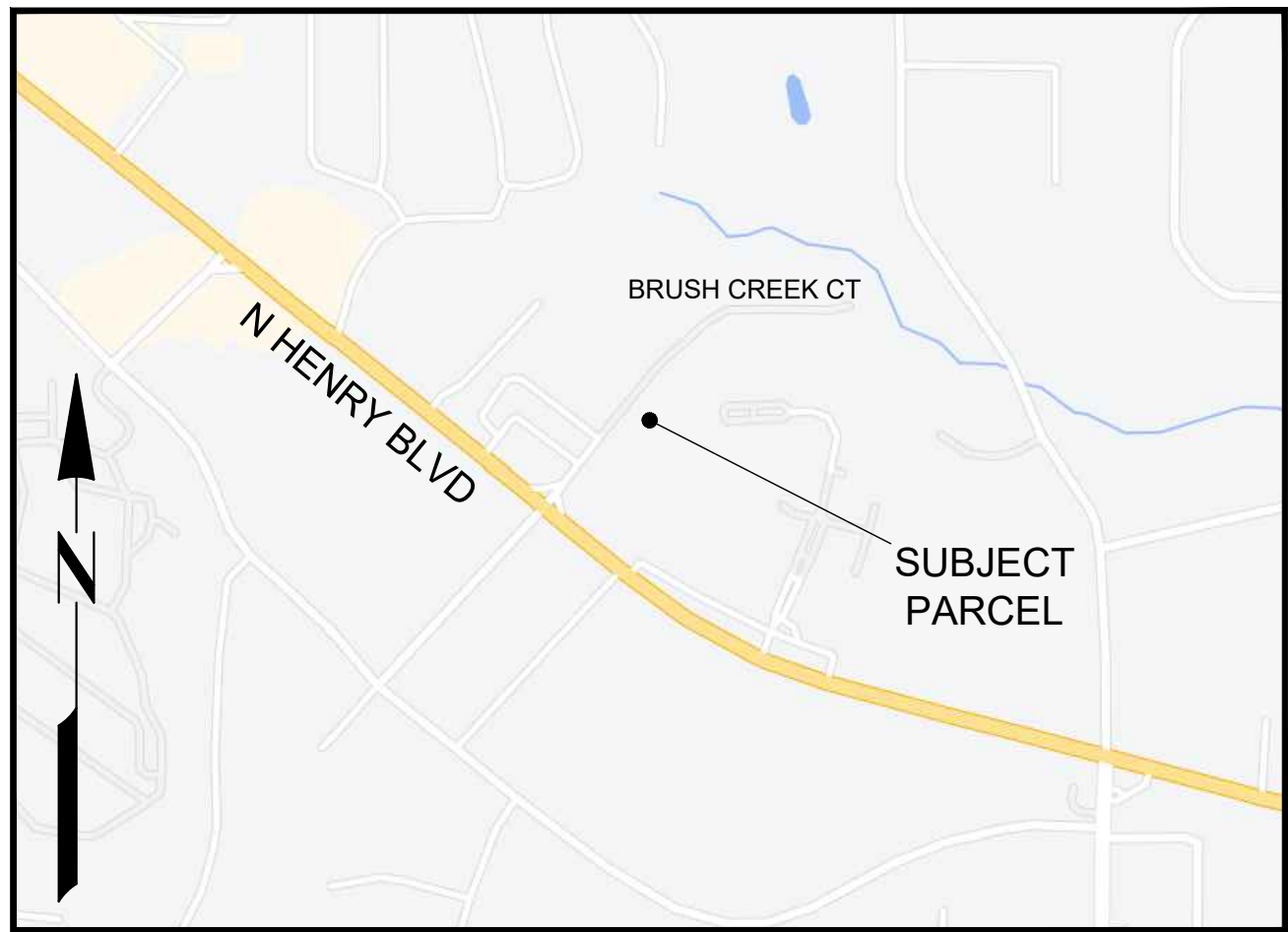
2) AMENDMENT 1 DATED 12-13-2004 (COPIED
HERE TO PAGES 8-9)

3) SITE DEVELOPMENT PLANS DATED 01-25-2005
(TO REFERENCE, REQUEST FOR A COPY FROM
THE CITY OF STOCKBRIDGE)

4) AMENDMENT 2 DATED 08-13-2007 (COPIED
HERE TO PAGE 9)

5) ZONING MODIFICATION ORDINANCE
#ZM-2022-01 DATED 11-14-2022 (COPIED HERE TO
PAGE 10)

FINAL TOWNHOME PLAT FOR BRUSH CREEK COMMONS LAND LOTS 59 & 70, 12TH DISTRICT CITY OF STOCKBRIDGE (HENRY COUNTY), GEORGIA



VICINITY MAP NOT TO SCALE

CITY OF STOCKBRIDGE APPROVAL:

CITY OF STOCKBRIDGE ASSUMES NO RESPONSIBILITY FOR THE OVERFLOW OR EROSION OF NATURAL OR ARTIFICIAL DRAINS BEYOND THE EXTENT OF THE STREET RIGHT-OF-WAY, NOR FOR THE EXTENSION OF CULVERTS BEYOND THE POINTS SHOWN ON THIS PLAT AND AS REQUIRED BY THE MUNICIPAL CODE OF THE CITY OF STOCKBRIDGE:

THIS PLAT IS HEREBY APPROVED FOR RECORDING:

BY: _____
CITY OF STOCKBRIDGE Planning Commission Chair
DATE: _____

THIS PLAT IS HEREBY APPROVED FOR RECORDING:

BY: _____
CITY OF STOCKBRIDGE COMMUNITY DEVELOPMENT DEPARTMENT
DATE: _____

THIS PLAT IS HEREBY APPROVED FOR RECORDING:

BY: _____
CITY OF STOCKBRIDGE ENGINEERING
DATE: _____

OWNERS CERTIFICATE

THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED HERETO, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, ACKNOWLEDGES THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY AND DEDICATES TO THE USE OF THE PUBLIC FOREVER ALL STREETS, PARKS, WATER COURSES, DRAINS, EASEMENTS AND PUBLIC PLACES HEREIN SHOWN FOR THE PURPOSE(S) THEREIN EXPRESSED.

OWNER - PIVOTAL ENTERPRISES, LLC

DATE

FLOOD NOTE:

ACCORDING TO FEMA F.I.R.M. PANELS: **1351C0086D & 1351C0067D** EFFECTIVE DATE: **OCTOBER 6, 2016** AND BY GRAPHIC PLOTTING ONLY, PORTION(S) OF THIS PROPERTY LIE WITHIN A SPECIAL FLOOD HAZARD AREA ZONE **AE** OF THE FLOOD INSURANCE RATE MAP FOR HENRY COUNTY, GA.

ZONING CONDITIONS (CASE # RZ-03-04)

ZONING REQUIREMENTS OF PROPERTY (REFER TO THE DEVELOPMENT AGREEMENT DATED DECEMBER 13, 2004.) AMENDMENT AUGUST 13, 2007 AS WELL AS ZONING MODIFICATION 2M-2022-01, THE VALIDITY AND ENFORCEABILITY OF THIS AGREEMENT IS CONDITIONAL UPON THE CITY REZONING THE PROPERTY TO THE ZONING CLASSIFICATION AS FOLLOWS:

- A. REZONING: THE PROPERTY DESCRIBED IN EXHIBIT "A" FOR A TOTAL OF 15.96 ACRES, MORE OR LESS, SHALL BE REZONED FROM SINGLE-FAMILY RESIDENCE DISTRICT (R-2) TO MULTI-FAMILY RESIDENCE DISTRICT (MFR TOWNHOUSES), PROJECT NOT EXCEED 41 UNITS TOTAL.
- B. REQUIREMENTS GENERALLY. OWNER SHALL COMPLY WITH ALL APPLICABLE RULES, REGULATIONS, AND CONDITIONS OF THE ZONING ORDINANCE, EXCEPT WHERE SPECIFICALLY EXCLUDED HEREIN, IN THE DEVELOPMENT OF THE PROPERTY INCLUDING THOSE EXPRESSED HEREIN. FOR SPECIFIC REFERENCE, RM ORDINANCE NUMBER 03-80, EFFECTIVE ON MARCH 10, 2003, SHALL APPLY AND IS ATTACHED HERETO AS EXHIBIT "D" AND INCORPORATED HEREIN BY REFERENCE. IN ADDITION TO SAID ORDINANCES, THE CONDITION CONTAINED IN THIS AGREEMENT SHALL APPLY. IF THERE IS A CONFLICT BETWEEN THE ZONING ORDINANCES AND THIS AGREEMENT, THE TERMS OF THIS AGREEMENT
- C. DEVELOPMENT CONDITIONS.

1. THE FOLLOWING CONDITIONS SHALL APPLY TO THE PROPERTY.

- A. REVISE SITE PLAN TO ADHERE TO ALL CITY OF STOCKBRIDGE MFR ORDINANCE REQUIREMENTS. (NOTE THAT APPROVAL OF THIS REZONING IS NOT AN APPROVAL OF THE SITE PLAN SUBMITTED.)
- B. MAXIMUM BUILDING HEIGHT SHALL BE SHOWN ON THE SITE PLAN (THE LESSER OF (45 FEET OR (4) STORIES. SEE MUNICIPAL CODE SECTION 12.02.0311 FOR THE CITY OF STOCKBRIDGE).
- C. ALL TOWNHOUSES SHALL HAVE A MIXTURE OF FRONT FACADE CONSISTING OF COVERED ENTRYWAY, PORCHES, BAY WINDOWS AND BALCONIES. GARAGES SHALL BE ACCENTUATED WITH VARIATIONS OF DESIGN PORTICOS.
- D. OWNER SHALL SUBMIT ELEVATIONS OF BUILDINGS TO BE APPROVED BY THE CITY. NOTE, HOWEVER, THAT THE CITY MAY APPROVE ELEVATIONS IF IT DETERMINES THAT WAITING FOR STAFF'S REVIEW HAS UNREASONABLY DELAYED OWNER.
- E. EACH UNIT ELEVATION PER BUILDING SHALL BE SEPARATE AND DISTINCT FROM THE OTHER AND SHALL INCLUDE VARIATIONS IN ROOFLINES WHICH MAY BE ACCOMPLISHED WITH THE USE OF CORNERS, GABLES AND/OR FREELACES.
- F. ALL EXTERIOR FACADES SHALL CONSIST OF BRICK AND/OR STONE. THE CORNICES AND GABLES SHALL CONSIST OF STUCCO, STONE, AND/OR HARD-PLANK.
- G. OWNER SHALL INSTALL STREET TREES ALONG ALL STREETS TO BE PLACED BETWEEN THE SIDEWALK AND THE FRONT PROPERTY LINES, HAVE A MINIMUM TWO AND ONE-HALF INCH (2.5") CALIBER (D.B.H.), SHALL HAVE A MINIMUM TWENTY-FOUR FOOT (24 SQ.FT.) PLANTING AREA AND SHALL BE SPACED AN AVERAGE OF FORTY-FIVE FEET (45') APART. OWNER SHALL PROVIDE A LIST OF TEN (10) TREES TO BE PROVIDED AND SUBJECT TO MODIFICATION BY THE CITY.
- H. A STREET SCAPING PLAN SHALL BE SUBMITTED TO THE CITY OF STOCKBRIDGE PLANNING AND ZONING STAFF FOR COMMENTS AND APPROVED BY THE CITY TO INCLUDE SIDEWALKS, STREET TREES, LANDSCAPING, STREET LIGHTING AND STREET FURNITURE. NOTE, HOWEVER, THAT THE CITY MAY APPROVE THE STREET SCAPE PLAN IF IT DETERMINES THAT WAITING FOR STAFF'S REVIEW HAS UNREASONABLY DELAYED OWNER.
- I. ANY FLOOD PLAIN ALTERATION BE SUPPORTED BY A CERTIFIED ENGINEER AT THE PLAN REVIEW STAGE.
- J. THE APPLICANT SHALL SUBMIT, TO THE CITY CLERK AND CITY ATTORNEY, AN UPDATED LEGAL DESCRIPTION AND PLAT, CERTIFIED BY AN ENGINEER OR SURVEYOR LICENSED IN THE STATE OF GEORGIA, OF THE PROPERTY.
- K. OWNER SHALL NOT CONSTRUCT AN ENTRANCE OR EXIT ONTO SHIELDS DRIVE FOR ACCESS TO THE PROJECT.
- L. OWNER SHALL MAINTAIN A TWO HUNDRED FOOT (200') BUFFER BETWEEN THE PROJECT AND SHIELDS DRIVE. AN EXEMPTION TO THIS CONDITION SHALL AUTOMATICALLY ARISE SHOULD THE CITY COUNCIL APPROVE A REZONING OF SAID BUFFER AREA TO A SINGLE FAMILY DETACHED RESIDENTIAL ZONING CLASSIFICATION.
- M. THIS REZONING APPLIES TO ONLY THE PROPERTY AND SHALL NOT BE CONSTRUED AS APPLYING TO THE AREAS ZONED COMMERCIAL ADJACENT TO THE PROPERTY.
- N. AMENITIES WILL INCLUDE: 1,300 SQUARE FOOT CLUB HOUSE WITH FULL KITCHEN, GYM, GRILLS, BENCHES, AND FIREPLACE; ONE GROUND COMBINED WITH EQUIPMENT FOR BOTH TODDLERS AND CHILDREN; 3,000 SQUARE FOOT SODDED FLEXIBLE USE AREA; 15'X20' PAVILION; GAZEBO; MONUMENT SIGN; 1,400 LF ALL NATURAL WALKING TRAIL APPROXIMATELY 3' IN WIDTH AND BRIDGES NECESSARY TO CROSS BRUSH CREEK; EXTRA PARKING SPACES TO SERVE AMENITIES; SEE 2M-2022-01 (SHEET 10).

- VARIANCES
- A. THE MAXIMUM UNITS PER BUILDING MAY INCREASE FROM FIVE (5) UNITS TO SIX (6) UNITS PER BUILDING.
 - B. THE MINIMUM DISTANCE FROM FORTY (40') TO TWENTY FEET (20').
 - C. REDUCTION IN BUFFER FROM THIRTY FEET (30') TO TEN FEET (10') ALONG THE PROPOSED ENTRANCE AND BETWEEN THE PROPOSED LOCATION OF THE FIRST BUILDING FROM THE ENTRANCE AND THE PROPERTY LINE AS DEPICTED IN THE PROPOSED SITE PLAN INCLUDED IN OWNERS OCTOBER 7, 2004 PROPOSAL ATTACHED HERETO AS EXHIBIT "A", SUBMITTED TO THE CITY COUNCIL, AND ON FILE WITH THE CITY CLERK.
 - D. INDIVIDUAL RESIDENTIAL GARBAGE PICK-UP MAY BE PERMITTED.
 - E. THE FRONT SETBACK REQUIREMENTS FOR THE BUILDINGS ARE HERE BY REDUCED TO 10 FEET.

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 59 AND 70 OF THE 12TH LAND DISTRICT, CITY OF STOCKBRIDGE, HENRY COUNTY, GEORGIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" REBAR & SURVEYOR'S CAP SET (STAMPED "SEILER & ASSOCIATES LSF #390 GEORGIA"); AT THE INTERSECTION OF THE WESTERN RIGHT-OF-WAY LINE OF SHIELDS ROAD (60 MINUTES' RIGHT-OF-WAY) AND THE LINE COMMON TO LAND LOTS 59 AND 70;

THENCE LEAVING THE WESTERN RIGHT-OF-WAY LINE OF SHIELDS ROAD AND RUNNING ALONG SAID LINE COMMON TO LAND LOTS 59 AND 70, NORTH 89 DEGREES 25 MINUTES 38 SECONDS WEST, 16.54 FEET TO A 1/2" REBAR & SURVEYOR'S CAP SET (STAMPED "SEILER & ASSOCIATES LSF #390 GEORGIA");

THENCE LEAVING SAID LINE COMMON TO LAND LOTS 59 AND 70, NORTH 22 DEGREES 25 MINUTES 43 SECONDS WEST, 0.89 FEET TO A 1/2" REBAR & SURVEYOR'S CAP SET (STAMPED "SEILER & ASSOCIATES LSF #390 GEORGIA");

THENCE NORTH 74 DEGREES 01 MINUTES 24 SECONDS WEST, 10.26 FEET TO A POINT;

THENCE NORTH 80 DEGREES 57 MINUTES 45 SECONDS WEST, 33.80 FEET TO A 1/2" REBAR & SURVEYOR'S CAP SET (STAMPED "SEILER & ASSOCIATES LSF #390 GEORGIA");

THENCE NORTH 87 DEGREES 19 MINUTES 37 SECONDS WEST, 107.41 FEET TO A 1/2" REBAR & SURVEYOR'S CAP SET (STAMPED "SEILER & ASSOCIATES LSF #390 GEORGIA");

THENCE NORTH 87 DEGREES 45 MINUTES 52 SECONDS WEST, 117.86 FEET TO A 1/2" REBAR & SURVEYOR'S CAP SET (STAMPED "SEILER & ASSOCIATES LSF #390 GEORGIA");

THENCE NORTH 88 DEGREES 47 MINUTES 59 SECONDS WEST, 112.38 FEET TO A 1/2" REBAR & SURVEYOR'S CAP SET (STAMPED "SEILER & ASSOCIATES LSF #390 GEORGIA");

THENCE SOUTH 87 DEGREES 19 MINUTES 26 SECONDS WEST, 19.09 FEET TO A 1/2" REBAR & SURVEYOR'S CAP SET (STAMPED "SEILER & ASSOCIATES LSF #390 GEORGIA");

THENCE NORTH 88 DEGREES 39 MINUTES 29 SECONDS WEST, 3.54 FEET TO A 1/2" REBAR & SURVEYOR'S CAP SET (STAMPED "SEILER & ASSOCIATES LSF #390 GEORGIA");

THENCE SOUTH 00 DEGREES 34 MINUTES 22 SECONDS WEST, 20.09 FEET TO A 1/2" REBAR & SURVEYOR'S CAP SET (STAMPED "SEILER & ASSOCIATES LSF #390 GEORGIA") SET ON THE LINE COMMON TO LAND LOTS 59 AND 70;

THENCE ALONG THE LINE COMMON TO LAND LOTS 59 AND 70, NORTH 89 DEGREES 25 MINUTES 38 SECONDS WEST, 609.38 FEET TO A 1/2" REBAR & SURVEYOR'S CAP SET (STAMPED "SEILER & ASSOCIATES LSF #390 GEORGIA");

THENCE CONTINUING ALONG THE LINE COMMON TO LAND LOTS 59 AND 70, NORTH 89 DEGREES 21 MINUTES 00 SECONDS WEST, 66.90 FEET TO A 1/2" REBAR & SURVEYOR'S CAP SET (STAMPED "SEILER & ASSOCIATES LSF #390 GEORGIA");

THENCE LEAVING SAID LINE COMMON TO LAND LOTS 59 AND 70, SOUTH 46 DEGREES 31 MINUTES 16 SECONDS WEST, 186.75 FEET TO A 1/2" REBAR & SURVEYOR'S CAP SET (STAMPED "SEILER & ASSOCIATES LSF #390 GEORGIA");

THENCE 16.90 FEET ALONG THE ARC OF A CURVE TO THE LEFT, [SAID CURVE HAVING A RADIUS OF 125.00 FEET AND A CHORD OF SOUTH 42 DEGREES 38 MINUTES 52 SECONDS WEST, 16.89 FEET] TO A 1/2" REBAR & SURVEYOR'S CAP SET (STAMPED "SEILER & ASSOCIATES LSF #390 GEORGIA");

THENCE SOUTH 38 DEGREES 46 MINUTES 28 SECONDS WEST, 193.44 FEET TO A 1/2" REBAR & SURVEYOR'S CAP SET (STAMPED "SEILER & ASSOCIATES LSF #390 GEORGIA");

THENCE NORTH 50 DEGREES 27 MINUTES 40 SECONDS WEST, 21.45 FEET TO A POINT;

THENCE SOUTH 38 DEGREES 53 MINUTES 14 SECONDS WEST, 33.50 FEET TO A POINT;

THENCE NORTH 51 DEGREES 11 MINUTES 30 SECONDS WEST, 460.31 FEET TO A POINT;

THENCE NORTH 44 DEGREES 18 MINUTES 48 SECONDS EAST, 34.28 FEET TO A 1/2" REBAR & SURVEYOR'S CAP SET (STAMPED "SEILER & ASSOCIATES LSF #390 GEORGIA");

THENCE SOUTH 51 DEGREES 16 MINUTES 49 SECONDS EAST, 360.00 FEET TO A REBAR & SURVEYOR'S CAP FOUND;

THENCE NORTH 38 DEGREES 34 MINUTES 39 SECONDS EAST, 359.93 FEET TO A REBAR & SURVEYOR'S CAP FOUND (STAMPED "COA 613");

THENCE NORTH 51 DEGREES 33 MINUTES 35 SECONDS WEST, 325.00 FEET TO A 1/2" REBAR & SURVEYOR'S CAP SET (STAMPED "SEILER & ASSOCIATES LSF #390 GEORGIA");

THENCE NORTH 44 DEGREES 10 MINUTES 39 SECONDS EAST, 267.71 FEET TO A 1/2" OPEN TOP PIPE FOUND;

THENCE NORTH 03 DEGREES 29 MINUTES 22 SECONDS WEST, 113.61 FEET TO A 1/2" REBAR & SURVEYOR'S CAP SET (STAMPED "SEILER & ASSOCIATES LSF #390 GEORGIA");

THENCE SOUTH 10 DEGREES 43 MINUTES 48 SECONDS WEST, 45.67 FEET TO A 1/2" REBAR & SURVEYOR'S CAP SET (STAMPED "SEILER & ASSOCIATES LSF #390 GEORGIA");

THENCE SOUTH 89 DEGREES 47 MINUTES 27 SECONDS EAST, 195.32 FEET TO A 3/8" SECONDS REBAR FOUND;

THENCE NORTH 89 DEGREES 51 MINUTES 21 SECONDS EAST, 499.19 FEET TO A 3/8" REBAR FOUND ON THE WESTERN RIGHT-OF-WAY LINE OF SHIELDS ROAD;

THENCE ALONG THE WESTERN RIGHT-OF-WAY LINE OF SHIELDS ROAD, 118.52 FEET ALONG THE ARC OF A CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF 877.59 FEET AND A CHORD OF SOUTH 26 DEGREES 31 SECONDS EAST, 118.43 FEET) TO A POINT;

THENCE CONTINUING ALONG THE WESTERN RIGHT-OF-WAY LINE OF SHIELDS ROAD, 82.69 FEET ALONG THE ARC OF A CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF 1308.95 FEET AND A CHORD OF SOUTH 24 MINUTES 37 SECONDS EAST, 82.68 FEET) TO A POINT;

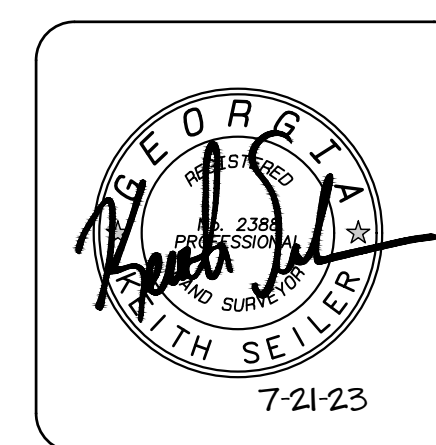
THENCE CONTINUING ALONG THE WESTERN RIGHT-OF-WAY LINE OF SHIELDS ROAD, SOUTH 34 DEGREES 46 MINUTES 51 SECONDS EAST, 130.27 FEET TO THE **POINT OF BEGINNING**.

THENCE CONTINUING ALONG THE WESTERN RIGHT-OF-WAY LINE OF SHIELDS ROAD, SOUTH 34 DEGREES 46 MINUTES 51 SECONDS EAST, 130.27 FEET TO THE **POINT OF BEGINNING**.

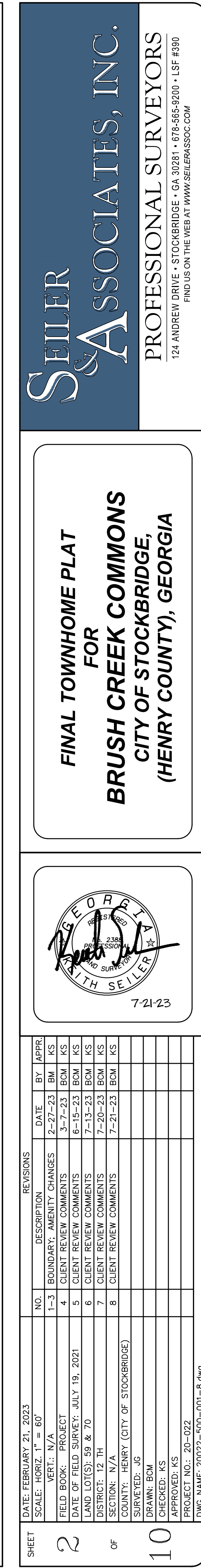
SAID TRACT OR PARCEL OF LAND CONTAINING 15.7423 ACRES (685,735 SQUARE FEET).

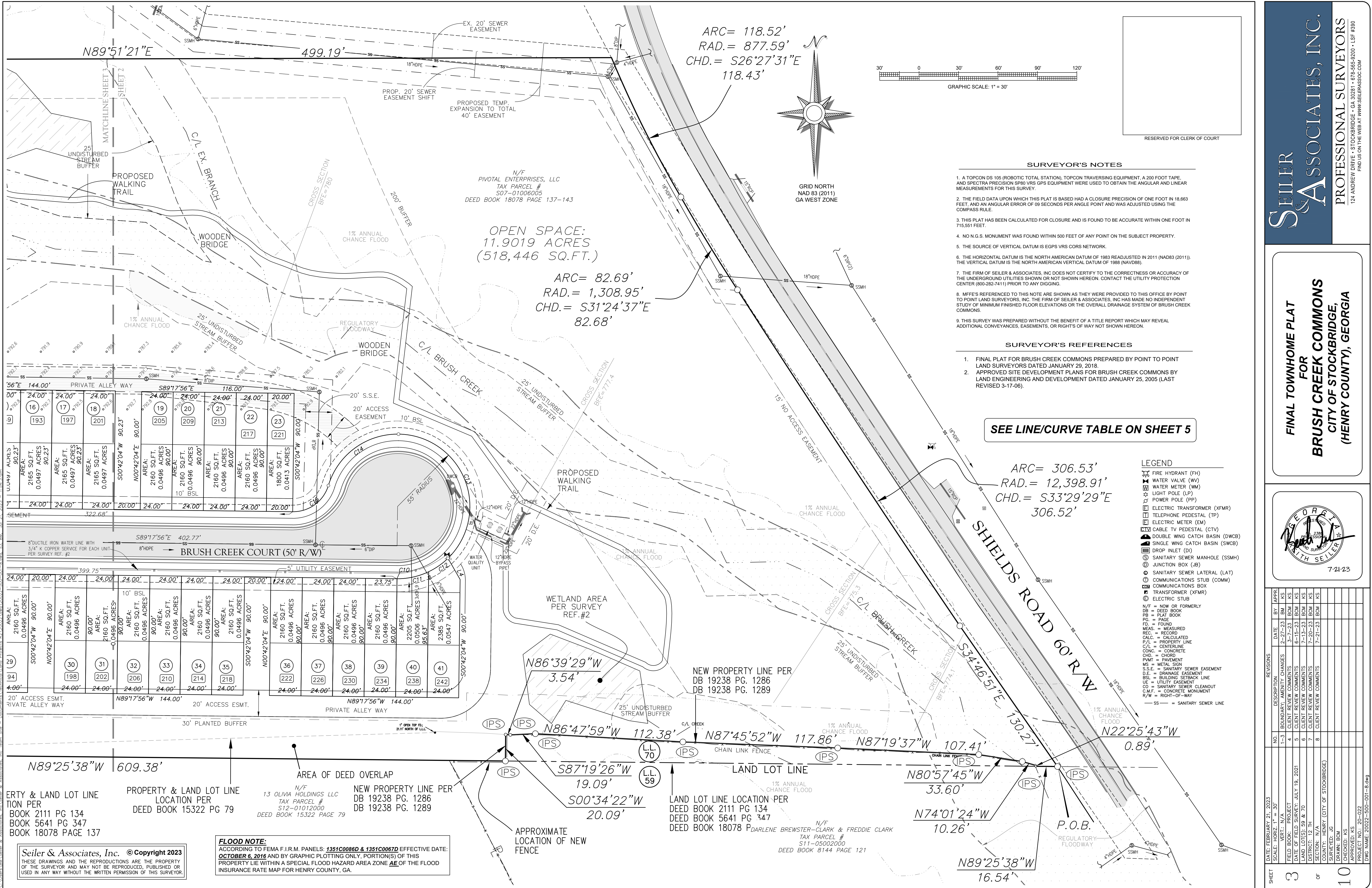
SEILER & ASSOCIATES, INC.
PROFESSIONAL SURVEYORS
124 ANDREW DRIVE • STOCKBRIDGE, GA 30281 • 678-565-9200 • LSF #390
FIND US ON THE WEB AT WWW.SEILERASSOCIATES.COM

**FINAL TOWNHOME PLAT
FOR
BRUSH CREEK COMMONS
CITY OF STOCKBRIDGE,
(HENRY COUNTY), GEORGIA**

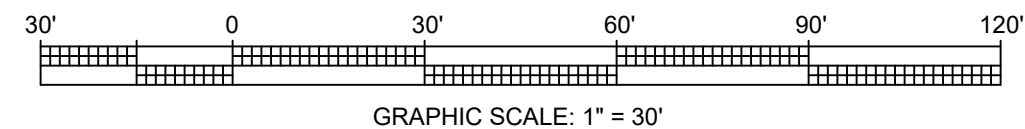


SHEET	DATE: FEBRUARY 21, 2023	REVISIONS				NO.	DESCRIPTION	DATE	BY	APPR.
		SCALE: HORIZ. 1" = 60'	VERT. 1" = 60'							
1	OF	1-3	BOUNDARY: AMENITY CHANGES	2-27-23	BM	KS				
		4	CLIENT REVIEW COMMENTS	3-7-23	BO	KS				
		5	DATE OF FIELD SURVEY: JULY 19, 2021	6-15-23	BO	KS				
		6	CLIENT REVIEW COMMENTS	7-13-23	BO	KS				
		7	LAND LOT(S): 59 & 70	7-13-23	BO	KS				
		8	CLIENT REVIEW COMMENTS	7-20-23	BO	KS				
		7	CLIENT REVIEW COMMENTS	7-21-23	BO	KS				
		8	CLIENT REVIEW COMMENTS	7-21-23	BO	KS				
10	OF	COUNTY: HENRY (CITY OF STOCKBRIDGE)								
		SURVEYED: JG								
		DRAWN: BOM								
		CHECKED: KS								
		APPROVED: KS								
		PROJECT NO.: 22-0022								
		DWG NAME: 2022-500-001-8.dwg								





FLOOD NOTE:
ACCORDING TO FEMA F.I.R.M. PANELS: 1351C0086D & 1351C0067D EFFECTIVE DATE: OCTOBER 6, 2016 AND BY GRAPHIC PLOTTING ONLY, PORTION(S) OF THIS PROPERTY LIE WITHIN A SPECIAL FLOOD HAZARD AREA ZONE AE OF THE FLOOD INSURANCE RATE MAP FOR HENRY COUNTY, GA.



LEGEND

- | | |
|---|--------------------------------|
|  | FIRE HYDRANT (FH) |
|  | WATER VALVE (WV) |
|  | WATER METER (WM) |
|  | LIGHT POLE (LP) |
|  | POWER POLE (PP) |
|  | ELECTRIC TRANSFORMER (XFMR) |
|  | TELEPHONE PEDESTAL (TP) |
|  | ELECTRIC METER (EM) |
|  | CABLE TV PEDESTAL (CTV) |
|  | DOUBLE WING CATCH BASIN (DWCB) |
|  | SINGLE WING CATCH BASIN (SWCB) |
|  | DROP INLET (DI) |
|  | SANITARY SEWER MANHOLE (SSMH) |
|  | JUNCTION BOX (JB) |
|  | SANITARY SEWER LATERAL (LAT) |
|  | COMMUNICATION CABINET (COMM) |
|  | COMMUNICATIONS BOX |
|  | TRANSFORMER (XFMR) |
|  | ELECTRIC STUB |

GRID NORTH
NAD 83 (2011)
GA WEST ZONE

N/F
NAGEL HOLDINGS LLC
TAX PARCEL #
S07-01005000
DEED BOOK 7620 PAGE 164

DETENTION POND TO BE OWNED BY
THE HOMEOWNERS ASSOCIATION

TOP BANK OF DETENTION
POND
ELEV= 800.00
100 YEAR ELEVATION IS
798.28 PER SURVEY REF.
#2

SURVEYOR'S NOTES

1. A TOPCON DS 105 (ROBOTIC TOTAL STATION), TOPCON TRAVERSING EQUIPMENT, A 200 FOOT TAPE, AND SPECTRA PRECISION SP80 VRS GPS EQUIPMENT WERE USED TO OBTAIN THE ANGULAR AND LINEAR MEASUREMENTS FOR THIS SURVEY.
2. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 18,663 FEET, AND AN ANGULAR ERROR OF 09 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE.
3. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 715,551 FEET.
4. NO N.G.S. MONUMENT WAS FOUND WITHIN 500 FEET OF ANY POINT ON THE SUBJECT PROPERTY.
5. THE SOURCE OF VERTICAL DATUM IS EGGS VRS CORRS NETWORK.
6. THE HORIZONTAL DATUM IS THE NORTH AMERICAN DATUM OF 1983 READJUSTED IN 2011 (NAD83 (2011)) THE VERTICAL DATUM IS THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAV88).
7. THE FIRM OF SELLER & ASSOCIATES, INC DOES NOT CERTIFY TO THE CORRECTNESS OR ACCURACY OF THE UNDERGROUND UTILITIES SHOWN OR NOT SHOWN HEREIN. CONTACT THE UTILITY PROTECTION CENTER (800-282-7411) PRIOR TO ANY DIGGING.
8. MFFE'S REFERENCED TO THIS NOTE ARE SHOWN AS THEY WERE PROVIDED TO THIS OFFICE BY POINT TO POINT LAND SURVEYORS, INC. THE FIRM OF SELLER & ASSOCIATES, INC HAS MADE NO INDEPENDENT VERIFICATION OF MINIMUM FINISHED FLOOR ELEVATIONS OR THE OVERALL DRAINAGE SYSTEM OF BRUSH CREEK COMMONS.
9. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT WHICH MAY REVEAL ADDITIONAL CONVEYANCES, EASEMENTS, OR RIGHTS OF WAY NOT SHOWN HEREIN.

SURVEYOR'S REFERENCES

1. FINAL PLAT FOR BRUSH CREEK COMMONS PREPARED BY POINT TO POINT LAND SURVEYORS DATED JANUARY 29, 2018.
2. APPROVED SITE DEVELOPMENT PLANS FOR BRUSH CREEK COMMONS BY LAND ENGINEERING AND DEVELOPMENT DATED JANUARY 25, 2005 (LAST REVISED 3-17-06).

APPROX. LAND LOT LINE

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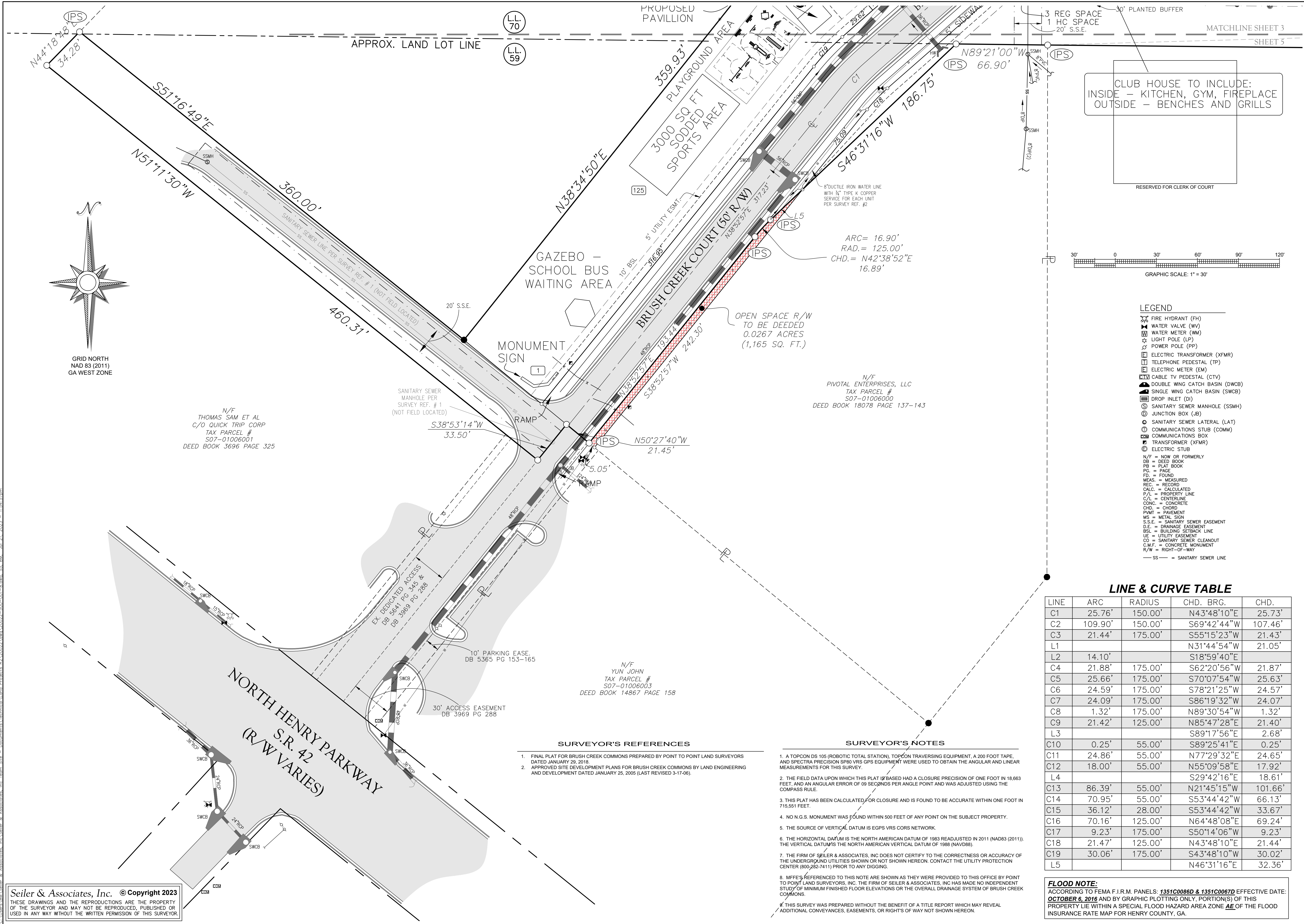
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**FINAL TOWNHOME PLAT
FOR
BRUSH CREEK COMMONS
CITY OF STOCKBRIDGE,
(HENRY COUNTY), GEORGIA**



SHEET		REVISIONS			
DATE: FEBRUARY 21, 2023	NO.	DESCRIPTION	DATE	BY	APPROV
SCALE: HORIZ. 1" = 50'	1-3	BOUNDARY: AMENITY CHANGES	2-27-23	BM	KS
FIELD BOOK: PROJECT	4	CLIENT REVIEW COMMENTS	3-27-23	BM	KS
DATE OF FIELD SURVEY: JULY 19, 2021	5	CLIENT REVIEW COMMENTS	6-15-23	BM	KS
LAND LOT(S): 59 & 70	6	CLIENT REVIEW COMMENTS	7-13-23	BM	KS
DISTRICT: 12TH	7	CLIENT REVIEW COMMENTS	7-20-23	BM	KS
SECTION: N/A	8	CLIENT REVIEW COMMENTS	7-21-23	BM	KS
COUNTY: HENRY (CITY OF STOCKBRIDGE)					
SURVEYED: JG					
DRAWN: BDM					
CHECKED: KS					
APPROVED: KS					
PROJECT NO.: 20-022					

C:\Users\BAM\Seiler & Associates, Inc. Team\Site - Documents\Technical\Land Projects\2020\2020.dwg, 2002-500-001-8.dwg, SS, BM, Jul 21, 2023 - 1:54:57pm



SEILER & ASSOCIATES, INC.

PROFESSIONAL SURVEYORS

124 ANDREW DRIVE • STOCKBRIDGE, GA 30281 • 878-965-9200 • LSF #390

FOUND US ON THE WEB AT WWW.SEILERASSOCIATES.COM

FINAL TOWNHOME PLAT

FOR

BRUSH CREEK COMMONS

CITY OF STOCKBRIDGE,

(HENRY COUNTY), GEORGIA

7-21-23

DATE: FEBRUARY 21, 2023

SCALE: HORIZ. 1" = 30'

VERT. 1" = 30'

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SURVEYOR'S NOTES

1. A TOPCON DS 105 (ROBOTIC TOTAL STATION), TOPCON TRAVERSING EQUIPMENT, A 200 FOOT TAPE, AND SPECTRA PRECISION SP80 VRS GPS EQUIPMENT WERE USED TO OBTAIN THE ANGULAR AND LINEAR MEASUREMENTS FOR THIS SURVEY.
2. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAD A CLOSURE PRECISION OF ONE FOOT IN 18,663 FEET, AND AN ANGULAR ERROR OF 09 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE.
3. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 715,551 FEET.
4. NO N.G.S. MONUMENT WAS FOUND WITHIN 500 FEET OF ANY POINT ON THE SUBJECT PROPERTY.
5. THE SOURCE OF VERTICAL DATUM IS EGPS VRS CORS NETWORK.
6. THE HORIZONTAL DATUM IS THE NORTH AMERICAN DATUM OF 1983 READJUSTED IN 2011 (NAD83 (2011)). THE VERTICAL DATUM IS THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAV88).
7. THE FIRM OF SEILER & ASSOCIATES, INC DOES NOT CERTIFY TO THE CORRECTNESS OR ACCURACY OF THE UNDERGROUND UTILITIES SHOWN OR NOT SHOWN HEREON. CONTACT THE UTILITY PROTECTION CENTER (800-282-7411) PRIOR TO ANY DIGGING.
8. MFFE'S REFERENCED TO THIS NOTE ARE SHOWN AS THEY WERE PROVIDED TO THIS OFFICE BY POINT TO POINT LAND SURVEYORS. INC. THE FIRM OF SEILER & ASSOCIATES, INC HAS MADE NO INDEPENDENT STUDY OF MINIMUM FINISHED FLOOR ELEVATIONS OR THE OVERALL DRAINAGE SYSTEM OF BRUSH CREEK COMMONS.
9. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT WHICH MAY REVEAL ADDITIONAL CONVEYANCES, EASEMENTS, OR RIGHT'S OF WAY NOT SHOWN HEREON.

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FLOOD NOTE:
ACCORDING TO FEMA F.I.R.M. PANELS: **1351C0086D & 1351C0067D** EFFECTIVE DATE: **OCTOBER 6, 2016** AND BY GRAPHIC PLOTTING ONLY, PORTION(S) OF THIS PROPERTY LIE WITHIN A SPECIAL FLOOD HAZARD AREA ZONE **AE** OF THE FLOOD INSURANCE RATE MAP FOR HENRY COUNTY, GA.

Seiler & Associates, Inc. © Copyright 2023
THESE DRAWINGS AND THE REPRODUCTIONS ARE THE PROPERTY OF THE SURVEYOR AND MAY NOT BE REPRODUCED, PUBLISHED OR USED IN ANY WAY WITHOUT THE WRITTEN PERMISSION OF THIS SURVEYOR.

18/38/2087 18:11 5784325453 LEAD PAGE 82

Development Agreement between the City of Stockbridge
and Royce Grant dated July 21, 2003

STATE OF GEORGIA
COUNTY OF HENRY

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT ("Agreement") is made and entered into this 21st day of July, 2003, by and between the CITY OF STOCKBRIDGE, GEORGIA, a municipal corporation chartered under the laws of the State of Georgia (hereinafter "City") and ROYCE GRANT (hereinafter "Owner"). The Property enumbered by this Agreement shall consist one tract of land described in Exhibit "A," which is incorporated herein by reference.

P R E A M B L E :

WHEREAS, Owner owns a tract of land consisting of 15.96 acres, more or less, that is depicted and described in the attached Exhibit "A";

WHEREAS, the Owner desires to develop the Property with townhouses in a profitable manner (the "Project") as depicted in the attached Exhibit "B", consistent with the zoning ordinances of the City (the "Zoning Ordinance"), and has an filed application (a copy of which is included in the Henry County Planning and Zoning Staff Report RZ-03-04 incorporated herein as Exhibit "C") to have the property rezoned to Multi-Family Residence district (RM-2 Townhouses) under the City's Zoning Ordinance;

WHEREAS, the Owner proposes to develop the Property similar to that shown in Exhibit "B" hereto attached;

WHEREAS, the State of Georgia has enacted The Georgia Development Impact Fee Act,

Client: 0000379 Matter: 0042 Doc: 0064206.WPD -1-

Received Time Oct. 30. 2007 9:03AM No. 2394

18/38/2887 18:11 6784325463 LEAD PAGE 85

Development Agreement between the City of Stockbridge
and Royce Grant dated July 21, 2003

reference, RM ordinance number 03-60, effective on March 10, 2003, shall apply and is attached hereto as Exhibit "D" and incorporated herein by reference. In addition to said ordinances, the conditions contained in this Agreement shall apply. If there is a conflict between the Zoning Ordinances and this Agreement, the terms of this Agreement shall control.

C) Development Conditions.

- 1) The following conditions shall apply to the Property.
 - a) Revise site plan to adhere to all City of Stockbridge RM-2 Ordinance requirements. (Note that approval of this rezoning is not an approval of the site plan submitted.)
 - b) Maximum building height shall be shown on the site plan.
 - c) All townhouses shall have a mixture of front facade consisting of covered entryway, porches, bay windows and balconies. Garages shall be accentuated with variations of design porticos.
 - d) Owner shall submit elevations of buildings to be approved by the City. Note, however, that the City may approve elevations if it determines that waiting for Staff's review has unreasonably delayed Owner.
 - e) Each unit elevation per building shall be separate and distinct from the other and shall include variations in rooflines which may be accomplished with the use of dormers, gables and/or fireplaces.
 - f) Each unit shall have different brick, stucco and masonry theme from the other attached units.
 - g) Owner shall install street trees along all streets to be placed between the sidewalk and the front property lines, have a minimum two and one-half inch (2.5") caliber (d.b.h), shall have a minimum twenty-four foot (24 sq. ft.) planting area and shall be spaced an average of forty-five feet (45') apart. Owner shall provide a list of ten (10) trees to be

Client: 0000379 Matter: 0042 Doc: 0064206.WPD -4-

Received Time Oct. 30. 2007 9:03AM No. 2394

DEVELOPMENT AGREEMENT AND AMENDMENTS

18/38/2887 18:11 6784325463 LEAD PAGE 83

Development Agreement between the City of Stockbridge
and Royce Grant dated July 21, 2003

codified at O.C.G.A. §§ 36-71-1, et seq., which provides that impact fees may be imposed by counties and municipalities;

WHEREAS, the City is investigating and considering the enactment of impact fee ordinances;

WHEREAS, the City has not represented, nor can it guarantee that its infrastructure and existing public facilities as defined by O.C.G.A. § 36-71-2, are sufficient to accommodate the proposed Project;

WHEREAS, the parties require assurances from the other that certain essential elements will occur in order to facilitate the development of the Property; to insure that the Property will be developed pursuant to the Zoning Ordinance, the zoning conditions imposed by the City, and this Agreement, and any amendments thereto; to preclude litigation; and to coordinate development efforts;

WHEREAS, execution of this Development Agreement is a condition of rezoning;

WHEREAS, the City and Owner are willing to execute this Agreement to verify and achieve all of said purposes.

NOW, THEREFORE, for and in consideration of the covenants and agreements hereinafter stated and for the sum of ONE AND 00/100 DOLLARS (\$1.00) in hand paid, the receipt and sufficiency of which is hereby acknowledged and undisputed, the parties agree as follows:

Client: 0000379 Matter: 0042 Doc: 0064206.WPD -2-

Received Time Oct. 30. 2007 9:03AM No. 2394

18/38/2887 18:11 6784325463 LEAD PAGE 86

Development Agreement between the City of Stockbridge
and Royce Grant dated July 21, 2003

provided and subject to modification by the City.

- h) A street scaping plan shall be submitted to Henry County Planning and Zoning Staff for comments and approved by the City to include sidewalks, street trees, landscaping, street lighting and street furniture. Note, however, that the City may approve the street scape plan if it determines that waiting for Staff's review has unreasonably delayed Owner.
- i) Any flood plain alteration be supported by a certified engineer at the plan review stage.
- j) The Applicant shall submit, to the City Clerk and City Attorney, an updated legal description and plat, certified by an engineer or surveyor licensed in the State of Georgia, of the Property.
- k) Owner shall not construct an entrance or exit onto Shields Drive.
- l) Owner shall maintain a two hundred foot (200') buffer between the Project and Shields Drive.
- m) This rezoning applies to only the Property and shall not be construed as applying to the areas zoned commercial adjacent to the Property.

3.

Variances

No variances shall apply.

4.

Impact on Services

In conjunction with the development of the Property, the person or entity seeking to make such improvements shall satisfy the following requirements:

A) Submission of Plans and Specifications.

Owner shall submit plans and specifications for development of the Property and

Client: 0000379 Matter: 0042 Doc: 0064206.WPD -5-

Received Time Oct. 30. 2007 9:03AM No. 2394

18/38/2887 18:11 6784325453 LEAD PAGE 84

Development Agreement between the City of Stockbridge
and Royce Grant dated July 21, 2003

A G R E E M E N T :

1.

Rezoning Application

The City has found that the application filed with the City for the rezoning of the Property is consistent with zoning policies and goals of the City. Said application has been approved subject to this Agreement and certain conditions. All parties agree that said conditions shall be made a part of the ordinance rezoning the Property. Said zoning shall become effective after the City of Stockbridge City Council passes the Rezoning Ordinance and the parties execute this Agreement.

The parties also acknowledge that the net density restrictions imposed by the Stockbridge Zoning Ordinance are applicable to the Project, and that the Project shall feature no more than forty-eight (48) units.

2.

Zoning Requirements of the Property

The validity and enforceability of this Agreement is conditional upon the City rezoning the Property to the zoning classification as follows.

- A) **Rezoning.** The Property described in Exhibit "A" for a total of 15.96 acres, more or less, shall be rezoned from Single-Family Residence district (R-2) to Multi-Family Residence district (RM-2 Townhouses).
- B) **Requirements Generally.** Owner shall comply with all applicable rules, regulations, and conditions of the Zoning Ordinance, except where specifically excluded herein, in the development of the Property including those expressed herein. For specific

Client: 0000379 Matter: 0042 Doc: 0064206.WPD -3-

Received Time Oct. 30. 2007 9:03AM No. 2394

18/38/2887 18:11 6784325463 LEAD PAGE 87

Development Agreement between the City of Stockbridge
and Royce Grant dated July 21, 2003

construction of any and all improvements thereon in conformance with all applicable rules, regulations, and laws of the State of Georgia, and with all applicable rules, regulations, and ordinances of the City and this Agreement.

B) Traffic and Road Improvements

The person or entity seeking to make improvements on the Property shall pay for road improvement costs or complete road improvements as follows:

- 1) Deceleration lane into and from the Property.
- 2) Other road improvement required by Henry County Department of Transportation or the City after review of Plans referenced in subparagraph 4.A. above.

C) Water and Sewerage Improvements.

- 1) The Owner shall pay the cost to extend or extend at its own expense the existing water main to the Property.
- 2) The Owner shall pay the cost to extend or extend at its own expense the necessary sewage outfall line to service the Project.
- 3) The Owner shall be responsible for the development of all water and sewer lines located within the Property.

5.

Impact Fees and Credits

A) Traffic and Road Impact Fees.

If the Owner is assessed at any time in the future traffic and road impact fees by the

Client: 0000379 Matter: 0042 Doc: 0064206.WPD -6-

Received Time Oct. 30. 2007 9:03AM No. 2394

SEILER & ASSOCIATES, INC.

PROFESSIONAL SURVEYORS
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FINAL TOWNHOME PLAT
FOR
BRUSH CREEK COMMONS
CITY OF STOCKBRIDGE,
(HENRY COUNTY), GEORGIA



DATE: FEBRUARY 21, 2023	NO.	DESCRIPTION	REVISIONS				BY	APPR
			DATE	DESCRIPTION	BY	APPR		
SCALE: HORIZ. 1" = 40'	1-3	BOUNDARY: AMENITY CHANGES	2-27-23	BM	KS			
FIELD BOOK: PROJECT	4	CLIENT REVIEW COMMENTS	3-7-23	BM	KS			
DATE OF FIELD SURVEY: JULY 19, 2021	5	CLIENT REVIEW COMMENTS	6-15-23	BOA	KS			
LAND LOT(S): 59 & 70	6	CLIENT REVIEW COMMENTS	7-13-23	BOA	KS			
DISTRICT: 12TH	7	CLIENT REVIEW COMMENTS	7-20-23	BOA	KS			
SECTION: N/A	8	CLIENT REVIEW COMMENTS	7-21-23	BOA	KS			
COUNTY: HENRY (CITY OF STOCKBRIDGE)								
SURVEYED: JG								
DRAWN: BOM								
CHECKED: KS								
APPROVED: KS								
PROJECT NO.: 20-022								
DWG NAME: 20022-500-001-8.dwg								

C:\Users\BAM\Seiler & Associates, Inc. Team Site - Documents\Technical\Land Projects\12\2022\data\2022-500-001-8.dwg, 57, BM, Jul 21, 2023 - 1:55:19pm



RESERVED FOR CLERK OF COURT

SURVEYOR'S NOTES

1. A TOPCON DS 105 (ROBOTIC TOTAL STATION), TOPCON TRAVERSING EQUIPMENT, A 200 FOOT TAPE, AND SPECTRA PRECISION SP80 VRS GPS EQUIPMENT WERE USED TO OBTAIN THE ANGULAR AND LINEAR MEASUREMENTS FOR THIS SURVEY.
2. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAD A CLOSURE PRECISION OF ONE FOOT IN 18,663 FEET, AND AN ANGULAR ERROR OF 09 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE.
3. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 715,551 FEET.
4. NO N.G.S. MONUMENT WAS FOUND WITHIN 500 FEET OF ANY POINT ON THE SUBJECT PROPERTY.
5. THE SOURCE OF VERTICAL DATUM IS EGPS VRS CORS NETWORK.
6. THE HORIZONTAL DATUM IS THE NORTH AMERICAN DATUM OF 1983 READJUSTED IN 2011 (NAD83 (2011)). THE VERTICAL DATUM IS THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAV88).
7. THE FIRM OF SEILER & ASSOCIATES, INC DOES NOT CERTIFY TO THE CORRECTNESS OR ACCURACY OF THE UNDERGROUND UTILITIES SHOWN OR NOT SHOWN HEREON. CONTACT THE UTILITY PROTECTION CENTER (800-282-7411) PRIOR TO ANY DIGGING.
8. MFFE'S REFERENCED TO THIS NOTE ARE SHOWN AS THEY WERE PROVIDED TO THIS OFFICE BY POINT TO POINT LAND SURVEYORS, INC. THE FIRM OF SEILER & ASSOCIATES, INC HAS MADE NO INDEPENDENT STUDY OF MINIMUM FINISHED FLOOR ELEVATIONS OR THE OVERALL DRAINAGE SYSTEM OF BRUSH CREEK COMMONS.
9. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT WHICH MAY REVEAL ADDITIONAL CONVEYANCES, EASEMENTS, OR RIGHTS OF WAY NOT SHOWN HEREON.

SURVEYOR'S REFERENCES

1. FINAL PLAT FOR BRUSH CREEK COMMONS PREPARED BY POINT TO POINT LAND SURVEYORS DATED JANUARY 29, 2018.
2. APPROVED SITE DEVELOPMENT PLANS FOR BRUSH CREEK COMMONS BY LAND ENGINEERING AND DEVELOPMENT DATED JANUARY 25, 2005 (LAST REVISED 3-17-06).

FLOOD NOTE:
ACCORDING TO FEMA F.I.R.M. PANELS: **1351C0086D & 1351C0067D** EFFECTIVE DATE: **OCTOBER 6, 2016** AND BY GRAPHIC PLOTTING ONLY, PORTION(S) OF THIS PROPERTY LIE WITHIN A SPECIAL FLOOD HAZARD AREA ZONE **AE** OF THE FLOOD INSURANCE RATE MAP FOR HENRY COUNTY, GA.

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THESE DRAWINGS AND THE REPRODUCTIONS ARE THE PROPERTY OF THE SURVEYOR AND MAY NOT BE REPRODUCED, PUBLISHED OR USED IN ANY WAY WITHOUT THE WRITTEN PERMISSION OF THIS SURVEYOR.

10/30/2007 10:11 6784325463 LEAD PAGE 08

Development Agreement between the City of Stockbridge
and Royce Grant dated July 21, 2003

City, the Owner will be given credit against such impact fees as an amount equal to:

All funds expended by the Owner for improvement of North Henry Boulevard.

B) Water and Sewer Impact Fees.

If water or sewer impact fees are assessed at the time of issuance of building permits, said water or sewer impact fees shall be paid to the City.

6.

Covenants Running With the Land

The terms and conditions of this Agreement shall be binding upon each party and its successors in title and shall run with the title to the Property. Notice of this Agreement shall be filed of record in office of the Clerk of the Superior Court of Henry County, as shown on **Exhibit "E"** hereto attached. Any modifications agreed to by the parties also shall be subject to this notice of filing requirement.

7.

Date of Effectiveness of this Agreement

This Agreement shall be effective between the parties, their successors and assigns, immediately upon execution of this Agreement by all parties hereto.

8.

Date of Effectiveness of Rezoning

The rezoning set forth in this Agreement shall take effect upon: (i) approval of the rezoning ordinance by the City of Stockbridge City Council; and (ii) the execution of this Agreement.

Client: 0000379 Matter: 0042 Doc: 00064206.WPD -7-

Received Time Oct. 30. 2007 9:03AM No. 2394

10/30/2007 10:11 6784325463 LEAD PAGE 11

Development Agreement between the City of Stockbridge
and Royce Grant dated July 21, 2003

All terms used in this Agreement which are not otherwise defined herein shall be defined in the manner prescribed by the Zoning Ordinance or RM Ordinance, as applicable.

15.

Severability

The invalidity or unenforceability of any provision of this Agreement shall not effect the validity or enforceability of any other provision of this Agreement, which shall remain in full force and effect.

Each person executing or attesting this Agreement warrants and represents that he or she is fully authorized to do so. Each person also stipulates that he or she has been afforded an adequate opportunity to read this Agreement and to consult with an attorney prior to executing the same, and that all signatures are given knowingly, voluntarily, and with full awareness of the terms contained herein. The parties also agree that this Agreement has been prepared after negotiations and, as a result, neither party may be considered the sole author thereof, and it should not be construed in favor or against either party by a court of competent jurisdiction.

16.

Applicable Law

The laws of the State of Georgia shall govern the validity, interpretation, performance and enforcement of this Agreement and any dispute involving this Agreement or the Property without regard to conflicts of laws principles.

Client: 0000379 Matter: 0042 Doc: 00064206.WPD -10-

Received Time Oct. 30. 2007 9:03AM No. 2394

DEVELOPMENT AGREEMENT AND AMENDMENTS

10/30/2007 10:11 6784325463 LEAD PAGE 09

Development Agreement between the City of Stockbridge
and Royce Grant dated July 21, 2003

9.

Relation to Zoning

The terms of this Agreement shall be incorporated into and made a part of any Zoning Approval of the City rezoning the Property. The zoning classifications set forth herein shall be conditioned on the terms of this Agreement and binding on the Owner's successors and assigns. If these terms are modified pursuant to Paragraph 11 of this Agreement, such modifications shall be likewise binding on Owner's successors and assigns.

10.

Previous Written and Oral Statements

All previously written or transcribed plans, documents, letters, notes, minutes, and memorandums, together with all oral representations and agreements concerning all matters set forth in this Agreement have been incorporated herein, and the terms and conditions of this Agreement shall supersede any previous agreements between the parties. The parties agree that time shall be of the essence of this Agreement. This Agreement may be executed in counterparts, and each counterpart, and all counterparts together, shall constitute the original Agreement.

11.

Amendment and Modification of Agreement

This Agreement represents the entire understanding of the parties hereto, and any amendments, changes, additions, or deletions shall be made in writing upon the mutual agreement of the parties, executed by the City and the Owner, or the Owner's assigns and successors in title.

Client: 0000379 Matter: 0042 Doc: 00064206.WPD -8-

Received Time Oct. 30. 2007 9:03AM No. 2394

10/30/2007 10:11 6784325463 LEAD PAGE 12

Development Agreement between the City of Stockbridge
and Royce Grant dated July 21, 2003

17.

Enforcement

- 1) In the event that Owner, its successors, or its assignees fail to comply with the terms of this Agreement, the City shall be authorized to refuse occupancy permits, construction permits, development permits, and to terminate construction and development of the Property. If Owner, its successors, or its assignees bring an action of any nature or description under this Agreement, or if it becomes necessary for the City to bring such an action, Owner, its successors, or its assignees shall be responsible for reimbursing the City for all costs and expenses, including attorneys fees, incurred in connection with such a proceeding.
- 2) This agreement may be enforced by the Municipal Court of the City of Stockbridge or any other court having jurisdiction over the same.

18.

Rights Cumulative

All rights, powers and privileges conferred hereunder upon parties hereto shall be cumulative but not restrictive to those given by law. No waiver of any default hereunder shall be implied from any omission to take any action on account of such default if such default persists or is repeated, and no express waiver shall affect any default other than the default specified in the express waiver and that only for the time and to the extent therein stated. One or more waivers by a party shall not be construed as a waiver of a subsequent breach of the same covenant, term or condition.

Client: 0000379 Matter: 0042 Doc: 00064206.WPD -11-

Received Time Oct. 30. 2007 9:03AM No. 2394

10/30/2007 10:11 6784325463 LEAD PAGE 10

Development Agreement between the City of Stockbridge
and Royce Grant dated July 21, 2003

12.

Binding Effect

This Agreement shall be binding upon the undersigned and their agents, heirs, administrators, executors, successors, and assigns. This Agreement shall be binding on any person or entity that develops or uses the Property under the zoning classifications granted herein. The parties expressly stipulate that there are no third party beneficiaries to this Agreement.

13.

Future Changes in Development Standards

All development regulations, guidelines, standards, rules, and conditions of the City in effect as of the date of this Agreement and the regulations, guidelines, standards, rules, and conditions of this Agreement shall control over any future changes in the City regulations, guidelines, standards, rules, and conditions.

14.

Captions and Definitions

Captions, the description headings of the separate articles, sections and paragraphs contained in this Agreement are inserted for convenience only and shall not control or affect the meaning or construction of any of the provisions hereof.

"Owner" includes Royce Grant and any developer, builder or other person who seeks land disturbance permits for the Property. "Owner" also includes any assignee or successor in interest to the Property.

Client: 0000379 Matter: 0042 Doc: 00064206.WPD -9-

Received Time Oct. 30. 2007 9:03AM No. 2394

10/30/2007 10:11 6784325463 LEAD PAGE 13

Development Agreement between the City of Stockbridge
and Royce Grant dated July 21, 2003

In the event that Owner, its successors, or its assignees fail to comply with the terms of this Agreement, the City shall be authorized to refuse occupancy permits, construction permits, development permits, and to terminate construction and development of the Property. If Owner, its successors, or its assignees bring an action of any nature or description under this Agreement, or if it becomes necessary for the City to bring such an action, Owner, its successors, or its assignees shall be responsible for reimbursing the City for all costs and expenses, including attorneys fees, incurred in connection with such a proceeding.

19.

Stipulation and Waiver

Owner knowingly and voluntarily waives any right to challenge the validity of this Agreement, in whole or in part, in a court of competent jurisdiction or to seek monetary relief, including but not limited to damages, costs, sanctions, or fees, from the City in connection with this agreement, the zoning of the Property or the development of the Property. Each party agrees to execute this Agreement and any other documents necessary to encumber the Property so as to bind all successors in interest in a similar manner.

Client: 0000379 Matter: 0042 Doc: 00064206.WPD -12-

Received Time Oct. 30. 2007 9:03AM No. 2394

SEILER & ASSOCIATES, INC.

PROFESSIONAL SURVEYORS
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**FINAL TOWNHOME PLAT
FOR
BRUSH CREEK COMMONS
CITY OF STOCKBRIDGE,
(HENRY COUNTY), GEORGIA**



DATE: FEBRUARY 21, 2023	NO.	DESCRIPTION	REVISIONS	DATE	BY	APPR
SCALE: HORIZ. 1" = 60'	1-3	BOUNDARY: AMENITY CHANGES		2-27-23	BM	KS
FIELD BOOK: PROJECT	4	CLIENT REVIEW COMMENTS		3-7-23	BM	KS
DATE OF FIELD SURVEY: AUGUST 10, 2021	5	CLIENT REVIEW COMMENTS		6-15-23	BOA	KS
LAND LOT(S): 59 & 70	6	CLIENT REVIEW COMMENTS		7-13-23	BOA	KS
DISTRICT: 12TH	7	CLIENT REVIEW COMMENTS		7-20-23	BOA	KS
SECTION: N/A	8	CLIENT REVIEW COMMENTS		7-21-23	BOA	KS
COUNTY: HENRY (CITY OF STOCKBRIDGE)						
SURVEYED: JG						
DRAWN: BOA						
CHECKED: KS						
APPROVED: KS						
PROJECT NO.: 20022						
DWG NAME: 20022-500-001-8.dwg						

7 OF 10

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RESERVED FOR CLERK OF COURT

SURVEYOR'S NOTES

1. A TOPCON DS 105 (ROBOTIC TOTAL STATION), TOPCON TRAVERSING EQUIPMENT, A 200 FOOT TAPE, AND SPECTRA PRECISION SP80 VRS GPS EQUIPMENT WERE USED TO OBTAIN THE ANGULAR AND LINEAR MEASUREMENTS FOR THIS SURVEY.
2. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAD A CLOSURE PRECISION OF ONE FOOT IN 18,663 FEET, AND AN ANGULAR ERROR OF 09 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE.
3. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 715,551 FEET.
4. NO N.G.S. MONUMENT WAS FOUND WITHIN 500 FEET OF ANY POINT ON THE SUBJECT PROPERTY.
5. THE SOURCE OF VERTICAL DATUM IS EGPS VRS CORS NETWORK.
6. THE HORIZONTAL DATUM IS THE NORTH AMERICAN DATUM OF 1983 READJUSTED IN 2011 (NAD83 (2011)). THE VERTICAL DATUM IS THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAV88).
7. THE FIRM OF SEILER & ASSOCIATES, INC DOES NOT CERTIFY TO THE CORRECTNESS OR ACCURACY OF THE UNDERGROUND UTILITIES SHOWN OR NOT SHOWN HEREON. CONTACT THE UTILITY PROTECTION CENTER (800-282-7411) PRIOR TO ANY DIGGING.
8. MFE'S REFERENCED TO THIS NOTE ARE SHOWN AS THEY WERE PROVIDED TO THIS OFFICE BY POINT TO POINT LAND SURVEYORS, INC. THE FIRM OF SEILER & ASSOCIATES, INC HAS MADE NO INDEPENDENT STUDY OF MINIMUM FINISHED FLOOR ELEVATIONS OR THE OVERALL DRAINAGE SYSTEM OF BRUSH CREEK COMMONS.
9. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT WHICH MAY REVEAL ADDITIONAL CONVEYANCES, EASEMENTS, OR RIGHTS OF WAY NOT SHOWN HEREON.

SURVEYOR'S REFERENCES

1. FINAL PLAT FOR BRUSH CREEK COMMONS PREPARED BY POINT TO POINT LAND SURVEYORS DATED JANUARY 29, 2018.
2. APPROVED SITE DEVELOPMENT PLANS FOR BRUSH CREEK COMMONS BY LAND ENGINEERING AND DEVELOPMENT DATED JANUARY 25, 2005 (LAST REVISED 3-17-06).

FLOOD NOTE:
ACCORDING TO FEMA F.I.R.M. PANELS: **1351C0086D & 1351C0067D** EFFECTIVE DATE: **OCTOBER 6, 2016** AND BY GRAPHIC PLOTTING ONLY, PORTION(S) OF THIS PROPERTY LIE WITHIN A SPECIAL FLOOD HAZARD AREA ZONE **AE** OF THE FLOOD INSURANCE RATE MAP FOR HENRY COUNTY, GA.

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18/38/2007 18:11 6784325463 LEAD PAGE 14

Development Agreement between the City of Stockbridge
and Royce Grant dated July 21, 2003

IN WITNESS WHEREOF, the undersigned parties have hereunto set their hands and
affixed their seals this 21st day of July, 2003.

CITY:
CITY OF STOCKBRIDGE, GEORGIA

By: R. G. Kelley (L.S.)
Honorable R. G. Kelley, Mayor

ATTEST:
Marie Manders
Marie Manders, City Clerk

[Seal]

[Signatures on following page]

Client: 0000379 Matter: 0042 Doc: 00064206.WPD -13-

Received Time Oct. 30. 2007 9:03AM No. 2394

18/38/2007 18:18 6784325463 LEAD PAGE 03

Amendment to Development Agreement
between the City of Stockbridge, Georgia and
Timberline Group, LLC dated December, 2004

WHEREAS, pursuant to Section 11 of the Agreement, the City
and Owner desire to amend said Agreement as follows:

ARTICLE I

Section 1 of the Agreement is hereby amended by striking
the second paragraph in its entirety and inserting in lieu
thereof the following paragraph:

The parties also acknowledge that the net density
restrictions imposed by the Stockbridge Zoning Ordinance are
applicable to the Project, and that the Project shall feature no
more than forty-one (41) units. Owner's request to develop
single-family residences along Shields Drive is withdrawn, and
Owner agrees to not request any variances concerning the use of
the two hundred foot (200') buffer area along Shields Drive.

ARTICLE II

Section 2, Paragraph C) of the Agreement is hereby amended
by striking subparagraph f) in its entirety and inserting in
lieu thereof the following paragraph f):

f) All exterior facades shall consist of brick. The cornices
and gables shall consist of stucco, stone, and/or hardi-
plank.

Client: 0000379 Matter: 0000 Doc: 00119320.DOC 2

Received Time Oct. 30. 2007 9:10AM No. 2396

18/38/2007 18:11 6784325463 LEAD PAGE 15

Development Agreement between the City of Stockbridge
and Royce Grant dated July 21, 2003

OWNER:
Royce Grant (L.S.)
ROYCE GRANT

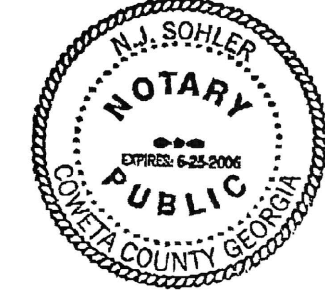
Signed, sealed and delivered
before me this 21st day of
July, 2003.

Jay Moore
Witness

W. Sohl
Notary Public
(Seal)

My commission expires:

6-25-2006



Client: 0000379 Matter: 0042 Doc: 00064206.WPD -14-

Received Time Oct. 30. 2007 9:03AM No. 2394

18/38/2007 18:18 6784325463 LEAD PAGE 04

Amendment to Development Agreement
between the City of Stockbridge, Georgia and
Timberline Group, LLC dated December, 2004

ARTICLE III

Section 2, Paragraph C) of the Agreement is hereby amended
by striking subparagraph k) in its entirety and inserting in
lieu thereof the following paragraph k):

k) Owner shall not construct an entrance or exit onto Shields
Drive for access to the Project.

ARTICLE IV

Section 2, Paragraph C) of the Agreement is hereby amended
by striking subparagraph l) in its entirety and inserting in
lieu thereof the following paragraph l):

l) Owner shall maintain a two hundred foot (200') buffer
between the Project and Shields Drive. An exemption to this
condition shall automatically arise should the City Council
approve a rezoning of said buffer area to a single family
detached residential zoning classification.

Article V

Section 2, Paragraph C) of the Agreement is hereby amended
by inserting the following after subparagraph m) as follows:

n) Amenities shall consist of:

- 1,300 square foot clubhouse with full kitchen and fitness equipment;
- Two (2) separate age-specific playgrounds: a fenced tot lot adjacent to the club house and another

Client: 0000379 Matter: 0000 Doc: 00119320.DOC 3

Received Time Oct. 30. 2007 9:10AM No. 2396

18/38/2007 18:18 6784325463 LEAD PAGE 02

Brush Creek

STATE OF GEORGIA
COUNTY OF HENRY

AMENDMENT TO
DEVELOPMENT AGREEMENT

COMES NOW the CITY OF STOCKBRIDGE, GEORGIA, a municipal
corporation chartered under the laws of the State of Georgia
(hereinafter "City") and TIMERLINE GROUP, LLC (hereinafter
referred to as "Owner" or "Developer"). The City and Owner do
hereby amend that certain Development Agreement (hereinafter
"Agreement") dated July 21, 2003, entered into between the City
and Royce Grant; and

WHEREAS, Royce Grant has transferred its interest in the
Property to Owner; and

WHEREAS, Owner has requested an amendment to said Agreement
because the site plan presented to the City Council for
consideration of zoning misrepresented the floodplain; and

WHEREAS, said site plan indicated the floodplain consisted
of approximately three point eight seven (3.87) acres; and

WHEREAS, the actual floodplain is approximately five point
six nine eight (5.698) acres, thereby significantly reducing the
buildable area on the property for townhouses; and

WHEREAS, the modifications contained herein are the minimum
necessary for the Owner to develop the Property for townhouses;
and

Client: 0000379 Matter: 0000 Doc: 00119320.DOC

Received Time Oct. 30. 2007 9:10AM No. 2396

18/38/2007 18:18 6784325463 LEAD PAGE 05

Amendment to Development Agreement
between the City of Stockbridge, Georgia and
Timberline Group, LLC dated December, 2004

playground for older children located nearby to the
club house;

- Covered pavilion with fireplace;
- Volleyball Court;
- Sodded sports area;
- Putting green;
- Tennis Court - lighted and enclosed featuring a minimum of two (2) playing courts with a Basketball Goal;
- Walking Trails at least fourteen hundred feet (1,400') in length and three feet (3') in width;
- Bird Sanctuary including a variety of bird feeders and bird houses with benches for observation;
- Gazebo at entrance of development to serve as a waiting area for school bus pick-up; and
- Owner shall be bound by the amenity representations made in its October 7, 2004 proposed site plan attached hereto as **Exhibit "A"**, submitted to the City Council and on file with the City Clerk.

ARTICLE VI

Section 3 of the Agreement is hereby amended by inserting
the following paragraphs:

Client: 0000379 Matter: 0000 Doc: 00119320.DOC 4

Received Time Oct. 30. 2007 9:10AM No. 2396

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FINAL TOWNHOME PLAT
FOR
BRUSH CREEK COMMONS
CITY OF STOCKBRIDGE,
(HENRY COUNTY), GEORGIA



DATE	DESCRIPTION	REVISIONS	NO.	DATE	BY	APPR.
FEBRUARY 21, 2023	1-3 BOUNDARY, AMENITY CHANGES	2-27-23	BM	KS		
SCALE: HORIZ. 1" = 40'	4 CLIENT REVIEW COMMENTS	3-7-23	BOA	KS		
FIELD BOOK: PROJECT	5 CLIENT REVIEW COMMENTS	6-15-23	BOA	KS		
DATE OF FIELD SURVEY: JULY 19, 2021	6 CLIENT REVIEW COMMENTS	7-13-23	BOA	KS		
LAND LOT(S): 59 & 70	7 CLIENT REVIEW COMMENTS	7-20-23	BOA	KS		
DISTRICT: 12TH	8 CLIENT REVIEW COMMENTS	7-21-23	BOA	KS		
SECTION: N/A						
COUNTY: HENRY (CITY OF STOCKBRIDGE)						
SURVEYED: JG						
DRAWN: BOA						
CHECKED: KS						
APPROVED: KS						
PROJECT NO.: 20-022						
DWG NAME: 2022-500-001-8.dwg						

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RESERVED FOR CLERK OF COURT

SURVEYOR'S NOTES

1. A TOPCON DS 105 (ROBOTIC TOTAL STATION), TOPCON TRAVERSING EQUIPMENT, A 200 FOOT TAPE, AND SPECTRA PRECISION SP80 VRS GPS EQUIPMENT WERE USED TO OBTAIN THE ANGULAR AND LINEAR MEASUREMENTS FOR THIS SURVEY.
2. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAD A CLOSURE PRECISION OF ONE FOOT IN 18,663 FEET, AND AN ANGULAR ERROR OF 09 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE.
3. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 715,551 FEET.
4. NO N.G.S. MONUMENT WAS FOUND WITHIN 500 FEET OF ANY POINT ON THE SUBJECT PROPERTY.
5. THE SOURCE OF VERTICAL DATUM IS EGPS VRS CORS NETWORK.
6. THE HORIZONTAL DATUM IS THE NORTH AMERICAN DATUM OF 1983 READJUSTED IN 2011 (NAD83 (2011)). THE VERTICAL DATUM IS THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAV88).
7. THE FIRM OF SEILER & ASSOCIATES, INC DOES NOT CERTIFY TO THE CORRECTNESS OR ACCURACY OF THE UNDERGROUND UTILITIES SHOWN OR NOT SHOWN HEREON. CONTACT THE UTILITY PROTECTION CENTER (800-282-7411) PRIOR TO ANY DIGGING.
8. MFFE'S REFERENCED TO THIS NOTE ARE SHOWN AS THEY WERE PROVIDED TO THIS OFFICE BY POINT TO POINT LAND SURVEYORS, INC. THE FIRM OF SEILER & ASSOCIATES, INC. HAS MADE NO INDEPENDENT STUDY OF MINIMUM FINISHED FLOOR ELEVATIONS OR THE OVERALL DRAINAGE SYSTEM OF BRUSH CREEK COMMONS.
9. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT WHICH MAY REVEAL ADDITIONAL CONVEYANCES, EASEMENTS, OR RIGHTS OF WAY NOT SHOWN HEREON.

SURVEYOR'S REFERENCES

1. FINAL PLAT FOR BRUSH CREEK COMMONS PREPARED BY POINT TO POINT LAND SURVEYORS DATED JANUARY 29, 2016
2. APPROVED SITE DEVELOPMENT PLANS FOR BRUSH CREEK COMMONS BY LAND ENGINEERING AND DEVELOPMENT DATED JANUARY 25, 2005 (LAST REVISED 3-17-06).

FLOOD NOTE:
ACCORDING TO FEMA F.I.R.M. PANELS: **1351C0086D & 1351C0067D** EFFECTIVE DATE: **OCTOBER 6, 2016** AND BY GRAPHIC PLOTTING ONLY, PORTION(S) OF THIS PROPERTY LIE WITHIN A SPECIAL FLOOD HAZARD AREA ZONE **AE** OF THE FLOOD INSURANCE RATE MAP FOR HENRY COUNTY, GA.

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18/30/2007 10:18 6784325463 LEAD PAGE 06

Amendment to Development Agreement
between the City of Stockbridge, Georgia and
Timberline Group, LLC dated December, 2004

- a) The maximum units per building may increase from five (5) units to six (6) units per building.
- b) The minimum distance between buildings may be reduced from forty feet (40') to twenty feet (20').
- c) Reduction in buffer from thirty feet (30') to ten feet (10') along the proposed entrance and between the proposed location of the first building from the entrance and the Property line as depicted in the proposed site plan included in Owner's October 7, 2004 proposal attached hereto as **Exhibit "A"**, submitted to the City Council and on file with the City Clerk.
- d) Individual residential garbage pick-up may be permitted.

ARTICLE VII

A new Section 20 shall be added to the Agreement as follows:

20.

Attorney's Fees

The Owner hereby agrees to reimburse the City for all reasonable and necessary legal fees and costs, not to exceed normal hourly rate paid by City, that are incurred by the City regarding the preparation of this Agreement, any amendments thereto and any reasonable and necessary litigation expenses incurred by the City in any civil action or administrative

(Client: 0000379 Matter: 0000 Doc: 00119320.DOC)

5

Received Time Oct. 30. 2007 9:10AM No. 2396

18/22/2007 14:27 6784325463 LEAD PAGE 02

STATE OF GEORGIA

COUNTY OF HENRY

SECOND AMENDMENT TO
DEVELOPMENT AGREEMENT

COMES NOW the CITY OF STOCKBRIDGE, GEORGIA, a municipal corporation chartered under the laws of the State of Georgia ("City") and TIMBERLINE GROUP, LLC ("Owner" or "Developer"). The City and Owner do hereby amend that certain Development Agreement ("Agreement") dated July 21, 2003, entered into between the City and Royce Grant; and

WHEREAS, Royce Grant has transferred its interest in the Property to Owner; and

WHEREAS, Owner has presented evidence to the Mayor and Council that because of soil conditions Owner will be unable to construct the tennis court referenced in Article V, Section 2, Paragraph C of the Amended Development Agreement; and

WHEREAS, Owner has requested an amendment to Paragraph 3 of the Development Agreement entitled "Variances"; and

WHEREAS, pursuant to Section 11 of the original Development Agreement, the City and Owner desire to amend said agreement as follows:

Received Time Oct. 22. 2007, 2:19PM No. 2325

18/30/2007 10:18 6784325463 LEAD PAGE 07

Amendment to Development Agreement
between the City of Stockbridge, Georgia and
Timberline Group, LLC dated December, 2004

action regarding this Agreement whether same is filed by the City, Owner, Developer, or third person or entity. The Owner shall remit payment of all said legal fees and costs to the City within ten (10) days of receipt of an invoice for same.

ARTICLE VIII

It is the parties intent that this amendment shall take effect immediately.

IN WITNESS WHEREOF, the undersigned parties have hereunto set their hands and affixed their seals this _____ day of _____, 2004.

CITY OF STOCKBRIDGE, GEORGIA

By: _____ (L.S.)
R. G. KELLEY, Mayor

ATTEST:

MERLE MANDERS, City Clerk

(Seal)

Version 8

(Client: 0000379 Matter: 0000 Doc: 00119320.DOC)

6

Received Time Oct. 30. 2007 9:10AM No. 2396

18/22/2007 14:27 6784325463 LEAD PAGE 03

Second Amendment to Development Agreement
between the City of Stockbridge, Georgia and
Timberline Group, LLC dated December, 2004

NOW, THEREFORE, FOR AND IN CONSIDERATION OF THE MUTUAL COVENANTS HEREINAFTER STATED, IT IS AGREED AS FOLLOWS:

1. Paragraph 3 is amended to add the following:
The front setback requirements for the buildings are hereby reduced to 10 feet.
2. The paragraph referencing the tennis court described in Article V of the Amended Development Agreement is stricken in its entirety.
3. A regulation 60' x 90' soccer field shall be constructed in the area designated for the tennis court, which shall include 2 goals appropriate for the 3v3 format. In addition, the second playground shall be enlarged to accommodate a commercial quality 2-bay/4-station full-size swing set, a full-size commercial quality slide, a commercial quality climbing station (monkey bars, ring climber, chin-up bar, and balance beam), and 2 commercial quality park benches. The floor area of the playground will be recessed and mulched so as to prevent weeds and grasses from growing and to promote a safe play area. The drawing for the playground, swing set, slide, climbing station, benches, soccer field, pavilion,

Received Time Oct. 22. 2007, 2:19PM No. 2325

18/30/2007 10:18 6784325463 LEAD PAGE 08

Amendment to Development Agreement
between the City of Stockbridge, Georgia and
Timberline Group, LLC dated December, 2004

OWNER:

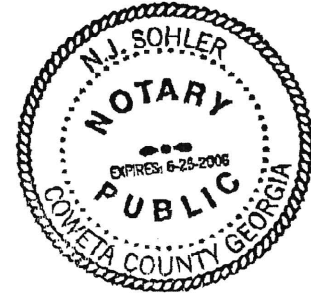
TIMERLINE GROUP, LLC

By: _____ (L.S.)
BRIAN W. PACER
Managing Partner [Title]

ATTEST:

Signed, sealed and delivered
before me this 13 day of
December, 2004.

Notary Public



James E. Egan, Secretary

(Client: 0000379 Matter: 0000 Doc: 00119320.DOC)

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Received Time Oct. 30. 2007 9:10AM No. 2396

18/22/2007 14:27 6784325463 LEAD PAGE 04

Second Amendment to Development Agreement
between the City of Stockbridge, Georgia and
Timberline Group, LLC dated December, 2004

volleyball court, and putting green shall be incorporated herein.

4. The outside construction of the buildings to be built thereon shall have the appearance and exterior material makeup as shown on Exhibit I hereto attached and made a part hereof. The playground facilities described in Paragraph 3 above are also shown on said Exhibit I, and the same are hereby incorporated herein and made a part hereof. The variance set forth in Paragraph 1 above is also shown on said Exhibit I and incorporated herein and made a part hereof.

[SIGNATURES ON NEXT PAGE]

Received Time Oct. 22. 2007, 2:19PM No. 2325

3

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FINAL TOWNHOME PLAT
FOR
BRUSH CREEK COMMONS
CITY OF STOCKBRIDGE,
(HENRY COUNTY), GEORGIA



DATE: FEBRUARY 21, 2023	NO.	DESCRIPTION	REVISIONS	BY	APPR.
SCALE: HORIZ. 1" = 40'	1-3	BOUNDARY: AMENITY CHANGES	2-27-23	BM	KS
FIELD BOOK: PROJECT	4	CLIENT REVIEW COMMENTS	3-7-23	BOB	KS
DATE OF FIELD SURVEY: JULY 19, 2021	5	CLIENT REVIEW COMMENTS	6-15-23	BOB	KS
LAND LOT(S): 59 & 70	6	CLIENT REVIEW COMMENTS	7-13-23	BOB	KS
DISTRICT: 12 TH	7	CLIENT REVIEW COMMENTS	7-20-23	BOB	KS
SECTION: N/A	8	CLIENT REVIEW COMMENTS	7-21-23	BOB	KS
COUNTY: HENRY (CITY OF STOCKBRIDGE)					
SURVEYED: JG					
DRAWN: BOB					
CHECKED: KS					
APPROVED: KS					
PROJECT NO: 20-022					
DWG NAME: 20022-500-001-8.dwg					

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OF

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RESERVED FOR CLERK OF COURT

SURVEYOR'S NOTES

1. A TOPCON DS 105 (ROBOTIC TOTAL STATION), TOPCON TRAVERSING EQUIPMENT, A 200 FOOT TAPE, AND SPECTRA PRECISION SP80 VRS GPS EQUIPMENT WERE USED TO OBTAIN THE ANGULAR AND LINEAR MEASUREMENTS FOR THIS SURVEY.
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9. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT WHICH MAY REVEAL ADDITIONAL CONVEYANCES, EASEMENTS, OR RIGHTS OF WAY NOT SHOWN HEREON.

SURVEYOR'S REFERENCES

1. FINAL PLAT FOR BRUSH CREEK COMMONS PREPARED BY POINT TO POINT LAND SURVEYORS DATED JANUARY 29, 2018.
2. APPROVED SITE DEVELOPMENT PLANS FOR BRUSH CREEK COMMONS BY LAND ENGINEERING AND DEVELOPMENT DATED JANUARY 25, 2005 (LAST REVISED 3-17-06).

FLOOD NOTE:
ACCORDING TO FEMA F.I.R.M. PANELS: **1351C0086D & 1351C0067D** EFFECTIVE DATE: **OCTOBER 6, 2016** AND BY GRAPHIC PLOTTING ONLY, PORTION(S) OF THIS PROPERTY LIE WITHIN A SPECIAL FLOOD HAZARD AREA ZONE **AE** OF THE FLOOD INSURANCE RATE MAP FOR HENRY COUNTY, GA.

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STATE OF GEORGIA
HENRY COUNTY
CITY OF STOCKBRIDGE

ZONING MODIFICATION ORDINANCE NO. ZM-2022-01

AN ORDINANCE TO MODIFY RZ-03-04 AND ITS DEVELOPMENT AGREEMENT (ALONG WITH PROPOSED AMENDMENTS) TO ALLOW FOR THE PROPOSED BRUSH CREEK COMMONS TOWNHOME DEVELOPMENT; TO REPEAL ALL CONFLICTING LEGISLATION AND TO ALLOW FOR IMPLEMENTATION AS NECESSARY. ZM-2022-01

WHEREAS, the City Council of the City of Stockbridge desires to facilitate responsible community growth and economic development; and

WHEREAS, Article IX, Section II, Paragraph IV of the Georgia Constitution empowers the governing authority of each county and of each municipality to adopt plans and exercise the power of zoning; and

WHEREAS, the City of Stockbridge is a municipal corporation duly organized and existing under the laws of the State of Georgia; and

WHEREAS, the applicant requests a zoning modification to modify the previously approved rezoning case RZ-03-04 and its development agreement along with (two amendments) to allow for the proposed development of Brush Creek Commons townhome development; and

WHEREAS, the applicant request various changed to the required amenities and site plan; and

WHEREAS, the property contains 15.895 +/- acres, with frontages on Brush Creek Court and Shields Road. It is located on Land Lots 59 and 70 of District 12 within the City of Stockbridge; and

WHEREAS, the City Council of the City of Stockbridge finds that amending the zoning of this Parcel is in the best interest of the public health, safety, and welfare.

THEREFORE, IT IS NOW HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF STOCKBRIDGE, GEORGIA AS FOLLOWS:

SECTION 1. APPROVAL OF ZONING MODIFICATION Stockbridge City Council grants a zoning modification to modify the previously approved rezoning case RZ-03-04 and its development agreement along with (two amendments) to allow for the proposed development of Brush Creek Commons townhome development; and the applicant request various changed to the required amenities and site plan; and the property contains 15.895 +/- acres, with frontages on Brush Creek Court and Shields Road. It is located on Land Lots 59 and 70 of District 12 within the City of Stockbridge; further this ordinance is adopted with the specifications and conditions as outlined in the attached Exhibit A. These changes include the following:

1

1. Clubhouse
2. Pavillion
3. Gazebo
4. Monument Sign
5. Walking Trail
6. Extra Parking Spaces to Serve the Amenities
7. Reduce the number of playgrounds from two to one by having a combined playground rather than a separate "hot lot" and playground for older children
8. Provide a gym and workout space inside the clubhouse
9. Provide grills and benches next to the clubhouse with fireplace.
10. Extend the sidewalk to interconnect the neighborhood developed commercial spaces
11. Provide sidewalk stub outs for future connectivity to the neighboring lots.

These changes are said to be final with approval of the Director of Community Development if there are inconsistencies.

SECTION 2. Public Record. This document shall be maintained as a public record by the City Clerk and shall be accessible to the public during all normal business hours of the City of Stockbridge.

SECTION 3. Public Hearing. Pursuant to the requirements of the Zoning Procedures Act and the City Zoning Ordinance, a properly advertised public hearing was held not less than 15 nor more than 45 days from the date of publication of notice, and which public hearing was held on the 8th day of October, 2022.

SECTION 4. Severability. To the extent any portion of this Ordinance is declared to be invalid, unenforceable, or non-binding, that shall not affect the remaining portions of this Ordinance.

SECTION 5. Repeal of Conflicting Provisions. All City Ordinances inconsistent with this Ordinance shall be repealed.

SECTION 6. Effective Date. This Ordinance shall become effective immediately upon its adoption by the City Council of the City of Stockbridge as provided in the City Charter.

SO ORDAINED this 14th day of November, 2022.

2

CITY OF STOCKBRIDGE, GEORGIA

Anthony S. Ford, Mayor

ATTEST:

Vanessa Holiday, City Clerk

APPROVED AS TO FORM:

Quinton G. Washington, City Attorney

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FINAL TOWNHOME PLAT
FOR
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CITY OF STOCKBRIDGE,
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10	SHEET	DATE: FEBRUARY 21, 2023	REVISIONS				NO.	DESCRIPTION	DATE	BY	APPR.
		SCALE: HORIZ. 1" = 60'									
		VERT. N/A									
		FIELD BOOK: PROJECT									
		DATE OF FIELD SURVEY: JULY 19, 2021									
		LAND LOT(S): 59 & 70									
		DISTRICT: 14									
		SECTION: 36									
		COUNTY: HENRY (CITY OF STOCKBRIDGE)									
		SURVEYED: JG									
DRAWN: BCM											
CHECKED: KS											
APPROVED: KS											
PROJECT NO.: 20-022											
DWG NAME: 2022-500-001-8.dwg											