Stockbridge

Where Community Connects

STOCKBRIDGE

PLANNING COMMISSION

BOARD MEMBERS

Stanley Dumas, Chair

David Planchon

Anthony Mitten, Vice-Chair

Harold Thibodeaux

Matthew Thomas

Jayden Williams

ADMINISTRATION

Ryan Anderson

Community Development Director

Keedra Jackson

Chief Planner

Linda Logan

Senior Planner, Secretary

Gordon Linton, Planner I

Valerie Ross, Attorney

Planning Commission Meeting Agenda November 21, 2024 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

Stockbridge
Where Community Connects

AGENDA
PLANNING COMMISSION MEETING
CITY OF STOCKBRIDGE

THURSDAY, NOVEMBER 21, 2024 6:30 PM

I. **Roll Call**
II. **Call to Order**
III. **Invocation**
IV. **Pledge of Allegiance**
V. **Adoption of the Agenda**
VI. **Approval of Minutes**

Approval of Minutes from the October 17, 2024 Planning Commission Meeting

OLD BUSINESS

NEW BUSINESS

Item # 1 - COMPREHENSIVE PLAN AMENDMENT CASE #CP-2024-03. (For property located in Council District 2.)
Consideration of a Comprehensive Plan Amendment request to change the future land use designation of Parcel #S07-01006000 on the east side of Brush Creek Court from its current future land use designation of Low-Density Mixed-Use to Medium-Density Residential to allow for a townhome development. Applicant: Pivotal Enterprises, LLC, c/o Battle Law, P.C. The property is located in Land Lot 59, District 12, and it contains 2.28 +/- total acres.
Presented by:

Item # 2 - REZONING CASE #RZ-2024-03. (For property located in Council District 2.)
Consideration of a rezoning request to rezone Parcel #S07-01006000 on the east side of Brush Creek Court from 'C-2' (General Commercial) to 'MFR' (Multiple-Family Residential) to allow for a townhome development. Applicant: Pivotal Enterprises, LLC, c/o Battle Law, P.C. The property is located in Land Lot 59, District 12, and it contains 2.28 +/- total acres.
Presented by:

Item # 3 - ZONING MODIFICATION CASE #ZM-2024-01. (For property located in Council District 2.)
Consideration of a major zoning modification request for Parcel #S07A01100000 on the west side of Brush Creek Court to provide for major changes to a previously-approved site plan (which was the subject of Zoning Modification Case #ZM-2022-01 in 2022) by allowing the expansion of the site boundaries to include Parcel ##S07-010-060-00 on the east side of Brush Creek Commons, which would be developed as Phase 2 of the existing townhome development. Applicant: Pivotal Enterprises, LLC, c/o Battle Law, P.C. The property is located in Land Lot 59, District 12, and it contains 2.28 +/- total acres.

Presented by:

Item # 4 - COMPREHENSIVE PLAN AMENDMENT CASE #CP-2024-07. (For property located in Council District 2)
Consideration of a Comprehensive Plan Amendment request to change the future land use designations of four parcels on the south side Davis Road, as are identified below, from their current split future land use designations to Low-Density Mixed-Use for the entire property, for the purpose of allowing the construction of a self-storage warehouse development. The property owner is B1 Home Improvement, LLC. and the agents are Robert Nesbitt and Rogers Gotier. The property is located in Land Lot 71, District 12, and it contains 6.895 +/- total acres.

- **649 Davis Road (Parcel #S05-08004000) – Contains 3.6050 +/- acres. Current future land use designations: Low-Density Residential and Medium-Density Mixed-Use.**
- **657 Davis Road (Parcel S05-08003000) – Contains 0.66 +/- acres. Current future land use designation: Unassigned.**
- **681 Davis Road (Parcel #S05-08005000) – Contains 1.34 +/- acres. Current future land use designations: Low-Density Residential and Medium-Density Mixed-Use.**
- **Parcel #S05-08006000 on Davis Road – Contains 1.29 +/- acres. Current future land use designations: Low-Density Residential and Medium-Density Mixed-Use.**

Presented by:

Item # 5 - REZONING CASE #RZ-2024-08. (For property located in Council District 2)
Consideration of a rezoning request to rezone four parcels on the south side of Davis Road, as are identified below, from SR (Suburban Residential) and OI (Office-Institutional) to C-3 (Heavy Commercial) for the purpose of allowing for the construction of a self-storage warehouse development. The property owner is B1 Home Improvement, LLC and the agents are Robert Nesbitt and Rogers

Gotier. The property is located in Land Lot 71, District 12, and it contains 6.895 +/- total acres.

- **649 Davis Road (Parcel #S05-08004000) – Contains 3.6050 +/- acres. Current zoning: SR (Suburban Residential).**
- **657 Davis Road (Parcel #S05-08003000) – Contains 0.66 +/- acres. Current zoning: SR (Suburban Residential).**
- **681 Davis Road (Parcel #S05-08005000) – Contains 1.34 +/- acres. Current zoning: SR (Suburban Residential).**
- **Parcel #S05-08006000 on Davis Road – Contains 1.29 +/- acres. Current zoning: OI (Office-Institutional).**

Presented by:

Item # 6 - COMPREHENSIVE PLAN AMENDMENT CASE #CP-2024-08. (For property located in Council District 1.)
Consideration of a Comprehensive Plan Amendment request to change the future land use designation for Parcel #013-01018000 on the east side of Blackhall Road, south of Walt Stephens Road, from its current future land use designation of Park/Recreation/Conservation to Low-Density Residential to allow for the division of the property into separate lots for single-family detached residential development. Property Owners: Joyce Kemper-Hager Living Trust and Joyce Kemper-Hager as Trustee. Applicants: AP Property Solutions, LLC and Surender Sharma. Agent: Sibley-Miller Surveying and Planning, Inc. The property is located in Land Lot 24, District 12, and it contains 4.849 +/- total acres.
Presented by:

Item # 7 - REZONING CASE #RZ-2024-09. (For property located in Council District 2.)
Consideration of a rezoning request to rezone Parcel #013-01018000 on the east side of Blackhall Road, south of Walt Stephens Road, from its current zoning classification of 'SR' (Suburban Residential) to 'RR' (Rural Residential) to all for the division of the property into separate lots for single-family detached residential development. Property Owners: Joyce Kemper-Hager Living Trust and Joyce Kemper-Hager as Trustee. Applicants: AP Property Solutions, LLC and Surender Sharma. Agent: Sibley-Miller Surveying and Planning, Inc. The property is located in Land Lot 24, District 12, and it contains 4.849 +/- total acres.
Presented by:

Item # 8 -

Presented by:

Item # 9 - COMPREHENSIVE PLAN AMENDMENT CASE #CP-2024-10. (To be located in Council District 3.)
Consideration of a Comprehensive Plan Amendment for Parcel #032-01030012 on the west side of Rock Quarry Road, across from Hospital Drive, for the purpose of changing the property's future land use designation from High-Density Residential to Low-Density Mixed-Use to allow for the development of a convenience store and gas station. Applicant: GMI, 2 Inc. Agent: Harold Buckley, Jr., Esq. of the Law Firm of Wilson, Brock & Irby. The property is located in Land Lot 13 of District 6, and it contains 4.26 +/- acres.
Presented by:

Item # 10 - ANNEXATION CASE #AX-2024-02. (For property to be located in Council District 5.)
Consideration of an annexation request, using the 100 percent annexation method, to annex two parcels at 1778 & 1872 Highway 42 North from unincorporated Henry County into the Stockbridge City Limits to allow for the construction of a mixed residential development, which would contain both single-family detached homes and townhomes. Owner: Rowan Properties, LP. Applicant: Meritage Homes, c/o Clay Kirkley. Agent: Hayley Todd, PEC+. The property is located in Land Lot 35 in District 7, and it contains 48.59 +/- total acres.
Presented by:

Item # 11 - COMPREHENSIVE PLAN AMENDMENT CASE #CP-2024-09. (For property to be located in Council District 5.)
Consideration of a Comprehensive Plan Amendment request to assign the future land use designation to Medium Density Residential to two parcels at 1778 & 1872 Highway 42 North, after their annexation into the City of Stockbridge from unincorporated Henry County, to allow for the construction of a mixed residential development, which would contain both single-family detached homes and townhomes. Owner: Rowan Properties, LP. Applicant: Meritage Homes, c/o Clay Kirkley. Agent: Hayley Todd, PEC+. The property is located in Land Lot 35 in District 7, and it contains 48.59 +/- total acres.
Presented by:

Item # 12 - REZONING CASE #RZ-2024-10. (For property to be located in Council District 5.)
Consideration of a rezoning request to assign the zoning districts of 'PUD' (Planned Unit Development) and the 'PMU' (Parkway Mixed-Use Overlay District) to two parcels at 1778 & 1872 Highway 42 North, after their annexation into the City of Stockbridge from unincorporated Henry County, to allow for the construction of a mixed residential development, which would contain both single-family detached homes and townhomes. Owner: Rowan Properties, LP. Applicant: Meritage Homes, c/o Clay Kirkley. Agent: Hayley Todd, PEC+. The property is located in Land Lot 35 in District 7, and it contains 48.59 +/- total acres.

Presented by:

STAFF COMMENTS

BOARD COMMENTS

ADJOURN

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, OCTOBER 17, 2024 AT 6:30 p.m.

BOARD MEMBERS:
Stanley Dumas, Chairman
Anthony Mitten, Vice Chairman
Harold Thibodeaux
David Planchon
Jayden Williams
Matthew Thomas

ADMINISTRATION:
Ryan Anderson, Comm. Dev. Director
Valerie Ross, City Zoning Attorney
Keedra Jackson, Chief Planner
Linda Logan, Senior Planner / PC Sect'y
Gordon Linton, Senior Planner

I. CALL TO ORDER – Made by Chairman Stanley Dumas at 6:28 p.m.

II. INVOCATION – Given by Harold Thibodeaux.

III. PLEDGE OF ALLEGIANCE – Done in unison.

IV. ROLL CALL (Taken by Linda Logan): Present: Absent:

~ Stanley Dumas	X	
~ Anthony Mitten	X	
~ Harold Thibodeaux	X	
~ David Planchon	X	
~ Jayden Williams	X	
~ Matthew Thomas	X	

A quorum of members was achieved.

V. ADOPTION OF THE AGENDA

A motion was made by Jayden Williams to adopt the agenda, and Harold Thibodeaux seconded the motion. A vote was taken, and the agenda was unanimously adopted.

VI. APPROVAL OF MINUTES – September 19, 2024 Summary Minutes.

A motion was made by Anthony Mitten to approve the Minutes, and Matthew Thomas seconded the motion. A vote was taken, and the Minutes were unanimously approved.

VII. SPECIAL USE PERMIT CASE #SP-2024-02. (To be located in Council District 4.) NOTE: To be considered for a Board vote only since the public hearing was held on September 19, 2024.

Consideration of a Special Use Permit Request to allow a liquor store on property at **106 Rock Quarry Road.** Applicant: GRP, LLC. Agent: Girishkumar Patel. The property is located in Land Lot 62 of District 12, and it contains 0.89 +/- acres.

Staff Presentation—Gordon Linton did not give a presentation, but he stated that SP-2024-02 was presented at the last Planning Commission meeting on September 19, 2024; and since one of the Board members was absent then, that the vote on the case was postponed until tonight's meeting.

Board Questions and Comments:

Chairman Dumas asked Valerie Ross, City Zoning Attorney, whether the entire Board needed to vote, or whether just the Board member who was absent from the last meeting needed to vote. She replied that a motion needed to be made, and that the entire Board needed to vote.

Jayden Williams asked Gordon Linton for clarification on what the applicant was asking for. Mr. Linton replied that the applicant wanted to open a liquor store at 106 Rock Quarry Road, and he needed to obtain a special use permit for that purpose. Further, the applicant was the winner in the City's lottery process for awarding a liquor store license (alcohol license). Harold Thibodeaux asked further questions of Mr. Linton about the lottery process.

Applicant's Question—The applicant's attorney, Lisa Morchower, asked whether the entire public hearing was not going to be heard again. She felt that that would not be fair for the Board member who was not present at the September 19, 2024 Planning Commission meeting. Valerie Ross responded that the Board members

could decide whether or not to conduct the public hearing again.

Applicant's Comments—Attorney Lisa Morchower said that she came to tonight's meeting to present the case again so that the Board member who was absent from the last Planning Commission meeting on September 19, 2024 could hear the case before voting. She said that she did not expect there to be a vote tonight without the case being presented again, and she was opposed to that idea because it would not be fair to the absent Board member or to her client. If she had known that the case might just be voted on tonight without a full presentation, there would not have been a reason for her request for a deferral at the last meeting; that was not the purpose of the deferral.

Board Discussion--The Board members discussed whether or not to reopen SP-2024-02 because the applicant's attorney did not think that it would be fair for Board member David Planchon to vote before hearing the presentation on the case, since he was not present at the last Planning Commission meeting on September 19, 2024, when this case was presented. Valerie Ross stated that the Board could vote on whether or not to hear the case again.

Board Action--A motion was made by Jayden Williams to oppose the reopening of SP-2024-02, and Matthew Thomas seconded the motion. A vote was taken, and the motion to oppose the reopening of this case was approved by a 3-2 vote, with Harold Thibodeaux and Anthony Mitten opposed to the motion. Thus, no staff presentation was made. Then David Planchon made a motion to approve SP-2024-02, and Harold Thibodeaux seconded the motion. A vote was taken, and the motion was approved by a vote of 4-1, with Matthew Thomas opposed. SP-2024-01 was therefore recommended for approval.

VIII. TEXT AMENDMENT CASE #TX-2024-06.

Consideration of an ordinance to amend Title 12 (Unified Development Code), Section 3.2.14 (C); and to add Sections 3.2.14 (E), F, G, H, I, J, K, L, M, N, O, and P of the Code of Ordinances, City of Stockbridge, Georgia relating to convenience stores with automobile gasoline sales, so as to amend the distance requirement from 4,500 feet to 800 feet, and to add additional requirements.

To be presented by the Community Development Staff.

Staff Presentation—Given by Gordon Linton. He stated that besides the requirement that a gas station be located at least 800 feet from another gas station, that the project investment must be at least $8 million; an equal number of electric charging stations as gas pumps must be provided; that at least two other sub-tenants must be located on the property; and that there must be no more than three gas stations within a one-mile radius. (Additional requirements are also applicable.)

Board Questions and Comments:

Chairman Dumas had questions about how to measure the distance between gas stations and the required base zoning of the property. Gordon Linton provided responses. Mr. Dumas also asked about the required $8 million investment. Keedra Jackson replied that it was tied to the investment for the required electric charging stations. He said that he was not used to a zoning decision being tied to an investment cost.

Then Jayden Williams asked why the distance between gas stations was being reduced from 4,500 square feet to only 800 feet. Has asked how many gas stations are currently located in the City of Stockbridge, and Gordon Linton replied that there are twenty-one (21). Mr. Williams asked why the distance requirement was being reduced, since he thought that only twelve to fifteen gas stations are needed in the City. Keedra Jackson replied that since several developers wanted to locate a gas station in the City, that the Staff felt that it would be best to relax the Code to allow an equal opportunity to those gas station developers who came to the City in the past as those gas station developers who come to the City in the future. Jayden Williams also wanted to know how many gas stations that Henry County approved on properties which were later annexed by the City. Ms. Jackson replied that she did not have that information, but that she could try to obtain it.

Applicant's Comments--The applicant's attorney, Lisa Morchower, stated that the typical gas station investment is two to three million dollars.

Public Hearing—No public speakers were present.

Board Action --A motion was made by Jayden Williams to deny TX-2024-06, and Anthony Mitten seconded the motion. A vote was taken, and the motion failed in a split vote. Then Harold Thibodeaux made a motion to approve this case, and Matthew Thomas seconded the motion. A vote was taken, and TX-2024-06 was approved in a split vote of 3-2. Mr. Thibodeaux, Mr. Thomas, and David Planchon voted for approval of this case, and Jayden Williams and Anthony Mitten voted to oppose it.

IX. TEXT AMENDMENT CASE #TX-2024-07.

Consideration of an ordinance to repeal Title 12, Sections 2.4.7, 2.5.3(F), 3.1, 3.2.24, and 15 of the Stockbridge Municode; to amend the Stockbridge Unified Development Code (UDC), Sections 2.4.7, 2.5.3 (F), 3.1, 3,2,24, and 15; and to add Section 3.2.41 under Chapter 3, Use Regulations of the Code of Ordinances, City of Stockbridge, Georgia, relating to the Downtown District and the Downtown Village Overlay District, by adding and removing certain uses from the list of prohibited uses, and by allowing them to be permitted uses, provided that certain requirements are met.

To be presented by the Community Development Staff.

Staff Presentation--Gordon Linton gave the Staff presentation. He mentioned several types of uses which the Staff recommends adding to the Downtown District and the Downtown Village Overlay District, including boutique hotels, the Amphitheater, dance studios, other arts uses, multi-family, and condominium uses. The draft ordinance includes several definitions and updates to the Use Table.

Board Questions and Comments—Chairman Dumas asked why dance studios and other arts uses were not already allowed in the Downtown District and the Downtown Village Overlay District. Keedra Jackson replied that she was not aware of any such history, but that the City wanted to attract more business in these districts, and that some business owners have recently expressed interest in locating these types of uses in the City. Harold Thibodeaux said that certain uses could be limited in these zoning districts. Jayden Williams said that he was glad that the City was making these changes to attract new businesses into the Downtown area. Keedra Jackson said that the Board members could set limits to certain types of uses in the Downtown District. Anthony Mitten asked whether apartments and townhomes would be allowed as permitted uses, and Ms. Jackson replied that the Staff does want to allow these uses. Jayden Williams asked whether they would be mixed uses, and Gordon Linton replied that they would be mixed uses.

Public Hearing—No public speakers were present for TX-2024-07.

Board Action--A motion was made by Anthony Mitten to approve TX-2024-07, but with the request of staff that, in Exhibit C, Page 6, multi-family apartments and condos be removed. Jayden Williams also asked that Mr. Mitten amend his motion to place a cap/limit be placed on hookah bars . . . Linda Logan suggested that the Board members might want to state what that limit would be. Harold Thibodeaux wanted to see the area which the Downtown District covers. Anthony Mitten retracted his motion to approve, and he asked Staff for a map showing the boundaries of the Downtown District. Gordon Linton displayed the Interactive Map from the City's website, which showed the boundaries of the Downtown District and the Downtown Village Overlay District. Chairman Dumas restated the motion from Anthony Mitten, with a second by Jayden Williams, to be the approval of TX-2024-07 with two "adjustments", as follows: 1) the removal of multi-family apartments and condos as permitted uses; and 2) the placement of limits on the numbers of tobacco/vape shops, liquor bars, and hookah lounges to five (5) units. Harold Thibodeaux reiterated his second to that motion. A vote was taken, and the motion was unanimously approved. The Board members therefore recommended TX-2024-07 for approval with the two stated adjustments.

X. P.C. BOARD TRAINING – In-house training for Planning Commission Board members.

To be conducted by the Community Development Staff.

Keedra Jackson stated that this was the first session of a three-part training for Planning Commission Board members. She said that the purpose of this session was to go through the duties, roles, and responsibilities of Planning Commission Board members. She also explained the procedures for the Board members to follow in conducting Planning Commission meetings. Valerie Ross, City Zoning Attorney, came to the podium to explain the procedure for handling a main motion, particularly for a tie vote. At the conclusion of the training session, Ms. Jackson stated that Part 2 of the training would consist of the Board's bases for zoning decisions and the process of making decisions, including the roles of the Comprehensive Plan and Future Land Use Map; Staff's role and staff reports; and legal perspectives.

XI. PROJECT UPDATES

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

Keedra Jackson mentioned that more text amendment cases would be coming soon.

XII. STAFF COMMENTS

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

[None.]

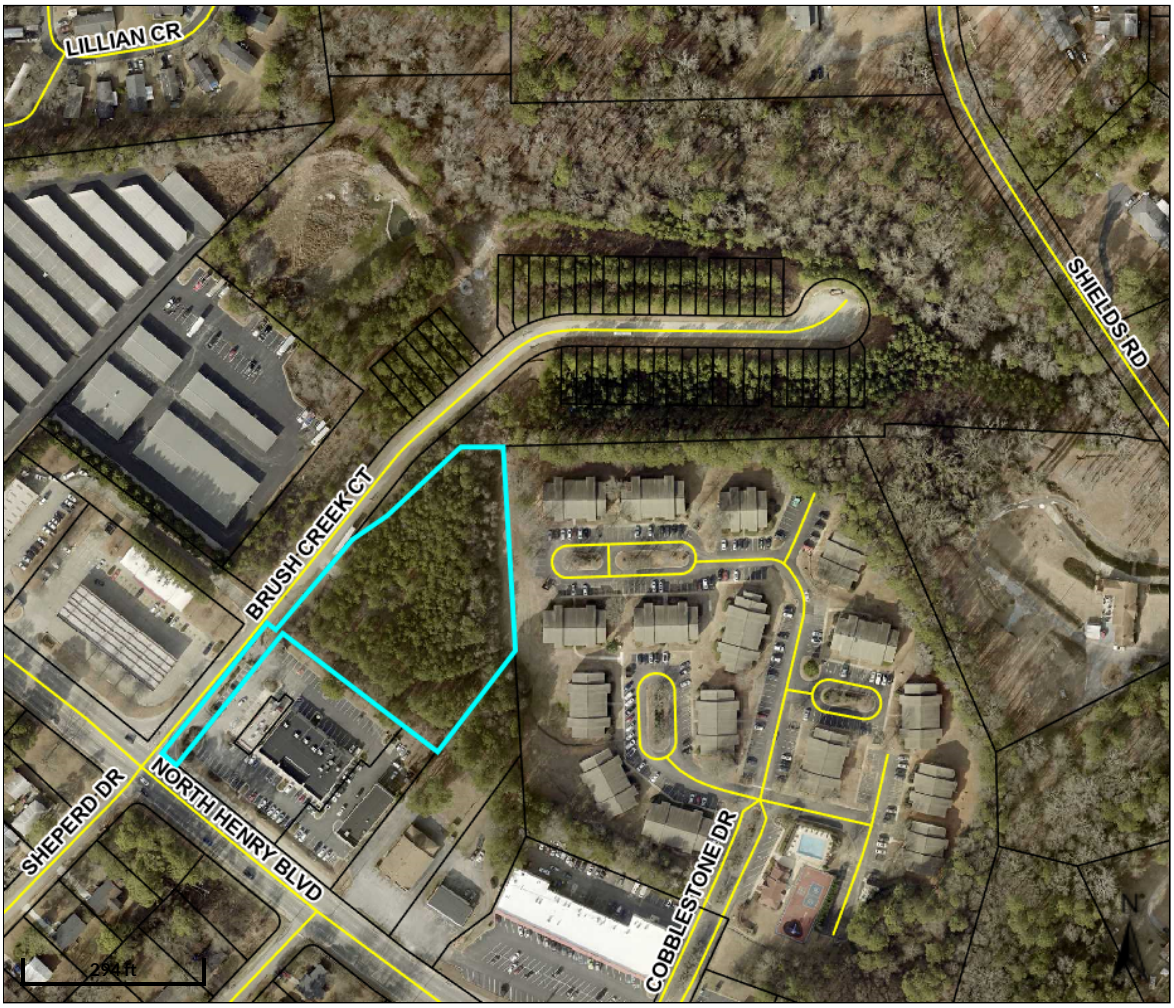
XIII. BOARD COMMENTS

[None.]

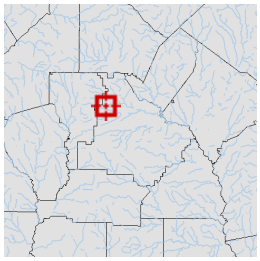
XIV. ADJOURNMENT

Jayden Williams made a motion to adjourn the meeting, and Harold Thibodeaux seconded the motion. A vote was taken, and the motion was unanimously approved. The meeting was adjourned at 8:21 p.m.

Henry County, GA



Overview



Legend

- Parcels
- Roads

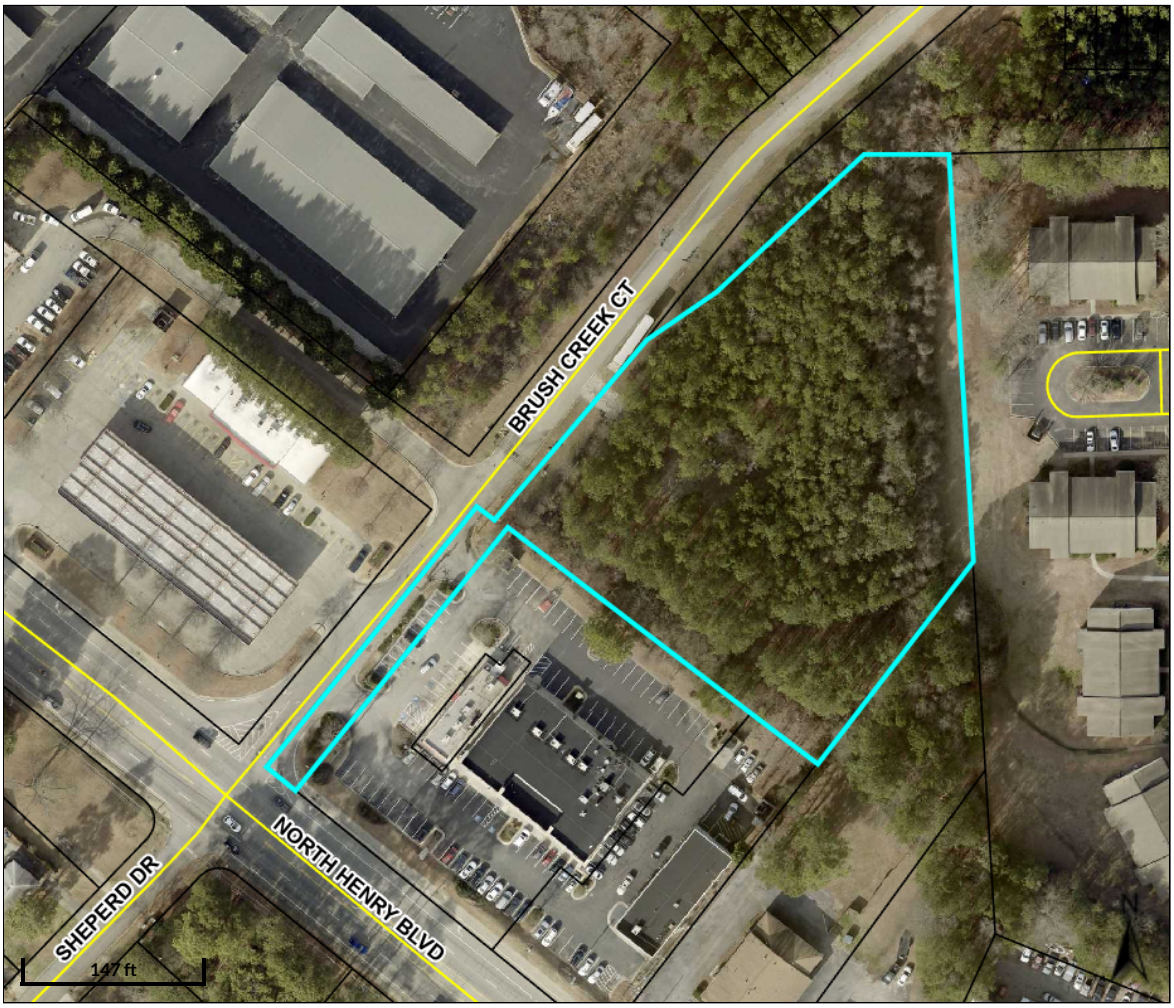
Parcel ID	S07-01006000	**Class**	C	**Owner**	PIVOTAL ENTERPRISES LLC	**Land Value:**	$126,500				
Property Address		**Acreage**	2.53	**Address**	1705 ENTERPRISE WAY STE S-100 MARIETTA GA 30067	**Building Value:**	$0	**Last 2 Sales**			
District	City/Stockbridge					**Misc Value:**	$0	**Date**	**Price**	**Reason**	**Qual**
						Total Value:	$126,500	3/22/2021	$387,000	MULTI PARCEL	U
								12/17/2013	$57,500	PART INT	U

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

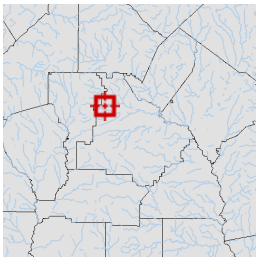
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Last Data Uploaded: 10/23/2024 1:12:28 AM

Developed by SCHNEIDER GEOSPATIAL

Henry County, GA



Overview



Legend

- Parcels
- Roads

Parcel ID	S07-01006000	**Class**	C	**Owner**	PIVOTAL ENTERPRISES LLC	**Land Value:**	$126,500				
Property Address		**Acreage**	2.53	**Address**	1705 ENTERPRISE WAY STE S-100 MARIETTA GA 30067	**Building Value:**	$0	**Last 2 Sales**			
District	City/Stockbridge					**Misc Value:**	$0	**Date**	**Price**	**Reason**	**Qual**
						Total Value:	$126,500	3/22/2021	$387,000	MULTI PARCEL	U
								12/17/2013	$57,500	PART INT	U

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

Date created: 10/23/2024
Last Data Uploaded: 10/23/2024 1:12:28 AM

Developed by SCHNEIDER GEOSPATIAL

City of Stockbridge Planning and Zoning Division

Application for an Amendment to the Comprehensive Plan

Name of Applicant Pivotal Enterprises LLC c/o Battle Law P.C. Phone: 770-527-8582 Date: 5/2/2024

Address of Applicant: 1705 Enterprise Way Ste S-100 Cell # 770-480-1714

City: Marietta State: GA Zip: 30067 E-mail: olympiamike@bellsouth.net

Name of Agent Battle Law P.C. Phone: 404-601-7616 Date: 5/2/2024

Address of Agent: 3562 Habersham at Northlake, Bldg. J, Ste 100 Cell #

City: Tucker State: GA Zip: 30084 E-mail:

THE PERSONS NAMED ABOVE AFFIRM THAT THEY ARE THE OWNER OR AGENT OF THE OWNER OF THE PROPERTY DESCRIBED BELOW AND REQUESTS THAT THE FOLLOWING AMENDMENT TO THE COMPREHENSIVE PLAN BE GRANTED:

FROM: LDMU

TO: MDR

The property will be POSTED with a City of Stockbridge Planning and Zoning Sign. The sign must remain on the subject property for no less than fifteen days prior to the Planning Commission and Mayor/City Council meeting(s). The applicant or property owner shall not remove or alter the sign for any reason.

_____ **(Acknowledgement)**

Property Address: None Assigned

Nearest intersection to the property: Brush Creek Court and N. Henry Blvd

Size of Tract: 2.28 acre(s). Land Lot Number(s): 59 . District(s): 12

Property Tax Parcel Number(s):

S07-010-060-00 **(Required)**

Witness' Signature

Pivotal Enterprises, LLC

By: _____ -Eman Fateh, Member

Signature of Applicant

Elizabeth Escandon-Munoz

Printed Name of Witness

Pivotal Enterprises, LLC

Printed Name of Applicant

Notary

Signature of Agent

Notary Seal:

RHONDA Y. WHITEHEAD COMBS NOTARY PUBLIC HENRY COUNTY, GEORGIA MY COMMISSION EXPIRES 02/25/2027

(For Office Use Only)

Total Amount Paid $ _____ Check # _____ Credit Card # _____ *(FEES ARE NON-REFUNDABLE)*

Application checked by: _____ Date: _____

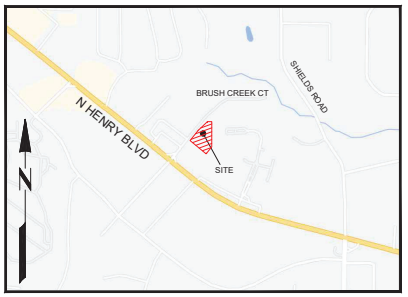
Pre-application meeting: _____ Date: _____

Planning Commission Decision: _____

Mayor/City Council Decision:

_____

Planning Director's Signature: _____ Date: _____



VICINITY MAP
NOT TO SCALE

LEGAL DESCRIPTION

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

COMMENCING 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 FOOT 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, 33.60 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 86 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 86 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 (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") AND THE ***POINT OF BEGINNING***;

THENCE LEAVING SAID LINE COMMON TO LAND LOTS 59 AND 70, SOUTH 00 DEGREES 04 MINUTES 27 SECONDS WEST, 388.88 FEET TO A 1/2" REBAR FOUND;

THENCE SOUTH 39 DEGREES 01 MINUTES 07 SECONDS WEST, 137.44 FEET TO A 1/2" REBAR FOUND;

THENCE NORTH 50 DEGREES 27 MINUTES 40 SECONDS WEST, 321.53 FEET TO A 1/2" REBAR & SURVEYOR'S CAP (STAMPED "SEILER & ASSOCIATES LSF #390 GEORGIA") SET ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF BRUSH CREEK COURT (50 RIGHT OF WAY PER FINAL SUBDIVISION PLAT OF BRUSH CREEK COMMONS, PLAT BOOK 63 PAGE 299, HENRY COUNTY, GEORGIA RECORDS);

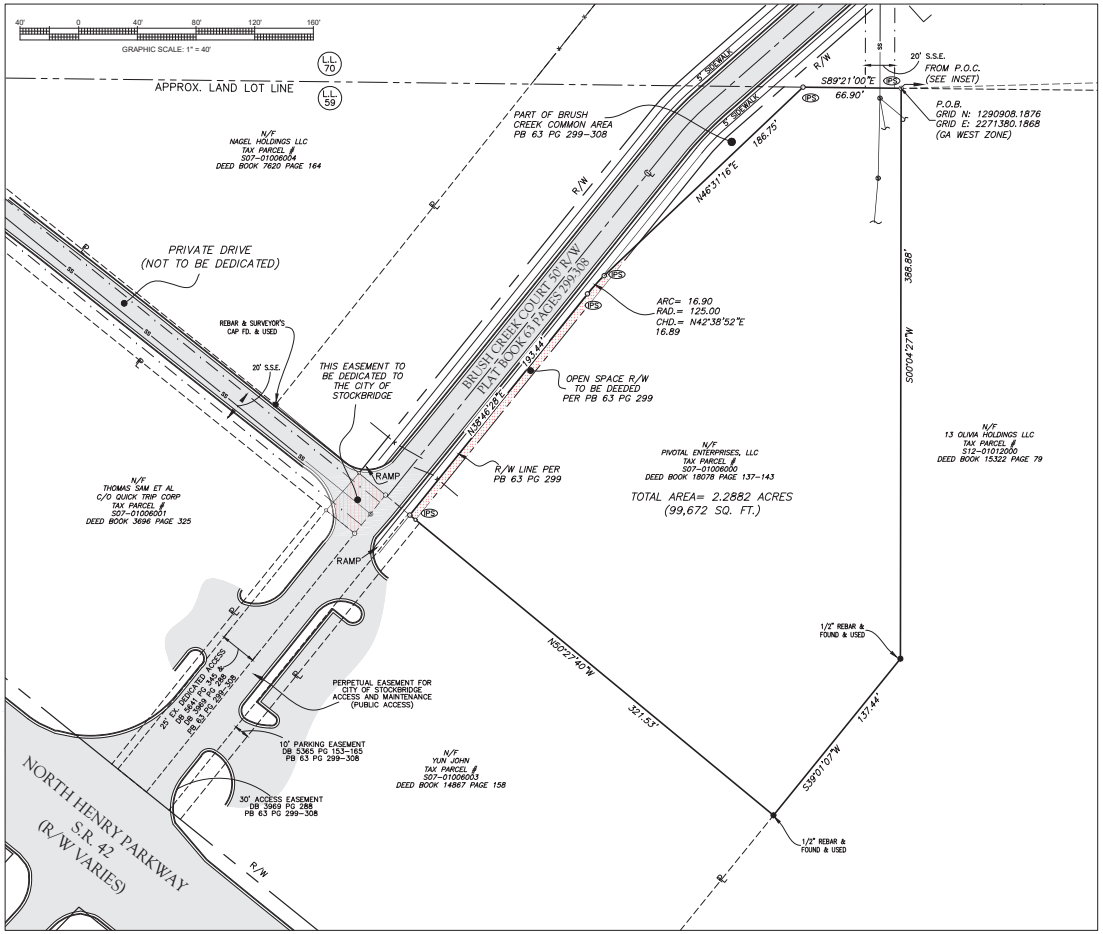
THENCE ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF BRUSH CREEK COURT, NORTH 38 DEGREES 46 MINUTES 28 SECONDS EAST, 193.44 FEET TO A 1/2" REBAR & SURVEYOR'S CAP SET (STAMPED "SEILER & ASSOCIATES LSF #390 GEORGIA");

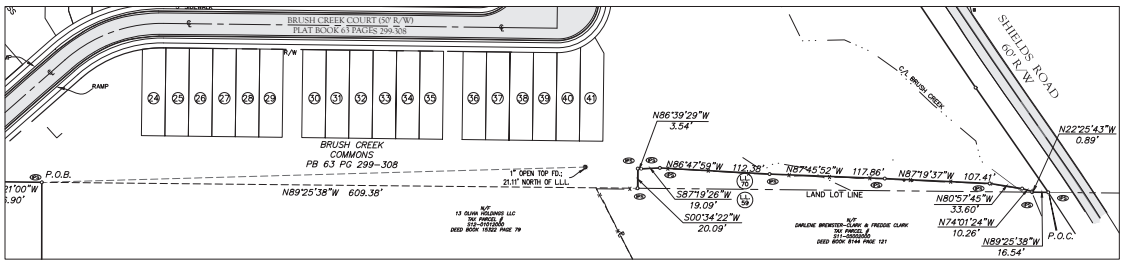
THENCE CONTINUING ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF BRUSH CREEK COURT, 16.90 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, (SAID CURVE HAVING A RADIUS OF 125.00 FEET AND A CHORD OF NORTH 42 DEGREES 38 MINUTES 52 SECONDS EAST, 16.89 FEET) TO A 1/2" REBAR & SURVEYOR'S CAP SET (STAMPED "SEILER & ASSOCIATES LSF #390 GEORGIA");

THENCE LEAVING THE SOUTHEASTERLY RIGHT OF WAY LINE OF BRUSH CREEK COURT, NORTH 46 DEGREES 31 MINUTES 16 SECONDS EAST, 186.75 FEET TO A 1/2" REBAR & SURVEYOR'S CAP SET (STAMPED "SEILER & ASSOCIATES LSF #390 GEORGIA");

THENCE SOUTH 89 DEGREES 21 MINUTES 00 SECONDS EAST, 66.90 FEET TO THE ***POINT OF BEGINNING.***

SAID TRACT OR PARCEL OF LAND CONTAINING 2.2882 ACRES (99,672 SQUARE FEET).





P.O.C INSET
SCALE 1" = 60'

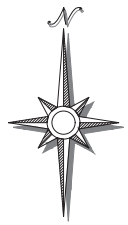
SURVEYOR'S CERTIFICATION

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

GEORGIA REGISTERED No. 2388 PROFESSIONAL LAND SURVEYOR KEITH SEILER

KEITH R. SEILER — DATE 5-3-24

GEORGIA REGISTRATION NO. 2388
MEMBER NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS (NSPS)
MEMBER SURVEYING & MAPPING SOCIETY OF GEORGIA (SAMSOG)



GRID NORTH
NAD 83 (2011)
GA WEST ZONE

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 16,663 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 536,313 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 (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. 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. APPROVED SITE DEVELOPMENT PLANS FOR BRUSH CREEK COMMONS BY LAND ENGINEERING AND DEVELOPMENT DATED JANUARY 25, 2005 (LAST REVISED 3-17-05).
2. FINAL SUBDIVISION PLAT FOR BRUSH CREEK COMMONS PREPARED BY SEILER AND ASSOCIATES RECORDED IN PLAT BOOK 63 PAGES 299-308.

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)
- COMMUNICATIONS STUB (COMM)
- COMMUNICATIONS BOX
- TRANSFORMER (XFMR)
- ELECTRIC STUB

N/F = NOW OR FORMERLY
DB = DEED BOOK
PB = PLAT BOOK
PG. = PAGE
FD. = FOUND
MEAS. = MEASURED
REC. = RECORD
CALC. = CALCULATED
P/L = PROPERTY LINE
C/L = CENTERLINE
CONC. = CONCRETE
CHD. = CHORD
PVMT. = PAVEMENT
MTL. = METAL
S.S.E. = SANITARY SEWER EASEMENT
D.E. = DRAINAGE EASEMENT
BSL = BUILDING SETBACK LINE
UE = UTILITY EASEMENT
CO = SANITARY SEWER CLEANOUT
C.M.F. = CONCRETE MONUMENT
R/W = RIGHT-OF-WAY
SS = SANITARY SEWER LINE

FLOOD NOTE:
ACCORDING TO FEMA F.I.R.M. PANELS: ***1351C0086D & 1351C0087D***
EFFECTIVE DATE: ***OCTOBER 6, 2016*** AND BY GRAPHIC PLOTTING ONLY, NO 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 2024
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.

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

BOUNDARY SURVEY FOR PIVOTAL ENTERPRISES, LLC CITY OF STOCKBRIDGE, (HENRY COUNTY), GEORGIA

GEORGIA REGISTERED No. 2388 PROFESSIONAL LAND SURVEYOR KEITH SEILER
5-3-24

NO.	DESCRIPTION	DATE	BY	APPR.

DATE: MAY 3, 2024
SCALE: 1" = 40'
VERT.: N/A
FIELD BOOK: PROJECT
DATE OF FIELD SURVEY: JULY 19, 2021
LAND LOT: 59
DISTRICT: 12 TH
SECTION: N/A
COUNTY: HENRY (CITY OF STOCKBRIDGE)
SURVEYED: KS
DRAWN: BCM
CHECKED: KS
APPROVED: KS
JOB NO.: 20022-100-001
DWG NAME: 20022-100-001-Survey.dwg

SHEET 1 OF 1

C:\Users\bill\Seiler & Associates, Inc\Seiler & Associates, Inc - Documents\Technical\Land Projects-SA\20022\Data\20022-100-001-Survey_Sh_Rev_ May 03, 2024 - 3:41:56pm

LEGAL DESCRIPTION

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

COMMENCING 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 FOOT 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, 33.60 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 86 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 86 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 (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”) AND THE ***POINT OF BEGINNING***;

THENCE LEAVING SAID LINE COMMON TO LAND LOTS 59 AND 70, SOUTH 00 DEGREES 04 MINUTES 27 SECONDS WEST, 388.88 FEET TO A 1/2” REBAR FOUND;

THENCE SOUTH 39 DEGREES 01 MINUTES 07 SECONDS WEST, 137.44 FEET TO A 1/2” REBAR FOUND;

THENCE NORTH 50 DEGREES 27 MINUTES 40 SECONDS WEST, 321.53 FEET TO A 1/2” REBAR & SURVEYOR'S CAP (STAMPED “SEILER & ASSOCIATES LSF #390 GEORGIA”) SET ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF BRUSH CREEK COURT (50 RIGHT OF WAY PER FINAL SUBDIVION PLAT OF BRUSH CREEK COMMONS, PLAT BOOK 63 PAGES 299-308, HENRY COUNTY, GEORGIA RECORDS);

THENCE ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF BRUSH CREEK COURT, NORTH 38 DEGREES 46 MINUTES 28 SECONDS EAST, 193.44 FEET TO A 1/2” REBAR & SURVEYOR'S CAP SET (STAMPED “SEILER & ASSOCIATES LSF #390 GEORGIA”);

THENCE CONTINUING ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF BRUSH CREEK COURT, 16.90 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, (SAID CURVE HAVING A RADIUS OF 125.00 FEET AND A CHORD OF NORTH 42 DEGREES 38 MINUTES 52 SECONDS EAST, 16.89 FEET) TO A 1/2” REBAR & SURVEYOR'S CAP SET (STAMPED “SEILER & ASSOCIATES LSF #390 GEORGIA”);

THENCE LEAVING THE SOUTHEASTERLY RIGHT OF WAY LINE OF BRUSH CREEK COURT, NORTH 46 DEGREES 31 MINUTES 16 SECONDS EAST, 186.75 FEET TO A 1/2” REBAR & SURVEYOR'S CAP SET (STAMPED “SEILER & ASSOCIATES LSF #390 GEORGIA”);

THENCE SOUTH 89 DEGREES 21 MINUTES 00 SECONDS EAST, 66.90 FEET TO THE ***POINT OF BEGINNING.***

SAID TRACT OR PARCEL OF LAND CONTAINING 2.2882 ACRES (99,672 SQUARE FEET).

BK:18078 PG:137-139
Filed and Recorded
Apr-30-2021 01:10 PM
DOC# 2021 - 017687
Real Estate Transfer Tax
Paid: $ 193.50
0752021004368
SABRIYA HILL
CLERK OF SUPERIOR COURT
HENRY COUNTY, GA
Participant ID: 6028630192

Please return to:
Sams & Cole, LLC
2809 Lassiter Road, Suite 100
Marietta, GA 30062
File #: 21-0028

STATE OF GEORGIA
COUNTY OF COBB

LIMITED WARRANTY DEED

THIS INDENTURE made this 22nd day of March, 2021 between

TH41, LLC, a Georgia limited liability company, a 50% undivided interest

as party or parties of the first part, hereinafter called Grantor, and

Pivotal Enterprises, LLC

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

WITNESSETH that: Grantor, for and in consideration of the sum of TEN DOLLARS and other good and valuable consideration ($10.00) in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property:

See attached Exhibit "A" legal description

Address: Shields Road and N. Henry Blvd

Subject to covenants, restrictions, easements, right of way deeds, agreements, matters of plat, governmental ordinances and other lawful matters affecting said property

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantee against the claims of all persons owning, holding or claiming by, through or under the said Grantor.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this first day and year first above written.

Signed, sealed and delivered in the presence of:

Witness

TH41, LLC, a Georgia limited liability company, a 50% undivided interest

(Seal)
John Hardy Jones, Member

(Seal)

Notary Public

[Affix Notary Seal]

LEIGH ANN GREEN
NOTARY PUBLIC
TROUP COUNTY, GEORGIA
MY COMMISSION EXPIRES JANUARY 29, 2022

Exhibit A

All that tract or parcel of land, containing 15.91 acres, more or less, lying and being in Land Lot 70 and 59 of the 12th District of Henry County, Georgia, as shown on preliminary plat by Bunn Grading Company, Inc., dated 6/14/04, and being more particularly described according to said plat as follows:

COMMENCING at the intersection of the centerline of Askew Road and the northern right of way line of State Route 42 and State 138; thence, Southeasterly a distance of 467.58 feet to an iron pin; thence, North 44 degrees 7 minutes 55 seconds East a distance of 225.72 feet to the POINT OF BEGINNING; thence, North 44 degrees 22 minutes 29 seconds East a distance of 34.28 feet to a point; thence South 51 degrees 13 minutes 8 seconds East a distance of 360.00 feet to a point; thence, North 38 degrees 35 minutes 37 seconds East a distance of 360.00 feet to a point; thence North 51 degrees 32 minutes 18 seconds West a distance of 325.00 feet to a point; thence, North 44 degrees 8 minutes 4 seconds East a distance of 267.48 feet to a point; thence, North 3 degrees 30 minutes 52 seconds West a distance of 113.75 feet to a point, thence; South 89 degrees 57 minutes 37 seconds East a distance of 280.97 feet to a point; thence South 10 degrees 43 minutes 44 seconds West a distance of 45.70 feet to a point; thence, North 89 degrees 58 minutes 34 seconds East a distance of 694.39 feet to a point on the western right of way line of Shields Drive; thence, along a curve having a radius of 793.27 feet, a chord bearing of South 8 degrees 19 minutes 12 seconds East a distance of 115.57 feet to a point; thence, South 31 degrees 10 minutes 46 seconds a distance of 82.49 feet to a point; thence, South 33 degrees 14 minutes 43 seconds East a distance of 306.52 feet to a point; thence South 35 degrees 31 minutes 23 seconds East a distance of 135.04 feet to a point; thence, North 89 degrees 4 minutes 1 second West a distance of 1098.72 feet to a point; thence, South 47 degrees 27 minutes 25 seconds West a distance of 186.88 feet to a point; thence along a curve to the Southwest having a radius of 125.00 feet and a length of 16.90 feet to a point; thence South 38 degrees 42 minutes 36 seconds East a distance of 223.55 feet to a point; thence, North 51 degrees 8 minutes 8 seconds West a distance of 25.00 feet to a point; thence, South 38 degrees 51 minutes 52 seconds West a distance of 28.67 feet to a point; thence North 51 degrees 8 minutes 8 seconds West a distance of 347.38 feet to a point; thence North 51 degrees 7 minutes 4 seconds West a distance of 134.84 feet to the POINT OF BEGINNING.

Parcel ID # S07-01006005 Henry County Georgia tax records and being the same property as conveyed at Deed Book 12441 Page 289 Henry County, Georgia records

EXHIBIT "A" *continued*

LEGAL DESCRIPTION

All that land or parcel lying in Land Lot 59 of the 12th District of Henry County, Georgia containing +/- 2.29 acres and being more particularly described as follows:

Commencing at the intersection of the northerly Land Lot Line of Land Lot 59 and the westerly right of way line of Shields Road (60' right of way) as referenced in deed book 8063 page 272 of the Henry County records; thence in a westerly direction along said Land Lot Line a distance of 1,031.72 feet to a point, said point being the true POINT OF BEGINNING; thence South 00°01'22" West, a distance of 388.88 feet to a point; thence South 38°56'20" West, a distance of 137.41 feet to a point; thence North 50°31'01" West, a distance of 321.51 feet to a point on the westerly right of way line of the proposed Brush Creek Court (50' right of way); thence continuing along said proposed right of way North 38°42'36" East, a distance of 193.44 feet to a point; thence continuing along said proposed right of way line to an arc of a curve to the right, arc distance of 16.90 feet, said arc having a radius of 125.00 feet and subtended by a chord of North 42°35'00" East and a chord distance of 16.89 feet to a point; thence continuing along said proposed right of way North 46°27'25" East, a distance of 186.74 feet to a point on the northerly Land Lot Line of Land Lot 59; thence leaving said proposed right of way and continuing along said Land Lot Line South 89°24'04" East, a distance of 66.90 feet to a point, said point being the true POINT OF BEGINNING.

Containing 99,752 square feet or 2.29 acres, more or less.

ALSO the following described property:

TO ARRIVE AT THE TRUE POINT OF BEGINNING, BEGIN at the intersection of the Northeasterly r/w line of State Hwy. 42-138 (78.7' pave-r/w varies) with the center line of Askew Road, and run thence Southeasterly along the Northeasterly r/w line of State Hw. 42-138 a distance of 949.0 feet to a point the TRUE POINT OF BEGINNING.

FROM THE POINT THUS ARRIVED AT, run thence North 38 degrees 51 minutes 52 second East 255.00 feet to a point; thence South 51 degrees 08 minutes 08 East 30.00 feet to an iron pin placed; thence South 38 degrees 51 minutes 52 seconds West 254.99 feet to a point located on the Northeasterly r/w line of State Hwy. 42-138; thence North 51 degrees 08 minutes 08 seconds West 30.00 feet to the point of beginning.

Parcel Id # S07-01006000 Henry County tax records and being the same property as conveyed at Deed Book 13429 Page 204 Henry County Georgia records

https://search.gsccca.org/Imaging/HTML5Viewer.aspx?id=53840466&key1=13429&key2=204&county=75&countyname=HENRY&userid=122196&app... 1/1

BK:18078 PG:140-143
Filed and Recorded
Apr-30-2021 01:10 PM
DOC# 2021 - 017688
Real Estate Transfer Tax
Paid: $ 193.50
0752021004367
SABRIYA HILL
CLERK OF SUPERIOR COURT
HENRY COUNTY, GA
Participant ID: 6028630192

Please return to:
Sams & Cole, LLC
2809 Lassiter Road, Suite 100
Marietta, GA 30062
File #: 21-0028

STATE OF GEORGIA
COUNTY OF COBB

LIMITED WARRANTY DEED

THIS INDENTURE made this 22nd day of March, 2021 between

Tarzana Properties, LLC, a Georgia limited liability company, a 50% undivided interest

as party or parties of the first part, hereinafter called Grantor, and

Pivotal Enterprises, LLC

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

WITNESSETH that: Grantor, for and in consideration of the sum of TEN DOLLARS and other good and valuable consideration ($10.00) in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property:

See attached Exhibit "A" legal description

Address: Shields Road and N. Henry Blvd

Subject to covenants, restrictions, easements, right of way deeds, agreements, matters of plat, governmental ordinances and other lawful matters affecting said property

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantee against the claims of all persons owning, holding or claiming by, through or under the said Grantor.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this first day and year first above written.

Signed, sealed and delivered in the presence of:

Witness

Tarzana Properties, LLC, a Georgia limited liability company, a 50% undivided interest

(Seal)
Robert C. Baral, Member

(Seal)

Notary Public

[Attach Notary Seal]

Attached to and made a part of: _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Los Angeles)

On Mar 1 22, 20 21 before me, S. Farzam, notary public, personally appeared Robert C. Baral who signed the above-referenced Instrument in my presence and who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within Instrument, and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY of PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature S. Farzam (Seal)
Name:

S. FARZAM
Notary Public - California
Los Angeles County
Commission # 2241815
My Comm. Expires Jun 5, 2022

Exhibit A

All that tract or parcel of land, containing 15.91 acres, more or less, lying and being in Land Lot 70 and 59 of the 12th District of Henry County, Georgia, as shown on preliminary plat by Bunn Grading Company, Inc., dated 6/14/04, and being more particularly described according to said plat as follows:

COMMENCING at the intersection of the centerline of Askew Road and the northern right of way line of State Route 42 and State 138; thence, Southeasterly a distance of 487.58 feet to an iron pin; thence, North 44 degrees 7 minutes 55 seconds East a distance of 225.72 feet to the POINT OF BEGINNING; thence, North 44 degrees 22 minutes 29 seconds East a distance of 34.28 feet to a point; thence South 51 degrees 13 minutes 8 seconds East a distance of 360.00 feet to a point; thence, North 38 degrees 35 minutes 37 seconds East a distance of 360.00 feet to a point; thence North 51 degrees 32 minutes 18 seconds West a distance of 325.00 feet to a point; thence, North 44 degrees 8 minutes 4 seconds East a distance of 267.48 feet to a point; thence, North 3 degrees 30 minutes 52 seconds West a distance of 113.75 feet to a point, thence; South 89 degrees 57 minutes 37 seconds East a distance of 280.97 feet to a point; thence South 10 degrees 43 minutes 44 seconds West a distance of 45.70 feet to a point; thence, North 89 degrees 58 minutes 34 seconds East a distance of 694.39 feet to a point on the western right of way line of Shields Drive; thence, along a curve having a radius of 793.27 feet, a chord bearing of South 8 degrees 19 minutes 12 seconds East a distance of 115.57 feet to a point; thence, South 31 degrees 10 minutes 46 seconds a distance of 82.49 feet to a point; thence, South 33 degrees 14 minutes 43 seconds East a distance of 306.52 feet to a point; thence South 35 degrees 31 minutes 23 seconds East a distance of 135.04 feet to a point; thence, North 89 degrees 4 minutes 1 second West a distance of 1098.72 feet to a point; thence, South 47 degrees 27 minutes 25 seconds West a distance of 186.88 feet to a point; thence along a curve to the Southwest having a radius of 125.00 feet and a length of 16.90 feet to a point; thence South 38 degrees 42 minutes 36 seconds East a distance of 223.55 feet to a point; thence, North 51 degrees 8 minutes 8 seconds West a distance of 25.00 feet to a point; thence, South 38 degrees 51 minutes 52 seconds West a distance of 28.67 feet to a point; thence North 51 degrees 8 minutes 8 seconds West a distance of 347.38 feet to a point; thence North 51 degrees 7 minutes 4 seconds West a distance of 134.84 feet to the POINT OF BEGINNING.

Parcel ID # S07-01006005 Henry County Georgia tax records and being the same property as conveyed at Deed Book 12441 Page 289 Henry County, Georgia records

EXHIBIT "A" *continued*

LEGAL DESCRIPTION

All that land or parcel lying in Land Lot 59 of the 12th District of Henry County, Georgia containing +/- 2.29 acres and being more particularly described as follows:

Commencing at the intersection of the northerly Land Lot Line of Land Lot 59 and the westerly right of way line of Shields Road (60' right of way) as referenced in deed book 8063 page 272 of the Henry County records; thence in a westerly direction along said Land Lot Line a distance of 1,031.72 feet to a point, said point being the true POINT OF BEGINNING; thence South 00°01'22" West, a distance of 388.88 feet to a point; thence South 38°56'20" West, a distance of 137.41 feet to a point; thence North 50°31'01" West, a distance of 321.51 feet to a point on the westerly right of way line of the proposed Brush Creek Court (50' right of way); thence continuing along said proposed right of way North 38°42'36" East, a distance of 193.44 feet to a point; thence continuing along said proposed right of way line to an arc of a curve to the right, arc distance of 16.90 feet, said arc having a radius of 125.00 feet and subtended by a chord of North 42°35'00" East and a chord distance of 16.89 feet to a point; thence continuing along said proposed right of way North 46°27'25" East, a distance of 186.74 feet to a point on the northerly Land Lot Line of Land Lot 59; thence leaving said proposed right of way and continuing along said Land Lot Line South 89°24'04" East, a distance of 66.90 feet to a point, said point being the true POINT OF BEGINNING.

Containing 99,752 square feet or 2.29 acres, more or less.

ALSO the following described property:

TO ARRIVE AT THE TRUE POINT OF BEGINNING, BEGIN at the intersection of the Northeasterly r/w line of State Hwy. 42-138 (78.7' pave-r/w varies) with the center line of Askew Road, and run thence Southeasterly along the Northeasterly r/w line of State Hw. 42-138 a distance of 949.0 feet to a point the TRUE POINT OF BEGINNING.

FROM THE POINT THUS ARRIVED AT, run thence North 38 degrees 51 minutes 52 second East 255.00 feet to a point; thence South 51 degrees 08 minutes 08 East 30.00 feet to an iron pin placed; thence South 38 degrees 51 minutes 52 seconds West 254.99 feet to a point located on the Northeasterly r/w line of State Hwy. 42-138; thence North 51 degrees 08 minutes 08 seconds West 30.00 feet to the point of beginning.

Parcel Id # S07-01006000 Henry County tax records and being the same property as conveyed at Deed Book 13429 Page 204 Henry County Georgia records

https://search.gsccca.org/Imaging/HTML5Viewer.aspx?id=63840498&key1=13429&key2=204&county=75&countyname=HENRY&userid=122198&app... 1/1

https://search.gsccca.org/Imaging/HTML5Viewer.aspx?id=78542438&key1=18078&key2=137&county=75&countyname=HENRY&userid=251358&a... 7/13

Applicant Campaign Disclosure Form

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

Has the applicant made, within two (2) years immediately preceding the filing of this application for a rezoning, campaign contributions aggregating $250 or more, or made gifts having in the aggregate a value of $250 or more to a member of the City of Stockbridge Planning Commission or Stockbridge City Council who will consider the application?

Yes_____No X

If Yes, the applicant and the attorney representing the applicant must file the following information with the City of Stockbridge Planning and Zoning Division within ten (10) days after this application is first filed:

Planning Commissioner and/or City Council Member Name	Dollar Amount of Campaign Contribution	Description of Gift $250 or greater, which was given to Board Member

We certify that the foregoing information is true and correct, this 2nd day of May, 2024.

Applicant's Name - Printed

Signature of Applicant/Property Owner/Agent

Michele L. Battle

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 2nd day of May, 2024.

Notary Public

BATOYA CLEMENTS NOTARY PUBLIC GEORGIA GWINNETT COUNTY EXPIRES May 4, 2024

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

Applicant Campaign Disclosure Form

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

Has the applicant made, within two (2) years immediately preceding the filing of this application for a rezoning, campaign contributions aggregating $250 or more, or made gifts having in the aggregate a value of $250 or more to a member of the City of Stockbridge Planning Commission or Stockbridge City Council who will consider the application?

Yes_____ No X

If **Yes**, the applicant and the attorney representing the applicant must file the following information with the City of Stockbridge Planning and Zoning Division within ten (10) days after this application is first filed:

Planning Commissioner and/or City Council Member Name	Dollar Amount of Campaign Contribution	Description of Gift $250 or greater, which was given to Board Member

We certify that the foregoing information is true and correct, this 2nd day of May, 2024

Eaman Fatemi - Member
Applicant's Name - Printed

Signature of Applicant/Property Owner/Agent

Michele L. Battle
Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 2nd day of May, 2024

RHONDA Y WHITEHEAD COMBS NOTARY PUBLIC MY COMMISSION EXPIRES 02/25/2027 HENRY COUNTY, GEORGIA

Rhonda Y. Whitehead-Combs
Notary Public

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

NOTE: If the proposed development site would contain more than one property, and/or more than one property owner, please first type a list on a separate sheet of paper which identifies each property (address and/or parcel number) and its corresponding property owner(s). Then fill out a separate Property Owner's Authorization Form (provided below) for each property and each property owner.

PROPERTY OWNER'S AUTHORIZATION FORM (See NOTE above.)

The undersigned below is the PROPERTY OWNER, or one of the property owners, of the property at _____ [address], with Parcel Number S07-01006000, which is the subject of this application.

Name of Property Owner: Pivotal Enterprises LLC

Property Owner's Address: 1705 Enterprise Way Ste S-100 Marietta, GA 30067

Telephone: 770-527-8582 E-mail: olympiamike@bellsouth.net

I swear that I am the Property Owner, or one of the Property Owners, of the property that is the subject matter of the attached application, as is shown in the tax assessors' records of Henry [County], Georgia [State].

Signature: _____ - Eamon Fitemi - Member Date: 3/25/2024

The undersigned does duly authorize the person(s) and/or company who is named below to act as APPLICANT(S) in the pursuit of this application for the subject property.

Name(s) of Applicant(s): _____

Company/law firm (if applicable): Battle Law P.C.

Telephone, E-Mail, & Address: 404-601-7616 , mlb@battlelawpc.com, and

3562 Habersham at Northlake Bldg J, Suite 100 Tucker, GA 30084

I authorize the Applicant or Applicants who are named above to act on my behalf for this application.

_____ _____

Signature of Property Owner, who swears that the information which is contained in this Property Owner's Authorization is true and correct to the best of his or her knowledge and belief.

Signature of Notary Public

RHONDA Y WHITEHEAD COMBS NOTARY PUBLIC HENRY COUNTY GEORGIA MY COMMISSION EXPIRES 02/25/2027

Rhonda Y. Whitehead-Combs

Printed Name of Notary Public

3/25/2024 3/25/2024

Date Date

Notary Public's Seal or Stamp:

playground

L.L. 70

APPROX. LAND LOT LINE

L.L. 59

sports field

gazebo
school bus
waiting area

monument sign

S.S.E.

Brush Creek Court

(50' r/w)

50'

20' BL

10'

*guest parking

2' grass strip

50' r/w

26' back of curb to back of curb

20'

20' SSE

15' BL

clubhouse

20' private alley

30' planted buffer

Waffle House

commercial/retail

Rezoning Plat

Brush Creek Commons

City of Stockbridge, Georgia Land Lots 59 and 70, 12th District

prepared for:
Pivotal Enterprises, LLC
1705 Enterprise Way
Marietta, Georgia 30067

0 25 50 100 200

Scale: 1" = 50'

DGM
LAND PLANNING CONSULTANTS, INC.
1635 OLD HWY 41
SUITE 112–314
KENNESAW, GA 30152
770–514–9006
DGMLPC.COM

Phase 2

2.28 AC

Existing zoning:	**C2**
Proposed zoning:	**MFR**
Total Units:	**20**
(24'w x 50'd)	



Battle Law

STATEMENT OF INTENT

and

Other Material Required by
Stockbridge Zoning Ordinance
For
A Future Land Use Amendment from LDMU to MDR
and
A Rezoning from C2 to MFR

of

Pivotal Enterprises, LLC
c/o Battle Law, P.C.

for

+/- 2.28 Acres of Land
Being Brush Creek Court
Stockbridge, Georgia and
Parcel Nos. S07-01006000

Submitted for Applicant by:

Michèle L. Battle, Esq.
Joshua S. Mahoney, Esq.
Battle Law, P.C.
Habersham at Northlake, Building J, Suite 100
Tucker, Georgia 300384
(404) 601-7616 Phone
(404) 745-0045 Facsimile
mlb@battlelawpc.com

Battle Law

I. LETTER OF INTENT

Pivotal Enterprises, LLC (the "Applicant") is seeking to develop 19 townhome units on +/- 2.28 acres of land being Tax Parcel No. S07-01006000 having frontage on Brush Creek Court (the "Subject Property"). The Applicant is seeking a future land use map designation change to MDR and a rezoning of the Subject Property to MFR. These two changes will allow for the property to be unified with the existing adjacent Brush Creek Commons development. As currently zoned, the Subject Property has no reasonable economic use because the commercial requirements of its current zoning are not supported by its hidden position behind another commercial development. Adding 20 townhome units to the Brush Creek Commons HOA will spread the burden of maintaining the community's amenities. This document serves as a statement of intent and contains notice of constitutional allegations as a reservation of the Applicant's rights.

II. NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONTITUTIONAL RIGHTS

The portions of the Stockbridge Zoning Ordinance, facially and as applied to the Subject Property, which restrict or classify or may restrict or classify the Subject Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The application of the Stockbridge Zoning Ordinance to the Subject Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia.

Battle Law

A refusal by the Stockbridge City Council to amend the land use and/or rezone the Subject Property to the classification as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any future land use map amendment or rezoning of the Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

A refusal to allow the future land use map amendment or rezoning in question would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

A refusal to allow the future land use map amendment or rezoning in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law, O.C.G.A Section 36-66/1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

The existing land use designation and/or zoning classification on the Subject Property is unconstitutional as it applies to the Subject Property. This notice is being given to comply with the provisions of O.C.G.A. Section 36-11-1 to afford the County an opportunity to revise the Property to a constitutional classification. If action is not taken by the County to rectify this unconstitutional land use designation and/or zoning classification within a reasonable time, the Applicant is hereby placing the County on notice that it may elect to file a claim in the Superior Court of Henry County demanding just and adequate compensation under Georgia law for the taking of the Subject Property, diminution of value of the Subject Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.

Michele L. Battle, Esq.
Attorney for the Applicant

CITY OF STOCKBRIDGE
4640 NORTH HENRY BOULEVARD
STOCKBRIDGE, GEORGIA 30281
PHONE 770 -389-7901 FAX 770-692-2690

April 10,2024

To Whom It May Concern:

This is to verify that the City of Stockbridge services water and sewer for Brush Creek Subdivision.

If you have any questions, please call the Utility Billing Department in City Hall at 770-389-7901.

Thank You

Kimberly Barnett
Utility Billing Supervisor

STAFF REPORT (DRAFT)

TO: Mayor and City Council
Planning Commission

FROM: Linda M. Logan, Senior Planner, Planning and Zoning Division

CC: Ryan Anderson, Community Development Director
Keedra Jackson, Chief Planner

DATE: November 21, 2024 and December 9, 2024

SUBJECT: **Staff Report for Comprehensive Plan Amendment Case #CP-2024-03: Brush Creek Commons, Phase 2, on the East Side of Brush Creek Court (Parcel #S07-01006000)**

I. PURPOSE

The applicant/developer, Pivotal Enterprises, LLC (represented by Battle Law, P.C.), requests a Comprehensive Plan Amendment for Parcel #S07-01006000, which is located on the east side of Brush Creek Court, for the purpose of changing the property's future land use designation from Low-Density Mixed-Use to Medium-Density Residential to allow for the development of twenty (20) townhomes on 2.28 acres via the approval of CP-2024-03. The applicant also seeks to designate Parcel #S07-01006000 as Phase 2 of the Brush Creek Commons townhome development on the west side of Brush Creek Court (Phase 1), which is currently under construction with forty-one (41) townhomes. The applicant wishes to add Phase 2 to the Phase 1 development in order to create one community. By having more homeowners to share in the cost of the HOA for Phase 1, this would reduce the tax burden of the Brush Creek Commons, Phase 1 residents. The applicant/developer had considered making the Phase 2 site an entirely separate development, but this would require that Phase 2 have its own amenities and its own HOA.

The applicant has also submitted two other relevant applications, as are listed below. If CP-2024-03 is approved, the property may also be rezoned via RZ-2024-03.

~ Rezoning Case #RZ-2024-03—The applicant requests that Parcel #S07-01006000 be rezoned from C-2 (General Commercial) to MFR (Multiple-Family Residential).

~ Zoning Modification Case #ZM-2024-01—The applicant requests that Parcel #S07-01006000 on the east side of Brush Creek Court (the Phase 2 parcel) becomes a part of the overall Brush Creek Commons townhome development by combining it with Parcel #S07A01100000 on the west side of Brush Creek

Court (the Phase 1 parcel). The approval of ZM-2024-01 would allow the Phase 2 parcel to be developed with 20 townhomes on 2.28 +/- acres as an addition to the 41 townhomes which are being constructed on the Phase 1 parcel, which has 15.74 +/- acres (excluding right-of-way areas). The combined development would have 61 total townhomes on 18.02 +/- acres, for an overall density of 3.39 units per acre.

The filing of the ZM-2024-01 application was necessary to request changes to the Brush Creek Commons development and site plan which had been approved by City Council on November 14, 2022 for the applicant's previous zoning modification case, #ZM-2022-01. The purpose of ZM-2022-01 was to allow various changes to the site plan and required amenities that were specified in the original rezoning of the property via Rezoning Case #RZ-03-04. The approval of ZM-2022-01 was based on a new site plan. A new final plat was approved by the Community Development Department and then officially recorded on September 12, 2003 (in Book 63, Pages 299-308) in Henry County Superior Court. An associated Amendment to a previously-approved Development Agreement was also approved as an agreement between the City of Stockbridge and the developer for how the property was to be developed, including certain conditions. The approval of ZM-2022-01 specified a maximum number of 41 units for Brush Creek Commons, along with a considerable number of required amenities. The applicant had applied for ZM-2022-01 for the purpose of reducing the number of amenities which were required by the original rezoning of the property under RZ-03-04 and its associated Development Agreement.

The approved site plan under ZM-2022-01 did not designate Parcel #S07-01006000 for future development as Phase 2. It was simply shown as vacant land on the Boundary Survey of the ZM-2022-01 application for Brush Creek Commons. The site plan for the Phase 1 development was officially recorded on September 12, 2023.

Now, Phase 1 is under construction, and the aerial photo of Parcel #S07A01100000 shows that an individual parcel has been created for each of the 41 approved townhome lots. (Prior to the creation of the townhome lots, the parent parcel was known as Parcel #S07-01006005.) Phase 2 would add 20 more units; thus, the entire development would have 61 units if ZM-2024-01 is approved.

The applicant's Letter of Intent states that the purpose of ZM-2024-01 is to modify the Conditions of the original rezoning of the Phase 1 property via RZ-03-04, subject to the Conditions from Exhibit A, to allow for and include the development of Phase 2. The approval of ZM-2024-01 would be followed by a third Amendment to the Development Agreement, which would also contain an amendment to the Declaration of Restrictive Covenants. The third Amendment to the Development Agreement would need to be approved by City Council. It would be drafted by the City Attorney or City Zoning Attorney and the applicant's attorney as an agreement between the City of Stockbridge and the applicant/developer. The purposes of the Third Amendment would be the following:

1. Allow the expansion of the boundaries of the previously-approved development for Brush Creek Commons to include Parcel #S07-01006000.

2. Allow the increase in the number of townhome lots and units from the previously-approved maximum of 41 units to 61 units to accommodate 20 more townhome lots and units to be constructed on Parcel #S07-01006000.
3. Allow the approval of a new overall site plan to include a design for Parcel #S07-1006000.
4. Allow the amenities which were previously-approved for the Phase 1 site plan to also be used by the residents of the Phase 2 site.
5. Allow the HOA which serves the Phase 1 site to also serve the Phase 2 site.
6. Provide exemptions for the Phase 2 site so that it would not be required to have its own separate amenities and HOA.

III. ZONING HISTORY

The Brush Creek Commons property was rezoned on July 14, 2003 via Rezoning Case #RZ-03-04, from R-2 (Single-Family Residential) to RM-2 (Residential Multifamily--Townhomes). Along with the rezoning was an approved Development Agreement, dated July 21, 2003 (between the City of Stockbridge and Royce Grant), which was approved via Ordinance #03-60, effective on March 10, 2003. The approval of the rezoning was not an approval of the conceptual site plan. Its boundaries, though, did show the inclusion of Parcel #S07-01006000, although it was not marked as Phase 2.

The original Development agreement listed twelve (12) Conditions of approval in Exhibit A. They specified the specific amenities which the developer was required to provide, as well as various architectural and other requirements. The developer was also required to meet the requirements of the RM-2 (Residential-Multifamily-Townhomes) zoning district. RM-2 was one of the previous zoning districts (along with RM-1 and RM-3) which merged to form the current MFR (Multifamily Residential) zoning district. Two Amendments to the Development later were approved for a new property owner, Timberline Group, LLC. The First Amendment, which was approved on December 3, 2004, imposed the maximum allowable number of townhome units to be built as forty-one (41). The Second Amendment, which was approved on August 13, 2007, allowed a variance to reduce the front yard setback requirement to ten (10) feet.

The Development Agreement made provisions for the future development of Brush Creek Commons. The original conceptual site plan included the Phase 2 parcel, without designating it as Phase 2. Paragraph 13, entitled “Future Changes in Development Standards”, states as follows:

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.

Pivotal Enterprises became the new owner of the property, and it applied for a Zoning Modification via ZM-2022-01, which was approved by City Council on November 14, 2022 via Ordinance #ZM-2022-01. Its purpose was to allow various changes to the site plan and required amenities that were specified in the original rezoning of the property via Rezoning Case #RZ-03-04. The approval of ZM-2022-01 was based on a new site plan which the applicant had prepared. (The current UDC does not list required amenities for multifamily projects.) The applicant had cited the presence of floodplains and wetlands, which comprise 5.459 acres of the total 15.74-acre site, as being one of the reasons why some of the previously-required amenities could not be installed. Other reasons included the anticipated high HOA maintenance costs and impractical locations. The approval of ZM-2022-01 still required the development to comply with the remaining zoning conditions of the original RZ-03-04 rezoning and development agreements.

A more detailed zoning history of the subject property appears in the Appendix of this report.

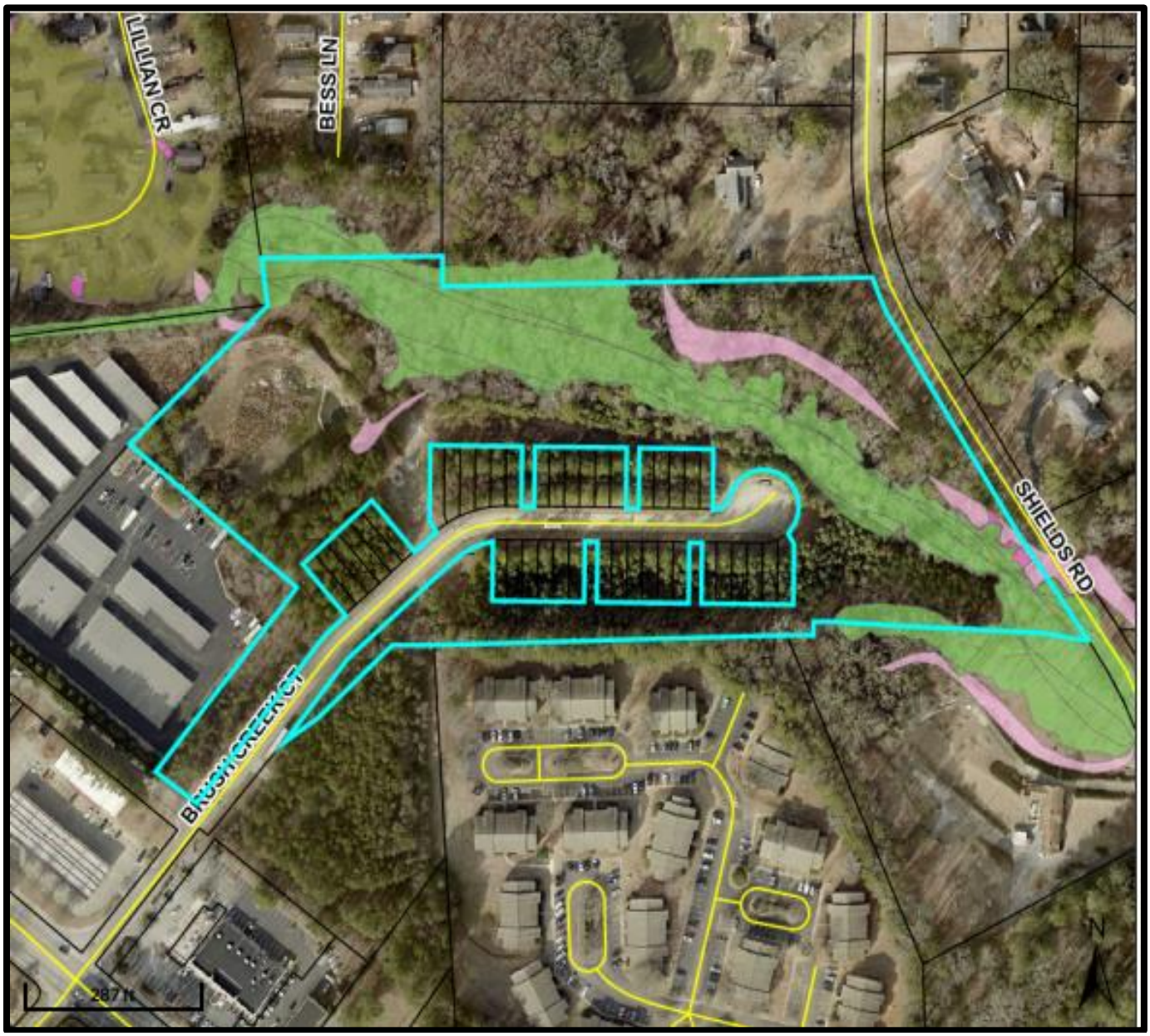
IV. PROPERTY DATA (TABLE 1)

Descriptive Factor	**Research Findings**
Applicant and Owner	Pivotal Enterprises, LLC.
Proposed Development	Expansion of the 41-unit Brush Creek Commons townhome development by adding an adjacent parcel and developing it with 20 more townhomes.
Parcel Identifications (no addresses)	• Phase 1 Parcel--S07A01100000 (previously known as Parcel #S07-01006005 prior to the creation of the 41 townhome lots). In Land Lots 59 & 71 of District 12. • Phase 2 Parcel—S07-01006000. In Land Lot 59 of District 12.
Parcel Acreage	• Brush Creek Commons, Phase 1 Parcel—Has 15.74 +/- acres, of which 5.459 acres lie within a floodplain. • Brush Creek Commons, Phase 2 Parcel--Has 2.28 +/- acres. • Combined Sites—18.02 +/- acres.
Environmental Conditions	• Brush Creek Commons, Phase 1 Parcel—Is fairly level. Floodplains and wetlands are present at the rear of the property near Brush Creek. Townhome construction is underway. • Brush Creek Commons, Phase 2 Parcel—Is fairly level, wooded, and vacant. Property access exists via a 30-foot Access Easement off North Henry Boulevard to Brush Creek Court.
Property Access	Brush Creek Court, off North Henry Boulevard.

Current City Zoning	Phase 1 Parcel—Zoned 'MFR' (Multiple Family Residential). Phase 2 Parcel—Zoned 'C-2' (General Commercial). Both Parcels--Are not located in the Parkway Mixed-Use Overlay District.
Surrounding Zoning	• North—MHR (Mobile Home Residential) and SR (Suburban Residential) districts. • South—C-2 (General Commercial), MFR (Multiple Family Residential), and SR (Suburban Residential) districts. • East—SR (Suburban Residential) district. • West—C-3 (Heavy Commercial) and C-2 (General Commercial) districts.
Future Land Use Designation	• Phase 1 Parcel—Medium-Density Residential. • Phase 2 Parcel—Low-Density Mixed-Use.
Surrounding Land Uses	• North—Two mobile home parks and Meadow Ridge Subdivision. • South—Commercial uses (QuikTrip and Waffle House) and an apartment community. • East—Meadow Ridge Subdivision and individual single-family residences. • West—Commercial uses.

AERIAL PHOTOGRAPH OF BRUSH CREEK COMMONS, PHASE 1 TOWNHOME DEVELOPMENT SITE
Parcel #S07A01100000

Frontages on Brush Creek Court and Shields Road
Accessed from Brush Creek Court Only



LEGEND: **Green—100-Year Flood** **Pink—500-Year Flood**

AERIAL PHOTOGRAPH OF BRUSH CREEK COMMONS, PHASE 2
PROPOSED TOWNHOME DEVELOPMENT SITE
Parcel #S07-01006000

Frontages on North Henry Boulevard and Brush Creek Court
Accessed from Brush Creek Court

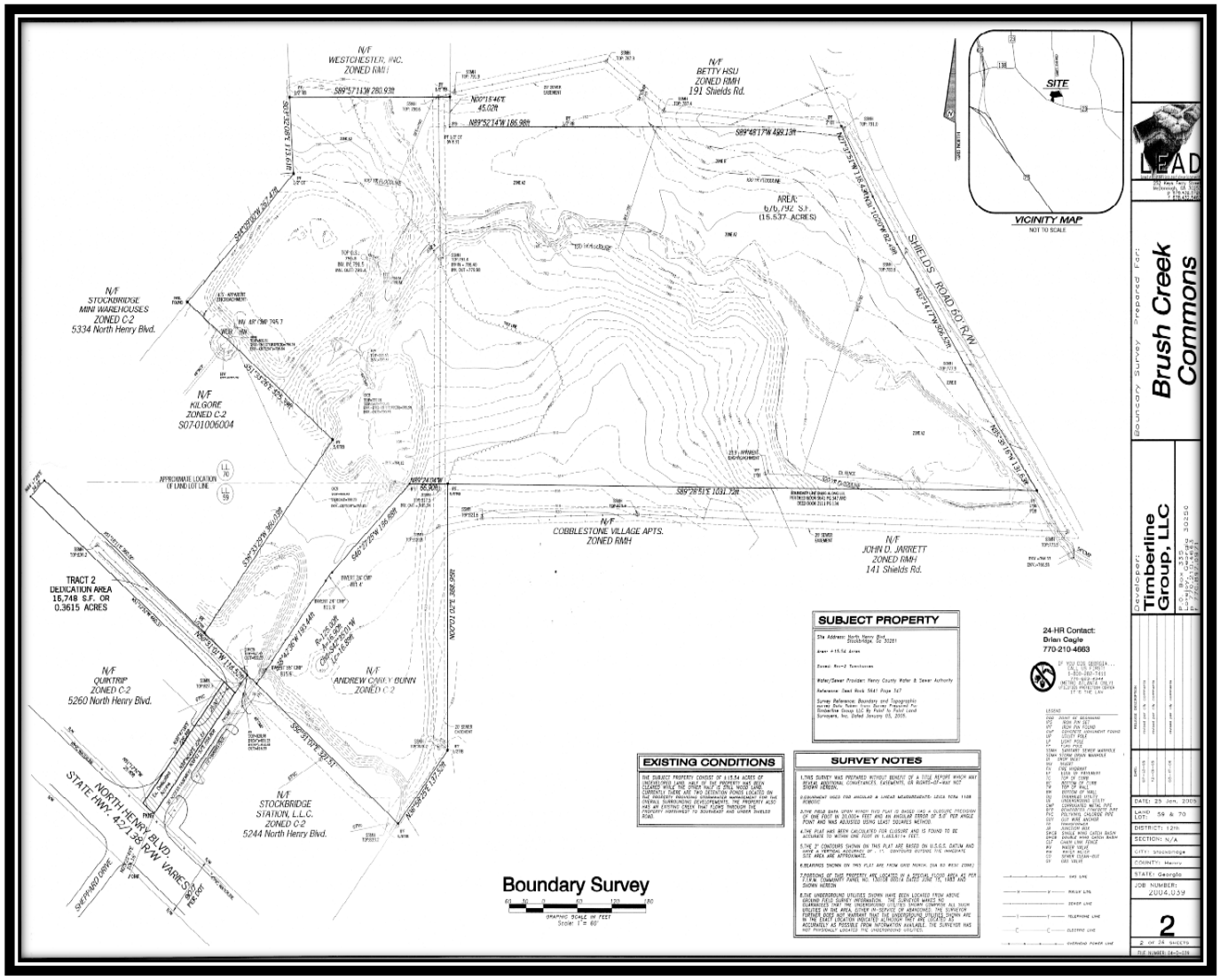
Green—100-Year Floodplain Area Pink—500-Year Floodplain Area



AERIAL PHOTOGRAPH WITH PROPOSED OVERALL BOUNDARY FOR PHASE 1 AND PHASE 2



BOUNDARY SURVEY OF BRUSH CREEK COMMONS, PHASES 1 & 2



PROPOSED PHASE 2 ADDITION TO THE PHASE 1 BOUNDARY



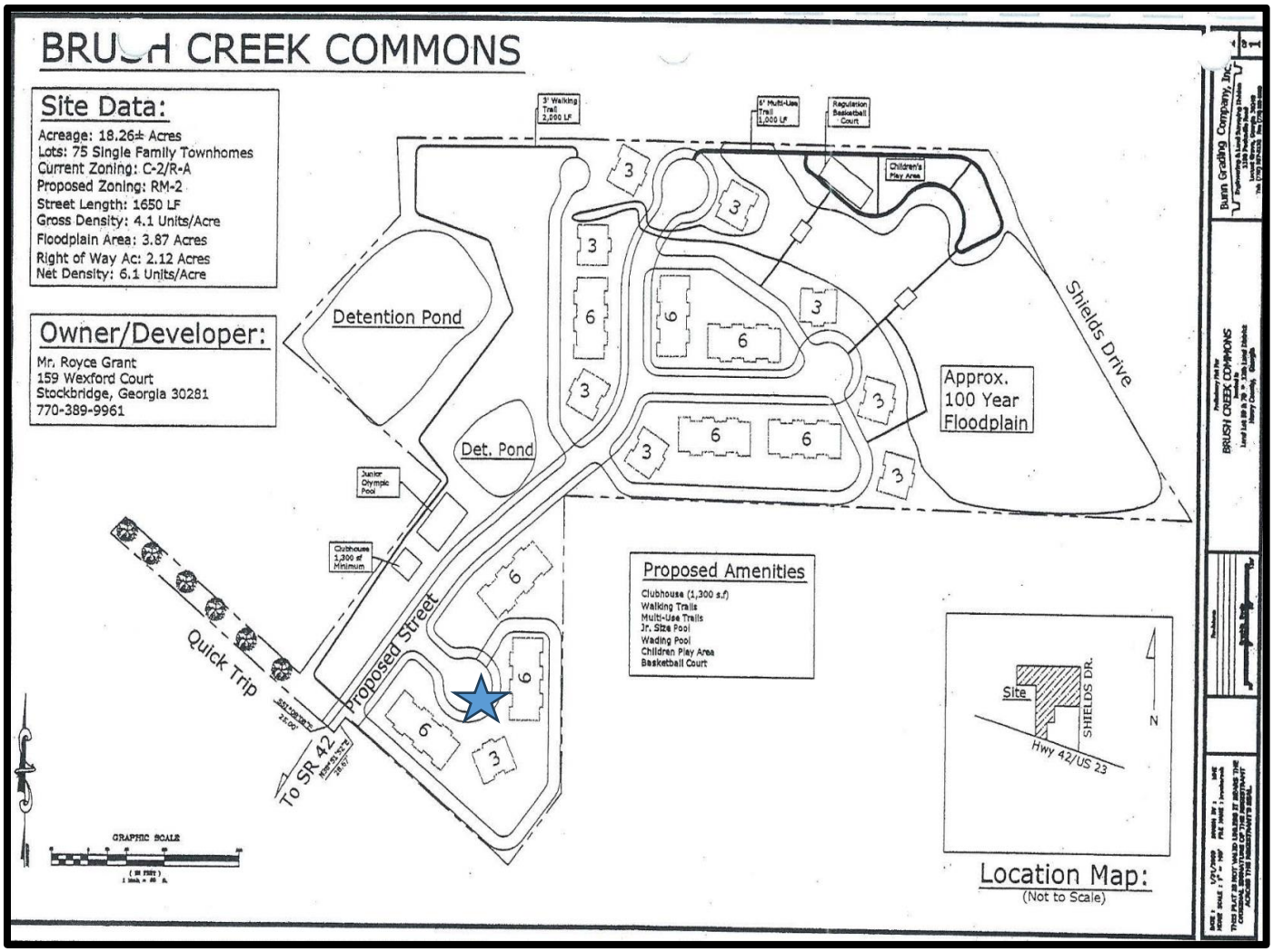
PHASE 1 PROPOSED BOUNDARY EXPANSION



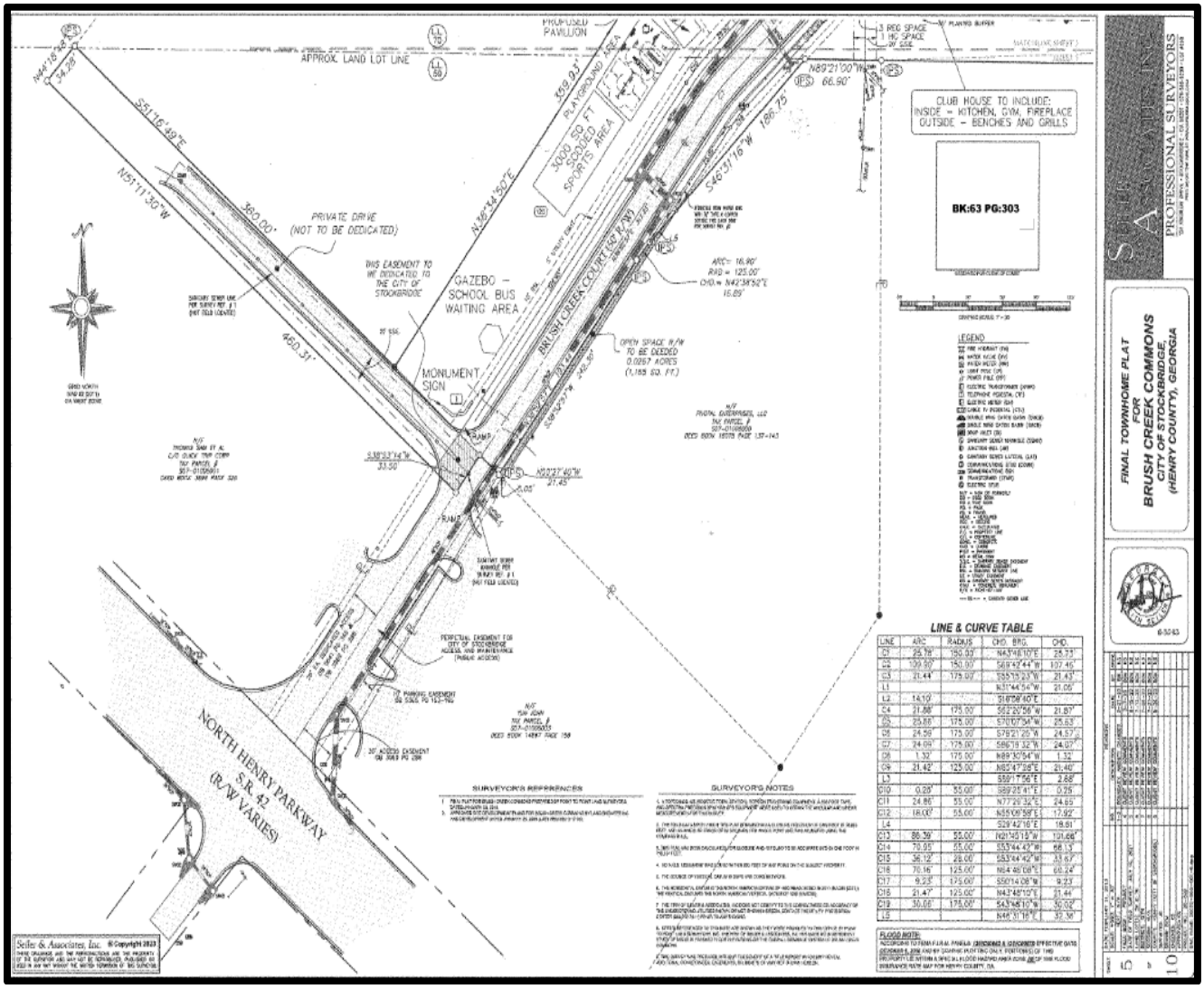
ORIGINAL CONCEPTUAL SITE PLAN FOR BRUSH CREEK COMMONS FROM 2003, SHOWING THE INCLUSION OF THE PHASE 2 PARCEL WITH THE PHASE 1 PARCEL

CONCEPTUAL SITE PLAN PREPARED BY BUNN GRADING COMPANY, INC. IN 2003

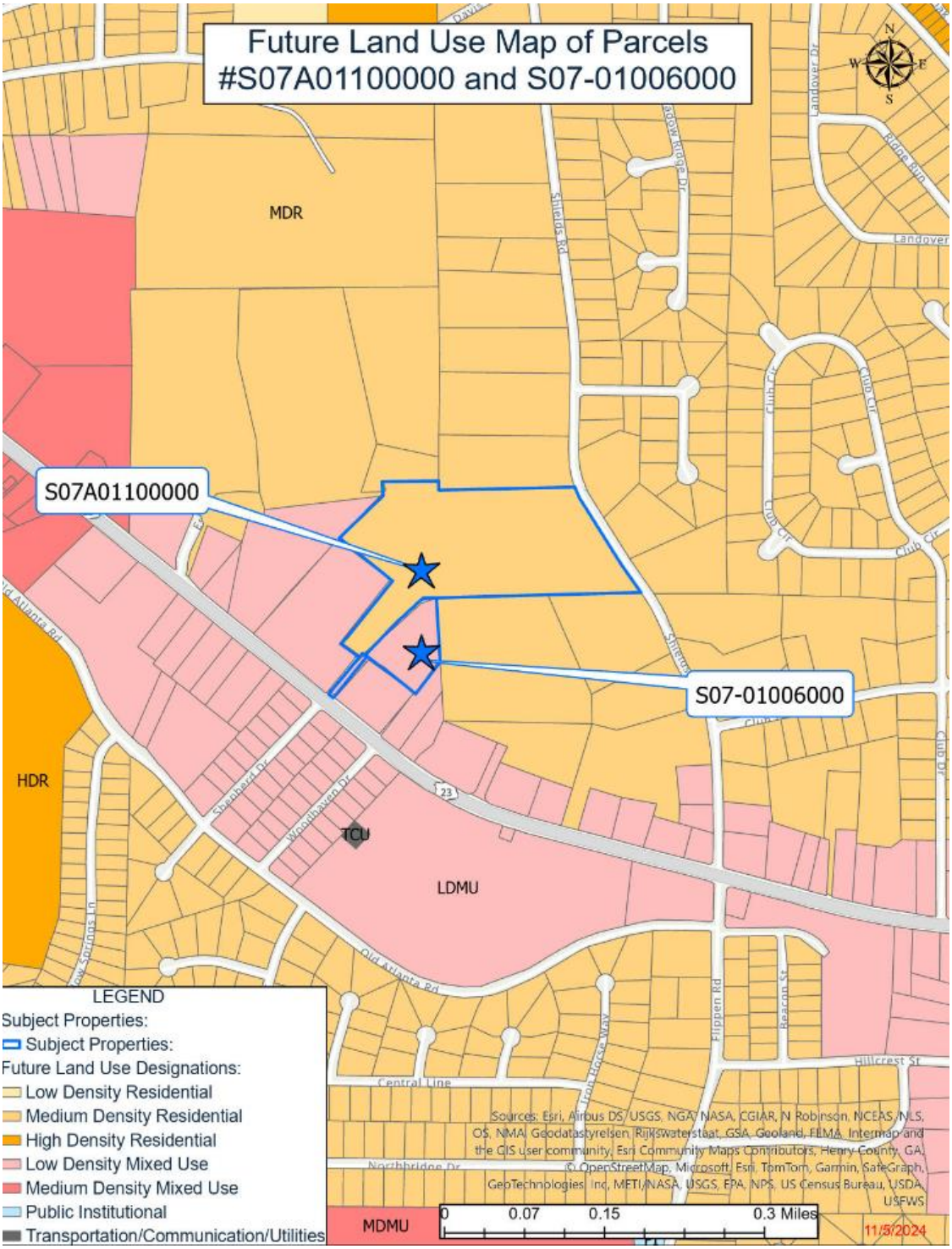
BLUE STAR—SITE OF BRUSH CREEK COMMONS, PHASE 2



CLOSEUP VIEW OF PROPERTY ACCESS FROM NORTH HENRY BOULEVARD AND BRUSH CREEK COURT

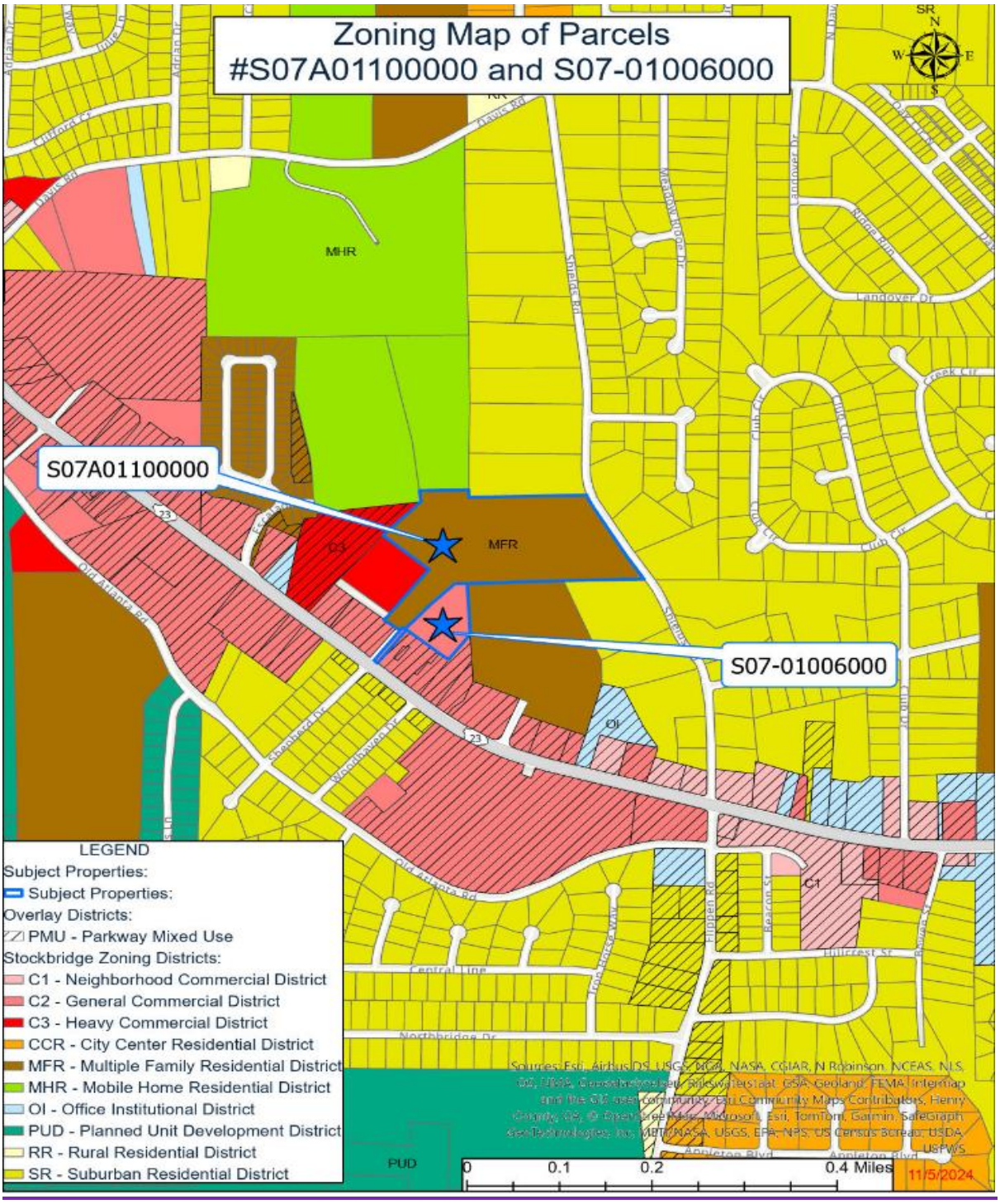


FUTURE LAND USE MAP FOR BRUSH CREEK COMMONS, PHASE 1 AND PHASE 2



City of Stockbridge, Georgia Community Development Department; Nov. 21, 2024 and Dec. 9, 2024

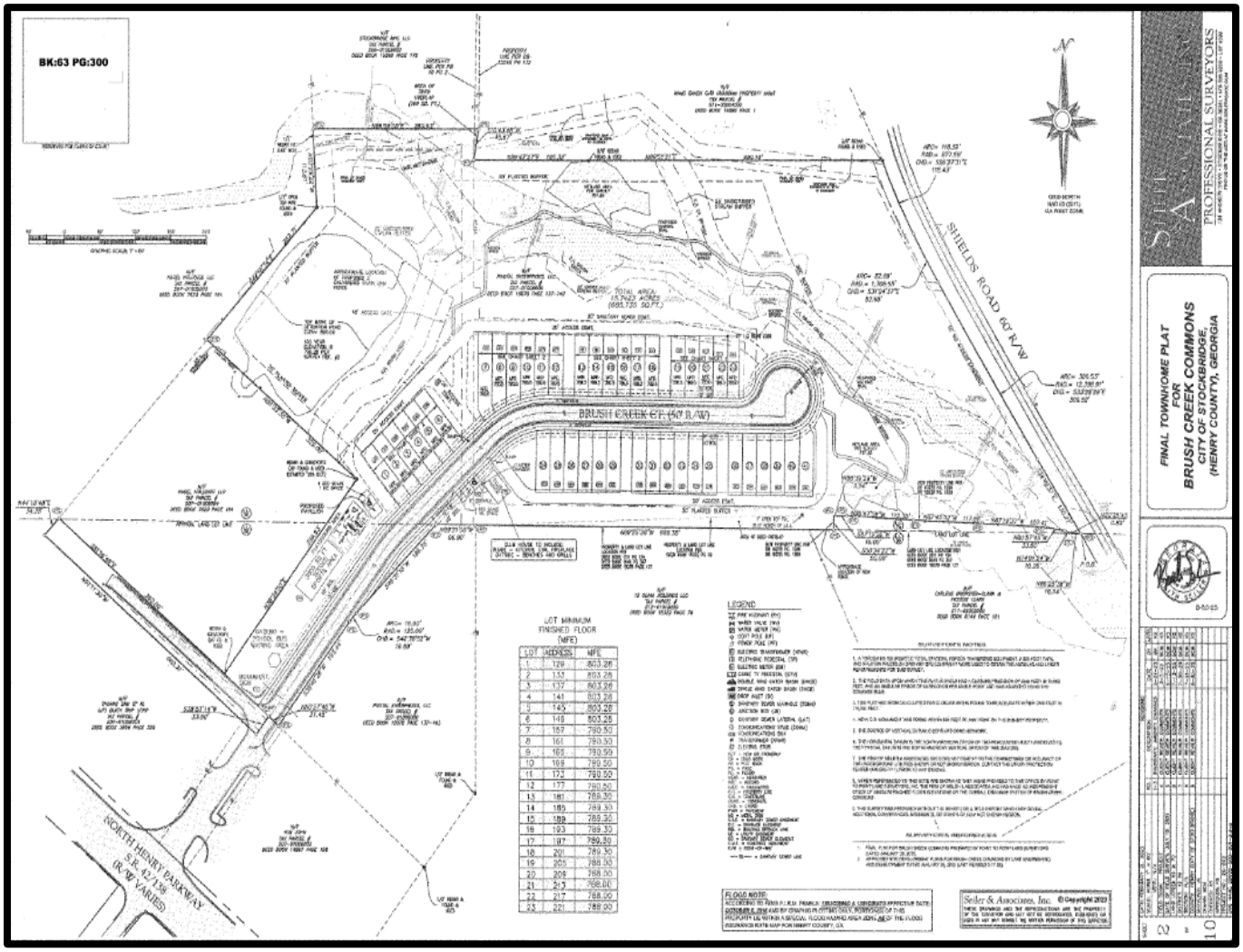
ZONING MAP FOR BRUSH CREEK COMMONS, PHASE 1 AND PHASE 2



City of Stockbridge, Georgia Community Development Department; Nov. 21, 2024 and Dec. 9, 2024

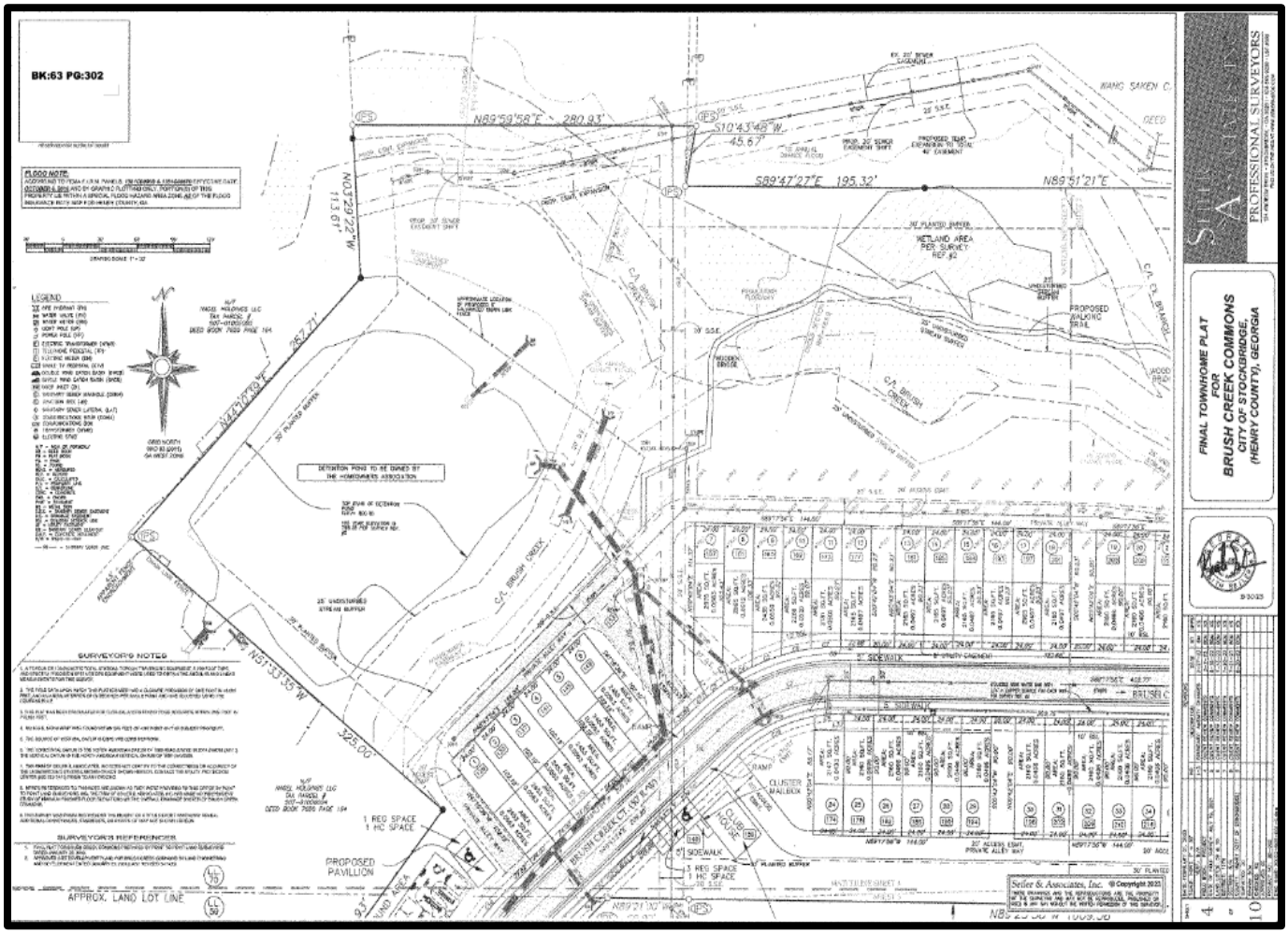
APPROVED AND RECORDED SITE PLAN FOR BRUSH CREEK COMMONS, PHASE 1
TOWNHOME DEVELOPMENT VIA ZM-2022-01

Recorded on September 12, 2023 in Book 63, Page 300



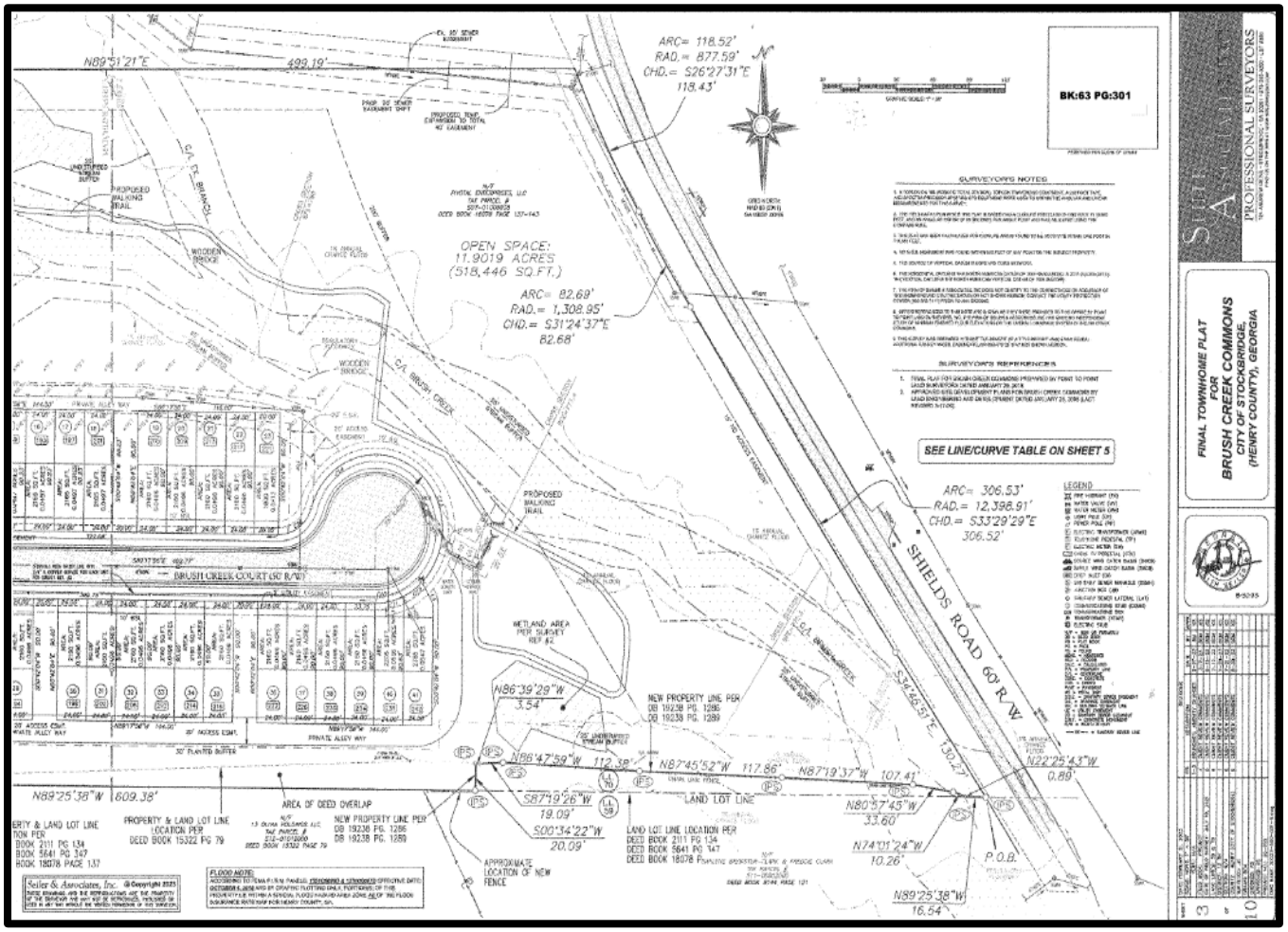
APPROVED SITE PLAN FOR BRUSH CREEK COMMONS, PHASE 1 TOWNHOME DEVELOPMENT VIA ZM-2022-01: <u>WESTERN SIDE</u>

Recorded on September 12, 2023 in Book 63, Page 302



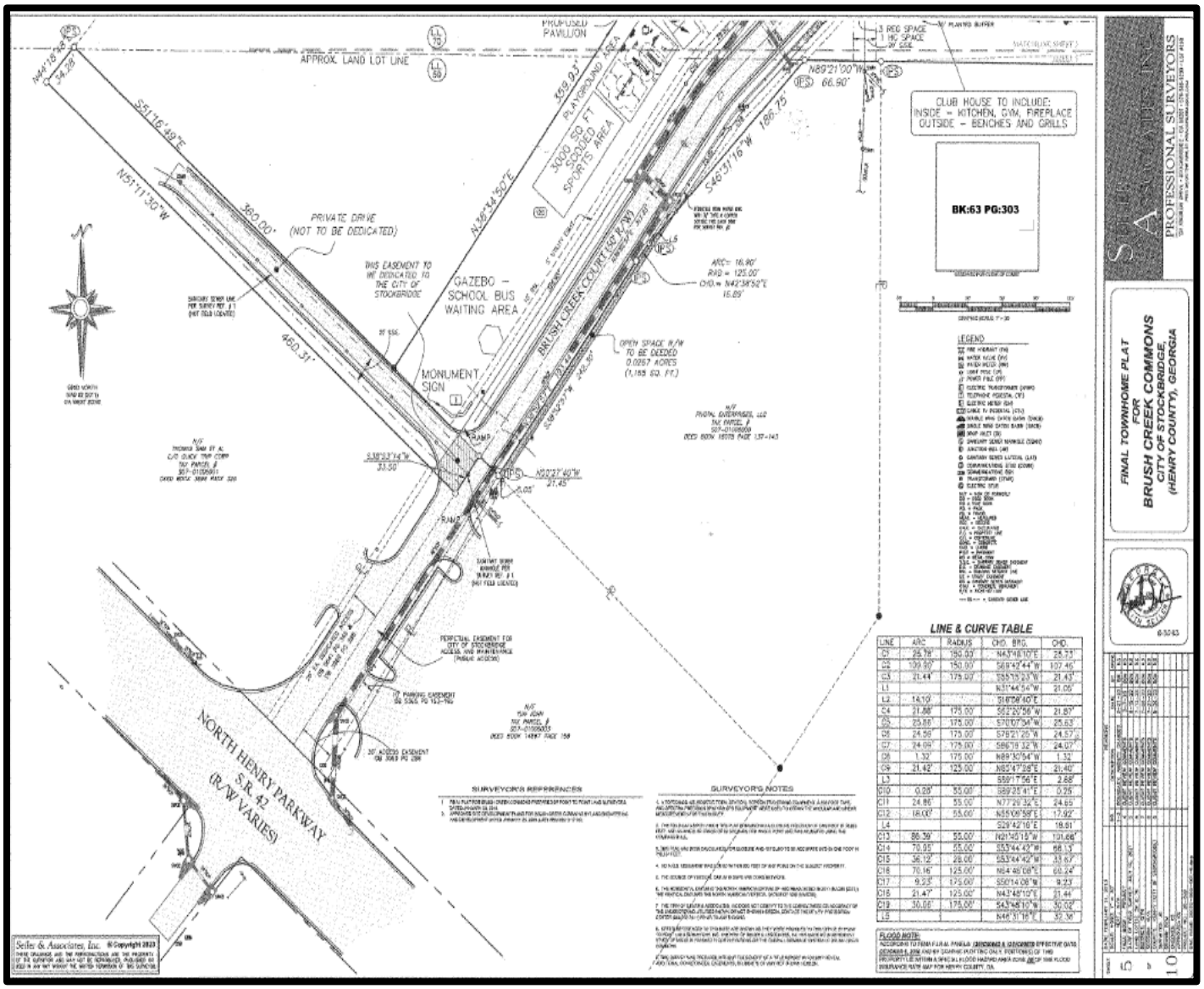
APPROVED SITE PLAN FOR BRUSH CREEK COMMONS, PHASE 1 TOWNHOME DEVELOPMENT VIA ZM-2022-01: EASTERN SIDE

Recorded on September 12, 2023 in Book 63, Page 301



CLOSEUP VIEW OF PROPERTY ACCESS FROM NORTH HENRY BOULEVARD AND BRUSH CREEK COURT

Recorded on September 12, 2023 in Book 63, Page 303



V. PROPOSED DEVELOPMENT

A. Intent. The applicant/developer requests to rezone Parcel #S07-01006000 on the east side of Brush Creek Court from C-2 (General Commercial) to MFR (Multiple-Family Residential) to allow for the development of twenty (20) townhomes on the property via RZ-2024-03. If the rezoning is approved, the applicant also wishes, via ZM-2024-01, to combine Parcel #S07-01006000 with Parcel #S07A01100000 on the west side of Brush Creek Court, where 41 townhomes are currently under construction as the "Brush Creek Commons" townhome development. Phase 1 is under construction for 41 townhomes on 15.74 +/- acres, for a density of 2.605 units per acre. Phase 2 would be developed with 20 townhomes on 2.28 +/- acres, for a density of 8.77 units per acre. The combined development of Phase 2 with Phase 1 would have 61 units on 18.02 +/- acres, for an overall density of 3.39 units per acre.

B. Property Conditions. Much of the Brush Creek Commons Phase 1 parcel lies within a floodplain due to the presence of the Brush Creek, and it is unbuildable. The property has rear frontage on Shields Road, but a zoning condition of Rezoning Case #RZ-03-04 prohibited any access from Shields Road. A locked gate is present today at the beginning of Brush Creek Court, off North Henry Boulevard, which is flanked by a QuikTrip station and a Waffle House Restaurant. The Phase 2 parcel is located directly behind the Waffle House Restaurant

C. Development of Phase 2. The applicant/developer proposes to develop 20 townhome lots and units on Parcel #S07-01006000 as Phase 2 of the Brush Creek Commons townhome development. For such purpose, the applicant has obtained a utility letter from the Department of Public Works, dated October 10, 2024. It states that water and sewer capacities are currently available to serve the proposed 20 townhomes to comprise Phase 2, but that if the developer does not submit construction plans within one year of that date, then the reservation of those capacities shall expire. In addition, the developer would be responsible for all associated connection costs and would be required to adhere to the City's Minimum Development Standards.

D. Proposed Site Plan for Phase 2. The applicant has submitted a site plan, entitled "Rezoning Plat: Brush Creek Commons, Phase 2", which was prepared by DGM Land Planning Consultants, Inc. for the development of 20 townhome lots on Phase 2. It provides the following acreages: 15.74 acres in Phase 1, 2.28 acres in Phase 2, and 18.02 total acres. The site plan shows that the Phase 2 development would be accessed from the east side of Brush Creek Court. An internal circular street with a cul-de-sac would then provide access to the individual townhome lots. The proposed 20 townhome units would be contained within four townhome buildings, which would have rear yard setbacks of 20 feet. Unlike the Phase 1 development, Phase 2 would not have rear alleys. A guest parking lot, a 30-foot buffer on the north side of the property, and green space would also be provided on the Phase 2 site. The site plans shows nearby amenities which are being developed on the Phase 1 site on the west side of Brush Creek Court. The applicant seeks permission via ZM-2024-01 to allow the Phase 2 residents to use the Phase 1 amenities.

E. Proposed Combined Site Plan for Phase 1 and Phase 2. The applicant has submitted a

proposed combined site plan to show an overall boundary for Phase 1 and Phase 2. Its title is "Rezoning Plat: Brush Creek Commons", and it was prepared by DGM Land Planning Consultants, LLC. The overall site would have 18.02 acres, with 15.74 acres in Phase 1 and 2.28 acres in Phase 2. The combined total of 61 townhome units would include 41 units in Phase 1 and 20 units in Phase 2.

G. Proposed Development Conditions. The applicant's Letter of Intent proposes the approval of sixteen (16) "Proposed Development Conditions" for Phase 2, as are listed below. However, two of them, Development Conditions "j" and "p", are of a general nature and seem to apply more to the proposed zoning modification for the entire development rather than to Phase 2 alone. Further, the language within these two development conditions would be appropriate to also include within the needed Amendment to the Development Agreement. The remaining fourteen (14) Development Conditions will be further discussed in this staff report.

EXHIBIT "A"

Proposed Development Conditions

1) The following conditions shall apply to Phase 2 of Brush Creek Commons

a) Phase 2 shall be developed in general conformity with the Phase 2 site plan submitted to the Stockbridge Planning Staff on September ___, 2024 and shall adhere to all City of Stockbridge MFR Ordinance requirements, except if there is a conflict between the MFR Ordinance requirements and the conditions set forth in the Development Agreement, as amended from time to time, the conditions set forth in the Development Agreement shall control.

b) Maximum building height shall be forty (40) feet.

c) All townhouses shall have a mixture of front facade consisting of covered entryway, porches, bay windows and/or balconies. Garages shall be accentuated with variations of design porticos.

d) Owner shall submit elevations of buildings to be approved by the City.

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 often (10) trees to be provided and subject to modification by the City.

h) A streetscaping 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.

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) The maximum units per building shall be no more than six (6) units per building.

l) The minimum distance between buildings shall be twenty (20) feet

m) The minimum front yard setback shall be twenty (20) feet

n) The minimum side yard setback shall be fifteen (15) feet

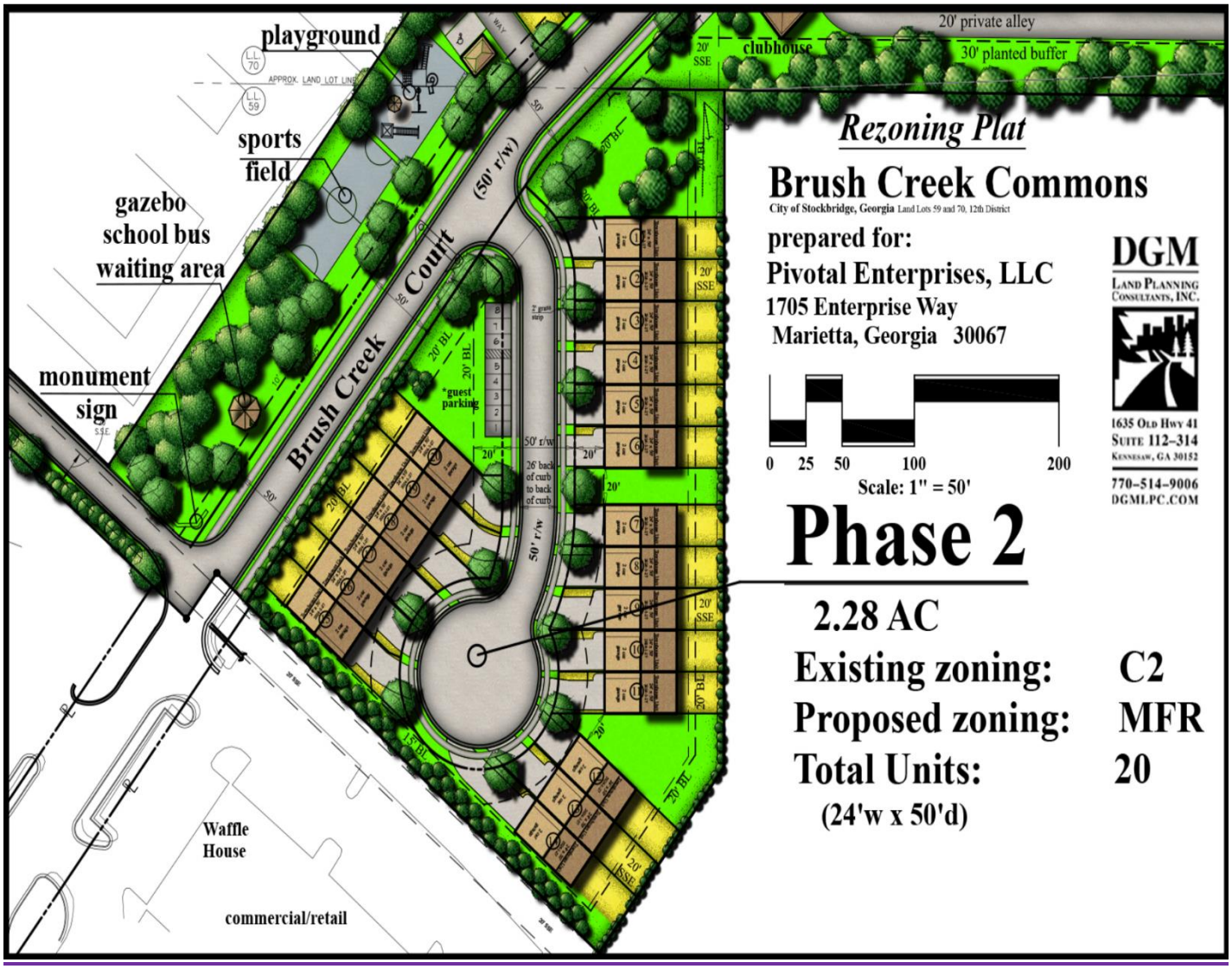
o) The minimum rear yard setback shall be twenty (20) fee

p) A Declaration of Restrictive Covenants for Phase 1 shall be amended and modified to incorporate Phase 2, and the units in Phase 2 shall have all of the same rights and privileges to use the common areas and amenities located within Phase 1.

PROPOSED SITE PLAN FOR BRUSH CREEK COMMONS, PHASE 2 TOWNHOMES

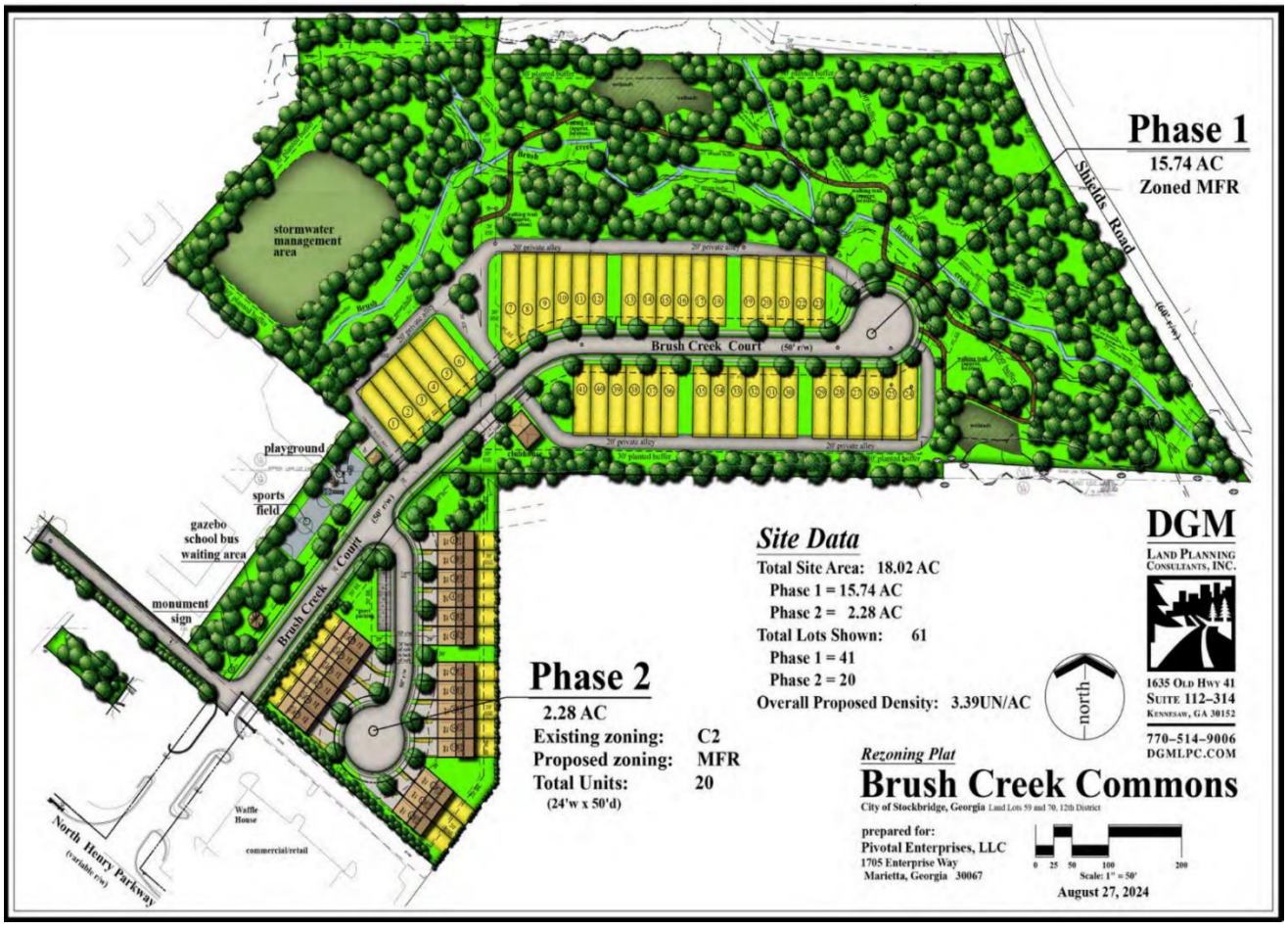
Title: "Rezoning Plat: Brush Creek Commons, Phase 2"

Prepared by DGM Land Planning Consultants, Inc.



PROPOSED COMBINED SITE PLAN FOR PHASE 1 AND PHASE 2

Title: Rezoning Plat: Brush Creek Commons"
Prepared by DGM Land Planning Consultants, LLC



SAMPLE RENDERING FOR THE PROPOSED PHASE 2 TOWNHOMES



VI. ANALYSIS OF REQUEST

The City of Stockbridge has adopted the City of Stockbridge Comprehensive Plan 2024-2028 as a guide for the future development of the City. The Planning and Zoning Staff has analyzed the applicant's request to change the subject property's future land use designation from "Low-Density Mixed-Use" to "Medium-Density Residential" according to the five factors (A, B, C, D, and E) that are discussed below.

A. Compatibility with the Land Use Element. The Land Use Element of the Comprehensive Plan provides a vision for the development or redevelopment of land in the City. The current Future Land Use Map shows that Parcel #S07-01006000 on the east side of Brush Creek Court has a future land use designation of "Low-Density Mixed-Use." The applicant seeks to change this to "Medium-Density Residential" in order to allow for the development of the proposed twenty (20) townhomes on the property. A description of both land use designations is provided below.

> Low-Density Mixed-Use. This designation is intended for commercial/retail areas along various corridors and intersections located throughout the City. These areas mainly serve the residents of the surrounding residential neighborhoods. Future development and redevelopment should maintain the community-oriented feel of these areas, with a focus on creating small mixed-use areas combining locally owned retail) low intensity office uses, and apartment/condo/loft uses in two story buildings in a pedestrian friendly environment, allowing nearby residents to safely walk to and within them.
>
> Medium-Density Residential (4-7.99 Units / Acre). This designation is intended for residential developments which include single-family, detached homes on lots ranging from 10,000 – 30,000 square feet, including parcels zoned for single family attached and detached homes, as well as duplex residential development and mobile home/manufactured home developments.

Since the applicant is not proposing to build any commercial, office, or apartment/condo/loft uses which the Low-Density Mixed-Use designation calls for, this designation would not be appropriate for the proposed townhome development. The Medium-Density Residential designation, though, allows single-family attached homes (i.e., townhomes), which the applicant proposes to build.

B. Density Compliance. The applicant wishes to include Parcel #S07-01006000 as Phase 2 within the overall Brush Creek Commons development via the approval of the associated Zoning Modification Case #ZM-2024-01. By doing so, the overall density of Phase 2 with Phase 1 would be 3.39 +/- units per acre. But if ZM-2024-01 is not approved, then Parcel S07-

01006000 would need to be a stand-alone development. In that situation, the development of the subject property with twenty (20) townhomes on 2.28 acres would cause the property to have a density of 8.77 +/- units per acre, which would exceed the allowable density of 4-7.99 units per acre. However, the applicant is willing to consider a reduction in the number of units from 20 to 18 by eliminating two units. This would result in a density of 7.89 +/- units per acre, which would be within the allowable density range of 4-7.99 units per acre for the Medium-Density Residential future land use designation.

C. Promoting Established Housing Policies. Changing the subject property's future land use designation to Medium-Density Residential to allow for the development of townhomes would further the implementation of various housing policies that were identified by the Comprehensive Plan:

~ Encourage the development of higher-density residential developments to provide for the growing need for a range of housing choices within the City of Stockbridge.

~ Provide a mixture of housing options to attract young professionals, singles, and small families.

The Comprehensive Plan also mentions the need for additional housing in the City, as well as a greater diversity in the housing stock to serve young professionals, seniors, and empty nesters. These population groups would be attracted to townhome living, which offers the ability to have home ownership rather than renting; as well as the reduced yard maintenance due to the much smaller size of typical townhome lots. The proposed townhomes would meet these needs.

D. Suitability of the Subject Property's Location.

The subject property is suitably located for a future land use designation of Medium-Density Residential since other nearby properties in the surrounding area are designated as Medium-Density Residential, including Parcel #S-7A01100000 for the Brush Creek Commons development on the west side of Brush Creek Court, as well as a large area of other properties to the northeast. Therefore, the approval of this request would not result in a "spot" future land use designation.

E. Maintaining the Current Land Use Designation. It is unlikely that the subject property would be developed with commercial or other uses which its current future land use designation of Low-Density Mixed-Use allows due to the property's location behind many other properties along North Henry Boulevard which are designated as Low-Density Mixed-Use and are being used for commercial purposes. The property's hidden location would therefore not be conducive to the development of commercial or related uses.

VII. STAFF CONCLUSIONS

As a result of the foregoing analysis, the Planning and Zoning Staff makes the following conclusions regarding the applicant's request to change the future land use designation of

Parcel #S07-01006000 on the east side of Brush Creek Court from Low-Density Mixed-Use to Medium-Density Residential:

1. It would cause the subject property to be compatible with the Land Use Element of the Comprehensive Plan.

2. It would result in the following densities:

   a. If ZM-2024-01 is also approved and the subject property becomes Phase 2 of the overall Brush Creek Commons development along with the Phase 1 parcel on the west side of Brush Creek Commons, then the overall density of the combined development would be 3.39+/- acres.

   b. If ZM-2024-01 is not approved, then the subject property would need to be a stand-alone development, whose density would need to be less than the allowable maximum of 7.99 units per acre for the Medium-Density Residential future land use designation. To accomplish this, the applicant is willing to reduce the density of Parcel #S07-01006000 by eliminating two (2) townhome units and only building eighteen (18) units.

3. The proposed townhome development would promote several housing policies that are stated within the Comprehensive Plan.

4. The subject property is in a suitable location relative to other nearby properties and to the Brush Creek Commons Phase 1 property, which are have future land use designations of Medium-Density Residential.

5. It is unlikely that if the applicant's request is denied and the subject property remains designated as Low-Density Mixed-Use, that the property would be developed with commercial or other allowable uses due to the property's hidden location.

VII. RECOMMENDATION

In view of the analysis above, the Planning and Zoning Staff recommends the **APPROVAL OF CP-2024-03 WITH THE FOLLOWING CONDITION:** that if Zoning Modification Case #ZM-2024-01 is not approved, then Parcel #S07-01006000 must be a stand-alone development and its density must not exceed the allowable maximum density for the Medium-Density Residential future land use designation.

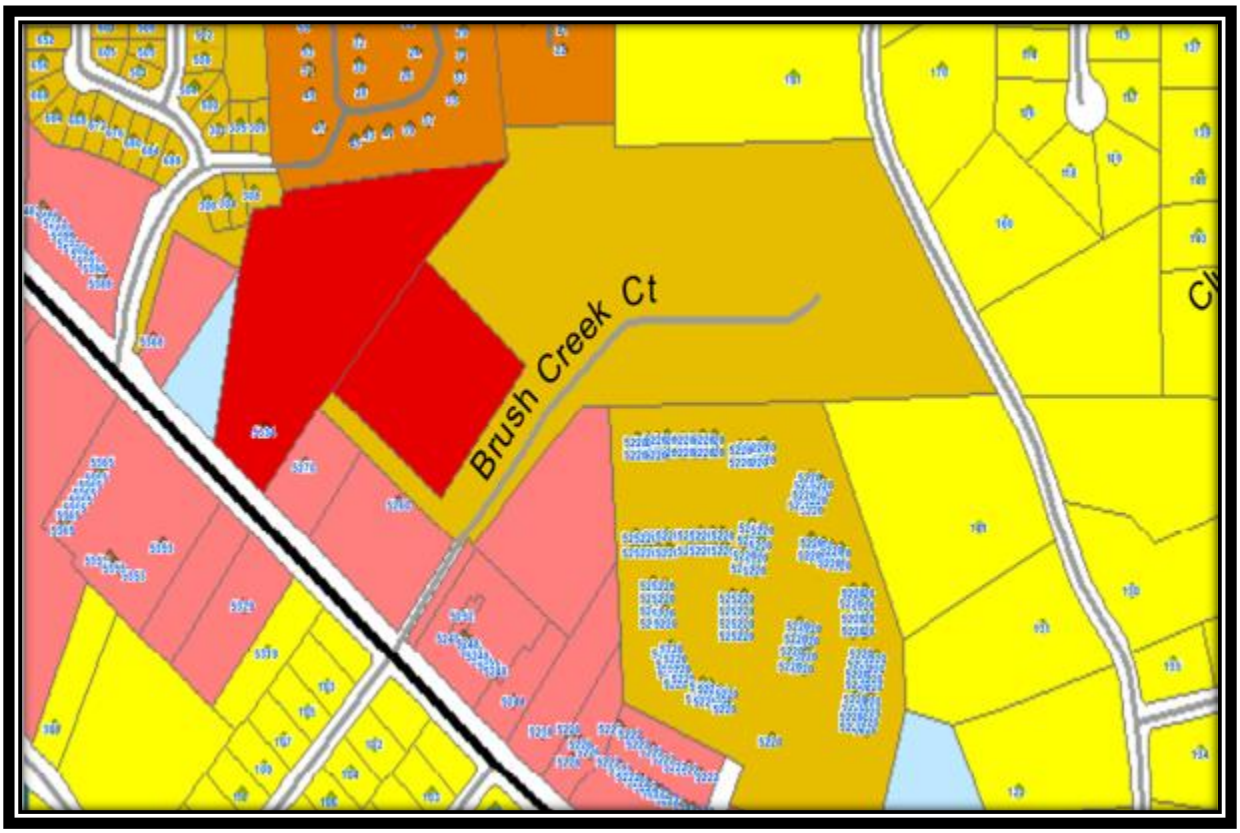
APPENDIX:
BRUSH CREEK COMMENS' ZONING AND DEVELOPMENT HISTORY PRIOR TO THE APPROVAL OF ZM-2022-01
(TAKEN FROM THE STAFF REPORT FOR ZM-2022-01)

A. Overview. The subject property was rezoned in 2003 from R-2 (Single-Family Residential) to RM-2 (Residential Multifamily for Townhomes) with twelve (12) conditions (none for amenities) by the Stockbridge City Council, and a Development Agreement was adopted soon thereafter. In 2004, an amendment to the Development Agreement was adopted, and the Second Amendment was adopted in 2007. Each amendment included multiple conditions of approval, as are identified in the paragraphs below. In particular, the First Amendment included a list of required amenities under Subparagraph 'N', based on an adopted schematic site plan dated October 7, 2004, which was included with the Second Amendment.

Following the adoption of the Second Amendment, a set of "Site Development Plans for Brush Creek Commons", dated January 25, 2005, was prepared and stamped for approval by the former zoning and community development director for Henry County on April 18, 2006. At that time, Henry County was providing zoning and plan review services to the City of Stockbridge because the City did not have its own staff to perform those services. Included within the plans was a detailed "Preliminary Plat", which showed 41 proposed townhomes and various amenities. Additional site plans were later prepared. Although letters from the City indicated the approval of a February 22, 2008 site plan, to date, that site plan has not been located.

ZONING MAP

Legend:
Gold (subject property)—MFR (Multiple Family Residential District)
Red—C-3 (Heavy Commercial District)
Orange—MHR (Mobile Home Residential District)
Medium Pink—C-2 (General Commercial District)
Yellow—SR (Suburban Residential) District)



Letters from the City of Stockbridge in 2007 and 2008 to the Henry County Building and Plan Review Department indicated the City's approval of updated site plans. In particular, a letter from the City of Stockbridge dated March 10, 2008 acknowledges the City's approval of Site Development Plans dated February 22, 2008, which showed various changes to the amenities, landscaping, and detention pond. In addition, those plans may have been the basis for the issuance of a land disturbance permit (LDP) for the installation of Brush Creek Court, which exists today. However, to date, those plans have not been located.

B. Rezoning Case #RZ-03-04—A rezoning application was filed with Henry County Planning and Zoning by Royce Grant on behalf of the original developer of the subject property, Timberline Group, LLC, who wanted to build 75 townhomes on the property. The applicant requested to rezone 15.96 +/- acres from 'R-2' (Single-Family Residential) and 'C-2' (General Commercial) to 'RM-2' (Residential-Multifamily). The two lots which were zoned 'C-2' were later left out of the rezoning request, and the number of units to be built was reduced to 48. The

developer agreed to provide the amenities which were required by the RM-2 district; to provide paved alleyways; and to provide a 200-foot-wide buffer along Shields Road. The Henry County Planning Commission subsequently recommended the approval of RZ-03-04, with eleven (11) conditions.

Then the Stockbridge City Council approved the rezoning via Rezoning Ordinance #03-152 on July 14, 2003 with twelve (12) conditions which comprised Exhibit "C." None of them pertained to the provision of amenities.

V. MAPS AND ILLUSTRATIONS TO FOLLOW:

A. List of Approved Zoning Conditions per Exhibit "C" from Rezoning Ordinance No. 03-152 (July 14, 2003) for Rezoning Case #RZ-03-04 (originated from Henry County).

D. LIST OF APPROVED ZONING CONDITIONS PER EXHIBIT "C" FROM REZONING ORDINANCE NO. 13-152 (JULY 14, 2003) FOR REZONING CASE #RZ-03-04 (ORIGINATED FROM HENRY COUNTY)

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 to the Henry County Planning and Zoning Department.)

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

D. Developer shall submit elevations of the building to be approved by the Planning and Zoning Department. (Note that approval of this rezoning is not an approval of the site plan submitted to the City Council.)

E. Each unit elevation per building shall be separate and distinct from the other. To 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. No vinyl siding will be allowed.

G. Developer 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. Consisting of ginko (non-fruit bearing), Japanese zekova and/or oak family type.

H. The Building Department shall not issue a building permit until such time as the Director of the Building Department has certified that for each prospective phase of development, sewer capacity is sufficient to accommodate the additional sewage that would be generated by the proposed development.

I. A street scaping plan shall be submitted to and approved by the Henry County Planning and Zoning Department to include sidewalks, street trees, landscaping, street lighting and street furniture.

J. Any flood plain alteration be supported by a certified engineer at the plan review stage.

K. 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.

L. This rezoning is subject to the property owner's and developers execution of a Development Agreement which will embody these conditions.

C. Original Development Agreement—This was approved by the Stockbridge City Council on July 21, 2003. It listed thirteen (13) "Development Conditions", but none of them pertained to amenities. The first ten conditions were the same as the zoning conditions that were listed in Rezoning Ordinance #03-152. In particular, Development Condition #1a reiterates that the site plan which was submitted to Henry County Planning and Zoning was not approved by the rezoning, but rather that the developer would need to revise the site plan. Three more development conditions were added, which specified the following:

- That no entrance or exit would be constructed on Shields Road.
- That a 200-foot buffer would be maintained between the proposed development and Shields Road
- That the rezoning would not apply to adjacent properties which were zoned for commercial use.

D. First Amendment to the Development Agreement – This was approved by the Stockbridge City Council on December 13, 2004. Article V amended the Original Development Agreement by adding a list of required amenities. It also stated as follows: "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."

The approved changes to the First Amendment included the following:

- Limited the number of townhome units to forty-one (41) from the previous forty-eight (48) units due to the presence of floodplains and wetlands on the property.
- Specified that all building facades must consist of brick.
- Prohibited any road entrance or exit to the site off Shields Road.
- Not allowing the developer to apply for any variances to the 200-foot-wide buffer along

Shields Road.

- Added "Subparagraph N" as the fourteenth (14th) condition, which had a list of eleven (11) requirements for amenities to be provided within the proposed development, as follows:

  1. A 1,300-square foot clubhouse with a full kitchen and a fireplace.
  2. Two age-specific playgrounds—a fenced "tot lot" adjacent to the clubhouse and another playground for older children nearby.
  3. A covered pavilion with a fireplace.
  4. A volleyball court.
  5. A sodded sports area.
  6. A putting green.
  7. A lighted, enclosed tennis court with two basketball goals.
  8. Walking trails of at least 1,400 feet in length and three feet wide.
  9. A bird sanctuary with bird feeders, bird houses, and benches.
  10. A gazebo at the project entrance to serve as a school bus waiting area.
  11. Compliance with a proposed site plan by the developer, Timberline Group, LLC, dated October 7, 2004, per Exhibit 'A'. Although a copy of the site plan was not included in the document for the first amendment, Staff has located a separate four-page document with a cover sheet dated October 7, 2004, followed by three pages comprising "Exhibit I" which was later referenced and included with the Second Amendment to the Development Agreement. Exhibit I presented a schematic site plan for "Brush Creek Park" (the site's amenity area) and a list of amenities comprising the "Brush Creek Commons Amenity Package." It also included townhome renderings and a floor plan.

- Increased the number of allowable units per building from five to six.
- Reduced the required distance between buildings from 40 feet to 20 feet.
- Allowed buffer reductions from 30 feet to 10 feet near the entrance of the property.
- Allowed individual residential garbage pickup.

E. Second Amendment to the Development Agreement—This was approved by Stockbridge City Council on August 13, 2007. It required the compliance by the developer, Timberline Group, LLC, with the three pages comprising Exhibit I, which included a schematic site plan (not a detailed scaled drawing) named "Brush Creek Park", an "Amenity Package" with a list of required amenities, a floor plan for a six-unit townhome building, and townhome renderings. Specifications were made on the floor plan for architectural design, including "offsets" for bays and porches (to meeting zoning conditions) and a 10-foot front yard setback variance "to achieve necessary Living and Dining Space." An enlarged townhome rendering provided "Elevations Information" and specified the use of brick, stone, hardi-siding, and hardi-shake as exterior construction materials.

The approved changes within the Second Amendment included the following:

- Reduced the required front setbacks for buildings to 10 feet (identified as a variance).
- Eliminated the required provision of tennis courts.
- Required the provision of a soccer field in the original location of the tennis courts, and it specified the enlargement of a second playground.
- Required types of playground facilities.

- Required floorplans and elevations, which were shown on the first two pages of Exhibit I.
- Required the developer's compliance with the specifications of amenity types and locations, which were listed as "Brush Creek Amenity Package" and shown on a schematic site plan entitled "Brush Creek Park", comprising Page 3 of Exhibit I. The specifications of the Brush Creek Amenity Package included the following amenities:

  ~ A gazebo at the project entrance, which would serve as a waiting area for school bus pickup.
  ~ A Sodded Sports Area adjacent to the gazebo.
  ~ A 1,300-square-foot Clubhouse will a full kitchen and fitness equipment.
  ~ A Fenced Tot Lot for ages 2-5 located adjacent to the Clubhouse.
  ~ Brush Creek Park, to include the following amenities:
  1. Covered Pavilion with a Picnic Area and Fireplace.
  2. Regulation 60' X 30' Beach Volleyball Court
  3. Regulation 60' X 90' 3-on-3 Soccer Field with Goals.
  4. Putting Green with multiple holes and sand trap.
  5. Upgraded and enlarged, commercial quality Playground to include:
     - 2-Bay, 4-Station Swing Set with Buckets and Belts.
     - Climbing Station: "Monkey Bars", Ring Climbers, Chin-up Bar, and Balance Beam.
     - Free-Standing Wave Slide with 5' Deck.
     - 2 Commercial Quality Park Benches.
  6. Over 1,400 feet of Walking Trail.
  7. Bird Sanctuary with Feeders, Houses, and Benches for observation.

VI. MAPS AND ILLUSTRATIONS TO FOLLOW:

B. Approved Plat from Site Development Plans Dated January 25, 2005

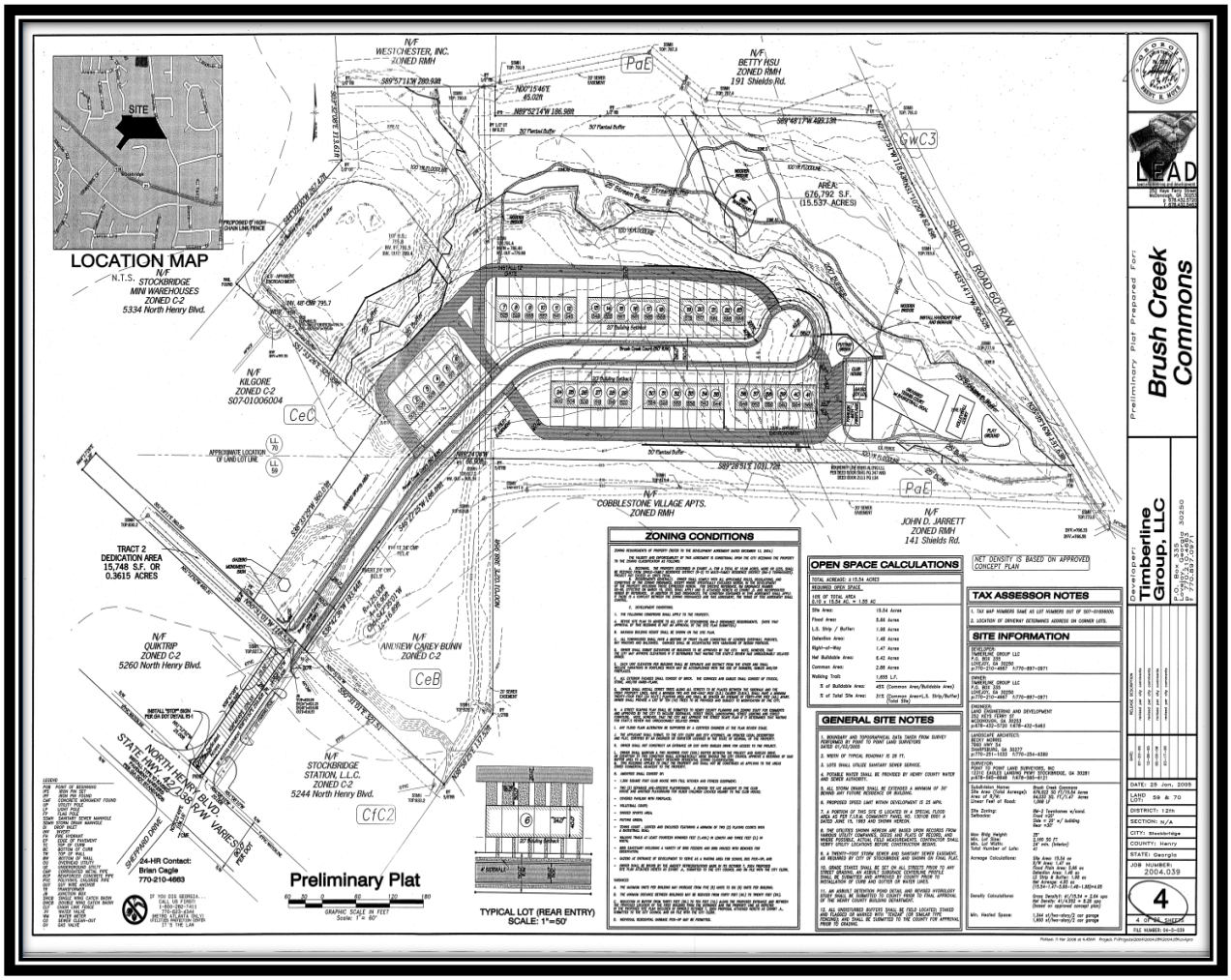
F. Enlargement of Amenity Area from 2005 Approved Plat

G. Brush Creek Park and Amenity Package from Second Amendment to the Development Agreement (August 13, 2007)

E. APPROVED PLAT FROM SITE DEVELOPMENT PLANS DATED JANUARY 25, 2005

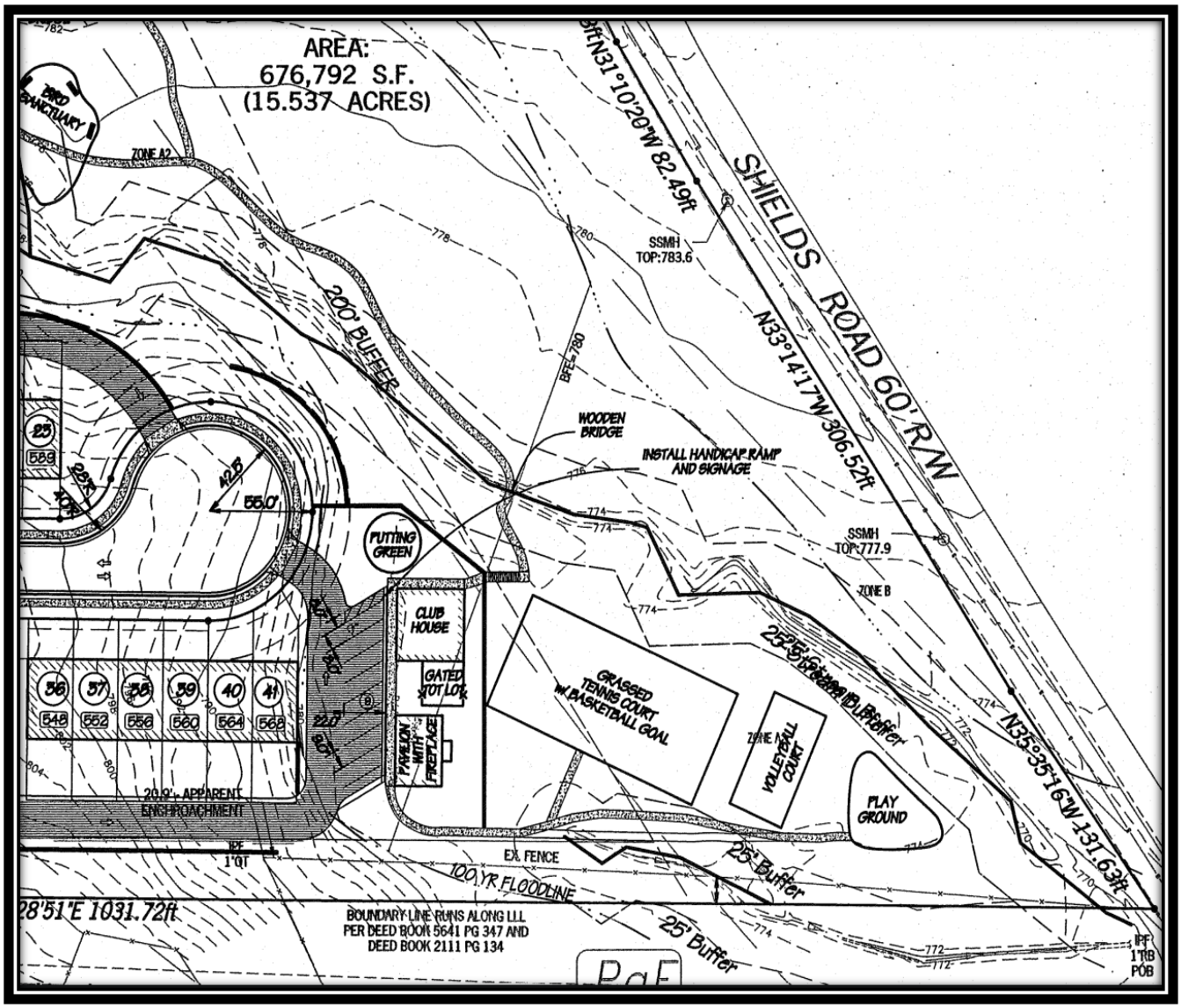
Site Development Plans were prepared by Land Engineering and Development (LEAD) for Timberline Group, LLC on the basis of the Amended Development Agreement for the Rezoning, and they were stamped for approval by Henry County Building and Plan Review Department on behalf of the City of Stockbridge.

(Note: Site Plan from the RZ-03-04 rezoning was NOT approved.)

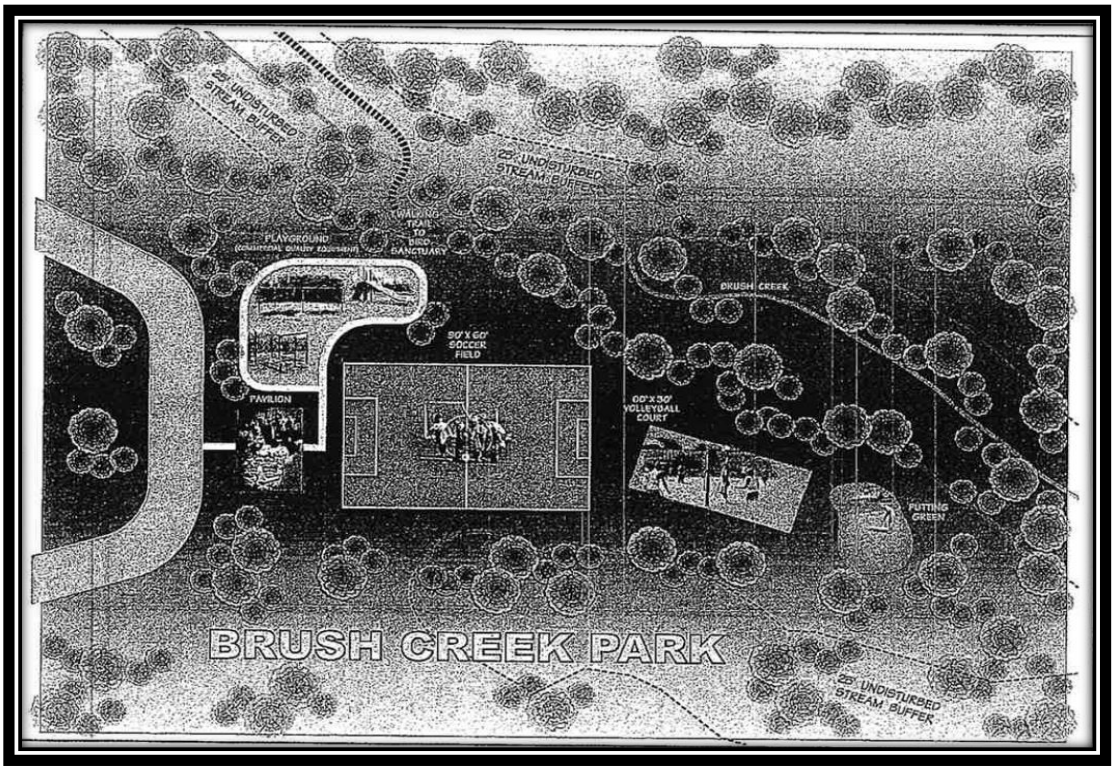


F. ENLARGEMENT OF AMENITY AREA FROM APPROVED 2005 PLAT

(NOTE: Site Plan from the RZ-03-04 rezoning was NOT approved.)



G. BRUSH CREEK PARK AND AMENITY PACKAGE FROM THE SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT



Brush Creek Commons Amenity Package

* Gazebo at entrance of development to serve as a waiting area for school bus pickup
* Sodded Sports Area adjacent to Gazebo
* 1300 Square Foot Clubhouse with Full Kitchen and Fitness Equipment
* Fenced Tot Lot (Ages: 2 – 5) located adjacent to Clubhouse
* Brush Creek Park
  1. Covered Pavilion with Picnic Area and Fireplace
  2. Regulation 60' X 30' Beach Volleyball Court
  3. Regulation 60' X 90' 3 on 3 Soccer Field with Goals
  4. Putting Green with multiple holes and sand trap
  5. Upgraded and Enlarged, commercial quality playground:
     2 Bay, 4 Station Swing Set with Buckets and Belts
     Climbing Station: "Monkey Bars", Ring Climbers, Chin-up Bar, and Balance Beam
     Free Standing Wave Slide with 5' Deck
     2 Commercial Quality Park Benches
  7. Over 1400 Ft. of Walking Trail
  8. Bird Sanctuary with Feeders, Houses, and Benches for observation

VII. PROPOSED DEVELOPMENT

A. Tentative Site Plan. The applicant seeks to complete the previously-approved townhome development by modifying the number, type, and locations of the amenities to be included. He has submitted a proposed rendering and tentative site plan which has been prepared by using the January 25, 2005 plat (prepared by Land Engineering and Development, LLC (LEAD), which was previously approved by Henry County on behalf of the City of Stockbridge. It shows the applicant's proposed amenity changes in red.

VIII. MAPS AND ILLUSTRATIONS TO FOLLOW:

H. Proposed Rendering for ZM-2022-01

I. List of Applicant's Requested Amenity Changes for ZM-2022-01

J. Table 1—Summary of Proposed Amenity Changes

K. Tentative Site Plan Proposal for ZM-2022-01: Full Site

L. Tentative Site Plan Proposal for ZM-2022-01: Enlargement

H. PROPOSED RENDERING FOR ZM-2022-01



I. LIST OF APPLICANT'S REQUESTED AMENITY CHANGES FOR ZM-2022-01:

1. <u>Keep the following:</u>

- Clubhouse.
- Pavilion.
- Gazebo.
- Monument sign.

2. <u>Remove the following:</u>

- Soccer field.
- Volleyball court.
- Walking trail.
- Parking spaces (extras to serve the amenities to be removed).
- Three (3) wooden bridges over Brush Creek.

3. <u>Change the following:</u>

- Reduce the number of playgrounds from two to one by having a combined playground rather than a separate "tot lot" and playground for older children.
- Move the putting green to a new location near the playground.
- Move the bird sanctuary to the opposite side of the creek to improve access.

4. <u>Provide the following:</u>

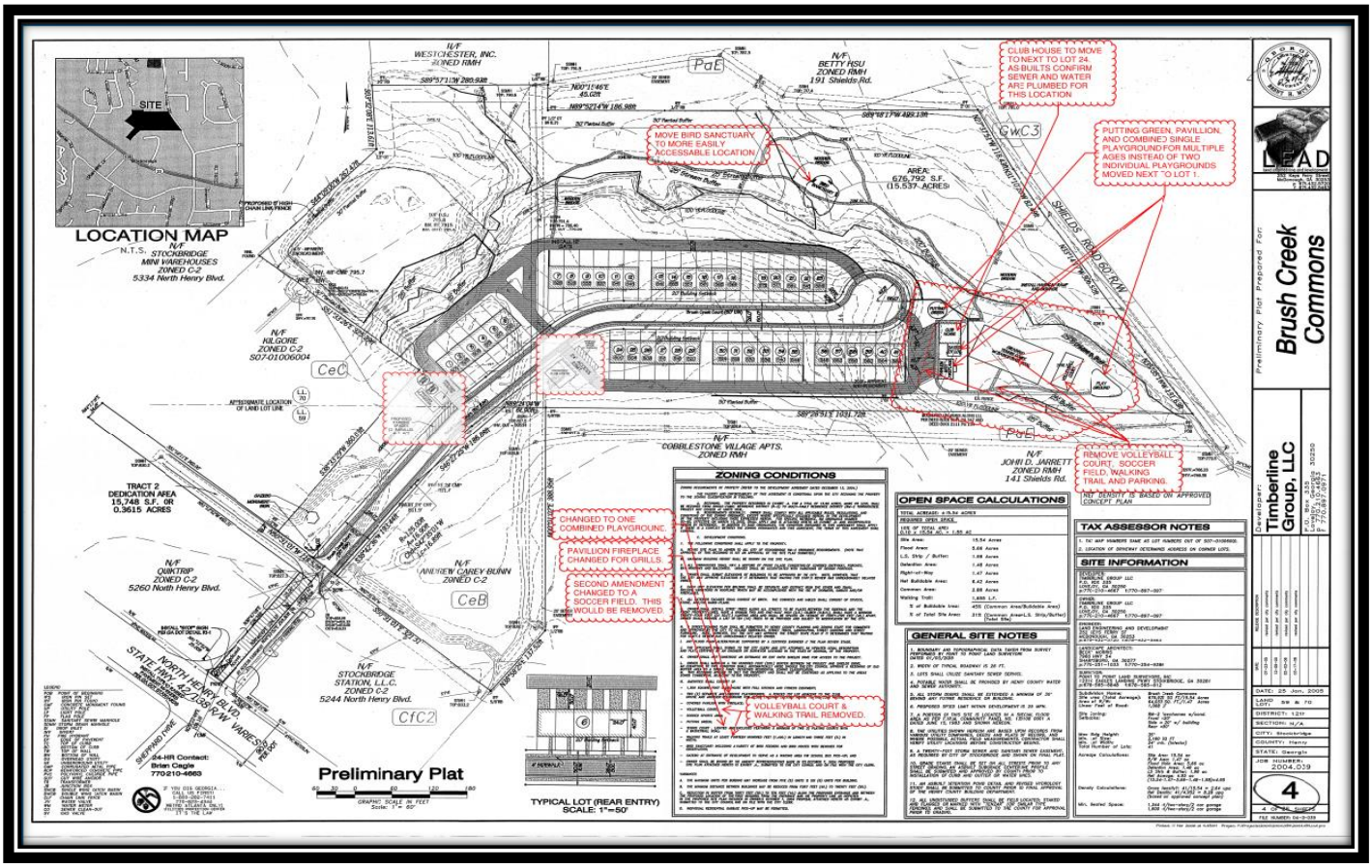
- Provide a gym and workout space inside the clubhouse.
- Provide grills and benches next to the clubhouse.
- Extend the sidewalk to interconnects to neighborhood developed commercial spaces.
- Provide a sidewalk stubout for future interconnectivity to neighboring lots.

J. TABLE 1 -- SUMMARY OF PROPOSED AMENITY CHANGES

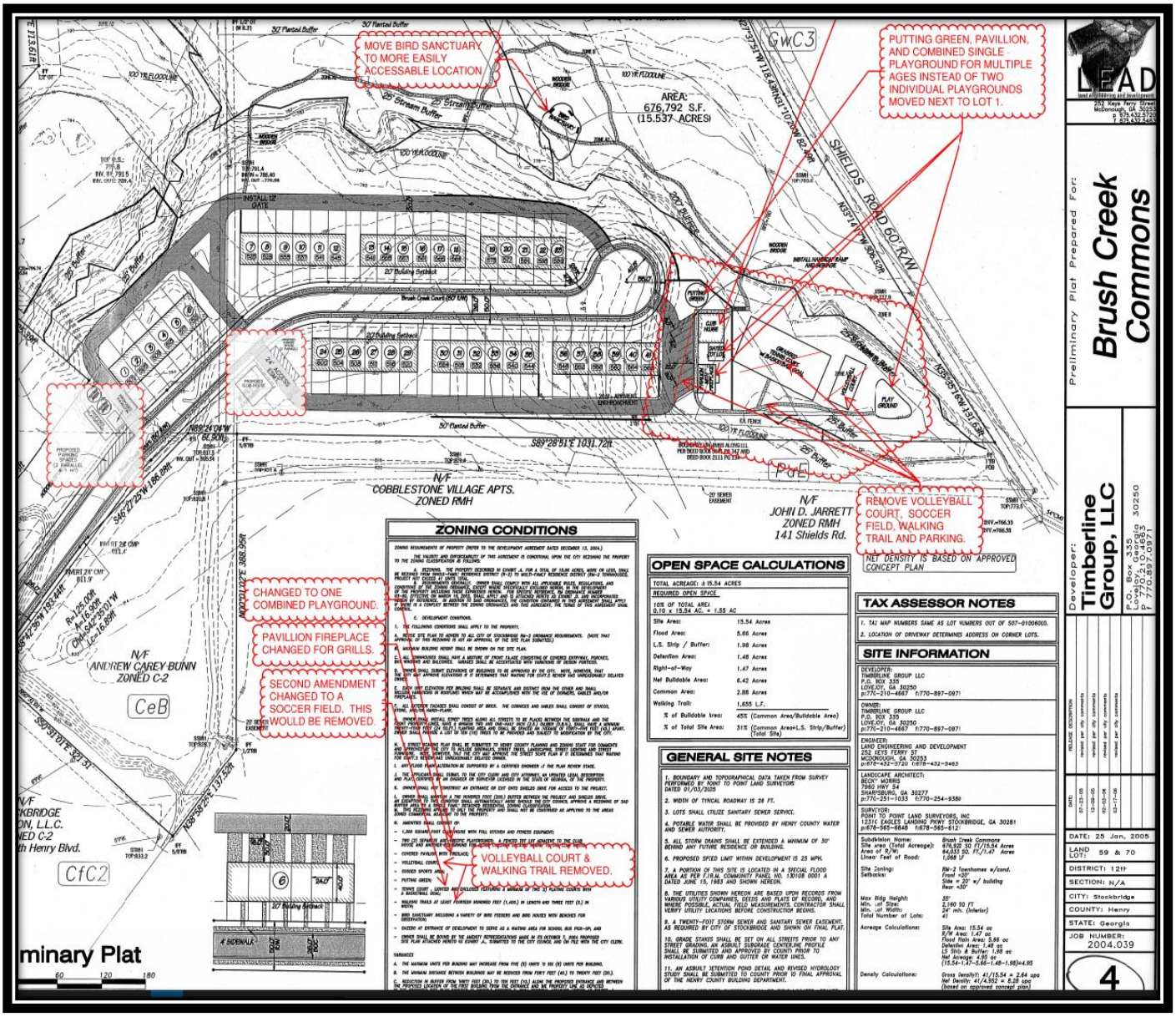
AMENITY OR FACILITY	PROPOSED CHANGE FOR ZM-2022-01
Soccer Field	To be removed.
Volleyball Court	To be removed.
Walking Trail	To be removed.
Parking Spaces Near Removed Amenities	To be removed.
Sodded Sports Area	To be removed.
Wooden Bridges Over Creek	To be removed.
Playground for Toddlers	To be replaced by a single combined playground.
Playground for Adolescents	To be replaced by a single combined playground.
Putting Green	To be relocated near the playground.
Bird Sanctuary	To be relocated on the opposite side of the creek for better access.
Grills and Benches Next to Pavilion	To be added.
Gym with Workout Space	To be added inside the Clubhouse.

K. SITE PLAN PROPOSAL FOR ZM-2022-01:

FULL SITE



L. SITE PLAN PROPOSAL FOR ZM-2022-01: ENLARGEMENT



B. Letter of Intent. The applicant's Letter of Intent cites three reasons why all of the required amenities cannot be constructed in the manner which was previously designated:

1. Costs--Certain high-maintenance amenities would be too costly for an HOA serving only 41 units, resulting in high fees to the townhome unit owners.
2. Environmental Conditions--The property's various physical attributes make the installation of certain amenities impossible or undesirable.
3. Locations--The designated locations of certain required amenities would be impractical.

In particular, the applicant identifies the following problems with three of the required amenities:

- Soccer Field and Volleyball Court—Designated for a ditch location, surrounded by hills and tall trees, which would cut off sunlight, be subject to flooding. The grass on the soccer field would not grow properly and the volleyball court would be filled with debris.
- Walking Trail with Three Bridges—Designated for a heavily-forested floodplain location, where the ground is often soggy and snakes may be present.

The applicant also proposes to install only one playground instead of the required two (one for toddlers and one for adolescents), and to move the bird-watching station to a more accessible location.

IX. ANALYSIS OF REQUEST

The last known City Council approval to take place for the subject property occurred on August 13, 2007 with the adoption of the Second Amendment to the Development Agreement, and no development has occurred on the property since then, other than the installation of an internal street, Brush Creek Court. The previous developer, Timberline Group, LLC, encountered various environmental problems on the property and had several different site plans prepared, including the February 22, 2008 site plan that was approved by Henry County (on behalf of the City), but later apparently abandoned the project.

Now, the current applicant has requested the granting of a Major Zoning Modification to the previously-approved rezoning and development agreements for the proposed Brush Creek Commons townhome development. Specifically, he is requesting the elimination or alteration of several of the required amenities (plus some other changes). He has cited three reasons for doing so, as are listed below. The Planning and Zoning Staff have analyzed the applicant's request on the basis of the reasonableness of the cited reasons, their suitability for the proposed development, and their effects on surrounding properties.

1. Costs--Certain high-maintenance amenities would be too costly for an HOA serving only 41 units, resulting in high fees to the townhome unit owners.
2. Environmental Conditions--The property's various physical attributes make the installation

of certain amenities impossible or undesirable.

3. Locations--The designated locations of certain required amenities would be impractical.

A. Reasonableness of Applicant's Request. The number of amenities that were required by the City's previous Zoning Code for this relatively small development may be high, especially since the City's current Unified Development Code does not have any specific requirement in the number of amenities to be provided within multifamily developments. Further, the reduction in the number of units from 48 to 41 (approved by the First Amendment to the Development Agreement) results in a smaller number of homeowners who will need to bear the HOA costs for maintaining all of the amenities to be installed in the development. Therefore, the requested amenity changes regarding costs are reasonable.

The subject property contains various floodplains and wetlands which comprise 5.459 acres of "restricted use", according to the Henry County Tax Assessors. Because of the this, the applicant has found that the provision of certain required amenities, including the soccer field, volleyball court, and sodded sports area, to be impossible, difficult, or impractical, resulting in flooding, blockage of sunlight in forested areas, and the inability of grass to grow on the soccer field. These are physical limitations of the site, and they are reasonable hindrances to these amenities. The elimination of some parking spaces to serve these facilities is also reasonable.

The applicant has also made minor changes in the locations of some of the required amenities to improve their accessibility, functionability, and desirability for the homeowners of the development. These changes seem reasonable.

B. Suitability for the Proposed Development. The granting of the applicant's requested changes in the number and type of amenities to be provided, as are shown by the submitted Conceptual Site Plan, would benefit the homeowners of the proposed development by enabling them to have reduced HOA fees due to the anticipated reduction in maintenance costs. Although there would be fewer amenities, the applicant still proposes to provide a significant number of them to create an attractive development. While there would be only one playground rather the required two playgrounds, the developer would install playground facilities for both toddlers and older children in that playground. Further, the relocation of some of the amenities on the site to more practical locations should promote their greater attractiveness and usability of to the homeowners.

C. Effects on Surrounding Properties and Infrastructure. Since the proposed changes to the amenities and site plan would not involve any alterations to the proposed townhomes, site access, utilities, or buffering, no adverse effects on surrounding properties are anticipated.

X. MAPS AND ILLUSTRATIONS TO FOLLOW:

M. Table 2--Comparison of Amenities: Required Versus Proposed

N. Table 3—Analysis of Requested Amenity and Site Plan Changes

---

M. TABLE 2: COMPARISON OF AMENITIES: REQUIRED VERSUS PROPOSED

#	REQUIRED AMENITIES	PROPOSED AMENITIES	COMPARISON	REQUESTED VIA ZM-2022-01?
1	1,300 SF Clubhouse, Fully Furnished, with Exercise Equipment	1,300 SF Clubhouse, Partially Furnished, with Exercise Equipment	Proposed clubhouse would have fewer furnishings.	Yes.
2	Covered Pavilion with a Fireplace	Covered pavilion (15' X 20') with no fireplace	Fireplace would be eliminated.	Yes.
3	Gazebo for Bus Stop	Gazebo for Bus Stop	Same.	No.
4	Sodded Sports Area	Sodded Sports Area	To be eliminated.	No.
5	Putting Green	Putting Green	Same.	No.
6	Bird-Watching Station	Bird-Watching Station, moved to a more accessible location	Same, but in a different location.	Yes.
7	Playground for Toddlers	None.	To be replaced by a single playground.	Yes.
8	Playground for Adolescents	None.	To be replaced by a single playground.	Yes.
9	Tennis Court with Basketball Goals	None.	Eliminated, but approved by Second Amendment to Dev. Agreement.	No.
10	Soccer Field	None.	To be eliminated.*	Yes.
11	Volleyball Court	None.	To be eliminated.*	Yes.
12	1,400 LF Walking Trails with Three Bridges Over Creek	None.	To be eliminated.*	Yes.
13	N/A	Grills Next to Pavilion	To be added.	No.

*** Applicant has provided reasons for these eliminations in his Letter of Intent.**

N. TABLE 3—ANALYSIS OF REQUESTED AMENITY AND SITE PLAN CHANGES

AMENITY OR FACILITY	PROPOSED CHANGE VIA ZM-2022-01	ACCEPTABILITY / COMMENT
Soccer Field	To be removed.	Acceptable due to presence of floodplain.
Volleyball Court	To be removed.	Acceptable due to presence of floodplain.
Walking Trail and Bridges over Creek	To be removed.	Suggest the provision of a short path from the Clubhouse to the creek instead.
Parking Spaces Near Removed Amenities	To be removed.	Acceptable. Not needed if removed amenities are not present.
Tennis Court with Basketball Goals	To be removed.	Acceptable due to likely flooding otherwise.
Sodded Sports Area	To be removed.	Acceptable due to likely flooding.
Wooden Bridges Over Creek	To be removed.	Acceptable due to high costs.
Playground for Toddlers	To be replaced by a single playground.	Acceptable since toddler and adolescent facilities would be provided in one playground.
Playground for Adolescents	To be replaced by a single playground.	Acceptable since toddler and adolescent facilities would be provided in one playground.
Bird Sanctuary	To be relocated for better access.	Acceptable.
Sidewalk Extension and Interconnection	To be provided in southwest area of site.	Acceptable. Would facilitate access to nearby businesses.
Sidewalk Stubout	To be provided near Clubhouse.	Acceptable.
Grills Next to Pavilion	To be added.	Acceptable and desirable.

D. Basis of Comparison. In order to properly evaluate the applicant's request, a comparison needs to be made between the last site plan that was officially approved by the City of Stockbridge and a new site plan which has been prepared and proposed by the applicant. It is not clear as to which site plan should be used as the basis of evaluation, due to the following:

a. October 7, 2004 Site Plan – This site plan was approved per the Amended Development Agreement, dated August 13, 2007, but it is only a schematic drawing rather than a detailed, scaled site plan.
b. January 25, 2005 Site Plan – This site plan was stamped for approval by Henry County Plan Review on behalf of the City, but other revisions were later made.
c. February 22, 2008 Site Plan – This site plan was mentioned as being approved in a letter from the City to the County, dated March 10, 2008, but it has not been located.

E. Applicant's Tentative Site Plan – Per the recommendation of the Planning and Zoning Staff, the applicant has submitted a tentative site plan by using the January 25, 2005 previously-approved site plan as a base, on which he has shown his proposed amenity changes in red. Yet, there remain two issues with this:

a. The applicant has not submitted a clean, proposed new site plan showing the amenities which he plans to provide.

b. If the February 22, 2008 site plan is later located, the City may require that the applicant submits a new site plan by using the February 22, 2008 site plan as a base.

XI. STAFF RECOMMENDATION

This Staff Report has demonstrated that the applicant's proposed amenity and site plan changes would be acceptable. The Staff recommends **APPROVAL WITH CONDITIONS** of this zoning modification request, with the following four zoning conditions:

1. The applicant shall prepare a clean, final site plan by using the previously-approved plat, dated January 25, 2005 (as part of the Site Development Plans that were prepared for Timberline Group, LLC by Land Engineering and Development) as a base, and showing all of the currently-proposed amenities.

2. The Planning and Zoning Staff shall review the accuracy of the new site plan, and upon its approval, the developer shall be bound by it.

3. No other substantial changes in the number, type, or location of amenities or other facilities shall be allowed.

4. The developer shall comply with all other requirements of the approved rezoning case (RZ-03-04 via Rezoning Ordinance No. 03-152, which included the required compliance with the specifications of the RM-2 zoning district), the original Development Agreement, the first amendment to the Development Agreement (dated December 13, 2004), and the Second Amendment to the Development Agreement (dated August 13, 2007).

CITY OF STOCKBRIDGE

4640 NORTH HENRY BOULEVARD
STOCKBRIDGE, GEORGIA 30281
PHONE (770) 389-7900
FAX (770) 389-7912

October 10, 2024

Ms. Michele Battle
President/Sr. Attorney
3562 Habersham at Northlake
Bldg. J, Suite 100
Tucker, GA 30084

RE: Tax Parcel No. S07-010-060-00

Dear Ms. Battle,

The City has reviewed your request for water and sewer services for the proposed twenty (20) unit townhome community. The estimated water and sewage usage is as follows:

- Water – 20 Units x 300 gpd = 6,000
- Sewer – 20 Units x 300 gpd = 6,000

Currently there is available capacity in the water distribution and sanitary sewer collection systems for the requested capacities, but if construction plans are not submitted within one (1) year (**October 10, 2025**), this reservation of capacity shall expire. The following are also required:

- All costs associated with connecting to the water distribution and sanitary sewer collection systems are the developer's responsibility.
- The developer must adhere to the City's Minimum Development Standards.

If additional information is needed, please do not hesitate to contact me via e-mail or cell phone at (678) 373-6765.

Sincerely,

Decius T. Aaron
Public Works Director

Cc: Kevin Miller, Sewer Superintendent
Adam Daniel, Chief Collection Systems Operator

DTA:da

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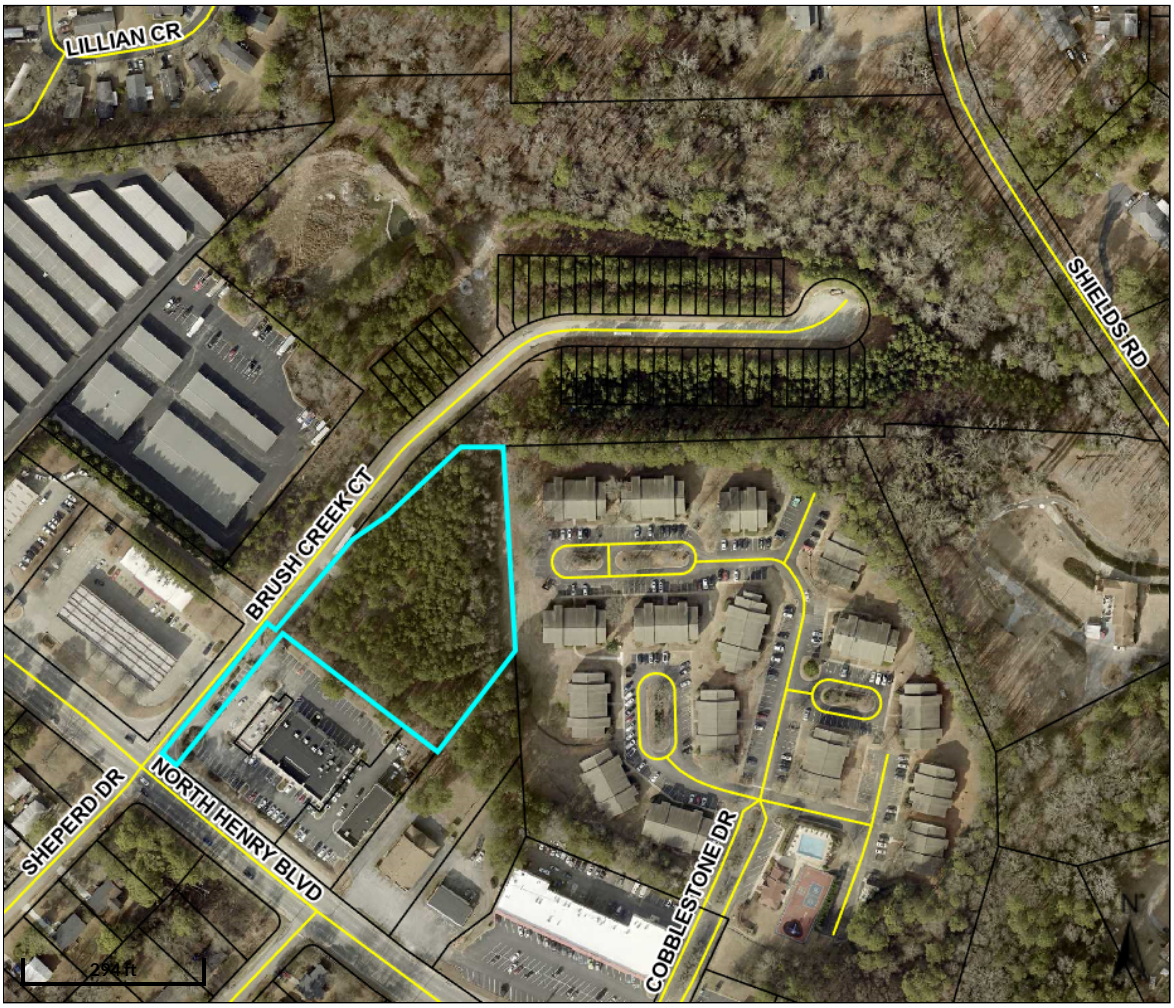
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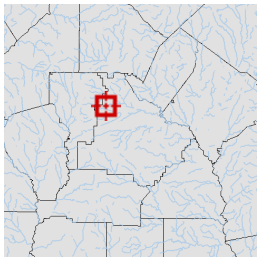
Cc: Kevin Miller, Sewer Superintendent
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DTA:da

Henry County, GA



Overview



Legend

- Parcels
- Roads

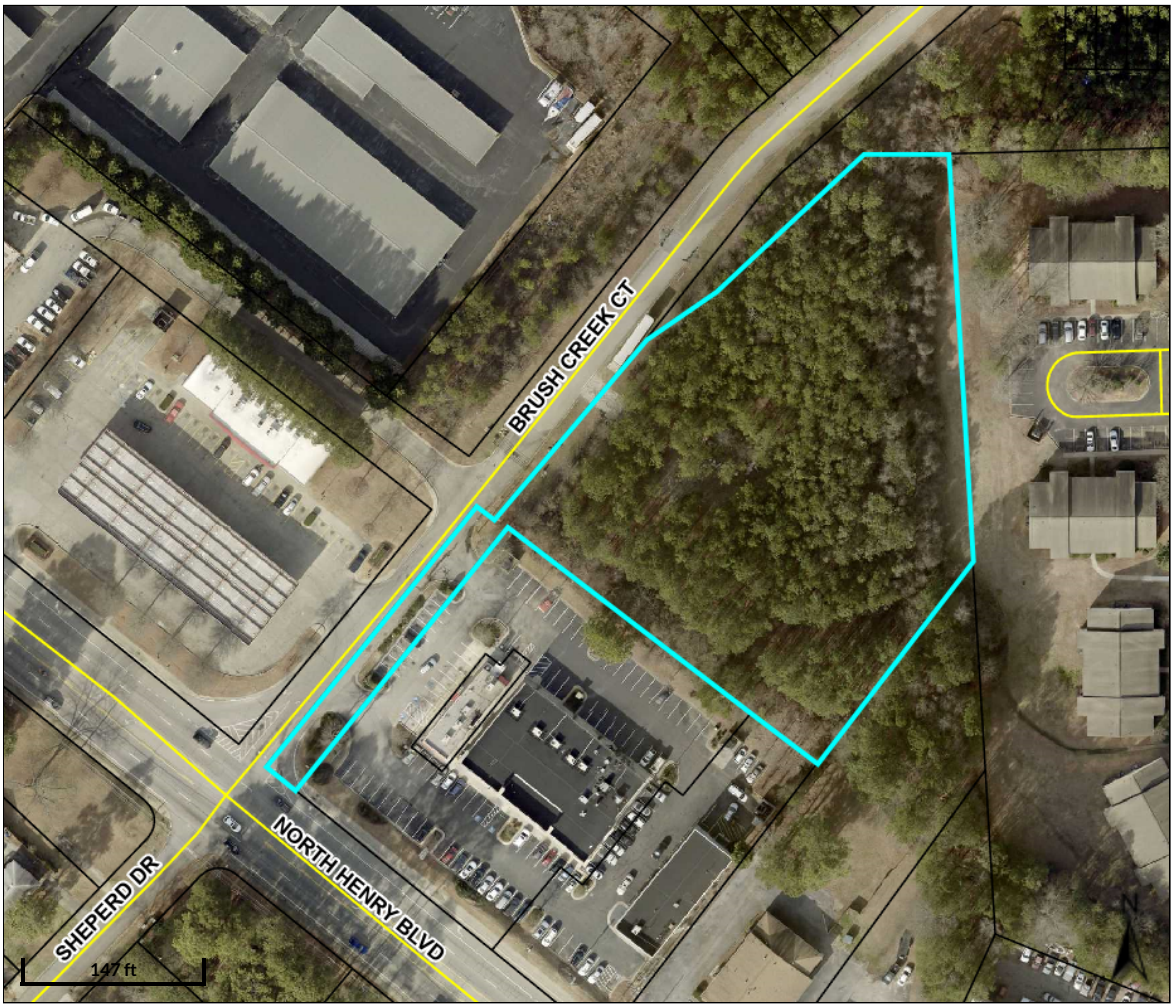
Parcel ID	S07-01006000	**Class**	C	**Owner**	PIVOTAL ENTERPRISES LLC	**Land Value:**	$126,500				
Property Address		**Acreage**	2.53	**Address**	1705 ENTERPRISE WAY STE S-100 MARIETTA GA 30067	**Building Value:**	$0	**Last 2 Sales**			
District	City/Stockbridge					**Misc Value:**	$0	**Date**	**Price**	**Reason**	**Qual**
						Total Value:	$126,500	3/22/2021	$387,000	MULTI PARCEL	U
								12/17/2013	$57,500	PART INT	U

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

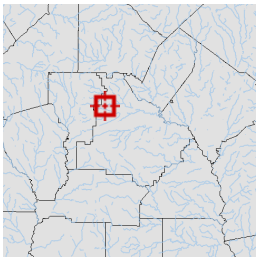
Date created: 10/23/2024
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Developed by SCHNEIDER GEOSPATIAL

Henry County, GA



Overview



Legend

- Parcels
- Roads

Parcel ID	S07-01006000	**Class**	C	**Owner**	PIVOTAL ENTERPRISES LLC	**Land Value:**	$126,500				
Property Address		**Acreage**	2.53	**Address**	1705 ENTERPRISE WAY STE S-100 MARIETTA GA 30067	**Building Value:**	$0	**Last 2 Sales**			
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RE: Tax Parcel No. S07-010-060-00

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- Sewer – 20 Units x 300 gpd = 6,000

Currently there is available capacity in the water distribution and sanitary sewer collection systems for the requested capacities, but if construction plans are not submitted within one (1) year (**October 10, 2025**), this reservation of capacity shall expire. The following are also required:

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- The developer must adhere to the City's Minimum Development Standards.

If additional information is needed, please do not hesitate to contact me via e-mail or cell phone at (678) 373-6765.

Sincerely,

Decius T. Aaron
Public Works Director

Cc: Kevin Miller, Sewer Superintendent
Adam Daniel, Chief Collection Systems Operator

DTA:da

City of Stockbridge Planning and Zoning Division
Rezoning Application

Name of Applicant Pivotal Enterprises LLC c/o Battle Law P.C. Phone: 770-527-8582 Date: 5/2/2024

Address Applicant: 1705 Enterprise Way Ste S-100 Fax _____ Cell # (770)480-1714

City: Marietta State: GA Zip: 30067 E-mail: olympiamike@bellsouth.net

Name of Agent Battle Law P.C. Phone: 404-601-7616 Date: 5/2/2024

Address Agent: 3562 Habersham at Northlake, Bldg. J, Ste 100 Fax _____ Cell # [redacted]

City: Tucker State: GA Zip: 30084 E-mail: mlb@battlelawpc.com

THE APPLICANT NAMED ABOVE AFFIRMS THAT HE OR SHE IS THE OWNER, OR AGENT OF THE OWNER, OF THE PROPERTY DESCRIBED BELOW, AND IS REQUESTING A REZONING OF THE PROPERTY.

Rezoning being requested C2 to MFR
to allow for a Townhome development

The property will be POSTED with a City of Stockbridge rezoning sign. The sign must remain on the subject property for no less than fifteen days prior to either Planning Commission or City Council meeting(s). The applicant or property owner shall not remove or alter the sign for any reason. _____ **Acknowledgement**

Address of Property: None Assigned

Nearest intersection to the property: Brush Creek Court and N. Henry Blvd
(Street Address)

Size of Tract: 2.28 acre(s), Land Lot Number(s): 59, District(s): 12

Property Tax Parcel Number(s): S07-010-060-00 **(Required)**

Witness' Signature

Elizabeth Escandon-Munoz
Printed Name of Witness

Notary

NOTARY STAMP:

RHONDA Y. WHITEHEAD COMBS NOTARY PUBLIC HENRY COUNTY, GEORGIA MY COMMISSION EXPIRES 02/25/2027

Pivotal Enterprises, LLC
By: Eaman Fiteni - Member
Signature of Applicant

Pivotal Enterprises, LLC
Printed Name of Applicant

Signature of Agent

(For Office Use Only)

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

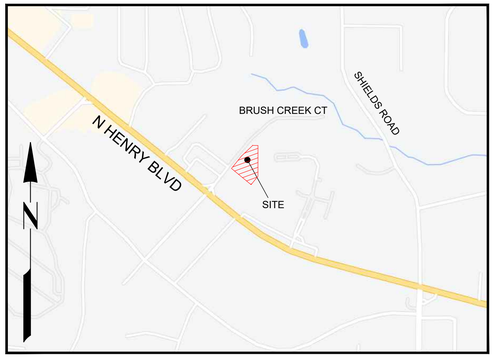
Application checked by: _____ Date: _____ Map Number(s): _____

Pre-application meeting: _____ Date: _____

Planning Commission Decision: _____

City Council Decision: _____

Community Development Director's Signature: _____ Date: _____



VICINITY MAP
NOT TO SCALE

LEGAL DESCRIPTION

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

COMMENCING 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 FOOT 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, 33.60 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 86 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 86 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 (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") AND THE ***POINT OF BEGINNING***;

THENCE LEAVING SAID LINE COMMON TO LAND LOTS 59 AND 70, SOUTH 00 DEGREES 04 MINUTES 27 SECONDS WEST, 388.88 FEET TO A 1/2" REBAR FOUND;

THENCE SOUTH 39 DEGREES 01 MINUTES 07 SECONDS WEST, 137.44 FEET TO A 1/2" REBAR FOUND;

THENCE NORTH 50 DEGREES 27 MINUTES 40 SECONDS WEST, 321.53 FEET TO A 1/2" REBAR & SURVEYOR'S CAP (STAMPED "SEILER & ASSOCIATES LSF #390 GEORGIA") SET ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF BRUSH CREEK COURT (50 RIGHT OF WAY PER FINAL SUBDIVISION PLAT OF BRUSH CREEK COMMONS, PLAT BOOK 63 PAGE 299, HENRY COUNTY, GEORGIA RECORDS);

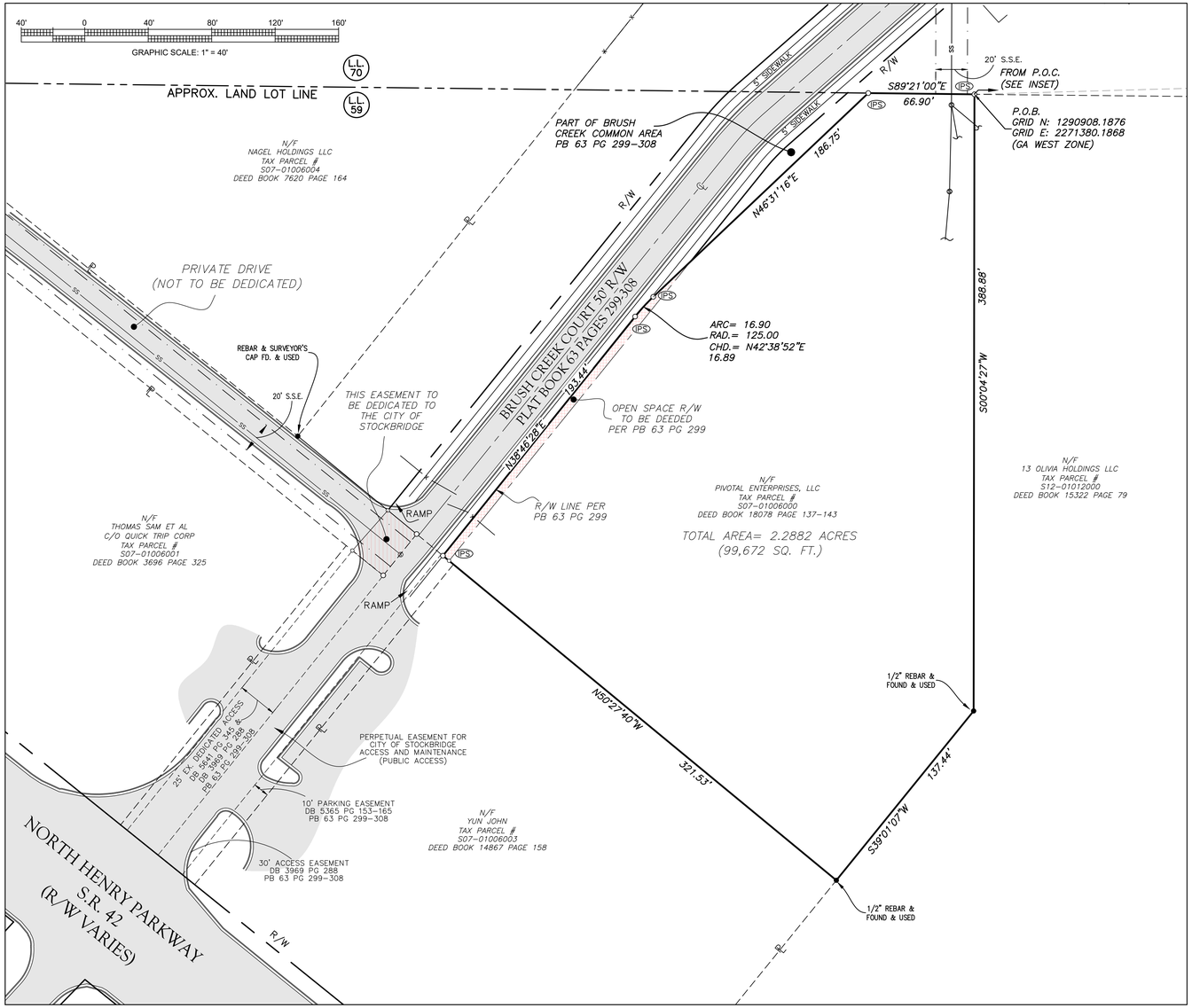
THENCE ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF BRUSH CREEK COURT, NORTH 38 DEGREES 46 MINUTES 28 SECONDS EAST, 193.44 FEET TO A 1/2" REBAR & SURVEYOR'S CAP SET (STAMPED "SEILER & ASSOCIATES LSF #390 GEORGIA");

THENCE CONTINUING ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF BRUSH CREEK COURT, 16.90 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, (SAID CURVE HAVING A RADIUS OF 125.00 FEET AND A CHORD OF NORTH 42 DEGREES 38 MINUTES 52 SECONDS EAST, 16.89 FEET) TO A 1/2" REBAR & SURVEYOR'S CAP SET (STAMPED "SEILER & ASSOCIATES LSF #390 GEORGIA");

THENCE LEAVING THE SOUTHEASTERLY RIGHT OF WAY LINE OF BRUSH CREEK COURT, NORTH 46 DEGREES 31 MINUTES 16 SECONDS EAST, 186.75 FEET TO A 1/2" REBAR & SURVEYOR'S CAP SET (STAMPED "SEILER & ASSOCIATES LSF #390 GEORGIA");

THENCE SOUTH 89 DEGREES 21 MINUTES 00 SECONDS EAST, 66.90 FEET TO THE ***POINT OF BEGINNING.***

SAID TRACT OR PARCEL OF LAND CONTAINING 2.2882 ACRES (99,672 SQUARE FEET).



GRID NORTH
NAD 83 (2011)
GA WEST ZONE

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 536,313 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 (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. 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.

SURVEYOR'S REFERENCES

1. APPROVED SITE DEVELOPMENT PLANS FOR BRUSH CREEK COMMONS BY LAND ENGINEERING AND DEVELOPMENT DATED JANUARY 25, 2005 (LAST REVISED 3-17-06).
2. FINAL SUBDIVISION PLAT FOR BRUSH CREEK COMMONS PREPARED BY SEILER AND ASSOCIATES RECORDED IN PLAT BOOK 63 PAGES 299-308.

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)
- COMMUNICATIONS STUB (COMM)
- COMMUNICATIONS BOX
- TRANSFORMER (XFMR)
- ELECTRIC STUB

N/F = NOW OR FORMERLY
DB = DEED BOOK
PB = PLAT BOOK
PG. = PAGE
FD. = FOUND
MEAS. = MEASURED
REC. = RECORD
CALC. = CALCULATED
P/L = PROPERTY LINE
C/L = CENTERLINE
CONC. = CONCRETE
CHD. = CHORD
PVMT = PAVEMENT
MS = METAL SIGN
S.S.E. = SANITARY SEWER EASEMENT
D.E. = DRAINAGE EASEMENT
BSL = BUILDING SETBACK LINE
UE = UTILITY EASEMENT
CO = SANITARY SEWER CLEANOUT
C.M.F. = CONCRETE MONUMENT
R/W = RIGHT-OF-WAY
SS —— = SANITARY SEWER LINE

SURVEYOR'S CERTIFICATION

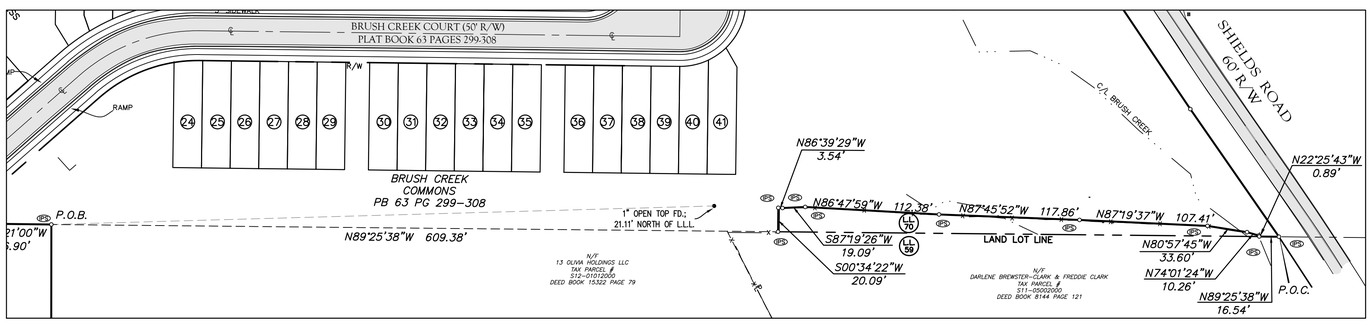
THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

GEORGIA REGISTERED No. 2388 PROFESSIONAL LAND SURVEYOR KEITH SEILER

5-3-24

KEITH R. SEILER — DATE

GEORGIA REGISTRATION NO. 2388
MEMBER NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS (NSPS)
MEMBER SURVEYING & MAPPING SOCIETY OF GEORGIA (SAMSOG)



P.O.C INSET
SCALE 1" = 60'

FLOOD NOTE:
ACCORDING TO FEMA F.I.R.M. PANELS: ***1351C0086D & 1351C0067D*** EFFECTIVE DATE: ***OCTOBER 6, 2016*** AND BY GRAPHIC PLOTTING ONLY, NO 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 2024**
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.

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

BOUNDARY SURVEY FOR PIVOTAL ENTERPRISES, LLC CITY OF STOCKBRIDGE, (HENRY COUNTY), GEORGIA

GEORGIA REGISTERED No. 2388 PROFESSIONAL LAND SURVEYOR KEITH SEILER

5-3-24

NO.	REVISIONS DESCRIPTION	DATE	BY	APPR.

SHEET 1 OF 1
DATE: MAY 3, 2024
SCALE: HORIZ.: 1" = 40'
VERT.: N/A
FIELD BOOK: PROJECT
LAND LOT(S): 59
DISTRICT: 12 TH
SECTION: N/A
COUNTY: HENRY (CITY OF STOCKBRIDGE)
SURVEYED: JG
DRAWN: BCM
CHECKED: KS
APPROVED: KS
PROJECT NO.: 20022-100
DWG NAME: 20022-100-001-Qa.dwg

C:\Users\Keith Seiler & Associates Inc\Seiler & Associates Inc Team Site - Documents\Technical\Land Projects (PJ)\2022\Clients\20022-100-001-Qa.dwg, S1 Rev - May 03, 2024 - 8:41:56pm

LEGAL DESCRIPTION

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

COMMENCING 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 FOOT 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, 33.60 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 86 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 86 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 (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”) AND THE ***POINT OF BEGINNING***;

THENCE LEAVING SAID LINE COMMON TO LAND LOTS 59 AND 70, SOUTH 00 DEGREES 04 MINUTES 27 SECONDS WEST, 388.88 FEET TO A 1/2” REBAR FOUND;

THENCE SOUTH 39 DEGREES 01 MINUTES 07 SECONDS WEST, 137.44 FEET TO A 1/2” REBAR FOUND;

THENCE NORTH 50 DEGREES 27 MINUTES 40 SECONDS WEST, 321.53 FEET TO A 1/2” REBAR & SURVEYOR'S CAP (STAMPED “SEILER & ASSOCIATES LSF #390 GEORGIA”) SET ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF BRUSH CREEK COURT (50 RIGHT OF WAY PER FINAL SUBDIVION PLAT OF BRUSH CREEK COMMONS, PLAT BOOK 63 PAGES 299-308, HENRY COUNTY, GEORGIA RECORDS);

THENCE ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF BRUSH CREEK COURT, NORTH 38 DEGREES 46 MINUTES 28 SECONDS EAST, 193.44 FEET TO A 1/2” REBAR & SURVEYOR'S CAP SET (STAMPED “SEILER & ASSOCIATES LSF #390 GEORGIA”);

THENCE CONTINUING ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF BRUSH CREEK COURT, 16.90 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, (SAID CURVE HAVING A RADIUS OF 125.00 FEET AND A CHORD OF NORTH 42 DEGREES 38 MINUTES 52 SECONDS EAST, 16.89 FEET) TO A 1/2” REBAR & SURVEYOR'S CAP SET (STAMPED “SEILER & ASSOCIATES LSF #390 GEORGIA”);

THENCE LEAVING THE SOUTHEASTERLY RIGHT OF WAY LINE OF BRUSH CREEK COURT, NORTH 46 DEGREES 31 MINUTES 16 SECONDS EAST, 186.75 FEET TO A 1/2” REBAR & SURVEYOR'S CAP SET (STAMPED “SEILER & ASSOCIATES LSF #390 GEORGIA”);

THENCE SOUTH 89 DEGREES 21 MINUTES 00 SECONDS EAST, 66.90 FEET TO THE ***POINT OF BEGINNING.***

SAID TRACT OR PARCEL OF LAND CONTAINING 2.2882 ACRES (99,672 SQUARE FEET).

BK:18078 PG:137-139
Filed and Recorded
Apr-30-2021 01:10 PM
DOC# 2021 - 017687
Real Estate Transfer Tax
Paid: $ 193.50
0752021004368
SABRIYA HILL
CLERK OF SUPERIOR COURT
HENRY COUNTY, GA
Participant ID: 6028630192

Please return to:
Sams & Cole, LLC
2809 Lassiter Road, Suite 100
Marietta, GA 30062
File #: 21-0028

STATE OF GEORGIA
COUNTY OF COBB

LIMITED WARRANTY DEED

THIS INDENTURE made this 22nd day of March, 2021 between

TH41, LLC, a Georgia limited liability company, a 50% undivided interest

as party or parties of the first part, hereinafter called Grantor, and

Pivotal Enterprises, LLC

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

WITNESSETH that: Grantor, for and in consideration of the sum of TEN DOLLARS and other good and valuable consideration ($10.00) in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property:

See attached Exhibit "A" legal description

Address: Shields Road and N. Henry Blvd

Subject to covenants, restrictions, easements, right of way deeds, agreements, matters of plat, governmental ordinances and other lawful matters affecting said property

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantee against the claims of all persons owning, holding or claiming by, through or under the said Grantor.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this first day and year first above written.

Signed, sealed and delivered in the presence of:

Witness

TH41, LLC, a Georgia limited liability company, a 50% undivided interest

(Seal)
John Hardy Jones, Member

(Seal)

Notary Public
[Affix Notary Seal]

LEIGH ANN GREEN
NOTARY PUBLIC
TROUP COUNTY, GEORGIA
MY COMMISSION EXPIRES JANUARY 29, 2022

Exhibit A

All that tract or parcel of land, containing 15.91 acres, more or less, lying and being in Land Lot 70 and 59 of the 12th District of Henry County, Georgia, as shown on preliminary plat by Bunn Grading Company, Inc., dated 6/14/04, and being more particularly described according to said plat as follows:

COMMENCING at the intersection of the centerline of Askew Road and the northern right of way line of State Route 42 and State 138; thence, Southeasterly a distance of 467.58 feet to an iron pin; thence, North 44 degrees 7 minutes 55 seconds East a distance of 225.72 feet to the POINT OF BEGINNING; thence, North 44 degrees 22 minutes 29 seconds East a distance of 34.28 feet to a point; thence South 51 degrees 13 minutes 8 seconds East a distance of 360.00 feet to a point; thence, North 38 degrees 35 minutes 37 seconds East a distance of 360.00 feet to a point; thence North 51 degrees 32 minutes 18 seconds West a distance of 325.00 feet to a point; thence, North 44 degrees 8 minutes 4 seconds East a distance of 267.48 feet to a point; thence, North 3 degrees 30 minutes 52 seconds West a distance of 113.75 feet to a point, thence; South 89 degrees 57 minutes 37 seconds East a distance of 280.97 feet to a point; thence South 10 degrees 43 minutes 44 seconds West a distance of 45.70 feet to a point; thence, North 89 degrees 58 minutes 34 seconds East a distance of 694.39 feet to a point on the western right of way line of Shields Drive; thence, along a curve having a radius of 793.27 feet, a chord bearing of South 8 degrees 19 minutes 12 seconds East a distance of 115.57 feet to a point; thence, South 31 degrees 10 minutes 46 seconds a distance of 82.49 feet to a point; thence, South 33 degrees 14 minutes 43 seconds East a distance of 306.52 feet to a point; thence South 35 degrees 31 minutes 23 seconds East a distance of 135.04 feet to a point; thence, North 89 degrees 4 minutes 1 second West a distance of 1098.72 feet to a point; thence, South 47 degrees 27 minutes 25 seconds West a distance of 186.88 feet to a point; thence along a curve to the Southwest having a radius of 125.00 feet and a length of 16.90 feet to a point; thence South 38 degrees 42 minutes 36 seconds East a distance of 223.55 feet to a point; thence, North 51 degrees 8 minutes 8 seconds West a distance of 25.00 feet to a point; thence, South 38 degrees 51 minutes 52 seconds West a distance of 28.67 feet to a point; thence North 51 degrees 8 minutes 8 seconds West a distance of 347.38 feet to a point; thence North 51 degrees 7 minutes 4 seconds West a distance of 134.84 feet to the POINT OF BEGINNING.

Parcel ID # S07-01006005 Henry County Georgia tax records and being the same property as conveyed at Deed Book 12441 Page 289 Henry County, Georgia records

EXHIBIT "A" *continued*

LEGAL DESCRIPTION

All that land or parcel lying in Land Lot 59 of the 12th District of Henry County, Georgia containing +/- 2.29 acres and being more particularly described as follows:

Commencing at the intersection of the northerly Land Lot Line of Land Lot 59 and the westerly right of way line of Shields Road (60' right of way) as referenced in deed book 8063 page 272 of the Henry County records; thence in a westerly direction along said Land Lot Line a distance of 1,031.72 feet to a point, said point being the true POINT OF BEGINNING; thence South 00°01'22" West, a distance of 388.88 feet to a point; thence South 38°56'20" West, a distance of 137.41 feet to a point; thence North 50°31'01" West, a distance of 321.51 feet to a point on the westerly right of way line of the proposed Brush Creek Court (50' right of way); thence continuing along said proposed right of way North 38°42'36" East, a distance of 193.44 feet to a point; thence continuing along said proposed right of way line to an arc of a curve to the right, arc distance of 16.90 feet, said arc having a radius of 125.00 feet and subtended by a chord of North 42°35'00" East and a chord distance of 16.89 feet to a point; thence continuing along said proposed right of way North 46°27'25" East, a distance of 186.74 feet to a point on the northerly Land Lot Line of Land Lot 59; thence leaving said proposed right of way and continuing along said Land Lot Line South 89°24'04" East, a distance of 66.90 feet to a point, said point being the true POINT OF BEGINNING.

Containing 99,752 square feet or 2.29 acres, more or less.

ALSO the following described property:

TO ARRIVE AT THE TRUE POINT OF BEGINNING, BEGIN at the intersection of the Northeasterly r/w line of State Hwy. 42-138 (78.7' pave-r/w varies) with the center line of Askew Road, and run thence Southeasterly along the Northeasterly r/w line of State Hw. 42-138 a distance of 949.0 feet to a point the TRUE POINT OF BEGINNING.

FROM THE POINT THUS ARRIVED AT, run thence North 38 degrees 51 minutes 52 second East 255.00 feet to a point; thence South 51 degrees 08 minutes 08 East 30.00 feet to an iron pin placed; thence South 38 degrees 51 minutes 52 seconds West 254.99 feet to a point located on the Northeasterly r/w line of State Hwy. 42-138; thence North 51 degrees 08 minutes 08 seconds West 30.00 feet to the point of beginning.

Parcel Id # S07-01006000 Henry County tax records and being the same property as conveyed at Deed Book 13429 Page 204 Henry County Georgia records

https://search.gsccca.org/Imaging/HTML5Viewer.aspx?id=53840496&key1=13429&key2=204&county=75&countyname=HENRY&userid=122196&app... 1/1

BK:18078 PG:140-143
Filed and Recorded
Apr-30-2021 01:10 PM
DOC# 2021 - 017688
Real Estate Transfer Tax
Paid: $ 193.50
0752021004367
SABRIYA HILL
CLERK OF SUPERIOR COURT
HENRY COUNTY, GA
Participant ID: 6028630192

Please return to:
Sams & Cole, LLC
2809 Lassiter Road, Suite 100
Marietta, GA 30062
File #: 21-0028

STATE OF GEORGIA
COUNTY OF COBB

LIMITED WARRANTY DEED

THIS INDENTURE made this 22nd day of March, 2021 between

Tarzana Properties, LLC, a Georgia limited liability company, a 50% undivided interest

as party or parties of the first part, hereinafter called Grantor, and

Pivotal Enterprises, LLC

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

WITNESSETH that: Grantor, for and in consideration of the sum of TEN DOLLARS and other good and valuable consideration ($10.00) in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property:

See attached Exhibit "A" legal description

Address: Shields Road and N. Henry Blvd

Subject to covenants, restrictions, easements, right of way deeds, agreements, matters of plat, governmental ordinances and other lawful matters affecting said property

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantee against the claims of all persons owning, holding or claiming by, through or under the said Grantor.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this first day and year first above written.

Signed, sealed and delivered in the presence of:

Witness

Tarzana Properties, LLC, a Georgia limited liability company, a 50% undivided interest

_____(Seal)
Robert C. Baral, Member

_____(Seal)

_____
Notary Public

[Attach Notary Seal]

Attached to and made a part of: _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Los Angeles)

On Mar 1 22, 20 21 before me, S. Farzam, notary public, personally appeared Robert C. Baral who signed the above-referenced Instrument in my presence and who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within Instrument, and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY of PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature S. Farzam (Seal)
Name:

S. FARZAM
Notary Public - California
Los Angeles County
Commission # 2241815
My Comm. Expires Jun 5, 2022

Exhibit A

All that tract or parcel of land, containing 15.91 acres, more or less, lying and being in Land Lot 70 and 59 of the 12th District of Henry County, Georgia, as shown on preliminary plat by Bunn Grading Company, Inc., dated 6/14/04, and being more particularly described according to said plat as follows:

COMMENCING at the intersection of the centerline of Askew Road and the northern right of way line of State Route 42 and State 138; thence, Southeasterly a distance of 467.58 feet to an iron pin; thence, North 44 degrees 7 minutes 55 seconds East a distance of 225.72 feet to the POINT OF BEGINNING; thence, North 44 degrees 22 minutes 29 seconds East a distance of 34.28 feet to a point; thence South 51 degrees 13 minutes 8 seconds East a distance of 360.00 feet to a point; thence, North 38 degrees 35 minutes 37 seconds East a distance of 360.00 feet to a point; thence North 51 degrees 32 minutes 18 seconds West a distance of 325.00 feet to a point; thence, North 44 degrees 8 minutes 4 seconds East a distance of 267.48 feet to a point; thence, North 3 degrees 30 minutes 52 seconds West a distance of 113.75 feet to a point, thence; South 89 degrees 57 minutes 37 seconds East a distance of 280.97 feet to a point; thence South 10 degrees 43 minutes 44 seconds West a distance of 45.70 feet to a point; thence, North 89 degrees 58 minutes 34 seconds East a distance of 694.39 feet to a point on the western right of way line of Shields Drive; thence, along a curve having a radius of 793.27 feet, a chord bearing of South 8 degrees 19 minutes 12 seconds East a distance of 115.57 feet to a point; thence, South 31 degrees 10 minutes 46 seconds a distance of 82.49 feet to a point; thence, South 33 degrees 14 minutes 43 seconds East a distance of 306.52 feet to a point; thence South 35 degrees 31 minutes 23 seconds East a distance of 135.04 feet to a point; thence, North 89 degrees 4 minutes 1 second West a distance of 1098.72 feet to a point; thence, South 47 degrees 27 minutes 25 seconds West a distance of 186.88 feet to a point; thence along a curve to the Southwest having a radius of 125.00 feet and a length of 16.90 feet to a point; thence South 38 degrees 42 minutes 36 seconds East a distance of 223.55 feet to a point; thence, North 51 degrees 8 minutes 8 seconds West a distance of 25.00 feet to a point; thence, South 38 degrees 51 minutes 52 seconds West a distance of 28.67 feet to a point; thence North 51 degrees 8 minutes 8 seconds West a distance of 347.38 feet to a point; thence North 51 degrees 7 minutes 4 seconds West a distance of 134.84 feet to the POINT OF BEGINNING.

Parcel ID # S07-01006005 Henry County Georgia tax records and being the same property as conveyed at Deed Book 12441 Page 289 Henry County, Georgia records

EXHIBIT "A" *continued*

LEGAL DESCRIPTION

All that land or parcel lying in Land Lot 59 of the 12th District of Henry County, Georgia containing +/- 2.29 acres and being more particularly described as follows:

Commencing at the intersection of the northerly Land Lot Line of Land Lot 59 and the westerly right of way line of Shields Road (60' right of way) as referenced in deed book 8063 page 272 of the Henry County records; thence in a westerly direction along said Land Lot Line a distance of 1,031.72 feet to a point, said point being the true POINT OF BEGINNING; thence South 00°01'22" West, a distance of 388.88 feet to a point; thence South 38°56'20" West, a distance of 137.41 feet to a point; thence North 50°31'01" West, a distance of 321.51 feet to a point on the westerly right of way line of the proposed Brush Creek Court (50' right of way); thence continuing along said proposed right of way North 38°42'36" East, a distance of 193.44 feet to a point; thence continuing along said proposed right of way line to an arc of a curve to the right, arc distance of 16.90 feet, said arc having a radius of 125.00 feet and subtended by a chord of North 42°35'00" East and a chord distance of 16.89 feet to a point; thence continuing along said proposed right of way North 46°27'25" East, a distance of 186.74 feet to a point on the northerly Land Lot Line of Land Lot 59; thence leaving said proposed right of way and continuing along said Land Lot Line South 89°24'04" East, a distance of 66.90 feet to a point, said point being the true POINT OF BEGINNING.

Containing 99,752 square feet or 2.29 acres, more or less.

ALSO the following described property:

TO ARRIVE AT THE TRUE POINT OF BEGINNING, BEGIN at the intersection of the Northeasterly r/w line of State Hwy. 42-138 (78.7' pave-r/w varies) with the center line of Askew Road, and run thence Southeasterly along the Northeasterly r/w line of State Hw. 42-138 a distance of 949.0 feet to a point the TRUE POINT OF BEGINNING.

FROM THE POINT THUS ARRIVED AT, run thence North 38 degrees 51 minutes 52 second East 255.00 feet to a point; thence South 51 degrees 08 minutes 08 East 30.00 feet to an iron pin placed; thence South 38 degrees 51 minutes 52 seconds West 254.99 feet to a point located on the Northeasterly r/w line of State Hwy. 42-138; thence North 51 degrees 08 minutes 08 seconds West 30.00 feet to the point of beginning.

Parcel Id # S07-01006000 Henry County tax records and being the same property as conveyed at Deed Book 13429 Page 204 Henry County Georgia records

https://search.gsccca.org/Imaging/HTML5Viewer.aspx?id=63840498&key1=13429&key2=204&county=75&countyname=HENRY&userid=122196&app... 1/1

https://search.gsccca.org/Imaging/HTML5Viewer.aspx?id=78542438&key1=18078&key2=137&county=75&countyname=HENRY&userid=251358&a... 7/13

Applicant Campaign Disclosure Form

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

Has the applicant made, within two (2) years immediately preceding the filing of this application for a rezoning, campaign contributions aggregating $250 or more, or made gifts having in the aggregate a value of $250 or more to a member of the City of Stockbridge Planning Commission or Stockbridge City Council who will consider the application?

Yes_____No X

If Yes, the applicant and the attorney representing the applicant must file the following information with the City of Stockbridge Planning and Zoning Division within ten (10) days after this application is first filed:

Planning Commissioner and/or City Council Member Name	Dollar Amount of Campaign Contribution	Description of Gift $250 or greater, which was given to Board Member

We certify that the foregoing information is true and correct, this 2nd day of May, 2024.

Applicant's Name - Printed

Signature of Applicant/Property Owner/Agent

Michele L. Battle

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 2nd day of May, 2024.

Notary Public

BATOYA CLEMENTS NOTARY PUBLIC GEORGIA GWINNETT COUNTY EXPIRES May 4, 2024

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

Applicant Campaign Disclosure Form

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

Has the applicant made, within two (2) years immediately preceding the filing of this application for a rezoning, campaign contributions aggregating $250 or more, or made gifts having in the aggregate a value of $250 or more to a member of the City of Stockbridge Planning Commission or Stockbridge City Council who will consider the application?

Yes_____No _X__

If **Yes**, the applicant and the attorney representing the applicant must file the following information with the City of Stockbridge Planning and Zoning Division within ten (10) days after this application is first filed:

Planning Commissioner and/or City Council Member Name	Dollar Amount of Campaign Contribution	Description of Gift $250 or greater, which was given to Board Member

We certify that the foregoing information is true and correct, this 2nd day of May, 2024

Eaman Fatemi - Member
Applicant's Name - Printed

Signature of Applicant/Property Owner/Agent

Michele L. Battle
Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 2nd day of May, 2024

RHONDA Y WHITEHEAD COMBS NOTARY PUBLIC MY COMMISSION EXPIRES 02/25/2027 HENRY COUNTY, GEORGIA

Rhonda Y. Whitehead-Combs
Notary Public

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

NOTE: If the proposed development site would contain more than one property, and/or more than one property owner, please first type a list on a separate sheet of paper which identifies each property (address and/or parcel number) and its corresponding property owner(s). Then fill out a separate Property Owner's Authorization Form (provided below) for each property and each property owner.

PROPERTY OWNER'S AUTHORIZATION FORM (See NOTE above.)

The undersigned below is the PROPERTY OWNER, or one of the property owners, of the property at _____ [address], with Parcel Number S07-01006000, which is the subject of this application.

Name of Property Owner: Pivotal Enterprises LLC

Property Owner's Address: 1705 Enterprise Way Ste S-100 Marietta, GA 30067

Telephone: 770-527-8582 E-mail: olympiamike@bellsouth.net

I swear that I am the Property Owner, or one of the Property Owners, of the property that is the subject matter of the attached application, as is shown in the tax assessors' records of Henry [County], Georgia [State].

Signature: _____ - Eamon Fitemi - Member Date: 3/25/2024

The undersigned does duly authorize the person(s) and/or company who is named below to act as APPLICANT(S) in the pursuit of this application for the subject property.

Name(s) of Applicant(s): _____

Company/law firm (if applicable): Battle Law P.C.

Telephone, E-Mail, & Address: 404-601-7616 , mlb@battlelawpc.com, and

3562 Habersham at Northlake Bldg J, Suite 100 Tucker, GA 30084

I authorize the Applicant or Applicants who are named above to act on my behalf for this application.

_____ _____

Signature of Property Owner, who swears that the information which is contained in this Property Owner's Authorization is true and correct to the best of his or her knowledge and belief.

Signature of Notary Public

RHONDA Y WHITEHEAD COMBS NOTARY PUBLIC HENRY COUNTY GEORGIA MY COMMISSION EXPIRES 02/25/2027

Rhonda Y. Whitehead-Combs

Printed Name of Notary Public

3/25/2024 3/25/2024

Date Date

Notary Public's Seal or Stamp:

playground

L.L. 70

APPROX. LAND LOT LINE

L.L. 59

sports field

gazebo
school bus
waiting area

monument sign

S.S.E.

Brush Creek Court

(50' r/w)

50'

20' BL

10'

*guest parking

2' grass strip

50' r/w

26' back of curb to back of curb

20'

20' SSE

15' BL

clubhouse

20' private alley

30' planted buffer

Waffle House

commercial/retail

Rezoning Plat

Brush Creek Commons

City of Stockbridge, Georgia Land Lots 59 and 70, 12th District

prepared for:
Pivotal Enterprises, LLC
1705 Enterprise Way
Marietta, Georgia 30067

0 25 50 100 200

Scale: 1" = 50'

DGM
LAND PLANNING CONSULTANTS, INC.
1635 OLD HWY 41
SUITE 112–314
KENNESAW, GA 30152
770–514–9006
DGMLPC.COM

Phase 2

2.28 AC

Existing zoning:	**C2**
Proposed zoning:	**MFR**
Total Units:	**20**
(24'w x 50'd)	



Battle Law

STATEMENT OF INTENT

and

Other Material Required by
Stockbridge Zoning Ordinance
For
A Future Land Use Amendment from LDMU to MDR
and
A Rezoning from C2 to MFR

of

Pivotal Enterprises, LLC
c/o Battle Law, P.C.

for

+/- 2.28 Acres of Land
Being Brush Creek Court
Stockbridge, Georgia and
Parcel Nos. S07-01006000

Submitted for Applicant by:

Michèle L. Battle, Esq.
Joshua S. Mahoney, Esq.
Battle Law, P.C.
Habersham at Northlake, Building J, Suite 100
Tucker, Georgia 300384
(404) 601-7616 Phone
(404) 745-0045 Facsimile
mlb@battlelawpc.com

Battle Law

I. LETTER OF INTENT

Pivotal Enterprises, LLC (the "Applicant") is seeking to develop 20 townhome units on +/- 2.28 acres of land being Tax Parcel No. S07-01006000 having frontage on Brush Creek Court (the "Subject Property"). The Applicant is seeking a future land use map designation change to MDR and a rezoning of the Subject Property to MFR. These two changes will allow for the property to be unified with the existing adjacent Brush Creek Commons development. As currently zoned, the Subject Property has no reasonable economic use because the commercial requirements of its current zoning are not supported by its hidden position behind another commercial development. Adding 20 townhome units to the Brush Creek Commons HOA will spread the burden of maintaining the community's amenities. This document serves as a statement of intent and contains notice of constitutional allegations as a reservation of the Applicant's rights.

II. NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONTITUTIONAL RIGHTS

The portions of the Stockbridge Zoning Ordinance, facially and as applied to the Subject Property, which restrict or classify or may restrict or classify the Subject Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The application of the Stockbridge Zoning Ordinance to the Subject Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia.

Battle Law

A refusal by the Stockbridge City Council to amend the land use and/or rezone the Subject Property to the classification as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any future land use map amendment or rezoning of the Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

A refusal to allow the future land use map amendment or rezoning in question would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

A refusal to allow the future land use map amendment or rezoning in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law, O.C.G.A Section 36-66/1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

The existing land use designation and/or zoning classification on the Subject Property is unconstitutional as it applies to the Subject Property. This notice is being given to comply with the provisions of O.C.G.A. Section 36-11-1 to afford the County an opportunity to revise the Property to a constitutional classification. If action is not taken by the County to rectify this unconstitutional land use designation and/or zoning classification within a reasonable time, the Applicant is hereby placing the County on notice that it may elect to file a claim in the Superior Court of Henry County demanding just and adequate compensation under Georgia law for the taking of the Subject Property, diminution of value of the Subject Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.

Michele L. Battle, Esq.
Attorney for the Applicant

CITY OF STOCKBRIDGE
4640 NORTH HENRY BOULEVARD
STOCKBRIDGE, GEORGIA 30281
PHONE 770 -389-7901 FAX 770-692-2690

April 10,2024

To Whom It May Concern:

This is to verify that the City of Stockbridge services water and sewer for Brush Creek Subdivision.

If you have any questions, please call the Utility Billing Department in City Hall at 770-389-7901.

Thank You

Kimberly Barnett
Utility Billing Supervisor

STAFF REPORT (DRAFT)

TO: Mayor and City Council
Planning Commission

FROM: Linda M. Logan, Senior Planner, Planning and Zoning Division

CC: Ryan Anderson, Community Development Director
Keedra Jackson, Chief Planner

DATE: November 21, 2024 and December 9, 2024

SUBJECT: **Staff Report for Rezoning Case #RZ-2024-03:**
Brush Creek Commons, Phase 2, on the East Side of Brush Creek Court (Parcel #S07-01006000)

I. PURPOSE

The applicant/developer, Pivotal Enterprises, LLC (represented by Battle Law, P.C.), requests to rezone Parcel #S07-01006000 on the east side of Brush Creek Court from C-2 (General Commercial) to MFR (Multiple-Family Residential) to allow for the development of twenty (20) townhomes on 2.2882 acres via the approval of RZ-2024-03. The applicant also seeks to designate Parcel #S07-01006000 as Phase 2 of the Brush Creek Commons townhome development on the west side of Brush Creek Court (Phase 1), which is currently under construction with forty-one (41) townhomes. The applicant wishes to add Phase 2 to the Phase 1 development in order to create one community. By having more homeowners to share in the cost of the HOA for Phase 1, this would reduce the tax burden of the Brush Creek Commons, Phase 1 residents. The applicant/developer had considered making the Phase 2 site an entirely separate development, but this would require that Phase 2 have its own amenities and its own HOA.

Before the rezoning of the Phase 2 parcel can be approved via RZ-2024-03, and before the Phase 2 parcel can be included within the boundaries of the overall Brush Creek Commons development, two other cases must be approved, as are listed below. In addition, the two parcels must be officially combined to form one parcel through the recombination application process.

~ Comprehensive Plan Amendment Case #CP-2024-03—The applicant requests that the future land use designation of Parcel #S07-01006000 (the Phase 2 parcel) be changed from Low-Density Mixed-Use to Medium-Density Residential.

~ Zoning Modification Case #ZM-2024-01—The applicant requests that Parcel #S07-01006000 on the east side of Brush Creek Court (the Phase 2 parcel) becomes a part of the overall Brush Creek Commons townhome development by combining it with Parcel #S07A01100000 on the west side of Brush Creek Court (the Phase 1 parcel). The approval of ZM-2024-01 would allow the Phase 2 parcel to be developed with 20 townhomes on 2.2882 +/- acres as an addition to the 41 townhomes which are being constructed on the Phase 1 parcel, which has 15.7423 +/- acres (excluding right-of-way areas). The combined development would have 61 total townhomes on 18.02 +/- acres, for an overall density of 3.39 units per acre.

The filing of the ZM-2024-01 application was necessary to request changes to the Brush Creek Commons development and site plan which had been approved by City Council on November 14, 2022 for the applicant's previous zoning modification case, #ZM-2022-01. The purpose of ZM-2022-01 was to allow various changes to the site plan and required amenities that were specified in the original rezoning of the property via Rezoning Case #RZ-03-04. The approval of ZM-2022-01 was based on a new site plan. A new final plat was approved by the Community Development Department and then officially recorded on September 12, 2003 (in Book 63, Pages 299-308) in Henry County Superior Court. An associated Amendment to a previously-approved Development Agreement was also approved as an agreement between the City of Stockbridge and the developer for how the property was to be developed, including certain conditions. The approval of ZM-2022-01 specified a maximum number of 41 units for Brush Creek Commons, along with a considerable number of required amenities. The applicant had applied for ZM-2022-01 for the purpose of reducing the number of amenities which were required by the original rezoning of the property under RZ-03-04 and its associated Development Agreement.

The approved site plan under ZM-2022-01 did not designate Parcel #S07-01006000) for future development as Phase 2. It was simply shown as vacant land on the Boundary Survey of the ZM-2022-01 application for Brush Creek Commons. The site plan for the Phase 1 development was officially recorded on September 12, 2023.

Now, Phase 1 is under construction, and the aerial photo of Parcel #S07A01100000 shows that an individual parcel has been created for each of the 41 approved townhome lots. (Prior to the creation of the townhome lots, the parent parcel was known as Parcel #S07-01006005.) Phase 2 would add 20 more units; thus, the entire development would have 61 units if ZM-2024-01 is approved.

The applicant's Letter of Intent states that the purpose of ZM-2024-01 is to modify the Conditions of the original rezoning of the Phase 1 property via RZ-03-04, subject to the Conditions from Exhibit A, to allow for and include the development of Phase 2. The approval of ZM-2024-01 would be followed by a third Amendment to the Development Agreement, which would also contain an amendment to the Declaration of Restrictive Covenants. The third Amendment to the Development Agreement would need to be approved by City Council. It would be drafted by the City Attorney or City Zoning Attorney and the applicant's attorney as an agreement between the City of Stockbridge and the applicant/developer. The purposes

of the Third Amendment would be the following:

1. Allow the expansion of the boundaries of the previously-approved development for Brush Creek Commons to include Parcel #S07-01006000.
2. Allow the increase in the number of townhome lots and units from the previously-approved maximum of 41 units to 61 units to accommodate 20 more townhome lots and units to be constructed on Parcel #S07-01006000.
3. Allow the approval of a new overall site plan to include a design for Parcel #S07-1006000.
4. Allow the amenities which were previously-approved for the Phase 1 site plan to also be used by the residents of the Phase 2 site.
5. Allow the HOA which serves the Phase 1 site to also serve the Phase 2 site.
6. Provide exemptions for the Phase 2 site so that it would not be required to have its own separate amenities and HOA.

III. ZONING HISTORY

The Brush Creek Commons property was rezoned on July 14, 2003 via Rezoning Case #RZ-03-04, from R-2 (Single-Family Residential) to RM-2 (Residential Multifamily--Townhomes). Along with the rezoning was an approved Development Agreement, dated July 21, 2003 (between the City of Stockbridge and Royce Grant), which was approved via Ordinance #03-60, effective on March 10, 2003. The approval of the rezoning was not an approval of the conceptual site plan. Its boundaries, though, did show the inclusion of Parcel #S07-01006000, although it was not marked as Phase 2.

The original Development agreement listed twelve (12) Conditions of approval in Exhibit A. They specified the specific amenities which the developer was required to provide, as well as various architectural and other requirements. The developer was also required to meet the requirements of the RM-2 (Residential-Multifamily-Townhomes) zoning district. RM-2 was one of the previous zoning districts (along with RM-1 and RM-3) which merged to form the current MFR (Multifamily Residential) zoning district. Two Amendments to the Development later were approved for a new property owner, Timberline Group, LLC. The First Amendment, which was approved on December 3, 2004, imposed the maximum allowable number of townhome units to be built as forty-one (41). The Second Amendment, which was approved on August 13, 2007, allowed a variance to reduce the front yard setback requirement to ten (10) feet.

The Development Agreement made provisions for the future development of Brush Creek Commons. The original conceptual site plan included the Phase 2 parcel, without designating it as Phase 2. Paragraph 13, entitled “Future Changes in Development Standards”, states as follows:

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.

Pivotal Enterprises became the new owner of the property, and it applied for a Zoning Modification via ZM-2022-01, which was approved by City Council on November 14, 2022 via Ordinance #ZM-2022-01. Its purpose was to allow various changes to the site plan and required amenities that were specified in the original rezoning of the property via Rezoning Case #RZ-03-04. The approval of ZM-2022-01 was based on a new site plan which the applicant had prepared. (The current UDC does not list required amenities for multifamily projects.) The applicant had cited the presence of floodplains and wetlands, which comprise 5.459 acres of the total 15.74-acre site, as being one of the reasons why some of the previously-required amenities could not be installed. Other reasons included the anticipated high HOA maintenance costs and impractical locations. The approval of ZM-2022-01 still required the development to comply with the remaining zoning conditions of the original RZ-03-04 rezoning and development agreements.

A more detailed zoning history of the subject property appears in the Appendix of this report.

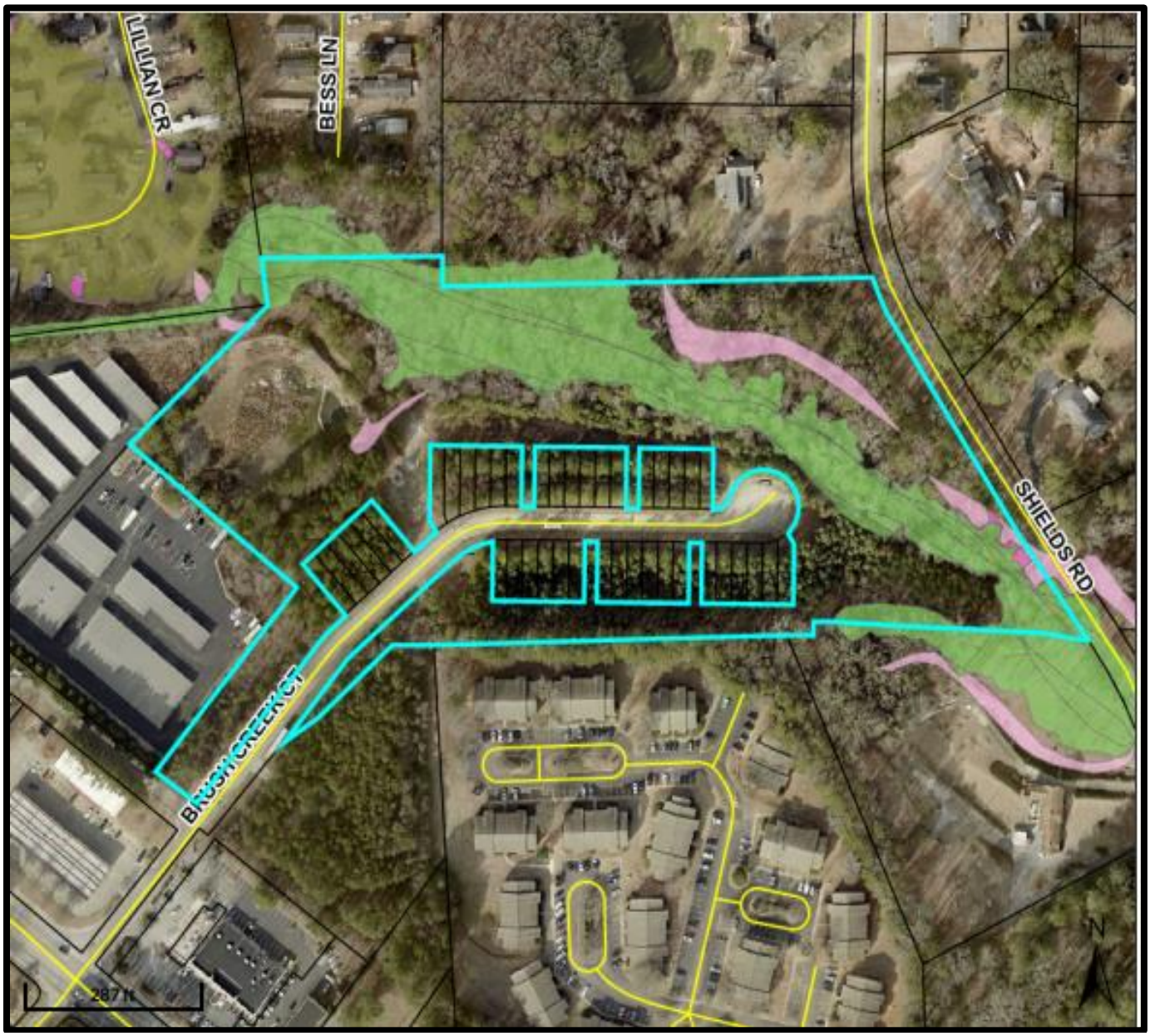
IV. PROPERTY DATA (TABLE 1)

Descriptive Factor	**Research Findings**
Applicant and Owner	Pivotal Enterprises, LLC.
Proposed Development	Expansion of the 41-unit Brush Creek Commons townhome development by adding an adjacent parcel and developing it with 20 more townhomes.
Parcel Identifications (no addresses)	• Phase 1 Parcel--S07A01100000 (previously known as Parcel #S07-01006005 prior to the creation of the 41 townhome lots). In Land Lots 59 & 71 of District 12. • Phase 2 Parcel—S07-01006000. In Land Lot 59 of District 12.
Parcel Acreage	• Brush Creek Commons, Phase 1 Parcel—Has 15.74 +/- acres, of which 5.459 acres lie within a floodplain. • Brush Creek Commons, Phase 2 Parcel--Has 2.28 +/- acres. • Combined Sites—18.02 +/- acres.
Environmental Conditions	• Brush Creek Commons, Phase 1 Parcel—Is fairly level. Floodplains and wetlands are present at the rear of the property near Brush Creek. Townhome construction is underway. • Brush Creek Commons, Phase 2 Parcel—Is fairly level,

	wooded, and vacant. Property access exists via a 30-foot Access Easement off North Henry Boulevard to Brush Creek Court.
Property Access	Brush Creek Court, off North Henry Boulevard.
Current City Zoning	Phase 1 Parcel—Zoned 'MFR' (Multiple Family Residential). Phase 2 Parcel—Zoned 'C-2' (General Commercial). Both Parcels--Are not located in the Parkway Mixed-Use Overlay District.
Surrounding Zoning	• North—MHR (Mobile Home Residential) and SR (Suburban Residential) districts. • South—C-2 (General Commercial), MFR (Multiple Family Residential), and SR (Suburban Residential) districts. • East—SR (Suburban Residential) district. • West—C-3 (Heavy Commercial) and C-2 (General Commercial) districts.
Future Land Use Designation	• Phase 1 Parcel—Low-Density Mixed-Use and Medium-Density Residential. • Phase 2 Parcel—Low-Density Mixed-Use.
Surrounding Land Uses	• North—Two mobile home parks and Meadow Ridge Subdivision. • South—Commercial uses (QuikTrip and Waffle House) and an apartment community. • East—Meadow Ridge Subdivision and individual single-family residences. • West—Commercial uses.

AERIAL PHOTOGRAPH OF BRUSH CREEK COMMONS, PHASE 1 TOWNHOME DEVELOPMENT SITE
Parcel #S07A01100000

Frontages on Brush Creek Court and Shields Road
Accessed from Brush Creek Court Only



LEGEND: **Green—100-Year Flood** **Pink—500-Year Flood**

AERIAL PHOTOGRAPH OF BRUSH CREEK COMMONS, PHASE 2
PROPOSED TOWNHOME DEVELOPMENT SITE
Parcel #S07-01006000

Frontages on North Henry Boulevard and Brush Creek Court
Accessed from Brush Creek Court

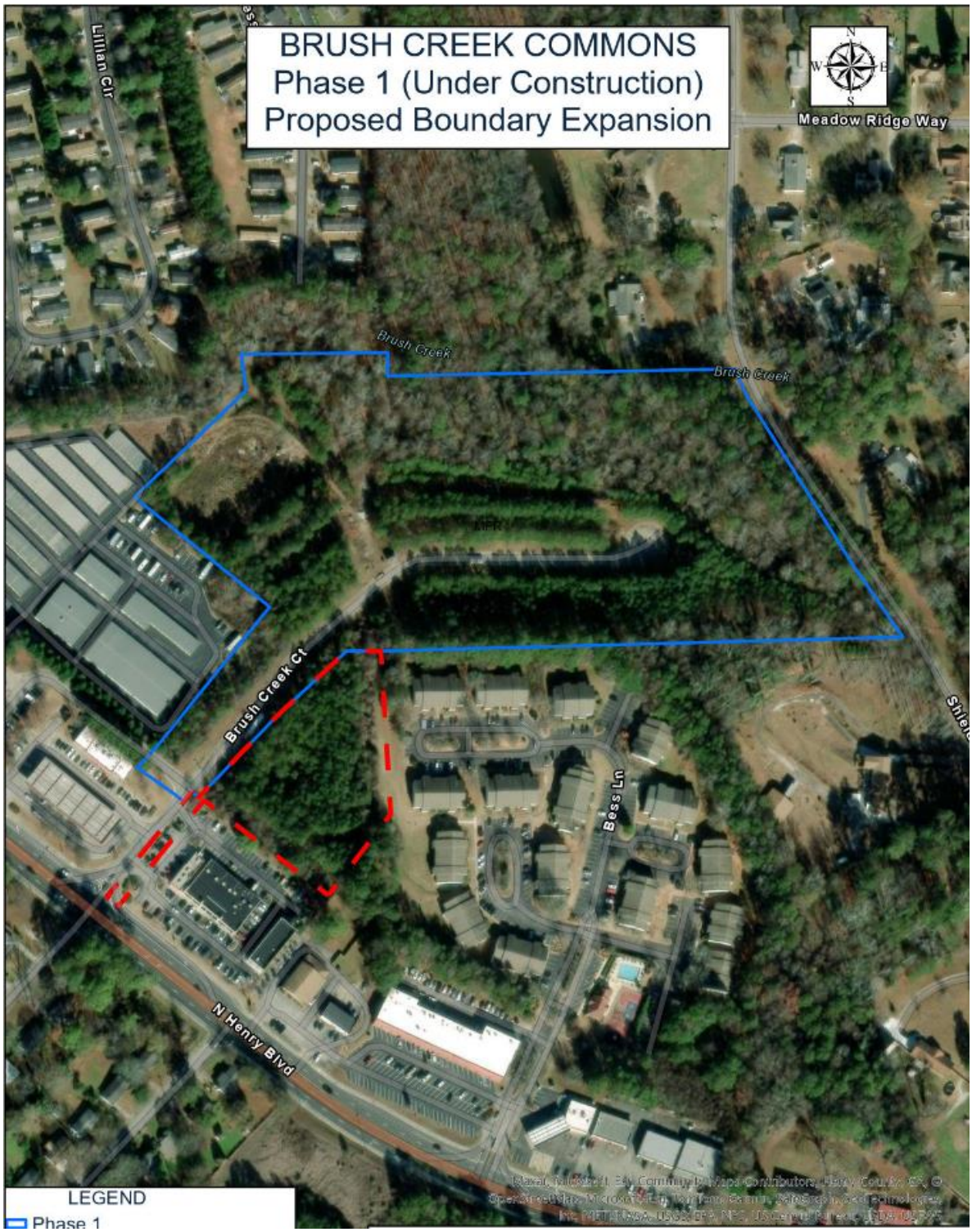
Green—100-Year Floodplain Area Pink—500-Year Floodplain Area



AERIAL PHOTOGRAPH WITH PROPOSED OVERALL BOUNDARY FOR PHASE 1 AND PHASE 2



PHASE 1 PROPOSED BOUNDARY EXPANSION TO INCLUDE PHASE 2

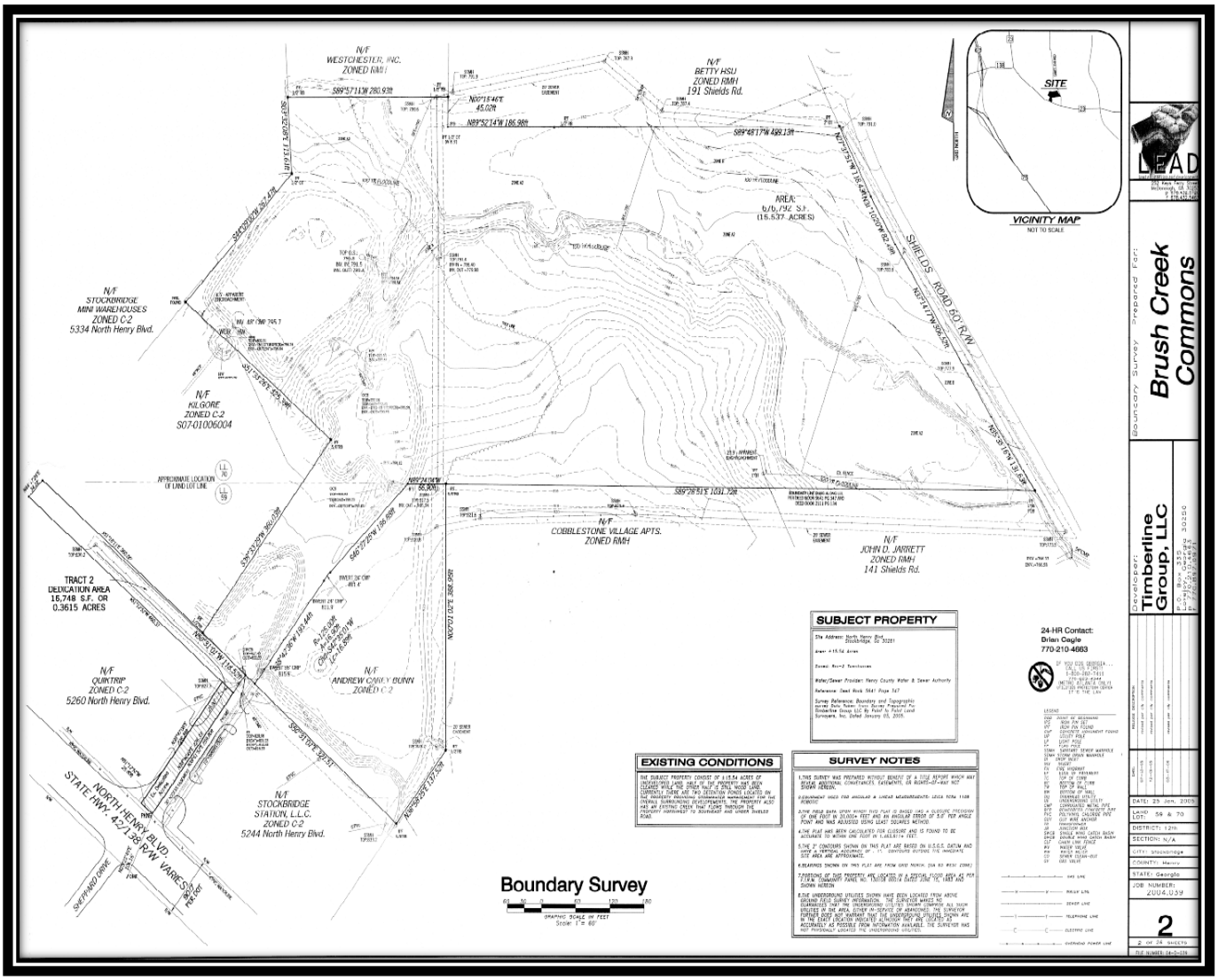


PROPOSED PHASE 2 ADDITION TO THE PHASE 1 BOUNDARY



City of Stockbridge, Georgia Community Development Department; Nov. 21, 2024 and Dec. 9, 2024

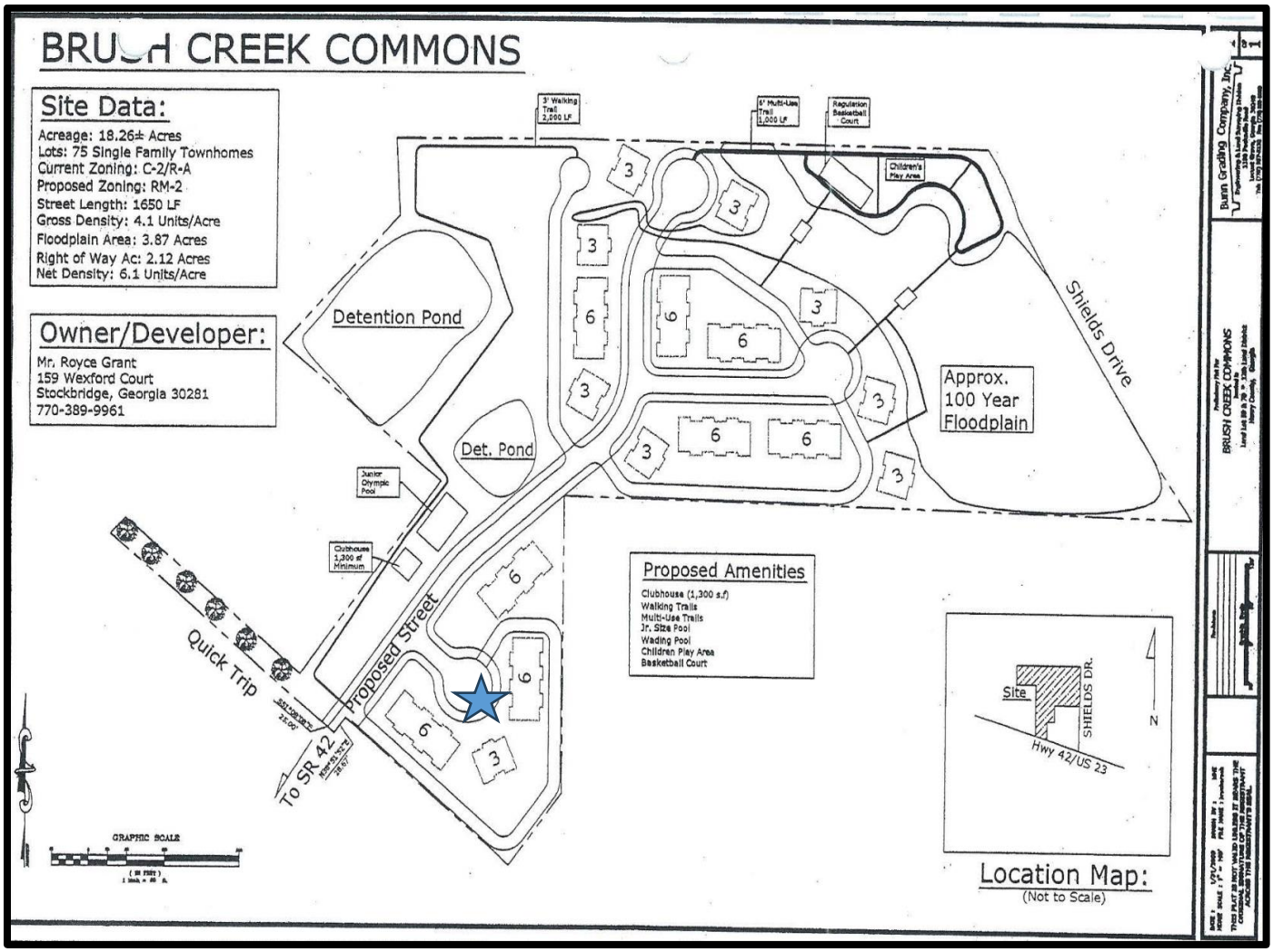
ORIGINAL BOUNDARY SURVEY BRUSH CREEK COMMONS



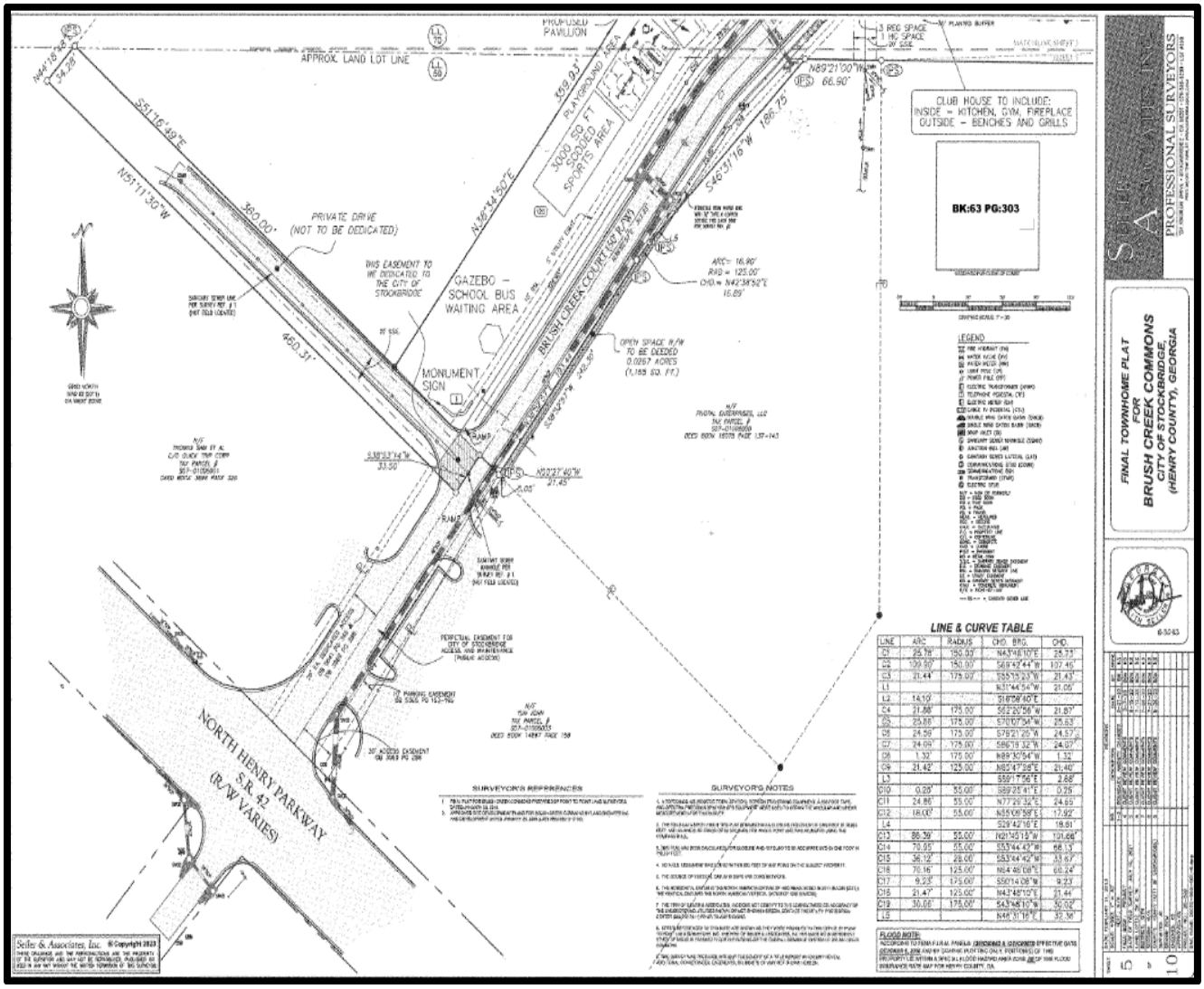
ORIGINAL CONCEPTUAL SITE PLAN FOR BRUSH CREEK COMMONS FROM 2003, SHOWING THE INCLUSION OF THE PHASE 2 PARCEL WITH THE PHASE 1 PARCEL

CONCEPTUAL SITE PLAN PREPARED BY BUNN GRADING COMPANY, INC. IN 2003

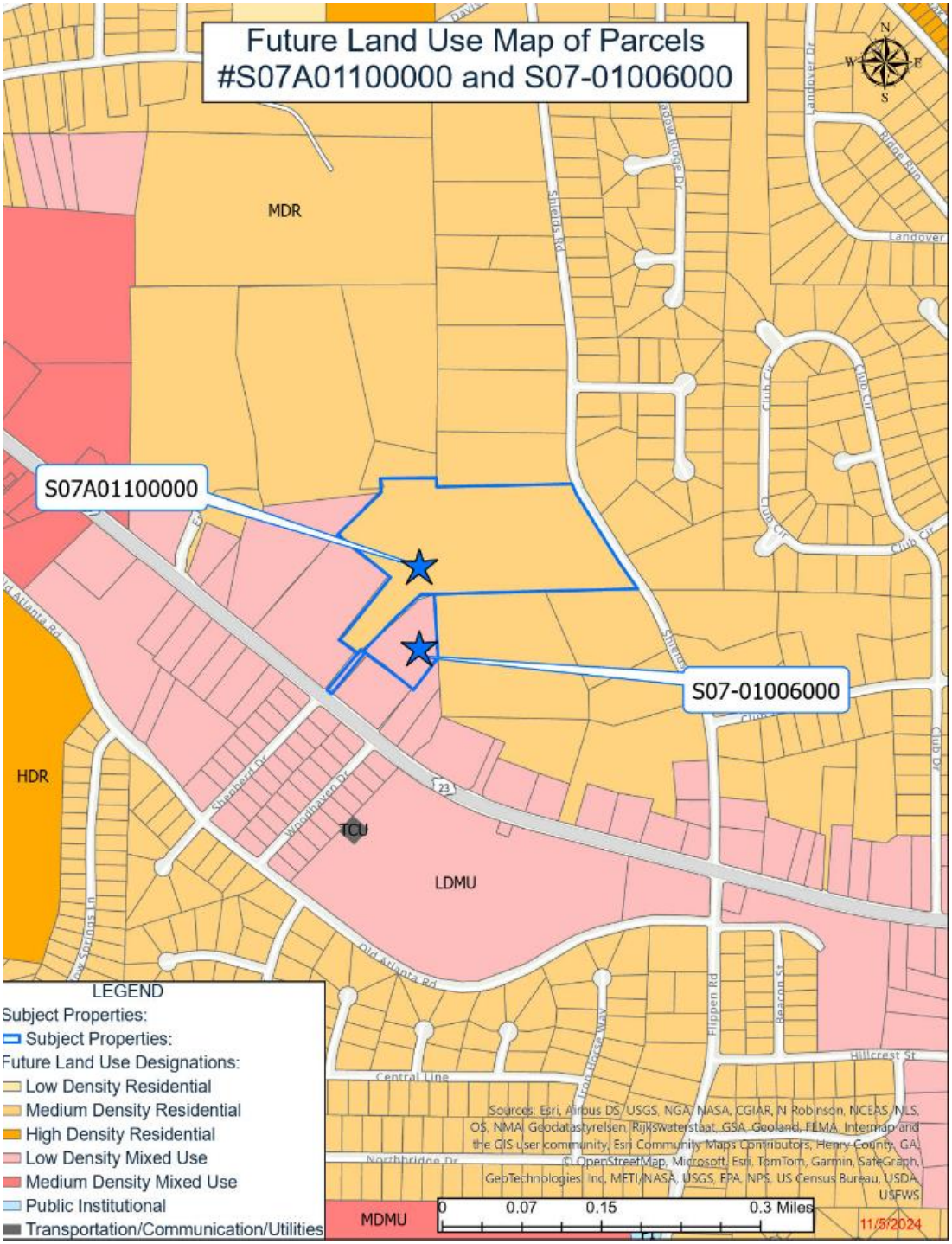
BLUE STAR—SITE OF BRUSH CREEK COMMONS, PHASE 2



CLOSEUP VIEW OF PROPERTY ACCESS FROM NORTH HENRY BOULEVARD AND BRUSH CREEK COURT

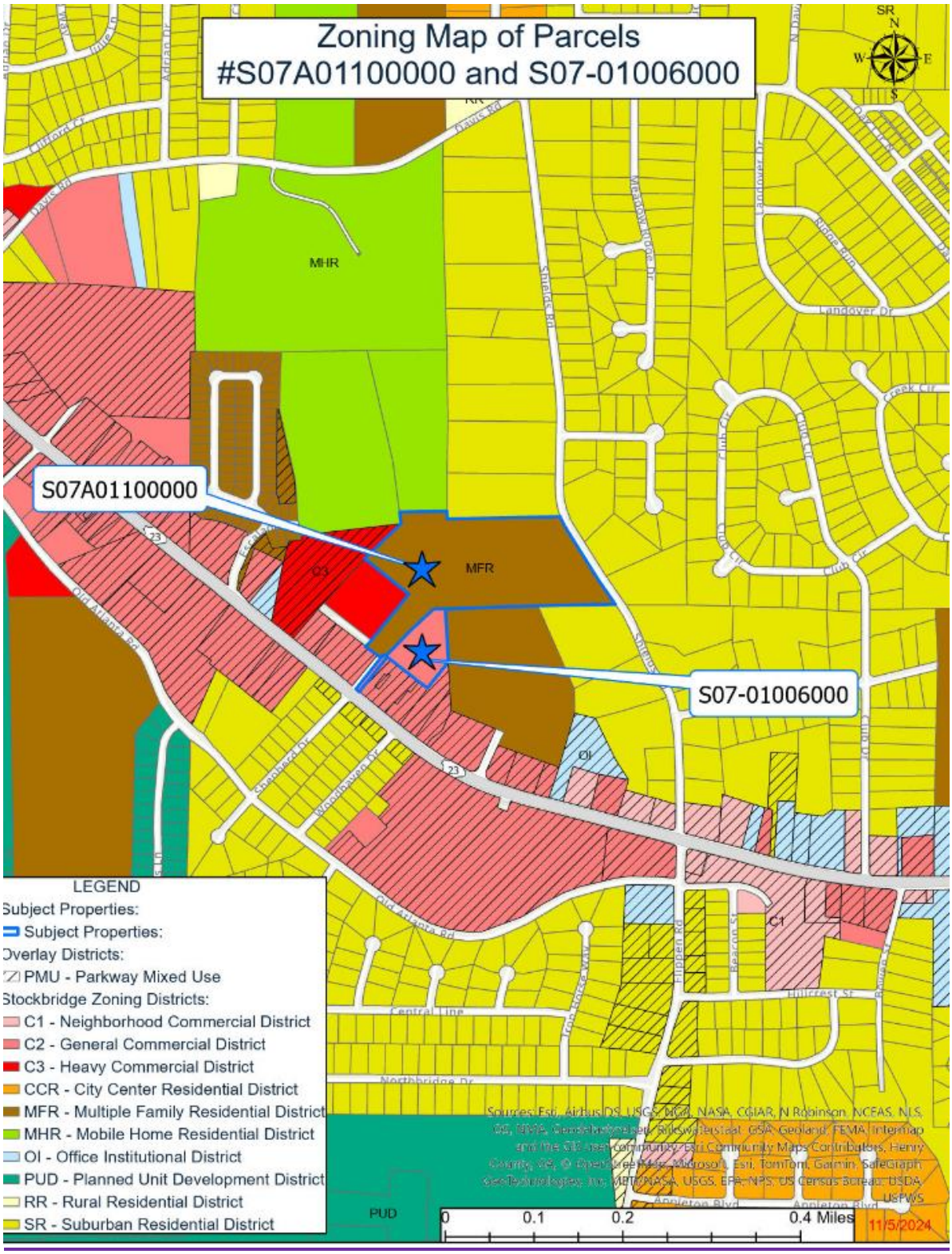


FUTURE LAND USE MAP FOR BRUSH CREEK COMMONS, PHASE 1 AND PHASE 2



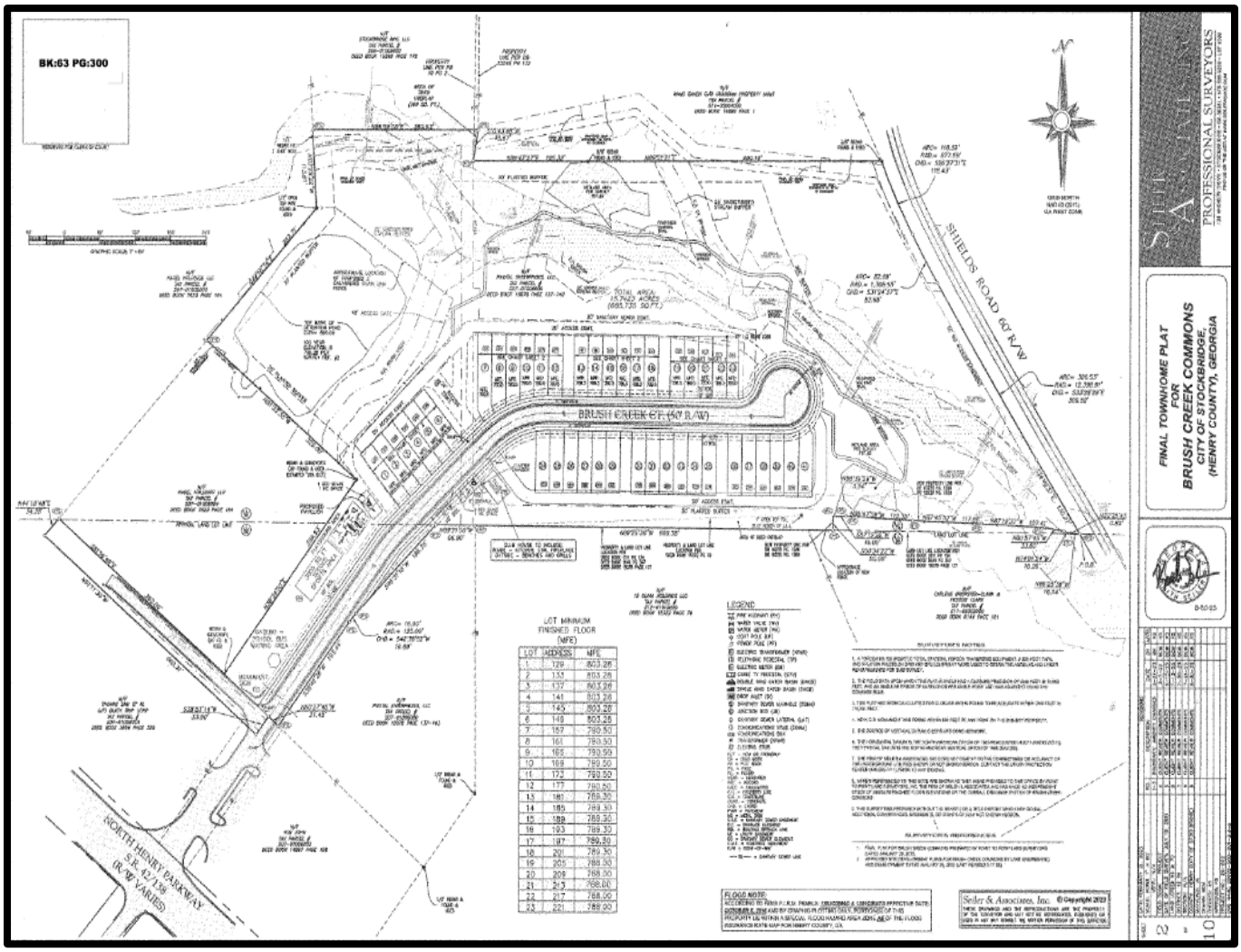
City of Stockbridge, Georgia Community Development Department; Nov. 21, 2024 and Dec. 9, 2024

ZONING MAP FOR BRUSH CREEK COMMONS, PHASE 1 AND PHASE 2



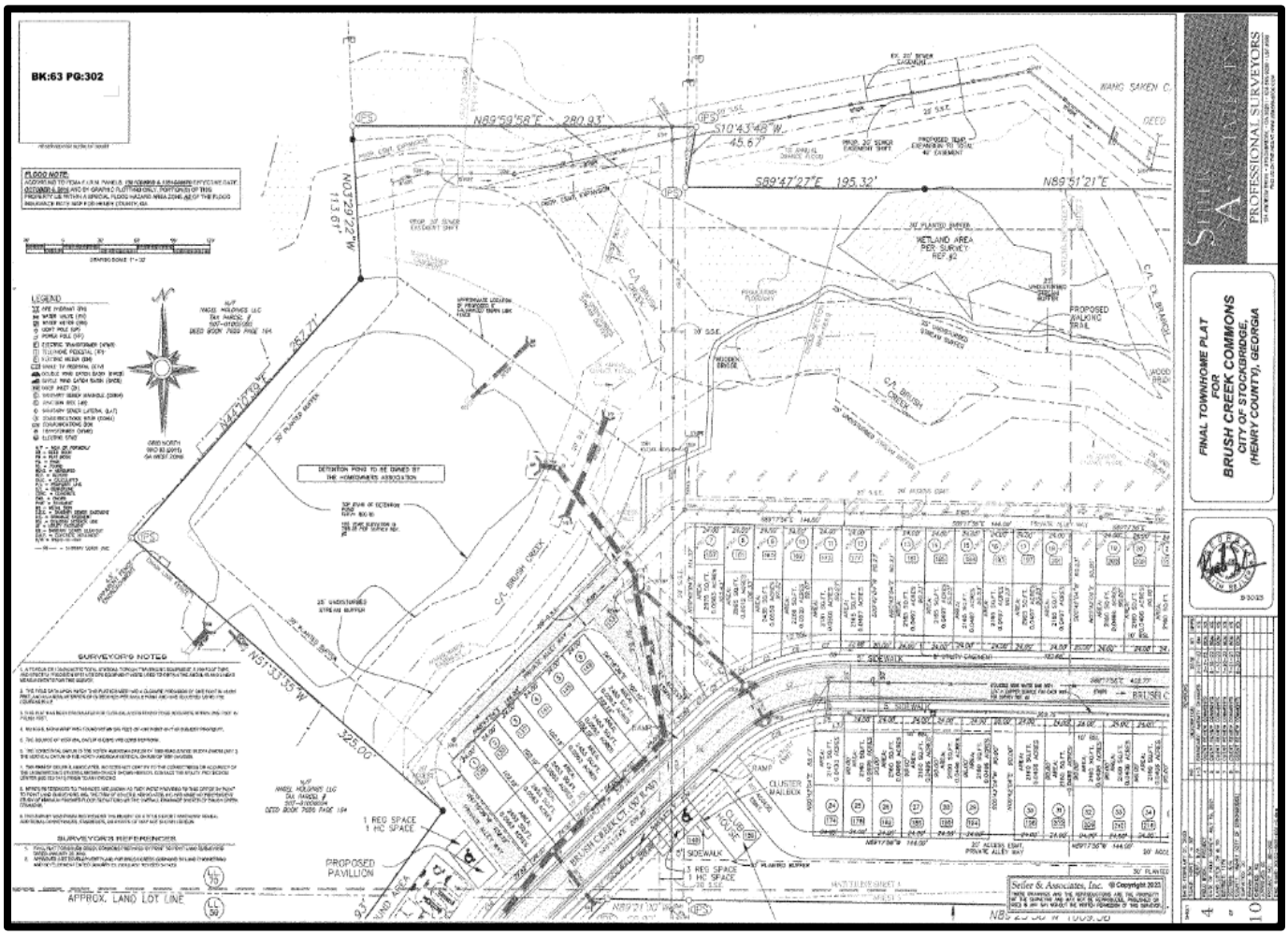
APPROVED AND RECORDED SITE PLAN FOR BRUSH CREEK COMMONS, PHASE 1 TOWNHOME DEVELOPMENT VIA ZM-2022-01

Recorded on September 12, 2023 in Book 63, Page 300



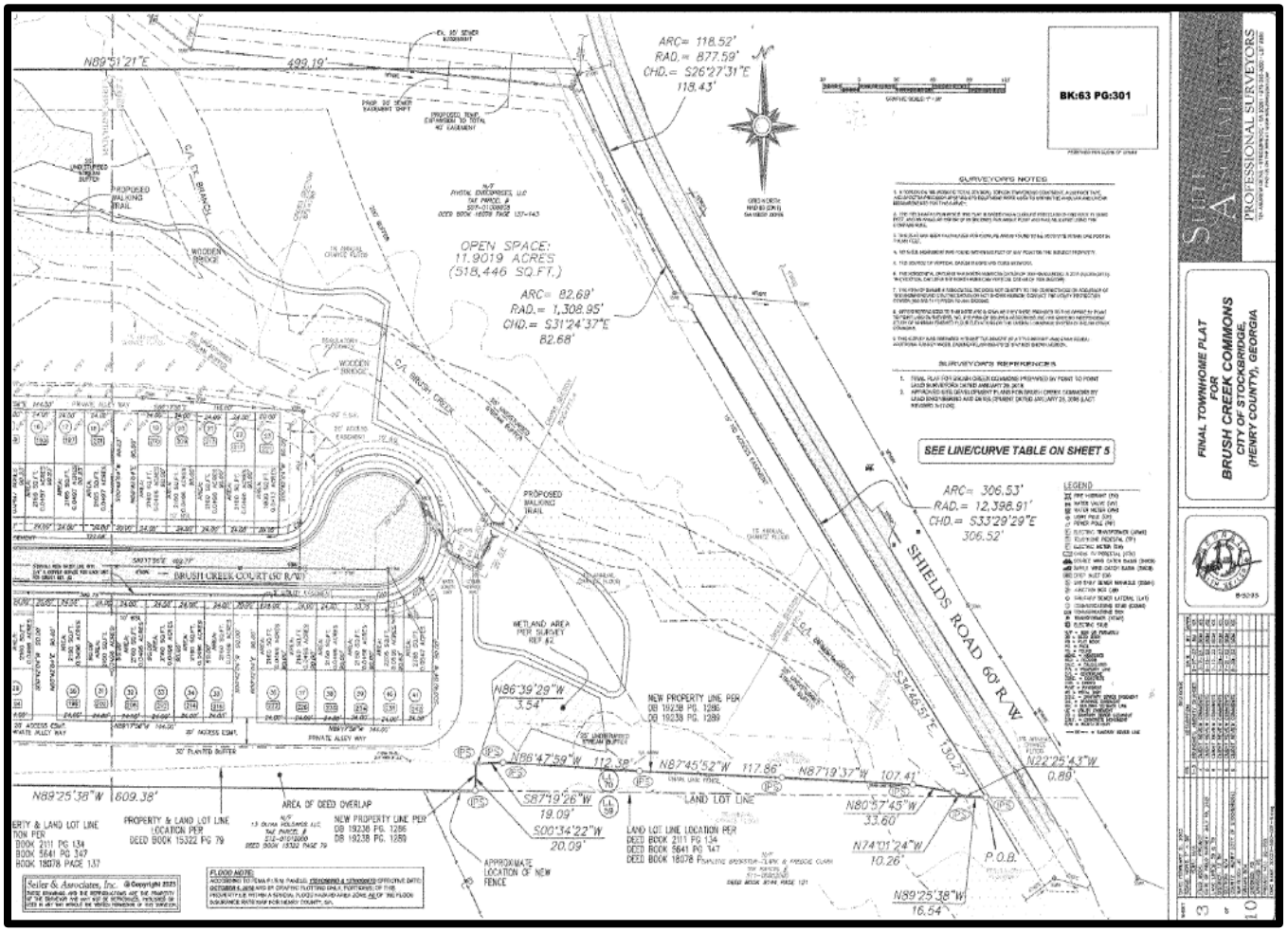
APPROVED SITE PLAN FOR BRUSH CREEK COMMONS, PHASE 1 TOWNHOME DEVELOPMENT VIA ZM-2022-01:
<u>WESTERN SIDE</u>

Recorded on September 12, 2023 in Book 63, Page 302



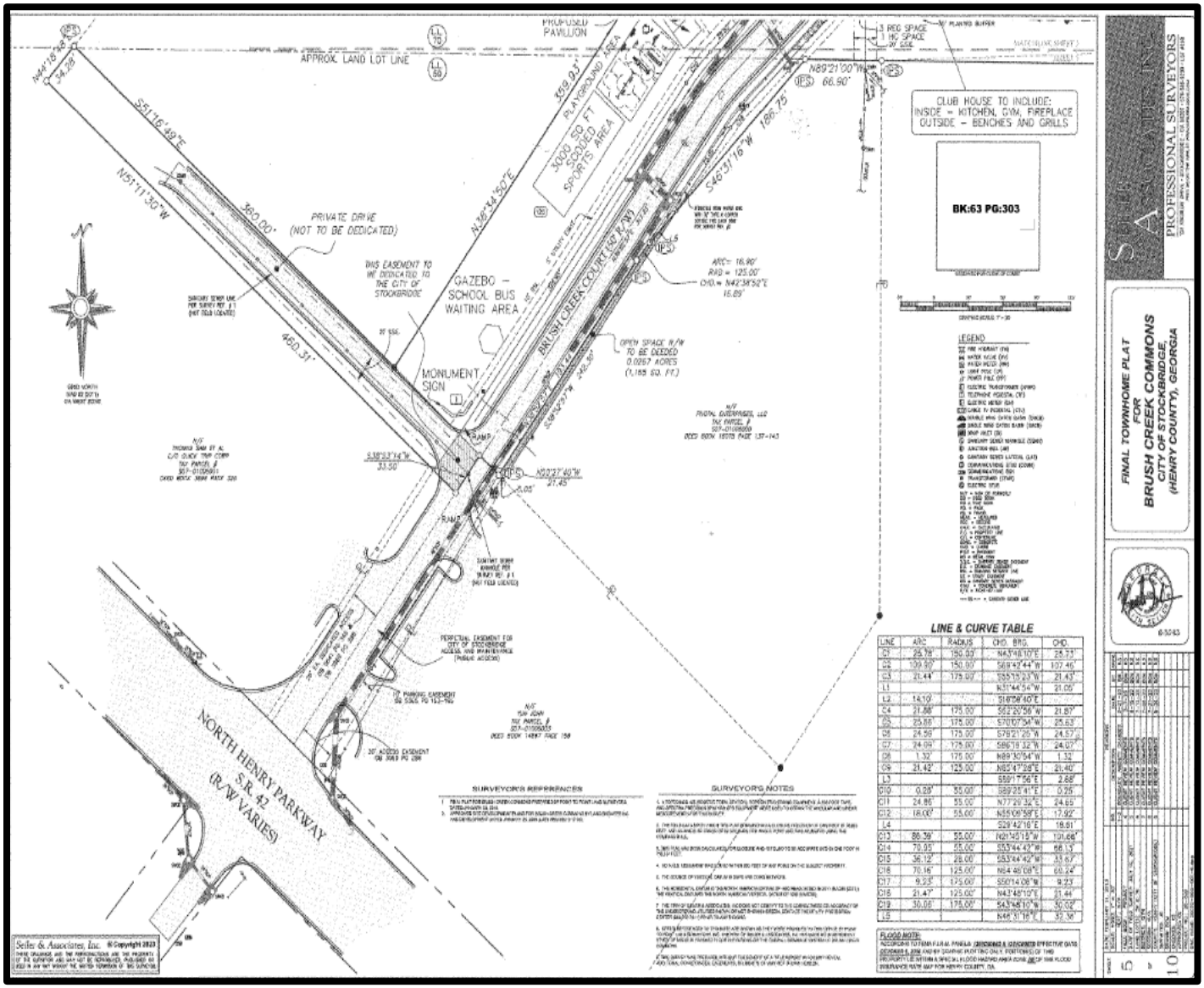
APPROVED SITE PLAN FOR BRUSH CREEK COMMONS, PHASE 1 TOWNHOME DEVELOPMENT VIA ZM-2022-01: EASTERN SIDE

Recorded on September 12, 2023 in Book 63, Page 301



CLOSEUP VIEW OF PROPERTY ACCESS FROM NORTH HENRY BOULEVARD AND BRUSH CREEK COURT

Recorded on September 12, 2023
In Book 63, Page 303



V. PROPOSED DEVELOPMENT

A. Intent. The applicant/developer requests to rezone Parcel #S07-01006000 on the east side of Brush Creek Court from C-2 (General Commercial) to MFR (Multiple-Family Residential) to allow for the development of twenty (20) townhomes on the property via RZ-2024-03. If the rezoning is approved, the applicant also wishes, via ZM-2024-01, to combine Parcel #S07-01006000 with Parcel #S07A01100000 on the west side of Brush Creek Court, where 41 townhomes are currently under construction as the "Brush Creek Commons" townhome development. Phase 1 is under construction for 41 townhomes on 15.74 +/- acres, for a density of 2.605 units per acre. Phase 2 would be developed with 20 townhomes on 2.28 +/- acres, for a density of 8.77 units per acre. The combined development of Phase 2 with Phase 1 would have 61 units on 18.02 +/- acres, for an overall density of 3.39 units per acre.

B. Property Conditions. Much of the Brush Creek Commons Phase 1 parcel lies within a floodplain due to the presence of the Brush Creek, and it is unbuildable. The property has rear frontage on Shields Road, but a zoning condition of Rezoning Case #RZ-03-04 prohibited any access from Shields Road. A locked gate is present today at the beginning of Brush Creek Court, off North Henry Boulevard, which is flanked by a QuikTrip station and a Waffle House Restaurant. The Phase 2 parcel is located directly behind the Waffle House Restaurant

C. Development of Phase 2. The applicant/developer proposes to develop 20 townhome lots and units on Parcel #S07-01006000 as Phase 2 of the Brush Creek Commons townhome development. For such purpose, the applicant has obtained a utility letter from the Department of Public Works, dated October 10, 2024. It states that water and sewer capacities are currently available to serve the proposed 20 townhomes to comprise Phase 2, but that if the developer does not submit construction plans within one year of that date, then the reservation of those capacities shall expire. In addition, the developer would be responsible for all associated connection costs and would be required to adhere to the City's Minimum Development Standards.

D. Proposed Site Plan for Phase 2. The applicant has submitted a site plan, entitled "Rezoning Plat: Brush Creek Commons, Phase 2", which was prepared by DGM Land Planning Consultants, Inc. for the development of 20 townhome lots on Phase 2. It provides the following acreages: 15.74 acres in Phase 1, 2.28 acres in Phase 2, and 18.02 total acres. The site plan shows that the Phase 2 development would be accessed from the east side of Brush Creek Court. An internal circular street with a cul-de-sac would then provide access to the individual townhome lots. The proposed 20 townhome units would be contained within four townhome buildings, which would have rear yard setbacks of 20 feet. Unlike the Phase 1 development, Phase 2 would not have rear alleys. A guest parking lot, a 30-foot buffer on the north side of the property, and green space would also be provided on the Phase 2 site. The site plans shows nearby amenities which are being developed on the Phase 1 site on the west side of Brush Creek Court. The applicant seeks permission via ZM-2024-01 to allow the Phase 2 residents to use the Phase 1 amenities.

E. Proposed Combined Site Plan for Phase 1 and Phase 2. The applicant has submitted a

proposed combined site plan to show an overall boundary for Phase 1 and Phase 2. Its title is "Rezoning Plat: Brush Creek Commons", and it was prepared by DGM Land Planning Consultants, LLC. The overall site would have 18.02 acres, with 15.74 acres in Phase 1 and 2.28 acres in Phase 2. The combined total of 61 townhome units would include 41 units in Phase 1 and 20 units in Phase 2.

G. Proposed Development Conditions. The applicant's Letter of Intent proposes the approval of sixteen (16) "Proposed Development Conditions" for Phase 2, as are listed below. However, two of them, Development Conditions "j" and "p", are of a general nature and seem to apply more to the proposed zoning modification for the entire development rather than to Phase 2 alone. Further, the language within these two development conditions would be appropriate to also include within the needed Amendment to the Development Agreement. The remaining fourteen (14) Development Conditions will be further discussed in this staff report.

EXHIBIT "A"

Proposed Development Conditions

1) The following conditions shall apply to Phase 2 of Brush Creek Commons

a) Phase 2 shall be developed in general conformity with the Phase 2 site plan submitted to the Stockbridge Planning Staff on September ___, 2024 and shall adhere to all City of Stockbridge MFR Ordinance requirements, except if there is a conflict between the MFR Ordinance requirements and the conditions set forth in the Development Agreement, as amended from time to time, the conditions set forth in the Development Agreement shall control.

b) Maximum building height shall be forty (40) feet.

c) All townhouses shall have a mixture of front facade consisting of covered entryway, porches, bay windows and/or balconies. Garages shall be accentuated with variations of design porticos.

d) Owner shall submit elevations of buildings to be approved by the City.

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 often (10) trees to be provided and subject to modification by the City.

h) A streetscaping 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.

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) The maximum units per building shall be no more than six (6) units per building.

l) The minimum distance between buildings shall be twenty (20) feet

m) The minimum front yard setback shall be twenty (20) feet

n) The minimum side yard setback shall be fifteen (15) feet

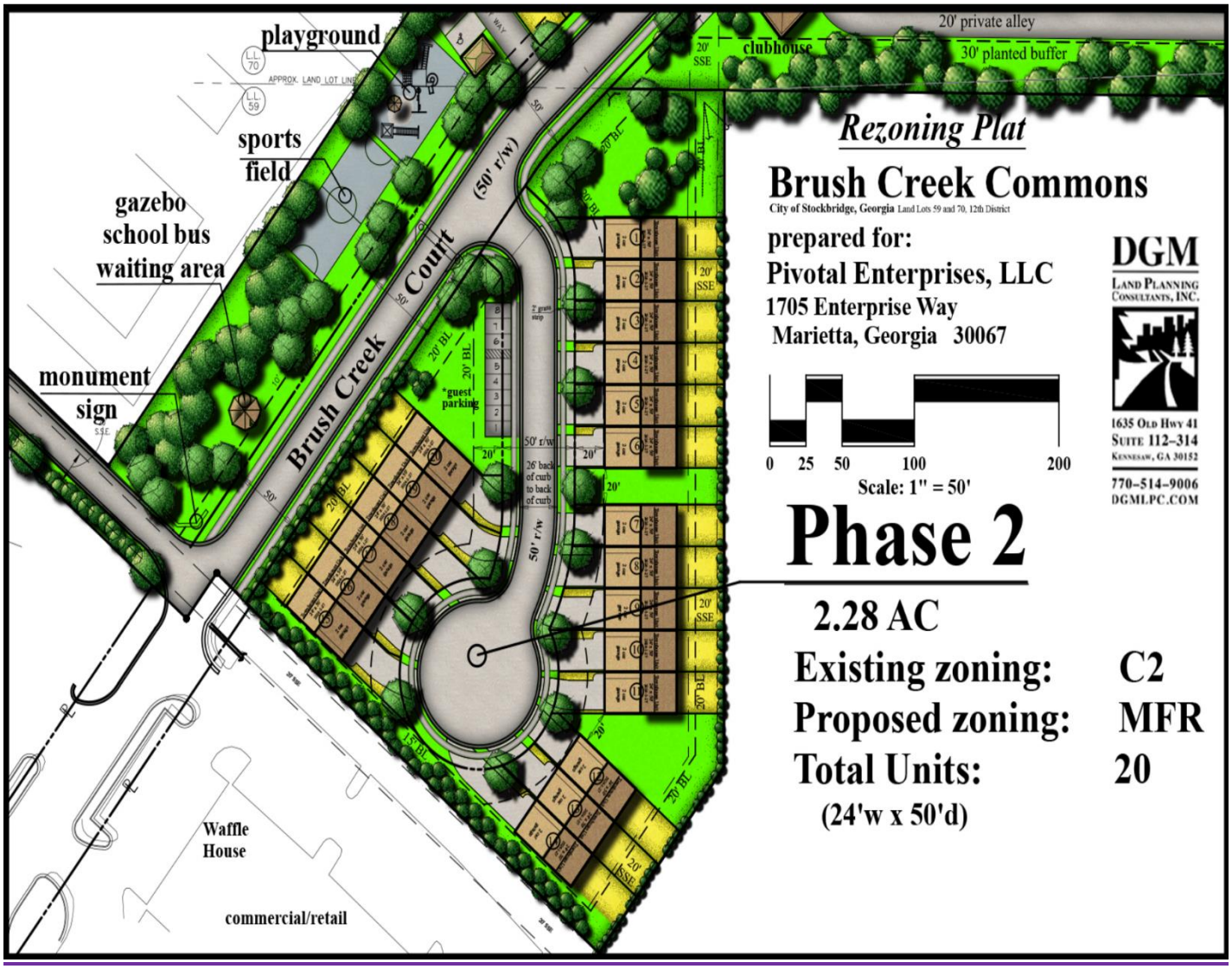
o) The minimum rear yard setback shall be twenty (20) fee

p) A Declaration of Restrictive Covenants for Phase 1 shall be amended and modified to incorporate Phase 2, and the units in Phase 2 shall have all of the same rights and privileges to use the common areas and amenities located within Phase 1.

PROPOSED SITE PLAN FOR BRUSH CREEK COMMONS, PHASE 2 TOWNHOMES

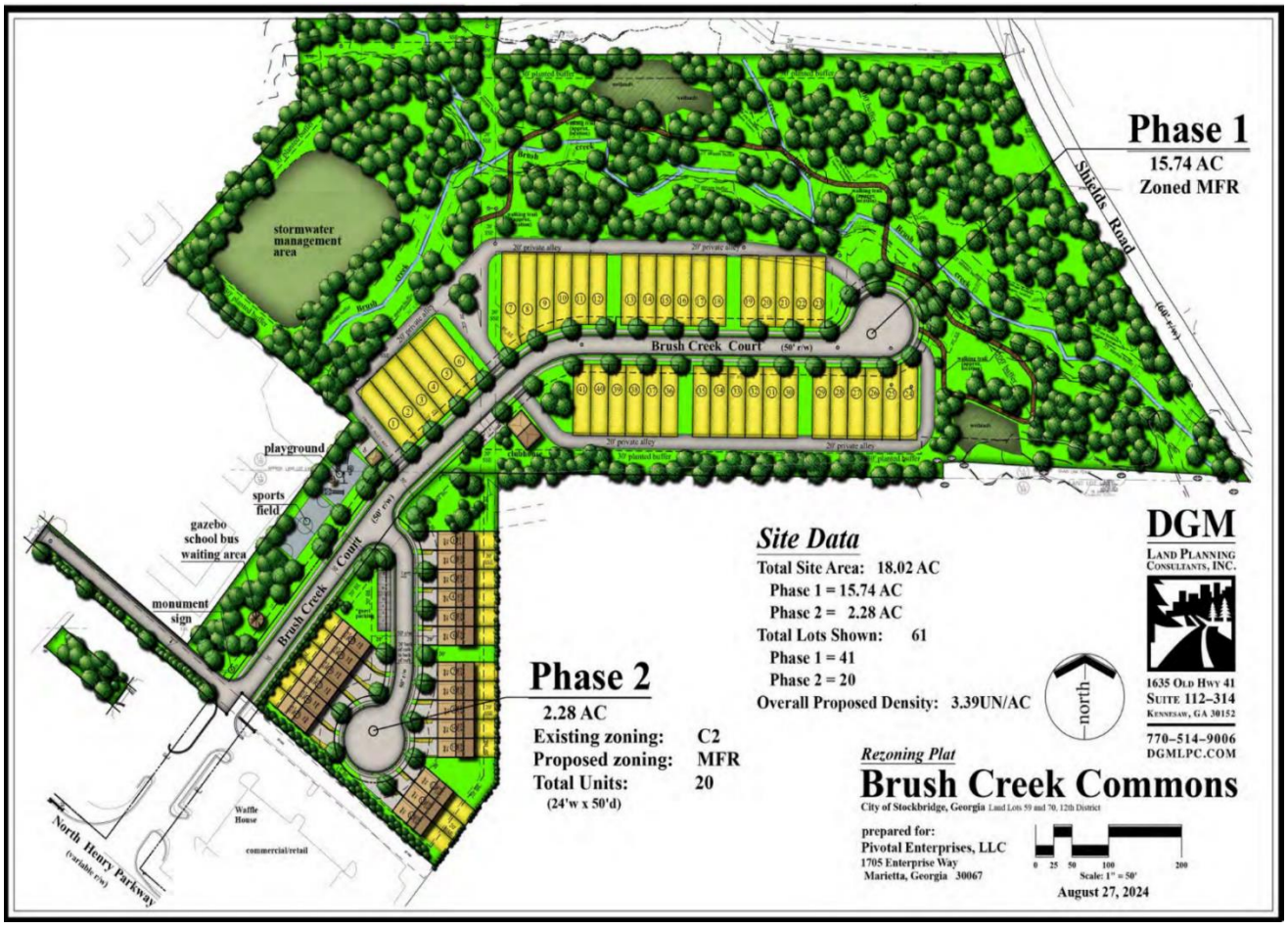
Title: "Rezoning Plat: Brush Creek Commons, Phase 2"

Prepared by DGM Land Planning Consultants, Inc.



PROPOSED COMBINED SITE PLAN FOR PHASE 1 AND PHASE 2

Title: Rezoning Plat: Brush Creek Commons"
Prepared by DGM Land Planning Consultants, LLC



SAMPLE RENDERING FOR THE PROPOSED PHASE 2 TOWNHOMES



VI. ANALYSIS #1—REZONING CRITERIA

The Stockbridge Unified Development Code (UDC) identifies nine (9) standards to be considered for rezoning cases. An analysis of each one is presented below.

STANDARD #1--Consistency with the Comprehensive Plan.

The applicant has submitted an application for Comprehensive Plan Amendment Case #CP-2024-03 for the purpose of requesting that the future land use designation of Parcel #S07-01006000 for the proposed Phase 2 development of Brush Creek Commons be changed from Low-Density Mixed-Use to Medium-Density Residential. This would be appropriate because the Low-Density Mixed-Use allows commercial development, but Phase 2 would not include any commercial uses. Further, the rear portion of Parcel #S07A01100000 for Phase 1 is also designated as Medium-Density Residential; thus, the Phase 2 parcel would be compatible with it. And finally, the proposed townhomes would serve to fill the need for additional housing in the City, particularly for certain population groups, which the Comprehensive Plan has identified. For these reasons, the proposed rezoning would be consistent with the spirit and specifications of the Comprehensive Plan.

STANDARD #2 -- The relation that the proposed rezoning amendment bears to the purpose of the overall zoning scheme with due consideration given to whether or not the proposed change will help carry out the purposes of the City of Stockbridge Unified Development Code (UDC).

The UDC states that MFR developments are to be located "with access provided on streets that are classified as collector streets of higher." According to the map of Functional Road Classifications within the 2022 Henry County Transportation Plan, North Henry Boulevard is classified as a "principal arterial", which is a higher road classification than a collector street. Therefore, townhomes are an acceptable use for the subject property. In addition, the proposed MFR zoning for Parcel 2 would enable a desirable transition of the C-2 (General Commercial) zoning along North Henry Boulevard and the SR (Suburban Residential) zoning districts to the north.

STANDARD #3 -- Potential positive effects of the rezoning amendment on the character of the proposed zoning district, a particular piece of property, neighborhood, a particular area, or community.

The applicant's requested rezoning of the subject property to MFR would be compatible with the MFR zoning of Phase 1 of the Brush Creek Commons development; thus, Further, the presence of an MFR district would serve as an acceptable transition between the C-1 and C-2 districts along North Henry Boulevard, and the SR districts to the north.

STANDARD #4 -- The physical conditions of the site relative to its capability to be developed as requested, including topography, drainage, access, and size and shape of the property.

Unlike the Phase 1 parcel of Brush Creek Commons, the Phase 2 parcel does not contain a creek or floodplain areas. It is, though, small in size and it has a triangular shape, which limit the development options of the parcel. Nevertheless, the applicant has created a suitable site plan for the property.

STANDARD #5 --The impact upon adjacent property owners should the request be granted.

The applicant seeks to enable the Phase 2 parcel to have a positive impact on the Phase 1 parcel via the approval of ZM-2024-01 by allowing the residents of Phase 2 to share in the use and HOA cost of maintaining the amenities to be located on the Phase 1 parcel. Also, due to the rather hidden location of both Phase 1 and Phase 2 behind the commercial businesses which have frontage on North Henry Boulevard, the visual impacts and operational impacts of Brush Creek Commons is anticipated to be minimal on adjacent property owners.

STANDARD #6 -- The potential impact of the rezoning on City infrastructure including water and sewage system.

The applicant has submitted a letter from the City of Stockbridge's Public Works Department, dated October 10, 2024. It states that capacities are currently available in the City's water distribution and sanitary sewer collection systems to serve the proposed twenty (20) townhome units in Phase 2. However, the developer must submit construction plans to that department within one year; otherwise, the reservation of these capacities will expire for the development of Phase 2. Further, the developer would be responsible for covering the costs of such utility connections, and the developer would be required to comply with the City's Minimum Development Standards.

STANDARD #7 -- The impact of the proposed amendment on adjacent thoroughfares and pedestrian and vehicular circulation and traffic volumes.

The applicant has not submitted a traffic impact study, nor is one needed for such a small development project. Minimal adverse traffic impacts on North Henry Boulevard are anticipated, though. Further, since any access from Shields Road to the rear is prohibited by the terms of the Development Agreement, this would prevent any adverse traffic impacts on the adjacent and nearby residential streets to the rear.

STANDARD #8 -- The merits of the requested change in zoning relative to any other guidelines and policies for development, which the Planning Commission and City Council may use in furthering the objective of the comprehensive plan.

No other merits of the requested rezoning have been identified.

STANDARD #9 -- The ability of the subject land to be developed as it is presently zoned.

The subject property could be developed under its existing zoning classification of C-2, but this is unlikely to happen due to the hidden location of Phase 2 to the rear of other C-2-zoned properties which front onto North Henry Boulevard. Such a location would be undesirable for

many types of commercial uses, which need visibility in order to attract potential customers.

VII. ANALYSIS #2—PROPOSED INCLUSION OF PHASE 2 WITH PHASE 1 OF BRUSH CREEK COMMONS

1. **Original Intent—**The original conceptual site plan for Brush Creek Commons, which was prepared by Bunn Grading Company, Inc. in 2003, showed the inclusion of Parcel 2 within the overall development, although it was not labeled as Parcel 2. Therefore, the fact that the applicant wishes to officially add the Phase 2 parcel to the boundaries of the overall development is not unexpected.

2. **Timing of the Phase 2 Development Proposal--**If the proposed survey in the zoning modification application from 2022 (ZM-2022-01) had shown the inclusion of the Phase 2 parcel, and if a full site plan for the Phase 2 parcel had been provided, then the necessity of filing the current ZM-2024-01 application may have been avoided.

3. **Reasonableness of Applicant's Request--**The original rezoning of the property via RZ-03-04 required the Brush Creek Commons development (Phase 1) to include a relatively large number of amenities for only 41 townhome units. That number was reduced by the approval of ZM-2022-01 so that the developer could reduce the costs of installing so many amenities and reduce the HOA costs to the homeowners. However, the applicant today believes that the number of required amenities for Phase 1 is still excessive relative to the size of the Phase 1 property (18.895 +/- acres, of which 5.459 acres lie within a floodplain). Therefore, it is reasonable for the applicant to want to add more townhome units to the Brush Creek Commons development so that the HOA tax burden on each resident could be reduced. This would also eliminate the necessity of providing additional amenities for the Phase 2 parcel, which has only 2.2882 +/- acres.

4. **Effects on Surrounding Property and Infrastructure--**The inclusion of Phase 2 within the boundaries of the overall Brush Creek Commons development, as opposed to designating Phase 2 as a separate development entirely, would not involve any alterations to the proposed site access for Phase 2, its townhome units, or buffering. In addition, no adverse effects on surrounding properties are anticipated.

VIII. ANALYSIS #3—APPLICANT'S PROPOSED DEVELOPMENT CONDITIONS

The applicant included within the Letter of Intent sixteen (16) Proposed Development Conditions for Phase 2 of Brush Creek Commons. These are listed and analyzed below.

a) Phase 2 shall be developed in general conformity with the Phase 2 site plan submitted to the Stockbridge Planning Staff on September ___, 2024 [actually, October 7, 2024] and shall adhere to all City of Stockbridge MFR Ordinance requirements, except if there is a conflict

between the MFR Ordinance requirements and the conditions set forth in the Development Agreement, as amended from time to time, the conditions set forth in the Development Agreement shall control.

The approved Development Agreement and its two Amendments required that Phase 1 be developed in accordance with the requirements of the RM-2 (Residential-Multifamily-Townhomes) district, which existed during the times of their approvals. It is therefore reasonable to expect that Phase 2 also be developed according to the RM-2 standards, for those items which were specifically mentioned within the Development Agreement and its Amendments. Since the applicant seeks to create one uniform community, utilizing the RM-2 standards throughout the development would be a way to achieve that goal. However, for specific RM-2 standards which were not enforced or addressed by the Development Agreement, the MFR standards could instead be used. Also, from a practical standpoint, if it would be difficult to comply with the RM-2 standards on particular elements, some relief should be granted. In particular, due to the small size of the Phase 2 parcel, it may be difficult to provide a rear alley to access the proposed townhome units, and the proposed site plan for Phase 2 does not show one.

b) Maximum building height shall be forty (40) feet.

The proposed 40-foot maximum building height for Phase 2 would be less than the 45-foot maximum building height that is allowed in the MFR district. No reason for having a maximum building height of only 40 feet instead of 45 feet for Phase 2 has been identified, but no harm in doing so has been identified, either. The applicant may build the townhomes to a height of only 40 feet, but the applicant has the option of building them up to 45 feet. Therefore, this does not need to be a condition of approval.

c) All townhouses shall have a mixture of front facade consisting of covered entryway, porches, bay windows and/or balconies. Garages shall be accentuated with variations of design porticos.

This proposed condition is already listed in the original approved Development Agreement; thus, it does not need to be added as a condition of approval for RZ-2024-03.

d) Owner shall submit elevations of buildings to be approved by the City.

Elevation drawings are normally required for building permit applications. In addition, this proposed condition is already listed in the original approved Development Agreement; thus, it does not need to be added as a condition of approval for RZ-2024-03.

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.

This proposed condition is already listed in the original approved Development Agreement; thus, it does not need to be added as a condition of approval for RZ-2024-03.

f) Each unit shall have different brick, stucco and masonry theme from the other attached units.

This proposed condition is already listed in the original approved Development Agreement; thus, it does not need to be added as a condition of approval for RZ-2024-03.

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 often (10) trees to be provided and subject to modification by the City.

This proposed condition is already listed in the original approved Development Agreement; thus, it does not need to be added as a condition of approval for RZ-2024-03.

h) A streetscaping 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.

This is a standard requirement for an application for a land disturbance permit (LDP). In addition, this proposed condition is already listed in the original approved Development Agreement; thus, it does not need to be added as a condition of approval for RZ-2024-03.

i) Any flood plain alteration be supported by a certified engineer at the plan review stage.

This proposed condition is already listed in the original approved Development Agreement; thus, it does not need to be added as a condition of approval for RZ-2024-03.

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.

This would be a more appropriate requirement to include as a condition for the approval of ZM-2024-01.

k) The maximum units per building shall be no more than six (6) units per building.

This is already a requirement in the UDC.

l) The minimum distance between buildings shall be twenty (20) feet.

This is already a requirement of the MFR district.

m) The minimum front yard setback shall be twenty (20) feet.

The MFR District Standards require front yard setbacks of 50 feet for townhome lots. However, ten (10) feet. Since the applicant's proposed front yard setbacks of 20 feet would be greater than the allowable 10 feet, this would be acceptable and no variance application would be required even though the MFR district requires 50-foot front yard setbacks.

n) The minimum side yard setback shall be fifteen (15) feet.

This is the same requirement for the MFR district.

o) The minimum rear yard setback shall be twenty (20) feet.

This is the same requirement for the MFR district.

p) A Declaration of Restrictive Covenants for Phase 1 shall be amended and modified to incorporate Phase 2, and the units in Phase 2 shall have all of the same rights and privileges to use the common areas and amenities located within Phase 1.

This would be a more appropriate requirement to include as a condition for the approval of ZM- 2024-01.

As a result of the analysis above, only two of the applicant's proposed 16 Development Conditions actually need to be listed as conditions of approval for RZ-2024-03. These include the following:

a) Site plan and compliance with MFR versus RM-2 district requirements. These may be separated into two different development conditions.

m) Front yard setbacks of 20 feet.

VII. RECOMMENDATIONS

In view of the analysis above, the Planning and Zoning Staff recommends the **APPROVAL WITH CONDITIONS** for Zoning Modification Case #ZM-2024-01 for Brush Creek Commons. The conditions are listed below.

1. **Comprehensive Plan Amendment—**The rezoning of Parcel #S07-01006000 for the proposed development of Phase 2 shall not be approved unless Comprehensive Plan Amendment Case #RZ-2024-03 is first approved.

2. **Zoning Modification—**Parcel #S07-01006000 shall not be designated as Phase 2 of the Brush Creek Commons townhome development and it shall not be combined with Parcel #S07A0110000 (Phase 1) unless Zoning Modification Case #ZM-2024-01 is approved.

3. **Compliance with Original Rezoning, Development Agreement, and Amendments--**If Zoning Modification Case #ZM-2024-01 is approved to allow Phase 2 to be combined with Phase 1 in an overall development for Brush Creek Commons, then the developer shall:

   a. Comply with the requirements of the approved rezoning case (RZ-03-04 via Rezoning Ordinance No. 03-152, the original Development Agreement, the First Amendment to the Development Agreement (dated December 13, 2004), and the Second Amendment to the Development Agreement (dated August 13, 2007), with the exception of other conditions that are listed below.

   b. 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.

c. Amend the Declaration of Restrictive Covenants for Phase 1 to incorporate Phase 2 to state that the townhome units in Phase 2 shall have all of the same rights and privileges to use the common areas and amenities that are located within Phase 1.

4. Site Plan—The developer shall build Phase 2 according to a site plan which is very similar to the submitted site plan for Phase 2, entitled "Rezoning Plat—Brush Creek Commons, Phase 2", which was prepared by DGM Land Planning Consultants, Inc.

5. MFR Versus RM-2 District Requirements—The developer shall comply with the MFR District requirements, except where they conflict with the RM-2 District requirements or any other provisions which were specifically listed in the Development Agreement or its two Amendments.

6. Front Yard Setbacks—The front yard setbacks of the proposed townhome lots for Phase 2 may be only 20 feet instead of the MFR District's requirement of 50 feet because the Second Amendment to the Development Agreement allowed front yard setbacks of only 10 feet. Further, no variance shall be required.

7. Recombination Plat--The applicant shall apply for the recombination of the Phase 2 parcel (#S07A01100000) with the Phase 1 parcel (#S07-01006000), and a new final plat for the overall Brush Creek Commons development shall be officially recorded in the Henry County Superior Court.

8. Stand-Alone Development--If ZM-2024-01 is not approved, then Parcel #S07-01006000 shall be a stand-alone development, and it must comply with the requirements of the MFR (Multiple-Family Residential) zoning district. This means that it must have its own amenities, HOA, and multi-purpose trail. Further, a variance would be required for the front yard setbacks of the townhome lots unless the developer complies with the required 50-foot front yard setbacks.

9. Permit Issuance--No land disturbance (LDP) or building permits shall be issued for Phase 2 until the applicant submits a copy of the new recorded plat for the overall Brush Creek Commons development (Phase 1 and Phase 2) to the Community Development Department.

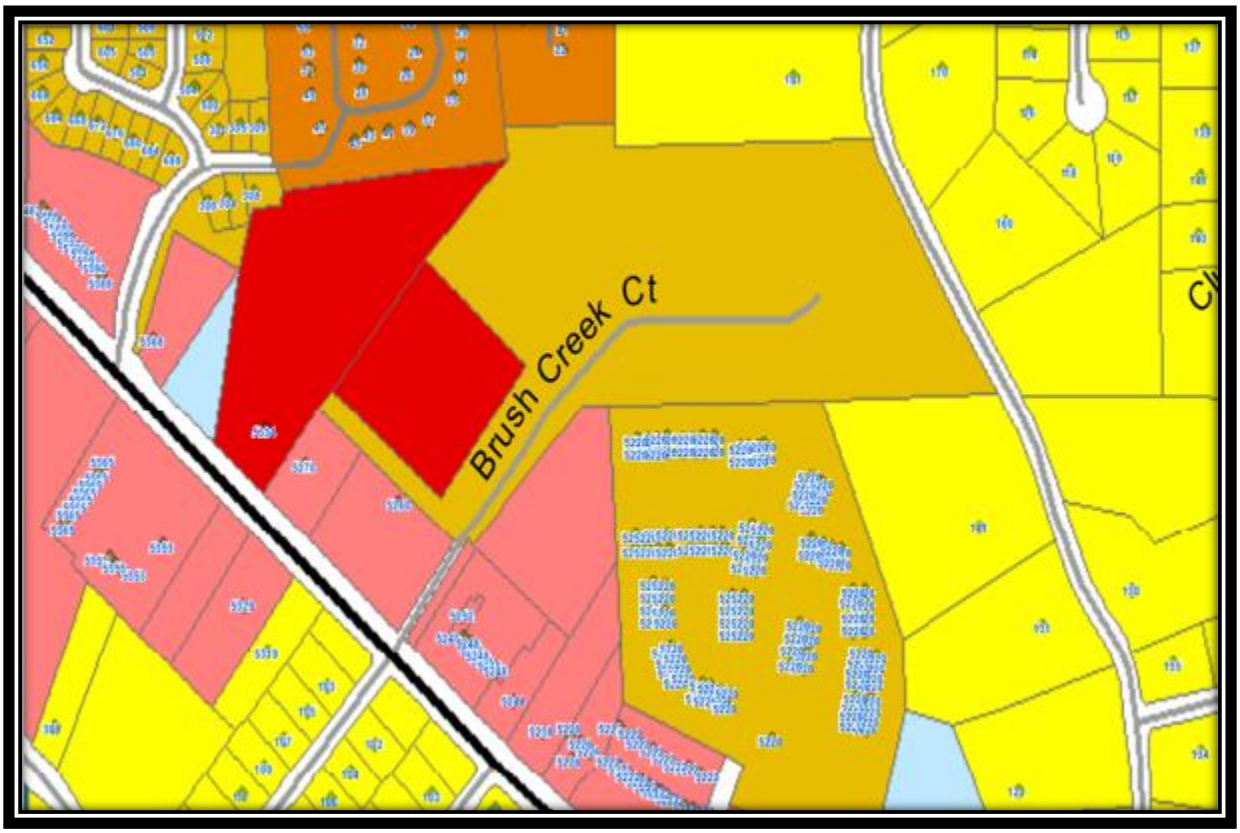
APPENDIX:
BRUSH CREEK COMMENS' ZONING AND DEVELOPMENT HISTORY PRIOR TO THE APPROVAL OF ZM-2022-01
(TAKEN FROM THE STAFF REPORT FOR ZM-2022-01)

A. Overview. The subject property was rezoned in 2003 from R-2 (Single-Family Residential) to RM-2 (Residential Multifamily for Townhomes) with twelve (12) conditions (none for amenities) by the Stockbridge City Council, and a Development Agreement was adopted soon thereafter. In 2004, an amendment to the Development Agreement was adopted, and the Second Amendment was adopted in 2007. Each amendment included multiple conditions of approval, as are identified in the paragraphs below. In particular, the First Amendment included a list of required amenities under Subparagraph 'N', based on an adopted schematic site plan dated October 7, 2004, which was included with the Second Amendment.

Following the adoption of the Second Amendment, a set of "Site Development Plans for Brush Creek Commons", dated January 25, 2005, was prepared and stamped for approval by the former zoning and community development director for Henry County on April 18, 2006. At that time, Henry County was providing zoning and plan review services to the City of Stockbridge because the City did not have its own staff to perform those services. Included within the plans was a detailed "Preliminary Plat", which showed 41 proposed townhomes and various amenities. Additional site plans were later prepared. Although letters from the City indicated the approval of a February 22, 2008 site plan, to date, that site plan has not been located.

ZONING MAP

Legend:
Gold (subject property)—MFR (Multiple Family Residential District)
Red—C-3 (Heavy Commercial District)
Orange—MHR (Mobile Home Residential District)
Medium Pink—C-2 (General Commercial District)
Yellow—SR (Suburban Residential) District)



Letters from the City of Stockbridge in 2007 and 2008 to the Henry County Building and Plan Review Department indicated the City's approval of updated site plans. In particular, a letter from the City of Stockbridge dated March 10, 2008 acknowledges the City's approval of Site Development Plans dated February 22, 2008, which showed various changes to the amenities, landscaping, and detention pond. In addition, those plans may have been the basis for the issuance of a land disturbance permit (LDP) for the installation of Brush Creek Court, which exists today. However, to date, those plans have not been located.

B. Rezoning Case #RZ-03-04—A rezoning application was filed with Henry County Planning and Zoning by Royce Grant on behalf of the original developer of the subject property, Timberline Group, LLC, who wanted to build 75 townhomes on the property. The applicant requested to rezone 15.96 +/- acres from 'R-2' (Single-Family Residential) and 'C-2' (General Commercial) to 'RM-2' (Residential-Multifamily). The two lots which were zoned 'C-2' were later left out of the rezoning request, and the number of units to be built was reduced to 48. The

developer agreed to provide the amenities which were required by the RM-2 district; to provide paved alleyways; and to provide a 200-foot-wide buffer along Shields Road. The Henry County Planning Commission subsequently recommended the approval of RZ-03-04, with eleven (11) conditions.

Then the Stockbridge City Council approved the rezoning via Rezoning Ordinance #03-152 on July 14, 2003 with twelve (12) conditions which comprised Exhibit "C." None of them pertained to the provision of amenities.

V. MAPS AND ILLUSTRATIONS TO FOLLOW:

A. List of Approved Zoning Conditions per Exhibit "C" from Rezoning Ordinance No. 03-152 (July 14, 2003) for Rezoning Case #RZ-03-04 (originated from Henry County).

D. LIST OF APPROVED ZONING CONDITIONS PER EXHIBIT "C" FROM REZONING ORDINANCE NO. 13-152 (JULY 14, 2003) FOR REZONING CASE #RZ-03-04 (ORIGINATED FROM HENRY COUNTY)

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 to the Henry County Planning and Zoning Department.)

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

D. Developer shall submit elevations of the building to be approved by the Planning and Zoning Department. (Note that approval of this rezoning is not an approval of the site plan submitted to the City Council.)

E. Each unit elevation per building shall be separate and distinct from the other. To 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. No vinyl siding will be allowed.

G. Developer 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. Consisting of ginko (non-fruit bearing), Japanese zekova and/or oak family type.

H. The Building Department shall not issue a building permit until such time as the Director of the Building Department has certified that for each prospective phase of development, sewer capacity is sufficient to accommodate the additional sewage that would be generated by the proposed development.

I. A street scaping plan shall be submitted to and approved by the Henry County Planning and Zoning Department to include sidewalks, street trees, landscaping, street lighting and street furniture.

J. Any flood plain alteration be supported by a certified engineer at the plan review stage.

K. 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.

L. This rezoning is subject to the property owner's and developers execution of a Development Agreement which will embody these conditions.

C. Original Development Agreement—This was approved by the Stockbridge City Council on July 21, 2003. It listed thirteen (13) "Development Conditions", but none of them pertained to amenities. The first ten conditions were the same as the zoning conditions that were listed in Rezoning Ordinance #03-152. In particular, Development Condition #1a reiterates that the site plan which was submitted to Henry County Planning and Zoning was not approved by the rezoning, but rather that the developer would need to revise the site plan. Three more development conditions were added, which specified the following:

- That no entrance or exit would be constructed on Shields Road.
- That a 200-foot buffer would be maintained between the proposed development and Shields Road
- That the rezoning would not apply to adjacent properties which were zoned for commercial use.

D. First Amendment to the Development Agreement – This was approved by the Stockbridge City Council on December 13, 2004. Article V amended the Original Development Agreement by adding a list of required amenities. It also stated as follows: "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."

The approved changes to the First Amendment included the following:

- Limited the number of townhome units to forty-one (41) from the previous forty-eight (48) units due to the presence of floodplains and wetlands on the property.
- Specified that all building facades must consist of brick.
- Prohibited any road entrance or exit to the site off Shields Road.
- Not allowing the developer to apply for any variances to the 200-foot-wide buffer along

Shields Road.

- Added "Subparagraph N" as the fourteenth (14th) condition, which had a list of eleven (11) requirements for amenities to be provided within the proposed development, as follows:

  1. A 1,300-square foot clubhouse with a full kitchen and a fireplace.
  2. Two age-specific playgrounds—a fenced "tot lot" adjacent to the clubhouse and another playground for older children nearby.
  3. A covered pavilion with a fireplace.
  4. A volleyball court.
  5. A sodded sports area.
  6. A putting green.
  7. A lighted, enclosed tennis court with two basketball goals.
  8. Walking trails of at least 1,400 feet in length and three feet wide.
  9. A bird sanctuary with bird feeders, bird houses, and benches.
  10. A gazebo at the project entrance to serve as a school bus waiting area.
  11. Compliance with a proposed site plan by the developer, Timberline Group, LLC, dated October 7, 2004, per Exhibit 'A'. Although a copy of the site plan was not included in the document for the first amendment, Staff has located a separate four-page document with a cover sheet dated October 7, 2004, followed by three pages comprising "Exhibit I" which was later referenced and included with the Second Amendment to the Development Agreement. Exhibit I presented a schematic site plan for "Brush Creek Park" (the site's amenity area) and a list of amenities comprising the "Brush Creek Commons Amenity Package." It also included townhome renderings and a floor plan.

- Increased the number of allowable units per building from five to six.
- Reduced the required distance between buildings from 40 feet to 20 feet.
- Allowed buffer reductions from 30 feet to 10 feet near the entrance of the property.
- Allowed individual residential garbage pickup.

E. Second Amendment to the Development Agreement—This was approved by Stockbridge City Council on August 13, 2007. It required the compliance by the developer, Timberline Group, LLC, with the three pages comprising Exhibit I, which included a schematic site plan (not a detailed scaled drawing) named "Brush Creek Park", an "Amenity Package" with a list of required amenities, a floor plan for a six-unit townhome building, and townhome renderings. Specifications were made on the floor plan for architectural design, including "offsets" for bays and porches (to meeting zoning conditions) and a 10-foot front yard setback variance "to achieve necessary Living and Dining Space." An enlarged townhome rendering provided "Elevations Information" and specified the use of brick, stone, hardi-siding, and hardi-shake as exterior construction materials.

The approved changes within the Second Amendment included the following:

- Reduced the required front setbacks for buildings to 10 feet (identified as a variance).
- Eliminated the required provision of tennis courts.
- Required the provision of a soccer field in the original location of the tennis courts, and it specified the enlargement of a second playground.
- Required types of playground facilities.

- Required floorplans and elevations, which were shown on the first two pages of Exhibit I.
- Required the developer's compliance with the specifications of amenity types and locations, which were listed as "Brush Creek Amenity Package" and shown on a schematic site plan entitled "Brush Creek Park", comprising Page 3 of Exhibit I. The specifications of the Brush Creek Amenity Package included the following amenities:

  ~ A gazebo at the project entrance, which would serve as a waiting area for school bus pickup.
  ~ A Sodded Sports Area adjacent to the gazebo.
  ~ A 1,300-square-foot Clubhouse will a full kitchen and fitness equipment.
  ~ A Fenced Tot Lot for ages 2-5 located adjacent to the Clubhouse.
  ~ Brush Creek Park, to include the following amenities:
  1. Covered Pavilion with a Picnic Area and Fireplace.
  2. Regulation 60' X 30' Beach Volleyball Court
  3. Regulation 60' X 90' 3-on-3 Soccer Field with Goals.
  4. Putting Green with multiple holes and sand trap.
  5. Upgraded and enlarged, commercial quality Playground to include:
     - 2-Bay, 4-Station Swing Set with Buckets and Belts.
     - Climbing Station: "Monkey Bars", Ring Climbers, Chin-up Bar, and Balance Beam.
     - Free-Standing Wave Slide with 5' Deck.
     - 2 Commercial Quality Park Benches.
  6. Over 1,400 feet of Walking Trail.
  7. Bird Sanctuary with Feeders, Houses, and Benches for observation.

VI. MAPS AND ILLUSTRATIONS TO FOLLOW:

B. Approved Plat from Site Development Plans Dated January 25, 2005

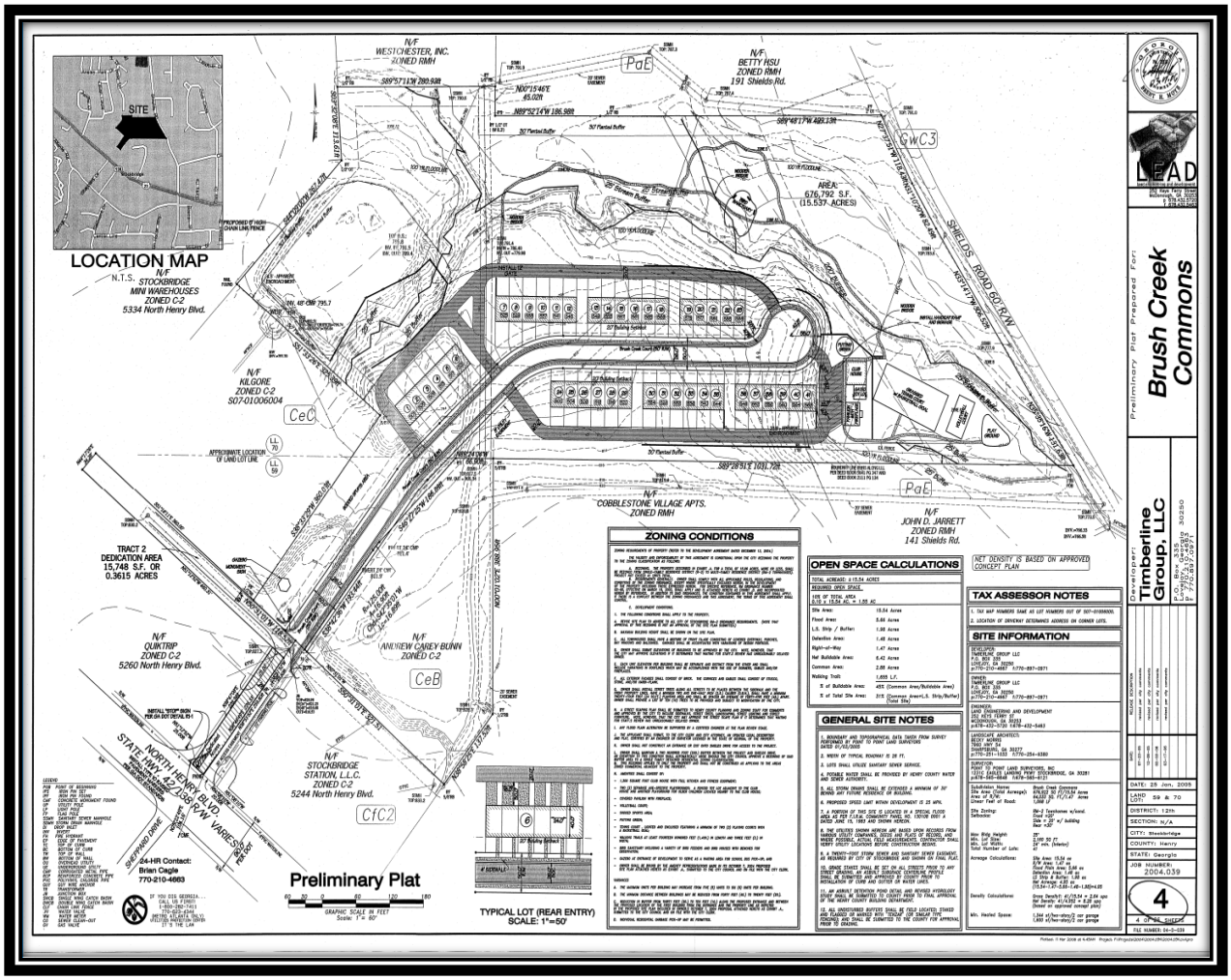
F. Enlargement of Amenity Area from 2005 Approved Plat

G. Brush Creek Park and Amenity Package from Second Amendment to the Development Agreement (August 13, 2007)

E. APPROVED PLAT FROM SITE DEVELOPMENT PLANS DATED JANUARY 25, 2005

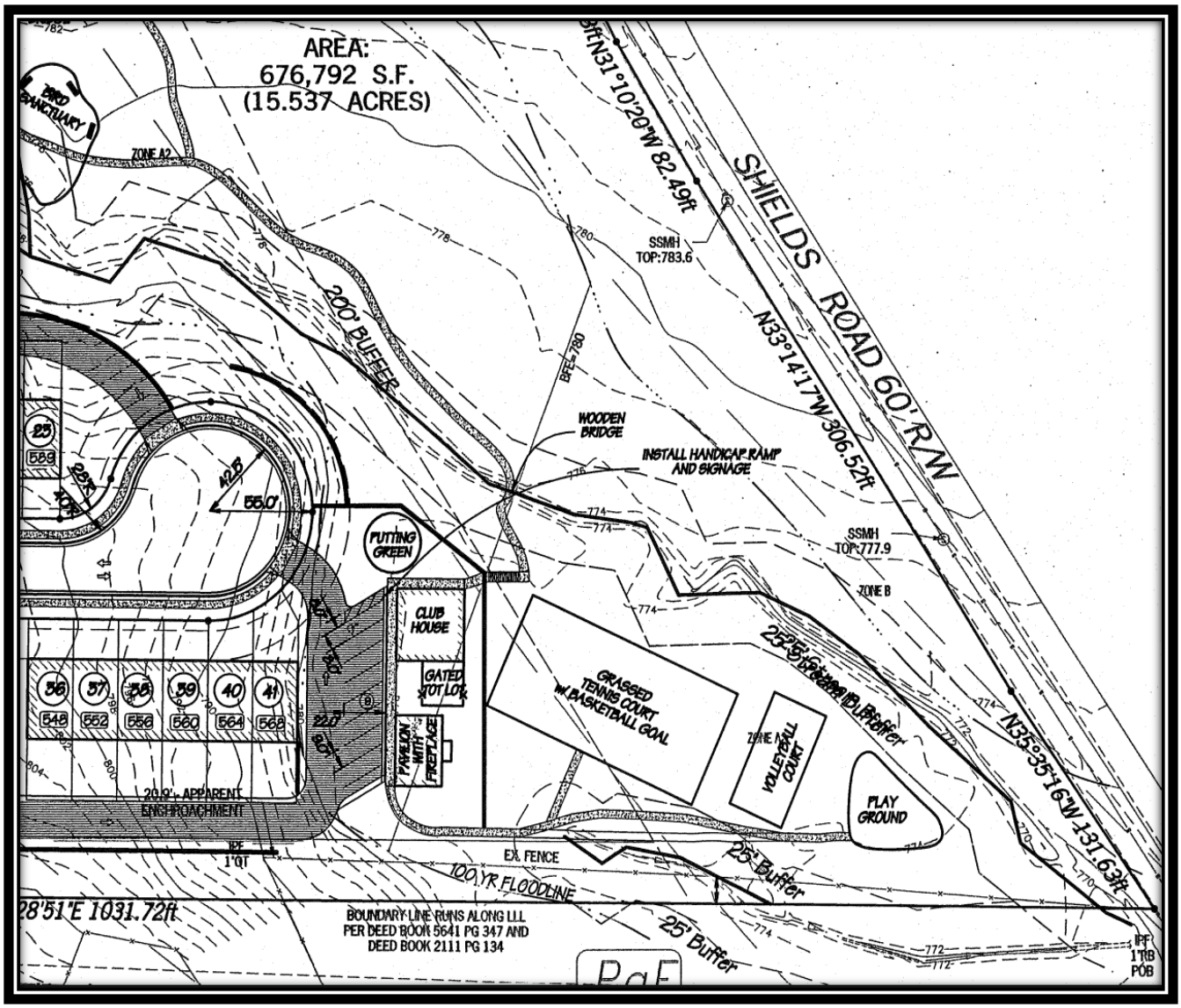
Site Development Plans were prepared by Land Engineering and Development (LEAD) for Timberline Group, LLC on the basis of the Amended Development Agreement for the Rezoning, and they were stamped for approval by Henry County Building and Plan Review Department on behalf of the City of Stockbridge.

(Note: Site Plan from the RZ-03-04 rezoning was NOT approved.)

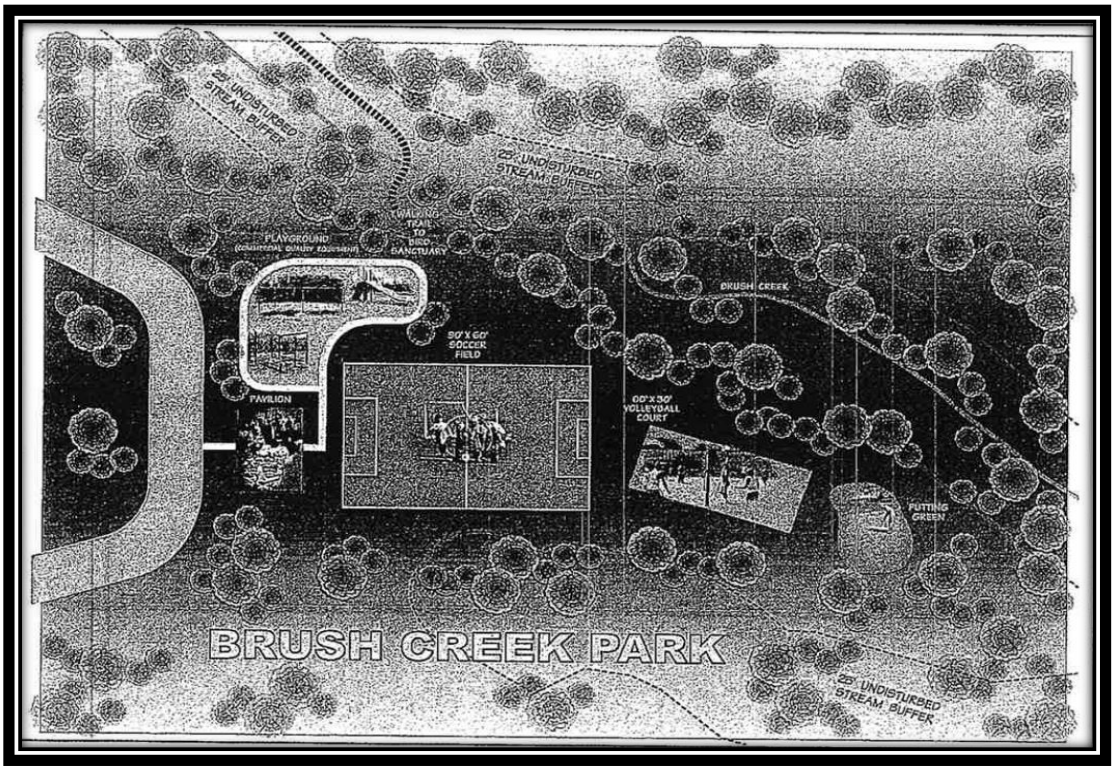


F. ENLARGEMENT OF AMENITY AREA FROM APPROVED 2005 PLAT

(NOTE: Site Plan from the RZ-03-04 rezoning was NOT approved.)



G. BRUSH CREEK PARK AND AMENITY PACKAGE FROM THE SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT



Brush Creek Commons Amenity Package

* Gazebo at entrance of development to serve as a waiting area for school bus pickup
* Sodded Sports Area adjacent to Gazebo
* 1300 Square Foot Clubhouse with Full Kitchen and Fitness Equipment
* Fenced Tot Lot (Ages: 2 – 5) located adjacent to Clubhouse
* Brush Creek Park
  1. Covered Pavilion with Picnic Area and Fireplace
  2. Regulation 60' X 30' Beach Volleyball Court
  3. Regulation 60' X 90' 3 on 3 Soccer Field with Goals
  4. Putting Green with multiple holes and sand trap
  5. Upgraded and Enlarged, commercial quality playground:
     2 Bay, 4 Station Swing Set with Buckets and Belts
     Climbing Station: "Monkey Bars", Ring Climbers, Chin-up Bar, and Balance Beam
     Free Standing Wave Slide with 5' Deck
     2 Commercial Quality Park Benches
  7. Over 1400 Ft. of Walking Trail
  8. Bird Sanctuary with Feeders, Houses, and Benches for observation

VII. PROPOSED DEVELOPMENT

A. Tentative Site Plan. The applicant seeks to complete the previously-approved townhome development by modifying the number, type, and locations of the amenities to be included. He has submitted a proposed rendering and tentative site plan which has been prepared by using the January 25, 2005 plat (prepared by Land Engineering and Development, LLC (LEAD), which was previously approved by Henry County on behalf of the City of Stockbridge. It shows the applicant's proposed amenity changes in red.

VIII. MAPS AND ILLUSTRATIONS TO FOLLOW:

H. Proposed Rendering for ZM-2022-01

I. List of Applicant's Requested Amenity Changes for ZM-2022-01

J. Table 1—Summary of Proposed Amenity Changes

K. Tentative Site Plan Proposal for ZM-2022-01: Full Site

L. Tentative Site Plan Proposal for ZM-2022-01: Enlargement

H. PROPOSED RENDERING FOR ZM-2022-01



I. LIST OF APPLICANT'S REQUESTED AMENITY CHANGES FOR ZM-2022-01:

1. <u>Keep the following:</u>

- Clubhouse.
- Pavilion.
- Gazebo.
- Monument sign.

2. <u>Remove the following:</u>

- Soccer field.
- Volleyball court.
- Walking trail.
- Parking spaces (extras to serve the amenities to be removed).
- Three (3) wooden bridges over Brush Creek.

3. <u>Change the following:</u>

- Reduce the number of playgrounds from two to one by having a combined playground rather than a separate "tot lot" and playground for older children.
- Move the putting green to a new location near the playground.
- Move the bird sanctuary to the opposite side of the creek to improve access.

4. <u>Provide the following:</u>

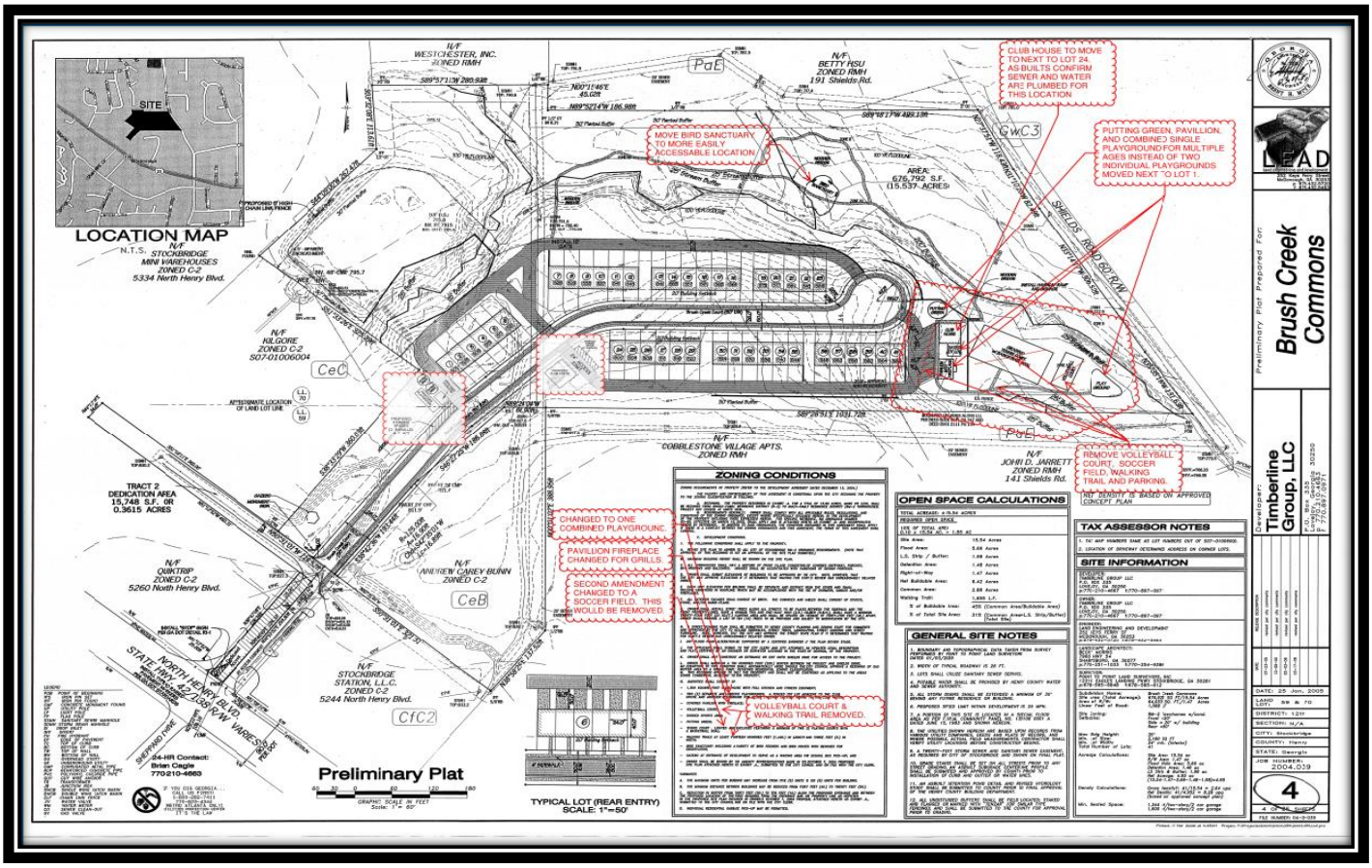
- Provide a gym and workout space inside the clubhouse.
- Provide grills and benches next to the clubhouse.
- Extend the sidewalk to interconnects to neighborhood developed commercial spaces.
- Provide a sidewalk stubout for future interconnectivity to neighboring lots.

J. TABLE 1 -- SUMMARY OF PROPOSED AMENITY CHANGES

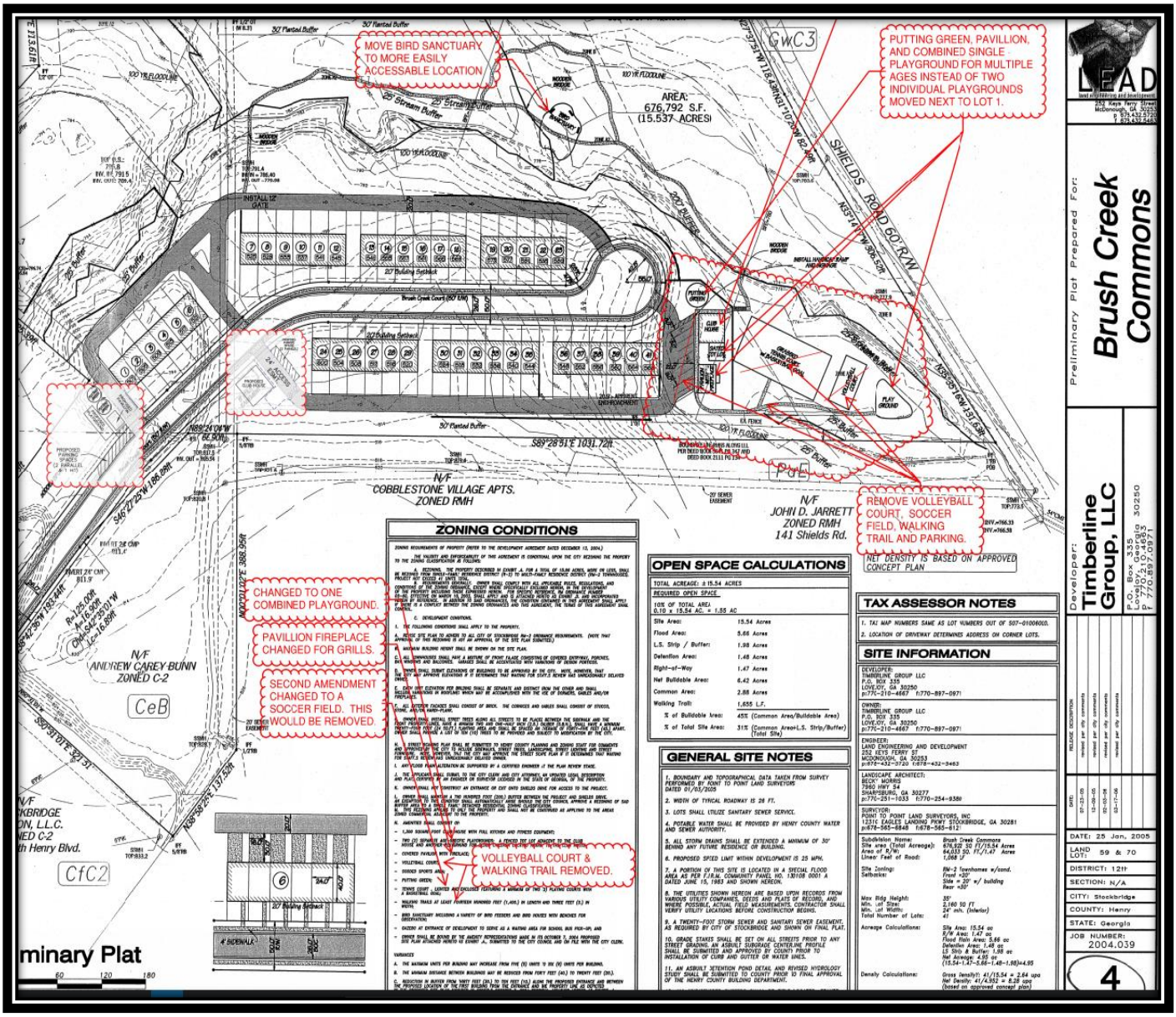
AMENITY OR FACILITY	PROPOSED CHANGE FOR ZM-2022-01
Soccer Field	To be removed.
Volleyball Court	To be removed.
Walking Trail	To be removed.
Parking Spaces Near Removed Amenities	To be removed.
Sodded Sports Area	To be removed.
Wooden Bridges Over Creek	To be removed.
Playground for Toddlers	To be replaced by a single combined playground.
Playground for Adolescents	To be replaced by a single combined playground.
Putting Green	To be relocated near the playground.
Bird Sanctuary	To be relocated on the opposite side of the creek for better access.
Grills and Benches Next to Pavilion	To be added.
Gym with Workout Space	To be added inside the Clubhouse.

K. SITE PLAN PROPOSAL FOR ZM-2022-01:

FULL SITE



L. SITE PLAN PROPOSAL FOR ZM-2022-01: ENLARGEMENT



B. Letter of Intent. The applicant's Letter of Intent cites three reasons why all of the required amenities cannot be constructed in the manner which was previously designated:

1. Costs--Certain high-maintenance amenities would be too costly for an HOA serving only 41 units, resulting in high fees to the townhome unit owners.
2. Environmental Conditions--The property's various physical attributes make the installation of certain amenities impossible or undesirable.
3. Locations--The designated locations of certain required amenities would be impractical.

In particular, the applicant identifies the following problems with three of the required amenities:

- Soccer Field and Volleyball Court—Designated for a ditch location, surrounded by hills and tall trees, which would cut off sunlight, be subject to flooding. The grass on the soccer field would not grow properly and the volleyball court would be filled with debris.
- Walking Trail with Three Bridges—Designated for a heavily-forested floodplain location, where the ground is often soggy and snakes may be present.

The applicant also proposes to install only one playground instead of the required two (one for toddlers and one for adolescents), and to move the bird-watching station to a more accessible location.

IX. ANALYSIS OF REQUEST

The last known City Council approval to take place for the subject property occurred on August 13, 2007 with the adoption of the Second Amendment to the Development Agreement, and no development has occurred on the property since then, other than the installation of an internal street, Brush Creek Court. The previous developer, Timberline Group, LLC, encountered various environmental problems on the property and had several different site plans prepared, including the February 22, 2008 site plan that was approved by Henry County (on behalf of the City), but later apparently abandoned the project.

Now, the current applicant has requested the granting of a Major Zoning Modification to the previously-approved rezoning and development agreements for the proposed Brush Creek Commons townhome development. Specifically, he is requesting the elimination or alteration of several of the required amenities (plus some other changes). He has cited three reasons for doing so, as are listed below. The Planning and Zoning Staff have analyzed the applicant's request on the basis of the reasonableness of the cited reasons, their suitability for the proposed development, and their effects on surrounding properties.

1. Costs--Certain high-maintenance amenities would be too costly for an HOA serving only 41 units, resulting in high fees to the townhome unit owners.
2. Environmental Conditions--The property's various physical attributes make the installation

of certain amenities impossible or undesirable.

3. Locations--The designated locations of certain required amenities would be impractical.

A. Reasonableness of Applicant's Request. The number of amenities that were required by the City's previous Zoning Code for this relatively small development may be high, especially since the City's current Unified Development Code does not have any specific requirement in the number of amenities to be provided within multifamily developments. Further, the reduction in the number of units from 48 to 41 (approved by the First Amendment to the Development Agreement) results in a smaller number of homeowners who will need to bear the HOA costs for maintaining all of the amenities to be installed in the development. Therefore, the requested amenity changes regarding costs are reasonable.

The subject property contains various floodplains and wetlands which comprise 5.459 acres of "restricted use", according to the Henry County Tax Assessors. Because of the this, the applicant has found that the provision of certain required amenities, including the soccer field, volleyball court, and sodded sports area, to be impossible, difficult, or impractical, resulting in flooding, blockage of sunlight in forested areas, and the inability of grass to grow on the soccer field. These are physical limitations of the site, and they are reasonable hindrances to these amenities. The elimination of some parking spaces to serve these facilities is also reasonable.

The applicant has also made minor changes in the locations of some of the required amenities to improve their accessibility, functionability, and desirability for the homeowners of the development. These changes seem reasonable.

B. Suitability for the Proposed Development. The granting of the applicant's requested changes in the number and type of amenities to be provided, as are shown by the submitted Conceptual Site Plan, would benefit the homeowners of the proposed development by enabling them to have reduced HOA fees due to the anticipated reduction in maintenance costs. Although there would be fewer amenities, the applicant still proposes to provide a significant number of them to create an attractive development. While there would be only one playground rather the required two playgrounds, the developer would install playground facilities for both toddlers and older children in that playground. Further, the relocation of some of the amenities on the site to more practical locations should promote their greater attractiveness and usability of to the homeowners.

C. Effects on Surrounding Properties and Infrastructure. Since the proposed changes to the amenities and site plan would not involve any alterations to the proposed townhomes, site access, utilities, or buffering, no adverse effects on surrounding properties are anticipated.

X. MAPS AND ILLUSTRATIONS TO FOLLOW:

M. Table 2--Comparison of Amenities: Required Versus Proposed

N. Table 3—Analysis of Requested Amenity and Site Plan Changes

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M. TABLE 2: COMPARISON OF AMENITIES: REQUIRED VERSUS PROPOSED

#	REQUIRED AMENITIES	PROPOSED AMENITIES	COMPARISON	REQUESTED VIA ZM-2022-01?
1	1,300 SF Clubhouse, Fully Furnished, with Exercise Equipment	1,300 SF Clubhouse, Partially Furnished, with Exercise Equipment	Proposed clubhouse would have fewer furnishings.	Yes.
2	Covered Pavilion with a Fireplace	Covered pavilion (15' X 20') with no fireplace	Fireplace would be eliminated.	Yes.
3	Gazebo for Bus Stop	Gazebo for Bus Stop	Same.	No.
4	Sodded Sports Area	Sodded Sports Area	To be eliminated.	No.
5	Putting Green	Putting Green	Same.	No.
6	Bird-Watching Station	Bird-Watching Station, moved to a more accessible location	Same, but in a different location.	Yes.
7	Playground for Toddlers	None.	To be replaced by a single playground.	Yes.
8	Playground for Adolescents	None.	To be replaced by a single playground.	Yes.
9	Tennis Court with Basketball Goals	None.	Eliminated, but approved by Second Amendment to Dev. Agreement.	No.
10	Soccer Field	None.	To be eliminated.*	Yes.
11	Volleyball Court	None.	To be eliminated.*	Yes.
12	1,400 LF Walking Trails with Three Bridges Over Creek	None.	To be eliminated.*	Yes.
13	N/A	Grills Next to Pavilion	To be added.	No.

*** Applicant has provided reasons for these eliminations in his Letter of Intent.**

N. TABLE 3—ANALYSIS OF REQUESTED AMENITY AND SITE PLAN CHANGES

AMENITY OR FACILITY	PROPOSED CHANGE VIA ZM-2022-01	ACCEPTABILITY / COMMENT
Soccer Field	To be removed.	Acceptable due to presence of floodplain.
Volleyball Court	To be removed.	Acceptable due to presence of floodplain.
Walking Trail and Bridges over Creek	To be removed.	Suggest the provision of a short path from the Clubhouse to the creek instead.
Parking Spaces Near Removed Amenities	To be removed.	Acceptable. Not needed if removed amenities are not present.
Tennis Court with Basketball Goals	To be removed.	Acceptable due to likely flooding otherwise.
Sodded Sports Area	To be removed.	Acceptable due to likely flooding.
Wooden Bridges Over Creek	To be removed.	Acceptable due to high costs.
Playground for Toddlers	To be replaced by a single playground.	Acceptable since toddler and adolescent facilities would be provided in one playground.
Playground for Adolescents	To be replaced by a single playground.	Acceptable since toddler and adolescent facilities would be provided in one playground.
Bird Sanctuary	To be relocated for better access.	Acceptable.
Sidewalk Extension and Interconnection	To be provided in southwest area of site.	Acceptable. Would facilitate access to nearby businesses.
Sidewalk Stubout	To be provided near Clubhouse.	Acceptable.
Grills Next to Pavilion	To be added.	Acceptable and desirable.

D. Basis of Comparison. In order to properly evaluate the applicant's request, a comparison needs to be made between the last site plan that was officially approved by the City of Stockbridge and a new site plan which has been prepared and proposed by the applicant. It is not clear as to which site plan should be used as the basis of evaluation, due to the following:

a. October 7, 2004 Site Plan – This site plan was approved per the Amended Development Agreement, dated August 13, 2007, but it is only a schematic drawing rather than a detailed, scaled site plan.
b. January 25, 2005 Site Plan – This site plan was stamped for approval by Henry County Plan Review on behalf of the City, but other revisions were later made.
c. February 22, 2008 Site Plan – This site plan was mentioned as being approved in a letter from the City to the County, dated March 10, 2008, but it has not been located.

E. Applicant's Tentative Site Plan – Per the recommendation of the Planning and Zoning Staff, the applicant has submitted a tentative site plan by using the January 25, 2005 previously-approved site plan as a base, on which he has shown his proposed amenity changes in red. Yet, there remain two issues with this:

a. The applicant has not submitted a clean, proposed new site plan showing the amenities which he plans to provide.

b. If the February 22, 2008 site plan is later located, the City may require that the applicant submits a new site plan by using the February 22, 2008 site plan as a base.

XI. STAFF RECOMMENDATION

This Staff Report has demonstrated that the applicant's proposed amenity and site plan changes would be acceptable. The Staff recommends **APPROVAL WITH CONDITIONS** of this zoning modification request, with the following four zoning conditions:

1. The applicant shall prepare a clean, final site plan by using the previously-approved plat, dated January 25, 2005 (as part of the Site Development Plans that were prepared for Timberline Group, LLC by Land Engineering and Development) as a base, and showing all of the currently-proposed amenities.

2. The Planning and Zoning Staff shall review the accuracy of the new site plan, and upon its approval, the developer shall be bound by it.

3. No other substantial changes in the number, type, or location of amenities or other facilities shall be allowed.

4. The developer shall comply with all other requirements of the approved rezoning case (RZ-03-04 via Rezoning Ordinance No. 03-152, which included the required compliance with the specifications of the RM-2 zoning district), the original Development Agreement, the first amendment to the Development Agreement (dated December 13, 2004), and the Second Amendment to the Development Agreement (dated August 13, 2007).

CITY OF STOCKBRIDGE

4640 NORTH HENRY BOULEVARD
STOCKBRIDGE, GEORGIA 30281
PHONE (770) 389-7900
FAX (770) 389-7912

October 10, 2024

Ms. Michele Battle
President/Sr. Attorney
3562 Habersham at Northlake
Bldg. J, Suite 100
Tucker, GA 30084

RE: Tax Parcel No. S07-010-060-00

Dear Ms. Battle,

The City has reviewed your request for water and sewer services for the proposed twenty (20) unit townhome community. The estimated water and sewage usage is as follows:

- Water – 20 Units x 300 gpd = 6,000
- Sewer – 20 Units x 300 gpd = 6,000

Currently there is available capacity in the water distribution and sanitary sewer collection systems for the requested capacities, but if construction plans are not submitted within one (1) year (**October 10, 2025**), this reservation of capacity shall expire. The following are also required:

- All costs associated with connecting to the water distribution and sanitary sewer collection systems are the developer's responsibility.
- The developer must adhere to the City's Minimum Development Standards.

If additional information is needed, please do not hesitate to contact me via e-mail or cell phone at (678) 373-6765.

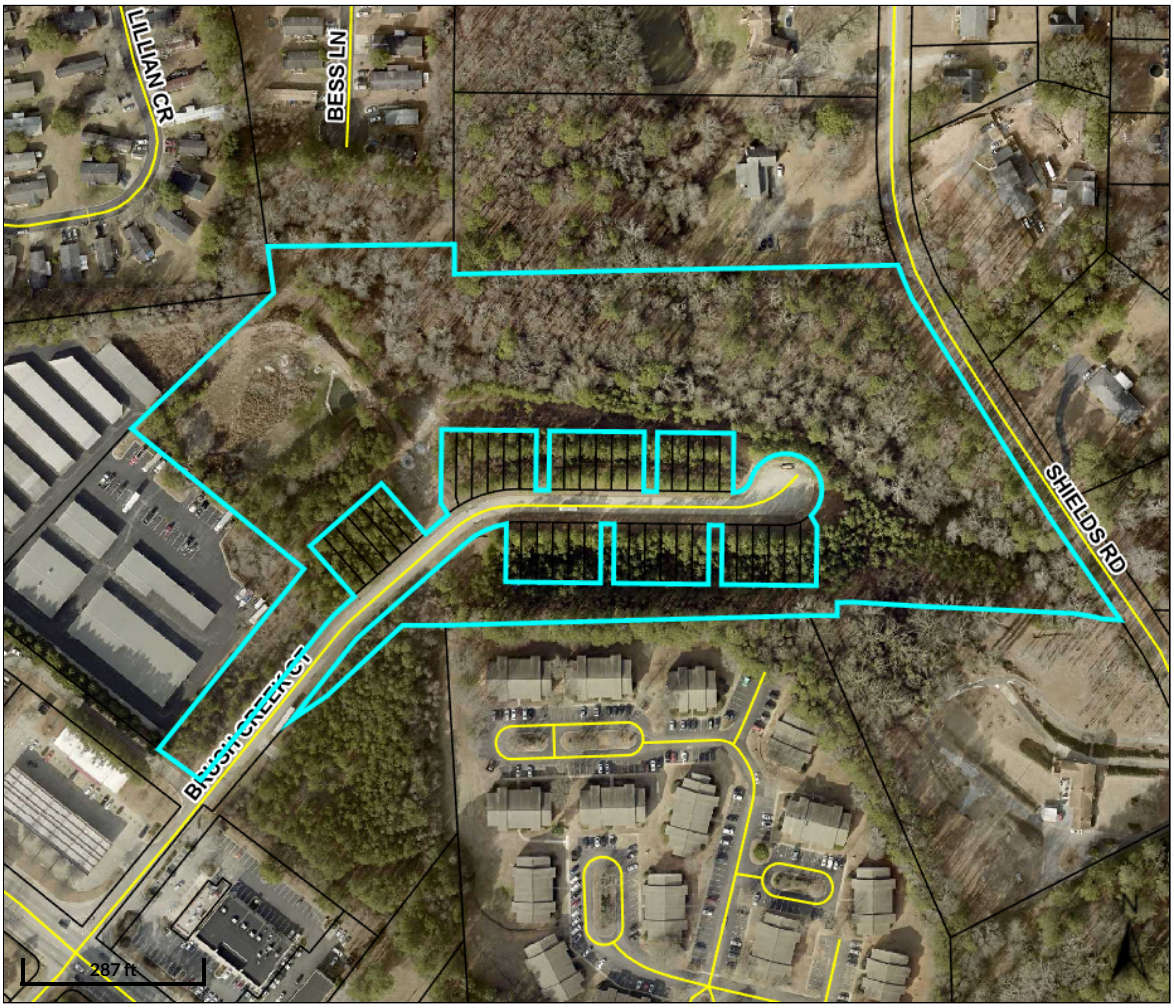
Sincerely,

Decius T. Aaron
Public Works Director

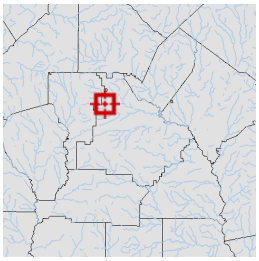
Cc: Kevin Miller, Sewer Superintendent
Adam Daniel, Chief Collection Systems Operator

DTA:da

Henry County, GA



Overview



Legend

- Parcels
- Roads

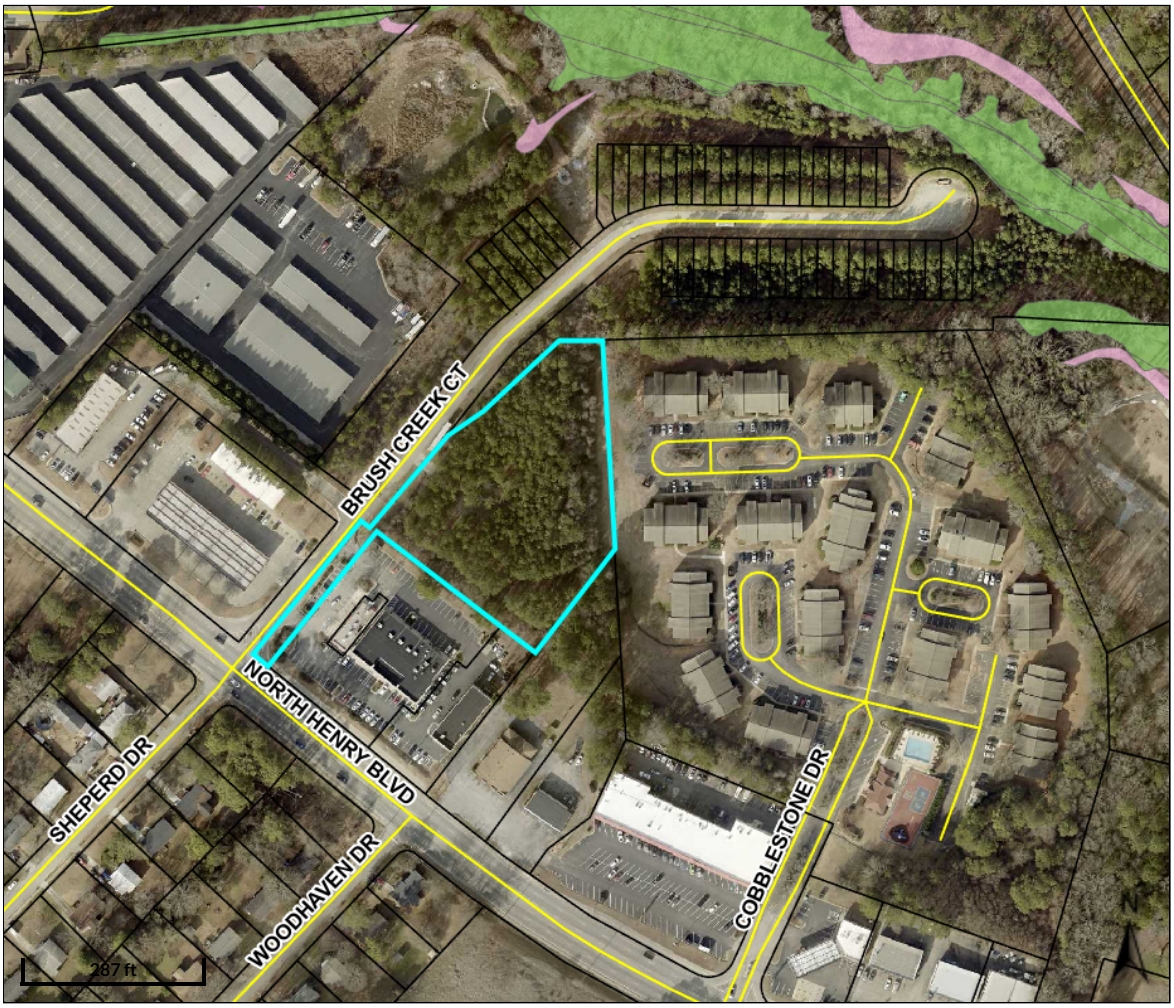
Parcel ID	S07A01100000	**Class**	C	**Owner**	PIVOTAL ENTERPRISES LLC	**Land Value:**	$100	**Last 2 Sales**
Property Address		**Acreage**	15.895	**Address**	1705 ENTERPRISE WAY STE S-100	**Building Value:**	$0	**Date** **Price** **Reason** **Qual**
District	City/Stockbridge				MARIETTA GA 30067	**Misc Value:**	$0	n/a $ n/a n/a
						Total Value:	$100	n/a $ n/a n/a

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

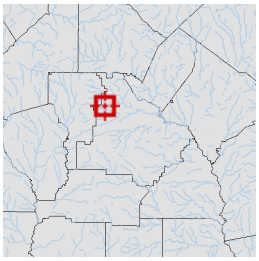
Date created: 5/31/2024
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Developed by Schneider GEOSPATIAL

Henry County, GA



Overview



Legend

- Parcels
- Roads

Flood Map

- X - 500 Year Flood
- 0.2 - Areas of 0.2% annual chance flood
- A - 100 Year Flood Area - Areas of 1% annual chance flood also known as the base flood. Base Flood Elevations (BFE) have not been determined.
- AE -100 Year Flood Area - Areas of 1% annual chance flood also known as the base flood. Determined by detailed methods with Base Flood Elevations (BFE).
- AO - Areas subject to inundation by 1-percent-annual-chance shallow flooding, average depths 1-3 feet
- Wetlands

Parcel ID	S07-01006000	**Class**	C	**Owner**	PIVOTAL ENTERPRISES LLC	**Land Value:**	$126500				
Property Address		**Acreage**	2.53	**Address**	1705 ENTERPRISE WAY STE S-100 MARIETTA GA 30067	**Building Value:**	$0	**Last 2 Sales Date**	**Price**	**Reason**	**Qual**
District	City/Stockbridge					**Misc Value:**	$0	3/22/2021	$387,000	MULTI PARCEL	U
						Total Value:	$126500	12/17/2013	$57,500	PART INT	U

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

Date created: 3/21/2024
Last Data Uploaded: 3/21/2024 7:42:23 AM

Developed by

COPY

DEVELOPMENT AGREEMENT

FOR

BRUSH CREEK COMMONS

Location off North Henry Blvd.-behind the QT and Waffle House

ROYCE GRANT

JULY 21, 2003
AMENDED DECEMBER 13, 2004
AMENDED AUGUST 13, 2007

STATE OF GEORGIA

COUNTY OF HENRY

COPY

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:



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,

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]

CITY OF STOCKBRIDGE, GEORGIA

This the 13th day
of August, 2007.

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

ATTEST:
_____
Merle Manders, City Clerk

[SEAL]

TIMBERLINE GROUP, LLC

BY: _____ (L.S.)
BRIAN W. CAGLE
MEMBER (Title)

Signed, sealed and delivered
before me this 31st day of
AUGUST, 2007.

_____
Notary Public

[SEAL]

My Comm. Expires
May 11, 2009
HENRY COUNTY GEORGIA
PUBLIC

ATTEST:

_____
_____, Secretary
Jeffrey A. Martin



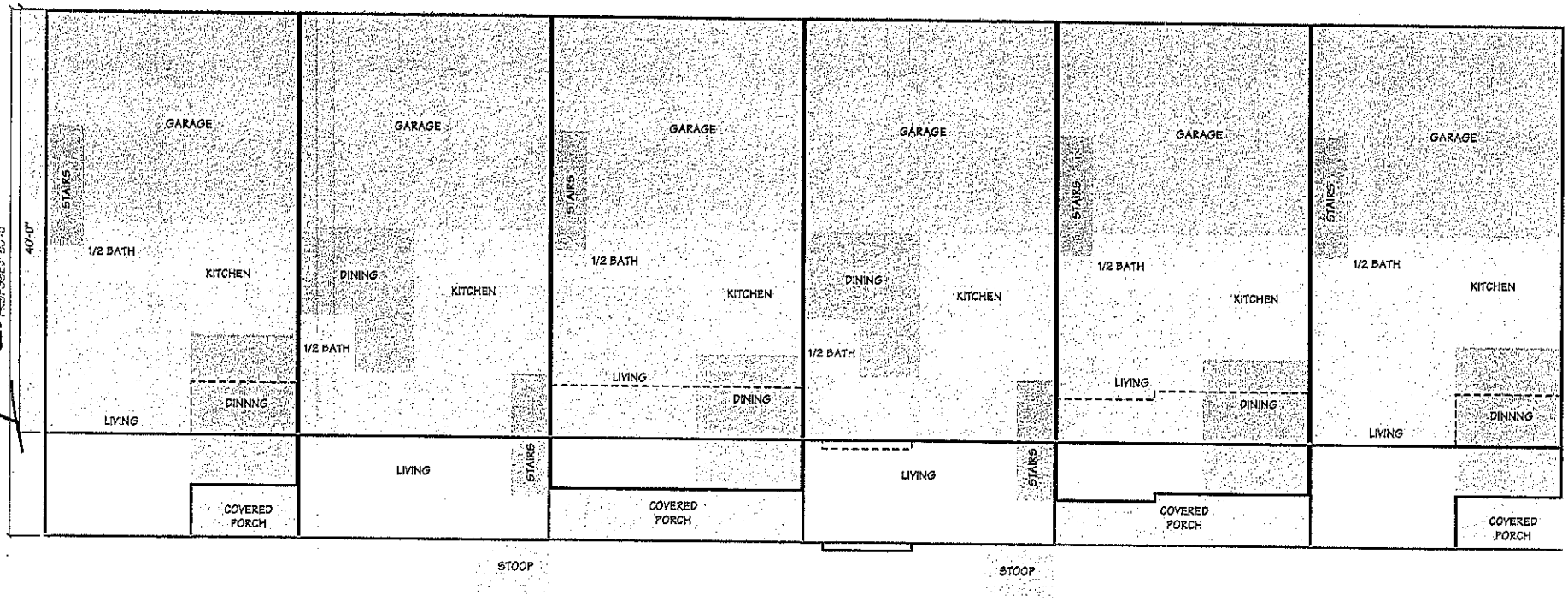


EXHIBIT 4
Page 1 of 2

——————— - Current Building Lines

- - - -

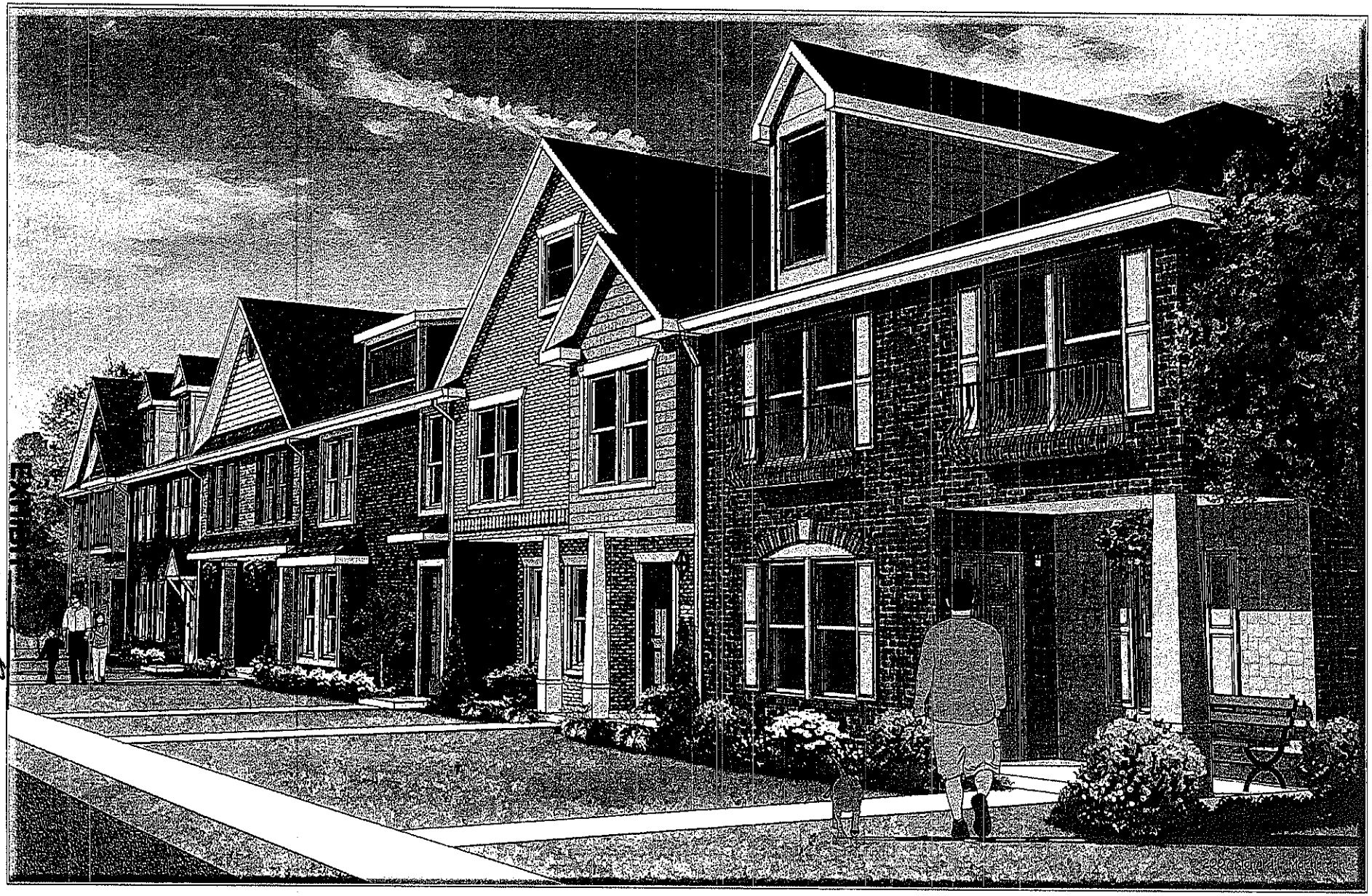


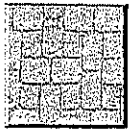
EXHIBIT
Page 2 of 2

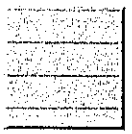
CAGLE HOMES
770-210-HOME
www.caglehomes.com

Elevations Information

Individual detail is achieved with a mixture of covered entryways, porches, bay windows, and balconies. Each home is separate and distinct with varying roof lines, dormers, and gables. Facades are predominantly brick, with stone, Hardi-plank or Hardi-shake accents.


Brick


Stone


Hardi-Siding

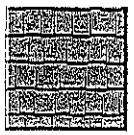
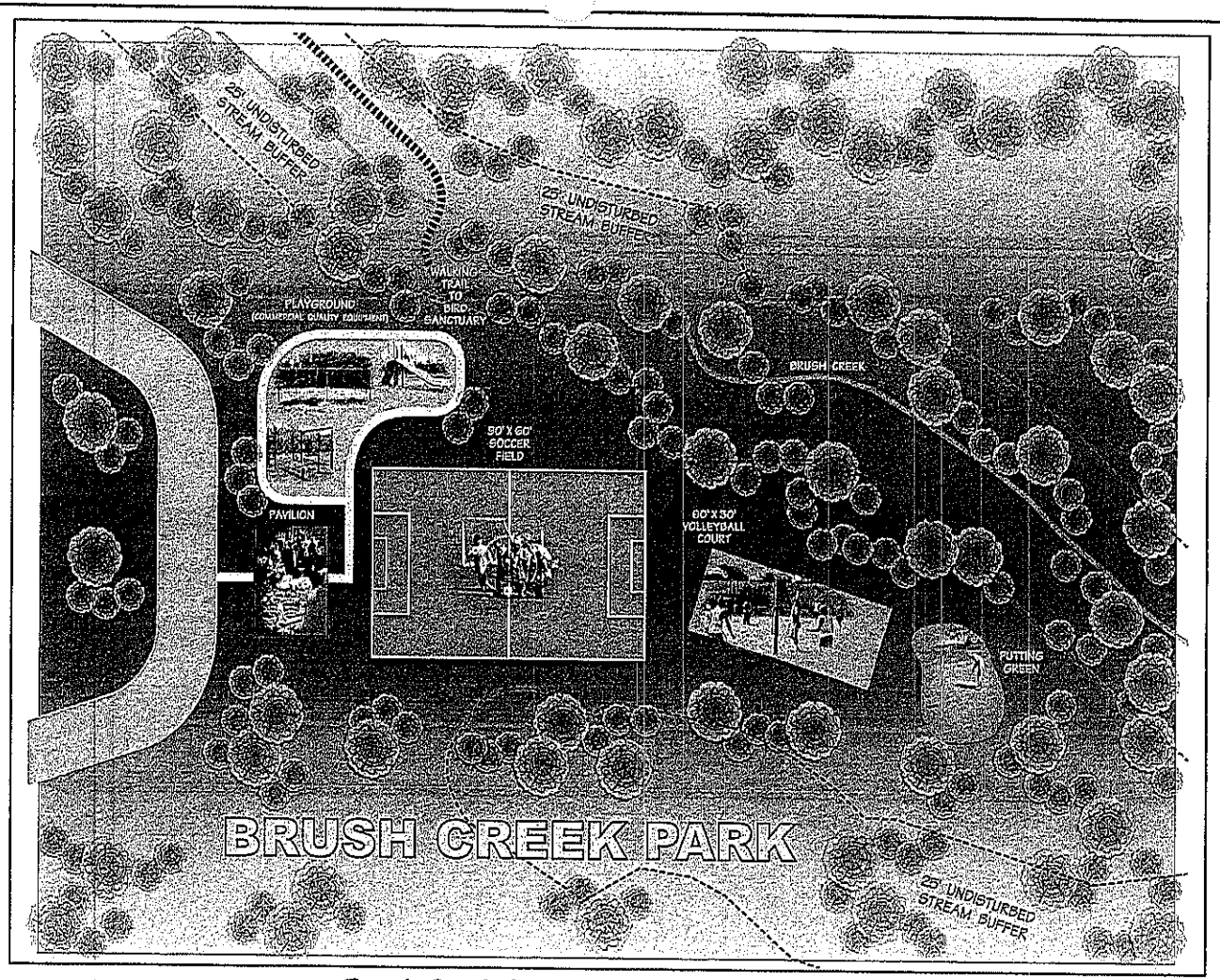

Hardi-Shake

EXHIBIT 1
Page 3 of 3



Brush Creek Commons Amenity Package

* Gazebo at entrance of development to serve as a waiting area for school bus pickup
* Sodded Sports Area adjacent to Gazebo
* 1300 Square Foot Clubhouse with Full Kitchen and Fitness Equipment
* Fenced Tot Lot (Ages: 2 – 5) located adjacent to Clubhouse
* Brush Creek Park
  1. Covered Pavilion with Picnic Area and Fireplace
  2. Regulation 60' X 30' Beach Volleyball Court
  3. Regulation 60' X 90' 3 on 3 Soccer Field with Goals
  4. Putting Green with multiple holes and sand trap
  5. Upgraded and Enlarged, commercial quality playground:
     2 Bay, 4 Station Swing Set with Buckets and Belts
     Climbing Station: "Monkey Bars", Ring Climbers, Chin-up Bar, and Balance Beam
     Free Standing Wave Slide with 5' Deck
     2 Commercial Quality Park Benches
  7. Over 1400 Ft. of Walking Trail
  8. Bird Sanctuary with Feeders, Houses, and Benches for observation



COPY

DEVELOPMENT AGREEMENT

FOR

BRUSH CREEK COMMONS

Location off North Henry Blvd.-behind the QT and Waffle House

Royce Grant

JULY 21, 2003

AMENDED DECEMBER 13, 2004



STATE OF GEORGIA

COUNTY OF HENRY

COPY

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 TIMBERLINE 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) aces; 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

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.

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

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 one (1) Basketball Goal at each end;
- 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:

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

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 13th day of December, 2004.

CITY OF STOCKBRIDGE, GEORGIA

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

ATTEST:

_____
MERLE MANDERS, City Clerk

(Seal)

Version 8

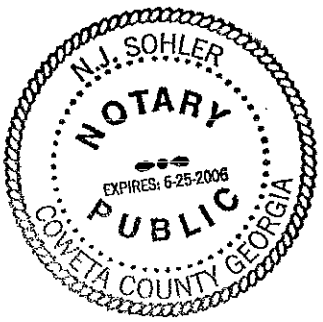
OWNER:

TIMERLINE GROUP, LLC

BY: _____ (L.S.)
BRIAN W. CAGLE
Managing Partner [Title]

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

_____
Notary Public



ATTEST:

_____
James Barnes, Secretary

COPY

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 encumbered 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,

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:

AGREEMENT:

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

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

COPY

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

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

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.

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.

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.

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.

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.

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.

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

ATTEST:

_____
Merle Manders, City Clerk

[Seal]

[Signatures on following page]

OWNER:

Royce Grant (L.S.)
ROYCE GRANT

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

Joyce Moore
Witness

N.J. Sohler
Notary Public
(Seal)

My commission expires:

6-25-2006

N.J. SOHLER NOTARY PUBLIC COWETA COUNTY GEORGIA EXPIRES: 6-25-2006

EXHIBIT "A"

PLAT AND LEGAL DESCRIPTION OF PROPERTY

COPY

BRUSH CREEK COMMONS

Legal Description

All that tract or parcel of land, containing **15.96 acres** more or less, lying and being in Land Lot 70 and 59 of the 12th District of Henry County, Georgia, as shown on preliminary plat by Bunn Grading Company, Inc., dated 7/14/03, and being more particularly described according to said plat as follows:

COMMENCING at the intersection of the centerline of Askew Road and the northern right-of-way line of State Route 42 and State 138; thence, Southeasterly a distance of 467.58 feet to an iron pin; thence, North 44 degrees 7 minutes 55 seconds East a distance of 225.72 feet to the **POINT OF BEGINNING**; thence, North 44 degrees 22 minutes 29 seconds East a distance of 34.28 feet to a point; thence, South 51 degrees 13 minutes 8 seconds East a distance of 360.00 feet to a point; thence, North 38 degrees 35 minutes 37 seconds East a distance of 360.00 feet a point; thence, North 51 degrees 32 minutes 18 seconds West a distance of 325.00 feet a point; thence, North 44 degrees 8 minutes 4 seconds East a distance of 267.48 feet to a point; thence, North 3 degrees 30 minutes 52 seconds West a distance of 113.75 feet to a point; thence, South 89 degrees 57 minutes 37 seconds East a distance of 280.97 feet to a point; thence South 10 degrees 43 minutes 44 seconds West a distance of 45.70 feet to a point; thence, North 89 degrees 58 minutes 34 seconds East a distance of 694.39 feet to a point on the western right of way line of Shields Drive; thence, along a curve having a radius of 793.27 feet, a chord bearing of South 8 degrees 19 minutes 12 seconds East a distance of 115.57 feet to a point; thence, South 31 degrees 10 minutes 46 seconds a distance of 82.49 feet to a point; thence, South 33 degrees 14 minutes 43 seconds East a distance of 306.52 feet to a point; thence, South 35 degrees 31 minutes 23 seconds East a distance of 135.04 feet to a point; thence, North 89 degrees 4 minutes 1 second West a distance of 1032.00feet to a point; thence, along the eastern right of way line of the proposed street as shown on the attached site plan by Bunn Grading Co. Inc. a distance of 481.91 feet to a point; thence, North 51 degrees 8 minutes 8 seconds West a distance of 25.00 feet to a point; thence, South 38 degrees 51 minutes 52 seconds West a distance of 28.67 feet to a point; thence, North 51 degrees 8 minutes 8 seconds West a distance of 460.68 **POINT OF BEGINNING**.

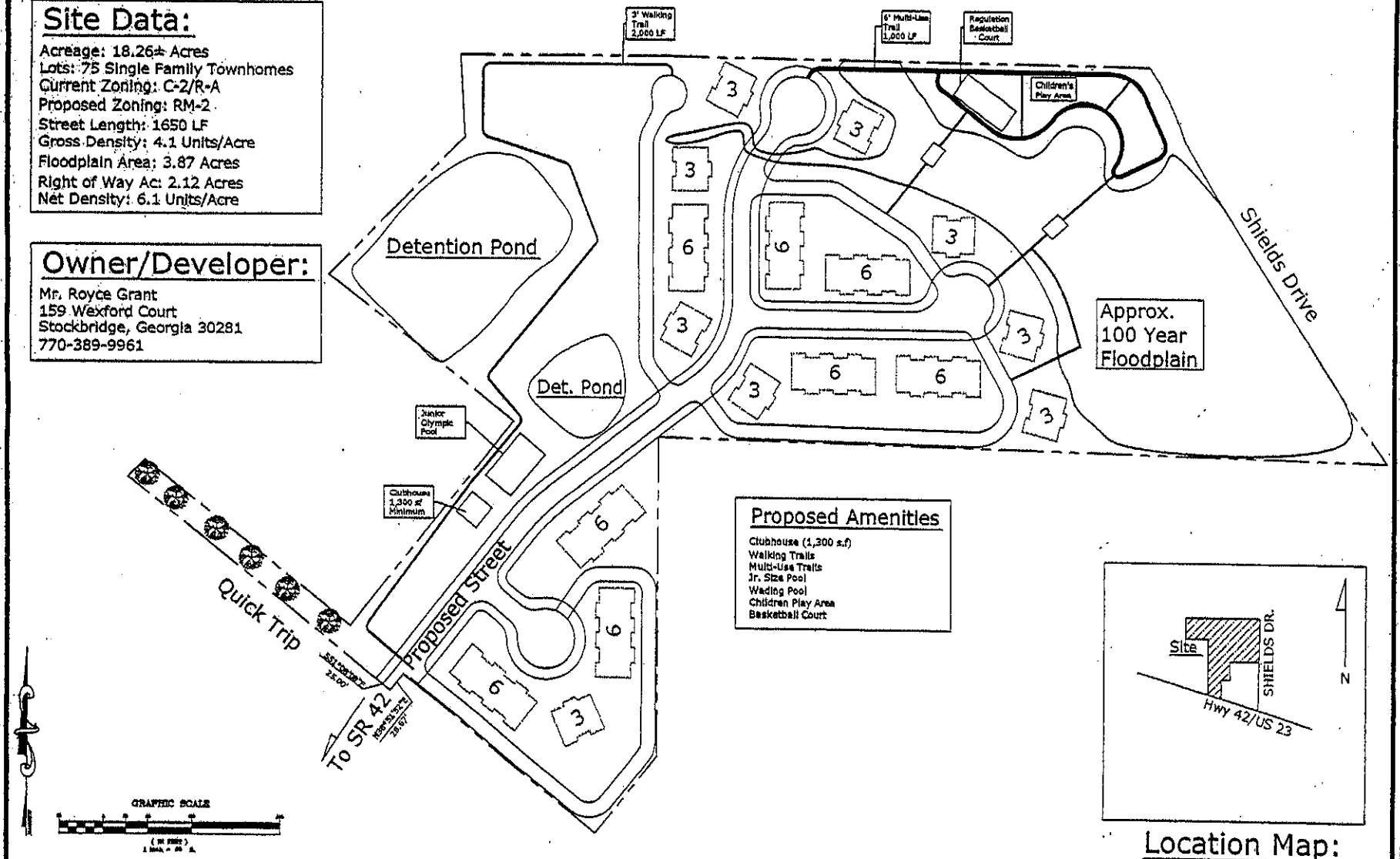
BRUSH CREEK COMMONS

Site Data:

Acreage: 18.26± Acres
Lots: 75 Single Family Townhomes
Current Zoning: C-2/R-A
Proposed Zoning: RM-2
Street Length: 1650 LF
Gross Density: 4.1 Units/Acre
Floodplain Area: 3.87 Acres
Right of Way Ac: 2.12 Acres
Net Density: 6.1 Units/Acre

Owner/Developer:

Mr. Royce Grant
159 Wexford Court
Stockbridge, Georgia 30281
770-389-9961



Proposed Amenities

Clubhouse (1,300 s.f)
Walking Trails
Multi-Use Trails
Jr. Size Pool
Wading Pool
Children Play Area
Basketball Court

Location Map:

(Not to Scale)

Bunn Grading Company, Inc.

BRUSH CREEK COMMONS

Henry County Environmental Health

137 Henry Parkway
McDONOUGH, GEORGIA 30253
770-954-2078 Voice
770-954-2987 Facsimile

June 23, 2003

Mr. Royce Grant
Mandalay Properties
Post Office Box 1274
Stockbridge, Georgia 30281

Re: Rezoning/Level 3 Soil Map
50.58 Acres
Land Lot 149, District 7
Hwy. 81 East and Mayo Road
Henry County

Dear Mr. Grant:

A Level 3 Soil Report by Thomas Macfie indicates that there is enough suitable soil on this tract for the installation of conventional and/or alternative onsite sewage management system. There are some soil classifications on the tract that are not suitable for any type of system. Several lots may also require Level 4 Soil Reports.

This letter is for rezoning purposes only and does not guarantee that Onsite Sewage Management System permits will be issued on every lot in this development. Prior to submission of applications for permits, an official Level 3 Soil Report showing lot lines, numbers and street names must be submitted to this office. The final plat must also have been submitted and lot numbers and locations on the soil report must correspond to the final plat.

Glinda A. Scott
Environmental Health County Manager

Cc: Planning and Zoning



Ray McDonald: "It seems strange, because half way between here and Stockbridge you run into the City limits."

Frank Patrick: "If we were in the City we could get sewer."

Chairman Schafer asked for any additional comments from the Board. He then asked for anyone in opposition or approval from the audience that would like to speak.

Whit Echols: "I am an associate real estate agent with Rucker Company. I am representing the two parties, the buyers and sellers in this thing. You asked about how close this property is to the City limits? (Mr. Echols jumped about two feet.) It is that far. It is one lot away from the City limits. It is right there at it."

The Chairman asked for any further comments. Seeing none, the Chairman reread the item and entertained the motion.

Michael Eddy: "Mr. Chairman, I am going to recommend approval for this facility with the five conditions placed by the Staff. I would like to modify the fifth condition. The applicant had mentioned four sided brick and I would like to have the condition to read 'The façade(s) of the proposed development shall be constructed of brick, stone, stucco or any combination thereof.' I would like to add a condition 6; all rental equipment shall be stored behind the main structure and/or fencing after hours.

Frank Patrick: "And along the side."

Michael Eddy: "As long as the equipment is behind the fence area.

Ray McDonald seconded the motion. The vote was unanimous to approve the motion.

RZ-03-04 Royce Grant of Stockbridge, GA requests a rezoning from RA (Residential Agriculture) and C-2 (General Commercial) to RM-2 (Multiple-Family Residence-Townhouses) in Land Lot(s) 59 and 70 of the 12th District, for property located between Hwy 42/US 23 and Shields Drive. The property contains 18.4+/- acres and the request is to develop a Multiple Family Residential Subdivision. **City of Stockbridge.**

Recommendation

Planning Staff recommends **Approval** of the request by Royce Grant to rezone the subject property from R-2 (Single Family Residence) and C-2 (General Commercial) to RM-2 (Multiple Family Residence District – Townhouses) with the following conditions:

1. Revise site plan to adhere to all City of Stockbridge RM-2 Ordinance requirements.

2. Maximum building height shall be shown on the site plan.

3. All townhouses shall have a mixture of front façade consisting of covered entryway, porches, bay windows and balconies. Garages shall be accentuated with variations of design porticos.

4. Developer shall submit elevations of the building to be approved by the Planning and Zoning Department.

5. Each unit elevation per building shall be separate and distinct from the other. To include variations in rooflines which may be accomplished with the use of dormers, gables and or fireplaces.

6. Each unit shall have different brick, stucco and masonry theme from the other attached units.

7. Developer shall install street trees along all streets to be placed between the sidewalk and the front property lines, have a minimum two & half inch (2.5") caliper (d.b.h.), shall have a minimum twenty-four square foot (24 sq.ft.) planting area and shall be spaced an average of forty-five feet (45') apart. Consisting of ginkgo (non-fruit bearing), Japanese zekova and or oak family type.

8. The Building Department shall not issue a building permit until such a time as the Director of the Building Department has certified that for each prospective phase of development, sewer capacity is sufficient to accommodate the additional sewage that would be generated by the proposed development.

9. A streetscape plan shall be submitted to and approved by the Henry County Planning and Zoning Department to include sidewalks, street trees, landscaping, street lighting and street furniture.

10. Staff recommends that any floodplain alteration be supported by a certified engineer at the plan review stage.

11. *The applicant must supply adequate documentation to the Planning Staff to ensure right of way from the subject property to North Henry Boulevard, prior to advertising for the City Council.*

Kimberly Smith introduced the item; Dale Hall represented Staff.

Royce Grant and his father Jeff Grant represented this request.

Jeff Grant: "We would like this piece of property to be recommended for approval for single-family town houses. A portion of this property is zoned commercial and a portion is zoned residential. In talking to the City, they would like us to keep that portion commercial."

Chairman Schafer: "Are you aware of the Planning Staff report and their recommendation with ten (10) conditions?"

Jeff Grant: "Yes, we certainly are. Royce is giving out to you right now our response to the ten recommendations. We accept all ten of those with no problem. In particular I would like to point out on 4, 7 and 9, these deal with the elevation of the buildings. As far as the street tress and the landscaping plans, with this being in the City, I guess I will ask Mr. McDonald about this, but I guess the final approval will come from the City of Stockbridge."

Dale Hall: "If I might comment on that. These conditions are saying that Henry County Planning and Zoning Department will do the architectural review and approval of the plan. They want be coming back to the Planning Commission per say, but to the Planning and Zoning Department. The Planning and Zoning Department is the Planning Department for the City of Stockbridge."

Jeff Grant: "The reason I said that is sometimes the County regulations are different from those proposed from the Cities. That is the only reason I asked that. So, I do submit those to the County."

Chairman Schafer: "In reading the Staff's report, I noticed that your request does not comply with the Future Land Use Map; however it does comply with the City of Stockbridge zoning ordinance."

Jeff Grant: "Correct."

Chairman Schafer: "And also in looking at the report I believe there is some discussion about the flood plain and the potential discrepancy on that. I would like to ask Staff to elaborate on that."

Dale Hall: "The survey that was submitted with the application shows a different location of the flood plain area than the actual concept plain. It is very important that the applicant is aware of that because the floodplain shown on the survey is a larger area than what is shown on the conceptual plan, so that will need to be taken care of and will be during the plan review."

Jeff Grant: "We have already had the property engineered and an evaluation done and our engineer will have to put his stamp of approval on it. I don realize that."

Ray McDonald: "do you agree with all these recommendations?"

Jeff Grant: "Yes sir."

Ray McDonald: "I would like to add a number 11, the applicant must supply adequate documentation to the Planning Staff to ensure right of way from the subject property to North Henry Boulevard, prior to advertising for the City Council. There was a question about that."

Jeff Grant: "There was Mr. McDonald. That has already been approved. I think I read it was actually only 6" short. Mr. Welch, here in the City of McDonough, has already handled that for us. That has already been approved by the DOT and the City of Stockbridge."

Ray McDonald: "Could you give then something in writing to that effect?"

Jeff Grant: "Yes sir, we certainly could."

Ray McDonald: "That is what this is asking for."

Dale Hall: "If I may comment further on that. The information we have available says that the City Council approved and adjustment in the road width. The information that we have does not say anything about a right-of-way being deeded over or anything of that sort. We don't want to be sure that you are not a land locked piece and that you have road frontage."

Jeff Grant: "Actually, what we have done is quick Trip and also Stockbridge Commons, which own the property in front of us, both have deeded their right-of-way over to use and therefore we will be deeding that over to the City when the proper time comes. I think they are making us responsible for a bond period."

Ray McDonald: "You are going to call it Brush Creek Commons instead of Stockbridge Commons?"

Jeff Grant: "Brush Creek Commons sound good to us. That is fine."

Ray McDonald: "Yes, it does."

Jeff Grant: "I would like to say this too. It was brought up in some of the conversation. We had some with some of the City officials. I think they would, and you may want to add this as number 12, they would like for us to leave the commercial, it is about four acres as you go in to the right, they would like for us to leave that commercial. If you look at the plan, we will actually loose the first twenty-one lots and we are agreeable to doing that if that is what they require for us to do. We recently learned that the Stockbridge Commons in the front there is going to be a Waffle House going in up at the front right by the Quick Trip. I don't think I am going to build Town Houses behind the Waffle House. I eat there every now and then but I don't think I would want to smell that everyday if I were somebody living there. If that is what the City wants us to do that is what we wants us to do, we are happy to comply with that."

Chairman Schafer: "Sir, I have two questions for you. The first being about the amenities. I noticed that the Staff report also shows a thirteen hundred (1,300) square foot clubhouse, a multi-us trail, Olympic size pool, wading pool, a children's play area, and a basketball court. The applicant has shown the trail as two separate amenities. Staff is counting that as one, therefore the applicant will be required one additional amenity."

Jeff Grant: "That is correct."

Chairman Schafer: "Are you okay with that?"

Jeff Grant: "Yes sir."

Chairman Schafer: "In looking at what you have shown us tonight,"

Jeff Grant: "Mr. Schafer, can I say this. We will agree to whatever the amount of amenities the City of Stockbridge requires. I think their recommendations are you have to have so many amenities for so many units."

Dale Hall: "Yes, there is a sliding scale based upon the amount of buildings that you have. The plans that was shown, in our professional opinion did not meet the required amenities. But as you have just mentioned there is going to be some change due to the flood plain and the commercial area and there will be a reduction in the amenities required."

Jeff Grant: "Correct, and whatever is required we are agreeable to."

Chairman Schafer: "In looking at conditions number 6, 'Each unit shall have different brick, stone, or stucco and masonry theme from the other attached units.' What are you anticipating on the exterior?"

Jeff Grant: "Most of them will be of either brick, stone or stucco. We passed out a layout impacting what you are going to see. Most of those, we are finding out, years ago when people talked about town houses if was just one straight run and everybody's looked the same. Now we have learned that you can offset them a little bit, have different accents at different points as far as entry porches, you can have differences. Each one can have it's own individuality. All the facades will be of brick, stone or stucco."

Chairman Schafer: "In the picture here it looks like some siding."

Jeff Grant: "It will be brick."

Chairman Schafer: "What will the sides and back be?"

Jeff Grant: "The City of Stockbridge actually prefers, we have had conversation with them, they would like to see hardiplank. Also there is a new product out. Whenever you hear the word vinyl everybody says oh, like they don't want vinyl. There is a new product out that we are going to introduce to them and try and have these maintenance free. Most of the people that live there don't want any kind of maintenance whatsoever. The new one is a thicker gauge that if you looked at it you could not tell if I had it hear today if it were actually vinyl or not. It looks real similar to your siding as far as hardiplank. It looks real similar. It is actually more expensive than hardiplank. It is one that is getting a lot of use on the North side right now. It hasn't been used here in this area because of the expense of it. It is actually about 15%, 18% higher than your hardiplank."

Chairman Schafer: "Do you have any idea what these particular units will sell for?"

Jeff Grant: "They will probably start in the low 100s and then I would imagine by the time we get to the back section they would be around 115 to 120 range. We know we are going to start out in the mid 100s range and then go up to 115, 116 range."

Ray McDonald: "Mr. Grant, this plan shows two (2) detention ponds. Isn't there currently a detention pond there?"

Jeff Grant: "Yes sir. Actually there are two (2) of them there. We are reflecting both of them. What it looks like we are going to be able to do is probably consolidate those into one (1) and have one (1) big one for that hole basin area. Those were overbuilt according to our engineer. We hope to consolidate those into one."

Ray McDonald: "Are there two there now?"

Jeff Grant: "Yes sir."

Ray McDonald: "I was under the impression there was just one."

Michael Eddy: "What would be the square footage of most of these town hoses?"

Jeff Grant: "Most of them start about thirteen hundred (1,300) square feet. That is about the minimum."

Michael Eddy: Is that two bedroom, two bath?"

Jeff Grant: "Yes sir."

Michael Eddy: "So for each townhouse you are looking at the same bedroom and bathroom numbers?"

Jeff Grant: "Well you will have some, if you will notice there are runs of three and runs of six there. A lot of the units will go to three bedrooms. Those are like 1,500 and 1,600 square feet."

Ray McDonald: "What about garages?"

Jeff Grant: "Yes sir, they do have garages. There are one car garages."

Michael Eddy: "Where will the garages be at?"

Jeff Grant: "Actually they are going to be at the very front. There are several styles that we are going to build. Some have garages and some don't. It depends. Some people like them and some don't. There are different variations. We build pretty much, you name it and we build it."

Michael Eddy: "Have you built some of these town houses in the area before? Where have you mostly built?"

Jeff Grant: "Most of these, the Forest Homes will be actually building and selling the homes. They have built some in Henry County and built some also in Clayton County. They are a big builder in Clayton County right now."

Ray McDonald: "What are you going to put in that big hoe down there?"

Jeff Grant: "If you will notice Mr. McDonald, we have been hauling in some dirt that has been given to us. The small dent that we have made has been about 120 loads, and that is a very small dent. I think we have budgeted a six-digit figure for dirt, I can tell you. We are hoping we can get by with that."

Ray McDonald: "I trust that you will save as many of those trees as possible, because there are sure a lot of them there."

Jeff Grant: "Yes sir, we will. Let me say this, as being a registered forester, I sit on the City of Atlanta's Tree Ordinance Committee. I just spent one day a week for the last year of my life on the rewriting of the Tree Ordinance for the City of Atlanta. We are very big on tree preservation. We don't believe in this mass grading type of thing. Sometimes you have to if you have some cut and fill areas, but we try to leave it as natural as we possibly can. Yes sir."

The Chairman asked for any final questions from the Board.

Bill McLeer: "I just have one question. You r engineers, you say have looked at this. Are you sure you are going to get seventy-five (75) units?"

Jeff Grant: "Actually Mr. McLeer, I believe what is going to happen is the front four acres as you go in between, where the front 21 lots are, is where the commercial is. It looks like it is going to be in the low to mid fifties to be quit honest with you. We won't be able to get that many."

Bill McLeer: "What will be an average price, about $450 per town house?"

Jeff Grant: "Three to four is typical. A lot of times you have young couples that are just getting married, or single parents, and sometimes you have an elderly couple that is looking for a place that is maintenance free and is close in. That is mainly what out market is."

Chairman Schafer as ked for any opposition to the request. Seeing none, he asked for any final comments from the Board, Staff or Mr. Grant. The chairman then reread the item and entertained the motion.

Ray McDonald: "Mr. Chairman, I move for approval of this request with the eleven (11) recommendations so stated." Thomas Solomon seconded the motion. The vote was unanimous to approve the request.

Brush Creek Commons
Rezoning Application
Planning and Zoning Commission – May 15, 2003

COPY

Zoning Conditions:	**Response:**
1. Revise site plan to adhere to all City of Stockbridge RM-2 Zoning Requirements	Agreed
2. Maximum building height shall be shown on the site plan	Agreed
3. All townhomes shall have a mixture of front façade consisting of covered entryway, porches, bay windows and balconies. Garages shall be accentuated with variations of design porticos.	Agreed, please see the architectural elevations that are attached
4. Developer shall submit elevations of the buildings to be approved by Henry Co. Planning & Zoning staff.	We will provide a copy to HCPZ; we feel that the final approval should come from the Mayor & Council of Stockbridge.
5. Each unit elevation per building shall be Separate and distinct from the other. To include Variations in rooflines, etc.	Agreed, please see the architectural elevations that are attached.
6. Each unit shall have different brick, etc.	Agreed, please see the architectural elevations that are attached.
7. Developer shall install street trees,....,etc.	We will provide a copy to HCPZ; we feel that the Final approval should come from the Mayor & Council of Stockbridge
8. The Building Department shall not issue a .... Permit until the sewer capacity is verified...	Please note that a letter has been provided by the City of Stockbridge stating that water and sewer is available, the City of Stockbridge should make the final determination as to the sewer capacity.

9. A street scaping plan shall be submitted...,etc.

We will provide a copy to HCPZ; we feel that final Approval should come from the Mayor and Council of Stockbridge

10. Staff recommends that any floodplain alteration be supported by a certified engineer at the plan review stage.

Agreed

EXHIBIT "D"

RM ORDINANCE NUMBER 03-60

Chapter 8.36 ZONING

Section 8.36.100 Multi-family residence district.

A. Purpose. It is the intent of this district to provide for the development of multiple-family residences at moderate to high densities on lots where public water and sewer systems are provided.

B. Definitions. For purposes of this entire section, the following terms shall have the meaning prescribed, unless the context clearly indicates otherwise:

"Amenities" shall mean the area(s) set aside for active and passive recreation for the residents inside the development according to the standards set forth herein. Recreation areas may include passive areas, such as trails, picnic areas or parks with landscaping providing no facilities for active sports; and active areas, with ball fields, soccer facilities, swimming areas, and other facilities for sports activities.

"Carport" shall mean a covered structure used for housing two (2) vehicles that has the following minimum dimensions: vehicular entrance height, eight feet (8'); interior height, eight feet (8'); vehicular entrance width, sixteen feet (16'); and overall carport width and depth, twenty-four feet (24'). The floor shall be constructed of concrete. Concrete floors shall be reinforced, where appropriate, and a minimum of four inches (4") in thickness with appropriate fill and base. Where carports are constructed, such structures shall not be enclosed for living space, storage purposes or any other purpose without first obtaining a variance from the city and constructing an attached residential parking garage.

"Central park" shall mean a park for active or passive recreational use consisting of buildable land. The total area of a central park shall be equal to one (1) acre. A central park must be located in the approximate center of the development relative to the residential buildings located therein.

"City" shall mean the city of Stockbridge or its designee.

"Classification" shall mean the RM-1, RM-2 or RM-3 district referred to herein.

"Commercial area outside the development" means an area not associated within or part of the development in which at least three (3) of any of the following operating commercial establishments are located: retail, office, industrial or manufacturing industrial.

"County" shall mean Henry County or its designee.

"Development plan" shall mean a written and graphic submission for a development which represents a tract of land, proposed development, the location and bulk of buildings and other structures, the calculation of all impervious surfaces, density of development, public and private streets, parking facilities, common open space, sidewalks and multiuse paths, and all amenities.

"Dwelling unit" shall mean one (1) room, or rooms connected together, constituting a separate, independent housekeeping establishment for tenant occupancy, for rental or lease on a weekly, monthly or longer basis and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent living, sleeping, toilet and single cooking facilities.

"Facade" shall mean all exterior faces of a building except eaves and corners.

"Impervious cover" or impervious surface shall mean any roads, driveways, parking areas, buildings, swimming pools, concrete, pavement, rooftop landscapes and other impermeable construction covering the natural land surface which impedes or blocks the free passage of water, air or nutrients through the soil to the natural watershed, aquifer or water zone located below the surface. Surface materials which have been tested and marketed as providing some level of perviousness (e.g., such as pavers) and have a life span comparable to or better than that of asphalt may be used and its rated perviousness may be factored into the calculation of impervious cover after review and approval of the rating by the city or its designee. Except as otherwise provided in this section, impervious cover is the total horizontal area of covered spaces, paved areas, walkways and driveways in a proposed development. Impervious cover excludes ponds and areas with gravel placed over pervious surfaces that are used only for

landscaping or by pedestrians. For an uncovered wood deck that has drainage spaces between the deck boards and that is located over a pervious surface, fifty percent (50%) of the horizontal area of the deck is included in the measurement of impervious cover.

"Maximum allowable net density" shall mean the total number of dwelling units or housing structures per unit of land based on the net useable acres. The maximum allowable net density shall not exceed the density established by this section and applicable law.

"Multiple family dwellings" shall mean apartment buildings and other multiple family dwellings other than fee simple town homes and fee simple condominiums.

"Net useable acres" (n.u.a.) shall mean the total acreage of a proposed development under this classification, less any streets, rights-of-way and public lands.

"One hundred (100) year flood plain" shall mean any land susceptible to being flooded or inundated by water during a storm or other weather event with accumulated precipitation of a measured amount which occurs, on average, once every one hundred (100) years. This definition shall include, without limitation, any land identified on the Flood Insurance Rate Map as being within a delineated zone of special flood hazard.

"Owner" shall mean all parties applying for rezoning, including but not limited to the property owner and his agents or assigns.

"Parking space, off-street" shall mean any off-street parking space consisting of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.

"Pocket park" shall mean a park for active or passive recreational uses consisting of buildable land. The total area of the pocket park shall be one (1) acre. This area requirement for pocket parks may be divided in half where the development will provide two or more pocket parks. Where required, pocket parks shall be located in those parts of the development which are at the greatest walking distance from the highest amenities based upon the area occupied by that amenity.

"Private alleyway" shall mean an alley located in the rear of apartments, townhouses or condominiums in RM-1, RM-2 or RM-3 districts, respectively, that provides residents with vehicular access. Private alleyways shall be maintained pursuant to the rules, regulations and policies of the city at the expense of the adjoining property owners, homeowners' associations or condominium associations. The developer or landowner shall grant the appropriate easement so that the public may use the private alleyway. Private alleyways shall be constructed to meet the following requirements: Private alleyways shall be a minimum of eighteen feet (18') in width, and sixteen feet (16') thereof shall be paved with concrete or asphalt. Concrete alleyways shall be reinforced and have a minimum depth of six inches (6"). Asphalt alleyways shall consist of a minimum of two inches (2") of type "E" or "F" asphalt topping, binder and six inches (6") of aggregate base. Curbs and gutters are not required. Private alleyways shall not have dead-ends. Private alleyways, at a minimum, shall be constructed so as to provide adequate turning radii onto public streets, driveways, residential parking garages and carports for full-size, noncommercial, two-axle vehicles. Curbs and gutters should be provided, but are not required. Private alleyways shall not have dead-ends.

"Residential parking garage" shall mean an enclosed structure attached to or part of the principal dwelling used for housing at least two (2) vehicles that has the following minimum dimensions: vehicular entrances height, ten feet (10'); interior height, eight feet (8'); vehicular entrance width, sixteen feet (16'); and overall garage width and depth, twenty-four feet (24'). The overall garage width and depth of a residential parking garage for a town home unit can be twenty feet (20'). The floor shall be constructed of concrete. Concrete floors shall be reinforced, where appropriate, and a minimum or four inches (4") in thickness with appropriate fill and base. Where residential parking garages are constructed, such structures shall not be enclosed for living space, storage purposes or any other purpose without first obtaining a variance from the city and constructing an attached residential parking garage to the main residential structure. The residential parking garage shall be kept clear so that a minimum of one (1) vehicle may be parked in the garage at all times.

C. Multi-family residential districts are divided into three (3) categories: apartments (RM-1), fee simple town homes (RM-2) and condominiums (RM-3).

D. Multi-Family Residential District--Apartments--RM-1.

1. Permitted Uses.

a. Multiple-family dwellings, excluding fee simple townhouses and fee simple condominiums.

b. Local, state and federal governmental buildings.

c. Publicly owned and operated parks and recreation areas.

d. Temporary buildings and storage of materials in conjunction with construction of a building on a lot or adjacent lots where residential construction is taking place.

2. Accessory Uses. None.

3. Conditional Uses. There are no conditional uses.

4. Conditional Exceptions. There are no conditional exceptions.

5. Development Standards. The following development standards shall apply except to the extent permitted under subsection 9 below:

a.	Per acre that is located outside of the one hundred (100) year flood plain	Four (4) apartment dwelling units.
b.	Minimum lot width	One hundred feet (100').
c.	Minimum front yard	Sixty feet (60') from right-of-way line.
d.	Minimum side yard	Twenty feet (20').
e.	Minimum distance between buildings	Forty feet (40').
f.	Minimum rear yard	Forty feet (40').
g.	Maximum height	The lesser of forty-five feet (45') or four (4) stories.
h.	Minimum floor area (heated space)	Nine hundred (900) square feet for a one (1) bedroom unit; one thousand two hundred (1,200) square feet per two (2) bedroom unit; and for three (3) or more bedroom units, two hundred (200) additional square feet per bedroom.
i.	Curb and	Required.

	gutter	
j.	Paved driveway	Required; located in rear of residential structure.
k.	Public alleyway	Required.
l.	Public sewage system	Required.
m.	Public water system	Required.
n.	Parking	Required; for units without residential parking garages, two (2) off-street parking spaces for each one (1) or two (2) bedroom apartment and one (1) additional off-street parking space for each additional bedroom are required. For units with a residential parking garage, one (1) additional off-street parking space is required for the third and each additional bedroom. Where residential parking garages are provided, driveways shall not count as off-street parking spaces in satisfaction of this requirement.
o.	Residential parking garage	A residential parking garage is required for at least twenty-five percent (25%) of the units; such structures shall be attached to the main structure.
p.	Sidewalk	Required; on both sides of all streets within any development developed under

		the standards of this district. Sidewalks must be made of concrete a minimum of four inches (4") in depth and four feet (4') in width and located at least four feet (4') from the backside of the curb so as to provide a buffer between the street and sidewalk. A multiuse path, as described in subparagraph (q), may be substituted for a sidewalk.
q.	Multiuse paths	(1) Multiuse paths are required in all developments developed under the standards of this district. Such paths shall be constructed to connect residential lots with all the amenity areas of the development. (i) To ensure the greatest practicable connectivity, multiuse paths shall be located in accordance with either or a combination of both of the following plans: (1) multiuse paths constructed along the perimeter of the development shall be accessible to residents within the interior of the development via sidewalks, streets or alleys and/or (2) multiuse paths constructed in the interior of the development shall run along at least one (1) side of

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each street in the development so as to be accessible to residents living along those streets. The final placement of the multiuse paths under either or a combination of the above plans shall be approved during the review and approval process for the final plat or each final plat if the development is developed in phases.

(ii) The land owner or developer shall extend the multiuse path from the development to the nearest commercial area outside the development or to the nearest existing multiuse path that provides such connectivity. Upon application by the owner or developer, however, the city reserves the right to reduce, eliminate or modify this requirement if: (1) the landowner or developer tenders to the city or its designee funds, equal to the amount which would be expended by the developer to design and construct the multiuse path extension required under this subsection; (2) the city or its designee confirm that the funds deposited will be used for design and

construction of a multiuse path benefitting the public at large, consistent with applicable law; (3) the city or its designee votes to accept such funds and exercise the right to reduce, eliminate or modify the multiuse path requirement in this subsection in a manner and to a degree acceptable to the landowner or developer; (4) the city or its designee places such funds in escrow to be used solely for the purposes outlined in this section; and (5) all documents necessary to satisfy this section are executed, subject to approval by the city attorney as to form. In determining whether to reduce, eliminate or modify the multiuse path requirement under this subsection, the city or its designee shall consider whether doing so will promote public health, safety and welfare by enabling the public at large to receive a higher quality multiuse path in a more cost-efficient manner than would be provided by the developer.

(iii) Multiuse paths may not be constructed in lieu of streets or alleyways, nor may streets or alleyways

constitute any portion of multiuse paths except where such paths cross over the width of a street or alleyway. An alleyway may constitute a multiuse path where it is at least twenty-two feet (22') in width with demarcations, either by different shaded surfaces or a solid or dashed line, to designate that at least four feet (4') of the width a the path is solely for pedestrian use, and it connects to all areas of the development. At least twenty feet (20') of such an alleyway shall be paved with concrete or asphalt.

(iv) The developer or land owner shall grant the appropriate easement so that the public may use the multiuse paths or

dedicate the multiuse path to the city for public use.

(v) Multiuse paths shall be constructed of concrete, asphalt, some pervious material approved by the city or a combination thereof. If pervious material is used, it shall not be a loose material (e.g., wood chips, gravel, sand or dirt), and it shall have a life

		span comparable to or better than that of asphalt. Multiuse paths shall be a minimum of four inches (4") in depth, ten feet (10') in width with demarcations, either by different shaded surfaces or a solid or dashed line, to designate that at least four feet (4') of the width of the path is for pedestrian use while the remaining portion of the width of the path may be used for bicycles and motorized carts.
r.	Central garbage facility	Required development shall provide centralized garbage facilities for garbage and refuse collection. Individual residential garbage pick-up per unit shall not be permitted.
s.	School children waiting area	A covered structure to house school-aged children waiting for transportation to school is required at the main entrance in all developments developed under the standards of this district. (i) The structure must be built of sufficient size to house all children of school age residing within the development. (ii) The main entrance to all developments must also provide a turnaround area

		with a minimum turning radius of forty feet (40') to allow any Henry County school bus to turn around in one (1) continuous movement.

6. Amenities.

a. Required Amenities. Except as otherwise provided for herein, all developments under this section shall feature a clubhouse consisting of a minimum of one thousand three hundred (1,300) square feet, a junior-size Olympic pool and a children' s play area, and, if subject to the requirements in subsection 9 below, additional amenities shall be required. The developer of the property shall satisfy this requirement prior to the completion of fifty percent (50%) of the development. When additional amenities are required, the developer of the property shall select from the following list the additional required amenities, or such other amenities of equal or greater value as the city council may approve:

A wading pool for children, in addition to the adult sized pool, consisting of a minimum of two hundred (200) square feet.

Tennis courts--one lighted and enclosed facility featuring a minimum of two (2) playing courts.

Walking trails--at least two thousand feet (2,000') in length, three feet (3') in width. Multiuse paths can constitute walking trails so long as they are appropriately demarcated to designate that at least four feet (4') of the width is solely for pedestrian use.

A central park or pocket park; unless approved by city council, only one (1) of either type of park may be counted towards satisfaction of the amenity requirement.

A baseball field--(reg.) regulation size.

A baseball field--(LL) little league size.

A softball field regulation size--(adult).

A soccer field--regulation size.

A multiuse field--football and soccer.

A multiuse field--football and baseball.

A football field--regulation size.

A lake--with fishing dock and boat access.

A regulation-size basketball court with two backboards, hoops, net structures, and enclosed with wire fencing eight feet (8') in height.

b. Multiple District Development. Where a development developed under these standards includes any combination of RM-1, RM-2 or RM-3 districts, the amenity package required can be consolidated. The city shall determine the required amenity package at the time of zoning.

7. Residential Facades. Within a development developed under the standards of this district, building facades shall consist of no less than fifty percent (50%) brick. The remaining facades shall consist, in any ratio the developer chooses, of stucco, stone, hardiplank or other masonry siding approved by the council, wood, or any combination thereof. Vinyl or aluminum siding shall not be permitted, except by variance.

8. Maximum Density. Except as otherwise provided for in subsection 9 below, the maximum permissible density for a multiple-family development shall be four (4) apartment dwelling units per acre.

9. Increased Density Provisions.

a. Apartment developers may request an increase in density up to eight (8) apartment dwelling units per usable acre.

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b. If an applicant seeks increased density under this subsection, the following rules shall apply:

(1) Applicant must establish, with multiple surveys and calculations certified by a registered engineer, that increasing the maximum height of the structures to be constructed in a manner not to exceed four (4) stories will permit the increased number of dwelling units to occupy land equal to or less than the amount of land which would be otherwise occupied by the number of multi-family units that could ordinarily be constructed on the property under the provisions of this section.

(2) Applicant shall construct the required amenities under subsection 6 above.

(3) Applicant shall construct the additional amenities based upon the number of apartment units included in each development, as follows:

Units	Amenities Required
0--25	Required amenities
26--50	Three (3) additional amenities

One (1) additional amenity for each fifty (50) units, or part thereof, above fifty (50).

(4) None of the facilities referred to in this section may be used jointly for the purpose of complying with the foregoing requirements.

(5) All areas that are not transferred as provided under the definition of net useable acres, used for the construction of amenity packages, parking and other nonresidential components required under the ordinance, or for the apportioned dwelling units themselves, shall be left in their natural state and shall remain part of the title to the zoned property and shall not be conveyed as a separate tract of land.

(6) A notice shall be filed of record in the office of the clerk of the Henry County Superior Court sufficient to give notice of these restrictions to subsequent owners of the property.

(7) Building Facades. Building facades should consist of no less than seventy percent (70%) brick or rock. The remaining facade shall consist of hardiplank, stucco or other masonry siding approved by the council.

(8) Applicant shall provide, for units without a residential parking garage, two (2) off-street parking spaces for each one (1) bedroom apartment and three (3) off-street parking spaces per dwelling unit with two (2) or three (3) bedrooms and one (1) additional off-street parking space per apartment with over three (3) bedrooms. Where residential parking garages are provided, driveways shall not count as parking spaces in satisfaction of this provision.

(9) Applicant shall maintain a thirty foot (30') planted buffer along the proposed development where it abuts adjoining properties and public roadways. Where vegetation is limited in density, the developer shall plant trees consistent with existing vegetation and the approved buffer plan.

10. Maximum Acreage. The maximum permissible acreage for a multiple-family development shall be thirty (30) acres, unless the development is part of a planned development district as defined in Section 3-I7-157.

11. Miscellaneous Provisions.

a. Any portion of a multiple-family site that is located in the one hundred (100) year flood plain area or consists of a wetland will not normally be included in the density calculation. However, the city reserves the right to issue a variance on the method of calculation of maximum permissible density as it applies to areas designated as flood plain or wetland on a case by case basis, consistent with this section. Fifty percent (50%) of the acreage within the one hundred (100) year flood zone, or wetlands may be included in the computation of the n.u.a. if such acreage has been deeded, in accordance with the procedures under this definition, in fee simple to the city, some other public entity or a nonprofit organization, any of which will maintain such

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land in its natural, undeveloped state in perpetuity. The deeding process of land in the one hundred (100) year flood zone or wetlands shall be as follows: (1) such land must be offered first to the city; (2) if the city declines to accept the deed to such land, then it may be offered to some other public entity; (3) if no other public entity accepts the deed to such land, then it may be offered to a non-profit organization after such organization has been approved by the city to accept the deed to such land. Easements for drainage, sanitary sewer, buffers, etc., shall not be excluded from the calculation of net usable acres.

b. Impervious Cover Requirements. The development plan shall demonstrate that the development will comply with all impervious cover requirements set forth in the city zoning ordinance, watershed ordinances, wetland ordinance, soil erosion and sedimentation control ordinance, stormwater ordinance and groundwater recharge ordinance, as applicable. Under no circumstances, however, shall impervious cover exceed twenty-five percent (25%) of the land area of any parcel on which a new development is placed that is located in a watershed protection district. The impervious requirement shall be certified by a licensed surveyor, engineer, landscape architect or any other professional authorized to render similar services under state law.

c. If the property is developed as a gated community, the gate must be maintained and monitored by the owners of the property at their expense.

d. Final plans of the development showing lot dimensions, buffers, landscaping, amenities and all calculations required by this section shall be reviewed and approved by the city or its designee prior to building permits being issued.

e. All yards referenced in this code section shall be sodded yards.

f. In the event of a conflict between this section and any other code provision, the terms of this section shall control.

E. Multiple Family Residence District--Townhouses--RM-2.

1. Purpose. It is the intent of this district to provide for the development of fee simple townhouses at moderate to high densities on lots where public water and sewer systems are provided.

2. Definitions. These definitions apply to this subsection E only.

"Lot" shall mean that parcel of land used to develop more than one (1) townhouse unit as part of a common development, rather than each individual parcel of real property owned in fee simple by the individual townhouse owner.

"Townhouse" shall mean a fee simple townhome and the land upon which it is located, which is a type of dwelling unit normally having two (2), but sometimes three (3), stories; connected to another townhome by a common wall that entirely adjoins the dwelling units; and commonly sharing ownership in common the surrounding grounds.

3. Permitted Uses;

a. Fee simple townhouses;

b. Local, state and federal governmental buildings;

c. Publicly owned and operated parks and recreation areas;

d. Temporary buildings and storage of materials in conjunction with construction of a building on a lot or adjacent lots where residential construction is taking place.

4. Accessory Uses. None.

5. Conditional Uses. Upon application to and recommendation by the planning commission, and favorable decision thereon by the city council, the following conditional uses are permitted in this district:

There may be an exception to the definition townhome granted where, for instance, the contour, shape, size, location, geology and topography of the land do not allow the adjoining common walls to be connected in their entirety. If any such exception is granted, the units shall be one hundred percent (100%) brick or stone on all exterior facades.

6. Conditional Exceptions. There are no conditional exceptions.

7. Development Standards. The following development standards shall apply except to

the extent permitted under subsection 11:

a.	Per acre that is located outside of the one hundred (100) year flood plain	Five (5) townhouse dwelling units per acre.
b.	Minimum lot width	One hundred (100) feet.
c.	Minimum unit width	Twenty (20) feet.
d.	Minimum front yard	Twenty (20) feet from right-of-way line.
e.	Minimum distance between buildings	Forty (40) feet.
f.	Minimum rear yard	Thirty (30) feet.
g.	Maximum height	The lesser of forty-five (45) feet or four (4) stories.
h.	Minimum floor area (heated space)	One thousand (1,000) square feet for a one (1) bedroom unit; one thousand three hundred (1,300) square feet per two (2) bedroom unit; one thousand four hundred (1,400) square feet per three (3) bedroom unit; and two hundred (200) additional square feet per additional bedroom.
i.	Maximum units per building	Five (5).
j.	Curb and gutter	Required.
k.	Paved driveway	Required; located in rear of building.
l.	Private alleyway	Required.

m.	Public sewage system	Required.
n.	Public water system	Required.
o.	Parking	Required; one (1) additional off-street parking space for the third and each additional bedroom. Where residential parking garages are provided, driveways shall not count as parking spaces in satisfaction of this requirement.
p.	Residential parking garage	A residential parking garage is required for each unit; such structures shall be attached to the main structure, and only accessible from the rear of the building. A private alleyway for access to all garages is required.
q.	Sidewalk	Required; on both sides of all streets within any development developed under the standards of this district. Sidewalks must be made of concrete a minimum of four inches (4") in depth and four feet (4') in width and located at least four feet (4') from the backside of the curb so as to provide a buffer between the street and sidewalk. A multiuse path, as described in subparagraph (r), may be substituted for a

		sidewalk.
r.	Multiuse paths	(1) Multiuse paths are required in all developments developed under the standards of this district. Such paths shall be constructed to connect residential lots with all the amenity areas of the development. (i) To ensure the greatest practicable connectivity, multiuse paths shall be located in accordance with either or a combination of both of the following plans: (I) multiuse paths constructed along the perimeter of the development shall be accessible to residents within the interior of the development via sidewalks, streets or alleys and/or (2) multiuse paths constructed in the interior of the development shall run along at least one (1) side of each street in the development so as to be accessible to residents living along those streets. The final placement of the multiuse paths under either or a combination of the above plans shall be approved during the review and approval process for the final plat or each final plat if the development is developed in

		phases. (ii) The land owner or developer shall extend the multiuse path from the development to the nearest commercial area outside the development or to the nearest existing multiuse path that provides such connectivity. Upon application by the owner or developer, however, the city reserves the right to reduce, eliminate or modify this requirement if: (1) the landowner or developer tenders to the city or its designee funds, equal to the amount which would be expended by the developer to design and construct the multiuse path extension required under this subsection; (2) the city or its designee confirms that the funds deposited will be used for design and construction of a multiuse path benefitting the public at large, consistent with applicable law; (3) the city or its designee votes to accept such funds and exercise the right to reduce, eliminate or modify the multiuse path requirement in this subsection in a manner and to a degree acceptable to the landowner or

developer; (4) the city or its designee places such funds in escrow to be used solely for the purposes outlined in this section; and (5) all documents necessary to satisfy this section are executed, subject to approval by the city attorney as to form. In determining whether to reduce, eliminate or modify the multiuse path requirement under this subsection, the city or its designee shall consider whether doing so will promote public health, safety and welfare by enabling the public at large to receive a higher quality multiuse path in a more cost-efficient manner than would be provided by the developer.

(iii) Multiuse paths may not be constructed in lieu of streets or alleyways, nor may streets or alleyways constitute any portion of multiuse paths except where such paths cross over the width of a street or alleyway. An alleyway may constitute a multiuse path where it is at least twenty-two feet (22') in width with demarcations, either by different shaded surfaces or a solid or dashed line, to designate

			that at least four feet (4') of the width of the path is solely for pedestrian use, and it connects to all areas of the development. At least twenty feet (20') of such an alleyway shall be paved with concrete or asphalt. (iv) The developer or land owner shall grant the appropriate easement so that the public may use the multiuse paths or dedicate the multiuse path to the city for public use. (v) Multiuse paths shall be constructed of concrete, asphalt, some pervious material approved by the city or a combination thereof. If pervious material is used, it shall not be a loose material (e.g., wood chips, gravel, sand or dirt) and it shall have a life span comparable to or better than that of asphalt. Multiuse paths shall be a minimum of four inches (4") in depth, ten feet (10') in width with demarcations, either by different shaded surfaces or a solid or dashed line, to designate that at least four feet (4') of the width of the path is for pedestrian use while the remaining portion

		of the width of the path may be used for bicycles and motorized carts.
s.	Central garbage facility	Required; development shall provide centralized garbage facilities for garbage and refuse collection. Individual residential garbage pick-up per unit shall not be permitted.
t.	School children waiting area	A covered structure to house school aged children waiting for transportation to school is required at the main entrance in all developments developed under the standards of this district. (i) The structure must be built of sufficient size to house all children of school age residing within the development. (ii) The main entrance to all developments must also provide a turnaround area with a minimum turning radius of forty feet (40') to allow any Henry County school bus to turn around in one (1) continuous movement.

8. Amenities.

a. Required Amenities. Except as otherwise provided for herein, all developments under this section shall feature a clubhouse consisting of a minimum of one thousand three hundred (1,300) square feet, a junior-size Olympic pool, and a children' s play area. If subject to the requirements in subsection 11 below, additional amenities shall be required. The developer of the property shall satisfy this requirement prior to the completion of fifty percent (50%) of the development. When additional amenities are required, the developer of the property shall select from the following list of the additional required amenities or such other amenities of equal or greater value

as the city council may approve:

A wading pool for children, in addition to the adult sized pool, consisting of a minimum of two hundred (200) square feet.

Tennis courts--one lighted and enclosed facility featuring a minimum of two (2) playing courts.

Walking trails--at least two thousand feet (2,000') in length, three feet (3') in width; multiuse paths can constitute walking trails so long as they are appropriately demarcated to designate that at least four feet (4') of the width of the path is solely for pedestrian use.

A central park or pocket park; unless approved by city council, only one (1) of either type of park may be counted towards satisfaction of the amenity requirement.

A baseball field--(reg.) regulation size.

A baseball field--(LL) little league size.

A softball field--regulation size (adult).

A soccer field--regulation size.

A multiuse field--football and soccer.

A multiuse field--football and baseball.

A football field--regulation size.

A lake--with fishing dock and boat access.

A regulation-size basketball court with two (2) backboards, hoops, net structures and enclosed with wire fencing eight feet (8') in height.

b. Multiple District Development. Where a development developed under these standards includes any combination of RM-1, RM-2 or RM-3 districts, the amenity package required can be consolidated. The city shall determine the required amenity package at the time of zoning.

9. Residential Facades. Within any development developed under the standards of this district, a minimum of twenty percent (20%) of the townhome units shall be brick on all exterior facades, and twenty percent (20%) of the townhome units shall be stucco, stone, brick or any combination thereof on all exterior facades. In addition, thirty percent (30%) of the townhome units shall have a front facade consisting entirely of stucco, stone, brick or any combination thereof. The remaining fifty percent (50%) of the townhome units shall consist, in any ratio the developer chooses, of stone, brick, stucco, hardiplank, other masonry siding, wood or any combination thereof. Of the ten percent (10%) of the townhome units required to be brick on all exterior facades, no less than fifty percent (50%) must be units on the end of a building. The remaining facade shall consist of hardiplank, stucco or other masonry siding approved by the city council. Vinyl or aluminum siding shall not be permitted, except by variance.

10. Maximum Density. Except as otherwise provided for in subsection 11 below, the maximum permissible density for a multiple-family development shall be five (5) townhouse dwelling units per acre. Impervious area for any development shall not exceed twenty-five percent (25%) of the land developed.

11. Increased Density Provisions.

a. Townhouse developers may request an increase in density up to eight (8) townhouse dwelling units per usable acre.

b. If an applicant seeks increased density under this subsection, the following rules shall apply:

(1) Applicant must construct the required amenities under subsection 8 above.

(2) Applicant must construct the additional amenities based upon the number of townhouses included in each development, as follows:

Units	Amenities Required
0--25	Required amenities
26--50	Three (3) additional

One (1) additional amenity for each fifty (50) units, or part thereof, above fifty (50).

(3) None of the facilities referred to in this section may be used jointly for purpose of complying with the foregoing requirements.

(4) All areas that are not transferred as provided under the definition of net usable areas, used for the construction of amenity packages, parking and other nonresidential components required under the ordinance, or used for the townhomes themselves, shall be left in their natural state and shall remain part of the title to the zoned property and shall not be conveyed as a separate tract of land.

(5) A notice shall be filed of record in the office of the clerk of the Henry County Superior Court sufficient to give notice of these restrictions to subsequent owners of the property.

(6) No less than thirty-five percent (35%) of all townhome units shall be brick on all exterior facades, and thirty-five percent (35%) of the townhome units shall be stucco, stone, brick or any combination thereof on all exterior facades. Of those thirty-five percent (35%) townhome units required to be brick on all exterior facades, no less than fifty percent (50%) must be units on the end of a building. The remaining thirty percent (30%) of the townhome units shall consist, in any ratio the developer chooses, of stone, brick, stucco, hardiplank or any other masonry siding, wood or any combination thereof. The remaining facade shall consist of hardiplank, stucco or other masonry siding approved by the city council.

(7) Applicant shall maintain a thirty foot (30') planted buffer along the proposed development where it abuts adjoining properties and public roadways. Where vegetation is limited in density, the developer shall plant trees consistent with existing vegetation and the approved buffer plan.

12. Maximum Acreage. The maximum permissible acreage for a multiple-family development shall be thirty (30) acres, unless the development is part of a planned development district as defined in Section 3-17-157.

13. Miscellaneous Provisions.

a. Any portion of a multiple-family site that is located in the one hundred (100) year flood plain area or consists of a wetland will not normally be included in the density calculation. However, the city reserves the right to issue a variance on the method of calculation of maximum permissible density as it applies to areas designated as flood plain or wetland on a case by case basis, consistent with this section. Fifty percent (50%) of the acreage within the one hundred (100) year flood zone, or wetlands may he included in the computation of the n.u.a. if such acreage has been deeded, in accordance with the procedures under this definition, in fee simple to the city, some other public entity or a nonprofit organization, any of which will maintain such land in its natural, undeveloped state in perpetuity. The deeding process of land in the one hundred (100) year flood zone or wetlands shall be as follows: (1) such land must be offered first to the city; (2) if the city declines to accept the deed to such land, then it may be offered to some other public entity; (3) if no other public entity accepts the deed to such land, then it may be offered to a nonprofit organization after such organization has been approved by the city to accept the deed to such land. Easements for drainage, sanitary sewer, buffers, etc., shall not be excluded from the calculation of net usable acres.

b. Impervious Cover Requirements. The

development plan shall demonstrate that the development will comply with all impervious cover requirements set forth in the city zoning ordinance, watershed ordinances, wetland ordinance, soil erosion and sedimentation control ordinance, stormwater ordinance and groundwater recharge ordinance, as applicable. Under no circumstances, however, shall impervious cover exceed twenty-five percent (25%) of the land area of any parcel on which a new development is placed that is located in a watershed protection district. The impervious requirement shall be certified by a licensed surveyor, engineer, landscape architect or any other professional authorized to render similar services under state law.

c. If the property is developed as a gated community, the gate must be maintained and monitored by the owners of the property at their expense.

d. Final plans of the development showing lot dimensions, buffers, landscaping, amenities and all calculations required by this section shall be reviewed and approved by the city or its

designee prior to building permits being issued.

e. All yards referenced in this code section shall be sodded yards.

f. In the event of a conflict between this section and any other code provision, the terms of this section shall control.

F. Multiple Family Residence District--Condominiums--RM-3.

1. It is the intent of this district to provide for the development of fee simple condominiums at moderate to high densities on lots where public water and sewer systems are provided.

2. Definitions. These definitions will apply to this subsection F only.

"Lot" shall mean that parcel of land used to develop more than one (1) condominium unit as part of a common development.

"Condominium" shall mean a system of separate ownership of individual units connected to another condominium by a common wall that adjoins the dwelling units in a multiple unit building whereby ownership of individual units is in fee simple, together with an undivided (or shared) ownership interest in certain common property referred to as common elements.

3. Permitted Uses.

a. Fee simple condominiums;

b. Local, state and federal governmental buildings;

c. Publicly owned and operated parks and recreation areas;

d. Temporary buildings and storage of materials in conjunction with construction of a building on a lot or adjacent lots where residential construction is taking place.

4. Accessory Uses. None.

5. Conditional Uses. There are no conditional uses.

6. Conditional Exceptions. There are no conditional exceptions.

7. Development Standards. The following development standards shall apply except to the extent permitted under subsection 9 below:

a.	Per acre that is located outside of the one hundred (100) year flood plain	Six (6) condominium dwelling units per acre.
b.	Minimum lot width	One hundred feet (100').
c.	Minimum front yard	Sixty feet (60') from right-of-way line.
d.	Minimum rear	Forty feet (40').
e.	Minimum distance between buildings	Forty feet (40').
f.	Maximum height	The lesser of forty-five feet (45') or four (4) stories.
g.	Minimum floor area (heated space)	One thousand (1,000) square feet for a one (1)

		bedroom unit; one thousand three hundred (1,300) square feet per two (2) bedroom unit; and for units with three (3) or more bedrooms, two hundred (200) additional square feet per additional bedroom.
h.	Maximum units per building	Eight (8).
i.	Curb and gutter	Required.
j.	Paved driveway	Required; located in rear of residential structure.
k.	Private alleyway	Required.
l.	Public sewage system	Required.
m.	Public water system	Required.
n.	Parking	Required; one (1) additional off-street parking space for the third and each additional bedroom. Where residential parking garages or carports are provided, driveways shall not count as parking spaces in satisfaction of this requirement.
o.	Residential parking garage/carport	Either a residential parking garage or carport is required for each unit; such structures shall be attached to the main structure and only accessible from the rear of the building. A private alleyway for access to all

		garages is required.
p.	Sidewalk	Required; on both sides of all streets within any develop-ment developed under the standards of this district. Sidewalks must be made of concrete a minimum of four inches (4") in depth and four feet (4') in width and located at least four feet (4') from the backside of the curb so as to provide a buffer between the street and sidewalk. A multiuse path, as described in subparagraph (q), may be substituted for a sidewalk.
q.	Multiuse paths	(1) Multiuse paths are required in all developments developed under the standards of this district. Such paths shall be constructed to connect residential lots with all the amenity areas of the development. (i) To ensure the greatest practicable connectivity, multiuse paths shall be located in accordance with either or a combination of both of the following plans: (I) multiuse paths constructed along the perimeter of

		the development shall be accessible to residents within the interior of the development via sidewalks, streets or alleys and/or (2) multiuse paths constructed in the interior of the development shall run along at least one (1) side of each street in the development so as to be accessible to residents living along those streets. The final placement of the multiuse paths under either or a combination of the above plans shall be approved during the review and approval process for the final plat or each final plat if the development is developed in phases. (ii) The land owner or developer shall extend the multiuse path from the development to the nearest commercial area outside the development or to the nearest existing multiuse path that provides such connectivity. Upon application by the owner or developer, however, the city reserves the right to reduce, eliminate or modify this

		requirement if: (1) the landowner or developer tenders to the city or its designee funds, equal to the amount which would be expended by the developer to design and construct the multiuse path extension required under this subsection; (2) the city or its designee confirms that the funds deposited will be used for design and construction of a multiuse path benefitting the public at large, consistent with applicable law; (3) the city or its designee votes to accept such funds and exercises the right to reduce, eliminate or modify the multiuse path requirement in this subsection in a manner and to a degree acceptable to the landowner or developer; (4) the city or its designee places such funds in escrow to be used solely for the purposes outlined in this section; and (5) all documents necessary to satisfy this section are executed, subject to approval by the city attorney as to form. In determining whether to

		reduce, eliminate or modify the multiuse path requirement under this subsection, the city or its designee shall consider whether doing so will promote public health, safety and welfare by enabling the public at large to receive a higher quality multiuse path in a more cost-efficient manner than would be provided by the developer.
		(iii) Multiuse paths may not be constructed in lieu of streets or alleyways, nor may streets or alleyways constitute any portion of multiuse paths except where such paths cross over the width of a street or alleyway. An alleyway may constitute a multiuse path where it is at least twenty-two feet (22') in width with demarcations, either by different shaded surfaces or a solid or dashed line, to designate that at least four feet (4') of the width of the path is solely for pedestrian use, and it connects to all areas of the development. At least twenty feet (20') of such an alleyway shall be paved with

		concrete or asphalt. (iv) The developer or land owner shall grant the appropriate easement so that the public may use the multiuse paths or dedicate the multiuse path to the city for public use. (v) Multiuse paths shall be constructed of concrete, asphalt, some pervious material approved by the city or a combination thereof. If pervious material is used, it shall not be a loose material (e.g., wood chips, gravel, sand or dirt) and it shall have a life span comparable to or better than that of asphalt. Multiuse paths shall be a minimum of four inches (4") in depth, ten feet (10') in width with demarcations, either by different shaded surfaces or a solid or dashed line, to designate that at least four feet (4') of the width of the path is for pedestrian use while the remaining portion of the width of the path may be used for bicycles and motorized carts.
r.	Central garbage facility	Required; development shall provide

		centralized garbage facilities for garbage and refuse collection. Individual residential garbage pick-up per unit shall not be permitted.
s.	School children waiting area	A covered structure to house school aged children waiting for transportation to school is required at the main entrance in all developments developed under the standards of this district. (i) The structure must be built of sufficient size to house all children of school age residing within the development. (ii) The main entrance to all developments must also provide a turnaround area with a minimum turning radius of forty feet (40') to allow any Henry County school bus to turn around in one (1) continuous movement.

8. Amenities.

a. Required Amenities. Except as otherwise provided for herein, all developments under this section shall feature a clubhouse consisting of a minimum of one thousand three hundred (1,300) square feet, a junior-size Olympic pool, and a children' s play area. If subject to the requirements in subsection 11 below, additional amenities shall be required. The developer of the property shall satisfy this requirement prior to the completion of fifty percent (50%) of the development. When additional amenities are required, the developer of the property shall select from the following list of the additional required amenities or such other amenities of equal or greater value as the city council may approve:

A wading pool for children, in addition to the adult sized pool, consisting of a minimum of two hundred (200) square feet.

Tennis courts--one lighted and enclosed facility featuring a minimum of two (2) playing courts.

Walking trails--at least two thousand feet (2,000') in length, three feet (3') in width; multiuse paths can constitute walking trails so long as they are appropriately demarcated to designate that at least four feet (4') of the width of the path is solely for pedestrian use.

A central park or pocket park; unless approved by city council, only one (1) of either type of park may be counted towards satisfaction of the amenity requirement.

A baseball field--(reg.) regulation size.

A baseball field--(LL) little league size.

A softball field--regulation size (adult).

A soccer field--regulation size.

A multiuse field--football and soccer.

A multiuse field--football and baseball.

A football field--regulation size.

A lake--with fishing dock and boat access.

A regulation-size basketball court with two (2) backboards, hoops, net structures and enclosed with wire fencing eight feet (8') in height.

b. Multiple District Development. Where a development developed under these standards includes any combination of RM-1, RM-2 or RM-3 districts, the amenity package required can be consolidated. The city shall determine the required amenity package at the time of zoning.

9. Residential Facades. Within any development developed under the standards of this district, building facades shall consist of no less than fifty percent (50%) brick. The remaining facades shall consist, in any ratio the developer chooses, of stucco, stone, hardiplank or other masonry siding approved by the council, wood, or any combination thereof. Vinyl or aluminum siding shall not be permitted, except by variance.

10. Maximum Density. Except as otherwise provided for in subsection 11 below, the maximum permissible density for a multiple-family development shall be six (6) condominium dwelling units per acre. Impervious area for any development shall not exceed twenty-five percent (25%) of the land developed.

11. Increased Density Provisions.

a. Condominium developers may request an increase in density up to eight (8) condominium dwelling units per usable acre.

b. If an applicant seeks increased density under this subsection, the following rules shall apply:

(1) Applicant shall construct the required amenities under subsection 8 above.

(2) Applicant shall construct the additional amenities based upon the number of condominium units included in each development, as follows:

Units	Amenities Required
0--25	Required amenities
26-50	Three (3) additional amenities

One (1) additional amenity for each fifty (50) units, or part thereof, above fifty (50).

(3) None of the facilities referred to in this section may be used jointly for purpose of complying with the foregoing requirements

(4) All areas that are not transferred as provided under the definition of net usable areas, used for the construction of amenity packages, parking and other nonresidential components required

under the ordinance, or used for the condominium units themselves, shall be left in their natural state and shall remain part of the title to the zoned property and shall not be conveyed as a separate tract of land.

(5) A notice shall be filed of record in the office of the clerk of the Henry County Superior Court sufficient to give notice of these restrictions to subsequent owners of the property.

(6) Building facades shall consist of no less than seventy-five percent (75%) brick or rock. The remaining facade shall consist of hardiplank, stucco or other masonry siding approved by the city council.

(7) Applicant shall maintain a thirty foot (30') planted buffer along the proposed development where it abuts adjoining properties and public roadways. Where vegetation is limited in density, the developer shall plant trees consistent with existing vegetation and the approved buffer plan.

12. Maximum Acreage. The maximum permissible acreage for a multiple-family development shall be thirty (30) acres, unless the development is part of a planned development district as defined in Section 3-17-157.

13. Miscellaneous Provisions.

a. Any portion of a multiple-family site that is located in the one hundred (100) year flood plain area or consists of a wetland will not normally be included in the density calculation. However, the city reserves the right to issue a variance on the method of calculation of maximum permissible density as it applies to areas designated as flood plain or wetland on a case by case basis, consistent with this section. Fifty percent (50%) of the acreage within the one hundred (100) year flood zone, or wetlands may he included in the computation of the n.u.a. if such acreage has been deeded, in accordance with the procedures under this definition, in fee simple to the city, some other public entity or a nonprofit organization, any of which will maintain such land in its natural, undeveloped state in perpetuity. The deeding process of land in the one hundred (100) year flood zone or wetlands shall be as follows: (1) such land must be offered first to the city; (2) if the city declines to accept the deed to such land, then it may be offered to some other public entity; (3) if no other public entity accepts the deed to such land, then it may be offered to a nonprofit organization after such organization has been approved by the city to accept the deed to such land. Easements for drainage, sanitary sewer, buffers, etc. shall not be excluded from the calculation of net usable acres.

b. Impervious Cover Requirements. The development plan shall demonstrate that the development will comply with all impervious cover requirements set forth in the city zoning ordinance, watershed ordinances, wetland ordinance, soil erosion and sedimentation control ordinance, stormwater ordinance and groundwater recharge ordinance, as applicable. Under no circumstances, however, shall impervious cover exceed twenty-five percent (25%) of the land area of any parcel on which a new development is placed that is located in a watershed protection district. The impervious requirement shall be certified by a licensed surveyor, engineer, landscape architect or any other professional authorized to render similar services under state law.

c. If the property is developed as a gated community, the gate must be maintained and monitored by the owners of the property at their expense.

d. Final plans of the development showing lot dimensions, buffers, landscaping, amenities and all calculations required by this section shall be reviewed and approved by the city or its designee prior to building permits being issued.

e. All yards referenced in this code section shall be sodded yards.

f. In the event of a conflict between this section and any other ordinance or code provision, the terms of this section shall control. (Ord. 03-60 § 1, 2003: Ord. 02-54 § 1, 2002)

EXHIBIT "E"

NOTICE OF DEVELOPMENT AGREEMENT

EXHIBIT "B"

MASTER PLAN FOR PROPERTY

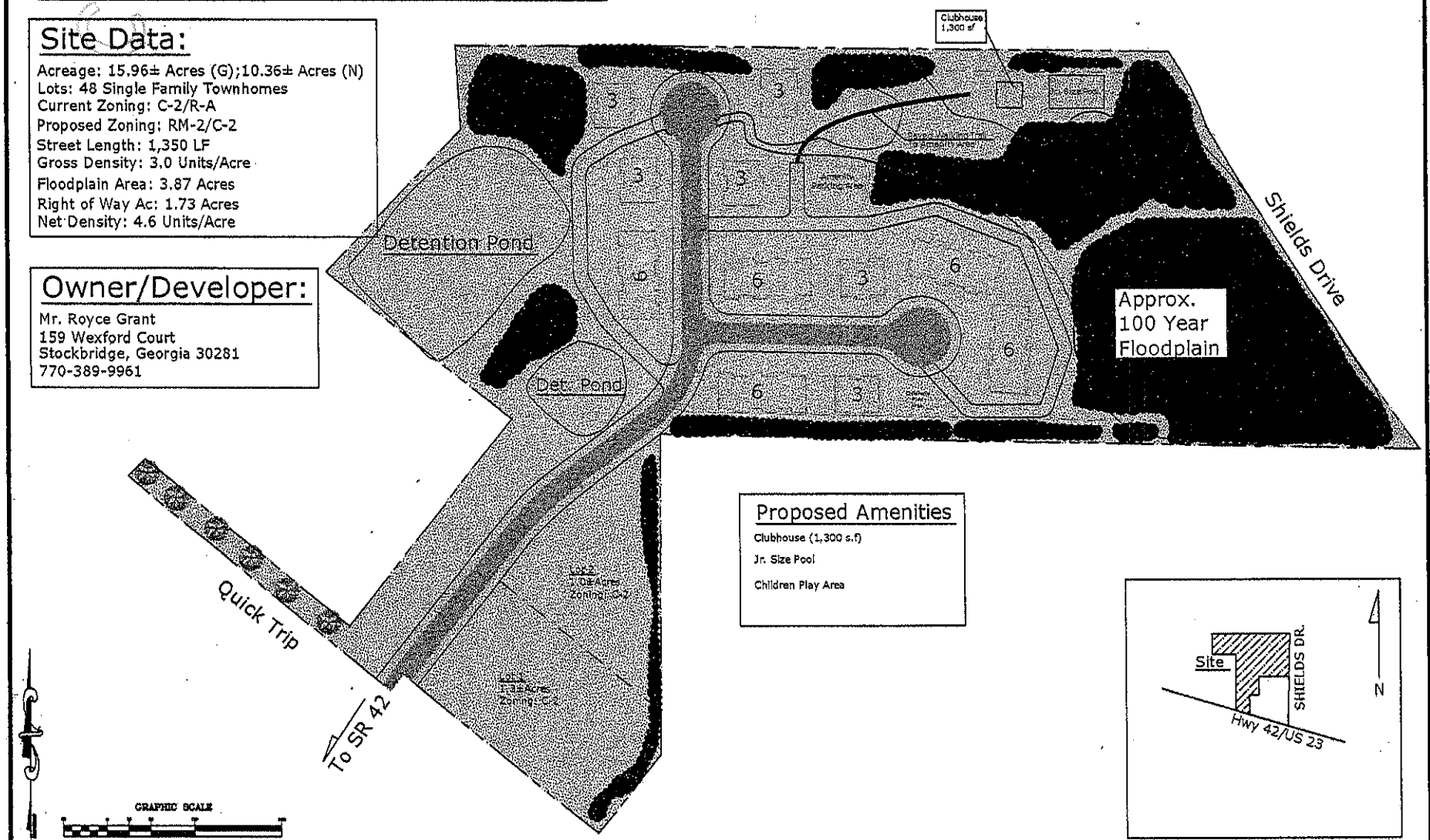
BRUSH CREEK COMMONS

Site Data:

Acreage: 15.96± Acres (G);10.36± Acres (N)
Lots: 48 Single Family Townhomes
Current Zoning: C-2/R-A
Proposed Zoning: RM-2/C-2
Street Length: 1,350 LF
Gross Density: 3.0 Units/Acre
Floodplain Area: 3.87 Acres
Right of Way Ac: 1.73 Acres
Net Density: 4.6 Units/Acre

Owner/Developer:

Mr. Royce Grant
159 Wexford Court
Stockbridge, Georgia 30281
770-389-9961



Proposed Amenities

Clubhouse (1,300 s.f)

Jr. Size Pool

Children Play Area

Location Map:

(Not to Scale)

Burn Grading Company, Inc.
Engineering & Land Surveying/Planning
1350 Pinehurst Road
Locust Grove, Georgia 30248
Tel: (770) 957-5312 Fax: (770) 957-5313

Sheet 1 of 1

BRUSH CREEK COMMONS
Land Lot 95 & 70 * 12th Land District
Henry County, Georgia

DATE: 7/14/03
HORZ. SCALE: 1" = 100'
DRAWN BY: MJC
FILE NAME: [illegible]

THIS PLAT IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE OF THE REGISTRANT ACROSS THE REGISTRANT'S SEAL.

EXHIBIT "C"

HENRY COUNTY REZONING EVALUATION REPORT

Rezoning Evaluation Report
Stockbridge City Council

Henry County Planning and Zoning

RZ-03-04

Commission District: City of Stockbridge
Planning Board Member: Ray McDonald (770) 474-8654

Applicant: Royce Grant
159 Weysford Court
Stockbridge, GA 30253
(770) 389-9961

Location: The property is located in Land Lots 59 and 70 of the 12th District, between State North Henry Boulevard and Shields Drive.

Request: Rezoning from R-2 (Single Family Residence) and C-2 (General Commercial) to RM-2 (Multiple Family Residence District – Townhouses)

Proposed Use /Purpose: To permit a multi-family residential subdivision

Sign Posted: June 27, 2003

P&Z Meeting May 15, 2003 *Planning Commission Recommended Approval with 10 conditions*

City Meeting: **July 14, 2003**

Lot Size: The property consists of +/- 18.26 acres.

Road Access: North Henry Boulevard

Public Facilities

Water and Wastewater Treatment: A letter from the City of Stockbridge, dated February 4, 2003, states that public water and sewer service is available to the subject property.

Transportation: The subject property will be accessed from North Henry Boulevard, which is classified as a major arterial road on the Henry County Functional Road Map.

Zoning History

The proposed development is located within an R-2 (Single Family Residence) and C-2 (General Commercial) zoning district. Herein is the zoning for the adjacent properties:

- *North* – R-2 (Single Family Residence), RMH (Mobile Home Development)
- *East* – C-2 (General Commercial), RM (Multiple Family Residence), R-2 (Single Family Residence)
- *South* – C-2 (General Commercial), RM (Multiple Family Residence), R-3 (Single Family Residence)
- *West* – C-3 (Heavy Commercial), C-2 (General Commercial)

Current Land Use: Vacant
Future Land Use: Medium and High Density Residential, Commercial and Services

Development Regulations Affected by Request

All standards and regulations that fall under the RM-2 (Multiple Family Residence- Townhouses) zoning district. The applicant's request will be reviewed with regards to the following nine (9) criteria, as outlined in *Section 3-7-313* of the Henry County Ordinance.

Analysis of Request (Sec. 3-7-313)

- *The possible effects of the change in the regulations or map on the character of the zoning district, a particular piece of property, neighborhood, area or community.* ***(Criteria point 1)***

  The land use and/or zoning character of the neighborhood and community will not be adversely impacted as a result of the proposed development. The subject property is located to the north of a commercial node and to the south of single family residential uses and would serve as a good transition zone between those uses.

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

  The proposed development is consistent with the overall purpose of the City of Stockbridge zoning ordinance with respect to the townhouse development proposed for the subject property. The applicant is proposing a net density of 6.1 units per acre and the maximum allowed, as stated in *Section 8.36.100E.* of the City of Stockbridge Zoning Ordinance, is eight (8) units per acre with the required amenities. The concept plan submitted by the applicant shows three (3) additional amenities above and beyond the required amenities consisting of a clubhouse, a junior-sized Olympic pool, and a children's play area. As a result of the proposed development having seventy-five (75) units, the applicant will be required to add an additional amenity.

- *Consistency with land use plan.* ***(Criteria Point 3)***

  The applicant's request does not comply with the Henry County Joint Comprehensive Plan and the Future Land Use Map. The Future Land Use Map designates the subject property for medium to high-density residential uses at a minimum of 2.9 dwelling units per acre and a maximum of 3.9 dwelling units per acre.

- *The impact of the proposed development on infrastructure, water, sewer, adjacent thoroughfares, pedestrian and vehicular circulation and traffic volumes.* ***(Criteria Points 4 & 5)***

  A letter from the City of Stockbridge, dated February 4, 2003, states that public water and sewer service is available to the subject property. With the absence of a traffic impact study, Staff is unable to comment on the impact the proposed development will have on the existing transportation network (North Henry Boulevard). The access road from North Henry Boulevard, which is twenty-six feet (26') in width, currently meets the requirements for the width of a paved local street for residential purposes as shown in *Section 3-8-80* of the Henry County Subdivision Ordinance. The Planning & Zoning Department would recommend that the applicant submit supporting documentation from the City of Stockbridge stating that the existing access road off of North Henry Boulevard has been deeded to the City as a public road.

- *The impact upon adjacent property owners should the request be granted.* ***(Criteria Point 6)***

  There will be minimal, if any, impacts on adjacent properties. A buffer of thirty feet (30') will be required along all property lines that abut a commercially zoned property.

- *Can the subject land be developed as it is currently zoned?* ***Criteria Point 7***

The subject property can be developed as currently zoned R-2 (Single Family Residence) and C-2 (General Commercial).

- *Consideration of the physical capability of the site to be developed as requested, including; topography, drainage, access, size and shape of property.* ***Criteria Point 8***

  The eastern portion of the subject property is located within a one hundred (100) year floodplain area. The floodplain area on the concept plan does not represent the flood plain area on the FEMA (Federal Emergency Management Agency) Flood Insurance Rate Map. If the floodplain is being altered Staff recommend that a certified engineer submit a letter to the Development Plan Review Department at the plan review stage, explaining this discrepancy.

- *The merit of the requested change in zoning relative to any other guidelines and policies for development, which the planning commission and city council may use in furthering the objective of the land use plan.* ***Criteria Point 9***

  The merits of the applicant's requests to rezone the subject property from R-2 (Single Family Residence) and C-2 (General Commercial) to RM2 (Multiple Family Residence District – Townhouses) to permit a multi-family townhouse development, is reasonable and will be compatible with the surrounding land uses and zones.

Comments

The applicant's request to rezone the subject property from R-2 (Single Family Residence) and C-2 (General Commercial) to RM-2 (Multiple Family Residence District – Townhouses) to permit a multi-family townhouse development is consistent with the zoning district being requested but not consistent with the Future Land Use Map. The Future Land Use Map designated the subject property for medium to high-density residential uses at a minimum of 2.6 dwelling units per acre and a maximum of 3.9 dwelling units per acre. Staff however, recommends that the City of Stockbridge make the necessary amendment to their Future Land Use Map to make it compatible to the zoning district being requested. Staff would also recommend that the City of Stockbridge review the immediate area along North Henry Boulevard to identify and make similar adjustments to the Future Land Use Map.

The concept plan submitted by the applicant shows seventy-five (75) single family townhouse units on approximately 18.26 acres. The plan also shows a 1,300 square foot clubhouse, a multi-use trail, a junior sized Olympic pool, a wading pool, a children's play area, and a basketball court. The applicant has shown the trails as two (2) separate amenities but Staff is counting them as one (1). Therefore the applicant will be required to provide one (1) additional amenity.

Staff has a number of concerns regarding the concept plan submitted by the applicant. First of all, a few of the proposed units are fronting onto alleyways, and are required to front onto a public road. Second of all, the concept plan shows alleyways within the required buffer areas of thirty-feet (30'), which does not conform to the City of Stockbridge Zoning Ordinance. Lastly, a large portion of the subject property is located within a one hundred (100) year floodplain and Staff recommends that a certified engineer support any floodplain alteration at the plan review stage.

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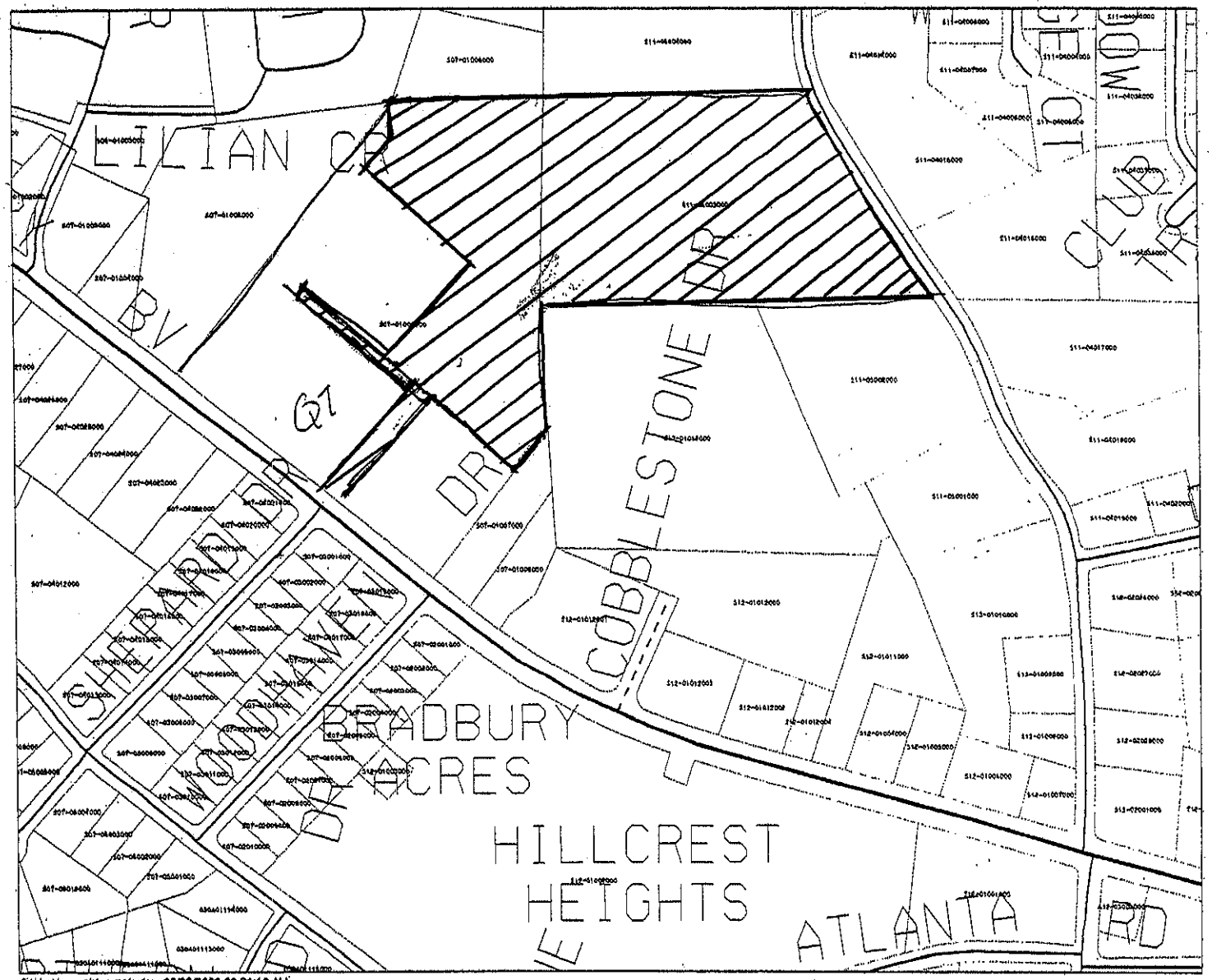
Recommendation

Planning Commission recommended **Approval** of the request by Royce Grant to rezone the subject property from R-2 (Single Family Residence) and C-2 (General Commercial) to RM-2 (Multiple Family Residence District – Townhouses) with the following conditions:

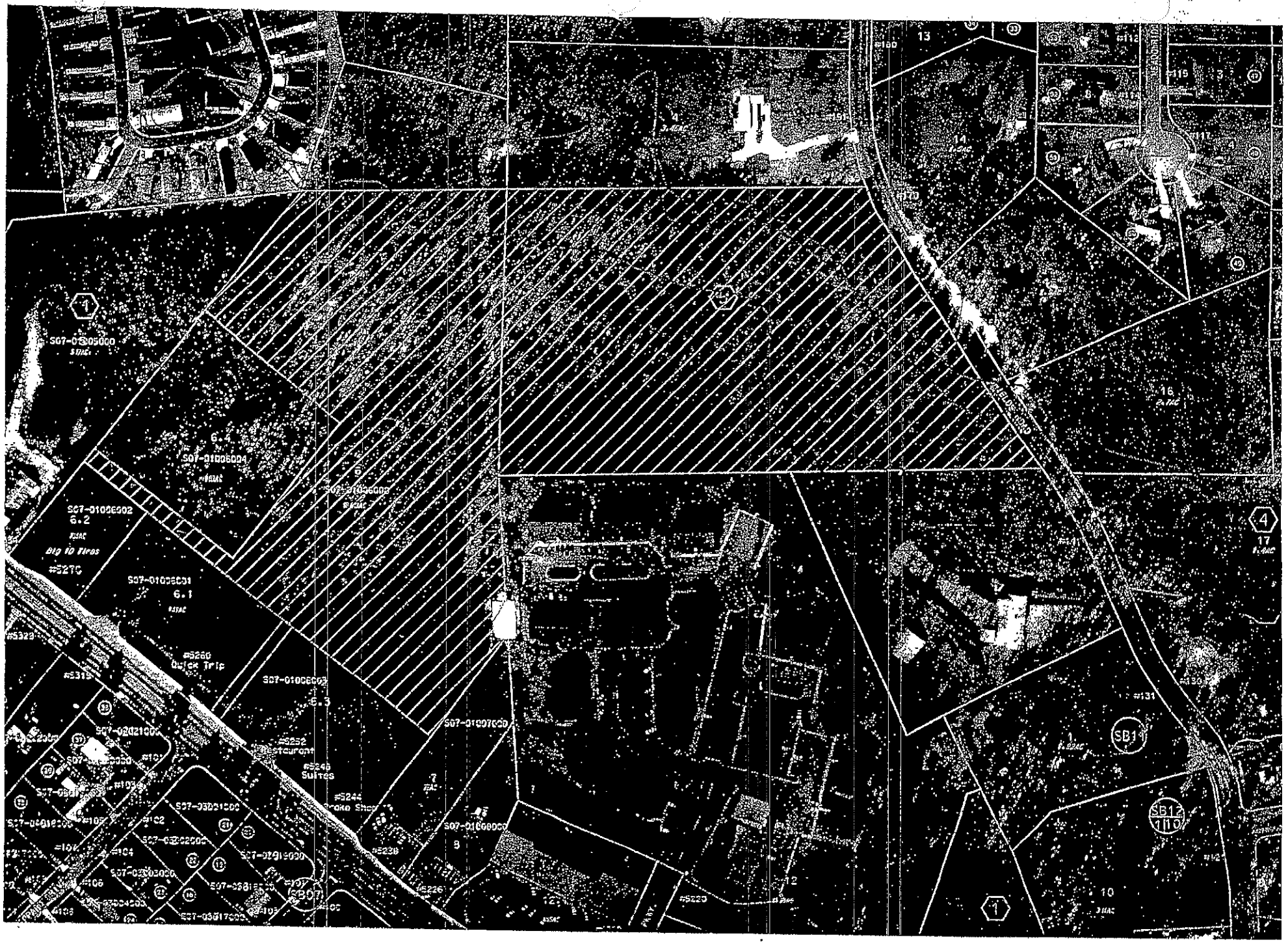
1. Revise site plan to adhere to all City of Stockbridge RM-2 Ordinance requirements.
2. Maximum building height shall be shown on the site plan.
3. All townhouses shall have a mixture of front façade consisting of covered entryway, porches, bay windows and balconies. Garages shall be accentuated with variations of design porticos.
4. Developer shall submit elevations of the building to be approved by the Planning and Zoning Department.
5. Each unit elevation per building shall be separate and distinct from the other. To include variations in rooflines which may be accomplished with the use of dormers, gables and or fireplaces.
6. Each unit shall have different brick, stucco and masonry theme from the other attached units.
7. Developer shall install street trees along all streets to be placed between the sidewalk and the front property lines, have a minimum two & half inch (2.5") caliper (d.b.h), shall have a minimum twenty-four square foot (24 sq.ft.) planting area and shall be spaced an average of forty-five feet (45') apart. Consisting of ginko (non-fruit bearing), Japanese zekova and or oak family type.
8. The Building Department shall not issue a building permit until such a time as the Director of the Building Department has certified that for each prospective phase of development, sewer capacity is sufficient to accommodate the additional sewage that would be generated by the proposed development.
9. A street scaping plan shall be submitted to and approved by the Henry County Planning and Zoning Department to include sidewalks, street trees, landscaping, street lighting and street furniture.
10. Staff recommends that any floodplain alteration be supported by a certified engineer at the plan review stage

Attachments

- Tax Map
- Aerial Map
- Application
- Applicant Disclosure Form
- Ownership and Letter of Intent
- City of Stockbridge
- Concept Plan
- Environmental Health Letter
- Planning Commission Meeting Minutes, May 15, 2003



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Henry County Planning & Zoning Petition for Rezoning, Conditional Use, Variance and other Board of Commissioners or City Appeals

Name: Royce Grant Date: 2/3/03 Phone: 770/389-9961

Address: 159 Weyford Court Pgr/Cell:

City: Stockbridge State: GA Zip: 30281 Fax

E-mail:

The above named person, who affirms that they are the owner, or agent of the owner of the property described below, requests:

Indicate the type of request/appeal with an X:

Conditional Use: _____ **Rezoning:** X **Variance:** _____ **Conditional Exception:** _____

Modifications to Zoning Conditions: _____

Appeal Administrative _____ **Non Conforming Use; Extension or Enlargement** _____

Total Amount Paid $ 1,200 Cash ___ Check# 1013 Received By: RG *(FEES ARE NON-REFUNDABLE)*

Zoning Request from R-A/C-2 (Present Zoning) to RM-2 (City of Stockbridge) (Requested Zoning)

For the Purpose of Res. Subdivision (Type of Development)

Location (Attach Plat) _____ (Street Address, if Applicable, Nearest Intersection, Etc.)

Size of Tract: 18.26 acre(s) Land Lot(s): 70 District(s): 12th

x Witness - signature

Signature of Owners

DAROLD WIGGINS
Witness - print

Printed Name of Owners

Notary

Signature of Agent

(For Office Use Only)

Received by:

Pre-application meeting: Date:

Application checked by: Pat Date: 2-04-03

Map#(s): 29

Recommendation of Planning Commission:

BOC Decision:

Planning Director's Signature: Date:

COPY

Applicant Campaign Disclosure Form[1]

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

Yes _____ No ✓

If Yes, the applicant and the attorney representing the applicant must file a disclosure report with the Henry County Board of Commissioners within ten (10) days after this application is first filed. Please supply the following information that will be considered as the required disclosure:

Commissioner/Planning Commission Member Name	Dollar amount of Campaign Contribution	Description of Gift $250 or greater given to Board Member

We certify that the foregoing information is true and correct, this 15th day of Jan., 2003.

Royce Grant
Applicant's Name - Printed

Royce Grant
Signature of Applicant

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 15th day of Jan., 2003

Kathy Lewis
Notary Public

Notary Public, Henry County, Georgia
My Commission Expires March 28, 2004

[1]Copy to be filed with planning & zoning along with a copy of the zoning application

[2]Applicant means any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association, or trust) applying for rezoning or other action.

February 3, 2003

Mr. Dale Hall
Henry County Planning and Development
140 Henry Parkway
McDonough, Georgia

RE: Letter of Intent/Letter of Ownership
18.26+/- Acres, City of Stockbridge
Henry County, Georgia

Dear Mr. Hall,

Please note that I am the current owner of said property and I am aware submitting the necessary information to your office in order to petition to rezone this property from R-A and C-2 to RM-2, per the City of Stockbridge's RM Ordinance dated August 12, 2002. If you should have any questions or comments, please do not hesitate to call me.

Sincerely,

Royce Grant
Owner

City of Stockbridge

4545 North Henry Boulevard • Stockbridge, Georgia 30281
Phone: (770) 389-7900 • Fax: (770) 389-7912
e-mail: cityhall@cityofstockbridge.com

MAYOR
R. G. Kelley

COUNCIL MEMBERS
Harold Cochran
Fred Evans
W. A. Gardner
Ronnie Simmons
Fletcher Turner, Jr.

CITY MANAGER
Ted Strickland

CITY CLERK
Merle Manders

February 4, 2003

TO WHOM IT MAY CONCERN:

The City of Stockbridge has water/sewer services available for approximately 18.26 acres located in LL59 and 70, 12th Dist., Stockbridge, Georgia for Brush Creek Commons which will consist of 75 single family town homes.

If you have questions, please contact City Hall.

Sincerely,

Charlene W. Cheatwood

Charlene W. Cheatwood
Utility Clerk

CWC/cc

SMITH, WELCH & BRITTAIN
ATTORNEYS AT LAW

ERNEST M. SMITH (1911-1992)
A.J. WELCH, JR.
J. MARK BRITTAIN
E. GILMORE MAXWELL (TN & GA)
BYRD GARLAND
BRUCE MCFARLAND
JOHN P. WEBB

2200 KEYS FERRY COURT
POST OFFICE BOX 10
MCDONOUGH, GEORGIA 30253

Telephone: 770-957-3937
Facsimile: 678-583-4888

www.swblawfirm.com

C. WALTER PENDERGRASS, III
WILLIAM A. WHITE
LEE MASON (USVI & GA)
L. SCOTT MAYFIELD
JOHNNY D. LATZAK, JR.
ANDREW J. WELCH, III (NY & GA)
TERRI S. SUTTON
PLEZ H. HARDIN
AMBER R. HOLLOWAY

December 4, 2003

Merle Manders
City of Stockbridge
4545 North Henry Boulevard
Stockbridge, Georgia 30281

Re: **City of Stockbridge – Development Agreement with Royce Grant**

Dear Merle:

Enclosed is the **original** Development Agreement between the City and Royce Grant which is ready to be signed by you and the Mayor. Please return a copy of the signature page to me for our files. Also, please execute the Notice of Development Agreement and return it to our office so we may have that filed of record. We will forward a copy to you once it is complete. Should you have any questions, do not hesitate to contact me.

With kindest regards, I am,

Sincerely,

SMITH, WELCH & BRITTAIN

/ Buddy

A. J. Welch, Jr.

AJWjr/js
Enclosures

{Client: 0000379 Matter: 0042 Doc: 00077744.DOC}

BOOK 6730 PAGE 132
DOC# 001016
FILED IN OFFICE
01/07/2004
10:28:34AM
BK:06730 PG:0132-
JUDITH A. LEWIS
CLERK OF
SUPERIOR COURT
HENRY COUNTY, GA

134

SWB FILE NO. 379.0042

Return to: Smith, Welch & Brittain
P. O. Box 10
McDonough, Georgia 30253
(770) 957-3937
Attn: Andrew J. Welch, III

RE: PROPERTY OF ROYCE GRANT being located in Land Lots 59 and 70 of the 12th Land District of Henry County, Georgia containing 15.96 acres and being particularly described in **Exhibit "A"** hereto attached and made a part hereof.

NOTICE OF EXECUTION OF DEVELOPMENT AGREEMENT

STATE OF GEORGIA

HENRY COUNTY

Notice is hereby given that the property described above is subject to a Development Agreement dated July 21, 2003 between the City of Stockbridge, Georgia, and Royce Grant. The original of said Development Agreement is maintained as part of the permanent records of the City of Stockbridge, Georgia. The terms and conditions of said Development Agreement are hereby incorporated herein and made a part hereof by reference.

CITY OF STOCKBRIDGE, GEORGIA

By: Merle Manders (L.S.)
Merle Manders, City Clerk

SEAL AFFIXED

[SEAL]

Signed, sealed and delivered
in the presence of the
undersigned this 15 day of
December, 2003.

Witness

Notary Public

NANCY W. BROWN NOTARY PUBLIC HENRY COUNTY EXPIRES GEORGIA OCT. 17, 2006

EXHIBIT "A"
LEGAL DESCRIPTION OF PROPERTY

BRUSH CREEK COMMONS

Legal Description

All that tract or parcel of land, containing **15.96 acres** more or less, lying and being in Land Lot 70 and 59 of the 12th District of Henry County, Georgia, as shown on preliminary plat by Bunn Grading Company, Inc., dated 7/14/03, and being more particularly described according to said plat as follows:

COMMENCING at the intersection of the centerline of Askew Road and the northern right-of-way line of State Route 42 and State 138; thence, Southeasterly a distance of 467.58 feet to an iron pin; thence, North 44 degrees 7 minutes 55 seconds East a distance of 225.72 feet to the **POINT OF BEGINNING**; thence, North 44 degrees 22 minutes 29 seconds East a distance of 34.28 feet to a point; thence, South 51 degrees 13 minutes 8 seconds East a distance of 360.00 feet to a point; thence, North 38 degrees 35 minutes 37 seconds East a distance of 360.00 feet a point; thence, North 51 degrees 32 minutes 18 seconds West a distance of 325.00 feet a point; thence, North 44 degrees 8 minutes 4 seconds East a distance of 267.48 feet to a point; thence, North 3 degrees 30 minutes 52 seconds West a distance of 113.75 feet to a point; thence, South 89 degrees 57 minutes 37 seconds East a distance of 280.97 feet to a point; thence South 10 degrees 43 minutes 44 seconds West a distance of 45.70 feet to a point; thence, North 89 degrees 58 minutes 34 seconds East a distance of 694.39 feet to a point on the western right of way line of Shields Drive; thence, along a curve having a radius of 793.27 feet, a chord bearing of South 8 degrees 19 minutes 12 seconds East a distance of 115.57 feet to a point; thence, South 31 degrees 10 minutes 46 seconds a distance of 82.49 feet to a point; thence, South 33 degrees 14 minutes 43 seconds East a distance of 306.52 feet to a point; thence, South 35 degrees 31 minutes 23 seconds East a distance of 135.04 feet to a point; thence, North 89 degrees 4 minutes 1 second West a distance of 1032.00feet to a point; thence, along the eastern right of way line of the proposed street as shown on the attached site plan by Bunn Grading Co. Inc. a distance of 481.91 feet to a point; thence, North 51 degrees 8 minutes 8 seconds West a distance of 25.00 feet to a point; thence, South 38 degrees 51 minutes 52 seconds West a distance of 28.67 feet to a point; thence, North 51 degrees 8 minutes 8 seconds West a distance of 460.68 **POINT OF BEGINNING**.

SMITH, WELCH & BRITTAIN
ATTORNEYS AT LAW

ERNEST M. SMITH (1911-1992)
A.J. WELCH, JR.
J. MARK BRITTAIN
E. GILMORE MAXWELL (TN & GA)
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L. SCOTT MAYFIELD
JOHNNY D. LATZAK, JR.
ANDREW J. WELCH, III (NY & GA)
TERRI S. SUTTON
PLEZ H. HARDIN
AMBER R. HOLLOWAY

December 12, 2003

Merle Manders
City of Stockbridge
4545 North Henry Boulevard
Stockbridge, Georgia 30281

Re: **City of Stockbridge – Development Agreement with Royce Grant**

Dear Merle:

On December 4, 2003 our office forwarded the **original** Development Agreement between the City and Royce Grant to be signed by you and the Mayor. We have noted a typographical error on Page 11 and request that you substitute that page with the enclosure. Should you have any questions, please do not hesitate to contact me.

Sincerely,

SMITH, WELCH & BRITTAIN

Jenine Sohler

Jenine Sohler
Paralegal

Enclosure

{Client: 0000379 Matter: 0042 Doc: 00077744.DOC}

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 Locust Grove or any other court having jurisdiction over the same.

SAK

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.

This is the original page. Replaced by corrected page. 12/16/03 (TW)

Please supplement these pages in the Brush Creek commons Dev Agr. JG

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 TIMBERLINE 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) aces; 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

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.

COPY

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

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 one (1) Basketball Goal at each end;
- 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:

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

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 13th day of December, 2004.

CITY OF STOCKBRIDGE, GEORGIA

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

ATTEST:

_____
MERLE MANDERS, City Clerk

(Seal)

Version 8

OWNER:

TIMERLINE GROUP, LLC

BY: _____ (L.S.)
BRIAN W. CAGLE
Managing Partner [Title]

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

_____
Notary Public

N.J. SOHLER
NOTARY
EXPIRES: 6-25-2006
PUBLIC
COWETA COUNTY GEORGIA

ATTEST: _____
James Barnes, Secretary

EXHIBIT "A"

TIMBERLINE GROUP, LLC PROPOSAL DATED OCTOBER 7, 2004

File No. 379-0000-02-23

Return to: SMITH, WELCH & BRITTAIN
2200 KEYS FERRY COURT
P. O. BOX 10
MCDONOUGH, GEORGIA 30253

RE: PROPERTY OF TIMERLINE GROUP, LLC being located in Land Lots 59 and 70 of the 12th Land District of Henry County, Georgia and being particularly described in **Exhibit "A"** hereto attached and made a part hereof.

NOTICE OF EXECUTION OF AMENDMENT TO DEVELOPMENT AGREEMENT

STATE OF GEORGIA

HENRY COUNTY

Notice is hereby given that the property described above is subject to an Amendment to Development Agreement dated December 13, 2004, between the City of Stockbridge and Timberline Group, LLC. The original of said Amendment to Development Agreement is maintained as part of the permanent records of the City of Stockbridge, Georgia. The terms and conditions of said Amendment to Development Agreement are hereby incorporated herein and made a part hereof by reference.

COPY

CITY OF STOCKBRIDGE, GEORGIA

By: Merle Manders
Merle Manders
City Clerk

[SEAL]

Signed, sealed and delivered
in the presence of the
undersigned this 18th day of
February, 2005.

Witness

Notary Public

LINDA A. GUNN NOTARY PUBLIC HENRY COUNTY GEORGIA EXPIRES APRIL 9, 2008

BRUSH CREEK COMMONS

Legal Description

All that tract or parcel of land, containing **15.96 acres** more or less, lying and being in Land Lot 70 and 59 of the 12th District of Henry County, Georgia, as shown on preliminary plat by Bunn Grading Company, Inc., dated 7/14/03, and being more particularly described according to said plat as follows:

COMMENCING at the intersection of the centerline of Askew Road and the northern right-of-way line of State Route 42 and State 138; thence, Southeasterly a distance of 467.58 feet to an iron pin; thence, North 44 degrees 7 minutes 55 seconds East a distance of 225.72 feet to the **POINT OF BEGINNING**; thence, North 44 degrees 22 minutes 29 seconds East a distance of 34.28 feet to a point; thence, South 51 degrees 13 minutes 8 seconds East a distance of 360.00 feet to a point; thence, North 38 degrees 35 minutes 37 seconds East a distance of 360.00 feet a point; thence, North 51 degrees 32 minutes 18 seconds West a distance of 325.00 feet a point; thence, North 44 degrees 8 minutes 4 seconds East a distance of 267.48 feet to a point; thence, North 3 degrees 30 minutes 52 seconds West a distance of 113.75 feet to a point; thence, South 89 degrees 57 minutes 37 seconds East a distance of 280.97 feet to a point; thence South 10 degrees 43 minutes 44 seconds West a distance of 45.70 feet to a point; thence, North 89 degrees 58 minutes 34 seconds East a distance of 694.39 feet to a point on the western right of way line of Shields Drive; thence, along a curve having a radius of 793.27 feet, a chord bearing of South 8 degrees 19 minutes 12 seconds East a distance of 115.57 feet to a point; thence, South 31 degrees 10 minutes 46 seconds a distance of 82.49 feet to a point; thence, South 33 degrees 14 minutes 43 seconds East a distance of 306.52 feet to a point; thence, South 35 degrees 31 minutes 23 seconds East a distance of 135.04 feet to a point; thence, North 89 degrees 4 minutes 1 second West a distance of 1032.00feet to a point; thence, along the eastern right of way line of the proposed street as shown on the attached site plan by Bunn Grading Co. Inc. a distance of 481.91 feet to a point; thence, North 51 degrees 8 minutes 8 seconds West a distance of 25.00 feet to a point; thence, South 38 degrees 51 minutes 52 seconds West a distance of 28.67 feet to a point; thence, North 51 degrees 8 minutes 8 seconds West a distance of 460.68 **POINT OF BEGINNING**.

CITY OF STOCKBRIDGE
4545 NORTH HENRY BLVD.
STOCKBRIDGE, GA 30281
770-389-7900
FAX 770-389-7912

Bush Creek Commons
Return to
Jenine –
Make copy
for City file

DATE: February 22, 2005

FROM: Merle Manders
City Manager

TO: Jenine
Smith, Welch & Brittain
PO Box 10
McDonough, GA 30281

SUBJECT

Notice of Execution of Amendment
Bush Creek Commons dated 12-13-2

MESSAGE:

Included:
Original copy of the above referenced document-

SMITH, WELCH & BRITTAIN

ATTORNEYS AT LAW

ERNEST M. SMITH (1911-1992)
A. J. WELCH, JR.
J. MARK BRITTAIN
E. GILMORE MAXWELL (TN & GA)
BYRD GARLAND
BRUCE MCFARLAND
JOHN P. WEBB
C. WALTER PENDERGRASS, III
WILLIAM A. WHITE

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TERRI S. SUTTON
ANNA C. DOUGHERTY
PANDORA E. HUNT (HI & GA)
EARNELLE P. WINFREY
CARA D. WELCH
JOSEPH W. TAYLOR
DAVID M. WALDROUP

February 17, 2005

Merle Manders
City of Stockbridge
4545 North Henry Boulevard
Stockbridge, Georgia 30281

Re: **Notice of Execution of Amendment to Development Agreement**

Dear Mrs. Manders:

Enclosed is the original Notice of Execution of Amendment to Development Agreement between the City and Timberline Group, LLC. Please execute this document before a notary public, place the City's seal below your signature, and return the original to me for filing. Should you have any questions, please let me know.

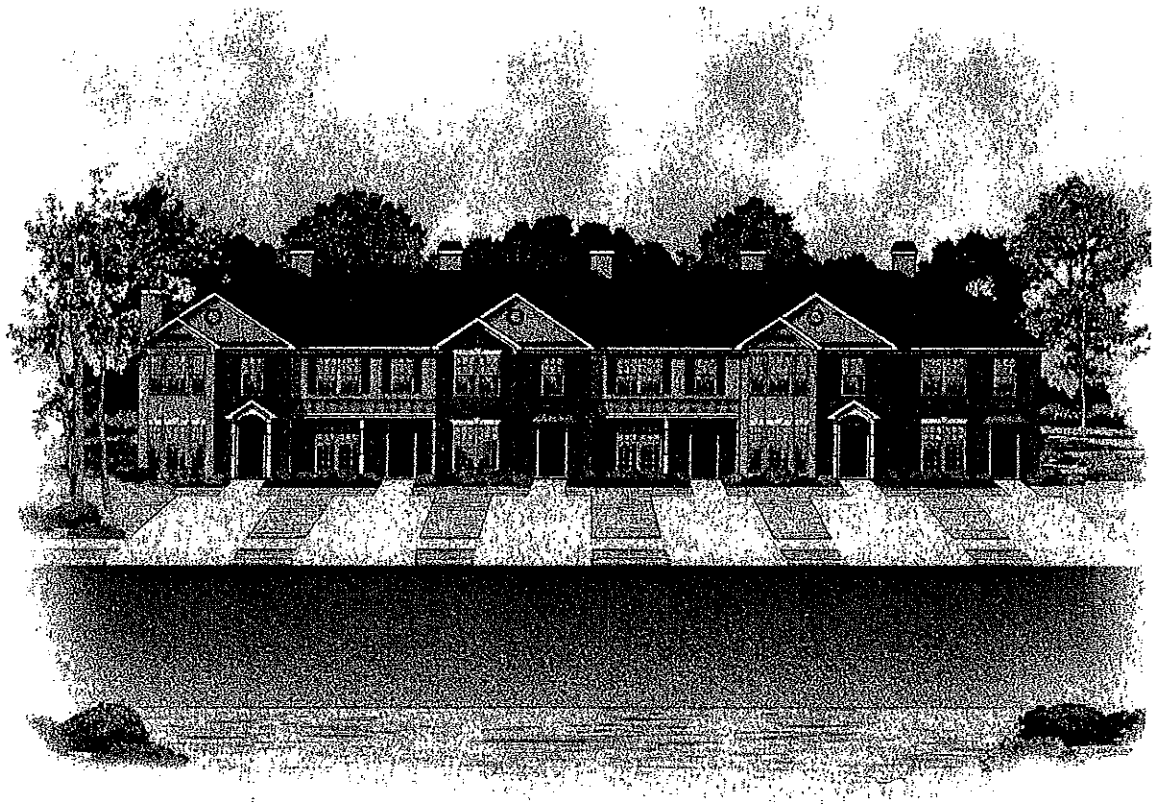
Sincerely,

SMITH, WELCH & BRITTAIN

Jenine Sohler

Jenine Sohler
Paralegal

Enclosure



Brush Creek Commons

Timberline Group, LLC
October 7, 2004

COPY

Letter of Request
Conceptual Site Plan

2 Townhome Renderings

3 Amenities Table
Home Owner Letters
Proposed Amenities

4 Single Family Location on Concept Plan
Single Family Exterior House Photos
Single Family Interior House Photos

5 Full Size Concept Plan (24"x36")

COPY

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 encumbered 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,

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:

AGREEMENT:

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

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

COPY

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

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

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.

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.

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.

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.

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.

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.

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

ATTEST:

_____
Merle Manders, City Clerk

[Seal]

[Signatures on following page]

OWNER:

Royce Grant (L.S.)
ROYCE GRANT

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

Joye Moore
Witness

N.J. Sohler
Notary Public
(Seal)

My commission expires:

6-25-2006

N.J. SOHLER NOTARY PUBLIC COWETA COUNTY GEORGIA EXPIRES: 6-25-2006

EXHIBIT "A"

PLAT AND LEGAL DESCRIPTION OF PROPERTY

COPY

BRUSH CREEK COMMONS

Legal Description

All that tract or parcel of land, containing **15.96 acres** more or less, lying and being in Land Lot 70 and 59 of the 12th District of Henry County, Georgia, as shown on preliminary plat by Bunn Grading Company, Inc., dated 7/14/03, and being more particularly described according to said plat as follows:

COMMENCING at the intersection of the centerline of Askew Road and the northern right-of-way line of State Route 42 and State 138; thence, Southeasterly a distance of 467.58 feet to an iron pin; thence, North 44 degrees 7 minutes 55 seconds East a distance of 225.72 feet to the **POINT OF BEGINNING**; thence, North 44 degrees 22 minutes 29 seconds East a distance of 34.28 feet to a point; thence, South 51 degrees 13 minutes 8 seconds East a distance of 360.00 feet to a point; thence, North 38 degrees 35 minutes 37 seconds East a distance of 360.00 feet a point; thence, North 51 degrees 32 minutes 18 seconds West a distance of 325.00 feet a point; thence, North 44 degrees 8 minutes 4 seconds East a distance of 267.48 feet to a point; thence, North 3 degrees 30 minutes 52 seconds West a distance of 113.75 feet to a point; thence, South 89 degrees 57 minutes 37 seconds East a distance of 280.97 feet to a point; thence South 10 degrees 43 minutes 44 seconds West a distance of 45.70 feet to a point; thence, North 89 degrees 58 minutes 34 seconds East a distance of 694.39 feet to a point on the western right of way line of Shields Drive; thence, along a curve having a radius of 793.27 feet, a chord bearing of South 8 degrees 19 minutes 12 seconds East a distance of 115.57 feet to a point; thence, South 31 degrees 10 minutes 46 seconds a distance of 82.49 feet to a point; thence, South 33 degrees 14 minutes 43 seconds East a distance of 306.52 feet to a point; thence, South 35 degrees 31 minutes 23 seconds East a distance of 135.04 feet to a point; thence, North 89 degrees 4 minutes 1 second West a distance of 1032.00feet to a point; thence, along the eastern right of way line of the proposed street as shown on the attached site plan by Bunn Grading Co. Inc. a distance of 481.91 feet to a point; thence, North 51 degrees 8 minutes 8 seconds West a distance of 25.00 feet to a point; thence, South 38 degrees 51 minutes 52 seconds West a distance of 28.67 feet to a point; thence, North 51 degrees 8 minutes 8 seconds West a distance of 460.68 **POINT OF BEGINNING**.

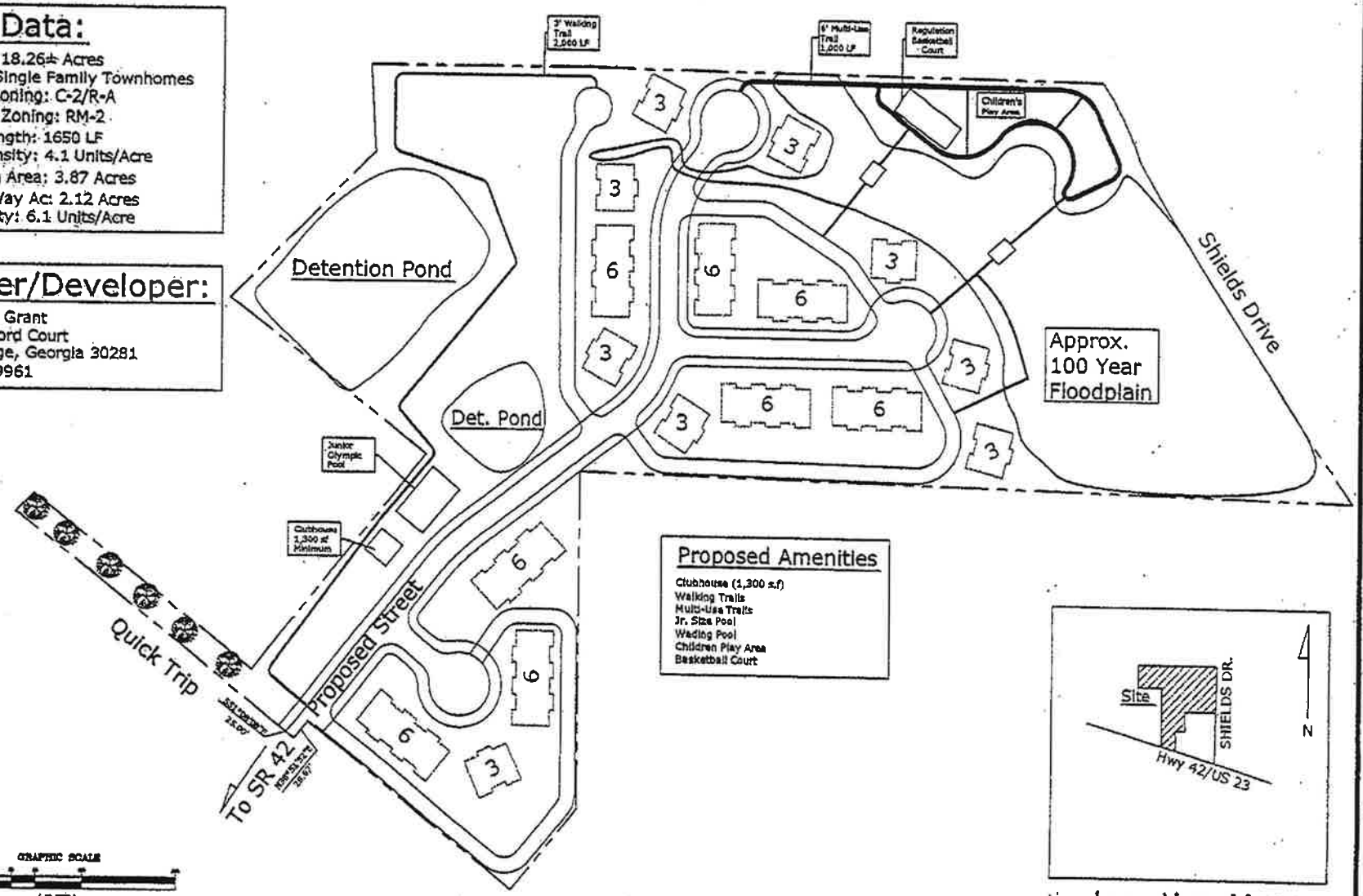
BRUSH CREEK COMMONS

Site Data:

Acreage: 18.26± Acres
Lots: 75 Single Family Townhomes
Current Zoning: C-2/R-A
Proposed Zoning: RM-2
Street Length: 1650 LF
Gross Density: 4.1 Units/Acre
Floodplain Area: 3.87 Acres
Right of Way Ac: 2.12 Acres
Net Density: 6.1 Units/Acre

Owner/Developer:

Mr. Royce Grant
159 Wexford Court
Stockbridge, Georgia 30281
770-389-9961



Proposed Amenities

Clubhouse (1,300 s.f)
Walking Trails
Multi-Use Trails
Jr. Size Pool
Wading Pool
Children Play Area
Basketball Court

Location Map:

(Not to Scale)

Bunn Grading Company, Inc.

BRUSH CREEK COMMONS

Henry County Environmental Health

137 Henry Parkway
McDONOUGH, GEORGIA 30253
770-954-2078 Voice
770-954-2967 Facsimile

June 23, 2003

Mr. Royce Grant
Mandalay Properties
Post Office Box 1274
Stockbridge, Georgia 30281

Re: Rezoning/Level 3 Soil Map
50.58 Acres
Land Lot 149, District 7
Hwy. 81 East and Mayo Road
Henry County

Dear Mr. Grant:

A Level 3 Soil Report by Thomas Macfie indicates that there is enough suitable soil on this tract for the installation of conventional and/or alternative onsite sewage management system. There are some soil classifications on the tract that are not suitable for any type of system. Several lots may also require Level 4 Soil Reports.

This letter is for rezoning purposes only and does not guarantee that Onsite Sewage Management System permits will be issued on every lot in this development. Prior to submission of applications for permits, an official Level 3 Soil Report showing lot lines, numbers and street names must be submitted to this office. The final plat must also have been submitted and lot numbers and locations on the soil report must correspond to the final plat.

Glinda A. Scott
Environmental Health County Manager

Cc: Planning and Zoning



Ray McDonald: "It seems strange, because half way between here and Stockbridge you run into the City limits."

Frank Patrick: "If we were in the City we could get sewer."

Chairman Schafer asked for any additional comments from the Board. He then asked for anyone in opposition or approval from the audience that would like to speak.

Whit Echols: "I am an associate real estate agent with Rucker Company. I am representing the two parties, the buyers and sellers in this thing. You asked about how close this property is to the City limits? (Mr. Echols jumped about two feet.). It is that far. It is one lot away from the City limits. It is right there at it."

The Chairman asked for any further comments. Seeing none, the Chairman reread the item and entertained the motion.

Michael Eddy: "Mr. Chairman, I am going to recommend approval for this facility with the five conditions placed by the Staff. I would like to modify the fifth condition. The applicant had mentioned four sided brick and I would like to have the condition to read 'The façade(s) of the proposed development shall be constructed of brick, stone, stucco or any combination thereof.' I would like to add a condition 6; all rental equipment shall be stored behind the main structure and/or fencing after hours.

Frank Patrick: "And along the side."

Michael Eddy: "As long as the equipment is behind the fence area.

Ray McDonald seconded the motion. The vote was unanimous to approve the motion.

RZ-03-04 Royce Grant of Stockbridge, GA requests a rezoning from RA (Residential Agriculture) and C-2 (General Commercial) to RM-2 (Multiple-Family Residence-Townhouses) in Land Lot(s) 59 and 70 of the 12th District, for property located between Hwy 42/US 23 and Shields Drive. The property contains 18.4+/- acres and the request is to develop a Multiple Family Residential Subdivision. **City of Stockbridge.**

Recommendation

Planning Staff recommends **Approval** of the request by Royce Grant to rezone the subject property from R-2 (Single Family Residence) and C-2 (General Commercial) to RM-2 (Multiple Family Residence District – Townhouses) with the following conditions:

1. Revise site plan to adhere to all City of Stockbridge RM-2 Ordinance requirements.

2. Maximum building height shall be shown on the site plan.

3. All townhouses shall have a mixture of front façade consisting of covered entryway, porches, bay windows and balconies. Garages shall be accentuated with variations of design porticos.

4. Developer shall submit elevations of the building to be approved by the Planning and Zoning Department.

5. Each unit elevation per building shall be separate and distinct from the other. To include variations in rooflines which may be accomplished with the use of dormers, gables and or fireplaces.

6. Each unit shall have different brick, stucco and masonry theme from the other attached units.

7. Developer shall install street trees along all streets to be placed between the sidewalk and the front property lines, have a minimum two & half inch (2.5") caliper (d.b.h.), shall have a minimum twenty-four square foot (24 sq.ft.) planting area and shall be spaced an average of forty-five feet (45') apart. Consisting of ginkgo (non-fruit bearing), Japanese zekova and or oak family type.

8. The Building Department shall not issue a building permit until such a time as the Director of the Building Department has certified that for each prospective phase of development, sewer capacity is sufficient to accommodate the additional sewage that would be generated by the proposed development.

9. A streetscape plan shall be submitted to and approved by the Henry County Planning and Zoning Department to include sidewalks, street trees, landscaping, street lighting and street furniture.

10. Staff recommends that any floodplain alteration be supported by a certified engineer at the plan review stage.

11. *The applicant must supply adequate documentation to the Planning Staff to ensure right of way from the subject property to North Henry Boulevard, prior to advertising for the City Council.*

Kimberly Smith introduced the item; Dale Hall represented Staff.

Royce Grant and his father Jeff Grant represented this request.

Jeff Grant: "We would like this piece of property to be recommended for approval for single-family town houses. A portion of this property is zoned commercial and a portion is zoned residential. In talking to the City, they would like us to keep that portion commercial."

Chairman Schafer: "Are you aware of the Planning Staff report and their recommendation with ten (10) conditions?"

Jeff Grant: "Yes, we certainly are. Royce is giving out to you right now our response to the ten recommendations. We accept all ten of those with no problem. In particular I would like to point out on 4, 7 and 9, these deal with the elevation of the buildings. As far as the street tress and the landscaping plans, with this being in the City, I guess I will ask Mr. McDonald about this, but I guess the final approval will come from the City of Stockbridge."

Dale Hall: "If I might comment on that. These conditions are saying that Henry County Planning and Zoning Department will do the architectural review and approval of the plan. They want be coming back to the Planning Commission per say, but to the Planning and Zoning Department. The Planning and Zoning Department is the Planning Department for the City of Stockbridge."

Jeff Grant: "The reason I said that is sometimes the County regulations are different from those proposed from the Cities. That is the only reason I asked that. So, I do submit those to the County."

Chairman Schafer: "In reading the Staff's report, I noticed that your request does not comply with the Future Land Use Map; however it does comply with the City of Stockbridge zoning ordinance."

Jeff Grant: "Correct."

Chairman Schafer: "And also in looking at the report I believe there is some discussion about the flood plain and the potential discrepancy on that. I would like to ask Staff to elaborate on that."

Dale Hall: "The survey that was submitted with the application shows a different location of the flood plain area than the actual concept plain. It is very important that the applicant is aware of that because the floodplain shown on the survey is a larger area than what is shown on the conceptual plan, so that will need to be taken care of and will be during the plan review."

Jeff Grant: "We have already had the property engineered and an evaluation done and our engineer will have to put his stamp of approval on it. I don realize that."

Ray McDonald: "do you agree with all these recommendations?"

Jeff Grant: "Yes sir."

Ray McDonald: "I would like to add a number 11, the applicant must supply adequate documentation to the Planning Staff to ensure right of way from the subject property to North Henry Boulevard, prior to advertising for the City Council. There was a question about that."

Jeff Grant: "There was Mr. McDonald. That has already been approved. I think I read it was actually only 6" short. Mr. Welch, here in the City of McDonough, has already handled that for us. That has already been approved by the DOT and the City of Stockbridge."

Ray McDonald: "Could you give then something in writing to that effect?"

Jeff Grant: "Yes sir, we certainly could."

Ray McDonald: "That is what this is asking for."

Dale Hall: "If I may comment further on that. The information we have available says that the City Council approved and adjustment in the road width. The information that we have does not say anything about a right-of-way being deeded over or anything of that sort. We don't want to be sure that you are not a land locked piece and that you have road frontage."

Jeff Grant: "Actually, what we have done is quick Trip and also Stockbridge Commons, which own the property in front of us, both have deeded their right-of-way over to use and therefore we will be deeding that over to the City when the proper time comes. I think they are making us responsible for a bond period."

Ray McDonald: "You are going to call it Brush Creek Commons instead of Stockbridge Commons?"

Jeff Grant: "Brush Creek Commons sound good to us. That is fine."

Ray McDonald: "Yes, it does."

Jeff Grant: "I would like to say this too. It was brought up in some of the conversation. We had some with some of the City officials. I think they would, and you may want to add this as number 12, they would like for us to leave the commercial, it is about four acres as you go in to the right, they would like for us to leave that commercial. If you look at the plan, we will actually loose the first twenty-one lots and we are agreeable to doing that if that is what they require for us to do. We recently learned that the Stockbridge Commons in the front there is going to be a Waffle House going in up at the front right by the Quick Trip. I don't think I am going to build Town Houses behind the Waffle House. I eat there every now and then but I don't think I would want to smell that everyday if I were somebody living there. If that is what the City wants us to do that is what we wants us to do, we are happy to comply with that."

Chairman Schafer: "Sir, I have two questions for you. The first being about the amenities. I noticed that the Staff report also shows a thirteen hundred (1,300) square foot clubhouse, a multi-us trail, Olympic size pool, wading pool, a children's play area, and a basketball court. The applicant has shown the trail as two separate amenities. Staff is counting that as one, therefore the applicant will be required one additional amenity."

Jeff Grant: "That is correct."

Chairman Schafer: "Are you okay with that?"

Jeff Grant: "Yes sir."

Chairman Schafer: "In looking at what you have shown us tonight,"

Jeff Grant: "Mr. Schafer, can I say this. We will agree to whatever the amount of amenities the City of Stockbridge requires. I think their recommendations are you have to have so many amenities for so many units."

Dale Hall: "Yes, there is a sliding scale based upon the amount of buildings that you have. The plans that was shown, in our professional opinion did not meet the required amenities. But as you have just mentioned there is going to be some change due to the flood plain and the commercial area and there will be a reduction in the amenities required."

Jeff Grant: "Correct, and whatever is required we are agreeable to."

Chairman Schafer: "In looking at conditions number 6, 'Each unit shall have different brick, stone, or stucco and masonry theme from the other attached units.' What are you anticipating on the exterior?"

Jeff Grant: "Most of them will be of either brick, stone or stucco. We passed out a layout impacting what you are going to see. Most of those, we are finding out, years ago when people talked about town houses if was just one straight run and everybody's looked the same. Now we have learned that you can offset them a little bit, have different accents at different points as far as entry porches, you can have differences. Each one can have it's own individuality. All the facades will be of brick, stone or stucco."

Chairman Schafer: "In the picture here it looks like some siding."

Jeff Grant: "It will be brick."

Chairman Schafer: "What will the sides and back be?"

Jeff Grant: "The City of Stockbridge actually prefers, we have had conversation with them, they would like to see hardiplank. Also there is a new product out. Whenever you hear the word vinyl everybody says oh, like they don't want vinyl. There is a new product out that we are going to introduce to them and try and have these maintenance free. Most of the people that live there don't want any kind of maintenance whatsoever. The new one is a thicker gauge that if you looked at it you could not tell if I had it hear today if it were actually vinyl or not. It looks real similar to your siding as far as hardiplank. It looks real similar. It is actually more expensive than hardiplank. It is one that is getting a lot of use on the North side right now. It hasn't been used here in this area because of the expense of it. It is actually about 15%, 18% higher than your hardiplank."

Chairman Schafer: "Do you have any idea what these particular units will sell for?"

Jeff Grant: "They will probably start in the low 100s and then I would imagine by the time we get to the back section they would be around 115 to 120 range. We know we are going to start out in the mid 100s range and then go up to 115, 116 range."

Ray McDonald: "Mr. Grant, this plan shows two (2) detention ponds. Isn't there currently a detention pond there?"

Jeff Grant: "Yes sir. Actually there are two (2) of them there. We are reflecting both of them. What it looks like we are going to be able to do is probably consolidate those into one (1) and have one (1) big one for that hole basin area. Those were overbuilt according to our engineer. We hope to consolidate those into one."

Ray McDonald: "Are there two there now?"

Jeff Grant: "Yes sir."

Ray McDonald: "I was under the impression there was just one."

Michael Eddy: "What would be the square footage of most of these town hoses?"

Jeff Grant: "Most of them start about thirteen hundred (1,300) square feet. That is about the minimum."

Michael Eddy: Is that two bedroom, two bath?"

Jeff Grant: "Yes sir."

Michael Eddy: "So for each townhouse you are looking at the same bedroom and bathroom numbers?"

Jeff Grant: "Well you will have some, if you will notice there are runs of three and runs of six there. A lot of the units will go to three bedrooms. Those are like 1,500 and 1,600 square feet."

Ray McDonald: "What about garages?"

Jeff Grant: "Yes sir, they do have garages. There are one car garages."

Michael Eddy: "Where will the garages be at?"

Jeff Grant: "Actually they are going to be at the very front. There are several styles that we are going to build. Some have garages and some don't. It depends. Some people like them and some don't. There are different variations. We build pretty much, you name it and we build it."

Michael Eddy: "Have you built some of these town houses in the area before? Where have you mostly built?"

Jeff Grant: "Most of these, the Forest Homes will be actually building and selling the homes. They have built some in Henry County and built some also in Clayton County. They are a big builder in Clayton County right now."

Ray McDonald: "What are you going to put in that big hoe down there?"

Jeff Grant: "If you will notice Mr. McDonald, we have been hauling in some dirt that has been given to us. The small dent that we have made has been about 120 loads, and that is a very small dent. I think we have budgeted a six-digit figure for dirt, I can tell you. We are hoping we can get by with that."

Ray McDonald: "I trust that you will save as many of those trees as possible, because there are sure a lot of them there."

Jeff Grant: "Yes sir, we will. Let me say this, as being a registered forester, I sit on the City of Atlanta's Tree Ordinance Committee. I just spent one day a week for the last year of my life on the rewriting of the Tree Ordinance for the City of Atlanta. We are very big on tree preservation. We don't believe in this mass grading type of thing. Sometimes you have to if you have some cut and fill areas, but we try to leave it as natural as we possibly can. Yes sir."

The Chairman asked for any final questions from the Board.

Bill McLeer: "I just have one question. You r engineers, you say have looked at this. Are you sure you are going to get seventy-five (75) units?"

Jeff Grant: "Actually Mr. McLeer, I believe what is going to happen is the front four acres as you go in between, where the front 21 lots are, is where the commercial is. It looks like it is going to be in the low to mid fifties to be quit honest with you. We won't be able to get that many."

Bill McLeer: "What will be an average price, about $450 per town house?"

Jeff Grant: "Three to four is typical. A lot of times you have young couples that are just getting married, or single parents, and sometimes you have an elderly couple that is looking for a place that is maintenance free and is close in. That is mainly what out market is."

Chairman Schafer as ked for any opposition to the request. Seeing none, he asked for any final comments from the Board, Staff or Mr. Grant. The chairman then reread the item and entertained the motion.

Ray McDonald: "Mr. Chairman, I move for approval of this request with the eleven (11) recommendations so stated." Thomas Solomon seconded the motion. The vote was unanimous to approve the request.

Brush Creek Commons
Rezoning Application
Planning and Zoning Commission – May 15, 2003

COPY

Zoning Conditions:	Response:
1. Revise site plan to adhere to all City of Stockbridge RM-2 Zoning Requirements	Agreed
2. Maximum building height shall be shown on the site plan	Agreed
3. All townhomes shall have a mixture of front façade consisting of covered entryway, porches, bay windows and balconies. Garages shall be accentuated with variations of design porticos.	Agreed, please see the architectural elevations that are attached
4. Developer shall submit elevations of the buildings to be approved by Henry Co. Planning & Zoning staff.	We will provide a copy to HCPZ; we feel that the final approval should come from the Mayor & Council of Stockbridge.
5. Each unit elevation per building shall be Separate and distinct from the other. To include Variations in rooflines, etc.	Agreed, please see the architectural elevations that are attached.
6. Each unit shall have different brick, etc.	Agreed, please see the architectural elevations that are attached.
7. Developer shall install street trees,....,etc.	We will provide a copy to HCPZ; we feel that the Final approval should come from the Mayor & Council of Stockbridge
8. The Building Department shall not issue a .... Permit until the sewer capacity is verified...	Please note that a letter has been provided by the City of Stockbridge stating that water and sewer is available, the City of Stockbridge should make the final determination as to the sewer capacity.

9. A street scaping plan shall be submitted...,etc.

We will provide a copy to HCPZ; we feel that final Approval should come from the Mayor and Council of Stockbridge

10. Staff recommends that any floodplain alteration be supported by a certified engineer at the plan review stage.

Agreed

EXHIBIT "D"

RM ORDINANCE NUMBER 03-60

Chapter 8.36 ZONING

Section 8.36.100 Multi-family residence district.

A. Purpose. It is the intent of this district to provide for the development of multiple-family residences at moderate to high densities on lots where public water and sewer systems are provided.

B. Definitions. For purposes of this entire section, the following terms shall have the meaning prescribed, unless the context clearly indicates otherwise:

"Amenities" shall mean the area(s) set aside for active and passive recreation for the residents inside the development according to the standards set forth herein. Recreation areas may include passive areas, such as trails, picnic areas or parks with landscaping providing no facilities for active sports; and active areas, with ball fields, soccer facilities, swimming areas, and other facilities for sports activities.

"Carport" shall mean a covered structure used for housing two (2) vehicles that has the following minimum dimensions: vehicular entrance height, eight feet (8'); interior height, eight feet (8'); vehicular entrance width, sixteen feet (16'); and overall carport width and depth, twenty-four feet (24'). The floor shall be constructed of concrete. Concrete floors shall be reinforced, where appropriate, and a minimum of four inches (4") in thickness with appropriate fill and base. Where carports are constructed, such structures shall not be enclosed for living space, storage purposes or any other purpose without first obtaining a variance from the city and constructing an attached residential parking garage.

"Central park" shall mean a park for active or passive recreational use consisting of buildable land. The total area of a central park shall be equal to one (1) acre. A central park must be located in the approximate center of the development relative to the residential buildings located therein.

"City" shall mean the city of Stockbridge or its designee.

"Classification" shall mean the RM-1, RM-2 or RM-3 district referred to herein.

"Commercial area outside the development" means an area not associated within or part of the development in which at least three (3) of any of the following operating commercial establishments are located: retail, office, industrial or manufacturing industrial.

"County" shall mean Henry County or its designee.

"Development plan" shall mean a written and graphic submission for a development which represents a tract of land, proposed development, the location and bulk of buildings and other structures, the calculation of all impervious surfaces, density of development, public and private streets, parking facilities, common open space, sidewalks and multiuse paths, and all amenities.

"Dwelling unit" shall mean one (1) room, or rooms connected together, constituting a separate, independent housekeeping establishment for tenant occupancy, for rental or lease on a weekly, monthly or longer basis and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent living, sleeping, toilet and single cooking facilities.

"Facade" shall mean all exterior faces of a building except eaves and corners.

"Impervious cover" or impervious surface shall mean any roads, driveways, parking areas, buildings, swimming pools, concrete, pavement, rooftop landscapes and other impermeable construction covering the natural land surface which impedes or blocks the free passage of water, air or nutrients through the soil to the natural watershed, aquifer or water zone located below the surface. Surface materials which have been tested and marketed as providing some level of perviousness (e.g., such as pavers) and have a life span comparable to or better than that of asphalt may be used and its rated perviousness may be factored into the calculation of impervious cover after review and approval of the rating by the city or its designee. Except as otherwise provided in this section, impervious cover is the total horizontal area of covered spaces, paved areas, walkways and driveways in a proposed development. Impervious cover excludes ponds and areas with gravel placed over pervious surfaces that are used only for

landscaping or by pedestrians. For an uncovered wood deck that has drainage spaces between the deck boards and that is located over a pervious surface, fifty percent (50%) of the horizontal area of the deck is included in the measurement of impervious cover.

"Maximum allowable net density" shall mean the total number of dwelling units or housing structures per unit of land based on the net useable acres. The maximum allowable net density shall not exceed the density established by this section and applicable law.

"Multiple family dwellings" shall mean apartment buildings and other multiple family dwellings other than fee simple town homes and fee simple condominiums.

"Net useable acres" (n.u.a.) shall mean the total acreage of a proposed development under this classification, less any streets, rights-of-way and public lands.

"One hundred (100) year flood plain" shall mean any land susceptible to being flooded or inundated by water during a storm or other weather event with accumulated precipitation of a measured amount which occurs, on average, once every one hundred (100) years. This definition shall include, without limitation, any land identified on the Flood Insurance Rate Map as being within a delineated zone of special flood hazard.

"Owner" shall mean all parties applying for rezoning, including but not limited to the property owner and his agents or assigns.

"Parking space, off-street" shall mean any off-street parking space consisting of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.

"Pocket park" shall mean a park for active or passive recreational uses consisting of buildable land. The total area of the pocket park shall be one (1) acre. This area requirement for pocket parks may be divided in half where the development will provide two or more pocket parks. Where required, pocket parks shall be located in those parts of the development which are at the greatest walking distance from the highest amenities based upon the area occupied by that amenity.

"Private alleyway" shall mean an alley located in the rear of apartments, townhouses or condominiums in RM-1, RM-2 or RM-3 districts, respectively, that provides residents with vehicular access. Private alleyways shall be maintained pursuant to the rules, regulations and policies of the city at the expense of the adjoining property owners, homeowners' associations or condominium associations. The developer or landowner shall grant the appropriate easement so that the public may use the private alleyway. Private alleyways shall be constructed to meet the following requirements: Private alleyways shall be a minimum of eighteen feet (18') in width, and sixteen feet (16') thereof shall be paved with concrete or asphalt. Concrete alleyways shall be reinforced and have a minimum depth of six inches (6"). Asphalt alleyways shall consist of a minimum of two inches (2") of type "E" or "F" asphalt topping, binder and six inches (6") of aggregate base. Curbs and gutters are not required. Private alleyways shall not have dead-ends. Private alleyways, at a minimum, shall be constructed so as to provide adequate turning radii onto public streets, driveways, residential parking garages and carports for full-size, noncommercial, two-axle vehicles. Curbs and gutters should be provided, but are not required. Private alleyways shall not have dead-ends.

"Residential parking garage" shall mean an enclosed structure attached to or part of the principal dwelling used for housing at least two (2) vehicles that has the following minimum dimensions: vehicular entrances height, ten feet (10'); interior height, eight feet (8'); vehicular entrance width, sixteen feet (16'); and overall garage width and depth, twenty-four feet (24'). The overall garage width and depth of a residential parking garage for a town home unit can be twenty feet (20'). The floor shall be constructed of concrete. Concrete floors shall be reinforced, where appropriate, and a minimum or four inches (4") in thickness with appropriate fill and base. Where residential parking garages are constructed, such structures shall not be enclosed for living space, storage purposes or any other purpose without first obtaining a variance from the city and constructing an attached residential parking garage to the main residential structure. The residential parking garage shall be kept clear so that a minimum of one (1) vehicle may be parked in the garage at all times.

C. Multi-family residential districts are divided into three (3) categories: apartments (RM-1), fee simple town homes (RM-2) and condominiums (RM-3).

D. Multi-Family Residential District--Apartments--RM-1.

1. Permitted Uses.

a. Multiple-family dwellings, excluding fee simple townhouses and fee simple condominiums.

b. Local, state and federal governmental buildings.

c. Publicly owned and operated parks and recreation areas.

d. Temporary buildings and storage of materials in conjunction with construction of a building on a lot or adjacent lots where residential construction is taking place.

2. Accessory Uses. None.

3. Conditional Uses. There are no conditional uses.

4. Conditional Exceptions. There are no conditional exceptions.

5. Development Standards. The following development standards shall apply except to the extent permitted under subsection 9 below:

a.	Per acre that is located outside of the one hundred (100) year flood plain	Four (4) apartment dwelling units.
b.	Minimum lot width	One hundred feet (100').
c.	Minimum front yard	Sixty feet (60') from right-of-way line.
d.	Minimum side yard	Twenty feet (20').
e.	Minimum distance between buildings	Forty feet (40').
f.	Minimum rear yard	Forty feet (40').
g.	Maximum height	The lesser of forty-five feet (45') or four (4) stories.
h.	Minimum floor area (heated space)	Nine hundred (900) square feet for a one (1) bedroom unit; one thousand two hundred (1,200) square feet per two (2) bedroom unit; and for three (3) or more bedroom units, two hundred (200) additional square feet per bedroom.
i.	Curb and	Required.

	gutter	
j.	Paved driveway	Required; located in rear of residential structure.
k.	Public alleyway	Required.
l.	Public sewage system	Required.
m.	Public water system	Required.
n.	Parking	Required; for units without residential parking garages, two (2) off-street parking spaces for each one (1) or two (2) bedroom apartment and one (1) additional off-street parking space for each additional bedroom are required. For units with a residential parking garage, one (1) additional off-street parking space is required for the third and each additional bedroom. Where residential parking garages are provided, driveways shall not count as off-street parking spaces in satisfaction of this requirement.
o.	Residential parking garage	A residential parking garage is required for at least twenty-five percent (25%) of the units; such structures shall be attached to the main structure.
p.	Sidewalk	Required; on both sides of all streets within any development developed under

		the standards of this district. Sidewalks must be made of concrete a minimum of four inches (4") in depth and four feet (4') in width and located at least four feet (4') from the backside of the curb so as to provide a buffer between the street and sidewalk. A multiuse path, as described in subparagraph (q), may be substituted for a sidewalk.
q.	Multiuse paths	(1) Multiuse paths are required in all developments developed under the standards of this district. Such paths shall be constructed to connect residential lots with all the amenity areas of the development. (i) To ensure the greatest practicable connectivity, multiuse paths shall be located in accordance with either or a combination of both of the following plans: (1) multiuse paths constructed along the perimeter of the development shall be accessible to residents within the interior of the development via sidewalks, streets or alleys and/or (2) multiuse paths constructed in the interior of the development shall run along at least one (1) side of

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each street in the development so as to be accessible to residents living along those streets. The final placement of the multiuse paths under either or a combination of the above plans shall be approved during the review and approval process for the final plat or each final plat if the development is developed in phases.

(ii) The land owner or developer shall extend the multiuse path from the development to the nearest commercial area outside the development or to the nearest existing multiuse path that provides such connectivity. Upon application by the owner or developer, however, the city reserves the right to reduce, eliminate or modify this requirement if: (1) the landowner or developer tenders to the city or its designee funds, equal to the amount which would be expended by the developer to design and construct the multiuse path extension required under this subsection; (2) the city or its designee confirm that the funds deposited will be used for design and

construction of a multiuse path benefitting the public at large, consistent with applicable law; (3) the city or its designee votes to accept such funds and exercise the right to reduce, eliminate or modify the multiuse path requirement in this subsection in a manner and to a degree acceptable to the landowner or developer; (4) the city or its designee places such funds in escrow to be used solely for the purposes outlined in this section; and (5) all documents necessary to satisfy this section are executed, subject to approval by the city attorney as to form. In determining whether to reduce, eliminate or modify the multiuse path requirement under this subsection, the city or its designee shall consider whether doing so will promote public health, safety and welfare by enabling the public at large to receive a higher quality multiuse path in a more cost-efficient manner than would be provided by the developer.

(iii) Multiuse paths may not be constructed in lieu of streets or alleyways, nor may streets or alleyways

constitute any portion of multiuse paths except where such paths cross over the width of a street or alleyway. An alleyway may constitute a multiuse path where it is at least twenty-two feet (22') in width with demarcations, either by different shaded surfaces or a solid or dashed line, to designate that at least four feet (4') of the width a the path is solely for pedestrian use, and it connects to all areas of the development. At least twenty feet (20') of such an alleyway shall be paved with concrete or asphalt.

(iv) The developer or land owner shall grant the appropriate easement so that the public may use the multiuse paths or

dedicate the multiuse path to the city for public use.

(v) Multiuse paths shall be constructed of concrete, asphalt, some pervious material approved by the city or a combination thereof. If pervious material is used, it shall not be a loose material (e.g., wood chips, gravel, sand or dirt), and it shall have a life

		span comparable to or better than that of asphalt. Multiuse paths shall be a minimum of four inches (4") in depth, ten feet (10') in width with demarcations, either by different shaded surfaces or a solid or dashed line, to designate that at least four feet (4') of the width of the path is for pedestrian use while the remaining portion of the width of the path may be used for bicycles and motorized carts.
r.	Central garbage facility	Required development shall provide centralized garbage facilities for garbage and refuse collection. Individual residential garbage pick-up per unit shall not be permitted.
s.	School children waiting area	A covered structure to house school-aged children waiting for transportation to school is required at the main entrance in all developments developed under the standards of this district. (i) The structure must be built of sufficient size to house all children of school age residing within the development. (ii) The main entrance to all developments must also provide a turnaround area

		with a minimum turning radius of forty feet (40') to allow any Henry County school bus to turn around in one (1) continuous movement.

6. Amenities.

a. Required Amenities. Except as otherwise provided for herein, all developments under this section shall feature a clubhouse consisting of a minimum of one thousand three hundred (1,300) square feet, a junior-size Olympic pool and a children' s play area, and, if subject to the requirements in subsection 9 below, additional amenities shall be required. The developer of the property shall satisfy this requirement prior to the completion of fifty percent (50%) of the development. When additional amenities are required, the developer of the property shall select from the following list the additional required amenities, or such other amenities of equal or greater value as the city council may approve:

A wading pool for children, in addition to the adult sized pool, consisting of a minimum of two hundred (200) square feet.

Tennis courts--one lighted and enclosed facility featuring a minimum of two (2) playing courts.

Walking trails--at least two thousand feet (2,000') in length, three feet (3') in width. Multiuse paths can constitute walking trails so long as they are appropriately demarcated to designate that at least four feet (4') of the width is solely for pedestrian use.

A central park or pocket park; unless approved by city council, only one (1) of either type of park may be counted towards satisfaction of the amenity requirement.

A baseball field--(reg.) regulation size.

A baseball field--(LL) little league size.

A softball field regulation size--(adult).

A soccer field--regulation size.

A multiuse field--football and soccer.

A multiuse field--football and baseball.

A football field--regulation size.

A lake--with fishing dock and boat access.

A regulation-size basketball court with two backboards, hoops, net structures, and enclosed with wire fencing eight feet (8') in height.

b. Multiple District Development. Where a development developed under these standards includes any combination of RM-I, RM-2 or RM-3 districts, the amenity package required can be consolidated. The city shall determine the required amenity package at the time of zoning.

7. Residential Facades. Within a development developed under the standards of this district, building facades shall consist of no less than fifty percent (50%) brick. The remaining facades shall consist, in any ratio the developer chooses, of stucco, stone, hardiplank or other masonry siding approved by the council, wood, or any combination thereof. Vinyl or aluminum siding shall not be permitted, except by variance.

8. Maximum Density. Except as otherwise provided for in subsection 9 below, the maximum permissible density for a multiple-family development shall be four (4) apartment dwelling units per acre.

9. Increased Density Provisions.

a. Apartment developers may request an increase in density up to eight (8) apartment dwelling units per usable acre.

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b. If an applicant seeks increased density under this subsection, the following rules shall apply:

(1) Applicant must establish, with multiple surveys and calculations certified by a registered engineer, that increasing the maximum height of the structures to be constructed in a manner not to exceed four (4) stories will permit the increased number of dwelling units to occupy land equal to or less than the amount of land which would be otherwise occupied by the number of multi-family units that could ordinarily be constructed on the property under the provisions of this section.

(2) Applicant shall construct the required amenities under subsection 6 above.

(3) Applicant shall construct the additional amenities based upon the number of apartment units included in each development, as follows:

Units	Amenities Required
0--25	Required amenities
26--50	Three (3) additional amenities

One (1) additional amenity for each fifty (50) units, or part thereof, above fifty (50).

(4) None of the facilities referred to in this section may be used jointly for the purpose of complying with the foregoing requirements.

(5) All areas that are not transferred as provided under the definition of net useable acres, used for the construction of amenity packages, parking and other nonresidential components required under the ordinance, or for the apportioned dwelling units themselves, shall be left in their natural state and shall remain part of the title to the zoned property and shall not be conveyed as a separate tract of land.

(6) A notice shall be filed of record in the office of the clerk of the Henry County Superior Court sufficient to give notice of these restrictions to subsequent owners of the property.

(7) Building Facades. Building facades should consist of no less than seventy percent (70%) brick or rock. The remaining facade shall consist of hardiplank, stucco or other masonry siding approved by the council.

(8) Applicant shall provide, for units without a residential parking garage, two (2) off-street parking spaces for each one (1) bedroom apartment and three (3) off-street parking spaces per dwelling unit with two (2) or three (3) bedrooms and one (1) additional off-street parking space per apartment with over three (3) bedrooms. Where residential parking garages are provided, driveways shall not count as parking spaces in satisfaction of this provision.

(9) Applicant shall maintain a thirty foot (30') planted buffer along the proposed development where it abuts adjoining properties and public roadways. Where vegetation is limited in density, the developer shall plant trees consistent with existing vegetation and the approved buffer plan.

10. Maximum Acreage. The maximum permissible acreage for a multiple-family development shall be thirty (30) acres, unless the development is part of a planned development district as defined in Section 3-l7-157.

11. Miscellaneous Provisions.

a. Any portion of a multiple-family site that is located in the one hundred (100) year flood plain area or consists of a wetland will not normally be included in the density calculation. However, the city reserves the right to issue a variance on the method of calculation of maximum permissible density as it applies to areas designated as flood plain or wetland on a case by case basis, consistent with this section. Fifty percent (50%) of the acreage within the one hundred (100) year flood zone, or wetlands may be included in the computation of the n.u.a. if such acreage has been deeded, in accordance with the procedures under this definition, in fee simple to the city, some other public entity or a nonprofit organization, any of which will maintain such

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land in its natural, undeveloped state in perpetuity. The deeding process of land in the one hundred (100) year flood zone or wetlands shall be as follows: (1) such land must be offered first to the city; (2) if the city declines to accept the deed to such land, then it may be offered to some other public entity; (3) if no other public entity accepts the deed to such land, then it may be offered to a non-profit organization after such organization has been approved by the city to accept the deed to such land. Easements for drainage, sanitary sewer, buffers, etc., shall not be excluded from the calculation of net usable acres.

b. Impervious Cover Requirements. The development plan shall demonstrate that the development will comply with all impervious cover requirements set forth in the city zoning ordinance, watershed ordinances, wetland ordinance, soil erosion and sedimentation control ordinance, stormwater ordinance and groundwater recharge ordinance, as applicable. Under no circumstances, however, shall impervious cover exceed twenty-five percent (25%) of the land area of any parcel on which a new development is placed that is located in a watershed protection district. The impervious requirement shall be certified by a licensed surveyor, engineer, landscape architect or any other professional authorized to render similar services under state law.

c. If the property is developed as a gated community, the gate must be maintained and monitored by the owners of the property at their expense.

d. Final plans of the development showing lot dimensions, buffers, landscaping, amenities and all calculations required by this section shall be reviewed and approved by the city or its designee prior to building permits being issued.

e. All yards referenced in this code section shall be sodded yards.

f. In the event of a conflict between this section and any other code provision, the terms of this section shall control.

E. Multiple Family Residence District--Townhouses--RM-2.

1. Purpose. It is the intent of this district to provide for the development of fee simple townhouses at moderate to high densities on lots where public water and sewer systems are provided.

2. Definitions. These definitions apply to this subsection E only.

"Lot" shall mean that parcel of land used to develop more than one (1) townhouse unit as part of a common development, rather than each individual parcel of real property owned in fee simple by the individual townhouse owner.

"Townhouse" shall mean a fee simple townhome and the land upon which it is located, which is a type of dwelling unit normally having two (2), but sometimes three (3), stories; connected to another townhome by a common wall that entirely adjoins the dwelling units; and commonly sharing ownership in common the surrounding grounds.

3. Permitted Uses;

a. Fee simple townhouses;

b. Local, state and federal governmental buildings;

c. Publicly owned and operated parks and recreation areas;

d. Temporary buildings and storage of materials in conjunction with construction of a building on a lot or adjacent lots where residential construction is taking place.

4. Accessory Uses. None.

5. Conditional Uses. Upon application to and recommendation by the planning commission, and favorable decision thereon by the city council, the following conditional uses are permitted in this district:

There may be an exception to the definition townhome granted where, for instance, the contour, shape, size, location, geology and topography of the land do not allow the adjoining common walls to be connected in their entirety. If any such exception is granted, the units shall be one hundred percent (100%) brick or stone on all exterior facades.

6. Conditional Exceptions. There are no conditional exceptions.

7. Development Standards. The following development standards shall apply except to

the extent permitted under subsection 11:

a.	Per acre that is located outside of the one hundred (100) year flood plain	Five (5) townhouse dwelling units per acre.
b.	Minimum lot width	One hundred (100) feet.
c.	Minimum unit width	Twenty (20) feet.
d.	Minimum front yard	Twenty (20) feet from right-of-way line.
e.	Minimum distance between buildings	Forty (40) feet.
f.	Minimum rear yard	Thirty (30) feet.
g.	Maximum height	The lesser of forty-five (45) feet or four (4) stories.
h.	Minimum floor area (heated space)	One thousand (1,000) square feet for a one (1) bedroom unit; one thousand three hundred (1,300) square feet per two (2) bedroom unit; one thousand four hundred (1,400) square feet per three (3) bedroom unit; and two hundred (200) additional square feet per additional bedroom.
i.	Maximum units per building	Five (5).
j.	Curb and gutter	Required.
k.	Paved driveway	Required; located in rear of building.
l.	Private alleyway	Required.

m.	Public sewage system	Required.
n.	Public water system	Required.
o.	Parking	Required; one (1) additional off-street parking space for the third and each additional bedroom. Where residential parking garages are provided, driveways shall not count as parking spaces in satisfaction of this requirement.
p.	Residential parking garage	A residential parking garage is required for each unit; such structures shall be attached to the main structure, and only accessible from the rear of the building. A private alleyway for access to all garages is required.
q.	Sidewalk	Required; on both sides of all streets within any development developed under the standards of this district. Sidewalks must be made of concrete a minimum of four inches (4") in depth and four feet (4') in width and located at least four feet (4') from the backside of the curb so as to provide a buffer between the street and sidewalk. A multiuse path, as described in subparagraph (r), may be substituted for a

		sidewalk.
r.	Multiuse paths	(1) Multiuse paths are required in all developments developed under the standards of this district. Such paths shall be constructed to connect residential lots with all the amenity areas of the development. (i) To ensure the greatest practicable connectivity, multiuse paths shall be located in accordance with either or a combination of both of the following plans: (I) multiuse paths constructed along the perimeter of the development shall be accessible to residents within the interior of the development via sidewalks, streets or alleys and/or (2) multiuse paths constructed in the interior of the development shall run along at least one (1) side of each street in the development so as to be accessible to residents living along those streets. The final placement of the multiuse paths under either or a combination of the above plans shall be approved during the review and approval process for the final plat or each final plat if the development is developed in

			phases. (ii) The land owner or developer shall extend the multiuse path from the development to the nearest commercial area outside the development or to the nearest existing multiuse path that provides such connectivity. Upon application by the owner or developer, however, the city reserves the right to reduce, eliminate or modify this requirement if: (1) the landowner or developer tenders to the city or its designee funds, equal to the amount which would be expended by the developer to design and construct the multiuse path extension required under this subsection; (2) the city or its designee confirms that the funds deposited will be used for design and construction of a multiuse path benefitting the public at large, consistent with applicable law; (3) the city or its designee votes to accept such funds and exercise the right to reduce, eliminate or modify the multiuse path requirement in this subsection in a manner and to a degree acceptable to the landowner or

developer; (4) the city or its designee places such funds in escrow to be used solely for the purposes outlined in this section; and (5) all documents necessary to satisfy this section are executed, subject to approval by the city attorney as to form. In determining whether to reduce, eliminate or modify the multiuse path requirement under this subsection, the city or its designee shall consider whether doing so will promote public health, safety and welfare by enabling the public at large to receive a higher quality multiuse path in a more cost-efficient manner than would be provided by the developer.

(iii) Multiuse paths may not be constructed in lieu of streets or alleyways, nor may streets or alleyways constitute any portion of multiuse paths except where such paths cross over the width of a street or alleyway. An alleyway may constitute a multiuse path where it is at least twenty-two feet (22') in width with demarcations, either by different shaded surfaces or a solid or dashed line, to designate

			that at least four feet (4') of the width of the path is solely for pedestrian use, and it connects to all areas of the development. At least twenty feet (20') of such an alleyway shall be paved with concrete or asphalt. (iv) The developer or land owner shall grant the appropriate easement so that the public may use the multiuse paths or dedicate the multiuse path to the city for public use. (v) Multiuse paths shall be constructed of concrete, asphalt, some pervious material approved by the city or a combination thereof. If pervious material is used, it shall not be a loose material (e.g., wood chips, gravel, sand or dirt) and it shall have a life span comparable to or better than that of asphalt. Multiuse paths shall be a minimum of four inches (4") in depth, ten feet (10') in width with demarcations, either by different shaded surfaces or a solid or dashed line, to designate that at least four feet (4') of the width of the path is for pedestrian use while the remaining portion

		of the width of the path may be used for bicycles and motorized carts.
s.	Central garbage facility	Required; development shall provide centralized garbage facilities for garbage and refuse collection. Individual residential garbage pick-up per unit shall not be permitted.
t.	School children waiting area	A covered structure to house school aged children waiting for transportation to school is required at the main entrance in all developments developed under the standards of this district. (i) The structure must be built of sufficient size to house all children of school age residing within the development. (ii) The main entrance to all developments must also provide a turnaround area with a minimum turning radius of forty feet (40') to allow any Henry County school bus to turn around in one (1) continuous movement.

8. Amenities.

a. Required Amenities. Except as otherwise provided for herein, all developments under this section shall feature a clubhouse consisting of a minimum of one thousand three hundred (1,300) square feet, a junior-size Olympic pool, and a children' s play area. If subject to the requirements in subsection 11 below, additional amenities shall be required. The developer of the property shall satisfy this requirement prior to the completion of fifty percent (50%) of the development. When additional amenities are required, the developer of the property shall select from the following list of the additional required amenities or such other amenities of equal or greater value

as the city council may approve:

A wading pool for children, in addition to the adult sized pool, consisting of a minimum of two hundred (200) square feet.

Tennis courts--one lighted and enclosed facility featuring a minimum of two (2) playing courts.

Walking trails--at least two thousand feet (2,000') in length, three feet (3') in width; multiuse paths can constitute walking trails so long as they are appropriately demarcated to designate that at least four feet (4') of the width of the path is solely for pedestrian use.

A central park or pocket park; unless approved by city council, only one (1) of either type of park may be counted towards satisfaction of the amenity requirement.

A baseball field--(reg.) regulation size.

A baseball field--(LL) little league size.

A softball field--regulation size (adult).

A soccer field--regulation size.

A multiuse field--football and soccer.

A multiuse field--football and baseball.

A football field--regulation size.

A lake--with fishing dock and boat access.

A regulation-size basketball court with two (2) backboards, hoops, net structures and enclosed with wire fencing eight feet (8') in height.

b. Multiple District Development. Where a development developed under these standards includes any combination of RM-1, RM-2 or RM-3 districts, the amenity package required can be consolidated. The city shall determine the required amenity package at the time of zoning.

9. Residential Facades. Within any development developed under the standards of this district, a minimum of twenty percent (20%) of the townhome units shall be brick on all exterior facades, and twenty percent (20%) of the townhome units shall be stucco, stone, brick or any combination thereof on all exterior facades. In addition, thirty percent (30%) of the townhome units shall have a front facade consisting entirely of stucco, stone, brick or any combination thereof. The remaining fifty percent (50%) of the townhome units shall consist, in any ratio the developer chooses, of stone, brick, stucco, hardiplank, other masonry siding, wood or any combination thereof. Of the ten percent (10%) of the townhome units required to be brick on all exterior facades, no less than fifty percent (50%) must be units on the end of a building. The remaining facade shall consist of hardiplank, stucco or other masonry siding approved by the city council. Vinyl or aluminum siding shall not be permitted, except by variance.

10. Maximum Density. Except as otherwise provided for in subsection 11 below, the maximum permissible density for a multiple-family development shall be five (5) townhouse dwelling units per acre. Impervious area for any development shall not exceed twenty-five percent (25%) of the land developed.

11. Increased Density Provisions.

a. Townhouse developers may request an increase in density up to eight (8) townhouse dwelling units per usable acre.

b. If an applicant seeks increased density under this subsection, the following rules shall apply:

(1) Applicant must construct the required amenities under subsection 8 above.

(2) Applicant must construct the additional amenities based upon the number of townhouses included in each development, as follows:

Units	Amenities Required
0--25	Required amenities
26--50	Three (3) additional

One (1) additional amenity for each fifty (50) units, or part thereof, above fifty (50).

(3) None of the facilities referred to in this section may be used jointly for purpose of complying with the foregoing requirements.

(4) All areas that are not transferred as provided under the definition of net usable areas, used for the construction of amenity packages, parking and other nonresidential components required under the ordinance, or used for the townhomes themselves, shall be left in their natural state and shall remain part of the title to the zoned property and shall not be conveyed as a separate tract of land.

(5) A notice shall be filed of record in the office of the clerk of the Henry County Superior Court sufficient to give notice of these restrictions to subsequent owners of the property.

(6) No less than thirty-five percent (35%) of all townhome units shall be brick on all exterior facades, and thirty-five percent (35%) of the townhome units shall be stucco, stone, brick or any combination thereof on all exterior facades. Of those thirty-five percent (35%) townhome units required to be brick on all exterior facades, no less than fifty percent (50%) must be units on the end of a building. The remaining thirty percent (30%) of the townhome units shall consist, in any ratio the developer chooses, of stone, brick, stucco, hardiplank or any other masonry siding, wood or any combination thereof. The remaining facade shall consist of hardiplank, stucco or other masonry siding approved by the city council.

(7) Applicant shall maintain a thirty foot (30') planted buffer along the proposed development where it abuts adjoining properties and public roadways. Where vegetation is limited in density, the developer shall plant trees consistent with existing vegetation and the approved buffer plan.

12. Maximum Acreage. The maximum permissible acreage for a multiple-family development shall be thirty (30) acres, unless the development is part of a planned development district as defined in Section 3-17-157.

13. Miscellaneous Provisions.

a. Any portion of a multiple-family site that is located in the one hundred (100) year flood plain area or consists of a wetland will not normally be included in the density calculation. However, the city reserves the right to issue a variance on the method of calculation of maximum permissible density as it applies to areas designated as flood plain or wetland on a case by case basis, consistent with this section. Fifty percent (50%) of the acreage within the one hundred (100) year flood zone, or wetlands may he included in the computation of the n.u.a. if such acreage has been deeded, in accordance with the procedures under this definition, in fee simple to the city, some other public entity or a nonprofit organization, any of which will maintain such land in its natural, undeveloped state in perpetuity. The deeding process of land in the one hundred (100) year flood zone or wetlands shall be as follows: (1) such land must be offered first to the city; (2) if the city declines to accept the deed to such land, then it may be offered to some other public entity; (3) if no other public entity accepts the deed to such land, then it may be offered to a nonprofit organization after such organization has been approved by the city to accept the deed to such land. Easements for drainage, sanitary sewer, buffers, etc., shall not be excluded from the calculation of net usable acres.

b. Impervious Cover Requirements. The

development plan shall demonstrate that the development will comply with all impervious cover requirements set forth in the city zoning ordinance, watershed ordinances, wetland ordinance, soil erosion and sedimentation control ordinance, stormwater ordinance and groundwater recharge ordinance, as applicable. Under no circumstances, however, shall impervious cover exceed twenty-five percent (25%) of the land area of any parcel on which a new development is placed that is located in a watershed protection district. The impervious requirement shall be certified by a licensed surveyor, engineer, landscape architect or any other professional authorized to render similar services under state law.

c. If the property is developed as a gated community, the gate must be maintained and monitored by the owners of the property at their expense.

d. Final plans of the development showing lot dimensions, buffers, landscaping, amenities and all calculations required by this section shall be reviewed and approved by the city or its

designee prior to building permits being issued.

e. All yards referenced in this code section shall be sodded yards.

f. In the event of a conflict between this section and any other code provision, the terms of this section shall control.

F. Multiple Family Residence District--Condominiums--RM-3.

1. It is the intent of this district to provide for the development of fee simple condominiums at moderate to high densities on lots where public water and sewer systems are provided.

2. Definitions. These definitions will apply to this subsection F only.

"Lot" shall mean that parcel of land used to develop more than one (1) condominium unit as part of a common development.

"Condominium" shall mean a system of separate ownership of individual units connected to another condominium by a common wall that adjoins the dwelling units in a multiple unit building whereby ownership of individual units is in fee simple, together with an undivided (or shared) ownership interest in certain common property referred to as common elements.

3. Permitted Uses.

a. Fee simple condominiums;

b. Local, state and federal governmental buildings;

c. Publicly owned and operated parks and recreation areas;

d. Temporary buildings and storage of materials in conjunction with construction of a building on a lot or adjacent lots where residential construction is taking place.

4. Accessory Uses. None.

5. Conditional Uses. There are no conditional uses.

6. Conditional Exceptions. There are no conditional exceptions.

7. Development Standards. The following development standards shall apply except to the extent permitted under subsection 9 below:

a.	Per acre that is located outside of the one hundred (100) year flood plain	Six (6) condominium dwelling units per acre.
b.	Minimum lot width	One hundred feet (100').
c.	Minimum front yard	Sixty feet (60') from right-of-way line.
d.	Minimum rear	Forty feet (40').
e.	Minimum distance between buildings	Forty feet (40').
f.	Maximum height	The lesser of forty-five feet (45') or four (4) stories.
g.	Minimum floor area (heated space)	One thousand (1,000) square feet for a one (1)

		bedroom unit; one thousand three hundred (1,300) square feet per two (2) bedroom unit; and for units with three (3) or more bedrooms, two hundred (200) additional square feet per additional bedroom.
h.	Maximum units per building	Eight (8).
i.	Curb and gutter	Required.
j.	Paved driveway	Required; located in rear of residential structure.
k.	Private alleyway	Required.
l.	Public sewage system	Required.
m.	Public water system	Required.
n.	Parking	Required; one (1) additional off-street parking space for the third and each additional bedroom. Where residential parking garages or carports are provided, driveways shall not count as parking spaces in satisfaction of this requirement.
o.	Residential parking garage/carport	Either a residential parking garage or carport is required for each unit; such structures shall be attached to the main structure and only accessible from the rear of the building. A private alleyway for access to all

		garages is required.
p.	Sidewalk	Required; on both sides of all streets within any develop-ment developed under the standards of this district. Sidewalks must be made of concrete a minimum of four inches (4") in depth and four feet (4') in width and located at least four feet (4') from the backside of the curb so as to provide a buffer between the street and sidewalk. A multiuse path, as described in subparagraph (q), may be substituted for a sidewalk.
q.	Multiuse paths	(1) Multiuse paths are required in all developments developed under the standards of this district. Such paths shall be constructed to connect residential lots with all the amenity areas of the development. (i) To ensure the greatest practicable connectivity, multiuse paths shall be located in accordance with either or a combination of both of the following plans: (I) multiuse paths constructed along the perimeter of

		the development shall be accessible to residents within the interior of the development via sidewalks, streets or alleys and/or (2) multiuse paths constructed in the interior of the development shall run along at least one (1) side of each street in the development so as to be accessible to residents living along those streets. The final placement of the multiuse paths under either or a combination of the above plans shall be approved during the review and approval process for the final plat or each final plat if the development is developed in phases. (ii) The land owner or developer shall extend the multiuse path from the development to the nearest commercial area outside the development or to the nearest existing multiuse path that provides such connectivity. Upon application by the owner or developer, however, the city reserves the right to reduce, eliminate or modify this

requirement if: (1) the landowner or developer tenders to the city or its designee funds, equal to the amount which would be expended by the developer to design and construct the multiuse path extension required under this subsection; (2) the city or its designee confirms that the funds deposited will be used for design and construction of a multiuse path benefitting the public at large, consistent with applicable law; (3) the city or its designee votes to accept such funds and exercises the right to reduce, eliminate or modify the multiuse path requirement in this subsection in a manner and to a degree acceptable to the landowner or developer; (4) the city or its designee places such funds in escrow to be used solely for the purposes outlined in this section; and (5) all documents necessary to satisfy this section are executed, subject to approval by the city attorney as to form. In determining whether to

reduce, eliminate or modify the multiuse path requirement under this subsection, the city or its designee shall consider whether doing so will promote public health, safety and welfare by enabling the public at large to receive a higher quality multiuse path in a more cost-efficient manner than would be provided by the developer.

(iii) Multiuse paths may not be constructed in lieu of streets or alleyways, nor may streets or alleyways constitute any portion of multiuse paths except where such paths cross over the width of a street or alleyway. An alleyway may constitute a multiuse path where it is at least twenty-two feet (22') in width with demarcations, either by different shaded surfaces or a solid or dashed line, to designate that at least four feet (4') of the width of the path is solely for pedestrian use, and it connects to all areas of the development. At least twenty feet (20') of such an alleyway shall be paved with

		concrete or asphalt. (iv) The developer or land owner shall grant the appropriate easement so that the public may use the multiuse paths or dedicate the multiuse path to the city for public use. (v) Multiuse paths shall be constructed of concrete, asphalt, some pervious material approved by the city or a combination thereof. If pervious material is used, it shall not be a loose material (e.g., wood chips, gravel, sand or dirt) and it shall have a life span comparable to or better than that of asphalt. Multiuse paths shall be a minimum of four inches (4") in depth, ten feet (10') in width with demarcations, either by different shaded surfaces or a solid or dashed line, to designate that at least four feet (4') of the width of the path is for pedestrian use while the remaining portion of the width of the path may be used for bicycles and motorized carts.
r.	Central garbage facility	Required; development shall provide

		centralized garbage facilities for garbage and refuse collection. Individual residential garbage pick-up per unit shall not be permitted.
s.	School children waiting area	A covered structure to house school aged children waiting for transportation to school is required at the main entrance in all developments developed under the standards of this district. (i) The structure must be built of sufficient size to house all children of school age residing within the development. (ii) The main entrance to all developments must also provide a turnaround area with a minimum turning radius of forty feet (40') to allow any Henry County school bus to turn around in one (1) continuous movement.

8. Amenities.

a. Required Amenities. Except as otherwise provided for herein, all developments under this section shall feature a clubhouse consisting of a minimum of one thousand three hundred (1,300) square feet, a junior-size Olympic pool, and a children' s play area. If subject to the requirements in subsection 11 below, additional amenities shall be required. The developer of the property shall satisfy this requirement prior to the completion of fifty percent (50%) of the development. When additional amenities are required, the developer of the property shall select from the following list of the additional required amenities or such other amenities of equal or greater value as the city council may approve:

A wading pool for children, in addition to the adult sized pool, consisting of a minimum of two hundred (200) square feet.

Tennis courts--one lighted and enclosed facility featuring a minimum of two (2) playing courts.

Walking trails--at least two thousand feet (2,000') in length, three feet (3') in width; multiuse paths can constitute walking trails so long as they are appropriately demarcated to designate that at least four feet (4') of the width of the path is solely for pedestrian use.

A central park or pocket park; unless approved by city council, only one (1) of either type of park may be counted towards satisfaction of the amenity requirement.

A baseball field--(reg.) regulation size.

A baseball field--(LL) little league size.

A softball field--regulation size (adult).

A soccer field--regulation size.

A multiuse field--football and soccer.

A multiuse field--football and baseball.

A football field--regulation size.

A lake--with fishing dock and boat access.

A regulation-size basketball court with two (2) backboards, hoops, net structures and enclosed with wire fencing eight feet (8') in height.

b. Multiple District Development. Where a development developed under these standards includes any combination of RM-1, RM-2 or RM-3 districts, the amenity package required can be consolidated. The city shall determine the required amenity package at the time of zoning.

9. Residential Facades. Within any development developed under the standards of this district, building facades shall consist of no less than fifty percent (50%) brick. The remaining facades shall consist, in any ratio the developer chooses, of stucco, stone, hardiplank or other masonry siding approved by the council, wood, or any combination thereof. Vinyl or aluminum siding shall not be permitted, except by variance.

10. Maximum Density. Except as otherwise provided for in subsection 11 below, the maximum permissible density for a multiple-family development shall be six (6) condominium dwelling units per acre. Impervious area for any development shall not exceed twenty-five percent (25%) of the land developed.

11. Increased Density Provisions.

a. Condominium developers may request an increase in density up to eight (8) condominium dwelling units per usable acre.

b. If an applicant seeks increased density under this subsection, the following rules shall apply:

(1) Applicant shall construct the required amenities under subsection 8 above.

(2) Applicant shall construct the additional amenities based upon the number of condominium units included in each development, as follows:

Units	Amenities Required
0--25	Required amenities
26-50	Three (3) additional amenities

One (1) additional amenity for each fifty (50) units, or part thereof, above fifty (50).

(3) None of the facilities referred to in this section may be used jointly for purpose of complying with the foregoing requirements

(4) All areas that are not transferred as provided under the definition of net usable areas, used for the construction of amenity packages, parking and other nonresidential components required

under the ordinance, or used for the condominium units themselves, shall be left in their natural state and shall remain part of the title to the zoned property and shall not be conveyed as a separate tract of land.

(5) A notice shall be filed of record in the office of the clerk of the Henry County Superior Court sufficient to give notice of these restrictions to subsequent owners of the property.

(6) Building facades shall consist of no less than seventy-five percent (75%) brick or rock. The remaining facade shall consist of hardiplank, stucco or other masonry siding approved by the city council.

(7) Applicant shall maintain a thirty foot (30') planted buffer along the proposed development where it abuts adjoining properties and public roadways. Where vegetation is limited in density, the developer shall plant trees consistent with existing vegetation and the approved buffer plan.

12. Maximum Acreage. The maximum permissible acreage for a multiple-family development shall be thirty (30) acres, unless the development is part of a planned development district as defined in Section 3-17-157.

13. Miscellaneous Provisions.

a. Any portion of a multiple-family site that is located in the one hundred (100) year flood plain area or consists of a wetland will not normally be included in the density calculation. However, the city reserves the right to issue a variance on the method of calculation of maximum permissible density as it applies to areas designated as flood plain or wetland on a case by case basis, consistent with this section. Fifty percent (50%) of the acreage within the one hundred (100) year flood zone, or wetlands may he included in the computation of the n.u.a. if such acreage has been deeded, in accordance with the procedures under this definition, in fee simple to the city, some other public entity or a nonprofit organization, any of which will maintain such land in its natural, undeveloped state in perpetuity. The deeding process of land in the one hundred (100) year flood zone or wetlands shall be as follows: (1) such land must be offered first to the city; (2) if the city declines to accept the deed to such land, then it may be offered to some other public entity; (3) if no other public entity accepts the deed to such land, then it may be offered to a nonprofit organization after such organization has been approved by the city to accept the deed to such land. Easements for drainage, sanitary sewer, buffers, etc. shall not be excluded from the calculation of net usable acres.

b. Impervious Cover Requirements. The development plan shall demonstrate that the development will comply with all impervious cover requirements set forth in the city zoning ordinance, watershed ordinances, wetland ordinance, soil erosion and sedimentation control ordinance, stormwater ordinance and groundwater recharge ordinance, as applicable. Under no circumstances, however, shall impervious cover exceed twenty-five percent (25%) of the land area of any parcel on which a new development is placed that is located in a watershed protection district. The impervious requirement shall be certified by a licensed surveyor, engineer, landscape architect or any other professional authorized to render similar services under state law.

c. If the property is developed as a gated community, the gate must be maintained and monitored by the owners of the property at their expense.

d. Final plans of the development showing lot dimensions, buffers, landscaping, amenities and all calculations required by this section shall be reviewed and approved by the city or its designee prior to building permits being issued.

e. All yards referenced in this code section shall be sodded yards.

f. In the event of a conflict between this section and any other ordinance or code provision, the terms of this section shall control. (Ord. 03-60 § 1, 2003: Ord. 02-54 § 1, 2002)

EXHIBIT "E"

NOTICE OF DEVELOPMENT AGREEMENT

EXHIBIT "B"

MASTER PLAN FOR PROPERTY

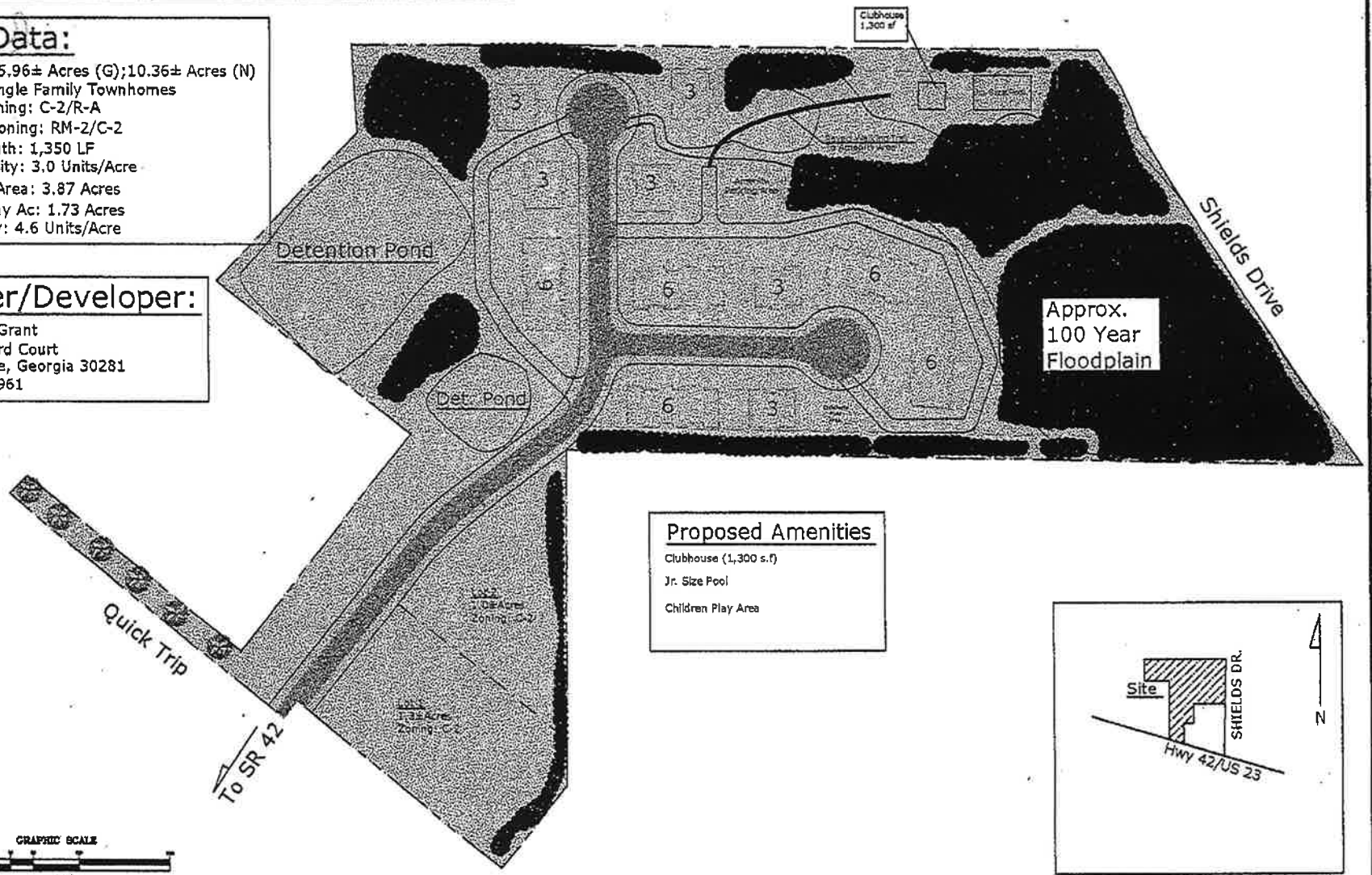
BRUSH CREEK COMMONS

Site Data:

Acreage: 15.96± Acres (G);10.36± Acres (N)
Lots: 48 Single Family Townhomes
Current Zoning: C-2/R-A
Proposed Zoning: RM-2/C-2
Street Length: 1,350 LF
Gross Density: 3.0 Units/Acre
Floodplain Area: 3.87 Acres
Right of Way Ac: 1.73 Acres
Net Density: 4.6 Units/Acre

Owner/Developer:

Mr. Royce Grant
159 Wexford Court
Stockbridge, Georgia 30281
770-389-9961



Proposed Amenities

Clubhouse (1,300 s.f)
Jr. Size Pool
Children Play Area

Location Map:

(Not to Scale)

Bunn Grading Company, Inc.

BRUSH CREEK COMMONS

SHEET 1 OF 1

EXHIBIT "C"

HENRY COUNTY REZONING EVALUATION REPORT

Henry County Planning and Zoning

RZ-03-04

Commission District: City of Stockbridge
Planning Board Member: Ray McDonald (770) 474-8654

Applicant:	Royce Grant 159 Weysford Court Stockbridge, GA 30253 (770) 389-9961
Location:	The property is located in Land Lots 59 and 70 of the 12th District, between State North Henry Boulevard and Shields Drive.
Request:	Rezoning from R-2 (Single Family Residence) and C-2 (General Commercial) to RM-2 (Multiple Family Residence District – Townhouses)
Proposed Use /Purpose:	To permit a multi-family residential subdivision
Sign Posted:	June 27, 2003
P&Z Meeting	May 15, 2003 *Planning Commission Recommended Approval with 10 conditions*
City Meeting:	**July 14, 2003**
Lot Size:	The property consists of +/- 18.26 acres.
Road Access:	North Henry Boulevard

Public Facilities

Water and Wastewater Treatment: A letter from the City of Stockbridge, dated February 4, 2003, states that public water and sewer service is available to the subject property.

Transportation: The subject property will be accessed from North Henry Boulevard, which is classified as a major arterial road on the Henry County Functional Road Map.

Zoning History

The proposed development is located within an R-2 (Single Family Residence) and C-2 (General Commercial) zoning district. Herein is the zoning for the adjacent properties:

- *North* – R-2 (Single Family Residence), RMH (Mobile Home Development)
- *East* – C-2 (General Commercial), RM (Multiple Family Residence), R-2 (Single Family Residence)
- *South* – C-2 (General Commercial), RM (Multiple Family Residence), R-3 (Single Family Residence)
- *West* – C-3 (Heavy Commercial), C-2 (General Commercial)

Current Land Use:	Vacant
Future Land Use:	Medium and High Density Residential, Commercial and Services

Development Regulations Affected by Request

All standards and regulations that fall under the RM-2 (Multiple Family Residence- Townhouses) zoning district. The applicant's request will be reviewed with regards to the following nine (9) criteria, as outlined in *Section 3-7-313* of the Henry County Ordinance.

Analysis of Request (Sec. 3-7-313)

- *The possible effects of the change in the regulations or map on the character of the zoning district, a particular piece of property, neighborhood, area or community.* ***(Criteria point 1)***

  The land use and/or zoning character of the neighborhood and community will not be adversely impacted as a result of the proposed development. The subject property is located to the north of a commercial node and to the south of single family residential uses and would serve as a good transition zone between those uses.

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

  The proposed development is consistent with the overall purpose of the City of Stockbridge zoning ordinance with respect to the townhouse development proposed for the subject property. The applicant is proposing a net density of 6.1 units per acre and the maximum allowed, as stated in *Section 8.36.100E.* of the City of Stockbridge Zoning Ordinance, is eight (8) units per acre with the required amenities. The concept plan submitted by the applicant shows three (3) additional amenities above and beyond the required amenities consisting of a clubhouse, a junior-sized Olympic pool, and a children's play area. As a result of the proposed development having seventy-five (75) units, the applicant will be required to add an additional amenity.

- *Consistency with land use plan.* ***(Criteria Point 3)***

  The applicant's request does not comply with the Henry County Joint Comprehensive Plan and the Future Land Use Map. The Future Land Use Map designates the subject property for medium to high-density residential uses at a minimum of 2.9 dwelling units per acre and a maximum of 3.9 dwelling units per acre.

- *The impact of the proposed development on infrastructure, water, sewer, adjacent thoroughfares, pedestrian and vehicular circulation and traffic volumes.* ***(Criteria Points 4 & 5)***

  A letter from the City of Stockbridge, dated February 4, 2003, states that public water and sewer service is available to the subject property. With the absence of a traffic impact study, Staff is unable to comment on the impact the proposed development will have on the existing transportation network (North Henry Boulevard). The access road from North Henry Boulevard, which is twenty-six feet (26') in width, currently meets the requirements for the width of a paved local street for residential purposes as shown in *Section 3-8-80* of the Henry County Subdivision Ordinance. The Planning & Zoning Department would recommend that the applicant submit supporting documentation from the City of Stockbridge stating that the existing access road off of North Henry Boulevard has been deeded to the City as a public road.

- *The impact upon adjacent property owners should the request be granted.* ***(Criteria Point 6)***

  There will be minimal, if any, impacts on adjacent properties. A buffer of thirty feet (30') will be required along all property lines that abut a commercially zoned property.

- *Can the subject land be developed as it is currently zoned?* ***Criteria Point 7***

The subject property can be developed as currently zoned R-2 (Single Family Residence) and C-2 (General Commercial).

- *Consideration of the physical capability of the site to be developed as requested, including; topography, drainage, access, size and shape of property.* ***Criteria Point 8***

  The eastern portion of the subject property is located within a one hundred (100) year floodplain area. The floodplain area on the concept plan does not represent the flood plain area on the FEMA (Federal Emergency Management Agency) Flood Insurance Rate Map. If the floodplain is being altered Staff recommend that a certified engineer submit a letter to the Development Plan Review Department at the plan review stage, explaining this discrepancy.

- *The merit of the requested change in zoning relative to any other guidelines and policies for development, which the planning commission and city council may use in furthering the objective of the land use plan.* ***Criteria Point 9***

  The merits of the applicant's requests to rezone the subject property from R-2 (Single Family Residence) and C-2 (General Commercial) to RM2 (Multiple Family Residence District – Townhouses) to permit a multi-family townhouse development, is reasonable and will be compatible with the surrounding land uses and zones.

Comments

The applicant's request to rezone the subject property from R-2 (Single Family Residence) and C-2 (General Commercial) to RM-2 (Multiple Family Residence District – Townhouses) to permit a multi-family townhouse development is consistent with the zoning district being requested but not consistent with the Future Land Use Map. The Future Land Use Map designated the subject property for medium to high-density residential uses at a minimum of 2.6 dwelling units per acre and a maximum of 3.9 dwelling units per acre. Staff however, recommends that the City of Stockbridge make the necessary amendment to their Future Land Use Map to make it compatible to the zoning district being requested. Staff would also recommend that the City of Stockbridge review the immediate area along North Henry Boulevard to identify and make similar adjustments to the Future Land Use Map.

The concept plan submitted by the applicant shows seventy-five (75) single family townhouse units on approximately 18.26 acres. The plan also shows a 1,300 square foot clubhouse, a multi-use trail, a junior sized Olympic pool, a wading pool, a children's play area, and a basketball court. The applicant has shown the trails as two (2) separate amenities but Staff is counting them as one (1). Therefore the applicant will be required to provide one (1) additional amenity.

Staff has a number of concerns regarding the concept plan submitted by the applicant. First of all, a few of the proposed units are fronting onto alleyways, and are required to front onto a public road. Second of all, the concept plan shows alleyways within the required buffer areas of thirty-feet (30'), which does not conform to the City of Stockbridge Zoning Ordinance. Lastly, a large portion of the subject property is located within a one hundred (100) year floodplain and Staff recommends that a certified engineer support any floodplain alteration at the plan review stage.

COPY

Recommendation

Planning Commission recommended **Approval** of the request by Royce Grant to rezone the subject property from R-2 (Single Family Residence) and C-2 (General Commercial) to RM-2 (Multiple Family Residence District – Townhouses) with the following conditions:

1. Revise site plan to adhere to all City of Stockbridge RM-2 Ordinance requirements.

2. Maximum building height shall be shown on the site plan.

3. All townhouses shall have a mixture of front façade consisting of covered entryway, porches, bay windows and balconies. Garages shall be accentuated with variations of design porticos.

4. Developer shall submit elevations of the building to be approved by the Planning and Zoning Department.

5. Each unit elevation per building shall be separate and distinct from the other. To include variations in rooflines which may be accomplished with the use of dormers, gables and or fireplaces.

6. Each unit shall have different brick, stucco and masonry theme from the other attached units.

7. Developer shall install street trees along all streets to be placed between the sidewalk and the front property lines, have a minimum two & half inch (2.5") caliper (d.b.h), shall have a minimum twenty-four square foot (24 sq.ft.) planting area and shall be spaced an average of forty-five feet (45') apart. Consisting of ginko (non-fruit bearing), Japanese zekova and or oak family type.

8. The Building Department shall not issue a building permit until such a time as the Director of the Building Department has certified that for each prospective phase of development, sewer capacity is sufficient to accommodate the additional sewage that would be generated by the proposed development.

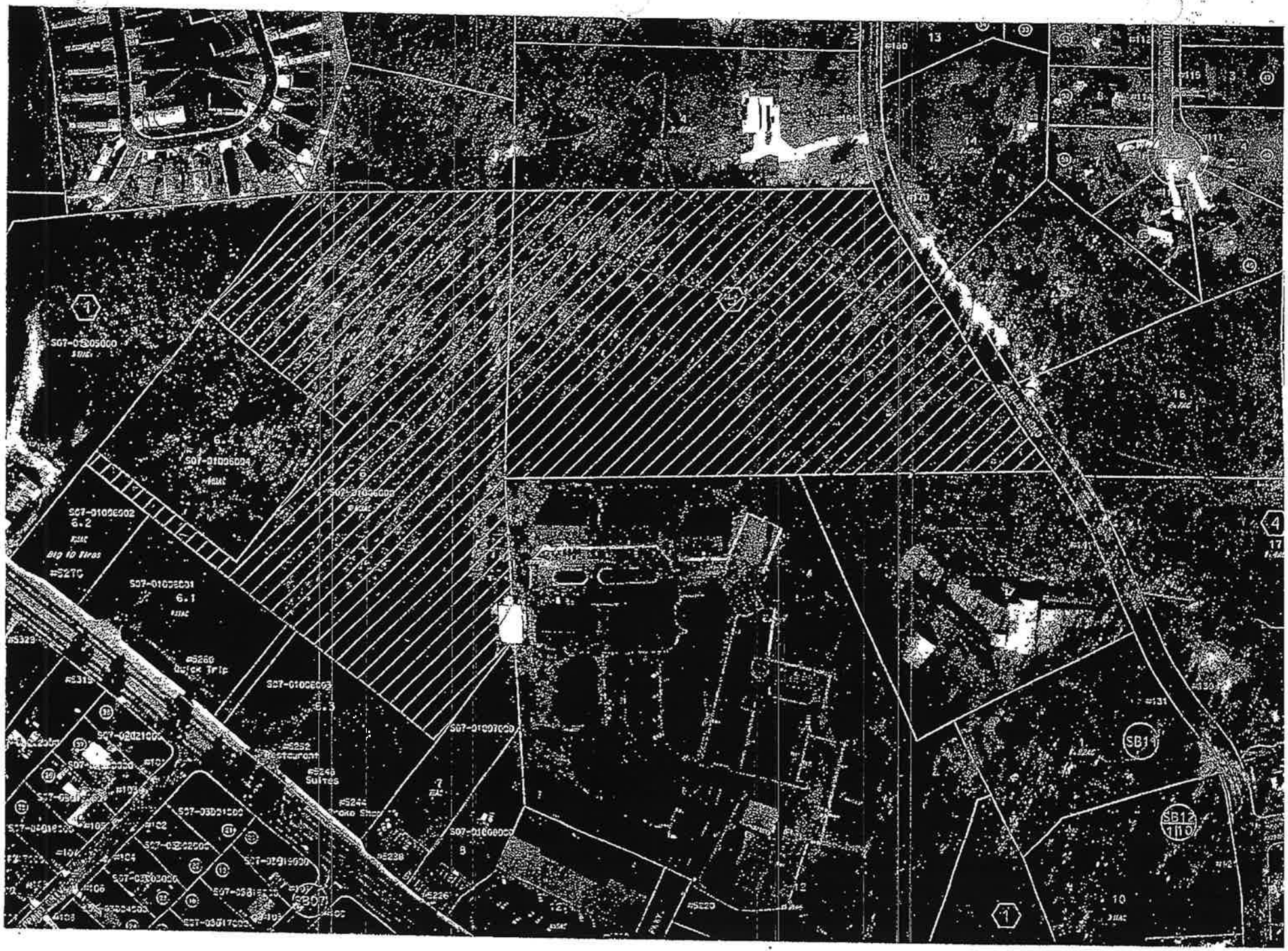
9. A street scaping plan shall be submitted to and approved by the Henry County Planning and Zoning Department to include sidewalks, street trees, landscaping, street lighting and street furniture.

10. Staff recommends that any floodplain alteration be supported by a certified engineer at the plan review stage

Attachments

- Tax Map
- Aerial Map
- Application
- Applicant Disclosure Form
- Ownership and Letter of Intent
- City of Stockbridge
- Concept Plan
- Environmental Health Letter
- Planning Commission Meeting Minutes, May 15, 2003


LILIAN CR
BV
Q1
DR
COBBLESTONE
CLUB TR
SHEPARD RD
WOODHAVEN DR
BRADBURY ACRES
HILLCREST HEIGHTS
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Big 10 Tires
Quick Trip
Restaurant
Suites
SB11
SB12
SB07
10

Henry County Planning & Zoning Petition for Rezoning, Conditional Use, Variance and other Board of Commissioners or City Appeals

Name: Royce Grant Date: 2/3/03 Phone: 770/389-9961

Address: 159 Weyford Court Pgr/Cell:

City: Stockbridge State: GA Zip: 30281 Fax

E-mail:

The above named person, who affirms that they are the owner, or agent of the owner of the property described below, requests:

Indicate the type of request/appeal with an X:

Conditional Use: _____ **Rezoning:** X **Variance:** _____ **Conditional Exception:** _____

Modifications to Zoning Conditions: _____

Appeal Administrative _____ **Non Conforming Use; Extension or Enlargement** _____

Total Amount Paid $ 1,200 Cash ____ Check# 1013 Received By: RG *(FEES ARE NON-REFUNDABLE)*

Zoning Request from R-A/C-2 (Present Zoning) to RM-2 (City of Stockbridge) (Requested Zoning)

For the Purpose of Res. Subdivision (Type of Development)

Location (Attach Plat) _____ (Street Address, if Applicable, Nearest Intersection, Etc.)

Size of Tract: 18.26 acre(s) Land Lot(s): 70 District(s): 12th

Witness - signature

Witness - print DAROLD WIGGINS

Notary

Signature of Owners

Printed Name of Owners

Signature of Agent

(For Office Use Only)

Received by:

Pre-application meeting: Date:

Application checked by: Pat Date: 2-04-03

Map#(s): 29

Recommendation of Planning Commission:

BOC Decision:

Planning Director's Signature: Date:

Applicant Campaign Disclosure Form[1]

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

Yes _____ No ✓

If Yes, the applicant and the attorney representing the applicant must file a disclosure report with the Henry County Board of Commissioners within ten (10) days after this application is first filed. Please supply the following information that will be considered as the required disclosure:

Commissioner/Planning Commission Member Name	Dollar amount of Campaign Contribution	Description of Gift $250 or greater given to Board Member

We certify that the foregoing information is true and correct, this 15 th day of Jan., 2003.

Royce Grant
Applicant's Name - Printed

Royce Grant
Signature of Applicant

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 15 th day of Jan., 2003

Kathy Lewis
Notary Public

Notary Public, Henry County, Georgia
My Commission Expires March 28, 2004

[1]Copy to be filed with planning & zoning along with a copy of the zoning application

[2]Applicant means any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association, or trust) applying for rezoning or other action.

February 3, 2003

Mr. Dale Hall
Henry County Planning and Development
140 Henry Parkway
McDonough, Georgia

RE: Letter of Intent/Letter of Ownership
18.26+/- Acres, City of Stockbridge
Henry County, Georgia

Dear Mr. Hall,

Please note that I am the current owner of said property and I am aware submitting the necessary information to your office in order to petition to rezone this property from R-A and C-2 to RM-2, per the City of Stockbridge's RM Ordinance dated August 12, 2002. If you should have any questions or comments, please do not hesitate to call me.

Sincerely,

Royce Grant
Owner

City of Stockbridge

4545 North Henry Boulevard • Stockbridge, Georgia 30281
Phone: (770) 389-7900 • Fax: (770) 389-7912
e-mail: cityhall@cityofstockbridge.com

MAYOR
R. G. Kelley

COUNCIL MEMBERS
Harold Cochran
Fred Evans
W. A. Gardner
Ronnie Simmons
Fletcher Turner, Jr.

CITY MANAGER
Ted Strickland

CITY CLERK
Merle Manders

February 4, 2003

TO WHOM IT MAY CONCERN:

The City of Stockbridge has water/sewer services available for approximately 18.26 acres located in LL59 and 70, 12th Dist., Stockbridge, Georgia for Brush Creek Commons which will consist of 75 single family town homes.

If you have questions, please contact City Hall.

Sincerely,

Charlene W. Cheatwood

Charlene W. Cheatwood
Utility Clerk

CWC/cc

SMITH, WELCH & BRITTAIN
ATTORNEYS AT LAW

ERNEST M. SMITH (1911-1992)
A.J. WELCH, JR.
J. MARK BRITTAIN
E. GILMORE MAXWELL (TN & GA)
BYRD GARLAND
BRUCE MCFARLAND
JOHN P. WEBB

2200 KEYS FERRY COURT
POST OFFICE BOX 10
MCDONOUGH, GEORGIA 30253

Telephone: 770-957-3937
Facsimile: 678-583-4888

www.swblawfirm.com

C. WALTER PENDERGRASS, III
WILLIAM A. WHITE
LEE MASON (USVI & GA)
L. SCOTT MAYFIELD
JOHNNY D. LATZAK, JR.
ANDREW J. WELCH, III (NY & GA)
TERRI S. SUTTON
PLEZ H. HARDIN
AMBER R. HOLLOWAY

December 4, 2003

Merle Manders
City of Stockbridge
4545 North Henry Boulevard
Stockbridge, Georgia 30281

Re: **City of Stockbridge – Development Agreement with Royce Grant**

Dear Merle:

Enclosed is the **original** Development Agreement between the City and Royce Grant which is ready to be signed by you and the Mayor. Please return a copy of the signature page to me for our files. Also, please execute the Notice of Development Agreement and return it to our office so we may have that filed of record. We will forward a copy to you once it is complete. Should you have any questions, do not hesitate to contact me.

With kindest regards, I am,

Sincerely,

SMITH, WELCH & BRITTAIN

A. J. Welch, Jr.

AJWjr/js
Enclosures

BOOK 6730 PAGE 132
DOC# 001016
FILED IN OFFICE
01/07/2004
10:28:34AM
BK:06730 PG:0132-
JUDITH A. LEWIS
CLERK OF
SUPERIOR COURT
HENRY COUNTY, GA

134

SWB FILE NO. 379.0042

Return to: Smith, Welch & Brittain
P. O. Box 10
McDonough, Georgia 30253
(770) 957-3937
Attn: Andrew J. Welch, III

RE: PROPERTY OF ROYCE GRANT being located in Land Lots 59 and 70 of the 12th Land District of Henry County, Georgia containing 15.96 acres and being particularly described in **Exhibit "A"** hereto attached and made a part hereof.

NOTICE OF EXECUTION OF DEVELOPMENT AGREEMENT

STATE OF GEORGIA

HENRY COUNTY

Notice is hereby given that the property described above is subject to a Development Agreement dated July 21, 2003 between the City of Stockbridge, Georgia, and Royce Grant. The original of said Development Agreement is maintained as part of the permanent records of the City of Stockbridge, Georgia. The terms and conditions of said Development Agreement are hereby incorporated herein and made a part hereof by reference.

CITY OF STOCKBRIDGE, GEORGIA

By: Merle Manders (L.S.)
Merle Manders, City Clerk

SEAL AFFIXED

[SEAL]

Signed, sealed and delivered
in the presence of the
undersigned this 16 day of
December, 2003.

Witness

Notary Public

NANCY W. BROWN NOTARY PUBLIC HENRY COUNTY GEORGIA EXPIRES OCT. 17, 2006

EXHIBIT "A"
LEGAL DESCRIPTION OF PROPERTY

BRUSH CREEK COMMONS

Legal Description

All that tract or parcel of land, containing **15.96 acres** more or less, lying and being in Land Lot 70 and 59 of the 12th District of Henry County, Georgia, as shown on preliminary plat by Bunn Grading Company, Inc., dated 7/14/03, and being more particularly described according to said plat as follows:

COMMENCING at the intersection of the centerline of Askew Road and the northern right-of-way line of State Route 42 and State 138; thence, Southeasterly a distance of 467.58 feet to an iron pin; thence, North 44 degrees 7 minutes 55 seconds East a distance of 225.72 feet to the **POINT OF BEGINNING**; thence, North 44 degrees 22 minutes 29 seconds East a distance of 34.28 feet to a point; thence, South 51 degrees 13 minutes 8 seconds East a distance of 360.00 feet to a point; thence, North 38 degrees 35 minutes 37 seconds East a distance of 360.00 feet a point; thence, North 51 degrees 32 minutes 18 seconds West a distance of 325.00 feet a point; thence, North 44 degrees 8 minutes 4 seconds East a distance of 267.48 feet to a point; thence, North 3 degrees 30 minutes 52 seconds West a distance of 113.75 feet to a point; thence, South 89 degrees 57 minutes 37 seconds East a distance of 280.97 feet to a point; thence South 10 degrees 43 minutes 44 seconds West a distance of 45.70 feet to a point; thence, North 89 degrees 58 minutes 34 seconds East a distance of 694.39 feet to a point on the western right of way line of Shields Drive; thence, along a curve having a radius of 793.27 feet, a chord bearing of South 8 degrees 19 minutes 12 seconds East a distance of 115.57 feet to a point; thence, South 31 degrees 10 minutes 46 seconds a distance of 82.49 feet to a point; thence, South 33 degrees 14 minutes 43 seconds East a distance of 306.52 feet to a point; thence, South 35 degrees 31 minutes 23 seconds East a distance of 135.04 feet to a point; thence, North 89 degrees 4 minutes 1 second West a distance of 1032.00feet to a point; thence, along the eastern right of way line of the proposed street as shown on the attached site plan by Bunn Grading Co. Inc. a distance of 481.91 feet to a point; thence, North 51 degrees 8 minutes 8 seconds West a distance of 25.00 feet to a point; thence, South 38 degrees 51 minutes 52 seconds West a distance of 28.67 feet to a point; thence, North 51 degrees 8 minutes 8 seconds West a distance of 460.68 **POINT OF BEGINNING**.

SMITH, WELCH & BRITTAIN
ATTORNEYS AT LAW

ERNEST M. SMITH (1911-1992)
A.J. WELCH, JR.
J. MARK BRITTAIN
E. GILMORE MAXWELL (TN & GA)
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JOHNNY D. LATZAK, JR.
ANDREW J. WELCH, III (NY & GA)
TERRI S. SUTTON
PLEZ H. HARDIN
AMBER R. HOLLOWAY

December 12, 2003

Merle Manders
City of Stockbridge
4545 North Henry Boulevard
Stockbridge, Georgia 30281

Re: **City of Stockbridge – Development Agreement with Royce Grant**

Dear Merle:

On December 4, 2003 our office forwarded the **original** Development Agreement between the City and Royce Grant to be signed by you and the Mayor. We have noted a typographical error on Page 11 and request that you substitute that page with the enclosure. Should you have any questions, please do not hesitate to contact me.

Sincerely,

SMITH, WELCH & BRITTAIN

Jenine Sohler

Jenine Sohler
Paralegal

Enclosure

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.

SAK

2) This agreement may be enforced by the Municipal Court of the city of Locust Grove 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.

This is the original page. 12/16/03



COPY

DEVELOPMENT AGREEMENT

FOR

BRUSH CREEK COMMONS

Location off North Henry Blvd.-behind the QT and Waffle House

Royce Grant

JULY 21, 2003

AMENDED DECEMBER 13, 2004

STATE OF GEORGIA

COUNTY OF HENRY

COPY

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 TIMBERLINE 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) aces; 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

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.

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

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 one (1) Basketball Goal at each end;
- 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:

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

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 13th day of December, 2004.

CITY OF STOCKBRIDGE, GEORGIA

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

ATTEST:

_____
MERLE MANDERS, City Clerk

(Seal)

Version 8

OWNER:

TIMERLINE GROUP, LLC

BY: _____ (L.S.)
BRIAN W. CAGLE
Managing Partner [Title]

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

_____
Notary Public

N.J. SOHLER
NOTARY
EXPIRES: 6-25-2006
PUBLIC
COWETA COUNTY GEORGIA

ATTEST: _____
James Barnes, Secretary

EXHIBIT "A"

TIMBERLINE GROUP, LLC PROPOSAL DATED OCTOBER 7, 2004

File No. 379-0000-02-23

Return to: SMITH, WELCH & BRITTAIN
2200 KEYS FERRY COURT
P. O. BOX 10
MCDONOUGH, GEORGIA 30253

RE: PROPERTY OF TIMERLINE GROUP, LLC being located in Land Lots 59 and 70 of the 12th Land District of Henry County, Georgia and being particularly described in **Exhibit "A"** hereto attached and made a part hereof.

NOTICE OF EXECUTION OF AMENDMENT TO DEVELOPMENT AGREEMENT

STATE OF GEORGIA

HENRY COUNTY

Notice is hereby given that the property described above is subject to an Amendment to Development Agreement dated December 13, 2004, between the City of Stockbridge and Timberline Group, LLC. The original of said Amendment to Development Agreement is maintained as part of the permanent records of the City of Stockbridge, Georgia. The terms and conditions of said Amendment to Development Agreement are hereby incorporated herein and made a part hereof by reference.

COPY

CITY OF STOCKBRIDGE, GEORGIA

By: Merle Manders
Merle Manders
City Clerk

[SEAL]

Signed, sealed and delivered
in the presence of the
undersigned this 18th day of
February, 2005.

Witness

Notary Public

LINDA A. GUNN NOTARY PUBLIC HENRY COUNTY EXPIRES GEORGIA APRIL 9, 2008

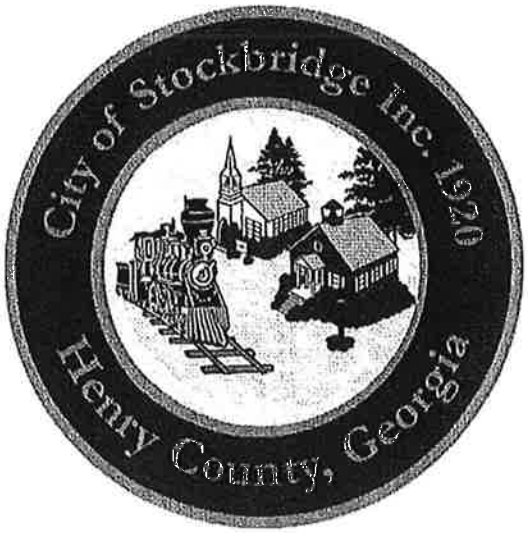
BRUSH CREEK COMMONS

Legal Description

All that tract or parcel of land, containing **15.96 acres** more or less, lying and being in Land Lot 70 and 59 of the 12th District of Henry County, Georgia, as shown on preliminary plat by Bunn Grading Company, Inc., dated 7/14/03, and being more particularly described according to said plat as follows:

COMMENCING at the intersection of the centerline of Askew Road and the northern right-of-way line of State Route 42 and State 138; thence, Southeasterly a distance of 467.58 feet to an iron pin; thence, North 44 degrees 7 minutes 55 seconds East a distance of 225.72 feet to the **POINT OF BEGINNING**; thence, North 44 degrees 22 minutes 29 seconds East a distance of 34.28 feet to a point; thence, South 51 degrees 13 minutes 8 seconds East a distance of 360.00 feet to a point; thence, North 38 degrees 35 minutes 37 seconds East a distance of 360.00 feet a point; thence, North 51 degrees 32 minutes 18 seconds West a distance of 325.00 feet a point; thence, North 44 degrees 8 minutes 4 seconds East a distance of 267.48 feet to a point; thence, North 3 degrees 30 minutes 52 seconds West a distance of 113.75 feet to a point; thence, South 89 degrees 57 minutes 37 seconds East a distance of 280.97 feet to a point; thence South 10 degrees 43 minutes 44 seconds West a distance of 45.70 feet to a point; thence, North 89 degrees 58 minutes 34 seconds East a distance of 694.39 feet to a point on the western right of way line of Shields Drive; thence, along a curve having a radius of 793.27 feet, a chord bearing of South 8 degrees 19 minutes 12 seconds East a distance of 115.57 feet to a point; thence, South 31 degrees 10 minutes 46 seconds a distance of 82.49 feet to a point; thence, South 33 degrees 14 minutes 43 seconds East a distance of 306.52 feet to a point; thence, South 35 degrees 31 minutes 23 seconds East a distance of 135.04 feet to a point; thence, North 89 degrees 4 minutes 1 second West a distance of 1032.00feet to a point; thence, along the eastern right of way line of the proposed street as shown on the attached site plan by Bunn Grading Co. Inc. a distance of 481.91 feet to a point; thence, North 51 degrees 8 minutes 8 seconds West a distance of 25.00 feet to a point; thence, South 38 degrees 51 minutes 52 seconds West a distance of 28.67 feet to a point; thence, North 51 degrees 8 minutes 8 seconds West a distance of 460.68 **POINT OF BEGINNING**.

COPY



DEVELOPMENT AGREEMENT

FOR

BRUSH CREEK COMMONS

Location off North Henry Blvd.-behind the QT and Waffle House

ROYCE GRANT

JULY 21, 2003
AMENDED DECEMBER 13, 2004
AMENDED AUGUST 13, 2007

STATE OF GEORGIA

COUNTY OF HENRY

COPY

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:

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,

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]

CITY OF STOCKBRIDGE, GEORGIA

This the 13th day
of August, 2007.

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

ATTEST:

_____
Merle Manders, City Clerk

[SEAL]

TIMBERLINE GROUP, LLC

BY: _____ (L.S.)
BRIAN W. CAGLE
MEMBER (Title)

Signed, sealed and delivered
before me this 31st day of
AUGUST, 2007.

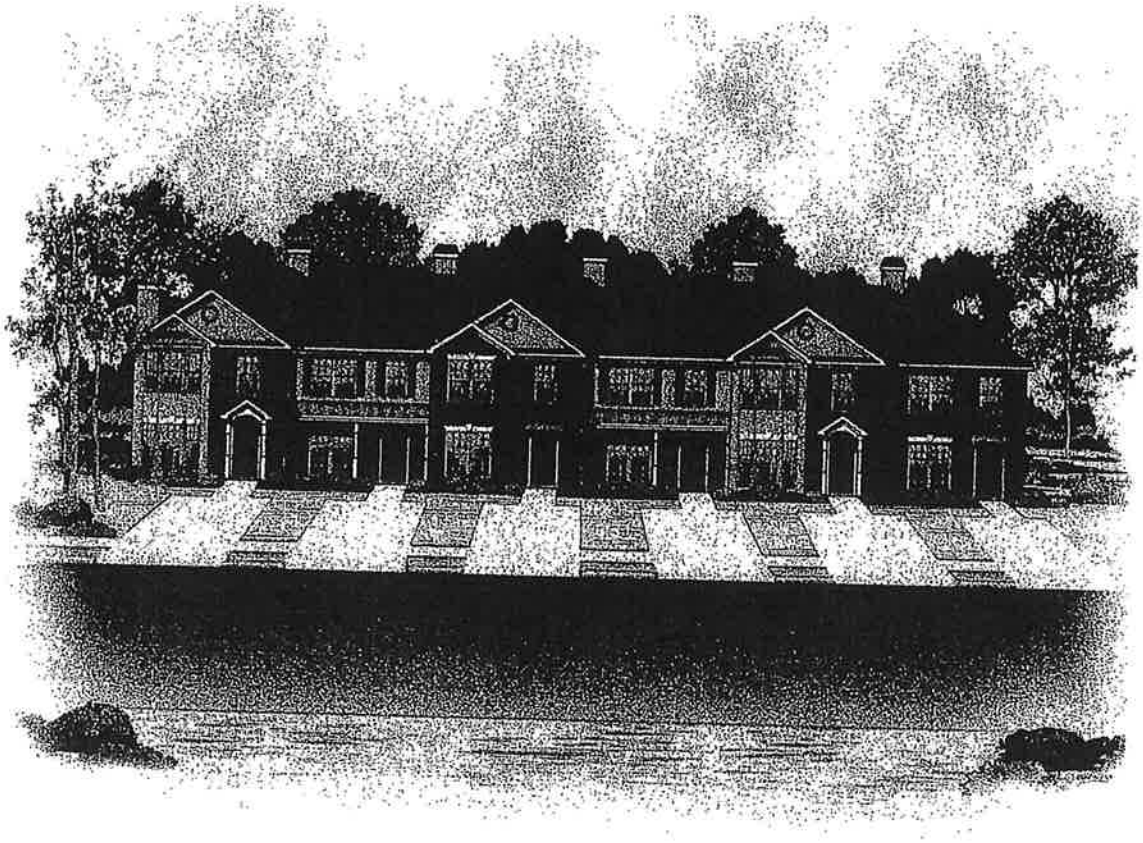
_____
Notary Public

[SEAL]

My Comm. Expires
May 11, 2009
PUBLIC
HENRY COUNTY GEORGIA

ATTEST:

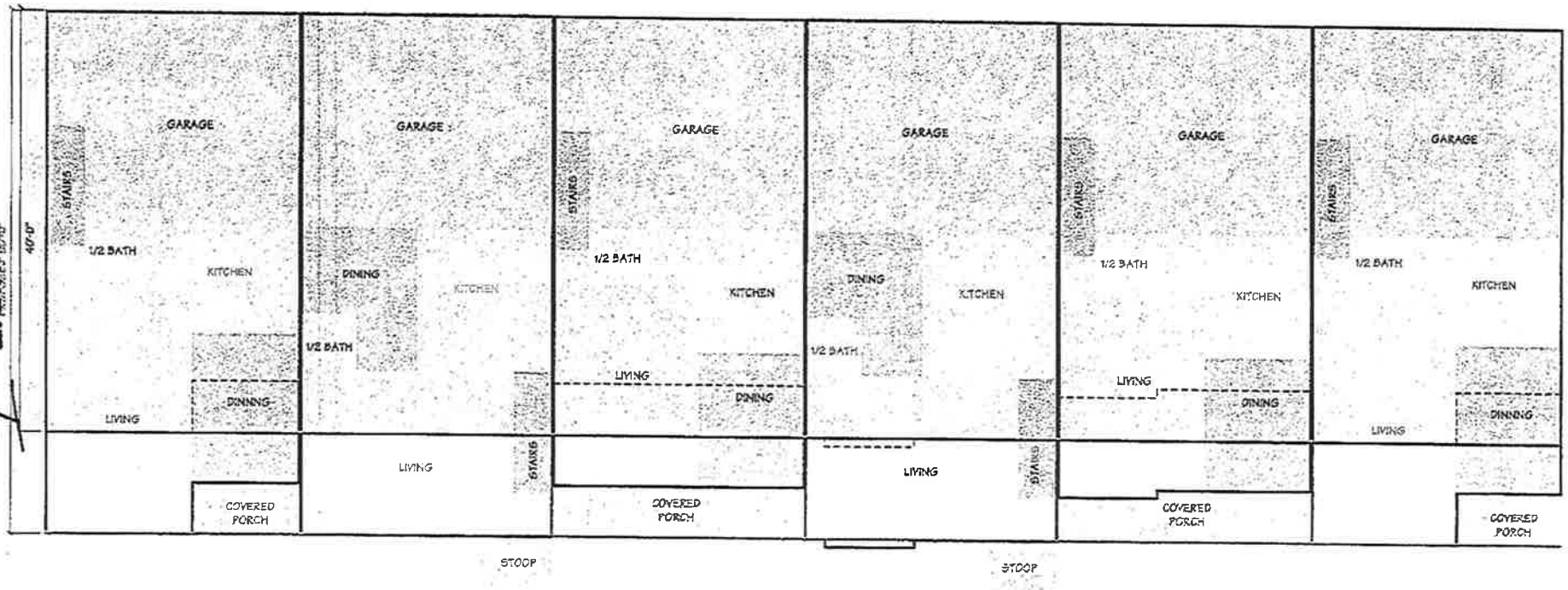
_____, Secretary
Jeffrey A. Martin



Brush Creek Commons

Timberline Group, LLC
October 7, 2004



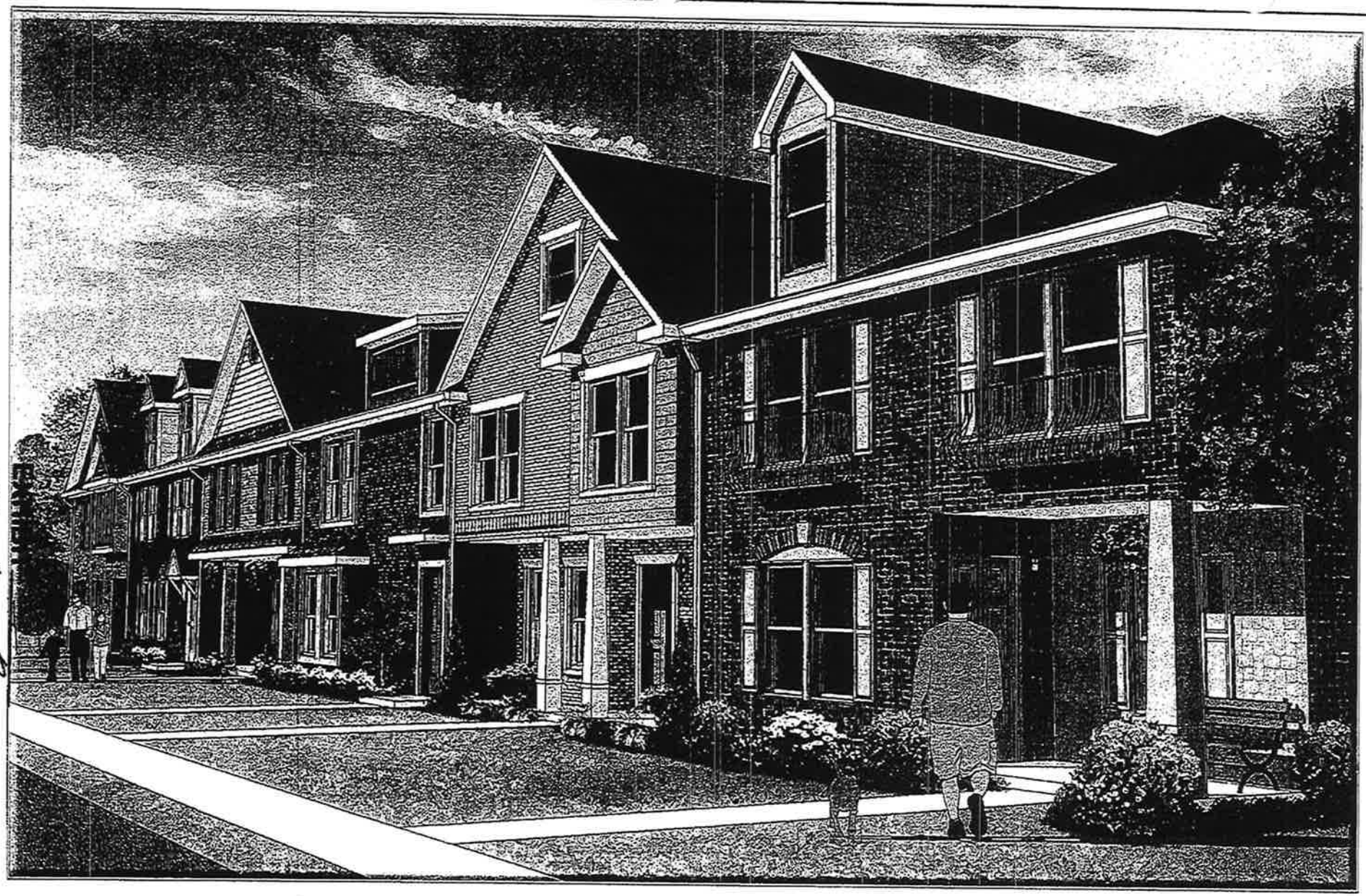


EXHIBIT

Page 1 of 2

——— - Current Building Lines

- - - -



Page 2 of 2

CAGLE HOMES
770-210-HOME
www.caglehomes.com

Elevations Information

Individual detail is achieved with a mixture of covered entryways, porches, bay windows, and balconies. Each home is separate and distinct with varying roof lines, dormers, and gables. Facades are predominantly brick, with stone, Hardi-plank or Hardi-shake accents.

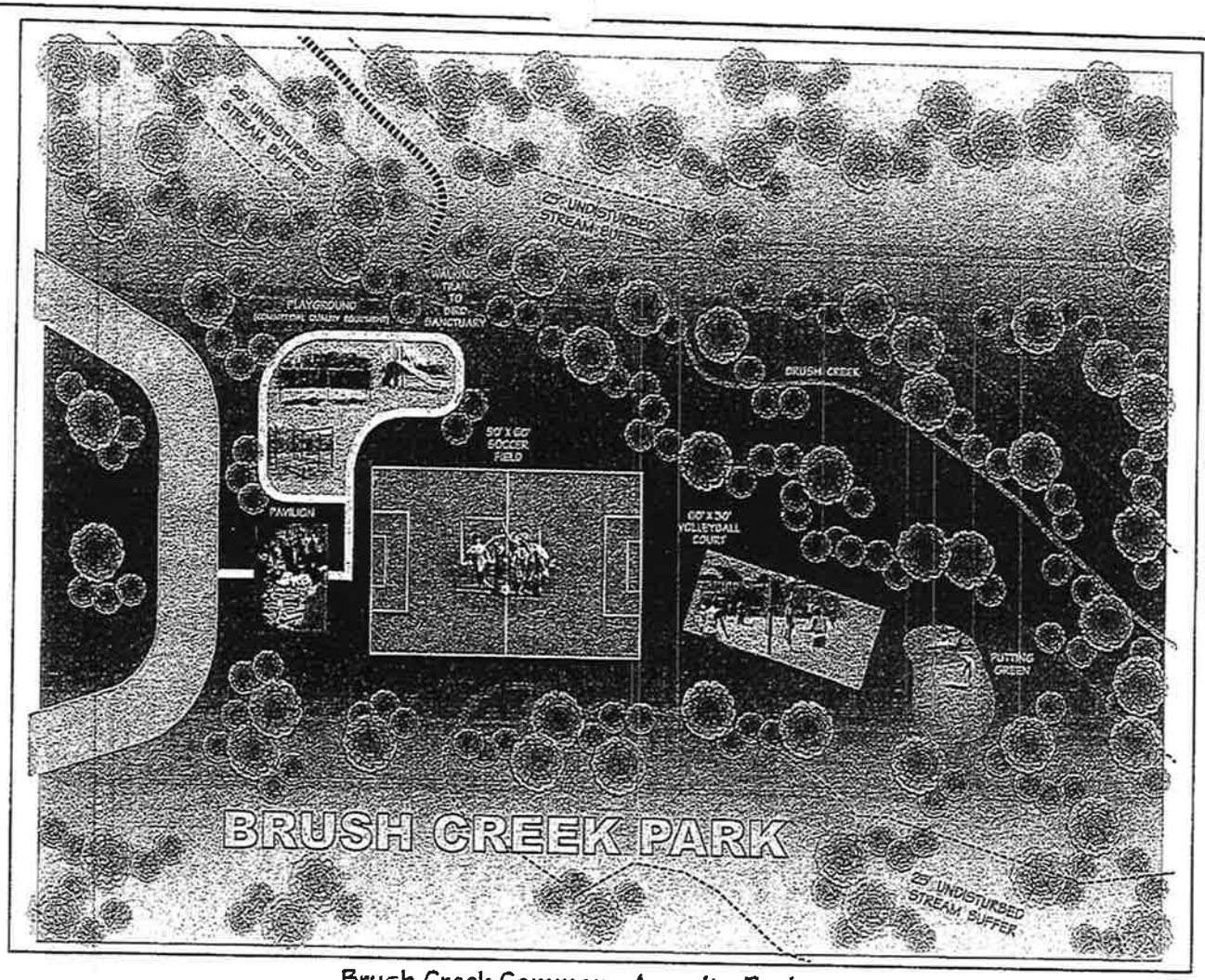

Brick


Stone


Hardi-Siding


Hardi-Shake

EXHIBIT 1
Page 3 of 3



Brush Creek Commons Amenity Package

* Gazebo at entrance of development to serve as a waiting area for school bus pickup
* Sodded Sports Area adjacent to Gazebo
* 1300 Square Foot Clubhouse with Full Kitchen and Fitness Equipment
* Fenced Tot Lot (Ages: 2 – 5) located adjacent to Clubhouse
* Brush Creek Park

1. Covered Pavilion with Picnic Area and Fireplace
2. Regulation 60' X 30' Beach Volleyball Court
3. Regulation 60' X 90' 3 on 3 Soccer Field with Goals
4. Putting Green with multiple holes and sand trap
5. Upgraded and Enlarged, commercial quality playground:
   2 Bay, 4 Station Swing Set with Buckets and Belts
   Climbing Station: "Monkey Bars", Ring Climbers, Chin-up Bar, and Balance Beam
   Free Standing Wave Slide with 5' Deck
   2 Commercial Quality Park Benches
7. Over 1400 Ft. of Walking Trail
8. Bird Sanctuary with Feeders, Houses, and Benches for observation



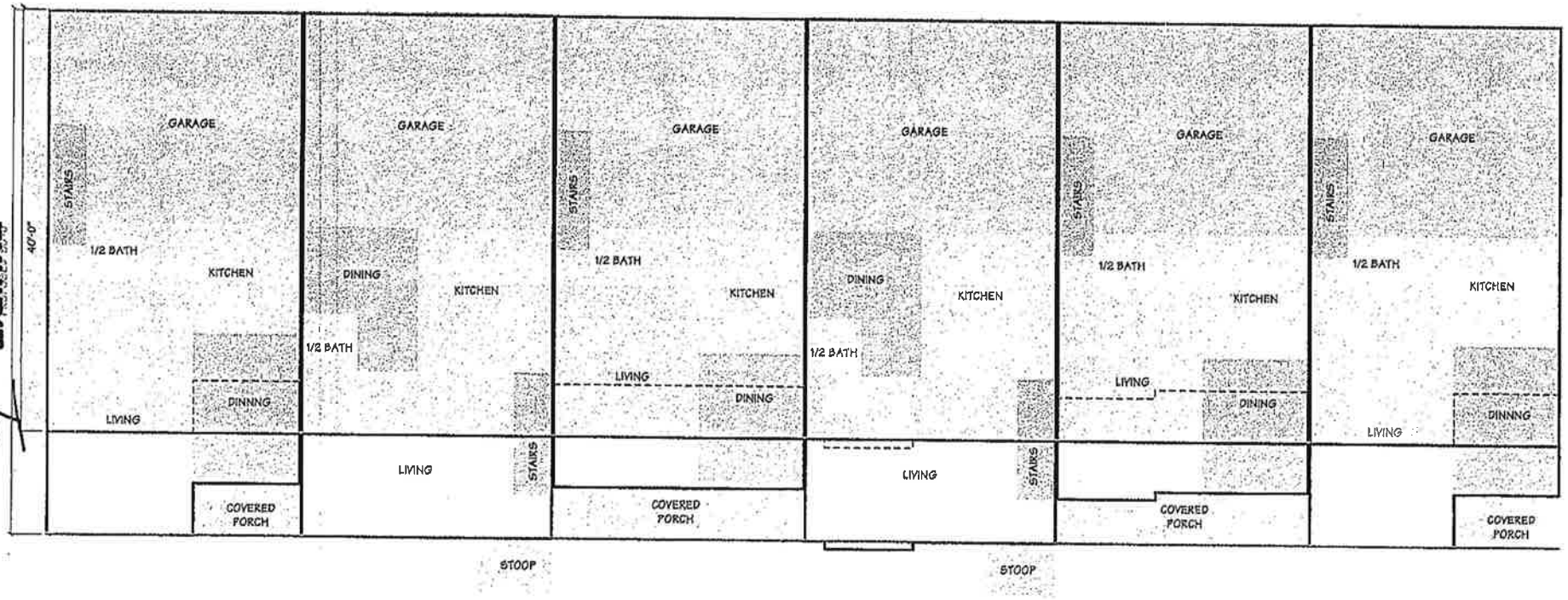
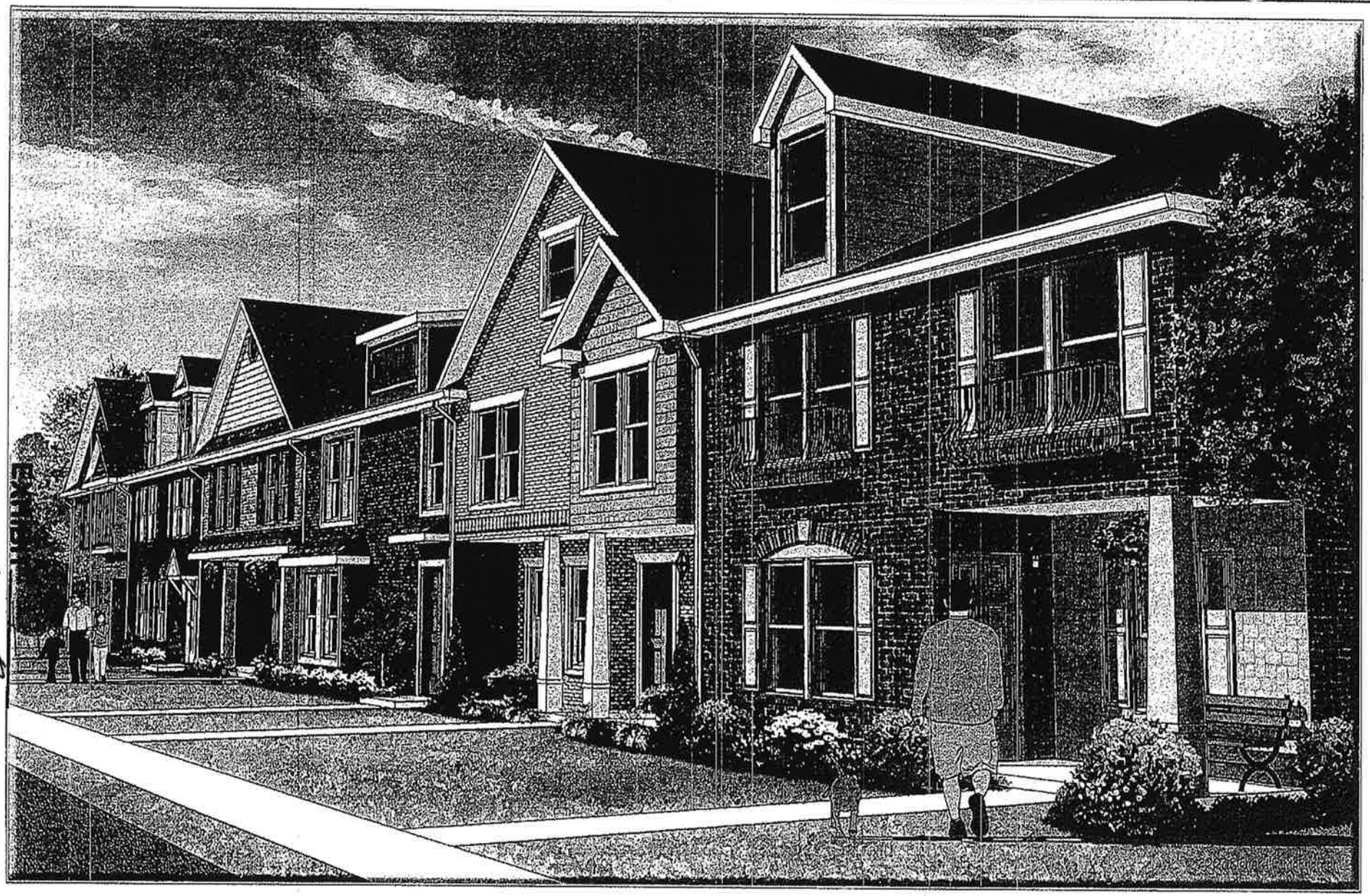


EXHIBIT
Page 1 of 2

——————— - Current Building Lines

- - - -



Page 2 of 2

CAGLE HOMES
770-210-HOME
www.caglehomes.com

Elevations Information

Individual detail is achieved with a mixture of covered entryways, porches, bay windows, and balconies. Each home is separate and distinct with varying roof lines, dormers, and gables. Facades are predominantly brick, with stone, Hardi-plank or Hardi-shake accents.

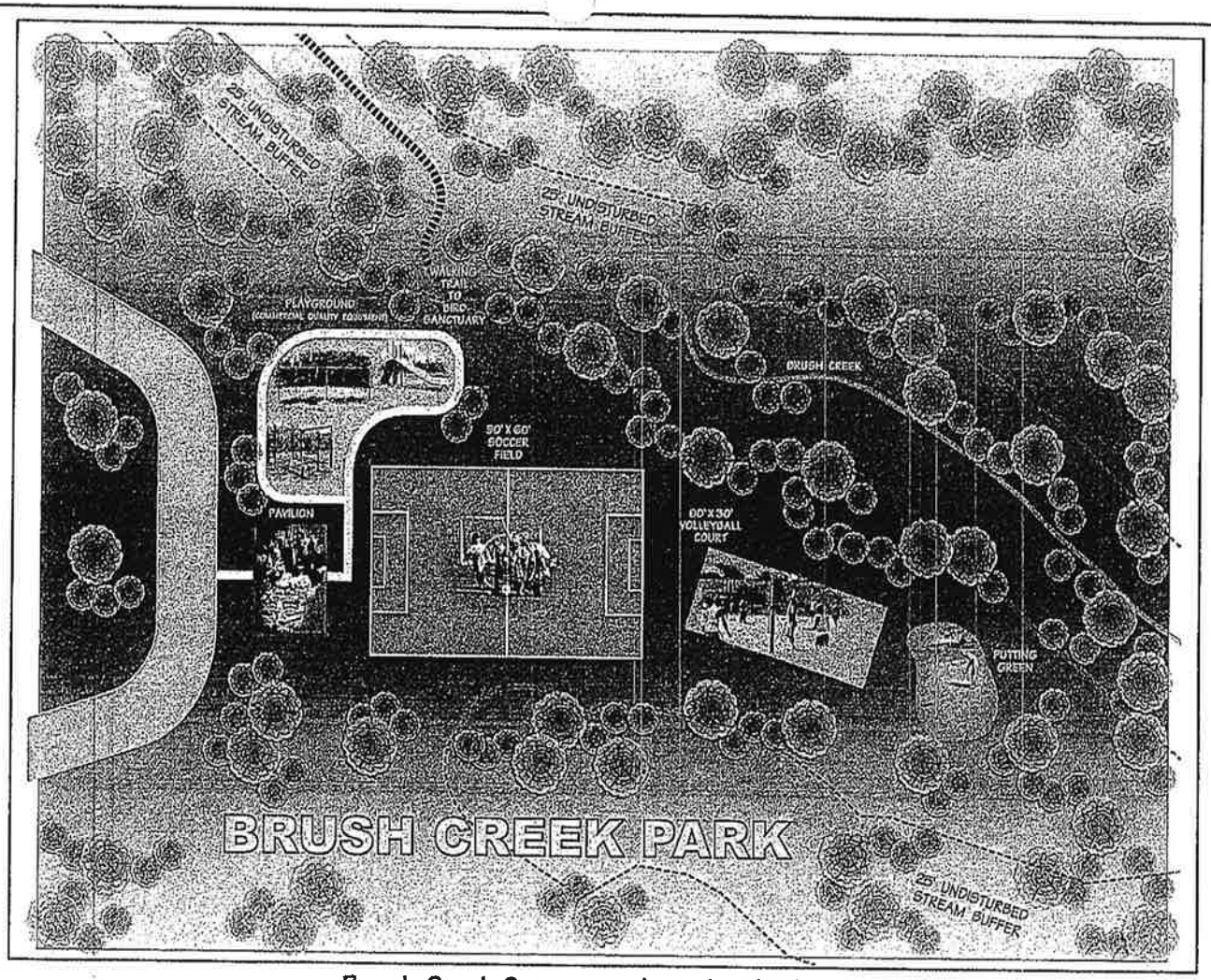

Brick


Stone


Hardi-Siding


Hardi-Shake

EXHIBIT 4
Page 3 of 3



Brush Creek Commons Amenity Package

* Gazebo at entrance of development to serve as a waiting area for school bus pickup
* Sodded Sports Area adjacent to Gazebo
* 1300 Square Foot Clubhouse with Full Kitchen and Fitness Equipment
* Fenced Tot Lot (Ages: 2 – 5) located adjacent to Clubhouse
* Brush Creek Park
  1. Covered Pavilion with Picnic Area and Fireplace
  2. Regulation 60' X 30' Beach Volleyball Court
  3. Regulation 60' X 90' 3 on 3 Soccer Field with Goals
  4. Putting Green with multiple holes and sand trap
  5. Upgraded and Enlarged, commercial quality playground:
     2 Bay, 4 Station Swing Set with Buckets and Belts
     Climbing Station: "Monkey Bars", Ring Climbers, Chin-up Bar, and Balance Beam
     Free Standing Wave Slide with 5' Deck
     2 Commercial Quality Park Benches
  7. Over 1400 Ft. of Walking Trail
  8. Bird Sanctuary with Feeders, Houses, and Benches for observation

RESERVED FOR CLERK OF COURT

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 L.F.
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 2160 SQ. FT. (LOT 24 EXCEPTION)

6. MINIMUM LOT WIDTH IS 24' (INTERIOR) (LOT 23 EXCEPTION)

7. SETBACK INFORMATION:
MINIMUM FRONT = 10 FT.
MINIMUM SIDE = 20 FT. BETWEEN BUILDINGS
MINIMUM REAR = 30 FT.
MINIMUM HEATED SPACE = 1,344 AT/TWO-STORY/2 CAR GARAGE
1,600 AT/TWO-STORY/2 CAR GARAGE

8. WIDTH OF TYPICAL ROADWAY IS 26 FT.

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. 13151C0067D 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, 4' 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 PORPERTY 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 ON THIS SITE 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 57A
ALL BLOCK 1
PARCEL #'S SAME AS LOT #'S OUT OF PACEL # 0S07-01-006-005
OPEN SPACE T-100
DEVELOPMENT PERMIT NUMBER - 4535

21. DETENTION POND TO BE OWNED BY THE HOMEOWNERS ASSOCIATION.

22. THERE IS A LIVE STREAM ON THIS SITE.

23. HENRY COUNTY 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 HENRY COUNTY 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 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 (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.

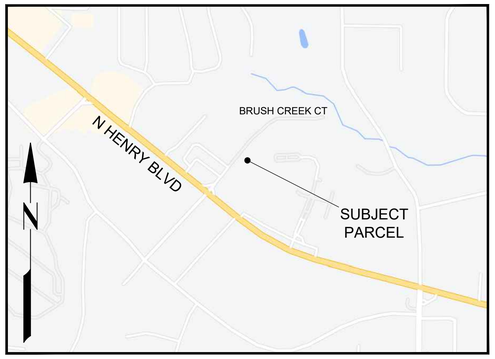
8. MFFE'S REFERENCED TO THIS NOTE ARE SHOWN AS THEY WERE PROVIDED TO THIS OFFICE BY POINT TO POINT LAND SURVEYORS, INC. THE FIRM OF SEILER & ASSOCIATES, INC HAS MADE NO INDEPENDENT STUDY OF MINIMUM FINISHED FLOOR ELEVATIONS OR THE OVERALL DRAINAGE SYSTEM OF BRUSH CREEK COMMONS.

9. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT WHICH MAY REVEAL ADDITIONAL CONVEYANCES, EASEMENTS, OR RIGHT'S 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).

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



VICINITY MAP
NOT TO SCALE

SURVEYOR'S CERTIFICATION

AS REQUIRED BY SUBSECTION (D) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

3-7-23

KEITH R. SEILER DATE
GEORGIA REGISTRATION NO. 2388
MEMBER NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS (NSPS)
MEMBER SURVEYING & MAPPING SOCIETY OF GEORGIA (SAMSOG)

SUBJECT PROPERTY

OWNER:
PIVOTAL ENTERPRISES, LLC
1705 ENTERPRISE WAY
SUITE S-100
MARIETTA, GA. 30067

ENGINEER OF RECORD:
LAND ENGINEERING AND DEVELOPMENT
374 RACETRACK ROAD
MCDONOUGH, GA 30252
678-432-5720

SURVEYOR:
SEILER & ASSOCIATES, INC.
124 ANDREW DRIVE, SUITE 200
STOCKBRIDGE, GA. 30281
678-565-9200

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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.

FINAL PLAT APPROVAL

THIS PLAT IS HEREBY APPROVED FOR RECORDING:

MAYOR, CITY OF STOCKBRIDGE DATE

THIS PLAT IS HEREBY APPROVED FOR RECORDING:

DIRECTOR, HENRY COUNTY PLANNING AND ZONING SERVICES DIVISION DATE
HENRY COUNTY BOARD OF COMMISSIONERS

THIS PLAT IS HEREBY APPROVED FOR RECORDING:

DIRECTOR, HENRY COUNTY DEPARTMENT OF ENVIRONMENTAL COMPLIANCE DATE
HENRY COUNTY BOARD OF COMMISSIONERS

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 - TH41 LLC & TARZANNA PROP 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 ZM-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 03-60, 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 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 DORMERS, GABLES AND/OR FIREPLACES.
F. ALL EXTERIOR FACADES SHALL CONSIST OF BRICK AND/OR STONE. THE CORNICES AND GABLES SHALL CONSIST OF STUCCO, STONE, AND/OR HARDI-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 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 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 AND GYM; ONE COMBINED PLAYGROUND WITH EQUIPMENT FOR BOTH TODDLERS AND CHILDREN; 3,000 SQUARE FOOT SODDED FLEXIBLE USE AREA; 15'X20' PAVILION WITH GRILL AND BENCHES; GAZEBO; MONUMENT SIGN; 1,400 LF ALL NATURAL WALKING TRAIL APPROXIMATELY 3' IN WIDTH AND BRIDGES NECESSARY TO CROSS BRUSH CREEK; ALSO SEE THE ZM-2022-01 WHICH MODIFIES THIS.

VARIANCES
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.
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, 33.60 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 86 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 86 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 (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 50 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 NORTH 89 DEGREES 59 MINUTES 58 SECONDS EAST, 280.93 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 27 MINUTES 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 31 DEGREES 24 MINUTES 37 SECONDS EAST, 82.68 FEET) TO A POINT;

THENCE CONTINUING ALONG THE WESTERN RIGHT-OF-WAY LINE OF SHIELDS ROAD, 306.53 FEET ALONG THE ARC OF A CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF 12398.91 FEET AND A CHORD OF SOUTH 33 DEGREES 29 MINUTES 29 SECONDS EAST, 306.52 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.***

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.SEILERASSOC.COM

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

GEORGIA
KEITH R. SEILER
2388
REGISTERED
PROFESSIONAL
LAND SURVEYOR
3-7-23

NO.	DESCRIPTION	DATE	BY	APPR.
1–3	BOUNDARY; AMENITY CHANGES	2-27-23	BM	KS
4	CLIENT REVIEW COMMENTS	3-7-23	BOM	KS

REVISIONS

DATE: FEBRUARY 21, 2023
SCALE: HORIZ. 1" = 60'
VERT.: N/A
FIELD BOOK: PROJECT
DATE OF FIELD SURVEY: JULY 19, 2021
LAND LOT(S): 59 & 70
DISTRICT: 12 TH
SECTION: N/A
COUNTY: HENRY (CITY OF STOCKBRIDGE)
SURVEYED: JG
DRAWN: BOM
CHECKED: KS
APPROVED: KS
PROJECT NO.: 2-0022
DWG NAME: 20022-300--001-4.dwg

SHEET 1 OF 9

C:\Users\BM\Seiler & Associates Inc\Seiler & Associates, Inc Team Site - Documents\Technical\Land Projects\PX\2022\Data\20022-300-001-4.dwg, COVER, BM, Mar 07, 2023 - 3:58:16pm

RESERVED FOR CLERK OF COURT

GRAPHIC SCALE: 1" = 60'

GRID NORTH
NAD 83 (2011)
GA WEST ZONE

TOTAL AREA:
15.7423 ACRES
(685,735 SQ.FT.)

N/F
STOCKBRIDGE MHC LLC
TAX PARCEL #
S06-01005000
DEED BOOK 15249 PAGE 172

PROPERTY LINE PER PB 10 PG 2

PROPERTY LINE PER DB 15249 PG 172

AREA OF DEED OVERLAP (169 SQ. FT.)

N/F
WANG SAKEN C/O GUARDIAN PROPERTY MGMT
TAX PARCEL #
S11-05004000
DEED BOOK 14899 PAGE 1

1/2" REBAR FD., 0.66' WEST

N89°59'58"E 280.93'

S10°43'48"W 45.67'

S89°47'27"E 195.32'

3/8" REBAR FOUND & USED

N89°51'21"E 499.19'

3/8" REBAR FOUND & USED

N00°22'26"W 1,191.17'

1/2" OPEN TOP PIPE FOUND & USED

297.71'

N44°40'38"E

APPARENT 45° FENCE ENCROACHMENT

5' GALV. CHAINLINK FENCE. APPROX LOCATION ONLY. REFERENCE LOCAL CODES FOR FENCING REQUIREMENTS.

10' ACCESS GATE

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

30' PLANTED BUFFER

25' UNDISTURBED STREAM BUFFER

PROPOSED WALKING TRAIL

C/L BRUSH CREEK

C/L EL BRANCH

WOODEN BRIDGE

200' BUFFER

N/F
PIVOTAL ENTERPRISES, LLC
TAX PARCEL #
S07-01006005
DEED BOOK 18078 PAGE 137-143

20' ACCESS ESMT.

MFE: 790.5 | FFE: 793 | MFE: 789.3 | FFE: 791 | MFE: 788 | FFE: 789

LOTS 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23

10' BSL
5' UE

BRUSH CREEK CT. (50' R/W)

4' SIDEWALK

24' ACCESS ESMT.

LOTS 1 2 3 4 5 6

MFE: 798 | FFE: 800

RAMP

CLUSTER MAILBOX

CLUB HOUSE

1 REG SPACE
1 HC SPACE

PROPOSED PAVILLION

3000 SQ FT PLAYGROUND AREA

3000 SQ FT SODDED SPORTS AREA

LOTS 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41

5' UE
10'BSL

20' ACCESS ESMT.

30' PLANTED BUFFER

SHIELDS ROAD 60' R/W

15' NO ACCESS EASEMENT

ARC= 118.52'
RAD.= 877.59'
CHD.= S26°27'31"E
118.43'

ARC= 82.69'
RAD.= 1,308.95'
CHD.= S31°24'37"E
82.68'

ARC= 306.53'
RAD.= 12,398.91'
CHD.= S33°29'29"E
306.52'

S34°46'51"E 130.27'

N22°25'43"
0.89'

N86°39'29"W 3.54'

N86°47'59"W 112.38'

N87°45'52"W 117.86'

N87°19'37"W 107.41'

S87°19'26"W 19.09'

S00°34'22"W 20.09'

N80°57'45"W 33.60'

N74°01'24"W 10.26'

N89°25'38"W 16.54'

P.O.B.

N89°25'38"W 609.38'

1" OPEN TOP FD.; 21.11' NORTH OF L.L.L.

AREA OF DEED OVERLAP

LAND LOT LINE

LAND LOT LINE LOCATION PER
DEED BOOK 2111 PG 134
DEED BOOK 5641 PG 347
DEED BOOK 18078 PAGE 137

PROPERTY & LAND LOT LINE LOCATION PER
DEED BOOK 2111 PG 134
DEED BOOK 5641 PG 347
DEED BOOK 18078 PAGE 137

PROPERTY & LAND LOT LINE LOCATION PER
DEED BOOK 15322 PG 79

NEW PROPERTY LINE PER
DB 19238 PG. 1286
DB 19238 PG. 1289

25' UNDISTURBED STREAM BUFFER

NEW PROPERTY LINE PER
DB 19238 PG. 1286
DB 19238 PG. 1289

PROP. 20' SEWER EASEMENT SHIFT

PROPOSED TEMP. EXPANSION TO TOTAL 40' EASEMENT

PROP. ESMT. EXPANSION

N/F
13 OLIVIA HOLDINGS LLC
TAX PARCEL #
S12-01012000
DEED BOOK 15322 PAGE 79

N/F
DARLENE BREWSTER-CLARK &
FREDDIE CLARK
TAX PARCEL #
S11-05002000
DEED BOOK 8144 PAGE 121

N44°18'48"E 34.28'

APPROX. LAND LOT LINE

LL 70

LL 59

N/F
NAGEL HOLDINGS LLC
TAX PARCEL #
S07-01006004
DEED BOOK 7620 PAGE 164

S51°16'49"E

N51°11'30"W 360.00'

20' BSL

460.31'

N38°34'50"E

359.93'

N89°21'00"W 66.90'

S46°31'16"W 186.75'

ARC= 16.90'
RAD.= 125.00'
CHD.= S42°38'52"W
16.89'

S38°48'28"W 193.44'

REBAR & SURVEYOR'S CAP FD. & USED

REBAR & SURVEYOR'S CAP FOUND & USED (STAMPED "COA 613")

GAZEBO

MONUMENT SIGN

N/F
THOMAS SAM ET AL
C/O QUICK TRIP CORP
TAX PARCEL #
S07-01006001
DEED BOOK 3696 PAGE 325

S38°53'14"W 33.50'

N50°27'40"W 21.45'

RAMP

N/F
PIVOTAL ENTERPRISES, LLC
TAX PARCEL #
S07-01006000
DEED BOOK 18078 PAGE 137-143

1/2" REBAR & FOUND & USED

N/F
YUN JOHN
TAX PARCEL #
S07-01006003
DEED BOOK 14667 PAGE 158

NORTH HENRY PARKWAY
S.R. 42/138
(R/W VARIES)

1/2" REBAR & FOUND & USED

N51°33'35"W 325.00'

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)
- COMMUNICATIONS STUB (COMM)
- COMMUNICATIONS BOX
- TRANSFORMER (XFMR)
- ELECTRIC STUB

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S.S.E. = SANITARY SEWER EASEMENT
D.E. = DRAINAGE EASEMENT
BSL = BUILDING SETBACK LINE
UE = UTILITY EASEMENT
CO = SANITARY SEWER CLEANOUT
C.M.F. = CONCRETE MONUMENT
R/W = RIGHT-OF-WAY
SS = SANITARY SEWER LINE

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).

FINAL PLAT APPROVAL

THIS PLAT IS HEREBY APPROVED FOR RECORDING:

MAYOR, CITY OF STOCKBRIDGE DATE

THIS PLAT IS HEREBY APPROVED FOR RECORDING:

DIRECTOR, HENRY COUNTY PLANNING AND ZONING SERVICES DIVISION DATE
HENRY COUNTY BOARD OF COMMISSIONERS

THIS PLAT IS HEREBY APPROVED FOR RECORDING:

DIRECTOR, HENRY COUNTY DEPARTMENT OF ENVIRONMENTAL COMPLIANCE DATE
HENRY COUNTY BOARD OF COMMISSIONERS

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 (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 RIGHT'S OF WAY NOT SHOWN HEREON.

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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SEILER & ASSOCIATES, INC.
PROFESSIONAL SURVEYORS
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FIND US ON THE WEB AT WWW.SEILERASSOC.COM

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

GEORGIA
2358
KEITH SEILER
REGISTERED LAND SURVEYOR
3-7-23

NO.	DESCRIPTION	DATE	BY	APPR.
1-3	BOUNDARY; AMENITY CHANGES	2-27-23	BM	KS
4	CLIENT REVIEW COMMENTS	3-7-23	BOM	KS

DATE: FEBRUARY 21, 2023
SCALE: HORIZ: 1" = 60'
VERT.: N/A
FIELD BOOK: PROJECT
DATE OF FIELD SURVEY: JULY 19, 2021
LAND LOT(S): 59 & 70
DISTRICT: 12 TH
SECTION: N/A
COUNTY: HENRY (CITY OF STOCKBRIDGE)
SURVEYED: JG
DRAWN: BOM
CHECKED: KS
APPROVED: KS
PROJECT NO.: 20-022
DWG NAME: 20022-500-001-4.dwg

SHEET 2 OF 2

C:\Users\BM\Seiler & Associates Inc\Seiler & Associates, Inc Team Site - Documents\Vaxcloud Projects RFV\20022 Vaxs\20022-500-001-4.dwg, 3-8-23, BM, Mar 07, 2023 - 3:48:11pm

FINAL PLAT APPROVAL

THIS PLAT IS HEREBY APPROVED FOR RECORDING:

MAYOR, CITY OF STOCKBRIDGE — DATE

THIS PLAT IS HEREBY APPROVED FOR RECORDING:

DIRECTOR, HENRY COUNTY PLANNING AND ZONING SERVICES DIVISION — DATE
HENRY COUNTY BOARD OF COMMISSIONERS

THIS PLAT IS HEREBY APPROVED FOR RECORDING:

DIRECTOR, HENRY COUNTY DEPARTMENT OF ENVIRONMENTAL COMPLIANCE — DATE
HENRY COUNTY BOARD OF COMMISSIONERS

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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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 (NAVD88).
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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.

SURVEYOR'S REFERENCES

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2. APPROVED SITE DEVELOPMENT PLANS FOR BRUSH CREEK COMMONS BY LAND ENGINEERING AND DEVELOPMENT DATED JANUARY 25, 2005 (LAST REVISED 3-17-06).

SEE LINE/CURVE TABLE ON SHEET 4

GRID NORTH
NAD 83 (2011)
GA WEST ZONE

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)
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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.

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GRAPHIC SCALE: 1" = 30'

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

GEORGIA 3384 REGISTERED PROFESSIONAL LAND SURVEYOR KEITH SEILER
3-7-23

NO.	DESCRIPTION	DATE	BY	APPR.
REVISIONS				
1–3	BOUNDARY, AMENITY CHANGES	2-27-23	BM	KS
4	CLIENT REVIEW COMMENTS	3-7-23	BOM	KS

DATE: FEBRUARY 21, 2023
SCALE: HORIZ. 1" = 30'
VERT.: N/A
FIELD BOOK: PROJECT
LAND LOT(S): 134 & 170
DISTRICT: 12 TH
SECTION: N/A
COUNTY: HENRY (CITY OF STOCKBRIDGE)
SURVEYED: JG
DRAWN: BOM
CHECKED: KS
APPROVED: KS
PROJECT NO.: 20-022
DWG NAME: 20022-300-001-4.dwg

SHEET 3 OF 9

FINAL PLAT APPROVAL

THIS PLAT IS HEREBY APPROVED FOR RECORDING:

MAYOR, CITY OF STOCKBRIDGE — DATE

THIS PLAT IS HEREBY APPROVED FOR RECORDING:

DIRECTOR, HENRY COUNTY PLANNING AND ZONING SERVICES DIVISION — DATE
HENRY COUNTY BOARD OF COMMISSIONERS

THIS PLAT IS HEREBY APPROVED FOR RECORDING:

DIRECTOR, HENRY COUNTY DEPARTMENT OF ENVIRONMENTAL COMPLIANCE — DATE
HENRY COUNTY BOARD OF COMMISSIONERS

RESERVED FOR CLERK OF COURT

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.

30' 0 30' 60' 90' 120'
GRAPHIC SCALE: 1" = 30'

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)
- COMMUNICATIONS STUB (COMM)
- COMMUNICATIONS BOX
- TRANSFORMER (XFMR)
- ELECTRIC STUB

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CO = SANITARY SEWER CLEANOUT
C.M.F. = CONCRETE MONUMENT
R/W = RIGHT-OF-WAY
—— SS —— = SANITARY SEWER LINE

GRID NORTH
NAD 83 (2011)
GA WEST ZONE

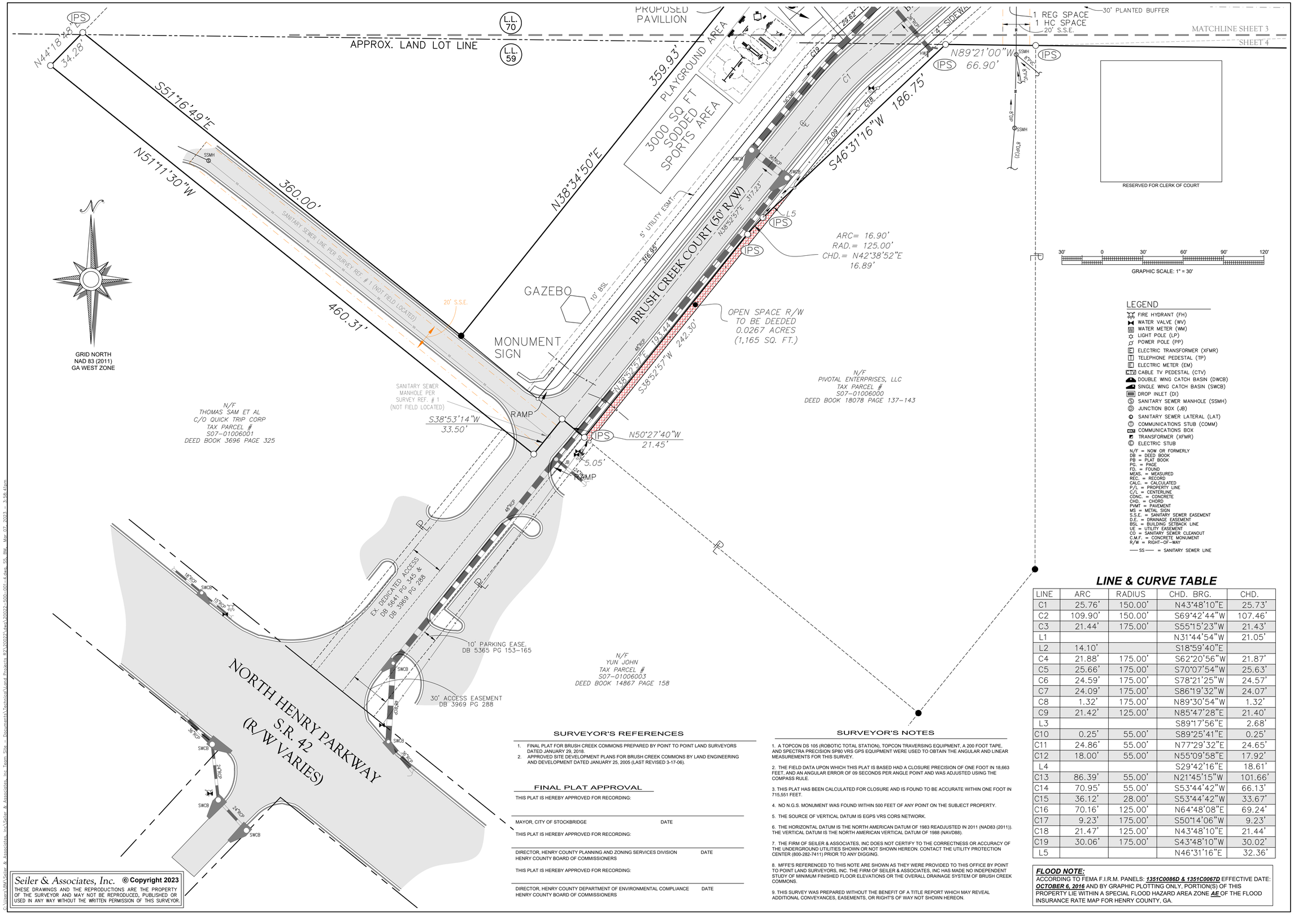
N/F
NAGEL HOLDINGS LLC
TAX PARCEL #
S07-01005000
DEED BOOK 7620 PAGE 164

N89°59'58"E 280.93'
S10°43'48"W 45.67'
S89°47'27"E 195.32'
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N44°10'39"E 267.71'
N51°33'35"W 325.00'
N89°21'00"W 66.00'

PROP. ESMT. EXPANSION
PROP. 20' SEWER EASEMENT SHIFT
MAINTENANCE EASEMENT
EX. 20' SEWER EASEMENT
PROPOSED TEMP. EXPANSION TO TOTAL 40' EASEMENT
1% ANNUAL CHANCE FLOOD
REGULATORY FLOODWAY
CROSS SECTION BFE=787
CROSS SECTION BFE=785
CROSS SECTION BFE=783.9
25' UNDISTURBED STREAM BUFFER
30' PLANTED BUFFER
C/L BRUSH CREEK
C/L EX. BRANCH
WANG SAKEN C/
DEED
WOODEN BRIDGE
WOOD BRID
PROPOSED WALKING TRAIL
MATCHLINE SHEET 3
MATCHLINE SHEET 4
SHEET 2
SHEET 3
APPROX. LOCATION OF OUTLET STRUCTURE PER SURVEY REF. #1 (NOT FIELD LOCATED)
APPROX. LOCATION OF HEADWALL & JUNCTION STRUCTURE PER SURVEY REF. #1 (NOT FIELD LOCATED)
DETENTION POND TO BE OWNED BY THE HOMEOWNERS ASSOCIATION
CHAIN LINK FENCE
4.5' - APPARENT FENCE ENCROACHMENT
N/F
NAGEL HOLDINGS LLC
TAX PARCEL #
S07-01006004
DEED BOOK 7620 PAGE 164
APPROX. LAND LOT LINE
L.L. 70
L.L. 59
93' ± TO ROUND AREA

BRUSH CREEK CT. (50' R/W)
PRIVATE ALLEY WAY
4' SIDEWALK
5' SIDEWALK
20' ACCESS ESMT.
20' S.S.E.
20' D.E.
24' ACCESS ESMT.
5' UTILITY ESMT.
10' BSL
4' SIDEWALK
5' UTILITY EASEMENT
322.68'
399.75'
S89°17'56"E 402.77'
BRUSH C
CLUSTER MAILBOX
CLUB HOUSE
RAMP
1 REG SPACE
1 HC SPACE
PROPOSED PAVILLION
20' ACCESS ESMT. PRIVATE ALLEY WAY
30' PLANTED BUFFER

| | | |



LEGEND

- FIRE HYDRANT (FH)
- WATER VALVE (WV)
- WATER METER (WM)
- LIGHT POLE (LP)
- POWER POLE (PP)
- ELECTRIC TRANSFORMER (XFMR)
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SURVEYOR'S REFERENCES

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FINAL PLAT APPROVAL

THIS PLAT IS HEREBY APPROVED FOR RECORDING:

MAYOR, CITY OF STOCKBRIDGE — DATE

THIS PLAT IS HEREBY APPROVED FOR RECORDING:

DIRECTOR, HENRY COUNTY PLANNING AND ZONING SERVICES DIVISION — DATE
HENRY COUNTY BOARD OF COMMISSIONERS

THIS PLAT IS HEREBY APPROVED FOR RECORDING:

DIRECTOR, HENRY COUNTY DEPARTMENT OF ENVIRONMENTAL COMPLIANCE — DATE
HENRY COUNTY BOARD OF COMMISSIONERS

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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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 (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 RIGHT'S OF WAY NOT SHOWN HEREON.

LINE & CURVE TABLE

LINE	ARC	RADIUS	CHD. BRG.	CHD.
C1	25.76'	150.00'	N43°48'10"E	25.73'
C2	109.90'	150.00'	S69°42'44"W	107.46'
C3	21.44'	175.00'	S55°15'23"W	21.43'
L1			N31°44'54"W	21.05'
L2	14.10'		S18°59'40"E	
C4	21.88'	175.00'	S62°20'56"W	21.87'
C5	25.66'	175.00'	S70°07'54"W	25.63'
C6	24.59'	175.00'	S78°21'25"W	24.57'
C7	24.09'	175.00'	S86°19'32"W	24.07'
C8	1.32'	175.00'	N89°30'54"W	1.32'
C9	21.42'	125.00'	N85°47'28"E	21.40'
L3			S89°17'56"E	2.68'
C10	0.25'	55.00'	S89°25'41"E	0.25'
C11	24.86'	55.00'	N77°29'32"E	24.65'
C12	18.00'	55.00'	N55°09'58"E	17.92'
L4			S29°42'16"E	18.61'
C13	86.39'	55.00'	N21°45'15"W	101.66'
C14	70.95'	55.00'	S53°44'42"W	66.13'
C15	36.12'	28.00'	S53°44'42"W	33.67'
C16	70.16'	125.00'	N64°48'08"E	69.24'
C17	9.23'	175.00'	S50°14'06"W	9.23'
C18	21.47'	125.00'	N43°48'10"E	21.44'
C19	30.06'	175.00'	S43°48'10"W	30.02'
L5			N46°31'16"E	32.36'

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

GEORGIA REGISTERED 2358 PROFESSIONAL LAND SURVEYOR KEITH SEILER
3-7-23

REVISIONS				
NO.	DESCRIPTION	DATE	BY	APPR.
1-3	BOUNDARY; AMENITY CHANGES	2-27-23	BM	KS
4	CLIENT REVIEW COMMENTS	3-7-23	BCM	KS

DATE: FEBRUARY 21, 2023
SCALE: HORIZ: 1" = 30'
VERT: N/A
FIELD BOOK: PROJECT
LAND LOT(S): SURVEY: JULY 19, 2021
DISTRICT: 12TH
SECTION: N/A
COUNTY: HENRY (CITY OF STOCKBRIDGE)
SURVEYED: JG
DRAWN: BCM
CHECKED: KS
APPROVED: KS
PROJECT NO.: 20-022
DWG NAME: 20022-500-001-4.dwg

SHEET 5 OF 6

C:\Users\Keith Seiler & Associates Inc\Seiler & Associates Inc Team Site - Documents\Technical\Land Projects (PJ's)\20022\Dwgs\20022-500-001-4.dwg, Sh_Bld, Mar 07, 2023 - 3:58:41pm

DEVELOPMENT AGREEMENT AND AMENDMENTS

RESERVED FOR CLERK OF COURT

FINAL PLAT APPROVAL

THIS PLAT IS HEREBY APPROVED FOR RECORDING:

MAYOR, CITY OF STOCKBRIDGE DATE

THIS PLAT IS HEREBY APPROVED FOR RECORDING:

DIRECTOR, HENRY COUNTY PLANNING AND ZONING SERVICES DIVISION DATE
HENRY COUNTY BOARD OF COMMISSIONERS

THIS PLAT IS HEREBY APPROVED FOR RECORDING:

DIRECTOR, HENRY COUNTY DEPARTMENT OF ENVIRONMENTAL COMPLIANCE DATE
HENRY COUNTY BOARD OF COMMISSIONERS

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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 encumbered 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,

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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:

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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

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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

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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

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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

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

GEORGIA REGISTERED 2358 PROFESSIONAL LAND SURVEYOR KEITH SEILER
3-7-23

NO.	DESCRIPTION	DATE	BY	APPR.
1-3	BOUNDARY; AMENITY CHANGES	2-27-23	BM	KS
4	CLIENT REVIEW COMMENTS	3-7-23	BCM	KS

REVISIONS

DATE: FEBRUARY 21, 2023
SCALE: HORIZ. 1" = 60'
VERT.: N/A
FIELD BOOK: PROJECT
DATE OF FIELD SURVEY: JULY 19, 2021
LAND LOT(S): 56 & 70
DISTRICT: 12TH
SECTION: N/A
COUNTY: HENRY (CITY OF STOCKBRIDGE)
SURVEYED: JG
DRAWN: BCM
CHECKED: KS
APPROVED: KS
PROJECT NO.: 20-022
DWG NAME: 20022-500-001-4.dwg

SHEET 6 OF 9

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RESERVED FOR CLERK OF COURT

FINAL PLAT APPROVAL

THIS PLAT IS HEREBY APPROVED FOR RECORDING:

MAYOR, CITY OF STOCKBRIDGE DATE

THIS PLAT IS HEREBY APPROVED FOR RECORDING:

DIRECTOR, HENRY COUNTY PLANNING AND ZONING SERVICES DIVISION DATE
HENRY COUNTY BOARD OF COMMISSIONERS

THIS PLAT IS HEREBY APPROVED FOR RECORDING:

DIRECTOR, HENRY COUNTY DEPARTMENT OF ENVIRONMENTAL COMPLIANCE DATE
HENRY COUNTY BOARD OF COMMISSIONERS

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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.

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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.

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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.

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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.

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

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.

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

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.

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

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

GEORGIA REGISTERED 2358 PROFESSIONAL LAND SURVEYOR KEITH SEILER
3-7-23

NO.	DESCRIPTION	DATE	BY	APPR.
REVISIONS				
1-3	BOUNDARY; AMENITY CHANGES	2-27-23	BM	KS
4	CLIENT REVIEW COMMENTS	3-7-23	BCM	KS

DATE: FEBRUARY 21, 2023
SCALE: HORIZ. 1" = 60'
VERT.: N/A
FIELD BOOK: PROJECT
LAND LOT(S): 56 & 70
DISTRICT: 12TH
SECTION: N/A
COUNTY: HENRY (CITY OF STOCKBRIDGE)
SURVEYED: JG
DRAWN: BCM
CHECKED: KS
APPROVED: KS
PROJECT NO.: 20022
DWG NAME: 20022-500-001-4.dwg

SHEET 7 OF 9

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DEVELOPMENT AGREEMENT AND AMENDMENTS

RESERVED FOR CLERK OF COURT

FINAL PLAT APPROVAL

THIS PLAT IS HEREBY APPROVED FOR RECORDING:

MAYOR, CITY OF STOCKBRIDGE DATE

THIS PLAT IS HEREBY APPROVED FOR RECORDING:

DIRECTOR, HENRY COUNTY PLANNING AND ZONING SERVICES DIVISION DATE
HENRY COUNTY BOARD OF COMMISSIONERS

THIS PLAT IS HEREBY APPROVED FOR RECORDING:

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HENRY COUNTY BOARD OF COMMISSIONERS

FLOOD NOTE:
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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: _____(L.S.)
Honorable R. G. Kelley, Mayor

ATTEST:

Merle Manders, City Clerk

[Seal]

[Signatures on following page]

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

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

OWNER:

_____(L.S.)
ROYCE GRANT

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

Witness

Notary Public
(Seal)

My commission expires:
6-25-2006

N.J. SOHLER NOTARY PUBLIC COBB COUNTY GEORGIA EXPIRES 6-25-2006

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

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) aces; 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

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

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.

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

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

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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:

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

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

GEORGIA REGISTERED 2388 PROFESSIONAL LAND SURVEYOR KEITH SEILER

3-7-23

NO.	DESCRIPTION	DATE	BY	APPR.
REVISIONS				
1-3	BOUNDARY, AMENITY CHANGES	2-27-23	BM	KS
4	CLIENT REVIEW COMMENTS	3-7-23	BOM	

DATE: FEBRUARY 21, 2023
SCALE: HORIZ. 1" = 60'
VERT.: N/A
FIELD BOOK: PROJECT
DATE OF FIELD SURVEY: JULY 19, 2021
LAND LOT(S): 59 & 70
DISTRICT: 12TH
SECTION: N/A
COUNTY: HENRY (CITY OF STOCKBRIDGE)
SURVEYED: JG
DRAWN: BOM
CHECKED: KS
APPROVED: KS
PROJECT NO.: 20-022
DWG NAME: 20022-300-001-4.dwg

SHEET 8 OF 9

C:\Users\Bill\Seiler & Association Inc\Seiler & Association Inc Team Site - Documents\Technical\Client Projects\PA\20022\dwg\20022-300-001-4.dwg, SS Rev, May 07, 2023 - 8:09:19am

DEVELOPMENT AGREEMENT AND AMENDMENTS

RESERVED FOR CLERK OF COURT

FINAL PLAT APPROVAL

THIS PLAT IS HEREBY APPROVED FOR RECORDING:

MAYOR, CITY OF STOCKBRIDGE DATE

THIS PLAT IS HEREBY APPROVED FOR RECORDING:

DIRECTOR, HENRY COUNTY PLANNING AND ZONING SERVICES DIVISION DATE
HENRY COUNTY BOARD OF COMMISSIONERS

THIS PLAT IS HEREBY APPROVED FOR RECORDING:

DIRECTOR, HENRY COUNTY DEPARTMENT OF ENVIRONMENTAL COMPLIANCE DATE
HENRY COUNTY BOARD OF COMMISSIONERS

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 THE SURVEYOR.

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

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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

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OWNER:

TIMERLINE GROUP, LLC

BY: _____(L.S.)
BRIAN W. [illegible]
Managing Partner [Title]

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

_____
Notary Public

N.J. SOLLER NOTARY PUBLIC COWETA COUNTY, GEORGIA EXPIRES: 6-23-2008

ATTEST:

_____, Secretary

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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:

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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,

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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]

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

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

GEORGIA REGISTERED 2325 PROFESSIONAL LAND SURVEYOR KEITH SEILER
3-7-23

NO.	DESCRIPTION	DATE	BY	APPR.
1-3	BOUNDARY; AMENITY CHANGES	2-27-23	BM	KS
4	CLIENT REVIEW COMMENTS	3-7-23	BCM	KS

REVISIONS

DATE: FEBRUARY 21, 2023
SCALE: HORIZ: 1" = 60'
VERT.: N/A
FIELD BOOK: PROJECT
DATE OF FIELD SURVEY: JULY 19, 2021
LAND LOT(S): 154 & 170
DISTRICT: 12 TH
SECTION: N/A
COUNTY: HENRY (CITY OF STOCKBRIDGE)
SURVEYED: JG
DRAWN: BCM
CHECKED: KS
APPROVED: KS
PROJECT NO.: 20-022
DWG NAME: 20022-500-001-4.dwg

SHEET 9 OF 9

C:\Users\Keith Seiler & Associates, inc\Seiler & Associates, inc Team Site - Documents\Technical\Land Projects (PJ's)\20022\Data\20022-500-001-4.dwg, Sq, BM, May 07, 2023 - 3:59:27pm

BK:63 PG:299-308
Filed and Recorded
Sep-12-2023 12:47 PM
DOC# 2023 - 000204
SABRIYA HILL
CLERK OF SUPERIOR COURT
HENRY COUNTY, GA
Participant ID: 1787130545

RESERVED FOR CLERK OF COURT

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

SITE INFORMATION

1. SITE ZONING: MFR TOWNHOMES

2. TOTAL SITE AREA IS 15.74 ACRES (1.50 AC OPEN SPACE)
TOTAL LENGTH OF BRUSH CREEK COURT: 1064.26 L.F.
TOTAL RIGHT-OF-WAY AREA OF BRUSH CREEK COURT: 1.989 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 12.02.0511 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 = 35 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.

(2) HANDICAPPED & (4) REGULAR PARKING SPACES WILL BE SPREAD OUT BETWEEN THE CLUBHOUSE & THE PAVILION.

8. WIDTH OF TYPICAL ROADWAY IS 28 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 5%/$50 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.: 13151C0207D AND 13151C0208D BOTH DATED 10/05/2016. 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 ON THIS SITE 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 907 A
ALL BLOCK 1
PARCELS SAME AS LOT #'S
COMMON AREAS 007A11100000

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: 41/4.932 = 8.28 UPA

SURVEYOR'S NOTES

1. A TOPCON DS 105 (ROBOTIC TOTAL STATION), TOPCON TRAVERSING EQUIPMENT, A 300 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 19,663 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 716,581 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 GDPS 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. MFR'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 3-17-05).

ZONING REFERENCES

CURRENT ZONING:
MFR-TOWNHOMES

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

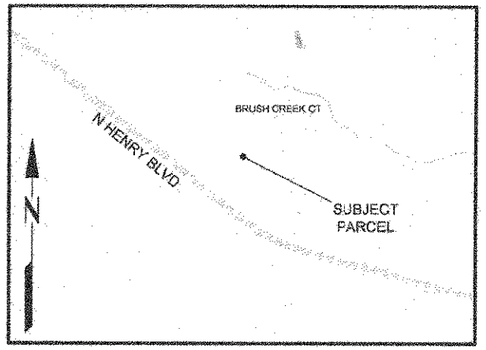
PREVIOUS AGREEMENTS:
1) DEVELOPMENT AGREEMENT DATED 07-21-2003 ADOPTED IN COMPANION TO REZONING CASE #RZ-03-04 (COPIED HERE TO PAGES 6-8)

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)



VICINITY MAP
NOT TO SCALE

SURVEYOR'S CERTIFICATION

AS REQUIRED BY SUBSECTION (D) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

GEORGIA REGISTERED No. 2386 PROFESSIONAL LAND SURVEYOR KEITH SEILER

8-30-23

KEITH R. SEILER — DATE
GEORGIA REGISTRATION NO. 2386
MEMBER NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS (NSPS)
MEMBER SURVEYING & MAPPING SOCIETY OF GEORGIA (SAMSOG)

SUBJECT PROPERTY

OWNER:
PIVOTAL ENTERPRISES, LLC
1705 ENTERPRISE WAY
SUITE B-500
MARIETTA, GA. 30067

ENGINEER OF RECORD:
LAND ENGINEERING AND DEVELOPMENT
274 RACETRACK ROAD
MCDONOUGH, GA 30252
678-423-8720

SURVEYOR:
SEILER & ASSOCIATES, INC.
124 ANDREW DRIVE, SUITE 200
STOCKBRIDGE, GA. 30281
678-565-9200

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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 ZM-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-TOWNHOMES), 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 03-03, EFFECTIVE ON MARCH 10, 2003, SHALL APPLY AND IS ATTACHED HERETO AS EXHIBIT "B" 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 12.02.0511 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 FEATURES.
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 OTHERS AND SHALL INCLUDE VARIATIONS IN ROOF LINES WHICH MAY BE ACCOMPLISHED WITH THE USE OF DORMERS, GABLES AND/OR PARAPETS.
F. ALL EXTERIOR FACADES SHALL CONSIST OF BRICK AND/OR STONE. THE CORNICES AND GABLES SHALL CONSIST OF STUCCO, STONE, AND/OR HARDI-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 (DBH"), SHALL HAVE A MINIMUM TWENTY-FOUR FOOT (24.00 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: 1,200 SQUARE FOOT CLUB HOUSE WITH FULL KITCHEN, GYM, GRILLS, BENCHES, AND FIREPLACE; ONE COMBINED PLAYGROUND WITH EQUIPMENT FOR BOTH TODDLERS AND OVER; 3,000 SQUARE FOOT ADDED FLEXIBLE USE AREA; 15'X30' PAVILION; GAZEBO; MONUMENT SIGNS; 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 ZM-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 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
E. THE FRONT SETBACK REQUIREMENTS FOR THIS 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 & SURVEYORS CAP SET (STAMPED "SEILER & ASSOCIATES LSF #390 GEORGIA") AT THE INTERSECTION OF THE WESTERN RIGHT-OF-WAY LINE OF SHIELDS ROAD (80 MINIMUM 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, 19.54 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 23 DEGREES 23 MINUTES 43 SECONDS WEST, 0.99 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, 23.50 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 81 DEGREES 25 MINUTES 52 SECONDS WEST, 117.86 FEET TO A 1/2" REBAR & SURVEYOR'S CAP SET (STAMPED "SEILER & ASSOCIATES LSF #390 GEORGIA");

THENCE NORTH 86 DEGREES 47 MINUTES 59 SECONDS WEST, 112.98 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, 19.89 FEET TO A 1/2" REBAR & SURVEYOR'S CAP SET (STAMPED "SEILER & ASSOCIATES LSF #390 GEORGIA");

THENCE NORTH 86 DEGREES 59 MINUTES 29 SECONDS WEST, 9.04 FEET TO A 1/2" REBAR & SURVEYOR'S CAP SET (STAMPED "SEILER & ASSOCIATES LSF #390 GEORGIA");
THENCE SOUTH 02 DEGREES 54 MINUTES 32 SECONDS WEST, 20.00 FEET TO A 1/2" REBAR & SURVEYOR'S CAP (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 31 MINUTES 00 SECONDS WEST, 66.00 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 49 DEGREES 31 MINUTES 16 SECONDS WEST, 198.75 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 36 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 45 MINUTES 28 SECONDS WEST, 199.44 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, 21.49 FEET TO A POINT;

THENCE SOUTH 39 DEGREES 53 MINUTES 14 SECONDS WEST, 33.51 FEET TO A POINT;

THENCE NORTH 81 DEGREES 11 MINUTES 39 SECONDS WEST, 490.83 FEET TO A POINT;

THENCE NORTH 44 DEGREES 16 MINUTES 46 SECONDS EAST, 56.06 FEET TO A 1/2" REBAR & SURVEYOR'S CAP SET (STAMPED "SEILER & ASSOCIATES LSF #390 GEORGIA");

THENCE SOUTH 81 DEGREES 16 MINUTES 46 SECONDS EAST, 380.00 FEET TO A REBAR & SURVEYOR'S CAP FOUND;

THENCE NORTH 76 DEGREES 34 MINUTES 50 SECONDS EAST, 368.03 FEET TO A REBAR & SURVEYOR'S CAP FOUND (STAMPED "COA 813");

THENCE NORTH 81 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 14 DEGREES 13 MINUTES 39 SECONDS EAST, 251.71 FEET TO A 1/2" OPEN TOP PIPE FOUND;

THENCE NORTH 03 DEGREES 29 MINUTES 29 SECONDS WEST, 115.51 FEET TO A 1/2" REBAR & SURVEYORS CAP SET (STAMPED "SEILER & ASSOCIATES LSF #390 GEORGIA");

THENCE NORTH 89 DEGREES 59 MINUTES 56 SECONDS EAST, 285.93 FEET TO A 1/2" REBAR & SURVEYORS CAP SET (STAMPED "SEILER & ASSOCIATES LSF #390 GEORGIA");

THENCE SOUTH 12 DEGREES 52 MINUTES 48 SECONDS WEST, 45.57 FEET TO A 1/2" REBAR & SURVEYOR'S CAP SET (STAMPED "SEILER & ASSOCIATES LSF #390 GEORGIA");

THENCE SOUTH 89 DEGREES 47 MINUTES 07 SECONDS EAST, 139.32 FEET TO A 3/8" SECONDS REBAR FOUND;

THENCE NORTH 89 DEGREES 54 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, 156.82 FEET ALONG THE ARC OF A CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF 977.56 FEET AND A CHORD OF SOUTH 09 DEGREES 27 MINUTES 31 SECONDS EAST, 156.65 FEET) TO A POINT;

THENCE CONTINUING ALONG THE WESTERN RIGHT-OF-WAY LINE OF SHIELDS ROAD, 82.66 FEET ALONG THE ARC OF A CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF 1308.66 FEET AND A CHORD OF SOUTH 14 DEGREES 04 MINUTES 07 SECONDS EAST, 82.65 FEET) TO A POINT;

THENCE CONTINUING ALONG THE WESTERN RIGHT-OF-WAY LINE OF SHIELDS ROAD, 308.63 FEET ALONG THE ARC OF A CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF 12388.91 FEET AND A CHORD OF SOUTH 20 DEGREE 29 MINUTES 39 SECONDS EAST, 308.62 FEET TO A POINT;

THENCE CONTINUING ALONG THE WESTERN RIGHT-OF-WAY LINE OF SHIELDS ROAD, SOUTH 34 DEGREES 48 MINUTES 51 SECONDS EAST, 139.27 FEET TO THE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 15.7438 ACRES (685,735 SQUARE FEET).

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 DEDICATED 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: 9/8/2023

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: 9/18/2023

THIS PLAT IS HEREBY APPROVED FOR RECORDING:

BY: _____
CITY OF STOCKBRIDGE COMMUNITY DEVELOPMENT DEPARTMENT
DATE: 8-31-23

THIS PLAT IS HEREBY APPROVED FOR RECORDING:

BY: _____
CITY OF STOCKBRIDGE ENGINEERING
DATE: 8/31/23

FLOOD NOTE:

ACCORDING TO FEMA F.I.R.M. PANELS: ***13151C0208D & 13151C0207D*** EFFECTIVE DATE: ***OCTOBER 5, 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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PHOTOS ON THE WEB AT WWW.SEILERASSOC.COM

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

GEORGIA REGISTERED No. 2386 PROFESSIONAL LAND SURVEYOR KEITH SEILER
8-30-23

NO.	DESCRIPTION	DATE	BY	APPR.
1-3	BRUSH CREEK COMMENTS	2-27-23	BCM	KS
4	CLIENT REVIEW COMMENTS	5-15-23	BCM	KS
5	CLIENT REVIEW COMMENTS	6-13-23	BCM	KS
6	CLIENT REVIEW COMMENTS	7-13-23	BCM	KS
7	CLIENT REVIEW COMMENTS	7-20-23	BCM	KS
8	CLIENT REVIEW COMMENTS	7-21-23	BCM	KS
9	CLIENT REVIEW COMMENTS	8-30-23	BCM	KS

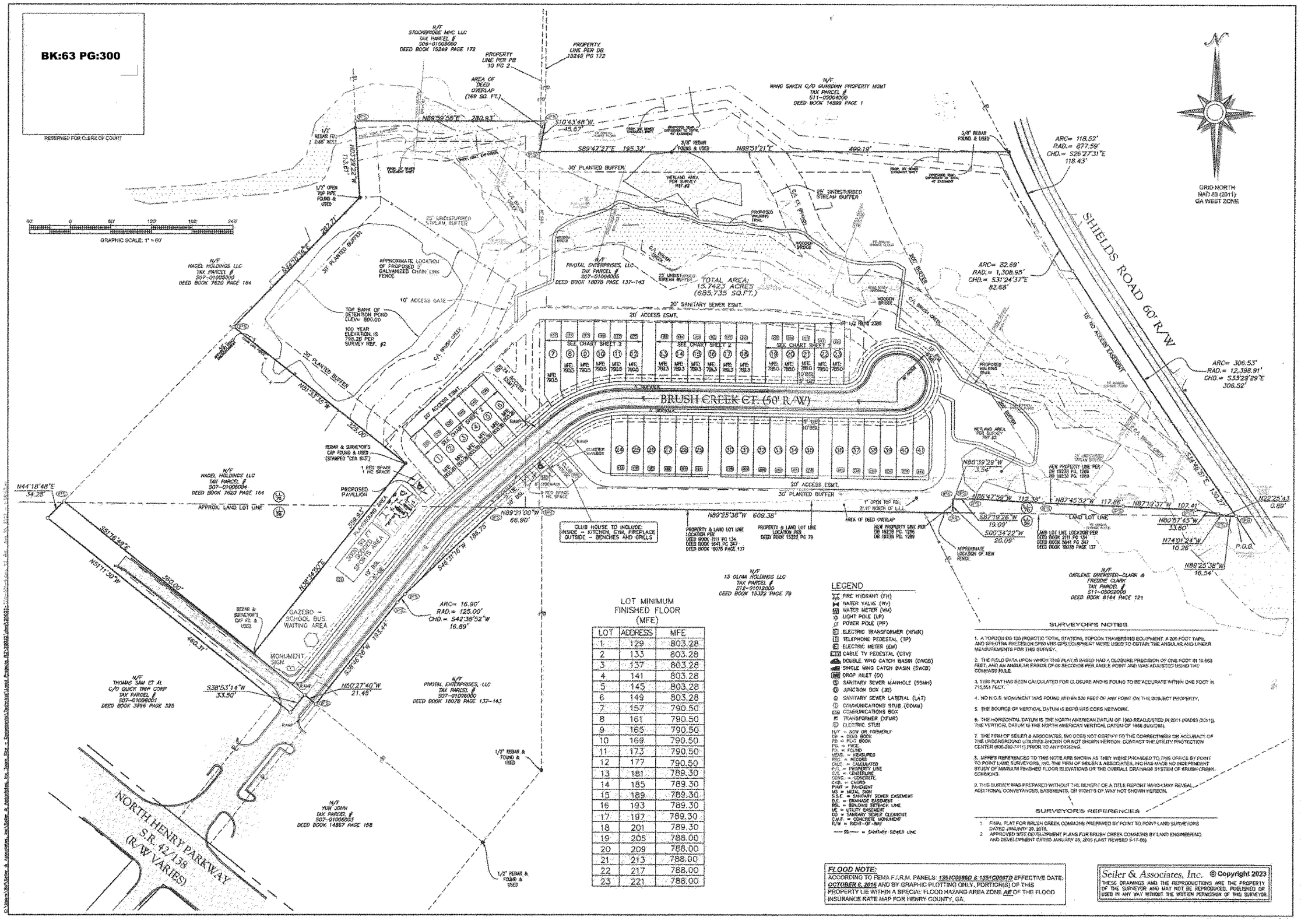
REVISIONS

DATE: FEBRUARY 21, 2023
SCALE: HORZ: 1" = 60'
FIELD BOOK: PROJECT
DATE OF FIELD SURVEY: JULY 19, 2021
LAND LOT(S): 59 & 70
DISTRICT: 12 TH
SECTION: N/A
COUNTY: HENRY (CITY OF STOCKBRIDGE)
SURVEYED: KS
DRAWN: BCM
CHECKED: KS
APPROVED: KS
PROJECT NO.: 2-20022
DWG NAME: 20022-SSD-001-8.dwg

SHEET 1 OF 10

BK:63 PG:300

RESERVED FOR CLERK OF COURT



LOT MINIMUM FINISHED FLOOR (MFE)

LOT	ADDRESS	MFE
1	129	803.28
2	133	803.28
3	137	803.28
4	141	803.28
5	145	803.28
6	149	803.28
7	157	790.50
8	161	790.50
9	165	790.50
10	169	790.50
11	173	790.50
12	177	790.50
13	181	789.30
14	185	789.30
15	189	789.30
16	193	789.30
17	197	789.30
18	201	789.30
19	205	788.00
20	209	788.00
21	213	788.00
22	217	788.00
23	221	788.00

LEGEND

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

N/F = NOW OR FORMERLY
DB = DEED BOOK
PB = PLAT BOOK
PG. = PAGE
FD. = FOUND
MEAS. = MEASURED
REC. = RECORD
CALC. = CALCULATED
P/L = PROPERTY LINE
C/L = CENTERLINE
CONC. = CONCRETE
CHD. = CHORD
PVMT = PAVEMENT
MS = METAL SIGN
S.S.E. = SANITARY SEWER EASEMENT
D.E. = DRAINAGE EASEMENT
BSL = BUILDING SETBACK LINE
UE = UTILITY EASEMENT
SD = SANITARY SEWER CLEANOUT
C.M.F. = CONCRETE MONUMENT
R/W = RIGHT-OF-WAY
SS = SANITARY SEWER LINE

SURVEYOR'S NOTES:

1. A TOPCON DB 120 (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 18,863 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 GPS/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. 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, 2015.
2. APPROVED SITE DEVELOPMENT PLANS FOR BRUSH CREEK COMMONS BY LAND ENGINEERING AND DEVELOPMENT DATED JANUARY 25, 2005 (LAST REVISED 9-17-06).

FLOOD NOTE:
ACCORDING TO FEMA F.I.R.M. PANELS: *13151C0086D & 13151C0087D* 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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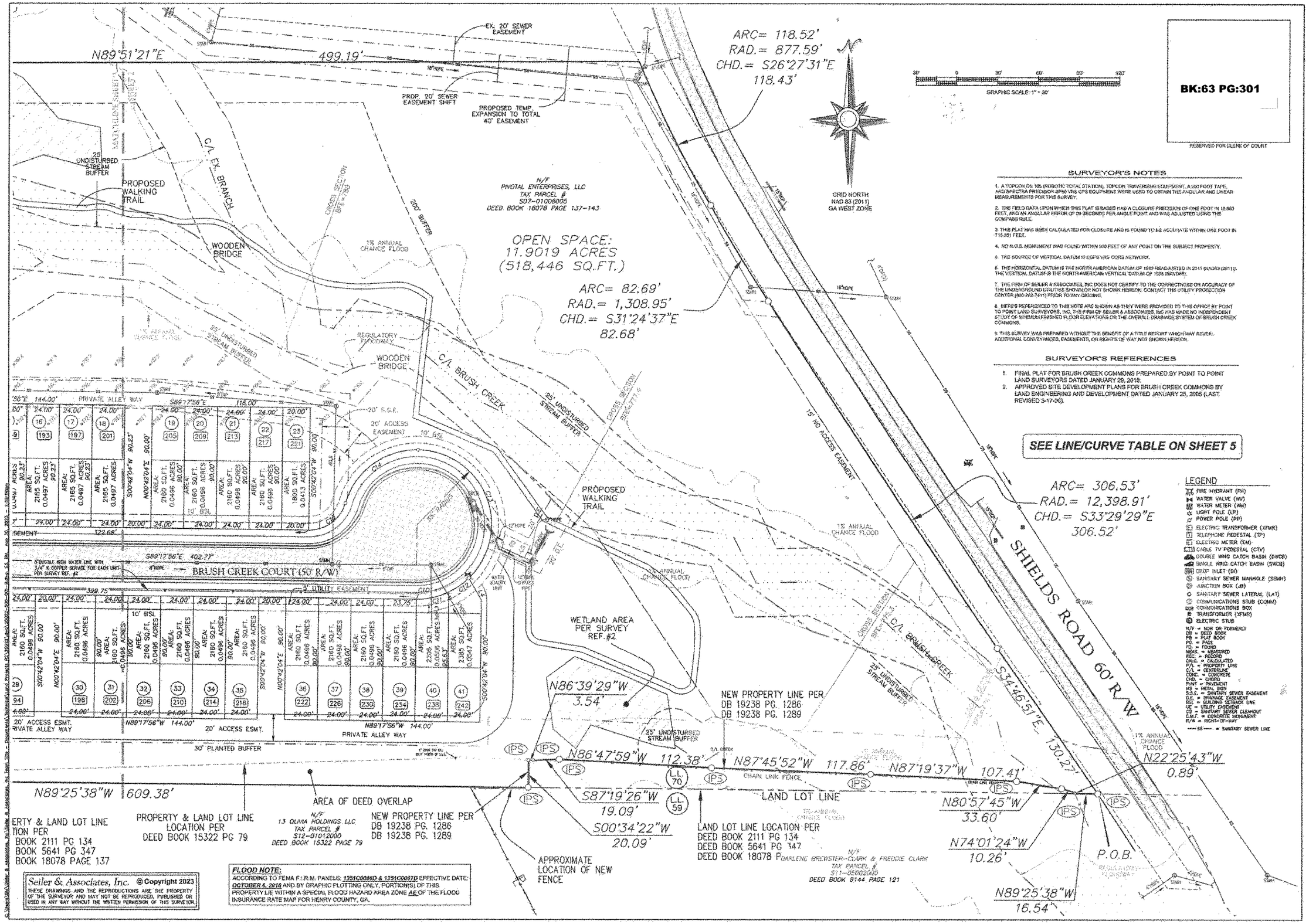
FINAL TOWNHOME PLAT FOR BRUSH CREEK COMMONS CITY OF STOCKBRIDGE, (HENRY COUNTY), GEORGIA

8-30-23

NO.	DESCRIPTION / AMENDMENT / CHANGES	DATE	BY	APPR.
1-3	BOUNDARY, TOPO	2-24-23	BCM	KS
4	CLIENT REVIEW COMMENTS	3-7-23	BCM	KS
5	CLIENT REVIEW COMMENTS	6-15-23	BCM	KS
6	CLIENT REVIEW COMMENTS	7-13-23	BCM	KS
7	CLIENT REVIEW COMMENTS	7-26-23	BCM	KS
8	CLIENT REVIEW COMMENTS	7-21-23	BCM	KS
9	CLIENT REVIEW COMMENTS	8-30-23	BCM	KS

REVISIONS

SHEET 2 of 10
DATE: FEBRUARY 24, 2023
SCALE: 1" = 60'
VERT.: N/A
FIELD BOOK: PROJECT
DATE OF FIELD SURVEY: JULY 19, 2021
LAND LOT(S): 99 & 70
DISTRICT: 12 TH
SECTION: N/A
COUNTY: HENRY (CITY OF STOCKBRIDGE)
DRAWN: BCM
CHECKED: KS
APPROVED: KS
PROJECT NO.: 20-092
DWG NAME: 20222-300-001-3.dwg



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

GEORGIA REGISTERED LAND SURVEYOR
KEITH SEILER
8-30-23

NO.	DESCRIPTION	DATE	BY	APPR.
1-3	BOUNDARY & UTILITY CHANGES	2-27-23	BM	KS
4	CLIENT REVIEW COMMENTS	3-7-23	BDM	KS
5	CLIENT REVIEW COMMENTS	6-15-23	BDM	KS
6	CLIENT REVIEW COMMENTS	7-13-23	BDM	KS
7	CLIENT REVIEW COMMENTS	7-26-23	BDM	KS
8	CLIENT REVIEW COMMENTS	7-31-23	BDM	KS
9	CLIENT REVIEW COMMENTS	8-30-23	BDM	KS

DATE: FEBRUARY 21, 2023
SCALE: HORZ.: 1" = 30'
VERT.: N/A
FIELD BOOK: PROJECT
DATE OF FIELD SURVEY: JULY 19, 2021
LAND LOT(S): 59 & 70
DISTRICT: 12 TH
SECTION: N/A
COUNTY: HENRY (CITY OF STOCKBRIDGE)
SURVEYED: BDM
DRAWN: BDM
CHECKED: KS
APPROVED: KS
PROJECT NO.: 20-022
DWG NAME: 20022-500-001-3.dwg

SHEET 3 OF 10

BK:63 PG:302

RESERVED FOR CLERK OF COURT

FLOOD NOTE:
ACCORDING TO FEMA F.I.R.M. PANELS: *13151C0085D & 13151C0057D* 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.

30' 0 30' 60' 90' 120'
GRAPHIC SCALE: 1" = 30'

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)
- COMMUNICATIONS STUB (COMM)
- COMMUNICATIONS BOX
- TRANSFORMER (XFMR)
- ELECTRIC STUB

N/F = NOW OR FORMERLY
DB = DEED BOOK
PB = PLAT BOOK
PG. = PAGE
FD. = FOUND
MEAS. = MEASURED
REC. = RECORD
CALC. = CALCULATED
P/L = PROPERTY LINE
C/L = CENTERLINE
CONC. = CONCRETE
CMD. = CMDD
PVMT = PAVEMENT
MS = METAL SIGN
S.S.E. = SANITARY SEWER EASEMENT
D.E. = DRAINAGE EASEMENT
BSL = BUILDING SETBACK LINE
UE = UTILITY EASEMENT
CO = SANITARY SEWER CLEANOUT
C.M.F. = CONCRETE MONUMENT
R/W = RIGHT-OF-WAY
SS = SANITARY SEWER LINE

GRID NORTH
NAD 83 (2011)
GA WEST ZONE

N/F
NAGEL HOLDINGS LLC
TAX PARCEL #
507-01005000
DEED BOOK 7620 PAGE 164

N/F
NAGEL HOLDINGS LLC
TAX PARCEL #
507-01008004
DEED BOOK 7620 PAGE 164

N89°59'58"E 280.93'
S10°43'48"W 45.67'
S89°47'27"E 195.32'
N89°51'21"E
N03°29'22"W 113.61'
N44°10'39"E 267.71'
N51°33'35"W 325.00'
N89°21'00"W

EX. 20' SEWER EASEMENT
PROP. 20' SEWER EASEMENT SHIFT
PROPOSED TEMP. EXPANSION TO TOTAL 40' EASEMENT
PROP. ESMT. EXPANSION
1% ANNUAL CHANCE FLOOD
WANG SAKEN C
DEED
20' S.S.E.
30' PLANTED BUFFER
WETLAND AREA PER SURVEY REF. #2
25' UNDISTURBED STREAM BUFFER
PROPOSED WALKING TRAIL
C/L EX. BRANCH
C/L BRUSH CREEK
REGULATORY FLOODWAY
WOODEN BRIDGE
WOOD BRIDG
APPROXIMATE LOCATION OF PROPOSED 5' GALVANIZED CHAIN LINK FENCE
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
4.5' APPARENT FENCE ENCROACHMENT
CHAIN LINK FENCE
25' UNDISTURBED STREAM BUFFER
30' PLANTED BUFFER
APPROX. LAND LOT LINE
L.L. 70
L.L. 59
PROPOSED PAVILLION
1 REG SPACE
1 HC SPACE
BRUSH CREEK CT. (50' R/W)
PRIVATE ALLEY WAY
20' ACCESS ESMT.
CLUSTER MAILBOX
CLUB HOUSE
3 REG SPACE
1 HC SPACE
5' SIDEWALK
5' UTILITY EASEMENT
6" DUCTILE IRON WATER LINE WITH 3/4" K COPPER SERVICE FOR EACH UNIT PER SURVEY REF. #2
6" HDPE
BRUSH C
MATCHLINE SHEET 3
SHEET 5
N85°20'00"W 1003.00

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 18,683 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 115,691 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 (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. MFRE'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 9-17-06).

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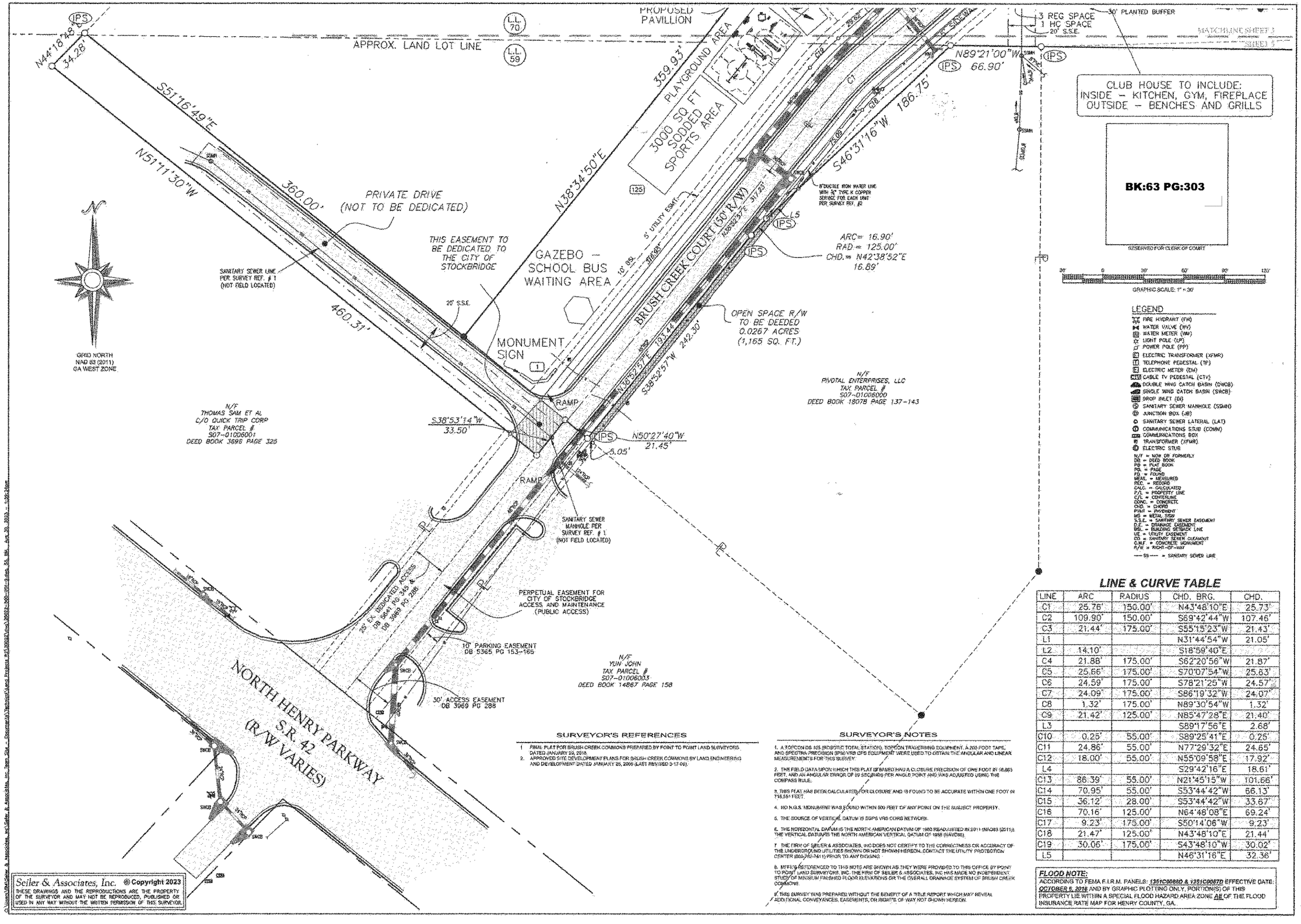
FINAL TOWNHOME PLAT FOR BRUSH CREEK COMMONS
CITY OF STOCKBRIDGE, (HENRY COUNTY), GEORGIA

GEORGIA REGISTERED LAND SURVEYOR
KEITH SEILER
8-30-23

NO.	DESCRIPTION / REVISIONS	DATE	BY	APPR'D
1-3	BOUNDARY, AMENITY, CHANGES	2-27-23	BCM	KS
4	CLIENT REVIEW COMMENTS	3-7-23	BCM	KS
5	CLIENT REVIEW COMMENTS	6-15-23	BCM	KS
6	CLIENT REVIEW COMMENTS	7-13-23	BCM	KS
7	CLIENT REVIEW COMMENTS	7-20-23	BCM	KS
8	CLIENT REVIEW COMMENTS	7-21-23	BCM	KS
9	CLIENT REVIEW COMMENTS	8-29-23	BCM	KS

DATE: FEBRUARY 21, 2023
SCALE: HORIZ 1" = 30'
VERT.: N/A
FIELD BOOK: PROJECT
DATE OF FIELD SURVEY: JULY 19, 2021
LAND LOT(S): 59 & 70
DISTRICT: 10TH
SECTION: N/A
COUNTY: HENRY (CITY OF STOCKBRIDGE)
SURVEYED: KS
DRAWN: BCM
CHECKED: KS
APPROVED: KS
PROJECT NO: 20-022
DWG NAME: 20022-500-001-3.dwg

SHEET 4 OF 10



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, 2006 (LAST REVISED 3-17-06).

SURVEYOR'S NOTES

1. A TOPCON GS-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 16,863 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 GGPS 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. METES 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.

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)
- COMMUNICATIONS STUB (COMM)
- COMMUNICATIONS BOX
- TRANSFORMER (XFMR)
- ELECTRIC STUB

N/F = NOW OR FORMERLY
DB. = DEED BOOK
PB = PLAT BOOK
PG. = PAGE
FD. = FOUND
MEAS. = MEASURED
REC. = RECORD
CALC. = CALCULATED
P/L = PROPERTY LINE
C/L = CENTERLINE
CONC. = CONCRETE
CHD. = CHORD
PVMT = PAVEMENT
MS = METAL SIGN
S.S.E. = SANITARY SEWER EASEMENT
D.E. = DRAINAGE EASEMENT
BSL. = BUILDING SETBACK LINE
UE = UTILITY EASEMENT
CO = SANITARY SEWER CLEANOUT
C.M.F. = CONCRETE MONUMENT
R/W = RIGHT-OF-WAY

-SS- = SANITARY SEWER LINE

LINE & CURVE TABLE

LINE	ARC	RADIUS	CHD. BRG.	CHD.
C1	25.76'	150.00'	N43°48'10"E	25.73'
C2	109.90'	150.00'	S69°42'44"W	107.46'
C3	21.44'	175.00'	S55°15'23"W	21.43'
L1			N31°44'54"W	21.05'
L2	14.10'		S18°59'40"E	
C4	21.88'	175.00'	S62°20'56"W	21.87'
C5	25.66'	175.00'	S70°07'54"W	25.63'
C6	24.59'	175.00'	S78°21'25"W	24.57'
C7	24.09'	175.00'	S86°19'32"W	24.07'
C8	1.32'	175.00'	N89°30'54"W	1.32'
C9	21.42'	125.00'	N85°47'28"E	21.40'
L3			S89°17'56"E	2.68'
C10	0.25'	55.00'	S89°25'41"E	0.25'
C11	24.86'	55.00'	N77°29'32"E	24.65'
C12	18.00'	55.00'	N55°09'58"E	17.92'
L4			S29°42'16"E	18.61'
C13	86.39'	55.00'	N21°45'15"W	101.66'
C14	70.95'	55.00'	S53°44'42"W	66.13'
C15	36.12'	28.00'	S53°44'42"W	33.67'
C16	70.16'	125.00'	N64°48'08"E	69.24'
C17	9.23'	175.00'	S50°14'06"W	9.23'
C18	21.47'	125.00'	N43°48'10"E	21.44'
C19	30.06'	175.00'	S43°48'10"W	30.02'
L5			N46°31'16"E	32.36'

FLOOD NOTE:
ACCORDING TO FEMA F.I.R.M. PANELS: ***13151C0088D & 13151C0087D*** EFFECTIVE DATE: ***OCTOBER 5, 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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FINAL TOWNHOME PLAT FOR BRUSH CREEK COMMONS CITY OF STOCKBRIDGE, (HENRY COUNTY), GEORGIA

KEITH SEILER 8-30-23

NO.	DESCRIPTION	DATE	BY	APPR.
1-3	BOUNDARY, AREA'S CHANGES	2-27-23	BM	KS
4	CLIENT REVIEW COMMENTS	6-15-23	BDM	KS
5	CLIENT REVIEW COMMENTS	7-13-23	BDM	KS
6	CLIENT REVIEW COMMENTS	7-18-23	BDM	KS
7	CLIENT REVIEW COMMENTS	7-21-23	BDM	KS
8	CLIENT REVIEW COMMENTS	8-30-23	BDM	KS
9	CLIENT REVIEW COMMENTS			

DATE: FEBRUARY 21, 2023
SCALE: HORIZ. 1" = 30'
FIELD BOOK: MAPS/PROJECT
DATE OF FIELD SURVEY: JULY 19, 2021
LAND LOT(S): 59 & 70
DISTRICT: 12TH
SECTION: N/A
COUNTY: HENRY (CITY OF STOCKBRIDGE)
SURVEYED: JR
DRAWN: BDM
APPROVED: KS
PROJECT NO.: 20-022
DWG. NAME: 20022-SSC-201-5.dwg

SHEET 5 OF 10

BK:63 PG:304

RESERVED FOR CLERK OF COURT

SURVEYOR'S NOTES

1. A TOPCON GTS 105 (ROBOTIC TOTAL STATION) TOPCON TRAVERSING EQUIPMENT, A 300 FOOT TAPE, AND SPECTRA PRECISION SP60 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 16,583 FEET, AND AN ANGULAR ERROR OF 09 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE.
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8. All PIE'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 26, 2015.
2. APPROVED SITE DEVELOPMENT PLANS FOR BRUSH CREEK COMMONS BY LAND ENGINEERING AND DEVELOPMENT DATED JANUARY 26, 2006 (LAST REVISED 8-17-06).

FLOOD NOTE:
ACCORDING TO FEMA F.I.R.M. PANELS: ***13513C0085D & 13513C0057D*** EFFECTIVE DATE: **OCTOBER 8, 2014** 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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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 encumbered by this Agreement shall consist one tract of land described in Exhibit "A," which is incorporated herein by reference.

PREAMBLE:

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,

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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 requires 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 understood, the parties agree as follows:

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

AGREEMENT:

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

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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 portions.

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 (3-5") caliber (d.b.h), shall have a minimum twenty-four foot (24 sq. ft.) planting area and shall be spaced on average of forty-five feet (45') apart. Owner shall provide a list of ten (10) trees to be

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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

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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

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

REGISTERED LAND SURVEYOR
KEITH SEILER
8-30-23

NO.	REVISIONS DESCRIPTION	DATE	BY
1-3	BOUNDARY AND TOPO CHANGES	5-27-23	BDM KS
4	CLIENT REVIEW COMMENTS	6-15-23	BDM KS
5	CLIENT REVIEW COMMENTS	7-13-23	BDM KS
6	CLIENT REVIEW COMMENTS	7-20-23	BDM KS
7	CLIENT REVIEW COMMENTS	7-31-23	BDM KS
8	CLIENT REVIEW COMMENTS	8-30-23	BDM KS
9	CLIENT REVIEW COMMENTS		

DATE: FEBRUARY 21, 2023
SCALE: HORZ.: 1" = 60'
FIELD WORK: PROJECT
DATE OF FIELD SURVEY: MAY 19, 2021
LAND LOT(S): 59 & 70
DISTRICT: 12TH
SECTION: N/A
COUNTY: HENRY (CITY OF STOCKBRIDGE)
SURVEYED: BB
DRAWN BY: BDM
CHECKED: KS
APPROVED: KS
PROJECT NO.: 20-022
DWG NAME: 20022-500-001-8.dwg

SHEET 6 OF 10

BK:63 PG:305

RESERVED FOR CLERK OF COURT

SURVEYOR'S NOTES

1. A TOPCON GE 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 15,683 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 715,251 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 (NAVD88).
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8. MPER'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

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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: ***13151C0086D & 13151C0067D*** 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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Development Agreement between the City of Stockbridge and Royce Grant dated July 23, 2003

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

A) 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.

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Development Agreement between the City of Stockbridge and Royce Grant dated July 23, 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.

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Development Agreement between the City of Stockbridge and Royce Grant dated July 23, 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.

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Development Agreement between the City of Stockbridge and Royce Grant dated July 23, 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.

Received Time Oct. 30. 2007 9:02AM No. 2394

Development Agreement between the City of Stockbridge and Royce Grant dated _____, 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.

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

Development Agreement between the City of Stockbridge and Royce Grant dated July 23, 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.

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

SEILER & ASSOCIATES, INC.
PROFESSIONAL SURVEYORS
124 ANDREW DRIVE - STOCKBRIDGE - GA. 30281 - 678-565-5091 - LSF #390
FIND US ON THE WEB AT WWW.SEILERASSOC.COM

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

GEORGIA REGISTERED SEILER 8-30-23

NO.	DESCRIPTION	DATE	BY	APPR.
1-4	BOUNDARY, TOPO, NAMES	2-27-23	BDM	KS
	CLIENT REVIEW COMMENTS	3-27-23	BDM	KS
5	CLIENT REVIEW COMMENTS	6-15-23	BDM	KS
6	CLIENT REVIEW COMMENTS	7-13-23	BDM	KS
7	CLIENT REVIEW COMMENTS	7-20-23	BDM	KS
8	CLIENT REVIEW COMMENTS	7-21-23	BDM	KS
9	CLIENT REVIEW COMMENTS	8-30-23	BDM	KS

REVISIONS

DATE: FEBRUARY 21, 2023
SCALE: HORIZ. 1" = 60'
FIELD BOOK: PROJECT
DATE OF FIELD SURVEY: AUGUST 12, 2021
LAND LOT(S): 99 & 70
DISTRICT: 12TH
SECTION: N/A
COUNTY: HENRY (CITY OF STOCKBRIDGE)
SURVEYED: JS
DRAWN: BDM
CHECKED: KS
APPROVED: KS
PROJECT NO.: 20022
DWG NAME: 20022-500-001-9.dwg

SHEET 7 OF 10

C:\Users\Utah\Seiler & Associates, Inc\Seiler & Associates, Inc Team Site - Documents\Technical Work Projects\20\20022\Work\20022-500-001-9.dwg, 8/30/2023 1:58:58pm

BK:63 PG:306

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 EPOCH 50 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 16,663 FEET, AND AN ANGULAR ERROR OF 05 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 (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. 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 RIGHT'S OF WAY NOT SHOWN HEREON.

SURVEYOR'S REFERENCES

1. FINAL PLAT FOR BRUSH CREEK COMMONS PREPARED BY POINT TO POINT LAND SURVEYORS DATED JANUARY 26, 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: ***13151C0086D & 13151C0087D*** EFFECTIVE DATE: ***OCTOBER 6, 2018*** 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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DEVELOPMENT AGREEMENT AND AMENDMENTS

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

ATTEST:

_____
Merle Manders, City Clerk

[Seal]

[Signatures on following page]

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

OWNER:

_____ (L.S.)
ROYCE GRANT

Signed, sealed and delivered before me this 31st day of July, 2003.

_____
Witness

_____
Notary Public
(Seal)

My commission expires:

6-25-2004

N.L. BOWLES NOTARY PUBLIC HENRY COUNTY, GEORGIA

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 TIMBERLINE 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

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.

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 exception 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

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:

SEILER & ASSOCIATES, INC.
PROFESSIONAL SURVEYORS
121 ANDREW DRIVE - STOCKBRIDGE - GA 30281 - 678.565.5200 - LSF #390
FIND US ON THE WEB AT WWW.SEILERASSOC.COM

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

GEORGIA REGISTERED LAND SURVEYOR KEITH SEILER
8-30-23

NO.	DESCRIPTION OF REVISIONS	DATE	BY	APPR'D
1-3	BOUNDARY, ADJACENT CHANGES	3-7-23	KS	
4	CLIENT REVIEW COMMENTS	4-17-23	BDM	KS
5	CLIENT REVIEW COMMENTS	6-15-23	BDM	KS
6	CLIENT REVIEW COMMENTS	7-13-23	BDM	KS
7	CLIENT REVIEW COMMENTS	7-20-23	BDM	KS
8	CLIENT REVIEW COMMENTS	7-21-23	BDM	KS
9	CLIENT REVIEW COMMENTS	8-30-23	BDM	KS

DATE: FEBRUARY 26, 2023
SCALE: 1" = 60'
VERT.: N/A
FIELD BOOK: PROJECT
DATE OF FIELD SURVEY: JULY 19, 2021
LAND LOTS: 56 & 79
DISTRICT: 7TH
SECTION: N/A
COUNTY: HENRY (CITY OF STOCKBRIDGE)
DRAWN: BDM
CHECKED: KS
APPROVED: KS
PROJECT NO.: 20-022
DWG NAME: 20022-500-001-Sheet

SHEET 8 OF 10

BK:63 PG:307

RESERVED FOR CLERK OF COURT

SURVEYOR'S NOTES

1. A TOPCON DB 16B (ROBOTIC TOTAL STATION), TOPCON TRAVERSING EQUIPMENT, A 300 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 15,953 FEET, AND AN ANGULAR ERROR OF 09 SECOND 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 GGPS 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 K 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 RIGHT'S 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 26, 2005 (LAST REVISED 5-17-06).

FLOOD NOTE:
ACCORDING TO FEMA F.I.R.M. PANELS: ***13151C0086D & 13151C0087D*** 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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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 2, 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:000079 Matter:0001 Doc:00048580.DOC) 5

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 WANDERS, City Clerk

(Seal)

Version 8

(Client:000079 Matter:0001 Doc:00048580.DOC) 6

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

OWNER:

TIMBERLINE GROUP, LLC

BY: _____ (L.S.)
BRIAN F
Manag Mng. Partner (Title)

Signed, sealed and delivered
before me this 12 day of
December, 2004.

_____
Notary Public

ATTEST:

_____, Secretary

(Client:000079 Matter:0001 Doc:00048580.DOC) 7

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 Boyce 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:

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 80' 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,

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]

SEILER & ASSOCIATES, INC.
PROFESSIONAL SURVEYORS
124 ANDREW DRIVE - STOCKBRIDGE, GA 30281 - 678-565-9290 - LSF #988
FIND US ON THE WEB AT WWW.SEILERASSOC.COM

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

GEORGIA REGISTERED LAND SURVEYOR KEITH SEILER 8-30-23

NO.	DESCRIPTION	DATE	BY	APPR
	REVISIONS			
1-3	BOUNDARY AMEND. CHANGES	2-27-23	BM	KS
4	CLIENT REVIEW COMMENTS	3-7-23	BDM	KS
5	CLIENT REVIEW COMMENTS	6-15-23	BDM	KS
6	CLIENT REVIEW COMMENTS	7-11-23	BDM	KS
7	CLIENT REVIEW COMMENTS	7-20-23	BDM	KS
8	CLIENT REVIEW COMMENTS	7-27-23	BDM	KS
9	CLIENT REVIEW COMMENTS	8-30-23	BDM	KS

DATE: FEBRUARY 21, 2023
SCALE: HORIZ. 1" = 60'
VERT. N/A
FIELD BOOK: PROJECT
DATE OF FIELD SURVEY: JULY 19, 2021
LAND LOT(S): 59 & 70
DISTRICT: 12 PM
SECTION: N/A
SURVEYED: CITY OF STOCKBRIDGE
DRAWN: BDM
CHECKED: KS
APPROVED: KS
PROJECT NO: 20-022
DWG NAME: 20022-500-001-9.dwg

SHEET 9 8 10

BK:63 PG:308

RESERVED FOR CLERK OF COURT

DEVELOPMENT AGREEMENT AND AMENDMENTS

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 15,693 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 715,691 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 GPS 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. MFR'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, 2023 (LAST REVISED 8-17-06)

FLOOD NOTE:
ACCORDING TO FEMA F.I.R.M. PANELS: ***13151C0086D & 13151C0067D*** 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 89 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 89 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. Clubhouse
2. Pavilion
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 "tot 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 5th 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.

CITY OF STOCKBRIDGE, GEORGIA

Anthony S. Ford, Mayor

ATTEST:

Vanessa Hobbsley, City Clerk

APPROVED AS TO FORM:

Quinton G. Washington, City Attorney

SEILER & ASSOCIATES, INC
PROFESSIONAL SURVEYORS
124 ANDREW DRIVE - STOCKBRIDGE - GA 30281 - 678.565.9280 - LSF #385
FIND US ON THE WEB AT WWW.SEILERASSOC.COM

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

8-30-23

NO.	DESCRIPTION	DATE	BY	APPR.
1-3	BOUNDARY; AMENITY CHANGES	2-27-23	GM	KS
4	CLIENT REVIEW COMMENTS	3-7-23	BCM	KS
5	CLIENT REVIEW COMMENTS	6-15-23	BCM	KS
6	CLIENT REVIEW COMMENTS	7-13-23	BCM	KS
7	CLIENT REVIEW COMMENTS	7-20-23	BCM	KS
8	CLIENT REVIEW COMMENTS	7-31-23	BCM	KS
9	CLIENT REVIEW COMMENTS	8-29-23	BCM	KS

REVISIONS

DATE: FEBRUARY 21, 2023
SCALE: HORIZ. 1" = 80'
VERT.: N/A
FIELD BOOK: PROJECT
DATE OF FIELD SURVEY: JULY 19, 2021
LAND LOT(S): 89 & 70
DISTRICT: 12TH
COUNTY: HENRY (CITY OF STOCKBRIDGE)
SURVEYED: JD
DRAWN: BCM
CHECKED: KS
APPROVED: KS
PROJECT NO.: 20-022
DWG NAME: 20022-500-201-9.dwg

SHEET 10 OF 10

C:\Users\Bob\Seiler & Associates, Inc\Team Site - Documents\Technical\Land Projects\#20022\Dwg\20022-500-201-9.dwg, Bob, Jun 30, 2023 - 2:09:13pm

July 14, 2003

CITY OF STOCKBRIDGE
HENRY COUNTY, GEORGIA

MINUTES
JULY 14, 2003

The Regular Meeting of the Stockbridge City Council was held on July 14, 2003 at 6:00 P. M. Mayor R. G. Kelley presided. Members present were Harold Cochran, Fred Evans, W. A. Gardner, Fletcher Turner and Steve Moon.

Harold Cochran made a motion to convene; Fred Evans seconded, and passed unanimously.

Harold Cochran made a motion to approve minutes of the June 9, 2003 City Council Meeting; Fred Evans seconded, and passed unanimously.

Mayor Kelley welcomed guests including Kelly Copensing, scout parent for Boy Scout Troop 115. Scouts are working on citizenship badges and are required to attend a Council Meeting.

PLANNING AND ZONING

REZONING:

BRUSH CREEK COMMONS, ROYCE GRANT OF STOCKBRIDGE, GA requested rezoning from R-2 (Single Family Residential) and C-2 (General Commercial) to RM-2 (Multiple Family Residential District – Townhouses). The property is located in Land Lot 59 and 70 of the 12th District off North Henry Boulevard with entrance and exit between the QT Station and the Waffle House. The purpose is to develop a multi-family residential subdivision.

Ray Gibson, Henry County Planning and Zoning, stated the Henry County Planning Commission recommended approval of the applicant's request with eleven (11) conditions. Mr. Elliot and Mr. Grant are present to revise some of the conditions. Mr. Gibson stated that he has seen the revised plan and has no major concerns with it.

Michael Elliott, Civil Engineer and land planner, is working with Mr. Grant on his development plan. Basically, they have gone before the Planning Commission and received approval with eleven (11) conditions. They met last week with City Manager, Ted Strickland, to go over any plans and recommendations that he may

have had and taken those into account and also with the Zoning Report they have made a few minor alterations to the plan. The property is located between the Quick Trip basically using the roadway between Quick Trip and the new Waffle House. It's 18.26 acres and raps around Shields Drive. They will be extending the existing road which dead ends at the Quick Trip.

In the previous plan, they had seventy-five (75) townhomes units and talking with City Manager, Ted Strickland and just looking at it from that standpoint, the property was already zoned C-2. They think it best to leave the two (2) C-2 lots for class A office space and they agree with Mr. Strickland that these two (2) lots are in a very good location for office space and that is probably the reason they are zoned C-2. They have reduced the RM-2 which will be fee-simple townhomes to 48 total units for the property. Also, they have incorporated all of the amenities in accordance with the RM-2 Ordinance with paved alley ways and they have left a two hundred (200') foot buffer along Shield Road. The rezoning/public hearing notice sign was placed on Shield Road but they do not plan to access Shields Drive. We know Club Drive, and that area of Stockbridge is one of the oldest and nicest areas of Stockbridge and they plan to maintain that image. Adjacent residents won't know they are there because they are leaving such a generous buffer above and beyond the thirty (30') feet that is required in the ordinance.

They have reviewed all of the eleven (11) conditions placed on the property by the Planning Commission in May, 2003. The developer have just a few site changes. Condition four, the Developer shall submit elevations of the building. They are submitting these elevations at this meeting to be approved by the City of Stockbridge staff because this project is in the City.

In regards to Condition seven (7) the will agree to install street trees between the sidewalk and the front property lines. The Planning Staff has laid out three (3) specific of trees. The developer would like to have the flexibility and freedom to pick from the species of canopy of trees listed in the Tree Ordinance.

Condition eight (8) which requires the Building Department not to issue a building permit until such time as the Director of the Building Department is satisfied that sewer capacity is available. In the zoning package, they have a letter from Cary Melton, City of Stockbridge Water and Sewer Department that sewer is available to site and there is adequate capacity. In discussing this matter with Mr. Strickland, this particular condition could be struck. We all know that you cannot get a building permit until sewer is there and there is also a letter from the Water and Sewer Department saying the capacity is available.

Condition nine (9) they have agreed to put in a streetscape plan to be submitted and approved again. They would like to have that approved by the City of Stockbridge.

Conditions ten (10) and eleven (11) they do not have a problem with these conditions.

Mr. Grant added that there are ten (10) or twelve (12) more appealing trees as opposed to the three (3) trees recommended by Henry County Planning and Zoning. Andy Welch, City Attorney, instructed Mr. Grant to send a list of the trees to be attached to the Zoning Report.

Mr. Elliott presented an architectural elevation which shows each dwelling unit be distinct with the use of gable, porches, brick, stone and stucco accents to achieve the appearance desired. It will not have the appearance of an apartment building and will be a very nice product. There will be approximate 4.6 units per acre. Ted Strickland asked if they meet the seventy-five (75%) percent brick, stone or stucco regulation. Mayor Kelley responded that regulation applies when the units go up to eight (8) or ten (10) units.

Andy Welch advised Council that Planning and Zoning recommends eliminating vinyl siding. This condition can be struck. Otherwise they need to comply with the terms of the ordinance which is fifty (50%) percent of a mixture of brick, stone or stucco.

Ray Gibson, Henry County Planning and Zoning staff made a comment regarding condition four (4) and condition nine (9) where the Council is removing Henry County, he is asking the Council if Henry County could still and review the conditions and present comments to Mr. Strickland before final approval. Mayor Kelley said that would be fine but the biggest problem is they do not want to go back to the County for a month or two delay.

Mr. Grant said the starting price will be $121,000 range and go up from there. They are located in an area where there are apartments on one side and the mobile home park on the other side. This limits the price because it would cause them to compete with starter home and kills their market.

A citizen asked if there would be any major change to the intersection. Mr. Grant responded that he has heard a rumor that Georgia Department of Transportation GDOT is considering a traffic light at this intersection. Mr. Strickland advised that GDOT has been considering this site for five or six years. Mayor Kelley stated that the City would be in favor of a traffic light to break the flow of traffic and speed on North Henry Boulevard. Everyone would like to see a traffic light at this site.

Lisa Shifflett, spoke on behalf of her parents, Charles and Janet Bartlett, who have been residents of 279 Shields Road for over thirty (30) years. She stated there is an overwhelming opposition to this request for rezoning and cited a list of complaints regarding this rezoning. In the rezoning evaluation report a letter from the Henry County Environmental Health is included stating that there is enough suitable soil on this tract for installation of conventional and alternative onsite sewerage management systems. However this letter is in

regards to 50.58 acres in Land Lot 149 of the 7th District Highway 81 on Mayo Road. Therefore, she wonders if there is a satisfactory soil report on this project.

Over the last few years, Shields Road, has become a heavily traveled thoroughfare without any road improvements. Most of you have traveled along Shield Road, it is narrow and curvy. The four way stop at the intersection of Davis Road and Shields Road is very dangerous. The idea was wonderful but it appears that motorist traveling along Davis Road just sees the stop sign as a suggestion and most just choose not to stop or slow down. Even if an access road to Shield Road is disallowed, it's still the most popular shortcut to Davis, Valley Hill, East Atlanta and other popular areas.

Because of the way the property lies on Shields Road, there is a question of property value. Most of the homes in the area are being occupied by long time residents. They have invested their time, energy and money into these properties and by adding townhomes in the mix, the Council is diminishing the property values that the neighborhood has worked so hard to increase. However, if you do pass this rezoning, we ask for conditions to be placed on the development. We request that their be covenants that state that the property cannot be used for rental or leasing, now or in the future. Townhomes will decrease the value but when you add rental units with tenants, you decrease values even more. We also request a substantial buffer between the current residential properties and the development. We acknowledge that the applicant has suggested a two hundred (200') buffer along Shield Road. We appreciate that, but they would like to see it listed as a condition. We request a change in the location of the amenities area shown on the site map as the multi-use trail, regulation basketball court and children's play area, so they are not adjacent to the current residential home.

We are a quiet neighborhood with older residents who retired early. In regards to the multi-use trail, they would like to know what multi-use means. Despite any good intentions of the developer to not disturb the homeowners on Shield Road it is virtually impossible to patrol these areas to insure that the amenities are not used in off-times. We request that they be moved to the front of the project where the clubhouse and swimming pool are located. The lights and noises from these areas are detrimental to the peaceful enjoyment of the current residents. Current future development of the property now described as the floodplain area described on the site plan, not to be developed. In the report, there appears to be some discrepancies as to the actually floodplain area so therefore, they request that it not be developed. Finally, and most importantly, they adamantly request that no entrance or exit for pedestrian and/or vehicular traffic shall ever be placed on the Shields Road portion of the property now or in the future. As stated previously, the additional traffic cannot be handled by Shields Road and the residents do not want the additional traffic.

A property owner should be able to do what he or she wishes with their property as long as it does not interfere with others. This interferes with their right to live in a peaceful and undisturbed area. This area this use to be is non-existent and to try to revert back to the rural non-commercial area is impossible. They are not opposed to growth, they just need some sort of control. Not everyone wants to live in a very populated area with lots of businesses and traffic at their doorstep. Stockbridge is diverse in it's residents and living

choices, therefore, let Shield Road residents retain it peacefulness. If you do allow this project, they ask for the strictest guidelines and restrictions possible and any violation thereof, be penalized to the fullest extent possible. Mrs. Shifflett requested the right to respond.

Richard Lewis, 217 Shield Road, addressed the Council not in opposition of this project but he would like to go on record saying he owned the property in question for twenty-five (25) years from 1975 until January 2002. When Mr. Grant offered to purchase this property, before he signed the papers, Mr. Lewis asked Mr. Grant what was going to be built. Mr. Grant brought a layout of the property and it was to be developed at that time as a gated community, this was a little over a year ago. As a gated community it was to be on one hundred (100') foot lots with a small house for senior type living and it came as a complete surprise.

Mr. Lewis stated he is pleased there is no exit coming off Shields Road because he does not believe their street can handle the additional traffic.

Mr. Grant responded to Mr. Lewis comments, stating that Mr. Lewis is exactly correct. When they first looked at this site that is what they tried to work out. The problem is no one wanted them to come out on Shield Road you cannot develop a gated community the other way. The only way to develop for single family is to come off Shields Road which no one wanted. To come in the North Henry Boulevard way they had to actually purchase commercial property adjourning them to have an exit and entrance on North Henry Boulevard. The amount of money they have spent on the project, the only way they can make it work is to go to higher density. They are handcuffed in that respect.

Mr. Grant responded to Lisa Shifflett's comments. They do respect the integrity of the residents of Shields Road and there will be no access out to Shields Road by any means. Mayor Kelley recommended having this written as a condition.

Michael Elliott, engineer for the project, responded to Mrs. Shifflett's concerns regarding the floodplain. The floodplain shown on the plan is conceptual and typically they will get a full blown topographic field run survey of this site to nail down the exact floodplain. Mr. Elliott stated that they do not plan to build houses in the floodplain or disturb the floodplain. That will be evident on the final engineering drawings.

Mr. Elliott addressed the traffic on Shields Road and that intersection, from his experience as an engineer, the majority of the traffic exiting this site will go north, many traffic movements or patterns do not lend itself to a left turn out of this development back immediately on Shields Drive. He can't guarantee that no one will left turn from the development back on Shield Road but it just doesn't seem likely. Mr. Elliott said that Mr. Grant brought him an original ten (10) acre tract that was zoned R-2 and the first iteration that was done was to layout a driveway off Shields Road but they just know that would not work. This is one of the oldest and vital communities in Stockbridge and that is why they held the buffer area to protect the residents of Shields

Road. In the reduction of the forty-eight (48) units rather than seventy-five (75) units, they have been able to eliminate the tennis courts and basketball court and they want be a part of the amenities so they want be a problem. According to the ordinance, they are required to have a pool and clubhouse. It was pointed out that there is a 30 foot buffer on the north side of the property which is required by the Ordinance.

Mr. Grant stated that Mrs. Shifflett made mention of the soil report for fifty (50) acres on Highway 81. That report is for another property on Highway 81 that will go before Henry County for rezoning next week and the County must have put it in this report in error. This property is on City sewer and they are not required to have coring from the Health Department.

Andy Welch stated that the City in the past has put together a Development Agreement and it translates the conditions that the Council imposes into the terms of the Development Agreement in plain language that the City uses to insure that these conditions are enforced and understood between the parties and that the public is also aware of them. There are a number of issues that were raised that can be addressed with the conditions additional to the ones that Planning and Zoning has stated.

Ray Gibbs, Henry County, asked if this property is going to C-2. Michel Elliott replied that the front two pieces are already C-2 and there will be no change. Mr. Gibbs recommended the Council not allow any signs more than eight (8') feet on the two (2) commercial properties. The code allows a thirty (30') foot sign and they suggest the Council place a condition on the commercial properties to have a monument based sign no greater then eight (8') feet. Mr. Grant responded that that will not be a problem but they are leaning toward an office development and that will be appropriate.

Ted Strickland, City Manager, pointed out that the two (2) commercial lots are not included in the rezoning, only the 18.26 acres is being rezoned from R-2 Single Family Residential to RM-2 Multi-family Residential – Townhouses.

Andy Welch said the Council cannot impose the sign conditions on the two (2) commercial lots that Planning and Zoning want because the City is not rezoning that property, it's just going to stay the way it is currently zoned, C-2 Commercial.

Harold Cochran made a motion to approve with conditions; Fred Evans seconded and passed unanimously.

JOHN WALTER OF BIRMINGHAM, ALABAMA requested rezoning from R-3 (Single-Family Residential) to C-2 (General Commercial). The property is located in Land Lot 71 of the 12th District, at the intersection of Davis Road and Georgia State Route 42. The purpose is to develop a commercial strip center.

CITY OF STOCKBRIDGE

4640 NORTH HENRY BOULEVARD
STOCKBRIDGE, GEORGIA 30281
PHONE (770) 389-7900
FAX (770) 389-7912

October 10, 2024

Ms. Michele Battle
President/Sr. Attorney
3562 Habersham at Northlake
Bldg. J, Suite 100
Tucker, GA 30084

RE: Tax Parcel No. S07-010-060-00

Dear Ms. Battle,

The City has reviewed your request for water and sewer services for the proposed twenty (20) unit townhome community. The estimated water and sewage usage is as follows:

- Water – 20 Units x 300 gpd = 6,000
- Sewer – 20 Units x 300 gpd = 6,000

Currently there is available capacity in the water distribution and sanitary sewer collection systems for the requested capacities, but if construction plans are not submitted within one (1) year (**October 10, 2025**), this reservation of capacity shall expire. The following are also required:

- All costs associated with connecting to the water distribution and sanitary sewer collection systems are the developer's responsibility.
- The developer must adhere to the City's Minimum Development Standards.

If additional information is needed, please do not hesitate to contact me via e-mail or cell phone at (678) 373-6765.

Sincerely,

Decius T. Aaron
Public Works Director

Cc: Kevin Miller, Sewer Superintendent
Adam Daniel, Chief Collection Systems Operator

DTA:da



ZONING MODIFICATION APPLICATION PACKAGE

PROCEDURES AND INFORMATION FOR FILING A MODIFICATION & ADMINISTRATIVE MODIFICATION

ALL application forms are obtained from Community Development Services, 4640 North Henry Blvd. Stockbridge, GA 30281 or at https://stockbridgega.org/departments/community-development **PLEASE READ ALL INSTRUCTIONS BEFORE FILING. *NO FAXED COPIES NOR COPIES OF FAXED MATERIAL WILL BE ACCEPTED AS PART OF THIS APPLICATION PACKET.***

TYPES OF MODIFICATION:

1. **ADMINISTRATIVE MODIFICATION**: A modification of conditions to a Zoning or Use Permit that does not require a public hearing. A decision will be made by the Director of Community Development Services.

2. **ZONING MODIFICATION:** A modification of conditions to a Zoning or Use Permit, where public interest has been determined. This requires a public hearing by the City of Stockbridge Councilmembers. Community Development Services will make a recommendation to the Council.

FILING REQUIREMENTS:

1. **PRE-APPLICATION MEETING AND REVIEW FORM:** Prior to submitting a rezoning request, you are required to meet with Staff to review your proposal and issue a pre-application review form, which becomes part of your application packet. **At least 10 business days before your goal due date, email Linda Logan (llogan@cityofstockbridge-ga.gov) with your conceptual site plan and letter of intent attached to make an appointment.**

2. **APPLICATION FORMS: One (1) Digital Copy, One (1) Hard copy are required. ALL** application forms must have the original signature(s) of the property owner, or attach a Power-of-Attorney, or documents showing an option to purchase the property.

3. **LEGAL DESCRIPTIONS: One (1) Digital Copy, One (1) Hard copy are required.** The legal description must be a metes and bounds description of the property that establishes a point of beginning and gives directions (bounds) and distances (metes) of property lines. If the property consists of more than one parcel, all parcels must be combined into one legal description.

4. **SITE PLAN AND SURVEY: One (1) Digital Copy, Four (4) Hard copy are required**, one of which must be 8½" x 11". The site plan must illustrate the requested modification(s). Site plans must be folded, drawn to scale and must not exceed 24" x 36". The required number is subject to change. Survey of the site.

5. **DEVELOPMENT RENDERINGS AND ELEVATIONS: One (1) Digital Copy, One (1) Hard copy is required.**

6. **LETTERS OF INTENT: One (1) Digital Copy, One (1) Hard copy are required**. The letter of intent must explain the circumstances upon which the requested change of condition is based. Include the reason why the development or use of the property cannot be accomplished without modification of a condition and identify the zoning/use permit case number and specific condition(s) being addressed.

7. **ADJACENT PROPERTY OWNERS/NEIGHBORHOOD ASSOCIATION LETTERS: Two (2) copies are required** at the time of filing.

8. **DEPARTMENTAL SIGN-OFF LETTERS: Two (2) copies are required.** If a request for an ADMINISTRATIVE MODIFICATION requires a sign-off by a City of Stockbridge department or staff person, such as the Traffic Engineer or the Arborist, this letter is required at the time of filing.

9. **DISCLOSURE FORM**: If the owner, applicant, and/or applicant's representative has made a campaign contribution to any member of the City Council for $250.00 or more within the past 2 years, Sections 1 through 4 of the Disclosure Form (Form C) must be completed. If no contributions have been made, No should be circled and Section 4 of the form completed. Provide Two (2) copies.

10. **FEES: Make check payable to CITY OF STOCKBRIDGE, GEORGIA.**

11. ***Applications*** *should be emailed to planning@cityofstockbridge-ga.gov with hard copies mailed to Planning & Zoning, 4602 North Henry Blvd. Stockbridge, GA 30281.*

FEES

MODIFICATION BASE FEE:
$300 PLUS $100 FOR EACH ADDITIONAL MODIFICATION REQUEST ON THE SAME PROPERTY
REVISIONS:
$50 PER REVISION

(ALL CHECKS PAYABLE TO THE CITY OF STOCKBRIDGE)

MEETING AND PUBLIC HEARINGS:

- **SCHEDULE:** A schedule with deadlines and public hearing dates for Zoning Modifications is obtainable from either the Community Development Services or on our website at https://stockbridgega.org/pages/government/planning-zoning

- **CITY COUNCIL MEETING:** The City Council holds a public hearing on the fourth Tuesday of each month at 7:00 p.m. in the Stockbridge City Hall, 4640 North Henry Boulevard, Stockbridge, GA 30281.

POSTING OF SIGNS:

- **CITY COUNCIL PUBLIC HEARING NOTICE SIGN:** Signs are to be posted along the frontages of properties subject to zoning modifications that notify area residents of the City Council public hearing. Applicants are required to post sign(s) in conspicuous places along the property's public street frontage(s) no later than 20 days before the City Council hearing. Failure to post the signs properly, in accordance with instructions given to applicants at the time of filing, will result in delaying action on the petition until the next available appropriate hearing date. *THERE ARE NO EXCEPTIONS TO THE PROPER POSTING OF THESE SIGNS.*

- If the sign is mutilated and/or removed, it is the applicant's responsibility to obtain and re-post a new sign(s).

NOTIFICATION FOR ZONING MODIFICATION:

- Notice is mailed (via U.S. Mail) by the City of Stockbridge to all property owners within a quarter-mile of the subject property. Said notice is mailed no later than 15 days prior to the public hearing to property owners of record as shown on the real estate tax records of Henry County as retrieved by the City's Geographic Information Systems.

- A published notice in a newspaper of general circulation is done by the City of Stockbridge no later than 15 days prior to the public hearing. The published notice contains the time, place, purpose of the hearing, and the location of the property.

Procedures

A pre-application meeting with one of the staff planners before submission of any application is required. A scheduled appointment is required. *(No opinions or guidance can be given over the phone)*. Staff will review the request and discuss all necessary code requirements that affect the request. Staff may also need to consult other City departments before accepting the application. The request will then be advertised in the *Henry Daily Herald* and a sign will be posted at least 15 days prior to the scheduled public meeting date.

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

The City of Stockbridge Planning Commission meets on the 4th Thursday of each month (except for holidays) to hear requests. Please contact the Planning and Zoning Office to obtain a copy of the schedule.

Notes

Contacts

City of Stockbridge Planning and Zoning Division
Community Development Department
4602 North Henry Boulevard
Stockbridge, GA 30281
tel. (770) 389-7900

City of Stockbridge Building Services
Municipal Court Building
4602 North Henry Boulevard
Stockbridge, GA 30281
tel. (678) 833-3314

City of Stockbridge Business Services Office
Stockbridge City Hall
4640 North Henry Boulevard
Stockbridge, GA 30281
Tel. (678) 833-3302

City of Stockbridge Code Enforcement Office
Municipal Court Building
4602 North Henry Boulevard
Stockbridge, GA 30281
tel. (678) 833-3321

City of Stockbridge Public Works Department >>>>>>>>>>>>>>>Water Department tel.: (770) 474-1232
Stockbridge Public Works Building Sewer Department tel.: (678) 833-3301
321 Taylor Drive
Stockbridge, GA 30281

Henry County Water and Sewer Authority
1695 Highway 20 West
McDonough, GA 30253
tel. (770) 957-6659

Henry County Health Department
Environmental Health Section
137 Henry Parkway
McDonough, GA 30253
tel. (770) 954-2078

Henry County Fire Department
664 Industrial Boulevard
McDonough, GA 30253
tel. (770) 288-6600

Henry County Police Department
100 Henry Parkway
McDonough, GA 30253
tel. (770) 288-8200

Henry County Environmental Compliance
And Plan Review
140 Henry Parkway
McDonough, GA 30253
tel. (770) 288-6064

Henry County Board of Education
33 North Zach Hinton Parkway
McDonough, GA 30253
tel. (770) 957-6601

ZONING MODIFICATION APPLICATION CHECKLIST

DOCUMENTS AND QUANTITIES REQUIRED

ALL PERTINENT ITEMS ARE DUE AT THE TIME OF FILING.
NO INCOMPLETE APPLICATION WILL BE ACCEPTED.

ITEM #	REQUIRED ITEM	NUMBER OF COPIES	CHECK √
1.	PRE-APPLICATION REVIEW FORM	1 Digital, 1 Hard Copy	
2.	APPLICATION FORM	1 Digital, 1 Hard Copy	
3.	LEGAL DESCRIPTIONS	1 Digital, 1 Hard Copy	
4.	SITE PLAN & SURVEY	1 Digital Copy – 4 hard Copies	
5.	DEVELOPMENT RENDERINGS AND ELEVATIONS	1 Digital Copy – 1 Hard Copy	
6.	LETTERS OF INTENT	1 Digital, 1 Hard Copy	
7.	ADJACENT PROPERTY OWNERS/NEIGHBORHOOD ASSOCIATION LETTERS	1 Digital, 1 Hard Copy	
8.	DEPARTMENTAL SIGN-OFF LETTERS	1 Digital, 1 Hard Copy	
9.	DISCLOSURE FORM	1 Digital, 1 Hard Copy	

APPLICATION FOR ADMINISTRATIVE OR ZONING MODIFICATIONS

The undersigned, having an interest in the property herein described respectfully request:

SECTION I

MODIFICATION #: _____
(To be assigned by the City of Stockbridge)

[_] A. **ADMINISTRATIVE MODIFICATION:** A modification of a condition(s) of zoning or Use Permit that does not require a public hearing. A decision will be made by the Director of Community Development Services.

[X] B. **ZONING MODIFICATION:** A modification of a condition(s) of zoning or Use Permit where public interest has been determined. This requires a public hearing by the City of Stockbridge Councilmembers.

If "A" was denied, list previous case number: #M _____

SECTION II

1) The planner assigned to work on the Modification: Linda Logan

2) Identify the specific condition(s) being modified. State the condition number(s) and letter(s) (e.g. 2-b, 2-e)
Amending the Legal Description attached as Exhibit A to the Development Agreement to include the adjacent 2.28 acre parcel

3) Petition number of the Zoning or Use Permit to which this application applies RZ-03-04
Current zoning district MFR

4) Attach a copy of Legal Description [must be metes and bounds], or complete the following information if the property is within a recorded subdivision.

5) An official survey of the property.

6) Copies of pertinent rezoning cases and zoning conditions, with case numbers.

7) Copies of any approved development agreements or shared parking agreements.

8) Copies of any approved subdivision plats or recombination plats.

9) Copies of any approved variances, conditional uses, or administrative waivers, with case numbers.

10) Copy of a recently-completed zoning compliance letter.

SUBDIVISION NAME: Brush Creek Commons UNIT/PHASE: _____

LOT NUMBER: _____ BLOCK DESIGNATION: _____ LAND LOT(S): 59 & 70

DISTRICT/SECTION: 12th / _____ RECORDED IN PLAT BOOK: 63 PAGE: 299

ROAD NAME: Brush Creek Court

NOTICE: Sections III or IV below **MUST** be signed and notarized when the application is submitted. If Section III is signed and notarized, the applicant need only complete Section IV as "Applicant", notarization of Section IV is not necessary.

SECTION III: Owner states under oath that he/she is the owner of the property described in the attached legal description, which is made part of this application for a Modification.

Pivotal Enterprises, LLC
TYPE OR PRINT OWNER'S NAME

1705 Enterprises Way, Ste. S-100
ADDRESS

Marietta, GA 30067
CITY & STATE ZIP CODE

Eaman Fateni Member
OWNER OF PROPERTY (SIGNATURE)

770-480-1714
PHONE NUMBER

olympiamike@bellsouth.net
EMAIL ADDRESS

Sworn to and subscribed before me this
2nd day of May 2024

Rhonda Y. Whitehead Combs
NOTARY PUBLIC

RHONDA Y WHITEHEAD COMBS NOTARY PUBLIC HENRY COUNTY, GEORGIA MY COMMISSION EXPIRES 02/25/2027

SECTION IV: Applicant, if different from the Owner, states under oath that:

1) The applicant is the executor or attorney-in-fact under a Power-of-Attorney for the Owner. Attach a copy of Power-of-Attorney and type name of Owner as indicated in Section III; *or*

2) The applicant has an option to purchase said property conditioned upon the property being granted a modification. Attach a copy of the contract and type name of Owner as indicated in Section III; or

3) The applicant has an estate for years which permits the applicant to apply for a modification. Attach a copy of the lease and type name of the Owner as indicated in Section III.

APPLICANT (SIGNATURE)

Eaman Fateni - Member
TYPE/PRINT NAME OF APPLICANT

1705 Enterprise Way SE, Ste 100
ADDRESS

Marietta, GA 30067
CITY & STATE ZIP CODE

(770) 480-1714
PHONE NUMBER

efateni@pivotalhouse.com
EMAIL ADDRESS

Sworn to and subscribed before me this
2 day of May 2024

Rhonda Y. Whitehead Combs
NOTARY PUBLIC

RHONDA Y WHITEHEAD COMBS NOTARY PUBLIC HENRY COUNTY, GEORGIA MY COMMISSION EXPIRES 02/25/2027

Indicate which of the above is applicable: 1_____ 2_____ or 3_____

SECTION V: Attorney or Agent, if different from the applicant and/or owner

SIGNATURE OF ATTORNEY/AGENT

CHECK ONE: [✓] ATTORNEY [ ] AGENT

3562 Habersham at Northlake Bldg J, Ste. 100
ADDRESS

Tucker, GA 30084
CITY & STATE ZIP CODE

404-601-7616 ext. 1
PHONE NUMBER

FOR OFFICIAL USE:

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

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

Pre-application meeting:_____ Date:_____

Zoning Advisory Board Decision: _____

BOC Decision: _____

Planning Staff Signature:_____ Date: _____

BK:18078 PG:137-139
Filed and Recorded
Apr-30-2021 01:10 PM
DOC# 2021 - 017687
Real Estate Transfer Tax
Paid: $ 193.50
0752021004368
SABRIYA HILL
CLERK OF SUPERIOR COURT
HENRY COUNTY, GA
Participant ID: 6028630192

Please return to:
Sams & Cole, LLC
2809 Lassiter Road, Suite 100
Marietta, GA 30062
File #: 21-0028

STATE OF GEORGIA
COUNTY OF COBB

LIMITED WARRANTY DEED

THIS INDENTURE made this 22nd day of March, 2021 between

TH41, LLC, a Georgia limited liability company, a 50% undivided interest

as party or parties of the first part, hereinafter called Grantor, and

Pivotal Enterprises, LLC

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

WITNESSETH that: Grantor, for and in consideration of the sum of TEN DOLLARS and other good and valuable consideration ($10.00) in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property:

See attached Exhibit "A" legal description

Address: Shields Road and N. Henry Blvd

Subject to covenants, restrictions, easements, right of way deeds, agreements, matters of plat, governmental ordinances and other lawful matters affecting said property

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantee against the claims of all persons owning, holding or claiming by, through or under the said Grantor.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this first day and year first above written.

Signed, sealed and delivered in the presence of:

Witness

TH41, LLC, a Georgia limited liability company, a 50% undivided interest

(Seal)
John Hardy Jones, Member

(Seal)

Notary Public

[Affix Notary Seal]

LEIGH ANN GREEN
NOTARY PUBLIC
TROUP COUNTY, GEORGIA
MY COMMISSION EXPIRES JANUARY 29, 2022

Exhibit A

All that tract or parcel of land, containing 15.91 acres, more or less, lying and being in Land Lot 70 and 59 of the 12th District of Henry County, Georgia, as shown on preliminary plat by Bunn Grading Company, Inc., dated 6/14/04, and being more particularly described according to said plat as follows:

COMMENCING at the intersection of the centerline of Askew Road and the northern right of way line of State Route 42 and State 138; thence, Southeasterly a distance of 467.58 feet to an iron pin; thence, North 44 degrees 7 minutes 55 seconds East a distance of 225.72 feet to the POINT OF BEGINNING; thence, North 44 degrees 22 minutes 29 seconds East a distance of 34.28 feet to a point; thence South 51 degrees 13 minutes 8 seconds East a distance of 360.00 feet to a point; thence, North 38 degrees 35 minutes 37 seconds East a distance of 360.00 feet to a point; thence North 51 degrees 32 minutes 18 seconds West a distance of 325.00 feet to a point; thence, North 44 degrees 8 minutes 4 seconds East a distance of 267.48 feet to a point; thence, North 3 degrees 30 minutes 52 seconds West a distance of 113.75 feet to a point, thence; South 89 degrees 57 minutes 37 seconds East a distance of 280.97 feet to a point; thence South 10 degrees 43 minutes 44 seconds West a distance of 45.70 feet to a point; thence, North 89 degrees 58 minutes 34 seconds East a distance of 694.39 feet to a point on the western right of way line of Shields Drive; thence, along a curve having a radius of 793.27 feet, a chord bearing of South 8 degrees 19 minutes 12 seconds East a distance of 115.57 feet to a point; thence, South 31 degrees 10 minutes 46 seconds a distance of 82.49 feet to a point; thence, South 33 degrees 14 minutes 43 seconds East a distance of 306.52 feet to a point; thence South 35 degrees 31 minutes 23 seconds East a distance of 135.04 feet to a point; thence, North 89 degrees 4 minutes 1 second West a distance of 1098.72 feet to a point; thence, South 47 degrees 27 minutes 25 seconds West a distance of 186.88 feet to a point; thence along a curve to the Southwest having a radius of 125.00 feet and a length of 16.90 feet to a point; thence South 38 degrees 42 minutes 36 seconds East a distance of 223.55 feet to a point; thence, North 51 degrees 8 minutes 8 seconds West a distance of 25.00 feet to a point; thence, South 38 degrees 51 minutes 52 seconds West a distance of 28.67 feet to a point; thence North 51 degrees 8 minutes 8 seconds West a distance of 347.38 feet to a point; thence North 51 degrees 7 minutes 4 seconds West a distance of 134.84 feet to the POINT OF BEGINNING.

Parcel ID # S07-01006005 Henry County Georgia tax records and being the same property as conveyed at Deed Book 12441 Page 289 Henry County, Georgia records

EXHIBIT "A" *continued*

LEGAL DESCRIPTION

All that land or parcel lying in Land Lot 59 of the 12th District of Henry County, Georgia containing +/- 2.29 acres and being more particularly described as follows:

Commencing at the intersection of the northerly Land Lot Line of Land Lot 59 and the westerly right of way line of Shields Road (60' right of way) as referenced in deed book 8063 page 272 of the Henry County records; thence in a westerly direction along said Land Lot Line a distance of 1,031.72 feet to a point, said point being the true POINT OF BEGINNING; thence South 00°01'22" West, a distance of 388.88 feet to a point; thence South 38°56'20" West, a distance of 137.41 feet to a point; thence North 50°31'01" West, a distance of 321.51 feet to a point on the westerly right of way line of the proposed Brush Creek Court (50' right of way); thence continuing along said proposed right of way North 38°42'36" East, a distance of 193.44 feet to a point; thence continuing along said proposed right of way line to an arc of a curve to the right, arc distance of 16.90 feet, said arc having a radius of 125.00 feet and subtended by a chord of North 42°35'00" East and a chord distance of 16.89 feet to a point; thence continuing along said proposed right of way North 46°27'25" East, a distance of 186.74 feet to a point on the northerly Land Lot Line of Land Lot 59; thence leaving said proposed right of way and continuing along said Land Lot Line South 89°24'04" East, a distance of 66.90 feet to a point, said point being the true POINT OF BEGINNING.

Containing 99,752 square feet or 2.29 acres, more or less.

ALSO the following described property:

TO ARRIVE AT THE TRUE POINT OF BEGINNING, BEGIN at the intersection of the Northeasterly r/w line of State Hwy. 42-138 (78.7' pave-r/w varies) with the center line of Askew Road, and run thence Southeasterly along the Northeasterly r/w line of State Hw. 42-138 a distance of 949.0 feet to a point the TRUE POINT OF BEGINNING.

FROM THE POINT THUS ARRIVED AT, run thence North 38 degrees 51 minutes 52 second East 255.00 feet to a point; thence South 51 degrees 08 minutes 08 East 30.00 feet to an iron pin placed; thence South 38 degrees 51 minutes 52 seconds West 254.99 feet to a point located on the Northeasterly r/w line of State Hwy. 42-138; thence North 51 degrees 08 minutes 08 seconds West 30.00 feet to the point of beginning.

Parcel Id # S07-01006000 Henry County tax records and being the same property as conveyed at Deed Book 13429 Page 204 Henry County Georgia records

https://search.gsccca.org/Imaging/HTML5Viewer.aspx?id=53840466&key1=13429&key2=204&county=75&countyname=HENRY&userid=122196&app... 1/1

BK:18078 PG:140-143
Filed and Recorded
Apr-30-2021 01:10 PM
DOC# 2021 - 017688
Real Estate Transfer Tax
Paid: $ 193.50
0752021004367
SABRIYA HILL
CLERK OF SUPERIOR COURT
HENRY COUNTY, GA
Participant ID: 6028630192

Please return to:
Sams & Cole, LLC
2809 Lassiter Road, Suite 100
Marietta, GA 30062
File #: 21-0028

STATE OF GEORGIA
COUNTY OF COBB

LIMITED WARRANTY DEED

THIS INDENTURE made this 22nd day of March, 2021 between

Tarzana Properties, LLC, a Georgia limited liability company, a 50% undivided interest

as party or parties of the first part, hereinafter called Grantor, and

Pivotal Enterprises, LLC

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

WITNESSETH that: Grantor, for and in consideration of the sum of TEN DOLLARS and other good and valuable consideration ($10.00) in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property:

See attached Exhibit "A" legal description

Address: Shields Road and N. Henry Blvd

Subject to covenants, restrictions, easements, right of way deeds, agreements, matters of plat, governmental ordinances and other lawful matters affecting said property

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantee against the claims of all persons owning, holding or claiming by, through or under the said Grantor.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this first day and year first above written.

Signed, sealed and delivered in the presence of:

Witness

Tarzana Properties, LLC, a Georgia limited liability company, a 50% undivided interest

(Seal)
Robert C. Baral, Member

(Seal)

Notary Public

[Attach Notary Seal]

Attached to and made a part of: _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Los Angeles)

On Mar 1 22, 20 21 before me, S. Farzam, notary public, personally appeared Robert C. Baral who signed the above-referenced Instrument in my presence and who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within Instrument, and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY of PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature S. Farzam (Seal)
Name:

S. FARZAM
Notary Public - California
Los Angeles County
Commission # 2241815
My Comm. Expires Jun 5, 2022

Exhibit A

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Parcel ID # S07-01006005 Henry County Georgia tax records and being the same property as conveyed at Deed Book 12441 Page 289 Henry County, Georgia records

EXHIBIT "A" *continued*

LEGAL DESCRIPTION

All that land or parcel lying in Land Lot 59 of the 12th District of Henry County, Georgia containing +/- 2.29 acres and being more particularly described as follows:

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Containing 99,752 square feet or 2.29 acres, more or less.

ALSO the following described property:

TO ARRIVE AT THE TRUE POINT OF BEGINNING, BEGIN at the intersection of the Northeasterly r/w line of State Hwy. 42-138 (78.7' pave-r/w varies) with the center line of Askew Road, and run thence Southeasterly along the Northeasterly r/w line of State Hw. 42-138 a distance of 949.0 feet to a point the TRUE POINT OF BEGINNING.

FROM THE POINT THUS ARRIVED AT, run thence North 38 degrees 51 minutes 52 second East 255.00 feet to a point; thence South 51 degrees 08 minutes 08 East 30.00 feet to an iron pin placed; thence South 38 degrees 51 minutes 52 seconds West 254.99 feet to a point located on the Northeasterly r/w line of State Hwy. 42-138; thence North 51 degrees 08 minutes 08 seconds West 30.00 feet to the point of beginning.

Parcel Id # S07-01006000 Henry County tax records and being the same property as conveyed at Deed Book 13429 Page 204 Henry County Georgia records

https://search.gsccca.org/Imaging/HTML5Viewer.aspx?id=63840498&key1=13429&key2=204&county=75&countyname=HENRY&userid=122198&app... 1/1

https://search.gsccca.org/Imaging/HTML5Viewer.aspx?id=78542438&key1=18078&key2=137&county=75&countyname=HENRY&userid=251358&a... 7/13

NOTE: If the proposed development site would contain more than one property, and/or more than one property owner, please first type a list on a separate sheet of paper which identifies each property (address and/or parcel number) and its corresponding property owner(s). Then fill out a separate Property Owner's Authorization Form (provided below) for each property and each property owner.

PROPERTY OWNER'S AUTHORIZATION FORM (See NOTE above.)

The undersigned below is the PROPERTY OWNER, or one of the property owners, of the property at _____ [address], with Parcel Number S07-01006000, which is the subject of this application.

Name of Property Owner: Pivotal Enterprises LLC

Property Owner's Address: 1705 Enterprise Way Ste S-100 Marietta, GA 30067

Telephone: 770-527-8582 E-mail: olympiamike@bellsouth.net

I swear that I am the Property Owner, or one of the Property Owners, of the property that is the subject matter of the attached application, as is shown in the tax assessors' records of Henry [County], Georgia [State].

Signature: _____ - Eamon Fitemi - Member Date: 3/25/2024

The undersigned does duly authorize the person(s) and/or company who is named below to act as APPLICANT(S) in the pursuit of this application for the subject property.

Name(s) of Applicant(s): _____

Company/law firm (if applicable): Battle Law P.C.

Telephone, E-Mail, & Address: 404-601-7616 , mlb@battlelawpc.com, and

3562 Habersham at Northlake Bldg J, Suite 100 Tucker, GA 30084

I authorize the Applicant or Applicants who are named above to act on my behalf for this application.

_____ _____

Signature of Property Owner, who swears that the information which is contained in this Property Owner's Authorization is true and correct to the best of his or her knowledge and belief.

3/25/2024
Date

Signature of Notary Public

RHONDA Y WHITEHEAD COMBS NOTARY PUBLIC HENRY COUNTY GEORGIA MY COMMISSION EXPIRES 02/25/2027

Rhonda Y. Whitehead-Combs
Printed Name of Notary Public

3/25/2024
Date

Notary Public's Seal or Stamp:

Applicant Campaign Disclosure Form

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

Has the applicant made, within two (2) years immediately preceding the filing of this application for a rezoning, campaign contributions aggregating $250 or more, or made gifts having in the aggregate a value of $250 or more to a member of the City of Stockbridge Planning Commission or Stockbridge City Council who will consider the application?

Yes_____No _X__

If Yes, the applicant and the attorney representing the applicant must file the following information with the City of Stockbridge Planning and Zoning Division within ten (10) days after this application is first filed:

Planning Commissioner and/or City Council Member Name	Dollar Amount of Campaign Contribution	Description of Gift $250 or greater, which was given to Board Member

We certify that the foregoing information is true and correct, this 2nd day of May, 2024.

Applicant's Name - Printed

Signature of Applicant/Property Owner/Agent

Michele L. Battle

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 2nd day of May 2024

Notary Public

BATOYA CLEMENTS NOTARY PUBLIC GEORGIA GWINNETT COUNTY EXPIRES May 4, 2024

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

Applicant Campaign Disclosure Form

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

Has the applicant made, within two (2) years immediately preceding the filing of this application for a rezoning, campaign contributions aggregating $250 or more, or made gifts having in the aggregate a value of $250 or more to a member of the City of Stockbridge Planning Commission or Stockbridge City Council who will consider the application?

Yes_____ No X

If **Yes**, the applicant and the attorney representing the applicant must file the following information with the City of Stockbridge Planning and Zoning Division within ten (10) days after this application is first filed:

Planning Commissioner and/or City Council Member Name	Dollar Amount of Campaign Contribution	Description of Gift $250 or greater, which was given to Board Member

We certify that the foregoing information is true and correct, this 2nd day of May, 2024

Eaman Fatemi, - Member
Applicant's Name - Printed

Signature of Applicant/Property Owner/Agent

Michele L. Battle
Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 2nd day of May 2024

RHONDA Y WHITEHEAD COMBS NOTARY PUBLIC HENRY COUNTY, GEORGIA MY COMMISSION EXPIRES 02/25/2027

Rhonda Y. Whitehead-Combs
Notary Public

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

BK:63 PG:299-308
Filed and Recorded
Sep-12-2023 12:47 PM
DOC# 2023 - 000204
SABRIYA HILL
CLERK OF SUPERIOR COURT
HENRY COUNTY, GA
Participant ID: 1787130545

RESERVED FOR CLERK OF COURT

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

SITE INFORMATION

1. SITE ZONING: MFR TOWNHOMES

2. TOTAL SITE AREA IS 15.74 ACRES (1.50 AC OPEN SPACE)
TOTAL LENGTH OF BRUSH CREEK COURT: 1064.26 L.F.
TOTAL RIGHT-OF-WAY AREA OF BRUSH CREEK COURT: 1.989 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 12.02.0511 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 = 35 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.

(2) HANDICAPPED & (4) REGULAR PARKING SPACES WILL BE SPREAD OUT BETWEEN THE CLUBHOUSE & THE PAVILION.

8. WIDTH OF TYPICAL ROADWAY IS 28 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 5%/$50 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.: 13151C0207D AND 13151C0208D BOTH DATED 10/05/2016. 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 ON THIS SITE 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 907 A
ALL BLOCK 1
PARCELS SAME AS LOT #'S
COMMON AREAS 007A11100000

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: 41/4.932 = 8.28 UPA

SURVEYOR'S NOTES

1. A TOPCON DS 105 (ROBOTIC TOTAL STATION), TOPCON TRAVERSING EQUIPMENT, A 300 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 19,663 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 716,581 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 GDPS 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. MFR'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 EASEMENTS, 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 3-17-05).

ZONING REFERENCES

CURRENT ZONING:
MFR-TOWNHOMES

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

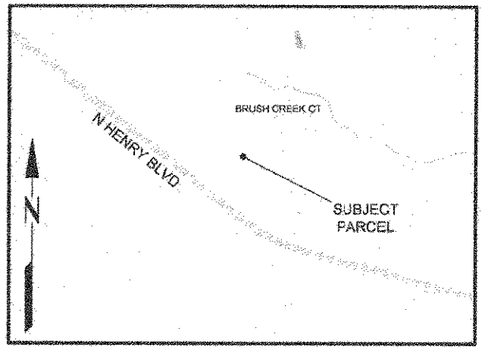
PREVIOUS AGREEMENTS:
1) DEVELOPMENT AGREEMENT DATED 07-21-2003 ADOPTED IN COMPANION TO REZONING CASE #RZ-03-04 (COPIED HERE TO PAGES 6-8)

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)



VICINITY MAP
NOT TO SCALE

SURVEYOR'S CERTIFICATION

AS REQUIRED BY SUBSECTION (D) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

GEORGIA REGISTERED No. 2386 PROFESSIONAL LAND SURVEYOR KEITH SEILER

8-30-23

KEITH R. SEILER — DATE
GEORGIA REGISTRATION NO. 2386
MEMBER NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS (NSPS)
MEMBER SURVEYING & MAPPING SOCIETY OF GEORGIA (SAMSOG)

SUBJECT PROPERTY

OWNER:
PIVOTAL ENTERPRISES, LLC
1705 ENTERPRISE WAY
SUITE B-500
MARIETTA, GA. 30067

ENGINEER OF RECORD:
LAND ENGINEERING AND DEVELOPMENT
274 RACETRACK ROAD
MCDONOUGH, GA 30252
678-423-8720

SURVEYOR:
SEILER & ASSOCIATES, INC.
124 ANDREW DRIVE, SUITE 200
STOCKBRIDGE, GA. 30281
678-565-9200

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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.

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 ZM-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-TOWNHOMES), 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 03-03, EFFECTIVE ON MARCH 10, 2003, SHALL APPLY AND IS ATTACHED HERETO AS EXHIBIT "B" 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 12.02.0511 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 FEATURES.
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 OTHERS AND SHALL INCLUDE VARIATIONS IN ROOF LINES WHICH MAY BE ACCOMPLISHED WITH THE USE OF DORMERS, GABLES AND/OR PARAPETS.
F. ALL EXTERIOR FACADES SHALL CONSIST OF BRICK AND/OR STONE. THE CORNICES AND GABLES SHALL CONSIST OF STUCCO, STONE, AND/OR HARDI-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 (DBH"), SHALL HAVE A MINIMUM TWENTY-FOUR FOOT (24.00 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: 1,200 SQUARE FOOT CLUB HOUSE WITH FULL KITCHEN, GYM, GRILLS, BENCHES, AND FIREPLACE; ONE COMBINED PLAYGROUND WITH EQUIPMENT FOR BOTH TODDLERS AND OVER; 3,000 SQUARE FOOT ADDED FLEXIBLE USE AREA; 15'X30' PAVILION; GAZEBO; MONUMENT SIGNS; 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 ZM-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 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
E. THE FRONT SETBACK REQUIREMENTS FOR THIS 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 & SURVEYORS CAP SET (STAMPED "SEILER & ASSOCIATES LSF #390 GEORGIA") AT THE INTERSECTION OF THE WESTERN RIGHT-OF-WAY LINE OF SHIELDS ROAD (80 MINIMUM 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, 19.54 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 23 DEGREES 23 MINUTES 43 SECONDS WEST, 0.99 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, 23.50 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 81 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 86 DEGREES 47 MINUTES 59 SECONDS WEST, 112.98 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, 19.89 FEET TO A 1/2" REBAR & SURVEYOR'S CAP SET (STAMPED "SEILER & ASSOCIATES LSF #390 GEORGIA");

THENCE NORTH 86 DEGREES 59 MINUTES 29 SECONDS WEST, 9.04 FEET TO A 1/2" REBAR & SURVEYOR'S CAP SET (STAMPED "SEILER & ASSOCIATES LSF #390 GEORGIA");
THENCE SOUTH 02 DEGREES 54 MINUTES 32 SECONDS WEST, 20.00 FEET TO A 1/2" REBAR & SURVEYOR'S CAP (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 31 MINUTES 00 SECONDS WEST, 66.66 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 49 DEGREES 31 MINUTES 16 SECONDS WEST, 198.75 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 36 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 43 MINUTES 28 SECONDS WEST, 199.44 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, 21.49 FEET TO A POINT;

THENCE SOUTH 39 DEGREES 53 MINUTES 14 SECONDS WEST, 33.51 FEET TO A POINT;

THENCE NORTH 81 DEGREES 11 MINUTES 39 SECONDS WEST, 490.83 FEET TO A POINT;

THENCE NORTH 44 DEGREES 16 MINUTES 46 SECONDS EAST, 56.06 FEET TO A 1/2" REBAR & SURVEYOR'S CAP SET (STAMPED "SEILER & ASSOCIATES LSF #390 GEORGIA");

THENCE SOUTH 81 DEGREES 16 MINUTES 46 SECONDS EAST, 380.00 FEET TO A REBAR & SURVEYOR'S CAP FOUND;

THENCE NORTH 76 DEGREES 34 MINUTES 50 SECONDS EAST, 368.03 FEET TO A REBAR & SURVEYOR'S CAP FOUND (STAMPED "COA 813");

THENCE NORTH 81 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 14 DEGREES 13 MINUTES 39 SECONDS EAST, 251.71 FEET TO A 1/2" OPEN TOP PIPE FOUND;

THENCE NORTH 03 DEGREES 29 MINUTES 29 SECONDS WEST, 115.51 FEET TO A 1/2" REBAR & SURVEYOR'S CAP SET (STAMPED "SEILER & ASSOCIATES LSF #390 GEORGIA");

THENCE NORTH 89 DEGREES 59 MINUTES 56 SECONDS EAST, 285.93 FEET TO A 1/2" REBAR & SURVEYOR'S CAP SET (STAMPED "SEILER & ASSOCIATES LSF #390 GEORGIA");

THENCE SOUTH 12 DEGREES 52 MINUTES 48 SECONDS WEST, 45.57 FEET TO A 1/2" REBAR & SURVEYOR'S CAP SET (STAMPED "SEILER & ASSOCIATES LSF #390 GEORGIA");

THENCE SOUTH 89 DEGREES 47 MINUTES 07 SECONDS EAST, 139.32 FEET TO A 3/8" SECONDS REBAR FOUND;

THENCE NORTH 89 DEGREES 54 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, 156.82 FEET ALONG THE ARC OF A CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF 977.56 FEET AND A CHORD OF SOUTH 09 DEGREES 27 MINUTES 31 SECONDS EAST, 156.65 FEET) TO A POINT;

THENCE CONTINUING ALONG THE WESTERN RIGHT-OF-WAY LINE OF SHIELDS ROAD, 82.66 FEET ALONG THE ARC OF A CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF 1308.66 FEET AND A CHORD OF SOUTH 14 DEGREES 04 MINUTES 07 SECONDS EAST, 82.65 FEET) TO A POINT;

THENCE CONTINUING ALONG THE WESTERN RIGHT-OF-WAY LINE OF SHIELDS ROAD, 308.63 FEET ALONG THE ARC OF A CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF 12388.91 FEET AND A CHORD OF SOUTH 20 DEGREE 29 MINUTES 39 SECONDS EAST, 308.62 FEET TO A POINT;

THENCE CONTINUING ALONG THE WESTERN RIGHT-OF-WAY LINE OF SHIELDS ROAD, SOUTH 34 DEGREES 48 MINUTES 51 SECONDS EAST, 139.27 FEET TO THE **POINT OF BEGINNING.**

SAID TRACT OR PARCEL OF LAND CONTAINING 15.7438 ACRES (685,735 SQUARE FEET).

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 DEDICATED 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: 9/8/2023

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: 9/8/2023

THIS PLAT IS HEREBY APPROVED FOR RECORDING:

BY: _____
CITY OF STOCKBRIDGE COMMUNITY DEVELOPMENT DEPARTMENT
DATE: 8-31-23

THIS PLAT IS HEREBY APPROVED FOR RECORDING:

BY: _____
CITY OF STOCKBRIDGE ENGINEERING
DATE: 8/31/23

FLOOD NOTE:

ACCORDING TO FEMA F.I.R.M. PANELS: ***13151C0208D & 13151C0207D*** EFFECTIVE DATE: ***OCTOBER 5, 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
PROFESSIONAL SURVEYORS
124 ANDREW DRIVE • STOCKBRIDGE • GA 30281 • 678-565-9200 • LSF #390
PHOTOS ON THE WEB AT WWW.SEILERASSOC.COM

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

GEORGIA REGISTERED No. 2386 PROFESSIONAL LAND SURVEYOR KEITH SEILER
8-30-23

NO.	DESCRIPTION	DATE	BY	APPR.
1-3	BRUSH CREEK COMMENTS	2-27-23	BCM	KS
4	CLIENT REVIEW COMMENTS	5-15-23	BCM	KS
5	CLIENT REVIEW COMMENTS	6-13-23	BCM	KS
6	CLIENT REVIEW COMMENTS	7-13-23	BCM	KS
7	CLIENT REVIEW COMMENTS	7-20-23	BCM	KS
8	CLIENT REVIEW COMMENTS	7-31-23	BCM	KS
9	CLIENT REVIEW COMMENTS	8-30-23	BCM	KS

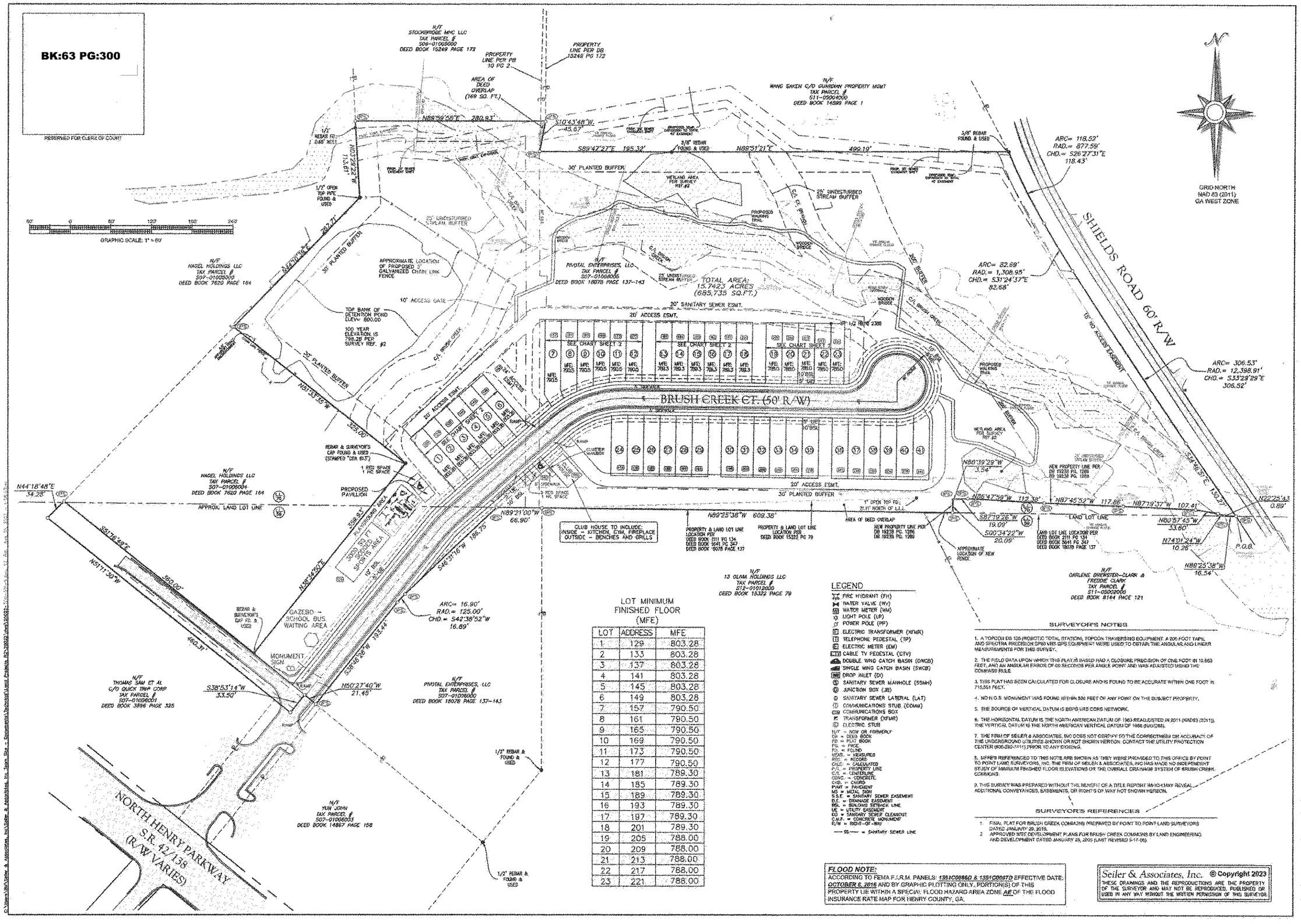
REVISIONS

DATE: FEBRUARY 21, 2023
SCALE: HORZ: 1" = 60'
FIELD BOOK: PROJECT
DATE OF FIELD SURVEY: JULY 19, 2021
LAND LOT(S): 59 & 70
DISTRICT: 12 TH
SECTION: N/A
COUNTY: HENRY (CITY OF STOCKBRIDGE)
SURVEYED: KS
DRAWN: BCM
CHECKED: KS
APPROVED: KS
PROJECT NO.: 2-20022
DWG NAME: 20022-SSD-001-8.dwg

SHEET 1 OF 10

BK:63 PG:300

RESERVED FOR CLERK OF COURT



LOT MINIMUM FINISHED FLOOR (MFE)

LOT	ADDRESS	MFE
1	129	803.28
2	133	803.28
3	137	803.28
4	141	803.28
5	145	803.28
6	149	803.28
7	157	790.50
8	161	790.50
9	165	790.50
10	169	790.50
11	173	790.50
12	177	790.50
13	181	789.30
14	185	789.30
15	189	789.30
16	193	789.30
17	197	789.30
18	201	789.30
19	205	788.00
20	209	788.00
21	213	788.00
22	217	788.00
23	221	788.00

LEGEND

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

N/F = NOW OR FORMERLY
DB = DEED BOOK
PB = PLAT BOOK
PG. = PAGE
FD. = FOUND
MEAS. = MEASURED
REC. = RECORD
CALC. = CALCULATED
P/L = PROPERTY LINE
C/L = CENTERLINE
CONC. = CONCRETE
CHD. = CHORD
PVMT = PAVEMENT
MS = METAL SIGN
S.S.E. = SANITARY SEWER EASEMENT
D.E. = DRAINAGE EASEMENT
BSL = BUILDING SETBACK LINE
UE = UTILITY EASEMENT
SD = SANITARY SEWER CLEANOUT
C.M.F. = CONCRETE MONUMENT
R/W = RIGHT-OF-WAY
SS = SANITARY SEWER LINE

SURVEYOR'S NOTES:

1. A TOPCON DB 120 (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 18,863 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 GPS/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. 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, 2015.
2. APPROVED SITE DEVELOPMENT PLANS FOR BRUSH CREEK COMMONS BY LAND ENGINEERING AND DEVELOPMENT DATED JANUARY 25, 2005 (LAST REVISED 9-17-06).

FLOOD NOTE:
ACCORDING TO FEMA F.I.R.M. PANELS: *13151C0086D & 13151C0087D* 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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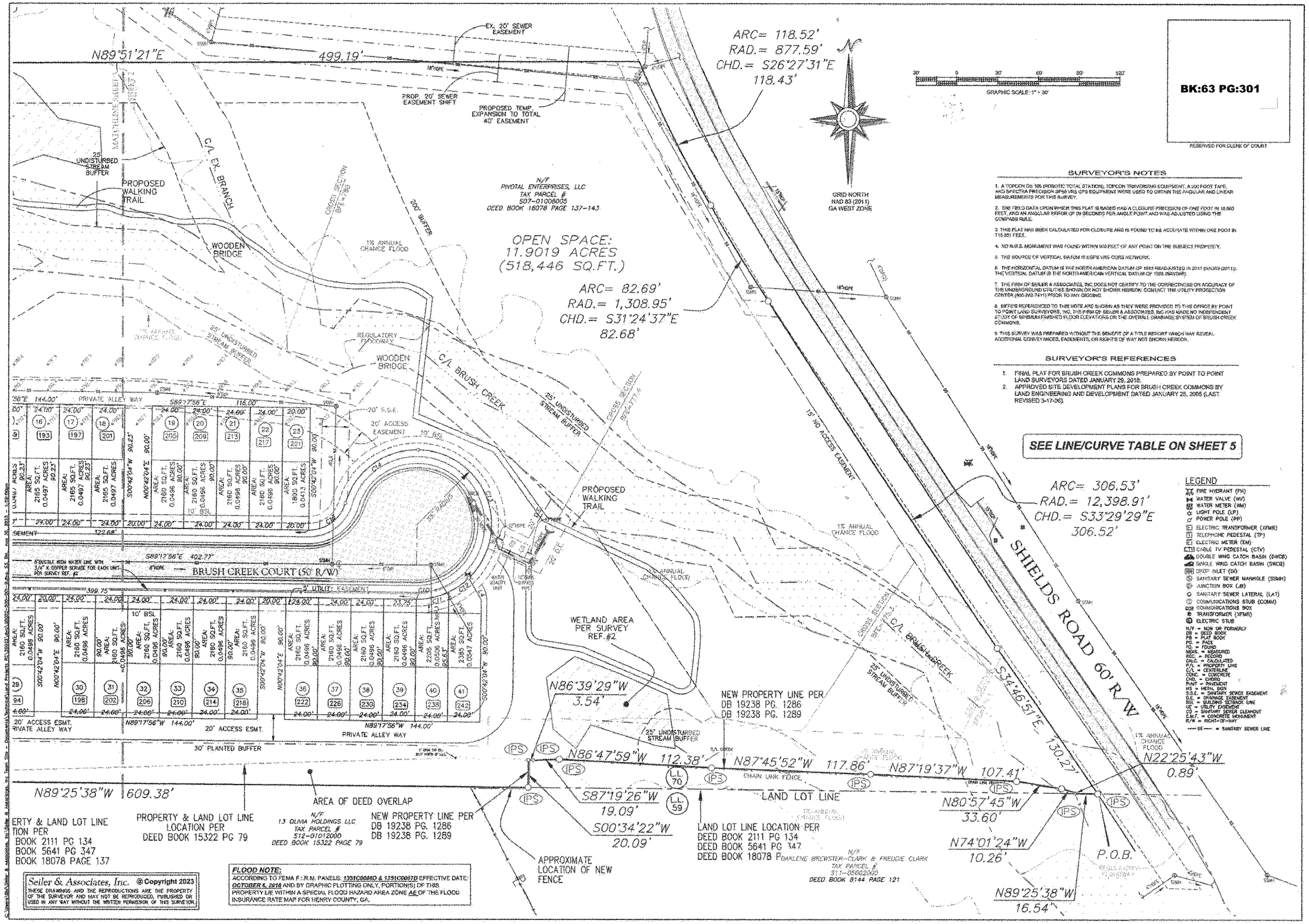
FINAL TOWNHOME PLAT FOR BRUSH CREEK COMMONS CITY OF STOCKBRIDGE, (HENRY COUNTY), GEORGIA

8-30-23

NO.	DESCRIPTION / AMENDMENT / CHANGES	DATE	BY	APPR.
1-3	BOUNDARY, TOPO	2-24-23	BCM	KS
4	CLIENT REVIEW COMMENTS	3-7-23	BCM	KS
5	CLIENT REVIEW COMMENTS	6-15-23	BCM	KS
6	CLIENT REVIEW COMMENTS	7-13-23	BCM	KS
7	CLIENT REVIEW COMMENTS	7-26-23	BCM	KS
8	CLIENT REVIEW COMMENTS	7-21-23	BCM	KS
9	CLIENT REVIEW COMMENTS	8-30-23	BCM	KS

REVISIONS

SHEET 2 of 10
DATE: FEBRUARY 24, 2023
SCALE: 1" = 60'
VERT.: N/A
FIELD BOOK: PROJECT
DATE OF FIELD SURVEY: JULY 19, 2021
LAND LOT(S): 99 & 70
DISTRICT: 12 TH
SECTION: N/A
COUNTY: HENRY (CITY OF STOCKBRIDGE)
DRAWN: BCM
CHECKED: KS
APPROVED: KS
PROJECT NO.: 20-092
DWG NAME: 20222-300-001-3.dwg



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

GEORGIA REGISTERED LAND SURVEYOR
KEITH SEILER
8-30-23

NO.	DESCRIPTION	DATE	BY	APPR.
1-3	BOUNDARY & UTILITY CHANGES	2-27-23	BM	KS
4	CLIENT REVIEW COMMENTS	3-7-23	BDM	KS
5	CLIENT REVIEW COMMENTS	6-15-23	BDM	KS
6	CLIENT REVIEW COMMENTS	7-13-23	BDM	KS
7	CLIENT REVIEW COMMENTS	7-26-23	BDM	KS
8	CLIENT REVIEW COMMENTS	7-31-23	BDM	KS
9	CLIENT REVIEW COMMENTS	8-30-23	BDM	KS

DATE: FEBRUARY 21, 2023
SCALE: HORZ.: 1" = 30'
VERT.: N/A
FIELD BOOK: PROJECT
DATE OF FIELD SURVEY: JULY 19, 2021
LAND LOT(S): 59 & 70
DISTRICT: 12 TH
SECTION: N/A
COUNTY: HENRY (CITY OF STOCKBRIDGE)
SURVEYED: BDM
DRAWN: BDM
CHECKED: KS
APPROVED: KS
PROJECT NO.: 20-022
DWG NAME: 20022-500-001-3.dwg

SHEET 3 OF 10

BK:63 PG:302

RESERVED FOR CLERK OF COURT

FLOOD NOTE:
ACCORDING TO FEMA F.I.R.M. PANELS: *13151C0085D & 13151C0057D* 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.

30' 0 30' 60' 90' 120'
GRAPHIC SCALE: 1" = 30'

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)
- COMMUNICATIONS STUB (COMM)
- COMMUNICATIONS BOX
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N/F = NOW OR FORMERLY
DB = DEED BOOK
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CONC. = CONCRETE
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S.S.E. = SANITARY SEWER EASEMENT
D.E. = DRAINAGE EASEMENT
BSL = BUILDING SETBACK LINE
UE = UTILITY EASEMENT
CO = SANITARY SEWER CLEANOUT
C.M.F. = CONCRETE MONUMENT
R/W = RIGHT-OF-WAY
SS = SANITARY SEWER LINE

GRID NORTH
NAD 83 (2011)
GA WEST ZONE

N/F
NAGEL HOLDINGS LLC
TAX PARCEL #
507-01005000
DEED BOOK 7620 PAGE 164

N/F
NAGEL HOLDINGS LLC
TAX PARCEL #
507-01008004
DEED BOOK 7620 PAGE 164

N89°59'58"E 280.93'
S10°43'48"W 45.67'
S89°47'27"E 195.32'
N89°51'21"E
N03°29'22"W 113.61'
N44°10'39"E 267.71'
N51°33'35"W 325.00'
N89°21'00"W

EX. 20' SEWER EASEMENT
PROP. 20' SEWER EASEMENT SHIFT
PROPOSED TEMP. EXPANSION TO TOTAL 40' EASEMENT
PROP. ESMT. EXPANSION
1% ANNUAL CHANCE FLOOD
WANG SAKEN C.
DEED
20' S.S.E.
30' PLANTED BUFFER
WETLAND AREA PER SURVEY REF. #2
25' UNDISTURBED STREAM BUFFER
PROPOSED WALKING TRAIL
C/L EX. BRANCH
C/L BRUSH CREEK
REGULATORY FLOODWAY
CROSS SECTION BFF-765.9
WOODEN BRIDGE
WOOD BRIDG
APPROXIMATE LOCATION OF PROPOSED 5' GALVANIZED CHAIN LINK FENCE
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
4.5' APPARENT FENCE ENCROACHMENT
CHAIN LINK FENCE
25' UNDISTURBED STREAM BUFFER
30' PLANTED BUFFER
APPROX. LAND LOT LINE
L.L. 70
L.L. 59
PROPOSED PAVILLION
1 REG SPACE
1 HC SPACE
BRUSH CREEK CT. (50' R/W)
PRIVATE ALLEY WAY
20' ACCESS ESMT.
CLUSTER MAILBOX
CLUB HOUSE
3 REG SPACE
1 HC SPACE
5' SIDEWALK
5' UTILITY EASEMENT
6" DUCTILE IRON WATER LINE WITH 3/4" K COPPER SERVICE FOR EACH UNIT PER SURVEY REF. #2
6" PVC
BRUSH C
MATCHLINE SHEET 3
SHEET 5
MATCHLINE SHEET 5
SHEET 3
N85°20'00"W 1003.00

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 18,683 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 115,691 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 (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. MFRE'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 9-17-06).

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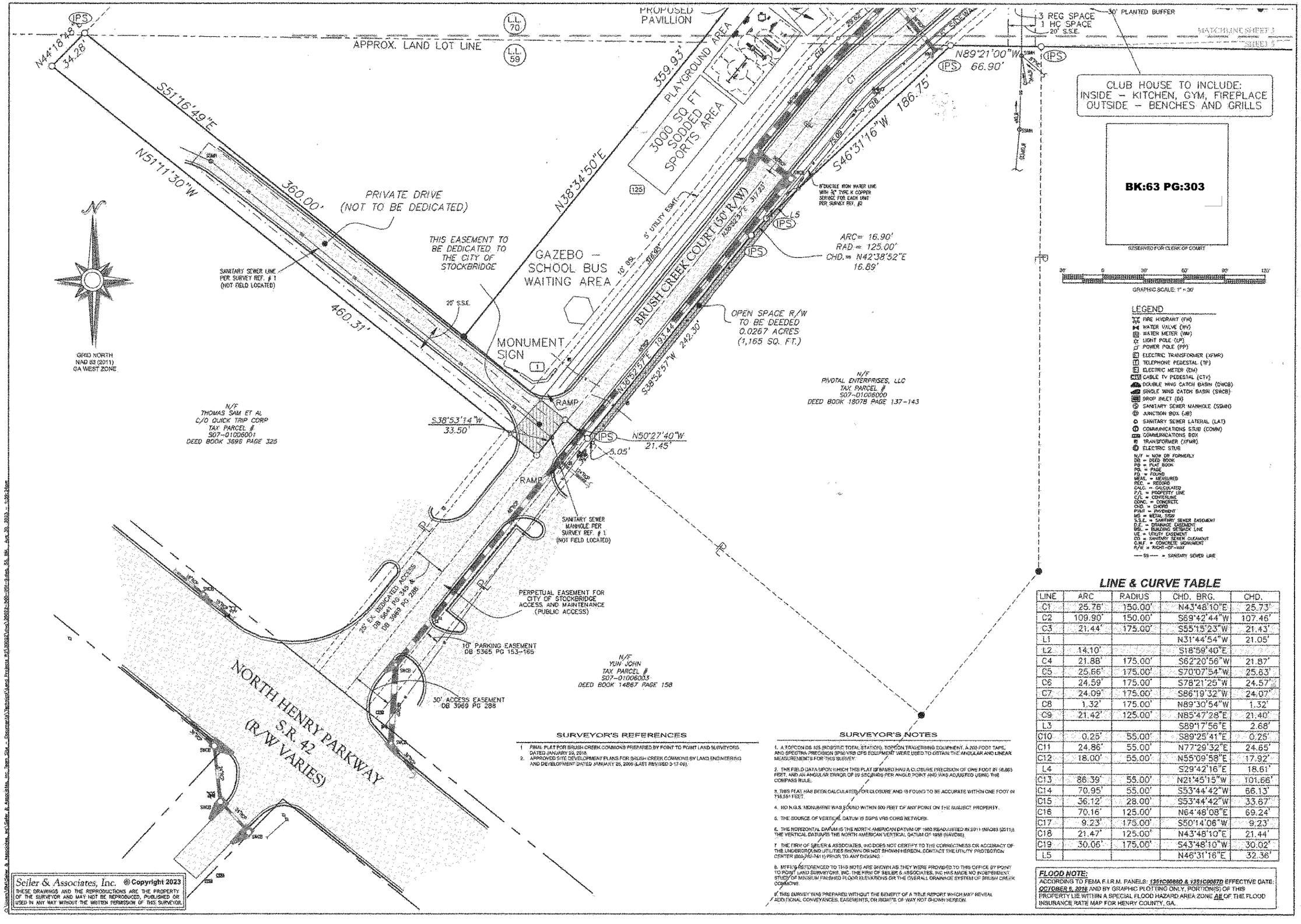
FINAL TOWNHOME PLAT FOR BRUSH CREEK COMMONS
CITY OF STOCKBRIDGE, (HENRY COUNTY), GEORGIA

GEORGIA REGISTERED LAND SURVEYOR
KEITH SEILER
8-30-23

NO.	DESCRIPTION / REVISIONS	DATE	BY	APPR'D
1-3	BOUNDARY, AMENITY, CHANGES	2-27-23	BCM	KS
4	CLIENT REVIEW COMMENTS	3-7-23	BCM	KS
5	CLIENT REVIEW COMMENTS	6-15-23	BCM	KS
6	CLIENT REVIEW COMMENTS	7-13-23	BCM	KS
7	CLIENT REVIEW COMMENTS	7-20-23	BCM	KS
8	CLIENT REVIEW COMMENTS	7-21-23	BCM	KS
9	CLIENT REVIEW COMMENTS	8-29-23	BCM	KS

DATE: FEBRUARY 21, 2023
SCALE: HORIZ 1" = 30'
VERT.: N/A
FIELD BOOK: PROJECT
DATE OF FIELD SURVEY: MAY 19, 2021
LAND LOT(S): 59 & 70
DISTRICT: 10TH
SECTION: N/A
COUNTY: HENRY (CITY OF STOCKBRIDGE)
SURVEYED: KS
DRAWN: BCM
CHECKED: KS
APPROVED: KS
PROJECT NO: 20-022
DWG NAME: 20022-500-001-3.dwg

SHEET 4 OF 10



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, 2006 (LAST REVISED 3-17-06).

SURVEYOR'S NOTES

1. A TOPCON GS-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 16,863 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 GGPS 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. METES 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.

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)
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- SANITARY SEWER MANHOLE (SSMH)
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- SANITARY SEWER LATERAL (LAT)
- COMMUNICATIONS STUB (COMM)
- COMMUNICATIONS BOX
- TRANSFORMER (XFMR)
- ELECTRIC STUB

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UE = UTILITY EASEMENT
CO = SANITARY SEWER CLEANOUT
C.M.F. = CONCRETE MONUMENT
R/W = RIGHT-OF-WAY

-SS- = SANITARY SEWER LINE

LINE & CURVE TABLE

LINE	ARC	RADIUS	CHD. BRG.	CHD.
C1	25.76'	150.00'	N43°48'10"E	25.73'
C2	109.90'	150.00'	S69°42'44"W	107.46'
C3	21.44'	175.00'	S55°15'23"W	21.43'
L1			N31°44'54"W	21.05'
L2	14.10'		S18°59'40"E	
C4	21.88'	175.00'	S62°20'56"W	21.87'
C5	25.66'	175.00'	S70°07'54"W	25.63'
C6	24.59'	175.00'	S78°21'25"W	24.57'
C7	24.09'	175.00'	S86°19'32"W	24.07'
C8	1.32'	175.00'	N89°30'54"W	1.32'
C9	21.42'	125.00'	N85°47'28"E	21.40'
L3			S89°17'56"E	2.68'
C10	0.25'	55.00'	S89°25'41"E	0.25'
C11	24.86'	55.00'	N77°29'32"E	24.65'
C12	18.00'	55.00'	N55°09'58"E	17.92'
L4			S29°42'16"E	18.61'
C13	86.39'	55.00'	N21°45'15"W	101.66'
C14	70.95'	55.00'	S53°44'42"W	66.13'
C15	36.12'	28.00'	S53°44'42"W	33.67'
C16	70.16'	125.00'	N64°48'08"E	69.24'
C17	9.23'	175.00'	S50°14'06"W	9.23'
C18	21.47'	125.00'	N43°48'10"E	21.44'
C19	30.06'	175.00'	S43°48'10"W	30.02'
L5			N46°31'16"E	32.36'

FLOOD NOTE:
ACCORDING TO FEMA F.I.R.M. PANELS: ***13151C0088D & 13151C0087D*** EFFECTIVE DATE: ***OCTOBER 5, 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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FINAL TOWNHOME PLAT FOR BRUSH CREEK COMMONS CITY OF STOCKBRIDGE, (HENRY COUNTY), GEORGIA

KEITH SEILER 8-30-23

NO.	DESCRIPTION	DATE	BY	APPR.
1-3	BOUNDARY, AREA'S CHANGES	2-27-23	BM	KS
4	CLIENT REVIEW COMMENTS	6-15-23	BDM	KS
5	CLIENT REVIEW COMMENTS	7-13-23	BDM	KS
6	CLIENT REVIEW COMMENTS	7-18-23	BDM	KS
7	CLIENT REVIEW COMMENTS	7-21-23	BDM	KS
8	CLIENT REVIEW COMMENTS	8-30-23	BDM	KS
9	CLIENT REVIEW COMMENTS			

DATE: FEBRUARY 21, 2023
SCALE: HORIZ. 1" = 30'
FIELD BOOK: MAPS/PROJECT
DATE OF FIELD SURVEY: JULY 19, 2021
LAND LOT(S): 59 & 70
DISTRICT: 12TH
SECTION: N/A
COUNTY: HENRY (CITY OF STOCKBRIDGE)
SURVEYED: JR
DRAWN: BDM
APPROVED: KS
PROJECT NO.: 20-022
DWG. NAME: 20022-SSC-201-5.dwg

SHEET 5 OF 10

BK:63 PG:304

RESERVED FOR CLERK OF COURT

SURVEYOR'S NOTES

1. A TOPCON GTS 105 (ROBOTIC TOTAL STATION) TOPCON TRAVERSING EQUIPMENT, A 300 FOOT TAPE, AND SPECTRA PRECISION SP60 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 16,583 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 (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. All PIE'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 26, 2015.
2. APPROVED SITE DEVELOPMENT PLANS FOR BRUSH CREEK COMMONS BY LAND ENGINEERING AND DEVELOPMENT DATED JANUARY 26, 2006 (LAST REVISED 8-17-06).

FLOOD NOTE:
ACCORDING TO FEMA F.I.R.M. PANELS: ***13513C0085D & 13513C0057D*** EFFECTIVE DATE: **OCTOBER 8, 2014** 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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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 encumbered by this Agreement shall consist one tract of land described in Exhibit "A," which is incorporated herein by reference.

PREAMBLE:

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,

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

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 requires 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 understood, the parties agree as follows:

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

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

AGREEMENT:

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

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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 portions.

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 (3-5") caliber (d.b.h), shall have a minimum twenty-four foot (24 sq. ft.) planting area and shall be spaced on average of forty-five feet (45') apart. Owner shall provide a list of ten (10) trees to be

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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

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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

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SEILER & ASSOCIATES INC
PROFESSIONAL SURVEYORS
124 ANDREW DRIVE - STOCKBRIDGE - GA 30281 - 678-565-2203 - LSF 000990
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FINAL TOWNHOME PLAT FOR BRUSH CREEK COMMONS CITY OF STOCKBRIDGE, (HENRY COUNTY), GEORGIA

REGISTERED LAND SURVEYOR
KEITH SEILER
8-30-23

NO.	REVISIONS DESCRIPTION	DATE	BY
1-3	BOUNDARY AND TOPO CHANGES	5-27-23	BDM KS
4	CLIENT REVIEW COMMENTS	6-15-23	BDM KS
5	CLIENT REVIEW COMMENTS	7-13-23	BDM KS
6	CLIENT REVIEW COMMENTS	7-20-23	BDM KS
7	CLIENT REVIEW COMMENTS	7-31-23	BDM KS
8	CLIENT REVIEW COMMENTS	8-30-23	BDM KS
9	CLIENT REVIEW COMMENTS		

DATE: FEBRUARY 21, 2023
SCALE: HORZ.: 1" = 60'
FIELD WORK: PROJECT
DATE OF FIELD SURVEY: MAY 19, 2021
LAND LOT(S): 59 & 70
DISTRICT: 12TH
SECTION: N/A
COUNTY: HENRY (CITY OF STOCKBRIDGE)
SURVEYED: BB
DRAWN BY: BDM
CHECKED: KS
APPROVED: KS
PROJECT NO.: 20-022
DWG NAME: 20022-500-001-8.dwg

SHEET 6 OF 10

BK:63 PG:305

RESERVED FOR CLERK OF COURT

SURVEYOR'S NOTES

1. A TOPCON GE 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 15,683 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 715,251 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 (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. MPER'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: ***13151C0086D & 13151C0067D*** 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.

Development Agreement between the City of Stockbridge and Royce Grant dated July 23, 2003

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

A) 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.

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Development Agreement between the City of Stockbridge and Royce Grant dated July 23, 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.

Received Time Oct. 30. 2007 9:02AM No. 2394

Development Agreement between the City of Stockbridge and Royce Grant dated July 23, 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.

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

Development Agreement between the City of Stockbridge and Royce Grant dated July 23, 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.

Received Time Oct. 30. 2007 9:02AM No. 2394

Development Agreement between the City of Stockbridge and Royce Grant dated _____, 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.

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

Development Agreement between the City of Stockbridge and Royce Grant dated July 23, 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.

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

GEORGIA REGISTERED SEILER 8-30-23

NO.	DESCRIPTION	DATE	BY	APPR.
1-4	BOUNDARY, TOPO, NAMES	2-27-23	BDM	KS
	CLIENT REVIEW COMMENTS	3-27-23	BDM	KS
5	CLIENT REVIEW COMMENTS	6-15-23	BDM	KS
6	CLIENT REVIEW COMMENTS	7-13-23	BDM	KS
7	CLIENT REVIEW COMMENTS	7-20-23	BDM	KS
8	CLIENT REVIEW COMMENTS	7-21-23	BDM	KS
9	CLIENT REVIEW COMMENTS	8-30-23	BDM	KS

REVISIONS

DATE: FEBRUARY 21, 2023
SCALE: HORIZ. 1" = 60'
FIELD BOOK: PROJECT
DATE OF FIELD SURVEY: AUGUST 12, 2021
LAND LOT(S): 99 & 70
DISTRICT: 12TH
SECTION: N/A
COUNTY: HENRY (CITY OF STOCKBRIDGE)
SURVEYED: JS
DRAWN: BDM
CHECKED: KS
APPROVED: KS
PROJECT NO.: 20022
DWG NAME: 20022-500-001-9.dwg

SHEET 7 OF 10

C:\Users\Utah\Seiler & Associates, Inc\Seiler & Associates, Inc Team Site - Documents\Technical Work Projects\20\20022\Work\20022-500-001-9.dwg, 8/30/2023 1:58:58pm

BK:63 PG:306

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 EPOCH 50 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 16,663 FEET, AND AN ANGULAR ERROR OF 05 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 (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. 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 RIGHT'S OF WAY NOT SHOWN HEREON.

SURVEYOR'S REFERENCES

1. FINAL PLAT FOR BRUSH CREEK COMMONS PREPARED BY POINT TO POINT LAND SURVEYORS DATED JANUARY 26, 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: ***13151C0086D & 13151C0087D*** EFFECTIVE DATE: ***OCTOBER 6, 2018*** 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.

DEVELOPMENT AGREEMENT AND AMENDMENTS

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

ATTEST:

_____
Merle Manders, City Clerk

[Seal]

[Signatures on following page]

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

OWNER:

_____ (L.S.)
ROYCE GRANT

Signed, sealed and delivered before me this 31st day of July, 2003.

_____
Witness

_____
Notary Public
(Seal)

My commission expires:

6-25-2004

N.L. BOWLES NOTARY PUBLIC HENRY COUNTY, GEORGIA

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 TIMBERLINE 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

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.

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 exception 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

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:

SEILER & ASSOCIATES, INC.
PROFESSIONAL SURVEYORS
121 ANDREW DRIVE - STOCKBRIDGE - GA 30281 - 678.565.5200 - LSF #390
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FINAL TOWNHOME PLAT
FOR
BRUSH CREEK COMMONS
CITY OF STOCKBRIDGE,
(HENRY COUNTY), GEORGIA

GEORGIA REGISTERED LAND SURVEYOR KEITH SEILER
8-30-23

NO.	DESCRIPTION OF REVISIONS	DATE	BY	APPR'D
1-3	BOUNDARY, ADJACENT CHANGES	3-7-23	KS	
4	CLIENT REVIEW COMMENTS	4-17-23	BDM	KS
5	CLIENT REVIEW COMMENTS	6-15-23	BDM	KS
6	CLIENT REVIEW COMMENTS	7-13-23	BDM	KS
7	CLIENT REVIEW COMMENTS	7-20-23	BDM	KS
8	CLIENT REVIEW COMMENTS	7-21-23	BDM	KS
9	CLIENT REVIEW COMMENTS	8-30-23	BDM	KS

DATE: FEBRUARY 26, 2023
SCALE: 1" = 60'
VERT.: N/A
FIELD BOOK: PROJECT
DATE OF FIELD SURVEY: JULY 19, 2021
LAND LOTS: 56 & 79
DISTRICT: 7TH
SECTION: N/A
COUNTY: HENRY (CITY OF STOCKBRIDGE)
DRAWN: BDM
CHECKED: KS
APPROVED: KS
PROJECT NO.: 20-022
DWG NAME: 20022-500-001-Sheet

SHEET 8 OF 10

BK:63 PG:307

RESERVED FOR CLERK OF COURT

SURVEYOR'S NOTES

1. A TOPCON DB 16B (ROBOTIC TOTAL STATION), TOPCON TRAVERSING EQUIPMENT, A 300 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 15,953 FEET, AND AN ANGULAR ERROR OF 09 SECOND PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE.
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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 K 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 RIGHT'S OF WAY NOT SHOWN HEREON.

SURVEYOR'S REFERENCES

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FLOOD NOTE:
ACCORDING TO FEMA F.I.R.M. PANELS: ***13151C0086D & 13151C0087D*** 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.

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 2, 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:000079 Matter:0001 Doc:00048580.DOC) 5

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 WANDERS, City Clerk

(Seal)

Version 8

(Client:000079 Matter:0001 Doc:00048580.DOC) 6

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

OWNER:

TIMBERLINE GROUP, LLC

BY: _____ (L.S.)
BRIAN F
Manag Mng. Partner (Title)

Signed, sealed and delivered
before me this 12 day of
December, 2004.

_____
Notary Public

ATTEST:

_____, Secretary

(Client:000079 Matter:0001 Doc:00048580.DOC) 7

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 Boyce 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:

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 80' 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,

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]

SEILER & ASSOCIATES, INC.
PROFESSIONAL SURVEYORS
124 ANDREW DRIVE - STOCKBRIDGE, GA 30281 - 678-565-9290 - LSF #988
FIND US ON THE WEB AT WWW.SEILERASSOC.COM

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

GEORGIA REGISTERED LAND SURVEYOR KEITH SEILER 8-30-23

NO.	DESCRIPTION	DATE	BY	APPR
	REVISIONS			
1-3	BOUNDARY AMEND. CHANGES	2-27-23	BM	KS
4	CLIENT REVIEW COMMENTS	3-7-23	BDM	KS
5	CLIENT REVIEW COMMENTS	6-15-23	BDM	KS
6	CLIENT REVIEW COMMENTS	7-11-23	BDM	KS
7	CLIENT REVIEW COMMENTS	7-20-23	BDM	KS
8	CLIENT REVIEW COMMENTS	7-27-23	BDM	KS
9	CLIENT REVIEW COMMENTS	8-30-23	BDM	KS

DATE: FEBRUARY 21, 2023
SCALE: HORIZ. 1" = 60'
VERT. N/A
FIELD BOOK: PROJECT
DATE OF FIELD SURVEY: JULY 19, 2021
LAND LOT(S): 59 & 70
DISTRICT: 12 PM
SECTION: N/A
SURVEYED: CITY OF STOCKBRIDGE
DRAWN: BDM
CHECKED: KS
APPROVED: KS
PROJECT NO: 20-022
DWG NAME: 20022-500-001-9.dwg

SHEET 9 8 10

BK:63 PG:308

RESERVED FOR CLERK OF COURT

DEVELOPMENT AGREEMENT AND AMENDMENTS

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 15,693 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 715,691 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 GPS 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. MFR'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, 2023 (LAST REVISED 8-17-06)

FLOOD NOTE:
ACCORDING TO FEMA F.I.R.M. PANELS: ***13151C0086D & 13151C0067D*** 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 89 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 89 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. Clubhouse
2. Pavilion
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 "tot 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 5th 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.

CITY OF STOCKBRIDGE, GEORGIA

Anthony S. Ford, Mayor

ATTEST:

Vanessa Hobbsley, City Clerk

APPROVED AS TO FORM:

Quinton G. Washington, City Attorney

SEILER & ASSOCIATES, INC
PROFESSIONAL SURVEYORS
124 ANDREW DRIVE - STOCKBRIDGE - GA 30281 - 678.565.9280 - LSF #385
FIND US ON THE WEB AT WWW.SEILERASSOC.COM

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

8-30-23

NO.	DESCRIPTION	DATE	BY	APPR.
1-3	BOUNDARY; AMENITY CHANGES	2-27-23	GM	KS
4	CLIENT REVIEW COMMENTS	3-7-23	BCM	KS
5	CLIENT REVIEW COMMENTS	6-15-23	BCM	KS
6	CLIENT REVIEW COMMENTS	7-13-23	BCM	KS
7	CLIENT REVIEW COMMENTS	7-20-23	BCM	KS
8	CLIENT REVIEW COMMENTS	7-31-23	BCM	KS
9	CLIENT REVIEW COMMENTS	8-29-23	BCM	KS

REVISIONS

DATE: FEBRUARY 21, 2023
SCALE: HORIZ. 1" = 80'
VERT.: N/A
FIELD BOOK: PROJECT
DATE OF FIELD SURVEY: JULY 19, 2021
LAND LOT(S): 89 & 70
DISTRICT: 12TH
COUNTY: HENRY (CITY OF STOCKBRIDGE)
SURVEYED: JD
DRAWN: BCM
CHECKED: KS
APPROVED: KS
PROJECT NO.: 20-022
DWG NAME: 20022-500-201-9.dwg

SHEET 10 OF 10

C:\Users\Bob\Seiler & Associates, Inc\Seiler & Associates, Inc - Documents\Technical\Land Projects\#20022\Dwg\20022-500-201-9.dwg, 8.5x11, Jun 30, 2023 - 2:09:13pm



VICINITY MAP
NOT TO SCALE

LEGAL DESCRIPTION

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

COMMENCING 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 (80 FOOT 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, 33.60 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 86 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 86 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 (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") AND THE ***POINT OF BEGINNING***

THENCE LEAVING SAID LINE COMMON TO LAND LOTS 59 AND 70, S OUTH 00 DEGREES 04 MINUTES 27 SECONDS WEST, 388.88 FEET TO A 1/2" REBAR FOUND;

THENCE SOUTH 39 DEGREES 01 MINUTES 07 SECONDS WEST, 137.44 FEET TO A 1/2" REBAR FOUND;

THENCE NORTH 50 DEGREES 27 MINUTES 40 SECONDS WEST, 321.53 FEET TO A 1/2" REBAR & SURVEYOR'S CAP (STAMPED "SEILER & ASSOCIATES LSF #390 GEORGIA") SET ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF BRUSH CREEK COURT (50 RIGHT OF WAY PER FINAL SUBDIVISION PLAT OF BRUSH CREEK COMMONS, PLAT BOOK 63 PAGE 299, HENRY COUNTY, GEORGIA RECORDS);

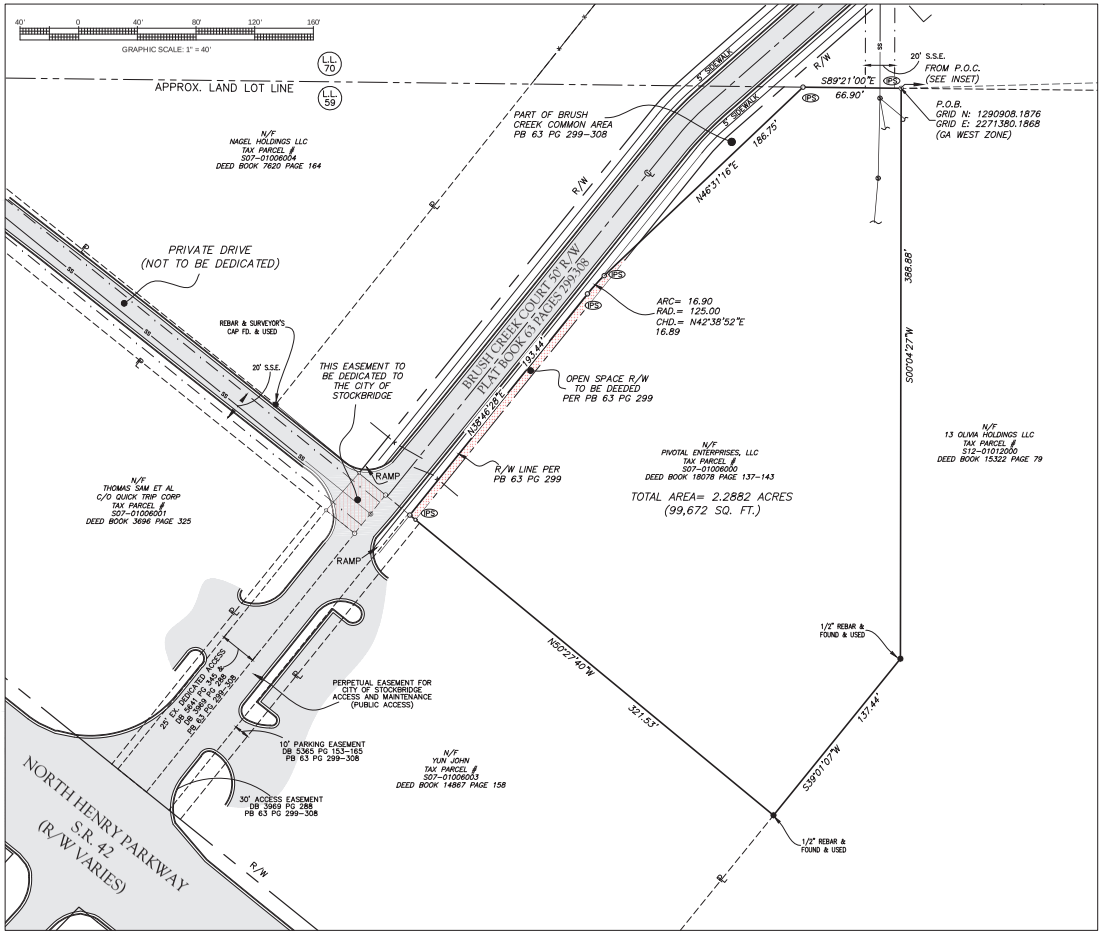
THENCE ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF BRUSH CREEK COURT, NORTH 38 DEGREES 46 MINUTES 28 SECONDS EAST, 193.44 FEET TO A 1/2" REBAR & SURVEYOR'S CAP SET (STAMPED "SEILER & ASSOCIATES LSF #390 GEORGIA");

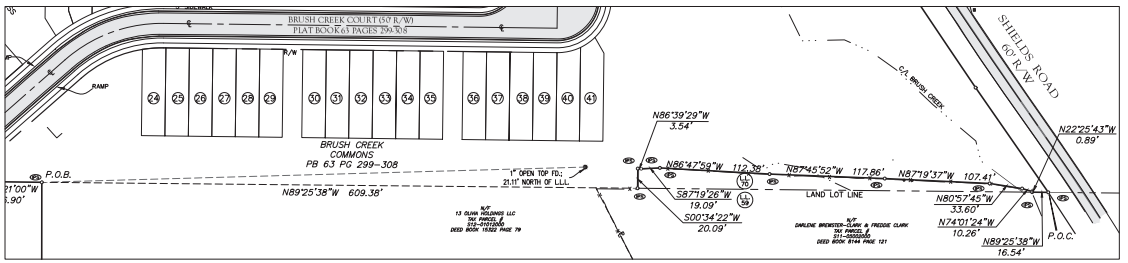
THENCE CONTINUING ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF BRUSH CREEK COURT, 16.89 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, (SAID CURVE HAVING A RADIUS OF 125.00 FEET AND A CHORD OF NORTH 42 DEGREES 38 MINUTES 52 SECONDS EAST, 16.89 FEET) TO A 1/2" REBAR & SURVEYOR'S CAP SET (STAMPED "SEILER & ASSOCIATES LSF #390 GEORGIA");

THENCE LEAVING THE SOUTHEASTERLY RIGHT OF WAY LINE OF BRUSH CREEK COURT, NORTH 46 DEGREES 31 MINUTES 16 SECONDS EAST, 186.75 FEET TO A 1/2" REBAR & SURVEYOR'S CAP SET (STAMPED "SEILER & ASSOCIATES LSF #390 GEORGIA");

THENCE SOUTH 89 DEGREES 21 MINUTES 00 SECONDS EAST, 66.90 FEET TO THE ***POINT OF BEGINNING.***

SAID TRACT OR PARCEL OF LAND CONTAINING 2.2882 ACRES (99,672 SQUARE FEET).





P.O.C INSET
SCALE 1" = 60'

SURVEYOR'S CERTIFICATION

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

GEORGIA REGISTERED No. 2388 PROFESSIONAL LAND SURVEYOR KEITH SEILER

5-3-24

KEITH R. SEILER — DATE
GEORGIA REGISTRATION NO. 2388
MEMBER NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS (NSPS)
MEMBER SURVEYING & MAPPING SOCIETY OF GEORGIA (SAMSOG)

GRID NORTH
NAD 83 (2011)
GA WEST ZONE

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 526,313 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 (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. 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. APPROVED SITE DEVELOPMENT PLANS FOR BRUSH CREEK COMMONS BY LAND ENGINEERING AND DEVELOPMENT DATED JANUARY 25, 2005 (LAST REVISED 3-17-06).
2. FINAL SUBDIVISION PLAT FOR BRUSH CREEK COMMONS PREPARED BY SEILER AND ASSOCIATES RECORDED IN PLAT BOOK 63 PAGES 299-308

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)
- COMMUNICATIONS STUB (COMM)
- COMMUNICATIONS BOX
- TRANSFORMER (XFMR)
- ELECTRIC STUB

N/F = NOW OR FORMERLY
DB = DEED BOOK
PB = PLAT BOOK
PG. = PAGE
FD. = FOUND
MEAS. = MEASURED
REC. = RECORD
CALC. = CALCULATED
P/L = PROPERTY LINE
C/L = CENTERLINE
CONC. = CONCRETE
CHD. = CHORD
PVMT. = PAVEMENT
N.T.S. = NOT TO SCALE
S.S.E. = SANITARY SEWER EASEMENT
D.E. = DRAINAGE EASEMENT
BSL = BUILDING SETBACK LINE
UE = UTILITY EASEMENT
CO = SANITARY SEWER CLEANOUT
C.M.F. = CONCRETE MONUMENT
R/W = RIGHT-OF-WAY
SS = SANITARY SEWER LINE

FLOOD NOTE:
ACCORDING TO FEMA F.I.R.M. PANELS: *1351C0086D & 1351C0067D* EFFECTIVE DATE: ***OCTOBER 6, 2016*** AND BY GRAPHIC PLOTTING ONLY, NO 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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SEILER & ASSOCIATES, INC.
PROFESSIONAL SURVEYORS
124 ANDREW DRIVE • STOCKBRIDGE • GA 30281 • 678-565-9200 • LSF #390
FIND US ON THE WEB AT WWW.SEILERASSOC.COM

BOUNDARY SURVEY FOR PIVOTAL ENTERPRISES, LLC CITY OF STOCKBRIDGE, (HENRY COUNTY), GEORGIA

GEORGIA REGISTERED No. 2388 PROFESSIONAL LAND SURVEYOR KEITH SEILER
5-3-24

NO.	DESCRIPTION	REVISIONS DATE	BY	APPR.

SHEET 1 of 1
DATE: MAY 3, 2024
SCALE: 1" = 40'
VERT.: N/A
FIELD BOOK: PROJECT
DATE OF FIELD SURVEY: JULY 19, 2021
LAND LOT: 59
DISTRICT: 12 TH
SECTION: N/A
COUNTY: HENRY (CITY OF STOCKBRIDGE)
SURVEYED: KS
DRAWN: BCM
CHECKED: KS
APPROVED: KS
JOB NO.: 20022-100-001-20225-100
DWG NAME: 20022-100-001-Sa.dwg

C:\Users\KM\Seiler & Associates, Inc\Seiler & Associates, Inc Team Site - Documents\Technical\Land Projects-SA\20022\Dwgs\20022-100-001-Sa.dwg, Sa, KM, May 03, 2024 - 3:41:56pm

LEGAL DESCRIPTION

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

COMMENCING 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 FOOT 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, 33.60 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 86 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 86 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 (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”) AND THE ***POINT OF BEGINNING***;

THENCE LEAVING SAID LINE COMMON TO LAND LOTS 59 AND 70, SOUTH 00 DEGREES 04 MINUTES 27 SECONDS WEST, 388.88 FEET TO A 1/2” REBAR FOUND;

THENCE SOUTH 39 DEGREES 01 MINUTES 07 SECONDS WEST, 137.44 FEET TO A 1/2” REBAR FOUND;

THENCE NORTH 50 DEGREES 27 MINUTES 40 SECONDS WEST, 321.53 FEET TO A 1/2” REBAR & SURVEYOR'S CAP (STAMPED “SEILER & ASSOCIATES LSF #390 GEORGIA”) SET ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF BRUSH CREEK COURT (50 RIGHT OF WAY PER FINAL SUBDIVION PLAT OF BRUSH CREEK COMMONS, PLAT BOOK 63 PAGES 299-308, HENRY COUNTY, GEORGIA RECORDS);

THENCE ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF BRUSH CREEK COURT, NORTH 38 DEGREES 46 MINUTES 28 SECONDS EAST, 193.44 FEET TO A 1/2” REBAR & SURVEYOR'S CAP SET (STAMPED “SEILER & ASSOCIATES LSF #390 GEORGIA”);

THENCE CONTINUING ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF BRUSH CREEK COURT, 16.90 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, (SAID CURVE HAVING A RADIUS OF 125.00 FEET AND A CHORD OF NORTH 42 DEGREES 38 MINUTES 52 SECONDS EAST, 16.89 FEET) TO A 1/2” REBAR & SURVEYOR'S CAP SET (STAMPED “SEILER & ASSOCIATES LSF #390 GEORGIA”);

THENCE LEAVING THE SOUTHEASTERLY RIGHT OF WAY LINE OF BRUSH CREEK COURT, NORTH 46 DEGREES 31 MINUTES 16 SECONDS EAST, 186.75 FEET TO A 1/2” REBAR & SURVEYOR'S CAP SET (STAMPED “SEILER & ASSOCIATES LSF #390 GEORGIA”);

THENCE SOUTH 89 DEGREES 21 MINUTES 00 SECONDS EAST, 66.90 FEET TO THE ***POINT OF BEGINNING.***

SAID TRACT OR PARCEL OF LAND CONTAINING 2.2882 ACRES (99,672 SQUARE FEET).

Phase 1

15.74 AC
Zoned MFR

Shields Road (60' r/w)

Brush Creek Court (50' r/w)

Brush Creek Court (50' r/w)

North Henry Parkway (variable r/w)

stormwater management area

playground

sports field

gazebo
school bus waiting area

monument sign

clubhouse

Waffle House

commercial/retail

30' planted buffer

20' private alley

wetlands

creek

Brush

walking trail (approx. location)

25' stream buffer

50' buffer

20' SSE

30' BL

50' r/w

20' back of curb to back of curb

guest parking

Phase 2

2.28 AC
Existing zoning: C2
Proposed zoning: MFR
Total Units: 20
(24'w x 50'd)

Site Data

Total Site Area: 18.02 AC
Phase 1 = 15.74 AC
Phase 2 = 2.28 AC
Total Lots Shown: 61
Phase 1 = 41
Phase 2 = 20
Overall Proposed Density: 3.39UN/AC

north

DGM
LAND PLANNING CONSULTANTS, INC.
1635 OLD HWY 41
SUITE 112–314
KENNESAW, GA 30152
770–514–9006
DGMLPC.COM

Rezoning Plat

Brush Creek Commons

City of Stockbridge, Georgia Land Lots 59 and 70, 12th District

prepared for:
Pivotal Enterprises, LLC
1705 Enterprise Way
Marietta, Georgia 30067

0 25 50 100 200
Scale: 1" = 50'

August 27, 2024



Battle Law

AMENDED AND RESTATED
STATEMENT OF INTENT

and

Other Material Required by
Stockbridge Zoning Ordinance
For
A Major Modification of Zoning Conditions RZ-03-04

of

Pivotal Enterprises, LLC
c/o Battle Law, P.C.

for

+/- 15.74 Acres of Land
Being Brush Creek Court
Stockbridge, Georgia and
Parcel Nos. S07-01006000 and S07-A01100000

Submitted for Applicant by:

Michèle L. Battle, Esq.
Joshua S. Mahoney, Esq.
Battle Law, P.C.
Habersham at Northlake, Building J, Suite 100
Tucker, Georgia 300384
(404) 601-7616 Phone
(404) 745-0045 Facsimile
mlb@battlelawpc.com

Battle Law

I. LETTER OF INTENT

Pivotal Enterprises, LLC (the "Applicant") is seeking a Major Modification of Zoning Conditions to RZ-03-04 (as previously modified) (the "Brush Creek Commons Zoning Case") to allow for a Phase 2 expansion of Brush Creek Commons. The Brush Creek Commons development currently contains 15.74 acres being Tax Parcel No. S07-A01100000 ("Phase 1 of Brush Creek Commons"). Tax Parcel No. S07-01006000 ("Proposed Phase 2 of Brush Creek Commons") is a +/- 2.28 acres of land having frontage on Brush Creek Court. It is the Applicant's desire to develop twenty (20) townhome units on the Proposed Phase 2 of Brush Creek Commons. The additional residential units will be complementary to the currently proposed units in Phase 1, while also spreading the burden of maintaining the extensive community's amenities which are currently required under the Brush Creek Commons Zoning Case. The Applicant is proposing that the Phase 2 expansion be developed in accordance with the Site Plan submitted herewith, and subject to the conditions set forth in Exhibit "A" attached hereto, which shall become part of the Development Agreement dated July 21, 2003, as previously amended and modified. This document serves as a statement of intent and contains notice of constitutional allegations as a reservation of the Applicant's rights.

II. NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONTITUTIONAL RIGHTS

The portions of the Stockbridge Zoning Ordinance, facially and as applied to the Subject Property, which restrict or classify or may restrict or classify the Subject Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The application of the Stockbridge Zoning Ordinance to the Subject Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public

health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia.

A refusal by the Stockbridge City Council to amend the land use and/or rezone the Subject Property to the classification as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any future land use map amendment or rezoning of the Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

A refusal to allow the future land use map amendment or rezoning in question would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

A refusal to allow the future land use map amendment or rezoning in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law, O.C.G.A Section 36-66/1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

The existing land use designation and/or zoning classification on the Subject Property is unconstitutional as it applies to the Subject Property. This notice is being given to comply with the provisions of O.C.G.A. Section 36-11-1 to afford the County an opportunity to revise the Property to a constitutional classification. If action is not taken by the County to rectify this unconstitutional land use designation and/or zoning classification within a reasonable time, the Applicant is hereby placing the County on notice that it may elect to file a claim in the Superior Court of Henry County demanding just and adequate compensation under Georgia law for the taking of the Subject Property, diminution of value of the Subject Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.

Michele L. Battle, Esq.
Attorney for the Applicant

Battle Law

EXHIBIT "A"

Proposed Development Conditions

1) The following conditions shall apply to Phase 2 of Brush Creek Commons

a) Phase 2 shall be developed in general conformity with the Phase 2 site plan submitted to the Stockbridge Planning Staff on September ___, 2024 and shall adhere to all City of Stockbridge MFR Ordinance requirements, except if there is a conflict between the MFR Ordinance requirements and the conditions set forth in the Development Agreement, as amended from time to time, the conditions set forth in the Development Agreement shall control.

b) Maximum building height shall be forty (40) feet.

c) All townhouses shall have a mixture of front facade consisting of covered entryway, porches, bay windows and/or balconies. Garages shall be accentuated with variations of design porticos.

d) Owner shall submit elevations of buildings to be approved by the City.

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-halfinch (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 often (10) trees to be provided and subject to modification by the City.

h) A streetscaping 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.

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) The maximum units per building shall be no more than six (6) units per building.

l) The minimum distance between buildings shall be twenty (20) feet

m) The minimum front yard setback shall be twenty (20) feet

n) The minimum side yard setback shall be fifteen (15) feet

o) The minimum rear yard setback shall be twenty (20) feet

p) A Declaration of Restrictive Covenants for Phase 1 shall be amended and modified to incorporate Phase 2, and the units in Phase 2 shall have all of the same rights and privileges to use the common areas and amenities located within Phase 1.

CITY OF STOCKBRIDGE
4640 NORTH HENRY BOULEVARD
STOCKBRIDGE, GEORGIA 30281
PHONE 770 -389-7901 FAX 770-692-2690

April 10,2024

To Whom It May Concern:

This is to verify that the City of Stockbridge services water and sewer for Brush Creek Subdivision.

If you have any questions, please call the Utility Billing Department in City Hall at 770-389-7901.

Thank You

Kimberly Barnett
Utility Billing Supervisor

DEVELOPMENT AGREEMENT

FOR

BRUSH CREEK COMMONS

Location off North Henry Blvd.-behind the OT and Waffle House

ROYCE GRANT

JULY 21, 2003
AMENDED DECEMBER 13, 2004
AMENDED AUGUST 13, 2007

DEVELOPMENT AGREEMENT

FOR

BRUSH CREEK COMMONS

Location off North Henry Blvd.-behind the QT and Waffle House

Royce Grant

JULY 21, 2003

AMENDED DECEMBER 13, 2004

Original

DEVELOPMENT AGREEMENT

BRUSH CREEK COMMONS

(OFF N HENRY BLVD - BEHIND THE QT AND WAFFLE HOUSE)

HAYES DEVELOPMENT CORPORATION

ROYCE GRANT

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 encumbered 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,

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:

AGREEMENT:

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

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

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

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

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.

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.

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.

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.

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.

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.

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

ATTEST:

_____
Merle Manders, City Clerk

[Seal]

[Signatures on following page]

OWNER:

Royce Grant (L.S.)
ROYCE GRANT

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

Joye Moore
Witness

N.J. Sohler
Notary Public
(Seal)

My commission expires:

6-25-2006

N.J. SOHLER NOTARY PUBLIC EXPIRES: 6-25-2006 COWETA COUNTY GEORGIA

EXHIBIT "A"

PLAT AND LEGAL DESCRIPTION OF PROPERTY

BRUSH CREEK COMMONS

Legal Description

All that tract or parcel of land, containing **15.96 acres** more or less, lying and being in Land Lot 70 and 59 of the 12th District of Henry County, Georgia, as shown on preliminary plat by Bunn Grading Company, Inc., dated 7/14/03, and being more particularly described according to said plat as follows:

COMMENCING at the intersection of the centerline of Askew Road and the northern right-of-way line of State Route 42 and State 138; thence, Southeasterly a distance of 467.58 feet to an iron pin; thence, North 44 degrees 7 minutes 55 seconds East a distance of 225.72 feet to the **POINT OF BEGINNING**; thence, North 44 degrees 22 minutes 29 seconds East a distance of 34.28 feet to a point; thence, South 51 degrees 13 minutes 8 seconds East a distance of 360.00 feet to a point; thence, North 38 degrees 35 minutes 37 seconds East a distance of 360.00 feet a point; thence, North 51 degrees 32 minutes 18 seconds West a distance of 325.00 feet a point; thence, North 44 degrees 8 minutes 4 seconds East a distance of 267.48 feet to a point; thence, North 3 degrees 30 minutes 52 seconds West a distance of 113.75 feet to a point; thence, South 89 degrees 57 minutes 37 seconds East a distance of 280.97 feet to a point; thence South 10 degrees 43 minutes 44 seconds West a distance of 45.70 feet to a point; thence, North 89 degrees 58 minutes 34 seconds East a distance of 694.39 feet to a point on the western right of way line of Shields Drive; thence, along a curve having a radius of 793.27 feet, a chord bearing of South 8 degrees 19 minutes 12 seconds East a distance of 115.57 feet to a point; thence, South 31 degrees 10 minutes 46 seconds a distance of 82.49 feet to a point; thence, South 33 degrees 14 minutes 43 seconds East a distance of 306.52 feet to a point; thence, South 35 degrees 31 minutes 23 seconds East a distance of 135.04 feet to a point; thence, North 89 degrees 4 minutes 1 second West a distance of 1032.00feet to a point; thence, along the eastern right of way line of the proposed street as shown on the attached site plan by Bunn Grading Co. Inc. a distance of 481.91 feet to a point; thence, North 51 degrees 8 minutes 8 seconds West a distance of 25.00 feet to a point; thence, South 38 degrees 51 minutes 52 seconds West a distance of 28.67 feet to a point; thence, North 51 degrees 8 minutes 8 seconds West a distance of 460.68 **POINT OF BEGINNING**.

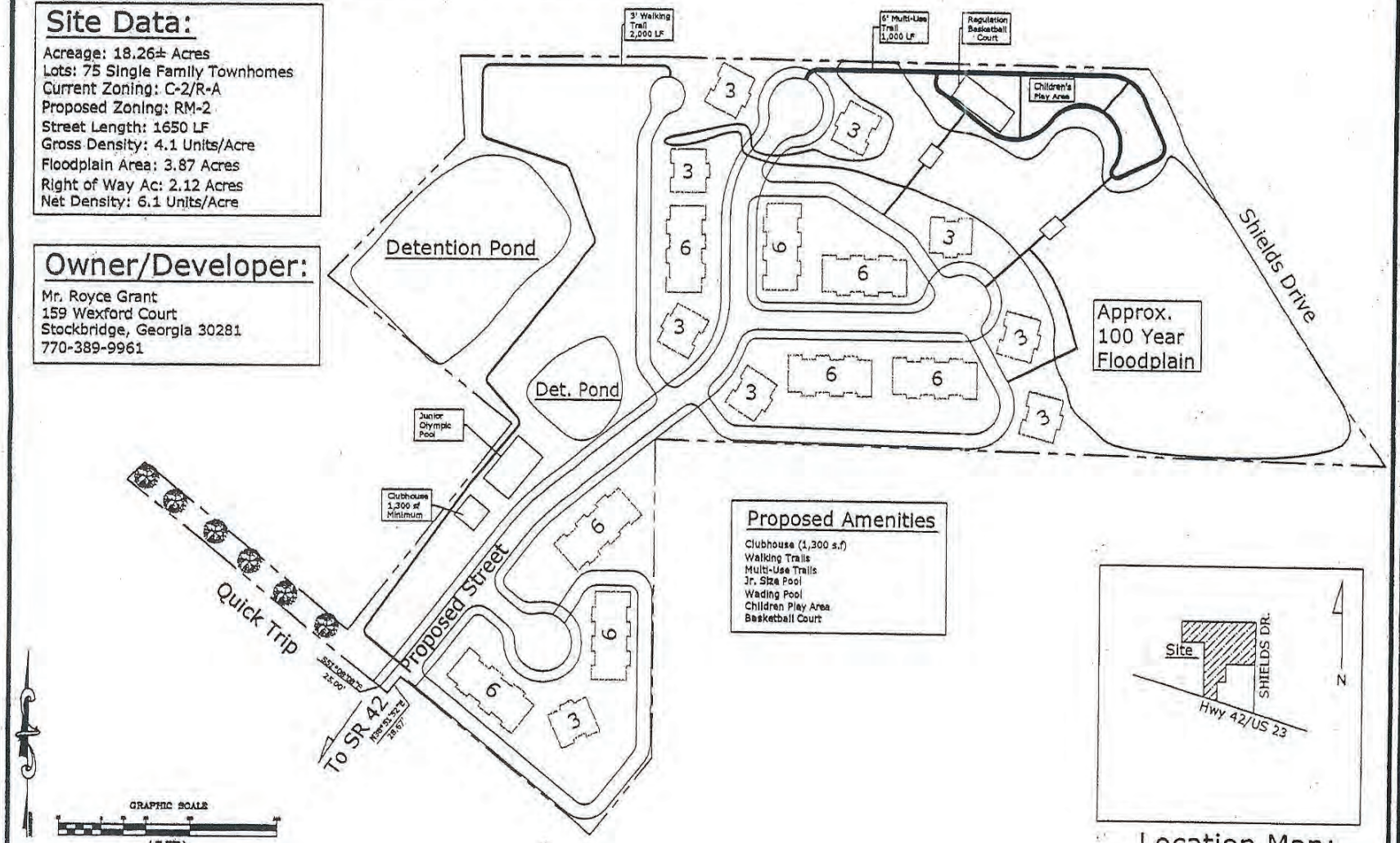
BRUSH CREEK COMMONS

Site Data:

Acreage: 18.26± Acres
Lots: 75 Single Family Townhomes
Current Zoning: C-2/R-A
Proposed Zoning: RM-2
Street Length: 1650 LF
Gross Density: 4.1 Units/Acre
Floodplain Area: 3.87 Acres
Right of Way Ac: 2.12 Acres
Net Density: 6.1 Units/Acre

Owner/Developer:

Mr. Royce Grant
159 Wexford Court
Stockbridge, Georgia 30281
770-389-9961



Proposed Amenities

Clubhouse (1,300 s.f)
Walking Trails
Multi-Use Trails
Jr. Size Pool
Wading Pool
Children Play Area
Basketball Court

Location Map:

(Not to Scale)

Burns Grading Company, Inc.

BRUSH CREEK COMMONS

BOOK 6730 PAGE 132
DOC# 001016
FILED IN OFFICE
01/07/2004
10:20:34AM
BK:06730 PG:0132-
JUDITH A. LEWIS
CLERK OF
SUPERIOR COURT
HENRY COUNTY, GA

134

SWB FILE NO. 379.0042

Return to: Smith, Welch & Brittain
P. O. Box 10
McDonough, Georgia 30253
(770) 957-3937
Attn: Andrew J. Welch, III

RE: PROPERTY OF ROYCE GRANT being located in Land Lots 59 and 70 of the 12th Land District of Henry County, Georgia containing 15.96 acres and being particularly described in **Exhibit "A"** hereto attached and made a part hereof.

NOTICE OF EXECUTION OF DEVELOPMENT AGREEMENT

STATE OF GEORGIA

HENRY COUNTY

Notice is hereby given that the property described above is subject to a Development Agreement dated July 21, 2003 between the City of Stockbridge, Georgia, and Royce Grant. The original of said Development Agreement is maintained as part of the permanent records of the City of Stockbridge, Georgia. The terms and conditions of said Development Agreement are hereby incorporated herein and made a part hereof by reference.

CITY OF STOCKBRIDGE, GEORGIA

By: _____ (L.S.)
Merle Manders, City Clerk

[SEAL]

SEAL AFFIXED

Signed, sealed and delivered
in the presence of the
undersigned this 15 day of
December, 2003.

_____
Witness

_____
Notary Public

NANCY W. BROWN NOTARY PUBLIC HENRY COUNTY GEORGIA EXPIRES OCT. 17, 2006

EXHIBIT "A"
LEGAL DESCRIPTION OF PROPERTY

BRUSH CREEK COMMONS

Legal Description

All that tract or parcel of land, containing **15.96 acres** more or less, lying and being in Land Lot 70 and 59 of the 12th District of Henry County, Georgia, as shown on preliminary plat by Bunn Grading Company, Inc., dated 7/14/03, and being more particularly described according to said plat as follows:

COMMENCING at the intersection of the centerline of Askew Road and the northern right-of-way line of State Route 42 and State 138; thence, Southeasterly a distance of 467.58 feet to an iron pin; thence, North 44 degrees 7 minutes 55 seconds East a distance of 225.72 feet to the **POINT OF BEGINNING**; thence, North 44 degrees 22 minutes 29 seconds East a distance of 34.28 feet to a point; thence, South 51 degrees 13 minutes 8 seconds East a distance of 360.00 feet to a point; thence, North 38 degrees 35 minutes 37 seconds East a distance of 360.00 feet a point; thence, North 51 degrees 32 minutes 18 seconds West a distance of 325.00 feet a point; thence, North 44 degrees 8 minutes 4 seconds East a distance of 267.48 feet to a point; thence, North 3 degrees 30 minutes 52 seconds West a distance of 113.75 feet to a point; thence, South 89 degrees 57 minutes 37 seconds East a distance of 280.97 feet to a point; thence South 10 degrees 43 minutes 44 seconds West a distance of 45.70 feet to a point; thence, North 89 degrees 58 minutes 34 seconds East a distance of 694.39 feet to a point on the western right of way line of Shields Drive; thence, along a curve having a radius of 793.27 feet, a chord bearing of South 8 degrees 19 minutes 12 seconds East a distance of 115.57 feet to a point; thence, South 31 degrees 10 minutes 46 seconds a distance of 82.49 feet to a point; thence, South 33 degrees 14 minutes 43 seconds East a distance of 306.52 feet to a point; thence, South 35 degrees 31 minutes 23 seconds East a distance of 135.04 feet to a point; thence, North 89 degrees 4 minutes 1 second West a distance of 1032.00feet to a point; thence, along the eastern right of way line of the proposed street as shown on the attached site plan by Bunn Grading Co. Inc. a distance of 481.91 feet to a point; thence, North 51 degrees 8 minutes 8 seconds West a distance of 25.00 feet to a point; thence, South 38 degrees 51 minutes 52 seconds West a distance of 28.67 feet to a point; thence, North 51 degrees 8 minutes 8 seconds West a distance of 460.68 **POINT OF BEGINNING**.

STATE OF GEORGIA

COUNTY OF HENRY

Original

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 TIMBERLINE 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) aces; 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

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.



fitness equipment;

- Two (2) separate age-specific playgrounds: a fenced tot lot adjacent to the club house and another

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 one (1) Basketball Goal at each end;
- 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:

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

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 13th day of December, 2004.

CITY OF STOCKBRIDGE, GEORGIA

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

ATTEST:

_____
MERLE MANDERS, City Clerk

(Seal)

Version 8

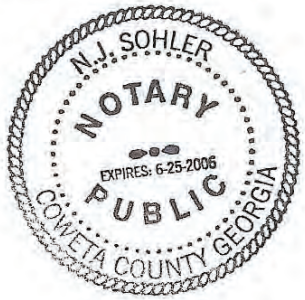
OWNER:

TIMERLINE GROUP, LLC

BY: _____ (L.S.)
BRIAN W. CAGLE
Managing Partner [Title]

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

_____
Notary Public



ATTEST:

_____
James Barnes, Secretary

EXHIBIT "A"

TIMBERLINE GROUP, LLC PROPOSAL DATED OCTOBER 7, 2004

File No. 379-0000-02-23

Return to: SMITH, WELCH & BRITTAIN
2200 KEYS FERRY COURT
P. O. BOX 10
MCDONOUGH, GEORGIA 30253

RE: PROPERTY OF TIMERLINE GROUP, LLC being located in Land Lots 59 and 70 of the 12th Land District of Henry County, Georgia and being particularly described in **Exhibit "A"** hereto attached and made a part hereof.

NOTICE OF EXECUTION OF AMENDMENT TO DEVELOPMENT AGREEMENT

STATE OF GEORGIA

HENRY COUNTY

Notice is hereby given that the property described above is subject to an Amendment to Development Agreement dated December 13, 2004, between the City of Stockbridge and Timberline Group, LLC. The original of said Amendment to Development Agreement is maintained as part of the permanent records of the City of Stockbridge, Georgia. The terms and conditions of said Amendment to Development Agreement are hereby incorporated herein and made a part hereof by reference.

CITY OF STOCKBRIDGE, GEORGIA

By: _____
Merle Manders
City Clerk

[SEAL]

Signed, sealed and delivered
in the presence of the
undersigned this 18th day of
February, 2005.

_____
Witness

_____
Notary Public

LINDA A. GUNN NOTARY PUBLIC HENRY COUNTY EXPIRES GEORGIA APRIL 9, 2008

BRUSH CREEK COMMONS

Legal Description

All that tract or parcel of land, containing **15.96 acres** more or less, lying and being in Land Lot 70 and 59 of the 12th District of Henry County, Georgia, as shown on preliminary plat by Bunn Grading Company, Inc., dated 7/14/03, and being more particularly described according to said plat as follows:

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CITY OF STOCKBRIDGE
4545 NORTH HENRY BLVD.
STOCKBRIDGE, GA 30281
770-389-7900
FAX 770-389-7912

Bush Creek Commons
Return to
Jenine –
Make copy
for City file

DATE: February 22, 2005

FROM: Merle Manders
City Manager

TO: Jenine
Smith, Welch & Brittain
PO Box 10
McDonough, GA 30281

SUBJECT

Notice of Execution of Amendment
Bush Creek Commons dated 12-13-2

MESSAGE:

Included:
Original copy of the above referenced document-

SMITH, WELCH & BRITTAIN

ATTORNEYS AT LAW

ERNEST M. SMITH (1911-1992)
A. J. WELCH, JR.
J. MARK BRITTAIN
E. GILMORE MAXWELL (TN & GA)
BYRD GARLAND
BRUCE MCFARLAND
JOHN P. WEBB
C. WALTER PENDERGRASS, III
WILLIAM A. WHITE

2200 KEYS FERRY COURT
POST OFFICE BOX 10
MCDONOUGH, GEORGIA 30253

Telephone:
770-957-3937
Facsimile:
770-957-9165

www.swblawfirm.com

L. SCOTT MAYFIELD
JOHNNY D. LATZAK, JR.
ANDREW J. WELCH, III (NY & GA)
TERRI S. SUTTON
ANNA C. DOUGHERTY
PANDORA E. HUNT (HI & GA)
EARNELLE P. WINFREY
CARA D. WELCH
JOSEPH W. TAYLOR
DAVID M. WALDROUP

February 17, 2005

Merle Manders
City of Stockbridge
4545 North Henry Boulevard
Stockbridge, Georgia 30281

Re: **Notice of Execution of Amendment to Development Agreement**

Dear Mrs. Manders:

Enclosed is the original Notice of Execution of Amendment to Development Agreement between the City and Timberline Group, LLC. Please execute this document before a notary public, place the City's seal below your signature, and return the original to me for filing. Should you have any questions, please let me know.

Sincerely,

SMITH, WELCH & BRITTAIN

Jenine Sohler

Jenine Sohler
Paralegal

Enclosure

{Client: 0000379 Matter: 0000 Doc: 00135450.DOC}



Brush Creek Commons

Timberline Group, LLC
October 7, 2004

Original

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:

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,

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]

CITY OF STOCKBRIDGE, GEORGIA

This the 13th day
of August, 2007.

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

ATTEST:

_____
Merle Manders, City Clerk

[SEAL]

TIMBERLINE GROUP, LLC

BY: _____ (L.S.)
BRIAN W. CAGLE
MEMBER (Title)

Signed, sealed and delivered
before me this 31st day of
AUGUST, 2007.

_____
Notary Public

[SEAL]

My Comm. Expires
May 11, 2009
PUBLIC
HENRY COUNTY GEORGIA

ATTEST:

_____, Secretary
Jeffrey A. Martin



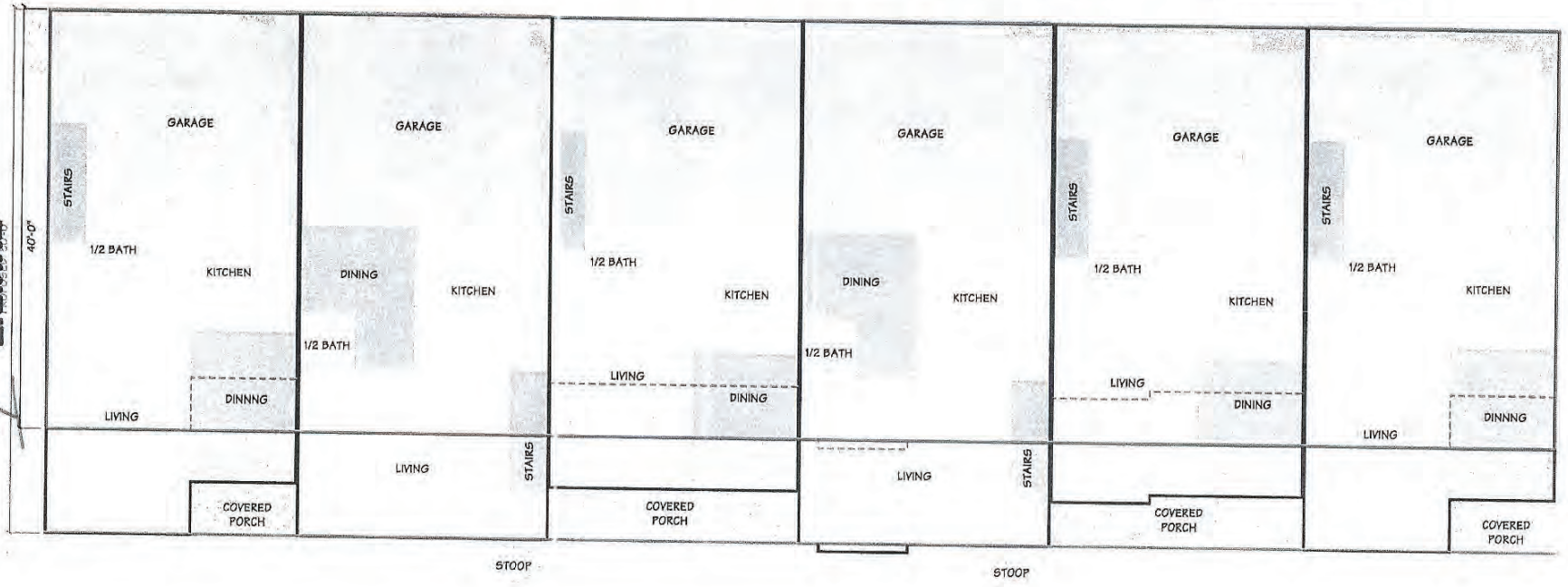


EXHIBIT
Page 1 of 2

——— - Current Building Lines

- - - -

EXHIBIT

Page 2 of 2



CAGLE HOMES
770-210-HOME
www.caglehomes.com

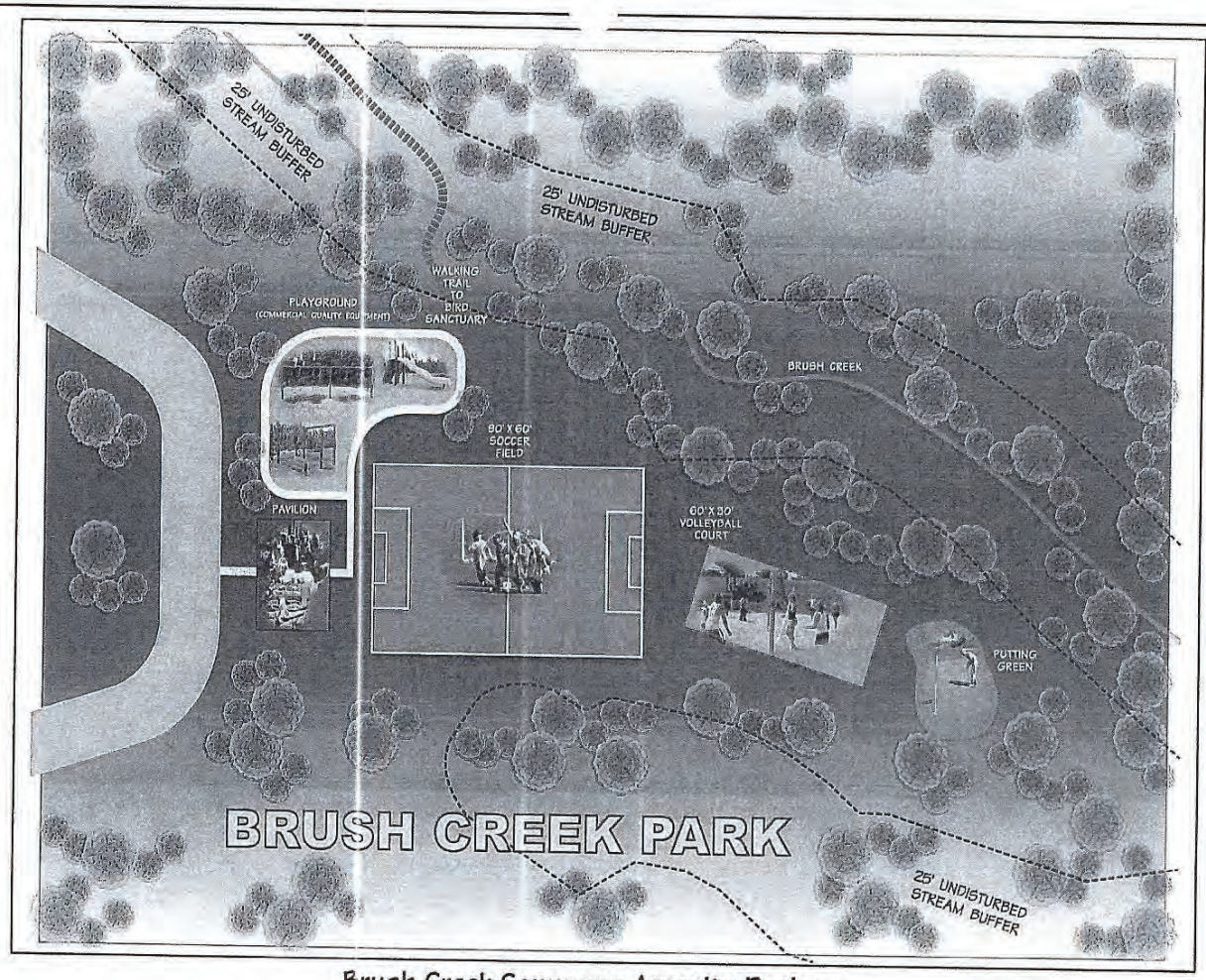
Elevations Information

Individual detail is achieved with a mixture of covered entryways, porches, bay windows, and balconies. Each home is separate and distinct with varying roof lines, dormers, and gables. Facades are predominantly brick, with stone, Hardi-plank or Hardi-shake accents.



Brick | Stone | Hardi-Siding | Hardi-Shake

EXHIBIT 1
Page 3 of 3



Brush Creek Commons Amenity Package

* Gazebo at entrance of development to serve as a waiting area for school bus pickup
* Sodded Sports Area adjacent to Gazebo
* 1300 Square Foot Clubhouse with Full Kitchen and Fitness Equipment
* Fenced Tot Lot (Ages: 2 – 5) located adjacent to Clubhouse
* Brush Creek Park
  1. Covered Pavilion with Picnic Area and Fireplace
  2. Regulation 60' X 30' Beach Volleyball Court
  3. Regulation 60' X 90' 3 on 3 Soccer Field with Goals
  4. Putting Green with multiple holes and sand trap
  5. Upgraded and Enlarged, commercial quality playground:
     2 Bay, 4 Station Swing Set with Buckets and Belts
     Climbing Station: "Monkey Bars", Ring Climbers, Chin-up Bar, and Balance Beam
     Free Standing Wave Slide with 5' Deck
     2 Commercial Quality Park Benches
  7. Over 1400 Ft. of Walking Trail
  8. Bird Sanctuary with Feeders, Houses, and Benches for observation

Ernest M. Smith (1911-1992)
A. J. Welch, Jr., PC
J. Mark Brittain
Byrd Garland
Bruce McFarland
John P. Webb, PC
C. Walter Pendergrass, III
William A. White, PC
Pandora E. Hunt, PC (HI & GA)
L. Scott Mayfield
Mark C. Walker
Johnny D. Latzak, Jr.

Smith Welch & Brittain LLP

ATTORNEYS AT LAW

Providing a lifetime of service

Andrew J. Welch, III (NY & GA)
Anna C. Dougherty
Earnelle P. Winfrey
David M. Waldroup
Andrew J. Gebhardt
Marc A. Avidano (FL & GA)
Canon Brown Hill
Jason R. Campbell (TN & GA)
Ginger L. Wills (FL & GA)
Lindsay M. Hodgson
William M. Roberts

2200 KEYS FERRY COURT • POST OFFICE BOX 10 • MCDONOUGH, GEORGIA 30253
Telephone: 770-957-3937 • Facsimile: 678-583-4888
www.swblawfirm.com

September 4, 2007

VIA COURIER

Ms. Merle Manders, City Clerk
City of Stockbridge
City Hall
4545 N. Henry Boulevard
Stockbridge, GA 30281

RE: Brush Creek Commons: Second Amendment to Development Agreement

Dear Merle:

Please find enclosing the *original* executed Second Amendment to the Brush Creek Commons Development Agreement. This document should be maintained as part of the City's permanent records.

With kindest regards,

A. J. Welch, Jr.

cc: Mr. Brian Cagle, Timberline Group, LLC

/pm

{Client: 0000379 Matter: 0000 Doc: 00282542.DOC}

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. 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 "tot 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.

CITY OF STOCKBRIDGE, GEORGIA

Anthony S. Ford, Mayor

ATTEST:

Vanessa Holiday, City Clerk

APPROVED AS TO FORM:

Quinton G. Washington, City Attorney

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. 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 "tot 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.

CITY OF STOCKBRIDGE, GEORGIA

Anthony S. Ford, Mayor

ATTEST:

Vanessa Holiday, City Clerk

APPROVED AS TO FORM:

Quinton G. Washington, City Attorney

STAFF REPORT (DRAFT)

TO: Mayor and City Council
Planning Commission

FROM: Linda M. Logan, Senior Planner, Planning and Zoning Division

CC: Ryan Anderson, Community Development Director
Keedra Jackson, Chief Planner

DATE: November 21, 2024 and December 9, 2024

SUBJECT: **Staff Report for Zoning Modification Case #ZM-2024-01: Brush Creek Commons, Phase 1, on Brush Creek Court (Parcel #S07A01100000)**

I. PURPOSE

The applicant, Pivotal Enterprises, LLC (represented by Battle Law, P.C.), requests a major zoning modification on Parcel #S07A01100000 on the west side of Brush Creek Court to provide for major changes to a previously-approved site plan by allowing the expansion of the site boundaries to include Parcel #S07-01006000 on the east side of Brush Creek Court, which would be developed as Phase 2 of the development. The applicant wishes to add Phase 2 to the Phase 1 development in order to create one community. By having more homeowners to share in the cost of the HOA, this would reduce the tax burden of the Brush Creek Commons, Phase 1 residents. The applicant/developer had considered making the Phase 2 site an entirely separate development, but this would require that Phase 2 have its own amenities.

Phase 1 was previously-approved by City Council on November 14, 2022 for the same applicant via Zoning Modification Case #ZM-2022-01. The applicant prepared a final plat, which was approved by the Community Development Department and then officially recorded on September 12, 2003 (in Book 63, Pages 299-308) in Henry County Superior Court. An associated Amendment to a previously-approved Development Agreement was also approved as an agreement between the City of Stockbridge and the developer for how the property was to be developed, including certain conditions. The approval of ZM-2022-01 specified a maximum number of 41 units for Brush Creek Commons, along with a considerable number of required amenities. The applicant had applied for ZM-2022-01 for the purpose of reducing the number of amenities which were required by the original rezoning of the property under RZ-03-04 and its associated Development Agreement.

The approved site plan under ZM-2022-01 did not designate the adjacent parcel to the east

(Parcel #S07-01006000) for future development as Phase 2. It was simply shown as vacant land on the Boundary Survey of the ZM-2022-01 application for Brush Creek Commons. The site plan for the Phase 1 development was officially recorded on September 12, 2023. Now, Phase 1 is under construction, and the aerial photo of Parcel #S07A01100000 shows that an individual parcel has been created for each of the 41 approved townhome lots. (Prior to the creation of the townhome lots, the parent parcel was known as Parcel #S07-01006005.) Phase 2 would add 20 more units; thus, the entire development would have 61 units if ZM-2024-01 is approved.

The applicant's Letter of Intent states that the purpose of ZM-2024-01 is to modify the Conditions of the original rezoning of the Phase 1 property via RZ-03-04, subject to the Conditions from Exhibit A, to allow for and include the development of Phase 2. The approval of ZM-2024-01 would be followed by a third amendment to the Development Agreement, which would also contain an amendment to the Declaration of Restrictive Covenants

II. NEEDED ADDITIONAL APPLICATIONS

A. For Brush Creek Commons, Phase 1. A third Amendment to the Development Agreement would need to be prepared and approved by City Council. It would be drafted by the City Attorney or City Zoning Attorney and the applicant's attorney as an agreement between the City of Stockbridge and the applicant/developer. The purposes of the Amendment would be the following:

1. Allow the expansion of the boundaries of the previously-approved development for Brush Creek Commons to include Parcel #S07-01006000.
2. Allow the increase in the number of townhome lots and units from the previously-approved maximum of 41 units to 61 units to accommodate 20 more townhome lots and units to be constructed on Parcel #S07-01006000.
3. Allow the approval of a new overall site plan to include a design for Parcel #S07-1006000.
4. Allow the amenities which were previously-approved for the Phase 1 site plan to also be used by the residents of the Phase 2 site.
5. Allow the HOA which serves the Phase 1 site to also serve the Phase 2 site.
6. Provide exemptions for the Phase 2 site so that it would not be required to have its own separate amenities and HOA.

B. For Brush Creek Commons, Phase 2. The applicant's proposed addition of Parcel #S07-01006000 to create Phase 2 to the approved Phase 1 Brush Creek Commons development may not take place with the approval of ZM-2024-01 alone because the Phase 2 parcel has a different future land use designation and zoning classification from the Phase 1 parcel. The applicant has therefore submitted two applications for the Phase 2 property, as are listed below, which are to be considered simultaneously with the ZM-2024-01 application for Phase 1.

~ Comprehensive Plan Amendment Case #CP-2024-03—The applicant requests to change the future land use designation of Parcel #S07-01006000 on Brush Creek Court from its existing "Low-Density Mixed-Use" designation to the "Medium-Density

Residential" designation to allow for the development of the proposed Brush Creek Commons, Phase 2 Townhomes.

~ Rezoning Case # RZ-2024-03 -- The applicant requests a Rezoning of Parcel #S07-01006000 on Brush Creek Court to rezone the property from 'C-2' (General Commercial) to 'MFR' (Multiple-Family Residential) to allow for the development of the proposed Brush Creek Commons, Phase 2 townhomes.

The adjacent parcel would be developed with 20 townhomes as Phase 2. These proposed 20 townhomes on 2.2882 +/- acres would be added to the 41 townhomes which are being constructed for Brush Creek Commons, Phase 1 on 18.895 +/- acres. ZM-2022-01 was approved on November 14, 2022 via Ordinance #ZM-2022-01. Its purpose was to allow various changes to the site plan and required amenities that were specified in the original rezoning of the property via Rezoning Case #RZ-03-04. The approval of ZM-2022-01 was based on a new site plan which the applicant had prepared. If ZM-2024-01 is approved, the combined development would have a total of 61 townhomes on 21.1777 +/- acres, for an overall density of 3.39 units per acre.

Much of the Brush Creek Commons' property lies within a floodplain and is unbuildable. A locked gate is present today at the beginning of Brush Creek Court, off North Henry Boulevard, which is flanked by a QuikTrip station and a Waffle House Restaurant. Brush Creek traverses the rear of the property through a floodplain, and the property has rear frontage on Shields Road. However, RZ-03-04 prohibited any access from Shields Road.

III. ZONING HISTORY

The Brush Creek Commons property was rezoned on July 14, 2003 via Rezoning Case #RZ-03-04, from R-2 (Single-Family Residential) to RM-2 (Residential Multifamily--Townhomes). Along with the rezoning was an approved Development Agreement, dated July 21, 2003 (between the City of Stockbridge and Royce Grant), which was approved via Ordinance #03-60, effective on March 10, 2003. The approval of the rezoning was not an approval of the conceptual site plan. Its boundaries, though, did show the inclusion of Parcel #S07-01006000, although it was not marked as Phase 2.

The original Development agreement listed twelve (12) Conditions of approval in Exhibit A. They specified the specific amenities which the developer was required to provide, as well as various architectural and other requirements. The developer was also required to meet the requirements of the RM-2 (Residential-Multifamily Townhomes) zoning district. RM-2 was one of the previous zoning districts (along with RM-1 and RM-3) which merged to form the current MFR (Multifamily Residential) zoning district. Two Amendments to the Development later were approved for a new property owner, Timberline Group, LLC. The First Amendment, which was approved on December 3, 2004, imposed the maximum allowable number of townhome units to be built as forty-one (41). The Second Amendment, which was approved on August 13, 2007, allowed a variance to reduce the front yard setback requirement to ten (10) feet.

The Development Agreement made provisions for the future development of Brush Creek Commons. The original conceptual site plan included the Phase 2 parcel, without designating it as Phase 2. Paragraph 13, entitled "Future Changes in Development Standards", states as follows:

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.

Pivotal Enterprises became the new owner of the property, and it applied for a Zoning Modification via ZM-2022-01, which was approved by City Council on November 14, 2022 via Ordinance #ZM-2022-01. Its purpose was to allow various changes to the site plan and required amenities that were specified in the original rezoning of the property via Rezoning Case #RZ-03-04. The approval of ZM-2022-01 was based on a new site plan which the applicant had prepared. (The current UDC does not list required amenities for multifamily projects.) The applicant had cited the presence of floodplains and wetlands, which comprise 5.459 acres of the total 18.895-acre site, as being one of the reasons why some of the previously-required amenities could not be installed. Other reasons included the anticipated high HOA maintenance costs and impractical locations. The approval of ZM-2022-01 still required the development to comply with the remaining zoning conditions of the original RZ-03-04 rezoning and development agreements.

A more detailed zoning history of the subject property appears in the Appendix of this report.

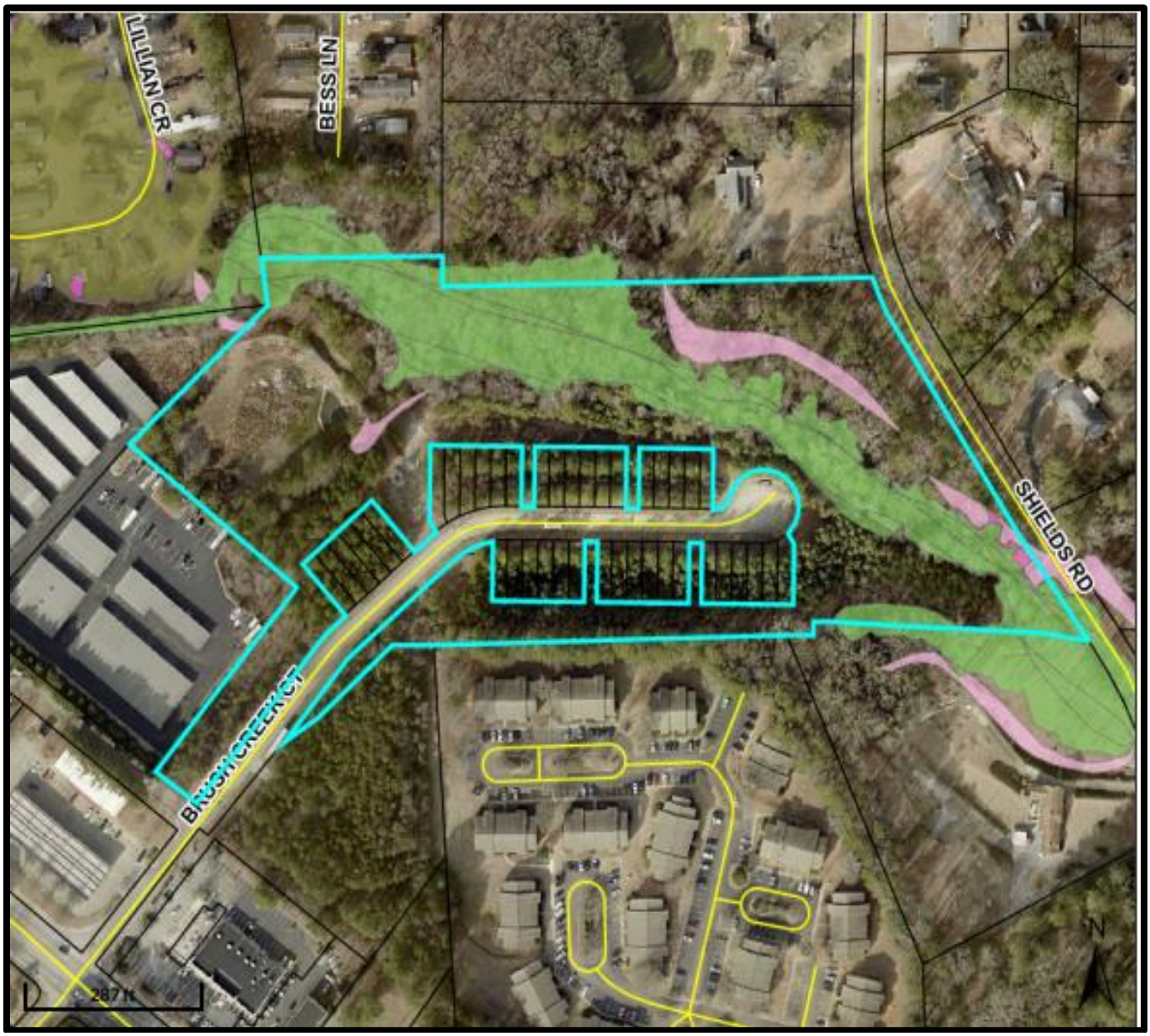
IV. PROPERTY DATA (TABLE 1)

Descriptive Factor	**Research Findings**
Applicant and Owner	Pivotal Enterprises, LLC.
Proposed Development	Expansion of the 41-unit Brush Creek Commons townhome development by adding an adjacent parcel and developing it with 20 more townhomes.
Parcel Identifications (no addresses)	• Phase 1 Parcel--S07A01100000 (previously known as Parcel #S07-01006005 prior to the creation of the 41 townhome lots). In Land Lots 59 & 71 of District 12. • Phase 2 Parcel—S07-01006000. In Land Lot 59 of District 12.
Parcel Acreage	• Brush Creek Commons, Phase 1 Parcel—Has 18.895 +/- acres, of which 5.459 acres lie within a floodplain.

	• Brush Creek Commons, Phase 2 Parcel--Has 2.2882 +/- acres. • Combined Sites--21.1777 +/- acres.
Environmental Conditions	• Brush Creek Commons, Phase 1 Parcel—Is fairly level. Floodplains and wetlands are present at the rear of the property near Brush Creek. Townhome construction is underway. • Brush Creek Commons, Phase 2 Parcel—Is fairly level, wooded, and vacant. Property access exists via a 30-foot Access Easement off North Henry Boulevard to Brush Creek Court.
Property Access	Brush Creek Court, off North Henry Boulevard.
Current City Zoning	Phase 1 Parcel—Zoned 'MFR' (Multiple Family Residential). Phase 2 Parcel—Zoned 'C-2' (General Commercial). Both Parcels--Are not located in the Parkway Mixed-Use Overlay District.
Surrounding Zoning	• North—MHR (Mobile Home Residential) and SR (Suburban Residential) districts. • South—C-2 (General Commercial), MFR (Multiple Family Residential), and SR (Suburban Residential) districts. • East—SR (Suburban Residential) district. • West—C-3 (Heavy Commercial) and C-2 (General Commercial) districts.
Future Land Use Designation	• Phase 1 Parcel—Low-Density Mixed-Use and Medium-Density Residential. • Phase 2 Parcel—Low-Density Mixed-Use.
Surrounding Land Uses	• North—Two mobile home parks and Meadow Ridge Subdivision. • South—Commercial uses (QuikTrip and Waffle House) and an apartment community. • East—Meadow Ridge Subdivision and individual single-family residences. • West—Commercial uses.

AERIAL PHOTOGRAPH OF BRUSH CREEK COMMONS, PHASE 1 TOWNHOME DEVELOPMENT SITE
Parcel #S07A01100000

Frontages on Brush Creek Court and Shields Road
Accessed from Brush Creek Court Only



LEGEND: **Green—100-Year Flood** **Pink—500-Year Flood**

AERIAL PHOTOGRAPH OF BRUSH CREEK COMMONS, PHASE 2
PROPOSED TOWNHOME DEVELOPMENT SITE
Parcel #S07-01006000

Frontages on North Henry Boulevard and Brush Creek Court
Accessed from Brush Creek Court

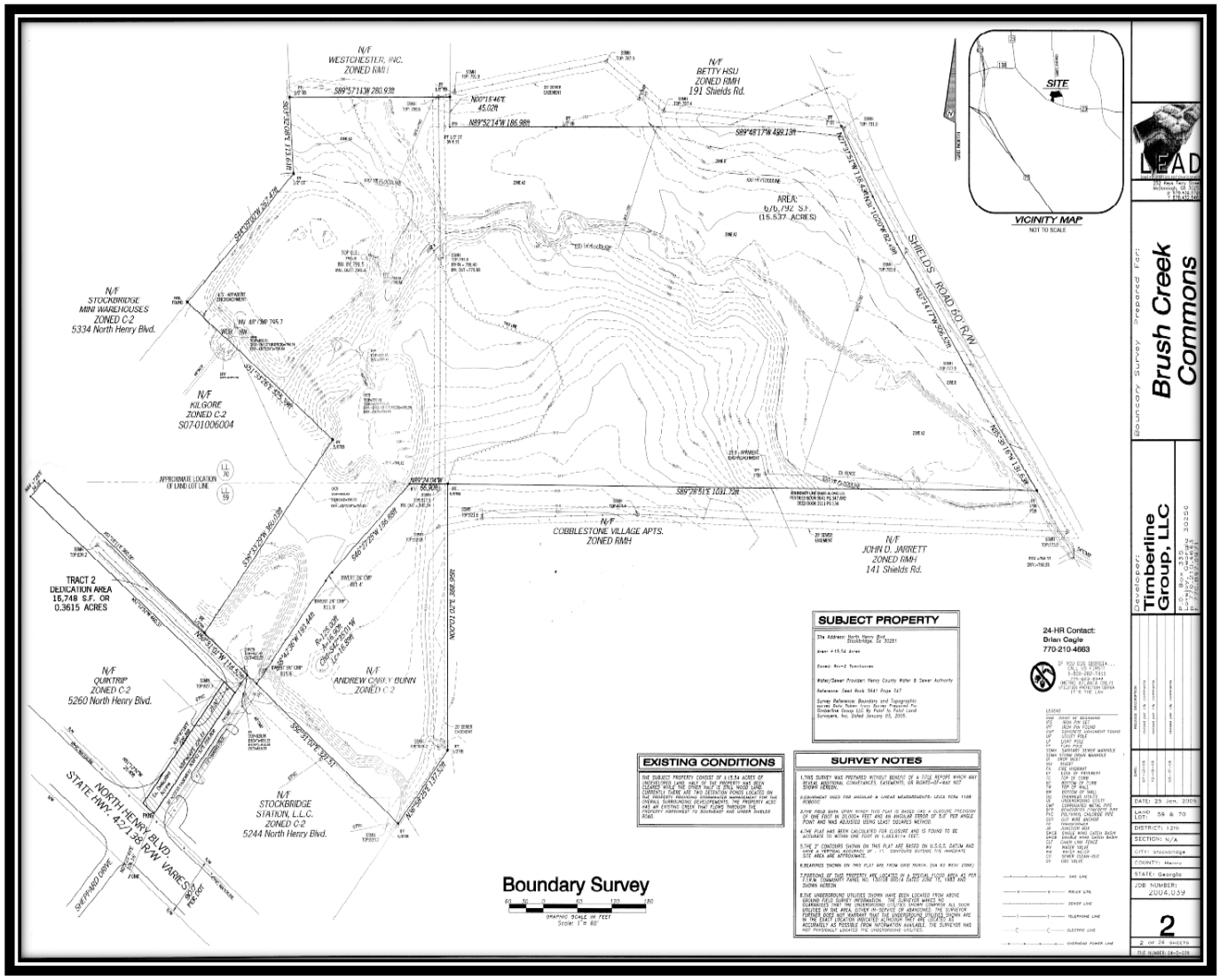
Green—100-Year Floodplain Area Pink—500-Year Floodplain Area



AERIAL PHOTOGRAPH WITH PROPOSED OVERALL BOUNDARY FOR PHASE 1 AND PHASE 2



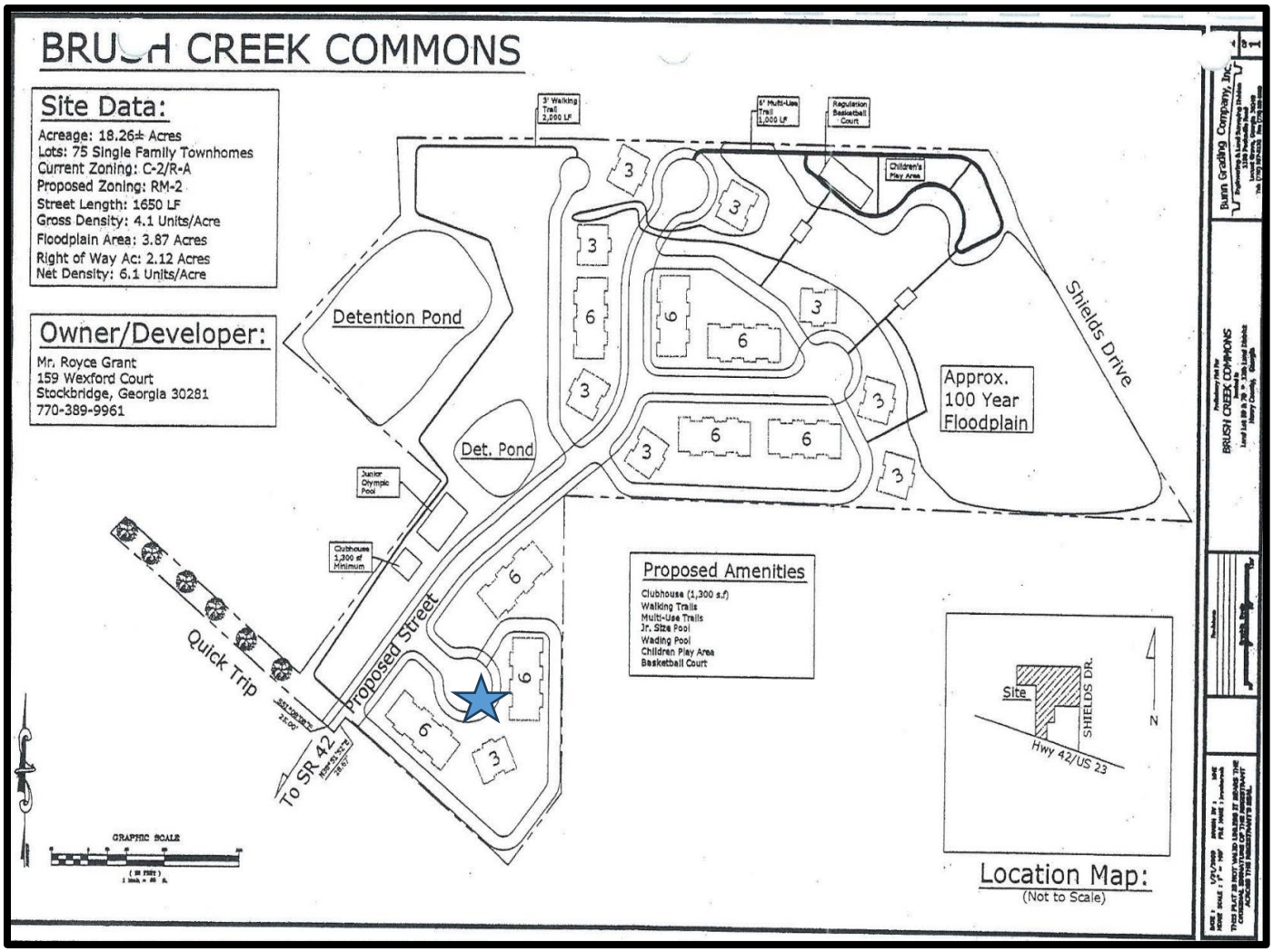
BOUNDARY SURVEY OF BRUSH CREEK COMMONS, PHASES 1 & 2



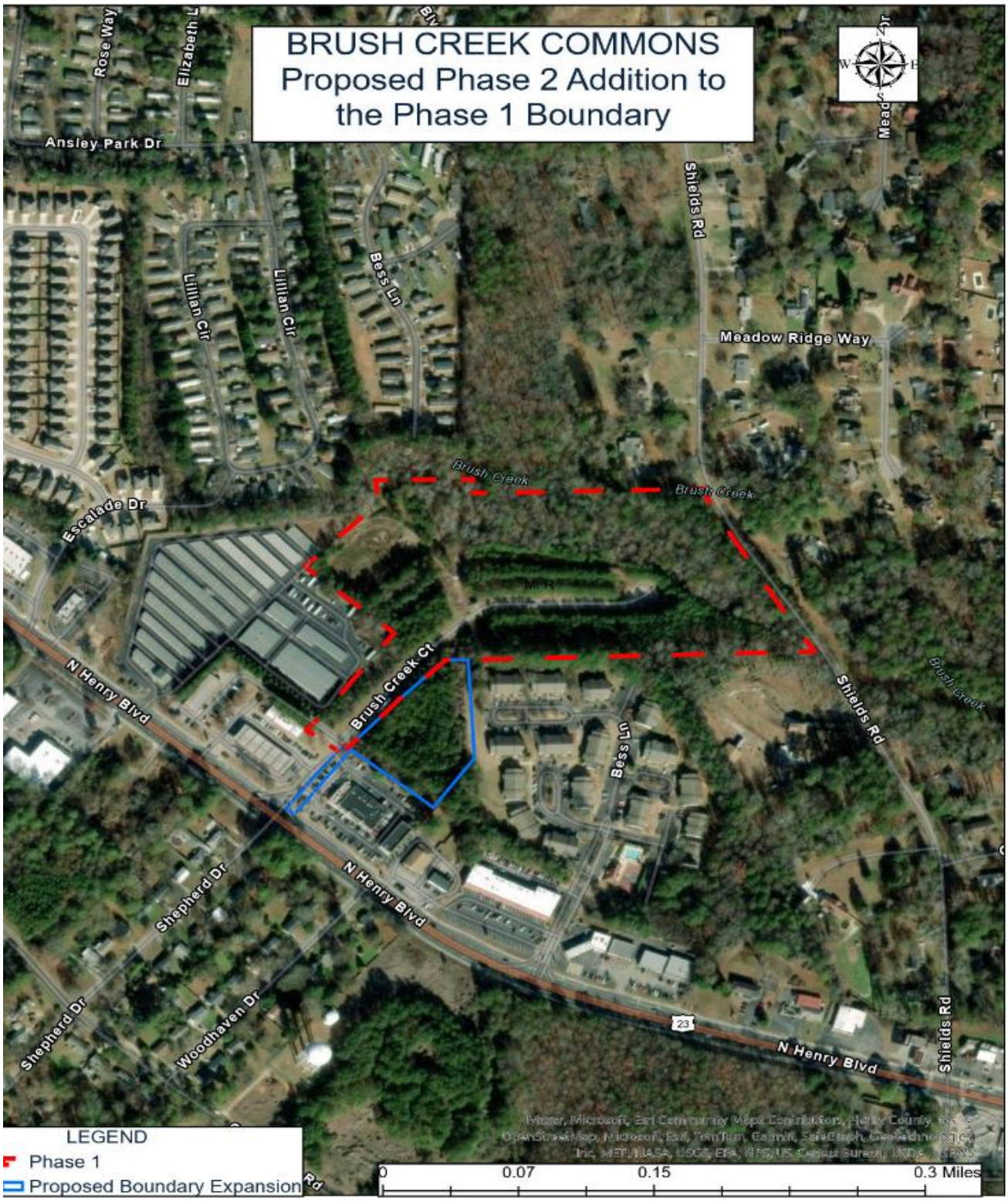
ORIGINAL CONCEPTUAL SITE PLAN FOR BRUSH CREEK COMMONS FROM 2003, SHOWING THE INCLUSION OF THE PHASE 2 PARCEL WITH THE PHASE 1 PARCEL

CONCEPTUAL SITE PLAN PREPARED BY BUNN GRADING COMPANY, INC. IN 2003

BLUE STAR—SITE OF BRUSH CREEK COMMONS, PHASE 2

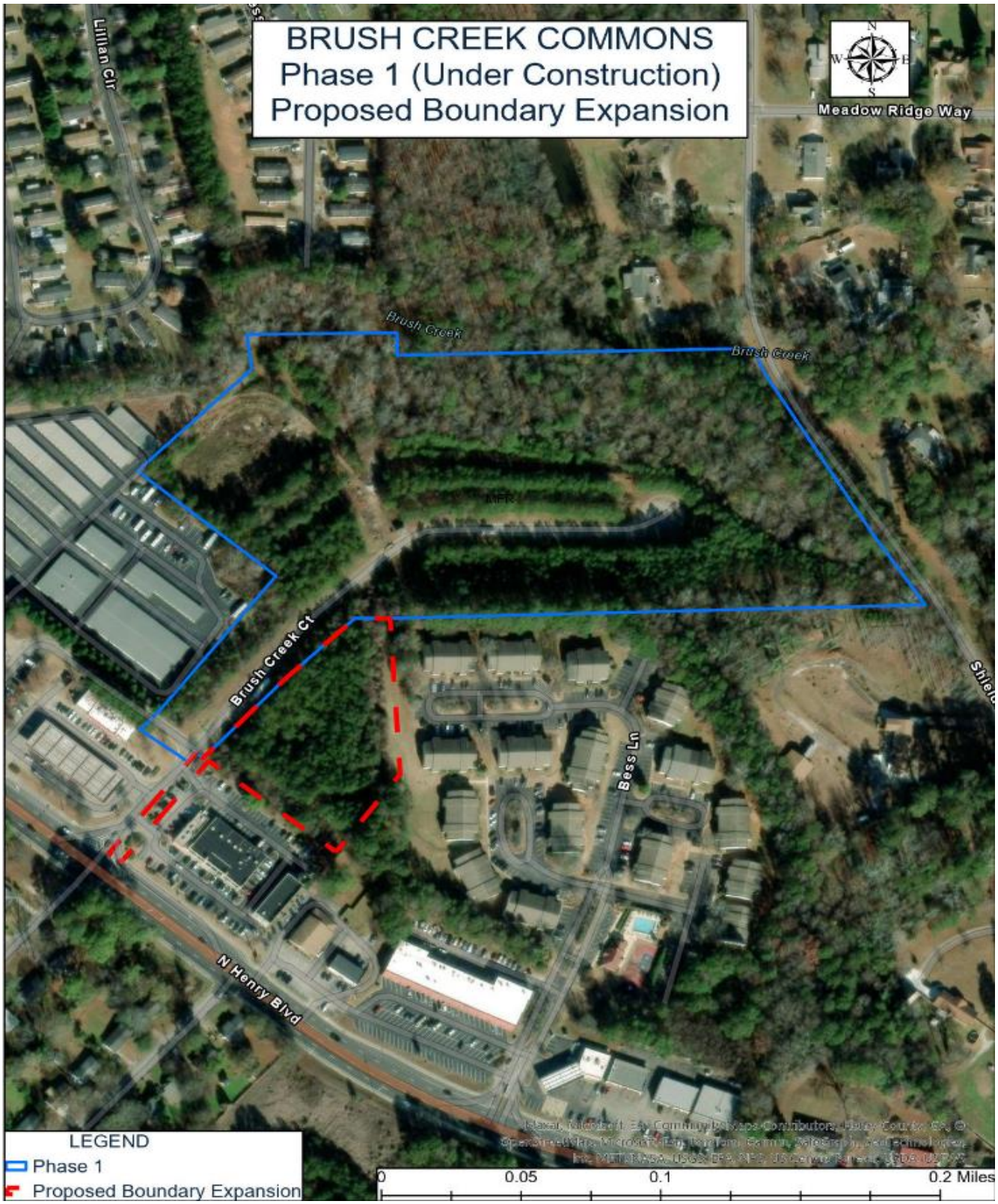


PROPOSED PHASE 2 ADDITION TO THE PHASE 1 BOUNDARY

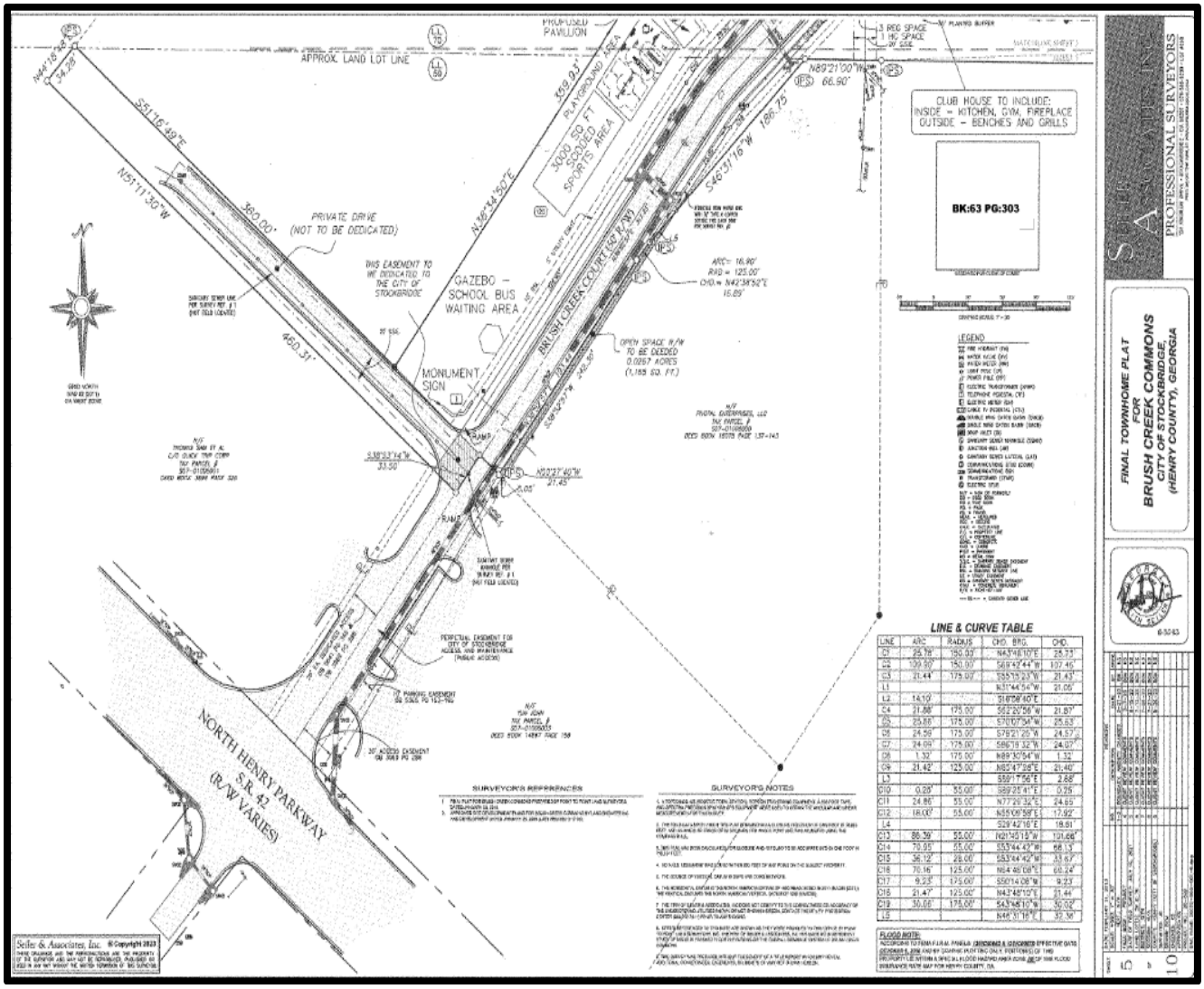


City of Stockbridge, Georgia Community Development Department; Nov. 21, 2024 and Dec. 9, 2024

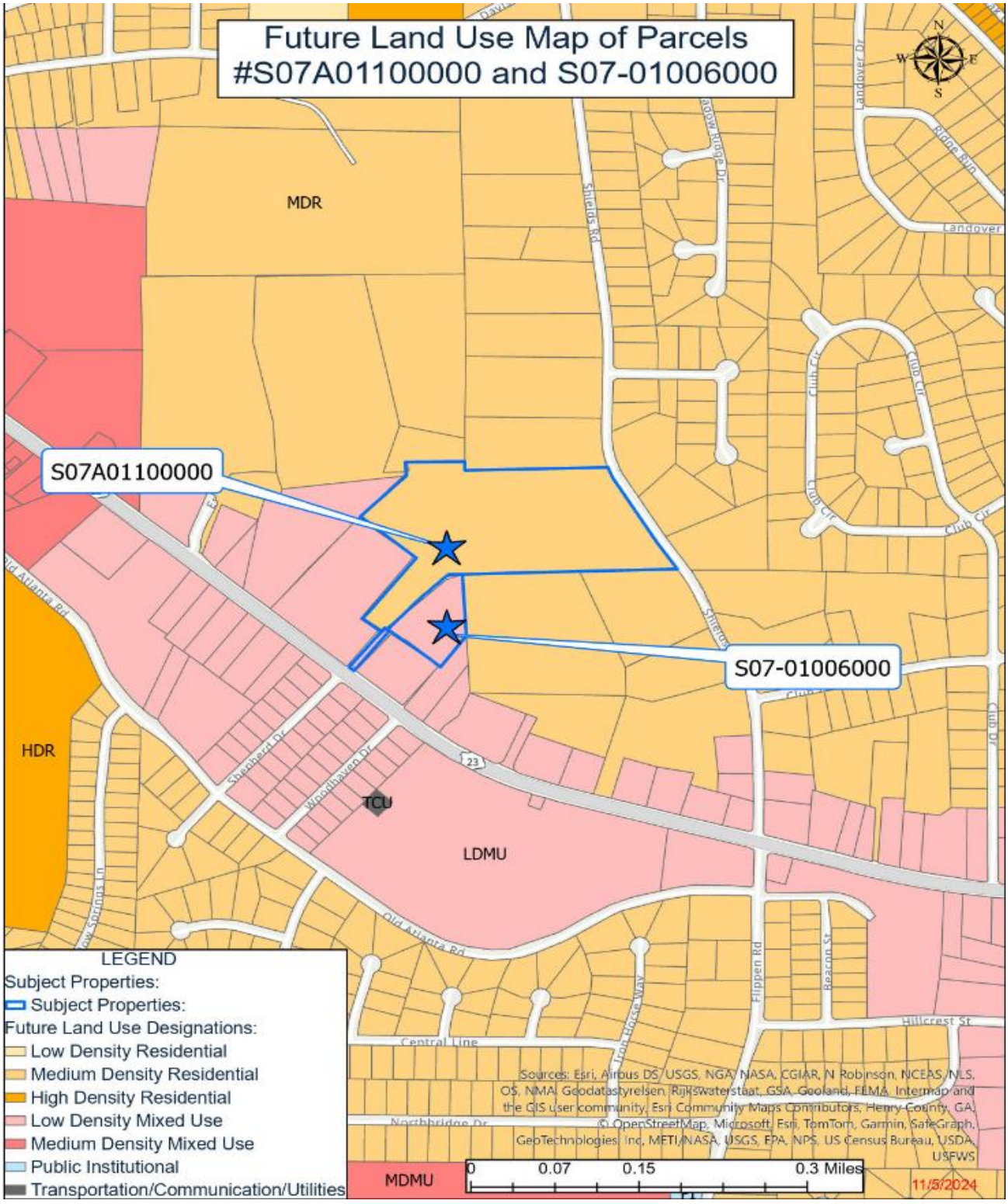
PHASE 1 PROPOSED BOUNDARY EXPANSION



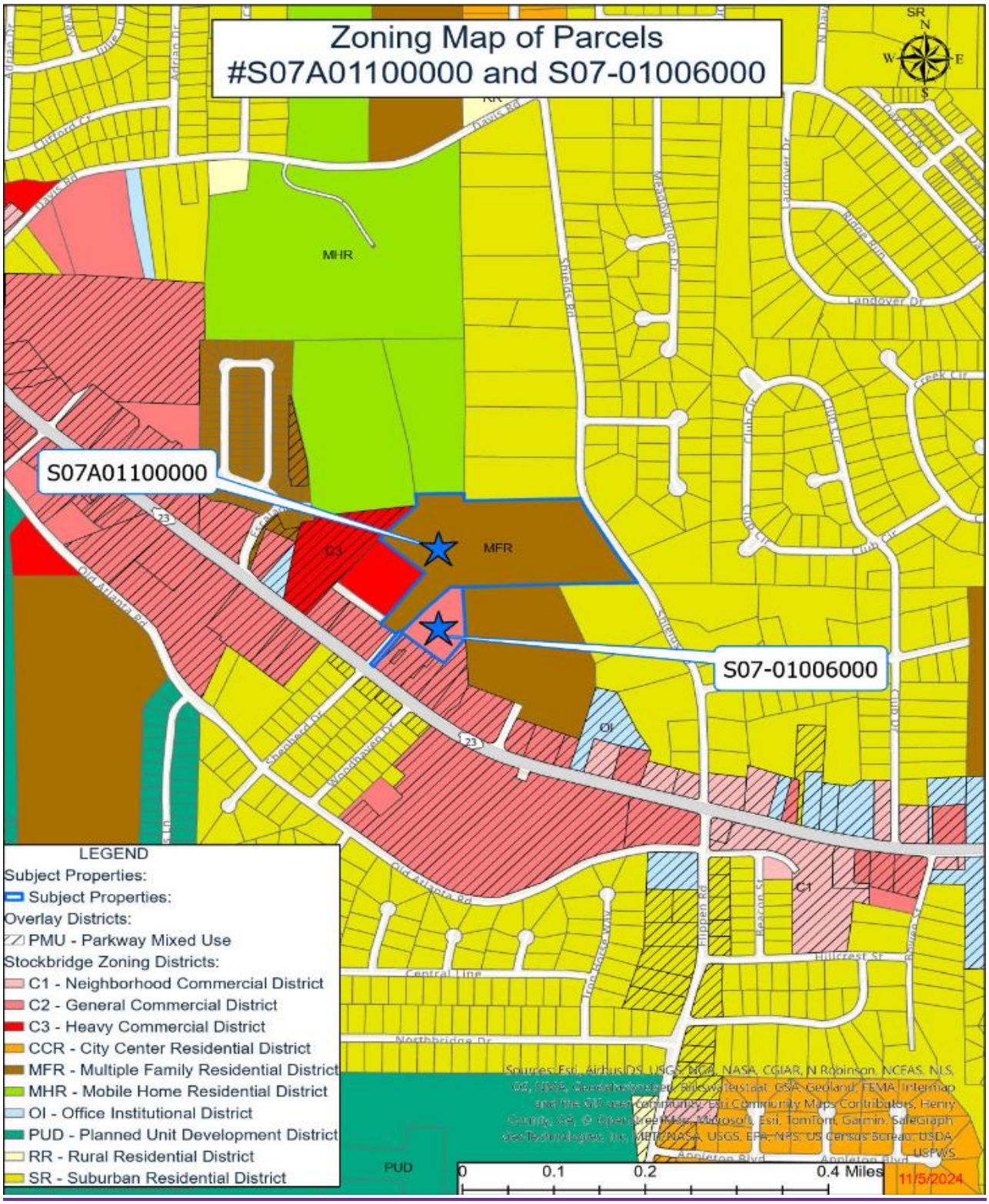
CLOSEUP VIEW OF PROPERTY ACCESS FROM NORTH HENRY BOULEVARD AND BRUSH CREEK COURT



FUTURE LAND USE MAP FOR BRUSH CREEK COMMONS, PHASE 1 AND PHASE 2



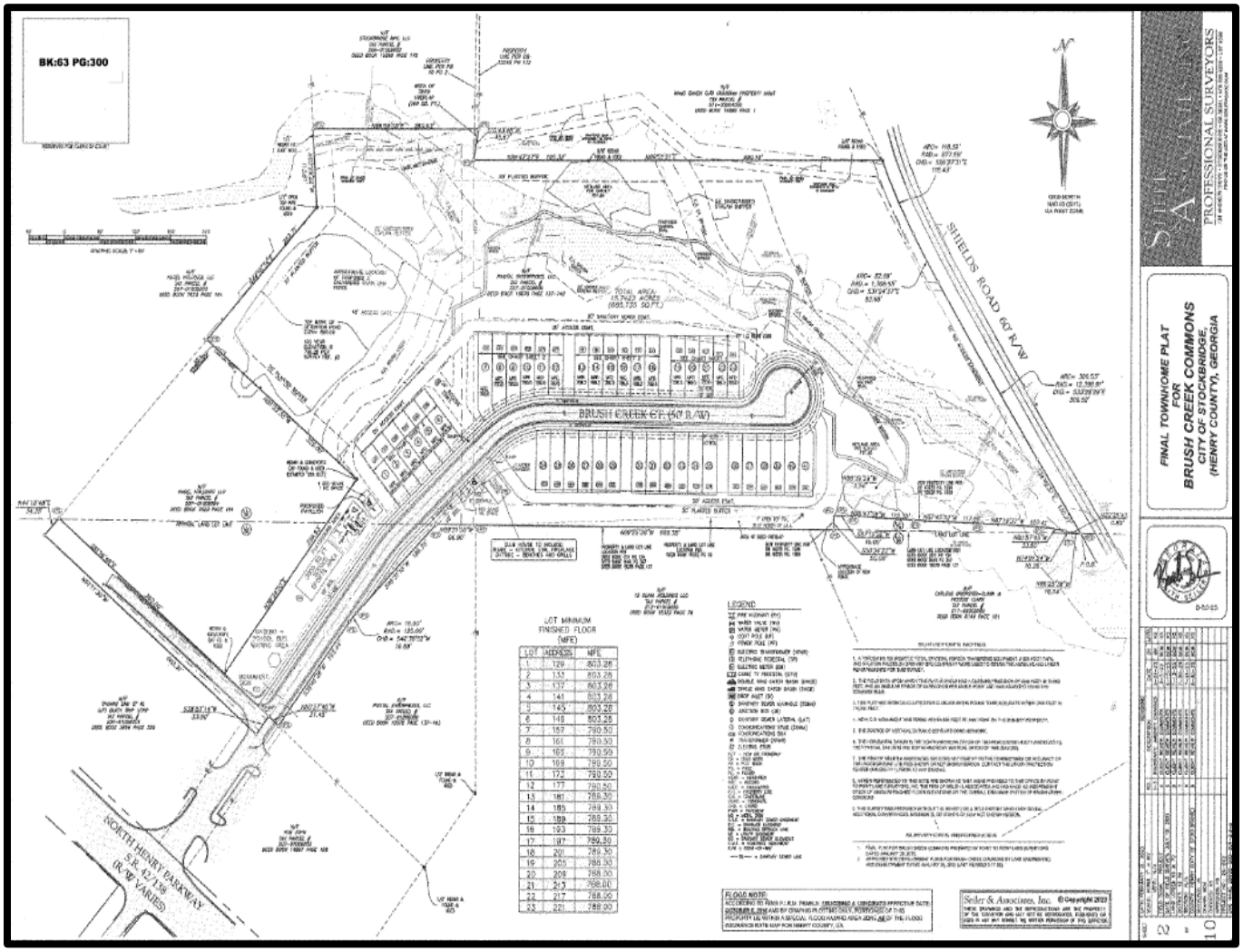
ZONING MAP FOR BRUSH CREEK COMMONS, PHASE 1 AND PHASE 2



City of Stockbridge, Georgia Community Development Department; Nov. 21, 2024 and Dec. 9, 2024

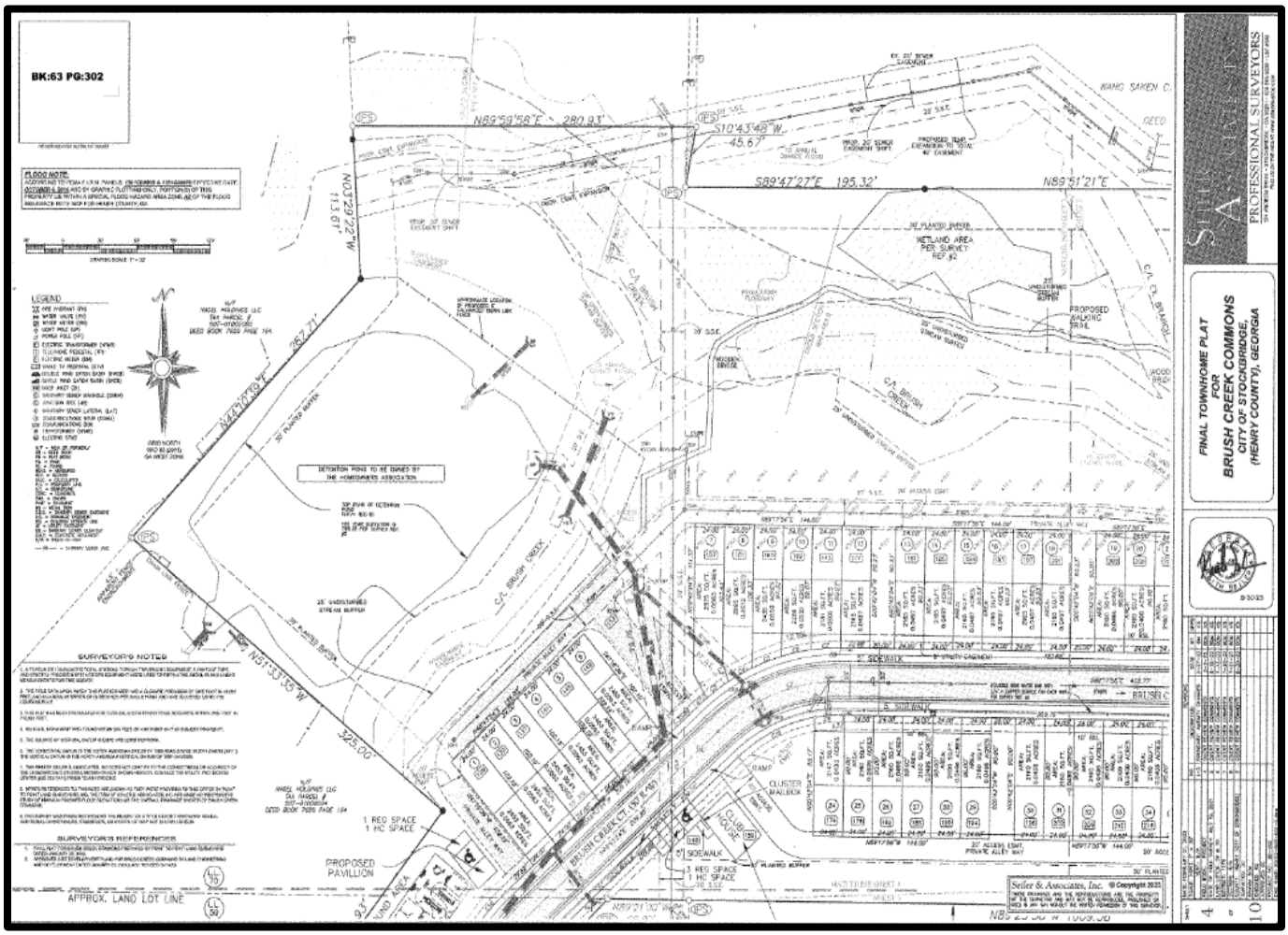
APPROVED AND RECORDED SITE PLAN FOR BRUSH CREEK COMMONS, PHASE 1
TOWNHOME DEVELOPMENT VIA ZM-2022-01

Recorded on September 12, 2023 in Book 63, Page 300



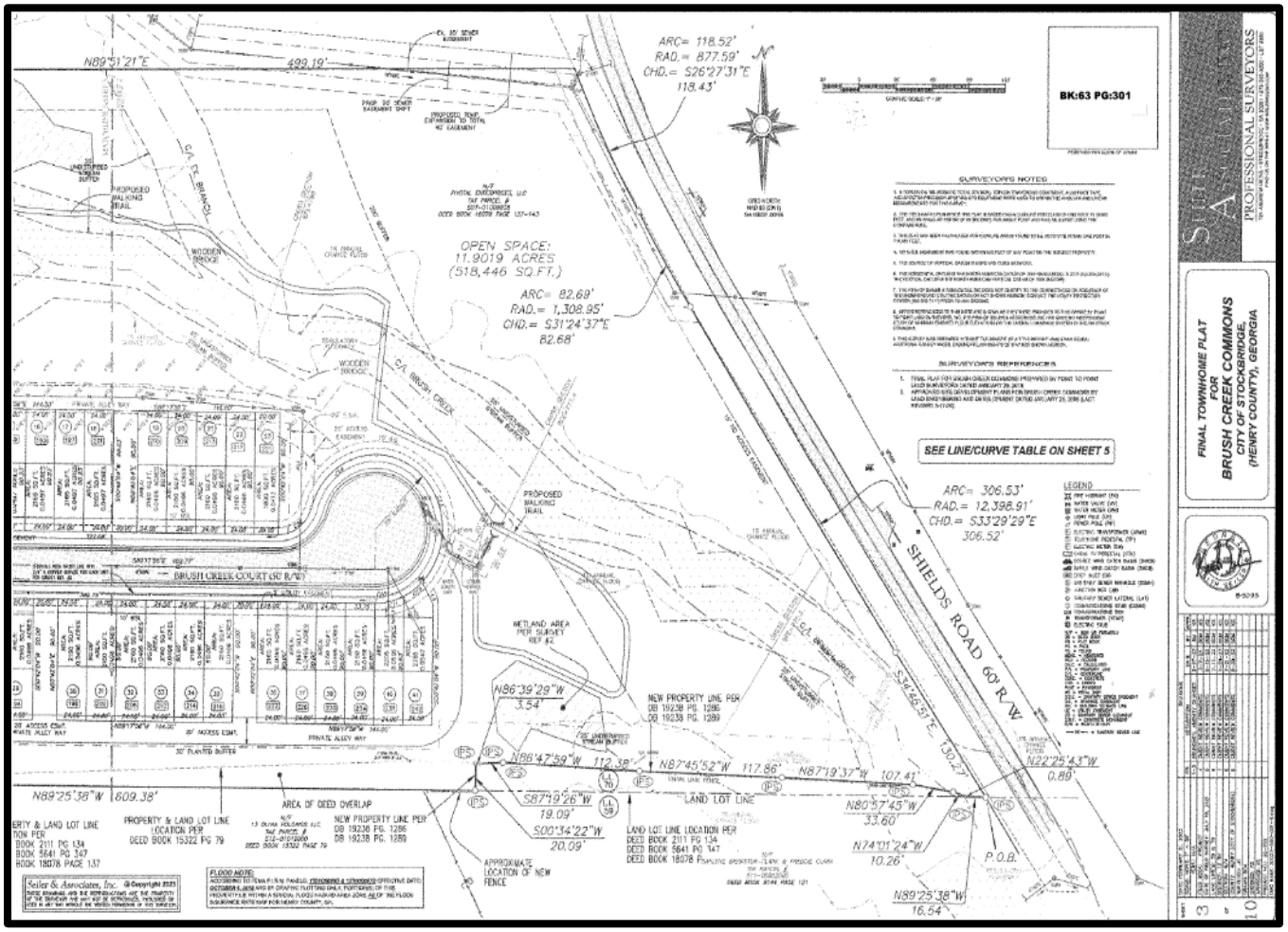
APPROVED SITE PLAN FOR BRUSH CREEK COMMONS, PHASE 1 TOWNHOME DEVELOPMENT VIA ZM-2022-01: <u>WESTERN SIDE</u>

Recorded on September 12, 2023 in Book 63, Page 302



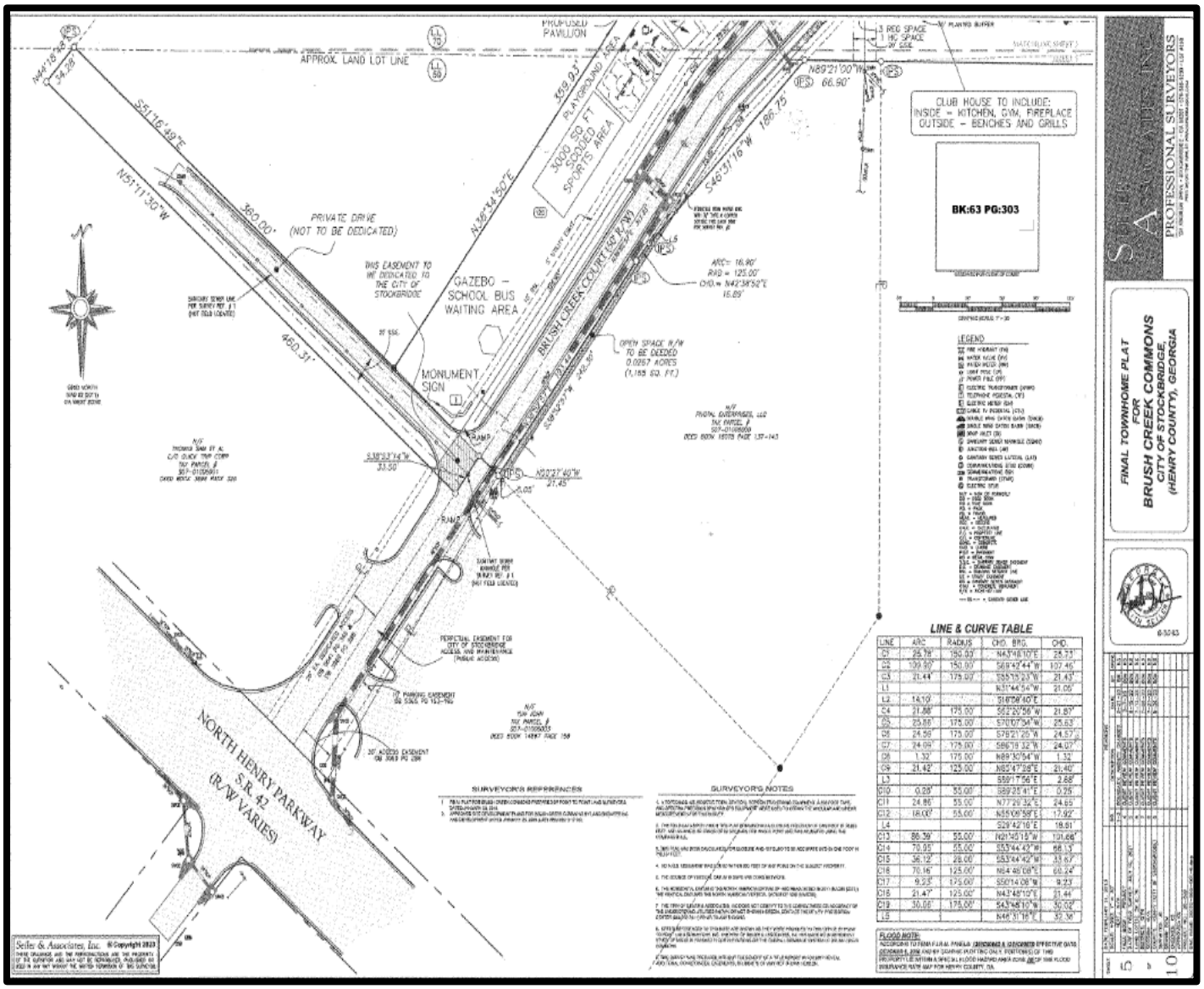
APPROVED SITE PLAN FOR BRUSH CREEK COMMONS, PHASE 1 TOWNHOME DEVELOPMENT VIA ZM-2022-01: EASTERN SIDE

Recorded on September 12, 2023 In Book 63, Page 301



CLOSEUP VIEW OF PROPERTY ACCESS FROM NORTH HENRY BOULEVARD AND BRUSH CREEK COURT

Recorded on September 12, 2023 In Book 63, Page 303



V. PROPOSED DEVELOPMENT

A. Intent. The applicant/developer is seeking a major zoning modification to allow for various changes to the previously-approved Brush Creek Commons townhome development and site plan for Parcel #S07-01006005, which received a new parcel number of S07A01100000 (the site of Phase 1) after the townhome lots which were approved by Ordinance #ZM-2022-01 were created. Specifically, the applicant/developer proposes to add and develop Parcel #S07-01006000 on the east side of Brush Creek Court as Phase 2. Phase 1 is under construction for 41 townhomes on 18.895 +/- acres, and Phase 2 would be developed with 20 townhomes on 2.2882 +/- acres, for a total of 61 units on 21.1777 +/- combined acres. The overall density would be 3.39 units per acre. The applicant has submitted within the Letter of Intent a list of sixteen (16) proposed Development Conditions for the development of Phase 2. These Development Conditions are identified and discussed in the staff report for the associated Rezoning Case #RZ-2024-03.

B. Components. The approval of ZM-2024-01 would allow for and encompass the following:

1. Expanded boundaries for the overall development.

2. An increase in the maximum number of townhome lots and units, from 41 to 61.

3. A new overall site plan to include the boundaries of Parcel #S07-01006000 on the east side of Brush Creek Court, as well as a specific site plan for Phase 2.

4. The sharing of the Phase 1 amenities with the Phase 2 townhome owners, in conjunction with an exemption of Phase 2 from requirement to have its own amenities.

5. The sharing of the Phase 1 HOA with the Phase 2 townhome owners, in conjunction with an exemption of Phase 2 from the requirement to have its own HOA

6. An Amendment to the Development Agreement to allow for the above items.

C. Property Conditions. Much of the Brush Creek Commons Phase 1 parcel lies within a floodplain due to the presence of the Brush Creek, and it is unbuildable. The property has rear frontage on Shields Road, but a zoning condition of Rezoning Case #RZ-03-04 prohibited any access from Shields Road. A locked gate is present today at the beginning of Brush Creek Court, off North Henry Boulevard, which is flanked by a QuikTrip station and a Waffle House Restaurant. The Phase 2 parcel is located directly behind the Waffle House Restaurant.

D. Development of Phase 2. The applicant/developer proposes to develop 20 townhome lots and units on Parcel #S07-01006000 as Phase 2 of the Brush Creek Commons townhome development. For such purpose, the applicant has obtained a utility letter from the Department of Public Works, dated October 10, 2024. It states that water and sewer capacities are currently available to serve the proposed 20 townhomes to comprise Phase 2, but that if the developer does not submit construction plans within one year of that date, then the reservation of those capacities shall expire. In addition, the developer would be responsible for all associated

connection costs and would be required to adhere to the City's Minimum Development Standards.

E. Proposed Site Plan for Phase 2. The applicant has submitted a site plan, entitled "Rezoning Plat: Brush Creek Commons, Phase 2", which was prepared by DGM Land Planning Consultants, Inc. for the development of 20 townhome lots on Phase 2. It provides the following acreages: 15.74 acres in Phase 1, 2.28 acres in Phase 2, and 18.02 total acres. The site plan shows that the Phase 2 development would be accessed from the east side of Brush Creek Court. An internal circular street with a cul-de-sac would then provide access to the individual townhome lots. The proposed 20 townhome units would be contained within four townhome buildings. A guest parking lot, a 30-foot buffer on the north side of the property, and green space would also be provided on the Phase 2 site. The site plans shows nearby amenities which are being developed on the Phase 1 site on the west side of Brush Creek Court. The applicant seeks permission via ZM-2024-01 to allow the Phase 2 residents to use the Phase 1 amenities.

F. Proposed Combined Site Plan for Phase 1 and Phase 2. The applicant has submitted a proposed combined site plan to show an overall boundary for Phase 1 and Phase 2. Its title is "Rezoning Plat: Brush Creek Commons", and it was prepared by DGM Land Planning Consultants, LLC. The overall site would have 18.02 acres, with 15.74 acres in Phase 1 and 2.28 acres in Phase 2. The combined total of 61 townhome units would include 41 units in Phase 1 and 20 units in Phase 2.

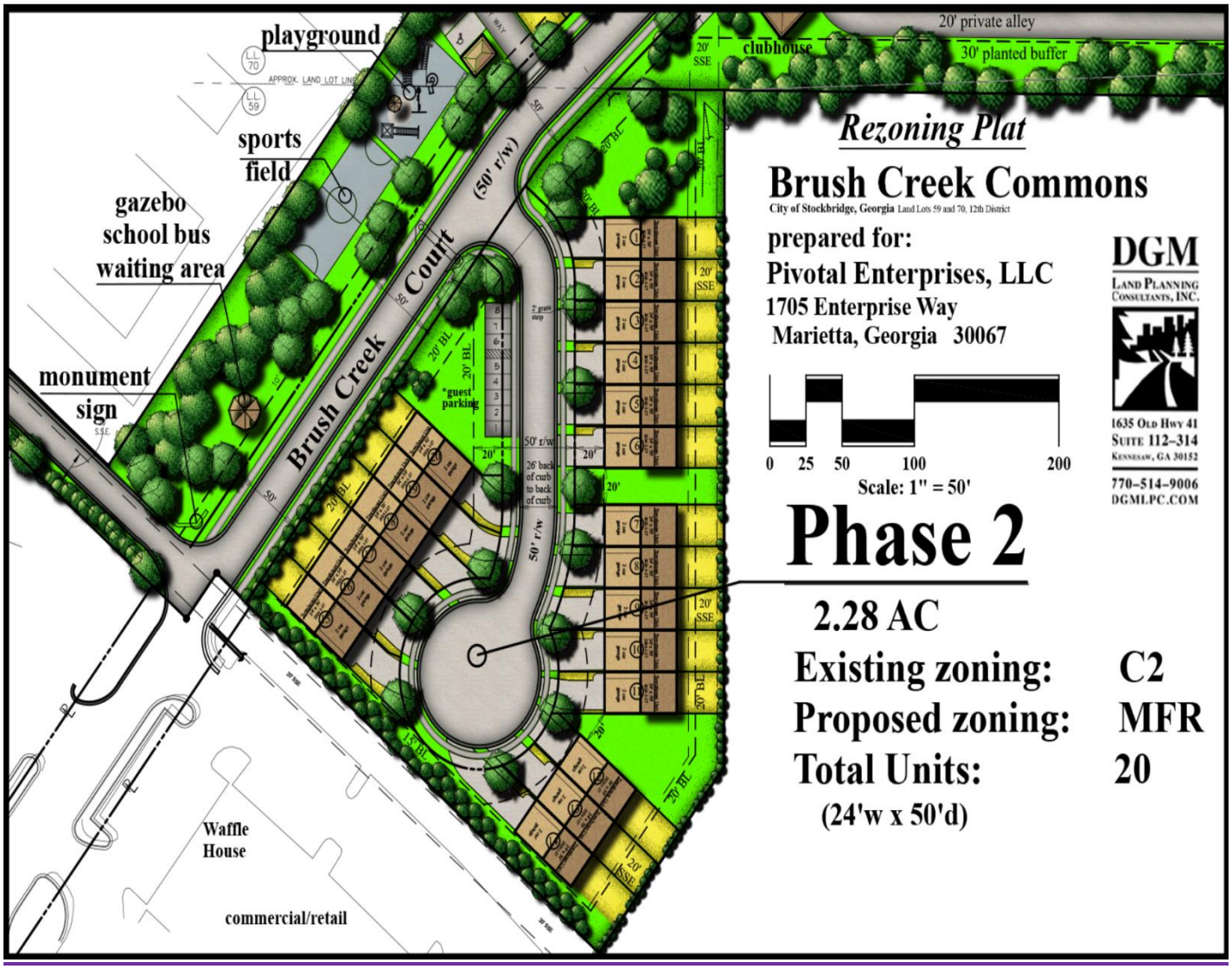
G. Proposed Development Conditions. The applicant has included within the ZM-2024-01 application a proposed revised Exhibit A, which includes a list of sixteen (16) "Proposed Development Conditions" for Phase 2. However, two of them, as are listed below, are of a general nature and seem to apply more to the proposed zoning modification for the entire development rather than to Phase 2 alone. Further, the language within these two development conditions would be appropriate to also include within the needed Amendment to the Development Agreement.

> 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.
>
> p) A Declaration of Restrictive Covenants for Phase 1 shall be amended and modified to incorporate Phase 2, and the units in Phase 2 shall have all of the same rights and privileges to use the common areas and amenities located within Phase 1.

PROPOSED SITE PLAN FOR BRUSH CREEK COMMONS, PHASE 2 TOWNHOMES

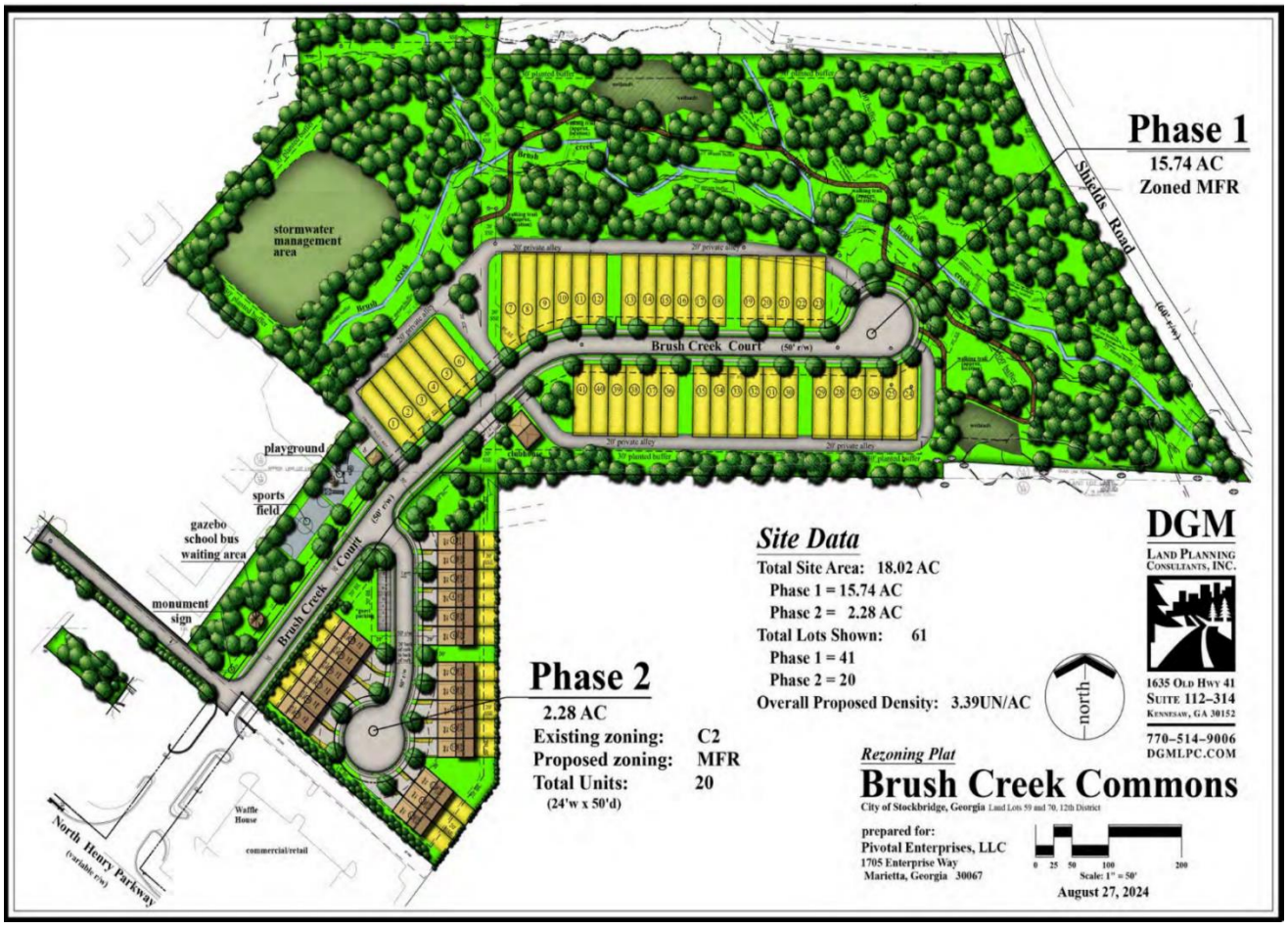
Title: "Rezoning Plat: Brush Creek Commons, Phase 2"

Prepared by DGM Land Planning Consultants, Inc.



PROPOSED COMBINED SITE PLAN FOR PHASE 1 AND PHASE 2

Title: Rezoning Plat: Brush Creek Commons"
Prepared by DGM Land Planning Consultants, LLC



VI. ANALYSIS AND CONCLUSIONS REGARDING THE ZM-2024-01 ZONING 9MODIFICATION PROPOSAL

1. **Original Intent—**The original conceptual site plan for Brush Creek Commons, which was prepared by Bunn Grading Company, Inc. in 2003, showed the inclusion of Parcel 2 within the overall development, although it was not labeled as Parcel 2. Therefore, the fact that the applicant wishes to officially add the Phase 2 parcel to the boundaries of the overall development is not unexpected.

2. **Timing of the Phase 2 Development Proposal--**If the proposed survey in the zoning modification application from 2022 (ZM-2022-01) had shown the inclusion of the Phase 2 parcel, and if a full site plan for the Phase 2 parcel had been provided, then the necessity of filing the current ZM-2024-01 application may have been avoided.

3. **Reasonableness of Applicant's Request--**The original rezoning of the property via RZ-03-04 required the Brush Creek Commons development (Phase 1) to include a relatively large number of amenities for only 41 townhome units. That number was reduced by the approval of ZM-2022-01 so that the developer could reduce the costs of installing so many amenities and reduce the HOA costs to the homeowners. However, the applicant today believes that the number of required amenities for Phase 1 is still excessive relative to the size of the Phase 1 property (18.895 +/- acres, of which 5.459 acres lie within a floodplain). Therefore, it is reasonable for the applicant to want to add more townhome units to the Brush Creek Commons development so that the HOA tax burden on each resident could be reduced. This would also eliminate the necessity of providing additional amenities for the Phase 2 parcel, which has only 2.2882 +/- acres.

4. **Effects on Surrounding Property and Infrastructure--**The inclusion of Phase 2 within the boundaries of the overall Brush Creek Commons development, as opposed to designating Phase 2 as a separate development entirely, would not involve any alterations to the proposed site access for Phase 2, its townhome units, or buffering. In addition, no adverse effects of on surrounding properties are anticipated.

VII. RECOMMENDATIONS.

In view of the analysis above, the Planning and Zoning Staff recommends the **APPROVAL WITH CONDITIONS** for Zoning Modification Case #ZM-2024-01 for Brush Creek Commons. The conditions are listed below.

1. **Rezoning and Development Agreement Compliance--**The developer shall comply with the requirements of the approved rezoning case (RZ-03-04 via Rezoning Ordinance No. 03-152, the original Development Agreement, the First Amendment to the Development Agreement (dated December 13, 2004), and the Second Amendment to the Development Agreement (dated August 13, 2007).

2. **Updated Legal Description--**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.

3. **Declaration of Restrictive Covenants--**A Declaration of Restrictive Covenants for Phase 1 shall be amended and modified to incorporate Phase 2, and the units in Phase 2 shall have all of the same rights and privileges to use the common areas and amenities located within Phase 1.

4. **Recombination Plat--**The applicant shall apply for the recombination of the Phase 2 parcel (#S07A01100000) with the Phase 1 parcel (#S07-01006000), and a new final plat for the overall Brush Creek Commons development shall be officially recorded in the Henry County Superior Court

5. **Permit Issuance--**No land disturbance (LDP) or building permits shall be issued for Phase 2 until the applicant submits a copy of the new recorded plat for the overall Brush Creek Commons development (Phase 1 and Phase 2) to the Community Development Department.

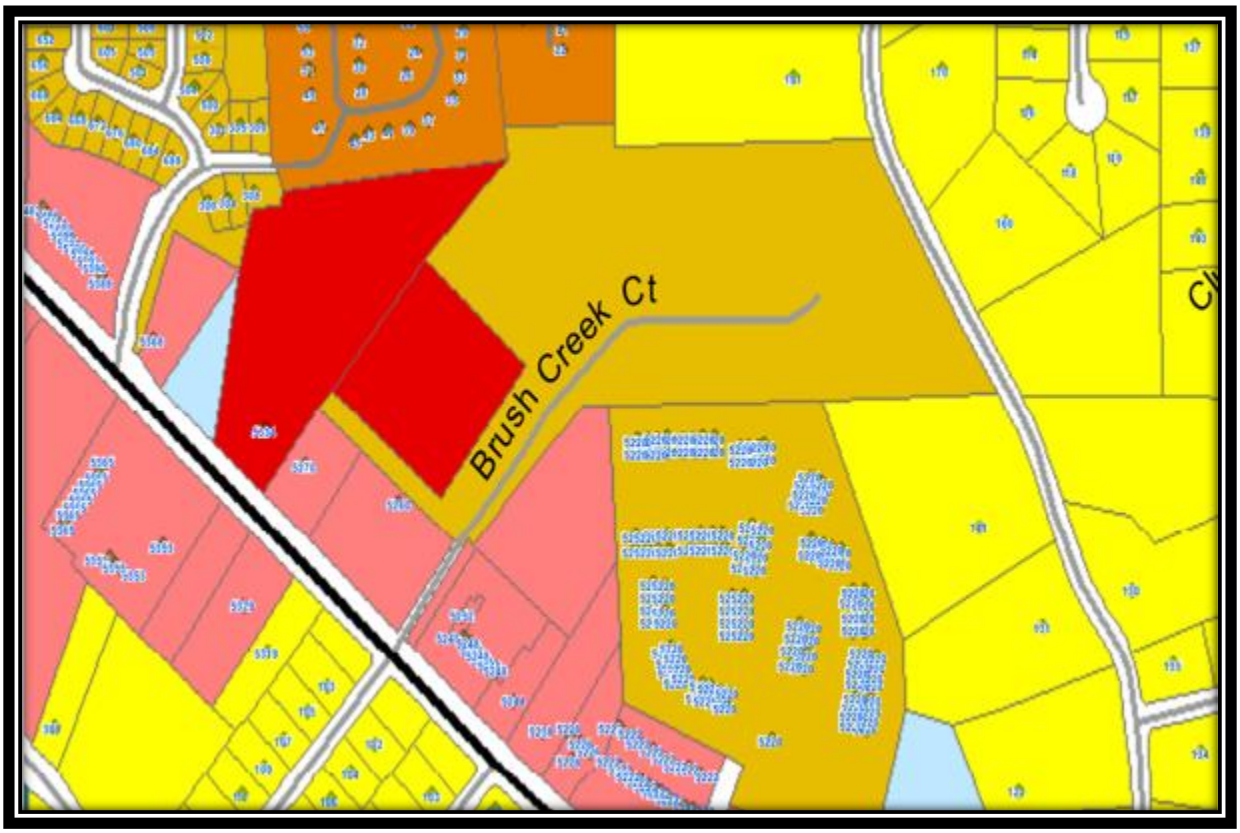
APPENDIX:
BRUSH CREEK COMMENS' ZONING AND DEVELOPMENT HISTORY PRIOR TO THE APPROVAL OF ZM-2022-01
(TAKEN FROM THE STAFF REPORT FOR ZM-2022-01)

A. Overview. The subject property was rezoned in 2003 from R-2 (Single-Family Residential) to RM-2 (Residential Multifamily for Townhomes) with twelve (12) conditions (none for amenities) by the Stockbridge City Council, and a Development Agreement was adopted soon thereafter. In 2004, an amendment to the Development Agreement was adopted, and the Second Amendment was adopted in 2007. Each amendment included multiple conditions of approval, as are identified in the paragraphs below. In particular, the First Amendment included a list of required amenities under Subparagraph 'N', based on an adopted schematic site plan dated October 7, 2004, which was included with the Second Amendment.

Following the adoption of the Second Amendment, a set of "Site Development Plans for Brush Creek Commons", dated January 25, 2005, was prepared and stamped for approval by the former zoning and community development director for Henry County on April 18, 2006. At that time, Henry County was providing zoning and plan review services to the City of Stockbridge because the City did not have its own staff to perform those services. Included within the plans was a detailed "Preliminary Plat", which showed 41 proposed townhomes and various amenities. Additional site plans were later prepared. Although letters from the City indicated the approval of a February 22, 2008 site plan, to date, that site plan has not been located.

ZONING MAP

Legend:
Gold (subject property)—MFR (Multiple Family Residential District)
Red—C-3 (Heavy Commercial District)
Orange—MHR (Mobile Home Residential District)
Medium Pink—C-2 (General Commercial District)
Yellow—SR (Suburban Residential) District)



Letters from the City of Stockbridge in 2007 and 2008 to the Henry County Building and Plan Review Department indicated the City's approval of updated site plans. In particular, a letter from the City of Stockbridge dated March 10, 2008 acknowledges the City's approval of Site Development Plans dated February 22, 2008, which showed various changes to the amenities, landscaping, and detention pond. In addition, those plans may have been the basis for the issuance of a land disturbance permit (LDP) for the installation of Brush Creek Court, which exists today. However, to date, those plans have not been located.

B. Rezoning Case #RZ-03-04—A rezoning application was filed with Henry County Planning and Zoning by Royce Grant on behalf of the original developer of the subject property, Timberline Group, LLC, who wanted to build 75 townhomes on the property. The applicant requested to rezone 15.96 +/- acres from 'R-2' (Single-Family Residential) and 'C-2' (General Commercial) to 'RM-2' (Residential-Multifamily). The two lots which were zoned 'C-2' were later left out of the rezoning request, and the number of units to be built was reduced to 48. The

developer agreed to provide the amenities which were required by the RM-2 district; to provide paved alleyways; and to provide a 200-foot-wide buffer along Shields Road. The Henry County Planning Commission subsequently recommended the approval of RZ-03-04, with eleven (11) conditions.

Then the Stockbridge City Council approved the rezoning via Rezoning Ordinance #03-152 on July 14, 2003 with twelve (12) conditions which comprised Exhibit "C." None of them pertained to the provision of amenities.

V. MAPS AND ILLUSTRATIONS TO FOLLOW:

A. List of Approved Zoning Conditions per Exhibit "C" from Rezoning Ordinance No. 03-152 (July 14, 2003) for Rezoning Case #RZ-03-04 (originated from Henry County).

D. LIST OF APPROVED ZONING CONDITIONS PER EXHIBIT "C" FROM REZONING ORDINANCE NO. 13-152 (JULY 14, 2003) FOR REZONING CASE #RZ-03-04 (ORIGINATED FROM HENRY COUNTY)

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 to the Henry County Planning and Zoning Department.)

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

D. Developer shall submit elevations of the building to be approved by the Planning and Zoning Department. (Note that approval of this rezoning is not an approval of the site plan submitted to the City Council.)

E. Each unit elevation per building shall be separate and distinct from the other. To 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. No vinyl siding will be allowed.

G. Developer 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. Consisting of ginko (non-fruit bearing), Japanese zekova and/or oak family type.

H. The Building Department shall not issue a building permit until such time as the Director of the Building Department has certified that for each prospective phase of development, sewer capacity is sufficient to accommodate the additional sewage that would be generated by the proposed development.

I. A street scaping plan shall be submitted to and approved by the Henry County Planning and Zoning Department to include sidewalks, street trees, landscaping, street lighting and street furniture.

J. Any flood plain alteration be supported by a certified engineer at the plan review stage.

K. 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.

L. This rezoning is subject to the property owner's and developers execution of a Development Agreement which will embody these conditions.

C. Original Development Agreement—This was approved by the Stockbridge City Council on July 21, 2003. It listed thirteen (13) "Development Conditions", but none of them pertained to amenities. The first ten conditions were the same as the zoning conditions that were listed in Rezoning Ordinance #03-152. In particular, Development Condition #1a reiterates that the site plan which was submitted to Henry County Planning and Zoning was not approved by the rezoning, but rather that the developer would need to revise the site plan. Three more development conditions were added, which specified the following:

- That no entrance or exit would be constructed on Shields Road.
- That a 200-foot buffer would be maintained between the proposed development and Shields Road
- That the rezoning would not apply to adjacent properties which were zoned for commercial use.

D. First Amendment to the Development Agreement – This was approved by the Stockbridge City Council on December 13, 2004. Article V amended the Original Development Agreement by adding a list of required amenities. It also stated as follows: "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."

The approved changes to the First Amendment included the following:

- Limited the number of townhome units to forty-one (41) from the previous forty-eight (48) units due to the presence of floodplains and wetlands on the property.
- Specified that all building facades must consist of brick.
- Prohibited any road entrance or exit to the site off Shields Road.
- Not allowing the developer to apply for any variances to the 200-foot-wide buffer along

Shields Road.

- Added "Subparagraph N" as the fourteenth (14th) condition, which had a list of eleven (11) requirements for amenities to be provided within the proposed development, as follows:

  1. A 1,300-square foot clubhouse with a full kitchen and a fireplace.
  2. Two age-specific playgrounds—a fenced "tot lot" adjacent to the clubhouse and another playground for older children nearby.
  3. A covered pavilion with a fireplace.
  4. A volleyball court.
  5. A sodded sports area.
  6. A putting green.
  7. A lighted, enclosed tennis court with two basketball goals.
  8. Walking trails of at least 1,400 feet in length and three feet wide.
  9. A bird sanctuary with bird feeders, bird houses, and benches.
  10. A gazebo at the project entrance to serve as a school bus waiting area.
  11. Compliance with a proposed site plan by the developer, Timberline Group, LLC, dated October 7, 2004, per Exhibit 'A'. Although a copy of the site plan was not included in the document for the first amendment, Staff has located a separate four-page document with a cover sheet dated October 7, 2004, followed by three pages comprising "Exhibit I" which was later referenced and included with the Second Amendment to the Development Agreement. Exhibit I presented a schematic site plan for "Brush Creek Park" (the site's amenity area) and a list of amenities comprising the "Brush Creek Commons Amenity Package." It also included townhome renderings and a floor plan.

- Increased the number of allowable units per building from five to six.
- Reduced the required distance between buildings from 40 feet to 20 feet.
- Allowed buffer reductions from 30 feet to 10 feet near the entrance of the property.
- Allowed individual residential garbage pickup.

E. Second Amendment to the Development Agreement—This was approved by Stockbridge City Council on August 13, 2007. It required the compliance by the developer, Timberline Group, LLC, with the three pages comprising Exhibit I, which included a schematic site plan (not a detailed scaled drawing) named "Brush Creek Park", an "Amenity Package" with a list of required amenities, a floor plan for a six-unit townhome building, and townhome renderings. Specifications were made on the floor plan for architectural design, including "offsets" for bays and porches (to meeting zoning conditions) and a 10-foot front yard setback variance "to achieve necessary Living and Dining Space." An enlarged townhome rendering provided "Elevations Information" and specified the use of brick, stone, hardi-siding, and hardi-shake as exterior construction materials.

The approved changes within the Second Amendment included the following:

- Reduced the required front setbacks for buildings to 10 feet (identified as a variance).
- Eliminated the required provision of tennis courts.
- Required the provision of a soccer field in the original location of the tennis courts, and it specified the enlargement of a second playground.
- Required types of playground facilities.

- Required floorplans and elevations, which were shown on the first two pages of Exhibit I.
- Required the developer's compliance with the specifications of amenity types and locations, which were listed as "Brush Creek Amenity Package" and shown on a schematic site plan entitled "Brush Creek Park", comprising Page 3 of Exhibit I. The specifications of the Brush Creek Amenity Package included the following amenities:

  ~ A gazebo at the project entrance, which would serve as a waiting area for school bus pickup.
  ~ A Sodded Sports Area adjacent to the gazebo.
  ~ A 1,300-square-foot Clubhouse will a full kitchen and fitness equipment.
  ~ A Fenced Tot Lot for ages 2-5 located adjacent to the Clubhouse.
  ~ Brush Creek Park, to include the following amenities:
  1. Covered Pavilion with a Picnic Area and Fireplace.
  2. Regulation 60' X 30' Beach Volleyball Court
  3. Regulation 60' X 90' 3-on-3 Soccer Field with Goals.
  4. Putting Green with multiple holes and sand trap.
  5. Upgraded and enlarged, commercial quality Playground to include:
     - 2-Bay, 4-Station Swing Set with Buckets and Belts.
     - Climbing Station: "Monkey Bars", Ring Climbers, Chin-up Bar, and Balance Beam.
     - Free-Standing Wave Slide with 5' Deck.
     - 2 Commercial Quality Park Benches.
  6. Over 1,400 feet of Walking Trail.
  7. Bird Sanctuary with Feeders, Houses, and Benches for observation.

VI. MAPS AND ILLUSTRATIONS TO FOLLOW:

B. Approved Plat from Site Development Plans Dated January 25, 2005

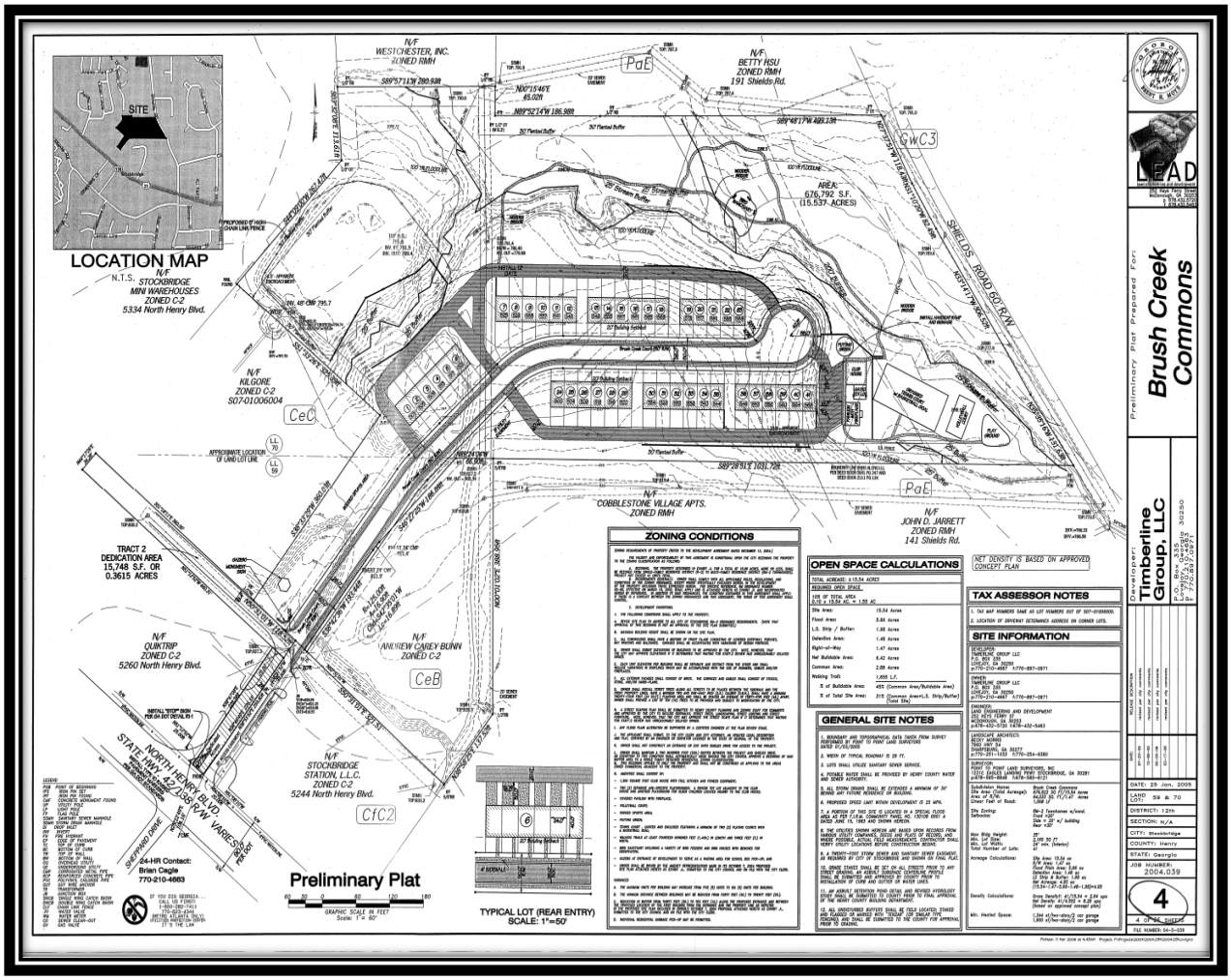
F. Enlargement of Amenity Area from 2005 Approved Plat

G. Brush Creek Park and Amenity Package from Second Amendment to the Development Agreement (August 13, 2007)

E. APPROVED PLAT FROM SITE DEVELOPMENT PLANS DATED JANUARY 25, 2005

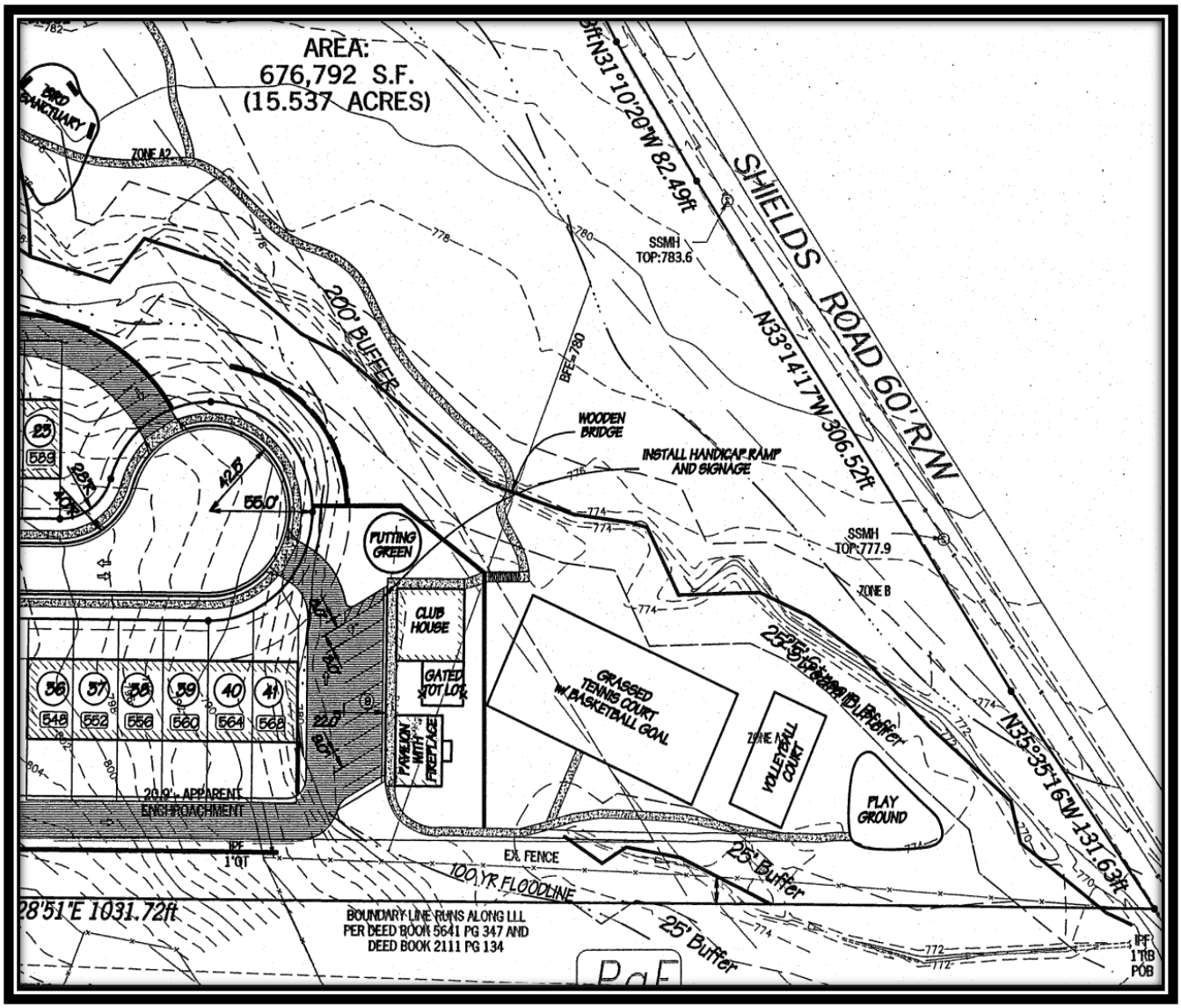
Site Development Plans were prepared by Land Engineering and Development (LEAD) for Timberline Group, LLC on the basis of the Amended Development Agreement for the Rezoning, and they were stamped for approval by Henry County Building and Plan Review Department on behalf of the City of Stockbridge.

(Note: Site Plan from the RZ-03-04 rezoning was NOT approved.)

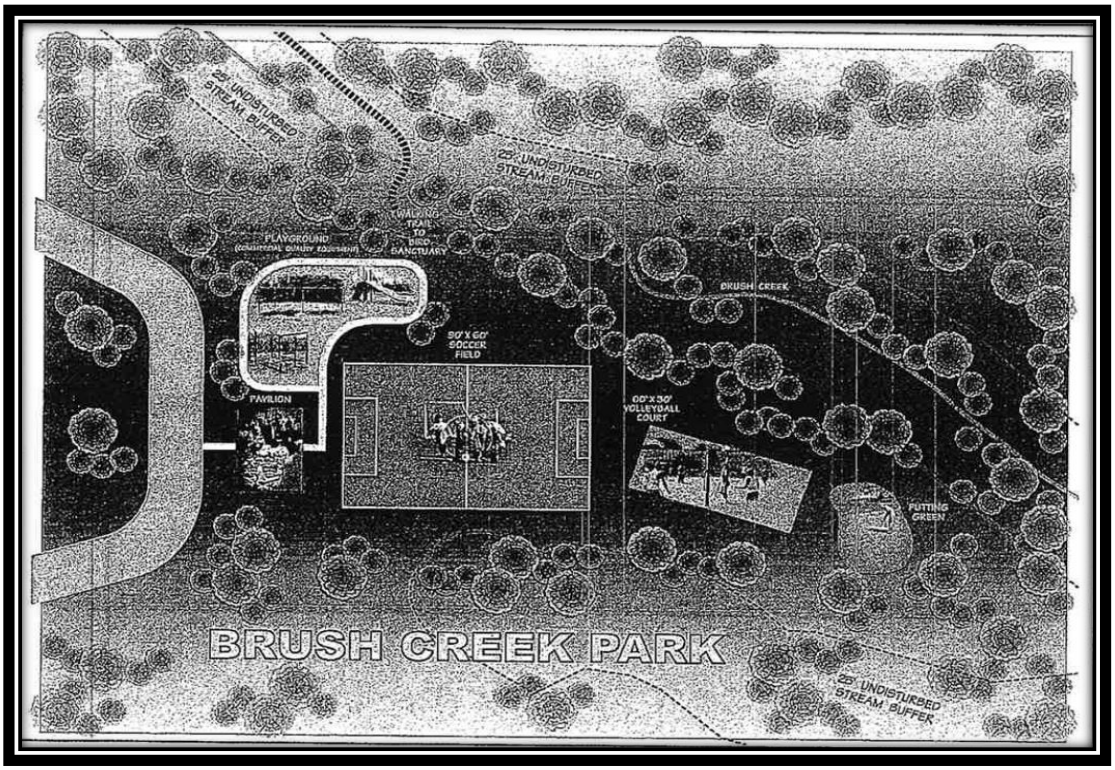


F. ENLARGEMENT OF AMENITY AREA FROM APPROVED 2005 PLAT

(NOTE: Site Plan from the RZ-03-04 rezoning was NOT approved.)



G. BRUSH CREEK PARK AND AMENITY PACKAGE FROM THE SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT



Brush Creek Commons Amenity Package

* Gazebo at entrance of development to serve as a waiting area for school bus pickup
* Sodded Sports Area adjacent to Gazebo
* 1300 Square Foot Clubhouse with Full Kitchen and Fitness Equipment
* Fenced Tot Lot (Ages: 2 – 5) located adjacent to Clubhouse
* Brush Creek Park
  1. Covered Pavilion with Picnic Area and Fireplace
  2. Regulation 60' X 30' Beach Volleyball Court
  3. Regulation 60' X 90' 3 on 3 Soccer Field with Goals
  4. Putting Green with multiple holes and sand trap
  5. Upgraded and Enlarged, commercial quality playground:
     2 Bay, 4 Station Swing Set with Buckets and Belts
     Climbing Station: "Monkey Bars", Ring Climbers, Chin-up Bar, and Balance Beam
     Free Standing Wave Slide with 5' Deck
     2 Commercial Quality Park Benches
  7. Over 1400 Ft. of Walking Trail
  8. Bird Sanctuary with Feeders, Houses, and Benches for observation

VII. PROPOSED DEVELOPMENT

A. Tentative Site Plan. The applicant seeks to complete the previously-approved townhome development by modifying the number, type, and locations of the amenities to be included. He has submitted a proposed rendering and tentative site plan which has been prepared by using the January 25, 2005 plat (prepared by Land Engineering and Development, LLC (LEAD), which was previously approved by Henry County on behalf of the City of Stockbridge. It shows the applicant's proposed amenity changes in red.

VIII. MAPS AND ILLUSTRATIONS TO FOLLOW:

H. Proposed Rendering for ZM-2022-01

I. List of Applicant's Requested Amenity Changes for ZM-2022-01

J. Table 1—Summary of Proposed Amenity Changes

K. Tentative Site Plan Proposal for ZM-2022-01: Full Site

L. Tentative Site Plan Proposal for ZM-2022-01: Enlargement

H. PROPOSED RENDERING FOR ZM-2022-01



I. LIST OF APPLICANT'S REQUESTED AMENITY CHANGES FOR ZM-2022-01:

1. <u>Keep the following:</u>

- Clubhouse.
- Pavilion.
- Gazebo.
- Monument sign.

2. <u>Remove the following:</u>

- Soccer field.
- Volleyball court.
- Walking trail.
- Parking spaces (extras to serve the amenities to be removed).
- Three (3) wooden bridges over Brush Creek.

3. <u>Change the following:</u>

- Reduce the number of playgrounds from two to one by having a combined playground rather than a separate "tot lot" and playground for older children.
- Move the putting green to a new location near the playground.
- Move the bird sanctuary to the opposite side of the creek to improve access.

4. <u>Provide the following:</u>

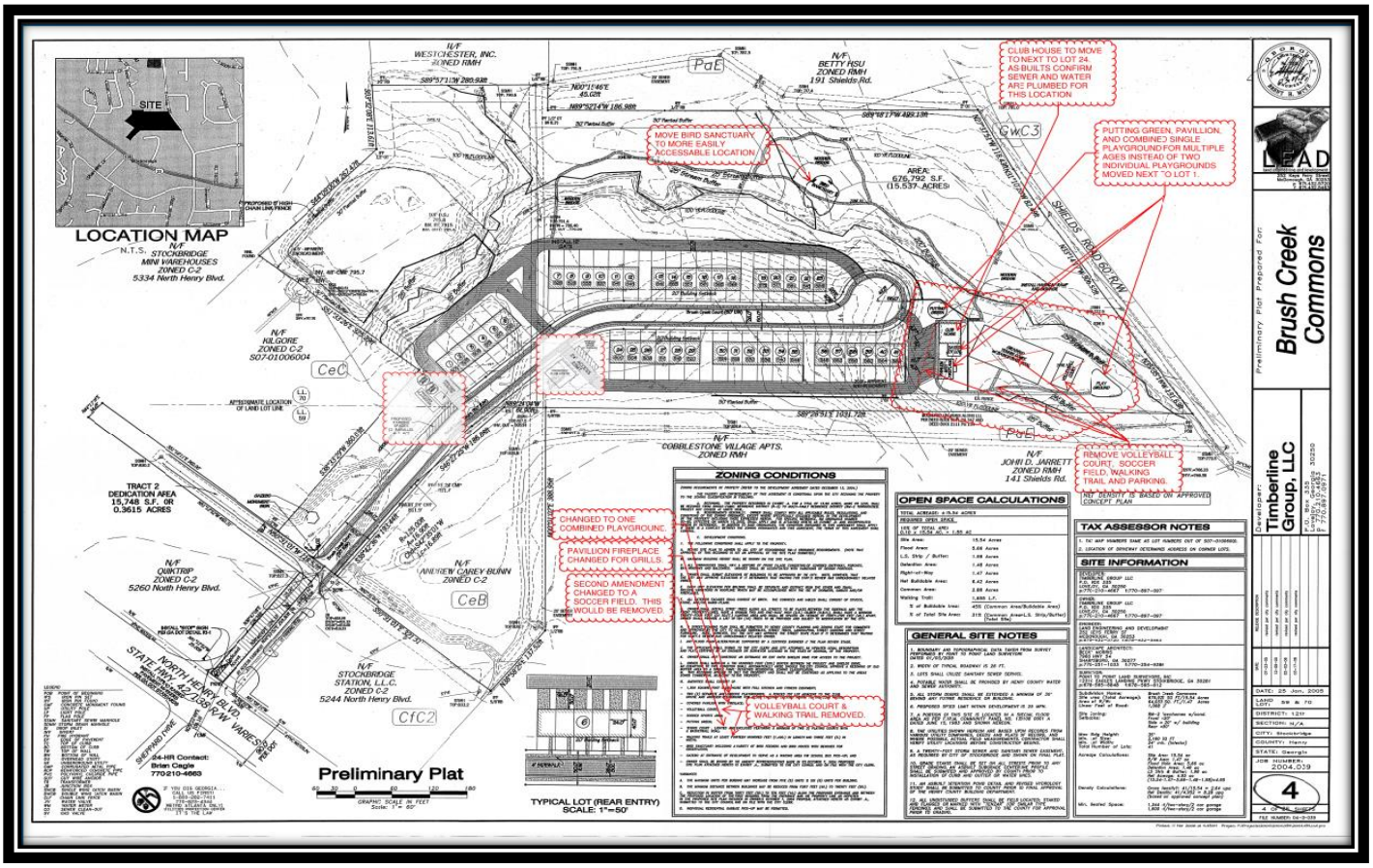
- Provide a gym and workout space inside the clubhouse.
- Provide grills and benches next to the clubhouse.
- Extend the sidewalk to interconnects to neighborhood developed commercial spaces.
- Provide a sidewalk stubout for future interconnectivity to neighboring lots.

J. TABLE 1 -- SUMMARY OF PROPOSED AMENITY CHANGES

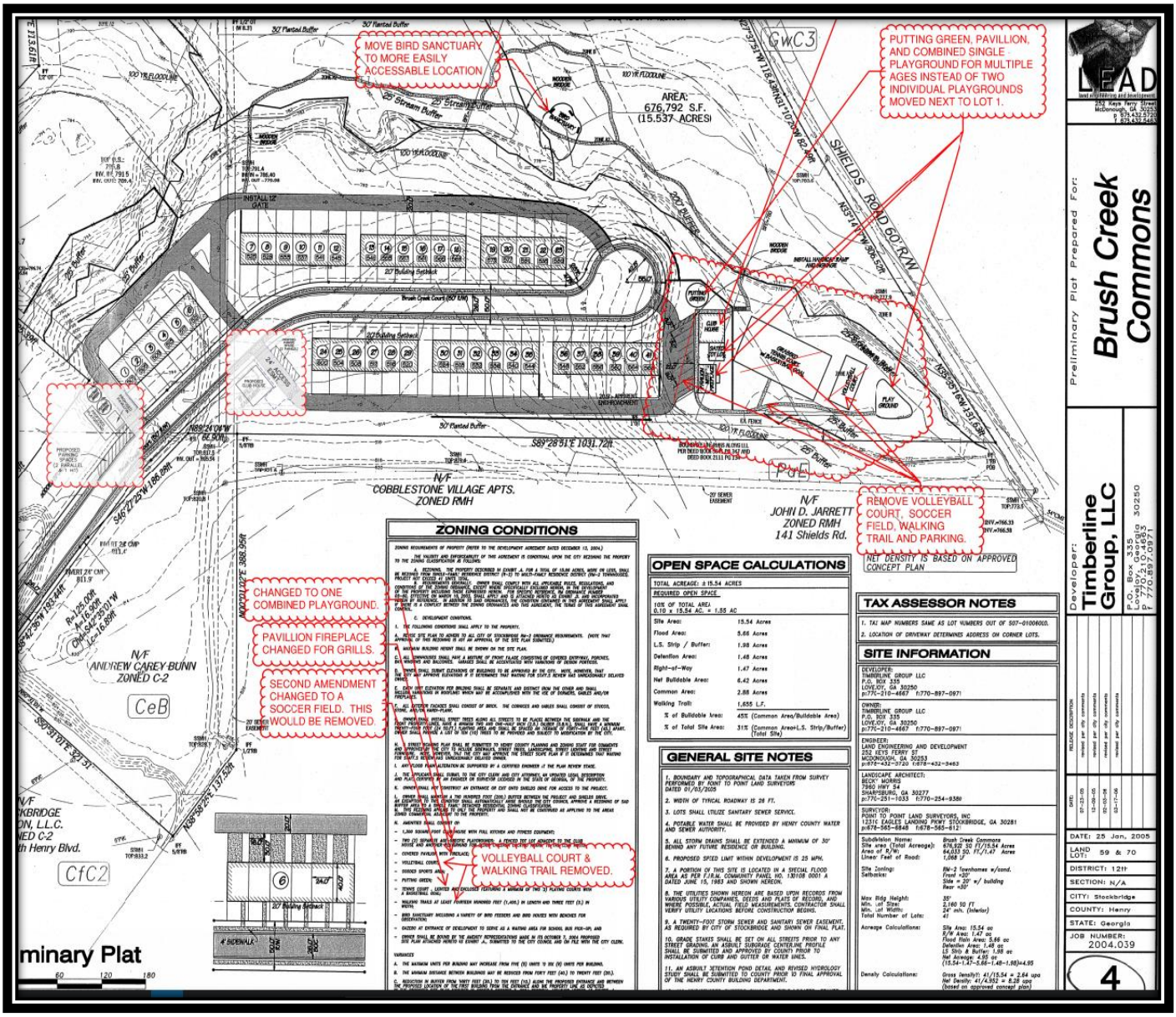
AMENITY OR FACILITY	PROPOSED CHANGE FOR ZM-2022-01
Soccer Field	To be removed.
Volleyball Court	To be removed.
Walking Trail	To be removed.
Parking Spaces Near Removed Amenities	To be removed.
Sodded Sports Area	To be removed.
Wooden Bridges Over Creek	To be removed.
Playground for Toddlers	To be replaced by a single combined playground.
Playground for Adolescents	To be replaced by a single combined playground.
Putting Green	To be relocated near the playground.
Bird Sanctuary	To be relocated on the opposite side of the creek for better access.
Grills and Benches Next to Pavilion	To be added.
Gym with Workout Space	To be added inside the Clubhouse.

K. SITE PLAN PROPOSAL FOR ZM-2022-01:

FULL SITE



L. SITE PLAN PROPOSAL FOR ZM-2022-01: ENLARGEMENT



B. Letter of Intent. The applicant's Letter of Intent cites three reasons why all of the required amenities cannot be constructed in the manner which was previously designated:

1. Costs--Certain high-maintenance amenities would be too costly for an HOA serving only 41 units, resulting in high fees to the townhome unit owners.
2. Environmental Conditions--The property's various physical attributes make the installation of certain amenities impossible or undesirable.
3. Locations--The designated locations of certain required amenities would be impractical.

In particular, the applicant identifies the following problems with three of the required amenities:

- Soccer Field and Volleyball Court—Designated for a ditch location, surrounded by hills and tall trees, which would cut off sunlight, be subject to flooding. The grass on the soccer field would not grow properly and the volleyball court would be filled with debris.
- Walking Trail with Three Bridges—Designated for a heavily-forested floodplain location, where the ground is often soggy and snakes may be present.

The applicant also proposes to install only one playground instead of the required two (one for toddlers and one for adolescents), and to move the bird-watching station to a more accessible location.

IX. ANALYSIS OF REQUEST

The last known City Council approval to take place for the subject property occurred on August 13, 2007 with the adoption of the Second Amendment to the Development Agreement, and no development has occurred on the property since then, other than the installation of an internal street, Brush Creek Court. The previous developer, Timberline Group, LLC, encountered various environmental problems on the property and had several different site plans prepared, including the February 22, 2008 site plan that was approved by Henry County (on behalf of the City), but later apparently abandoned the project.

Now, the current applicant has requested the granting of a Major Zoning Modification to the previously-approved rezoning and development agreements for the proposed Brush Creek Commons townhome development. Specifically, he is requesting the elimination or alteration of several of the required amenities (plus some other changes). He has cited three reasons for doing so, as are listed below. The Planning and Zoning Staff have analyzed the applicant's request on the basis of the reasonableness of the cited reasons, their suitability for the proposed development, and their effects on surrounding properties.

1. Costs--Certain high-maintenance amenities would be too costly for an HOA serving only 41 units, resulting in high fees to the townhome unit owners.
2. Environmental Conditions--The property's various physical attributes make the installation

of certain amenities impossible or undesirable.

3. Locations--The designated locations of certain required amenities would be impractical.

A. Reasonableness of Applicant's Request. The number of amenities that were required by the City's previous Zoning Code for this relatively small development may be high, especially since the City's current Unified Development Code does not have any specific requirement in the number of amenities to be provided within multifamily developments. Further, the reduction in the number of units from 48 to 41 (approved by the First Amendment to the Development Agreement) results in a smaller number of homeowners who will need to bear the HOA costs for maintaining all of the amenities to be installed in the development. Therefore, the requested amenity changes regarding costs are reasonable.

The subject property contains various floodplains and wetlands which comprise 5.459 acres of "restricted use", according to the Henry County Tax Assessors. Because of the this, the applicant has found that the provision of certain required amenities, including the soccer field, volleyball court, and sodded sports area, to be impossible, difficult, or impractical, resulting in flooding, blockage of sunlight in forested areas, and the inability of grass to grow on the soccer field. These are physical limitations of the site, and they are reasonable hindrances to these amenities. The elimination of some parking spaces to serve these facilities is also reasonable.

The applicant has also made minor changes in the locations of some of the required amenities to improve their accessibility, functionability, and desirability for the homeowners of the development. These changes seem reasonable.

B. Suitability for the Proposed Development. The granting of the applicant's requested changes in the number and type of amenities to be provided, as are shown by the submitted Conceptual Site Plan, would benefit the homeowners of the proposed development by enabling them to have reduced HOA fees due to the anticipated reduction in maintenance costs. Although there would be fewer amenities, the applicant still proposes to provide a significant number of them to create an attractive development. While there would be only one playground rather the required two playgrounds, the developer would install playground facilities for both toddlers and older children in that playground. Further, the relocation of some of the amenities on the site to more practical locations should promote their greater attractiveness and usability of to the homeowners.

C. Effects on Surrounding Properties and Infrastructure. Since the proposed changes to the amenities and site plan would not involve any alterations to the proposed townhomes, site access, utilities, or buffering, no adverse effects on surrounding properties are anticipated.

X. MAPS AND ILLUSTRATIONS TO FOLLOW:

M. Table 2--Comparison of Amenities: Required Versus Proposed

N. Table 3—Analysis of Requested Amenity and Site Plan Changes

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M. TABLE 2: COMPARISON OF AMENITIES: REQUIRED VERSUS PROPOSED

#	REQUIRED AMENITIES	PROPOSED AMENITIES	COMPARISON	REQUESTED VIA ZM-2022-01?
1	1,300 SF Clubhouse, Fully Furnished, with Exercise Equipment	1,300 SF Clubhouse, Partially Furnished, with Exercise Equipment	Proposed clubhouse would have fewer furnishings.	Yes.
2	Covered Pavilion with a Fireplace	Covered pavilion (15' X 20') with no fireplace	Fireplace would be eliminated.	Yes.
3	Gazebo for Bus Stop	Gazebo for Bus Stop	Same.	No.
4	Sodded Sports Area	Sodded Sports Area	To be eliminated.	No.
5	Putting Green	Putting Green	Same.	No.
6	Bird-Watching Station	Bird-Watching Station, moved to a more accessible location	Same, but in a different location.	Yes.
7	Playground for Toddlers	None.	To be replaced by a single playground.	Yes.
8	Playground for Adolescents	None.	To be replaced by a single playground.	Yes.
9	Tennis Court with Basketball Goals	None.	Eliminated, but approved by Second Amendment to Dev. Agreement.	No.
10	Soccer Field	None.	To be eliminated.*	Yes.
11	Volleyball Court	None.	To be eliminated.*	Yes.
12	1,400 LF Walking Trails with Three Bridges Over Creek	None.	To be eliminated.*	Yes.
13	N/A	Grills Next to Pavilion	To be added.	No.

*** Applicant has provided reasons for these eliminations in his Letter of Intent.**

N. TABLE 3—ANALYSIS OF REQUESTED AMENITY AND SITE PLAN CHANGES

AMENITY OR FACILITY	PROPOSED CHANGE VIA ZM-2022-01	ACCEPTABILITY / COMMENT
Soccer Field	To be removed.	Acceptable due to presence of floodplain.
Volleyball Court	To be removed.	Acceptable due to presence of floodplain.
Walking Trail and Bridges over Creek	To be removed.	Suggest the provision of a short path from the Clubhouse to the creek instead.
Parking Spaces Near Removed Amenities	To be removed.	Acceptable. Not needed if removed amenities are not present.
Tennis Court with Basketball Goals	To be removed.	Acceptable due to likely flooding otherwise.
Sodded Sports Area	To be removed.	Acceptable due to likely flooding.
Wooden Bridges Over Creek	To be removed.	Acceptable due to high costs.
Playground for Toddlers	To be replaced by a single playground.	Acceptable since toddler and adolescent facilities would be provided in one playground.
Playground for Adolescents	To be replaced by a single playground.	Acceptable since toddler and adolescent facilities would be provided in one playground.
Bird Sanctuary	To be relocated for better access.	Acceptable.
Sidewalk Extension and Interconnection	To be provided in southwest area of site.	Acceptable. Would facilitate access to nearby businesses.
Sidewalk Stubout	To be provided near Clubhouse.	Acceptable.
Grills Next to Pavilion	To be added.	Acceptable and desirable.

D. Basis of Comparison. In order to properly evaluate the applicant's request, a comparison needs to be made between the last site plan that was officially approved by the City of Stockbridge and a new site plan which has been prepared and proposed by the applicant. It is not clear as to which site plan should be used as the basis of evaluation, due to the following:

a. October 7, 2004 Site Plan – This site plan was approved per the Amended Development Agreement, dated August 13, 2007, but it is only a schematic drawing rather than a detailed, scaled site plan.
b. January 25, 2005 Site Plan – This site plan was stamped for approval by Henry County Plan Review on behalf of the City, but other revisions were later made.
c. February 22, 2008 Site Plan – This site plan was mentioned as being approved in a letter from the City to the County, dated March 10, 2008, but it has not been located.

E. Applicant's Tentative Site Plan – Per the recommendation of the Planning and Zoning Staff, the applicant has submitted a tentative site plan by using the January 25, 2005 previously-approved site plan as a base, on which he has shown his proposed amenity changes in red. Yet, there remain two issues with this:

a. The applicant has not submitted a clean, proposed new site plan showing the amenities which he plans to provide.

b. If the February 22, 2008 site plan is later located, the City may require that the applicant submits a new site plan by using the February 22, 2008 site plan as a base.

XI. STAFF RECOMMENDATION

This Staff Report has demonstrated that the applicant's proposed amenity and site plan changes would be acceptable. The Staff recommends **APPROVAL WITH CONDITIONS** of this zoning modification request, with the following four zoning conditions:

1. The applicant shall prepare a clean, final site plan by using the previously-approved plat, dated January 25, 2005 (as part of the Site Development Plans that were prepared for Timberline Group, LLC by Land Engineering and Development) as a base, and showing all of the currently-proposed amenities.

2. The Planning and Zoning Staff shall review the accuracy of the new site plan, and upon its approval, the developer shall be bound by it.

3. No other substantial changes in the number, type, or location of amenities or other facilities shall be allowed.

4. The developer shall comply with all other requirements of the approved rezoning case (RZ-03-04 via Rezoning Ordinance No. 03-152, which included the required compliance with the specifications of the RM-2 zoning district), the original Development Agreement, the first amendment to the Development Agreement (dated December 13, 2004), and the Second Amendment to the Development Agreement (dated August 13, 2007).

Amendment to the Comprehensive Plan Application

THANK YOU FOR YOUR INTEREST IN THE CITY OF STOCKBRIDGE, GEORGIA. THIS PACKET INCLUDES THE NECESSARY DOCUMENTS THAT ARE NEEDED FOR APPLYING FOR AN AMENDMENT TO THE STOCKBRIDGE COMPREHENSIVE PLAN.

APPLICATION REVIEW PROCESS. COMPREHENSIVE PLAN AMENDMENT APPLICATIONS ARE FIRST REVIEWED BY THE PLANNING AND ZONING STAFF, WHO MAKE RECOMMENDATIONS TO THE PLANNING COMMISSION. THE PLANNING COMMISSION THEN HOLDS A PUBLIC HEARING DURING ONE OF THEIR REGULARLY-SCHEDULED MEETINGS AND MAKES RECOMMENDATIONS TO THE MAYOR AND CITY COUNCIL. FINALLY, THE CASE GOES TO THE STOCKBRIDGE MAYOR AND CITY COUNCIL, WHO HOLD A PUBLIC HEARING DURING ONE OF THEIR REGULARLY-SCHEDULED MEETINGS. THEY MAKE THE FINAL DECISION ON THE APPLICATION.

PLEASE NOTE: ALL FEES ARE NON-REFUNDABLE. THERE ARE NO EXCEPTIONS.

REQUIRED PRE-APPLICATION MEETING—BEFORE SUBMITTING YOUR APPLICATION, PLEASE CONTACT THE PLANNING AND ZONING DIVISION OFFICE TO SCHEDULE A PRE-APPLICATION MEETING. THIS MEETING MUST BE HELD AT LEAST ONE WEEK BEFORE YOU SUBMIT YOUR APPLICATION.

NO PRE-APPLICATION MEETING WILL BE CONDUCTED WITHOUT AN APPOINTMENT.

FOR ASSISTANCE, YOU MAY CONTACT OUR OFFICE BETWEEN 8:00 AM AND 5:00 PM, MONDAY THROUGH FRIDAY, AT (678) 833-3344.

ALL PUBLIC HEARINGS TAKE PLACE IN THE COUNCIL CHAMBER AT THE STOCKBRIDGE CITY HALL AT 4640 NORTH HENRY BOULEVARD IN STOCKBRIDGE, GEORGIA, 30281, UNLESS THEY ARE HELD VIRTUALLY VIA ZOOM.

City of Stockbridge Planning and Zoning Division

Application for an Amendment to the Comprehensive Plan

Name of Applicant B1 Home Improvement, LLC Phone: (404) 925-1055 Date: 09/11/2024

Address of Applicant: 8487 Edgewater Cove Cell # (404) 925-1055

City: Jonesboro State: GA Zip: 30236 E-mail: nss.gc.noesan@hotmail.com

Name of Agent Robert Nesbitt and Rogers Gotier Phone: (225) 454-7425 Date: 09/11/2024

Address of Agent: 1235 Lions Gate Cell # (770) 871-8443

City: Conyers State: GA Zip: 30094 E-mail: nesbittr1@aol.com; rfgotier@hotmail.com

THE PERSONS NAMED ABOVE AFFIRM THAT THEY ARE THE OWNER OR AGENT OF THE OWNER OF THE PROPERTY DESCRIBED BELOW AND REQUESTS THAT THE FOLLOWING AMENDMENT TO THE COMPREHENSIVE PLAN BE GRANTED:

FROM: Medium Density Residential

TO: Mixed-Use Low Density

The property will be POSTED with a City of Stockbridge Planning and Zoning Sign. The sign must remain on the subject property for no less than fifteen days prior to the Planning Commission and Mayor/City Council meeting(s). The applicant or property owner shall not remove or alter the sign for any reason.

_____ **(Acknowledgement)**

Property Address: Davis Road within corporate limits of Stockbridge, Georgia

Nearest intersection to the property: Georgia Highway 42

Size of Tract: 6.895 acre(s). Land Lot Number(s): 71 . District(s): 12Th

Property Tax Parcel Number(s):
SO5-08004000, SO5-08005000, SO5-08006000 **(Required)**

Witness' Signature

Beatriz Arroyo
Signature of Applicant

Shannon Brooks
Printed Name of Witness

BEATRIZ ARROYO
Printed Name of Applicant

Notary

R. L. Gotier
Signature of Agent

Notary Seal:

KIMBERLY MICHELLE GALLIN NOTARY PUBLIC BUTTS CO., GEORGIA MY COMMISSION EXPIRES JAN 2 20 24

(For Office Use Only)

Total Amount Paid $ _____ Check # _____ Credit Card # _____ *(FEES ARE NON-REFUNDABLE)*

Application checked by: _____ Date: _____

Pre-application meeting: _____ Date: _____

Planning Commission Decision: _____

Mayor/City Council Decision: _____

Planning Director's Signature: _____ Date: _____

B1 HOME IMPROVEMENT, LLC
8487 EDGEWATER COVE
JONESBORO, GEORGIA 30236
TELEPHONE: (404) 925-1055

August 5, 2024

City of Stockbridge
Division of Planning and Zoning
4602 North Henry Boulevard
Stockbridge, Georgia 30281

Re: **AMENDMENT TO COMPREHENSIVE PLAN**
657 Davis Road, Stockbridge, Georgia - Parcel Number: SO5-08003000 - SR;
649 Davis Road, Stockbridge, Georgia - Parcel Number: SO5-08004000 - SR;
681 Davis Road, Stockbridge, Georgia - Parcel Number: SO5-08005000 - SR;
"0" Davis Road, Stockbridge, Georgia - Parcel Number: SO5-08006000 - OI.

To Whom It May Concern:

I, Beatriz Arroyo, Principal of B1Home Improvement LLC, by and through my appointed agents, Robert Nesbitt and Rogers Gotier, hereby make application to AMEND THE Comprehensive Plan relative to the above-referenced addresses comprised of 6.895 acres to C3 – Heavy Commercial District. Three of the properties are currently zoned SR and the fourth is OI.

At present, the property is under contract with a builder/developer with intention to construct self-storage warehouses on the property, if the rezoning is approved.

Respectfully,

B1 HOME IMPROVEMENT, LLC

Beatriz Arroyo
Principal

B1 HOME IMPROVEMENT, LLC
8487 EDGEWATER COVE
JONESBORO, GEORGIA 30236
TELEPHONE: (404) 925-1055

August 5, 2024

City of Stockbridge
Division of Planning and Zoning
4602 North Henry Boulevard
Stockbridge, Georgia 30281

Subj: **LETTER OF OWNERSHIP**
657 Davis Road, Stockbridge, Georgia - Parcel Number: SO5-08003000 - SR;
649 Davis Road, Stockbridge, Georgia - Parcel Number: SO5-08004000 - SR;
681 Davis Road, Stockbridge, Georgia - Parcel Number: SO5-08005000 - SR;
"0" Davis Road, Stockbridge, Georgia - Parcel Number: SO5-08006000 - OI.

To Whom It May Concern:

I, Beatriz Arroyo, Principal of B1 Home Improvement, LLC, possess ownership of the above-referenced parcels of real property within the city limits of Stockbridge, Georgia.

Further, I am fully aware of the request to amend the zoning designation of the above-referenced parcels to C3- Heavy Commercial District.

Respectfully,

B1 HOME IMPROVEMENT, LLC

Beatriz Arroyo
Principal

B1 HOME IMPROVEMENT, LLC
8487 EDGEWATER COVE
JONESBORO, GEORGIA 30236
TELEPHONE: (404) 925-1055

September 11, 2024

City of Stockbridge
Division of Planning and Zoning
4602 North Henry Boulevard
Stockbridge, Georgia 30281

LETTER OF INTENT

Subject:
657 Davis Road, Stockbridge, Georgia – Parcel Number: SO5-08003000 – SR;
649 Davis Road, Stockbridge, Georgia – Parcel Number: SO5-08004000 – SR;
681 Davis Road, Stockbridge, Georgia – Parcel Number: SO5-08005000 – SR;
"0" Davis Road, Stockbridge, Georgia – Parcel Number: SO5-08006000 – OI.

To Whom It May Concern:

I, Beatriz Arroyo, Principal of B1 Home Improvement, LLC, by and through my Appointed Agents, Robert Nesbitt and Rogers Gotier, hereby make this Application to rezone the above-referenced addresses comprised of 6.895 acres to Heavy Commercial District (C3). Three of the properties are currently zoned Suburban Residential (SR) and the fourth is zoned Office Institutional (OI). Said property is currently under contract with a local builder/developer. The builder/developer is desirous to build a Self-Storage Warehouse facility consisting of 274 rental units on the proposed property.

First, our market research revealed the need for more self-storage warehouses in the general area. This is due to the current population and expected future growth due to development in the self-storage warehouses' "service area." Also, research revealed that other nearby self-storage facilities are at full or mostly full capacity. We intend to construct a top-quality self-storage facility, to deliver exemplary customer service, and to have competitive rental rates. Further, our team's surveys revealed that area residents and neighboring businesses support this proposed project.

Next, our preliminary plans are to situate the facility on the site in the least conspicuous manner possible. We intend to position the facility so that it "blends in" using the natural environment and the topography to fulfill this goal. Also, the construction materials and paint colors used will be earth tones to complement the overall setting. Moreover, our team is committed to minimizing unsightly impact on the environment. Further, eighteen wheelers will not be allowed on the property after construction is completed.

In addition, our team fully intends to be good neighbors and good corporate citizens throughout the entire process. We will always be supportive of the community, particularly in matters involving children and teenagers.

Lastly, security is an integral component of a self-storage warehouse. Preliminary plans include advanced security measures, such as 24-hour video surveillance, individual unit alarms, and access control systems. Initial plans call for the inclusion of a Video Integration System thereby making the footage of the security cameras on and around the perimeter of the property accessible to the City of Stockbridge Police Department for investigative purposes.

In conclusion, our team stands ready to collaborate with the City of Stockbridge to make this project a reality that all parties find acceptable and can be proud of. Your favorable consideration of this request is greatly appreciated.

Respectfully,

B1 HOME IMPROVEMENT, LLC

Beatriz Arroyo
BEATRIZ ARROYO
Principal

In addition, our team fully intends to be good neighbors and good corporate citizens throughout the entire process. We will always be supportive of the community, particularly in matters involving children and teenagers.

Lastly, security is an integral component of a self-storage warehouse. Preliminary plans include advanced security measures, such as 24-hour video surveillance, individual unit alarms, and access control systems. Initial plans call for the inclusion of a Video Integration System thereby making the footage of the security cameras on and around the perimeter of the property accessible to the City of Stockbridge Police Department for investigative purposes.

In conclusion, our team stands ready to collaborate with the City of Stockbridge to make this project a reality that all parties find acceptable and can be proud of. Your favorable consideration of this request is greatly appreciated.

Respectfully,

B1 HOME IMPROVEMENT, LLC

Beatriz Arroyo

BEATRIZ ARROYO
Principal

B1 HOME IMPROVEMENT, LLC
8487 EDGEWATER COVE
JONESBORO, GEORGIA 30236
TELEPHONE: (404) 925-1055

August 5, 2024

City of Stockbridge
Division of Planning and Zoning
4602 North Henry Boulevard
Stockbridge, Georgia 30281

Subj: **LETTER OF OWNERSHIP**
657 Davis Road, Stockbridge, Georgia - Parcel Number: SO5-08003000 - SR;
649 Davis Road, Stockbridge, Georgia - Parcel Number: SO5-08004000 - SR;
681 Davis Road, Stockbridge, Georgia - Parcel Number: SO5-08005000 - SR;
"0" Davis Road, Stockbridge, Georgia - Parcel Number: SO5-08006000 - OI.

To Whom It May Concern:

I, Beatriz Arroyo, Principal of B1 Home Improvement, LLC, possess ownership of the above-referenced parcels of real property within the city limits of Stockbridge, Georgia.

Further, I am fully aware of the request to amend the zoning designation of the above-referenced parcels to C3- Heavy Commercial District.

Respectfully,

B1 HOME IMPROVEMENT, LLC

Beatriz Arroyo
Principal

ADJACENT PROPERTY OWNERS

DINH LLC
129 Club Circle
Stockbridge, Georgia 30281
Parcel ID: SO5-08002000
Location Address: 645 Davis Road

STOCKBRIDGE MHC LLC
302 Knights Drive
Suite 1108
Tampa, Florida 33602
Parcel ID: SO5-08001000
Location Address: 555 Davis Road

WAL-MART REAL ESTATE BUSINESS TRU
Post Office Box 8050 MS 0555
Bentonville, Arkansas 72716-0555
Parcel ID: SO2-05012000
Location Address: 5600 North Henry Boulevard

ALABAMA PROPERTIES, LLC
C/O AM CAPITAL PROP LLC
155 B Avenue
Suite 200
Lake Oswego, Oregon 97034
Parcel ID: SO5-08009000
Location Address: 697-719 Davis Road

MISSION STREET HOMES LLC
300 Montgomery
Suite 350
San Francisco, California 94104
Parcel ID: SO5-07004000
Location Address: 716 Davis Road

ADJACENT PROPERTY OWNERS (Continued)

YANG, QIAOWEI BELLA & HUANG, JIANWEI
1272 McAllistar Drive
Locust Grove, Georgia 30248
Parcel ID: SO5-07005000
Location Address: 714 Davis Road

NEWBERN, ALAN R.
712 Davis Road
Stockbridge, Georgia 30281
Parcel ID: SO5-07006000
Location Address: 712 Davis Road

GOOGE, RICHARD E. JR. & JENNIFER J.
102 Adrian Drive
Stockbridge, Georgia 30281
Parcel ID: SO5-07007000
Location Address: 102 Adrian Drive

PETTIS, GLORIA & ROY D.
101 Adrian Drive
Stockbridge, Georgia 30281
Parcel ID: SO5-03037000
Location Address: 101 Adrian Drive

Applicant Campaign Disclosure Form

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

Has the applicant made, within two (2) years immediately preceding the filing of this application for a rezoning, campaign contributions aggregating $250 or more, or made gifts having in the aggregate a value of $250 or more to a member of the City of Stockbridge Planning Commission or Stockbridge City Council who will consider the application?

Yes_____No XX BA

If **Yes**, the applicant and the attorney representing the applicant must file the following information with the City of Stockbridge Planning and Zoning Division within ten (10) days after this application is first filed:

Planning Commissioner and/or City Council Member Name	**Dollar Amount of Campaign Contribution**	**Description of Gift $250 or greater, which was given to Board Member**

We certify that the foregoing information is true and correct, this 8 day of August, 2024

BEATRIZ ARROYO
Applicant's Name - Printed

Beatriz Arroyo
Signature of Applicant/Property Owner/Agent

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 8 day of August 2024

24

Notary Public

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

Applicant Campaign Disclosure Form

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Has the applicant made, within two (2) years immediately preceding the filing of this application for a rezoning, campaign contributions aggregating $250 or more, or made gifts having in the aggregate a value of $250 or more to a member of the City of Stockbridge Planning Commission or Stockbridge City Council who will consider the application?

Yes _____ **No** BA

If **Yes**, the applicant and the attorney representing the applicant must file the following information with the City of Stockbridge Planning and Zoning Division within ten (10) days after this application is first filed:

Planning Commissioner and/or City Council Member Name	Dollar Amount of Campaign Contribution	Description of Gift $250 or greater, which was given to Board Member

We certify that the foregoing information is true and correct, this 8 day of AUGUST 2024

BEATRIZ ARROYO
Applicant's Name - Printed

Beatriz Arroyo
Signature of Applicant/Property Owner/Agent

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 8 day of AUGUST 2024

Notary Public

24

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Applicant Campaign Disclosure Form

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Yes RA No XX

If **Yes**, the applicant and the attorney representing the applicant must file the following information with the City of Stockbridge Planning and Zoning Division within ten (10) days after this application is first filed:

Planning Commissioner and/or City Council Member Name	**Dollar Amount of Campaign Contribution**	**Description of Gift $250 or greater, which was given to Board Member**

We certify that the foregoing information is true and correct, this 8th day of August, 2024

ROBERT NESBITT

Applicant's Name - Printed

Signature of Applicant/Property Owner/Agent

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 8 day of August 2024

Notary Public

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

Applicant Campaign Disclosure Form

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

Has the applicant made, within two (2) years immediately preceding the filing of this application for a rezoning, campaign contributions aggregating $250 or more, or made gifts having in the aggregate a value of $250 or more to a member of the City of Stockbridge Planning Commission or Stockbridge City Council who will consider the application?

Yes_____No X

If **Yes**, the applicant and the attorney representing the applicant must file the following information with the City of Stockbridge Planning and Zoning Division within ten (10) days after this application is first filed:

Planning Commissioner and/or City Council Member Name	Dollar Amount of Campaign Contribution	Description of Gift $250 or greater, which was given to Board Member

We certify that the foregoing information is true and correct, this 8th day of August, 2024

ROBERT NESBITT
Applicant's Name - Printed

Signature of Applicant/Property Owner/Agent

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

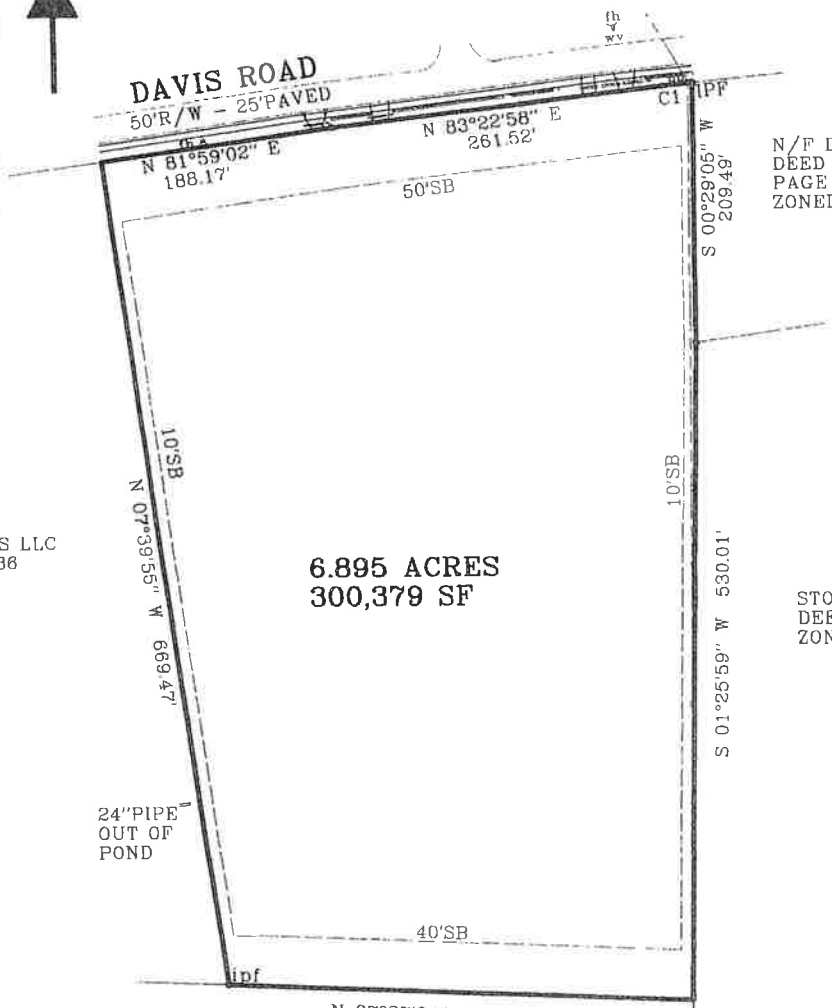
Sworn to and subscribed before me this 8 day of August 2024

Notary Public

24

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

C1– RADIUS – 1,896.55'
ARC – 30.86'
CHORD – N84°34'34"E 30.86'



N/F DINH LLC
DEED BOOK 19228
PAGE 2454
ZONED RR

N/F ALABAMA PROPERTIES LLC
DEED BOOK 15035 PAGE 236
ZONED C2

STOCKBRIDGE MHC LLC
DEED BOOK 15249 PAGE 172
ZONED MHR

WAL-MART BUISNESS
REAL ESTATE TRUST
DEED BOOK 3177
PAGE 199
ZONED C2

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A PRECISION OF ONE FOOT IN 21,010 FEET AND AN ANGULAR PRECISION OF TWO SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE TO WITHIN ONE FOOT IN 100,000 FEET

THE EQUIPMENT USED WAS A LEICA TOTAL STATION.

THE FIELD WORK WAS PERFORMED ON THE GROUND IN DECEMBER 2023.

ALL PINS SET ARE 1/2" REBAR 24" LONG.
NOT DESCRIPTED IPF ARE 1/2" REBAR

LEGEND
BW- BOTTOM WALL
CO- CLEAN OUT
CW – CONCRETE WASHOUT
DE – DRAINAGE EASEMENT
DI – DROP INLET
DWCB – DOUBLE WING CATCH BASIN
E- UNDERGROUND ELECTRIC
FC – FENCE CORNER
FH – FIRE HYDRANT
G- GAS METER
IPF – IRON PIN FOUND
IPS – IRON PIN SET
JB – JUNCTION BOX
LP – LIGHT POLE
MH – MANROLE
OHP – OVERHEAD POWER
OTP- OPEN TOP PIPE
POB – POINT OF BEGINNING
POC – POINT OF COMMENCEMENT
PP – POWER POLE
R/W – RIGHT OF WAY
SB – SETBACK
SSMH- SANITARY SEWER MANHOLE
SW- SIDEWALK
T – TRANSFORMER
TG – TOP GRATE
TP – TRAFFIC POLE
TW-TOP WALL
W- WATER LINE
WM- WATER METER
WV – WATER VALVE

CERTIFICATE OF SURVEYOR

"THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THIS PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. THIS PLAT IS ACCURATE, CURRENT AND IS A COMPLETE REPRESENTATION OF THE LAND PLATTED HEREON AND WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67(D) AND 15-6-7 AND ALL APPLICABLE LOCAL, COUNTY, AND MUNICIPAL ORDINANCES, STAUTUES AND SPECIFICATIONS."

MARK D PATRICK GA RLS 2701
1965 ELKS CLUB ROAD
COVINGTON, GEORGIA 30014
770-380-4766

OWNER: B1 HOME IMPROVEMENT LLC
2810 PLAYERS DRIVE
JONESBORO , GA 30236

PRESENT ZONING –
SUBURBAN RESIDENTIAL & OI

SUBURBAN RESIDETIAL- MINIMUM LOT AREA – 12000S
MINIMUM LOT WIDTH = 75'
FRONT SETBACK – 50'
SIDE SETBACK – 10'
REAR SETBACK – 40'
MAXIMUM LOT COVERAGE – 30%
MINIMUM LIVING AREA – 1500 SF

REZONING PLAT AND
COMBINATION PLAT FOR PARCELS
505-08006000, 505-08005000
505-08004000 AND 505-08003000

B1 HOME IMPROVEMENT LLC

LAND LOT 71 , 12th DISTRICT

CITY OF STOCKBRIDGE

HENRY COUNTY, GEORGIA

DATE: 12-30-2023
SCALE: 1" = 100'

200 150 100 50 0 100 200
Scale in Feet

RECEIVED IN OFFICE
HENRY COUNTY
CLERK OF SUPERIOR COURT

2022 NOV 23 AM 11:32

BK: 19227 PG: 2253
Filed and Recorded
Nov-23-2022 12:46:36PM
DOC#: D2022-040322
Real Estate Transfer Tax Paid $10.00
07S2022012601
SABRIYA HILL
CLERK OF SUPERIOR COURT Henry County GA.

Return Recorded Document to:
BEN F. WINDHAM, PC
3838 HIGHWAY 42
LOCUST GROVE, GA 30248
FILE #: LG22210

LIMITED WARRANTY DEED

STATE OF GEORGIA
COUNTY OF HENRY

THIS INDENTURE made this 9th day of November, 2022, between **American Legion Post #33 Inc, A Georgia Corporation,** as party or parties of the first part, hereinunder called Grantor, and **B1 HOME IMPROVEMENT, LLC, A Georgia Limited Liability Company,** as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires
or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable considerations in hand paid, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee.

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 71 OF THE 12TH DISTRICT OF HENRY COUNTY, GEORGIA, BEING KNOWN AS LOT 6, BLOCK A OF LAKEVIEW HEIGHTS SUBDIVISION, AS PER PLAT OF SAME OF RECORD AT PLAT BOOK 2, PAGE 251, HENRY COUNTY, GEORGIA RECORDS. SAID PLAT IS SPECIFICALLY INCORPORATED HEREIN BY REFERENCE AND MADE A PART HEREOF FOR A MORE COMPLETE AND ACCURATE LEGAL DESCRIPTION.

This Deed is given subject to all easements, covenants and restrictions of record, if any, as amended.

TO HAVE AND TO HOLD the said tract or parcel of land, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee, forever in **FEE SIMPLE.**

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons by, through and under the above named grantor.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in presence of:

Witness

Notary Public
[Notary Public]

KIMBERLY MICHELLE GARLIN
NOTARY PUBLIC
BUTTS CO. GEORGIA
MY COMMISSION EXPIRES
JAN 2 2026

(SEAL)
American Legion Post #33 Inc
Leste C. Debro, Adjutand

RECEIVED IN OFFICE
HENRY COUNTY
CLERK OF SUPERIOR COURT

2023 JAN -9 AM 11:52

BK: 19236 PG: 1693-1694
Filed and Recorded
Jan-10-2023 10:07:12AM
GDC#: G2023-000619
Real Estate Transfer Tax Paid $250.00
0750230000137
SABRIYA HILL
CLERK OF SUPERIOR COURT Henry County GA

Return Recorded Document to:
BEN F WINDHAM, PC
3838 HIGHWAY 42
LOCUST GROVE, GA 30248
FILE #: LG22229

LIMITED
WARRANTY DEED

STATE OF GEORGIA
COUNTY OF HENRY

THIS INDENTURE made this 16th day of **December, 2022**, between **EMERALD GREEN PROPERTIES, LLC** of the County of and State of Georgia, as party or parties of the first part, hereinunder called Grantor, and **B1 HOME IMPROVEMENT, LLC** as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable considerations in hand paid, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee.

See "Exhibit A"

This Deed is given subject to all easements, covenants and restrictions of record, if any, as amended.

TO HAVE AND TO HOLD the said tract or parcel of land, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee, forever in **FEE SIMPLE.**

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons by, through and under the above named grantor.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in presence of:

Witness

Notary Public
[Notary Public]

DOUGLAS B OHLSON
NOTARY PUBLIC
FULTON COUNTY, GEORGIA
MY COMMISSION EXPIRES JUNE 24, 2023

_____(SEAL)
EMERALD GREEN PROPERTIES, LLC
By: Malik Kolsawala, Authorized Member

RECEIVED IN OFFICE
HENRY COUNTY
CLERK OF SUPERIOR COURT

2023 JAN -9 AM 11:52

BK: 19236 PG: 1693-1694
Filed and Recorded
Jan-10-2023 10:07:12AM
DOC#: D2023-000619
Real Estate Transfer Tax Paid $250.00
#T52023000137
SABRIYA HILL
CLERK OF SUPERIOR COURT Henry County GA.

Return Recorded Document to:
BEN F. WINDHAM, PC
3838 HIGHWAY 42
LOCUST GROVE, GA 30248
FILE #: **LG22229**

LIMITED
WARRANTY DEED

STATE OF GEORGIA
COUNTY OF HENRY

THIS INDENTURE made this **16th** day of **December, 2022,** between **EMERALD GREEN PROPERTIES, LLC** of the County of and State of Georgia, as party or parties of the first part, hereinunder called Grantor, and **B1 HOME IMPROVEMENT, LLC** as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable considerations in hand paid, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee.

See **"Exhibit A"**

This Deed is given subject to all easements, covenants and restrictions of record, if any, as amended.

TO HAVE AND TO HOLD the said tract or parcel of land, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee, forever in **FEE SIMPLE.**

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons by, through and under the above named grantor.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in presence of:

Witness

Notary Public
[Notary Public]

DOUGLAS B OHLSON
NOTARY PUBLIC
FULTON COUNTY, GEORGIA
MY COMMISSION EXPIRES JUNE 24, 2023

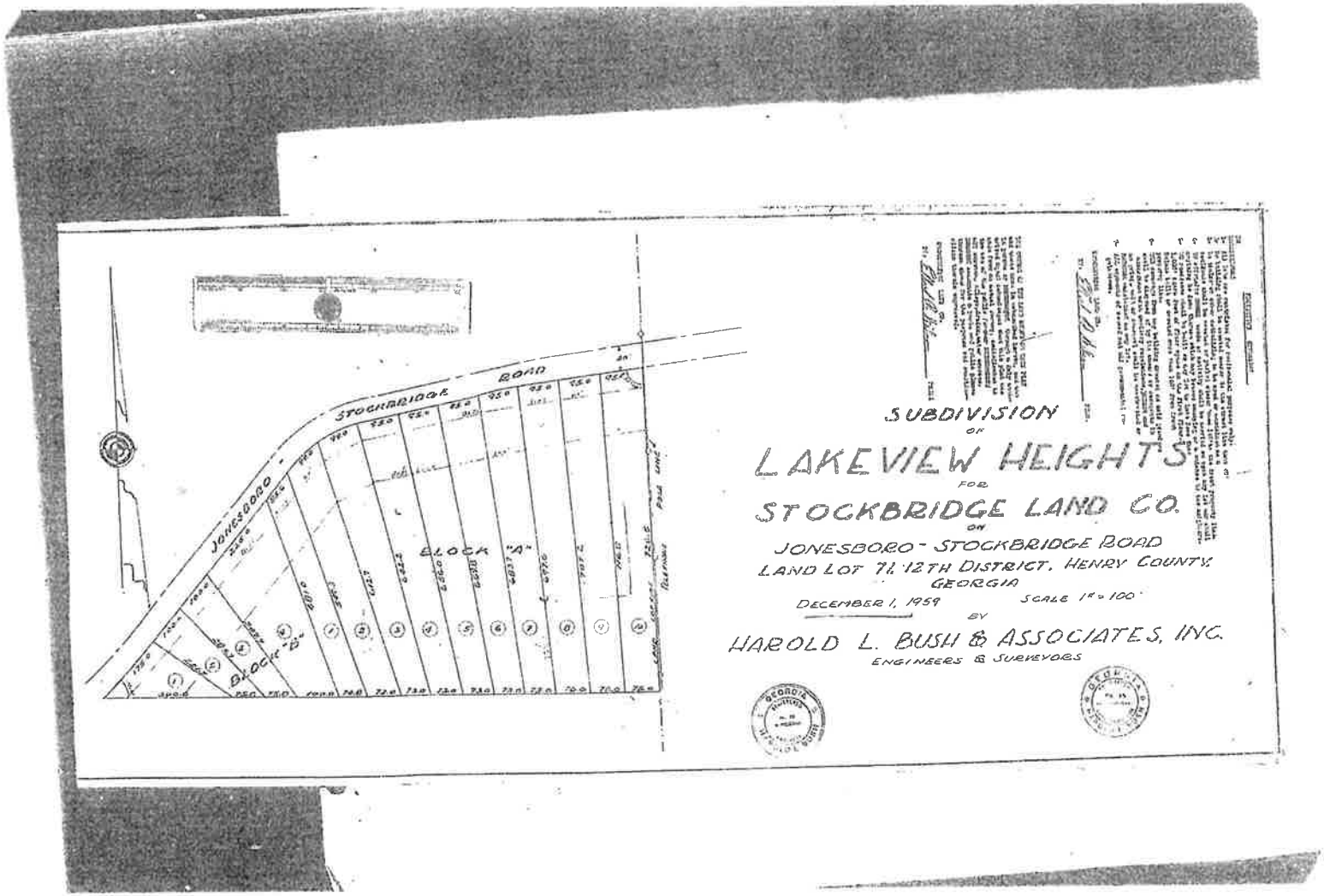
(SEAL)
EMERALD GREEN PROPERTIES, LLC
By: Malik Kolsawala, Authorized Member

Ex A

All that tract or parcel of land lying and being in Land Lot 71 of the 12th District of Henry County, Georgia, being portions of Lots 7, 8, 9 and 10, Block A, Lakeview Heights Subdivision, per survey and plat of said Subdivision of record in Plat Book 2, Page 251, Henry County, Georgia records, and more particularly described as follows:

BEGINNING at a point on the southerly right-of-way line of Davis Road formerly known as Jonesboro-Stockbridge Road (having an 80-foot right-of-way), said point being where Land Lot 71 intersects said Davis Road; thence running south along Land Lot 71 a distance of 725.26 feet to the southeast corner of Lot 10, said Block and Subdivision; thence North 87 degrees 24 minutes 57 seconds West a distance of 299.47 feet to a point; thence North 5 degrees 54 minutes 28 seconds West a distance of 380.09 feet to a point; thence North 79 degrees 50 minutes 2 seconds East a distance of 86.24 feet to a point; thence North 4 degrees West a distance of 285.30 feet to a point on the south right-of-way line of Davis Road; thence North 83 degrees 31 minutes 46 seconds East a distance of 129.66 feet to a point; thence South 2 degrees 42 minutes 49 seconds East for a distance if 288.31 feet to a point; thence North 85 degrees 24 minutes 11 seconds East a distance of 95.17 feet to a point; thence North 2 degrees 51 minutes 34 seconds West a distance of 292.23 feet to a point on the south right-of-way line of Davis Road; thence North 83 degrees 56 seconds East a distance of 62.03 feet to the POINT OF BEGINNING; all according to and as shown on a plat of survey for "the Estate of Elmer Lee Howell, Zelma G. Howell-Thorne, Administratrix", dated March 13, 1987, having the identity Drawing No. R 87-04763, by W. R. Franks, Georgia Registered Land Surveyor No. 871, which said plat of survey is incorporated herein by reference and made a part hereof.

BK 2 Pg 251


STOCKBRIDGE ROAD
JONESBORO
BLOCK "A"
BLOCK "B"
SUBDIVISION
OF
LAKEVIEW HEIGHTS
FOR
STOCKBRIDGE LAND CO.
ON
JONESBORO - STOCKBRIDGE ROAD
LAND LOT 71, 12TH DISTRICT, HENRY COUNTY, GEORGIA
DECEMBER 1, 1959
SCALE 1" = 100'
BY
HAROLD L. BUSH & ASSOCIATES, INC.
ENGINEERS & SURVEYORS

Applicant Campaign Disclosure Form

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

Has the applicant made, within two (2) years immediately preceding the filing of this application for a rezoning, campaign contributions aggregating $250 or more, or made gifts having in the aggregate a value of $250 or more to a member of the City of Stockbridge Planning Commission or Stockbridge City Council who will consider the application?

Yes_____No NO

If **Yes**, the applicant and the attorney representing the applicant must file the following information with the City of Stockbridge Planning and Zoning Division within ten (10) days after this application is first filed:

Planning Commissioner and/or City Council Member Name	Dollar Amount of Campaign Contribution	Description of Gift $250 or greater, which was given to Board Member

We certify that the foregoing information is true and correct, this ___ day of___.

ROGERS GOTIER
Applicant's Name - Printed

Signature of Applicant/Property Owner/Agent

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 8 day of August 2024

Notary Public

24

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

Applicant Campaign Disclosure Form

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

Has the applicant made, within two (2) years immediately preceding the filing of this application for a rezoning, campaign contributions aggregating $250 or more, or made gifts having in the aggregate a value of $250 or more to a member of the City of Stockbridge Planning Commission or Stockbridge City Council who will consider the application?

Yes_____No XX N/A

If **Yes**, the applicant and the attorney representing the applicant must file the following information with the City of Stockbridge Planning and Zoning Division within ten (10) days after this application is first filed:

Planning Commissioner and/or City Council Member Name	**Dollar Amount of Campaign Contribution**	**Description of Gift $250 or greater, which was given to Board Member**

N/A

We certify that the foregoing information is true and correct, this 8 day of August 2024

Rogers
~~ROBERT~~ GOTIER

Applicant's Name - Printed

Signature of Applicant/Property Owner/Agent

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 8 day of August 2024

24

Notary Public

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

NOTE: If the proposed development site would contain more than one property, and/or more than one property owner, please first type a list on a separate sheet of paper which identifies each property (address and/or parcel number) and its corresponding property owner(s). Then fill out a separate Property Owner's Authorization Form (provided below) for each property and each property owner.

PROPERTY OWNER'S AUTHORIZATION FORM (See NOTE above.)

The undersigned below is the PROPERTY OWNER, or one of the property owners, of the property at 657 Davis Road, Stockbridge GA 30281 [address], with Parcel Number SO5-08003000, which is the subject of this application.

Name of Property Owner: B1 HOME IMPROVEMENT LLC

Property Owner's Address: 8487 Edgewater Cove Jonesboro, GA 30236

Telephone: (404)925-1055 E-mail: nss.gc.noesan@hotmail.com

I swear that I am the Property Owner, or one of the Property Owners, of the property that is the subject matter of the attached application, as is shown in the tax assessors' records of Henry [County], Georgia [State].

Signature: Beatriz Amaya Date: 08/08/24

The undersigned does duly authorize the person(s) and/or company who is named below to act as APPLICANT(S) in the pursuit of this application for the subject property.

Name(s) of Applicant(s): Robert Nesbitt and Rogers Gotier

Company/law firm (if applicable):

Telephone, E-Mail, & Address: Nesbitt: (225) 454-7425 Nesbittsr1@aol.com | Gotier: (770)871-8443 rfgotier@hotmail.com | 1235 Lions Gate Conyers GA 30094

I authorize the Applicant or Applicants who are named above to act on my behalf for this application.

Beatriz Amaya

Signature of Property Owner, who swears that the information which is contained in this Property Owner's Authorization is true and correct to the best of his or her knowledge and belief.

08/08/24

Date

Signature of Notary Public

Kimberly M. Garlin

Printed Name of Notary Public

8/8/24

Date

Notary Public's Seal or Stamp:

NOTE: If the proposed development site would contain more than one property, and/or more than one property owner, please first type a list on a separate sheet of paper which identifies each property (address and/or parcel number) and its corresponding property owner(s). Then fill out a separate Property Owner's Authorization Form (provided below) for each property and each property owner.

PROPERTY OWNER'S AUTHORIZATION FORM (See NOTE above.)

The undersigned below is the PROPERTY OWNER, or one of the property owners, of the property at 649 Davis Road, Stockbridge GA 30281 [address], with Parcel Number SO5-08004000, which is the subject of this application.

Name of Property Owner: B1 HOME IMPROVEMENT LLC

Property Owner's Address: 8487 Edgewater Cove Jonesboro, GA 30236

Telephone: (404)925-1055 E-mail: nss.gc.noesan@hotmail.com

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Beatriz Amaya

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08/08/24

Date

Signature of Notary Public

Kimberly Michelle Garlington

Printed Name of Notary Public

8/8/24

Date

Notary Public's Seal or Stamp:

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PROPERTY OWNER'S AUTHORIZATION FORM (See NOTE above.)

The undersigned below is the PROPERTY OWNER, or one of the property owners, of the property at 681 Davis Road, Stockbridge GA 30281 [address], with Parcel Number SO5-08005000, which is the subject of this application.

Name of Property Owner: B1 HOME IMPROVEMENT LLC

Property Owner's Address: 8487 Edgewater Cove Jonesboro, GA 30236

Telephone: (404)925-1055 E-mail: nss.gc.noesan@hotmail.com

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Gotier: (770)871-8443 rfgotier@hotmail.com | 1235 Lions Gate Conyers GA 30094

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Beatriz Amaya

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08/08/24

Date

Signature of Notary Public

Kimberly Michelle Garlin

Printed Name of Notary Public

8/8/24

Date

Notary Public's Seal or Stamp:

24

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PROPERTY OWNER'S AUTHORIZATION FORM (See NOTE above.)

The undersigned below is the PROPERTY OWNER, or one of the property owners, of the property at "0" Davis Road, Stockbridge GA 30281 [address], with Parcel Number SO5-08006000, which is the subject of this application.

Name of Property Owner: B1 HOME IMPROVEMENT LLC

Property Owner's Address: 8487 Edgewater Cove Jonesboro, GA 30236

Telephone: (404)925-1055 E-mail: nss.qc.noesan@hotmail.com

I swear that I am the Property Owner, or one of the Property Owners, of the property that is the subject matter of the attached application, as is shown in the tax assessors' records of Henry [County], Georgia [State].

Signature: Beatriz Amaya Date: 08/08/24

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Gotier: (770)871-8443 rfgotier@hotmail.com | 1235 Lions Gate Conyers GA 30094

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Beatriz Amaya

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08/08/24

Date

Signature of Notary Public

Kimberly Michelle Garlin

Printed Name of Notary Public

8/8/24

Date

Notary Public's Seal or Stamp:

Applicant Campaign Disclosure Form

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

Has the applicant made, within two (2) years immediately preceding the filing of this application for a rezoning, campaign contributions aggregating $250 or more, or made gifts having in the aggregate a value of $250 or more to a member of the City of Stockbridge Planning Commission or Stockbridge City Council who will consider the application?

Yes ☐ **No** ☑ BA

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We certify that the foregoing information is true and correct, this 8 day of August 2024

BEATRIZ ARROYO

Applicant's Name - Printed

Beatriz Arroyo

Signature of Applicant/Property Owner/Agent

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 8 day of August 2024

Notary Public

24

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Gotier: (770)871-8443 rfgotier@hotmail.com | 1235 Lions Gate Conyers GA 30094

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Beatriz Amaya

Signature of Property Owner, who swears that the information which is contained in this Property Owner's Authorization is true and correct to the best of his or her knowledge and belief.

08/08/24

Date

Signature of Notary Public

Kimberly Michelle Garlin

Printed Name of Notary Public

8/8/24

Date

Notary Public's Seal or Stamp:

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

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Yes [ ] No [X]

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ROGERS GOTIER
Applicant's Name - Printed

Signature of Applicant/Property Owner/Agent

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 8 day of August 2024

Notary Public

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Yes [ ] No [✓]

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We certify that the foregoing information is true and correct, this 8th day of August 2024

ROBERT NESBITT

Applicant's Name - Printed

Signature of Applicant/Property Owner/Agent

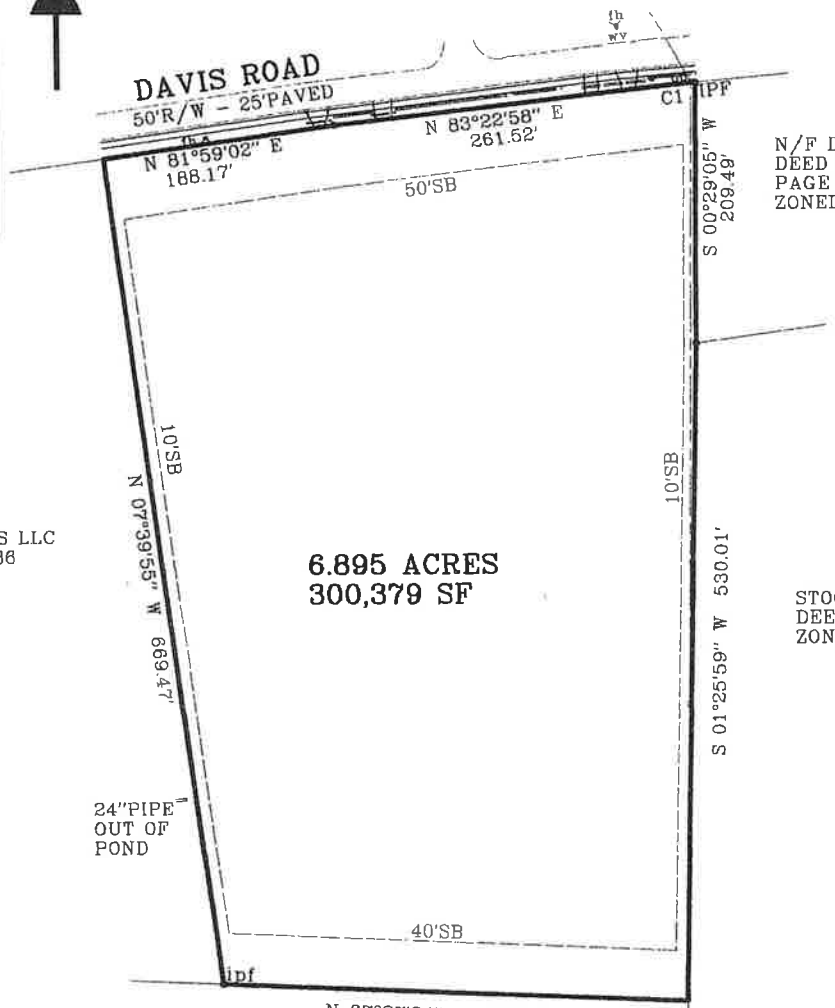
Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 8 day of August 2024

Notary Public

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N/F DINH LLC
DEED BOOK 19228
PAGE 2454
ZONED RR

N/F ALABAMA PROPERTIES LLC
DEED BOOK 15035 PAGE 236
ZONED C2

STOCKBRIDGE MHC LLC
DEED BOOK 15249 PAGE 172
ZONED MHR

WAL-MART BUISNESS
REAL ESTATE TRUST
DEED BOOK 3177
PAGE 199
ZONED C2

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A PRECISION OF ONE FOOT IN 21,010 FEET AND AN ANGULAR PRECISION OF TWO SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE TO WITHIN ONE FOOT IN 100,000 FEET.

THE EQUIPMENT USED WAS A LEICA TOTAL STATION.

THE FIELD WORK WAS PERFORMED ON THE GROUND IN DECEMBER 2023.

ALL PINS SET ARE 1/2" REBAR 24" LONG.
NOT DESCRIPTED IPF ARE 1/2" REBAR

LEGEND
BW– BOTTOM WALL
CO– CLEAN OUT
CW – CONCRETE WASHOUT
DE – DRAINAGE EASEMENT
DI – DROP INLET
DWCB – DOUBLE WING CATCH BASIN
E– UNDERGROUND ELECTRIC
FC – FENCE CORNER
FH – FIRE HYDRANT
G– GAS METER
IPF – IRON PIN FOUND
IPS – IRON PIN SET
JB – JUNCTION BOX
LP – LIGHT POLE
MH – MANHOLE
OHP – OVERHEAD POWER
OTP– OPEN TOP PIPE
POB – POINT OF BEGINNING
POC – POINT OF COMMENCEMENT
PP – POWER POLE
R/W – RIGHT OF WAY
SB – SETBACK
SSMH– SANITARY SEWER MANHOLE
SW– SIDEWALK
T – TRANSFORMER
TG – TOP GRATE
TP – TRAFFIC POLE
TW–TOP WALL
W– WATER LINE
WM– WATER METER
WV – WATER VALVE

CERTIFICATE OF SURVEYOR

"THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THIS PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION. AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. THIS PLAT IS ACCURATE, CURRENT AND IS A COMPLETE REPRESENTATION OF THE LAND PLATTED HEREON AND WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67(D) AND 15-6-7 AND ALL APPLICABLE LOCAL, COUNTY, AND MUNICIPAL ORDINANCES, STAUTUES AND SPECIFICATIONS.

MARK D PATRICK GA RLS 2791
1965 ELKS CLUB ROAD
COVINGTON, GEORGIA 30014
770-380-4760

OWNER: 81 HOME IMPROVEMENT LLC
2810 PLAYERS DRIVE
JONESBORO , GA 30236

PRESENT ZONING –
SUBURBAN RESIDENTIAL & OI

SUBURBAN RESIDETIAL– MINIMUM LOT AREA – 12000S
MINIMUM LOT WIDTH = 75'
FRONT SETBACK – 50'
SIDE SETBACK – 10'
REAR SETBACK – 40'
MAXIMUM LOT COVERAGE – 30%
MINIMUM LIVING AREA – 1500 SF

REZONING PLAT AND
COMBINATION PLAT FOR PARCELS
505-08006000, 505-08005000
505-08004000 AND 505-08003000

B1 HOME IMPROVEMENT LLC

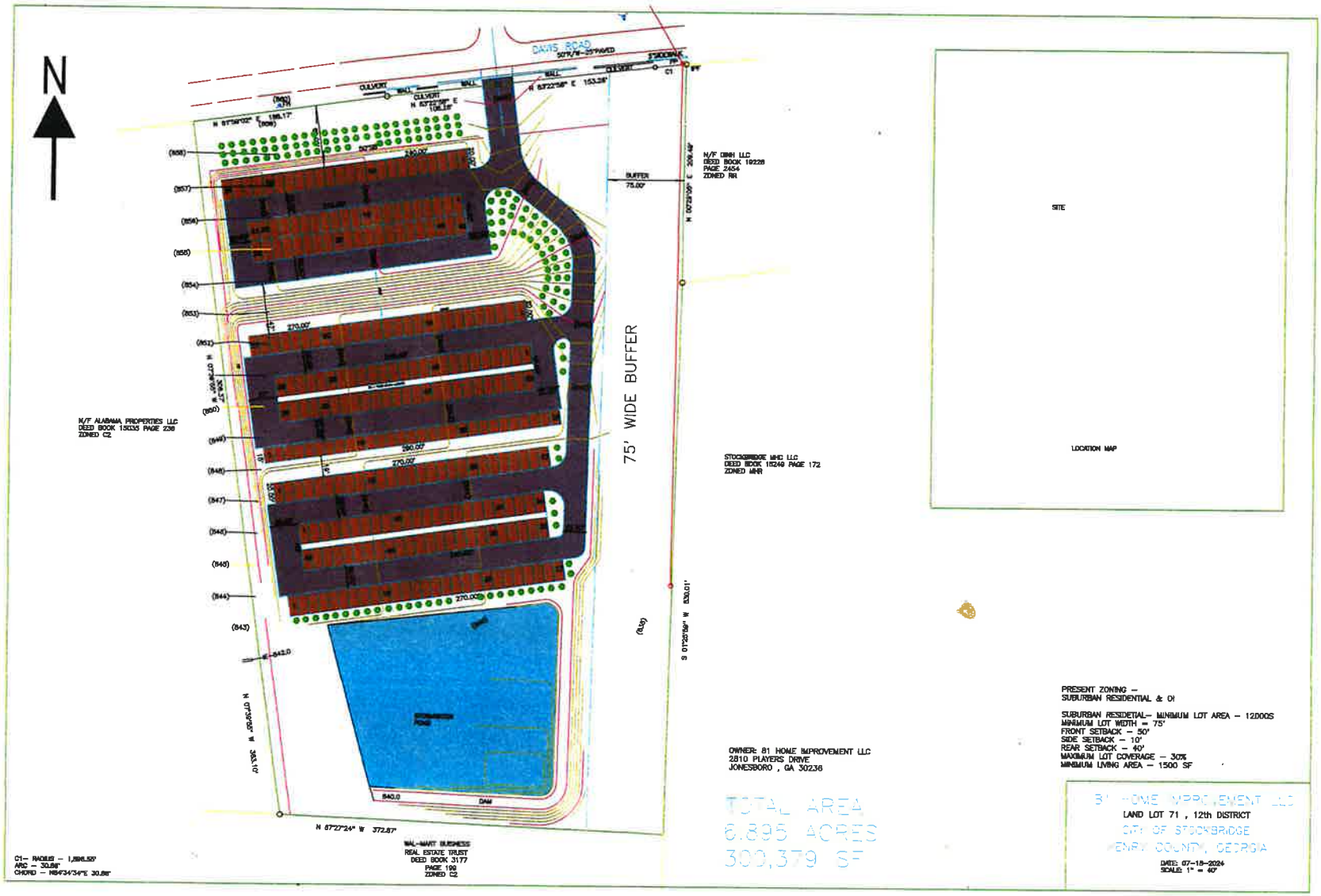
LAND LOT 71 , 12th DISTRICT

CITY OF STOCKBRIDGE

HENRY COUNTY, GEORGIA

DATE: 12-30-2023
SCALE: 1" = 100'

200 150 100 50 0 100 200
Scale in Feet


N
DAVIS ROAD
75' WIDE BUFFER
BUFFER
75.00'
M/F DMH LLC
DEED BOOK 19228
PAGE 2454
ZONED RA
M/F ALABAMA PROPERTIES LLC
DEED BOOK 15035 PAGE 236
ZONED C2
STOCKBRIDGE MHC LLC
DEED BOOK 15249 PAGE 172
ZONED MHR
WAL-MART BUSINESS
REAL ESTATE TRUST
DEED BOOK 3177
PAGE 199
ZONED C2
SITE
LOCATION MAP
OWNER: 81 HOME IMPROVEMENT LLC
2810 PLAYERS DRIVE
JONESBORO , GA 30236
TOTAL AREA
6.895 ACRES
300,379 SF
PRESENT ZONING –
SUBURBAN RESIDENTIAL & OI
SUBURBAN RESIDENTIAL– MINIMUM LOT AREA – 12,000S
MINIMUM LOT WIDTH = 75'
FRONT SETBACK – 50'
SIDE SETBACK – 10'
REAR SETBACK – 40'
MAXIMUM LOT COVERAGE – 30%
MINIMUM LIVING AREA – 1500 SF
81 HOME IMPROVEMENT LLC
LAND LOT 71 , 12th DISTRICT
CITY OF STOCKBRIDGE
HENRY COUNTY, GEORGIA
DATE: 07-18-2024
SCALE: 1" = 40'
C1– RADIUS – 1,896.55'
ARC – 30.58'
CHORD – N84°34'34"E 30.58'

[NOTE: Some properties receive water and sewer service through the City of Stockbridge Public Works Office or from Clayton County. For those properties, please obtain a letter from the appropriate office in lieu of obtaining one from Henry County.]

Application for Water/Sewer Availability Letter

Thank you for your interest in Henry County, Georgia. This packet includes the necessary documents required for processing water/sewer availability letters.

Availability letters are required for rezoning(s), conditional use/exception, variance, and modifications to Zoning Conditions of properties that are heard by the City of Stockbridge Planning Commission and/or the Stockbridge City Council that are within the HCWA service area).

HCWA will verify that water and sewer service is, or will be, available to serve a particular development. The requested information in this package is used for determining the existing water/sewerage system capacity, planning for future water and sewerage system needs, and protection of Henry County water sources.

Please note: All fees are non-refundable. There are no exceptions.

Should you need further assistance, please feel free to contact our office between 8:00AM to 5:00PM, Monday through Friday at (770) 914-3688.

Henry County Water Authority
Availability Letter Checklist/Summary

PLEASE COMPLETE THIS FORM WHEN REQUESTING WATER/SEWER AVAILABILITY LETTERS. ATTACH THE CHECKLIST TO THE APPLICATION AND SIGN. (THIS DOES NOT APPLY TO EXISTING SERVICE VERIFICATION LETTERS OR LETTERS FOR CONDITIONAL USE/EXCEPTION AND SOME VARIANCES).

ALL DOCUMENTS ARE REQUIRED IN ORDER TO CONSIDER AVAILABILTY;
INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

REQUIRED ITEMS	COPIES	PROCEDURE	(INITIAL)
Application Form *(Originals only. No photocopies accepted.)*	01	1. Signed by owner and **notarized**. OR 2. Signed by owner's agent and **notarized.**	
Letter of Intent	01	The letter must clearly state the proposed use, development intent, and estimated time period for construction.	
Preliminary Site Plan/Layout (24 x 36 max.)	01	Must show minimum details: Buildings, road frontage, correct scale, north arrow, present zoning classification, topography, proposed lot layout, existing water and sewer line sizes and locations. If an extension of the water/sewer system is required, site plan must be accompanied with a preliminary routing of the off-site extension. *Preliminary profiles of the proposed sewer routing may be required.* The plan/layout must be dated and correspond with the submittal to the County or respective City. **All plans/layouts must include a statement of whether or not the property is within a protected watershed district.**	
Additional site plan/layout requirements	01	If property is within a protected watershed, include proposed minimum lot sizes, estimate of impervious surface, required stream buffers, and statement of whether or not the property is within the water quality critical area.	
Payment		Cash or check made payable to *Henry County Water Authority* in the amount of **$200.00** for Availability Letters. A deposit and additional costs will be required for developments requiring feasibility/basin studies.	
Letter from the Health Department **(Only if property is not on sewer and located within a protected watershed district)**	01	This letter is required **only** if the development is within a protected watershed district and the proposed minimum lot size is less than the requirements set forth in the W atershed Protection Ordinance. Letter must indicate that septic systems will be adequate for proposed lots and house/building sizes.	

The Engineering Manager may require additional information different from the above depending upon the type of development and/or system requirements. The terms and conditions of an availability letter are subject to all rules and regulations of Henry County Water Authority. This application is valid only for the real property referenced on this application. This application is not transferable or assignable to any party. Henry County W ater Authority reserves the right to discontinue processing applications at any time without prior notice for any reason, including limited, diminished, or lack of supply and/or demand considerations. If no development activity commences within 365 days from issuance of a letter, the letter shall be invalid, and the Applicant will be required to repeat the application process. If the applicant is unable to commence development within 365 days, a written request for a six-month extension will be considered.

B1 HOME IMPROVEMENT, LLC
8487 EDGEWATER COVE
JONESBORO, GEORGIA 30236
TELEPHONE: (404) 925-1055

August 5, 2024

City of Stockbridge
Division of Planning and Zoning
4602 North Henry Boulevard
Stockbridge, Georgia 30281

Subj: **WATER AND SANITARY SEWER NEEDS**
657 Davis Road, Stockbridge, Georgia - Parcel Number: SO5-08003000 - SR;
649 Davis Road, Stockbridge, Georgia - Parcel Number: SO5-08004000 - SR;
681 Davis Road, Stockbridge, Georgia - Parcel Number: SO5-08005000 - SR;
"0" Davis Road, Stockbridge, Georgia - Parcel Number: SO5-08006000 - OI.

To Whom It May Concern:

The above-referenced property, if rezoned, will become the site of a Self-Storage Warehouse facility. The initial building plans do not reflect any restroom facilities as there is no office. Business operations will be conducted virtually, not on-site. Thus, there will be no water or sanitary sewage needs as a result of this project.

However, in the event building plans were to change necessitating water, there is currently water service on the site provided by Henry County Water Authority. In addition, a septic tank system would be used, not sanitary sewage, as the usage would be minimal.

Respectfully,

B1 HOME IMPROVEMENT, LLC

Beatriz Arroyo
Principal

City of Stockbridge

Planning and Zoning Office

Septic System Information for Zoning Requests

4640 North Henry Boulevard; Stockbridge, GA 30281 (770) 389-7900

This form must be completed and submitted to the Planning and Zoning Office with all zoning applications for properties that are not served by public sewer.

Name of Applicant: B1 Home Improvement LLC Phone: (404)925-1055 Mobile: (404)925-1055

Applicant Address: 8487 Edgewater Cove City, State: Jonesboro GA Zip: 30236

Name of Agent: Robert Nesbitt & Rogers Gotier Phone: (225)454-7425 Mobile: (770)871-8443

Agent Address: 1235 Lions Gate City, State: Convers, GA Zip: 30094

Request (Check one):

Rezoning (Current Zoning SR Requested Zoning C-3) Conditional Use ____ Variance ____ Zoning Modification ____

For the Purpose of Self Storage Warehouses

Property Address: 649, 657, 681 & 0 Davis Rd Nearest Intersection to property: Georgia Highway 42

Size of Tract: 6.895 acres Land Lot:(s) 71 District(s): 12TH

Property Tax Parcel Number(s): SO508003000; SO508004000, SO508005(Proposed Number of Lots: 1

Signature of Owner: Beatriz Arroyo Printed Name of Owner: Beatriz Arroyo

Signature of Agent: [signature] Printed Name of Agent: Robert Nesbitt & Rogers Gotie

---

(To be Completed by Henry County Environmental Health)

Check all that apply

_____ There are suitable soils for the installation of a septic system on the subject property.

_____ There are **not** suitable soils for the installation of a septic system on the subject property.

_____ There is an existing septic system on the subject property.

_____ The existing septic system will support the proposed development and/or use.

_____ The existing septic system will **not** support the proposed development and/or use.

Comments: _____

_____

_____

_____

Name of Person Completing: _____ Title: _____

Signature: _____ Date: _____

E-mail Address: _____ Phone Number: _____

Henry County Water Authority

Engineering Division
100 Westridge Industrial Blvd.
McDonough, GA 30253

Application for Water/Sewer Availability Letter

Date: 08/05/2024

Name of Applicant B1 Home Improvement LLC Phone: (404)925-105! Mobile: (404)925-1055
Address of Applicant: 8487 Edgewater Cove Fax:
City: Jonesboro State: GA Zip: 30236 E-mail: nss.gc.noesan@hotmail.com
Name of Agent Robert Nesbitt & Rogers Gotier Phone: (225) 454-7425 Mobile: (770)871-8443
Address of Agent: 1235 Lioms Gate Fax:
City: Conyers State GA Zip: 30094 E-mail: nesbittsr1@aol.com

THE APPLICANT NAMED ABOVE AFFIRMS THAT THEY ARE THE OWNER OR AGENT FOR THE OWNER OF THE PROPERTY DESCRIBED BELOW AND REQUESTS: (PLEASE CHECK THE PURPOSE OF LETTER REQUEST AND FILL IN ALL APPLICABLE INFORMATION LEGIBLY AND COMPLETELY).

VERIFICATION OF SERVICE: ☐ **Conditional Use/Exception** ☐ **Variance** ☐ **In-law Suite/Addition** ☐ **Bank Loan**

AVAILABILITY: ☐ **General Availability** ☒ **Rezoning**
Availability letters will require a minimum of three weeks from the date of payment and application submittal

Request from SR & OI (Present Zoning)) to C-3 (Requested Zoning)

For the Purpose of Self Storage Warehouses (Type of Development)

Address of Property: 649 Davis Road (Street Address, if Applicable, Nearest Intersection, Etc.) Nearest intersection to the property: GA Hwy 42

Size of Tract: 6.895 acre(s), Land Lot Number(s): 71, District(s): 12TH

Development Estimated Average Daily Sewer Flow (GPD): 0

Property Tax Parcel Number: SO5 - 0800 - 3000, 4C - _____ Proposed number of lots: 1

Information beyond this point is not required for service verifications.

(Below: For properties within protected watershed districts only)

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

Estimated amount of impervious surface: _____ Minimum Lot Size: _____

Witness

Signature of Owner(s)/Agent(s) Beatriz Amaya

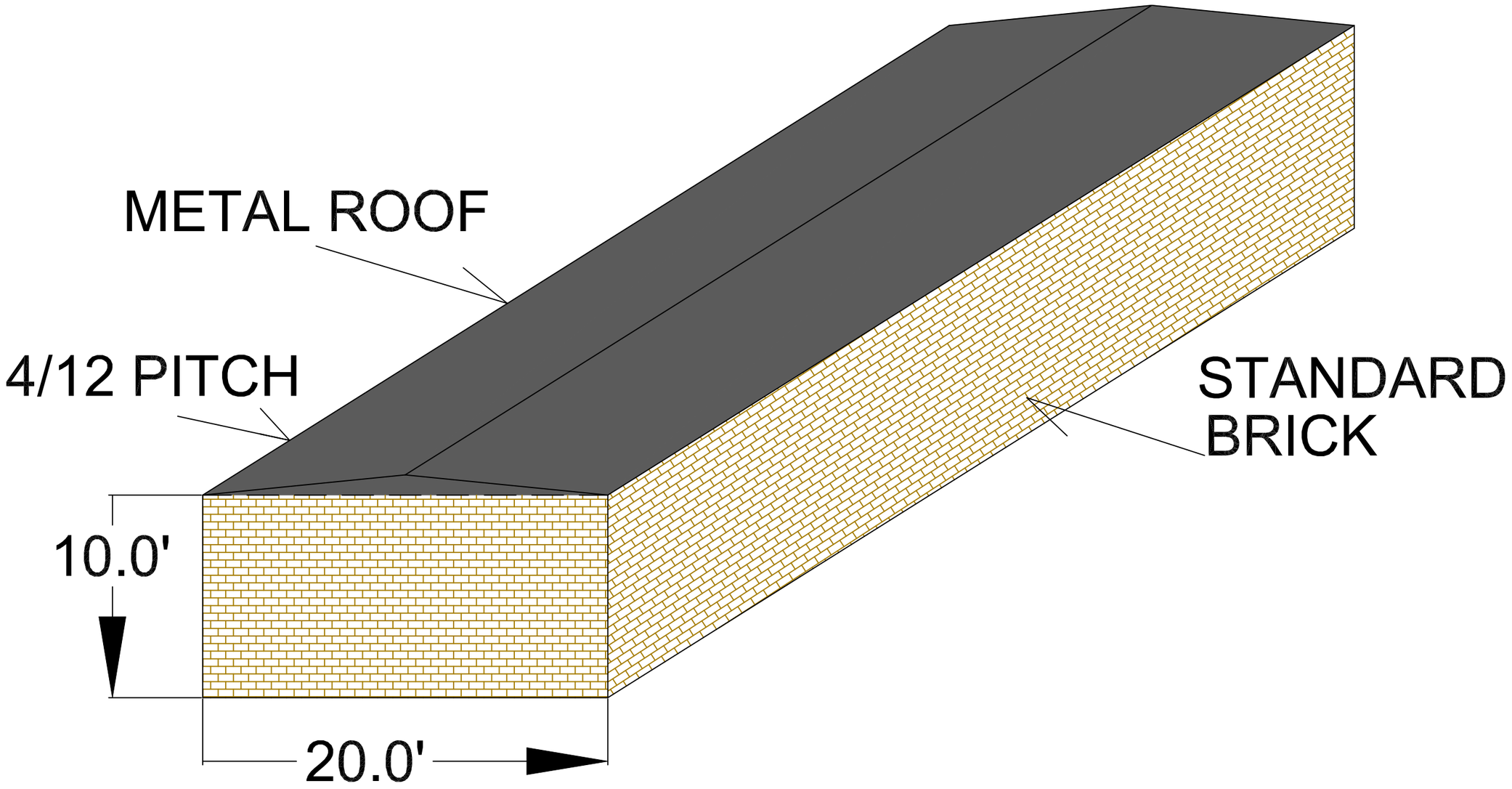
Printed Name of Witness Shannon Brooks

Printed Name of Owner/s

Notary

Signature of Agent

770-914-3688 (Office) 770-914-3359 (Fax) www.hcwa.com


METAL ROOF
4/12 PITCH
STANDARD
BRICK
10.0'
20.0'

October 31, 2024

City of Stockbridge
Planning and Zoning

RE: Rezoning Case #RZ-2024-08

To Whom It May Concern,

I, Brandon Weiner, am the owner of the property located at 12 Old Atlanta Rd, Stockbridge, GA. I am writing out of concern over the rezoning case #RZ-2024-08 for the purpose of a self storage warehouse development. I believe it is important to uphold the integrity of the Comprehensive Plan of the City of Stockbridge. In this case, if approved, would be rezoning the property to a category not compliant with the future land use of over half of the property. To quote the City's comprehensive plan directly, "Failure to follow the recommendations of the adopted future land use map weakens its significance over time and prevents the community from achieving it's desired development pattern."

Furthermore, the Comprehensive Plan states that Stockbridge's traffic "is described by most as terrible". It is reasonable to assume that creating a Heavy Commercial zone property further down a collector street is going to add to the traffic issues for the surrounding residents.

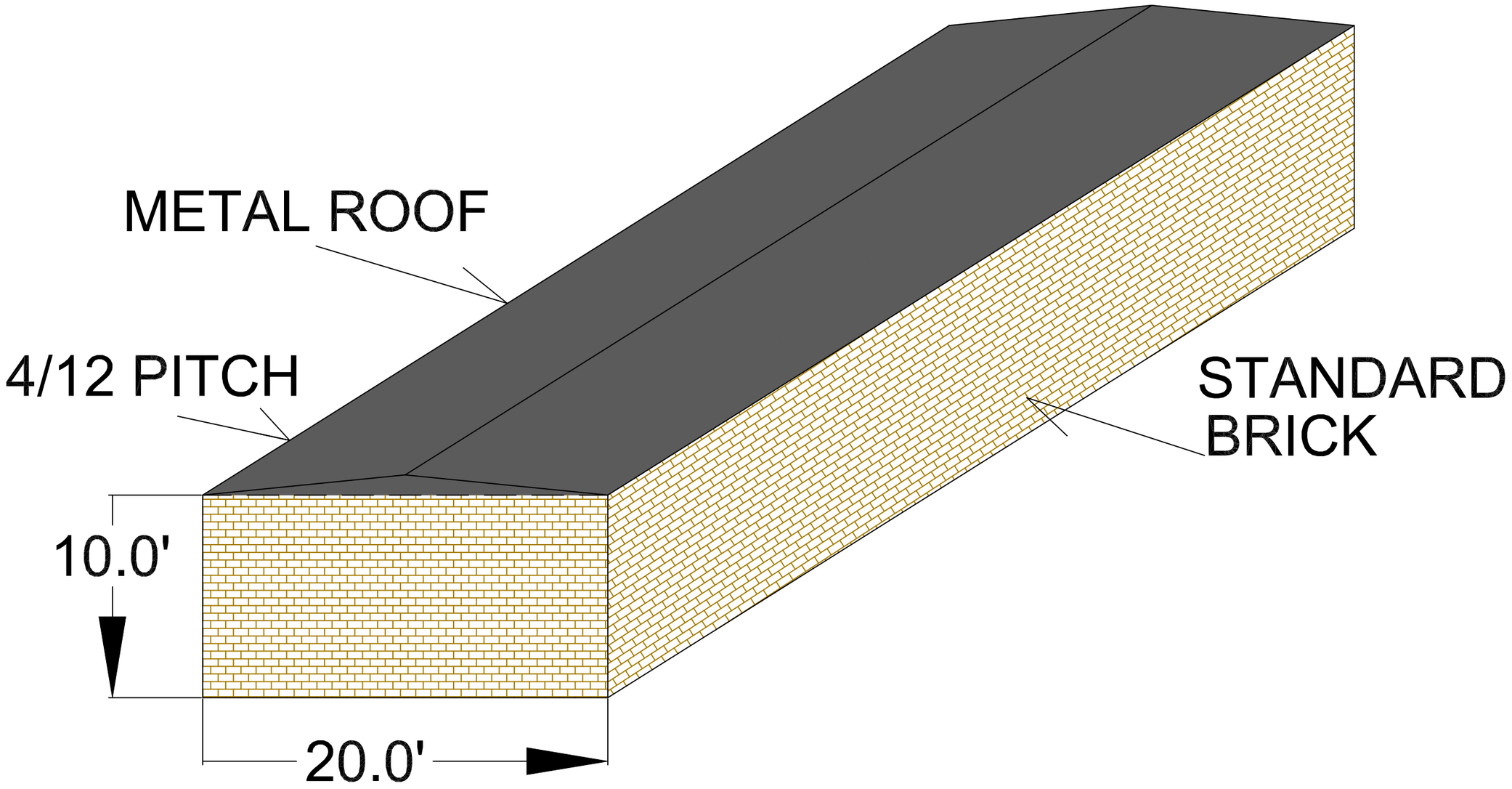
There is already a self storage project in permitting less than 300 feet away at the corner of Davis Road and N. Henry Blvd, which will more than meet the demand of the area. To rezone residential property to make way for a second self storage facility on a residential street is both unnecessary and a deviation from the Comprehensive Plan.

I hope these points are taken into consideration against the rezoning of residential land to heavy commercial which would not be in alignment with the goals of the Comprehensive Plan nor an improvement to the community.

Respectfully,



Brandon Weiner
Bweiner33@gmail.com
404-242-5296


METAL ROOF
4/12 PITCH
STANDARD
BRICK
10.0'
20.0'

October 31, 2024

City of Stockbridge
Planning and Zoning

RE: Rezoning Case #RZ-2024-08

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I hope these points are taken into consideration against the rezoning of residential land to heavy commercial which would not be in alignment with the goals of the Comprehensive Plan nor an improvement to the community.

Respectfully,



Brandon Weiner
Bweiner33@gmail.com
404-242-5296

Rezoning Application

City of Stockbridge, Georgia

THANK YOU FOR YOUR INTEREST IN THE CITY OF STOCKBRIDGE, GEORGIA. THIS PACKET INCLUDES THE NECESSARY DOCUMENTS THAT ARE NEEDED FOR REZONING APPLICATIONS TO BE HEARD BY THE CITY OF STOCKBRIDGE PLANNING COMMISSION.

PLEASE NOTE: ALL FEES ARE NON-REFUNDABLE. THERE ARE NO EXCEPTIONS.

ALL APPLICANTS ARE REQUIRED TO SCHEDULE AND ATTEND A PRE-APPLICATION MEETING WITH THE CITY OF STOCKBRIDGE PLANNING AND ZONING DIVISION OF THE COMMUNITY DEVELOPMENT DEPARTMENT. PLEASE CALL THE OFFICE AT (770) 389-7900 TO SCHEDULE AN APPOINTMENT.

NO PRE-APPLICATION MEETING WILL BE CONDUCTED WITHOUT AN APPOINTMENT.

SHOULD YOU NEED FURTHER ASSISTANCE, PLEASE FEEL FREE TO CONTACT THE PLANNING AND ZONING DIVISION OFFICE BETWEEN 8:00 AM AND 5:00 PM, MONDAY THROUGH FRIDAY, AT (770) 389-7900.

MEETING LOCATIONS—ALL PLANNING COMMISSION MEETINGS WILL BE HELD VIRTUALLY (BY ZOOM) UNTIL FURTHER NOTICE.

[Form revised on 1/19/22.]

City of Stockbridge Planning and Zoning Division

Rezoning Application

Name of Applicant: B1 HOME IMPROVEMENT Phone: (404)925-1055 Date: 08/05/2024

Address Applicant: 8487 Edgewater Cove Fax Cell # (404)925-1055

City: Jonesboro State: GA Zip: 30236 E-mail: nss.gc.noesan@hotmail.cor

Name of Agent: Robert Nesbitt & Rogers Gotier Phone: (225)454-7425 Date: 08/05/2024

Address Agent: 1235 Lioms Gate Fax Cell # (770)871-8443

City: Conyers State: GA Zip: 30094 E-mail: nesbittsr1@aol.com

THE APPLICANT NAMED ABOVE AFFIRMS THAT HE OR SHE IS THE OWNER, OR AGENT OF THE OWNER, OF THE PROPERTY DESCRIBED BELOW, AND IS REQUESTING A REZONING OF THE PROPERTY.

Rezoning being requested SR and OI to C-3 for purposes of constructing Self Storage Warehouses

The property will be POSTED with a City of Stockbridge rezoning sign. The sign must remain on the subject property for no less than fifteen days prior to either Planning Commission or City Council meeting(s). The applicant or property owner shall not remove or alter the sign for any reason._____Acknowledgement

Address of Property: 640, 657, 681, & "0" Davis Road

Nearest intersection to the property: Georgia Highway 42 (Street Address)

Size of Tract: 6.895 acre(s), Land Lot Number(s): 71 District(s): 12TH

Property Tax Parcel Number(s): SR508003000, SR508004000, SR508005000, SR508006000 **(Required)**

Witness' Signature

Shannon Brooks

Printed Name of Witness

Notary

Beatriz Arroyo

BEATRIZ ARROYO

Printed Name of Applicant

R. Gotier II.

Signature of Applicant

NOTARY STAMP:

KIMBERLY MICHELLE GARLIN NOTARY PUBLIC BUTTS CO. GEORGIA MY COMMISSION EXPIRES JAN 2024

(For Office Use Only)

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

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

Pre-application meeting: _____ Date: _____

Planning Commission Decision: _____

City Council Decision: _____

Community Development Director's Signature: _____ Date: _____

B1 HOME IMPROVEMENT, LLC
8487 EDGEWATER COVE
JONESBORO, GEORGIA 30236
TELEPHONE: (404) 925-1055

September 11, 2024

City of Stockbridge
Division of Planning and Zoning
4602 North Henry Boulevard
Stockbridge, Georgia 30281

LETTER OF INTENT

Subject:
657 Davis Road, Stockbridge, Georgia – Parcel Number: SO5-08003000 – SR;
649 Davis Road, Stockbridge, Georgia – Parcel Number: SO5-08004000 – SR;
681 Davis Road, Stockbridge, Georgia – Parcel Number: SO5-08005000 – SR;
"0" Davis Road, Stockbridge, Georgia – Parcel Number: SO5-08006000 – OI.

To Whom It May Concern:

I, Beatriz Arroyo, Principal of B1 Home Improvement, LLC, by and through my Appointed Agents, Robert Nesbitt and Rogers Gotier, hereby make this Application to rezone the above-referenced addresses comprised of 6.895 acres to Heavy Commercial District (C3). Three of the properties are currently zoned Suburban Residential (SR) and the fourth is zoned Office Institutional (OI). Said property is currently under contract with a local builder/developer. The builder/developer is desirous to build a Self-Storage Warehouse facility consisting of 274 rental units on the proposed property.

First, our market research revealed the need for more self-storage warehouses in the general area. This is due to the current population and expected future growth due to development in the self-storage warehouses' "service area." Also, research revealed that other nearby self-storage facilities are at full or mostly full capacity. We intend to construct a top-quality self-storage facility, to deliver exemplary customer service, and to have competitive rental rates. Further, our team's surveys revealed that area residents and neighboring businesses support this proposed project.

Next, our preliminary plans are to situate the facility on the site in the least conspicuous manner possible. We intend to position the facility so that it "blends in" using the natural environment and the topography to fulfill this goal. Also, the construction materials and paint colors used will be earth tones to complement the overall setting. Moreover, our team is committed to minimizing unsightly impact on the environment. Further, eighteen wheelers will not be allowed on the property after construction is completed.

In addition, our team fully intends to be good neighbors and good corporate citizens throughout the entire process. We will always be supportive of the community, particularly in matters involving children and teenagers.

Lastly, security is an integral component of a self-storage warehouse. Preliminary plans include advanced security measures, such as 24-hour video surveillance, individual unit alarms, and access control systems. Initial plans call for the inclusion of a Video Integration System thereby making the footage of the security cameras on and around the perimeter of the property accessible to the City of Stockbridge Police Department for investigative purposes.

In conclusion, our team stands ready to collaborate with the City of Stockbridge to make this project a reality that all parties find acceptable and can be proud of. Your favorable consideration of this request is greatly appreciated.

Respectfully,

B1 HOME IMPROVEMENT, LLC

Beatriz Arroyo
BEATRIZ ARROYO
Principal

In addition, our team fully intends to be good neighbors and good corporate citizens throughout the entire process. We will always be supportive of the community, particularly in matters involving children and teenagers.

Lastly, security is an integral component of a self-storage warehouse. Preliminary plans include advanced security measures, such as 24-hour video surveillance, individual unit alarms, and access control systems. Initial plans call for the inclusion of a Video Integration System thereby making the footage of the security cameras on and around the perimeter of the property accessible to the City of Stockbridge Police Department for investigative purposes.

In conclusion, our team stands ready to collaborate with the City of Stockbridge to make this project a reality that all parties find acceptable and can be proud of. Your favorable consideration of this request is greatly appreciated.

Respectfully,

B1 HOME IMPROVEMENT, LLC

Beatriz Arroyo

BEATRIZ ARROYO
Principal

B1 HOME IMPROVEMENT, LLC
8487 EDGEWATER COVE
JONESBORO, GEORGIA 30236
TELEPHONE: (404) 925-1055

August 5, 2024

City of Stockbridge
Division of Planning and Zoning
4602 North Henry Boulevard
Stockbridge, Georgia 30281

Subj: **LETTER OF OWNERSHIP**
657 Davis Road, Stockbridge, Georgia - Parcel Number: SO5-08003000 - SR;
649 Davis Road, Stockbridge, Georgia - Parcel Number: SO5-08004000 - SR;
681 Davis Road, Stockbridge, Georgia - Parcel Number: SO5-08005000 - SR;
"0" Davis Road, Stockbridge, Georgia - Parcel Number: SO5-08006000 - OI.

To Whom It May Concern:

I, Beatriz Arroyo, Principal of B1 Home Improvement, LLC, possess ownership of the above-referenced parcels of real property within the city limits of Stockbridge, Georgia.

Further, I am fully aware of the request to amend the zoning designation of the above-referenced parcels to C3- Heavy Commercial District.

Respectfully,

B1 HOME IMPROVEMENT, LLC

Beatriz Arroyo
Beatriz Arroyo
Principal

ADJACENT PROPERTY OWNERS

DINH LLC
129 Club Circle
Stockbridge, Georgia 30281
Parcel ID: SO5-08002000
Location Address: 645 Davis Road

STOCKBRIDGE MHC LLC
302 Knights Drive
Suite 1108
Tampa, Florida 33602
Parcel ID: SO5-08001000
Location Address: 555 Davis Road

WAL-MART REAL ESTATE BUSINESS TRU
Post Office Box 8050 MS 0555
Bentonville, Arkansas 72716-0555
Parcel ID: SO2-05012000
Location Address: 5600 North Henry Boulevard

ALABAMA PROPERTIES, LLC
C/O AM CAPITAL PROP LLC
155 B Avenue
Suite 200
Lake Oswego, Oregon 97034
Parcel ID: SO5-08009000
Location Address: 697-719 Davis Road

MISSION STREET HOMES LLC
300 Montgomery
Suite 350
San Francisco, California 94104
Parcel ID: SO5-07004000
Location Address: 716 Davis Road

ADJACENT PROPERTY OWNERS (Continued)

YANG, QIAOWEI BELLA & HUANG, JIANWEI
1272 McAllistar Drive
Locust Grove, Georgia 30248
Parcel ID: SO5-07005000
Location Address: 714 Davis Road

NEWBERN, ALAN R.
712 Davis Road
Stockbridge, Georgia 30281
Parcel ID: SO5-07006000
Location Address: 712 Davis Road

GOOGE, RICHARD E. JR. & JENNIFER J.
102 Adrian Drive
Stockbridge, Georgia 30281
Parcel ID: SO5-07007000
Location Address: 102 Adrian Drive

PETTIS, GLORIA & ROY D.
101 Adrian Drive
Stockbridge, Georgia 30281
Parcel ID: SO5-03037000
Location Address: 101 Adrian Drive

Applicant Campaign Disclosure Form

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

Has the applicant made, within two (2) years immediately preceding the filing of this application for a rezoning, campaign contributions aggregating $250 or more, or made gifts having in the aggregate a value of $250 or more to a member of the City of Stockbridge Planning Commission or Stockbridge City Council who will consider the application?

Yes_____No XX BA

If **Yes**, the applicant and the attorney representing the applicant must file the following information with the City of Stockbridge Planning and Zoning Division within ten (10) days after this application is first filed:

Planning Commissioner and/or City Council Member Name	**Dollar Amount of Campaign Contribution**	**Description of Gift $250 or greater, which was given to Board Member**

We certify that the foregoing information is true and correct, this 8 day of August, 2024

BEATRIZ ARROYO
Applicant's Name - Printed

Beatriz Arroyo
Signature of Applicant/Property Owner/Agent

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 8 day of August, 2024

KIMBERLY MICHELLE GARLIN NOTARY PUBLIC BUTTS CO., GEORGIA MY COMMISSION EXPIRES JAN 3 2024

Notary Public

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

Applicant Campaign Disclosure Form

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

Has the applicant made, within two (2) years immediately preceding the filing of this application for a rezoning, campaign contributions aggregating $250 or more, or made gifts having in the aggregate a value of $250 or more to a member of the City of Stockbridge Planning Commission or Stockbridge City Council who will consider the application?

Yes_____**No** BA

If **Yes**, the applicant and the attorney representing the applicant must file the following information with the City of Stockbridge Planning and Zoning Division within ten (10) days after this application is first filed:

Planning Commissioner and/or City Council Member Name	Dollar Amount of Campaign Contribution	Description of Gift $250 or greater, which was given to Board Member

We certify that the foregoing information is true and correct, this 8 day of August, 2024

BEATRIZ ARROYO
Applicant's Name - Printed

Beatriz Arroyo
Signature of Applicant/Property Owner/Agent

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 8 day of August 2024

KIMBERLY MICHELLE GARLIN NOTARY PUBLIC BUTTS CO. GEORGIA MY COMMISSION EXPIRES JAN 2 2024

Notary Public

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

Applicant Campaign Disclosure Form

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

Has the applicant made, within two (2) years immediately preceding the filing of this application for a rezoning, campaign contributions aggregating $250 or more, or made gifts having in the aggregate a value of $250 or more to a member of the City of Stockbridge Planning Commission or Stockbridge City Council who will consider the application?

Yes RN No XX

If **Yes**, the applicant and the attorney representing the applicant must file the following information with the City of Stockbridge Planning and Zoning Division within ten (10) days after this application is first filed:

Planning Commissioner and/or City Council Member Name	**Dollar Amount of Campaign Contribution**	**Description of Gift $250 or greater, which was given to Board Member**

We certify that the foregoing information is true and correct, this 8th day of August, 2024.

ROBERT NESBITT

Applicant's Name - Printed

Signature of Applicant/Property Owner/Agent

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 8 day of August, 2024

KIMBERLY MICHELLE GARLIN NOTARY PUBLIC BUTTS CO., GEORGIA MY COMMISSION EXPIRES JAN 2 2024

Notary Public

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

Applicant Campaign Disclosure Form

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

Has the applicant made, within two (2) years immediately preceding the filing of this application for a rezoning, campaign contributions aggregating $250 or more, or made gifts having in the aggregate a value of $250 or more to a member of the City of Stockbridge Planning Commission or Stockbridge City Council who will consider the application?

Yes ____ **No** RN

If **Yes**, the applicant and the attorney representing the applicant must file the following information with the City of Stockbridge Planning and Zoning Division within ten (10) days after this application is first filed:

Planning Commissioner and/or City Council Member Name	Dollar Amount of Campaign Contribution	Description of Gift $250 or greater, which was given to Board Member

We certify that the foregoing information is true and correct, this 8th day of August, 2024

ROBERT NESBITT
Applicant's Name - Printed

Signature of Applicant/Property Owner/Agent

Applicant's Attorney, if applicable - Printed

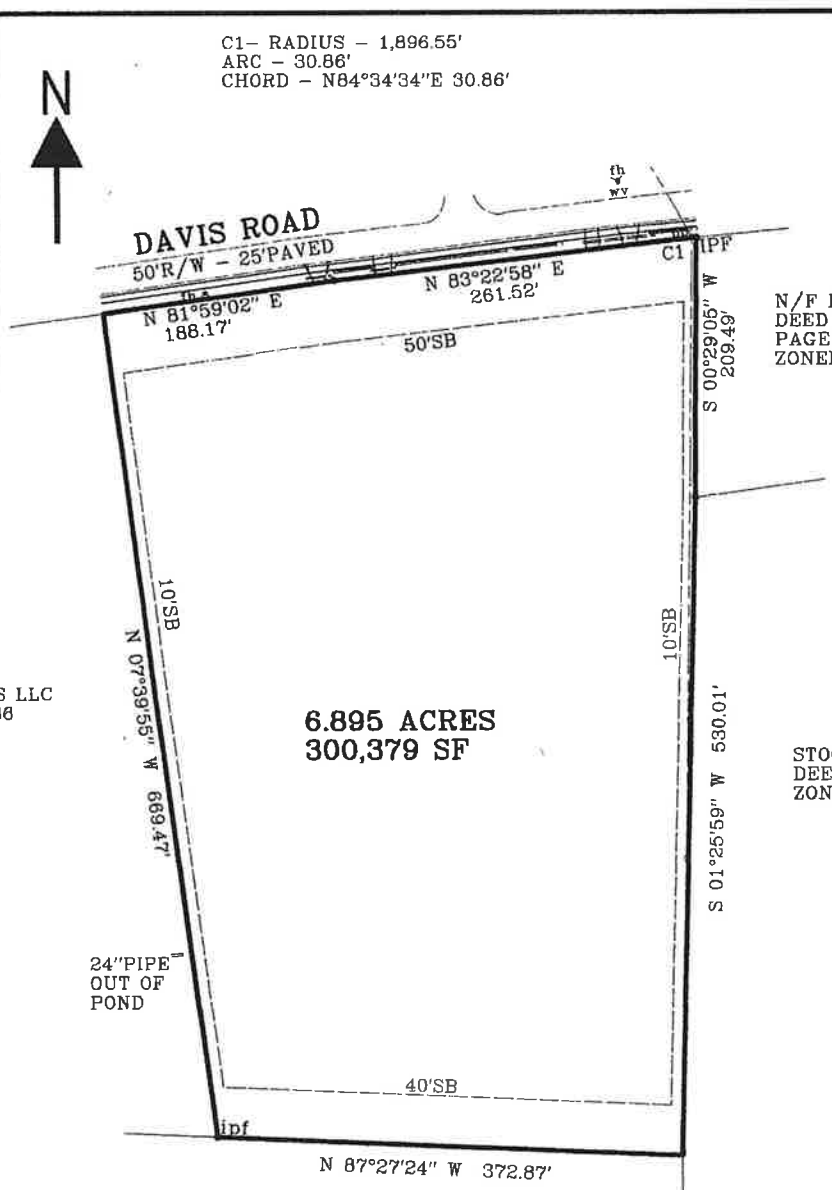
Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 8 day of August 2024

Notary Public

MICHELLE GARLIN NOTARY PUBLIC BUTTS CO. GEORGIA MY COMMISSION EXPIRES JAN 24 2025

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



N/F DINH LLC
DEED BOOK 19228
PAGE 2454
ZONED RR

N/F ALABAMA PROPERTIES LLC
DEED BOOK 15035 PAGE 236
ZONED C2

STOCKBRIDGE MHC LLC
DEED BOOK 15249 PAGE 172
ZONED MHR

WAL-MART BUISNESS
REAL ESTATE TRUST
DEED BOOK 3177
PAGE 199
ZONED C2

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A PRECISION OF ONE FOOT IN 21,010 FEET AND AN ANGULAR PRECISION OF TWO SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE TO WITHIN ONE FOOT IN 100,000 FEET.

THE EQUIPMENT USED WAS A LEICA TOTAL STATION.

THE FIELD WORK WAS PERFORMED ON THE GROUND IN DECEMBER 2023.

ALL PINS SET ARE 1/2" REBAR 24" LONG.
NOT DESCRIPTED IPF ARE 1/2" REBAR

LEGEND
BW- BOTTOM WALL
CO- CLEAN OUT
CW – CONCRETE WASHOUT
DE – DRAINAGE EASEMENT
DI – DROP INLET
DWCB – DOUBLE WING CATCH BASIN
E- UNDERGROUND ELECTRIC
FC – FENCE CORNER
FH – FIRE HYDRANT
G- GAS METER
IPF – IRON PIN FOUND
IPS – IRON PIN SET
JB – JUNCTION BOX
LP – LIGHT POLE
MH – MANHOLE
OHP – OVERHEAD POWER
OTP- OPEN TOP PIPE
POB – POINT OF BEGINNING
POC – POINT OF COMMENCEMENT
PP – POWER POLE
R/W – RIGHT OF WAY
SB – SETBACK
SSMH- SANITARY SEWER MANHOLE
SW- SIDEWALK
T – TRANSFORMER
TG – TOP GRATE
TP – TRAFFIC POLE
TW-TOP WALL
W- WATER LINE
WM- WATER METER
WV – WATER VALVE

CERTIFICATE OF SURVEYOR

"THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THIS PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION. AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. THIS PLAT IS ACCURATE, CURRENT AND IS A COMPLETE REPRESENTATION OF THE LAND PLATTED HEREON AND WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67(D) AND 15-6-7 AND ALL APPLICABLE LOCAL, COUNTY, AND MUNICIPAL ORDINANCES, STAUTUES AND SPECIFICATIONS.

MARK D PATRICK GA RLS 2791
1965 ELKS CLUB ROAD
COVINGTON, GEORGIA 30014
770-380-4766

GEORGIA
MARK D. PATRICK

OWNER: 81 HOME IMPROVEMENT LLC
2810 PLAYERS DRIVE
JONESBORO , GA 30236

PRESENT ZONING –
SUBURBAN RESIDENTIAL & OI

SUBURBAN RESIDETIAL- MINIMUM LOT AREA – 12000S
MINIMUM LOT WIDTH = 75'
FRONT SETBACK – 50'
SIDE SETBACK – 10'
REAR SETBACK – 40'
MAXIMUM LOT COVERAGE – 30%
MINIMUM LIVING AREA – 1500 SF

REZONING PLAT AND
COMBINATION PLAT FOR PARCELS
505-08006000, 505-08005000
505-08004000 AND 505-08003000

B1 HOME IMPROVEMENT LLC

LAND LOT 71 , 12th DISTRICT

CITY OF STOCKBRIDGE

HENRY COUNTY, GEORGIA

DATE: 12-30-2023
SCALE: 1" = 100'

200 150 100 50 0 100 200
Scale in Feet

RECEIVED IN OFFICE
HENRY COUNTY
CLERK OF SUPERIOR COURT

2022 NOV 23 AM 11: 32

BK: 19227 PG: 2253
Filed and Recorded
Nov-23-2022 12:46:36PM
DOC#: D2022-040322
Real Estate Transfer Tax Paid $10.00
0752022012601
SABRIYA HILL
CLERK OF SUPERIOR COURT Henry County GA.

Return Recorded Document to:
BEN F. WINDHAM, PC
3838 HIGHWAY 42
LOCUST GROVE. GA 30248
FILE #: LG22210

LIMITED
WARRANTY DEED

STATE OF GEORGIA
COUNTY OF HENRY

THIS INDENTURE made this 9th day of **November, 2022**, between **American Legion Post #33 Inc, A Georgia Corporation,** as party or parties of the first part, hereinunder called Grantor, and **B1 HOME IMPROVEMENT, LLC, A Georgia Limited Liability Company,** as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires
or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable considerations in hand paid, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee.

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 71 OF THE 12TH DISTRICT OF HENRY COUNTY, GEORGIA, BEING KNOWN AS LOT 6, BLOCK A OF LAKEVIEW HEIGHTS SUBDIVISION, AS PER PLAT OF SAME OF RECORD AT PLAT BOOK 2, PAGE 251, HENRY COUNTY, GEORGIA RECORDS. SAID PLAT IS SPECIFICALLY INCORPORATED HEREIN BY REFERENCE AND MADE A PART HEREOF FOR A MORE COMPLETE AND ACCURATE LEGAL DESCRIPTION.

This Deed is given subject to all easements, covenants and restrictions of record, if any, as amended.

TO HAVE AND TO HOLD the said tract or parcel of land, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee, forever in **FEE SIMPLE.**

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons by, through and under the above named grantor.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in presence of:

Witness

Notary Public
[Notary Public]

KIMBERLY MICHELLE GARLIN
NOTARY PUBLIC
BUTTS CO., GEORGIA
MY COMMISSION EXPIRES
JAN 2 2026

(SEAL)
American Legion Post #33 Inc
Zeste C. Debro, Adjutand

RECEIVED IN OFFICE
HENRY COUNTY
CLERK OF SUPERIOR COURT

2023 JAN -9 AM 11:52

BK: 19236 PG: 1693-1694
Filed and Recorded
Jan-10-2023 10:07:12AM
DOC#: D2023-000619
Real Estate Transfer Tax Paid $250.00
075202300013?
SABRIYA HILL
CLERK OF SUPERIOR COURT Henry County GA.

Return Recorded Document to:
BEN F. WINDHAM, PC
3838 HIGHWAY 42
LOCUST GROVE, GA 30248
FILE #: **LG22229**

LIMITED
WARRANTY DEED

STATE OF GEORGIA
COUNTY OF HENRY

THIS INDENTURE made this **16th** day of **December, 2022**, between **EMERALD GREEN PROPERTIES, LLC** of the County of and State of Georgia, as party or parties of the first part, hereinunder called Grantor, and **B1 HOME IMPROVEMENT, LLC** as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable considerations in hand paid, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee.

See "Exhibit A"

This Deed is given subject to all easements, covenants and restrictions of record, if any, as amended.

TO HAVE AND TO HOLD the said tract or parcel of land, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee, forever in **FEE SIMPLE.**

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons by, through and under the above named grantor.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in presence of:

Witness

Notary Public
[Notary Public]

DOUGLAS B OHLSON
NOTARY PUBLIC
FULTON COUNTY, GEORGIA
MY COMMISSION EXPIRES
JUNE 24, 2023

(SEAL)
EMERALD GREEN PROPERTIES, LLC
By: Malik Kolsawala, Authorized Member

RECEIVED IN OFFICE
HENRY COUNTY
CLERK OF SUPERIOR COURT

2023 JAN -9 AM 11:52

BK: 19236 PG: 1693-1694
Filed and Recorded
Jan-10-2023 10:07:12AM
DOC#: D2023-000619
Real Estate Transfer Tax Paid $250.00
0752023000137
SABRIYA HILL
CLERK OF SUPERIOR COURT Henry County GA.

Return Recorded Document to:
BEN F. WINDHAM, PC
3838 HIGHWAY 42
LOCUST GROVE, GA 30248
FILE #: **LG22229**

LIMITED
WARRANTY DEED

STATE OF GEORGIA
COUNTY OF HENRY

THIS INDENTURE made this **16th** day of **December, 2022,** between **EMERALD GREEN PROPERTIES, LLC** of the County of and State of Georgia, as party or parties of the first part, hereinunder called Grantor, and **B1 HOME IMPROVEMENT, LLC** as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable considerations in hand paid, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee.

See "Exhibit A"

This Deed is given subject to all easements, covenants and restrictions of record, if any, as amended.

TO HAVE AND TO HOLD the said tract or parcel of land, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee, forever in **FEE SIMPLE.**

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons by, through and under the above named grantor.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in presence of:

Witness

Notary Public
[Notary Public]

DOUGLAS B OHLSON
NOTARY PUBLIC
FULTON COUNTY, GEORGIA
MY COMMISSION EXPIRES
JUNE 24, 2023

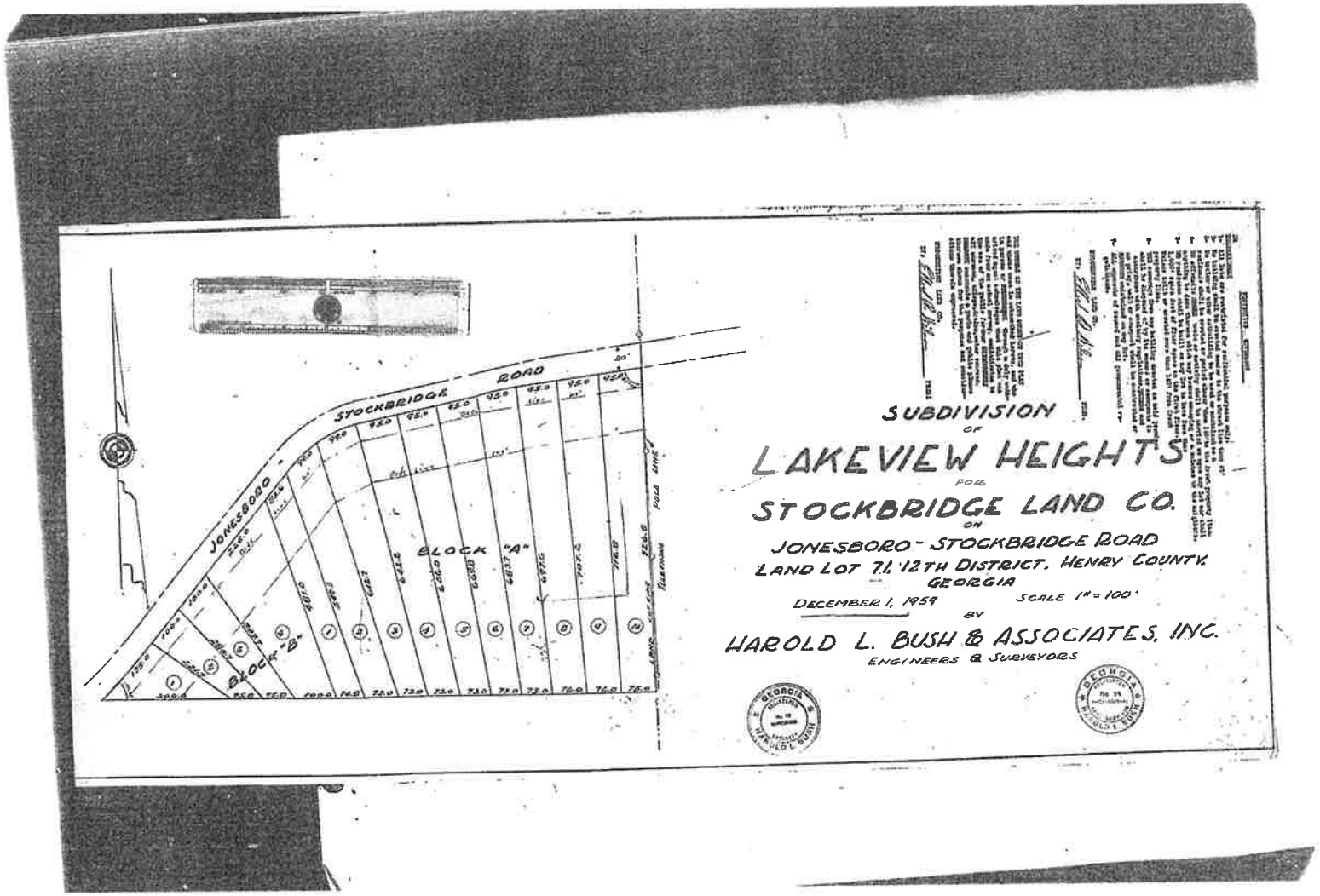
(SEAL)
EMERALD GREEN PROPERTIES, LLC
By: Malik Kohawala, Authorized Member

Ex A

All that tract or parcel of land lying and being in Land Lot 71 of the 12th District of Henry County, Georgia, being portions of Lots 7, 8, 9 and 10, Block A, Lakeview Heights Subdivision, per survey and plat of said Subdivision of record in Plat Book 2, Page 251, Henry County, Georgia records, and more particularly described as follows:

BEGINNING at a point on the southerly right-of-way line of Davis Road formerly known as Jonesboro-Stockbridge Road (having an 80-foot right-of-way), said point being where Land Lot 71 intersects said Davis Road; thence running south along Land Lot 71 a distance of 725.26 feet to the southeast corner of Lot 10, said Block and Subdivision; thence North 87 degrees 24 minutes 57 seconds West a distance of 299.47 feet to a point; thence North 5 degrees 54 minutes 28 seconds West a distance of 380.09 feet to a point; thence North 79 degrees 50 minutes 2 seconds East a distance of 86.24 feet to a point; thence North 4 degrees West a distance of 285.30 feet to a point on the south right-of-way line of Davis Road; thence North 83 degrees 31 minutes 46 seconds East a distance of 129.66 feet to a point; thence South 2 degrees 42 minutes 49 seconds East for a distance if 288.31 feet to a point; thence North 85 degrees 24 minutes 11 seconds East a distance of 95.17 feet to a point; thence North 2 degrees 51 minutes 34 seconds West a distance of 292.23 feet to a point on the south right-of-way line of Davis Road; thence North 83 degrees 56 seconds East a distance of 62.03 feet to the POINT OF BEGINNING; all according to and as shown on a plat of survey for "the Estate of Elmer Lee Howell, Zelma G. Howell-Thorne, Administratrix", dated March 13, 1987, having the identity Drawing No. R 87-04763, by W. R. Franks, Georgia Registered Land Surveyor No. 871, which said plat of survey is incorporated herein by reference and made a part hereof.

BK 2 PG 251


STOCKBRIDGE ROAD
JONESBORO
BLOCK "A"
BLOCK "B"
SUBDIVISION
OF
LAKEVIEW HEIGHTS
FOR
STOCKBRIDGE LAND CO.
ON
JONESBORO - STOCKBRIDGE ROAD
LAND LOT 71, 12TH DISTRICT, HENRY COUNTY,
GEORGIA
DECEMBER 1, 1959
SCALE 1" = 100'
BY
HAROLD L. BUSH & ASSOCIATES, INC.
ENGINEERS & SURVEYORS

Applicant Campaign Disclosure Form

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

Has the applicant made, within two (2) years immediately preceding the filing of this application for a rezoning, campaign contributions aggregating $250 or more, or made gifts having in the aggregate a value of $250 or more to a member of the City of Stockbridge Planning Commission or Stockbridge City Council who will consider the application?

Yes_____No N/A

If **Yes**, the applicant and the attorney representing the applicant must file the following information with the City of Stockbridge Planning and Zoning Division within ten (10) days after this application is first filed:

Planning Commissioner and/or City Council Member Name	Dollar Amount of Campaign Contribution	Description of Gift $250 or greater, which was given to Board Member
		N/A

We certify that the foregoing information is true and correct, this _____ day of _____.

ROGERS GOTIER
Applicant's Name - Printed

Signature of Applicant/Property Owner/Agent

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 8 day of August 2024.

KIMBERLY MICHELLE [illegible] NOTARY PUBLIC BUTTS CO., GEORGIA MY COMMISSION EXPIRES JAN 2 2024

Notary Public

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

Applicant Campaign Disclosure Form

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

Has the applicant made, within two (2) years immediately preceding the filing of this application for a rezoning, campaign contributions aggregating $250 or more, or made gifts having in the aggregate a value of $250 or more to a member of the City of Stockbridge Planning Commission or Stockbridge City Council who will consider the application?

Yes_____No XX

If **Yes**, the applicant and the attorney representing the applicant must file the following information with the City of Stockbridge Planning and Zoning Division within ten (10) days after this application is first filed:

Planning Commissioner and/or City Council Member Name	**Dollar Amount of Campaign Contribution**	**Description of Gift $250 or greater, which was given to Board Member**

We certify that the foregoing information is true and correct, this 8 day of August, 2024

ROGERS
~~ROBERT~~ GOTIER
Applicant's Name - Printed

Signature of Applicant/Property Owner/Agent

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 8 day of August 2024

KIMBERLY MICHELLE GARLIN NOTARY PUBLIC BUTTS CO., GEORGIA MY COMMISSION EXPIRES JAN 24 2024

Notary Public

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

NOTE: If the proposed development site would contain more than one property, and/or more than one property owner, please first type a list on a separate sheet of paper which identifies each property (address and/or parcel number) and its corresponding property owner(s). Then fill out a separate Property Owner's Authorization Form (provided below) for each property and each property owner.

PROPERTY OWNER'S AUTHORIZATION FORM (See NOTE above.)

The undersigned below is the PROPERTY OWNER, or one of the property owners, of the property at 657 Davis Road, Stockbridge GA 30281 [address], with Parcel Number SO5-08003000, which is the subject of this application.

Name of Property Owner: B1 HOME IMPROVEMENT LLC

Property Owner's Address: 8487 Edgewater Cove Jonesboro, GA 30236

Telephone: (404)925-1055 E-mail: nss.gc.noesan@hotmail.com

I swear that I am the Property Owner, or one of the Property Owners, of the property that is the subject matter of the attached application, as is shown in the tax assessors' records of Henry [County], Georgia [State].

Signature: Beatriz Amaya Date: 08/08/24

The undersigned does duly authorize the person(s) and/or company who is named below to act as APPLICANT(S) in the pursuit of this application for the subject property.

Name(s) of Applicant(s): Robert Nesbitt and Rogers Gotier

Company/law firm (if applicable):

Telephone, E-Mail, & Address: Nesbitt: (225) 454-7425 Nesbittsr1@aol.com |

Gotier: (770)871-8443 rfgotier@hotmail.com | 1235 Lions Gate Conyers GA 30094

I authorize the Applicant or Applicants who are named above to act on my behalf for this application.

Beatriz Amaya

Signature of Property Owner, who swears that the information which is contained in this Property Owner's Authorization is true and correct to the best of his or her knowledge and belief.

08/08/24

Date

Signature of Notary Public

Kimberly M. Garlin

Printed Name of Notary Public

8/8/24

Date

Notary Public's Seal or Stamp:

KIMBERLY MICHELLE GARLIN NOTARY PUBLIC BUTTS CO., GEORGIA MY COMMISSION EXPIRES JAN 2 2026

NOTE: If the proposed development site would contain more than one property, and/or more than one property owner, please first type a list on a separate sheet of paper which identifies each property (address and/or parcel number) and its corresponding property owner(s). Then fill out a separate Property Owner's Authorization Form (provided below) for each property and each property owner.

PROPERTY OWNER'S AUTHORIZATION FORM (See NOTE above.)

The undersigned below is the PROPERTY OWNER, or one of the property owners, of the property at 649 Davis Road, Stockbridge GA 30281 [address], with Parcel Number SO5-08004000, which is the subject of this application.

Name of Property Owner: B1 HOME IMPROVEMENT LLC

Property Owner's Address: 8487 Edgewater Cove Jonesboro, GA 30236

Telephone: (404)925-1055 E-mail: nss.gc.noesan@hotmail.com

I swear that I am the Property Owner, or one of the Property Owners, of the property that is the subject matter of the attached application, as is shown in the tax assessors' records of Henry [County], Georgia [State].

Signature: Beatriz Amaya Date: 08/08/24

The undersigned does duly authorize the person(s) and/or company who is named below to act as APPLICANT(S) in the pursuit of this application for the subject property.

Name(s) of Applicant(s): Robert Nesbitt and Rogers Gotier

Company/law firm (if applicable):

Telephone, E-Mail, & Address: Nesbitt: (225) 454-7425 Nesbittsr1@aol.com |

Gotier: (770)871-8443 rfgotier@hotmail.com | 1235 Lions Gate Conyers GA 30094

I authorize the Applicant or Applicants who are named above to act on my behalf for this application.

Beatriz Amaya

Signature of Property Owner, who swears that the information which is contained in this Property Owner's Authorization is true and correct to the best of his or her knowledge and belief.

08/08/24

Date

Signature of Notary Public

Kimberly Michelle Garlin

Printed Name of Notary Public

8/8/24

Date

KIMBERLY MICHELLE GARLIN NOTARY PUBLIC BUTTS CO. GEORGIA MY COMMISSION EXPIRES JAN 2026

Notary Public's Seal or Stamp:

NOTE: If the proposed development site would contain more than one property, and/or more than one property owner, please first type a list on a separate sheet of paper which identifies each property (address and/or parcel number) and its corresponding property owner(s). Then fill out a separate Property Owner's Authorization Form (provided below) for each property and each property owner.

PROPERTY OWNER'S AUTHORIZATION FORM (See NOTE above.)

The undersigned below is the PROPERTY OWNER, or one of the property owners, of the property at 681 Davis Road, Stockbridge GA 30281 [address], with Parcel Number SO5-08005000, which is the subject of this application.

Name of Property Owner: B1 HOME IMPROVEMENT LLC

Property Owner's Address: 8487 Edgewater Cove Jonesboro, GA 30236

Telephone: (404)925-1055 E-mail: nss.gc.noesan@hotmail.com

I swear that I am the Property Owner, or one of the Property Owners, of the property that is the subject matter of the attached application, as is shown in the tax assessors' records of Henry [County], Georgia [State].

Signature: Beatriz Amaya Date: 08/08/24

The undersigned does duly authorize the person(s) and/or company who is named below to act as APPLICANT(S) in the pursuit of this application for the subject property.

Name(s) of Applicant(s): Robert Nesbitt and Rogers Gotier

Company/law firm (if applicable):

Telephone, E-Mail, & Address: Nesbitt: (225) 454-7425 Nesbittsr1@aol.com |

Gotier: (770)871-8443 rfgotier@hotmail.com | 1235 Lions Gate Conyers GA 30094

I authorize the Applicant or Applicants who are named above to act on my behalf for this application.

Beatriz Amaya

Signature of Property Owner, who swears that the information which is contained in this Property Owner's Authorization is true and correct to the best of his or her knowledge and belief.

08/08/24

Date

Signature of Notary Public

Kimberly Michelle Garlin

Printed Name of Notary Public

8/8/24

Date

Notary Public's Seal or Stamp:

KIMBERLY MICHELLE GARLIN NOTARY PUBLIC BUTTS CO. GEORGIA MY COMMISSION EXPIRES JAN 24 2027

NOTE: If the proposed development site would contain more than one property, and/or more than one property owner, please first type a list on a separate sheet of paper which identifies each property (address and/or parcel number) and its corresponding property owner(s). Then fill out a separate Property Owner's Authorization Form (provided below) for each property and each property owner.

PROPERTY OWNER'S AUTHORIZATION FORM (See NOTE above.)

The undersigned below is the PROPERTY OWNER, or one of the property owners, of the property at "0" Davis Road, Stockbridge GA 30281 [address], with Parcel Number SO5-08006000, which is the subject of this application.

Name of Property Owner: B1 HOME IMPROVEMENT LLC

Property Owner's Address: 8487 Edgewater Cove Jonesboro, GA 30236

Telephone: (404)925-1055 E-mail: nss.gc.noesan@hotmail.com

I swear that I am the Property Owner, or one of the Property Owners, of the property that is the subject matter of the attached application, as is shown in the tax assessors' records of Henry [County], Georgia [State].

Signature: Beatriz Arroyo Date: 08/08/24

The undersigned does duly authorize the person(s) and/or company who is named below to act as APPLICANT(S) in the pursuit of this application for the subject property.

Name(s) of Applicant(s): Robert Nesbitt and Rogers Gotier

Company/law firm (if applicable):

Telephone, E-Mail, & Address: Nesbitt: (225) 454-7425 Nesbittsr1@aol.com |

Gotier: (770)871-8443 rfgotier@hotmail.com | 1235 Lions Gate Conyers GA 30094

I authorize the Applicant or Applicants who are named above to act on my behalf for this application.

Beatriz Arroyo

Signature of Property Owner, who swears that the information which is contained in this Property Owner's Authorization is true and correct to the best of his or her knowledge and belief.

08/08/24

Date

Signature of Notary Public

Kimberly Michelle Garlin

Printed Name of Notary Public

8/8/24

Date

Notary Public's Seal or Stamp:

KIMBERLY MICHELLE GARLIN NOTARY PUBLIC BUTTS CO. GEORGIA MY COMMISSION EXPIRES JAN 2024

Applicant Campaign Disclosure Form

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

Has the applicant made, within two (2) years immediately preceding the filing of this application for a rezoning, campaign contributions aggregating $250 or more, or made gifts having in the aggregate a value of $250 or more to a member of the City of Stockbridge Planning Commission or Stockbridge City Council who will consider the application?

Yes ☐ **No** ☑ BA

If **Yes**, the applicant and the attorney representing the applicant must file the following information with the City of Stockbridge Planning and Zoning Division within ten (10) days after this application is first filed:

Planning Commissioner and/or City Council Member Name	Dollar Amount of Campaign Contribution	Description of Gift $250 or greater, which was given to Board Member

We certify that the foregoing information is true and correct, this 8 day of August, 2024

BEATRIZ ARROYO
Applicant's Name - Printed

Beatriz Arroyo
Signature of Applicant/Property Owner/Agent

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 8 day of August, 2024



Notary Public

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

NOTE: If the proposed development site would contain more than one property, and/or more than one property owner, please first type a list on a separate sheet of paper which identifies each property (address and/or parcel number) and its corresponding property owner(s). Then fill out a separate Property Owner's Authorization Form (provided below) for each property and each property owner.

PROPERTY OWNER'S AUTHORIZATION FORM (See NOTE above.)

The undersigned below is the PROPERTY OWNER, or one of the property owners, of the property at 657 Davis Road, Stockbridge GA 30281 [address], with Parcel Number SO5-08003000, which is the subject of this application.

Name of Property Owner: B1 HOME IMPROVEMENT LLC

Property Owner's Address: 8487 Edgewater Cove Jonesboro, GA 30236

Telephone: (404)925-1055 E-mail: nss.gc.noesan@hotmail.com

I swear that I am the Property Owner, or one of the Property Owners, of the property that is the subject matter of the attached application, as is shown in the tax assessors' records of Henry [County], Georgia [State].

Signature: Beatriz Amaya Date: 08/08/24

The undersigned does duly authorize the person(s) and/or company who is named below to act as APPLICANT(S) in the pursuit of this application for the subject property.

Name(s) of Applicant(s): Robert Nesbitt and Rogers Gotier

Company/law firm (if applicable):

Telephone, E-Mail, & Address: Nesbitt: (225) 454-7425 Nesbittsr1@aol.com |

Gotier: (770)871-8443 rfgotier@hotmail.com | 1235 Lions Gate Conyers GA 30094

I authorize the Applicant or Applicants who are named above to act on my behalf for this application.

Beatriz Amaya

Signature of Property Owner, who swears that the information which is contained in this Property Owner's Authorization is true and correct to the best of his or her knowledge and belief.

08/08/24

Date

Signature of Notary Public

Kimberly Michelle Garlin

Printed Name of Notary Public

8/8/24

Date

Notary Public's Seal or Stamp:

KIMBERLY MICHELLE GARLIN NOTARY PUBLIC BUTTS CO. GEORGIA MY COMMISSION EXPIRES JAN 20 20

Applicant Campaign Disclosure Form

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

Has the applicant made, within two (2) years immediately preceding the filing of this application for a rezoning, campaign contributions aggregating $250 or more, or made gifts having in the aggregate a value of $250 or more to a member of the City of Stockbridge Planning Commission or Stockbridge City Council who will consider the application?

Yes [ ] **No** [X]

If **Yes**, the applicant and the attorney representing the applicant must file the following information with the City of Stockbridge Planning and Zoning Division within ten (10) days after this application is first filed:

Planning Commissioner and/or City Council Member Name	Dollar Amount of Campaign Contribution	Description of Gift $250 or greater, which was given to Board Member

We certify that the foregoing information is true and correct, this 8 day of August 2024

ROGERS GOTIER
Applicant's Name - Printed

Signature of Applicant/Property Owner/Agent

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 8 day of August 2024

Notary Public

JAN 20 24

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

Applicant Campaign Disclosure Form

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

Has the applicant made, within two (2) years immediately preceding the filing of this application for a rezoning, campaign contributions aggregating $250 or more, or made gifts having in the aggregate a value of $250 or more to a member of the City of Stockbridge Planning Commission or Stockbridge City Council who will consider the application?

Yes [ ] No [✓]

If **Yes**, the applicant and the attorney representing the applicant must file the following information with the City of Stockbridge Planning and Zoning Division within ten (10) days after this application is first filed:

Planning Commissioner and/or City Council Member Name	Dollar Amount of Campaign Contribution	Description of Gift $250 or greater, which was given to Board Member

We certify that the foregoing information is true and correct, this 8th day of August 2024

ROBERT NESBITT

Applicant's Name - Printed

Signature of Applicant/Property Owner/Agent

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 8 day of August 2024

Notary Public

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

B1 HOME IMPROVEMENT, LLC
8487 EDGEWATER COVE
JONESBORO, GEORGIA 30236
TELEPHONE: (404) 925-1055

September 11, 2024

City of Stockbridge
Division of Planning and Zoning
4602 North Henry Boulevard
Stockbridge, Georgia 30281

LETTER OF INTENT

Subject:

657 Davis Road, Stockbridge, Georgia – Parcel Number: SO5-08003000 – SR;
649 Davis Road, Stockbridge, Georgia – Parcel Number: SO5-08004000 – SR;
681 Davis Road, Stockbridge, Georgia – Parcel Number: SO5-08005000 – SR;
"0" Davis Road, Stockbridge, Georgia – Parcel Number: SO5-08006000 – OI.

To Whom It May Concern:

I, Beatriz Arroyo, Principal of B1 Home Improvement, LLC, by and through my Appointed Agents, Robert Nesbitt and Rogers Gotier, hereby make this Application to rezone the above-referenced addresses comprised of 6.895 acres to Heavy Commercial District (C3). Three of the properties are currently zoned Suburban Residential (SR) and the fourth is zoned Office Institutional (OI). Said property is currently under contract with a local builder/developer. The builder/developer is desirous to build a Self-Storage Warehouse facility consisting of 274 rental units on the proposed property.

First, our market research revealed the need for more self-storage warehouses in the general area. This is due to the current population and expected future growth due to development in the self-storage warehouses' "service area." Also, research revealed that other nearby self-storage facilities are at full or mostly full capacity. We intend to construct a top-quality self-storage facility, to deliver exemplary customer service, and to have competitive rental rates. Further, our team's surveys revealed that area residents and neighboring businesses support this proposed project.

Next, our preliminary plans are to situate the facility on the site in the least conspicuous manner possible. We intend to position the facility so that it "blends in" using the natural environment and the topography to fulfill this goal. Also, the construction materials and paint colors used will be earth tones to complement the overall setting. Moreover, our team is committed to minimizing unsightly impact on the environment. Further, eighteen wheelers will not be allowed on the property after construction is completed.

In addition, our team fully intends to be good neighbors and good corporate citizens throughout the entire process. We will always be supportive of the community, particularly in matters involving children and teenagers.

Lastly, security is an integral component of a self-storage warehouse. Preliminary plans include advanced security measures, such as 24-hour video surveillance, individual unit alarms, and access control systems. Initial plans call for the inclusion of a Video Integration System thereby making the footage of the security cameras on and around the perimeter of the property accessible to the City of Stockbridge Police Department for investigative purposes.

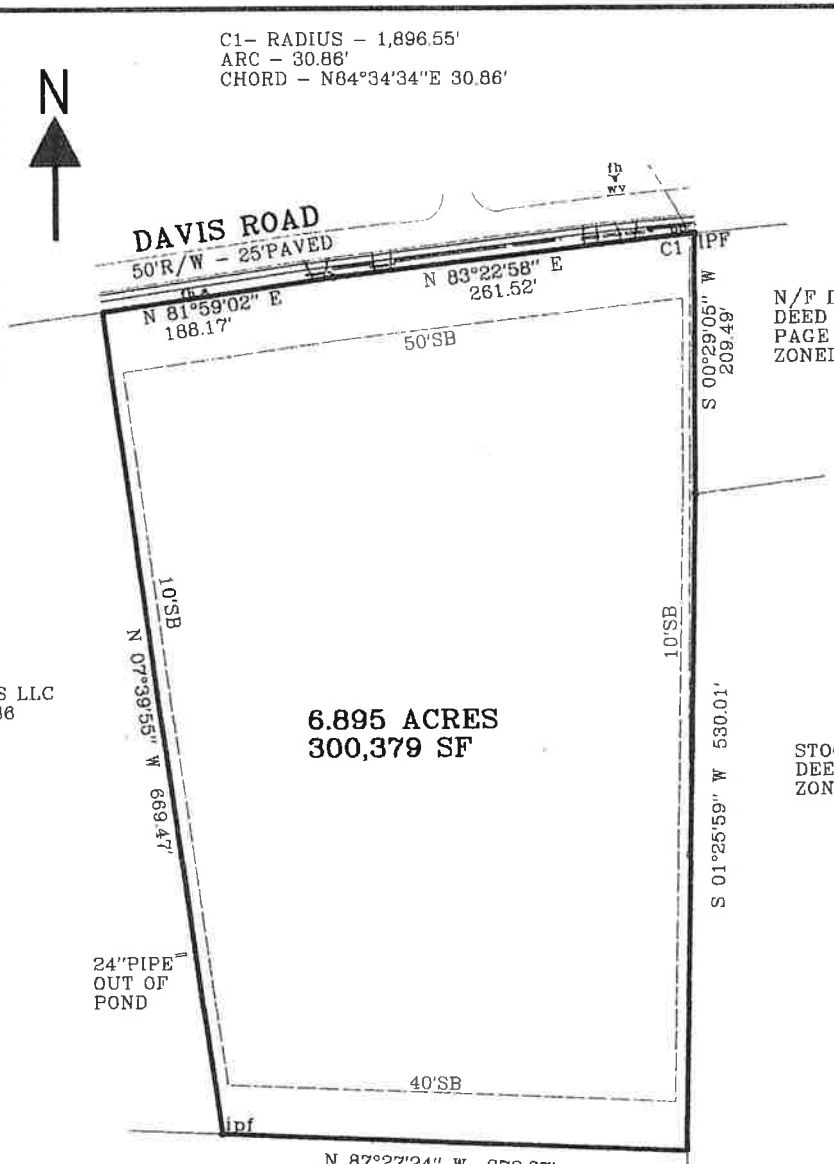
In conclusion, our team stands ready to collaborate with the City of Stockbridge to make this project a reality that all parties find acceptable and can be proud of. Your favorable consideration of this request is greatly appreciated.

Respectfully,

B1 HOME IMPROVEMENT, LLC

Beatriz Arroyo

BEATRIZ ARROYO
Principal



N/F DINH LLC
DEED BOOK 19228
PAGE 2454
ZONED RR

N/F ALABAMA PROPERTIES LLC
DEED BOOK 15035 PAGE 236
ZONED C2

STOCKBRIDGE MHC LLC
DEED BOOK 15249 PAGE 172
ZONED MHR

WAL–MART BUISNESS
REAL ESTATE TRUST
DEED BOOK 3177
PAGE 199
ZONED C2

CERTIFICATE OF SURVEYOR

"THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THIS PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. THIS PLAT IS ACCURATE, CURRENT AND IS A COMPLETE REPRESENTATION OF THE LAND PLATTED HEREON AND WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67(D) AND 15-6-7 AND ALL APPLICABLE LOCAL, COUNTY, AND MUNICIPAL ORDINANCES, STAUTUES AND SPECIFICATIONS."

MARK D PATRICK GA RLS 2791
1985 ELKS CLUB ROAD
COVINGTON, GEORGIA 30014
770-360-4766

MARK D. PATRICK

OWNER: B1 HOME IMPROVEMENT LLC
2810 PLAYERS DRIVE
JONESBORO , GA 30236

PRESENT ZONING –
SUBURBAN RESIDENTIAL & OI

SUBURBAN RESIDETIAL– MINIMUM LOT AREA – 12000S
MINIMUM LOT WIDTH = 75'
FRONT SETBACK – 50'
SIDE SETBACK – 10'
REAR SETBACK – 40'
MAXIMUM LOT COVERAGE – 30%
MINIMUM LIVING AREA – 1500 SF

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A PRECISION OF ONE FOOT IN 21,010 FEET AND AN ANGULAR PRECISION OF TWO SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE TO WITHIN ONE FOOT IN 100,000 FEET.

THE EQUIPMENT USED WAS A LEICA TOTAL STATION.

THE FIELD WORK WAS PERFORMED ON THE GROUND IN DECEMBER 2023.

ALL PINS SET ARE 1/2" REBAR 24" LONG.
NOT DESCRIPTED IPF ARE 1/2" REBAR

LEGEND
BW– BOTTOM WALL
CO– CLEAN OUT
CW – CONCRETE WASHOUT
DE – DRAINAGE EASEMENT
DI – DROP INLET
DWCB – DOUBLE WING CATCH BASIN
E– UNDERGROUND ELECTRIC
FC – FENCE CORNER
FH – FIRE HYDRANT
G– GAS METER
IPF – IRON PIN FOUND
IPS – IRON PIN SET
JB – JUNCTION BOX
LP – LIGHT POLE
MH – MANHOLE
OHP – OVERHEAD POWER
OTP– OPEN TOP PIPE
POB – POINT OF BEGINNING
POC – POINT OF COMMENCEMENT
PP – POWER POLE
R/W – RIGHT OF WAY
SB – SETBACK
SSMH– SANITARY SEWER MANHOLE
SW– SIDEWALK
T – TRANSFORMER
TG – TOP GRATE
TP – TRAFFIC POLE
TW–TOP WALL
W– WATER LINE
WM– WATER METER
WV – WATER VALVE

REZONING PLAT AND
COMBINATION PLAT FOR PARCELS
505–08006000, 505–08005000
505–08004000 AND 505–08003000

B1 HOME IMPROVEMENT LLC

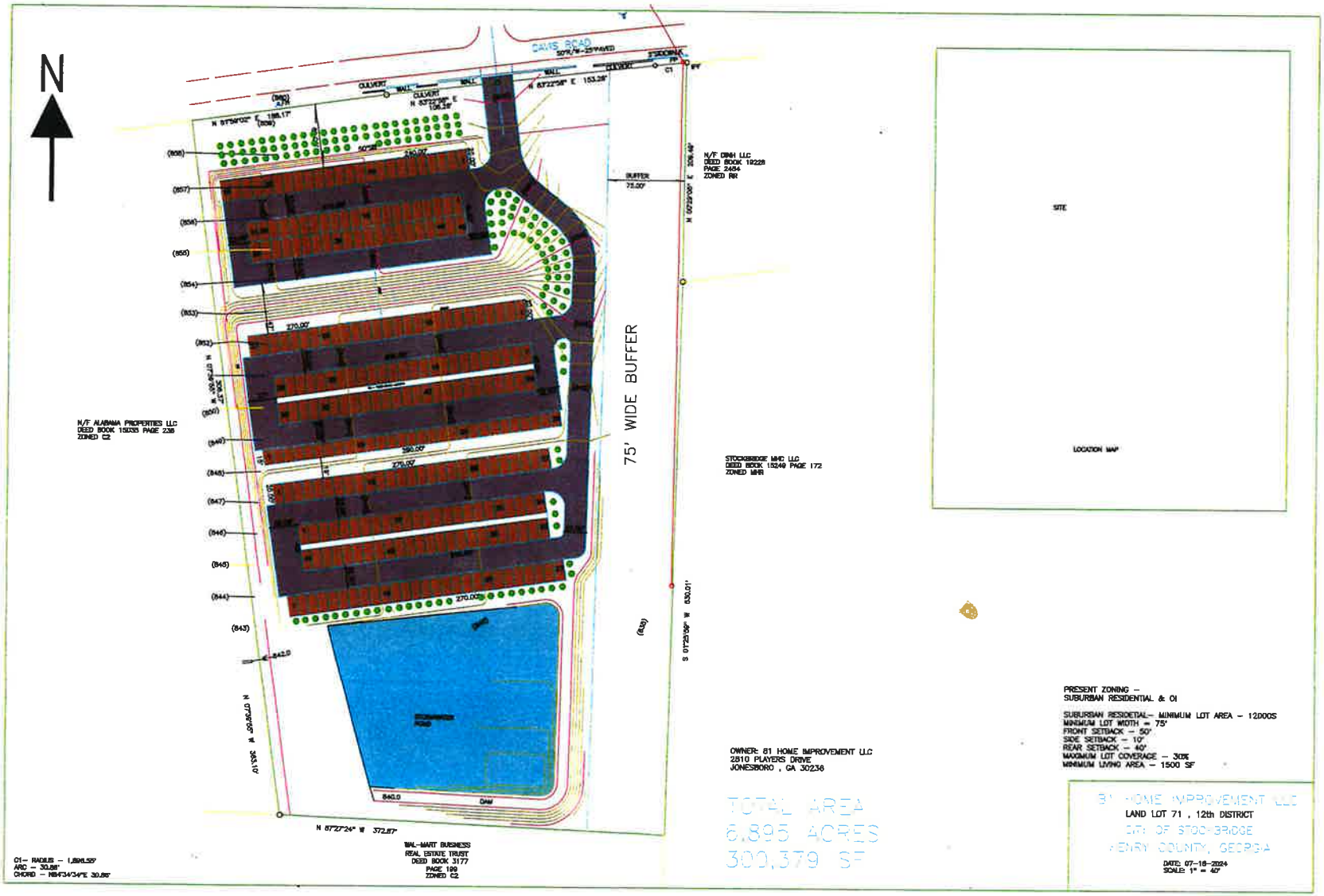
LAND LOT 71 , 12th DISTRICT

CITY OF STOCKBRIDGE

HENRY COUNTY, GEORGIA

DATE: 12–30–2023
SCALE: 1" = 100'

200 150 100 50 0 100 200
Scale in Feet


N
DAVIS ROAD
75' WIDE BUFFER
SITE
LOCATION MAP
N/F ALABAMA PROPERTIES LLC
DEED BOOK 15033 PAGE 238
ZONED C2
N/F DMH LLC
DEED BOOK 19228
PAGE 2484
ZONED RR
STOCKBRIDGE MHC LLC
DEED BOOK 15248 PAGE 172
ZONED MHR
WAL-MART BUSINESS
REAL ESTATE TRUST
DEED BOOK 3177
PAGE 199
ZONED C2
OWNER: 81 HOME IMPROVEMENT LLC
2810 PLAYERS DRIVE
JONESBORO , GA 30236
TOTAL AREA
6.895 ACRES
300,379 SF
PRESENT ZONING –
SUBURBAN RESIDENTIAL & OI
SUBURBAN RESIDETIAL– MINIMUM LOT AREA – 12000S
MINIMUM LOT WIDTH – 75'
FRONT SETBACK – 50'
SIDE SETBACK – 10'
REAR SETBACK – 40'
MAXIMUM LOT COVERAGE – 30%
MINIMUM LIVING AREA – 1500 SF
81 HOME IMPROVEMENT LLC
LAND LOT 71 , 12th DISTRICT
CITY OF STOCKBRIDGE
HENRY COUNTY, GEORGIA
DATE: 07-16-2024
SCALE: 1" = 40'

[NOTE: Some properties receive water and sewer service through the City of Stockbridge Public Works Office or from Clayton County. For those properties, please obtain a letter from the appropriate office in lieu of obtaining one from Henry County.]

Application for Water/Sewer Availability Letter

Thank you for your interest in Henry County, Georgia. This packet includes the necessary documents required for processing water/sewer availability letters.

Availability letters are required for rezoning(s), conditional use/exception, variance, and modifications to Zoning Conditions of properties that are heard by the City of Stockbridge Planning Commission and/or the Stockbridge City Council that are within the HCWA service area).

HCWA will verify that water and sewer service is, or will be, available to serve a particular development. The requested information in this package is used for determining the existing water/sewerage system capacity, planning for future water and sewerage system needs, and protection of Henry County water sources.

Please note: All fees are non-refundable. There are no exceptions.

Should you need further assistance, please feel free to contact our office between 8:00AM to 5:00PM, Monday through Friday at (770) 914-3688.

Henry County Water Authority
Availability Letter Checklist/Summary

PLEASE COMPLETE THIS FORM WHEN REQUESTING WATER/SEWER AVAILABILITY LETTERS. ATTACH THE CHECKLIST TO THE APPLICATION AND SIGN. (THIS DOES NOT APPLY TO EXISTING SERVICE VERIFICATION LETTERS OR LETTERS FOR CONDITIONAL USE/EXCEPTION AND SOME VARIANCES).

ALL DOCUMENTS ARE REQUIRED IN ORDER TO CONSIDER AVAILABILTY;
INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

REQUIRED ITEMS	COPIES	PROCEDURE	(INITIAL)
Application Form *(Originals only. No photocopies accepted.)*	01	1. Signed by owner and **notarized**. OR **2.** Signed by owner's agent and **notarized.**	
Letter of Intent	01	The letter must clearly state the proposed use, development intent, and estimated time period for construction.	
Preliminary Site Plan/Layout (24 x 36 max.)	01	Must show minimum details: Buildings, road frontage, correct scale, north arrow, present zoning classification, topography, proposed lot layout, existing water and sewer line sizes and locations. If an extension of the water/sewer system is required, site plan must be accompanied with a preliminary routing of the off-site extension. *Preliminary profiles of the proposed sewer routing may be required.* The plan/layout must be dated and correspond with the submittal to the County or respective City **All plans/layouts must include a statement of whether or not the property is within a protected watershed district.**	
Additional site plan/layout requirements	01	If property is within a protected watershed, include proposed minimum lot sizes, estimate of impervious surface, required stream buffers, and statement of whether or not the property is within the water quality critical area.	
Payment		Cash or check made payable to *Henry County Water Authority* in the amount of **$200.00** for Availability Letters. A deposit and additional costs will be required for developments requiring feasibility/basin studies.	
Letter from the Health Department **(Only if property is not on sewer and located within a protected watershed district)**	01	This letter is required **only** if the development is within a protected watershed district and the proposed minimum lot size is less than the requirements set forth in the W atershed Protection Ordinance. Letter must indicate that septic systems will be adequate for proposed lots and house/building sizes.	

The Engineering Manager may require additional information different from the above depending upon the type of development and/or system requirements. The terms and conditions of an availability letter are subject to all rules and regulations of Henry County Water Authority. This application is valid only for the real property referenced on this application. This application is not transferable or assignable to any party. Henry County W ater Authority reserves the right to discontinue processing applications at any time without prior notice for any reason, including limited, diminished, or lack of supply and/or demand considerations. If no development activity commences within 365 days from issuance of a letter, the letter shall be invalid, and the Applicant will be required to repeat the application process. If the applicant is unable to commence development within 365 days, a written request for a six-month extension will be considered.

B1 HOME IMPROVEMENT, LLC
8487 EDGEWATER COVE
JONESBORO, GEORGIA 30236
TELEPHONE: (404) 925-1055

August 5, 2024

City of Stockbridge
Division of Planning and Zoning
4602 North Henry Boulevard
Stockbridge, Georgia 30281

Subj: **WATER AND SANITARY SEWER NEEDS**
657 Davis Road, Stockbridge, Georgia - Parcel Number: SO5-08003000 - SR;
649 Davis Road, Stockbridge, Georgia - Parcel Number: SO5-08004000 - SR;
681 Davis Road, Stockbridge, Georgia - Parcel Number: SO5-08005000 - SR;
"0" Davis Road, Stockbridge, Georgia - Parcel Number: SO5-08006000 - OI.

To Whom It May Concern:

The above-referenced property, if rezoned, will become the site of a Self-Storage Warehouse facility. The initial building plans do not reflect any restroom facilities as there is no office. Business operations will be conducted virtually, not on-site. Thus, there will be no water or sanitary sewage needs as a result of this project.

However, in the event building plans were to change necessitating water, there is currently water service on the site provided by Henry County Water Authority. In addition, a septic tank system would be used, not sanitary sewage, as the usage would be minimal.

Respectfully,

B1 HOME IMPROVEMENT, LLC

Beatriz Arroyo
Principal

City of Stockbridge

Planning and Zoning Office

Septic System Information for Zoning Requests

4640 North Henry Boulevard; Stockbridge, GA 30281 (770) 389-7900

This form must be completed and submitted to the Planning and Zoning Office with all zoning applications for properties that are not served by public sewer.

Name of Applicant: B1 Home Improvement LLC Phone: (404)925-1055 Mobile: (404)925-1055

Applicant Address: 8487 Edgewater Cove City, State: Jonesboro GA Zip: 30236

Name of Agent: Robert Nesbitt & Rogers Gotier Phone: (225)454-7425 Mobile: (770)871-8443

Agent Address: 1235 Lions Gate City, State: Convers, GA Zip: 30094

Request (Check one):

Rezoning (Current Zoning SR Requested Zoning C-3) Conditional Use____ Variance ____ Zoning Modification ____

For the Purpose of Self Storage Warehouses

Property Address: 649, 657, 681 & 0 Davis Rd Nearest Intersection to property: Georgia Highway 42

Size of Tract: 6.895 acres Land Lot:(s) 71 District(s): 12TH

Property Tax Parcel Number(s): SO508003000; SO508004000, SO508005(Proposed Number of Lots: 1

Signature of Owner: Beatriz Arroyo Printed Name of Owner: Beatriz Arroyo

Signature of Agent: [signature] Printed Name of Agent: Robert Nesbitt & Rogers Gotie

---

(To be Completed by Henry County Environmental Health)

Check all that apply

_____ There are suitable soils for the installation of a septic system on the subject property.

_____ There are **not** suitable soils for the installation of a septic system on the subject property.

_____ There is an existing septic system on the subject property.

_____ The existing septic system will support the proposed development and/or use.

_____ The existing septic system will **not** support the proposed development and/or use.

Comments: _____

_____

_____

_____

Name of Person Completing: _____ Title: _____

Signature: _____ Date: _____

E-mail Address: _____ Phone Number: _____

Henry County Water Authority

Engineering Division
100 Westridge Industrial Blvd.
McDonough, GA 30253

Application for Water/Sewer Availability Letter

Date: 08/05/2024

Name of Applicant B1 Home Improvement LLC Phone: (404)925-105! Mobile: (404)925-1055

Address of Applicant: 8487 Edgewater Cove Fax: _____

City: Jonesboro State: GA Zip: 30236 E-mail: nss.gc.noesan@hotmail.com

Name of Agent Robert Nesbitt & Rogers Gotier Phone: (225) 454-7425 Mobile: (770)871-8443

Address of Agent: 1235 Lioms Gate Fax: _____

City: Conyers State: GA Zip: 30094 E-mail: nesbittsr1@aol.com

THE APPLICANT NAMED ABOVE AFFIRMS THAT THEY ARE THE OWNER OR AGENT FOR THE OWNER OF THE PROPERTY DESCRIBED BELOW AND REQUESTS: (PLEASE CHECK THE PURPOSE OF LETTER REQUEST AND FILL IN ALL APPLICABLE INFORMATION LEGIBLY AND COMPLETELY).

VERIFICATION OF SERVICE: ☐ **Conditional Use/Exception** ☐ **Variance** ☐ **In-law Suite/Addition** ☐ **Bank Loan**

AVAILABILITY: ☐ **General Availability** ☒ **Rezoning**

Availability letters will require a minimum of three weeks from the date of payment and application submittal

Request from SR & OI (Present Zoning)) to C-3 (Requested Zoning)

For the Purpose of Self Storage Warehouses (Type of Development)

Address of Property: 649 Davis Road (Street Address, if Applicable, Nearest Intersection, Etc.) Nearest intersection to the property: GA Hwy 42

Size of Tract: 6.895 acre(s), Land Lot Number(s): 71, District(s): 12TH

Development Estimated Average Daily Sewer Flow (GPD): 0

Property Tax Parcel Number: SO5 - 0800 - 3000, 4C Proposed number of lots: 1

Information beyond this point is not required for service verifications.

(Below: For properties within protected watershed districts only)

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

Estimated amount of impervious surface: _____ Minimum Lot Size: _____

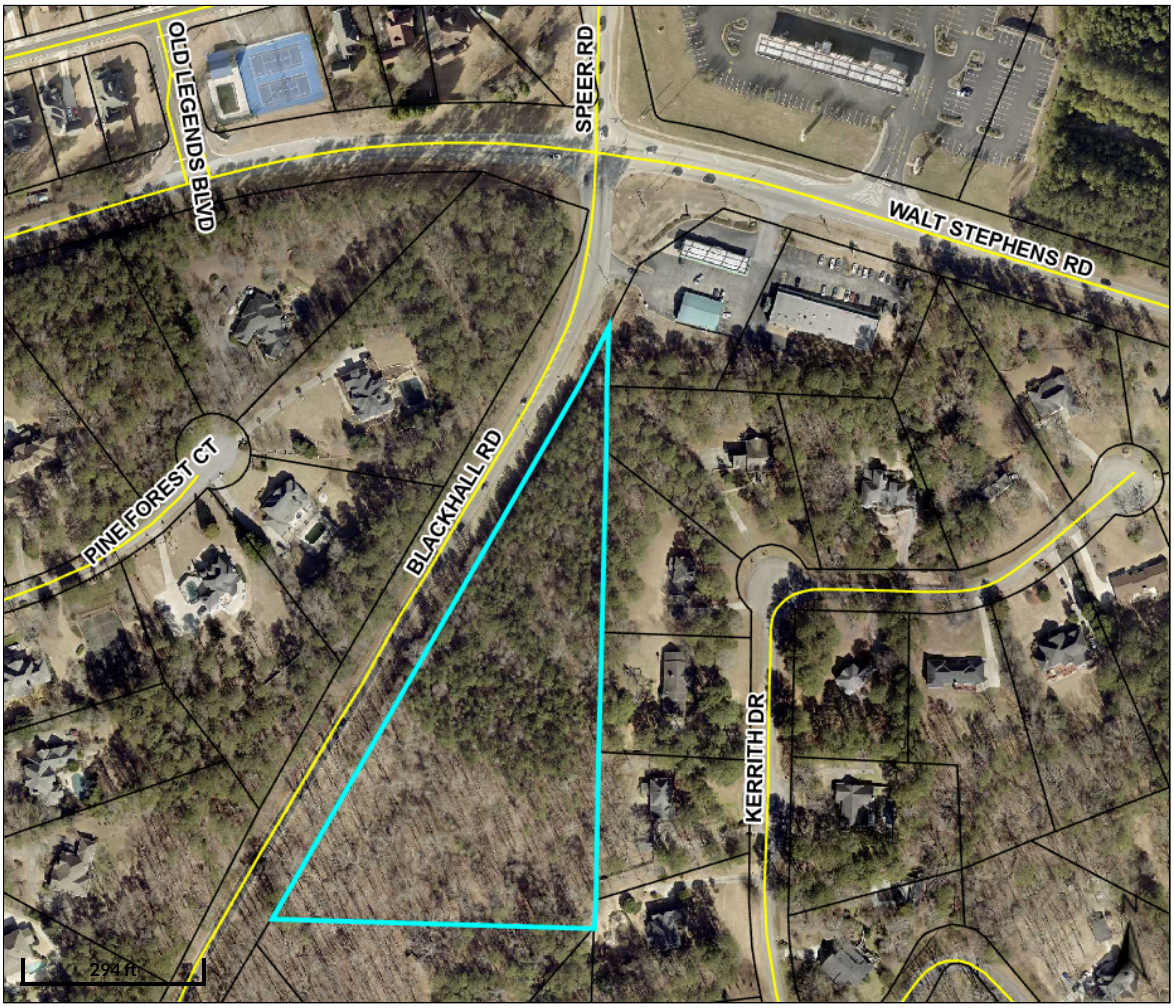
Witness — Signature of Owner(s)/Agent(s): Beatriz Amyo

Printed Name of Witness: Shannon Brooks — Printed Name of Owner/s

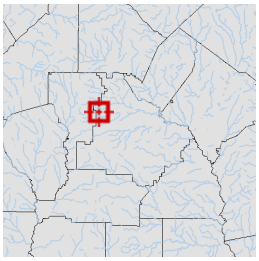
Notary — Signature of Agent

770-914-3688 (Office) 770-914-3359 (Fax) www.hcwa.com

Henry County, GA



Overview



Legend

- Parcels
- Roads

Parcel ID	013-01018000	**Class**	R	**Owner**	JOYCE KEMPER-HAGER	**Land**	$95,900			
Property		**Acreage**	7.1	**Address**	LIVING TRUST	**Value:**				
Address					JOYCE KEMPER-HAGER AS	**Building**	$0	**Last 2 Sales**		
District	City/Stockbridge				TRUSTEE	**Value:**		**Date**	**Price**	**Reason**	**Qual**
					818 EAGLE DRIVE	**Misc**	$0	11/4/2019	$0	FAMLY/GIFT	U
					GRIFFIN GA 30223	**Value:**		1/1/1960	$0	n/a	U
						Total	$95,900				
						Value:					

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

Date created: 11/7/2024
Last Data Uploaded: 11/7/2024 1:10:18 AM

Developed by SCHNEIDER GEOSPATIAL

RESERVED FOR CLERK OF THE SUPERIOR COURT

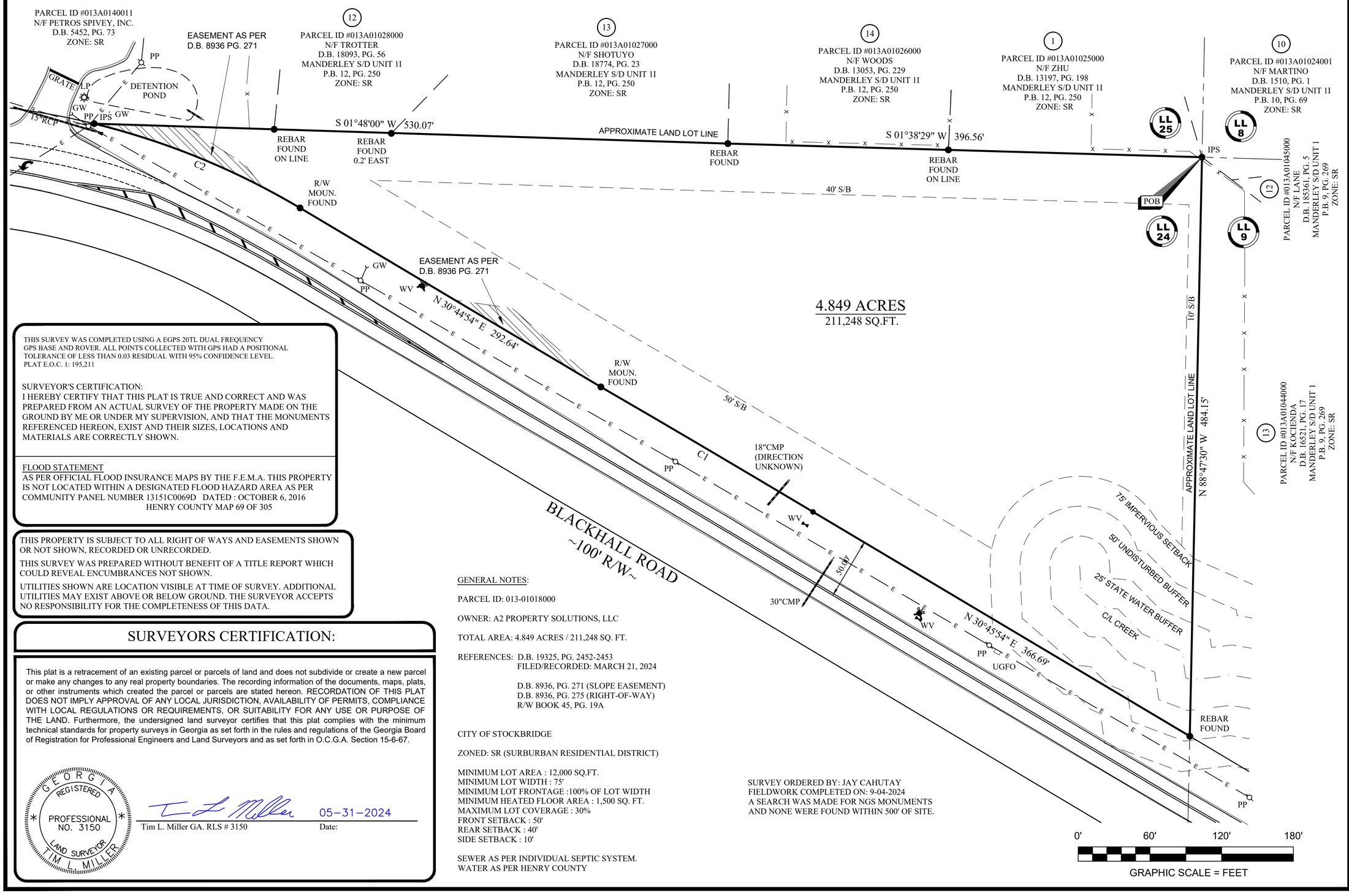
LEGEND

LP = LIGHT POLE
PP = POWER POLE
POB = POINT OF BEGINNING
D.B. = DEED BOOK
P.B. = PLAT BOOK
PG. = PAGE
N/F = NOW OR FORMERLY
EX. = EXISTING
R/W = RIGHT OF WAY
CTP = CRIMP TOP PIPE
OTP = OPEN TOP PIPE
IPS = IRON PIN SET (#4 REBAR)
CMP = CORRUGATED METAL PIPE
RCP = REINFORCED CONCRETE PIPE

WOODEN POWER POLE -----
WOODEN POWER POLE -----
EX. OVERHEAD POWER LINES ——E——
EX. FENCE ——x——
STORM PIPE----------
EX. WATER VALVE-----
FIRE HYDRANT ---------
EX. ASPHALT ----------

CURVE DATA				
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	15189.57'	205.77'	205.77'	N 30°29'54" E
C2	630.00'	186.69'	186.01'	S 22°15'32" W

GRID NORTH
GA. WEST



THIS SURVEY WAS COMPLETED USING A EGPS 20TL DUAL FREQUENCY GPS BASE AND ROVER. ALL POINTS COLLECTED WITH GPS HAD A POSITIONAL TOLERANCE OF LESS THAN 0.03 RESIDUAL WITH 95% CONFIDENCE LEVEL.
PLAT E.O.C. 1: 195,211

SURVEYOR'S CERTIFICATION:
I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE ON THE GROUND BY ME OR UNDER MY SUPERVISION, AND THAT THE MONUMENTS REFERENCED HEREON, EXIST AND THEIR SIZES, LOCATIONS AND MATERIALS ARE CORRECTLY SHOWN.

FLOOD STATEMENT
AS PER OFFICIAL FLOOD INSURANCE MAPS BY THE F.E.M.A. THIS PROPERTY IS NOT LOCATED WITHIN A DESIGNATED FLOOD HAZARD AREA AS PER COMMUNITY PANEL NUMBER 13151C0069D DATED : OCTOBER 6, 2016
HENRY COUNTY MAP 69 OF 305

THIS PROPERTY IS SUBJECT TO ALL RIGHT OF WAYS AND EASEMENTS SHOWN OR NOT SHOWN, RECORDED OR UNRECORDED.

THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT WHICH COULD REVEAL ENCUMBRANCES NOT SHOWN.

UTILITIES SHOWN ARE LOCATION VISIBLE AT TIME OF SURVEY. ADDITIONAL UTILITIES MAY EXIST ABOVE OR BELOW GROUND. THE SURVEYOR ACCEPTS NO RESPONSIBILITY FOR THE COMPLETENESS OF THIS DATA.

SURVEYORS CERTIFICATION:

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

GEORGIA REGISTERED PROFESSIONAL NO. 3150 LAND SURVEYOR TIM L MILLER

T L Miller 05-31-2024

Tim L. Miller GA. RLS # 3150 Date:

GENERAL NOTES:

PARCEL ID: 013-01018000

OWNER: A2 PROPERTY SOLUTIONS, LLC

TOTAL AREA: 4.849 ACRES / 211,248 SQ. FT.

REFERENCES: D.B. 19325, PG. 2452-2453
FILED/RECORDED: MARCH 21, 2024

D.B. 8936, PG. 271 (SLOPE EASEMENT)
D.B. 8936, PG. 275 (RIGHT-OF-WAY)
R/W BOOK 45, PG. 19A

CITY OF STOCKBRIDGE

ZONED: SR (SURBURBAN RESIDENTIAL DISTRICT)

MINIMUM LOT AREA : 12,000 SQ.FT.
MINIMUM LOT WIDTH : 75'
MINIMUM LOT FRONTAGE :100% OF LOT WIDTH
MINIMUM HEATED FLOOR AREA : 1,500 SQ. FT.
MAXIMUM LOT COVERAGE : 30%
FRONT SETBACK : 50'
REAR SETBACK : 40'
SIDE SETBACK : 10'

SEWER AS PER INDIVIDUAL SEPTIC SYSTEM.
WATER AS PER HENRY COUNTY

SURVEY ORDERED BY: JAY CAHUTAY
FIELDWORK COMPLETED ON: 9-04-2024
A SEARCH WAS MADE FOR NGS MONUMENTS AND NONE WERE FOUND WITHIN 500' OF SITE.

SIBLEY-MILLER
SURVEYING & PLANNING INC.
212 WEST CAMPGROUND RD
McDONOUGH, GA. 30253
PHONE: (770) 320-7555
FAX: (770) 320-7333
www."sibleysurveying.com"
*CIVIL ENGINEERING
*TOPOGRAPHICAL SURVEYS
*LAND DEVELOPMENT DESIGN
*CONSTRUCTION LAYOUT
*LAND PLANNING
*LAND SURVEYING

BOUNDARY SURVEY FOR:

A2 PROPERTY SOLUTIONS, LLC

TOTAL AREA = 4.849 ACRES
CITY OF STOCKBRIDGE
LAND LOT 24, 12th. DISTRICT
HENRY COUNTY, GEORGIA

PROJECT #: B24022

BOUNDARY SURVEY

DRAWN BY:	PWF
CHECKED BY:	TLM/KB
SCALE:	1" = 60'
DATE:	05/31/2024

SHEET: 1 OF 1

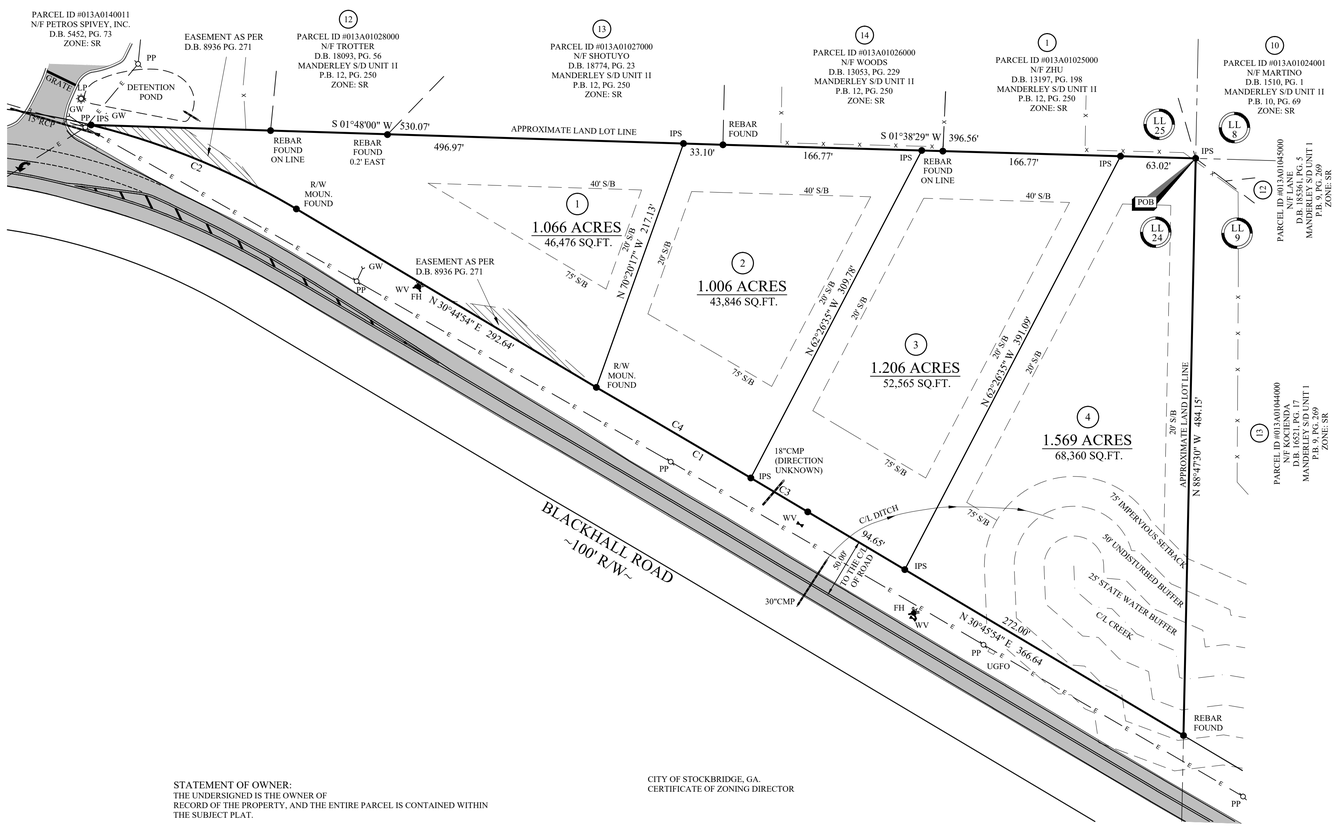
RESERVED FOR CLERK OF THE SUPERIOR COURT

LEGEND

LP = LIGHT POLE	WOODEN POWER POLE -----
PP = POWER POLE	WOODEN POWER POLE -----
POB = POINT OF BEGINNING	EX. OVERHEAD POWER LINES ----
D.B. = DEED BOOK	EX. FENCE ---- x ----
P.B. = PLAT BOOK	STORM PIPE----------
PG. = PAGE	EX. WATER VALVE-----
N/F = NOW OR FORMERLY	FIRE HYDRANT ---------
EX. = EXISTING	EX. ASPHALT ----------
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CTP = CRIMP TOP PIPE	
OTP = OPEN TOP PIPE	
IPS = IRON PIN SET (#4 REBAR)	
CMP = CORRUGATED METAL PIPE	
RCP = REINFORCED CONCRETE PIPE	

DRAINAGE:
THE OWNER OF RECORD, ON BEHALF OF HIMSELF/HERSELF/ITSELF AND ALL SUCCESSORS IN INTEREST, SPECIFICALLY RELEASE THE CITY OF STOCKBRIDGE FROM ANY AND ALL LIABILITY AND RESPONSIBILITY FOR FLOODING OR EROSION FROM STORM DRAINS OR FROM FLOODING FROM HIGH WATEROF NATURAL CREEKS, RIVERS OR DRAINAGE FEATURES. DRAINAGE EASEMENTS ARE HEREBY ESTABLISHED FOR THE SOLE PURPOSE OF PROVIDING FOR EMERGENCY PROTECTION OF THE FREE FLOW OF SURFACE OR STORM WATERS ALONG ALL WATERCOURSES AS ESTABLISHED BY FINAL PLAT. THE CITY OF STOCKBRIDGE MAY CONDUCT EMERGENCY MAINTENANCE OPERATIONS WITHIN THIS EASEMENT, WHERE EMERGENCY CONDITIONS EXIST. EMERGENCY MAINTENANCE SHALL INCLUDE REMOVAL OF TREES AND OTHER DEBRIS, EXCAVATION, FILLING AND THE LIKE, NECESSARY TO REMEDY A CONDITION, WHICH IN THE JUDGEMENT OF THE CITY OF STOCKBRIDGE IS POTENTIALLY INJUROUS TO HEALTH, LIFE, PUBLIC PROPERTY, PUBLIC ROADS OR UTILITY SYSTEMS. SUCH EMERGENCY MAINTENANCE, CONDUCTED FOR THE COMMON GOOD, SHOULD NOT BE CONSTRUED AS CONSTITUTING A CONTINUING MAINTENANCE OBLIGATION ON THE PART OF THE CITY OF STOCKBRIDGE. THE CITY RESERVES THE RIGHT TO SEEK REIMBURSEMENT FOR EXPENSES FROM THE OWNER (S) OF THE PROPERTY (IES) OF THE LAND THAT GENERATED THE CONDITIONS REQUIRING THE EMERGENCY SERVICE.

CURVE DATA				
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	15189.57'	205.77'	205.77'	N 30°29'54" E
C2	630.00'	186.69'	186.01'	S 22°15'32" W
C3	15189.57'	55.59'	55.59'	S 30°46'53" W
C4	15189.57'	150.18'	150.18'	S 30°23'36" W





VICINITY MAP
(NTS)

THIS SURVEY WAS COMPLETED USING A EGPS 20TL DUAL FREQUENCY GPS BASE AND ROVER. ALL POINTS COLLECTED WITH GPS HAD A POSITIONAL TOLERANCE OF LESS THAN 0.03 RESIDUAL WITH 95% CONFIDENCE LEVEL.
PLAT E.O.C. 1: 195,211

SURVEYOR'S CERTIFICATION:
I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE ON THE GROUND BY ME OR UNDER MY SUPERVISION, AND THAT THE MONUMENTS REFERENCED HEREON, EXIST AND THEIR SIZES, LOCATIONS AND MATERIALS ARE CORRECTLY SHOWN.

FLOOD STATEMENT
AS PER OFFICIAL FLOOD INSURANCE MAPS BY THE F.E.M.A. THIS PROPERTY IS NOT LOCATED WITHIN A DESIGNATED FLOOD HAZARD AREA AS PER COMMUNITY PANEL NUMBER 13151C0069D DATED : OCTOBER 6, 2016
CITY OF STOCKBRIGE/HENRY COUNTY MAP 69 OF 305

THIS PROPERTY IS SUBJECT TO ALL RIGHT OF WAYS AND EASEMENTS SHOWN OR NOT SHOWN, RECORDED OR UNRECORDED.

THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT WHICH COULD REVEAL ENCUMBRANCES NOT SHOWN.

UTILITIES SHOWN ARE LOCATION VISIBLE AT TIME OF SURVEY. ADDITIONAL UTILITIES MAY EXIST ABOVE OR BELOW GROUND. THE SURVEYOR ACCEPTS NO RESPONSIBILITY FOR THE COMPLETENESS OF THIS DATA.

SURVEYORS CERTIFICATION:

As required by subsection (d) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

GEORGIA REGISTERED PROFESSIONAL NO. 3150 LAND SURVEYOR TIM L. MILLER

Tim L. Miller GA. RLS # 3150 — Date: 09-16-2024

STATEMENT OF OWNER:
THE UNDERSIGNED IS THE OWNER OF RECORD OF THE PROPERTY, AND THE ENTIRE PARCEL IS CONTAINED WITHIN THE SUBJECT PLAT.

OWNER _____ DATE _____

CERTIFICATE OF SURVEYOR:
IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION; THAT ALL MONUMENTS SHOW HEREON ACTUALLY EXIST OR MARKED AS FUTURE, AND THEIR LOCATIONS, SIZE, TYPE AND MATERIAL ARE CORRECTLY SHOWN; AND THAT ALL ENGINEERING REQUIREMENTS OF THE CITY OF STOCKBRIDGE AND ALL REQUIREMENTS OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF STOCKBRIDGE, GEORGIA HAVE BEEN FULLY COMPLIED WITH.

BY: TIM L. MILLER
REGISTERED GEORGIA LAND SURVEYOR NO.. 3150

ADDRESS: 212 W. CAMPGROUND ROAD
McDONOUGH, GA. 30253
PHONE: (770) 320-7555

CITY OF STOCKBRIDGE, GA.
CERTIFICATE OF ZONING DIRECTOR

COMMUNITY DIRECTOR _____ DATE _____

PURSUANT TO SECTION 11.2 OF THE UNIFIED DEVELOPMENT CODE, THIS PLAT HAS BEEN APPROVED FOR RECORDING BY THE ZONING DIRECTOR OF THE CITY OF STOCKBRIDGE IN ACCORDANCE WITH EXISTING RULES AND REGULATIONS.

CITY OF STOCKBRIDGE, GA.
CERTIFICATE OF FINAL APPROVAL

CHAIR OF PLANNING COMMISSION _____ DATE _____

DIRECTOR of COMM DEV _____ DATE _____

24 HR CONTACT:
JAY CAHUTAY
PHONE : (513) 463-5270
surender@landsale4u.com

OWNER/DEVLOPER
A2 PROPERTIES SOLUTIONS, LLC
9378 S. MASON MONTGOMERY RD.
SUITE 401
MASON, OH 45040

SURVEYOR:
SIBLEY - MILLER SURVEYING & PLANNING, INC.
212 WEST CAMPGROUND ROAD
MCDONOUGH GA. 30253
770-320-7555
TIM MILLER

THE PURPOSE OF THIS SURVEY IS TO DIVIDE PARCEL 013-01018000 INTO 4 PARCELS

SURVEY ORDERED BY: JAY CAHUTAY
FIELDWORK COMPLETED ON: 9-04-2024
A SEARCH WAS MADE FOR NGS MONUMENTS AND NONE WERE FOUND WITHIN 500' OF SITE.

THIS PROPERTY IS ON THE COUNTY WATER SYSTEM.
THIS PROPERTY IS ON A PAVED COUNTY RIGHT OF WAY
THIS PROPERTY IS NOT PART OF A PLATTED SUBDIVISION.
THIS PROPERTY IS NOT IN A FLOOD PLAIN.
(HENRY FLOOD PANEL 69 OF 305)
THIS PROPERTY IS NOT IN A WETLAND AREA. (PER HENRY COUNTY GIS)
THIS PROPERTY IS NOT IN A WATERSHED PROTECTION AREA.
THIS PROPERTY DOES HAVE BODIES OF WATER ON THE PROPERTY (LOT 4)

GENERAL NOTES:

PARENT PARCEL ID: 013-01018000

OWNER: A2 PROPERTY SOLUTIONS, LLC

TOTAL AREA: 4.849 ACRES / 211,248 SQ. FT.

REFERENCES: D.B. 19325, PG. 2452-2453
FILED/RECORDED: MARCH 21, 2024

D.B. 8936, PG. 271 (SLOPE EASEMENT)
D.B. 8936, PG. 275 (RIGHT-OF-WAY)
R/W BOOK 45, PG. 19A

CURRENT ZONING: SS (SUBURBAN RESIDENTIAL DISTRICT)

CITY OF STOCKBRIDGE

PROPOSED ZONING: RR (RURAL RESIDENTIAL DISTRICT)

MINIMUM LOT AREA : 43,560 SQ.FT. (1 ACRE)
(HAVING PUBLIC WATER AND SEPTIC)
MINIMUM LOT WIDTH : 150'
MINIMUM LOT FRONTAGE :100% OF LOT WIDTH
MINIMUM HEATED FLOOR AREA :
1,000 SQ.FT. (LOTS HAVING 1.25 ACRES OR LARGER)
1,200 SQ. FT. (LOTS HAVING LESS THAN 1.25 ACRES)
MAXIMUM LOT COVERAGE : 30%
FRONT SETBACK : 75'
REAR SETBACK : 40'
SIDE SETBACK : 20'

SEWER AS PER INDIVIDUAL SEPTIC SYSTEM.
WATER AS PER HENRY COUNTY

PROOF OF CITY OF STOCKBRIDGE OR HENRY COUNTY APPROVAL FOR WATER CONNECTION, SEWER CONNECTION OR SEPTIC SYSTEM SHALL BE PROVIDED PRIOR TO ISSUANCE OF A BULDING PERMIT.

THERE ARE NO FULTON COUNTY GIS AVAILABLE IN IN HENRY COUNTY NOR FOR THE CITY OF STOCKBRIDGE

0' 60' 120' 180'
GRAPHIC SCALE = FEET

REVISIONS

NO.	DATE	DESCRIPTION

©SIBLEY-MILLER SURVEYING & PLANNING INC.
(ALL RIGHTS RESERVED)
PURSUANT TO THE AGREEMENT BETWEEN SMSP AND THE PARTY FOR WHICH THESE DOCUMENTS HAVE BEEN PREPARED, THESE DOCUMENTS AND ALL DATA, PLANS, SPECIFICATIONS, AND OTHER INFORMATION CONTAINED HEREIN ARE THE SOLE AND EXCLUSIVE PROPERTY OF SMSP, AND MAY BE USED ONLY IN CONNECTION WITH THE PROJECT FOR WHICH THESE DOCUMENTS HAVE BEEN PREPARED AND FOR NO OTHER PURPOSES. ANY UNAUTHORIZED USE OF THESE DOCUMENTS SHALL BE WITHOUT LIABILITY TO SMSP AND SUBJECT TO REASONABLE COMPENSATION BY THE USER AS DETERMINED BY SMSP. ALL RIGHTS OF THIS DESIGN ARE RESERVED.

SIBLEY-MILLER
SURVEYING & PLANNING INC.
212 WEST CAMPGROUND RD
McDONOUGH, GA. 30253
PHONE: (770) 320-7555
FAX: (770) 320-7333
www. sibleysurveying.com"
*CIVIL ENGINEERING
*TOPOGRAPHICAL SURVEYS
*LAND DEVELOPMENT DESIGN
*CONSTRUCTION LAYOUT
*LAND PLANNING
*LAND SURVEYING

MINOR SUBDIVISION PLAT PLAT FOR:

A2 PROPERTY SOLUTIONS, LLC

TOTAL AREA = 4.849 ACRES
CITY OF STOCKBRIDGE
LAND LOT 24, 12th. DISTRICT
HENRY COUNTY, GEORGIA

PROJECT #: B24022

MINOR S/D PLAT

DRAWN BY:	PWF
CHECKED BY:	TLM/KB
SCALE:	1" = 60'
DATE:	09/16/2024

SHEET: 1 OF 1

Surveyed Legal Description
Blackhall Road
Parcel 013-01018000

All that tract or parcel of land lying and being in Land Lot 24 of the 12th District, City of Stockbridge, Henry County Georgia, and being more particularly described as follows:
Beginning at a rebar set at the common Land Lot corners of Land Lots 8, 9, 24 & 25 of said District,
Thence S 88°47'30" E along the Southerly line of Land Lot 24 a distance of 484.15' to a rebar found on the Easterly right of way of Blackhall Rd. (100’ R/W);
Thence N 30°45'54" E along said right of way a distance of 366.69' to a point;
Thence with a curve turning to the left along said right of way, with an arc length of 205.77', with a radius of 15189.57', with a chord bearing of N 30°29'54" E, with a chord length of 205.77' to a rebar set;
Thence N 30°44'54" E along said right of way a distance of 292.64' to a point;
Thence with a curve turning to the left along said right of way, with an arc length of 186.69', with a radius of 630.00', with a chord bearing of N 22°15'32" E, with a chord length of 186.01' to a point;
Thence S 01°48'00" W leaving said right of way a distance of 530.07' to a rebar found;
Thence S 01°38'29" W a distance of 530.07' to the Point of Beginning;
Having An Area Of 211,247.6 Square Feet, 4.849 Acres

RECEIVED IN OFFICE
HENRY COUNTY
CLERK OF SUPERIOR COURT

2024 MAR 21 PM 12: 41

BK: 19325 PG: 2452-2453
Filed and Recorded
Mar-21-2024 01:33:31PM
DOC#: D2024-006339
Real Estate Transfer Tax Paid $125.00
0752024001818
SABRIYA HILL
CLERK OF SUPERIOR COURT Henry County GA.

AFTER RECORDING RETURN TO:
Jin H. Kim, Esq.
The Kim Firm, LLC
5755 North Point Parkway, Suite 50
Alpharetta, GA 30022
File No: 2023030120
Parcel #: 013-01018000

STATE OF GEORGIA
COUNTY OF FULTON

LIMITED WARRANTY DEED

THIS INDENTURE, made this **14th day of March, 2024**, by and between

Peggy Joyce Kemper-Hager, Trustee of Joyce Kemper-Hager Living Trust dated November 4, 2019

as party or parties of the first part, hereinafter called Grantor, and

A2 Property Solutions LLC

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

WITNESSETH that Grantor, for and in consideration of the sum of Ten Dollars and other good and valuable considerations ($10.00) Dollars in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

All that tract or parcel of land lying and being in Land Lots 8, 9, 24 and 25 of the 12th District of Henry County, State of Georgia, which is shown on Exhibit C, attached herewith:
Beginning at an iron pin found on the southeastern side of the 100' right of way of Blackhall Road, located North 33 degrees 13 minutes 24 seconds East, 43.59' as measured along said right of way, from a right of way monument; and from said Point of Beginning thus established, run thence along said right of way, the following metes and bounds: North 31 degrees 48 minutes 03 seconds East, a distance of 466.79' to a right of way monument; continuing thence on a chord to the right bearing North 28 degrees 31 minutes 53 seconds East, on a radius of 6094.89', a chord distance of 596.55', which is an arc distance of 596.79' to an iron pin placed; thence departing said right of way, run thence-South 02 degrees 54 minutes 56 seconds West, a distance of 942.11' to an iron pin found; run thence North 87 degrees 37 minutes 14 seconds West, a distance of 483.42' to an iron pin found and the Point of Beginning. Plainly said, this description concurs with the boundary line(s) shown as the common corner of Land Lots 8, 9, 24 and 25 of the 12th District of Henry County, as shown on Plats recorded in Plat Book 4 page 271 for Lion County Safari, Plat Book 9 page 269 for Unit 1 "Manderly", and Plat Book 12 page 250 for Unit II "Manderly", all in Henry County records.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in fee simple.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of persons holding by, through, or under the Grantor.

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

SIGNED, SEALED AND DELIVERED

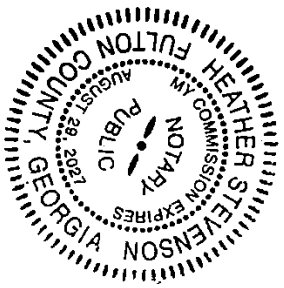
in the presence of:

Norman S. Hager
(Unofficial Witness)

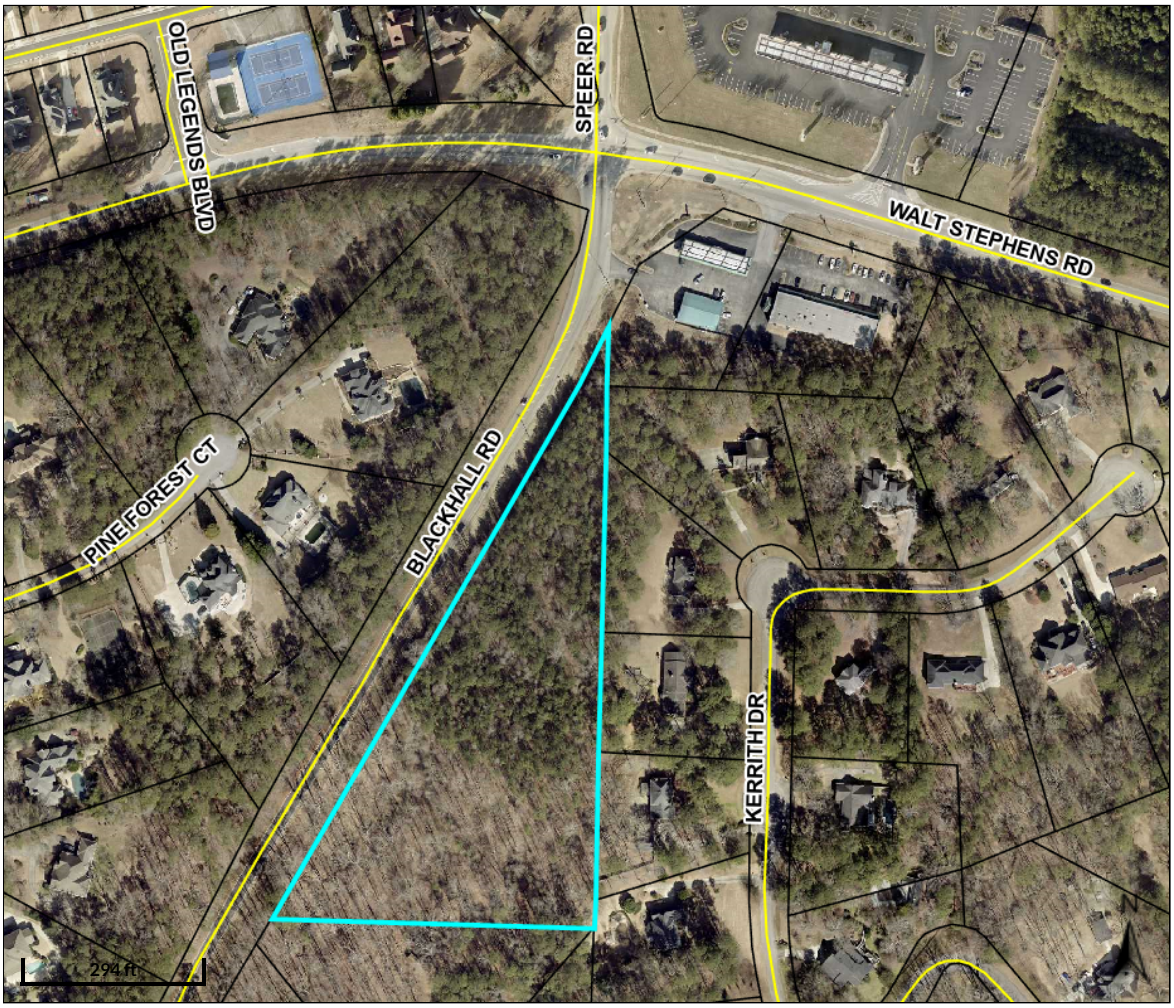
_____ (SEAL)
(Notary Public)
My Commission Expires: 8/29/27

Joyce Kemper-Hager Living Trust
dated November 4, 2019

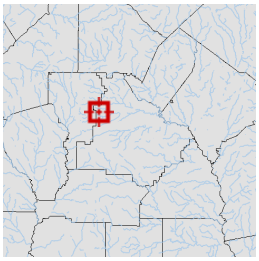
By: Peggy Joyce Kemper-Hager
Peggy Joyce Kemper-Hager,
Trustee



Henry County, GA



Overview



Legend

- Parcels
- Roads

Parcel ID	013-01018000	**Class**	R	**Owner**	JOYCE KEMPER-HAGER	**Land**	$95,900			
Property		**Acreage**	7.1	**Address**	LIVING TRUST	**Value:**				
Address					JOYCE KEMPER-HAGER AS	**Building**	$0	**Last 2 Sales**		
District	City/Stockbridge				TRUSTEE	**Value:**		**Date**	**Price**	**Reason**	**Qual**
					818 EAGLE DRIVE	**Misc**	$0	11/4/2019	$0	FAMLY/GIFT	U
					GRIFFIN GA 30223	**Value:**		1/1/1960	$0	n/a	U
						Total	$95,900				
						Value:					

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

Date created: 11/7/2024
Last Data Uploaded: 11/7/2024 1:10:18 AM

Developed by SCHNEIDER GEOSPATIAL

RESERVED FOR CLERK OF THE SUPERIOR COURT

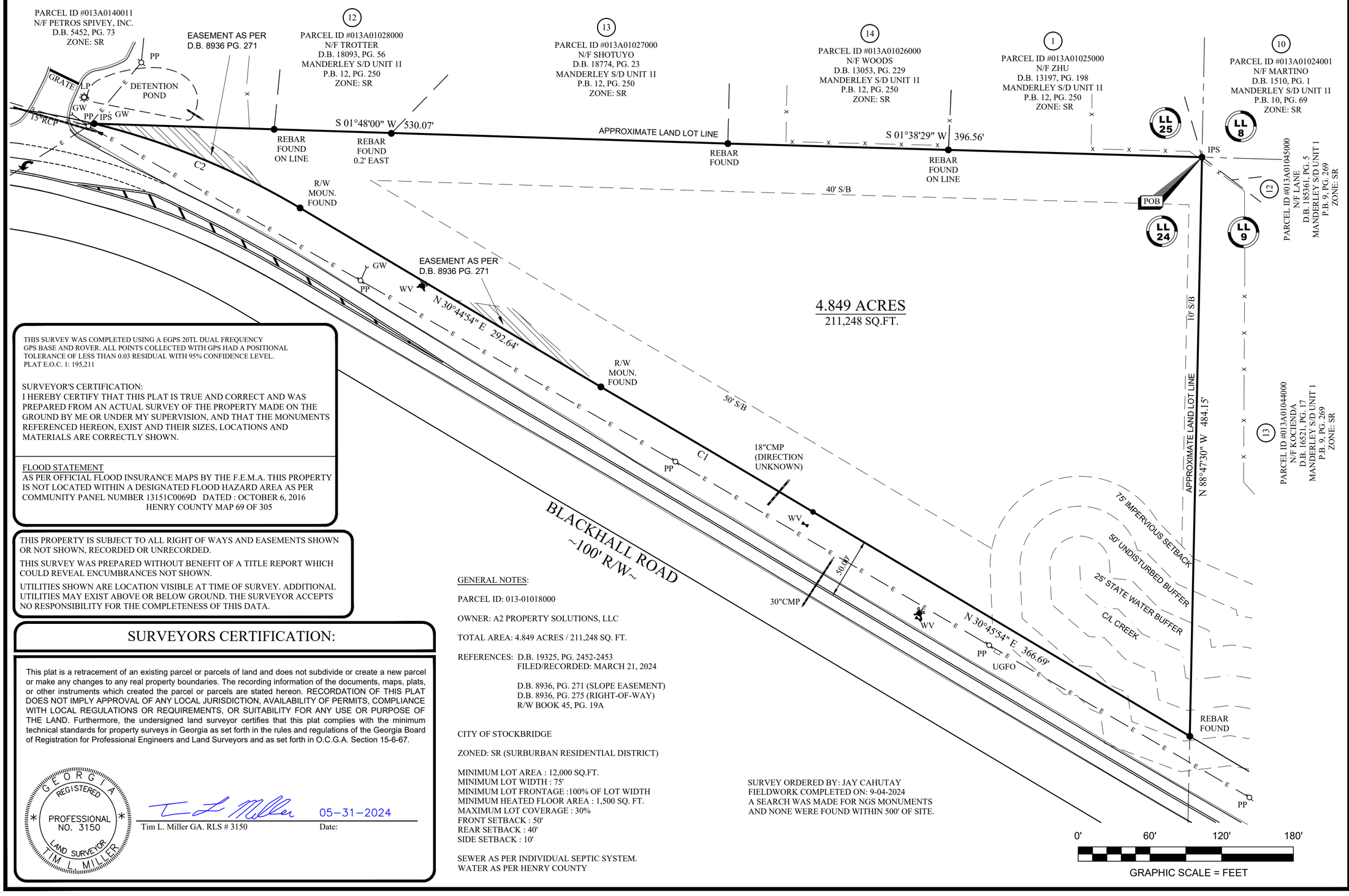
LEGEND

LP = LIGHT POLE
PP = POWER POLE
POB = POINT OF BEGINNING
D.B. = DEED BOOK
P.B. = PLAT BOOK
PG. = PAGE
N/F = NOW OR FORMERLY
EX. = EXISTING
R/W = RIGHT OF WAY
CTP = CRIMP TOP PIPE
OTP = OPEN TOP PIPE
IPS = IRON PIN SET (#4 REBAR)
CMP = CORRUGATED METAL PIPE
RCP = REINFORCED CONCRETE PIPE

WOODEN POWER POLE -----
WOODEN POWER POLE -----
EX. OVERHEAD POWER LINES ——E——
EX. FENCE ——x——
STORM PIPE----------
EX. WATER VALVE-----
FIRE HYDRANT ---------
EX. ASPHALT ----------

CURVE DATA				
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	15189.57'	205.77'	205.77'	N 30°29'54" E
C2	630.00'	186.69'	186.01'	S 22°15'32" W

GRID NORTH
GA. WEST



THIS SURVEY WAS COMPLETED USING A EGPS 20TL DUAL FREQUENCY GPS BASE AND ROVER. ALL POINTS COLLECTED WITH GPS HAD A POSITIONAL TOLERANCE OF LESS THAN 0.03 RESIDUAL WITH 95% CONFIDENCE LEVEL.
PLAT E.O.C. 1: 195,211

SURVEYOR'S CERTIFICATION:
I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE ON THE GROUND BY ME OR UNDER MY SUPERVISION, AND THAT THE MONUMENTS REFERENCED HEREON, EXIST AND THEIR SIZES, LOCATIONS AND MATERIALS ARE CORRECTLY SHOWN.

FLOOD STATEMENT
AS PER OFFICIAL FLOOD INSURANCE MAPS BY THE F.E.M.A. THIS PROPERTY IS NOT LOCATED WITHIN A DESIGNATED FLOOD HAZARD AREA AS PER COMMUNITY PANEL NUMBER 13151C0069D DATED : OCTOBER 6, 2016
HENRY COUNTY MAP 69 OF 305

THIS PROPERTY IS SUBJECT TO ALL RIGHT OF WAYS AND EASEMENTS SHOWN OR NOT SHOWN, RECORDED OR UNRECORDED.

THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT WHICH COULD REVEAL ENCUMBRANCES NOT SHOWN.

UTILITIES SHOWN ARE LOCATION VISIBLE AT TIME OF SURVEY. ADDITIONAL UTILITIES MAY EXIST ABOVE OR BELOW GROUND. THE SURVEYOR ACCEPTS NO RESPONSIBILITY FOR THE COMPLETENESS OF THIS DATA.

SURVEYORS CERTIFICATION:

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

GEORGIA REGISTERED PROFESSIONAL NO. 3150 LAND SURVEYOR TIM L MILLER

T L Miller 05-31-2024

Tim L. Miller GA. RLS # 3150 Date:

GENERAL NOTES:

PARCEL ID: 013-01018000

OWNER: A2 PROPERTY SOLUTIONS, LLC

TOTAL AREA: 4.849 ACRES / 211,248 SQ. FT.

REFERENCES: D.B. 19325, PG. 2452-2453
FILED/RECORDED: MARCH 21, 2024

D.B. 8936, PG. 271 (SLOPE EASEMENT)
D.B. 8936, PG. 275 (RIGHT-OF-WAY)
R/W BOOK 45, PG. 19A

CITY OF STOCKBRIDGE

ZONED: SR (SURBURBAN RESIDENTIAL DISTRICT)

MINIMUM LOT AREA : 12,000 SQ.FT.
MINIMUM LOT WIDTH : 75'
MINIMUM LOT FRONTAGE :100% OF LOT WIDTH
MINIMUM HEATED FLOOR AREA : 1,500 SQ. FT.
MAXIMUM LOT COVERAGE : 30%
FRONT SETBACK : 50'
REAR SETBACK : 40'
SIDE SETBACK : 10'

SEWER AS PER INDIVIDUAL SEPTIC SYSTEM.
WATER AS PER HENRY COUNTY

SURVEY ORDERED BY: JAY CAHUTAY
FIELDWORK COMPLETED ON: 9-04-2024
A SEARCH WAS MADE FOR NGS MONUMENTS AND NONE WERE FOUND WITHIN 500' OF SITE.

SIBLEY-MILLER
SURVEYING & PLANNING INC.
212 WEST CAMPGROUND RD
McDONOUGH, GA. 30253
PHONE: (770) 320-7555
FAX: (770) 320-7333
www."sibleysurveying.com"
*CIVIL ENGINEERING
*TOPOGRAPHICAL SURVEYS
*LAND DEVELOPMENT DESIGN
*CONSTRUCTION LAYOUT
*LAND PLANNING
*LAND SURVEYING

BOUNDARY SURVEY FOR:

A2 PROPERTY SOLUTIONS, LLC

TOTAL AREA = 4.849 ACRES
CITY OF STOCKBRIDGE
LAND LOT 24, 12th. DISTRICT
HENRY COUNTY, GEORGIA

PROJECT #: B24022

BOUNDARY SURVEY

DRAWN BY:	PWF
CHECKED BY:	TLM/KB
SCALE:	1" = 60'
DATE:	05/31/2024

SHEET: 1 OF 1

Surveyed Legal Description
Blackhall Road
Parcel 013-01018000

All that tract or parcel of land lying and being in Land Lot 24 of the 12th District, City of Stockbridge, Henry County Georgia, and being more particularly described as follows:
Beginning at a rebar set at the common Land Lot corners of Land Lots 8, 9, 24 & 25 of said District,
Thence S 88°47'30" E along the Southerly line of Land Lot 24 a distance of 484.15' to a rebar found on the Easterly right of way of Blackhall Rd. (100’ R/W);
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Thence N 30°44'54" E along said right of way a distance of 292.64' to a point;
Thence with a curve turning to the left along said right of way, with an arc length of 186.69', with a radius of 630.00', with a chord bearing of N 22°15'32" E, with a chord length of 186.01' to a point;
Thence S 01°48'00" W leaving said right of way a distance of 530.07' to a rebar found;
Thence S 01°38'29" W a distance of 530.07' to the Point of Beginning;
Having An Area Of 211,247.6 Square Feet, 4.849 Acres

RECEIVED IN OFFICE
HENRY COUNTY
CLERK OF SUPERIOR COURT

2024 MAR 21 PM 12: 41

BK: 19325 PG: 2452-2453
Filed and Recorded
Mar-21-2024 01:33:31PM
DOC#: D2024-006339
Real Estate Transfer Tax Paid $125.00
0752024001818
SABRIYA HILL
CLERK OF SUPERIOR COURT Henry County GA.

AFTER RECORDING RETURN TO:
Jin H. Kim, Esq.
The Kim Firm, LLC
5755 North Point Parkway, Suite 50
Alpharetta, GA 30022
File No: 2023030120
Parcel #: 013-01018000

STATE OF GEORGIA
COUNTY OF FULTON

LIMITED WARRANTY DEED

THIS INDENTURE, made this **14th day of March, 2024**, by and between

Peggy Joyce Kemper-Hager, Trustee of Joyce Kemper-Hager Living Trust dated November 4, 2019

as party or parties of the first part, hereinafter called Grantor, and

A2 Property Solutions LLC

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

WITNESSETH that Grantor, for and in consideration of the sum of Ten Dollars and other good and valuable considerations ($10.00) Dollars in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

All that tract or parcel of land lying and being in Land Lots 8, 9, 24 and 25 of the 12th District of Henry County, State of Georgia, which is shown on Exhibit C, attached herewith:
Beginning at an iron pin found on the southeastern side of the 100' right of way of Blackhall Road, located North 33 degrees 13 minutes 24 seconds East, 43.59' as measured along said right of way, from a right of way monument; and from said Point of Beginning thus established, run thence along said right of way, the following metes and bounds: North 31 degrees 48 minutes 03 seconds East, a distance of 466.79' to a right of way monument; continuing thence on a chord to the right bearing North 28 degrees 31 minutes 53 seconds East, on a radius of 6094.89', a chord distance of 596.55', which is an arc distance of 596.79' to an iron pin placed; thence departing said right of way, run thence-South 02 degrees 54 minutes 56 seconds West, a distance of 942.11' to an iron pin found; run thence North 87 degrees 37 minutes 14 seconds West, a distance of 483.42' to an iron pin found and the Point of Beginning. Plainly said, this description concurs with the boundary line(s) shown as the common corner of Land Lots 8, 9, 24 and 25 of the 12th District of Henry County, as shown on Plats recorded in Plat Book 4 page 271 for Lion County Safari, Plat Book 9 page 269 for Unit 1 "Manderly", and Plat Book 12 page 250 for Unit II "Manderly", all in Henry County records.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in fee simple.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of persons holding by, through, or under the Grantor.

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

SIGNED, SEALED AND DELIVERED

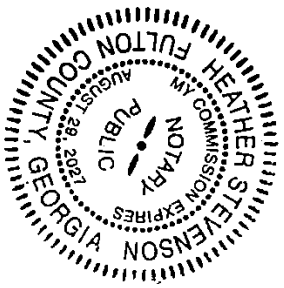
in the presence of:

Norman S. Hager
(Unofficial Witness)

_____ (SEAL)
(Notary Public)
My Commission Expires: 8/29/27

Joyce Kemper-Hager Living Trust
dated November 4, 2019

By: Peggy Joyce Kemper-Hager
Peggy Joyce Kemper-Hager,
Trustee



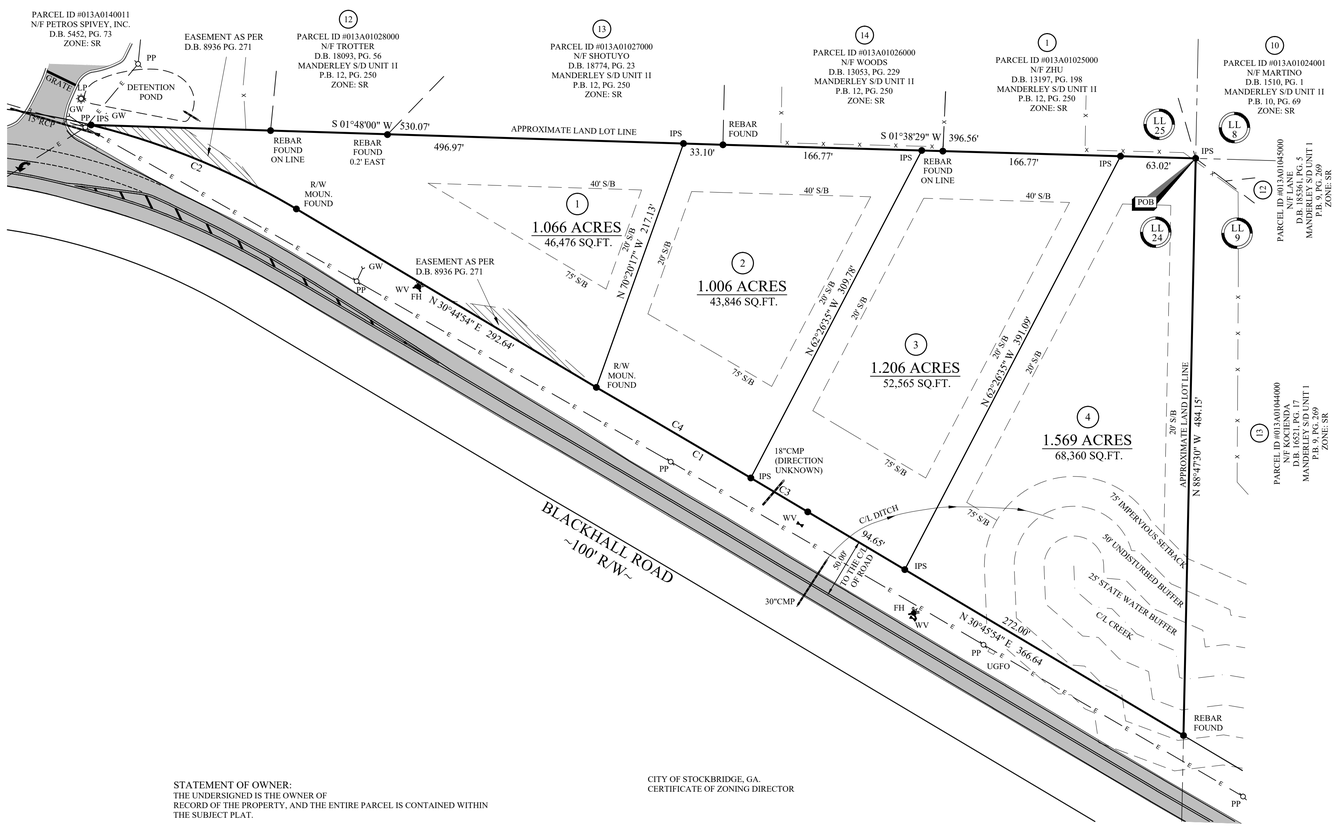
RESERVED FOR CLERK OF THE SUPERIOR COURT

LEGEND

LP = LIGHT POLE	WOODEN POWER POLE -----
PP = POWER POLE	WOODEN POWER POLE -----
POB = POINT OF BEGINNING	EX. OVERHEAD POWER LINES ----
D.B. = DEED BOOK	EX. FENCE ---- x ----
P.B. = PLAT BOOK	STORM PIPE----------
PG. = PAGE	EX. WATER VALVE-----
N/F = NOW OR FORMERLY	FIRE HYDRANT ---------
EX. = EXISTING	EX. ASPHALT ----------
R/W = RIGHT OF WAY	
CTP = CRIMP TOP PIPE	
OTP = OPEN TOP PIPE	
IPS = IRON PIN SET (#4 REBAR)	
CMP = CORRUGATED METAL PIPE	
RCP = REINFORCED CONCRETE PIPE	

DRAINAGE:
THE OWNER OF RECORD, ON BEHALF OF HIMSELF/HERSELF/ITSELF AND ALL SUCCESSORS IN INTEREST, SPECIFICALLY RELEASE THE CITY OF STOCKBRIDGE FROM ANY AND ALL LIABILITY AND RESPONSIBILITY FOR FLOODING OR EROSION FROM STORM DRAINS OR FROM FLOODING FROM HIGH WATEROF NATURAL CREEKS, RIVERS OR DRAINAGE FEATURES. DRAINAGE EASEMENTS ARE HEREBY ESTABLISHED FOR THE SOLE PURPOSE OF PROVIDING FOR EMERGENCY PROTECTION OF THE FREE FLOW OF SURFACE OR STORM WATERS ALONG ALL WATERCOURSES AS ESTABLISHED BY FINAL PLAT. THE CITY OF STOCKBRIDGE MAY CONDUCT EMERGENCY MAINTENANCE OPERATIONS WITHIN THIS EASEMENT, WHERE EMERGENCY CONDITIONS EXIST. EMERGENCY MAINTENANCE SHALL INCLUDE REMOVAL OF TREES AND OTHER DEBRIS, EXCAVATION, FILLING AND THE LIKE, NECESSARY TO REMEDY A CONDITION, WHICH IN THE JUDGEMENT OF THE CITY OF STOCKBRIDGE IS POTENTIALLY INJUROUS TO HEALTH, LIFE, PUBLIC PROPERTY, PUBLIC ROADS OR UTILITY SYSTEMS. SUCH EMERGENCY MAINTENANCE, CONDUCTED FOR THE COMMON GOOD, SHOULD NOT BE CONSTRUED AS CONSTITUTING A CONTINUING MAINTENANCE OBLIGATION ON THE PART OF THE CITY OF STOCKBRIDGE. THE CITY RESERVES THE RIGHT TO SEEK REIMBURSEMENT FOR EXPENSES FROM THE OWNER (S) OF THE PROPERTY (IES) OF THE LAND THAT GENERATED THE CONDITIONS REQUIRING THE EMERGENCY SERVICE.

CURVE DATA				
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	15189.57'	205.77'	205.77'	N 30°29'54" E
C2	630.00'	186.69'	186.01'	S 22°15'32" W
C3	15189.57'	55.59'	55.59'	S 30°46'53" W
C4	15189.57'	150.18'	150.18'	S 30°23'36" W





VICINITY MAP
(NTS)

THIS SURVEY WAS COMPLETED USING A EGPS 20TL DUAL FREQUENCY GPS BASE AND ROVER. ALL POINTS COLLECTED WITH GPS HAD A POSITIONAL TOLERANCE OF LESS THAN 0.03 RESIDUAL WITH 95% CONFIDENCE LEVEL.
PLAT E.O.C. 1: 195,211

SURVEYOR'S CERTIFICATION:
I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE ON THE GROUND BY ME OR UNDER MY SUPERVISION, AND THAT THE MONUMENTS REFERENCED HEREON, EXIST AND THEIR SIZES, LOCATIONS AND MATERIALS ARE CORRECTLY SHOWN.

FLOOD STATEMENT
AS PER OFFICIAL FLOOD INSURANCE MAPS BY THE F.E.M.A. THIS PROPERTY IS NOT LOCATED WITHIN A DESIGNATED FLOOD HAZARD AREA AS PER COMMUNITY PANEL NUMBER 13151C0069D DATED : OCTOBER 6, 2016
CITY OF STOCKBRIGE/HENRY COUNTY MAP 69 OF 305

THIS PROPERTY IS SUBJECT TO ALL RIGHT OF WAYS AND EASEMENTS SHOWN OR NOT SHOWN, RECORDED OR UNRECORDED.

THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT WHICH COULD REVEAL ENCUMBRANCES NOT SHOWN.

UTILITIES SHOWN ARE LOCATION VISIBLE AT TIME OF SURVEY. ADDITIONAL UTILITIES MAY EXIST ABOVE OR BELOW GROUND. THE SURVEYOR ACCEPTS NO RESPONSIBILITY FOR THE COMPLETENESS OF THIS DATA.

SURVEYORS CERTIFICATION:

As required by subsection (d) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

GEORGIA REGISTERED PROFESSIONAL NO. 3150 LAND SURVEYOR TIM L. MILLER

Tim L. Miller GA. RLS # 3150 — Date: 09-16-2024

STATEMENT OF OWNER:
THE UNDERSIGNED IS THE OWNER OF RECORD OF THE PROPERTY, AND THE ENTIRE PARCEL IS CONTAINED WITHIN THE SUBJECT PLAT.

OWNER _____ DATE _____

CERTIFICATE OF SURVEYOR:
IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION; THAT ALL MONUMENTS SHOW HEREON ACTUALLY EXIST OR MARKED AS FUTURE, AND THEIR LOCATIONS, SIZE, TYPE AND MATERIAL ARE CORRECTLY SHOWN; AND THAT ALL ENGINEERING REQUIREMENTS OF THE CITY OF STOCKBRIDGE AND ALL REQUIREMENTS OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF STOCKBRIDGE, GEORGIA HAVE BEEN FULLY COMPLIED WITH.

BY: TIM L. MILLER
REGISTERED GEORGIA LAND SURVEYOR NO.. 3150

ADDRESS: 212 W. CAMPGROUND ROAD
McDONOUGH, GA. 30253
PHONE: (770) 320-7555

CITY OF STOCKBRIDGE, GA.
CERTIFICATE OF ZONING DIRECTOR

COMMUNITY DIRECTOR _____ DATE _____

PURSUANT TO SECTION 11.2 OF THE UNIFIED DEVELOPMENT CODE, THIS PLAT HAS BEEN APPROVED FOR RECORDING BY THE ZONING DIRECTOR OF THE CITY OF STOCKBRIDGE IN ACCORDANCE WITH EXISTING RULES AND REGULATIONS.

CITY OF STOCKBRIDGE, GA.
CERTIFICATE OF FINAL APPROVAL

CHAIR OF PLANNING COMMISSION _____ DATE _____

DIRECTOR of COMM DEV _____ DATE _____

24 HR CONTACT:
JAY CAHUTAY
PHONE : (513) 463-5270
surender@landsale4u.com

OWNER/DEVLOPER
A2 PROPERTIES SOLUTIONS, LLC
9378 S. MASON MONTGOMERY RD.
SUITE 401
MASON, OH 45040

SURVEYOR:
SIBLEY - MILLER SURVEYING & PLANNING, INC.
212 WEST CAMPGROUND ROAD
MCDONOUGH GA. 30253
770-320-7555
TIM MILLER

THE PURPOSE OF THIS SURVEY IS TO DIVIDE PARCEL 013-01018000 INTO 4 PARCELS

SURVEY ORDERED BY: JAY CAHUTAY
FIELDWORK COMPLETED ON: 9-04-2024
A SEARCH WAS MADE FOR NGS MONUMENTS AND NONE WERE FOUND WITHIN 500' OF SITE.

THIS PROPERTY IS ON THE COUNTY WATER SYSTEM.
THIS PROPERTY IS ON A PAVED COUNTY RIGHT OF WAY
THIS PROPERTY IS NOT PART OF A PLATTED SUBDIVISION.
THIS PROPERTY IS NOT IN A FLOOD PLAIN.
(HENRY FLOOD PANEL 69 OF 305)
THIS PROPERTY IS NOT IN A WETLAND AREA. (PER HENRY COUNTY GIS)
THIS PROPERTY IS NOT IN A WATERSHED PROTECTION AREA.
THIS PROPERTY DOES HAVE BODIES OF WATER ON THE PROPERTY (LOT 4)

GENERAL NOTES:

PARENT PARCEL ID: 013-01018000

OWNER: A2 PROPERTY SOLUTIONS, LLC

TOTAL AREA: 4.849 ACRES / 211,248 SQ. FT.

REFERENCES: D.B. 19325, PG. 2452-2453
FILED/RECORDED: MARCH 21, 2024

D.B. 8936, PG. 271 (SLOPE EASEMENT)
D.B. 8936, PG. 275 (RIGHT-OF-WAY)
R/W BOOK 45, PG. 19A

CURRENT ZONING: SS (SUBURBAN RESIDENTIAL DISTRICT)

CITY OF STOCKBRIDGE

PROPOSED ZONING: RR (RURAL RESIDENTIAL DISTRICT)

MINIMUM LOT AREA : 43,560 SQ.FT. (1 ACRE)
(HAVING PUBLIC WATER AND SEPTIC)
MINIMUM LOT WIDTH : 150'
MINIMUM LOT FRONTAGE :100% OF LOT WIDTH
MINIMUM HEATED FLOOR AREA :
1,000 SQ.FT. (LOTS HAVING 1.25 ACRES OR LARGER)
1,200 SQ. FT. (LOTS HAVING LESS THAN 1.25 ACRES)
MAXIMUM LOT COVERAGE : 30%
FRONT SETBACK : 75'
REAR SETBACK : 40'
SIDE SETBACK : 20'

SEWER AS PER INDIVIDUAL SEPTIC SYSTEM.
WATER AS PER HENRY COUNTY

PROOF OF CITY OF STOCKBRIDGE OR HENRY COUNTY APPROVAL FOR WATER CONNECTION, SEWER CONNECTION OR SEPTIC SYSTEM SHALL BE PROVIDED PRIOR TO ISSUANCE OF A BULDING PERMIT.

THERE ARE NO FULTON COUNTY GIS AVAILABLE IN IN HENRY COUNTY NOR FOR THE CITY OF STOCKBRIDGE

0' 60' 120' 180'
GRAPHIC SCALE = FEET

REVISIONS

NO.	DATE	DESCRIPTION

©SIBLEY-MILLER SURVEYING & PLANNING INC.
(ALL RIGHTS RESERVED)
PURSUANT TO THE AGREEMENT BETWEEN SMSP AND THE PARTY FOR WHICH THESE DOCUMENTS HAVE BEEN PREPARED, THESE DOCUMENTS AND ALL DATA, PLANS, SPECIFICATIONS, AND OTHER INFORMATION CONTAINED HEREIN ARE THE SOLE AND EXCLUSIVE PROPERTY OF SMSP, AND MAY BE USED ONLY IN CONNECTION WITH THE PROJECT FOR WHICH THESE DOCUMENTS HAVE BEEN PREPARED AND FOR NO OTHER PURPOSES. ANY UNAUTHORIZED USE OF THESE DOCUMENTS SHALL BE WITHOUT LIABILITY TO SMSP AND SUBJECT TO REASONABLE COMPENSATION BY THE USER AS DETERMINED BY SMSP. ALL RIGHTS OF THIS DESIGN ARE RESERVED.

SIBLEY-MILLER
SURVEYING & PLANNING INC.
212 WEST CAMPGROUND RD
McDONOUGH, GA. 30253
PHONE: (770) 320-7555
FAX: (770) 320-7333
www. sibleysurveying.com"
*CIVIL ENGINEERING
*TOPOGRAPHICAL SURVEYS
*LAND DEVELOPMENT DESIGN
*CONSTRUCTION LAYOUT
*LAND PLANNING
*LAND SURVEYING

MINOR SUBDIVISION PLAT PLAT FOR:

A2 PROPERTY SOLUTIONS, LLC

TOTAL AREA = 4.849 ACRES
CITY OF STOCKBRIDGE
LAND LOT 24, 12th. DISTRICT
HENRY COUNTY, GEORGIA

PROJECT #: B24022

MINOR S/D PLAT

DRAWN BY:	PWF
CHECKED BY:	TLM/KB
SCALE:	1" = 60'
DATE:	09/16/2024

SHEET: 1 OF 1

Rezoning Application

City of Stockbridge, Georgia

THANK YOU FOR YOUR INTEREST IN THE CITY OF STOCKBRIDGE, GEORGIA. THIS PACKET INCLUDES THE NECESSARY DOCUMENTS THAT ARE NEEDED FOR REZONING APPLICATIONS TO BE HEARD BY THE CITY OF STOCKBRIDGE PLANNING COMMISSION.

PLEASE NOTE: ALL FEES ARE NON-REFUNDABLE. THERE ARE NO EXCEPTIONS.

ALL APPLICANTS ARE REQUIRED TO SCHEDULE AND ATTEND A PRE-APPLICATION MEETING WITH THE CITY OF STOCKBRIDGE PLANNING AND ZONING DIVISION OF THE COMMUNITY DEVELOPMENT DEPARTMENT. PLEASE CALL THE OFFICE AT (770) 389-7900 TO SCHEDULE AN APPOINTMENT.

NO PRE-APPLICATION MEETING WILL BE CONDUCTED WITHOUT AN APPOINTMENT.

SHOULD YOU NEED FURTHER ASSISTANCE, PLEASE FEEL FREE TO CONTACT THE PLANNING AND ZONING DIVISION OFFICE BETWEEN 8:00 AM AND 5:00 PM, MONDAY THROUGH FRIDAY, AT (770) 389-7900.

MEETING LOCATIONS—ALL PLANNING COMMISSION MEETINGS WILL BE HELD VIRTUALLY (BY ZOOM) UNTIL FURTHER NOTICE.

[Form revised on 1/19/22.]

City of Stockbridge Planning and Zoning Division
Rezoning Application

Name of Applicant: A2 Property Solutions LLC / Surender Sharma Phone: 513-297-5240 Date: 10/3/2024

Address Applicant: 9378 S. Mason Montgomery Rd, Suite 401 Fax _____ Cell # _____

City: Mason State: OH Zip: 45040 E-mail: surender@dealforland.com

Name of Agent: Sibley Miller Surveying & Planning Inc Phone: 770-320-7555 Date: _____

Address Agent: PO Box 2511 / 212 W Campground Rd Fax _____ Cell # _____

City: McDonough State: GA Zip: 30253 E-mail: karmon@sibleysurveying.com

THE APPLICANT NAMED ABOVE AFFIRMS THAT HE OR SHE IS THE OWNER, OR AGENT OF THE OWNER, OF THE PROPERTY DESCRIBED BELOW, AND IS REQUESTING A REZONING OF THE PROPERTY.

Rezoning being requested RR (Rural Residential)

The property will be POSTED with a City of Stockbridge rezoning sign. The sign must remain on the subject property for no less than fifteen days prior to either Planning Commission or City Council meeting(s). The applicant or property owner shall not remove or alter the sign for any reason. YS Acknowledgement

Address of Property: Blackhall Rd

Nearest intersection to the property: Walt Stephens Rd
(Street Address)

Size of Tract: 4.849 acre(s), Land Lot Number(s): 24, District(s): 12

Property Tax Parcel Number(s): 013-01018000 **(Required)**

Willow Wilson
Witness' Signature

Surender Sharma
Signature of Applicant

Willow Wilson
Printed Name of Witness

Surender Sharma
Printed Name of Applicant

Chastity F Byers
Notary

Signature of Agent

NOTARY STAMP:

NOTARIAL SEAL STATE OF OHIO

Chastity F Byers
Notary Public, State of Ohio
My Commission Expires 8-10-2025
Comm# 2020-RE-818235

(For Office Use Only)

Total Amount Paid $_____ Cash____Check #_____Received by:_____*(FEES ARE NON-REFUNDABLE)*

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

Pre-application meeting: _____Date: _____

Planning Commission Decision: _____

City Council Decision: _____

Community Development Director's Signature: _____ Date: _____

NOTE: If the proposed development site would contain more than one property, and/or more than one property owner, please first type a list on a separate sheet of paper which identifies each property (address and/or parcel number) and its corresponding property owner(s). Then fill out a separate Property Owner's Authorization Form (provided below) for each property and each property owner.

PROPERTY OWNER'S AUTHORIZATION FORM (See NOTE above.)

The undersigned below is the PROPERTY OWNER, or one of the property owners, of the property at Blackhall Rd [address], with Parcel Number 013-01018000, which is the subject of this application.

Name of Property Owner: A2 Property Solutions LLC

Property Owner's Address: 9378 S. Mason Montgomery Rd, Suite 401

Telephone: 513-297-5240 E-mail: surender@dealforland.com

I swear that I am the Property Owner, or one of the Property Owners, of the property that is the subject matter of the attached application, as is shown in the tax assessors' records of Henry [County], Georgia [State].

Signature: Surender Sharma Date: 10/3/2024

The undersigned does duly authorize the person(s) and/or company who is named below to act as APPLICANT(S) in the pursuit of this application for the subject property.

Name(s) of Applicant(s): Tim Miller, Karmon Babb

Company/law firm (if applicable): Sibley Miller Surveying & Planning Inc

Telephone, E-Mail, & Address: 770-320-7555 PO Box 2511 / 212 W Campground Rd McDonough GA 30253 tim@sibleysurveying.com karmon@sibleysurveying.com

I authorize the Applicant or Applicants who are named above to act on my behalf for this application.

Surender Sharma

Signature of Property Owner, who swears that the information which is contained in this Property Owner's Authorization is true and correct to the best of his or her knowledge and belief.

10/3/2024

Date

Chastity F Byers

Signature of Notary Public

Chastity F Byers

Printed Name of Notary Public

10/3/2024

Date

Notary Public's Seal or Stamp:

NOTARIAL SEAL

Chastity F Byers

Applicant Campaign Disclosure Form

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

Has the applicant made, within two (2) years immediately preceding the filing of this application for a rezoning, campaign contributions aggregating $250 or more, or made gifts having in the aggregate a value of $250 or more to a member of the City of Stockbridge Planning Commission or Stockbridge City Council who will consider the application?

Yes [ ] No [✔]

If **Yes**, the applicant and the attorney representing the applicant must file the following information with the City of Stockbridge Planning and Zoning Division within ten (10) days after this application is first filed:

Planning Commissioner and/or City Council Member Name	Dollar Amount of Campaign Contribution	Description of Gift $250 or greater, which was given to Board Member

We certify that the foregoing information is true and correct, this 3rd day of October, 2024

Surender Sharma

Applicant's Name - Printed

Surender Sharma

Signature of Applicant/Property Owner/Agent

N/A

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 3rd day of October, 2024

Chastity F Byers

Notary Public

NOTARIAL SEAL STATE OF OHIO

Chastity F Byers
Notary Public, State of Ohio
My Commission Expires 8-10-2025
Comm# 2020-RE-818235

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

Karmon

From: fritz jacques <fritz.jacques@hcwa.com>
Sent: Thursday, June 27, 2024 12:40 PM
To: Karmon
Cc: allan branan
Subject: FW: Question (Blackhall Rd) Parcel No. 013-01018000
Attachments: B24022 Division Survey (18x24) 5 Lots Blackhall Rd COS.pdf

Karmon,

Please be advised that the lots noted on the attached final plat will be served by public water service provided by Henry County Water Authority upon purchase of meter(s) and payment of water impact fees. Public sewer is not available.

Regards,

Fritz Jacques | Engineering Supervisor
Henry County Water Authority
100 Westridge Industrial Blvd. | McDonough, GA 30253
P: 678-583-3824

From: allan branan <allan.branan@hcwa.com>
Sent: Thursday, June 27, 2024 10:59 AM
To: fritz jacques <fritz.jacques@hcwa.com>
Subject: FW: Question (Blackhall Rd)

See attached

Allan Branan | Construction / Inspections Manager
Henry County Water Authority
100 Westridge Industrial Blvd. | McDonough, GA 30253
P: 678.583.3842

From: Karmon <karmon@sibleysurveying.com>
Sent: Thursday, June 27, 2024 10:49 AM
To: allan branan <allan.branan@hcwa.com>
Subject: RE: Question (Blackhall Rd)

This message came from outside of HCWA. Be wary of any attachments or links.

Here you go

Please make note of my new email address below. As of right now, I'm still receiving emails at reception@sibleysurveying.com, however I do not know how long that will be in effect.

Karmon Babb—Office Manager
PO Box 2511
McDonough, GA 30253

City of Stockbridge

Planning and Zoning Office

Septic System Information for Zoning Requests

4640 North Henry Boulevard; Stockbridge, GA 30281 (770) 389-7900

This form must be completed and submitted to the Planning and Zoning Office with all zoning applications for properties that are not served by public sewer.

Name of Applicant: A2 Property Solutions LLC Phone: 513-297-5240 Mobile: _____

Applicant Address: 9378 S Mason Montgomery Rd Suite 401 City, State: Mason OH Zip: 45040

Name of Agent: Sibley Miller Surveying & Planning Inc Phone: 770-320-7555 Mobile: _____

Agent Address: PO Box 2511 City, State: McDonough GA Zip: 30253

Request (Check one):

(Rezoning) (Current Zoning SR Requested Zoning RR) Conditional Use ____ Variance ____ Zoning Modification ____

For the Purpose of: Dividing parcel into 4 lots for SF Residential w/Septic

Property Address: Blackhall Rd Nearest Intersection to property: Walt Stephens Rd

Size of Tract 4.849 acres Land Lot (s) 24 District(s): 12

Property Tax Parcel Number(s): 013-01018000 Proposed Number of Lots: 4

Signature of Owner: Surender Sharma Printed Name of Owner: Surender Sharma

Signature of Agent: Karmon Babb Printed Name of Agent: Karmon Babb, Office Mgr

---

(To be Completed by Henry County Environmental Health)

Check all that apply

V There are suitable soils for the installation of a septic system on the subject property

_____ There are **not** suitable soils for the installation of a septic system on the subject property

_____ There is an existing septic system on the subject property.

_____ The existing septic system will support the proposed development and/or use

_____ The existing septic system will **not** support the proposed development and/or use.

Comments: _____

Name of Person Completing: DON Lucas Title: EHSII

Signature: Don Lucas Date 10/4/22

E-mail Address: donald.lucas@dph.ga.gov Phone Number: 470-661-0044

Sibley-Miller Surveying & Planning, Inc.
Land Surveyors and Planners
GA R.L.S NC P.L.S TN P.L.S
P.O. Box 2511, McDonough, GA 30253

Telephone: (770) 320-7555
Facsimile: (770) 320-7333
www.sibleysurveying.com

Date: October 3, 2024

Project: Blackhall Rd 4.849 acres City of Stockbridge Parcel # 013-01018000

To: The City of Stockbridge, Community Development Dept.
4640 North Henry Blvd, Second Floor, Stockbridge GA 30281
678-833-3340

LETTER OF INTENT

It is the intent of the property owner, A2 Property Solutions LLC (Surender Sharma), to divide the above parcel into 4 single family residential lots. Sewer service isn't available anywhere near the property. The property is currently zoned SR. In order to accomplish the division so the property owner can sell these lots, the property needs to be rezoned to RR to be able to utilize septic systems. Also, the current Comprehensive Land Use is Recreation/Conservation & needs to be amended to Low Density Residential, which would match all surrounding properties. We respectfully ask the City of Stockbridge (Community Development Dept. &/or Mayor & Council) to approve these requests for rezoning & amendment of Comprehensive Land Use designation.

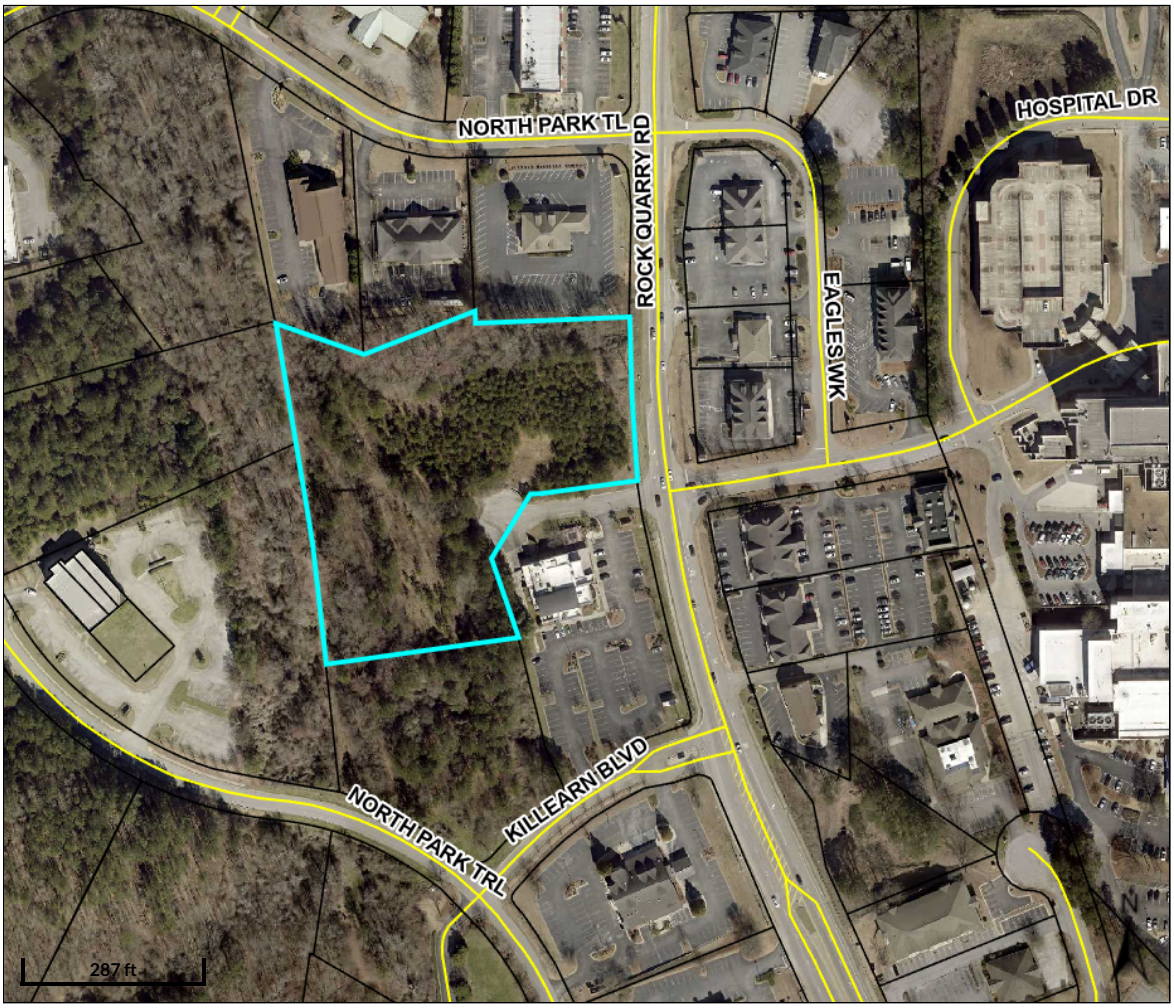
Tim L Miller, Ga. RLS #3150



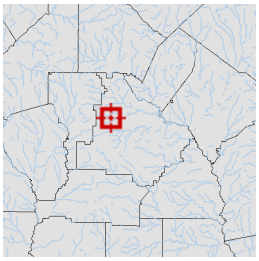
WE APPRECIATE YOUR BUSINESS
LAND SURVEYING LAND PLANNING ALTA SURVEY CIVIL ENGINEERING
COMMERCIAL DESIGN FEMA ELEVATION/LOMA CERTIFICATE RE-ZONING/SITE PLANS
TOPOGRAPHIC SURVEY CONSTRUCTION STAKING

If you have any questions, please contact me at tim@sibleysurveying.com or 770-320-7555.

Henry County, GA



Overview



Legend

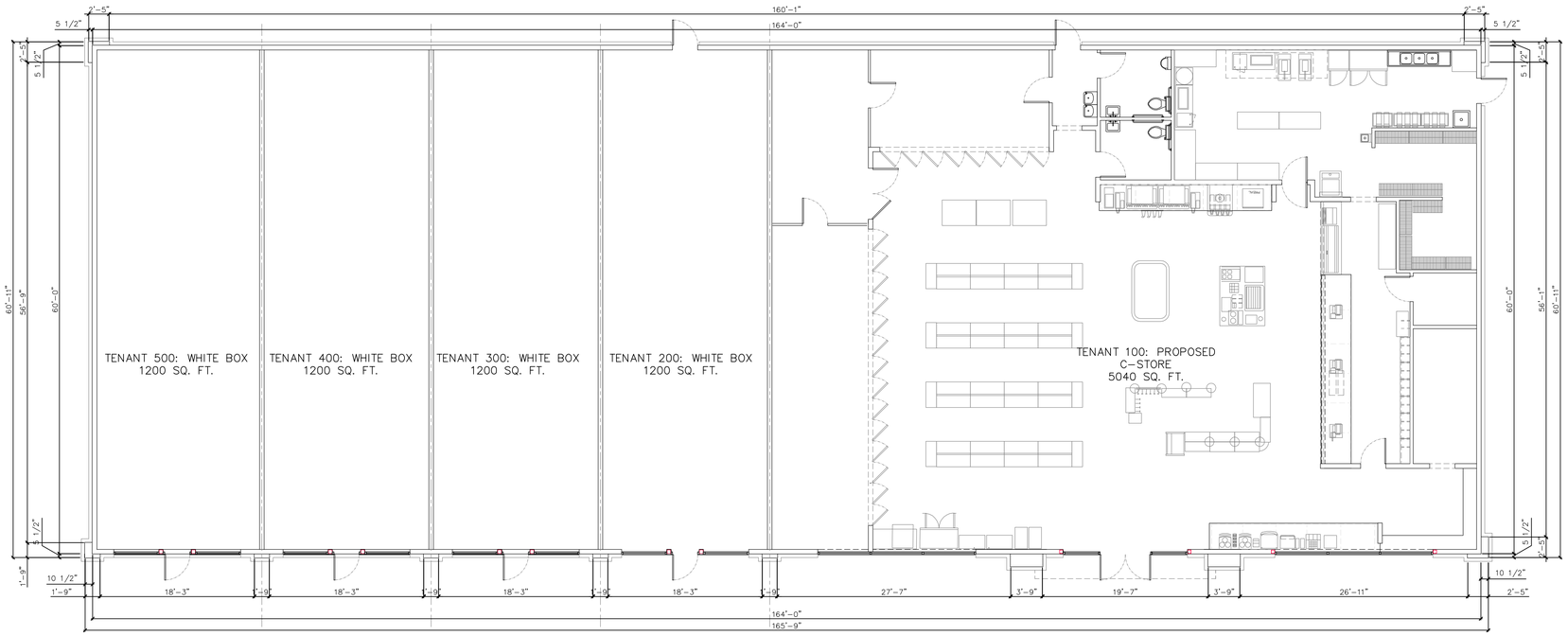
- Parcels
- Roads

Parcel ID	032-01030012	**Class**	C	**Owner**	GMI 2 INC	**Land Value:**	$681,600			
Property Address	ROCK QUARRY RD	**Acreage**	4.26	**Address**	1876 INDEPENDENCE SQUARE, STE D DUNWOODY GA 30338	**Building Value:**	$0	**Last 2 Sales**		
District	City/Stockbridge							**Date**	**Price**	**Reason**	**Qual**
						Misc Value:	$0	5/6/2022	$0	QUITCLAIM	U
								6/15/2006	$0	n/a	U
						Total Value:	$681,600			

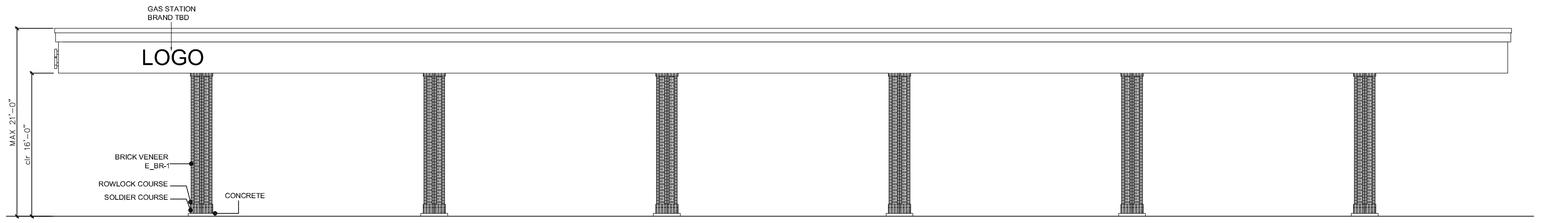
Parcel lines depicted on the maps do not reflect a true and exact representation of property boundaries and should not be relied upon for said purpose. Property boundary lines are depicted on recorded plats available at the Henry County Courthouse or can be determined by employing the services of a licensed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

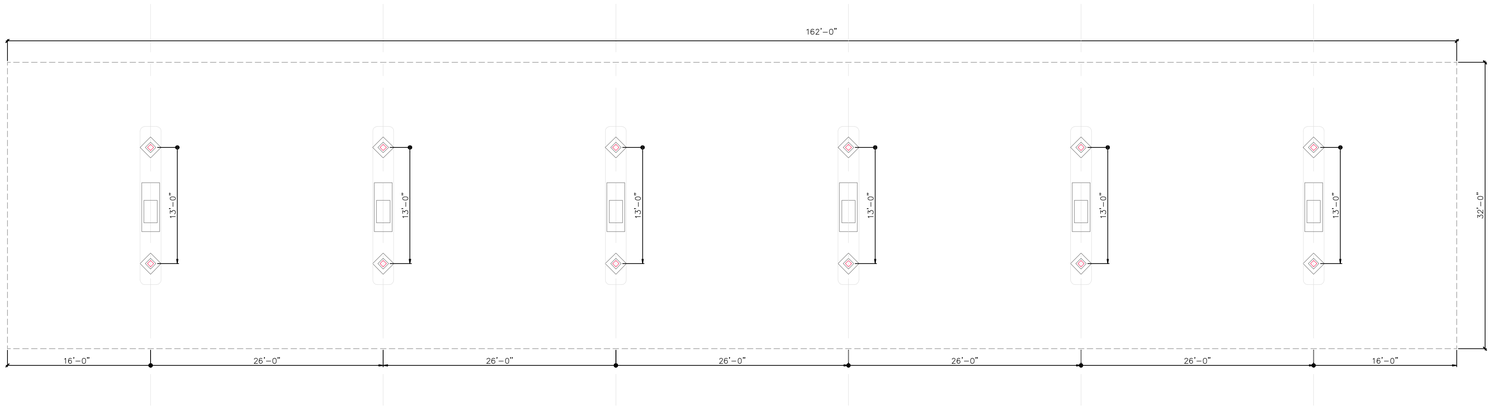
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Developed by Schneider GEOSPATIAL

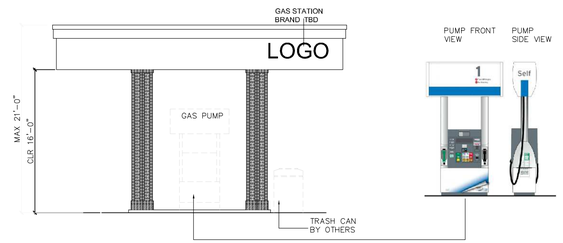


1 PROPOSED BUILDING PLAN SCALE: 1/4"=1'-0"





2 GAS PUMPS CANOPY PLAN AND ELEVATIONS SCALE: 1/8"=1'-0"



3 GAS PUMPS CANOPY PLAN AND ELEVATIONS SCALE: 1/8"=1'-0"

EXTERIOR FINISHES

SYMB.	DESCRIPTION	MANUFACTURER	SPECS
E_PT-1	Exterior paint FOR BACK DOORS & FRAMS	Sherwin Williams	SW 6991 BLACK MAGIC, SATIN FINISH
E_BR-2	Brick Veneer, Queen size, Light color	COLUMBUS BRICK	MAGNOLIA BAY, WHITE GROUT
E_BR-1	Brick Veneer, Queen size, Dark color	GENERAL SHALE	MIDNIGHT MIST, WHITE GROUT



E_PT-1



E_BR-1



E_BR-2

4 EXTERIOR FINISHES

DESIGN TODAY
2035 SUGAR PEAK RD
WOODSTOCK, GA
30189
PH: 404-954-4865
DARTHREG@AOL.COM
WWW.DT-ARCH.COM

PLAN NORTH

ROCK QUARRY RD C-STORE SPECIAL USE

ROCK QUARRY RD, STOCKBRIDGE GEORGIA 30281

:No:	:Date:	:Remarks:
1.	07.24.24	ISSUE FOR REVIEW

:REVISIONS:

STATE OF GEORGIA
DARIA TREINIS
CERTIFICATE NO. RA025337
REGISTERED ARCHITECT

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DESIGN TODAY 2005

:DRAWING TITLE:
PROPOSED BUILDING PLAN AND GAS CANOPY DETAILS

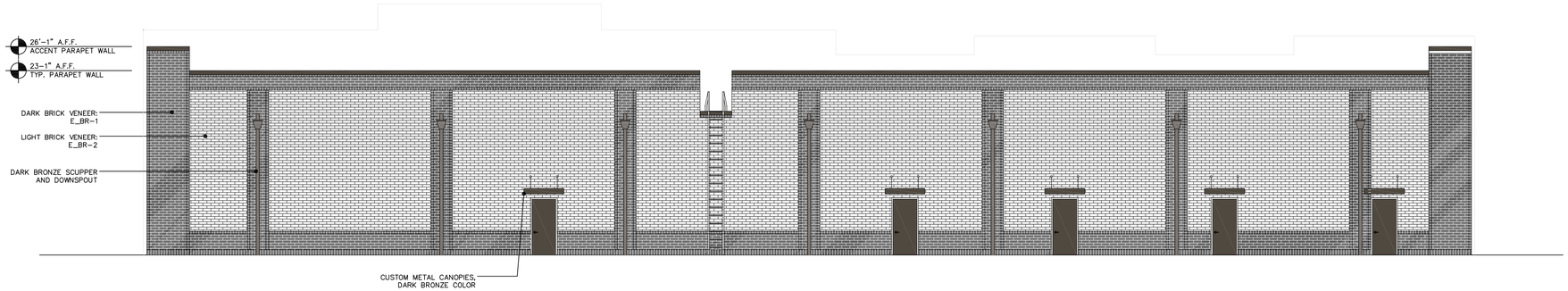
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DT

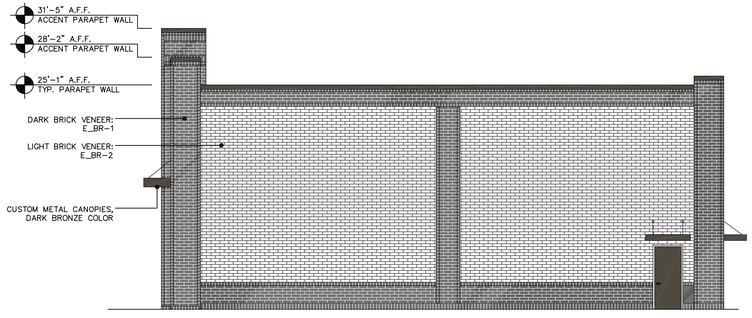
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A1.00



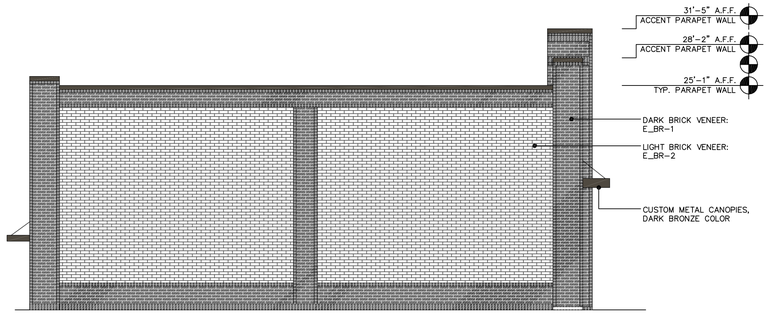
1 PROPOSED FRONT BUILDING ELEVATION — SCALE: 1/4"=1'-0"



2 PROPOSED BACK BUILDING ELEVATION — SCALE: 1/4"=1'-0"



3 PROPOSED FRONT BUILDING ELEVATION — SCALE: 1/8"=1'-0"



4 PROPOSED LEFT BUILDING ELEVATION — SCALE: 1/8"=1'-0"



EXTERIOR FINISHES

SYMB.	DESCRIPTION	MANUFACTURER	SPECS
E_PT-1	Exterior paint FOR BACK DOORS & FRAMS	Sherwin Williams	SW 6991 BLACK MAGIC, SATIN FINISH
E_BR-2	Brick Veneer, Queen size, Light color	COLUMBUS BRICK	MAGNOLIA BAY, WHITE GROUT
E_BR-1	Brick Veneer, Queen size, Dark color	GENERAL SHALE	MIDNIGHT MIST, WHITE GROUT


E_PT-1


E_BR-1


E_BR-2

5 EXTERIOR FINISHES

DESIGN TODAY
2005 SUGAR PINE RD
WOODSTOCK, GA
30189
PH: 404-954-4866
DARCTHIS@GMAIL.COM
WWW.DARCTHIS.COM

PLAN NORTH

ROCK QUARRY RD C-STORE SPECIAL USE

ROCK QUARRY RD, STOCKBRIDGE GEORGIA 30281

:No:	:Date:	:Remarks:
1.	07.24.24	ISSUE FOR REVIEW

:REVISIONS:

STATE OF GEORGIA
DARIA TREINIS
CERTIFICATE NO. 036033
REGISTERED ARCHITECT

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DESIGN TODAY 2005

:DRAWING TITLE:
PROPOSED BUILDING EXTERIOR ELEVATIONS

:ISSUE DATE:

:DRAWN BY:
DT

:SHEET NUMBER:
A1.01

City of Stockbridge Planning and Zoning Division

Application for an Amendment to the Comprehensive Plan

Name of Applicant GMI 2, Inc. Phone: 678-458-5185 Date:

Address of Applicant: 1876 Independence Square, Ste D Cell #

City: Dunwoody State: GA Zip: 30338 E-mail: sunnyomsai@yahoo.com

Name of Agent Harold Buckley, Jr. Phone: 404-853-5050 Date:

Address of Agent: 2849 Paces Ferry Road, Suite 700 Cell #

City: Atlanta State: GA Zip: 30339 E-mail: hbuckley@wbilegal.com

THE PERSONS NAMED ABOVE AFFIRM THAT THEY ARE THE OWNER OR AGENT OF THE OWNER OF THE PROPERTY DESCRIBED BELOW AND REQUESTS THAT THE FOLLOWING AMENDMENT TO THE COMPREHENSIVE PLAN BE GRANTED:

FROM: High-density residential

TO: Low-density mixed-use

The property will be POSTED with a City of Stockbridge Planning and Zoning Sign. The sign must remain on the subject property for no less than fifteen days prior to the Planning Commission and Mayor/City Council meeting(s). The applicant or property owner shall not remove or alter the sign for any reason.

(Acknowledgement)

Property Address: 0 Rock Quarry Road

Nearest intersection to the property: Rock Quarry Road and Hospital Drive

Size of Tract: 4.37 acre(s). Land Lot Number(s): 13 . District(s): 6

Property Tax Parcel Number(s):

032-10130012 **(Required)**

Witness' Signature

B.A. mehta
Signature of Applicant

Adriana Guerrero
Printed Name of Witness

Bharti Mehta
Printed Name of Applicant

Notary

Signature of Agent

Notary Seal:

CEDRIC WESLEY NOTARY EXPIRES GEORGIA October 7, 2025 PUBLIC GWINNETT COUNTY, GA

(For Office Use Only)

Total Amount Paid $ Check # Credit Card # *(FEES ARE NON-REFUNDABLE)*

Application checked by: Date:

Pre-application meeting: Date:

Planning Commission Decision:

Mayor/City Council Decision:

Planning Director's Signature: Date:

NOTE: If the proposed development site would contain more than one property, and/or more than one property owner, please first type a list on a separate sheet of paper which identifies each property (address and/or parcel number) and its corresponding property owner(s). Then fill out a separate Property Owner's Authorization Form (provided below) for each property and each property owner.

PROPERTY OWNER'S AUTHORIZATION FORM (See NOTE above.)

NO AUTHORIZATION REQUIRED – APPLICANT IS THE PROPERTY OWNER

The undersigned below is the PROPERTY OWNER, or one of the property owners, of the property at 0 Rock Quarry Rd [address], with Parcel Number 032-101300/2, which is the subject of this application.

Name of Property Owner: GMI 2 Inc

Property Owner's Address: 1876 Independence Square Suite D Dunwoody, GA 30338

Telephone: 678-458-5185 E-mail: Sunnyomsai@yahoo.com

I swear that I am the Property Owner, or one of the Property Owners, of the property that is the subject matter of the attached application, as is shown in the tax assessors' records of Henry [County], Georgia [State].

Signature: B.A.mehta Date: 11/4/24

The undersigned does duly authorize the person(s) and/or company who is named below to act as APPLICANT(S) in the pursuit of this application for the subject property.

Name(s) of Applicant(s): GMI 2 Inc Bharti Mehta

Company/law firm (if applicable):

Telephone, E-Mail, & Address: 1876 Independence Square Suite D Dunwoody GA 30338

678-458-5185 Sunnyomsai@yahoo.com

I authorize the Applicant or Applicants who are named above to act on my behalf for this application.

B.A.mehta
Signature of Property Owner, who swears that the information which is contained in this Property Owner's Authorization is true and correct to the best of his or her knowledge and belief.

11/4/24
Date

Cedric Wesley
Signature of Notary Public

Cedric Wesley
Printed Name of Notary Public

11/4/24
Date

Notary Public's Seal or Stamp:

CEDRIC WESLEY NOTARY PUBLIC GEORGIA EXPIRES October 7, 2025 GWINNETT COUNTY, GA

Applicant Campaign Disclosure Form

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

Has the applicant made, within two (2) years immediately preceding the filing of this application for a rezoning, campaign contributions aggregating $250 or more, or made gifts having in the aggregate a value of $250 or more to a member of the City of Stockbridge Planning Commission or Stockbridge City Council who will consider the application?

Yes____ No X

If **Yes**, the applicant and the attorney representing the applicant must file the following information with the City of Stockbridge Planning and Zoning Division within ten (10) days after this application is first filed:

Planning Commissioner and/or City Council Member Name	Dollar Amount of Campaign Contribution	Description of Gift $250 or greater, which was given to Board Member

We certify that the foregoing information is true and correct, this 4th day of November, 2024

Bharti Mehta
Applicant's Name - Printed

B.A. mehta
Signature of Applicant/Property Owner/Agent

Harold Buckley, Jr.
Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 4th day of November, 2024

CEDRIC WESLEY NOTARY PUBLIC GWINNETT COUNTY, GA EXPIRES GEORGIA October 7, 2025

Cedric Wesley
Notary Public

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

GMI 2, Inc.
1876 Independence Square, Suite D
Dunwoody, GA 30338

122

64-489/611

DATE 11/4/24

PAY TO THE ORDER OF City of Stockbridge $ 600.00

Six hundred dollars only DOLLARS

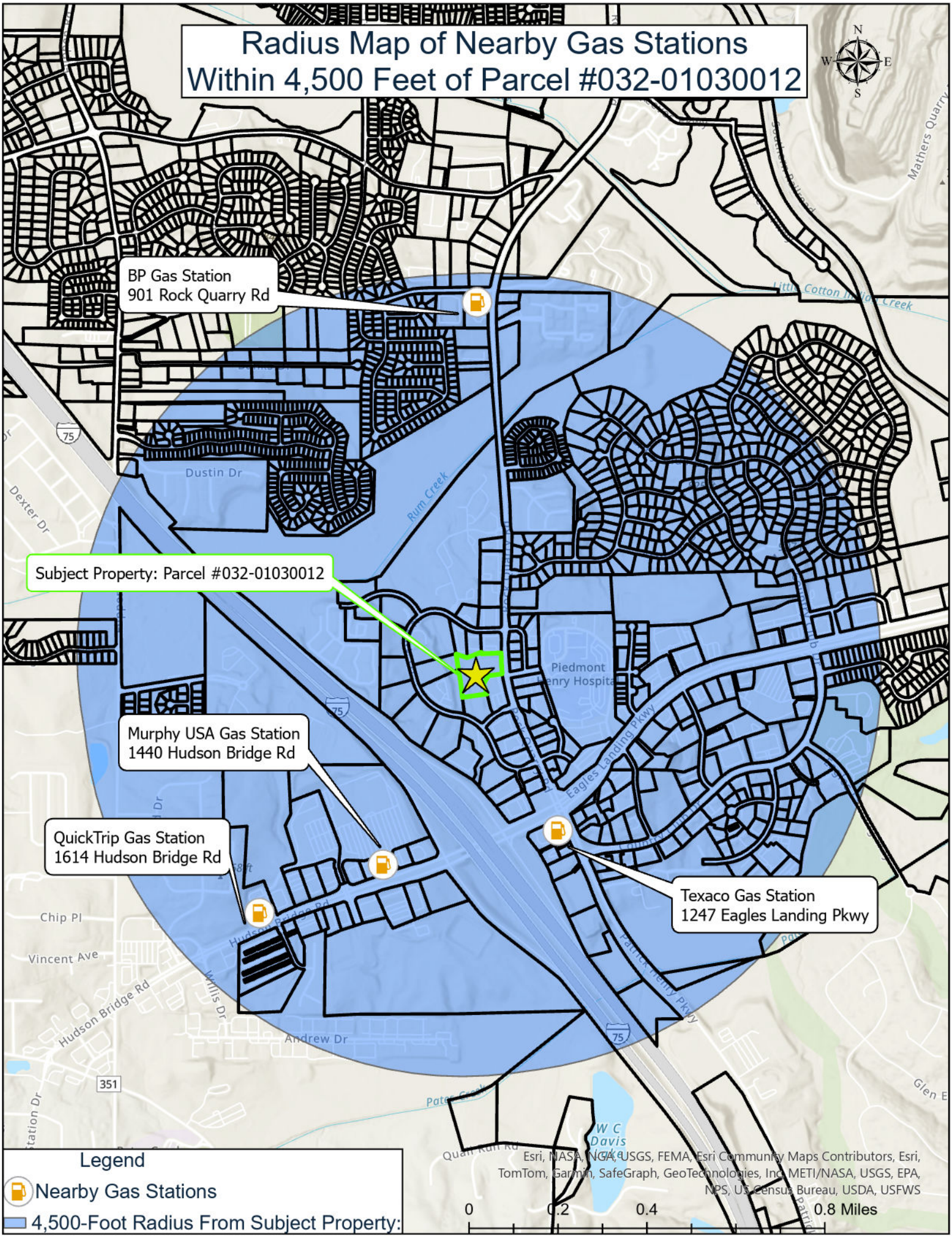
Photo Safe Deposit® Details on back

Quantum National Bank

FOR Parcel No: 032-10130012 Comp Plan Amdmt Fees

⑈000122⑈ ⑆061104893⑆ 85366⑈


Gas Station Distance Map
Banks Rd
BP Gas Station
901 Rock Quarry Road
4,060 feet
Rock Quarry Rd
Subject Property: Parcel #032-01030012
1,706 feet
Texaco Gas Station
1247 Eagles Landing Parkway
Eagles Landing Pkwy
Hudson Bridge Rd
Mickie D Cochran Park
Banks Dr
Halley Way
Goldfinch Way
Rum Creek
Landing Pt
Ivy Mnr
Windsong Dr
Ashland Grv
Willow Trce
Country Club Dr
N Park Trl
N Park Pl
Piedmont Henry Hospital
Medical Blvd
Hospital Dr
Eagles Pointe
Walmart Supercenter
Outback Steakhouse
Mellow Mushroom
Bank of America
Arby's
Saint Ives Ct
75
224
Legend
Nearby Gas Stations:
0
0.15
0.3
0.6 Miles


Radius Map of Nearby Gas Stations
Within 4,500 Feet of Parcel #032-01030012
N
W
E
S
BP Gas Station
901 Rock Quarry Rd
Subject Property: Parcel #032-01030012
Murphy USA Gas Station
1440 Hudson Bridge Rd
QuickTrip Gas Station
1614 Hudson Bridge Rd
Texaco Gas Station
1247 Eagles Landing Pkwy
Dustin Dr
Rum Creek
Dexter Dr
Piedmont Henry Hospital
Eagles Landing Pkwy
Chip Pl
Vincent Ave
Hudson Bridge Rd
Willis Dr
Andrew Dr
Patrick Henry Pkwy
Mathers Quarry
Little Cotton Indian Creek
W C Davis
Legend
Nearby Gas Stations
4,500-Foot Radius From Subject Property:
Esri, NASA, NGA, USGS, FEMA, Esri Community Maps Contributors, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS
0
0.2
0.4
0.8 Miles

Plot Date: Thursday, August 1, 2024 8:31:05 AM



PLANT SCHEDULE

SYMBOL	CODE	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER		QTY
TREES							
	ACE AMS	ACER X FREEMANII 'ARMSTRONG'	ARMSTRONG FREEMAN MAPLE	2.5" CAL.	B&B		5
	CER CAN	CERCIS CANADENSIS VAR. TEXENSIS	TEXAS REDBUD	2.5" CAL.	B&B		1
	COR FLO	CORNUS KOUSA	KOUSA DOGWOOD	2.5" CAL.	B&B		1
	CUP XCN	CUPRESSUS X LEYLANDII	LEYLAND CYPRESS	6` HT.	B&B		10
	LAG WHI	LAGERSTROEMIA INDICA X FAURIEI 'NATCHEZ'	NATCHEZ CRAPE MYRTLE MULTI-TRUNK	6` HT.	B&B		1
	QUE PHE	QUERCUS PHELLOS	WILLOW OAK	2.5" CAL.	B&B		1
SHRUBS							
	DIS VTJ	DISTYLIUM X 'VINTAGE JADE'	FIRST EDITIONS® VINTAGE JADE DISTYLIUM	3 GAL.	POT		39
	LOR R38	LOROPETALUM CHINENSE RUBRUM 'RUBY'	RUBY FRINGE FLOWER	3 GAL.	POT		29
	PAN SMN	PANICUM VIRGATUM 'SHAWNEE'	SHAWNEE SWITCH GRASS	2` HT.	POT		25
SYMBOL	CODE	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER	SPACING	QTY
GROUND COVERS							
	HEM HAP	HEMEROCALLIS X 'HAPPY RETURNS'	HAPPY RETURNS DAYLILY	1 GAL.	POT	18" o.c.	57
	OPH JAP	OPHIOPOGON JAPONICUS	MONDO GRASS	FLAT	PLUG	4" o.c.	5,247

LJA
130 E. MAIN STREET, STE 204
CANTON, GA 30114
404-863-1070

NO.	DESCRIPTION	DATE	BY	CHK	APV

LANDSCAPE RENDERING
ROCK QUARRY ROAD C-STORE SPECIAL USE
ROCK QUARRY RD STOCKBRIDGE, GA 30281
13 ~ DISTRICT 6, PARCEL # 032-01030012

GMI2, INC
1876 INDEPENDENCE SQ, SUITE D, DUNWOODY, GA 30338
MEHTA BHARTI 678.458.5185

ISSUE DATE
08/01/24

DRAWING NUMBER

PROJECT NUMBER
2024-033

SHEET TITLE
LANDSCAPE RENDERING

SHEET NUMBER

File Location: s:\landarchive_01-civil_projects\03-projects_canton_ga_official_assigned_lja\2024-033 rock quarry road retail stockbridge ga\cad\by_others\landscape rendering\landscape rendering

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 13 of the 6th District, Henry County, Georgia, containing 4.3664 acres, more or less, as shown and delineated on a plat of survey prepared by for Eagles Landing Family Practice, by Roland McCann, Georgia Registered Land Surveyor, dated 5/14/02, revised May 16, 2002, and being more particularly described as follows:

Begin at an iron pin located on the Westerly right-of-way line of Rock Quarry Road, 253.1 feet southerly as measured along said right-of-way line from the point formed by the intersection of said right-of-way with the Southerly right-of-way line of North Park Trail; thence Southerly along the Westerly right-of-way line of Rock Quarry Road and following the curvature thereof, 237.97 feet to an iron pin; thence South 81 degrees 43 minutes 48 seconds West, 159.03 feet to an iron pin; thence along an arc a distance of 243.68 feet with said arc having a radius of 60.00 along a bearing of South 25 degrees 21 minutes 59 seconds West and a chord distance of 107.53 feet to an iron pin; thence South 14 degrees 32 minutes 38 seconds East, 125.48 feet to an iron pin; thence South 81 degrees 59 minutes 40 seconds West, 300.99 feet to an iron pin; thence North 06 degrees 25 minutes 44 seconds West, 182.84 feet to an iron pin; thence North 09 degrees 20 minutes 59 seconds West, 56.74 feet to an iron pin; thence North 09 degrees 20 minutes 32 seconds West, 283.22 feet to an iron pin; thence South 72 degrees 03 minutes 42 seconds East, 131.54 feet to an iron pin; thence North 74 degrees 28 minutes 12 seconds East, 181.09 feet to an iron pin; thence South 88 degrees 53 minutes 25 seconds East, 229.64 feet to an iron pin located on the Westerly right-of-way line of Rock Quarry Road and the point of beginning.

TOGETHER WITH:

An Easement for ingress and egress over the following described property:

All that tract or parcel of land lying and being in Land Lot 13 of the 6th District, Henry County, Georgia, being designated as Access Easement, containing 0.4 710 acres, more or less, as shown and delineated on a plat of survey prepared for Eagles Landing Family Practice by Roland McCann, Registered Land
Surveyor, dated 5/14/02, revised 5/16/02 and being more particularly described as follows:

Begin at an iron pin located on the Westerly right-of-way line of Rock Quarry Road, 491.07 feet southerly as measured along said right-of-way line from the point formed by the intersection of said right-of-way line with the Southerly right-of-way line of North Park Trail; thence continuing Southerly along the Westerly right-of-way line of Rock Quarry Road and following the curvature thereof, 60.00 feet to an iron pin; thence South 81 degrees 43 minutes 48 seconds West 159.07 feet to an iron pin; thence along an arc a distance of 314.16 feet with said arc having a radius of 60.00 to a point; thence North 81 degrees 43 minutes 48 seconds East. 159.03 feet to the point of beginning.

WILSON BROCK & IRBY, L.L.C.

ATTORNEYS AT LAW

OVERLOOK I, SUITE 700
2849 PACES FERRY ROAD
ATLANTA, GEORGIA 30339
WWW.WBILEGAL.COM

HAROLD BUCKLEY, JR.

hbuckley@wbilegal.com
DIRECT DIAL: (770) 803-3707

TELEPHONE
(404) 853-5050

FACSIMILE
(404) 853-1812

August 2, 2024

VIA HAND DELIVERY

Keedra Jackson, Chief Planner
City of Stockbridge Planning & Zoning
4602 North Henry Boulevard
Stockbridge, Georgia

Re: Application and Ante Litem Notice by GMI 2, Inc. for a Conditional Use Permit to Property at 0 Rock Quarry Road (Parcel ID 032-01-030-012) (the "Site") to be Developed with a Convenience Store With Fuel Pumps, and Ante Litem Notice Pursuant to O.C.G.A. § 36-33-5.

Dear Keedra:

My firm represents GMI 2, Inc. ("GMI"), which specializes in developing and operating nonresidential establishments, including offices and convenience stores. GMI owns the Site, which is currently vacant, and desires to improve it with a 9,835-square-foot retail development. One of the tenant spaces is proposed to be occupied by a convenience store with fuel pumps. GMI will not be able to market the remainder of the retail building to other prospective tenants until it has the conditional use permit in-hand because the financial viability of the development depends on the inclusion of the convenience store.

The Site is located within the extraordinarily large Eagles Landing commercial development node, within which the prevailing development pattern is high density commercial development. This contiguous commercial district, which is characterized by a mix of C-2 (General Commercial) and C-3 (Heavy Commercial) zoning, extends approximately one mile east from I-75 to Country Club Drive and approximately two-thirds of a mile from north to south. Therefore, every property abutting the Site and in its surrounding area is zoned for either general commercial or heavy commercial use. The properties on the opposite side of Rock Quarry Road are primarily developed uses related to Piedmont Healthcare's hospital and medical campus. The properties on the same side of Rock Quarry Road as the Site are developed with a mix of retail/restaurant, medical office, and multi-family residential uses.

GMI respectfully requests the city council to grant its request for a conditional use permit for a convenience store with fuel pumps on the Site. This request meets all of the conditional use permit approval standards prescribed by Section 9.2.6(A) of the zoning ordinance as follows:

General Background

GMI's pursuit of this development proposal back in 2021, when it sought and received a

zoning certification letter (dated May 14, 2021) (the "Confirmation Letter") stating that a gas station was a permitted use under the Site's C-2 zoning. In reliance on the Confirmation Letter, on November 16, 2021, GMI engaged an engineering team to conduct due diligence and research for the purpose of preparing a concept plan for the proposed convenience store. Through its engineers, GMI commenced jurisdictional coordination activities with the Georgia Department of Transportation and other reviewing agencies on January 6, 2022. Three weeks later, on January 27, 2022, GMI's engineers met with transportation officials from Stockbridge and Henry County to evaluate vehicular access for its proposed development. The curb cut and driveway configuration for GMI's proposed development reflects and incorporates the guidance it received during this process.

Additionally, on March 8, 2022, GMI participated in a pre-application meeting with members of the city's planning, engineering, and Fire Marshal staff to discuss its development proposal. During this meeting, the planning staff again confirmed that the Site's zoning would permit GMI's proposed convenience store development component. However, less than a week after the pre-application meeting, on March 14, 2022, the City Council adopted zoning overlay regulations that prohibited GMI's plans to develop the Site with a convenience store. No one at the preapplication meeting ever informed GMI of the pending zoning overlay text amendment or its potential impact on GMI's development plants.

In reliance on the planning staff's repeated assurances that the Site's C-2 zoning allowed convenience store developments, GMI prepared fully engineered permit plans, and it submitted an application for a land disturbance permit on July 18, 2022. Over the next five months, GMI extensively amended its development plans in response to comments from the city staff, at great expense. Then, on February 10, 2023, for the very first time and almost a full year after the adoption of the zoning overlay regulations, the planning staff advises GMI that the Site is ineligible for a convenience store development. By that time, this zoning issue was the only impediment that prevented GMI from receiving permits for its proposed convenience store development because the development complied with every other applicable law, regulation, and design standard.

Conditional Use Permit Approval Standards

1. The Proposed Amendment is Consistent With the City's Comprehensive Plan.

The Comprehensive Plan sets forth a future land use map for all property within the city, and this map designates the Site for Low Density Residential Development. However, the Comprehensive Plan also prescribes the city's priorities in a number of policy areas. For example, the Comprehensive Plan sets forth the following future land use policies:[1]

- Encourage development of a rational network of commercial nodes to meet the service needs of citizens while avoiding unattractive and inefficient strip development along major

[1] Comprehensive Plan, p. 44.

roadways.

- Support increases in density where community design standards, environmental constraints, and available infrastructure capacities can accommodate the increased density.

The character of the area surrounding the Site skews heavily toward high-density commercial, retail, and healthcare uses. Therefore, authorizing GMI to develop with Site with a retail development, including the proposed convenience store, would be consistent with the city's future land use policies. More specifically, approving the development would rationally complement the Eagles Landing commercial development node, particularly for those accessing Piedmont Healthcare's medical campus on the other side of Rock Quarry Road. Finally, approving GMI's development proposal would render all property within 4,500 feet of the Site ineligible for convenient store entitlements. Paradoxically, this means that approving this proposed convenience store as part of a larger retail development would protect almost the entirety of the Eagles Landing commercial development node from the potential development of a standalone convenience store.

Therefore, GMI's conditional use permit application substantially complies with the Comprehensive Plan.

2. The Proposed Development Will be Compatible With the Land Uses and Zoning Districts in the Vicinity of the Site.

GMI desires to develop the Site with a retail development, with the convenience store being proposed as merely one of multiple retail tenants. The nature of this development proposal makes it much different in character from a typical standalone convenience store development proposal because many visitors to the Site will be able to reach it without a car because of the large amount of nearby office and commercial development. As explained above, the area surrounding the Site is heavily characterized by high-density medical and commercial C-2 and C-3 zoning and uses.

GMI's proposed retail development proposal, including the proposed convenience store, will be entirely consistent and compatible with the surrounding area's development character.

Therefore, GMI's conditional use permit request meets this approval standard.

3. The Proposed Use Complies with Applicable Law Governing Land Development.

One of the benefits of having GMI essentially complete the permitting process prior to submitting its conditional use permit application is that the various agencies that review permit applications have already confirmed that the development complies with every applicable regulatory requirement except the requirement for a conditional use permit. Our compliance status will be confirmed by every city government agency that reviews this application.

Therefore, GMI's conditional use permit application meets this approval standard.

4. The Proposed Use Will Have a Neutral to Positive Impact on Vehicular and Pedestrian Circulation.

The proposed convenience store will be part of a larger retail development that will bring those services within very close proximity to Piedmont Hospital's hospital and medical campus, as well as other nearby office development. This intimate proximity will empower nearby workers to access neighborhood retail services by foot and by newly truncated short vehicular trips. Furthermore, the primary entrance to the proposed on-Site development will physically line up with Piedmont Hospital's curb cut access onto Rock Quarry Road, effectively preventing conflicting turning movements and making possible the potential future signalization of this intersection.

Therefore, GMI's conditional use permit request meets this approval standard.

5. The Proposed Use Will Have Appropriate Off-Street Parking Spaces

As explained above, GMI's proposed convenience store would simply be one tenant in a larger retail development. The total retail development carries a minimum parking requirement of 57 parking spaces. As currently proposed, the retail development would provide 54 parking spaces, which is 3 fewer spaces than required. Therefore, the proposed development will require a parking variance to reduce our minimum parking requirement by 3 parking spaces.

Therefore, GMI's conditional use permit request meets this approval standard.

6. The Proposed Use Will Have Appropriate Open Space

As explained above, GMI essentially completed the permitting process prior to submitting its conditional use permit application, and various city permitting review agencies have already confirmed that the development complies with applicable regulatory requirements, except the requirement for a conditional use permit. Our compliance status will be confirmed by every city government agency that reviews this application.

Therefore, GMI's conditional use permit application meets this approval standard.

7. The Proposed Use Will Have Appropriate Protective Screening

The only element of GMI's convenience store proposal that requires visual screening is an on-Site dumpster. That receptacle will be fully enclosed, with opaque gates facilitating access to it. Any on-Site screening beyond the dumpster enclosure would conflict with GMI's practice of making its convenience store locations as transparently visible to the public as possible, for security reasons. Furthermore, the retail component will be attractively integrated into GMI's proposed retail development. Therefore, instead of focusing its attention on landscape screening, GMI will focus on providing high quality landscaping as a development amenity.

Therefore, GMI's conditional use permit meets this approval standard.

8. Hours and Manner of Operation

GMI's proposed convenience store will operate 24 hours a day, given the 24-hour nature of the very high-density hospital and medical campus across the street from it. The only way the proposed convenience store would substantially deviate from standard convenience store operations would be its inclusion in GMI's larger retail development. Placing the convenience store in this setting will promote a much higher level of pedestrianism that is possible with a standalone convenience store. It will similarly allow a substantial proportion of the surrounding daytime population to access the Site's convenience store services with extremely short vehicular trips than would be otherwise achievable, in compliance with the Parkway Mixed Use Overlay's purposes.[2]

9. The Proposed Use Will Have Exceptional Outdoor Lighting

Convenience store operators utilize generous outdoor lighting systems to maximize on-site safety and security from sundown to sunrise. GMI will use this safety protocol on the Site to benefit its patrons and employees. While the Site is surrounded by commercially zoned properties, GMI will take care to prevent unreasonable glare in the surrounding area. The code compliance of GMI's proposed outdoor lighting scheme was confirmed during the permitting process.

Therefore, GMI's conditional use permit application meets this approval standard.

10. The Site's Ingress and Egress Will Be Conducive to Effective Traffic Management

As explained above, GMI's development plan has been heavily scrutinized by State and local transportation officials and it has already incorporated their extensive comments into its fully engineered development plans. Those construction plan sets have been included in GMI's zoning for the city's ease of review.

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[2] Zoning Ordinance § 2.5.2(A)(3) (Overlay purposes include promoting development that encourages pedestrianism.); see also Id at § 2.5.2(8) (Overlay purposes include promoting innovative developments.).

Therefore, GMI's conditional use permit application meets this approval standard.

11. Constitutional Objections and Conclusion.

Georgia courts have long held that a zoning applicant must present any potential constitutional objections to the local government during the zoning review process. Applicants who fail to do so substantially deprive themselves of a legal basis to appeal adverse zoning decisions. [3] Therefore, GMI respectfully advises the City of Stockbridge of its constitutional objections to comply with requirements of Georgia law.

Based on its reliance on the planning staff's repeated and accurate assurances that it's development plans for the Site could include a convenience store, GMI has a vested right to include that use in its development plans. Under longstanding Georgia law, a "vested right" is a property interest "which it is proper for the state to recognize and protect and of which the individual cannot be deprived arbitrarily without injustice."[4] Furthermore, even without its legally vested development rights, GMI's conditional use permit application meets the approval standards for such applications. Therefore, any action taken on this application other than the approval of GMI's conditional use permit as requested would violate its constitutionally protected rights to due process of law and equal protection under the laws. Please be advised that we fully intend to file a lawsuit challenging any denial of this application, and in that lawsuit, we will pursue all remedies available to us in law and equity, including all attorneys' fees and court costs that we are forced to incur, pursuant to O.C.G.A. § 13-6-11.

For all of the foregoing reasons, GMI respectfully requests the approval of its application for a conditional use permit authorizing the inclusion of a convenience store with fuel pumps in the retail component of its proposed retail development. Please let me know if I may provide you with any additional information or clarify anything in this letter.

Sincerely,

WILSON BROCK & IRBY, L.L.C.

Harold Buckley Jr.

By: Harold Buckley, Jr., AICP
Attorneys for GMI 2, Inc.

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[3] *DeKalb County v. Bembry*, 252 Ga. 510, 314 S.E.2d 900 (1984) (Held that the trial court erred in failing to grant summary judgment to DeKalb County because the constitutional attacks on the subject property's zoning were not first raised before the County Commission).

[4] *Recycle & Recover, Inc. v. Georgia Bd. of Nat. Res.*, 266 Ga. 253, 254, 466 S.E.2d 197, 199 (1997) (citing *Hayes v. Howell*, 251 Ga. 580, 584, 308 S.E.2d 170, 175 (1983)).

Plot Date: Monday, July 15, 2024 4:53:07 PM



VICINITY MAP

THIS PROPERTY IS LOCATED WITHIN AN AREA OF MINIMAL FLOOD HAZARD (X) AS SHOWN ON F.I.R.M. COMMUNITY PANEL NUMBER 1315C0088D, DATED 10-06-2016.

CORNER SIGHT DISTANCE FOR COMMERCIAL SITE

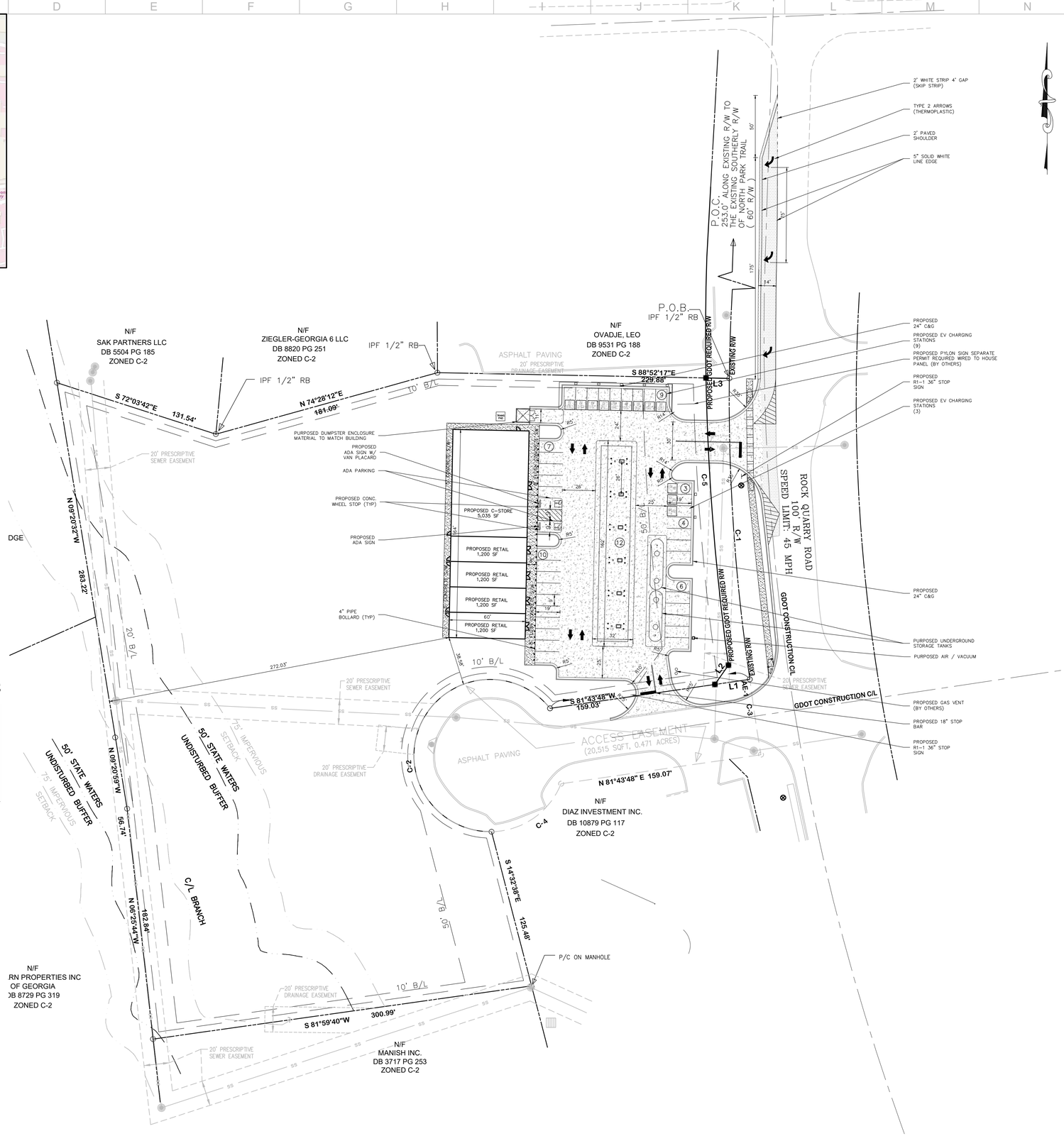
I, THE UNDERSIGNED , HEREBY CERTIFY THAT THE PROPOSED ENTRANCE(S) FOR THE PROPOSED PROJECT ARE DESIGNED WITH ADEQUATE CORNER SIGHT DISTANCE IN THE LEFT DIRECTION. THE REGULATED SPEED LIMIT AT THE ENTRANCE IS 45 MILES PER HOUR. THE SIGHT DISTANCE PROVIDED AT THE ENTRANCE IS 500 FEET OF SIGHT DISTANCE REQUIRED IN THE UNIFIED DEVELOPMENT ORDINANCE. SIGHT DISTANCE IS MEASURED WITH DRIVERS EYE HEIGHT OF 3.5 FEET AT THE DISTANCE OF 15 FEET FROM THE NEAREST THROUGH LANE TO THE CENTER OF EACH TRAVEL LANE.

SIGNED E. Boomer DATE 07/15/2024

LEGEND

PROPOSED

- PROPOSED CONCRETE SIDEWALK
- PROPOSED CONCRETE PAVING
- PROPOSED HEAVY DUTY ASPHALT PAVING
- PROPOSED STANDARD DOT PAVING
- GDOT PAVING
- LANDSCAPE STRIP/SETBACK LINE
- PROPERTY LINE
- CURB & GUTTER
- WATER METER (W)
- TRANSFORMER PAD (T)
- ADA RAMP
- SIGN
- CONCRETE WHEEL STOP
- ADA PARKING SYMBOL
- DIRECTIONAL ARROWS
- 24" STOP BAR
- PROPOSED LIGHT POLE



24-HOUR CONTACT: MEHTA BHARTI 678-458-5185

SITE AREA CALCULATIONS

	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
TOTAL SITE AREA	186,099	4.27	100.0
EXISTING ONSITE IMPERVIOUS AREA	0	0.00	0.0
EXISTING PERVIOUS AREA	186,099	4.27	100.0
PROPOSED ONSITE IMPERVIOUS AREA	40,240	1.22	28.6
BUILDING(S)	9,840	0.23	5.3
SIDEWALK	3,535	0.08	1.9
PAVEMENT/DRIVEWAYS/GRAVEL	26,865	0.62	14.4
PROPOSED PERVIOUS AREA	145,859	3.35	78.4
TOTAL DISTURBED AREA	51,197	1.18	N/A
PROPOSED OFFISTE IMP.	8,015	0.18	N/A

SITE DATA

PARCEL ID: (REFERENCE):	032-01030012
EXISTING LAND USE:	VACANT
PROPOSED LAND USE:	CONVENIENCE STORE WITH FUEL SALES AND RETAIL
CURRENT ZONING CLASSIFICATION:	C-2 GENERAL COMMERCIAL DISTRICT
PROPOSED ZONING CLASSIFICATION:	C-2 GENERAL COMMERCIAL DISTRICT
OVERLAY DISTRICT	PMU PARKWAY MIXED USE
CURRENT LOCAL JURISDICTION:	CITY OF STOCK BRIDGE
FLOOD ZONE CLASSIFICATION:	X
SPECIAL USE REQUEST TO ALLOW FOOD MARTS WITH FUEL PUMPS	

BUILDING DATA

BUILDING AREA
GROSS FLOOR AREA ±9,840 SQ. FT.

BUILDING COVERAGE: ± 5.29%

MAX BUILDING HEIGHT (BY CODE): 35 FEET

DIRECTION	REQUIRED SETBACK	PROVIDED SETBACK
FRONT (EAST)	50 FEET	157.08'
REAR (WEST)	20 FEET	270.86'
SIDE (NORTH)	20 FEET	24.50'
SIDE (SOUTH)	20 FEET	32.96'

PROPOSED PARKING DATA

CITY PARKING REQUIRED:
FOOD MART WITH FUEL SALES (5,035 SF)
RETAIL UPPER LEVEL (4,800 SF)

5 SPACE FOR EACH 1,000 SQUARE	50 SPACES
TOTAL PARKING REQUIRED	50 SPACES
PROVIDED PARKING	
STANDARD SPACES 9'x19'	25 SPACES
FUEL PUMP SPACES	12 SPACES
E.V. CHARGING SPACES	12 SPACES
ACCESSIBLE SPACES 9'x19' (REQUIRED)	2 SPACES
TOTAL PARKING PROVIDED	51 SPACES

SITE NOTES

1. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE PLANS AND SITE WORK SPECIFICATIONS AND SHALL COMPLY APPLICABLE FEDERAL, STATE AND LOCAL CODES.

2. REFERENCE ARCHITECTURAL PLANS FOR BUILDING DIMENSIONS, TRUCK DOCKS, SIDEWALKS, STEPS, TRANSFORMER PADS, ETC.

3. TOPOGRAPHIC BOUNDARY SURVEY, PROPERTY LINES, LEGAL DESCRIPTION, EXISTING UTILITIES, SITE TOPOGRAPHY WITH SPOT ELEVATIONS, OUTSTANDING PHYSICAL FEATURES AND EXISTING STRUCTURE LOCATIONS WAS PROVIDED BY THE FOLLOWING COMPANY: IRONSTONE SURVEYING

4. ALL DIMENSIONS AND RADII ARE TO THE FACE OF CURB, UNLESS OTHERWISE NOTED. ALL DIMENSIONS SHOWN TO BUILDINGS ARE TO OUTSIDE FACE OF BUILDING.

5. ALL HANDICAP ACCESSIBLE PARKING SIGNS AND STRIPING SHALL BE IN ACCORDANCE WITH THE AMERICAN WITH DISABILITY ACT (ADA) REQUIREMENTS AND STATE CODE.

6. ALL TRAFFIC SIGNS SHALL CONFORM TO THE UNIFORM TRAFFIC CONTROL MANUAL AND THE STATE OF GEORGIA.

7. ALL STRIPED OR CURBED RADII SHALL BE 5' UNLESS OTHERWISE NOTED.

8. THE CONTRACTOR IS RESPONSIBLE FOR REPAIR OF ANY DAMAGE TO ANY EXISTING IMPROVEMENTS, ONSITE OR OFF SITE, SUCH AS PAVEMENT, UTILITIES, STORM DRAINAGE, ETC. THE REPAIR MUST BE APPROVED BY THE ENGINEER AND BE EQUAL OR BETTER THAN EXISTING CONDITIONS.

9 SITE LIGHTING SHALL BE INCLUDED IN THE GENERAL CONTRACTOR'S SCOPE OF WORK. ALL PARKING LOT LIGHTING POLES, BASES, FIXTURES WITH LAMPS SHALL BE INSTALLED BY THE GENERAL CONTRACTOR'S ELECTRICAL CONTRACTOR AND SHALL SUPPLY A ONE YEAR WARRANTY CERTIFICATE.

10. CONTRACTOR SHALL OBTAIN ALL PERMITS BEFORE CONSTRUCTION BEGINS.

11. SITE CONTRACTOR SHALL SUPPLY AS-BUILT PLANS INDICATING ALL CHANGES AND DEVIATIONS.

12. ANY DEVIATION FROM THESE PLANS MAY CAUSE THE WORK TO BE UNACCEPTABLE.

13. ANY UNANTICIPATED CONDITIONS ENCOUNTERED DURING THE CONSTRUCTION PROCESS SHALL BE IDENTIFIED TO THE ENGINEER IMMEDIATELY.

14. ALL CONCRETE SHALL BE 4,000 PSI 28 DAY COMPRESSIVE STRENGTH.

15. PROJECT SIGNAGE SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR.

16. ALL CURB AND GUTTER WITHIN THE DEVELOPMENT SHALL BE 24" UNLESS OTHERWISE NOTED.

17. PARKING LOT STRIPING SHALL BE INCLUDED IN PAVING CONTRACTOR'S SCOPE FOR WORK. STRIPING WILL BE ACCORDING TO OWNER'S SPECIFICATIONS. ALL STRIPING IS TO HAVE TWO (2) COATS OF PAINT (MIN).

18. ALL TRAFFIC MARKINGS SHALL BE THERMOPLASTIC AND MEET GDOT SPECIFICATIONS.

LJA
130 E. MAIN STREET
CANTON, GA 30114
470-863-1070

GEORGIA REGISTERED No. 27020 PROFESSIONAL ENGINEER TERRY S. BOOMER
07/11/2024
ENGINEER OF RECORD

NO.	DATE	DESCRIPTION	BY	CHK	APV

CIVIL PLANS
ROCK QUARRY ROAD C-STORE SPECIAL USE
ROCK QUARRY RD STOCKBRIDGE, GA 30281
13 - DISTRICT 6, PARCEL # 032-01030012

GMI2, INC
1876 INDEPENDENCE SQ., SUITE D, DUNWOODY, GA 30338
MEHTA BHARTI 678.458.5185

0 40' 60' 80'
SCALE: 1"=40'

ISSUE DATE 06-26-2024
PROJECT NUMBER 2024-033
SHEET TITLE SITE PLAN
SHEET NUMBER C1

File Location: s:\sed\archive_01-civil_projects\03-projects_canton_ga_office_assigned_ljs\2024-033 rock quarry road retail stockbridge (jatcdpe)\ rock quarry road

SITE ADDRESS: 0 ROCK QUARRY ROAD, STOCKBRIDGE, GEORGIA 30281

BLOCK RESERVED FOR CLERK OF SUPERIOR COURT

GEORGIA811 www.Georgia811.com Contact 811 before you dig.

SANITARY SEWER CHART			
NUMBER	STRUCTURE	TOP ELEV.	INVERT ELEV.
①	SSMH	753.92'	744.67'
②	SSMH	754.66'	739.33'
③	SSMH	755.02'	740.83'
④	SSMH	757.35'	744.75'
⑤	SSMH	733.59'	
⑥	SSMH	753.02'	733.62'
⑦	SSMH	738.63'	
⑧	SSMH	746.60'	

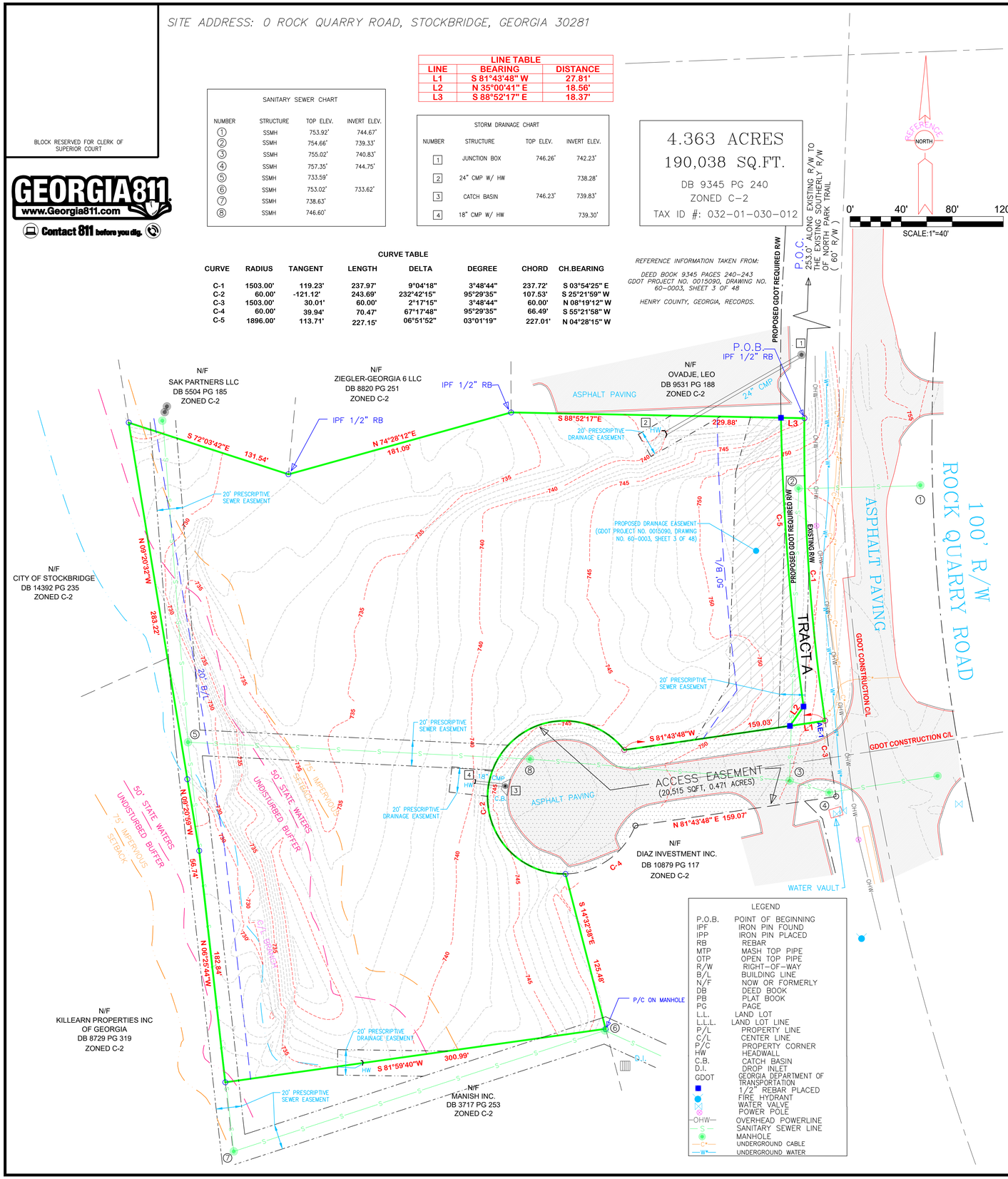
LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 81°43'48" W	27.81'
L2	N 35°00'41" E	18.56'
L3	S 88°52'17" E	18.37'

STORM DRAINAGE CHART			
NUMBER	STRUCTURE	TOP ELEV.	INVERT ELEV.
1	JUNCTION BOX	746.26'	742.23'
2	24" CMP W/ HW		738.28'
3	CATCH BASIN	746.23'	739.83'
4	18" CMP W/ HW		739.30'

4.363 ACRES
190,038 SQ.FT.
DB 9345 PG 240
ZONED C-2
TAX ID #: 032-01-030-012

CURVE TABLE							
CURVE	RADIUS	TANGENT	LENGTH	DELTA	DEGREE	CHORD	CH.BEARING
C-1	1503.00'	119.23'	237.97'	9°04'18"	3°48'44"	237.72'	S 03°54'25" E
C-2	60.00'	-121.12'	243.69'	232°42'15"	95°29'35"	107.53'	S 25°21'59" W
C-3	1503.00'	30.01'	60.00'	2°17'15"	3°48'44"	60.00'	N 08°19'12" W
C-4	60.00'	39.94'	70.47'	67°17'48"	95°29'35"	66.49'	S 55°21'58" W
C-5	1896.00'	113.71'	227.15'	06°51'52"	03°01'19"	227.01'	N 04°28'15" W

REFERENCE INFORMATION TAKEN FROM:
DEED BOOK 9345 PAGES 240–243
GDOT PROJECT NO. 0015090, DRAWING NO. 60–0003, SHEET 3 OF 48
HENRY COUNTY, GEORGIA, RECORDS.



LEGEND	
P.O.B.	POINT OF BEGINNING
IPF	IRON PIN FOUND
IPP	IRON PIN PLACED
RB	REBAR
MTP	MASH TOP PIPE
OTP	OPEN TOP PIPE
R/W	RIGHT-OF-WAY
B/L	BUILDING LINE
N/F	NOW OR FORMERLY
DB	DEED BOOK
PB	PLAT BOOK
PG	PAGE
L.L.	LAND LOT
L.L.L.	LAND LOT LINE
P/L	PROPERTY LINE
C/L	CENTER LINE
P/C	PROPERTY CORNER
HW	HEADWALL
C.B.	CATCH BASIN
D.I.	DROP INLET
GDOT	GEORGIA DEPARTMENT OF TRANSPORTATION
■	1/2" REBAR PLACED
●	FIRE HYDRANT
⋈	WATER VALVE
⊗	POWER POLE
—OHW—	OVERHEAD POWERLINE
—S—	SANITARY SEWER LINE
◉	MANHOLE
—C—	UNDERGROUND CABLE
—W—	UNDERGROUND WATER

LEGAL DESCRIPTION (AS PER TITLE COMMITMENT)

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 13 OF THE 6TH DISTRICT, HENRY COUNTY, GEORGIA, CONTAINING 4.3664 ACRES, MORE OR LESS, AS SHOWN AND DELINEATED ON A PLAT OF SURVEY PREPARED BY FOR EAGLES LANDING FAMILY PRACTICE, BY ROLAND MCCANN, GEORGIA REGISTERED LAND SURVEYOR, DATED 5/14/02, REVISED MAY 16, 2002, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT AN IRON PIN LOCATED ON THE WESTERLY RIGHT-OF-WAY LINE OF ROCK QUARRY ROAD, 253.1 FEET SOUTHERLY AS MEASURED ALONG SAID RIGHT-OF-WAY LINE FROM THE POINT FORMED BY THE INTERSECTION OF SAID RIGHT-OF-WAY WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF NORTH PARK TRAIL; THENCE SOUTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF ROCK QUARRY ROAD AND FOLLOWING THE CURVATURE THEREOF, 237.97 FEET TO AN IRON PIN; THENCE SOUTH 81 DEGREES 43 MINUTES 48 SECONDS WEST, 159.03 FEET TO AN IRON PIN; THENCE ALONG AN ARC A DISTANCE OF 243.68 FEET WITH SAID ARC HAVING A RADIUS OF 60.00 ALONG A BEARING OF SOUTH 25 DEGREES 21 MINUTES 59 SECONDS WEST AND A CHORD DISTANCE OF 107.53 FEET TO AN IRON PIN; THENCE SOUTH 14 DEGREES 32 MINUTES 38 SECONDS EAST, 125.48 FEET TO AN IRON PIN; THENCE SOUTH 81 DEGREES 59 MINUTES 40 SECONDS WEST, 300.99 FEET TO AN IRON PIN; THENCE NORTH 06 DEGREES 25 MINUTES 44 SECONDS WEST, 182.84 FEET TO AN IRON PIN; THENCE NORTH 09 DEGREES 20 MINUTES 32 SECONDS WEST, 283.22 FEET TO AN IRON PIN; THENCE SOUTH 72 DEGREES 03 MINUTES 42 SECONDS EAST, 131.54 FEET TO AN IRON PIN; THENCE NORTH 74 DEGREES 28 MINUTES 12 SECONDS EAST, 181.09 FEET TO AN IRON PIN; THENCE SOUTH 88 DEGREES 53 MINUTES 25 SECONDS EAST, 229.64 FEET TO AN IRON PIN LOCATED ON THE WESTERLY RIGHT-OF-WAY LINE OF ROCK QUARRY ROAD AND THE POINT OF BEGINNING.

TOGETHER WITH:
AN EASEMENT FOR INGRESS AND EGRESS OVER THE FOLLOWING DESCRIBED PROPERTY:
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 13 OF THE 6TH DISTRICT, HENRY COUNTY, GEORGIA, BEING DESIGNATED AS ACCESS EASEMENT CONTAINING 0.4 710 ACRES, MORE OR LESS, AS SHOWN AND DELINEATED ON A PLAT OF SURVEY PREPARED FOR EAGLES LANDING FAMILY PRACTICE BY ROLAND MCCANN, REGISTERED LAND SURVEYOR, DATED 5/14/02, REVISED 5/16/02 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT AN IRON PIN LOCATED ON THE WESTERLY RIGHT-OF-WAY LINE OF ROCK QUARRY ROAD, 491.07 FEET SOUTHERLY AS MEASURED ALONG SAID RIGHT-OF-WAY LINE FROM THE POINT FORMED BY THE INTERSECTION OF SAID RIGHT-OF-WAY LINE WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF NORTH PARK TRAIL; THENCE CONTINUING SOUTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF ROCK QUARRY ROAD AND FOLLOWING THE CURVATURE THEREOF, 60.00 FEET TO AN IRON PIN; THENCE SOUTH 81 DEGREES 43 MINUTES 48 SECONDS WEST 159.07 FEET TO AN IRON PIN; THENCE ALONG AN ARC A DISTANCE OF 314.16 FEET WITH SAID ARC HAVING A RADIUS OF 60.00 TO A POINT; THENCE NORTH 81 DEGREES 43 MINUTES 48 SECONDS EAST 159.03 FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION (AS SURVEYED)

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 13 OF THE 6TH DISTRICT OF HENRY COUNTY, GEORGIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT FORMED BY THE EXISTING SOUTHERLY RIGHT-OF-WAY OF NORTH PARK TRAIL (60' R/W) AND THE EXISTING WESTERLY RIGHT-OF-WAY OF ROCK QUARRY ROAD (100' R/W); THENCE ALONG SAID WESTERLY RIGHT-OF-WAY 253.00 FEET TO A POINT AND THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY ALONG A CURVE HEREBY KNOWN AS "C-1", TURNING TO THE LEFT WITH AN ARC LENGTH OF 237.97', WITH A RADIUS OF 1503.00', BEING SUBTENDED BY A CHORD BEARING OF S03°54'25"E, WITH A CHORD LENGTH OF 237.72', TO A POINT HEREBY KNOWN AS "AE-1"; THENCE S81°43'48"W A DISTANCE OF 159.03 FEET TO A POINT; THENCE ALONG A CURVE HEREBY KNOWN AS "C-2", TURNING TO THE LEFT WITH AN ARC LENGTH OF 243.69', WITH A RADIUS OF 60.00', BEING SUBTENDED BY A CHORD BEARING OF S25°21'59"W, WITH A CHORD LENGTH OF 107.53', TO A POINT; THENCE S14°32'38"E A DISTANCE OF 125.48 FEET TO A POINT; THENCE S81°59'40"W A DISTANCE OF 300.99 FEET TO A POINT; THENCE N06°25'44"W A DISTANCE OF 182.84 FEET TO A POINT; THENCE N09°20'59"W A DISTANCE OF 56.74 FEET TO A POINT; THENCE N09°20'32"W A DISTANCE OF 283.22 FEET TO A POINT; THENCE S72°03'42"E A DISTANCE OF 131.54 FEET TO A POINT; THENCE N74°28'12"E A DISTANCE OF 181.09 FEET TO A POINT; THENCE S88°52'17"E A DISTANCE OF 229.88 FEET TO A POINT, WHICH IS THE POINT OF BEGINNING. SAID LAND HAVING AN AREA OF A 4.363 ACRES, MORE OR LESS.

TOGETHER WITH:
AN EASEMENT FOR INGRESS AND EGRESS OVER THE FOLLOWING DESCRIBED PROPERTY:
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 13 OF THE 6TH DISTRICT, HENRY COUNTY, GEORGIA, BEING DESIGNATED AS ACCESS EASEMENT CONTAINING 0.471 ACRES, MORE OR LESS, AS SHOWN AND DELINEATED ON A PLAT OF SURVEY PREPARED FOR EAGLES LANDING FAMILY PRACTICE BY ROLAND MCCANN, REGISTERED LAND SURVEYOR, DATED 5/14/02, REVISED 5/16/02 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT PREVIOUSLY DESCRIBED AS "AE-1", LOCATED ON THE EXISTING WESTERLY RIGHT-OF-WAY OF ROCK QUARRY ROAD, 490.97 FEET SOUTHERLY AS MEASURED ALONG SAID RIGHT-OF-WAY LINE FROM THE POINT FORMED BY THE INTERSECTION OF SAID RIGHT-OF-WAY LINE WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF NORTH PARK TRAIL; THENCE DEPARTING SAID RIGHT-OF-WAY S81°43'48"W A DISTANCE OF 159.03 FEET TO A POINT; THENCE ALONG A CURVE PREVIOUSLY DESCRIBED AS "C-2", TURNING TO THE LEFT, WITH AN ARC LENGTH OF 243.69', WITH A RADIUS OF 60.00', BEING SUBTENDED BY A CHORD BEARING OF S25°21'59"W, WITH A CHORD LENGTH OF 107.53' TO A POINT; THENCE ALONG A COMPOUND CURVE HEREBY KNOWN AS "C-4", TURNING TO THE LEFT, WITH AN ARC LENGTH OF 70.47', WITH A RADIUS OF 60.00', BEING SUBTENDED BY A CHORD BEARING OF N55°21'58"E, WITH A CHORD LENGTH OF 66.49' TO A POINT; THENCE N81°43'48"E A DISTANCE OF 159.07 FEET TO A POINT ON THE EXISTING RIGHT-OF-WAY OF ROCK QUARRY ROAD; THENCE NORTHWESTERLY ALONG A CURVE HEREBY KNOWN AS "C-3", TURNING TO THE RIGHT WITH AN ARC LENGTH OF 60.00', WITH A RADIUS OF 1503.00', BEING SUBTENDED BY A CHORD BEARING OF N08°19'12"W, WITH A CHORD LENGTH OF 60.00', TO A POINT, WHICH IS THE POINT OF BEGINNING. SAID LAND HAVING AN AREA OF 0.471 ACRES, MORE OR LESS.

LESS "TRACT A"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 13 OF THE 6TH DISTRICT OF HENRY COUNTY, GEORGIA, AS SHOWN ON THAT CERTAIN SET OF GEORGIA DEPARTMENT OF TRANSPORTATION (GDOT) PLANS FOR PROJECT NUMBER 0015090, TITLED "RIGHT OF WAY OF PROPOSED ROCK QUARRY ROAD WIDENING HENRY COUNTY" APPROVED ON 06/16/2020 AND LAST UPDATED ON 04/01/2022 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT FORMED BY THE SOUTHERLY RIGHT-OF-WAY OF NORTH PARK TRAIL (60' R/W) AND THE EXISTING WESTERLY RIGHT-OF-WAY OF ROCK QUARRY ROAD (100' R/W); THENCE ALONG SAID EXISTING WESTERLY RIGHT-OF-WAY 253.00 FEET TO A POINT AND THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EXISTING WESTERLY RIGHT-OF-WAY ALONG A CURVE HEREBY KNOWN AS "C-1". TURNING TO THE LEFT WITH AN ARC LENGTH OF 237.97', WITH A RADIUS OF 1503.00', BEING SUBTENDED BY A CHORD BEARING OF S03°54'25"E, WITH A CHORD LENGTH OF 237.72', TO A POINT HEREBY KNOWN AS "AE-1"; THENCE DEPARTING SAID RIGHT-OF-WAY S81°43'48"W A DISTANCE OF 27.81 FEET TO A POINT ON THE PROPOSED WESTERLY RIGHT-OF-WAY OF ROCK QUARRY ROAD; THENCE ALONG SAID PROPOSED WESTERLY RIGHT-OF-WAY N35°00'41"E A DISTANCE OF 18.56 FEET TO A POINT. THENCE CONTINUING ALONG SAID PROPOSED RIGHT-OF-WAY ALONG A CURVE TURNING TO THE RIGHT, WITH AN ARC LENGTH OF 227.15', A RADIUS OF 1,896.00', BEING SUBTENDED BY A CHORD BEARING OF N04°28'15"W, WITH A CHORD LENGTH OF 227.01' TO A POINT; THENCE DEPARTING SAID PROPOSED RIGHT-OF-WAY S88°52'17"E A DISTANCE OF 18.37 FEET TO A POINT ON THE EXISTING RIGHT-OF-WAY OF ROCK QUARRY ROAD, SAID POINT BEING THE POINT OF BEGINNING.
SAID LAND HAVING OR 0.090 ACRES, MORE OR LESS.

SCHEDULE B-II EXCEPTIONS

1–6 – STANDARD EXCEPTIONS. NOT ADDRESSED.

7 – DECLARATION OF COVENANTS AND RESTRICTIONS CONTAINED IN THAT CERTAIN WARRANTY DEED FROM KILLEARN, INC. TO ARCHWAY HOMES, INC., DATED MARCH 3, 2000, FILED MARCH 16, 2000, AND RECORDED IN DEED BOOK 3639, PAGE 253, RECORDS OF HENRY COUNTY, GEORGIA.
AFFECTS THE PROPERTY. INCLUDES A BLANKET STATEMENT OF EASEMENT FOR UTILITIES, DRAINAGE, AND ACCESS AND A RESERVATION FOR A FUTURE 10' EASEMENT "...ALONG ONE SIDE OF EACH LOT". NOTHING HEREIN WAS PLOTTABLE BY DESCRIPTION. A PRESCRIPTIVE 20' EASEMENT IS SHOWN HEREON ALONG ALL SURVEYED SEWER LINES AND DRAINAGE LINES CENTERED ON THE CENTER OF EACH STRUCTURE.

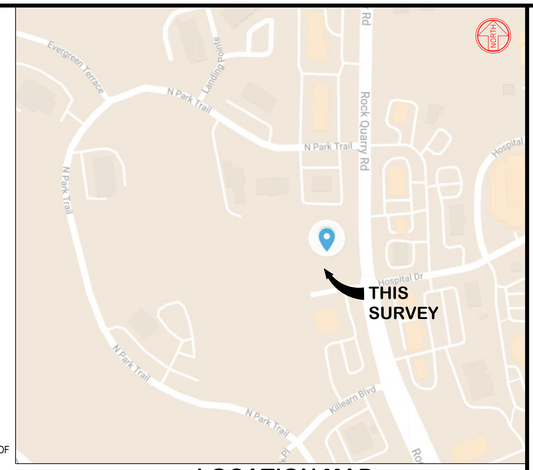
8– EASEMENTS IN FAVOR OF GEORGIA POWER COMPANY RECORDED IN THE FOLLOWING RECORDS OF HENRY COUNTY, GEORGIA:
(A) FROM MRS. NELLIE STEWART DEAN, DATED DECEMBER 18, 1947, AND RECORDED IN DEED BOOK 39, PAGE 330;
(B) FROM H.E. DEAN, JR.; DATED JULY XX, 1963, AND RECORDED IN DEED BOOK 76, PAGE 542;
(C) FROM MRS. NELLIE STEWART DEAN AND H.E. DEAN, JR., DATED OCTOBER 4, 1951, AND RECORDED IN DEED BOOK 45, PAGE 467; AND
(D) FROM MRS. NELLIE STEWART DEAN AND H.E. DEAN, JR., DATED OCTOBER 4, 1951, AND RECORDED IN DEED BOOK 45, PAGE 469.
AFFECTS THE PROPERTY. EASEMENTS ARE BLANKET IN NATURE AND NOT PLOTTABLE. ALL VISIBLE ELECTRICAL UTILITIES AND SERVICES WERE FIELD LOCATED AND ARE SHOWN ON THE SURVEY.

9 – RIGHT OF WAY DEED FORM SK PROPERTY HOLDINGS I, LLC N/K/A CNW PROPERTY HOLDINGS I, LLC AND JOAN C. STEELE TO HENRY COUNTY, GEORGIA, DATED MARCH 28, 2022, FILED APRIL 4, 2022, AND RECORDED IN DEED BOOK 19014, PAGE 31, AFORESAID RECORDS. AFFECTS PROPERTY AND IS SHOWN ON THE SURVEY.

10 – PERMANENT CONSTRUCTION AND MAINTENANCE EASEMENT FROM SK PROPERTY HOLDINGS I, LLC N/K/A CNW PROPERTY HOLDINGS I, LLC AND JOAN C. STEELE TO HENRY COUNTY, GEORGIA, DATED MARCH 28, 2022, FILED APRIL 4, 2022, AND RECORDED IN DEED BOOK 19014, PAGE 35, AFORESAID RECORDS. AFFECTS PROPERTY AND IS SHOWN ON THE SURVEY.

11 – THE POLICY OF TITLE INSURANCE TO BE ISSUED IN CONNECTION WITH THIS COMMITMENT WILL AFFORD ASSURANCES AS TO THE LOCATION OF THE BOUNDARY LINES OF THE SUBJECT PROPERTY, BUT WILL NOT ENSURE THE ENGINEERING CALCULATIONS IN COMPUTING THE EXACT AMOUNT OF ACREAGE CONTAINED THEREIN.
ALL FOUND AND SET MONUMENTS ALONG THE BOUNDARY OF SUBJECT PROPERTY ARE SHOWN HEREON.

NOTE: REFERENCES TO RECORDED DOCUMENTS HEREIN REFER TO SUCH DOCUMENTS RECORDED IN THE CLERK'S OFFICE FOR THE SUPERIOR COURT OF HENRY COUNTY, GEORGIA.



LOCATION MAP
NOT TO SCALE

NOTES:

- BEARINGS HEREIN ARE BASED ON NAD83/GEORGIA WEST STATE PLANE COORDINATES.
- NO ZONING REPORT WAS PROVIDED BY THE CLIENT. THIS FIRM RECOMMENDS THAT THE CLIENT OBTAIN A CERTIFIED ZONING VERIFICATION LETTER FROM THE CITY, COUNTY OR AGENCY RESPONSIBLE FOR ZONING CLASSIFICATION FOR THE PARCEL.
- THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USES OF THAT NAME APPEARING IN THE TITLE BLOCK AND IS CERTIFIED TO NO OTHER PARTY.
- LEGAL DESCRIPTION AS PER FIRST AMERICAN TITLE INSURANCE COMPANY ALTA COMMITMENT NO. 72112–2601(REVISED) WITH AN EFFECTIVE DATE OF 04/06/2022. NO CLAIMS AS TO OWNERSHIP ARE MADE OR IMPLIED.
- SITE CONTAINS NO MARKED REGULAR PARKING SPACES & NO HANDICAPPED SPACES.
- ALL ADJOINING OWNER INFORMATION IS TAKEN FROM THE HENRY COUNTY TAX ASSESSOR'S WEBSITE.
- LOCATION OF UTILITIES EXISTING ON OR SERVING THE SURVEYED PROPERTY AS DETERMINED BY: OBSERVED EVIDENCE COLLECTED PURSUANT TO SECTION 5.E.IV. PER ALTA/NSPS.
- TO THE BEST OF OUR KNOWLEDGE THERE ARE NO PROPOSED CHANGES IN STREET RIGHT–OF–WAY LINES AND THERE IS NO VISIBLE EVIDENCE OF RECENT ROAD CONSTRUCTION WORK.
- BASED ON THE INFORMATION SHOWN ON THE FLOOD HAZARD BOUNDARY MAPS FURNISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, IT IS MY OPINION THAT THIS PROPERTY IS OUTSIDE OF THE 100 YEAR FLOOD HAZARD AREA. PANEL #13151C0088C EFFECTIVE DATE: 05/16/2006
- THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 714,807 FEET.
- THE EQUIPMENT USED TO MAKE THIS SURVEY WAS A TOPCON GPT–3005LW TOTAL STATION.
- THE FIELD DATA UPON WHICH THIS SURVEY IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 15,441 FEET AND ANGULAR ERROR OF 00°00'03" PER ANGLE POINT AND WAS ADJUSTED USING LEAST SQUARES RULE.
- THE CURRENT PROPERTY OWNER IS JOAN C. STEELE AND SK PROPERTY HOLDINGS I, LLC PER DEED BOOK 9345, PAGE 240 OF HENRY COUNTY, GEORGIA RECORDS.
- PROPERTY IS LOCATED IN THE BIG COTTON/LITTLE COTTON INDIAN CREEK WATER SHED PROTECTION DISTRICT.
- PROPERTY IS NOT PART OF A SUBDIVISION.
- A PORTION OF THIS PROPERTY IS LOCATED IN A WETLAND AREA.
- PROPERTY IS SERVED BY COUNTY WATER.
- THIS PROPERTY DOES INCLUDE BODIES OF WATER ON THE PROPERTY.
- PROPERTY IS LOCATED ON A PAVED ASPHALT ROAD.
- 1/2" REBAR IRON PINS PLACED AT ALL CORNERS UNLESS OTHERWISE NOTED.
- NO BUILDINGS PRESENT ON SITE AT TIME OF SURVEY.

CERTIFY TO:
GMI 2, INC.
JOAN C. STEELE
CNW PROPERTY HOLDINGS 1 LLC
FIRST AMERICAN TITLE INSURANCE COMPANY
COLONY BANK AND OR ITS SUCCESSORS OR ASSIGNS AS THEIR INTERESTS MAY APPEAR

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6(a), 7(a), 7(b)(1), 8, 9, 13, 14, 16, 17, 19, AND 20 OF TABLE A THEREOF.

THE ORIGINAL FIELDWORK WAS COMPLETED ON: 04/27/2021
FIELD WORK WAS LAST UPDATED ON: *1/10/2022*
DATE OF PLAT OR MAP: 05/03/2021

JONATHAN B. PRINCE , R.L.S. #3244

05/02/2022
DATE

GEORGIA REGISTERED LAND SURVEYOR NO. 3244 JONATHAN B. PRINCE

THIS DRAWING IS THE PROPERTY OF IRONSTONE SURVEYING AND IS AN INSTRUMENT OF SERVICE, NOT TO BE REPRODUCED IN WHOLE OR IN PART, WITHOUT THE EXPRESS WRITTEN PERMISSION OF SAME.

No.	JOB No.	DESCRIPTION OF REVISION	DATE
2	210145	REVISED TITLE COMMITMENT	5/2/22
1	210145	UPDATE SURVEY FOR ALTA	1/10/22

IRONSTONE SURVEYING
96 Ernest Biles Drive, Jackson, Georgia 30233
Phone 770-957-4614 / Email office@ironstonesurveying.com

ALTA/NSPS LAND TITLE SURVEY
FOR GMI 2, INC.
IN LAND LOT 13, DISTRICT 6, HENRY COUNTY, GEORGIA

ORIGINAL PLAT DATE	05/03/2021
SCALE	1" = 40'
DRAWN BY	RCL/SJL
CHECKED BY	JBP
ORIGINAL FIELD DATE	04/27/2021
CREW	RL/AL
FIELD BOOK	FIELD SKETCH
JOB NO.	210145
DWG NO.	210145-RCL-A
SHEET	1 of 1

Henry County Water Authority
Engineering Division

July 12, 2024

Re: Water and Sewer Services - Availability

Proposed Development:	**Food Mart with Fuel Sales**
Property Information:	**Off Rock Quarry Road, Parcel No. 032-01030012**
	LL 13; District 6; 4.36+/- acres
Zoning:	**C-2 (City of Stockbridge)**
Sewer Basin:	**Walnut Creek**
Watershed Basin:	**Big Cotton Indian Creek**

TO WHOM IT MAY CONCERN:

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

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

Static:	124	psi
Residual:	114	psi
Flow	1635	gpm
Calculated Flow @ 20 psi:	5790	gpm

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

Sewage **treatment** and sewer line **capacity** are presently available to the property.

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

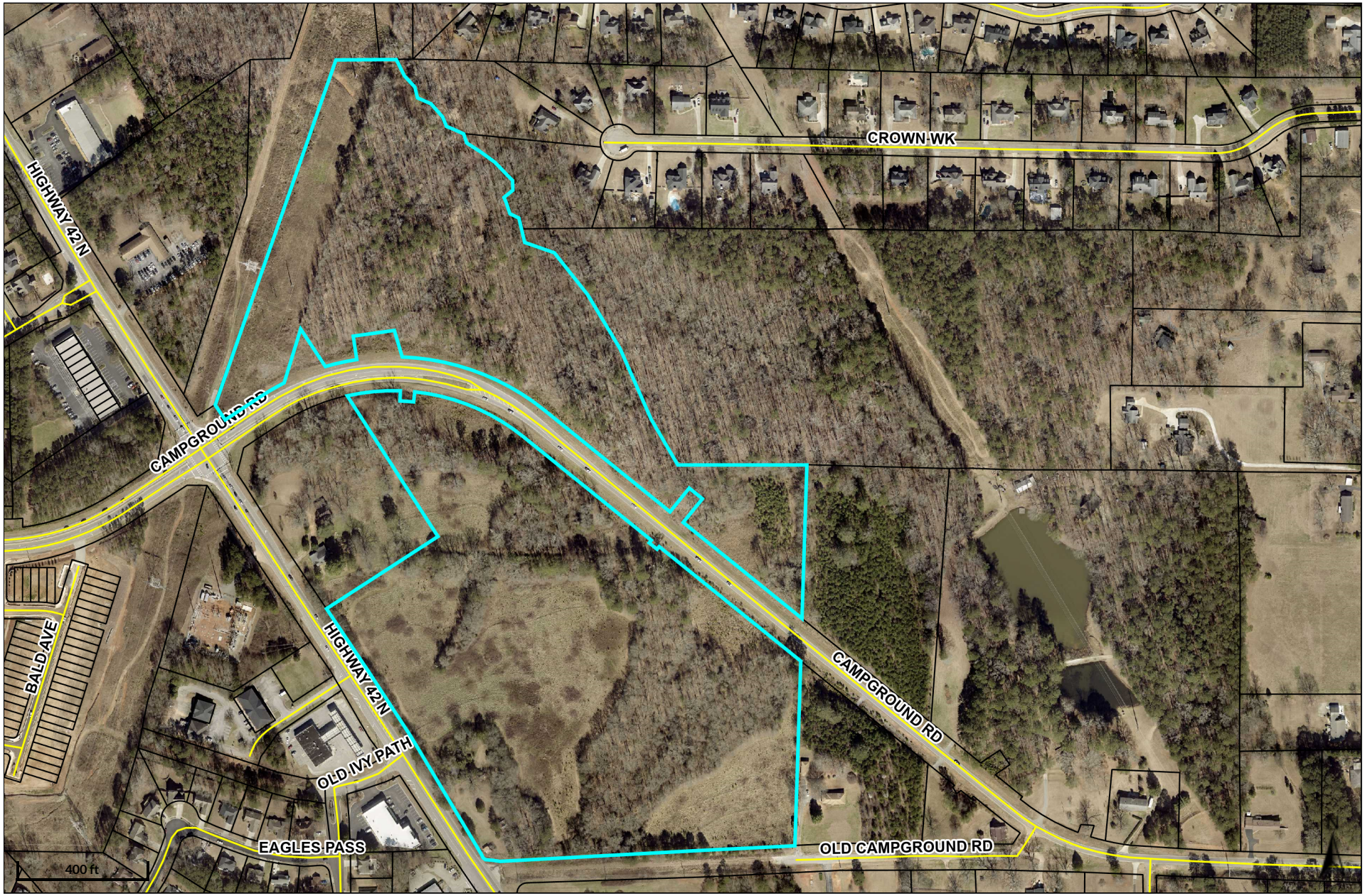
The Authority will reevaluate the availability of water and sewer services to the property at the time that the development plans are submitted. If there are any additional requirements, or if water or sewer capacity is not available, you will be notified in writing.

This letter was prepared with information submitted to HCWA on a Site Plan dated 06/10/2024 prepared by LJA.

Digitally signed
by Scott Sage, P.E.
Date: 2024.07.12
13:35:04 -04'00'

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

HIGHWAY 42 NORTH REZONING





PEC+ | Planners & Engineers Collaborative+

HIGHWAY 42 NORTH (1778 & 1872)

CITY OF STOCKBRIDGE, GA

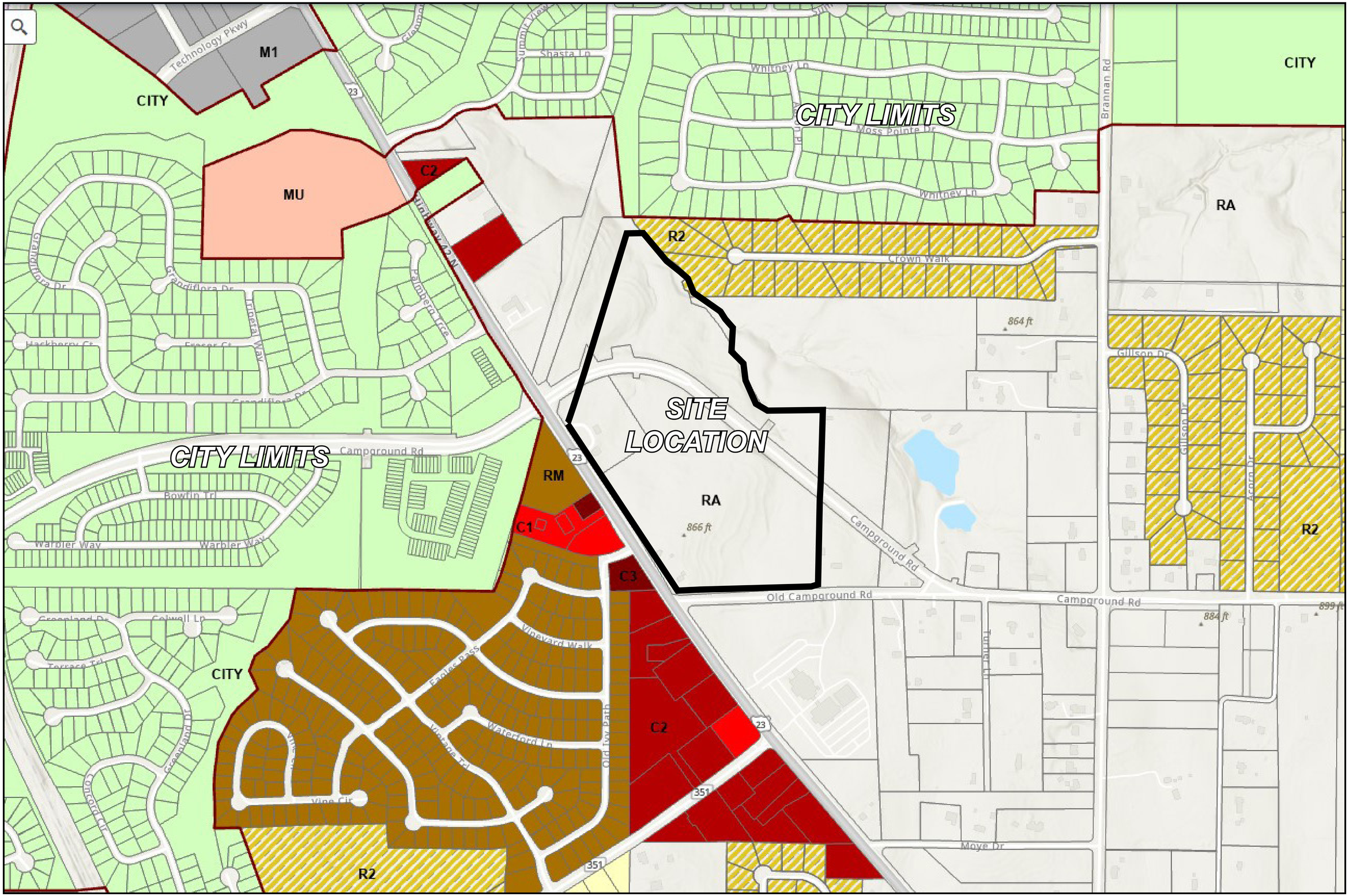
SITE LOCATION

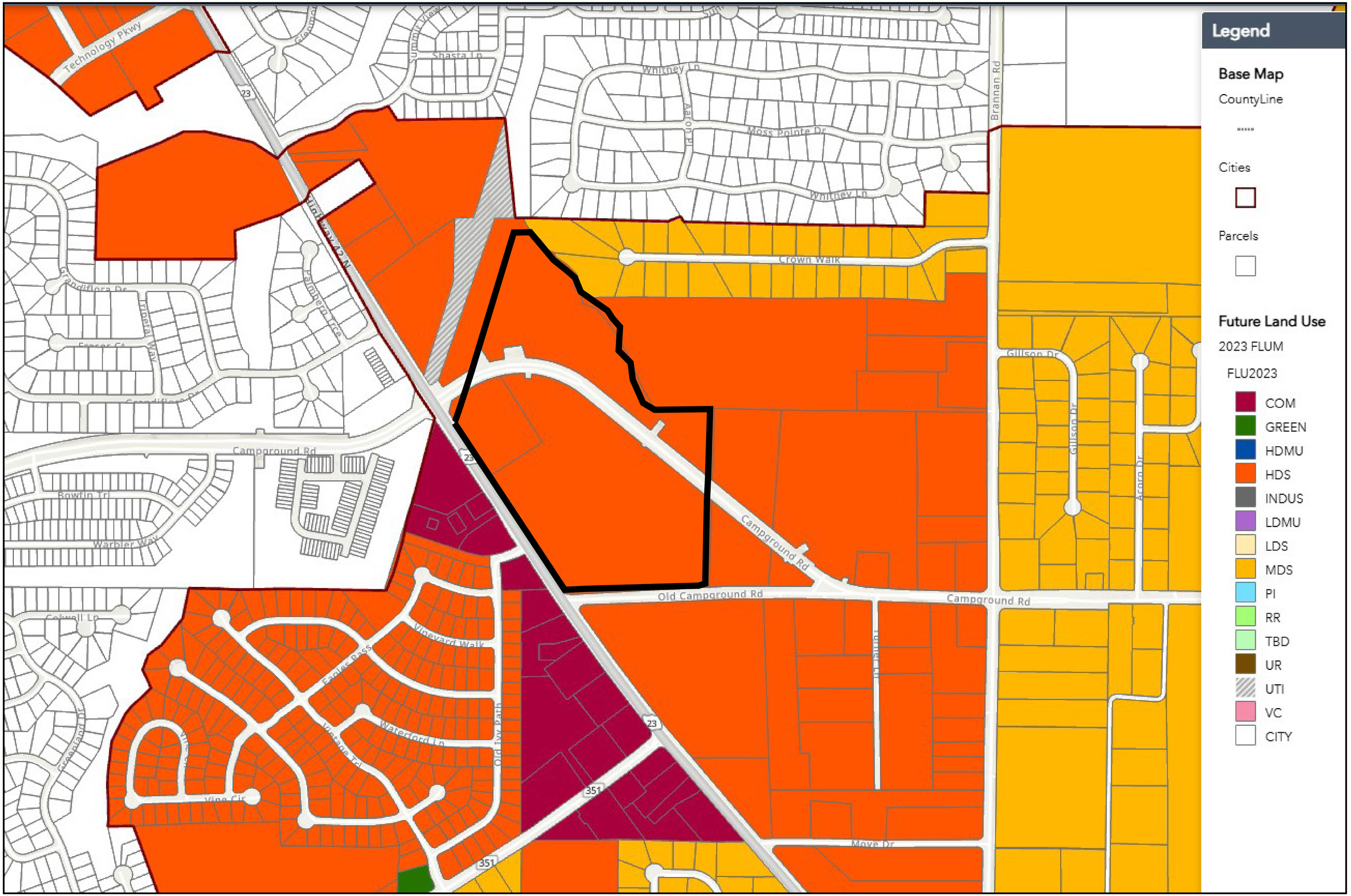
SUMMARY OF REQUEST:

Proposed development: a new, 243-unit, single-family attached and detached development on the approximately 48.5-acre site known as Campground Road @ Highway 42 (the "Subject Property," PIDs 089-01001000 and 089-01001003).

Actions:

- ***Annexation of the subject property from Unincorporated Henry County into the City of Stockbridge.***
- ***Comprehensive Land Use Map Amendment of the subject property from High-Density Residential to Medium-Density Residential.***
- ***Rezone of the subject property from RA to PUD under the Parkway Mixed Use Overlay.***


CITY
M1
Technology Pkwy
CITY LIMITS
MU
C2
R2
RM
C1
C3
RA
SITE LOCATION
CITY LIMITS
Shasta Ln
Whitney Ln
Moss Pointe Dr
Brannan Rd
Crown Walk
Campground Rd
Old Campground Rd
Gillson Dr
Acorn Dr
Hackberry Ct
Grandiflora Dr
Tropical Way
Palmetto Tree
Bowfin Trl
Warbler Way
Greenland Dr
Colwell Ln
Terrace Trl
Concord Ct
Vineyard Walk
Eagles Pass
Waterford Ln
Vintage Trl
Wine Cir
Old Ivy Path
Hunter Ln
Moye Dr
23
351
864 ft
866 ft
884 ft
899 ft


Legend
Base Map
CountyLine
Cities
Parcels
Future Land Use
2023 FLUM
FLU2023
COM
GREEN
HDMU
HDS
INDUS
LDMU
LDS
MDS
PI
RR
TBD
UR
UTI
VC
CITY
Technology Pkwy
Shasta Ln
Whitney Ln
Aaron Pl
Moss Pointe Dr
Brannan Rd
Crown Walk
Gillson Dr
Acorn Dr
Campground Rd
Old Campground Rd
Bowlin Trl
Warbler Way
Colwell Ln
Vineyard Walk
Prairie Pass
Waterford Ln
Old Toy Path
Vine Cir
Moye Dr
23
351



HIGHWAY 42 NORTH (1778 & 1872)

CITY OF STOCKBRIDGE, GA

SITE PLAN RENDERING

360 STUDIO LANDSCAPE ARCHITECTURE — A Division of PEC

PEC+ Planners & Engineers Collaborative+









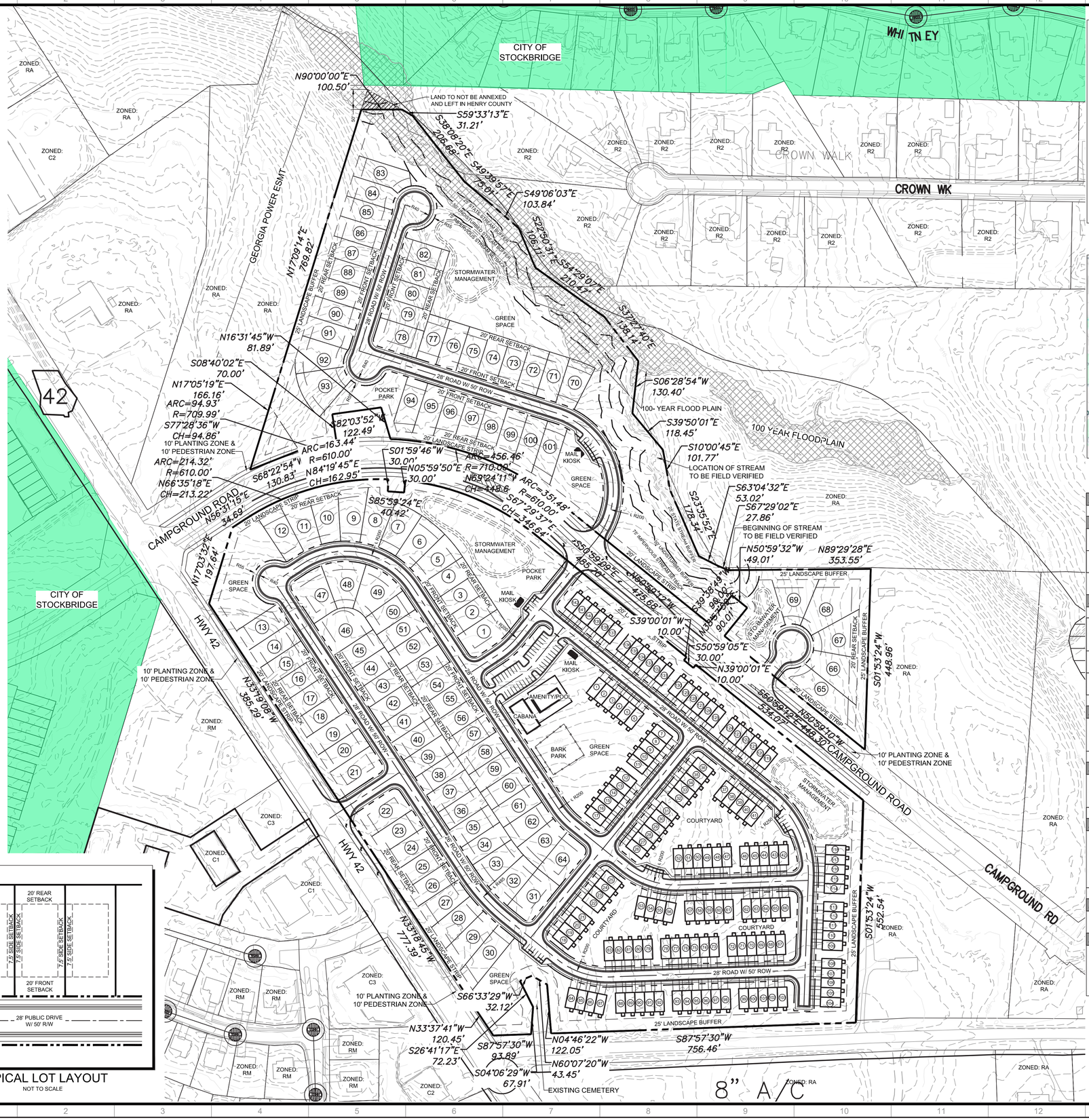
PEC+ Planners & Engineers Collaborative+

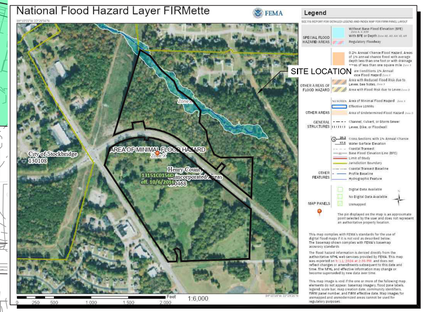
HIGHWAY 42 NORTH (1778 & 1872)

CITY OF STOCKBRIDGE, GA

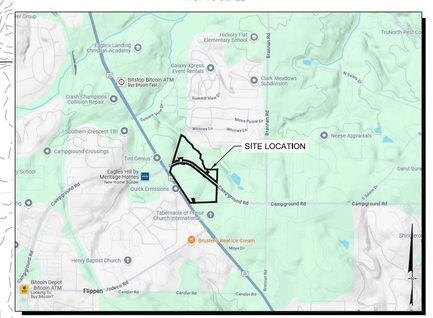
ELEVATIONS

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FEMA FIRM MAP
NOT TO SCALE



SITE LOCATION MAP
NOT TO SCALE

SITE DATA:	
SITE AREA	48.54 ACRES
ZONING	
EXISTING ZONING	RA
PROPOSED ZONING	PUD (PLANNED UNIT DEVELOPMENT)
EXISTING OVERLAY DISTRICT	HIGHWAY CORRIDOR OVERLAY DISTRICT
PROPOSED OVERLAY DISTRICT	PMU (PARKWAY MIXED USE)
EXISTING ZONING JURISDICTION	HENRY COUNTY
PROPOSED ZONING JURISDICTION	CITY OF STOCKBRIDGE
USE CALCULATIONS	
TOTAL SITE AREA	48.54 ACRES
STREET RIGHT-OF-WAY AREA	8.76 ACRES
FLOOD HAZARD AREA	1.54 ACRES
NET SITE AREA	38.24 ACRES
SINGLE FAMILY LAND USE	25.22 NET ACRES
TOWNHOME LAND USE	13.02 NET ACRES
TOTAL 24'x50' TOWNHOME UNITS	142 UNITS (10.91 UPA)
TOTAL SINGLE FAMILY LOTS	101 LOTS (4.00 UPA)
TOTAL UNITS/ DENSITY	243 UNITS (6.35 UPA)
PROPOSED SFD SETBACK REQUIREMENTS	
FRONT SETBACK	20 FEET
SIDE SETBACK	7.5 FEET
REAR SETBACK	20 FEET
REQUIRED BUFFERS	25 FEET
PROPOSED TH SETBACK REQUIREMENTS	
FRONT SETBACK	15 FEET
SIDE SETBACK	10 FEET
REAR SETBACK	20 FEET
REQUIRED BUFFERS	25 FEET
DEVELOPMENT STANDARDS	
MIN DEVELOPMENT SIZE	3 CONTIGUOUS ACRES
REQUIREMENTS FOR LAND USE	MUST INCLUDE MINIMUM OF TWO (2) DIFFERENT USES AND/OR TWO (2) TYPES OF VARIED HOUSING OPTIONS. (2.4,14.B.2.)
PROPOSED SF MINIMUM LOT SIZE	5,000 SF
PROPOSED MINIMUM SFD LOT WIDTH	50 FEET
EXTERIOR LANDSCAPED STRIPS	20 FEET
OPEN SPACE CALCULATIONS	
REQUIRED OPEN SPACE	20% (9.719 ACRES)
OPEN SPACE PROPOSED	15.67 ACRES (32.2%)
PARKING REQUIREMENTS	
PROPOSED RESIDENT PARKING (2 SPACES PER UNIT)	486 SPACES
PROPOSED AMENITY PARKING	37 SPACES
PROPOSED GUEST PARKING	27 SPACES
TOTAL PARKING PROVIDED	550 SPACES

TYPICAL LOT LAYOUT
NOT TO SCALE

GEORGIA811
www.Georgia811.com
Know what's below. Call before you dig.

P: (770) 451-2741 F: (770) 451-3915
WWW.PEC.PLUS
Planners & Engineers Collaborative+
LAND PLANNING + LANDSCAPE ARCHITECTURE + CIVIL ENGINEERING
ARBORISTS + SURVEYING & CONSTRUCTION + WATER RESOURCES
350 RESEARCH COURT STE 200
PEACHTREE CORNERS, GA 30092

PROJECT

HWY 42 @ CAMPGROUND ROAD

A MASTER PLANNED RESIDENTIAL DEVELOPMENT

AT

HIGHWAY 42 @ CAMPGROUND ROAD
MCDONOUGH, GA 30253

HENRY COUNTY, GEORGIA

FOR

MERITAGE HOMES

MUNICIPALITY PROJECT #

REVISIONS

NO.	DATE	BY	DESCRIPTION

THIS SEAL IS ONLY VALID IF COUNTER SIGNED AND DATED WITH AN ORIGINAL SIGNATURE.

GEORGIA REGISTERED No. 34393 PROFESSIONAL ENGINEER KENNETH J WOOD

GSWCC LEVEL II DESIGN PROFESSIONAL CERTIFICATION # 0000059389 EXP. 10/28/2024

ZONING SITE PLAN

0 60 120 240 360

SCALE: 1" = 120'
DATE: 10/07/2024
PROJECT: 19279.00A

GRID NORTH
GEORGIA WEST ZONE

SHEET Z1

J:\2019\19279.00A\dwl\Concepts & Exhibits\Zoning\19279.00A - Site - Zone1.dwg - MKopp - 10/7/2024 1:40 PM

TRANSMITTAL MEMO

RE: **Campground Road @ Hwy 42 Rezoning and Annexation Applications**
Planners and Engineers Collaborative, Inc. Project No. 19279.00A
On behalf of Meritage Homes

TO: **City of Stockbridge Community**
4602 North Henry Blvd
Stockbridge, GA 30281
678-833-3347

ATTN: **Ryan Anderson**
678-833-3340

FROM: **Planners and Engineers Collaborative**
350 Research Court, Suite 200
Peachtree Corners, GA 30092

C/O Hayley Todd – (757) 508-6593

Enclosed materials:

Rezoning Application
Annexation Application

CITY OF STOCKBRIDGE | APPLICATION FOR ANNEXATION

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

Annexation No: _____ Date: _____

Received by: _____

TYPE OF ANNEXATION

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

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

Property Address: 1778 & 1872 HWY 42 N, STOCKBRIDGE, GA

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

LAND USE AND ZONING

County: high density suburban

County Zoning Classification: RA

Present Land Use: high density residential

Requested Zoning Classification: PUD

PROPERTY OWNER

Name: ROWAN FAMILY REAL ESTATE LLC

Mailing Address: 83 BRANNAN RD MCDONOUGH GA 30253

Telephone: (770) 289- 4530

Email: RROWAN@SANDSCONTRACTORS.COM

Signature: _____

Date: 10/07/2024

City of Stockbridge Planning and Zoning Division

Rezoning Application

Name of Applicant: MERITAGE HOMES Phone: 678.348.8422 Date: 10-07-24

Address Applicant: 3700 Mansell Road, Suite 550 Fax Cell #

City: ALPHARETTA State: GA Zip: 30022 E-mail: Clay.Kirkley@meritagehom

Name of Agent: HAYLEY TODD, PEC+ Phone: 678.684.6287 Date: 10-07-24

Address Agent: 350 RESEARCH COURT, STE 200 Fax Cell #

City: NORCROSS State: GA Zip: 30092 E-mail: HTODD@PEC.PLUS

THE APPLICANT NAMED ABOVE AFFIRMS THAT HE OR SHE IS THE OWNER, OR AGENT OF THE OWNER, OF THE PROPERTY DESCRIBED BELOW, AND IS REQUESTING A REZONING OF THE PROPERTY.

Rezoning being requested PUD, PARKWAY MIXED USE OVERLAY TO FACILITATE A NEW 243 UNIT, MIXED RESIDENTIAL DEVELOPMENT

The property will be POSTED with a City of Stockbridge rezoning sign. The sign must remain on the subject property for no less than fifteen days prior to either Planning Commission or City Council meeting(s). The applicant or property owner shall not remove or alter the sign for any reason. _____ Acknowledgement

Address of Property: 1778 & 1872 HWY 42 N

Nearest intersection to the property: HIGHWAY 42 N AND CAMPGROUND ROAD (Street Address)

Size of Tract: 48.59 acre(s), Land Lot Number(s): 34, 35, 62, District(s): 7

Property Tax Parcel Number(s): 089-01001003, 089-01001000 **(Required)**

Witness Signature

T. Williams

Printed Name of Witness

Notary

NOTARY STAMP:

LINDA BOROVICKA NOTARY PUBLIC COBB COUNTY, GEORGIA My Commission Expires 06-25-2028

Signature of Applicant

MERITAGE HOMES, C/O C Kirkley

Printed Name of Applicant

Signature of Agent

MERITAGE HOMES OF GEORGIA INC CORPORATE SEAL 2014 ARIZONA

(For Office Use Only)

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

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

Pre-application meeting: Date:

Planning Commission Decision:

City Council Decision:

Community Development Director's Signature: Date:

NOTE: If the proposed development site would contain more than one property, and/or more than one property owner, please first type a list on a separate sheet of paper which identifies each property (address and/or parcel number) and its corresponding property owner(s). Then fill out a separate Property Owner's Authorization Form (provided below) for each property and each property owner.

PROPERTY OWNER'S AUTHORIZATION FORM (See NOTE above.)

The undersigned below is the PROPERTY OWNER, or one of the property owners, of the property at 1872 HWY 42 N [address], with Parcel Number 089-01001000 which is the subject of this application.

Name of Property Owner: ROWAN FAMILY REAL ESTATE LLC

Property Owner's Address: 83 BRANNAN RD MCDONOUGH GA 30253

Telephone: 770-289-4530 E-mail: RROWAN@SANDSCONTRACTORS.COM

I swear that I am the Property Owner, or one of the Property Owners, of the property that is the subject matter of the attached application, as is shown in the tax assessors' records of HENRY [County], GEORGIA [State].

Signature: _____ Date: 10-07-24

The undersigned does duly authorize the person(s) and/or company who is named below to act as APPLICANT(S) in the pursuit of this application for the subject property.

Name(s) of Applicant(s): MERITAGE HOMES, C/O Clay Kirkley

Company/law firm (if applicable): MERITAGE HOMES

Telephone, E-Mail, & Address: Clay.Kirkley@meritagehomes.com

I authorize the Applicant or Applicants who are named above to act on my behalf for this application.

_____ _____

Signature of Property Owner, who swears that the information which is contained in this Property Owner's Authorization is true and correct to the best of his or her knowledge and belief.

10/07/2024
Date

Signature of Notary Public

Robert Wood
Printed Name of Notary Public

10/7/24
Date

Notary Public's Seal or Stamp:

Robert Wood
NOTARY PUBLIC
Gwinnett County, GEORGIA
My Commission Expires 07/18/2027

NOTE: If the proposed development site would contain more than one property, and/or more than one property owner, please first type a list on a separate sheet of paper which identifies each property (address and/or parcel number) and its corresponding property owner(s). Then fill out a separate Property Owner's Authorization Form (provided below) for each property and each property owner.

PROPERTY OWNER'S AUTHORIZATION FORM (See NOTE above.)

The undersigned below is the PROPERTY OWNER, or one of the property owners, of the property at 1778 HWY 42 N [address], with Parcel Number 089-01001003, which is the subject of this application.

Name of Property Owner: ROWAN PROPERTIES LP

Property Owner's Address: 1872 HWY 42 NORTHMCDONOUGH GA 30253

Telephone: 770-289-4530 E-mail: RROWAN@SANDSCONTRACTORS.COM

I swear that I am the Property Owner, or one of the Property Owners, of the property that is the subject matter of the attached application, as is shown in the tax assessors' records of HENRY [County], GEORGIA [State].

Signature: _____ Date: 10-07-24

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Name(s) of Applicant(s): MERITAGE HOMES, C/O Clay Kirkley

Company/law firm (if applicable): MERITAGE HOMES

Telephone, E-Mail, & Address: Clay.Kirkley@meritagehomes.com

I authorize the Applicant or Applicants who are named above to act on my behalf for this application.

_____ _____

Signature of Property Owner, who swears that the information which is contained in this Property Owner's Authorization is true and correct to the best of his or her knowledge and belief.

10/07/2024
Date

Signature of Notary Public

Robert Wood
Printed Name of Notary Public

10/7/24
Date

Notary Public's Seal or Stamp:

Robert Wood
NOTARY PUBLIC
Gwinnett County, GEORGIA
My Commission Expires 07/18/2027

Applicant Campaign Disclosure Form

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

Has the applicant made, within two (2) years immediately preceding the filing of this application for a rezoning, campaign contributions aggregating $250 or more, or made gifts having in the aggregate a value of $250 or more to a member of the City of Stockbridge Planning Commission or Stockbridge City Council who will consider the application?

Yes_____No

If **Yes**, the applicant and the attorney representing the applicant must file the following information with the City of Stockbridge Planning and Zoning Division within ten (10) days after this application is first filed:

Planning Commissioner and/or City Council Member Name	**Dollar Amount of Campaign Contribution**	**Description of Gift $250 or greater, which was given to Board Member**

We certify that the foregoing information is true and correct, this 3rd day of October, 2024

C. Kirkley, on behalf of Meritage Homes

Applicant's Name - Printed

Signature of Applicant/Property Owner/Agent

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 3rd day of October 2024

Notary Public

LINDA BOROVICKA
NOTARY PUBLIC
COBB COUNTY, GEORGIA
MY Commission Expires 06-25-2028

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

Applicant Campaign Disclosure Form

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

Has the applicant made, within two (2) years immediately preceding the filing of this application for a rezoning, campaign contributions aggregating $250 or more, or made gifts having in the aggregate a value of $250 or more to a member of the City of Stockbridge Planning Commission or Stockbridge City Council who will consider the application?

Yes ____ No ____

If **Yes**, the applicant and the attorney representing the applicant must file the following information with the City of Stockbridge Planning and Zoning Division within ten (10) days after this application is first filed:

Planning Commissioner and/or City Council Member Name	Dollar Amount of Campaign Contribution	Description of Gift $250 or greater, which was given to Board Member

We certify that the foregoing information is true and correct, this ____ day of ____.

ROWAN FAMILY REAL ESTATE LLC
Applicant's Name - Printed

Signature of Applicant/Property Owner/Agent

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 7th day of October 2024

Notary Public

Robert Wood
NOTARY PUBLIC
Gwinnett County, GEORGIA
My Commission Expires 07/18/2027

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

Applicant Campaign Disclosure Form

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

Has the applicant made, within two (2) years immediately preceding the filing of this application for a rezoning, campaign contributions aggregating $250 or more, or made gifts having in the aggregate a value of $250 or more to a member of the City of Stockbridge Planning Commission or Stockbridge City Council who will consider the application?

Yes ____ **No** ____

If **Yes**, the applicant and the attorney representing the applicant must file the following information with the City of Stockbridge Planning and Zoning Division within ten (10) days after this application is first filed:

Planning Commissioner and/or City Council Member Name	Dollar Amount of Campaign Contribution	Description of Gift $250 or greater, which was given to Board Member

We certify that the foregoing information is true and correct, this ____ day of ____, ____.

ROWAN PROPERTIES, L.P.

Applicant's Name - Printed

Signature of Applicant/Property Owner/Agent

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 7th day of October 2024.

Notary Public

Robert Wood
NOTARY PUBLIC
Gwinnett County, GEORGIA
My Commission Expires 07/18/2027

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

FW: Pre-Application Meeting for Proposed Annexation

GL

Kenneth Wood <Kwood@pec.plus> on behalf of Gordon Linton <Glinton@stockbridgega.org>

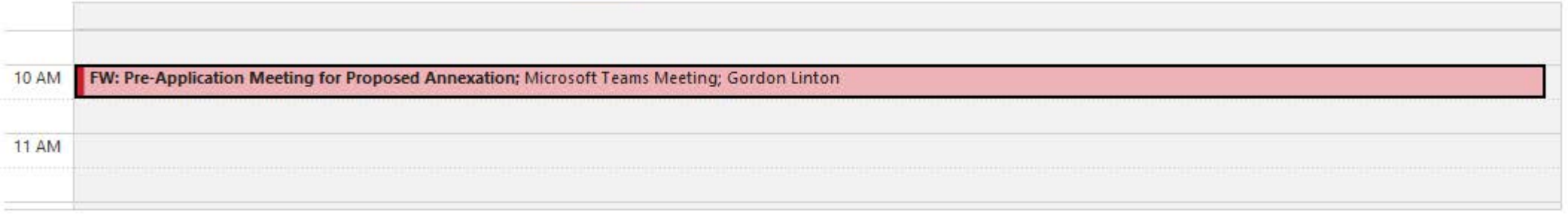
No Response Required

Required Ramirez, Francisco; Kenneth Wood; Keedra Jackson; Linda Logan; Demetries Wells; Jordyn Bucholtz; Ryan Anderson

Thu 7/18/2024 10:00 AM

Follow up. Completed on Thursday, July 18, 2024.
Accepted on 7/15/2024 4:53 PM.

Thursday, July 18, 2024 10:00 AM-10:30 AM Microsoft Teams Meeting



-----Original Appointment-----
From: Gordon Linton <Glinton@stockbridgega.org>
Sent: Monday, July 15, 2024 4:18 PM
To: Gordon Linton; Kenneth Wood; Keedra Jackson; Linda Logan; Demetries Wells; Jordyn Bucholtz; Ryan Anderson
Subject: Pre-Application Meeting for Proposed Annexation
When: Thursday, July 18, 2024 10:00 AM-10:30 AM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

Meeting to discuss a proposed annexation. The person we are meeting with is Kenneth Wood

---

Microsoft Teams Need help?

Join the meeting now

Meeting ID: 280 442 082 279

Passcode: tsnbxu

For organizers: Meeting options

Planners & Engineers Collaborative+

10/7/2024

Re: **Letter of Intent – Annexation and PUD Rezoning**
Campground Road @ Highway 42
PEC+ Project No. 19279.00A

Dear Community Development Officials,

This application seeks to annex and rezone the approximately 48.5-acre site known as Campground Road @ Highway 42 (the "Subject Property," PIDs 089-01001000 and 089-01001003) from RA to PUD under the Parkway Mixed Use Overlay. Bringing the site from Henry County into the City Limits of Stockbridge and rezoning to PUD would allow for the development of a new, 243-unit, single-family attached and detached development.

Site and Proposal

The Subject Property is located along the eastern side of Highway 42 and is bisected by Campground Road. The site is bordered by the Clark Meadows subdivision to the north, a Georgia Power easement to the northwest, Highway 42 to the southwest, and Tabernacle of Praise Church to the south across Old Campground Road. The site is made up of two parcels that total approximately 48.5-acres.

Of the 46.5-acres, approximately 1.5 acres are in a floodplain. Approximately 8.7 acres of the site are proposed to be used for street right-of-way. The net area of the site is 38.29 acres. The proposed 243-unit single family subdivision has a net site density of 6.35 units per acre. There would be 142 townhome units and 101 single-family detached lots. The site would have 15 acres of open space (approximately 30% of the total site area). Elevations are included with this submittal.

The proposed annexation and rezoning would allow for the 48.5-acre site to be annexed into the City Limits of Stockbridge, rezoned PUD, and be subject to the Parkway Mixed Use overlay district. The proposal includes 243 new homes.

Rationale for Request

This area is part of the "high-density suburban" character area per the Henry County Comprehensive Plan. As such, the proposed PUD zoning in Stockbridge is compatible with the underlying designation and is therefore aligned with the comprehensive plan. The immediate area is characterized by different types of single family development, including townhomes and detached homes. The proposed development would fit into the character of the existing context and would present a high quality addition to the overall area. The development would be compatible and consistent with nearby and adjacent development pattern, and therefore meets the purpose and intent of the district per the City of Stockbridge UDO.

Constitutional Objections

The portions of the Code of Ordinances and Zoning Ordinance for City of Stockbridge (the "Zoning Ordinance") which classifies or conditions the Property into any more or less intensive zoning classification and/or zoning conditions other than as requested by the Applicant and property owner are unconstitutional, in that they would destroy the Applicant's and property owner's property rights without

first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Zoning Ordinance which presently restricts the Property's use to the present zoning classification, uses, regulations, requirements, and conditions is unconstitutional, illegal, null and void, and constitutes a taking of the Applicant's and the property owner's property rights in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of 1983, and in violation of the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States by denying economic and viable use of the Property while not substantially advancing legitimate state interests.

The Property is presently suitable for OSC as proposed in the requested rezoning, as amended by the Applicant, and is not economically suitable for uses restricted under its present zoning and development classification, conditions, regulations, and restrictions due to its location, shape, size, surrounding development, and other factors. A denial of the requested rezoning and related variances would constitute an arbitrary and capricious act by City of Stockbridge and the City Council without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment. A refusal by City of Stockbridge and the City Council to approve this requested rezoning, with only such additional conditions as agreed to by the Applicant and/or owner, so as to permit the only feasible economic use of the Property, would be unconstitutional between the Applicant, owner, and similarly situated property owners, in violation of Article I, Section I, Paragraph II of the Constitution of the State by discriminating of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment.

Conclusion

The applicant and owner respectfully request that the City of Stockbridge City Council, Planning Commission and Planning Staff approve and support the Applicant's rezoning request to allow for annexation into Stockbridge and the development of a new, single-family attached and detached subdivision. The developer and their representatives welcome the opportunity to meet with all interested parties and representatives.

Sincerely,

Hayley Todd

Zoning Manager, Planners and Engineers Collaborative, Inc.

ZONING DESCRIPTION
NORTH TRACT

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 34 & 35 of the 7TH District, Henry County, Georgia and being more particularly described as follows:

Beginning at the intersection of the northerly right-of-way line of Campground Road Extension (Variable R/W) with the southeasterly right-of-way line of Union City Norcross Transmission Line easement; thence along said easement

North 17 degrees 5 minutes 19 seconds East, a distance of 166.16 feet; thence North 17 degrees 9 minutes 14 seconds East, a distance of 769.82 feet; thence leaving saif right-of-way line North 90 degrees 0 minutes 0 seconds East, a distance of 100.50 feet; thence along the centerline of creek and following the meanderings thereof the following:

South 59 degrees 33 minutes 13 seconds East, a distance of 31.21 feet; thence South 38 degrees 8 minutes 20 seconds East, a distance of 206.68 feet; thence South 49 degrees 39 minutes 57 seconds East, a distance of 75.01 feet; thence South 49 degrees 6 minutes 3 seconds East, a distance of 103.84 feet; thence South 22 degrees 50 minutes 31 seconds East, a distance of 106.11 feet; thence South 54 degrees 29 minutes 7 seconds East, a distance of 210.47 feet; thence South 37 degrees 27 minutes 40 seconds East, a distance of 138.14 feet; thence South 6 degrees 28 minutes 54 seconds West, a distance of 130.40 feet; thence South 39 degrees 50 minutes 1 second East, a distance of 118.45 feet; thence South 10 degrees 0 minutes 45 seconds East, a distance of 101.77 feet; thence South 23 degrees 35 minutes 52 seconds East, a distance of 178.34 feet; thence South 63 degrees 4 minutes 32 seconds East, a distance of 53.02 feet; thence South 67 degrees 29 minutes 2 seconds East, a distance of 27.86 feet;

thence leaving said creek North 89 degrees 29 minutes 28 seconds East, a distance of 353.55 feet; thence South 01 degree 53 minutes 24 seconds West, a distance of 448.96 feet to a point on said right-of-way line of Campground Road Extension; thence along said right-of-way the following courses and distances:
North 50 degrees 59 minutes 10 seconds West, a distance of 448.30 feet; thence North 38 degrees 57 minutes 59 seconds East, a distance of 90.01 feet; thence North 50 degrees 59 minutes 32 seconds West, a distance of 49.01 feet; thence South 39 degrees 38 minutes 49 seconds West, a distance of 90.00 feet; thence North 50 degrees 59 minutes 12 seconds West, a distance of 475.68 feet; thence 456.46 feet along an arc of a curve to the left having a radius of 710.00 feet and a chord bearing and distance of North 69 degrees 24 minutes 11 seconds West 448.64 feet to a point; thence North 16 degrees 31 minutes 45 seconds West, a distance of 81.89 feet; thence South 82 degrees 3 minutes 52 seconds West, a distance of 122.49 feet; thence South 8 degrees 40 minutes 2 seconds East, a distance of 70.00 feet; thence 94.93 feet along an arc of a curve to the left having a radius of 709.99 feet and a chord bearing and distance of South 77 degrees 28 minutes 36 seconds West 94.86 feet to a point; thence South 68 degrees 22 minutes 54 seconds West, a distance of 130.83 feet to the POINT OF BEGINNING.

Said Tract containing 16.12 acres.

ZONING DESCRIPTION
SOUTH TRACT

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 34 & 35 of the 7TH District, Henry County, Georgia and being more particularly described as follows:

Beginning at the intersection of the northerly right-of-way line of Campground Road (80' R/W) with the northeasterly right-of-way line of State Route 43, aka U.S. Hwy 23 (90' R/W), thence along said right-of-way of State Route 43, aka U.S. Hwy 23 North 33 degrees 37 minutes 41 seconds West, a distance of 120.45 feet; thence North 33 degrees 18 minutes 45 seconds West, a distance of 777.39 feet; thence North 33 degrees 19 minutes 8 seconds West, a distance of 385.29 feet; thence North 17 degrees 3 minutes 32 seconds East, a distance of 197.64 feet to a point on the southerly right-of-way line of Campground Road Extension (Variable R/W); thence along said right-of-way the following courses and distances:

North 56 degrees 31 minutes 15 seconds East, a distance of 34.69 feet; thence 214.32 feet along an arc of a curve to the right having a radius of 610.00 feet and a chord bearing and distance of North 66 degrees 35 minutes 18 seconds East 213.22 feet to a point; thence 163.44 feet along an arc of a curve to the right having a radius of 610.00 feet and a chord bearing and distance of North 84 degrees 19 minutes 45 seconds East 162.95 feet to a point; thence South 01 degree 59 minutes 46 seconds West, a distance of 30.00 feet; thence South 85 degrees 59 minutes 24 seconds East, a distance of 40.42 feet; thence North 5 degrees 59 minutes 50 seconds East, a distance of 30.00 feet; thence 351.48 feet along an arc of a curve to the right having a radius of 610.00 feet and a chord bearing and distance of South 67 degrees 29 minutes 37 seconds East 346.64 feet to a point; thence South 50 degrees 59 minutes 9 seconds East, a distance of 485.70 feet; thence South 39 degrees 0 minutes 1 second West, a distance of 10.00 feet; thence South 50 degrees 59 minutes 5 seconds East, a distance of 30.00 feet; thence North 39 degrees 0 minutes 1 second East, a distance of 10.00 feet; thence South 50 degrees 59 minutes 12 seconds East, a distance of 534.07 feet;

thence leaving said right-of-way line South 01 degree 53 minutes 24 seconds West, a distance of 552.54 feet; thence South 87 degrees 57 minutes 30 seconds West, a distance of 756.46 feet; thence North 4 degrees 46 minutes 22 seconds West, a distance of 122.05 feet; thence North 60 degrees 7 minutes 20 seconds West, a distance of 43.45 feet; thence South 66 degrees 33 minutes 29 seconds West, a distance of 32.12 feet; thence South 26 degrees 41 minutes 17 seconds East, a distance of 72.23 feet; thence South 4 degrees 6 minutes 29 seconds West, a distance of 67.91 feet; thence South 87 degrees 57 minutes 30 seconds West, a distance of 93.89 feet to the POINT OF BEGINNING.

Said Tract containing 32.42 acres.

Henry County, GA

Parcel Results

20 Results

Parcel ID	Owner	Property Address
070E01072000	SUMMITT AT EAGLES LANDING HOMEOWNERS ASSOC INC	SUMMIT VIEW DR
071-01033000	S ATLANTA CONFERENCE	1978 HIGHWAY 42 N
071-01034015	A4 INVESTMENTS LLC	204 WEST CAMPGROUND RD
071-01034016	CAMPGROUND CENTER LLC	100-140 WEST CAMPGROUND RD
071-01034020	HOPEWELL CAPITAL LLC, THE PATTERSON REAL EST GRP L	WEST CAMPGROUND RD
071Q01200000	MERITAGE HOMES OF GEORGIA INC	
088C01028000	WILLIAMS TANESHA	297 WHITNEY LN
088C01029000	HOQUE RIAJ AL	301 WHITNEY LN
089-01001000	ROWAN FAMILY REAL ESTATE LLC	1872 HIGHWAY 42 N
089-01001003	ROWAN PROPERTIES LP	1778 HIGHWAY 42 N
089-01001021	THE KOLODKIN FAMILY LIMITED PARTNERSHIP	1775-1789 HIGHWAY 42 N
089-01002000	STEWART JAMES L	101 CAMPGROUND RD
089-01002001	YONKERS LLC	CAMPGROUND RD
089-01009003	SUSHRUT LLC	
089-02048002	O'REILLY AUTOMOTIVE INC	1765 HIGHWAY 42 HWY N
089-02049005	TABERNACLE OF PRAISE CHURCH INTNL INC	1640 HIGHWAY 42 N
089F01015000	FAUR CYNTHIA G W	157 CROWN WALK
089F01016000	MAUSHARDT THERESA A &	158 CROWN WALK

Mailing Labels

20 Results

Select export file format:

Address labels (5160)

International mailing labels that exceed 5 lines are not supported on the Address labels (5160). For international addresses, please use the xlsx, csv or tab download formats.

Show Parcel ID on Label

Skip Labels 0

For best results, uncheck "Fit to Page" in your print settings.

Download

Data contained on this website represent a work in progress toward completion of the annual tax digest. As such, data is subject to change at any time. Ownership and map information correspond with the most current information processed by our office. Search deed records at the Henry County Courthouse to ensure the most current ownership information. Parcel lines depicted on the maps do not reflect a true and exact representation of property boundaries. Contact 770-288-7526 to verify zoning.
| User Privacy Policy | GDPR Privacy Notice
Last Data Upload: 10/7/2024, 12:15:24 AM

Contact Us

Developed by SCHNEIDER GEOSPATIAL









Planners & Engineers Collaborative+
350 RESEARCH COURT
SUITE 200
PEACHTREE CORNERS, GA 30092

9/27/2023

City of Stockbridge Community Development
4602 North Henry Blvd
Stockbridge, GA 30281

Re: **Campground – Water Sewer Letter**
Planners and Engineers Collaborative, Inc. Project No: 19279.00A

Please be advised, Planners and Engineers Collaborative requested the water/sewer service letter on or before the date referenced above. We have yet to receive documentation but will furnish the letter to Stockbridge as soon as we receive it.

Sincerely,
Planners and Engineers Collaborative, Inc.
Ramona Booker
Email rbooker@pec.plus
Phone number 678-684-6227

Planners & Engineers Collaborative+
350 RESEARCH COURT
SUITE 200
PEACHTREE CORNERS, GA 30092

9/27/2023

Henry County Water Authority, Engineering Division
100 Westridge Industrial Blvd
McDonough, GA 30253
Phone # 678-583-3800

Re: **Campground – Water Sewer Letter–**
Planners and Engineers Collaborative, Inc. Project No: 19279.00A

Dear HWCA Engineering Division

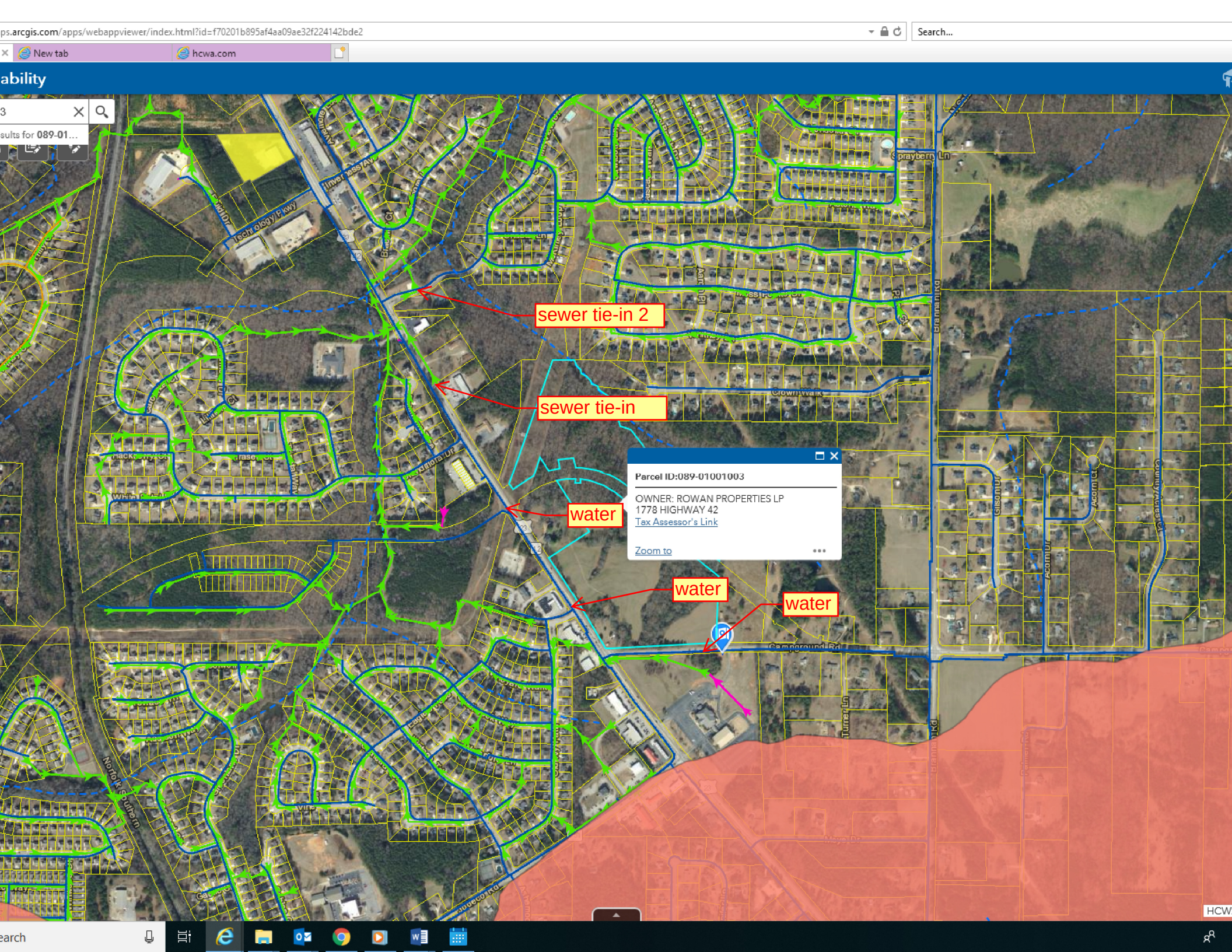
Planners and Engineers Collaborative, Inc. (PEC) is submitting this letter of intent as required to fulfill the water /sewer availability letter request for parcel ID's 089-01001003, 089-01001000 currently zoned RA. At present PEC is working through due diligence with our client who is proposing a PUD subdivision of total 243 units. The community would consist of 142 Townhome units and 101 Single Family homes. The Subject Property is located along Hwy 42 and Campground Rd in Mcdonough GA. The site is made up of two parcels that total approximately +-48.597-acres.

Attached are documents per your request. If there is anything else you may need, please reach out to me at htodd@pec.plus who is the point of contact for this project. Thank you for your time and assistance.

Current jurisdiction: RA – Henry County
Proposed jurisdiction PUD– City of Stockbridge

The developer and their representatives welcome the opportunity to meet with all interested parties and representatives.

Sincerely,
Planners and Engineers Collaborative, Inc.
Ramona Booker
Email rbooker@pec.plus
Phone number 678-684-6227


sewer tie-in 2
sewer tie-in
water
water
water
Parcel ID:089-01001003
OWNER: ROWAN PROPERTIES LP
1778 HIGHWAY 42
Tax Assessor's Link
Zoom to

From: Kenneth Wood <Kwood@pec.plus>
Sent: Wednesday, November 6, 2024 4:01 PM
To: Keedra Jackson <kjackson@stockbridgega.org>; Ryan Anderson <randerson@stockbridgega.org>
Subject: RE: 30-day deferral to December Planning Commission

Caution: This email originated from outside your organization.
Exercise caution when opening attachments or clicking links, especially from unknown senders.

This is for the Campground at Highway 42 Meritage Homes subdivision that is on both sides of Campground.

Kenneth Wood P.E. | LEED AP
Principal | C.E.O.
E: ken@pec.plus
D: 678-684-6206 | Main: 770.451.2741

New Website | Linkedin | Facebook
Georgia East Office (Main): 350 Research Court, Peachtree Corners, GA 30092
Georgia West Office: 900 Circle 75 Pkwy. Suite 925, Atlanta, Ga 30339
Georgia South Office: 315 West Solomon Street, Suite 210, Griffin, Ga 30223

In accepting and utilizing any drawings or other data on any form of electronic media generated and provided by Planners and Engineers Collaborative, The Client agrees that all such drawings and data are instruments of service of Planners and Engineers Collaborative; and they are not to be used or modified in whole or in part, for any purpose or project other than the project for which they have been prepared without waiving all claims against Planners and Engineers Collaborative and indemnifying for any damage, liability or cost, including defense cost arising from such claims.
Under no circumstances shall transfer of the drawings and other instruments of service on electronic media for use by The Client be deemed a sale by Planners and Engineers Collaborative, and Planners and Engineers Collaborative makes no warranties, either express or implied, of merchantability and fitness for any particular purpose.

> **From:** Kenneth Wood
> **Sent:** Wednesday, November 6, 2024 4:00 PM
> **To:** Keedra Jackson <kjackson@stockbridgega.org>; Ryan Anderson <randerson@stockbridgega.org>
> **Subject:** 30-day deferral to December Planning Commission
>
> Keedra and Ryan,
> After meeting with the District Council and Mayor Pro-tem about what they would like to see in their area we would like to request a deferral away from the November cycle to the December cycle to give us time to resubmit a new plan and meet with the council members.
>
> **Kenneth Wood P.E. | LEED AP**

Principal | C.E.O.
E: ken@pec.plus
D: 678-684-6206 | Main: 770.451.2741



New Website | Linkedin | Facebook
Georgia East Office (Main): 350 Research Court, Peachtree Corners, GA 30092
Georgia West Office: 900 Circle 75 Pkwy. Suite 925, Atlanta, Ga 30339
Georgia South Office: 315 West Solomon Street, Suite 210, Griffin, Ga 30223

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Under no circumstances shall transfer of the drawings and other instruments of service on electronic media for use by The Client be deemed a sale by Planners and Engineers Collaborative, and Planners and Engineers Collaborative makes no warranties, either express or implied, of merchantability and fitness for any particular purpose.

PREPARED BY:
J.B. PRINCE & ASSOCIATES INC.
LAND SURVEYORS
125 WESTRIDGE INDUSTRIAL BLVD.
SUITE 102
PHONE #: 770-957-4614

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

JONTHAN B. PRINCE , R.L.S. #3244

3-7-2018
DATE

GEORGIA REGISTERED NO. 3244 LAND SURVEYOR JONATHAN B. PRINCE

IF YOU DIG GEORGIA...
CALL US FIRST!
811
UTILITIES PROTECTION CENTER
IT'S THE LAW

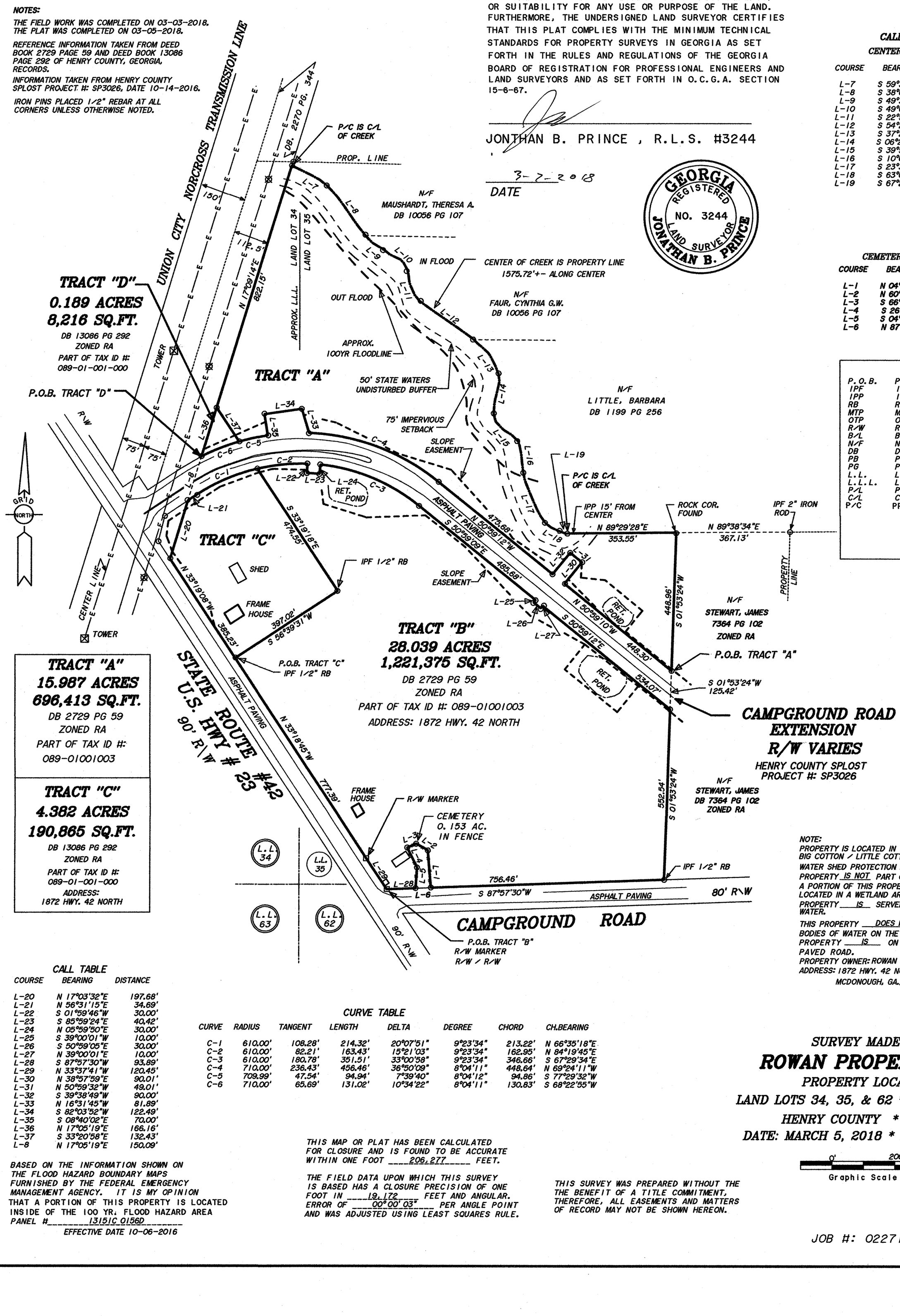
NOTES:

THE FIELD WORK WAS COMPLETED ON 03-03-2018. THE PLAT WAS COMPLETED ON 03-05-2018.

REFERENCE INFORMATION TAKEN FROM DEED BOOK 2729 PAGE 59 AND DEED BOOK 13086 PAGE 292 OF HENRY COUNTY, GEORGIA, RECORDS.

INFORMATION TAKEN FROM HENRY COUNTY SPLOST PROJECT #: SP3026, DATE 10-14-2016.

IRON PINS PLACED 1/2" REBAR AT ALL CORNERS UNLESS OTHERWISE NOTED.



CALL TABLE
CENTER OF CREEK

COURSE	BEARING	DISTANCE
L-7	S 59°33'13"E	129.88'
L-8	S 38°08'20"E	206.68'
L-9	S 49°39'57"E	75.01'
L-10	S 49°06'03"E	103.84'
L-11	S 22°50'31"E	106.11'
L-12	S 54°29'07"E	210.47'
L-13	S 37°27'40"E	138.14'
L-14	S 06°28'54"W	130.40'
L-15	S 39°50'01"E	118.45'
L-16	S 10°00'45"E	101.77'
L-17	S 23°35'52"E	178.34'
L-18	S 63°04'32"E	53.02'
L-19	S 67°29'02"E	27.86'

CEMETERY CALL TABLE

COURSE	BEARING	DISTANCE
L-1	N 04°46'22"W	122.05'
L-2	N 60°07'20"W	43.45'
L-3	S 66°33'29"W	32.12'
L-4	S 26°41'17"E	72.23'
L-5	S 04°08'29"W	67.91'
L-6	N 87°57'30"E	49.80'

LEGEND

P.O.B.	POINT OF BEGINNING
IPF	IRON PIN FOUND
IPP	IRON PIN PLACED
RB	REBAR
MTP	MASH TOP PIPE
OTP	OPEN TOP PIPE
R/W	RIGHT-OF-WAY
B/L	BUILDING LINE
N/F	NOW OR FORMERLY
DB	DEED BOOK
PB	PLAT BOOK
PG	PAGE
L.L.	LAND LOT
L.L.L.	LAND LOT LINE
P/L	PROPERTY LINE
C/L	CENTER LINE
P/C	PROPERTY CORNER

TRACT "A"
15.987 ACRES
696,413 SQ.FT.
DB 2729 PG 59
ZONED RA
PART OF TAX ID #: 089-01001003

TRACT "C"
4.382 ACRES
190,865 SQ.FT.
DB 13086 PG 292
ZONED RA
PART OF TAX ID #: 089-01-001-000
ADDRESS: 1872 HWY. 42 NORTH

CALL TABLE

COURSE	BEARING	DISTANCE
L-20	N 17°03'32"E	197.68'
L-21	N 56°31'15"E	34.69'
L-22	S 01°59'46"W	30.00'
L-23	S 85°59'24"E	40.42'
L-24	N 05°59'50"E	30.00'
L-25	S 39°00'01"W	10.00'
L-26	S 50°59'05"E	30.00'
L-27	N 39°00'01"E	10.00'
L-28	S 87°57'30"W	93.89'
L-29	N 33°37'41"W	120.45'
L-30	N 38°57'59"E	90.01'
L-31	N 50°59'32"W	49.01'
L-32	S 39°38'49"W	90.00'
L-33	N 16°31'45"W	81.89'
L-34	S 82°03'52"W	122.49'
L-35	S 08°40'02"E	70.00'
L-36	N 17°05'19"E	166.16'
L-37	S 33°20'58"E	132.43'
L-8	N 17°05'19"E	150.09'

CURVE TABLE

CURVE	RADIUS	TANGENT	LENGTH	DELTA	DEGREE	CHORD	CH.BEARING
C-1	610.00'	108.28'	214.32'	20°07'51"	9°23'34"	213.22'	N 66°35'18"E
C-2	610.00'	82.21'	163.43'	15°21'03"	9°23'34"	162.95'	N 84°19'45"E
C-3	610.00'	180.78'	351.51'	33°00'58"	9°23'34"	346.66'	S 67°29'34"E
C-4	710.00'	236.43'	456.46'	36°50'09"	8°04'11"	448.64'	N 69°24'11"W
C-5	709.99'	47.54'	94.94'	7°39'40"	8°04'12"	94.86'	S 77°29'32"W
C-6	710.00'	65.69'	131.02'	10°34'22"	8°04'11"	130.83'	S 68°22'55"W

BASED ON THE INFORMATION SHOWN ON THE FLOOD HAZARD BOUNDARY MAPS FURNISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. IT IS MY OPINION THAT A PORTION OF THIS PROPERTY IS LOCATED INSIDE OF THE 100 YR. FLOOD HAZARD AREA
PANEL # 13151C 0156D
EFFECTIVE DATE 10-06-2016

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT 206,277 *FEET.*

THE FIELD DATA UPON WHICH THIS SURVEY IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 19,172 *FEET AND ANGULAR. ERROR OF* 00°00'03" *PER ANGLE POINT AND WAS ADJUSTED USING LEAST SQUARES RULE.*

THIS SURVEY WAS PREPARED WITHOUT THE THE BENEFIT OF A TITLE COMMITMENT, THEREFORE, ALL EASEMENTS AND MATTERS OF RECORD MAY NOT BE SHOWN HEREON.

NOTE:
PROPERTY IS LOCATED IN THE BIG COTTON / LITTLE COTTON INDIAN CREEK WATER SHED PROTECTION DISTRICT.
PROPERTY IS NOT *PART OF A SUBDIVISION*
A PORTION OF THIS PROPERTY IS *LOCATED IN A WETLAND AREA.*
PROPERTY IS *SERVED BY COUNTY WATER.*
THIS PROPERTY DOES HAVE *BODIES OF WATER ON THE PROPERTY.*
PROPERTY IS *ON A ASPHALT PAVED ROAD.*
PROPERTY OWNER: ROWAN PROPERTIES LP
ADDRESS: 1872 HWY. 42 NORTH
MCDONOUGH, GA., 30253

SURVEY MADE FOR:
ROWAN PROPERTIES LP
PROPERTY LOCATED IN:
LAND LOTS 34, 35, & 62 * 7TH. DISTRICT
HENRY COUNTY * GEORGIA
DATE: MARCH 5, 2018 * SCALE: 1"=200'

0' 200'
Graphic Scale

JOB #: 022718RO

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TRACT "B"
16.176 ACRES

TRACT "A"
32.859 ACRES

N90°00'00"E 100.50'
S59°33'13"E 31.21'
S38°08'20"E 206.68'
S49°39'57"E 75.01'
S49°06'03"E 103.84'
S22°50'31"E 106.11'
S54°29'07"E 210.47'
S37°27'40"E 138.14'
S06°28'54"W 130.40'
S39°50'01"E 118.45'
S10°00'45"E 101.77'
S23°35'52"E 178.34'
S63°04'32"E 53.02'
S67°29'02"E 27.86'
N50°59'32"W 49.01'
N89°29'28"E 353.55'
S39°38'49"W 90.00'
N38°57'55"E 90.01'
S01°53'24"W 448.96'
S01°53'24"W 552.54'
N50°59'10"W 445.30'
S50°59'12"E 534.07'
S50°59'09"E 485.70'
N50°59'12"W 475.68'
S39°00'01"W 10.00'
S50°59'05"E 30.00'
N39°00'01"E 10.00'
N17°09'14"E 769.82'
N16°31'45"W 81.89'
S08°40'02"E 70.00'
N17°05'19"E 166.16'
ARC=94.93'
R=709.99'
S77°28'36"W
CH=94.86'
S82°03'52"W 122.49'
ARC=163.44'
R=610.00'
N84°19'45"E
CH=162.95'
S01°59'46"W 30.00'
N05°59'50"E 30.00'
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S66°33'29"W 32.12'
N33°37'41"W 120.45'
S87°57'30"W 93.89'
S26°41'17"E 72.23'
S04°06'29"W 67.91'
N04°46'22"W 122.05'
N60°07'20"W 43.45'
S87°57'30"W 756.46'
42

FEMA FIRM MAP
NOT TO SCALE

SITE LOCATION MAP
NOT TO SCALE

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PROJECT

HWY 42 @ CAMPGROUND ROAD

A MASTER PLANNED RESIDENTIAL DEVELOPMENT

AT

HIGHWAY 42 @ CAMPGROUND ROAD
MCDONOUGH, GA 30253

HENRY COUNTY, GEORGIA

FOR

MERITAGE HOMES

MUNICIPALITY PROJECT #

REVISIONS

NO.	DATE	BY	DESCRIPTION

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GEORGIA REGISTERED No. 34393 PROFESSIONAL ENGINEER KENNETH J WOOD

GSWCC LEVEL II DESIGN PROFESSIONAL
CERTIFICATION # 0000059389 EXP. 10/28/2024

ZONING BOUNDARY EXHIBIT

0 60 120 240 360

SCALE: 1" = 120'
DATE: 09/16/2024
PROJECT: 19279.00A

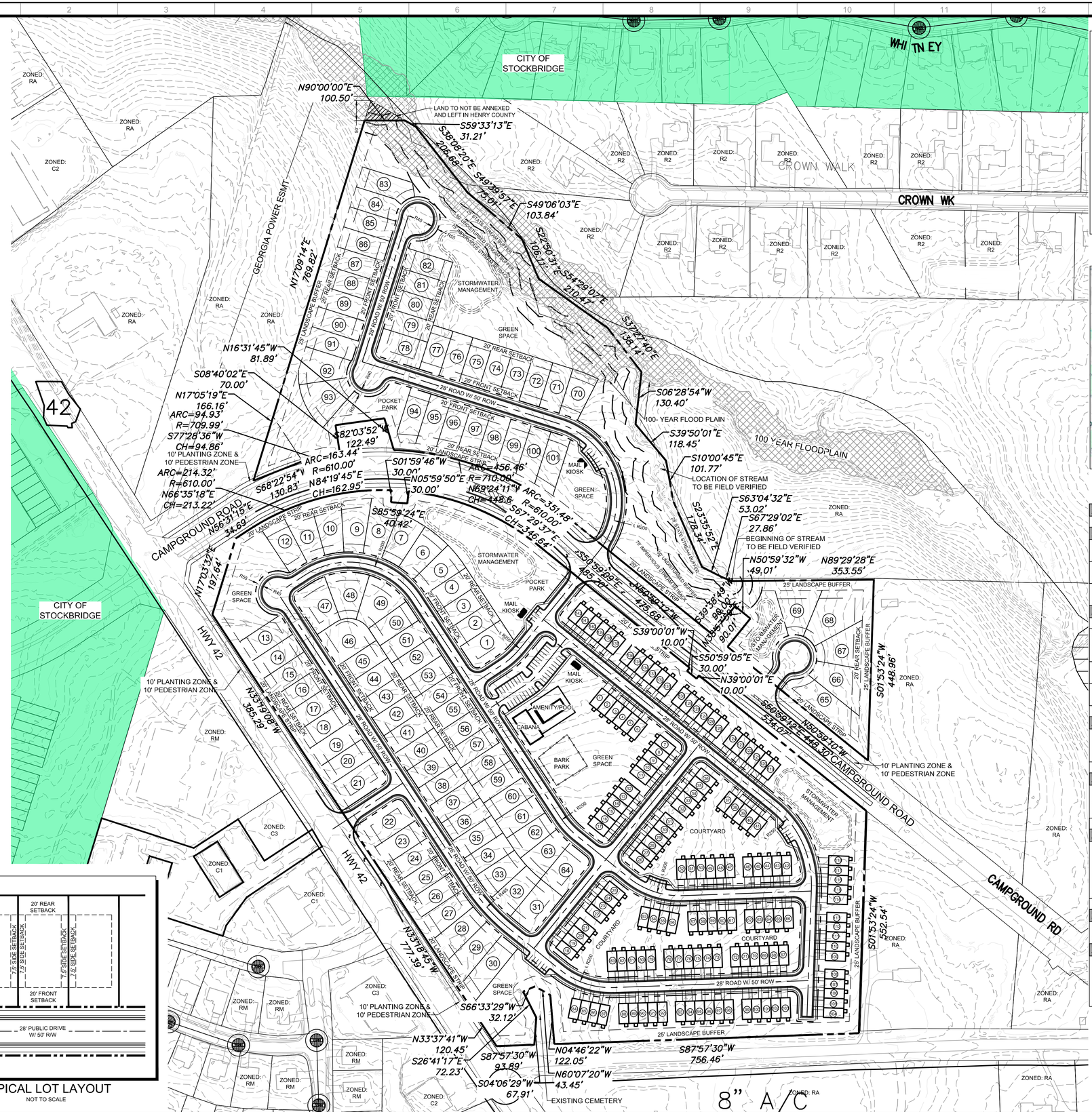
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GRID NORTH
GEORGIA WEST ZONE

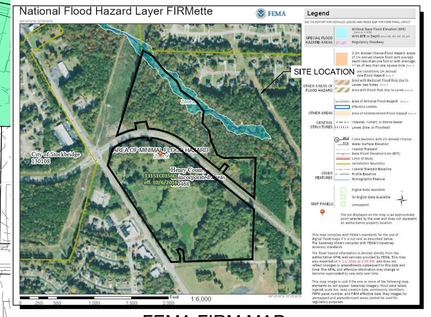
Z1.2
SHEET

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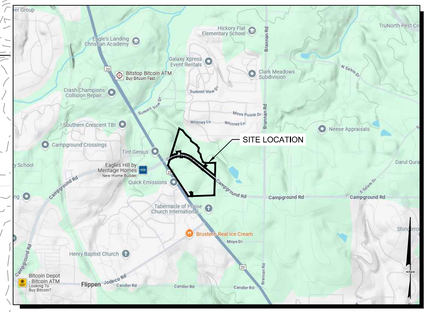
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TYPICAL LOT LAYOUT
NOT TO SCALE



FEMA FIRM MAP
NOT TO SCALE



SITE LOCATION MAP
NOT TO SCALE

SITE DATA:	
SITE AREA	48.54 ACRES
ZONING	
EXISTING ZONING	RA
PROPOSED ZONING	PUD (PLANNED UNIT DEVELOPMENT)
EXISTING OVERLAY DISTRICT	HIGHWAY CORRIDOR OVERLAY DISTRICT
PROPOSED OVERLAY DISTRICT	PMU (PARKWAY MIXED USE)
EXISTING ZONING JURISDICTION	HENRY COUNTY
PROPOSED ZONING JURISDICTION	CITY OF STOCKBRIDGE
USE CALCULATIONS	
TOTAL SITE AREA	48.54 ACRES
STREET RIGHT-OF-WAY AREA	8.76 ACRES
FLOOD HAZARD AREA	1.54 ACRES
NET SITE AREA	38.24 ACRES
SINGLE FAMILY LAND USE	25.22 NET ACRES
TOWNHOME LAND USE	13.02 NET ACRES
TOTAL 24'x50' TOWNHOME UNITS	142 UNITS (10,91 UPA)
TOTAL SINGLE FAMILY LOTS	101 LOTS (4.00 UPA)
TOTAL UNITS/ DENSITY	243 UNITS (6,35 UPA)
PROPOSED SFD SETBACK REQUIREMENTS	
FRONT SETBACK	20 FEET
SIDE SETBACK	7.5 FEET
REAR SETBACK	20 FEET
REQUIRED BUFFERS	25 FEET
PROPOSED TH SETBACK REQUIREMENTS	
FRONT SETBACK	15 FEET
SIDE SETBACK	10 FEET
REAR SETBACK	20 FEET
REQUIRED BUFFERS	25 FEET
DEVELOPMENT STANDARDS	
MIN DEVELOPMENT SIZE	3 CONTIGUOUS ACRES
REQUIREMENTS FOR LAND USE	MUST INCLUDE MINIMUM OF TWO (2) DIFFERENT USES AND/OR TWO (2) TYPES OF VARIED HOUSING OPTIONS. (2.4.14.B.2.)
PROPOSED SF MINIMUM LOT SIZE	5,000 SF
PROPOSED MINIMUM SFD LOT WIDTH	50 FEET
EXTERIOR LANDSCAPED STRIPS	20 FEET
OPEN SPACE CALCULATIONS	
REQUIRED OPEN SPACE	20% (9.719 ACRES)
OPEN SPACE PROPOSED	15.67 ACRES (32.2%)
PARKING REQUIREMENTS	
PROPOSED RESIDENT PARKING (2 SPACES PER UNIT)	486 SPACES
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PROPOSED GUEST PARKING	27 SPACES
TOTAL PARKING PROVIDED	550 SPACES

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PROJECT

HWY 42 @ CAMPGROUND ROAD

A MASTER PLANNED RESIDENTIAL DEVELOPMENT

AT

HIGHWAY 42 @ CAMPGROUND ROAD
MCDONOUGH, GA 30253

HENRY COUNTY, GEORGIA

FOR

MERITAGE HOMES

MUNICIPALITY PROJECT #

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GEORGIA REGISTERED No. 34393 PROFESSIONAL ENGINEER KENNETH J WOOD

GSWCC LEVEL II DESIGN PROFESSIONAL CERTIFICATION # 0000059389 EXP. 10/28/2024

ZONING SITE PLAN

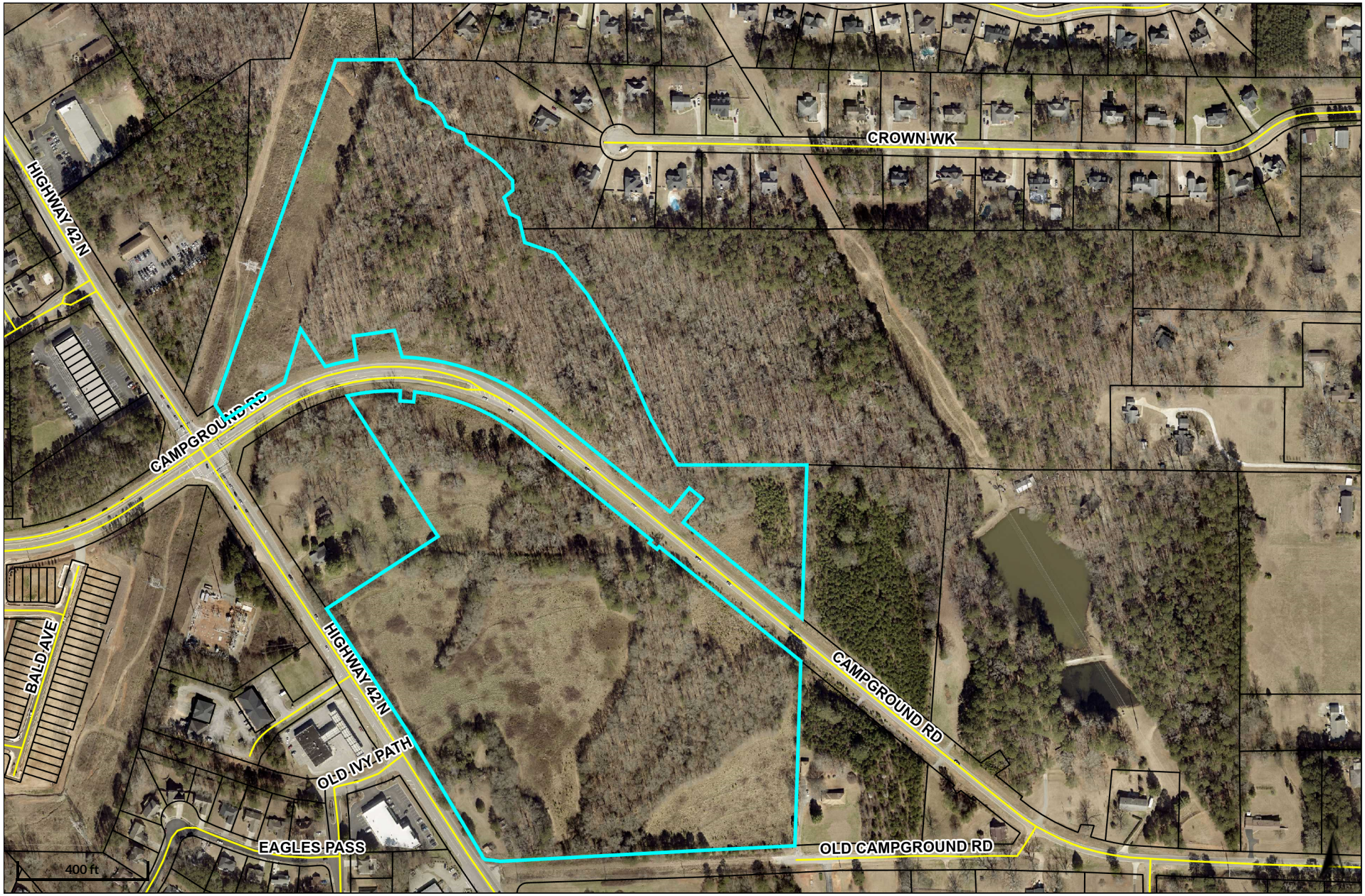
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SCALE: 1" = 120'
DATE: 10/07/2024
PROJECT: 19279.00A

Z1
SHEET

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HIGHWAY 42 NORTH REZONING





PEC+ Planners & Engineers Collaborative+

HIGHWAY 42 NORTH (1778 & 1872)

CITY OF STOCKBRIDGE, GA

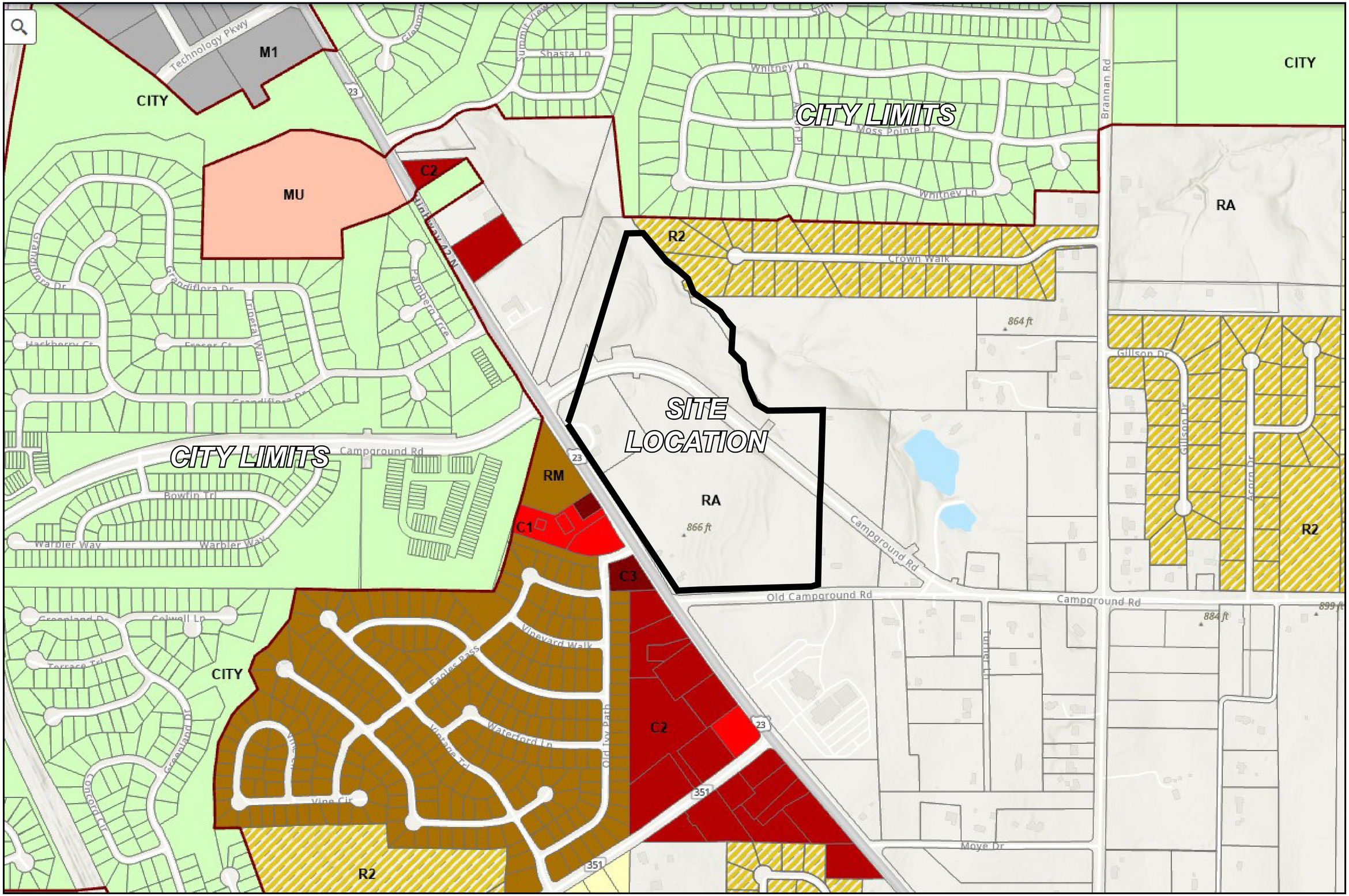
SITE LOCATION

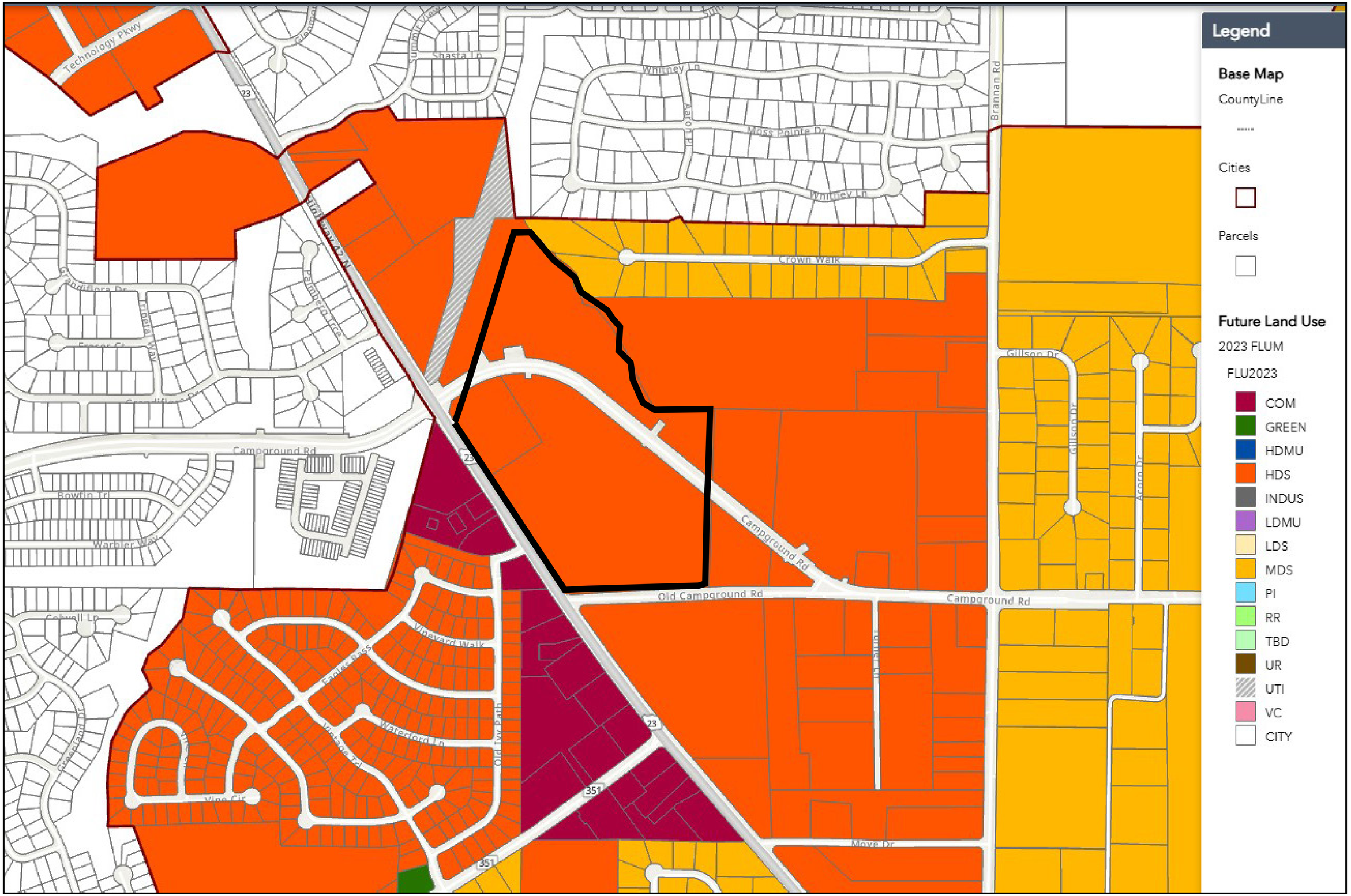
SUMMARY OF REQUEST:

Proposed development: a new, 243-unit, single-family attached and detached development on the approximately 48.5-acre site known as Campground Road @ Highway 42 (the "Subject Property," PIDs 089-01001000 and 089-01001003).

Actions:

- ***Annexation of the subject property from Unincorporated Henry County into the City of Stockbridge.***
- ***Comprehensive Land Use Map Amendment of the subject property from High-Density Residential to Medium-Density Residential.***
- ***Rezone of the subject property from RA to PUD under the Parkway Mixed Use Overlay.***


CITY
M1
Technology Pkwy
CITY LIMITS
MU
C2
R2
RM
C1
C3
RA
SITE LOCATION
CITY LIMITS
Shasta Ln
Whitney Ln
Moss Pointe Dr
Brannan Rd
Crown Walk
Campground Rd
Old Campground Rd
Gillson Dr
Acorn Dr
Hackberry Ct
Grandiflora Dr
Tropical Way
Palmetto Tree
Bowfin Trl
Warbler Way
Greenland Dr
Colwell Ln
Terrace Trl
Concord Ct
Vineyard Walk
Eagles Pass
Waterford Ln
Vintage Trl
Wine Cir
Old Ivy Path
Hunter Ln
Moye Dr
23
351
864 ft
866 ft
884 ft
899 ft


Legend
Base Map
CountyLine
Cities
Parcels
Future Land Use
2023 FLUM
FLU2023
COM
GREEN
HDMU
HDS
INDUS
LDMU
LDS
MDS
PI
RR
TBD
UR
UTI
VC
CITY
Technology Pkwy
Shasta Ln
Whitney Ln
Aaron Pl
Moss Pointe Dr
Brannan Rd
Crown Walk
Gillson Dr
Acorn Dr
Campground Rd
Old Campground Rd
Bowlin Trl
Warbler Way
Colwell Ln
Vineyard Walk
Prairie Pass
Waterford Ln
Old Toy Path
Vine Cir
Moye Dr
23
351



HIGHWAY 42 NORTH (1778 & 1872)

CITY OF STOCKBRIDGE, GA

SITE PLAN RENDERING

360 STUDIO LANDSCAPE ARCHITECTURE — A Division of PEC

PEC+ Planners & Engineers Collaborative+









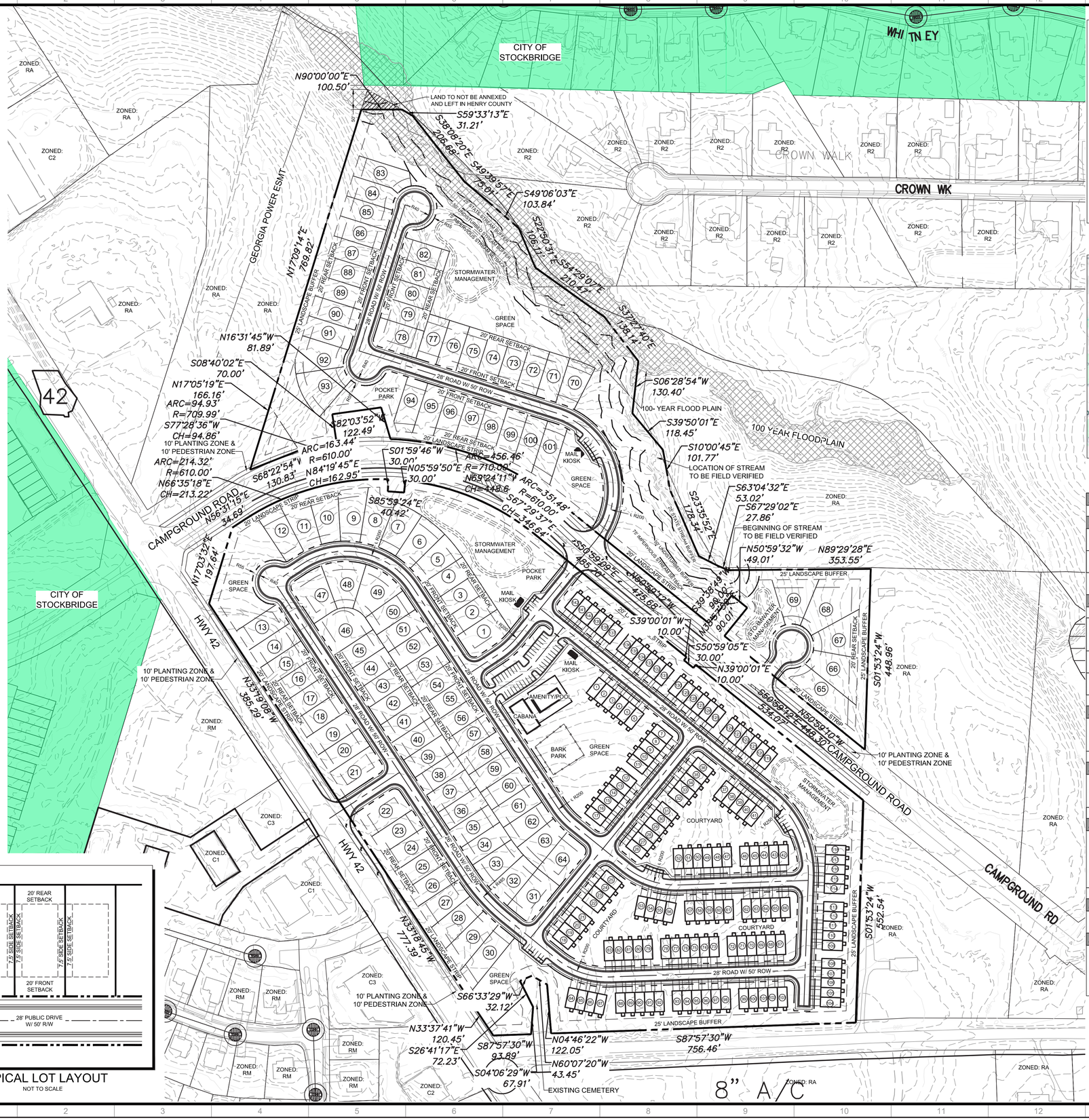
PEC+ Planners & Engineers Collaborative+

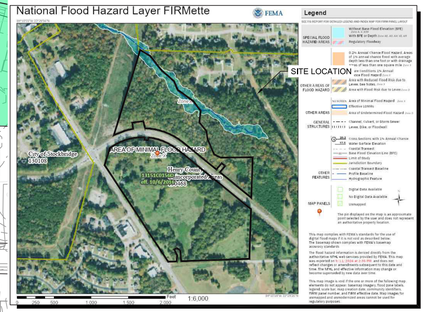
HIGHWAY 42 NORTH (1778 & 1872)

CITY OF STOCKBRIDGE, GA

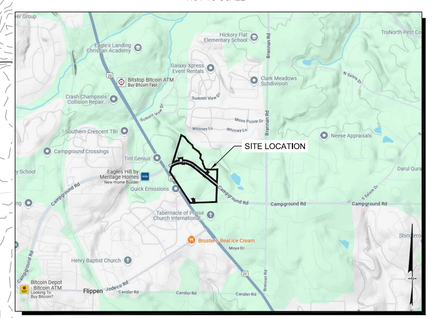
ELEVATIONS

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FEMA FIRM MAP
NOT TO SCALE



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PROPOSED GUEST PARKING	27 SPACES
TOTAL PARKING PROVIDED	550 SPACES

TYPICAL LOT LAYOUT
NOT TO SCALE

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GEORGIA REGISTERED No. 34393 PROFESSIONAL ENGINEER KENNETH J WOOD

GSWCC LEVEL II DESIGN PROFESSIONAL CERTIFICATION # 0000059389 EXP. 10/28/2024

ZONING SITE PLAN

0 60 120 240 360

SCALE: 1" = 120'
DATE: 10/07/2024
PROJECT: 19279.00A

GRID NORTH
GEORGIA WEST ZONE

SHEET Z1

J:\2019\19279.00A\dwl\Concepts & Exhibits\Zoning\19279.00A - Site - Zone1.dwg - MKopp - 10/7/2024 1:40 PM

TRANSMITTAL MEMO

RE: **Campground Road @ Hwy 42 Rezoning and Annexation Applications**
Planners and Engineers Collaborative, Inc. Project No. 19279.00A
On behalf of Meritage Homes

TO: **City of Stockbridge Community**
4602 North Henry Blvd
Stockbridge, GA 30281
678-833-3347

ATTN: **Ryan Anderson**
678-833-3340

FROM: **Planners and Engineers Collaborative**
350 Research Court, Suite 200
Peachtree Corners, GA 30092

C/O Hayley Todd – (757) 508-6593

Enclosed materials:

Rezoning Application
Annexation Application

CITY OF STOCKBRIDGE | APPLICATION FOR ANNEXATION

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

Annexation No: _____ Date: _____

Received by: _____

TYPE OF ANNEXATION

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

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

Property Address: 1778 & 1872 HWY 42 N, STOCKBRIDGE, GA

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

LAND USE AND ZONING

County: high density suburban

County Zoning Classification: RA

Present Land Use: high density residential

Requested Zoning Classification: PUD

PROPERTY OWNER

Name: ROWAN FAMILY REAL ESTATE LLC

Mailing Address: 83 BRANNAN RD MCDONOUGH GA 30253

Telephone: (770) 289- 4530

Email: RROWAN@SANDSCONTRACTORS.COM

Signature: _____

Date: 10/07/2024

City of Stockbridge Planning and Zoning Division

Rezoning Application

Name of Applicant: MERITAGE HOMES Phone: 678.348.8422 Date: 10-07-24

Address Applicant: 3700 Mansell Road, Suite 550 Fax Cell #

City: ALPHARETTA State: GA Zip: 30022 E-mail: Clay.Kirkley@meritagehom

Name of Agent: HAYLEY TODD, PEC+ Phone: 678.684.6287 Date: 10-07-24

Address Agent: 350 RESEARCH COURT, STE 200 Fax Cell #

City: NORCROSS State: GA Zip: 30092 E-mail: HTODD@PEC.PLUS

THE APPLICANT NAMED ABOVE AFFIRMS THAT HE OR SHE IS THE OWNER, OR AGENT OF THE OWNER, OF THE PROPERTY DESCRIBED BELOW, AND IS REQUESTING A REZONING OF THE PROPERTY.

Rezoning being requested PUD, PARKWAY MIXED USE OVERLAY TO FACILITATE A NEW 243 UNIT, MIXED RESIDENTIAL DEVELOPMENT

The property will be POSTED with a City of Stockbridge rezoning sign. The sign must remain on the subject property for no less than fifteen days prior to either Planning Commission or City Council meeting(s). The applicant or property owner shall not remove or alter the sign for any reason. _____ Acknowledgement

Address of Property: 1778 & 1872 HWY 42 N

Nearest intersection to the property: HIGHWAY 42 N AND CAMPGROUND ROAD (Street Address)

Size of Tract: 48.59 acre(s), Land Lot Number(s): 34, 35, 62, District(s): 7

Property Tax Parcel Number(s): 089-01001003, 089-01001000 **(Required)**

Witness Signature

T. Williams

Printed Name of Witness

Notary

NOTARY STAMP:

LINDA BOROVICKA NOTARY PUBLIC COBB COUNTY, GEORGIA My Commission Expires 06-25-2028

Signature of Applicant

MERITAGE HOMES, C/O C Kirkley

Printed Name of Applicant

Signature of Agent

MERITAGE HOMES OF GEORGIA INC CORPORATE SEAL 2014 ARIZONA

(For Office Use Only)

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

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

Pre-application meeting: Date:

Planning Commission Decision:

City Council Decision:

Community Development Director's Signature: Date:

NOTE: If the proposed development site would contain more than one property, and/or more than one property owner, please first type a list on a separate sheet of paper which identifies each property (address and/or parcel number) and its corresponding property owner(s). Then fill out a separate Property Owner's Authorization Form (provided below) for each property and each property owner.

PROPERTY OWNER'S AUTHORIZATION FORM (See NOTE above.)

The undersigned below is the PROPERTY OWNER, or one of the property owners, of the property at 1872 HWY 42 N [address], with Parcel Number 089-01001000 which is the subject of this application.

Name of Property Owner: ROWAN FAMILY REAL ESTATE LLC

Property Owner's Address: 83 BRANNAN RD MCDONOUGH GA 30253

Telephone: 770-289-4530 E-mail: RROWAN@SANDSCONTRACTORS.COM

I swear that I am the Property Owner, or one of the Property Owners, of the property that is the subject matter of the attached application, as is shown in the tax assessors' records of HENRY [County], GEORGIA [State].

Signature: _____ Date: 10-07-24

The undersigned does duly authorize the person(s) and/or company who is named below to act as APPLICANT(S) in the pursuit of this application for the subject property.

Name(s) of Applicant(s): MERITAGE HOMES, C/O Clay Kirkley

Company/law firm (if applicable): MERITAGE HOMES

Telephone, E-Mail, & Address: Clay.Kirkley@meritagehomes.com

I authorize the Applicant or Applicants who are named above to act on my behalf for this application.

_____ _____

Signature of Property Owner, who swears that the information which is contained in this Property Owner's Authorization is true and correct to the best of his or her knowledge and belief.

10/07/2024
Date

Signature of Notary Public

Robert Wood
Printed Name of Notary Public

10/7/24
Date

Notary Public's Seal or Stamp:

Robert Wood
NOTARY PUBLIC
Gwinnett County, GEORGIA
My Commission Expires 07/18/2027

NOTE: If the proposed development site would contain more than one property, and/or more than one property owner, please first type a list on a separate sheet of paper which identifies each property (address and/or parcel number) and its corresponding property owner(s). Then fill out a separate Property Owner's Authorization Form (provided below) for each property and each property owner.

PROPERTY OWNER'S AUTHORIZATION FORM (See NOTE above.)

The undersigned below is the PROPERTY OWNER, or one of the property owners, of the property at 1778 HWY 42 N [address], with Parcel Number 089-01001003, which is the subject of this application.

Name of Property Owner: ROWAN PROPERTIES LP

Property Owner's Address: 1872 HWY 42 NORTHMCDONOUGH GA 30253

Telephone: 770-289-4530 E-mail: RROWAN@SANDSCONTRACTORS.COM

I swear that I am the Property Owner, or one of the Property Owners, of the property that is the subject matter of the attached application, as is shown in the tax assessors' records of HENRY [County], GEORGIA [State].

Signature: _____ Date: 10-07-24

The undersigned does duly authorize the person(s) and/or company who is named below to act as APPLICANT(S) in the pursuit of this application for the subject property.

Name(s) of Applicant(s): MERITAGE HOMES, C/O Clay Kirkley

Company/law firm (if applicable): MERITAGE HOMES

Telephone, E-Mail, & Address: Clay.Kirkley@meritagehomes.com

I authorize the Applicant or Applicants who are named above to act on my behalf for this application.

_____ _____

Signature of Property Owner, who swears that the information which is contained in this Property Owner's Authorization is true and correct to the best of his or her knowledge and belief.

10/07/2024
Date

Signature of Notary Public

Robert Wood
Printed Name of Notary Public

10/7/24
Date

Notary Public's Seal or Stamp:

Robert Wood
NOTARY PUBLIC
Gwinnett County, GEORGIA
My Commission Expires 07/18/2027

Applicant Campaign Disclosure Form

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

Has the applicant made, within two (2) years immediately preceding the filing of this application for a rezoning, campaign contributions aggregating $250 or more, or made gifts having in the aggregate a value of $250 or more to a member of the City of Stockbridge Planning Commission or Stockbridge City Council who will consider the application?

Yes_____No

If **Yes**, the applicant and the attorney representing the applicant must file the following information with the City of Stockbridge Planning and Zoning Division within ten (10) days after this application is first filed:

Planning Commissioner and/or City Council Member Name	**Dollar Amount of Campaign Contribution**	**Description of Gift $250 or greater, which was given to Board Member**

We certify that the foregoing information is true and correct, this 3rd day of October, 2024

C. Kirkley, on behalf of Meritage Homes

Applicant's Name - Printed

Signature of Applicant/Property Owner/Agent

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 3rd day of October 2024

Notary Public

LINDA BOROVICKA
NOTARY PUBLIC
COBB COUNTY, GEORGIA
MY Commission Expires 06-25-2028

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

Applicant Campaign Disclosure Form

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

Has the applicant made, within two (2) years immediately preceding the filing of this application for a rezoning, campaign contributions aggregating $250 or more, or made gifts having in the aggregate a value of $250 or more to a member of the City of Stockbridge Planning Commission or Stockbridge City Council who will consider the application?

Yes ____ No ____

If **Yes**, the applicant and the attorney representing the applicant must file the following information with the City of Stockbridge Planning and Zoning Division within ten (10) days after this application is first filed:

Planning Commissioner and/or City Council Member Name	Dollar Amount of Campaign Contribution	Description of Gift $250 or greater, which was given to Board Member

We certify that the foregoing information is true and correct, this ____ day of ____.

ROWAN FAMILY REAL ESTATE LLC
Applicant's Name - Printed

Signature of Applicant/Property Owner/Agent

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 7th day of October 2024

Notary Public

Robert Wood
NOTARY PUBLIC
Gwinnett County, GEORGIA
My Commission Expires 07/18/2027

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

Applicant Campaign Disclosure Form

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

Has the applicant made, within two (2) years immediately preceding the filing of this application for a rezoning, campaign contributions aggregating $250 or more, or made gifts having in the aggregate a value of $250 or more to a member of the City of Stockbridge Planning Commission or Stockbridge City Council who will consider the application?

Yes ____ **No** ____

If **Yes**, the applicant and the attorney representing the applicant must file the following information with the City of Stockbridge Planning and Zoning Division within ten (10) days after this application is first filed:

Planning Commissioner and/or City Council Member Name	Dollar Amount of Campaign Contribution	Description of Gift $250 or greater, which was given to Board Member

We certify that the foregoing information is true and correct, this ____ day of ____, ____.

ROWAN PROPERTIES, L.P.

Applicant's Name - Printed

Signature of Applicant/Property Owner/Agent

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 7th day of October 2024.

Notary Public

Robert Wood
NOTARY PUBLIC
Gwinnett County, GEORGIA
My Commission Expires 07/18/2027

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

FW: Pre-Application Meeting for Proposed Annexation

GL

Kenneth Wood <Kwood@pec.plus> on behalf of Gordon Linton <Glinton@stockbridgega.org>

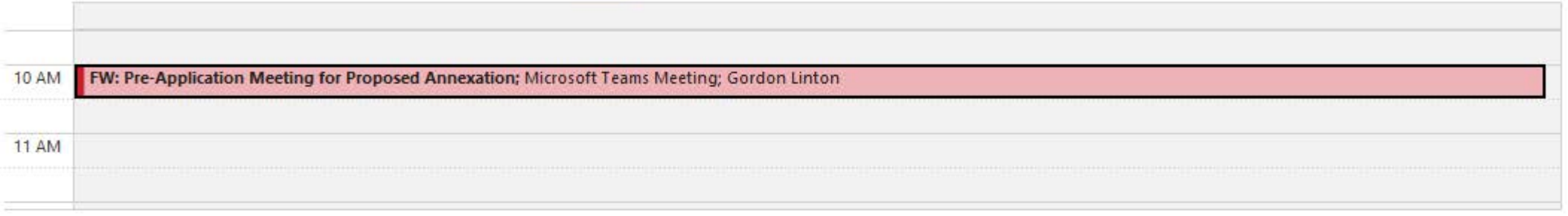
No Response Required

Required Ramirez, Francisco; Kenneth Wood; Keedra Jackson; Linda Logan; Demetries Wells; Jordyn Bucholtz; Ryan Anderson

Thu 7/18/2024 10:00 AM

Follow up. Completed on Thursday, July 18, 2024.
Accepted on 7/15/2024 4:53 PM.

Thursday, July 18, 2024 10:00 AM-10:30 AM Microsoft Teams Meeting



-----Original Appointment-----
From: Gordon Linton <Glinton@stockbridgega.org>
Sent: Monday, July 15, 2024 4:18 PM
To: Gordon Linton; Kenneth Wood; Keedra Jackson; Linda Logan; Demetries Wells; Jordyn Bucholtz; Ryan Anderson
Subject: Pre-Application Meeting for Proposed Annexation
When: Thursday, July 18, 2024 10:00 AM-10:30 AM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

Meeting to discuss a proposed annexation. The person we are meeting with is Kenneth Wood

---

Microsoft Teams Need help?

Join the meeting now

Meeting ID: 280 442 082 279

Passcode: tsnbxu

For organizers: Meeting options

Planners & Engineers Collaborative+

10/7/2024

Re: **Letter of Intent – Annexation and PUD Rezoning**
Campground Road @ Highway 42
PEC+ Project No. 19279.00A

Dear Community Development Officials,

This application seeks to annex and rezone the approximately 48.5-acre site known as Campground Road @ Highway 42 (the "Subject Property," PIDs 089-01001000 and 089-01001003) from RA to PUD under the Parkway Mixed Use Overlay. Bringing the site from Henry County into the City Limits of Stockbridge and rezoning to PUD would allow for the development of a new, 243-unit, single-family attached and detached development.

Site and Proposal

The Subject Property is located along the eastern side of Highway 42 and is bisected by Campground Road. The site is bordered by the Clark Meadows subdivision to the north, a Georgia Power easement to the northwest, Highway 42 to the southwest, and Tabernacle of Praise Church to the south across Old Campground Road. The site is made up of two parcels that total approximately 48.5-acres.

Of the 46.5-acres, approximately 1.5 acres are in a floodplain. Approximately 8.7 acres of the site are proposed to be used for street right-of-way. The net area of the site is 38.29 acres. The proposed 243-unit single family subdivision has a net site density of 6.35 units per acre. There would be 142 townhome units and 101 single-family detached lots. The site would have 15 acres of open space (approximately 30% of the total site area). Elevations are included with this submittal.

The proposed annexation and rezoning would allow for the 48.5-acre site to be annexed into the City Limits of Stockbridge, rezoned PUD, and be subject to the Parkway Mixed Use overlay district. The proposal includes 243 new homes.

Rationale for Request

This area is part of the "high-density suburban" character area per the Henry County Comprehensive Plan. As such, the proposed PUD zoning in Stockbridge is compatible with the underlying designation and is therefore aligned with the comprehensive plan. The immediate area is characterized by different types of single family development, including townhomes and detached homes. The proposed development would fit into the character of the existing context and would present a high quality addition to the overall area. The development would be compatible and consistent with nearby and adjacent development pattern, and therefore meets the purpose and intent of the district per the City of Stockbridge UDO.

Constitutional Objections

The portions of the Code of Ordinances and Zoning Ordinance for City of Stockbridge (the "Zoning Ordinance") which classifies or conditions the Property into any more or less intensive zoning classification and/or zoning conditions other than as requested by the Applicant and property owner are unconstitutional, in that they would destroy the Applicant's and property owner's property rights without

first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Zoning Ordinance which presently restricts the Property's use to the present zoning classification, uses, regulations, requirements, and conditions is unconstitutional, illegal, null and void, and constitutes a taking of the Applicant's and the property owner's property rights in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of 1983, and in violation of the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States by denying economic and viable use of the Property while not substantially advancing legitimate state interests.

The Property is presently suitable for OSC as proposed in the requested rezoning, as amended by the Applicant, and is not economically suitable for uses restricted under its present zoning and development classification, conditions, regulations, and restrictions due to its location, shape, size, surrounding development, and other factors. A denial of the requested rezoning and related variances would constitute an arbitrary and capricious act by City of Stockbridge and the City Council without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment. A refusal by City of Stockbridge and the City Council to approve this requested rezoning, with only such additional conditions as agreed to by the Applicant and/or owner, so as to permit the only feasible economic use of the Property, would be unconstitutional between the Applicant, owner, and similarly situated property owners, in violation of Article I, Section I, Paragraph II of the Constitution of the State by discriminating of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment.

Conclusion

The applicant and owner respectfully request that the City of Stockbridge City Council, Planning Commission and Planning Staff approve and support the Applicant's rezoning request to allow for annexation into Stockbridge and the development of a new, single-family attached and detached subdivision. The developer and their representatives welcome the opportunity to meet with all interested parties and representatives.

Sincerely,

Hayley Todd

Zoning Manager, Planners and Engineers Collaborative, Inc.

ZONING DESCRIPTION
NORTH TRACT

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 34 & 35 of the 7TH District, Henry County, Georgia and being more particularly described as follows:

Beginning at the intersection of the northerly right-of-way line of Campground Road Extension (Variable R/W) with the southeasterly right-of-way line of Union City Norcross Transmission Line easement; thence along said easement

North 17 degrees 5 minutes 19 seconds East, a distance of 166.16 feet; thence North 17 degrees 9 minutes 14 seconds East, a distance of 769.82 feet; thence leaving saif right-of-way line North 90 degrees 0 minutes 0 seconds East, a distance of 100.50 feet; thence along the centerline of creek and following the meanderings thereof the following:

South 59 degrees 33 minutes 13 seconds East, a distance of 31.21 feet; thence South 38 degrees 8 minutes 20 seconds East, a distance of 206.68 feet; thence South 49 degrees 39 minutes 57 seconds East, a distance of 75.01 feet; thence South 49 degrees 6 minutes 3 seconds East, a distance of 103.84 feet; thence South 22 degrees 50 minutes 31 seconds East, a distance of 106.11 feet; thence South 54 degrees 29 minutes 7 seconds East, a distance of 210.47 feet; thence South 37 degrees 27 minutes 40 seconds East, a distance of 138.14 feet; thence South 6 degrees 28 minutes 54 seconds West, a distance of 130.40 feet; thence South 39 degrees 50 minutes 1 second East, a distance of 118.45 feet; thence South 10 degrees 0 minutes 45 seconds East, a distance of 101.77 feet; thence South 23 degrees 35 minutes 52 seconds East, a distance of 178.34 feet; thence South 63 degrees 4 minutes 32 seconds East, a distance of 53.02 feet; thence South 67 degrees 29 minutes 2 seconds East, a distance of 27.86 feet;

thence leaving said creek North 89 degrees 29 minutes 28 seconds East, a distance of 353.55 feet; thence South 01 degree 53 minutes 24 seconds West, a distance of 448.96 feet to a point on said right-of-way line of Campground Road Extension; thence along said right-of-way the following courses and distances:
North 50 degrees 59 minutes 10 seconds West, a distance of 448.30 feet; thence North 38 degrees 57 minutes 59 seconds East, a distance of 90.01 feet; thence North 50 degrees 59 minutes 32 seconds West, a distance of 49.01 feet; thence South 39 degrees 38 minutes 49 seconds West, a distance of 90.00 feet; thence North 50 degrees 59 minutes 12 seconds West, a distance of 475.68 feet; thence 456.46 feet along an arc of a curve to the left having a radius of 710.00 feet and a chord bearing and distance of North 69 degrees 24 minutes 11 seconds West 448.64 feet to a point; thence North 16 degrees 31 minutes 45 seconds West, a distance of 81.89 feet; thence South 82 degrees 3 minutes 52 seconds West, a distance of 122.49 feet; thence South 8 degrees 40 minutes 2 seconds East, a distance of 70.00 feet; thence 94.93 feet along an arc of a curve to the left having a radius of 709.99 feet and a chord bearing and distance of South 77 degrees 28 minutes 36 seconds West 94.86 feet to a point; thence South 68 degrees 22 minutes 54 seconds West, a distance of 130.83 feet to the POINT OF BEGINNING.

Said Tract containing 16.12 acres.

ZONING DESCRIPTION
SOUTH TRACT

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 34 & 35 of the 7TH District, Henry County, Georgia and being more particularly described as follows:

Beginning at the intersection of the northerly right-of-way line of Campground Road (80' R/W) with the northeasterly right-of-way line of State Route 43, aka U.S. Hwy 23 (90' R/W), thence along said right-of-way of State Route 43, aka U.S. Hwy 23 North 33 degrees 37 minutes 41 seconds West, a distance of 120.45 feet; thence North 33 degrees 18 minutes 45 seconds West, a distance of 777.39 feet; thence North 33 degrees 19 minutes 8 seconds West, a distance of 385.29 feet; thence North 17 degrees 3 minutes 32 seconds East, a distance of 197.64 feet to a point on the southerly right-of-way line of Campground Road Extension (Variable R/W); thence along said right-of-way the following courses and distances:

North 56 degrees 31 minutes 15 seconds East, a distance of 34.69 feet; thence 214.32 feet along an arc of a curve to the right having a radius of 610.00 feet and a chord bearing and distance of North 66 degrees 35 minutes 18 seconds East 213.22 feet to a point; thence 163.44 feet along an arc of a curve to the right having a radius of 610.00 feet and a chord bearing and distance of North 84 degrees 19 minutes 45 seconds East 162.95 feet to a point; thence South 01 degree 59 minutes 46 seconds West, a distance of 30.00 feet; thence South 85 degrees 59 minutes 24 seconds East, a distance of 40.42 feet; thence North 5 degrees 59 minutes 50 seconds East, a distance of 30.00 feet; thence 351.48 feet along an arc of a curve to the right having a radius of 610.00 feet and a chord bearing and distance of South 67 degrees 29 minutes 37 seconds East 346.64 feet to a point; thence South 50 degrees 59 minutes 9 seconds East, a distance of 485.70 feet; thence South 39 degrees 0 minutes 1 second West, a distance of 10.00 feet; thence South 50 degrees 59 minutes 5 seconds East, a distance of 30.00 feet; thence North 39 degrees 0 minutes 1 second East, a distance of 10.00 feet; thence South 50 degrees 59 minutes 12 seconds East, a distance of 534.07 feet;

thence leaving said right-of-way line South 01 degree 53 minutes 24 seconds West, a distance of 552.54 feet; thence South 87 degrees 57 minutes 30 seconds West, a distance of 756.46 feet; thence North 4 degrees 46 minutes 22 seconds West, a distance of 122.05 feet; thence North 60 degrees 7 minutes 20 seconds West, a distance of 43.45 feet; thence South 66 degrees 33 minutes 29 seconds West, a distance of 32.12 feet; thence South 26 degrees 41 minutes 17 seconds East, a distance of 72.23 feet; thence South 4 degrees 6 minutes 29 seconds West, a distance of 67.91 feet; thence South 87 degrees 57 minutes 30 seconds West, a distance of 93.89 feet to the POINT OF BEGINNING.

Said Tract containing 32.42 acres.

Henry County, GA

Parcel Results

20 Results

Parcel ID	Owner	Property Address
070E01072000	SUMMITT AT EAGLES LANDING HOMEOWNERS ASSOC INC	SUMMIT VIEW DR
071-01033000	S ATLANTA CONFERENCE	1978 HIGHWAY 42 N
071-01034015	A4 INVESTMENTS LLC	204 WEST CAMPGROUND RD
071-01034016	CAMPGROUND CENTER LLC	100-140 WEST CAMPGROUND RD
071-01034020	HOPEWELL CAPITAL LLC, THE PATTERSON REAL EST GRP L	WEST CAMPGROUND RD
071Q01200000	MERITAGE HOMES OF GEORGIA INC	
088C01028000	WILLIAMS TANESHA	297 WHITNEY LN
088C01029000	HOQUE RIAJ AL	301 WHITNEY LN
089-01001000	ROWAN FAMILY REAL ESTATE LLC	1872 HIGHWAY 42 N
089-01001003	ROWAN PROPERTIES LP	1778 HIGHWAY 42 N
089-01001021	THE KOLODKIN FAMILY LIMITED PARTNERSHIP	1775-1789 HIGHWAY 42 N
089-01002000	STEWART JAMES L	101 CAMPGROUND RD
089-01002001	YONKERS LLC	CAMPGROUND RD
089-01009003	SUSHRUT LLC	
089-02048002	O'REILLY AUTOMOTIVE INC	1765 HIGHWAY 42 HWY N
089-02049005	TABERNACLE OF PRAISE CHURCH INTNL INC	1640 HIGHWAY 42 N
089F01015000	FAUR CYNTHIA G W	157 CROWN WALK
089F01016000	MAUSHARDT THERESA A &	158 CROWN WALK

Mailing Labels

20 Results

Select export file format:

Address labels (5160)

International mailing labels that exceed 5 lines are not supported on the Address labels (5160). For international addresses, please use the xlsx, csv or tab download formats.

Show Parcel ID on Label

Skip Labels 0

For best results, uncheck "Fit to Page" in your print settings.

Download

Data contained on this website represent a work in progress toward completion of the annual tax digest. As such, data is subject to change at any time. Ownership and map information correspond with the most current information processed by our office. Search deed records at the Henry County Courthouse to ensure the most current ownership information. Parcel lines depicted on the maps do not reflect a true and exact representation of property boundaries. Contact 770-288-7526 to verify zoning.
| User Privacy Policy | GDPR Privacy Notice
Last Data Upload: 10/7/2024, 12:15:24 AM

Contact Us

Developed by SCHNEIDER GEOSPATIAL









Planners & Engineers Collaborative+
350 RESEARCH COURT
SUITE 200
PEACHTREE CORNERS, GA 30092

9/27/2023

City of Stockbridge Community Development
4602 North Henry Blvd
Stockbridge, GA 30281

Re: **Campground – Water Sewer Letter**
Planners and Engineers Collaborative, Inc. Project No: 19279.00A

Please be advised, Planners and Engineers Collaborative requested the water/sewer service letter on or before the date referenced above. We have yet to receive documentation but will furnish the letter to Stockbridge as soon as we receive it.

Sincerely,
Planners and Engineers Collaborative, Inc.
Ramona Booker
Email rbooker@pec.plus
Phone number 678-684-6227

Planners & Engineers Collaborative+
350 RESEARCH COURT
SUITE 200
PEACHTREE CORNERS, GA 30092

9/27/2023

Henry County Water Authority, Engineering Division
100 Westridge Industrial Blvd
McDonough, GA 30253
Phone # 678-583-3800

Re: **Campground – Water Sewer Letter–**
Planners and Engineers Collaborative, Inc. Project No: 19279.00A

Dear HWCA Engineering Division

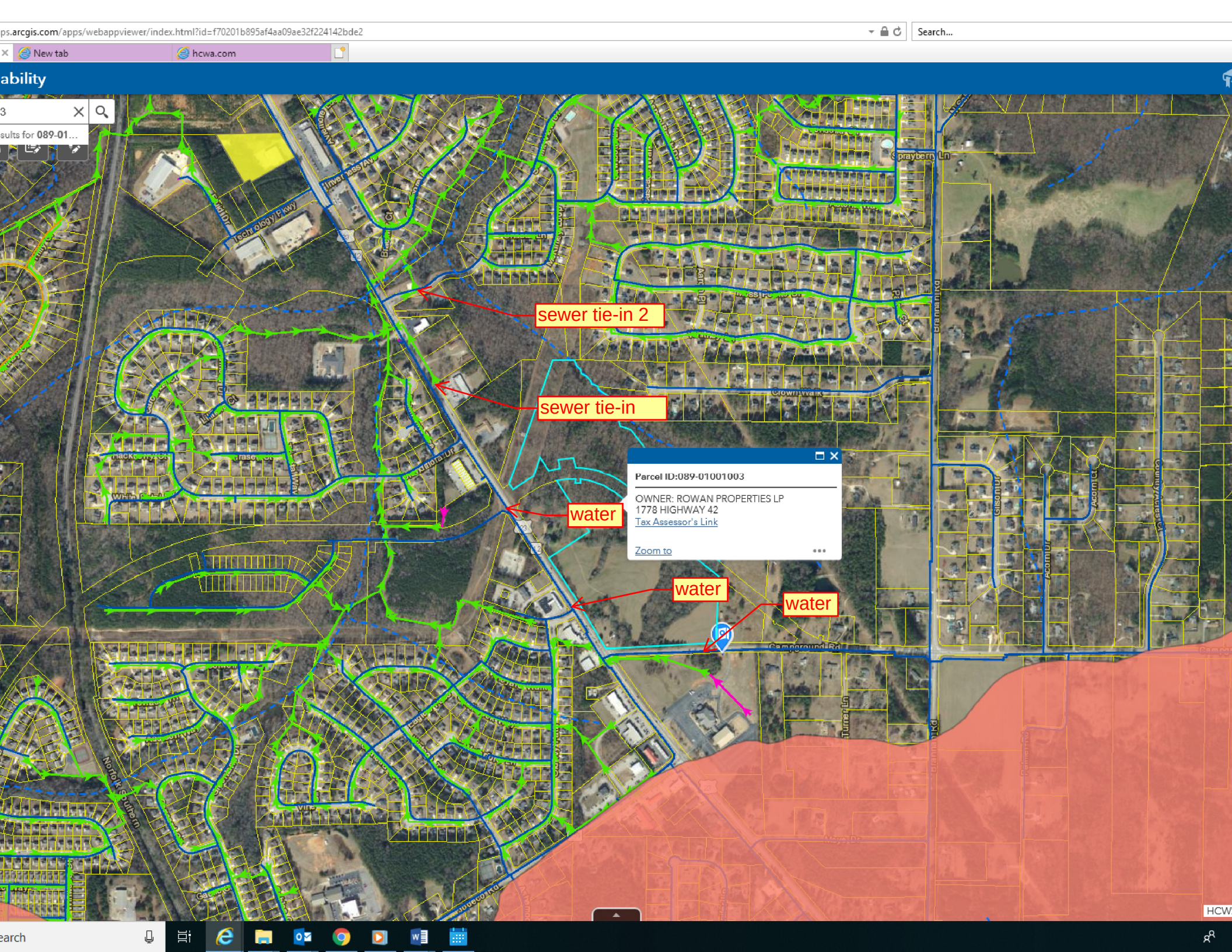
Planners and Engineers Collaborative, Inc. (PEC) is submitting this letter of intent as required to fulfill the water /sewer availability letter request for parcel ID's 089-01001003, 089-01001000 currently zoned RA. At present PEC is working through due diligence with our client who is proposing a PUD subdivision of total 243 units. The community would consist of 142 Townhome units and 101 Single Family homes. The Subject Property is located along Hwy 42 and Campground Rd in Mcdonough GA. The site is made up of two parcels that total approximately +-48.597-acres.

Attached are documents per your request. If there is anything else you may need, please reach out to me at htodd@pec.plus who is the point of contact for this project. Thank you for your time and assistance.

Current jurisdiction: RA – Henry County
Proposed jurisdiction PUD– City of Stockbridge

The developer and their representatives welcome the opportunity to meet with all interested parties and representatives.

Sincerely,
Planners and Engineers Collaborative, Inc.
Ramona Booker
Email rbooker@pec.plus
Phone number 678-684-6227


sewer tie-in 2
sewer tie-in
water
water
water
Parcel ID:089-01001003
OWNER: ROWAN PROPERTIES LP
1778 HIGHWAY 42
Tax Assessor's Link
Zoom to

From: Kenneth Wood <Kwood@pec.plus>
Sent: Wednesday, November 6, 2024 4:01 PM
To: Keedra Jackson <kjackson@stockbridgega.org>; Ryan Anderson <randerson@stockbridgega.org>
Subject: RE: 30-day deferral to December Planning Commission

Caution: This email originated from outside your organization.
Exercise caution when opening attachments or clicking links, especially from unknown senders.

This is for the Campground at Highway 42 Meritage Homes subdivision that is on both sides of Campground.

Kenneth Wood P.E. | LEED AP
Principal | C.E.O.
E: ken@pec.plus
D: 678-684-6206 | Main: 770.451.2741

New Website | Linkedin | Facebook
Georgia East Office (Main): 350 Research Court, Peachtree Corners, GA 30092
Georgia West Office: 900 Circle 75 Pkwy. Suite 925, Atlanta, Ga 30339
Georgia South Office: 315 West Solomon Street, Suite 210, Griffin, Ga 30223

In accepting and utilizing any drawings or other data on any form of electronic media generated and provided by Planners and Engineers Collaborative, The Client agrees that all such drawings and data are instruments of service of Planners and Engineers Collaborative; and they are not to be used or modified in whole or in part, for any purpose or project other than the project for which they have been prepared without waiving all claims against Planners and Engineers Collaborative and indemnifying for any damage, liability or cost, including defense cost arising from such claims.
Under no circumstances shall transfer of the drawings and other instruments of service on electronic media for use by The Client be deemed a sale by Planners and Engineers Collaborative, and Planners and Engineers Collaborative makes no warranties, either express or implied, of merchantability and fitness for any particular purpose.

> **From:** Kenneth Wood
> **Sent:** Wednesday, November 6, 2024 4:00 PM
> **To:** Keedra Jackson <kjackson@stockbridgega.org>; Ryan Anderson <randerson@stockbridgega.org>
> **Subject:** 30-day deferral to December Planning Commission
>
> Keedra and Ryan,
> After meeting with the District Council and Mayor Pro-tem about what they would like to see in their area we would like to request a deferral away from the November cycle to the December cycle to give us time to resubmit a new plan and meet with the council members.
>
> **Kenneth Wood P.E. | LEED AP**

Principal | C.E.O.
E: ken@pec.plus
D: 678-684-6206 | Main: 770.451.2741



New Website | Linkedin | Facebook
Georgia East Office (Main): 350 Research Court, Peachtree Corners, GA 30092
Georgia West Office: 900 Circle 75 Pkwy. Suite 925, Atlanta, Ga 30339
Georgia South Office: 315 West Solomon Street, Suite 210, Griffin, Ga 30223

In accepting and utilizing any drawings or other data on any form of electronic media generated and provided by Planners and Engineers Collaborative, The Client agrees that all such drawings and data are instruments of service of Planners and Engineers Collaborative; and they are not to be used or modified in whole or in part, for any purpose or project other than the project for which they have been prepared without waiving all claims against Planners and Engineers Collaborative and indemnifying for any damage, liability or cost, including defense cost arising from such claims.
Under no circumstances shall transfer of the drawings and other instruments of service on electronic media for use by The Client be deemed a sale by Planners and Engineers Collaborative, and Planners and Engineers Collaborative makes no warranties, either express or implied, of merchantability and fitness for any particular purpose.

PREPARED BY:
J.B. PRINCE & ASSOCIATES INC.
LAND SURVEYORS
125 WESTRIDGE INDUSTRIAL BLVD.
SUITE 102
PHONE #: 770-957-4614

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

JONTHAN B. PRINCE , R.L.S. #3244

3-7-2018
DATE

GEORGIA REGISTERED NO. 3244 LAND SURVEYOR JONATHAN B. PRINCE

IF YOU DIG GEORGIA...
CALL US FIRST!
811
UTILITIES PROTECTION CENTER
IT'S THE LAW

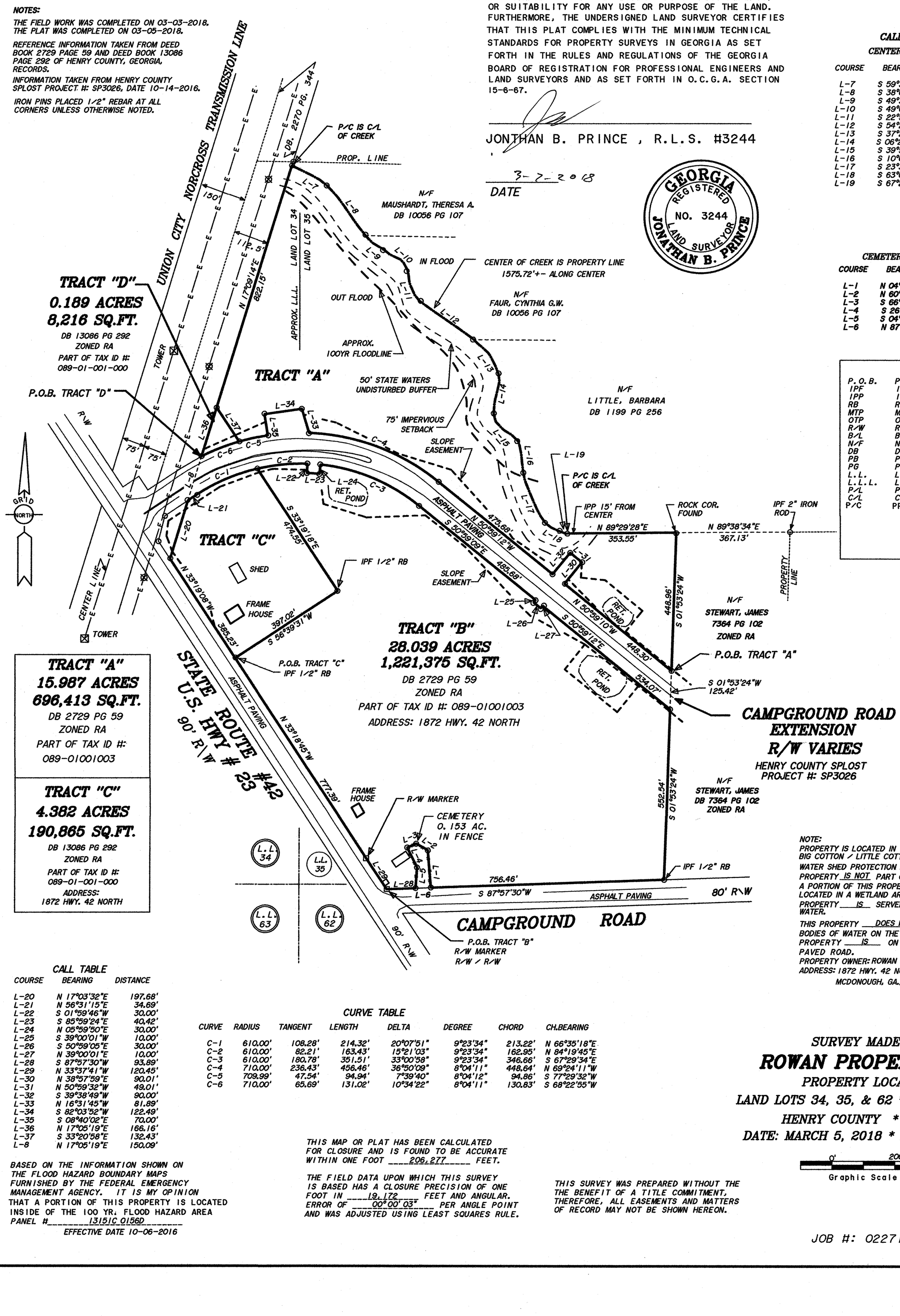
NOTES:

THE FIELD WORK WAS COMPLETED ON 03-03-2018. THE PLAT WAS COMPLETED ON 03-05-2018.

REFERENCE INFORMATION TAKEN FROM DEED BOOK 2729 PAGE 59 AND DEED BOOK 13086 PAGE 292 OF HENRY COUNTY, GEORGIA, RECORDS.

INFORMATION TAKEN FROM HENRY COUNTY SPLOST PROJECT #: SP3026, DATE 10-14-2016.

IRON PINS PLACED 1/2" REBAR AT ALL CORNERS UNLESS OTHERWISE NOTED.



CALL TABLE
CENTER OF CREEK

COURSE	BEARING	DISTANCE
L-7	S 59°33'13"E	129.88'
L-8	S 38°08'20"E	206.68'
L-9	S 49°39'57"E	75.01'
L-10	S 49°06'03"E	103.84'
L-11	S 22°50'31"E	106.11'
L-12	S 54°29'07"E	210.47'
L-13	S 37°27'40"E	138.14'
L-14	S 06°28'54"W	130.40'
L-15	S 39°50'01"E	118.45'
L-16	S 10°00'45"E	101.77'
L-17	S 23°35'52"E	178.34'
L-18	S 63°04'32"E	53.02'
L-19	S 67°29'02"E	27.86'

CEMETERY CALL TABLE

COURSE	BEARING	DISTANCE
L-1	N 04°46'22"W	122.05'
L-2	N 60°07'20"W	43.45'
L-3	S 66°33'29"W	32.12'
L-4	S 26°41'17"E	72.23'
L-5	S 04°08'29"W	67.91'
L-6	N 87°57'30"E	49.80'

LEGEND

P.O.B.	POINT OF BEGINNING
IPF	IRON PIN FOUND
IPP	IRON PIN PLACED
RB	REBAR
MTP	MASH TOP PIPE
OTP	OPEN TOP PIPE
R/W	RIGHT-OF-WAY
B/L	BUILDING LINE
N/F	NOW OR FORMERLY
DB	DEED BOOK
PB	PLAT BOOK
PG	PAGE
L.L.	LAND LOT
L.L.L.	LAND LOT LINE
P/L	PROPERTY LINE
C/L	CENTER LINE
P/C	PROPERTY CORNER

TRACT "A"
15.987 ACRES
696,413 SQ.FT.
DB 2729 PG 59
ZONED RA
PART OF TAX ID #: 089-01001003

TRACT "C"
4.382 ACRES
190,865 SQ.FT.
DB 13086 PG 292
ZONED RA
PART OF TAX ID #: 089-01-001-000
ADDRESS: 1872 HWY. 42 NORTH

CALL TABLE

COURSE	BEARING	DISTANCE
L-20	N 17°03'32"E	197.68'
L-21	N 56°31'15"E	34.69'
L-22	S 01°59'46"W	30.00'
L-23	S 85°59'24"E	40.42'
L-24	N 05°59'50"E	30.00'
L-25	S 39°00'01"W	10.00'
L-26	S 50°59'05"E	30.00'
L-27	N 39°00'01"E	10.00'
L-28	S 87°57'30"W	93.89'
L-29	N 33°37'41"W	120.45'
L-30	N 38°57'59"E	90.01'
L-31	N 50°59'32"W	49.01'
L-32	S 39°38'49"W	90.00'
L-33	N 16°31'45"W	81.89'
L-34	S 82°03'52"W	122.49'
L-35	S 08°40'02"E	70.00'
L-36	N 17°05'19"E	166.16'
L-37	S 33°20'58"E	132.43'
L-8	N 17°05'19"E	150.09'

CURVE TABLE

CURVE	RADIUS	TANGENT	LENGTH	DELTA	DEGREE	CHORD	CH.BEARING
C-1	610.00'	108.28'	214.32'	20°07'51"	9°23'34"	213.22'	N 66°35'18"E
C-2	610.00'	82.21'	163.43'	15°21'03"	9°23'34"	162.95'	N 84°19'45"E
C-3	610.00'	180.78'	351.51'	33°00'58"	9°23'34"	346.66'	S 67°29'34"E
C-4	710.00'	236.43'	456.46'	36°50'09"	8°04'11"	448.64'	N 69°24'11"W
C-5	709.99'	47.54'	94.94'	7°39'40"	8°04'12"	94.86'	S 77°29'32"W
C-6	710.00'	65.69'	131.02'	10°34'22"	8°04'11"	130.83'	S 68°22'55"W

BASED ON THE INFORMATION SHOWN ON THE FLOOD HAZARD BOUNDARY MAPS FURNISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. IT IS MY OPINION THAT A PORTION OF THIS PROPERTY IS LOCATED INSIDE OF THE 100 YR. FLOOD HAZARD AREA
PANEL # 13151C 0156D
EFFECTIVE DATE 10-06-2016

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT 206,277 *FEET.*

THE FIELD DATA UPON WHICH THIS SURVEY IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 19,172 *FEET AND ANGULAR. ERROR OF* 00°00'03" *PER ANGLE POINT AND WAS ADJUSTED USING LEAST SQUARES RULE.*

THIS SURVEY WAS PREPARED WITHOUT THE THE BENEFIT OF A TITLE COMMITMENT, THEREFORE, ALL EASEMENTS AND MATTERS OF RECORD MAY NOT BE SHOWN HEREON.

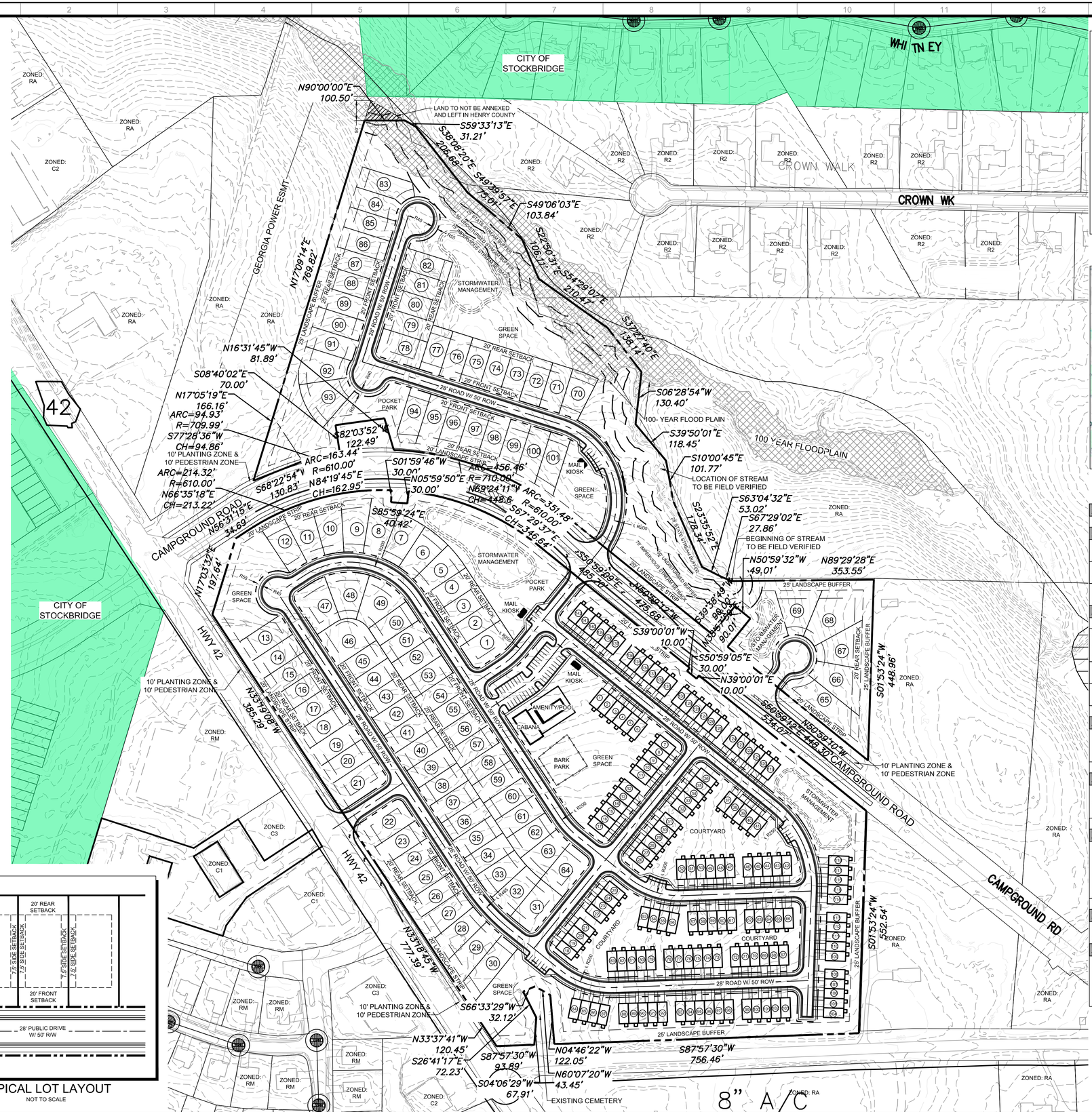
NOTE:
PROPERTY IS LOCATED IN THE BIG COTTON / LITTLE COTTON INDIAN CREEK WATER SHED PROTECTION DISTRICT.
PROPERTY IS NOT *PART OF A SUBDIVISION*
A PORTION OF THIS PROPERTY IS *LOCATED IN A WETLAND AREA.*
PROPERTY IS *SERVED BY COUNTY WATER.*
THIS PROPERTY DOES HAVE *BODIES OF WATER ON THE PROPERTY.*
PROPERTY IS *ON A ASPHALT PAVED ROAD.*
PROPERTY OWNER: ROWAN PROPERTIES LP
ADDRESS: 1872 HWY. 42 NORTH
MCDONOUGH, GA., 30253

SURVEY MADE FOR:
ROWAN PROPERTIES LP
PROPERTY LOCATED IN:
LAND LOTS 34, 35, & 62 * 7TH. DISTRICT
HENRY COUNTY * GEORGIA
DATE: MARCH 5, 2018 * SCALE: 1"=200'

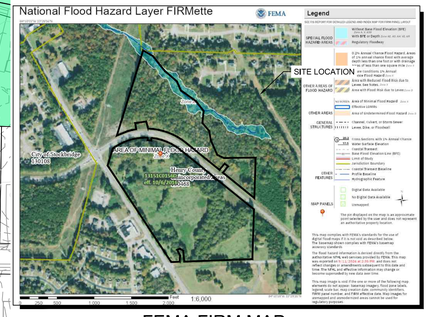
0' 200'
Graphic Scale

JOB #: 022718RO

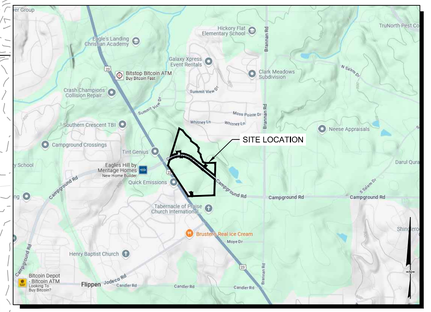
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TYPICAL LOT LAYOUT
NOT TO SCALE



FEMA FIRM MAP
NOT TO SCALE



SITE LOCATION MAP
NOT TO SCALE

SITE DATA:	
SITE AREA	48.54 ACRES
ZONING	
EXISTING ZONING	RA
PROPOSED ZONING	PUD (PLANNED UNIT DEVELOPMENT)
EXISTING OVERLAY DISTRICT	HIGHWAY CORRIDOR OVERLAY DISTRICT
PROPOSED OVERLAY DISTRICT	PMU (PARKWAY MIXED USE)
EXISTING ZONING JURISDICTION	HENRY COUNTY
PROPOSED ZONING JURISDICTION	CITY OF STOCKBRIDGE
USE CALCULATIONS	
TOTAL SITE AREA	48.54 ACRES
STREET RIGHT-OF-WAY AREA	8.76 ACRES
FLOOD HAZARD AREA	1.54 ACRES
NET SITE AREA	38.24 ACRES
SINGLE FAMILY LAND USE	25.22 NET ACRES
TOWNHOME LAND USE	13.02 NET ACRES
TOTAL 24'x50' TOWNHOME UNITS	142 UNITS (10,91 UPA)
TOTAL SINGLE FAMILY LOTS	101 LOTS (4.00 UPA)
TOTAL UNITS/ DENSITY	243 UNITS (6,35 UPA)
PROPOSED SFD SETBACK REQUIREMENTS	
FRONT SETBACK	20 FEET
SIDE SETBACK	7.5 FEET
REAR SETBACK	20 FEET
REQUIRED BUFFERS	25 FEET
PROPOSED TH SETBACK REQUIREMENTS	
FRONT SETBACK	15 FEET
SIDE SETBACK	10 FEET
REAR SETBACK	20 FEET
REQUIRED BUFFERS	25 FEET
DEVELOPMENT STANDARDS	
MIN DEVELOPMENT SIZE	3 CONTIGUOUS ACRES
REQUIREMENTS FOR LAND USE	MUST INCLUDE MINIMUM OF TWO (2) DIFFERENT USES AND/OR TWO (2) TYPES OF VARIED HOUSING OPTIONS. (2.4.14.B.2.)
PROPOSED SF MINIMUM LOT SIZE	5,000 SF
PROPOSED MINIMUM SFD LOT WIDTH	50 FEET
EXTERIOR LANDSCAPED STRIPS	20 FEET
OPEN SPACE CALCULATIONS	
REQUIRED OPEN SPACE	20% (9.719 ACRES)
OPEN SPACE PROPOSED	15.67 ACRES (32.2%)
PARKING REQUIREMENTS	
PROPOSED RESIDENT PARKING (2 SPACES PER UNIT)	486 SPACES
PROPOSED AMENITY PARKING	37 SPACES
PROPOSED GUEST PARKING	27 SPACES
TOTAL PARKING PROVIDED	550 SPACES

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PEACHTREE CORNERS, GA 30092

PROJECT

HWY 42 @ CAMPGROUND ROAD

A MASTER PLANNED RESIDENTIAL DEVELOPMENT

AT

HIGHWAY 42 @ CAMPGROUND ROAD
MCDONOUGH, GA 30253

HENRY COUNTY, GEORGIA

FOR

MERITAGE HOMES

MUNICIPALITY PROJECT #

REVISIONS

NO.	DATE	BY	DESCRIPTION

THIS SEAL IS ONLY VALID IF COUNTER SIGNED AND DATED WITH AN ORIGINAL SIGNATURE.

GEORGIA REGISTERED No. 34393 PROFESSIONAL ENGINEER KENNETH J WOOD

GSWCC LEVEL II DESIGN PROFESSIONAL CERTIFICATION # 0000059389 EXP. 10/28/2024

ZONING SITE PLAN

0 60 120 240 360

SCALE: 1" = 120'
DATE: 10/07/2024
PROJECT: 19279.00A

Z1
SHEET

J:\2019\19279\00A\Civil\Concepts & Exhibits\Zoning\19279.00A - Site - Zone1.dwg - MKipp - 10/7/2024 1:40 PM

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TRACT "B"
16.176 ACRES

TRACT "A"
32.859 ACRES

N90°00'00"E 100.50'
S59°33'13"E 31.21'
S38°08'20"E 206.68'
S49°39'57"E 75.01'
S49°06'03"E 103.84'
S22°50'31"E 106.11'
S54°29'07"E 210.47'
S37°27'40"E 138.14'
S06°28'54"W 130.40'
S39°50'01"E 118.45'
S10°00'45"E 101.77'
S23°35'52"E 178.34'
S63°04'32"E 53.02'
S67°29'02"E 27.86'
N50°59'32"W 49.01'
N89°29'28"E 353.55'
S39°38'49"W 90.00'
N38°57'55"E 90.01'
S01°53'24"W 448.96'
S01°53'24"W 552.54'
N50°59'10"W 445.30'
S50°59'12"E 534.07'
S50°59'09"E 485.70'
N50°59'12"W 475.68'
S39°00'01"W 10.00'
S50°59'05"E 30.00'
N39°00'01"E 10.00'
N17°09'14"E 769.82'
N16°31'45"W 81.89'
S08°40'02"E 70.00'
N17°05'19"E 166.16'
ARC=94.93'
R=709.99'
S77°28'36"W
CH=94.86'
S82°03'52"W 122.49'
ARC=163.44'
R=610.00'
N84°19'45"E
CH=162.95'
S01°59'46"W 30.00'
N05°59'50"E 30.00'
ARC=456.46'
R=710.00'
N69°24'11"W
CH=448.6'
ARC=351.48'
R=610.00'
S67°29'37"E
CH=346.64'
S85°59'24"E 40.42'
S68°22'54"W 130.83'
ARC=214.32'
R=610.00'
N66°35'18"E
CH=213.22'
N56°31'15"E 34.69'
N17°03'32"E 197.64'
N33°19'08"W 385.29'
N33°16'45"W 777.39'
S66°33'29"W 32.12'
N33°37'41"W 120.45'
S87°57'30"W 93.89'
S26°41'17"E 72.23'
S04°06'29"W 67.91'
N04°46'22"W 122.05'
N60°07'20"W 43.45'
S87°57'30"W 756.46'
42

FEMA FIRM MAP
NOT TO SCALE

SITE LOCATION MAP
NOT TO SCALE

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PROJECT

HWY 42 @ CAMPGROUND ROAD

A MASTER PLANNED RESIDENTIAL DEVELOPMENT

AT

HIGHWAY 42 @ CAMPGROUND ROAD
MCDONOUGH, GA 30253

HENRY COUNTY, GEORGIA

FOR

MERITAGE HOMES

MUNICIPALITY PROJECT #

REVISIONS

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GEORGIA REGISTERED No. 34393 PROFESSIONAL ENGINEER KENNETH J WOOD

GSWCC LEVEL II DESIGN PROFESSIONAL
CERTIFICATION # 0000059389 EXP. 10/28/2024

ZONING BOUNDARY EXHIBIT

0 60 120 240 360

SCALE: 1" = 120'
DATE: 09/16/2024
PROJECT: 19279.00A

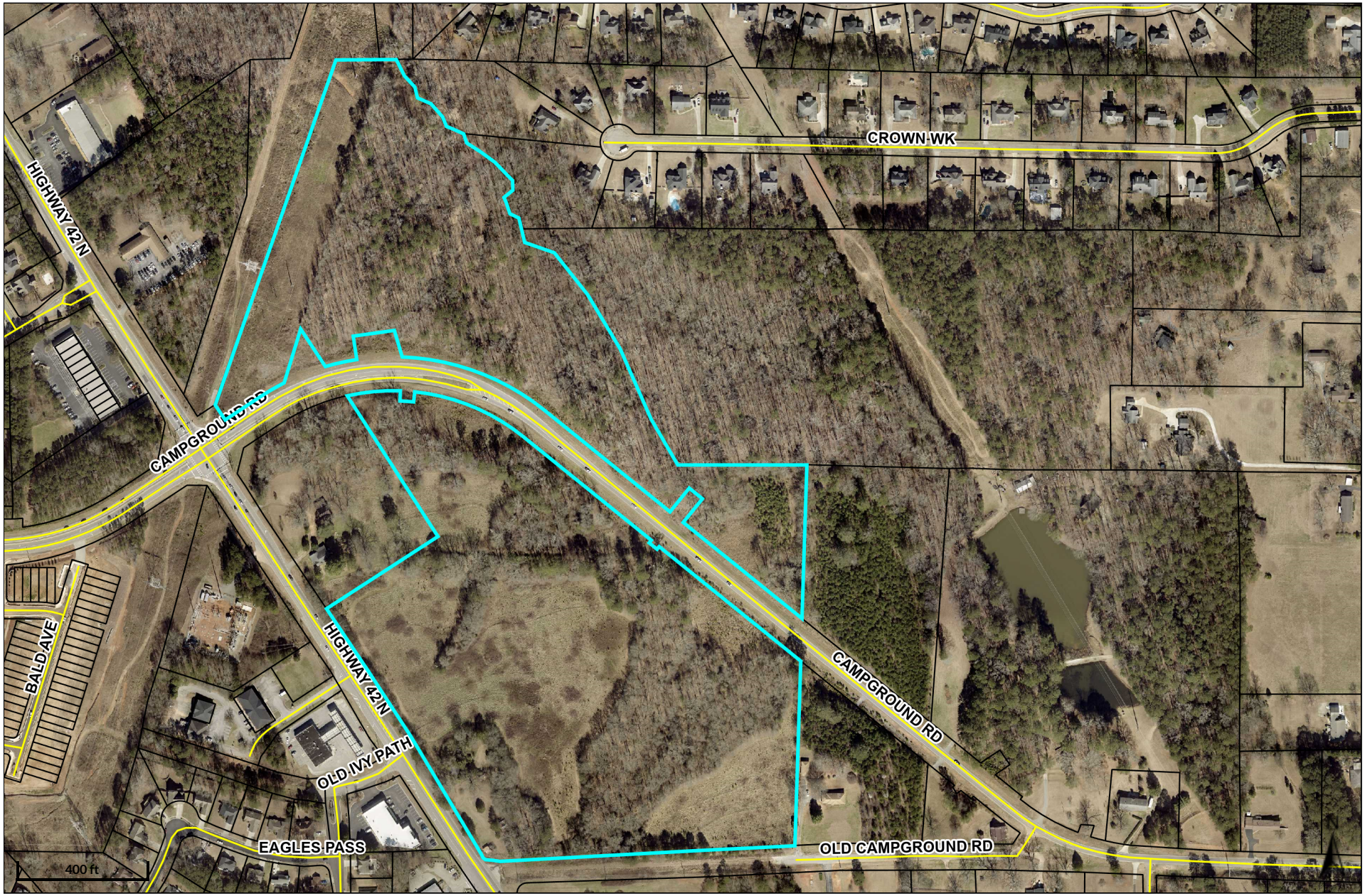
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GRID NORTH
GEORGIA WEST ZONE

Z1.2
SHEET

J:\2019\19279\00A\Dsk\Concepts & Exhibits\Zoning\19279.00A - Site - Zone1.dwg - MKopp - 10/7/2024 1:22 PM

HIGHWAY 42 NORTH REZONING





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HIGHWAY 42 NORTH (1778 & 1872)

CITY OF STOCKBRIDGE, GA

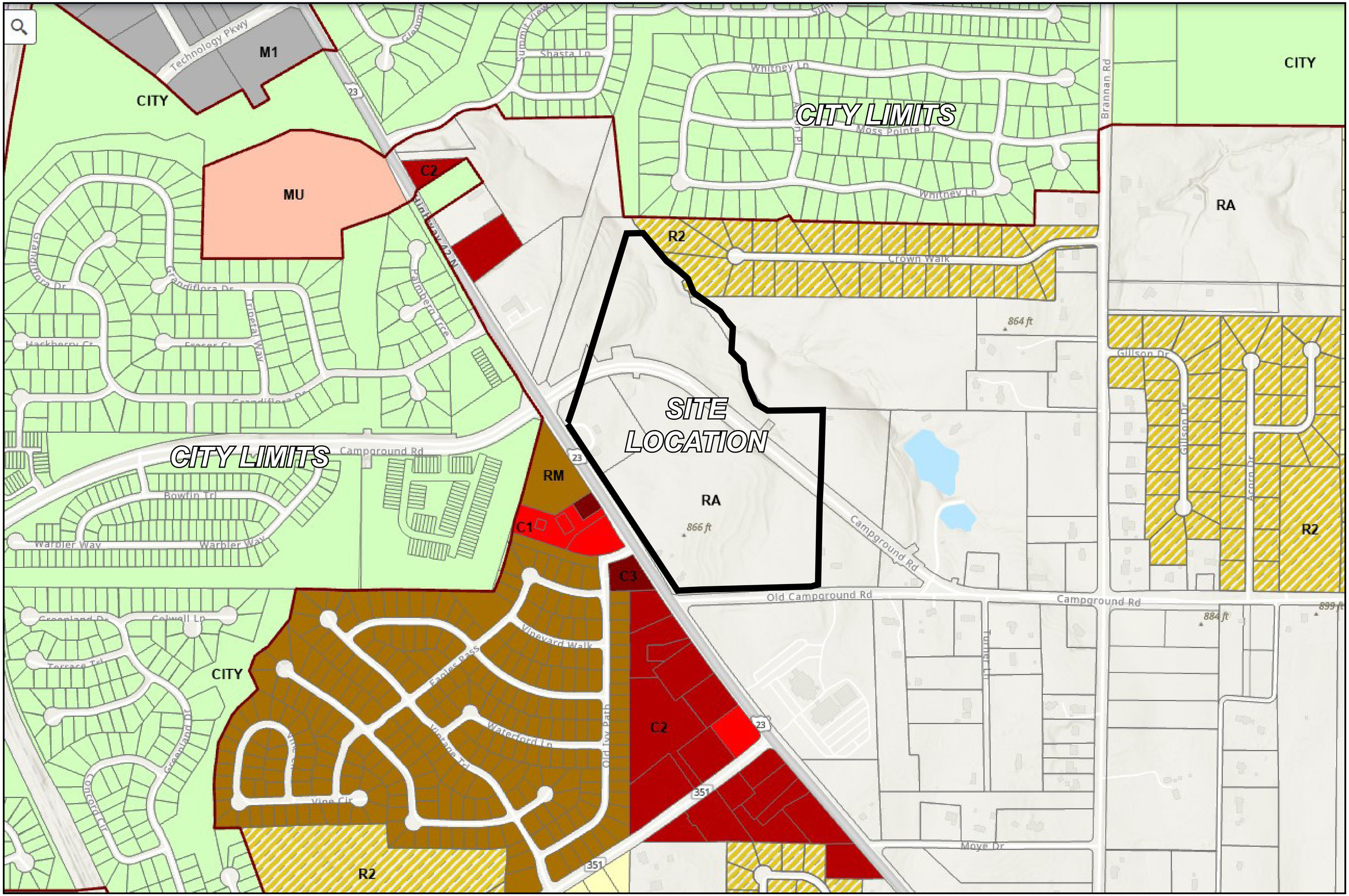
SITE LOCATION

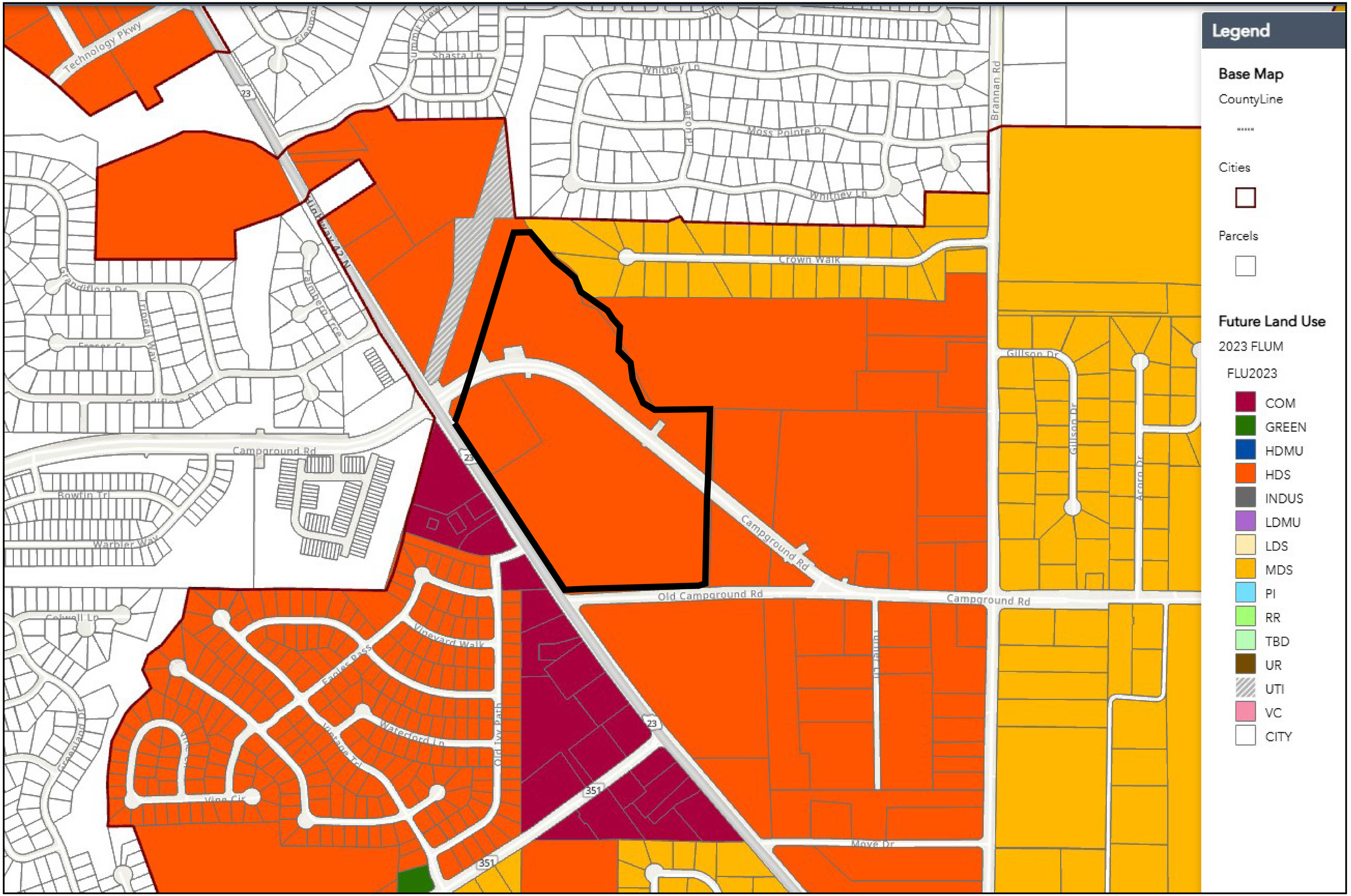
SUMMARY OF REQUEST:

Proposed development: a new, 243-unit, single-family attached and detached development on the approximately 48.5-acre site known as Campground Road @ Highway 42 (the "Subject Property," PIDs 089-01001000 and 089-01001003).

Actions:

- ***Annexation of the subject property from Unincorporated Henry County into the City of Stockbridge.***
- ***Comprehensive Land Use Map Amendment of the subject property from High-Density Residential to Medium-Density Residential.***
- ***Rezone of the subject property from RA to PUD under the Parkway Mixed Use Overlay.***


CITY
M1
Technology Pkwy
CITY LIMITS
MU
C2
R2
RM
C1
C3
RA
SITE LOCATION
CITY LIMITS
Shasta Ln
Whitney Ln
Moss Pointe Dr
Brannan Rd
Crown Walk
Campground Rd
Old Campground Rd
Gillson Dr
Acorn Dr
Hackberry Ct
Grandiflora Dr
Tropical Way
Palmetto Tree
Bowfin Trl
Warbler Way
Greenland Dr
Colwell Ln
Terrace Trl
Concord Ct
Vineyard Walk
Eagles Pass
Waterford Ln
Vintage Trl
Wine Cir
Old Ivy Path
Hunter Ln
Moye Dr
23
351
864 ft
866 ft
884 ft
899 ft


Legend
Base Map
CountyLine
Cities
Parcels
Future Land Use
2023 FLUM
FLU2023
COM
GREEN
HDMU
HDS
INDUS
LDMU
LDS
MDS
PI
RR
TBD
UR
UTI
VC
CITY
Technology Pkwy
Shasta Ln
Whitney Ln
Aaron Pl
Moss Pointe Dr
Brannan Rd
Crown Walk
Gillson Dr
Acorn Dr
Campground Rd
Old Campground Rd
Bowlin Trl
Warbler Way
Colwell Ln
Vineyard Walk
Prairie Pass
Waterford Ln
Old Toy Path
Vine Cir
Moye Dr
23
351



HIGHWAY 42 NORTH (1778 & 1872)

CITY OF STOCKBRIDGE, GA

SITE PLAN RENDERING

360 STUDIO LANDSCAPE ARCHITECTURE — A Division of PEC

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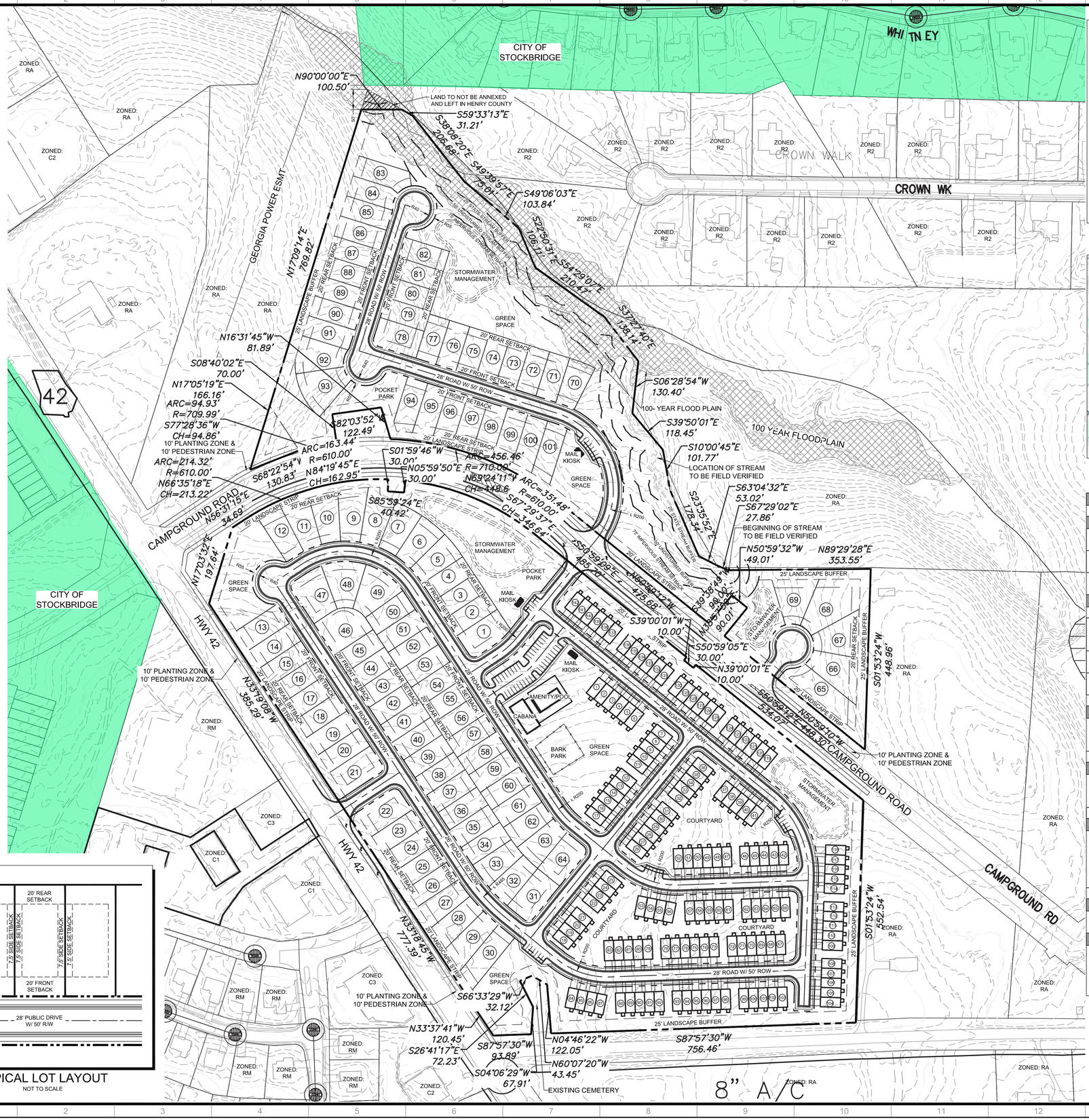
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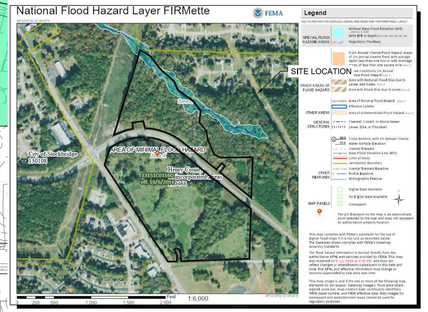
HIGHWAY 42 NORTH (1778 & 1872)

CITY OF STOCKBRIDGE, GA

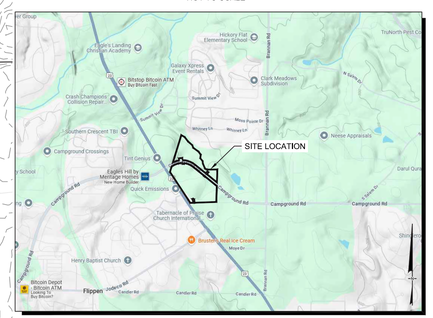
ELEVATIONS

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FEMA FIRM MAP
NOT TO SCALE



SITE LOCATION MAP
NOT TO SCALE

SITE DATA:	
SITE AREA	48.54 ACRES
ZONING	
EXISTING ZONING	RA
PROPOSED ZONING	PUD (PLANNED UNIT DEVELOPMENT)
EXISTING OVERLAY DISTRICT	HIGHWAY CORRIDOR OVERLAY DISTRICT
PROPOSED OVERLAY DISTRICT	PMU (PARKWAY MIXED USE)
EXISTING ZONING JURISDICTION	HENRY COUNTY
PROPOSED ZONING JURISDICTION	CITY OF STOCKBRIDGE
USE CALCULATIONS	
TOTAL SITE AREA	48.54 ACRES
STREET RIGHT-OF-WAY AREA	8.76 ACRES
FLOOD HAZARD AREA	1.54 ACRES
NET SITE AREA	38.24 ACRES
SINGLE FAMILY LAND USE	25.22 NET ACRES
TOWNHOME LAND USE	13.02 NET ACRES
TOTAL 24'x50' TOWNHOME UNITS	142 UNITS (10.91 UPA)
TOTAL SINGLE FAMILY LOTS	101 LOTS (4.00 UPA)
TOTAL UNITS/ DENSITY	243 UNITS (6.35 UPA)
PROPOSED SFD SETBACK REQUIREMENTS	
FRONT SETBACK	20 FEET
SIDE SETBACK	7.5 FEET
REAR SETBACK	20 FEET
REQUIRED BUFFERS	25 FEET
PROPOSED TH SETBACK REQUIREMENTS	
FRONT SETBACK	15 FEET
SIDE SETBACK	10 FEET
REAR SETBACK	20 FEET
REQUIRED BUFFERS	25 FEET
DEVELOPMENT STANDARDS	
MIN DEVELOPMENT SIZE	3 CONTIGUOUS ACRES
REQUIREMENTS FOR LAND USE	MUST INCLUDE MINIMUM OF TWO (2) DIFFERENT USES AND/OR TWO (2) TYPES OF VARIED HOUSING OPTIONS. (2.4,14.B.2.)
PROPOSED SF MINIMUM LOT SIZE	5,000 SF
PROPOSED MINIMUM SFD LOT WIDTH	50 FEET
EXTERIOR LANDSCAPED STRIPS	20 FEET
OPEN SPACE CALCULATIONS	
REQUIRED OPEN SPACE	20% (9.719 ACRES)
OPEN SPACE PROPOSED	15.67 ACRES (32.2%)
PARKING REQUIREMENTS	
PROPOSED RESIDENT PARKING (2 SPACES PER UNIT)	486 SPACES
PROPOSED AMENITY PARKING	37 SPACES
PROPOSED GUEST PARKING	27 SPACES
TOTAL PARKING PROVIDED	550 SPACES

TYPICAL LOT LAYOUT
NOT TO SCALE

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PROJECT

HWY 42 @ CAMPGROUND ROAD

A MASTER PLANNED RESIDENTIAL DEVELOPMENT

AT

HIGHWAY 42 @ CAMPGROUND ROAD
MCDONOUGH, GA 30253

HENRY COUNTY, GEORGIA

FOR

MERITAGE HOMES

MUNICIPALITY PROJECT #

REVISIONS

NO.	DATE	BY	DESCRIPTION

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GEORGIA REGISTERED No. 34393 PROFESSIONAL ENGINEER KENNETH J WOOD

GSWCC LEVEL II DESIGN PROFESSIONAL CERTIFICATION # 0000059389 EXP. 10/28/2024

ZONING SITE PLAN

0 60 120 240 360

SCALE: 1" = 120'
DATE: 10/07/2024
PROJECT: 19279.00A

GRID NORTH
GEORGIA WEST ZONE

SHEET Z1

J:\2019\19279.00A\dwl\Concepts & Exhibits\Zoning\19279.00A - Site - Zone1.dwg - MKopp - 10/7/2024 1:40 PM

TRANSMITTAL MEMO

RE: **Campground Road @ Hwy 42 Rezoning and Annexation Applications**
Planners and Engineers Collaborative, Inc. Project No. 19279.00A
On behalf of Meritage Homes

TO: **City of Stockbridge Community**
4602 North Henry Blvd
Stockbridge, GA 30281
678-833-3347

ATTN: **Ryan Anderson**
678-833-3340

FROM: **Planners and Engineers Collaborative**
350 Research Court, Suite 200
Peachtree Corners, GA 30092

C/O Hayley Todd – (757) 508-6593

Enclosed materials:

Rezoning Application
Annexation Application

CITY OF STOCKBRIDGE | APPLICATION FOR ANNEXATION

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

Annexation No: _____ Date: _____

Received by: _____

TYPE OF ANNEXATION

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

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

Property Address: 1778 & 1872 HWY 42 N, STOCKBRIDGE, GA

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

LAND USE AND ZONING

County: high density suburban

County Zoning Classification: RA

Present Land Use: high density residential

Requested Zoning Classification: PUD

PROPERTY OWNER

Name: ROWAN FAMILY REAL ESTATE LLC

Mailing Address: 83 BRANNAN RD MCDONOUGH GA 30253

Telephone: (770) 289- 4530

Email: RROWAN@SANDSCONTRACTORS.COM

Signature: _____

Date: 10/07/2024

City of Stockbridge Planning and Zoning Division

Rezoning Application

Name of Applicant: MERITAGE HOMES Phone: 678.348.8422 Date: 10-07-24

Address Applicant: 3700 Mansell Road, Suite 550 Fax Cell #

City: ALPHARETTA State: GA Zip: 30022 E-mail: Clay.Kirkley@meritagehom

Name of Agent: HAYLEY TODD, PEC+ Phone: 678.684.6287 Date: 10-07-24

Address Agent: 350 RESEARCH COURT, STE 200 Fax Cell #

City: NORCROSS State: GA Zip: 30092 E-mail: HTODD@PEC.PLUS

THE APPLICANT NAMED ABOVE AFFIRMS THAT HE OR SHE IS THE OWNER, OR AGENT OF THE OWNER, OF THE PROPERTY DESCRIBED BELOW, AND IS REQUESTING A REZONING OF THE PROPERTY.

Rezoning being requested PUD, PARKWAY MIXED USE OVERLAY TO FACILITATE A NEW 243 UNIT, MIXED RESIDENTIAL DEVELOPMENT

The property will be POSTED with a City of Stockbridge rezoning sign. The sign must remain on the subject property for no less than fifteen days prior to either Planning Commission or City Council meeting(s). The applicant or property owner shall not remove or alter the sign for any reason. _____ Acknowledgement

Address of Property: 1778 & 1872 HWY 42 N

Nearest intersection to the property: HIGHWAY 42 N AND CAMPGROUND ROAD (Street Address)

Size of Tract: 48.59 acre(s), Land Lot Number(s): 34, 35, 62, District(s): 7

Property Tax Parcel Number(s): 089-01001003, 089-01001000 **(Required)**

Witness Signature

T. Williams

Printed Name of Witness

Notary

NOTARY STAMP:

LINDA BOROVICKA NOTARY PUBLIC COBB COUNTY, GEORGIA My Commission Expires 06-25-2028

Signature of Applicant

MERITAGE HOMES, C/O C Kirkley

Printed Name of Applicant

Signature of Agent

MERITAGE HOMES OF GEORGIA INC CORPORATE SEAL 2014 ARIZONA

(For Office Use Only)

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

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

Pre-application meeting: Date:

Planning Commission Decision:

City Council Decision:

Community Development Director's Signature: Date:

NOTE: If the proposed development site would contain more than one property, and/or more than one property owner, please first type a list on a separate sheet of paper which identifies each property (address and/or parcel number) and its corresponding property owner(s). Then fill out a separate Property Owner's Authorization Form (provided below) for each property and each property owner.

PROPERTY OWNER'S AUTHORIZATION FORM (See NOTE above.)

The undersigned below is the PROPERTY OWNER, or one of the property owners, of the property at 1872 HWY 42 N [address], with Parcel Number 089-01001000 which is the subject of this application.

Name of Property Owner: ROWAN FAMILY REAL ESTATE LLC

Property Owner's Address: 83 BRANNAN RD MCDONOUGH GA 30253

Telephone: 770-289-4530 E-mail: RROWAN@SANDSCONTRACTORS.COM

I swear that I am the Property Owner, or one of the Property Owners, of the property that is the subject matter of the attached application, as is shown in the tax assessors' records of HENRY [County], GEORGIA [State].

Signature: _____ Date: 10-07-24

The undersigned does duly authorize the person(s) and/or company who is named below to act as APPLICANT(S) in the pursuit of this application for the subject property.

Name(s) of Applicant(s): MERITAGE HOMES, C/O Clay Kirkley

Company/law firm (if applicable): MERITAGE HOMES

Telephone, E-Mail, & Address: Clay.Kirkley@meritagehomes.com

I authorize the Applicant or Applicants who are named above to act on my behalf for this application.

_____ _____

Signature of Property Owner, who swears that the information which is contained in this Property Owner's Authorization is true and correct to the best of his or her knowledge and belief.

10/07/2024
Date

Signature of Notary Public

Robert Wood
Printed Name of Notary Public

10/7/24
Date

Notary Public's Seal or Stamp:

Robert Wood
NOTARY PUBLIC
Gwinnett County, GEORGIA
My Commission Expires 07/18/2027

NOTE: If the proposed development site would contain more than one property, and/or more than one property owner, please first type a list on a separate sheet of paper which identifies each property (address and/or parcel number) and its corresponding property owner(s). Then fill out a separate Property Owner's Authorization Form (provided below) for each property and each property owner.

PROPERTY OWNER'S AUTHORIZATION FORM (See NOTE above.)

The undersigned below is the PROPERTY OWNER, or one of the property owners, of the property at 1778 HWY 42 N [address], with Parcel Number 089-01001003, which is the subject of this application.

Name of Property Owner: ROWAN PROPERTIES LP

Property Owner's Address: 1872 HWY 42 NORTHMCDONOUGH GA 30253

Telephone: 770-289-4530 E-mail: RROWAN@SANDSCONTRACTORS.COM

I swear that I am the Property Owner, or one of the Property Owners, of the property that is the subject matter of the attached application, as is shown in the tax assessors' records of HENRY [County], GEORGIA [State].

Signature: _____ Date: 10-07-24

The undersigned does duly authorize the person(s) and/or company who is named below to act as APPLICANT(S) in the pursuit of this application for the subject property.

Name(s) of Applicant(s): MERITAGE HOMES, C/O Clay Kirkley

Company/law firm (if applicable): MERITAGE HOMES

Telephone, E-Mail, & Address: Clay.Kirkley@meritagehomes.com

I authorize the Applicant or Applicants who are named above to act on my behalf for this application.

_____ _____

Signature of Property Owner, who swears that the information which is contained in this Property Owner's Authorization is true and correct to the best of his or her knowledge and belief.

10/07/2024
Date

Signature of Notary Public

Robert Wood
Printed Name of Notary Public

10/7/24
Date

Notary Public's Seal or Stamp:

Robert Wood
NOTARY PUBLIC
Gwinnett County, GEORGIA
My Commission Expires 07/18/2027

Applicant Campaign Disclosure Form

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

Has the applicant made, within two (2) years immediately preceding the filing of this application for a rezoning, campaign contributions aggregating $250 or more, or made gifts having in the aggregate a value of $250 or more to a member of the City of Stockbridge Planning Commission or Stockbridge City Council who will consider the application?

Yes_____No

If **Yes**, the applicant and the attorney representing the applicant must file the following information with the City of Stockbridge Planning and Zoning Division within ten (10) days after this application is first filed:

Planning Commissioner and/or City Council Member Name	**Dollar Amount of Campaign Contribution**	**Description of Gift $250 or greater, which was given to Board Member**

We certify that the foregoing information is true and correct, this 3rd day of October, 2024

C. Kirkley, on behalf of Meritage Homes

Applicant's Name - Printed

Signature of Applicant/Property Owner/Agent

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 3rd day of October 2024

Notary Public

LINDA BOROVICKA
NOTARY PUBLIC
COBB COUNTY, GEORGIA
MY Commission Expires 06-25-2028

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

Applicant Campaign Disclosure Form

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

Has the applicant made, within two (2) years immediately preceding the filing of this application for a rezoning, campaign contributions aggregating $250 or more, or made gifts having in the aggregate a value of $250 or more to a member of the City of Stockbridge Planning Commission or Stockbridge City Council who will consider the application?

Yes ____ No ____

If **Yes**, the applicant and the attorney representing the applicant must file the following information with the City of Stockbridge Planning and Zoning Division within ten (10) days after this application is first filed:

Planning Commissioner and/or City Council Member Name	Dollar Amount of Campaign Contribution	Description of Gift $250 or greater, which was given to Board Member

We certify that the foregoing information is true and correct, this ____ day of ____.

ROWAN FAMILY REAL ESTATE LLC
Applicant's Name - Printed

Signature of Applicant/Property Owner/Agent

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 7th day of October 2024

Notary Public

Robert Wood
NOTARY PUBLIC
Gwinnett County, GEORGIA
My Commission Expires 07/18/2027

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

Applicant Campaign Disclosure Form

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

Has the applicant made, within two (2) years immediately preceding the filing of this application for a rezoning, campaign contributions aggregating $250 or more, or made gifts having in the aggregate a value of $250 or more to a member of the City of Stockbridge Planning Commission or Stockbridge City Council who will consider the application?

Yes ____ **No** ____

If **Yes**, the applicant and the attorney representing the applicant must file the following information with the City of Stockbridge Planning and Zoning Division within ten (10) days after this application is first filed:

Planning Commissioner and/or City Council Member Name	Dollar Amount of Campaign Contribution	Description of Gift $250 or greater, which was given to Board Member

We certify that the foregoing information is true and correct, this ____ day of ____, ____.

ROWAN PROPERTIES, L.P.

Applicant's Name - Printed

Signature of Applicant/Property Owner/Agent

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 7th day of October 2024.

Notary Public

Robert Wood
NOTARY PUBLIC
Gwinnett County, GEORGIA
My Commission Expires 07/18/2027

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

FW: Pre-Application Meeting for Proposed Annexation

GL

Kenneth Wood <Kwood@pec.plus> on behalf of Gordon Linton <Glinton@stockbridgega.org>

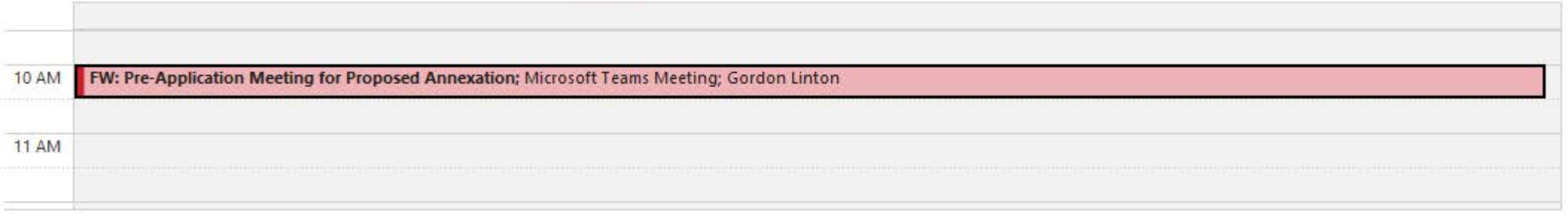
No Response Required

Required Ramirez, Francisco; Kenneth Wood; Keedra Jackson; Linda Logan; Demetries Wells; Jordyn Bucholtz; Ryan Anderson

Thu 7/18/2024 10:00 AM

Follow up. Completed on Thursday, July 18, 2024.
Accepted on 7/15/2024 4:53 PM.

Thursday, July 18, 2024 10:00 AM-10:30 AM Microsoft Teams Meeting



-----Original Appointment-----
From: Gordon Linton <Glinton@stockbridgega.org>
Sent: Monday, July 15, 2024 4:18 PM
To: Gordon Linton; Kenneth Wood; Keedra Jackson; Linda Logan; Demetries Wells; Jordyn Bucholtz; Ryan Anderson
Subject: Pre-Application Meeting for Proposed Annexation
When: Thursday, July 18, 2024 10:00 AM-10:30 AM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

Meeting to discuss a proposed annexation. The person we are meeting with is Kenneth Wood

---

Microsoft Teams Need help?

Join the meeting now

Meeting ID: 280 442 082 279

Passcode: tsnbxu

For organizers: Meeting options

Planners & Engineers Collaborative+

10/7/2024

Re: **Letter of Intent – Annexation and PUD Rezoning**
Campground Road @ Highway 42
PEC+ Project No. 19279.00A

Dear Community Development Officials,

This application seeks to annex and rezone the approximately 48.5-acre site known as Campground Road @ Highway 42 (the "Subject Property," PIDs 089-01001000 and 089-01001003) from RA to PUD under the Parkway Mixed Use Overlay. Bringing the site from Henry County into the City Limits of Stockbridge and rezoning to PUD would allow for the development of a new, 243-unit, single-family attached and detached development.

Site and Proposal

The Subject Property is located along the eastern side of Highway 42 and is bisected by Campground Road. The site is bordered by the Clark Meadows subdivision to the north, a Georgia Power easement to the northwest, Highway 42 to the southwest, and Tabernacle of Praise Church to the south across Old Campground Road. The site is made up of two parcels that total approximately 48.5-acres.

Of the 46.5-acres, approximately 1.5 acres are in a floodplain. Approximately 8.7 acres of the site are proposed to be used for street right-of-way. The net area of the site is 38.29 acres. The proposed 243-unit single family subdivision has a net site density of 6.35 units per acre. There would be 142 townhome units and 101 single-family detached lots. The site would have 15 acres of open space (approximately 30% of the total site area). Elevations are included with this submittal.

The proposed annexation and rezoning would allow for the 48.5-acre site to be annexed into the City Limits of Stockbridge, rezoned PUD, and be subject to the Parkway Mixed Use overlay district. The proposal includes 243 new homes.

Rationale for Request

This area is part of the "high-density suburban" character area per the Henry County Comprehensive Plan. As such, the proposed PUD zoning in Stockbridge is compatible with the underlying designation and is therefore aligned with the comprehensive plan. The immediate area is characterized by different types of single family development, including townhomes and detached homes. The proposed development would fit into the character of the existing context and would present a high quality addition to the overall area. The development would be compatible and consistent with nearby and adjacent development pattern, and therefore meets the purpose and intent of the district per the City of Stockbridge UDO.

Constitutional Objections

The portions of the Code of Ordinances and Zoning Ordinance for City of Stockbridge (the "Zoning Ordinance") which classifies or conditions the Property into any more or less intensive zoning classification and/or zoning conditions other than as requested by the Applicant and property owner are unconstitutional, in that they would destroy the Applicant's and property owner's property rights without

first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Zoning Ordinance which presently restricts the Property's use to the present zoning classification, uses, regulations, requirements, and conditions is unconstitutional, illegal, null and void, and constitutes a taking of the Applicant's and the property owner's property rights in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of 1983, and in violation of the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States by denying economic and viable use of the Property while not substantially advancing legitimate state interests.

The Property is presently suitable for OSC as proposed in the requested rezoning, as amended by the Applicant, and is not economically suitable for uses restricted under its present zoning and development classification, conditions, regulations, and restrictions due to its location, shape, size, surrounding development, and other factors. A denial of the requested rezoning and related variances would constitute an arbitrary and capricious act by City of Stockbridge and the City Council without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment. A refusal by City of Stockbridge and the City Council to approve this requested rezoning, with only such additional conditions as agreed to by the Applicant and/or owner, so as to permit the only feasible economic use of the Property, would be unconstitutional between the Applicant, owner, and similarly situated property owners, in violation of Article I, Section I, Paragraph II of the Constitution of the State by discriminating of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment.

Conclusion

The applicant and owner respectfully request that the City of Stockbridge City Council, Planning Commission and Planning Staff approve and support the Applicant's rezoning request to allow for annexation into Stockbridge and the development of a new, single-family attached and detached subdivision. The developer and their representatives welcome the opportunity to meet with all interested parties and representatives.

Sincerely,

Hayley Todd

Zoning Manager, Planners and Engineers Collaborative, Inc.

ZONING DESCRIPTION
NORTH TRACT

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 34 & 35 of the 7TH District, Henry County, Georgia and being more particularly described as follows:

Beginning at the intersection of the northerly right-of-way line of Campground Road Extension (Variable R/W) with the southeasterly right-of-way line of Union City Norcross Transmission Line easement; thence along said easement

North 17 degrees 5 minutes 19 seconds East, a distance of 166.16 feet; thence North 17 degrees 9 minutes 14 seconds East, a distance of 769.82 feet; thence leaving saif right-of-way line North 90 degrees 0 minutes 0 seconds East, a distance of 100.50 feet; thence along the centerline of creek and following the meanderings thereof the following:

South 59 degrees 33 minutes 13 seconds East, a distance of 31.21 feet; thence South 38 degrees 8 minutes 20 seconds East, a distance of 206.68 feet; thence South 49 degrees 39 minutes 57 seconds East, a distance of 75.01 feet; thence South 49 degrees 6 minutes 3 seconds East, a distance of 103.84 feet; thence South 22 degrees 50 minutes 31 seconds East, a distance of 106.11 feet; thence South 54 degrees 29 minutes 7 seconds East, a distance of 210.47 feet; thence South 37 degrees 27 minutes 40 seconds East, a distance of 138.14 feet; thence South 6 degrees 28 minutes 54 seconds West, a distance of 130.40 feet; thence South 39 degrees 50 minutes 1 second East, a distance of 118.45 feet; thence South 10 degrees 0 minutes 45 seconds East, a distance of 101.77 feet; thence South 23 degrees 35 minutes 52 seconds East, a distance of 178.34 feet; thence South 63 degrees 4 minutes 32 seconds East, a distance of 53.02 feet; thence South 67 degrees 29 minutes 2 seconds East, a distance of 27.86 feet;

thence leaving said creek North 89 degrees 29 minutes 28 seconds East, a distance of 353.55 feet; thence South 01 degree 53 minutes 24 seconds West, a distance of 448.96 feet to a point on said right-of-way line of Campground Road Extension; thence along said right-of-way the following courses and distances:
North 50 degrees 59 minutes 10 seconds West, a distance of 448.30 feet; thence North 38 degrees 57 minutes 59 seconds East, a distance of 90.01 feet; thence North 50 degrees 59 minutes 32 seconds West, a distance of 49.01 feet; thence South 39 degrees 38 minutes 49 seconds West, a distance of 90.00 feet; thence North 50 degrees 59 minutes 12 seconds West, a distance of 475.68 feet; thence 456.46 feet along an arc of a curve to the left having a radius of 710.00 feet and a chord bearing and distance of North 69 degrees 24 minutes 11 seconds West 448.64 feet to a point; thence North 16 degrees 31 minutes 45 seconds West, a distance of 81.89 feet; thence South 82 degrees 3 minutes 52 seconds West, a distance of 122.49 feet; thence South 8 degrees 40 minutes 2 seconds East, a distance of 70.00 feet; thence 94.93 feet along an arc of a curve to the left having a radius of 709.99 feet and a chord bearing and distance of South 77 degrees 28 minutes 36 seconds West 94.86 feet to a point; thence South 68 degrees 22 minutes 54 seconds West, a distance of 130.83 feet to the POINT OF BEGINNING.

Said Tract containing 16.12 acres.

ZONING DESCRIPTION
SOUTH TRACT

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 34 & 35 of the 7TH District, Henry County, Georgia and being more particularly described as follows:

Beginning at the intersection of the northerly right-of-way line of Campground Road (80' R/W) with the northeasterly right-of-way line of State Route 43, aka U.S. Hwy 23 (90' R/W), thence along said right-of-way of State Route 43, aka U.S. Hwy 23 North 33 degrees 37 minutes 41 seconds West, a distance of 120.45 feet; thence North 33 degrees 18 minutes 45 seconds West, a distance of 777.39 feet; thence North 33 degrees 19 minutes 8 seconds West, a distance of 385.29 feet; thence North 17 degrees 3 minutes 32 seconds East, a distance of 197.64 feet to a point on the southerly right-of-way line of Campground Road Extension (Variable R/W); thence along said right-of-way the following courses and distances:

North 56 degrees 31 minutes 15 seconds East, a distance of 34.69 feet; thence 214.32 feet along an arc of a curve to the right having a radius of 610.00 feet and a chord bearing and distance of North 66 degrees 35 minutes 18 seconds East 213.22 feet to a point; thence 163.44 feet along an arc of a curve to the right having a radius of 610.00 feet and a chord bearing and distance of North 84 degrees 19 minutes 45 seconds East 162.95 feet to a point; thence South 01 degree 59 minutes 46 seconds West, a distance of 30.00 feet; thence South 85 degrees 59 minutes 24 seconds East, a distance of 40.42 feet; thence North 5 degrees 59 minutes 50 seconds East, a distance of 30.00 feet; thence 351.48 feet along an arc of a curve to the right having a radius of 610.00 feet and a chord bearing and distance of South 67 degrees 29 minutes 37 seconds East 346.64 feet to a point; thence South 50 degrees 59 minutes 9 seconds East, a distance of 485.70 feet; thence South 39 degrees 0 minutes 1 second West, a distance of 10.00 feet; thence South 50 degrees 59 minutes 5 seconds East, a distance of 30.00 feet; thence North 39 degrees 0 minutes 1 second East, a distance of 10.00 feet; thence South 50 degrees 59 minutes 12 seconds East, a distance of 534.07 feet;

thence leaving said right-of-way line South 01 degree 53 minutes 24 seconds West, a distance of 552.54 feet; thence South 87 degrees 57 minutes 30 seconds West, a distance of 756.46 feet; thence North 4 degrees 46 minutes 22 seconds West, a distance of 122.05 feet; thence North 60 degrees 7 minutes 20 seconds West, a distance of 43.45 feet; thence South 66 degrees 33 minutes 29 seconds West, a distance of 32.12 feet; thence South 26 degrees 41 minutes 17 seconds East, a distance of 72.23 feet; thence South 4 degrees 6 minutes 29 seconds West, a distance of 67.91 feet; thence South 87 degrees 57 minutes 30 seconds West, a distance of 93.89 feet to the POINT OF BEGINNING.

Said Tract containing 32.42 acres.

Henry County, GA

Parcel Results

20 Results

Parcel ID	Owner	Property Address
070E01072000	SUMMITT AT EAGLES LANDING HOMEOWNERS ASSOC INC	SUMMIT VIEW DR
071-01033000	S ATLANTA CONFERENCE	1978 HIGHWAY 42 N
071-01034015	A4 INVESTMENTS LLC	204 WEST CAMPGROUND RD
071-01034016	CAMPGROUND CENTER LLC	100-140 WEST CAMPGROUND RD
071-01034020	HOPEWELL CAPITAL LLC, THE PATTERSON REAL EST GRP L	WEST CAMPGROUND RD
071Q01200000	MERITAGE HOMES OF GEORGIA INC	
088C01028000	WILLIAMS TANESHA	297 WHITNEY LN
088C01029000	HOQUE RIAJ AL	301 WHITNEY LN
089-01001000	ROWAN FAMILY REAL ESTATE LLC	1872 HIGHWAY 42 N
089-01001003	ROWAN PROPERTIES LP	1778 HIGHWAY 42 N
089-01001021	THE KOLODKIN FAMILY LIMITED PARTNERSHIP	1775-1789 HIGHWAY 42 N
089-01002000	STEWART JAMES L	101 CAMPGROUND RD
089-01002001	YONKERS LLC	CAMPGROUND RD
089-01009003	SUSHRUT LLC	
089-02048002	O'REILLY AUTOMOTIVE INC	1765 HIGHWAY 42 HWY N
089-02049005	TABERNACLE OF PRAISE CHURCH INTNL INC	1640 HIGHWAY 42 N
089F01015000	FAUR CYNTHIA G W	157 CROWN WALK
089F01016000	MAUSHARDT THERESA A &	158 CROWN WALK

Mailing Labels

20 Results

Select export file format:

Address labels (5160)

International mailing labels that exceed 5 lines are not supported on the Address labels (5160). For international addresses, please use the xlsx, csv or tab download formats.

Show Parcel ID on Label

Skip Labels 0

For best results, uncheck "Fit to Page" in your print settings.

Download

Data contained on this website represent a work in progress toward completion of the annual tax digest. As such, data is subject to change at any time. Ownership and map information correspond with the most current information processed by our office. Search deed records at the Henry County Courthouse to ensure the most current ownership information. Parcel lines depicted on the maps do not reflect a true and exact representation of property boundaries. Contact 770-288-7526 to verify zoning.
| User Privacy Policy | GDPR Privacy Notice
Last Data Upload: 10/7/2024, 12:15:24 AM

Contact Us

Developed by SCHNEIDER GEOSPATIAL









Planners & Engineers Collaborative+
350 RESEARCH COURT
SUITE 200
PEACHTREE CORNERS, GA 30092

9/27/2023

City of Stockbridge Community Development
4602 North Henry Blvd
Stockbridge, GA 30281

Re: **Campground – Water Sewer Letter**
Planners and Engineers Collaborative, Inc. Project No: 19279.00A

Please be advised, Planners and Engineers Collaborative requested the water/sewer service letter on or before the date referenced above. We have yet to receive documentation but will furnish the letter to Stockbridge as soon as we receive it.

Sincerely,
Planners and Engineers Collaborative, Inc.
Ramona Booker
Email rbooker@pec.plus
Phone number 678-684-6227

Planners & Engineers Collaborative+
350 RESEARCH COURT
SUITE 200
PEACHTREE CORNERS, GA 30092

9/27/2023

Henry County Water Authority, Engineering Division
100 Westridge Industrial Blvd
McDonough, GA 30253
Phone # 678-583-3800

Re: **Campground – Water Sewer Letter–**
Planners and Engineers Collaborative, Inc. Project No: 19279.00A

Dear HWCA Engineering Division

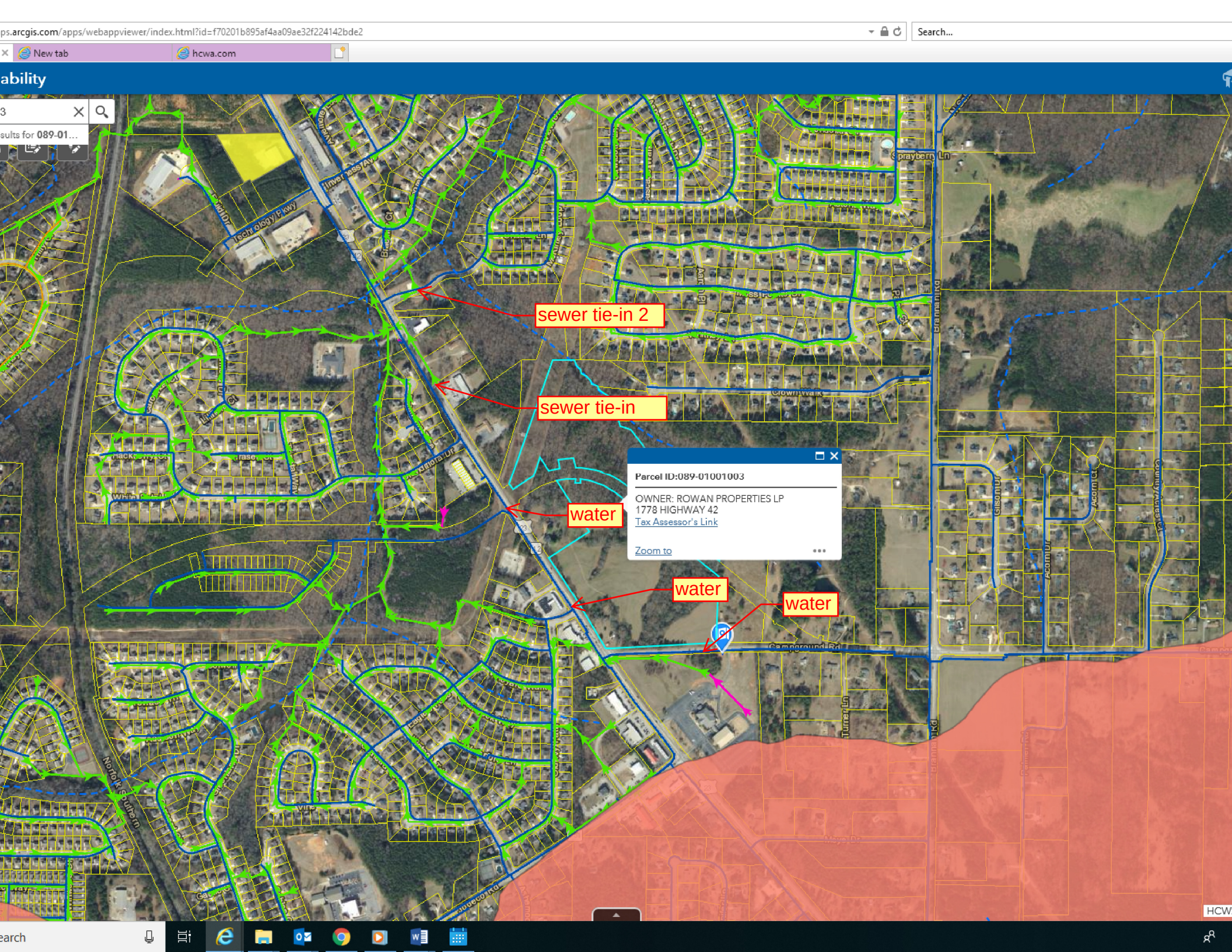
Planners and Engineers Collaborative, Inc. (PEC) is submitting this letter of intent as required to fulfill the water /sewer availability letter request for parcel ID's 089-01001003, 089-01001000 currently zoned RA. At present PEC is working through due diligence with our client who is proposing a PUD subdivision of total 243 units. The community would consist of 142 Townhome units and 101 Single Family homes. The Subject Property is located along Hwy 42 and Campground Rd in Mcdonough GA. The site is made up of two parcels that total approximately +-48.597-acres.

Attached are documents per your request. If there is anything else you may need, please reach out to me at htodd@pec.plus who is the point of contact for this project. Thank you for your time and assistance.

Current jurisdiction: RA – Henry County
Proposed jurisdiction PUD– City of Stockbridge

The developer and their representatives welcome the opportunity to meet with all interested parties and representatives.

Sincerely,
Planners and Engineers Collaborative, Inc.
Ramona Booker
Email rbooker@pec.plus
Phone number 678-684-6227


sewer tie-in 2
sewer tie-in
water
water
water
Parcel ID:089-01001003
OWNER: ROWAN PROPERTIES LP
1778 HIGHWAY 42
Tax Assessor's Link
Zoom to

From: Kenneth Wood <Kwood@pec.plus>
Sent: Wednesday, November 6, 2024 4:01 PM
To: Keedra Jackson <kjackson@stockbridgega.org>; Ryan Anderson <randerson@stockbridgega.org>
Subject: RE: 30-day deferral to December Planning Commission

Caution: This email originated from outside your organization.
Exercise caution when opening attachments or clicking links, especially from unknown senders.

This is for the Campground at Highway 42 Meritage Homes subdivision that is on both sides of Campground.

Kenneth Wood P.E. | LEED AP
Principal | C.E.O.
E: ken@pec.plus
D: 678-684-6206 | Main: 770.451.2741

New Website | Linkedin | Facebook
Georgia East Office (Main): 350 Research Court, Peachtree Corners, GA 30092
Georgia West Office: 900 Circle 75 Pkwy. Suite 925, Atlanta, Ga 30339
Georgia South Office: 315 West Solomon Street, Suite 210, Griffin, Ga 30223

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> **From:** Kenneth Wood
> **Sent:** Wednesday, November 6, 2024 4:00 PM
> **To:** Keedra Jackson <kjackson@stockbridgega.org>; Ryan Anderson <randerson@stockbridgega.org>
> **Subject:** 30-day deferral to December Planning Commission
>
> Keedra and Ryan,
> After meeting with the District Council and Mayor Pro-tem about what they would like to see in their area we would like to request a deferral away from the November cycle to the December cycle to give us time to resubmit a new plan and meet with the council members.
>
> **Kenneth Wood P.E. | LEED AP**

Principal | C.E.O.
E: ken@pec.plus
D: 678-684-6206 | Main: 770.451.2741



New Website | Linkedin | Facebook
Georgia East Office (Main): 350 Research Court, Peachtree Corners, GA 30092
Georgia West Office: 900 Circle 75 Pkwy. Suite 925, Atlanta, Ga 30339
Georgia South Office: 315 West Solomon Street, Suite 210, Griffin, Ga 30223

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PREPARED BY:
J.B. PRINCE & ASSOCIATES INC.
LAND SURVEYORS
125 WESTRIDGE INDUSTRIAL BLVD.
SUITE 102
PHONE #: 770-957-4614

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

JONTHAN B. PRINCE , R.L.S. #3244

3-7-2018
DATE

GEORGIA REGISTERED NO. 3244 LAND SURVEYOR JONATHAN B. PRINCE

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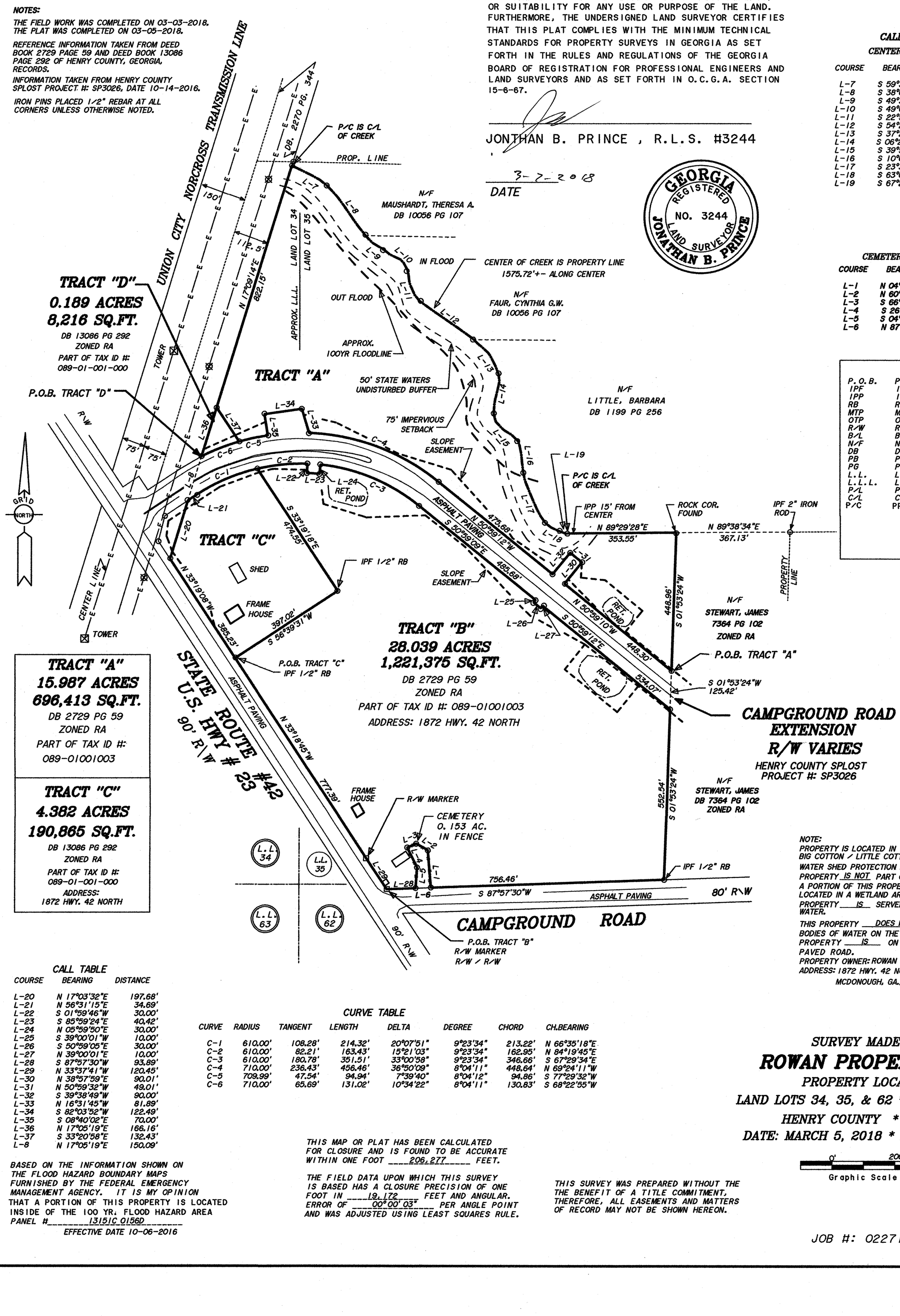
NOTES:

THE FIELD WORK WAS COMPLETED ON 03-03-2018. THE PLAT WAS COMPLETED ON 03-05-2018.

REFERENCE INFORMATION TAKEN FROM DEED BOOK 2729 PAGE 59 AND DEED BOOK 13086 PAGE 292 OF HENRY COUNTY, GEORGIA, RECORDS.

INFORMATION TAKEN FROM HENRY COUNTY SPLOST PROJECT #: SP3026, DATE 10-14-2016.

IRON PINS PLACED 1/2" REBAR AT ALL CORNERS UNLESS OTHERWISE NOTED.



CALL TABLE
CENTER OF CREEK

COURSE	BEARING	DISTANCE
L-7	S 59°33'13"E	129.88'
L-8	S 38°08'20"E	206.68'
L-9	S 49°39'57"E	75.01'
L-10	S 49°06'03"E	103.84'
L-11	S 22°50'31"E	106.11'
L-12	S 54°29'07"E	210.47'
L-13	S 37°27'40"E	138.14'
L-14	S 06°28'54"W	130.40'
L-15	S 39°50'01"E	118.45'
L-16	S 10°00'45"E	101.77'
L-17	S 23°35'52"E	178.34'
L-18	S 63°04'32"E	53.02'
L-19	S 67°29'02"E	27.86'

CEMETERY CALL TABLE

COURSE	BEARING	DISTANCE
L-1	N 04°46'22"W	122.05'
L-2	N 60°07'20"W	43.45'
L-3	S 66°33'29"W	32.12'
L-4	S 26°41'17"E	72.23'
L-5	S 04°08'29"W	67.91'
L-6	N 87°57'30"E	49.80'

LEGEND

P.O.B.	POINT OF BEGINNING
IPF	IRON PIN FOUND
IPP	IRON PIN PLACED
RB	REBAR
MTP	MASH TOP PIPE
OTP	OPEN TOP PIPE
R/W	RIGHT-OF-WAY
B/L	BUILDING LINE
N/F	NOW OR FORMERLY
DB	DEED BOOK
PB	PLAT BOOK
PG	PAGE
L.L.	LAND LOT
L.L.L.	LAND LOT LINE
P/L	PROPERTY LINE
C/L	CENTER LINE
P/C	PROPERTY CORNER

TRACT "A"
15.987 ACRES
696,413 SQ.FT.
DB 2729 PG 59
ZONED RA
PART OF TAX ID #: 089-01001003

TRACT "C"
4.382 ACRES
190,865 SQ.FT.
DB 13086 PG 292
ZONED RA
PART OF TAX ID #: 089-01-001-000
ADDRESS: 1872 HWY. 42 NORTH

CALL TABLE

COURSE	BEARING	DISTANCE
L-20	N 17°03'32"E	197.68'
L-21	N 56°31'15"E	34.69'
L-22	S 01°59'46"W	30.00'
L-23	S 85°59'24"E	40.42'
L-24	N 05°59'50"E	30.00'
L-25	S 39°00'01"W	10.00'
L-26	S 50°59'05"E	30.00'
L-27	N 39°00'01"E	10.00'
L-28	S 87°57'30"W	93.89'
L-29	N 33°37'41"W	120.45'
L-30	N 38°57'59"E	90.01'
L-31	N 50°59'32"W	49.01'
L-32	S 39°38'49"W	90.00'
L-33	N 16°31'45"W	81.89'
L-34	S 82°03'52"W	122.49'
L-35	S 08°40'02"E	70.00'
L-36	N 17°05'19"E	166.16'
L-37	S 33°20'58"E	132.43'
L-8	N 17°05'19"E	150.09'

CURVE TABLE

CURVE	RADIUS	TANGENT	LENGTH	DELTA	DEGREE	CHORD	CH.BEARING
C-1	610.00'	108.28'	214.32'	20°07'51"	9°23'34"	213.22'	N 66°35'18"E
C-2	610.00'	82.21'	163.43'	15°21'03"	9°23'34"	162.95'	N 84°19'45"E
C-3	610.00'	180.78'	351.51'	33°00'58"	9°23'34"	346.66'	S 67°29'34"E
C-4	710.00'	236.43'	456.46'	36°50'09"	8°04'11"	448.64'	N 69°24'11"W
C-5	709.99'	47.54'	94.94'	7°39'40"	8°04'12"	94.86'	S 77°29'32"W
C-6	710.00'	65.69'	131.02'	10°34'22"	8°04'11"	130.83'	S 68°22'55"W

BASED ON THE INFORMATION SHOWN ON THE FLOOD HAZARD BOUNDARY MAPS FURNISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. IT IS MY OPINION THAT A PORTION OF THIS PROPERTY IS LOCATED INSIDE OF THE 100 YR. FLOOD HAZARD AREA
PANEL # 13151C 0156D
EFFECTIVE DATE 10-06-2016

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT 206,277 *FEET.*

THE FIELD DATA UPON WHICH THIS SURVEY IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 19,172 *FEET AND ANGULAR. ERROR OF* 00°00'03" *PER ANGLE POINT AND WAS ADJUSTED USING LEAST SQUARES RULE.*

THIS SURVEY WAS PREPARED WITHOUT THE THE BENEFIT OF A TITLE COMMITMENT, THEREFORE, ALL EASEMENTS AND MATTERS OF RECORD MAY NOT BE SHOWN HEREON.

NOTE:
PROPERTY IS LOCATED IN THE BIG COTTON / LITTLE COTTON INDIAN CREEK WATER SHED PROTECTION DISTRICT.
PROPERTY IS NOT *PART OF A SUBDIVISION*
A PORTION OF THIS PROPERTY IS *LOCATED IN A WETLAND AREA.*
PROPERTY IS *SERVED BY COUNTY WATER.*
THIS PROPERTY DOES HAVE *BODIES OF WATER ON THE PROPERTY.*
PROPERTY IS *ON A ASPHALT PAVED ROAD.*
PROPERTY OWNER: ROWAN PROPERTIES LP
ADDRESS: 1872 HWY. 42 NORTH
MCDONOUGH, GA., 30253

SURVEY MADE FOR:
ROWAN PROPERTIES LP
PROPERTY LOCATED IN:
LAND LOTS 34, 35, & 62 * 7TH. DISTRICT
HENRY COUNTY * GEORGIA
DATE: MARCH 5, 2018 * SCALE: 1"=200'

0' 200'
Graphic Scale

JOB #: 022718RO

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TRACT "B"
16.176 ACRES

TRACT "A"
32.859 ACRES

N90°00'00"E 100.50'
S59°33'13"E 31.21'
S38°08'20"E 206.68'
S49°39'57"E 75.01'
S49°06'03"E 103.84'
S22°50'31"E 106.11'
S54°29'07"E 210.47'
S37°27'40"E 138.14'
S06°28'54"W 130.40'
S39°50'01"E 118.45'
S10°00'45"E 101.77'
S23°35'52"E 178.34'
S63°04'32"E 53.02'
S67°29'02"E 27.86'
N50°59'32"W 49.01'
N89°29'28"E 353.55'
S39°38'49"W 90.00'
N38°57'55"E 90.01'
S01°53'24"W 448.96'
S01°53'24"W 552.54'
N50°59'10"W 445.30'
S50°59'12"E 534.07'
S50°59'09"E 485.70'
N50°59'12"W 475.68'
S39°00'01"W 10.00'
S50°59'05"E 30.00'
N39°00'01"E 10.00'
N17°09'14"E 769.82'
N16°31'45"W 81.89'
S08°40'02"E 70.00'
N17°05'19"E 166.16'
ARC=94.93'
R=709.99'
S77°28'36"W
CH=94.86'
S82°03'52"W 122.49'
ARC=163.44'
R=610.00'
N84°19'45"E
CH=162.95'
S01°59'46"W 30.00'
N05°59'50"E 30.00'
ARC=456.46'
R=710.00'
N69°24'11"W
CH=448.6'
ARC=351.48'
R=610.00'
S67°29'37"E
CH=346.64'
S85°59'24"E 40.42'
S68°22'54"W 130.83'
ARC=214.32'
R=610.00'
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S66°33'29"W 32.12'
N33°37'41"W 120.45'
S87°57'30"W 93.89'
S26°41'17"E 72.23'
S04°06'29"W 67.91'
N04°46'22"W 122.05'
N60°07'20"W 43.45'
S87°57'30"W 756.46'
42

FEMA FIRM MAP
NOT TO SCALE

SITE LOCATION MAP
NOT TO SCALE

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PROJECT

HWY 42 @ CAMPGROUND ROAD

A MASTER PLANNED RESIDENTIAL DEVELOPMENT

AT

HIGHWAY 42 @ CAMPGROUND ROAD
MCDONOUGH, GA 30253

HENRY COUNTY, GEORGIA

FOR

MERITAGE HOMES

MUNICIPALITY PROJECT #

REVISIONS

NO.	DATE	BY	DESCRIPTION

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GEORGIA REGISTERED No. 34393 PROFESSIONAL ENGINEER KENNETH J WOOD

GSWCC LEVEL II DESIGN PROFESSIONAL
CERTIFICATION # 0000059389 EXP. 10/28/2024

ZONING BOUNDARY EXHIBIT

0 60 120 240 360

SCALE: 1" = 120'
DATE: 09/16/2024
PROJECT: 19279.00A

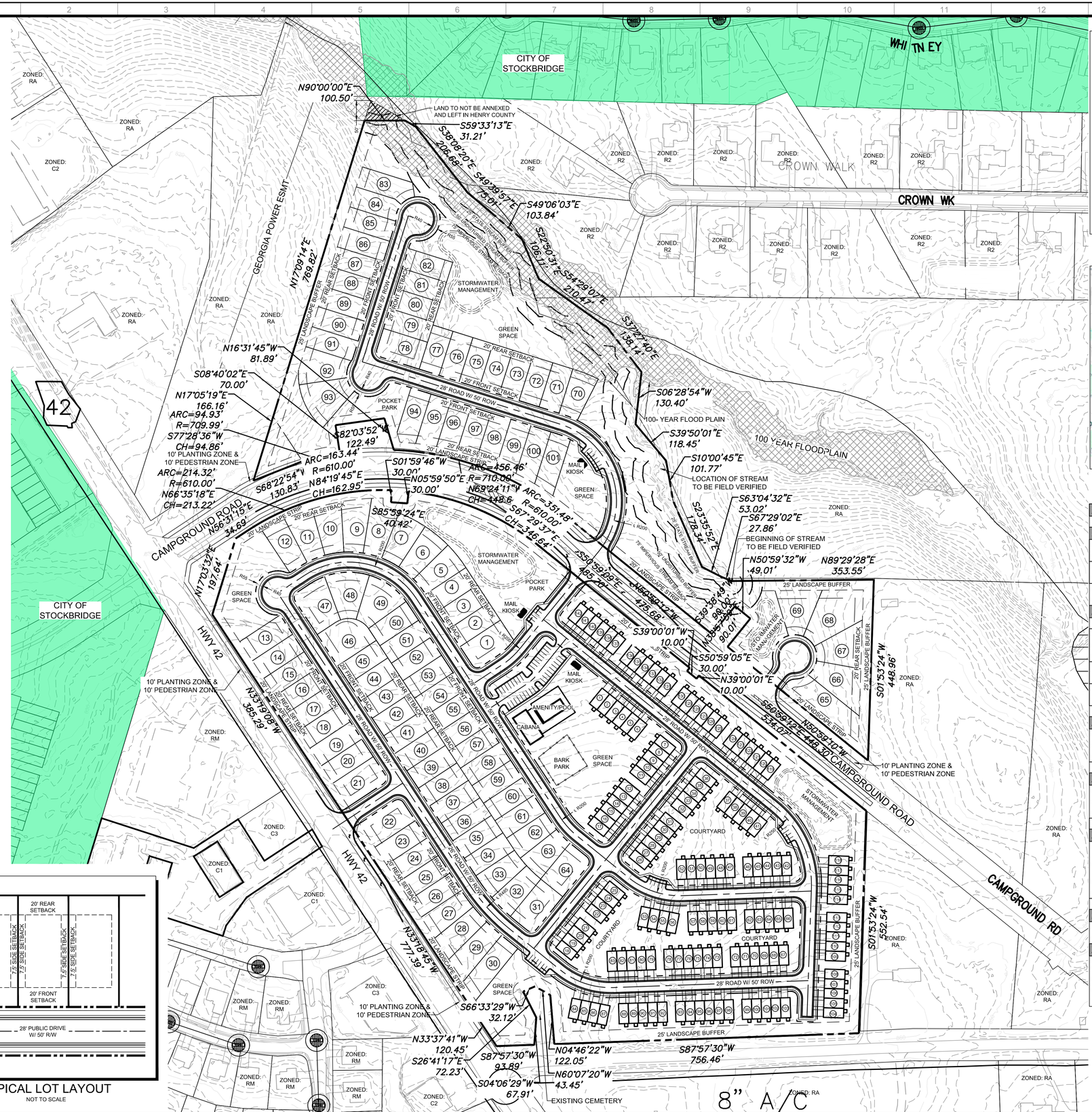
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GRID NORTH
GEORGIA WEST ZONE

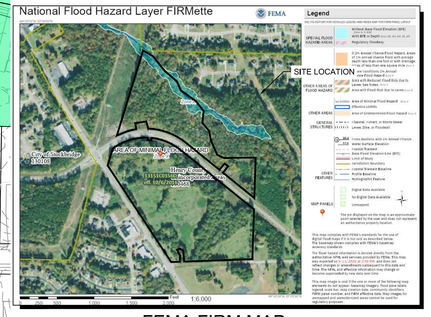
Z1.2
SHEET

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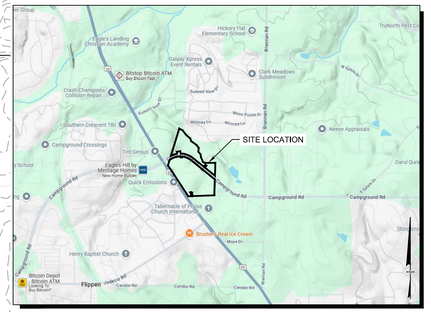
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TYPICAL LOT LAYOUT
NOT TO SCALE



FEMA FIRM MAP
NOT TO SCALE



SITE LOCATION MAP
NOT TO SCALE

SITE DATA:	
SITE AREA	48.54 ACRES
ZONING	
EXISTING ZONING	RA
PROPOSED ZONING	PUD (PLANNED UNIT DEVELOPMENT)
EXISTING OVERLAY DISTRICT	HIGHWAY CORRIDOR OVERLAY DISTRICT
PROPOSED OVERLAY DISTRICT	PMU (PARKWAY MIXED USE)
EXISTING ZONING JURISDICTION	HENRY COUNTY
PROPOSED ZONING JURISDICTION	CITY OF STOCKBRIDGE
USE CALCULATIONS	
TOTAL SITE AREA	48.54 ACRES
STREET RIGHT-OF-WAY AREA	8.76 ACRES
FLOOD HAZARD AREA	1.54 ACRES
NET SITE AREA	38.24 ACRES
SINGLE FAMILY LAND USE	25.22 NET ACRES
TOWNHOME LAND USE	13.02 NET ACRES
TOTAL 24'x50' TOWNHOME UNITS	142 UNITS (10,91 UPA)
TOTAL SINGLE FAMILY LOTS	101 LOTS (4.00 UPA)
TOTAL UNITS/ DENSITY	243 UNITS (6,35 UPA)
PROPOSED SFD SETBACK REQUIREMENTS	
FRONT SETBACK	20 FEET
SIDE SETBACK	7.5 FEET
REAR SETBACK	20 FEET
REQUIRED BUFFERS	25 FEET
PROPOSED TH SETBACK REQUIREMENTS	
FRONT SETBACK	15 FEET
SIDE SETBACK	10 FEET
REAR SETBACK	20 FEET
REQUIRED BUFFERS	25 FEET
DEVELOPMENT STANDARDS	
MIN DEVELOPMENT SIZE	3 CONTIGUOUS ACRES
REQUIREMENTS FOR LAND USE	MUST INCLUDE MINIMUM OF TWO (2) DIFFERENT USES AND/OR TWO (2) TYPES OF VARIED HOUSING OPTIONS. (2.4.14.B.2.)
PROPOSED SF MINIMUM LOT SIZE	5,000 SF
PROPOSED MINIMUM SFD LOT WIDTH	50 FEET
EXTERIOR LANDSCAPED STRIPS	20 FEET
OPEN SPACE CALCULATIONS	
REQUIRED OPEN SPACE	20% (9.719 ACRES)
OPEN SPACE PROPOSED	15.67 ACRES (32.2%)
PARKING REQUIREMENTS	
PROPOSED RESIDENT PARKING (2 SPACES PER UNIT)	486 SPACES
PROPOSED AMENITY PARKING	37 SPACES
PROPOSED GUEST PARKING	27 SPACES
TOTAL PARKING PROVIDED	550 SPACES

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GEORGIA REGISTERED No. 34393 PROFESSIONAL ENGINEER KENNETH J WOOD

GSWCC LEVEL II DESIGN PROFESSIONAL CERTIFICATION # 0000059389 EXP. 10/28/2024

ZONING SITE PLAN

0 60 120 240 360

SCALE: 1" = 120'
DATE: 10/07/2024
PROJECT: 19279.00A

Z1
SHEET

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