

# Stockbridge

Where Community Connects

## STOCKBRIDGE CITY COUNCIL

Mayor Jayden L. Williams  
At-Large

Mayor Pro Tem Elton Alexander  
Council District 5

Councilmember LaKeisha Gantt  
Council District 1

Councilmember Antwan Cloud  
Council District 2

Councilmember Kyle D. Berry, Sr.  
Council District 3

Councilmember Yolanda Barber  
Council District 4

### CITY MANAGER

Shawn Edmondson

### INTERIM CITY CLERK

Cassandra Lester

### CITY TREASURER

Frank Milazi

### CITY ATTORNEY

Quinton G. Washington

Megan McCulloch

## Council Meeting Agenda May 11, 2026 6:00 PM



### STOCKBRIDGE CITY HALL

4640 NORTH HENRY BLVD.

STOCKBRIDGE, GA 30281

Website: [www.stockbridgega.org](http://www.stockbridgega.org)

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# AGENDA COUNCIL MEETING CITY OF STOCKBRIDGE

MONDAY, MAY 11, 2026 6:00 PM

## CALL TO ORDER

## INVOCATION

## PLEDGE OF ALLEGIANCE

## ROLL CALL

## ADOPTION OF THE AGENDA

## ADOPTION OF THE MINUTES

- 1 Approval of the Work Session Summary Minutes April 28, 2026  
Approval of the City Council Summary Minutes April 13, 2026  
Approval of the Planning Retreat Summary Minutes Day 1 - March 4, 2026  
Approval of the Planning Retreat Summary Minutes Day 2 - March 5, 2026  
Approval of the Planning Retreat Summary Minutes Day 3 - March 6, 2026

**PUBLIC COMMENTS - All persons wishing to speak for public comment must sign in with the City Clerk prior to the beginning of the meeting. You must sign your name, address, and phone number. You will be able to address the Mayor and Council for three (3) minutes. Speakers must respect all members of the elected body, officials, and staff. Defamation, unruliness and/or swearing will not be tolerated while meetings are in session.**

## QUARTERLY REPORTS - Boards & Committees

- 2 Downtown Development Authority Quarterly Report - 1st Qtr. 2026  
Citywide Development Authority Quarterly Report - 1st Qtr. 2026  
Youth Council Quarterly Report - 1st Qtr. 2026

**CEREMONIAL REVIEW - Move with Mayor Presentation; National Public Works Week Proclamation**

## NEW BUSINESS

- 3 **APPEAL CASE #AP-2026-01. (Council District 4)**  
Consideration of an appeal of the completed Zoning Verification Letter (ZVL) for two parcels at the southwest corner of East Atlanta Road and Stagecoach Road, including Parcel #047-01016001 with 2.64 acres and Parcel #028-02021005 with 10.88 acres. Applicant / Property Owner: Samir Patel. Agent: Newton Galloway, Attorney. The ZVL was completed on March 27, 2026, and the applicant filed the appeal on April 19, 2026. - Presented by: Ryan Anderson
- 4 Council Consideration For A Resolution Establishing A Council Voting Member As Intergovernmental Representative  
  
- Presented by:

**MAYOR'S COMMENTS (Jayden Williams)**

**EXECUTIVE SESSION (Exemptions to the Georgia Open Meetings Acts)**

ANNOUNCEMENTS OF UPCOMING MEETINGS & EVENTS

**City Council Meetings are held on the second Monday of each month, and Work Sessions are held the last Tuesday of the month at the Stockbridge City Hall - City Council Chamber. Meeting times and dates may change. Please visit [www.stockbridgega.org](http://www.stockbridgega.org) for updates. The City of Stockbridge adheres to the Americans with Disabilities Act (ADA). If you need auxiliary services to participate in the meetings, please contact City Hall at 770-389-7900 in advance.**

**ADJOURNMENT**



**CITY COUNCIL WORK SESSION  
SUMMARY MINUTES  
TUESDAY APRIL 28, 2026 6:00 P.M.**

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**Mayor & City Council**

Mayor Jayden L. Williams At-Large  
Mayor Pro Tem Elton Alexander – Council District 5  
Councilmember LaKeisha Gantt – Council District 1  
Councilmember Antwan Cloud – Council District 2  
Councilmember Kyle D. Berry, Sr. – Council District 3  
Councilmember Yolanda Barber – Council District 4

**Administration**

Shawn Edmondson – City Manager  
Frank Milazi – City Treasurer  
Cassandra Lester – Interim City Clerk  
Quinton Washington – City Attorney  
Megan McCullough – Associate Attorney

**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.

Mayor Jayden Williams called the April 28, 2026 Stockbridge City Council Work Session meeting to order at 6:00 PM.

Mayor Williams led the invocation and Pledge of Allegiance.

Interim City Clerk Cassandra Lester conducted roll call. A quorum was established. Councilmember Kyle Berry was not present.

Mayor Williams requested adoption of the agenda with two amendments: (1) addition of a council consideration to approve the Move with the Mayor initiative for the MLK Senior Trail Unity Walk, including a temporary road closure; and (2) addition of a presentation by Ms. Kim Denmark during the public comment/presentation portion of the meeting to allow sufficient time for her remarks.

Motion to adopt the agenda as amended (Move with the Mayor initiative and Kim Denmark presentation) was made by Councilmember Cloud and seconded by Mayor Pro Tem Alexander. The motion passed 4-0.

A secondary request was made by Councilmember Barber to add an item to the agenda to discuss the Tranquil Trail development, citing that she had not received responses to inquiries directed to Community Development, the City Manager, or legal staff, and noting that the development had required five council votes to approve.

Councilmember Gantt acknowledged that the matter was actively being addressed and that a town hall was being scheduled within approximately 15 days, stating that she had met with relevant parties that same morning and had visited the site multiple times. Councilmember Barber maintained that the full council was not being kept informed of discussions and that, as a voting member on the original approval, she was entitled to updates. The motion to add the Tranquil Trail item to the agenda failed for lack of a second.

Councilmember Barber added for the record “What I have asked is to add an item to the agenda for discussion so that I can hear from legal, so that I can hear from community development so that I can hear from the city manager. I haven't heard anything. This is a development that took five votes to approve. If there are any changes to this, I'm expecting that it will come right back here to this governing body. I know no other details. I know nothing about a 15 day wait. Whatever discussions that are being had are not being had without the full council. I get, this is not in my district, but again, it took five votes to approve it. Me being one of the people who approved it, I approved this proposal based on what was presented to us. What I want is an update and because I'm not getting answers to the questions that I have sent to community development, to the city manager, to the zoning attorney, to the city's attorney, I'm asking to have a discussion right here, right now. These homeowners, they're here. Again, they're not going to stop coming until they have answers. They're not going to stop contacting any of us until they have answers. Rightfully so. I want to be able to give him an answer. I don't have an answer. The people who have the answers are not speaking or at least they're not sharing it with the full council. I want that for the record.”

#### **ADOPTION OF THE MINUTES**

April 13, 2026 City Council Summary Minutes and Planning Retreat Summary Minutes Day 1–3 (March 4–6, 2026) were submitted for review

#### **CEREMONIAL REVIEW**

##### **Improving Mental Health Through the Move with the Mayor**

Mayor Williams recaptured the presented of a proclamation to Mr. Larry Malone (El Malone Fitness) in connection with the Move with the Mayor Spring Mental Health and Physical Activity Challenge, a National Forum initiative coinciding with Mental Health Awareness Month in May. The proclamation recognized the importance of physical activity and social connection, with particular emphasis on veterans and older adults. Mr. Malone briefly addressed the Council and expressed his honor in partnering with the city.

#### **PUBLIC COMMENTS**

Five speakers signed up for public comment. Four addressed the Council on matters related to the Tranquil Trail residential development adjacent to the Spivey Cove and Spivey Ridge subdivisions in Clayton County. The fifth public comment was deferred to allow additional time for a full presentation.

Dave Murphy (2877 Mandy Court, Lake Spivey), a 30-year homeowner in the Spivey Cove subdivision, described the community as intentionally built and deeply connected, and expressed that the development as currently being executed differs materially from what was approved, including the removal of buffer trees.

Blanca Velazquez (212 Hunting Court) expressed concerns about trees that were cleared in her backyard, noting that the remaining trees posed a risk of falling onto homes during storms. Kathy Walker (200 Hunting Court), HOA president of Spivey Ridge, stated that the natural tree buffer protecting residents had been stripped away and replaced with a proposal for a single row of trees, which she characterized as wholly inadequate. She called for true restoration of privacy buffers, proper drainage, backyard leveling, and full transparency regarding the project's

financial details and decision-making. She submitted copies of the developer's approved site and landscaping plans to the Council for review.

Mike Adams (224 Hunting Court) described in detail the destruction of a natural buffer of over 100 feet of mature pines, maples, and oaks behind his property, stating that zero buffer remained. He reported witnessing multiple semi-trucks hauling away the mulched trees the previous day. He implored the Council to hold the developer accountable and to enforce the buffer requirements as mandated.

## **PRESENTATION**

### **Walk Across America (Kim Denmark)**

Ms. Kim Denmark appeared before the Council to present her "Walk Across America" initiative, an effort she has sustained for sixteen years across sixteen states and over 6,500 miles to assist homeless veterans in finding housing and employment. A news segment was played illustrating her work. Ms. Denmark gave a personal testimony about the life experiences that led her to undertake the walk and described her plans to depart Stockbridge on May 23rd, walking approximately nine miles to Riverdale/Jonesboro.

Ms. Denmark requested two forms of city support: (1) a police escort from City Hall to the Stockbridge city limits along North Henry Boulevard; and (2) hotel lodging for two rooms (one for herself and one for security) for one night as she passes through the area.

Council members expressed admiration for Ms. Denmark's work. Mayor Pro Tem Alexander suggested connecting Ms. Denmark with retired Master Sergeant Patricia Bayden and her organization, Southern Crescent Veterans, noting natural synergy between the two efforts. Councilmember Cloud commended the work, noting he refers to homeless individuals as "people in need." Councilmember Barber thanked Ms. Denmark for shining a spotlight on the homeless and veteran communities.

Mayor Pro Tem Alexander stated that Ms. Denmark's request for support was within the city manager's spending limit and could be addressed offline.

## **QUARTERLY REPORTS**

### **City Treasurer's Quarterly Report – 1st Qtr. 2026**

City Treasurer Frank Milazi reported that the FY 2026 adopted budget is \$34.7 million (balanced). As of the report date, revenues received totaled \$7.5 million (22%) and expenditures totaled \$9.3 million (28%), with the expenditure lead attributable to revenue timing, particularly sales tax receipts. He reported 542 homestead exemption applicants processed between January and April across three exemption tiers (B1 basic, B2 age 62+, and B3 septic tank). The 2025 fiscal year closeout was underway, with the audit scheduled to begin May 4 and auditors arriving on-site May 11. Treasurer Milazi also noted that bank reconciliations were current through March 2026; a significant improvement from a six-month lag in 2024; and that the positions of Budget Manager and Senior Accountant had been filled.

### **Public Works Quarterly Report – 1st Qtr. 2026**

Public Works Director Decius Aaron presented the first quarter report. Highlights included: collection of 1,323 bags of litter totaling 15,876 pounds; 153 shopping carts, 39 mattresses, and 100 tires retrieved; approximately 10,100 residential sanitation customers serviced monthly; 18.8 million gallons of water produced and 47.9 million gallons purchased; 53.376 million gallons of wastewater treated (approximately 593,000 gallons per day) with no sewer spills; and 1,600 miles swept by street sweeper. Mr. Aaron noted that a third street sweeper was in the procurement discussion phase, which would significantly reduce the street-sweeping cycle.

Councilmember Barber raised the issue of shopping carts scattered throughout the city and inquired whether cart owners could be identified. Mr. Aaron confirmed Walmart on Davis Road

as a primary source. Councilmember Barber suggested the Council consider requiring businesses to implement cart-containment technology.

Mayor Pro Tem Alexander commended Public Works staff for their work on the Hudson Bridge Road community cleanup and noted that the transfer station in District 2 was scheduled to close on April 30<sup>th</sup> and was a long-sought result that would relieve neighboring residents of associated nuisances.

Council discussion also touched on implementing projects from the Parks Master Plan, including playground equipment replacement, shade structures, park improvements at Memorial Park, Clark Park, and Gardner Park, and the development of a new park on Eagles Landing Parkway. Mr. Aaron confirmed that a meeting with City Manager Edmondson was being scheduled to prioritize low-hanging-fruit projects from the Master Plan. Councilmember Gantt additionally requested that staff explore a GMA grant opportunity for a skate park facility.

### **Human Resources Quarterly Report – 1st Qtr. 2026**

HR Director Dwayne Pollock reported an active workforce of approximately 194 employees, 11 separations (a turnover rate of under 0.7%), and 21 new hires during Q1. Six workers' compensation claims were filed; five were closed, with a total cost of \$5,000. Notable wellness and training activities included a financial wellness workshop (80+ attendees), active shooter training (144 employees), and an onsite dental service day through Jet Dental (19 employees seen for cleanings and whitening). A compensation and classification study RFP was noted as currently open to ensure the city's wage structure is competitive within the broader metro Atlanta market, not just South Metro. A modern HR platform evaluation was underway, with a full presentation under Item 10 later in the meeting.

### **Economic Development / Main Street Quarterly Report – 1st Qtr. 2026**

Economic Development Director William Smith presented highlights including five active economic development projects engaging over 90 acres across the city; execution of the Norfolk lease for downtown parking; completion of Georgia Power underground utility surveys; finalization of the alleyway design and engineering documents; and planned expansion of the Main Street programming to twelve months of continuous downtown activities. The department also discussed revamping the city's incentive package to address both large-scale development and small business development, a new CVB-supported marketing campaign for downtown, and a TAD boundary realignment.

Councilmember Cloud requested that he be kept informed of all Main Street board activities in his capacity as council advisor to that board. Councilmember Barber noted that downtown falls within her district and expressed her expectation to be included in all discussions affecting her constituents. Mayor Pro Tem Alexander requested the team explore Opportunity Zone or Empowerment Zone designation for downtown to potentially provide businesses with tax credits for new hires.

### **Events Quarterly Report – 1st Qtr. 2026**

Events Manager Charisma Webster reported that Q1 2026 events included the Alphonso Thomas African American Heritage Celebration and the Women's History Month Honors Celebration. Upcoming events include Tasty Tuesday food truck nights at Clark Park on May 5<sup>th</sup> and throughout the summer. The VyStar Amphitheater concert season was announced, including Mother's Day Show (Black Street, 112, Jaheem), and May/June concerts featuring Stephanie Mills, Karen White, Anthony David, Kem, and a gospel concert. It was also announced that Common will perform at the Juneteenth free concert and Bootsie and Pastor Troy will headline the July 4<sup>th</sup> free concert.

Councilmember Barber raised concerns about concert noise, parking management, and post-event litter near the adjacent church on the corner, noting that church members have services Sunday mornings. Ms. Webster confirmed concerts conclude by 11:00 PM, that parking attendants are on duty, and committed to extending litter cleanup to areas surrounding the venue. Mayor Williams requested an assessment of acoustic treatment options for Merle Mander Conference Center to improve sound quality at indoor events.

#### **Municipal Court Quarterly Report – 1st Qtr. 2026**

No presenter. The report was included in the quarterly departmental summary reviewed by Council.

#### **Police Department Quarterly Report – 1st Qtr. 2026**

Assistant Chief Godfrey presented the Q1 2026 report. Key metrics included 10,820 calls for service, 202 arrests (41 felony, 161 misdemeanor), 2,600+ traffic stops, 2,200 citations, and 14 community events. Violent crime decreased 15.38% compared to Q1 2025, while property crime increased 2.9% and overall crime was up 1.8%. Priority one response time stood at 5.5% against a 5% target. The department's HEAT unit, approved in December 2025, was activated and actively addressing traffic violations and suspected DUI incidents. The department processed 2,711 reports and fulfilled over 1,100 open records requests. Recruiting gaps were noted as substantially closed, with new academy recruits beginning in May. The department is pursuing national accreditation through a CALEA self-assessment process and continuing discussions with Henry County regarding migration of the Tyler Technologies RMS from an on-premises to cloud-based system.

#### **Governing Body Quarterly Report – 1st Qtr. 2026**

Executive Assistant to Mayor and Council Rosalynd Rawls reported on Q1 activities including support for the Meet with the Mayor program, Senior Bingo Bash events, an MLK Day Community Cleanup, a Clergy Roundtable facilitated by Councilmember Berry, a town hall meeting, and the ongoing Mayor for a Day program engaging young residents in local government. Mayor Pro Tem Alexander encouraged Ms. Rawls and her assistant Raven Eaton to assess their staffing needs and bring recommendations forward at the mid-year review, acknowledging the significant workload passed by the two-person team.

#### **Clerk's Office Quarterly Report – 1st Qtr. 2026**

Interim City Clerk Cassandra Lester reported that the clerk's office prepared 52 meeting agendas, recorded 1,392 meeting minutes, attested to and archived 52 resolutions and 3 ordinances, and processed 242 open records requests in Q1. The clerk's office also coordinated four Youth Council outreach initiatives, supported the strategic planning retreat in Brookhaven Georgia, and maintained cemetery operations with two internments.

Ms. Lester noted that cross-training between the clerk's office and governing body administrative staff had been implemented to redistribute tasks and reduce workflow gaps. A discussion took place about whether the coordination of council member training should be handled by the clerk's office or by the governing body staff. Councilmember Barber expressed her preference for the clerk's office to continue managing her training records. Councilmember Gantt noted that this is a personnel issue and relates to job descriptions, suggesting that this topic could be addressed during personnel discussions. Mayor Pro Tem Alexander encouraged Ms. Lester to assess staffing needs with the city manager and human resources and bring recommendations forward for consideration.

#### **Information Technology Report – 1st Qtr. 2026**

IT staff member Dustin Allard presented the Q1 report, noting 406 total support tickets resolved across January (132), February (145), and March. Key activities included system evaluation and modernization, ongoing security hardening, an after-hours production upgrade completed without downtime, and growth planning for 2027. Councilmember Cloud raised the matter of

ADA website compliance, noting the city had received an extension on the compliance deadline. Dustin confirmed a plan was in place. Mayor Pro Tem Alexander requested improved display monitors in public access areas of the building.

### **Community Development Quarterly Report – 1st Qtr. 2026**

Community Development Director Ryan Anderson presented Q1 figures including 249 plan reviews, 66 zoning verification letters, 205 customer assistance meetings, 1,783 permits issued, 1,558 inspections, and 111 building permits. Business license activity included 40 new commercial businesses and 14 new home-based businesses. Total departmental revenue for Q1 was \$3,179,077.98, encompassing permitting, business services, planning, zoning, and fire marshal activities. The department projected annual revenue in the range of \$7 to 8 million. Mayor Pro Tem Alexander requested a follow-up review of hotel/motel tax revenue given the presence of extended-stay properties.

### **CONSENT AGENDA**

#### **Stockbridge Police Department Wrecker Service**

Assistant Chief Godfrey noted for the Council that the Wrecker One service had been removed from this contract renewal based on concerns raised at a prior meeting. The renewal before the Council was for wrecker services only through the Henry County Board of Commissioners with Supreme Trio LLC, d/b/a Swanson Towing and Recovery.

Motion to approve the consent agenda item for the renewal of the piggyback wrecker contract with Supreme Trio LLC, d/b/a Swanson Towing and Recovery, was made by Councilmember Barber and seconded by Councilmember Cloud. The motion passed 3-0.

### **OLD BUSINESS**

#### **LIVABLE CENTERS INITIATIVE—FUNDING REQUEST. (Citywide)**

Community Development Director Ryan Anderson reported that the Council had previously approved a \$30,000 local match at the February council meeting to support a grant application to the Atlanta Regional Commission (ARC) for a new LCI Study. Following submission, the ARC requested that the match be increased to \$40,000, which would expand the grant award from \$150,000 to \$200,000. Staff indicated the proposal was well received and that the increased match significantly improves the probability of award.

Motion to approve the increase in the local match commitment from \$30,000 to \$40,000 for the ARC LCI Study grant application was made by Mayor Pro Tem Alexander and seconded by Councilmember Gantt. The motion passed 4-0.

### **NEW BUSINESS**

#### **DONATION ACCEPTANCE OF 0.86 ACRES OF LAND FROM THE STOCKBRIDGE PRESBYTERIAN CHURCH. (Council District 4)**

Director Anderson presented a resolution authorizing the Mayor and City Clerk to execute documents accepting the donation of approximately 0.86 acres of real property located at 4740 North Henry Boulevard, at the northwest corner of North Henry Boulevard and Burke Street, from the Stockbridge Presbyterian Church at no cost to the city. The donation would leave the church with 2.5 acres and would provide a strategically located parcel in the downtown area that, when combined with adjacent city-owned parcels, could form a contiguous land assemblage suitable for a potential future recreation center or other municipal purposes. The church had originally sought approximately \$200,000 for the parcel.

Motion to approve the resolution accepting the donation of 0.86 acres from the Stockbridge Presbyterian Church was made by Mayor Pro Tem Alexander and seconded by Councilmember Gantt.

Councilmember Barber, noting the property is within her district, requested that the prior motion be rescinded so that she could make the motion for this item. Mayor Pro Tem Alexander rescinded his motion

Motion to approve the resolution accepting the donation of 0.86 acres from the Stockbridge Presbyterian Church was made by Councilmember Barber and seconded by Mayor Pro Tem Alexander. The motion passed 4-0.

**Council consideration to Amend The Text Of The City Of Stockbridge Code Of Ordinances By Revising Chapter 8 (Buildings And Building Regulations) To Add Article XVI, "Water Efficiency Standards"**

Public Works Director Decius Aaron advised that as a member city of the Metropolitan North Georgia Water Planning District, adoption of the plumbing code amendment is mandatory for all member cities. Council was asked to approve the adoption accordingly.

Motion to approve the ordinance amending Chapter 8 of the City Code to add Article XVI, Water Efficiency Standards, was made by Councilmember Cloud and seconded by Mayor Pro Tem Alexander. The motion passed 4-0.

**Council consideration to approve the renaming of the City cemeteries from Stockbridge Cemetery to Stockbridge Memorial Garden and Burk Cemetery to Burk Memorial Garden**

Director Aaron explained that the City is currently developing wayfinding signage and that many municipalities are moving away from the term "cemetery" in favor of "Memorial Garden," which reflects a trend in the industry toward more welcoming designations, particularly as historic cemeteries have become tourist attractions. The renaming was brought before Council to ensure the correct name is used when fabricating new signs.

Motion to approve the renaming of the Stockbridge Cemetery to Stockbridge Memorial Garden and Burk Cemetery to Burk Memorial Garden was made by Councilmember Gantt and seconded by Councilmember Alexander.

Discussion: Councilmember Barber, noting both cemeteries are within her district, stated the following for the record: "Anything that is affecting my district, the residents, the businesses, the streets, the buildings in city council, district four, I'm responsible for it. I like to have conversations about these matters, especially when they're added to the agenda because then I start getting calls and emails from homeowners and businesses regarding these actions and items. And I'm blindsided. Not that I oppose the renaming of these cemeteries, but it's just the principle of it. They want to continue disrespecting and by disrespecting me, you're disrespecting the homeowners and these businesses that I represent. So, I just wanted to make those points for the record."

The motion passed 4-0.

**Approval for Outbuilding**

Assistant Chief Godfrey requested Council approval for construction of a multipurpose outbuilding to serve the Police Department for training operations, large item evidence storage, crime scene processing, and equipment storage. The construction would be facilitated through Guardian cooperative purchasing, with Prime Construction Inc. as the contractor, the same firm engaged with Public Works for their new facility. Funding was identified within the traffic camera fund in the FY 2026 budget.

Motion to approve the construction of the police department outbuilding was made by Councilmember Barber and seconded by Mayor Pro Tem Alexander.

The motion passed 4-0.

### **Approval for Flock (LPR's, OS, PTZ)**

Assistant Chief Godfrey introduced Steve Hampton of Flock Safety, who presented an expansion of the city's existing Flock Safety partnership. The proposal covered three components: (1) renewal of the existing license plate reader (LPR) contract (\$57,500/year, two-year term, funded from general fund); (2) a new Drone as First Responder (DFR) program consisting of two drone dock units covering a 3.5-mile radius, with an average response time of 86 seconds and capability to clear 15–20% of low-priority calls without officer response (\$100,000/year, three-year term, first year funded from traffic camera funds); and (3) an upgrade to Flock OS Premium tier, adding CAD integration, community camera registry, and a Flock 911 live call-streaming feature (\$151,500 total, annual fee of \$129,000, three-year term, first year funded through the Small Department Violent Crime Reduction Program grant).

Motion to approve the Flock LPR, OS, and PTZ package was made by Councilmember Gantt and seconded by Councilmember Cloud. The motion passed 3-0, with Councilmember Barber abstaining citing not having received all supporting documents prior to the meeting.

Councilmember Gantt clarified that the supporting documents were included in the agenda books and asked Steve Hampton of Flock Safety to provide his most recent presentation to mayor and council.

### **Consideration and Approval of Paylocity Software Agreement for Human Resources and Payroll System and Services**

HR Director Dwayne Pollock presented a proposal to replace the city's current fragmented HR and payroll systems (UKG Kronos and Tyler Encode) with Paylocity, a unified cloud-based platform covering payroll processing, tax compliance, time and attendance, employee self-service, performance management, learning management, benefits administration, and HR recordkeeping. The current payroll system requires manual distribution of pay stubs via email and employees must contact HR directly to update tax or address information. The Paylocity platform would place control of personal information directly in employees' hands via a secure portal and mobile access. Projected operational gains include up to 50% reduction in payroll processing time, 35% reduction in HR administrative workload, and 60% reduction in data errors. The proposed monthly cost is \$5,019.23 (all-inclusive), compared to the current \$4,000/month for UKG Kronos alone, with Tyler Encode continuing to serve as the system of record for general ledger and audit purposes. An export integration between Paylocity and Tyler Encode was included in the solution.

A motion to approve the Paylocity Software Agreement for the Human Resources and Payroll System and Services was made by Councilmember Gantt and seconded by Councilmember Cloud. The motion passed 3-0, with Councilmember Barber abstaining, citing she had not received all the supporting documents prior to the meeting.

Councilmember Gantt clarified that the rules established by the Georgia Code and statutes are followed. Occasionally, we may receive documents late. If additional documents arrive after the deadline, they are presented and the agenda is amended during the meetings.

### **Council consideration for approval of the 2025 Year End Budget Amendment**

City Treasurer Frank Milazi presented the final 2025 fiscal year budget amendment, required to close out FY 2025 in preparation for the upcoming audit. The amended general fund budget was being adjusted from approximately \$32.1 million (as amended in November 2025) to reflect final expenditure levels, with all departments having come in under their budgeted allocations. Total revenue and expenditure figures across all funds were adjusted to approximately \$42 million from \$40 million.

The most significant element of the presentation was the announcement of a \$21 million transfer to the General Fund, comprising \$19 million from the SPLOST V account and \$2 million from the Hotel/Motel fund, representing funds that had been used over multiple prior years to finance capital projects and operations from those accounts without corresponding replenishment to the General Fund. The result will bring the General Fund balance to a minimum of \$15 million, representing approximately 50% of the city's operating budget, an extraordinary turnaround from a negative fund balance of approximately \$750,000 reported in 2024.

Treasurer Milazi also noted that the city had submitted its financial statements to the Government Finance Officers Association (GFOA) and had been awarded the GFOA Certificate of Achievement for Excellence in Financial Reporting — the highest financial reporting recognition in the nation.

City Manager Shawn Edmondson reiterated that 2026 was a stabilization budget year and emphasized that the money had existed all along in city accounts, noting that the issue was one of misallocation and improper tracking, not of missing funds.

Councilmember Barber voted in opposition, stating that while she did not oppose the technical budget amendment process itself, she could not support ratifying what she characterized as unauthorized overspending that had occurred without council approval in prior fiscal years. She also noted the absence of regular monthly or quarterly financial reports to the full council since the budget was adopted in December 2025. Treasurer Milazi clarified that all departments came in under budget in 2025, and Mayor Pro Tem Alexander emphasized that no department exceeded its budget, countering any characterization of overspending.

Motion to approve the 2025 Year End Budget Amendment was made by Councilmember Gantt and seconded by Mayor Pro Tem Alexander. The motion passed 3-1, with Councilmember Barber opposed.

### **Roslin White Center Letter of Support for The Housing Affordability Breakthrough Challenge**

Community Development Director Ryan Anderson introduced Linda Anderson, a Henry County resident and custom home builder, who appeared before the Council to request a letter of support for her application to the Housing Affordability Breakthrough Challenge, a Wells Fargo/Empowerment grant program. Ms. Anderson described plans to build affordable owner-occupied homes priced under \$300,000–\$310,000, ranging from 900–1,700 square feet, within the City of Stockbridge. She noted she had also missed the Department of Community Affairs window for a workforce housing grant but intended to apply again when that window reopened.

Motion to approve the issuance of a letter of support on behalf of the Roslin White Center and Quintessential Homes for Linda Anderson's application to the Housing Affordability Breakthrough Challenge was made by Councilmember Gantt and seconded by Councilmember Cloud.

The motion passed 4-0.

### **[AMENDED AGENDA ITEM] Move with the Mayor Initiative: MLK Senior Trail Unity Walk**

Mayor Williams requested Council approval to temporarily block off MLK Senior Trail and Jennings Way for the Daddy King Unity Walk, beginning at the downtown welcome center and proceeding to Memorial Park. The event is part of a friendly competition with the City of Jonesboro under the Move with the Mayor initiative.

Motion to approve the temporary road closure for the Move with the Mayor Unity Walk was made by Councilmember Cloud and seconded by Councilmember Gantt. The motion passed 4-0.

**MAYOR'S COMMENTS**

Mayor Williams called for a moment of silence in memory of the late Congressman David Scott, who had recently passed away. The Mayor noted that the Council had visited Congressman Scott's office just three weeks prior and that he would be lying in state at the Georgia State Capitol at 11:00 AM on Friday.

Mayor Williams reminded residents that early voting was underway at Merle Mander Conference Center through Election Day on May 19th. He also announced that the Move with the Mayor competition against Jonesboro commences that Friday, with community engagement events scheduled across the city every Saturday. He encouraged residents to purchase VyStar Amphitheater concert tickets through Ticketmaster, noting they were selling quickly.

**EXECUTIVE SESSION** (Exemptions to the Georgia Open Meetings Act)

No executive session was held.

**ADJOURNMENT**

Motion to adjourn was made by Mayor Pro Tem Alexander and seconded by Councilmember Gantt. The motion passed 4-0. The meeting adjourned at 9:06 PM.

Respectfully submitted by:

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Cassandra Lester, Interim City Clerk

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Jayden L. Williams, Mayor



**CITY COUNCIL MEETING  
SUMMARY MINUTES  
MONDAY APRIL 13, 2026 6:00 P.M.**

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**Mayor & City Council**

Mayor Jayden L. Williams At-Large  
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Megan McCullough – Associate Attorney

**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.

Mayor Jayden Williams called the April 13, 2026 Stockbridge City Council meeting to order at 6:00 PM.

Councilmember Kyle Berry led the invocation and Pledge of Allegiance.

Interim City Clerk Cassandra Lester conducted roll call. A quorum was established.  
Councilmember LaKeisha Gantt arrived at 6:39pm.

Mayor Williams noted that an amendment was needed to add an item regarding the police department piggybacking off an existing contract for records services. Councilmember Berry made a motion to adopt the agenda with the amendment. Councilmember Barber seconded. The motion passed 4-0.

Adoption of the Work Session Meeting Minutes March 31, 2026

Councilmember Barber made a motion to approve the March 31st work session minutes.  
Mayor Pro Tem Alexander seconded. The motion passed 4-0.

**PUBLIC COMMENTS**

The interim clerk announced five public comments:

Willie Carter (123 Wilson Avenue) addressed case number VR-2026-01, a variance on Wilson Avenue, stating it needs to be opposed and re-examined due to concerns about the plot. Mayor Pro Tem Alexander clarified that speakers on this item would have additional opportunity during the public hearing.

Charlene Woodruff (7914 Christian Court) discussed her 22-year residency and concerns about a proposed apartment development. She explained that in 2022 she was told by staff the development probably wouldn't happen due to incomplete paperwork but recently discovered surveyors on her property preparing for apartments. She reported that trees on her property had been cut down, which was verified by the developer. Mayor Williams acknowledged receiving her email and confirmed staff was working on a solution.

Dave Murphy, (2877 Mandy Court) a 30-year Spivey Cove resident and community leader, provided background on developments in their area. He detailed the community's consistent opposition to apartment developments, noting 99% opposition at public meetings despite council approval of both proposed projects. He described a 2022 community meeting with a developer who lacked professional presentation materials and proposed 318 apartments and 50 townhomes.

Kathy Walker, (200 Hunting Court) president of Spivey Ridge HOA, expressed concerns that the current development differs from what was presented in 2022. She reported that residents received no advance notice before tree clearing began, removing protective buffers between homes and construction. Walker noted that other nearby developments received significantly greater buffers (up to 50 feet) while their larger, higher-value homes received less protection. She requested immediate installation of temporary barriers, restoration of proper buffers, and accountability to ensure compliance with approved requirements.

Evelyn Dixon (267 Spivey Ridge Circle) from Spivey Ridge raised communication concerns about the apartment development, noting inconsistent and inadequate updates to residents. She proposed enhanced communication including timely construction notices, clear impact information, and consistent communication channels with current information on the city website.

### **CEREMONIAL REVIEW:**

#### **Proclamations for Autism Acceptance and Black Bookstore Month**

Mayor Williams summarized the ceremonial portion held at 5:30 PM, noting three proclamations were presented: declaring April 2026 as Autism Acceptance Month for community inclusivity, Black Maternal Health Week (April 13-17) to foster public-health sector collaboration, and joining other mayors in recognizing Black Bookstore Day to promote literacy, culture, and diversity.

### **PRESENTATION**

#### **Presentation on Potential Small Area Studies to be Undertaken**

Community Development Director Ryan Anderson presented the city's plan for small area studies, explaining they had identified 10 targeted areas for detailed examination over the next 3-5 years with \$200,000 budgeted for fiscal year 2026. The studies would focus on underutilized parcels, aging infrastructure, and areas needing revitalization rather than currently thriving areas.

Mayor Pro Tem Alexander expressed concern that District 5 wasn't adequately represented on the priority list, noting the need for strategic distribution throughout the entire city rather than concentration in particular districts.

He advocated for including Hudson Bridge Road and Eagles Landing Parkway to continue high-quality development momentum, similar to successful Patrick Henry Parkway planning that attracted major retailers like Costco and Sprouts.

City Manager Shawn Edmondson responded that areas like District 5, which are already thriving, would be included in the upcoming comprehensive master plan, while these small area studies target pockets needing revitalization.

Mayor Williams praised the data-driven framework and asked what the studies would mean for everyday Stockbridge residents.

Anderson explained these grassroots-level studies would give residents in specific neighborhoods opportunity to influence what they want to see in their areas. He further confirmed this is a roadmap that will provide intentional rather than just reactive growth.

Councilmember Barber expressed excitement about area studies. Citing that she had been asking for an area study for District 4, which had nine residential developments approved in her district. And it was annexed with 6,700 new residents in 2023. She sought confirmation that State Route 42 and Valley Hill Road areas would be encompassed, which Anderson confirmed.

Barber then asked for clarification between the critical action and high priority ranking areas on the area study presentation.

Anderson clarified that based on the planning analysis and the development trends and all the other data that we've taken into consideration, staff felt like there were the three areas they wanted to target first.

Mayor Pro Tem Alexander provided population context stating "In, in 2020, retroactively the census and Atlanta Regional Commission went back, and they proactively put in the annexation numbers for the city." Noting that despite perceptions of rapid growth, the net population increase from 2020 to 2026 was only 229 residents (from 35,740 to 35,969) when accounting for retroactive census adjustments that included annexation numbers. He contrasted this with McDonough's net growth of over 5,000 residents in the same period. Adding that for a three-year period, there was not one rezoning that came to the city council between 2016 and almost to 2019, and then one came in 2019, it was denied. So there was a long period of time where there was no development in the city.

## **PUBLIC HEARING**

### **Variance Case #VR-2026-01**

Community Development Director Ryan Anderson presented the variance request for property on Wilson Avenue to allow construction of a single-family dwelling. The property's irregular shape and narrow dimensions require reducing front yard setback from 50 feet to 25 feet and rear yard setback from 40 feet to 20 feet. The 0.613-acre property is long and narrow, with insufficient space to meet standard SR district requirements.

Anderson explained the property meets all seven variance criteria, noting there are 40 feet of city right-of-way that would accommodate future sidewalks without impact.

The proposed 2,294 square foot home would have 1,370 square feet on the first floor and 924 on the second floor to minimize the footprint.

Councilmember Cloud questioned recent variance approvals in the area and existing homes that might have required variances. Anderson explained that older homes were grandfathered in before current code enactment, though some existing homes in the area already encroach into the 50-foot setback requirement.

Councilmember Cloud noted he had spoken with residents and community leadership who support new development but want it built to existing SR zoning requirements. He expressed openness to growth while respecting residents' rights to expect code compliance.

Councilmember Gantt suggested conditioning approval on sidewalk easement acceptance and noted modern development trends favor reduced setbacks near downtown areas, citing examples of high-value developments with minimal setbacks selling for premium prices.

Anderson acknowledged this highlighted weaknesses in the current code, which only has two residential districts (SR and RR) compared to the previous code's four districts (R1-R4). Most homes in the area don't meet current SR requirements but are grandfathered in.

Mayor Pro Tem Alexander confirmed staff recommended approval based on meeting all seven variance criteria, with Anderson noting it would be difficult to legally defend denial since the criteria are met and denial would create hardship.

Councilmember Barber expressed concern about setting precedent, noting this would be one of the largest homes in the area.

No speakers appeared for or against the variance during public comment periods.

Motion to table VR-2026-01 made by Councilmember Cloud, seconded by Councilmember Gantt until the next meeting to allow the applicant to meet with residents for discussion. The motion passed 5-0.

### **NEW BUSINESS**

#### **Council consideration of purchase agreement for SPD K9 Moos to its current handler.**

Interim Chief Godfrey explained Lieutenant Blake Zimmerman's resignation to seek opportunities at a larger agency, requesting to purchase his six-year-old canine Moos. With approximately two years of service life remaining, finding and training a new handler would leave only about one year of service by completion. The specialized boarding requirements during transition would create substantial costs. Staff recommended the sale based on both the canine's best interests and city financial considerations.

Councilmember Gantt asked about pricing methodology. Chief Godfrey explained they used a prorated amount based on original canine cost separate from training, resulting in a \$2,000 sale price.

City Attorney requested the motion include finding the canine and kennel unserviceable per city code.

Motion to approve the sale of canine Moos and kennel, determining them unserviceable based on provided information, made by Councilmember Gantt, seconded by Councilmember Barber. The motion passed 5-0.

#### **Quitclaim Disposal of Remnant Tract at 2125 Jodeco Road**

Community Development Director Ryan Anderson presented the proposal to transfer a 0.77-acre remnant tract to Tidal Wave Auto Spa. The city acquired the tract from Georgia DOT in 2023 for drainage maintenance, but the drainage system has been redirected, making only half the tract necessary for city purposes. The tract's protrusion into the Tidal Wave property creates development difficulties.

The transfer follows OCGA requirements for conveying small strips to abutting property owners and includes conditions requiring staff presence during operations for litter control, adherence to submitted site plans with stacked stone and brick finishes, screening for cleaning stations, and developer reimbursement of legal costs.

Mayor Pro Tem Alexander confirmed this followed standard city abandonment procedures and appreciated the significant brick and stone requirements to complement the Joe Deco

development. He emphasized the value of mixed-use development providing services like car washing on-site to reduce traffic burdens.

Motion to approve declaring the property at 2125 Jodeco Road unserviceable and proceeding with the abandonment made by Mayor Pro Tem Alexander, seconded by Councilmember Barber. The motion passed 5-0.

### **(First Reading) South Berry Street Renaming**

Anderson presented the first reading to rename South Berry Street to "Alphonso Thomas Street" honoring Councilmember Thomas's decades of public service. The renaming affects only two properties, and proper public notification was provided.

Councilmember Cloud explained his thought process in spearheading this honor, noting Councilmember Thomas pioneered the Martin Luther King Sr. Heritage Trail and deserved recognition with his own street. He hoped Thomas would be honored by this gesture.

Councilmember Berry expressed excitement about honoring such a beloved public servant who served as their predecessor. He emphasized Thomas as a curator of history who loved Stockbridge, noting this was an appropriate way to memorialize his legacy.

Mayor Pro Tem Alexander praised Councilmember Thomas as a statesman and consensus builder, sharing personal appreciation for Thomas's support during difficult times and noting his faith-based leadership in the community.

Councilmember Gantt emotionally endorsed the honor, calling Thomas a wonderful colleague whose legacy lives on, and praised Councilmember Cloud for stepping into Thomas's role effectively.

Motion to approve the resolution renaming South Berry Street to Alphonso Thomas Street made by Councilmember Cloud, seconded by Councilmember Gantt. The motion passed 5-0.

### **(First Reading) Text Amendment Case #TX-2026-02**

Anderson presented the proposed text amendment to establish formal procedures for street and facility renaming, noting no current formal process existed in city code. The proposal included two pathways: city council initiation requiring legal advertisement and two readings, and community/resident initiation requiring 75% of affected neighbors' signatures plus petition to council.

Councilmember Barber questioned whether the Lee Street renaming could be appealed under this policy, expressing concern about the timing and process and stated for the record;

"The issue, the policy, the process that we took to rename a street in my district that was not initiated by me. If it's the mentality of this governing body to try to just erase history and close the door on residents' businesses and the church that is affected by that change, I am vehemently opposed to it. They deserve to have an opportunity to appeal that decision. Unfortunately, the vote was approved by the council. Three, I voted against it, three approved it, one abstained. I cannot bring that vote back for reconsideration. Only those three who approved it, one of them would need to bring it back for reconsideration. Which is why I'm asking that those residents, businesses that are affected by this change, they deserve to have an opportunity to appeal the decision. But because there was no policy then you're now enacting a policy after we've approved the renaming of Councilmember Thomas. It just does not seem fair at all. I just want all of this for the record."

Barber reiterated her question, asking, "So there is no current policy in which residents, business owners, or any stakeholder who's affected by that change, they don't have an outlet, they don't have an opportunity to appeal?" In response, Anderson stated, "The intent of this formal policy is because if staff is given a directive, we have to have something to work off. So we were just trying to formalize the process. But council has the right to make motions from the floor to make a street name proposal."

Barber then posed a question to city attorney representative Megan McCollugh "those residents, business owners and the church that is affected by the name change Lee Street, do they have an opportunity to appeal that? And if they do, what is the timeframe?"

The city's legal responded "I would actually defer to our zoning attorney and our planning and zoning attorney Valerie Ross, although she's not here right now. And if those residents are interested in appealing that, I would recommend that they contact their own counsel. I can't provide legal advice to residents on that."

Barber further asked, "I'm asking you on behalf of the governing body, me, as a member of the governing body who represents this district, is there an opportunity to appeal the name change?"

And legal stated "what I'm saying is, ma'am, that I can't answer that question for you."

The discussion continued and Mayor Pro Tem Alexander strongly defended the Martin Luther King Jr. Way naming, calling it shameful to face "theatrics" for honoring Dr. King. He opposed any policy limiting council authority to name streets and noted that staff brought forward this policy without the required three council member votes requesting it.

Councilmember Barber clarified that she never requested the policy, with Anderson confirming it was staff-initiated to provide working procedures. She supported having consistent policies for staff rather than random council decisions.

Councilmember Gantt expressed concern about creating additional roadblocks, noting that adequate notice was provided on meeting agendas and residents could attend to comment. She opposed adding more processes that could cause delays, referencing previous issues with excessive procedures that stopped growth.

A Motion to not move forward with a street name change policy made by Mayor Pro Tem Alexander. After discussion about letting items die versus voting, the motion was rescinded with staff understanding that no policy change was desired.

### **Piggyback Henry County Records Contract Amendment**

Interim Chief Godfrey presented the final year extension of the piggyback contract with Henry County for Supreme Trio LLC (DBA Swanson's Towing) and Wrecker One Inc. Wrecker One received exclusive service rights for the I-75 corridor except during TRIP (Towing and Recovery Initiative Program) activations for commercial vehicles. The delay in bringing this forward was due to ownership changes following the original owner's death and probate proceedings.

Motion to move forward with the piggyback contract made by Councilmember Berry, seconded by Councilmember Gantt.

Discussion: Mayor Pro Tem Alexander asked for clarification on the service area of Swanson's Towing. Godfrey explained Swanson's handles city services while Wrecker One has exclusive service rights for the I-75 corridor, except during TRIP (Towing and Recovery Initiative Program) activations, which is required when commercial trucks are involved.

Mayor Pro Tem Alexander expressed personal concerns about one of the companies based on previous interactions and requested additional discussion. Interim Chief Godfrey indicated there will be no disruption to services on the interstate during the discussion period.

Councilmember Berry rescinded the original Motion and made a Motion to table the contract extension to the work session for further discussion; seconded by Mayor Pro Tem Alexander. The Motion passed 4-0-1 with Councilmember Gantt abstaining.

**ADJOURNMENT**

Motion to adjourn made by Councilmember Berry, seconded by Councilmember Gantt. The motion passed unanimously 5-0. The meeting adjourned at 7:58p.m.

Respectfully submitted by:

\_\_\_\_\_  
Cassandra Lester, Interim City Clerk

\_\_\_\_\_  
Jayden L. Williams, Mayor



**CITY COUNCIL PLANNING RETREAT  
SUMMARY MINUTES  
WEDNESDAY, MARCH 4th, 2026  
8:30 A.M.**

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**Mayor & City Council**

Mayor Jayden L. Williams  
Mayor Pro Tem Elton Alexander Dist. 5  
Councilmember LaKeisha Gantt Dist. 1  
Councilmember Antwan Cloud Dist. 2  
Councilmember Kyle D. Berry, Sr. Dist. 3  
Councilmember Yolanda Barber Dist. 4

**Administration**

Shawn Edmondson, City Manager  
Frank Milazi, City Treasurer/CFO  
Cassandra Lester, Interim City Clerk  
Quinton Washington, City Attorney  
Megan McCulloch, Associate Attorney

**Mission:** Is 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.

Facilitators: Michael McPherson & Pete Pyrzenski of Georgia Municipal Association

Staff Present: Decius Aaron, Public Works Director; Ryan Anderson, Community Development Director; Tiffany Burke, Management Analyst; Lisa Fareed, Interim Economic Development Director; Richard Godfrey, Interim Police Chief; Demeatrius Ivy, Information Technology Director; Tranita Jones, Executive Assistant to City Manager; Dwayne Pollock, Human Resources Manager; Rosalynd Rawls, Executive Assistant to Mayor & Council; Genea Stanley, Court Administrator; Shana Thornton, Public Information Officer; Charisma Webster, Events Manager

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Day one of the City Council Planning Retreat commenced. The interim clerk visually confirmed attendance, and a quorum was established. Councilmember Kyle Berry was not present.

**Welcome, Outcomes, and Ground Rules**

The retreat began with facilitator Michael introducing himself and co-facilitator Pete from the Georgia Municipal Association (GMA). He shared his 30 years of local government experience, including 14 with GMA. Pete, with nearly 28 years in local government and 20 as a city manager.

The facilitators set ground rules, emphasizing equality, a focus on the future, community-wide thinking, and the importance of trust and respect. They encouraged direct communication and followed with exercise where attendees shared one word about their feelings on the city's direction, with responses like "excited," "welcoming," and "historical."

Pete Pyrzenski led a vision exercise where council members and staff chose cards representing their current vision for the city. Michael McPherson emphasized fundamental

governance principles, noting that "politics is perception" and that local issues impact higher political levels.

The discussion highlighted the importance of leadership, with management setting the tone through their actions, impacting staff morale and public perception. Council members, unlike staff who require qualifications, rely on votes, making their example crucial. Professional conduct is essential, as any lapse can demoralize the public and staff.

The session also addressed the council-manager government structure, where council members guide the community while under public scrutiny, and the city manager oversees daily operations. He also discussed the risk of ultra vires actions, which can create liability for the city when elected officials operate beyond their authority.

The facilitators emphasized that building organizational trust requires not interfering with each other's roles, having written protocols in place (SOPs that protect both staff and council), understanding good governance principles, and operating under a comprehensive strategic planning process.

The session concluded with emphasis on the fundamental principle that team formation requires the ability to count to three (achieve majority consensus), which depends on council members' ability to communicate effectively, understand each other's perspectives, and build the trust necessary for collaborative decision-making. The facilitators stressed that without this foundation, the council cannot effectively serve their constituents or move the city forward strategically.

### **Governance and Team Operating Model**

The facilitator emphasized that while council members don't need to be personal friends, they must maintain professional relationships and understand each other's perspectives when conducting city business.

The discussion highlighted the importance of regular communication among council members. The facilitator recommended that council members establish a routine schedule for communicating with each other - whether weekly or bi-weekly - to build understanding and trust.

The conversation addressed the administrative responsibility of the City Manager Shawn Edmondson, who must balance communications from all council members while protecting staff from conflicting priorities and instructions. The facilitator explained that when staff receive conflicting directions from multiple leaders, it disrupts their ability to maintain proper priorities.

### **Roles and Responsibilities**

A significant portion of the discussion focused on clarifying roles and responsibilities, particularly regarding who serves as the city's CEO.

There was discussion about language in the city charter that references "CEO" under both the mayor's and city manager's responsibilities. The facilitator clarified that the CEO reference under the mayor's role applies only when there is no city manager in place, at which point all administrative responsibilities fall to the mayor until an interim or new city manager is appointed.

Councilmember Gantt raised concerns about staff feeling compelled to act on individual council member requests without proper council approval, noting instances where staff may have responded to persistent requests to avoid continued pressure. The facilitator emphasized that staff should only act on direction backed by council votes, regardless of the tone or persistence of individual requests.

The discussion included recognition that some charter language needs clarification. There was mention of previous charter changes, including modifications that allowed the people rather than the council to select the mayor, and discussions about the mayor's veto power.

### **Communication and Professional Relationships**

The discussion reinforced that while council members represent individual districts, they must work collaboratively as a whole since they don't vote by district. The goal is ensuring collaborative decision-making that benefits the entire city.

The facilitator emphasized the importance of the mayor and city manager working in lockstep, particularly given the mayor's role as the face of the city. They need to establish regular communication schedules and coordinate their efforts to form consensus among council members and ensure ideas flow effectively.

### **Strategic Plan Re-Anchor**

The facilitator discussed the comprehensive plan and its role in guiding city priorities. The discussion emphasized that while the comprehensive plan provides broad guidance, the council's priorities can be more specific and targeted, as long as they align with the comprehensive plan's overall direction.

### **Governance and Team Operating Model**

The facilitator presented governance principles and organizational keystones for effective team operations. The discussion covered three primary groups involved in local government operations: elected officials, managers, and professional staff, emphasizing the importance of understanding each other's perspectives to remove friction and misunderstanding. The presentation highlighted that success depends on the ability of these three groups to work together effectively.

Key principles of civility were discussed, including being considerate of others' opinions, managing emotions, making points about issues rather than people, active listening, and learning to engage respectfully. The facilitator emphasized the importance of the acronym "QTIP" - QUIT TAKING IT PERSONAL - and stressed the need for empathy in all interactions.

### **Strategic Priorities Deep Dive (Part I)**

#### **Presentation: Adam Price (Falcon)**

Adam Price from Falcon Engineering presented information about various infrastructure projects. The discussion covered multiple initiatives including downtown connectivity improvements and trail development.

Price presented plans for a trail extension project downtown that would provide better access to the amphitheater and improve connectivity throughout the downtown area. He explained that the project would cost approximately \$1.5 million and noted that the city had \$2 million allocated in T-SPLOST funding.

Mayor Pro Tem Alexander suggested moving forward with authorizing the full design phase of the project to be ready for construction. Mr. Price explained they would need a task order from the council to proceed with the design work.

Councilmember Cloud expressed strong support for the project, noting its importance for downtown development and access to the amphitheater. He emphasized that the current access from the eastern side was inadequate and that this extension was one of the key reasons the city wanted to expand downtown connectivity.

**Motion:** Councilmember Barber moved to increase the task order for Falcon Engineering to five hundred thousand for phase one design plan. Councilmember Cloud seconded the motion. The motion passed unanimously 4-0

Additional discussions covered parking concerns for downtown events and the amphitheater. Councilmember Barber suggested implementing paid parking for special events, noting that while the city couldn't control all parking issues, they could establish policies to help manage downtown parking during concerts and events.

Price also discussed Falcon Engineering's role in overseeing construction projects and the bidding process. Price explained that they typically help the purchasing department oversee construction and bidding for all projects they design. He provided an example of a recent project where they recommended against accepting the lowest bidder due to incomplete documentation and past performance issues with change orders.

### **Strategic Priorities Deep Dive (Part II)**

This session continued from Part I, focusing on refining and solidifying the city's strategic priorities. Council members and staff analyzed ongoing projects and future initiatives that will impact downtown development, infrastructure, and community engagement. A significant portion of the discussion centered around downtown revitalization efforts:

***Pedestrian Pathways and Trails:*** There is a strong emphasis on expanding pedestrian pathways and trails. Planning and budgeting are underway for design and construction phases, with rough estimates indicating approximately \$1,500,000 available for certain construction projects. Staff provided insights into project phasing to avoid bottlenecks with trail infrastructure and sidewalks.

***Parking and Business Community Concerns:*** The council deliberated on the current demand for downtown parking and concluded that demand is presently low. The consensus was to hold off on pursuing new parking projects until clearer demand emerges and feedback is received from downtown businesses. Additionally, they discussed potential parking fees for special events at the amphitheater to help manage resources responsibly.

***Infrastructure and Project Management:*** The city's bid processes for construction projects were explained, highlighting the importance of using vetted contractors. Past experiences were cited where low bids were scrutinized for compliance and quality assurance. The council emphasized maintaining a contingency reserve of around 10% in project budgets to address potential change orders without needing additional council approval each time. Recent bid projects showed competitive pricing well below engineer estimates, reflecting shifting market conditions.

**Sewer and Grease Trap Updates:** Updates on sewer and grease trap infrastructure for downtown restaurants were reviewed. Task orders for necessary upgrades, including updated sewer plans, were discussed, with preparation underway to issue Requests for Proposals (RFPs) once approvals are secured.

**Coordination with Utilities:** Staff assured ongoing collaboration with Georgia Power and other stakeholders for utility surveys and infrastructure needs in downtown project areas.

**Legal and Contracting Considerations:** The possibility of using on-call contractors for specific pedestrian pathway improvements was discussed, pending legal review to determine the feasibility.

**Outcome:**

The city council agreed to proceed cautiously with downtown infrastructure and development projects, prioritizing strategic allocation of funds and responsive engagement with local businesses. They authorized moving forward with

- Downtown trail and pedestrian pathway expansions — This encompassed expansions to trails within the downtown area to improve connectivity and access.
- Sidewalk improvements — Particularly those in areas where the city already owns easements or property, such as the corner at Second and Tie streets
- Back Alleyway project sewer and grease trap upgrades — Updates to existing sewer infrastructure and installing individual grease traps for downtown restaurants were also set to move forward pending task order approvals.

**Strategic Plan Presentations by Department** (not all departments presented in person due to time constraints).

**Clerk Office Department:**

Interim City Clerk Cassandra Lester presented the Clerk’s Office strategic update, focusing on what was completed under the 2022–2026 plan and what needs to improve moving forward. The update centers on maintaining the Clerk’s core responsibilities while making internal adjustments to support consistency and long-term operations.

**Previous Plan Performance**

The 2022–2026 strategic plan was completed at an estimated 70%–100%, showing that most initiatives were carried out, though not all at the same level of consistency or impact.

**Shift to Internal Restructuring**

The next phase is not about adding more initiatives but restructuring tasks and workflows to better align with the Clerk’s office responsibilities as outlined by the city charter.

**Focus on Continuity & Role Clarity**

Efforts are centered on ensuring departmental continuity by clearly defining roles and making sure essential functions are consistently covered through cross-training and task restructuring.

### **Back to Core Function**

The Clerk's Office is prioritizing its primary role of being the office of legislative history, legislative support, records management, and compliance without expanding beyond what the department is structured to sustain.

### **Human Resources Department:**

Human Resources Manager Dwayne Pollock presented a forward-looking plan to modernize HR operations, strengthen leadership, and improve employee engagement across the city. While acknowledging that the city's cultural transformation is still in progress, the strategy focuses on aligning workforce structure with leadership priorities, improving systems and processes, and building a more engaged, accountable, and service-driven organization.

#### **Workforce Alignment & Job Analysis**

A comprehensive job and compensation analysis is being proposed to ensure every role and classification supports the Mayor and Council's goals, helping better align staffing with city priorities.

#### **Employee Development & Engagement Focus**

New initiatives like the REACH customer service training, monthly "Lunch & Learn" sessions, and employee recognition programs aim to boost morale, reduce compliance issues, and create a more engaged workforce.

#### **Leadership & Onboarding Gaps Identified**

There is a strong push to implement structured new hire orientation and dedicated training for managers and supervisors, addressing gaps in leadership readiness and onboarding processes.

#### **Modernization of HR Systems & Processes**

A major priority is transitioning from inefficient paper-based systems to a fully integrated HRIS platform, improving payroll accuracy, data security, and overall operational efficiency from hiring through retirement.

### **Executive Session**

The Council adjourned to executive session to discuss real estate, personnel, litigation, and cybersecurity matters. No actions were reported upon return.

### **Adjourn:**

Day one of the Planning Retreat adjourned at approximately 5:46 PM.

Respectfully submitted by:

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Cassandra Lester, Interim City Clerk

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Jayden L. Williams, Mayor



**CITY COUNCIL PLANNING RETREAT  
SUMMARY MINUTES  
THURSDAY, MARCH 5th, 2026  
8:30 A.M.**

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**Mayor & City Council**

Mayor Jayden L. Williams  
Mayor Pro Tem Elton Alexander Dist. 5  
Councilmember LaKeisha Gantt Dist. 1  
Councilmember Antwan Cloud Dist. 2  
Councilmember Kyle D. Berry, Sr. Dist. 3  
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**Day Two – City Council Planning Retreat**

Day two of the City Council Planning Retreat commenced with the Interim City Clerk visually confirming attendance and establishing a quorum. Councilmembers Kyle Berry and LaKeisha Gantt were not present.

**Strategic Plan Presentations by Department**

*(Note: Not all departments presented in person due to time constraints.)*

**Police Department**

Interim Police Chief Richard Godfrey presented the City of Stockbridge Police Department’s 2022–2026 Strategic Plan. The plan outlines the rapid creation, growth, and continued evolution of a modern police agency built from the ground up. Following an intensive startup phase, stabilization, and state certification, the department is now entering a critical phase focused on refinement, accountability, and long-term sustainability. The strategic direction emphasizes a transition from rapid expansion to strengthening internal systems, leadership alignment, and overall organizational effectiveness.

## Key Highlights:

- **Transition from Growth to Refinement:**  
After establishing a fully operational department in under one year, the 2026 focus shifts toward evaluating, refining, and improving existing systems and structures.
- **Three-Phase Organizational Evolution:**
  - *Build (2021–2022):* Rapid hiring, setup, and departmental launch
  - *Stabilize (2023–2025):* Policy refinement, training, and state certification
  - *Refine (2026):* Institutionalizing best practices, strengthening accountability, and aligning leadership
- **Enhanced Hiring and Leadership Systems:**  
Early rapid hiring revealed gaps in vetting, cultural alignment, and performance management. The department is now prioritizing stricter hiring standards, clearer accountability metrics, and improved leadership structure.
- **Commitment to 21st-Century Policing:**  
The department’s strategy is grounded in six core pillars, including community trust, technology, training, and officer wellness. This approach reinforces the vision of a highly professional, community-oriented agency focused on improving quality of life for both employees and residents.

Following the presentation, Mayor Williams introduced an item from the March 4 executive session for a vote:

Mayor Pro Tem Alexander made a motion to authorize the City Manager to appoint Dwayne Pollock as Human Resources Director; seconded by Councilmember Antwan Cloud and passed unanimously with a vote of 3–0.

## Intergovernmental Visit – Brookhaven City Hall

As part of the Planning Retreat, the City of Stockbridge conducted an intergovernmental visit to the Brookhaven City Hall to observe municipal operations and exchange best practices. The tour was led by David Kano, Director of Events; Tim Grow, Executive Director of Explore Brookhaven; and Sheila Hayes, Executive Assistant to the Mayor and City Council. They provided a comprehensive overview of operations and key initiatives. Staff received the “*Brookhaven Yes!*” publication, highlighting major accomplishments and strategic priorities. Brookhaven Mayor Pro Tem John Funny delivered remarks on current initiatives, including the city’s affordable housing education program and mental health program. The visit supported knowledge-sharing and provided valuable context for evaluating municipal practices and potential partnerships.

## Return to Planning Retreat Session Finance Department

Finance Director and CFO Frank Milazi presented an update on the Finance Department’s progress and strategic direction. He introduced new personnel supporting grant acquisition and management, emphasizing a coordinated, citywide approach to external funding.

Mr. Milazi reported that approximately 90% of the department’s standard operating procedures (SOPs) have been implemented. He also outlined a forward-looking goal of increasing transparency by making financial processes publicly accessible online. Additionally, he clarified the purpose and timing of budget amendments.

The governing body engaged in discussion regarding current SPLOST 6 balances and explored potential funding strategies—including grants and bonds—for the proposed Youth and Senior Center.

### **Key Highlights:**

- **Structured Citywide Grant Strategy:**  
The addition of a Grant Administrator and grant writer reflects a centralized and strategic approach to securing and managing grant funding.
- **Progress in Financial Infrastructure:**  
With approximately 90% of SOPs implemented, the department is approaching full operational standardization.
- **Commitment to Transparency:**  
Plans to publish SOPs and financial information online demonstrate a commitment to openness and public trust.
- **Advancing Funding Strategies:**  
Leadership continues to evaluate SPLOST 6 balances and explore a combination of grants and bond financing for major capital projects, including the Youth and Senior Center.

### **Major Projects and Capital Initiatives**

Management Analyst Tiffany Burke presented updates on capital projects across multiple departments:

- **Community Development:**  
Unified Development Code (UDC), Planning Area Study, GICH Certification, and an RFP for the proposed Youth and Senior Center (to be named the “Stockbridge Recreation Center”).
- **Public Works:**  
Curb and gutter sidewalk renovations, resurfacing projects, Reeves Creek Trail extension, Tye Street sidewalk plans (pending easements), curb and gutter installation from Shields Road to Clark Park, wayfinding signage, underground utility relocations, Norfolk Southern lot lease, downtown storage container project, and City Hall signage.
- **Trails:**  
Brush Creek Trail design completed (easements in progress), with an additional neighborhood trail project currently in design.
- **Rock Quarry Projects:**  
Road widening and extension projects are planned, with design phases forthcoming.
- **Infrastructure Improvements:**  
Ongoing sewer system improvements and stormwater infrastructure evaluations.
- **Parks and Recreation:**  
Development of a parks master plan is anticipated.
- **Information Technology:**  
IT infrastructure refreshment and upgrades to the City Council Chamber were discussed.

Community Development Director Ryan Anderson also provided a recap of all city-owned properties to the governing body.

**Executive Session**

The Council adjourned into executive session to discuss matters related to real estate, personnel, litigation, and cybersecurity.

Upon returning to open session, the following action was taken:

- A motion was made by Mayor Pro Tem Alexander to approve Jonathan “William” Smith as Economic Development Director. The motion was seconded by Councilmember Antwan Cloud and passed unanimously with a vote of 3–0.

**Adjournment**

The second day of the Planning Retreat adjourned at approximately 5:54 PM.

Respectfully submitted by:

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Cassandra Lester, Interim City Clerk

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Jayden L. Williams, Mayor



**CITY COUNCIL PLANNING RETREAT  
SUMMARY MINUTES  
FRIDAY, MARCH 6th, 2026  
8:00 A.M.**

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**Mayor & City Council**

Mayor Jayden L. Williams  
Mayor Pro Tem Elton Alexander Dist. 5  
Councilmember LaKeisha Gantt Dist. 1  
Councilmember Antwan Cloud Dist. 2  
Councilmember Kyle D. Berry, Sr. Dist. 3  
Councilmember Yolanda Barber Dist. 4

**Administration**

Shawn Edmondson, City Manager  
Frank Milazi, City Treasurer/CFO  
Cassandra Lester, Interim City Clerk  
Quinton Washington, City Attorney  
Megan McCulloch, Associate Attorney

**Mission:** Is 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.

Facilitators: Michael McPherson & Pete Pyrzenski of Georgia Municipal Association

Staff Present: Ryan Anderson, Community Development Director; Tiffany Burke, Management Analyst; Lisa Fareed, Interim Economic Development Director;; Demeatrius Ivy, Information Technology Director; Tranita Jones, Executive Assistant to City Manager; Dwayne Pollock, Human Resources Manager; Rosalynd Rawls, Executive Assistant to Mayor & Council; Genea Stanley, Court Administrator; Charisma Webster, Events Manager

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Day three of the City Council Planning Retreat commenced with the Interim City Clerk visually confirming attendance and establishing a quorum. Councilmember Kyle Berry was not in attendance.

**Opening Comments**

The meeting began with positive remarks from Michael McPherson, who highlighted the successful retreat and the valuable discussions that improved the Council's readiness for the upcoming year and budget cycle. He emphasized that best practices discussed were vital for effective leadership and teamwork, which would enhance workplace culture and customer service.

City Manager Shawn Edmondson thanked his team for their preparations and outlining their goals for 2026. He stressed the importance of identifying specific projects and associated funding to maintain focus and emphasized that follow-up would be crucial for progress. While acknowledging the challenges ahead, he expressed confidence in achieving their goals and the clear direction set for staff.

Edmondson urged the importance of completing ongoing projects that had been stalled, declaring a commitment to moving them forward in 2026. He concluded by thanking staff again for their dedication and encouraging them to stay flexible as they navigate the aggressive project timeline.

### **Executive Session**

The Council adjourned into executive session to discuss matters related to real estate, personnel, litigation, and cybersecurity.

Upon conclusion of the executive session, there was nothing to report.

### **Return to Open Session**

The retreat reconvened, and the governing body began discussions regarding goals for TSPLOST (Transportation Special Purpose Local Option Sales Tax).

District Infrastructure Priorities

#### **District 1 – Councilmember Gantt**

Councilmember Gantt discussed the need for the Walt Stephens Road expansion, as well as sidewalk and trail completion throughout the district. She identified the Speer Road intersection expansion as a priority, citing safety concerns due to hazardous conditions, including lack of road shoulders and inadequate drainage during rain events.

#### **District 2 – Councilmember Cloud**

Councilmember Cloud raised traffic safety concerns related to the Flippen Road expansion and highlighted issues at the intersection of Tye Street and North Henry Boulevard. He described the complexity of traffic patterns in the area, including bridge proximity, access to nearby commercial areas, and multiple converging traffic flows. It was noted that the Georgia Department of Transportation (GDOT) had previously declined to install a traffic signal at this location due to its proximity to the bridge. As a result, alternative solutions were discussed, including the potential extension of Nolan Street toward the church area. Councilmember Cloud emphasized the need for a comprehensive “traffic solution” to improve accessibility and functionality. He also requested the addition of a right-turn lane at the intersection of Old Atlanta Road and Flippen Road to improve traffic flow.

#### **District 3 – Councilmember Berry**

Not present.

#### **District 4 – Councilmember Barber**

Councilmember Barber outlined infrastructure priorities focused on sidewalk and trail development along Valley Hill Road, Davis Road, and Shields Road. She highlighted improvement opportunities along State Route 42 at its intersection with Valley Hill Road and requested that the City pursue an area study or master development plan to ensure connectivity of sidewalks and trails in that corridor. The discussion also touched on land acquisition matters. Councilmember Barber referenced prior discussions regarding annexation opportunities as a strategy for city growth and expanding developable areas. This topic was earmarked for future discussion.

### **District 5 – Mayor Pro Tem Alexander**

Mayor Pro Tem Alexander outlined priorities that included securing matching funds for Henry County’s planned road improvement projects. He noted that the County intends to widen Patrick Henry Parkway and Jodeco Road and emphasized the importance of incorporating trail infrastructure into those projects.

He also identified Campground Road, Eagles Landing Parkway, and Hudson Bridge Road as priority areas for trail connectivity improvements.

### **Additional Discussion**

Mayor Pro Tem Alexander noted potential opportunities to collaborate with developers on annexation efforts, particularly in areas near the interstate and along major transportation corridors.

Councilmember Barber raised concerns regarding connectivity gaps within her district, specifically noting that the East Lake Parkway area has been underserved. She emphasized the need for stronger connections to Eagles Landing Parkway and along State Route 42 to support a more cohesive trail network.

This led to a broader discussion, facilitated by the City Manager, regarding the relationship between annexation strategy and trail development. The governing body emphasized the importance of aligning these efforts to prevent disconnected infrastructure and ensure cohesive planning.

Councilmember Gantt provided historical context on the City’s master trail plan and prior annexation efforts. She suggested engaging GDOT by presenting the City’s comprehensive trail plan, referencing past programs where GDOT provided funding support to municipalities with established plans. She recommended coordinating with both GDOT and Henry County to align infrastructure planning and maximize funding opportunities.

**Adjournment:** The third day of the planning retreat adjourned at approximately 9:49 a.m.

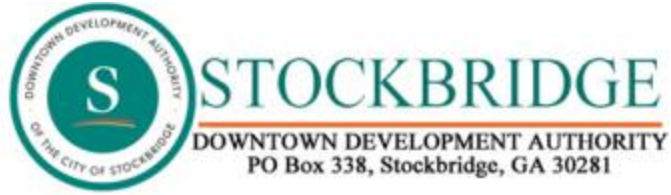
Respectfully submitted by:

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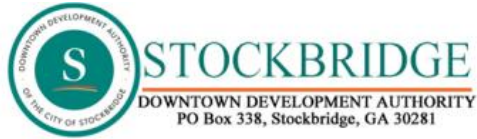
Cassandra Lester, Interim City Clerk

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Jayden L. Williams, Mayor



2026  
1st Quarter Report  
April 28, 2026



April 28, 2026

The Honorable Jayden Williams  
Mayor, City of Stockbridge  
4640 North Henry Boulevard  
Stockbridge, GA 30281

Dear Mayor Williams,

The Downtown Development Authority (DDA) of Stockbridge made significant progress during the first quarter of 2026, focusing on financial stewardship, downtown development, and strategic planning.

Financially, the Authority maintained stable balances across its three primary accounts. The Operating Account recorded \$15,000 in inflows with controlled expenses, while the Projects Account remains strong at over \$145,000 after a strategic \$15,000 transfer to support operational needs. The Facade Grant Account continues to be actively deployed, with approximately \$18,000 in grant-related outflows supporting local business improvements. These actions reflect a disciplined approach to resource allocation while prioritizing visible downtown enhancements.

From a governance perspective, the DDA strengthened its operational foundation by advancing the process to secure legal counsel, improving compliance procedures, and reinforcing board training and development. The Board also continued refining internal programs, including updates to the Facade Grant Program and the development of a new Interior Grant Program to expand support for local businesses.

Project momentum remains strong across several key initiatives. The Authority is preparing to bring forward a formal request to City Council for the “Daddy King” statue, a catalytic placemaking project intended to anchor cultural identity downtown. Additional efforts include downtown boundary expansion, alleyway redevelopment, streetscape

improvements, and coordination on major city-led investments such as the amphitheater, STEM school, and roadway enhancements.

Economic development and placemaking continue to be central priorities. The DDA supported facade improvements for multiple businesses, explored public art opportunities such as murals, and initiated conversations around year-round programming and events to increase foot traffic.

Overall, the first quarter reflects a focused, strategic approach—positioning the DDA to accelerate downtown revitalization, leverage public-private partnerships, and deliver long-term economic impact for the City of Stockbridge.

Respectfully,

*Kenya Cook*

Kenya Cook

Chair

**OPERATING ACCOUNT**

Transaction- Current Quarter  
01/01/2026 through 03/31/2026

3/31/2026

Page 1

Date	Account	Num	Description	Memo	Category	Tag	Clr	Amount
<b>BALANCE 12/31/2025</b>								<b>1,193.51</b>
1/21/2026	Operating Account		Bank Fee	Services Charges				-5.00
2/2/2026	Operating Account		Deposit	Transfer from Projects Account				15,000.00
2/23/2026	Operating Account		Bank Fee	Services Charges				-5.00
3/13/2026	Operating Account	10068	Check-Georgia Downtown Association	Annual Dues				-500.00
3/16/2026	Operating Account	10069	Check - Main Street Now Conference	Reimbursement travel for Chair Cook				-578.80
3/23/2026	Operating Account		Bank Fee	Services Charges				-5.00
<b>01/01/2026 - 03/31/2026</b>								<b>16,627.44</b>
<b>BALANCE 12/31/2025</b>								<b>1,193.51</b>
<b>TOTAL INFLOWS</b>								<b>15,000.00</b>
<b>TOTAL OUTFLOWS</b>								<b>1,093.80</b>
<b>NET TOTAL</b>								<b>13,906.20</b>

**FAÇADE GRANT ACCOUNT**

Transaction- Current Quarter  
01/01/2026 through 03/31/2026

3/31/2026

Page 1

Date	Account	Num	Description	Memo	Category	Tag	Clr	Amount
<b>BALANCE 12/31/2025</b>								<b>41,133.50</b>
3/5/2026	Façade	1005						-6,526.00
3/12/2026	Façade	1004						-11,500.00
3/13/2026	Façade	1006						-973.82
<b>01/01/2026 - 03/31/2026</b>								<b>22,133.68</b>
<b>BALANCE 12/31/2025</b>								<b>41,133.50</b>
<b>TOTAL INFLOWS</b>								<b>0.00</b>
<b>TOTAL OUTFLOWS</b>								<b>18,999.82</b>
<b>NET TOTAL</b>								<b>22,133.68</b>

**PROJECT ACCOUNT**

Transaction - Current Quarter  
01/01/2026 through 03/31/2026

3/31/2026

Page 1

Date	Account	Num	Description	Memo	Category	Tag	Clr	Amount
<b>BALANCE 12/31/2025</b>								<b>160,353.44</b>
2/2/2026	Project		Transfer	Transfer to Operating Account				15,000.00
<b>01/01/2026 - 03/31/2026</b>								<b>145,353.44</b>
<b>BALANCE 12/31/2025</b>								<b>160,353.44</b>
<b>TOTAL INFLOWS</b>								
<b>TOTAL OUTFLOWS</b>								<b>15,000.00</b>
<b>NET TOTAL</b>								<b>15,000.00</b>



**MEETING  
SUMMARY MINUTES  
Tuesday, January 20, 2025 @ 6PM  
130 MLK Senior Heritage Trail  
Stockbridge, GA 30281**

<b>Board Members</b>	<b>City Staff</b>
Kenya Cook, Chair - Present	Cassandra Lester, Interim City Clerk - Absent
Warren Washington, Vice-Chair - Present	Vacant, Economic Development Director
Jerry Mays, Treasurer -Present	Lisa Fareed, Main Street Manager - Absent
Tariq Collins, Secretary - Absent	Lawanda Powell, Administrative Assistant
Darryl Stamper, Board Member - Present	<b>Guest:</b> Anthony Lawson, Andrew Dyer, and Lisa Dall Dyer
Toseika Thomas, Board Member - Present	
Elton Alexander, City Council Liaison - Present	

**Call to Order**

The Downtown Development Authority meeting was called to order at 6:00 p.m. Board member Tariq Collins was absent.

**Approve Agenda**

Motion to approve the current agenda was made Treasurer Mays: seconded by Vice-chair Washington.

**Approve December 16,2025, Minutes**

Motion to approve December 16, 2025, minutes was made by Vice-chair Washington:  
seconded by Treasurer Mays

Board member Toseika Thomas arrived at 6:12 p.m.

Board member Darryl Stamper arrived at 6:16 p.m.

## **Officers and City Staff Reports**

### **Chairman's Comments**

The Chair provided updates regarding governance compliance, minutes preparation, officer responsibilities, and the process for selecting legal counsel.

Board member Thomas has not been properly sworn in. Chair Cook stated she will be able to give input but not eligible to vote.

The Board agreed to interview three attorney candidates and select counsel by the next meeting.

### **Vice Chair's Comments Update**

Vice-Chair reported survey activity for the **Alleyway project**, including presence of Georgia Power representatives.

He raised the issue of potential **business disruption impacts** during construction and asked whether there is precedent for **mitigation funding / impact support** for affected downtown businesses.

### **Treasurer's Update**

As of December 31, 2025:

- Facade Grants account: \$41,133.50 (no change)
- Operating account: \$2,731.24 (activity includes checks written and a \$5 service charge)
- Projects account: \$160,353.44 (no change since last statement)

Motion to approve the Treasurer's report made by Vice-Chair Washington; seconded by Board Member Stamper; the motion passed 5-0 Treasurer's Report Approved (5-0).

Chair Cook recommended transferring about \$15,000 to the operating account based on prior-year expense patterns to reduce constant inter-account transfers.

Motion to approve the transfer of funds from the Projects account to the Operations account in the amount of \$15,000 to allocate funds appropriately for annual/normal bills (transfer implied/authorized) made by Vice Chair Washington; seconded by Treasurer Mays; the motion passed (5-0).

### **City Council Liaison**

Councilman Alexander shared multiple project updates:

- Amphitheater: City set a **\$3M budget** for shows; booking is underway; seeking a general manager.
- Rock Quarry Road widening: approx. **\$40M**, estimated completion **late 2027**; includes multi-use path/sidewalk.
- STEM school: **\$73M**, opening planned for **2027 school year**.
- Alleyway project: estimated **\$800K-\$1M**, with dedicated city funding mechanisms described.
- Habitat homes: sewer work funded by the City; homes targeted for dedication in **June**.

- Recreation center: **\$32M** project; funding strategy includes bonds + SPLOST + state/federal requests.
- Tim Hortons announced for Rock Quarry Rd/North Henry Blvd area (drive-thru concept).

## Economic Development Department

No Report

## Main Street Advisory Board Liaison

Chair Cook recognized guests Anthony Lawson from Boot Camp Fitness, and Andrew Dyer and Lisa Dyer.

## Old Business

### Facade Grant Program Updates

- **ArchDent Dental Clinic:** Status remains pending.
  - Needs a 2nd quote from a different vendor
  - Revisit amount required
  - Confirm if permits are needed
- **C.L. Beauty Salon:** Update pending from staff.
  - Interior \$8,500
  - Exterior \$14,800 = \$23,300 Total Approved (DDA)
- **Crown Pizza:** Awaiting required documentation.
  - Awning Front and Back      \$17,856
  - Permit                              \$ 300 = \$17,556 Total approved
  - Grant \$15,000
  - Balance - \$2,556 X 33% (\$744 Applicant); \$1,812 (City)
- **Frozen Smoke:**
  - Need to complete/sign Agreement (minus concrete work 12/1)
  - Awning \$16,270
  - Door \$1,947.63 need updated quote to reflect change in services \$18,217.63 total
  - Grant \$15,000, Balance \$3,217.63 x 33% (\$1,061 Applicant), \$2,156 (City)
  - Scope reduced due to the City assuming responsibility for concrete work.
  - Total project cost decreased and remains below the originally approved amount.

- Board consensus that **no re-vote is required** when scope and cost decrease.
- Direction given to issue a confirmation letter documenting approval.

*No formal vote required.*

### **Interior Grant Program – Status Check**

- Board discussed prior review of model programs (referenced as Griffin/Smyrna examples).
- Chair stated the full Board has **not yet reviewed a final consolidated application package** in a formal way (i.e., “pass it around, review, then vote”).
- Members agreed staff/committee should finalize a draft, then align resolution language with counsel.

### **Decision direction (no formal vote recorded):**

- Vice Chair Washington will coordinate with the Economic Development Coordinator and the Downtown Development Director (as needed) to refine the draft and return with a complete application.

### **Projects Updates**

#### **Daddy King Statue Project – Moving from Concept to Council Request**

- Councilman explained the statue project has lingered for years due to lack of leadership and location debates.
- DDA intends to request City Council approval to:
  1. allow the DDA to **take leadership** on the project, and
  2. allow use of **city property** for the statue location.
- Costs are unknown; discussion included hypothetical ranges (\$50K–\$100K), but multiple members stated they need research and estimates.

### **Decision direction (no formal vote recorded):**

- Proceed with **attorney-drafted resolution** to put the request before City Council to start the process; DDA is not bound to final construction spending until later decisions/estimates.

#### **Railroad Property Structures – Demolition Discussion Tabled (5–0)**

- Chair moved to **table** demolition discussion due to need for additional information.
- **Passed 5–0.**

### Downtown Boundary Expansion – Pending Attorney Resolution

- Boundary expansion requires attorney-prepared resolution; will be bundled with other items counsel must draft.

### Training & Development + Conference Attendance (Tulsa)

- Chair encouraged training to reduce “assumptions” about DDA powers and avoid process bottlenecks.
- Reminder: DDA members must meet annual training requirements; no formal tracking system currently exists.
- **Main Street Now Conference (Tulsa, April 12–16)** had been approved previously; during this meeting:
  - Chair confirmed intent to attend.
  - Two additional attendees expressed interest (as noted in discussion).
  - Cost estimates shared: registration ~**\$499** (member rate), and roughly **\$2,000 per person** total trip budget (hotel/air/transport/per diem).
  - Likely reimbursement model: members may pay upfront and DDA reimburses.

### Decision direction (no formal vote recorded in this meeting):

- Chair to circulate specifics for final travel approvals/processing.

### Property Acquisition – Tabled

Motion made by Vice-Chair Washington and seconded by Treasurer Mays 5-0

Discussion clarified City’s position:

- City is maintaining the **base allocation (~\$45K)**.
- Larger amounts (referenced up to **~\$330K**) are **project-specific and case-by-case**, not a blanket transfer.

### Marketing Updates - Tabled

Motion made by Vice-Chair Washington and seconded by Treasurer Mays 5-0

### Legal Updates

- A previously considered attorney could not proceed due to a **conflict of interest** (representation overlap with City matters).

- Another attorney candidate (recommended by Tariq) was **still submitting credentials**.
- Councilman advised it's best practice to **interview multiple candidates**, including the **CDA attorney** as a potential option.

#### **One-off attorney for resolutions (discussion)**

- Chair proposed a possible **one-off attorney engagement** to draft urgent resolutions (Interior Grant + Daddy King statue) so projects aren't delayed while hiring counsel.
- After discussion, the group aligned around **interviewing three attorneys and hiring one**, rather than spending money on a one-off.

#### **Decision direction (no formal vote recorded):**

- **Interview 3 attorneys and select/hire counsel by the next meeting**, potentially via a **special called meeting** or interviews at the start of the next regular meeting.
- Councilman preferred not to vote on attorney selection (liaison role), but emphasized the Board should make final selection.

#### **Action/need identified:**

- The DDA still needed **one additional attorney candidate** beyond the two in discussion (Tariq's + CDA attorney).

### **New Business**

#### **Mural Proposal**

- Discussion with building ownership/representatives about placing a mural on an end/gateway building.
- Owners asked whether DDA already selected a design or if it would be open to artist submissions.
- Chair proposed connecting offline with the key point person (Therese via Lisa) and returning with a proposal.

#### **Decision direction (no formal vote recorded):**

- Exchange contact info; develop options and return to Board.

#### **Renaissance Strategic Vision Plan**

- No updates reported.

### **Adjourn**

Chair Cook called for a Motion to adjourn at 7:41 p.m. Board member Stamper made the Motion, seconded by Vice Chair Washington. The motion passed unanimously.



MEETING SUMMARY MINUTES

Tuesday, 17 February 2026 @ 6PM

130 MLK Senior Heritage Trail

Stockbridge, GA 30281

**Board Members**

Kenya Cook, Chair- Present

Warren Washington, Vice-Chair- Absent

Jerry Mays, Treasurer- Present  
Present

Tariq Collins, Secretary- Present  
Coordinator- Present

Darell Stampler, Board Member- Present

Toseika Thomas, Board Member- Present

Elton Alexander, City Council Liaison- Present

**City Staff**

Cassandra Lester, Deputy City Clerk-

Vacant, Economic Development Director

Lisa Fareed, Main Street Manager-

Christine Chavis, Economic Development

**Guest:**

Councilman Cloude

Anthony Lawson

Kenya Cook, Chairman called the meeting to order at 6:10PM, with an Invocation.

Tariq Collins, Secretary proceeded with a roll call and quorum was established. Warren Washington, Vice-Chair absent.

It was moved by Tariq Collins, Secretary and seconded by Jerry Mays, Treasurer that the agenda be approved and accepted. Motion carried.

Minutes were sent out and posted on the website. No copies available at the meeting, we will revisit the minutes at the next meeting. Kenya Cook, Chairman mentioned we will be moving minutes in house from now on.

## **Officer Reports:**

### Chairman's Comments-Cook

Kenya Cook, Chairman attended the main street meeting, also Toseika Thomas has been sworn in as an official board member. There were some discussions at the April 12-16 national conference on main street. Also, the public facility authority is moving forward with the sidewalk project on the MLK trail.

### Vice-Chair Comments- Warren Washington

No updates as the Vice-Chair was absent.

### Treasurer Update- Jerry Mays

Jerry Mays, Treasurer gave an update on the accounts.

Projects Account: No activity. As of 30 January 2026 the balance is \$160,353.44.

Operating Account: There was a service charge of \$5.00.00. As of 30 January 2026 the balance is \$2, 731.24.

Facade Account:No Activity. As of 30 January 2026 the balance is \$ 41,133.50.

It was moved by Kenya Cook, Chairman and seconded by Elton Alexander, Councilmember that the treasurer report be accepted and made a part of the record. Motion carried 4-0

Discussion: Kenya Cook, Chairman mentioned that we hold a lot of money in no interest bearing accounts. He questioned is that proper? Tariq Collins, Secretary said it should not be improper but a vote of the board should be necessary. Jerry Mays, Treasurer said you want to be careful with the everyday accounts being moved because it's a public account. It's best to have money that has not moved a lot to sit in those accounts. We can also look into removing the service charge. Elton Alexander, Councilmember said this why we need an attorney on board to ensure we are doing things legally IAW the city and laws that we are governed by. Kenya Cook, Chairman asked are we being good stewards of the people's money with it not growing and sitting in the account. Elton Alexander, Councilmember said we should be spending money and not holding on to the money. We need the attorney to help us be able to give out the grants to the business owners in the city.

### Secretary Update- Tariq Collins

Tariq Collins, Secretary, spoke about the lawyer he found and recommended to the board. The name was given to the Chair for further investigation.

### **Old Business:**

#### Facade Grant Applications Update

Kenya Cook, Chairman said we have CL Beauty Salon with a sent over outside facade grant and they need interior things done as well. There is no new info. There is some discussion about all the things she needs done with some of the interior things needed done due to the exterior grant being approved and it's all a part of the exterior grant approval.

It was moved by Elton Alexander, Councilmember and seconded by Jerry Mays, Treasurer that we approve the exterior facade grant to include the interior work needed as a part of the exterior work being done for CL Beauty Salon. Motion Carried

Kenya Cook, Chairman, asked about the Crown Pizza Grant. The Grants are ready to be voted on for Frozen Smoke and Crown Pizza. There was some discussion on voting with the members present. Because we had four members that established a quorum to open it was confusion on if we needed a quorum for votes. It was explained by Tariq Collins, Secretary that IAW Robert

Rules of order, we need a quorum for us to officially meet, open, and conduct business. Once the meeting is open we can vote on all matters with the members present.

It was moved by Kenya Cook, Chairman and seconded by Tariq Collins, Secretary that the application for Frozen Smoke be approved as is and signed off by the board tonight. MC with one abstention 3-0-1

It was moved by Tariq Collins, Secretary and seconded by Jerry Mays, Treasurer that we approve Crown Pizza application as is. MC with one abstention 3-0-1

Kenya Cook, Chairman, asked about the status of the interior grant. Christine did the updated application and we just need to send it to the attorney for review.

Kenya Cook, Chairman, asked about the Burn Bootcamp outside Facade Grant. We needed a signature update.

#### Projects Update:

Kenya Cook, Chairman said we left off with the Daddy King Statue pending a resolution with the attorney. Elton Alexander, Councilmember said we are asking for the municipal park use of south Lee street to install the Daddy king statue and redo the park area as a tourist attraction. This is the busiest street outside of Eagles landing and the kids will see it on their way to the Stem school as well. We are also changing the name of Lee street to MLK since it is named after Robert Lee a confederate General. We are paying tribute to Daddy King as he lived here and walked the streets of Stockbridge.

Kenya Cook, Chairman, asked about the update on the Rail Road Project. The city is going back to verify what agreement we have with the rail road for us to make a decision on how we can proceed. Elton Alexander, Councilmember said we are currently doing interviews for new Economic Development. Lisa Fareed, Downtown Manager gave an update on it and they will allow us to remove everything over in that space. Lets wait and see what the city comes back and

say about how we will proceed with the demolition of the area. There will be 30 plus parking lots once it's cleared.

Kenya Cook, Chairman mentioned that the Downtown Boundary has to be sent over to the attorney so it's in motion.

Kenya Cook, Chairman mentioned we want to vote when everyone is back to do in house training.

Kenya Cook, Chairman said no new update on the Mural Project.

Kenya Cook, Chairman tabled the property Acquisition

#### Marketing Plan:

Kenya Cook, Chairman said we already have allocated money to support and help Main street for marketing.

Vendor Proposal: No Update

#### Legal Update:

Kenya Cook, Chairman said we want to have three candidates come to the meeting. Two of them dropped out. We have one who is a great candidate. He would like to move forward with the one Attorney. We need to negotiate the terms.

It was moved by Kenya Cook, Chairman and seconded by Tariq Collins, Secretary that we accept Attorney Wiggins as the new DDA Attorney. MC 4-0.

### New Business:

Grant Research- Kenya Cook, Chairman said we need to get someone as a grant writer and we should be going after the grant money that is out there.

### City Council Update:

#### Elton Alexander- City Council Liaison

Elton Alexander, Councilmember said we are very excited about things coming downtown. A new business opened by April, the development of the fire department. The council is very active and keeps the ball rolling. The best gateway coming to town as well. We asked the council member to adopt a comprehensive area beautification plan. There is a rock quarry road extension program as well in the works. We currently put \$2,000,000.00 in for the design. There is a Tim Horton coffee shop coming into town as well.

#### Economic Development Director- Vacant

#### Main Street- Lisa Fareed

Lisa Fareed, Downtown Manager gave an update on the Burn bootcamp application saying he needs to do an updated application and afterwards we can do the review with the board and vote on it.

There was a meeting with several groups for the projects the city has going on at the same time. The meeting offered for everyone to talk about the overlapping projects that were going on at the same time and it was a successful meeting on the trail to expand the side walks. We also needed to repair the sidewalk with the updates it needs.

If we are going forward with the container project we need space for visitors. The alley way project was completed before December and finalized but waiting on approvals. They will go

underground and update pipes, level the ground and grease traps, pad for trash collection and parking, utilities underground. The biggest news for this was the funding for the project and council member Alexander identified ear marked funds for this project which is close to one Million dollars.

Ga Power does the EV station and they are working on a solution for that for us.

There was some discussion on us updating the facade grant and letting the business owners know we have the grant to spend to improve the business infrastructure.

### **Executive Session**

There was no executive session

It was moved by Elton Alexander, Councilmember and seconded by Tariq Collins, Secretary that we close the meeting at 7:32PM

Kenya Cook

Chairman

Tariq Collins

Secretary



**MEETING SUMMARY MINUTES**

Wednesday, March 11, 2026 @  
6:00PM

130 MLK Senior Heritage Trail,  
Stockbridge, GA 30281

**CALL TO ORDER**

Meeting Called to order at 6:04 PM

**Roll Call & Meeting Opening**

- Guest Anthony Jackson was welcomed and William Smith was introduced as the new Economic Development Director.

<b>Board Members</b>	<b>City Staff</b>
Kenya Cook, Chair - Present	Cassandra Lester, Interim City Clerk - Absent
Warren Washington, Vice-Chair - Present	William Smith, Economic Development Director - Present
Jerry Mays, Treasurer -Present	Lisa Fareed, Main Street Manager - Present
Tariq Collins, Secretary - Absent	Lawanda Powell, Administrative Assistant
Darryl Stamper, Board Member - Present	<b>Guest:</b> Anthony Lawson, and Lisa Dow Dyer
Toseika Thomas, Board Member - Present	
Elton Alexander, City Council Liaison - Present	

## **Approval of Agenda**

- Motion to approve the agenda passed.

Motion: Vice Chair Washington

2nd: Treasurer Mays

Vote: 4-0

## **OFFICER'S REPORTS**

**Chairman's Comments** Confirmed travel to the Mainstreet Conference in Tulsa, Ok. The dates are April 13th - April 16th. The chairman will be reimbursed for travel by submitting receipts.

The next conference will be hosted by The Georgia Downtown Association Annual meeting on August 17th - 20th, Rome Georgia.

**Vice Chairs Comments** No comments

**Treasurer's Update** Will provide updates at the April 21, 2026 meeting

**Secretary's Update** No updates

## **OLD BUSINESS**

### **Facade Grant**

- Discussion on expanding facade grant language to include landscaping, lighting, and permanent exterior improvements.

- Differentiation between permanent enhancements (e.g., sodding, lighting) and movable items (e.g., planters).

- No update on pending grant applications.

- Action: Lisa and another board member to draft detailed language for the grant and review at a future meeting.

## **Project Updates**

### **Power Lines & Sidewalk Improvements:**

- Stakeholder meetings with Georgia Power, architects, engineers, and trail planners are ongoing.
- Plans for burying power lines, widening and leveling sidewalks for ADA accessibility, and removing unsafe half walls to improve curb appeal.
- Coordination to minimize redundant construction and maximize efficiency.
- Discussion about relocating trash compactor to improve aesthetics and free up parking.
- Decision: Trash location suggestions noted for future planning.

### **Railroad Space & Lease Agreement:**

- City is finalizing a lease agreement with Norfolk Southern for future demolition and construction.

### **Project Timeline & Business Impact:**

- Construction documents are in progress; timeline will be clarified once a contractor is secured.
- Suggestion to consider an impact fund for businesses during construction disruptions. To be discussed with the city manager.

### **Beautification & Lighting**

- Proposal for new year-round pole lighting design (~\$7,000 for 14 poles) to enhance downtown appeal.
- Discussion about extending upgrades beyond the main block to the broader downtown district.
- Emphasis on integrating aesthetic improvements with utility (e.g., outlets for events/vendors).
- Motion passed to approve lighting expenditure.

Motion: Vice Chair Washington

2nd: Treasurer Mays

Vote: 7-0

- Plan to explore additional features such as two-sided banners and hanging baskets, with consideration for maintenance.

## **Marketing Plan**

### **Downtown Events & Revenue Generation**

- Need for year-round events to increase foot traffic and support businesses.
- \$6,000 budget already approved for events.
- Action: Discuss and plan a schedule of events, including potential Spring Fest and collaborations with local businesses.
- Encouragement for business owners to take a more active role in organizing events.
- Introduction of Anthony Jackson's upcoming event (cigars, bourbon, and house music) to diversify downtown activities.

## **Legal Update**

- New attorney (Attorney Burns Wiggins) appointed at \$285/hr for meetings and \$650 per resolution.
- Board confirmed rates are competitive.
- Action: Attorney to create templates to reduce future costs; resolutions to be signed and sent for processing.

## **NEW BUSINESS**

- Suggestion to broaden focus beyond MLK strip by creating unique downtown districts, each with its own identity and standards (e.g., historic signage).
- Proposal to tie signage upgrades to facade grant requirements.

- Action: Economic development team to engage business owners and develop district-specific guidelines.

## **9. City & Staff Reports**

### **City Council Liaison:**

- Announced first amphitheater show (Mother's Day weekend with Jaheim, 112, Black Street).
- Plans for road extensions, mixed-use developments, and new Tim Hortons.
- STEM school construction update; expected to bring more students and staff to the area.
- Master trail plan and transportation improvements funded and moving forward.

### **Economic Development Department:**

- Introduction of new director William Smith, with expertise in economic development finance and incentives.
- Discussion of pursuing Opportunity Zone designation for tax credits; will reconnect with state contacts for application support.
- Interest in diversifying business types, including possible manufacturing, after community needs assessment.

### **Main Street Updates:**

- Preparation for increased visitors due to a major event at Mercedes Benz Stadium, emphasizing hospitality and coordinated marketing.
- Plans to partner with hotels and provide translated menus/QR codes for international guests.

## **ADJOURN**

- Motion passed to adjourn meeting.

Motion: Vice Chair Washington

2nd: Treasurer Mays

Vote: 6-0

Meeting adjourned at 6:56 PM



**STOCKBRIDGE CITYWIDE DEVELOPMENT AUTHORITY**  
**2026 1st QUARTER REPORT**

**To:** The Mayor and City Council of the City of Stockbridge, Georgia  
**From:** Stockbridge Citywide Development Authority  
**Date:** April 27, 2026  
**Subject:** Stockbridge Citywide Development Authority 2026 Q1 Report

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**EVENTS**

**South Metro Development Conference.** The Stockbridge Citywide Development Authority Board was in attendance at this event on **February 11, 2026**.

**Business Conference Attendance & Table** The Stockbridge Citywide Development Authority (“Authority”) Board attended and participated in “Why Invest Now – Select Stockbridge” Panel on **Thursday, March 26, 2026**. The Board was also visible with a branded table and provided collaterals to conference attendees.

**Economic Development Luncheon** The Stockbridge Citywide Development Authority (“Authority”) Board “Select Stockbridge” had presence with two board members at The GEDA and GA Chamber of Commerce State of Economic Development Luncheon on **Wednesday, March 18, 2026**.

**Highly Visible Golf Event** The Stockbridge Citywide Development Authority (“Authority”) Board attended and provided “Select Stockbridge” collateral materials to golf event attendees and participants on **Monday, April 6, 2026** and connected with those who want to Select Stockbridge for their business investment.

**Visibility** The Stockbridge Citywide Development Authority (“Authority”) “Select Stockbridge” sponsored a hole with our leading and primary health care establishment, Piedmont Henry, on **Monday, April 20, 2026**.

**Engagement** The Stockbridge Citywide Development Authority (“Authority”) “Select Stockbridge’s” Commercial Broker has planned an *activation* for specific sites within the City with other commercial brokers and developers. Invitation Only.



## **MARKETING & BRANDING**

**Think Link Media Outdoor Digital Billboard.** The Authority’s public facing image “Select Stockbridge” has secured and actively running their marketing on 1-75N heading to Stockbridge, GA. Highlighting the City’s Businesses, Restaurants, and Hotels with the Messages “Invest, Grow, Innovate” and “Eat, Shop, Stay.”

**Updated Videos, Interviews and B-Roll.** The Authority Board has received a contract to update B-Roll with the City’s newest developments and Key Stakeholder Interviews. Interviews are currently being scheduled.

**Retention and Attraction.** The Authority owns the domain names **visitstockbridgega.com** and **visitstockbridgega.org** and will activate these pages in anticipation of FIFA. As these will be used for redirects to an additional page on the Authority’s website to highlight the City's hotels, restaurants, and businesses. As a note, the Authority’s current website and public facing name, *Select Stockbridge*, is [www.selectstockbridge.com](http://www.selectstockbridge.com).

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## **BUSINESS DEVELOPMENT**

**Strategic Initiative Subcommittee.** The Board is working with a Commercial Broker to strategically determine key real properties to secure for *development and redevelopment opportunities*.

The Board will implement a business assistance program and/or a façade grant available citywide for 2026.

**Website Initiatives.** The CDA Website has been updated and will continue to be updated with pertinent information on how to do business with Select Stockbridge, Why Stockbridge should be an investment, updating current board members on the website, providing updated developments within the city, as well as revealing the bonding documentation application as front-facing.

**Resolutions.** The Authority authorized multiple Micro-Literacy Grants in November 2025 to support the Stockbridge local elementary schools to ensure there is a strong pipeline into our workforce and to ensure our feeder schools’ scores continue to rise; which directly impacts economic development and the type of businesses that will be attracted to the area.

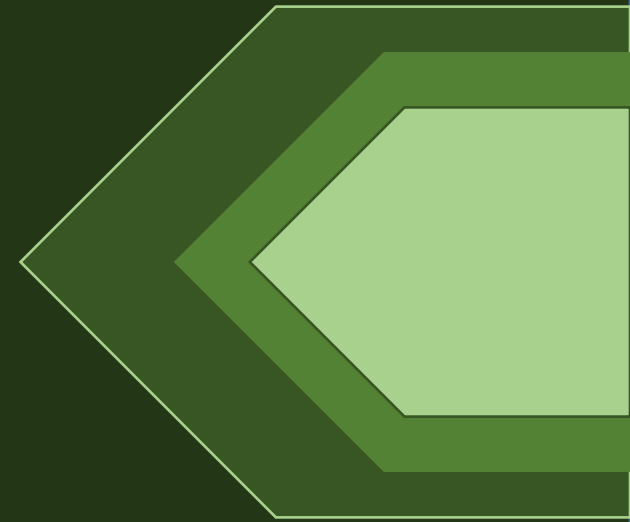
To be distributed in 2026.



**Real Estate.** The Board is in discussion, have met, as well as have participated, with several investor site visits interested in “Selecting Stockbridge.” The Board has also reviewed key properties for acquisition for development and redevelopment purposes, has worked with our Real Estate Representative to craft offers, and have done a citywide tour to identify areas for redevelopment.

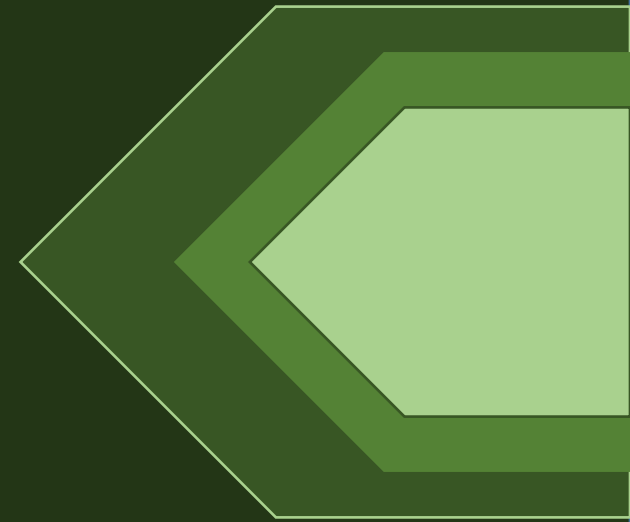
# Stockbridge Youth Council Overview

- **SYC/AC Members**
- **Past Activities**
- **Upcoming Events**
- **Financial Report**



# Stockbridge Youth Council Committee

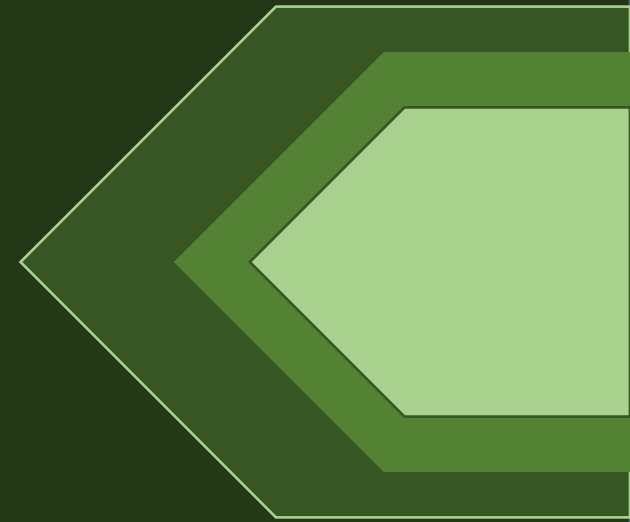
- **Youth Council (20)**
  - **14 Active Members**
  - **6 Seniors Graduating  
(Class of 2026)**
  - **5 New Members  
(Upcoming School  
Year)**
- **Advisory Committee (12)**
  - **11 Active Members**



# Stockbridge Youth Council

## Past Activities

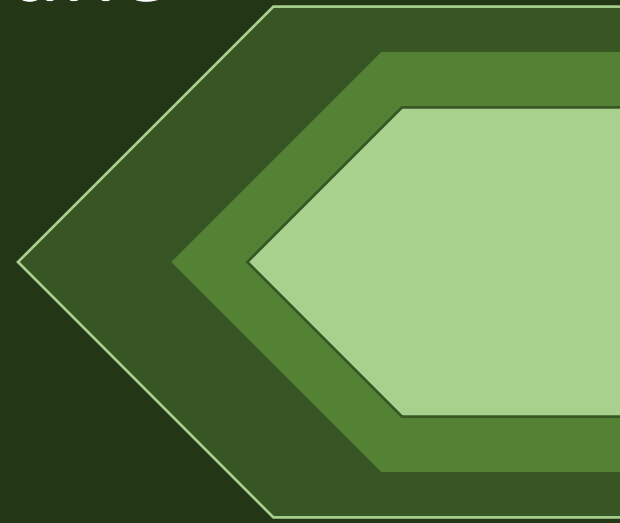
### January - March



- **SYC/AC Monthly Meetings**
- **Area Beautification**
- **GMA Symposium**
- **Winter Wonderland Teen Skate Night**
- **MLK Beautification Day**
- **SYC Leadership Retreat**
- **SYC Youth Entrepreneur Expo**

- **SYC/AC Monthly Meetings**
- **Area Beautification**
- **SYC-SPD Dinner & Discussion**  
(April 16, 2026)
- **Mother's Day Tea**
- **Senior Banquet**  
(May 12, 2026)
- **Health and Wellness Initiative**  
(Throughout the Summer- SYC  
Instagram/Facebook)
- **Recruitment**

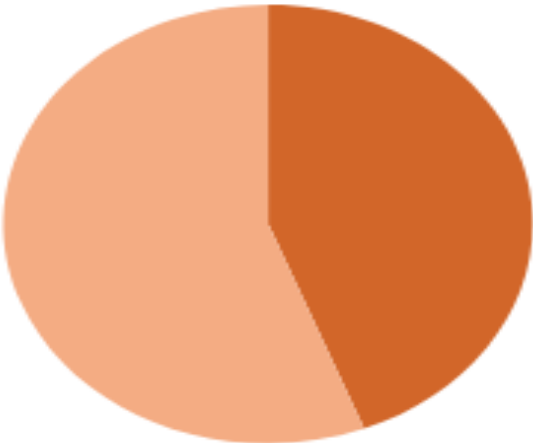
# Stockbridge Youth Council Events April - June



# Stockbridge Youth Council 2026 Budget

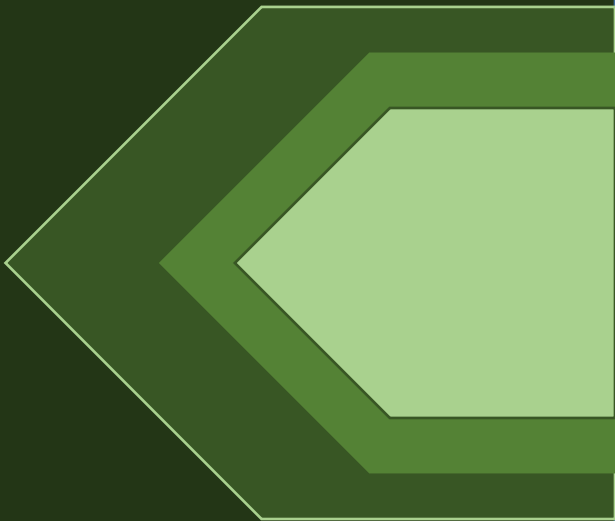
## FINANCIAL STATUS

Fiscal Budget	\$31,900
Beginning Balance	\$31,900
Fund Activity To Date	\$14,067
Funds Remaining	\$17,833



■ Fund Activity To Date: \$14,067.19 (44%)  
■ Funds Remaining: \$17,832.81 (56%)

**Note: \$2,500 will also be refunded back to the SYC budget for the recent trip to Selma bringing our remaining total to: \$20,302.81**





# City of Stockbridge

## AGENDA ITEM

### MEETING DATE

MAY 11, 2026

### FUNDING SOURCE

- RESOLUTION
- ORDINANCE
- CONTRACT APPROVAL/RENEWAL
- PUBLIC HEARING
- PRESENTATION
- BID SELECTION/AWARD
- TASK ORDER
- CHANGE ORDER
- BUDGET AMENDMENT
- BUDGET TRANSFER
- PAYMENT APPROVAL
- OTHER

- GENERAL FUND
- FUND BALANCE
- SPLOST
- TSPLOST
- CDBG GRANT
- GRANT FUNDING
- TRAFFIC CAMERA FUNDING
- PARTNER/SPONSOR
- DEPARTMENT FUND BALANCE
- BOND

ACCOUNT TRANSFER FROM:

ACCOUNT TRANSFER TO:

PRESENTER: Ryan Anderson

DEPARTMENT: Community Development

### ITEM/PROJECT/EVENT:

APPEAL CASE #AP-2026-01. Consideration of an appeal of the completed Zoning Verification Letter (ZVL) for two parcels at the southwest corner of East Atlanta Road and Stagecoach Road, including Parcel #047-01016001 with 2.64 acres and Parcel #028-02021005 with 10.88 acres. Applicant: Newton Galloway, Attorney. Property Owner: Samir Patel. The ZVL was completed on March 27, 2026, and the applicant filed the appeal on April 19, 2026.

### BACKGROUND INFORMATION:

Mr. Patel wants to build a gas station, a commercial building with several tenants, and townhomes on the property. The ZVL states that the property is zoned as PUD, but the applicant believes that it is still zoned as PTD (a PUD predecessor) and that it is still governed by a 2001 Development Agreement. PUD zoning requires a Special Use Permit for a gas station and convenience store, while the PTD zoning did not. Staff Recommendation: Denial.

### SIGNATURES:

CITY MANAGER

*Frank S. Milazi*

eSigned via GovOS.com  
Key: 7ed53636-d898-4ade-b417-932d73311167  
eSigned via GovOS.com

CITY TREASURER

*Quinton G. Washington*

Key: 9f76c0b-1628-4926-950b-2b013c5f7b9

CITY ATTORNEY

eSigned via GovOS.com  
*Shawn Edmondson*  
Key: 3268d159-4d63-438f-940b-014ea0428880

FINANCIAL IMPACT  N/A

AMOUNT:

\$0.00

ATTACHMENTS:

ITEM/PROJECT/EVENT:

APPEAL CASE #AP-2026-01

STAFF RECOMMENDATION:

DENIAL.

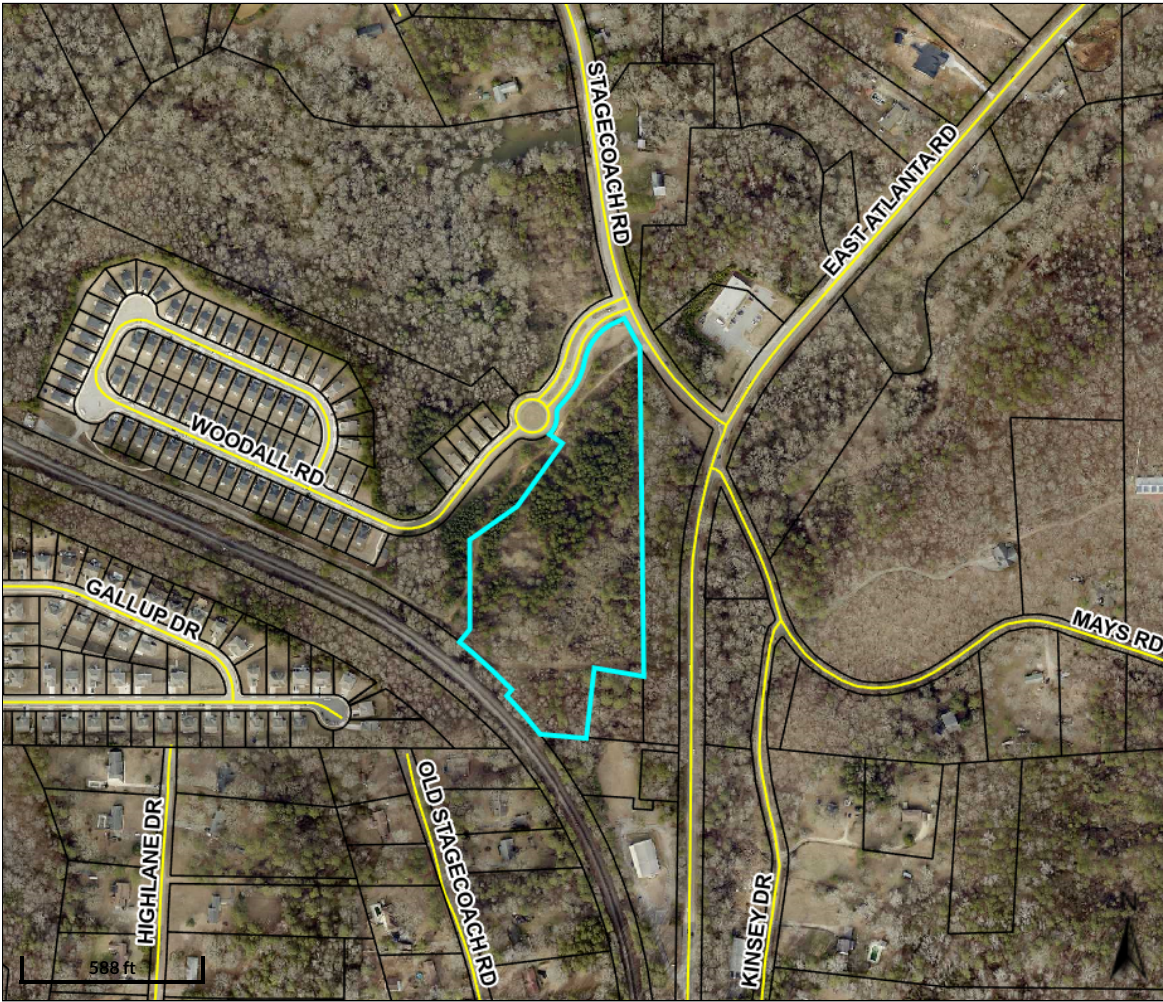
eSigned via GovOS.com

*R. Ryan Anderson*

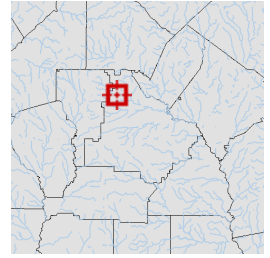
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# Henry County, GA



### Overview



### Legend

- Parcels
- Roads

<b>Parcel ID</b>	028-02021005	<b>Class</b>	C	<b>Owner</b>	PATEL SAMIR	<b>Land Value:</b>	\$272,000								
<b>Property Address</b>		<b>Acreage</b>	10.88	<b>Address</b>	1400 OLD CONYERS RD	<b>Building Value:</b>	\$0	<b>Last 2 Sales</b>							
<b>District</b>	City/Stockbridge				STOCKBRIDGE GA 30281	<b>Misc Value:</b>	\$0	<b>Date</b>	1/22/2019	<b>Price</b>	\$250,000	<b>Reason</b>	n/a	<b>Qual</b>	Q
						<b>Total Value:</b>	\$272,000		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.

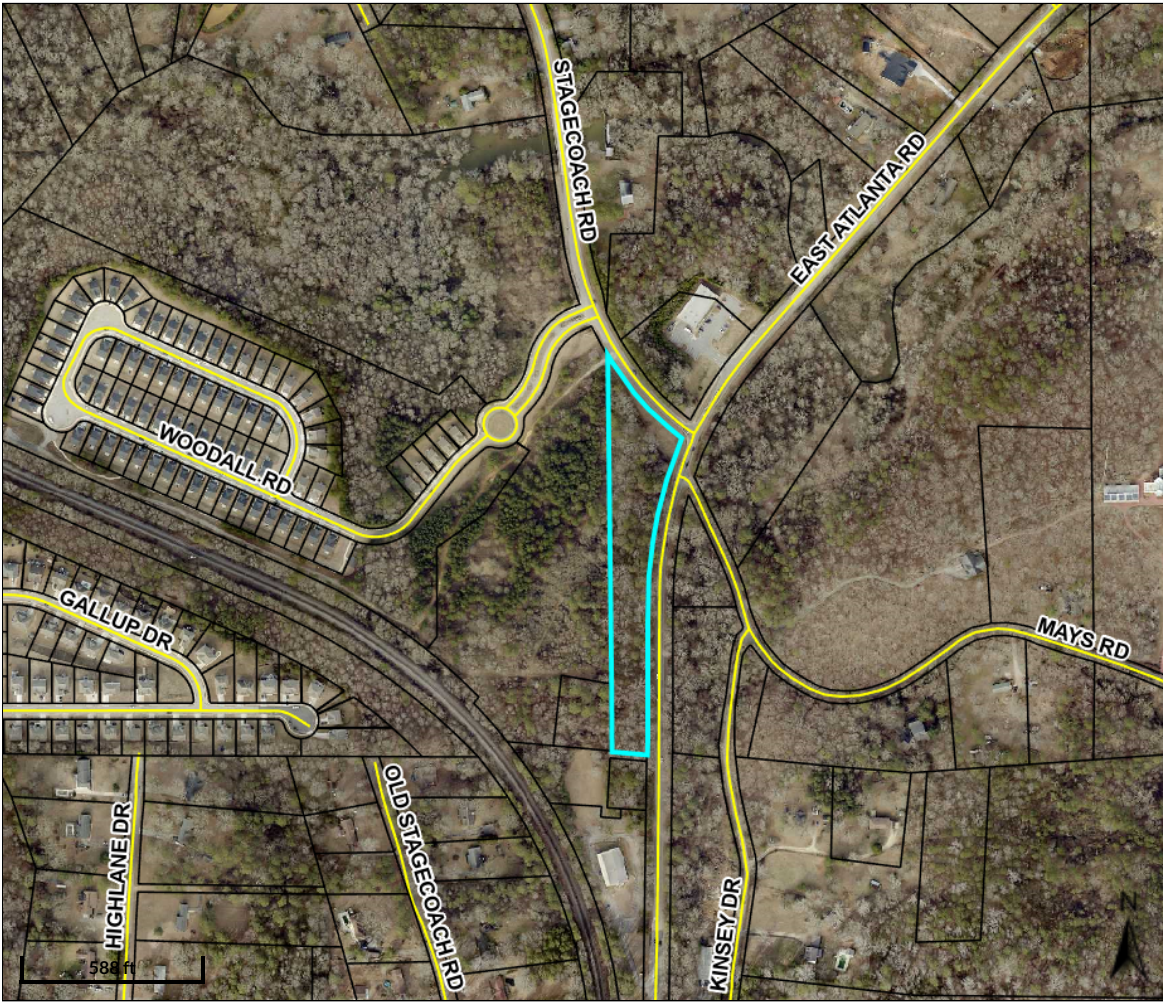
Date created: 11/27/2024

Last Data Uploaded: 11/27/2024 3:43:06 AM

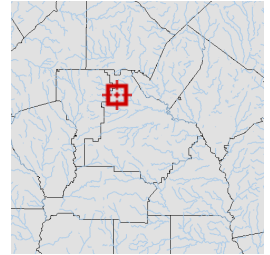
Developed by **SCHNEIDER**  
GEOSPATIAL



# Henry County, GA



### Overview



### Legend

- Parcels
- Roads

<b>Parcel ID</b>	047-01016001	<b>Class</b>	C	<b>Owner</b>	PATEL SAMIR	<b>Land Value:</b>	\$230,000			
<b>Property Address</b>		<b>Acreage</b>	2.64	<b>Address</b>	1400 OLD CONYERS RD	<b>Building Value:</b>	\$0	<b>Last 2 Sales</b>		
<b>District</b>	City/Stockbridge				STOCKBRIDGE GA 30281	<b>Misc Value:</b>	\$0	<b>Date</b>	<b>Price</b>	<b>Reason Qual</b>
						<b>Total Value:</b>	\$230,000	2/7/2018	\$0	OTHER U
								5/2/2003	\$300,000	n/a 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: 11/27/2024

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**TO:** Stockbridge Mayor and City Council  
Stockbridge Planning Commission

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

**CC:** Ryan Anderson, Community Development Director  
Veronica Green, Chief Planner

**DATE:** May 11, 2026

**SUBJECT:** **Staff Report for Appeal Case #AP-2026-01:**  
**Parcel #047-01016001 and Parcel #028-02021005 on East Atlanta Road and Stagecoach Road (Council District 4)**

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## I. INTRODUCTION

The applicant for Appeal Case #AP-2026-01 has filed an appeal against a Zoning Verification Letter (ZVL) that was completed on March 27, 2026 for his property at the southwest corner of East Atlanta Road and Stagecoach Road (Parcel #047-01016001 and Parcel #028-02021005). The applicant / owner, Samir Patel, is represented by his attorney (the agent), Newton Galloway, who filed the appeal (SAGES Case #APPEAL-2026.04.0885) on April 20, 2026. Mr. Galloway submitted his ZVL application on March 27, 2026 (SAGES Case #ZVL-2026.03.0757), and the ZVL was completed by the Planning & Zoning Staff on the same day.

The completed ZVL stated that the property is zoned as PUD (Planned Unit Development), whereas Mr. Galloway sought confirmation that the property is zoned as PTD (Planned Town Development). Mr. Patel proposes to build a mixed-use development on the property, including a gas station, convenience store, additional retail tenants, and townhomes. Mr. Galloway contends that these uses are allowed under PTD, but the current Stockbridge Unified Development Code (UDC) requires that properties which are located within the PMU (Parkway Mixed-Use) Overlay District be approved for a Special Use Permit to allow for a gas station and convenience store.

**A. Applicant's Requested Form of Relief.** Attorney Galloway's requested form of relief in his appeal application is as follows:

*Reissuance of the Zoning Verification Letter that confirms the zoning on the Subject Property is PTD pursuant to the Development Agreement for Pine*

*Grove Community, LLC, entered December 21, 2021, amended January 9, 2002.*

**B. Applicant's Justification for the Appeal.** Mr. Galloway contends that the subject property is zoned as PTD (Planned Town Development), rather than PUD, on the basis of the approval of Rezoning Ordinance #01-105, which rezoned the property from RA (Residential-Agricultural) to PTD (Planned Town Development) on November 19, 2001 as part of a larger tract for the Pine Grove Community containing 149.47 acres. He also believes that the associated Development Agreement for Pine Grove, which was authorized by the adoption of Resolution #01-17 on the same date, still governs the subject property. The Development Agreement, which was adopted on December 21, 2001 and was amended on January 9, 2002, allowed for the adoption and development of a Master Plan to include commercial and residential development.

Mr. Galloway stated that the subject property is located within an area of the Master Plan that was designated for commercial development, and that the applicant now wishes to build such commercial development. He further cited, below, Section 13 of the Development Agreement to justify its continued applicability, to the subject property; and stated that Section 8.36.050(2) of the PTD Ordinance allows gas stations as a permitted use; and stated that the layout of the buildings on the proposed site plan complies with what is shown on the Master Plan within the Development Agreement.

*All development regulations, guidelines, standards, rules, and conditions of the City of Stockbridge and Henry County 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 of Stockbridge and Henry County regulations, guidelines, standards, rules, and conditions.*

## **II. DESCRIPTION OF THE SUBJECT PROPERTY**

The subject property consists of two parcels at the southwest corner of East Atlanta Road and Stagecoach Road, as are shown by the two aerial photographs below. Samir Patel is the owner of both parcels, which are undeveloped. Parcel #047-01016001 to the east contains 2.64+/- acres and Parcel #028-02021005 to the west contains 10.88 +/- acres.

The Stockbridge Planning Commission approved the recombination of the two parcels into one parcel, upon the applicant's request, on February 27, 2020 (six years ago). However, the Henry County Tax Assessors' records still show the property as consisting of two parcels. The Planning & Zoning Office has not received a copy of a recorded plat, which the Tax Assessors' Office will need as a basis for updating their records to show the property as being only one parcel.

The City's current Zoning Map shows both parcels as being zoned as PUD, and they are located within the Parkway Mixed-Use (PMU) Overlay District. The table within Section 2.4.13(B) of the UDC lists the types of permitted retail and business uses in the PUD district as being any use that is permitted in the OI, C-1, and C-2 districts. Section

2.5.2(C)(1)(a) for the PMU Overlay District identifies gas stations as “select uses”, and Section 3.2.14 states that gas stations are a “special use” within the C-2 zoning district, although they are a permitted use in the C-3 zoning district. The parcels have the future land use designation of Low-Density Residential, which does not allow commercial uses. This information is shown by the map excerpts below.

**PARCEL #047-01016001 WITH 2.64+/- ACRES**

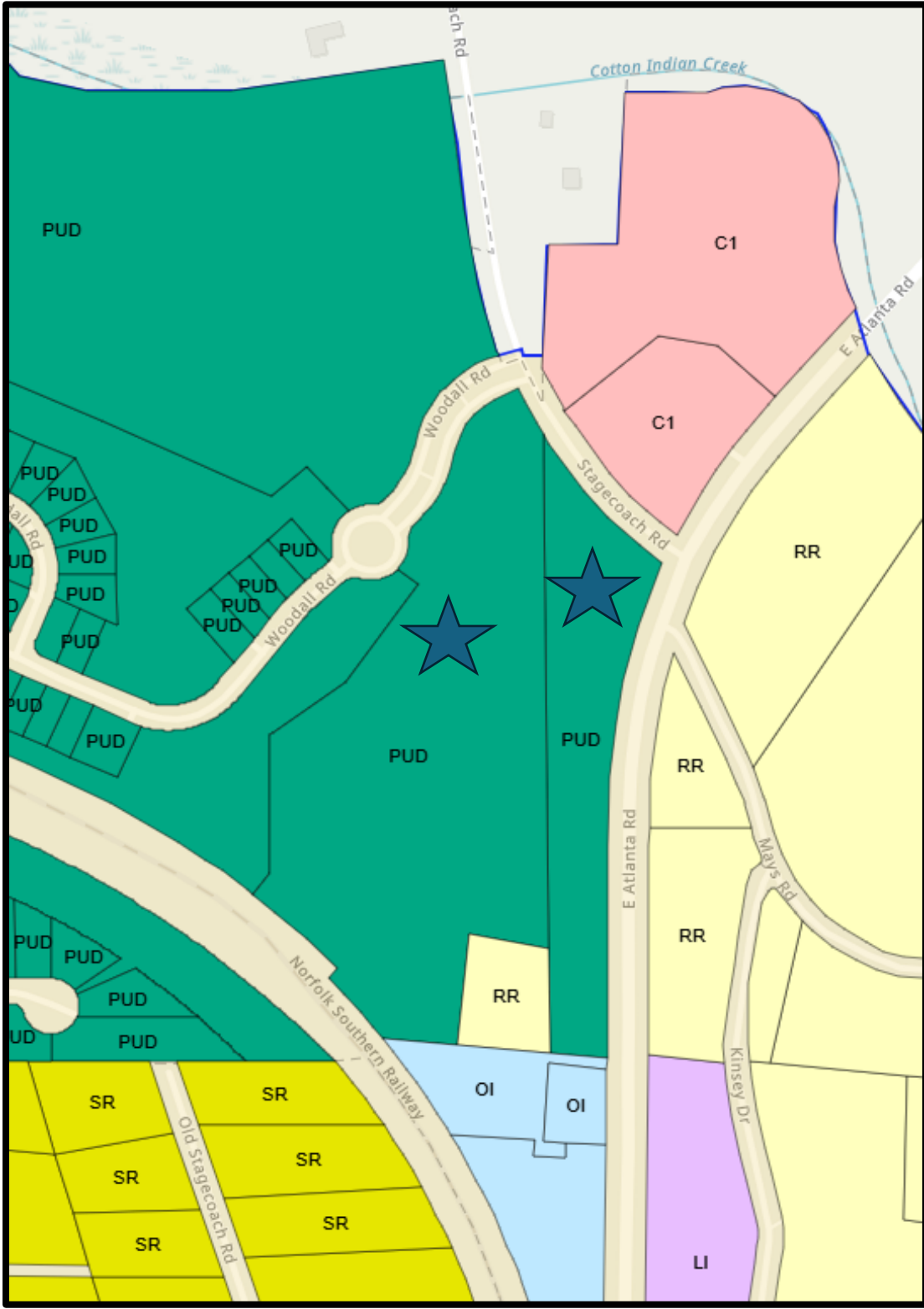


**PARCEL #028-02021005 WITH 10.88 +/- ACRES**

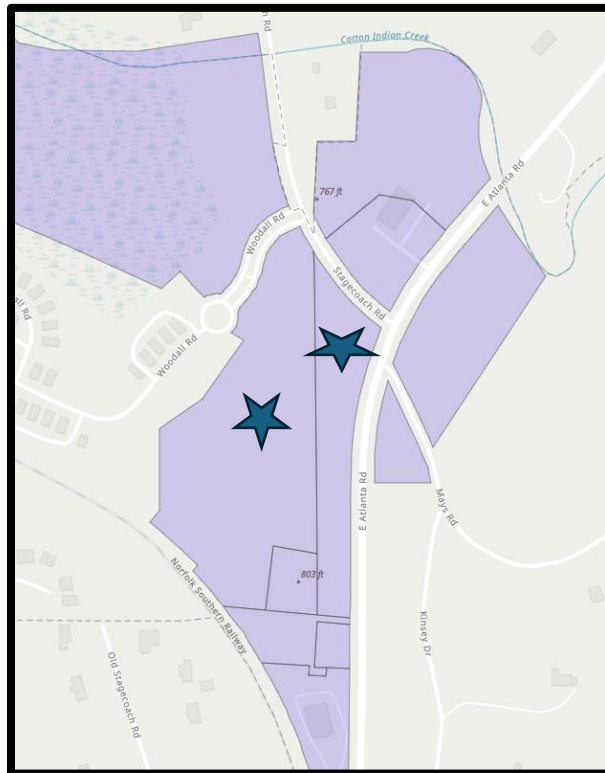


EXCERPT FROM THE CURRENT ZONING MAP

★ Subject Parcels



### EXCERPT FROM THE CURRENT OVERLAY DISTRICT MAP



### EXCERPT FROM THE CURRENT FUTURE LAND USE MAP

Light Orange—Low-Density Residential  
Medium Orange—Medium-Density Residential



### III. HISTORY OF THE PROPERTY

**A. Events in 2000 and 2001.** On August 21, 2000, the subject property was annexed into the Stockbridge City Limits from unincorporated Henry County as part of a larger 149-47+/- tract of land via Ordinance #200-00, and it was assigned the zoning district of RA (Residential-Agricultural) via Rezoning Ordinance #00-82. One year later, on November 19, 2001, the property was rezoned via Rezoning Case #RZ-01-26 and Ordinance #01-105 from RA to PTD (Planned Town Development), with the requirement that a development agreement be prepared.

Resolution #01-17 on the same date authorized the approval of an associated Development Agreement for the Pine Grove Community, which included a Master Development Plan. The agreement was made between the City of Stockbridge, property owners Edward H. Whiddon and Carole M. Whiddon, and the developer, China States Construction and Engineering Corporation, along with various other property owners.

The Development Agreement specified various terms and conditions for the development of the property for a single-family residential component, a townhome component, and a commercial / retail component. Page 4 stated that the “validity and enforceability of this Agreement is conditional upon the City rezoning the Property to the zoning classification as follows: . . . [the] property . . . shall be rezoned from the R-A zoning classification to the PT (Planned Town Development zoning classification.” Further, Page 13 of the Development Agreement stated that the “rules, regulations and conditions of the Zoning Ordinance of the city shall apply to the acres of the Property designated commercial or retail within the Planned Town Development Classification.”

Thus, it is important to note that the Development Agreement was prepared on the basis of the property being zoned as PTD, not PUD. Further, the existing two parcels comprising the subject property, in their current configurations, did not exist at the time of the rezoning of the parent property to PTD and the preparation of the Pine Gate Development Agreement. That means that the parcels were later subdivided from the parent property; thus, the PTD zoning, as well as the Pine Gate Development Agreement, no longer apply to the subject property.

**B. Events in 2019.** On April 11, 2019, a Development Agreement for the Pine View Subdivision was approved by the Stockbridge City Council after the Pine View Subdivision had been “substantially developed” as a subdivided tract from the original Pine Grove Community. The agreement was made between the City and Drapac Group 32, LLC. It stated that Pine View was previously governed by the Development Agreement for Pine Grove under a Master Development Plan, but that “subsequent events” caused the Master Development Plan to be divided into “three separate” projects—Pine Grove, Pine View, and a Commercial Tract (including the subject property). With the adoption of the new Development Agreement for Pine View, Pine View was “released” from the control of the Pine Grove Development Agreement. However, the Pine Grove Development Agreement would remain “in full force and effect” for both the Pine Grove Community and the Commercial Tract, including the subject

property. However, as was stated above, since the subject property was rezoned in 2022 from PTD to PUD, and since the two parcels in their current configurations were subdivided from the original Pine Gate tract, the terms of the Pine View Development also no longer apply to the subject property.

**C. Events in 2020.** On February 27, 2020, the Stockbridge Planning Commission approved the recombination of two parcels of land into one parcel for the owner of the subject property, Samir Patel. This included Parcel #047-01016001 with 2.64 +/- acres in Land Lot 100 of District 12 (located at the southwest corner of East Atlanta Road and Stagecoach Road) and Parcel #028-0202005 with 10.88 +/- acres in Land Lot 101 of District 12 (located at the southeast corner of Stagecoach Road and Woodall Road). The Planning & Zoning Division, however, has not received a copy of a recorded plat, and the Henry County Tax Assessors' records still show the property as being two parcels rather than one.

**D. Events in 2021.** Samir Patel had filed two applications to be heard by the Stockbridge Planning Commission on December 21, 2022. These included Comprehensive Plan Amendment Case #CP-2021-02 and Rezoning Case #RZ-2021-02. The applicant was represented by Sibley-Miller Surveying, the Agent. The purpose of CP-2021-02 was to change the subject property's future land use designation from Low-Density Residential to Low-Density Vertical Mixed-Use, and the purpose of RZ-2021-02 was to allow the rezoning of the property from PTD to MUND (Mixed-Use Neighborhood Development) to allow for the development of a gas station, several commercial buildings, and a townhome community. However, the applicant withdrew both applications prior to the meeting, and the cases have not been revived since then.

**E. Events in 2022.** On March 14, 2022, the Stockbridge City Council adopted a new Zoning Map and a new Overlay Districts Map, which included new zoning districts. The map adoptions coincided with the adoption of an updated Unified Development Code (UDC). One of the new zoning districts was the PUD (Planned Unit Development). One of the new zoning districts was the PUD (Planned Unit Development), which replaced the former PTD, MUNC, and TND districts. This caused the zoning of the subject property to change from PUD to PTD.

**F. Events in 2023.** A pre-meeting was held in the Levi Conference Room of City Hall on December 4, 2023. Attending the meeting were the applicant, his attorney, the City Manager, and members of the Planning & Zoning Staff.

**G. Events in 2025.** On June 18, 2025, the applicant submitted into SAGES (Case #SPEC-2025.06.0822) an application for a Special Use Permit for the purpose of requesting to build a gas station on the subject property. A survey and site plan were submitted, along with a Letter of Intent.

**H. Events in 2026.** On March 27, 2026, the applicant applied for a Zoning Verification Letter (ZVL), and the ZVL was completed by the Planning & Zoning Staff on the same day. Then on April 20, 2026, the applicant filed an appeal. The appeal case, #AP-2026-

01, is scheduled to be heard by the City Council on May 11, 2026.

#### **IV. PROPOSED DEVELOPMENT**

As part of the applicant's Special Use Permit application, the applicant submitted a site plan that was prepared by Sibley-Miller Surveying & Planning, Inc. as Project #B202085, which was dated 8/28/2024 with the title, "Master Development Plan: Samir Patel; 13.524 Platted Acres." It showed a proposed mixed-use development that would include a gas station, a retail building, a commercial building, and 35 townhomes within seven (7) buildings at the rear. A gas station and convenience store would be located in the center building, and there would be six (6) business spaces altogether. The convenience store would have approximately 5,000 square feet.

Although the proposed site plan encompasses both of the applicant's parcels, the applicant has submitted a survey of only the smaller parcel adjacent to East Atlanta Road (where the gas station and commercial uses would be built), and the application is only for the smaller parcel. However, the applicant must either build the gas station and commercial uses separately from the townhomes on the small parcel only, or the applicant must have a recombination plat recorded so that the two parcels can be combined to form one parcel and the proposed site plan for both the commercial and residential uses may be used for both parcels.

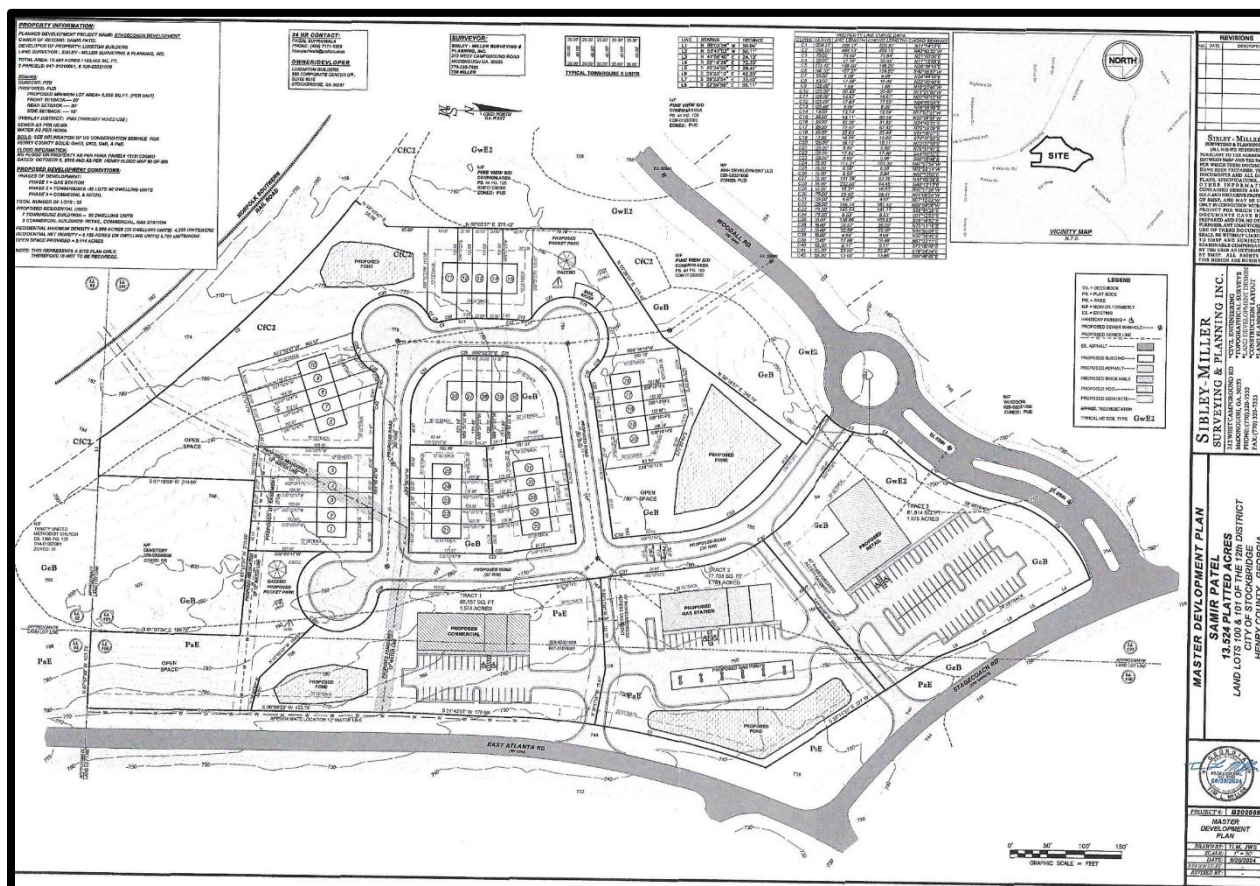
The applicant makes the statements below in his Letter of Intent, which signifies his acknowledgement that the property is zoned as PUD, and that a Special Use Permit (formerly known as a Conditional Use Permit) would be required to build a gas station on the property. However, the applicant also stated his belief that his proposed retail and commercial uses, as well as the townhomes, are allowed by right under the existing PUD zoning, and that only the proposed gas station requires a special use permit (f.k.a. conditional use permit).

*"The Owner / Applicant seeks rezoning from PUD to C-2/Conditional zoning . . . "*

*"Both tracts are currently zoned PUD. The Owner / Applicant presented a development plan for both tracts under PUD zoning."*

*"Because the development will include a gas station, conditional use approval is required under either PUD or C-2."*

# APPLICANT'S PROPOSED SITE PLAN



## V. THE P.U.D. (PLANNED UNIT DEVELOPMENT) ZONING DISTRICT

The City's current PUD (Planned Unit Development) District was born on March 14, 2022 when the City adopted its new Unified Development Code (UDC), along with its new Zoning Map and Overlay District Map (which also merged other zoning districts), per Ordinance #OR22-497. At that time, changes were made to some of the existing zoning districts and new ones were added. Section 2.3 provides the following explanation:

*During the preparation of this new unified development code, some zoning districts were retained, some districts were converted to new districts or combined with other districts, some districts were eliminated, and new districts were added.*

Section 2.3(B) of the UDC provides the “City of Stockbridge Zoning District Conversion Chart”, which lists the previous zoning districts and the new zoning districts. A portion of the Chart is reproduced below. It shows that the PTD district, along with the MUND and TND districts, were merged to form the new PUD district. Thus, the PTD district no longer exists within the City of Stockbridge.

## City of Stockbridge Zoning District Conversion Chart

Previous Zoning District Designation	Zoning District Designation Under This Unified Development Code
<b>Three Mixed-Use Districts:</b>	<b>New Mixed-Use District:</b>
PTD, Planned Town Development District MUND, Mixed-Use Neighborhood Dev. District TND, Traditional Neighborhood Development	PUD-Planned Unit Development

Section 2.4.14 of the UDC lists numerous requirements for PUD zoning. Among them are the following:

1. Area. The minimum area that is required for a PUD District shall be three (3) contiguous acres of land.
2. Uses. Each PUD final development plan must include at least two (2) different uses and / or two (2) types of varied housing options.
- F. PUD Master Development Plan Approval Request. A master development plan which incorporates the comments and modifications made by the community development department in its review of the preliminary concept plan shall be submitted with the application for rezoning.

## VI. COUNCIL ACTIONS ON OTHER PROPERTIES HAVING DEVELOPMENT AGREEMENTS

In recent years, the Stockbridge City Council has been consistent in its treatment of properties that were subject to development agreements. For zoning modification cases, in which the applicants sought to make major changes to a previously-approved site plan but to maintain the same zoning district, the Council enforced or modified the terms of the existing development agreements. But for rezoning cases, in which the applicants sought to change the zoning of the property altogether, the Council gave the applicants a fresh start, free from the terms of the development agreements. Examples of these cases are listed below.

### **Council Treatment of Zoning Modification Cases for Properties Whose Development Agreements Were Enforced or Modified:**

1. ZM-2020-01 for Parcel #013-01019000 on Walt Stephens Road at Speer Road.  
The terms of a 1996 Development Agreement for Brentwood Subdivision (formerly Aberdeen Village) were enforced for this parcel, where Pulte Group proposed to build a mixed residential development on 155.2 acres.

2. **ZM-2022-01 for Parcel #S07-01006005 on Brush Creek Court.** The terms of the Brush Creek Commons Development Agreement from 2001 were modified to allow Pivotal Enterprises, LLC to build its proposed townhome development on this parcel within the existing MFR (Multiple Family Residential) zoning district on this parcel with 15.895 +/- acres.
3. **ZM-2024-01 for Parcel #S07-01006005 on Brush Creek Court.** The terms of the Brush Creek Commons Development Agreement from 2001 were further modified from the ZM-2022-01 approval to allow Pivotal Enterprises, LLC to build Phase 1 of its proposed townhome development on this parcel within the existing MFR (Multiple Family Residential) zoning district on this parcel with 15.895 +/- acres.

**Council Treatment of Rezoning Cases for Properties Whose Development Agreements Became Not Applicable:**

1. **RZ-2019-04 and RZ-2020-01 by TPA Residential for Parcel #032-01026000 on Hudson Bridge Drive.** The terms of a Walmart Development Agreement and Master Plan for this parcel, which was annexed into the City of Stockbridge in 2002, were determined to be not applicable in rezoning this parcel, containing 20.367 +/- acres, from C-2 to MUND to allow for a development with townhomes and commercial uses. The applicant withdrew its RZ-2019-04 application and returned to file RZ-2020-01 for a purely townhome development, but that application was denied by City Council.
2. **RZ-2022-08 for Parcel #032-01026000 on Hudson Bridge Drive.** The terms of The terms of a Walmart Development Agreement and Master Plan for this parcel, which was annexed into the City of Stockbridge in 2002, were determined to be not applicable in rezoning this parcel, containing 20.367 +/- acres, from C-2 to MUND to allow Carter Acquisitions, LLC to rezone the property from C-2 to MFR to build an apartment community on 20.367 +/- acres.
3. **RZ-2024-01 for Parcel #032-01026000 on Hudson Bridge Drive.** The terms of The terms of a Walmart Development Agreement and Master Plan for this parcel, which was annexed into the City of Stockbridge in 2002, were determined to be not applicable in rezoning this parcel, containing 20.367 +/- acres, from C-2 to MUND to allow Lennar Georgia, LLC, to rezone the property from C-2 to MFR to build a townhome community on 20.367 +/- acres.
4. **RZ-2023-05 for Three Parcels on Davidson Parkway at Walter Way.** The terms of a 2003 Development Agreement with DRA Development for Northbridge Crossing were determined to be not applicable upon the rezoning of this property from C-3 to PUD to allow the applicant, D. R. Horton, Inc., to build a mixed-use development, Branford Crossing, on 78.864 +/- acres.

## VII. CONCLUSIONS

Based on the foregoing information, the following conclusions are drawn for Appeal Case #AP-2026-01:

1. The subject property still consists of two parcels, even though the Planning Commission approved their recombination into one parcel. That is because the applicant apparently has not had the recombination plat recorded so that the Tax Assessors' Office can update its property tax records. Yet, the applicant proposes building his proposed development over both parcels to include both the commercial and residential uses. His Special Use Permit application must therefore include a site plan for both parcels, even though the gas station would only be built on the smaller parcel.
2. The property's future land use designation of Low-Density Residential does not allow commercial uses; thus, a Comprehensive Plan amendment would be needed.
3. The enforcement of the Development Agreement for the Pine Grove Community, as including the subject property (which was part of the commercial component), as well as the Development Agreement for the subsequent Pine View Subdivision, were based on the property being zoned as PTD, not PUD; thus, both Development Agreements no longer apply to the subject property.
4. The existing two parcels comprising the subject property, in their current configurations, did not exist at the time of the rezoning of the parent property to PTD and the preparation of the Pine Gate Development Agreement. That means that the parcels were later subdivided from the parent property. Thus, the PTD zoning and the Pine Gate Development Agreement no longer apply to the subject property.
5. Although the Development Agreement for the Pine View Subdivision, which was prepared after most of the Pine View Subdivision had been developed, stated that its terms are still in force for the remainder of the original Pine Grove property (including the subject property, representing the "Commercial Tract"), that was based on the property being remained zoned as PTD.
6. When the new Zoning Map and Overlay Map were adopted by City Council on March 14, 2022 via Ordinance #OR22-497, it included the new PUD zoning district, which replaced the former PTD zoning district (as well as the former MUND and TND zoning districts). Therefore, the PTD zoning district no longer exists. Further, the new Zoning Map showed the subject property as now being zoned as PUD.
7. The City Council has consistently enforced the terms of development agreements for properties whose applicants sought zoning modifications rather than rezonings for their properties, whereas the City Council has determined that development agreements for properties whose applicants sought to rezone their properties were no longer applicable.

8. In the applicant's Special Use Permit Application, he acknowledges that the property is zoned as PUD.

## VIII. STAFF RECOMMENDATIONS

In view of the conclusions above, the Staff makes the following recommendations for Appeal Case #AP-2026-01:

1. **DENIAL** of the applicant's appeal via AP-2026-01.
2. Confirmation of the accuracy of the Zoning Verification Letter that was prepared for the subject property on March 27 2026, which states that the subject property is zoned as PUD.
3. Confirmation that the Development Agreement for the Pine Grove Community, the Development Agreement for the Pine View Subdivision, and the PTD Ordinance all no longer apply to the subject property.
4. Confirmation that the applicant must take the following actions in developing the subject property if the proposed development project is to include a gas station, other commercial uses, and residential uses all within a combined site plan encompassing both parcels:
  - a. Have a recombination plat recorded to enable the property to become one parcel.
  - b. Apply for a Special Use Permit for the proposed gas station.
  - c. Apply for a Comprehensive Plan amendment to assign a new future land use designation to the property to allow for both commercial and residential uses at the appropriate density.

**Project/Case #**

ZVL-2026.03.0757

**Parcel Number(s):**

**Location Details:**

047-01016001, 028-02021005

Corner of East Atlanta Road and Stagecoach Road



## Zoning Verification Letter Request

**Zoning Case Number:**

**Ordinance Case Number:**

A Zoning Verification Letter (ZVL) is a statement from the Community Development Department – Planning, Zoning, & GIS Division located at 4602 North Henry Boulevard, Stockbridge, GA, 30281 that identifies and describes the zoning district in which a property is located and may include information about the permitted uses in the zoning districts. The letter is also used to submit to lenders for financing or for state/federal agencies.

The Community Development Department – Planning, Zoning, & GIS Division will assist you in verifying the zoning of a parcel or parcels of land. Your Zoning Verification Letter will be completed within seven (7) business days upon receipt of the following items:

- Completed ZVL application
- Payment for \$200 per parcel made payable to the City of Stockbridge.
- Survey or site plan of the property that identifies the property parcel size.

Applications can be emailed to [planning@stockbridgega.org](mailto:planning@stockbridgega.org). Should you need copies of building records or Certificates of Occupancy you must file an Open Records Request with the office of the City Clerk.

### Requestor

<b>Name:</b> <small>(ZVL will be addresses and forwarded to this person)</small>	<b>First Name</b>	<b>Last Name</b>		
	Samir	Patel		
<b>Company Name</b>	None			
<b>Email</b>	fmsuperiwala@gmail.com	<b>Phone #</b>	(404) 717-6695	
<b>Mailing Address</b>	247 Eagles Landing Way	<b>City:</b> McDonough	<b>State:</b> Georgia	<b>Zip:</b> 30253

### Subject Property

<b>Case Name:</b>	East Atlanta/Stagecoach Road Development		
	<small>Create your own case name.</small>		

<b>Current Use:</b>	Vacant	<b>Proposed Use:</b>	Commercial Shopping Center Development, Convenience Store, Gas Station
<b>District:</b>	District 4 Please refer to the <a href="#">SagesGov Council District Finder</a> .	<b>Number of Parcels:</b>	2

**Describe the proposed use of building or property in a complete descriptive narrative and add any other information that would be necessary.**

The proposed commercial development lies on approximately 13.524 acres (the "Subject Property") located at the intersection of East Atlanta Road and Stagecoach Road in the northeast corner of the City of Stockbridge. The Subject Property is part of a larger tract that was zoned by Resolution 01-17 (the "Rezoning Resolution") on November 19, 2001. The Rezoning Resolution approved zoning development of the Pine Grove Community, LLC, a mixed use development. The Subject Property was zoned PTD (Planned Town Development)(Development Agreement, Section 2(a)). The Subject Property is part of the commercial development area. Rezoning was conditioned upon the execution of a Development Agreement between the Whiddons/China State (Owners/Developer) and City of Stockbridge. The Development Agreement was executed on December 21, 2001. The Applicant's request for a Zoning Compliance letter is set forth in more detail in documents attached hereto.

## REQUEST FOR ZONING VERIFICATION LETTER

Samir Patel, Owner/Applicant  
Newton M. Galloway (Agent/Attorney)  
13.524 Acres  
Zoned: Planned Town District  
Tracts 047-0101600/028-02021005  
East Atlanta and Stagecoach Road

### EXPLANATION OF REQUEST

Samir Patel (Owner/Applicant) seeks a Zoning Verification Letter to confirm that certain property located at the intersection of East Atlanta Road and Stagecoach Road is currently zoned Planned Town District (“PTD”) pursuant to Resolution 01-17 adopted by the Mayor and Council of the City of Stockbridge (“City”) on November 19, 2001 and the “Development Agreement for Pine Grove Community, LLC, by and between the City and Carol M. and Edward H. Whiddon, Sr., China State Construction and Engineering Corp. and The Knight Group, Inc” (the “Development Agreement”) entered December 21, 2001, amended January 9, 2002.

The Owner/Applicant is the owner of 13,524 acres (the “Subject Property”) located in the 12<sup>th</sup> Land District, Land Lots 100/101 bounded by East Atlanta Road and Stagecoach Road located within the City Limits of the City of Stockbridge. The Subject Property is shown on the “Retracement Survey for Samir Patel,” prepared by J.D. Price & Associates, Inc., Land Surveyors, Revised January 13, 2020, attached hereto as Exhibit “A.”

The Subject Property was part of a larger tract consisting of 149.47 acres which was zoned PTD by the City in Resolution 01-17 (the “Resolution”). The Resolution required execution of the Development Agreement. The Development Agreement authorized a mixed-use development consisting of residential and commercial development. The Master Plan for Pine Grove is attached as an Exhibit to the Development Agreement.

Pursuant to the Master Plan, the Subject Property lies within that portion of the development for which up to the 117,000 square feet of commercial space was to be developed or the maximum development square footage allowed in PTD, whichever is less. (Development Agreement, Zoning Requirements for the Property, Section D(1)(c), p. 7)). The Development Agreement is binding on all successors in interest to the parties thereto. (Development Agreement, Section 12).

The Development Agreement, Section 13 provides that:

All development regulations, guidelines, standards, rules, and conditions of the City of Stockbridge and Henry County 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 of Stockbridge and Henry County regulations, guidelines, standards, rules, and conditions.

Therefore, the zoning on the Subject Property is governed by the requirements of the PTD zoning district as of November 19, 2001. A copy of the PTD zoning district text, effective on November 19, 2001 is attached hereto as Exhibit "B."

The proposed development for the Subject Property is shown on "SUP Site Plan, Samir Patel," prepared by Sibley Miller Surveying & Planning, Inc., December 10, 2025, attached hereto as Exhibit "C." PTD zoning district allows all the retail commercial uses identified therein. The site plan proposes development of retail space in two (2) buildings, with at least six (6) separate storefronts. The total leased square footage will be approximately 10,000 square feet. A gas station of approximately 5,000 square feet is also proposed, with gas pumps. All commercial buildings will be constructed with similar architectural design. Standard retail uses and the gas station are all permitted uses in the PTD district. The gas station is a permitted use pursuant to PTD, Section 8.36.050(2) which incorporates uses in Section 3-7-152(b)(5). Additionally, the layout of the buildings complies with that shown on the Master Plan.

Having presented a proposed development which complies with the PTD zoning district (as set forth in the Resolution and Development Agreement), Owner/Applicant requests that the City issue a Zoning Verification Letter to confirm that the proposed development complies with the current zoning applied to the Subject Property.

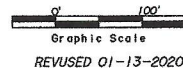
Newton M. Galloway (Agent/Attorney)  
Galloway & Lyndall, LLP  
P. O. Box 1893  
The Lewis Mills House  
406 North Hill Street  
Griffin, Georgia 30223

REQUEST FOR ZONING  
VERIFICATION LETTER

EXPLANATION OF REQUEST

EXHIBIT A

RETRACEMENT  
SURVEY MADE FOR:  
**SAMIR PATEL**  
PROPERTY LOCATED IN:  
LAND LOT 101 \* 12TH DISTRICT  
HENRY COUNTY, GEORGIA  
Scale: 1" = 100' \* 07-02-2018



THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USES OF THAT NAME APPEARING IN THE TITLE BLOCK AND IS CERTIFIED TO NO OTHER PARTY.

BK:60 PG:81-84  
Filed and Recorded  
Jan-14-2021 02:07 PM  
DOC# 2021-000010  
SABRIYA HILL  
CLERK OF SUPERIOR COURT  
HENRY COUNTY, GA  
Participant ID: 9851921793

BLOCK RESERVED FOR CLERK  
OF SUPERIOR COURT

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 NOT  
LOCATED IN A WETLAND AREA.  
PROPERTY IS SERVED BY COUNTY  
WATER.  
THIS PROPERTY DOES NOT HAVE  
BODIES OF WATER ON THE PROPERTY.  
PROPERTY IS ON AN ASPHALT  
PAVED ROAD.  
PROPERTY OWNER: SAMIR PATEL  
ADDRESS:  
STAGECOACH ROAD

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

DATE



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 YR FLOOD HAZARD AREA.  
PANEL # 13181G 020202  
EFFECTIVE DATE 10-06-2016

THE FIELD WORK WAS COMPLETED 01-12-2020.  
THE PLAT WAS COMPLETED 01-13-2020.

REFERENCE INFORMATION TAKEN FROM DEED BOOK 6052 PAGE 187, DEED BOOK 13389 PAGE 284, DEED BOOK 3226 PAGE 282, DEED BOOK 15697 PAGE 285, DEED BOOK 16273 PAGE 92 OF HENRY COUNTY, GA, RECORDS.  
INFORMATION TAKEN FROM SURVEY MADE FOR ESTATE OF SARA ESTER WALL PREPARED BY JAMES STOTHARD, DATED 02-14-1984, INFORMATION TAKEN FROM SURVEY MADE FOR ED WINDOM PREPARED BY DONALD R. MULLIGAN, DATED 02-09-2002, INFORMATION TAKEN FROM SURVEY MADE FOR PINE GROVE CLUSTER HOMES PREPARED BY WAYNE A. POWERS DATED 03-24-2003.

IRON PINS PLACED 1/2" REBAR AT ALL CORNERS UNLESS OTHERWISE NOTED.

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT 456.469 FEET.

THE FIELD DATA UPON WHICH THIS SURVEY IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 14,742 FEET AND ANGULAR ERROR OF 00'00"03" PER ANGLE POINT AND WAS ADJUSTED USING LEAST SQUARES RULE.

THE EQUIPMENT USED TO MAKE THIS SURVEY WAS A TOPCON GPT-300CLW TOTAL STATION.

PREPARED BY:  
J.B. PRINCE & ASSOCIATES INC.  
LAND SURVEYORS  
115 WESTRIDGE INDUSTRIAL BLVD.  
SUITE 102  
MCDONOUGH, GA., 30253  
PHONE #: 770-957-4614



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UTILITIES PROTECTION CENTER  
IT'S THE LAW

13.524 ACRES  
589,088 SQ.FT.  
ZONED P.U.D.

COURSE	BEARING	DISTANCE
L-1	N 88°03'56"W	50.04'
L-2	N 38°40'47"E	55.08'
L-3	N 83°41'03"W	50.11'
L-4	N 41°56'40"E	24.13'
L-5	S 28°19'26"E	72.33'
L-6	S 28°24'02"E	26.41'
L-7	S 28°23'19"E	42.20'
L-8	S 28°23'24"E	33.50'
L-9	S 22°59'59"E	50.11'

LEGEND

P.O.B.	POINT OF BEGINNING
IPF	IRON PIN FOUND
IPP	IRON PIN PLACED
RB	REBAR
MTP	MASH TOP PIPE
OTD	OPEN TOP PIPE
R/W	RIGHT-OF-WAY
B/L	BUILDING LINE
N/F	NOW OR FORMERLY
DB	DEED BOOK
PB	PLAT BOOK
PAGE	PAGE
L.L.	LAND LOT
L.L.L.	LAND LOT LINE
P.L.	PROPERTY LINE
C/L	CENTER LINE
P/C	PROPERTY CORNER
—	FIRE HYDRANT
—	OVERHEAD POWER LINE
—	POWER POLE
—	SANITARY SEWER MANHOLE

CURVE	RADIUS	TANGENT	LENGTH	DELTA	DEGREE	CHORD	CHBEARING
C-1	1766.00'	236.16'	469.54'	15°14'01"	3°14'40"	468.15'	N 43°42'32"W
C-2	75.00'	40.77'	74.69'	57°03'27"	76°23'40"	71.64'	N 21°00'50"E
C-3	25.00'	11.52'	21.58'	49°28'02"	228°10'58"	20.92'	N 17°12'50"E
C-4	273.42'	75.68'	148.00'	31°00'50"	20°57'19"	145.20'	N 29°53'15"E
C-5	160.82'	92.12'	167.27'	59°42'12"	35°11'58"	159.80'	N 40°46'57"E
C-6	1204.31'	164.19'	326.37'	15°31'38"	4°48'27"	325.37'	S 11°14'13"W

JOB #: 061818WH

REQUEST FOR ZONING  
VERIFICATION LETTER

EXPLANATION OF REQUEST

EXHIBIT B

# PTD ORDINANCE

8.36.010

## Chapter 8.36

### ZONING

#### Sections:

#### Article I. Zoning Provisions Adopted

- 8.36.010 Henry County zoning provisions.
- 8.36.020 Zoning map.
- 8.36.040 Future Land Use Plan adopted.

#### Article II. Amendments to County Provisions

- 8.36.050 Section 3-7-162 added—Planned town development district.
- 8.36.060 Section 3-7-147 amended—R-3 medium/high-density single-family residential district.

#### Article I. Zoning Provisions Adopted

- 8.36.010 Henry County zoning provisions.

The zoning ordinance of Henry County, Georgia, adopted by the Henry County board of commissioners on June 3, 1986, as amended through June 20, 1995, which has been codified by Henry County in Chapter 3-7 of the Code of Henry County as reprinted in 1991 by Municipal Code Corporation of Tallahassee, Florida, except for Section 3-7-31, Section 3-7-104, Section 3-7-149 and Sections 3-7-231 through and including 3-7-250 is incorporated by this reference and adopted by the city and made the zoning ordinance of the city of Stockbridge, Georgia. (Ord. 98-24 § 1, 1998; Ord. 97-7 §§ 1 — 3, 1997)

- 8.36.020 Zoning map.

The zoning map of the city, titled "Zoning Map of Stockbridge, Georgia," prepared by Hurd-Prince and Associates, Inc. dated June 17, 1997, and as amended from time to time, bearing the signature of the mayor and the city seal, as evidence of approval dated August 11, 1997, is made the official zoning map for the city of Stockbridge, Georgia. (Ord. 97-8 § 1, 1997; Ord. 95-19 § 1, 1995)

- 8.36.040 Future Land Use Plan adopted.

A. The Henry County Comprehensive Land Use Plan, revised 1986, as adopted by the board of commissioners of Henry County, Georgia, as now or hereafter amended and to the extent same applies to the city of Stockbridge, Georgia, is incorporated in this section and made the Future Land Use Plan Ordinance for the city of Stockbridge.

B. A copy of the Future Land Use Plan adopted in subsection A of this section, including subsequent additions or deletions thereto, shall be maintained in the office of the city clerk and shall be available for inspection by the public. (§§ 1, 2 of Ord. dated 9/11/89)

#### Article II. Amendments to County Provisions

- 8.36.050 Section 3-7-162 added—Planned town development district.

Section 3-7-162 is added to the Code of Henry County, Georgia to read as follows:

Section 3-7-162. PTD: planned town development district.

(a) Purpose. It is the purpose of the planned town development district to encourage the development of compatible land uses within the framework of a master development plan for residential and nonresidential land uses within an environmentally compatible setting. PTD shall only be allowed within incorporated areas within Henry County which are more conducive to this type of urban development. Tracts of one hundred (100) acres or larger are required for this district. The PTD district is designed to include residential, commercial or industrial zoning districts as appropriate to provide flexibility in the application of development standards and site design when approved according to a master development plan in a manner to promote the conservation of natural environment, more efficient use of land, and efficiency in the extension of streets and utilities.

Specifically, the PTD sets forth a framework for traditional neighborhood development (TND) that encourages pedestrian-scale residential and commercial activities to be designed in such a way as to reduce the number and type of vehicle trips, limiting congestion and thereby improving air quality. Conventional Development (CD) is also addressed in a manner to promote the clustering of residential to set aside areas of recreation and open space while providing for varied forms of pedestrian and bicycle movement that is buffered from commercial and industrial activities. A master development plan may contain a mixture of TND and CD development areas. Generally, densities shall be in

accordance to benchmarks established by the Henry County/Cities Joint Comprehensive Development Plan unless otherwise provided for herein.

All planned developments shall be located on paved county/city roads with a minimum classification of arterial according to the Henry County Functional Road Plan. In most cases, each area within a PTD project developed for residential (including required open space and recreation amenities), commercial or industrial land use shall be designated separately according to the master development plan unless a mixture of uses within the site can better accomplish the goals established herein. Projects must consist of more than one type of land use to be considered a PTD project.

(b) Objectives. To carry out the purpose of this section, a PTD district must provide the following, as appropriate:

(1) A range in the types of residential environment, including types of housing, and community facilities/recreation activities available.

(2) Nonresidential land uses, if any, which provide convenient service, employment, and access.

(3) Conservation of natural topographical and geological features with emphasis upon:

a. Conservation of existing surface and sub surface water resources;

b. Preservation of major trees and other significant natural environmental features;

c. Prevention of soil erosion;

(4) An efficient network of streets and utilities appropriate to serve the land uses within the PTD district.

(5) Creation of a mixture of uses that decrease reliance on the use of the automobile and to encourage the use of alternative modes.--

(6) A master development plan to guide the PTD with specific development objectives which shall be included in conditions, covenants, and restrictions.

(c) Definitions. For this purpose of this section, the following terms shall have the meaning immediately set forth after the term.

(1) Amenity Area. The area(s) set aside for active and passive recreation for the residents inside the PTD (or for the general public) 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.

(2) Architectural/Design Standards. A document outlining home styles, building facades landscape standards, building placement, streetscaping, street trees, and the placement and design of accessory

units. The standards shall also include general standards for the open space and recreation areas.

(3) Comprehensive land use plan. The comprehensive long-range plan containing policies to guide the growth and development of Henry County along with the cities of Hampton, Locust Grove, McDonough and Stockbridge, which includes the analysis, recommendations and proposals for the county's population, economy, housing, transportation, community facilities, and land use.

(4) Conventional development (CD). The clustering of residential lots to preserve areas for recreation and open space, along with related commercial and industrial activities in a town center and/or industrial park setting that is typical in modern development practices. This type of development is designed mainly for automobile traffic in scale of buildings, extensive use of buffering and landscaping, and commercial uses oriented to vehicular traffic. This does not exclude the use of pedestrian and bicycle facilities to make these developments more accessible.

(5) Credits, density. The amount of additional density applicable to a PTD according to performance criteria established herein. The amount of density bonus shall be capped at 0.75 dwelling units per net acre in addition to the density established under the comprehensive land use plan.

(6) Master development plan. A written and graphic submission for a planned town development which represents a tract of land; proposed subdivision; the location and bulk of buildings and other structures; density of development; streets, alleyways, sidewalks, and multiuse paths; parking facilities; common recreation and open space; public facilities; and all conditions, covenants, and restrictions relating to use thereof. The master development plan is submitted in conjunction with a rezoning application for the PTD district.

(7) Maximum allowable net density. The total number of dwelling units or housing structures per unit of land based on the net land area. The maximum allowable net density, exclusive of any bonus density credits established herein, shall not exceed the density established by the comprehensive land use plan.

(8) Net land area. Except for adjustments allowed herein, net land area shall consist of the area calculated in terms of net acres for the land devoted to residential use, use exclusive of streets, rights-of-way, flood hazard areas, commercial/industrial land, and public lands. Easements for drainage, sanitary sewer, etc. shall not be excluded from net land area.

(9) Nonresidential land uses. Those designated areas which are not residential land uses, which include but are not limited to: commercial or industrial uses, streets, drives, and service/parking areas.

(10) Open space. Land within or related to a development, not individually

owned or dedicated for public use, which is designed and intended for the common ownership and use by the residents of the developments and may include complementary structures and improvements as are necessary and appropriate for recreation or other complementary activities. Wetlands under common ownership shall also be included in open space.

(11) Ownership types. These include all types of residential development including, but not limited to: single-family, duplex, apartments, townhomes, rental housing, such that ownership may be fee simple, lease-purchase, leased or rented, and common ownership of open spaces, recreation facilities, and parking areas.

(12) Planned industrial district. An area within a PTD project designed for industrial uses with streets, utilities, and common architectural controls regulated by a master development plan and restrictive covenants.

(13) Planned town center. An area within a PTD which contains a group of commercial and office establishments having a composition that is an architecturally aesthetic unit and is not a miscellaneous assemblage of stores; and is planned, developed, analyzed as a unit, related in location, size and type of shops to the trade area that the unit serves, and provides limited on-site parking in relation to the types and sizes of stores to encourage pedestrian and other modes of access. A set of architectural design standards shall be created and approved prior to development of sites designated as planned town center.

(14) Preliminary concept plan. A preliminary plan of the proposed planned development, of sufficient accuracy to be used for purpose of reviewing the proposed land uses and general layout.

(15) Professional consultant. The person who is a registered and or certified engineer, architect, landscape architect, or planner who prepared the plan, within the scope of their respective legal responsibilities.

(16) Public lands. The land area designated for general public use, not otherwise under the control of a homeowner or property owner association.

(17) Residential land uses. Any variety of residence types as permitted herein, and as shown on the approved master development plan.

(18) Traditional neighborhood development (TND). A TND development consists of areas of compact, urban residential development with alleys, rear garages (attached or detached), front porches (typically), street-trees, sidewalks, narrow streets (on-street parking allowed), pocket parks and other formalized park areas that reflect back upon urban neighborhood development in the period of the 1920s-1940s. The planned town center typically places the bulk of parking at the rear of buildings, with limited on-street parking, wide sidewalks, storefronts facing the street, street furniture, plazas, public art, street-trees, squares, and, where allowable, residential above storefronts. Generally, commercial activities are limited in scope and bulk to

maintain harmony of the development. The number of TND lots shall be limited to 50 percent of the total residential lots of the development.

(d) General Requirements for a Planned Development District:

(1) Area. The minimum area required for a PTD district shall be one hundred (100) contiguous acres of land. The planning board may consider projects with less acreage where the applicant can demonstrate that a smaller parcel will meet the purposes and objectives of the PTD district.

(2) Ownership. The tract of land proposed for PTD development shall be one (1) ownership, or if in several ownerships, the application for zoning amendment shall be filed jointly by all of the owners of the properties included in the plan. Any subsequent change in owners of the properties involved, or in anyone having a legal or equitable interest in the property, shall be reported to the community development department. Failure to provide information on property ownership status shall result in the planning board and board of commissioners withdrawing approval.

(3) Location of PTD district. The PTD district shall be located on arterial roads where public water and sewerage facilities are available.

(4) Permitted uses/development standards:

a. Residential Uses: Residences may be single-family detached and cluster homes may be permitted within the PTD. The development standards for residential uses are listed below for TND and CD development areas:

1. Traditional Neighborhood Development (TND)

Single-family residential (detached and cluster)

(a) Minimum lot size:	variable; minimum of 5,500 square feet (0.13 acre) to 21,780 square feet (0.50 acre) with a maximum density not to exceed 4.0 units per net acre as defined herein
(b) Minimum lot width	50 feet
(c) Maximum lot width	100 feet
(d) Minimum front setback	12 feet from back-of-curb
(e) Maximum front setback	35 feet from back-of-curb
(f) Minimum side yard	5 feet
(g) Minimum rear yard	20 feet
(h) Maximum height	40 feet
(i) Minimum floor area (heated space)	1/3 at 1,400 square feet 1/3 at 1,500 square feet 1/3 at 1,600 square feet
(j) Curb and gutter	Required
(k) Paved driveway	Required
(l) Sidewalks	Required
(m) Streetlights	Required
(n) Underground utilities	Required/in alleys where possible
(o) Public Sewer	Required
(p) Public Water	Required
(q) Garages	Required. In rear yard only, Attached or detached
(r) Alleys	Required, no curb and gutter for alley section
(s) Porches	Recommended
(t) Recreation/Open Space	as stated herein
(u) Concurrent Construction Requirement (with TND/CD Housing Mix, if applicable)	2 TND to 1.0 CD
(v) Maximum number of lots	50% of total residential lots

## 2. Conventional Development (CD)

### Single-family residential (detached and cluster)

- |                                       |   |
|---------------------------------------|---|
| (a) Minimum lot size:                 | variable; minimum of<br>8,000 square feet (0.18 acre)<br>to 81,720 (2.0 acres), with a maximum<br>density not to exceed 2.5 units per<br>net acre as defined herein |
| (b) Minimum lot width                 | 70 feet   |
| (c) Minimum front setback             | 25 feet from ROW line   |
| (d) Maximum front setback             | 70 feet from ROW line   |
| (e) Minimum side yard                 | 10 feet   |
| (f) Minimum rear yard                 | 30 feet   |
| (g) Maximum height                    | 40 feet   |
| (h) Minimum floor area (heated space) | 1/3 at 1,600 square feet<br>1/3 at 1,700 square feet<br>1/3 at 1,800 square feet  |
| (i) Curb and gutter                   | Required  |
| (j) Paved driveway                    | Required  |
| (k) Sidewalks                         | Required  |
| (l) Streetlights                      | Required  |
| (m) Underground utilities             | Required  |
| (n) Public Sewer                      | Required  |
| (o) Public Water                      | Required  |
| (p) Garages                           | Required 2-car, Attached or detached  |
| (q) Alleys                            | Allowed, no curb and gutter for alley section   |
| (r) Recreational/Open Space           | as stated herein  |

b. Public buildings and recreation facilities (amenities) for use of the residents of the PTD are permitted. The restrictions as to the use of these facilities shall be set forth in the covenants and restrictions of the PTD development. The requirements for amenities are listed below.

#### Amenity Requirements:

In order to assure that adequate recreation and open space exists on-site, the following shall guide the PTD development in the development of minimum thresholds for open space and recreation facilities. It is expected that a PTD shall exceed the minimum standards set forth herein.

Amenity and recreation facilities shall be required according to a point system based on standards per one hundred (100) acres of development (total acreage). The minimum number

of points and minimum amenities required shall be dependent on the total acreage of the PTD as shown in Table 1 on the following page.

The point system for each type of amenity is shown in Table 2 found on the following page.

For other amenities not listed, the number of points assigned shall be established by the Director of Planning and Development in consultation with the municipal council, but shall not exceed twenty-five (25) points as established in this district.

Table 1. Minimum Number of Points/Criteria per PTD Acreage Class

PTD Total Acreage	Minimum Points	Minimum Criteria
100 to 200 acres	60	Clubhouse, pool, tennis (2), multiuse field, 10 acres open space, walking trails of at least 1,000 linear feet.
200 to 300 acres	80	Clubhouse, pool, tennis (4), multiuse field, baseball field, 25 acres open space, walking trails of at least 1,500 linear feet.
300 to 400 acres	100	Clubhouse, pool, tennis (6 ALTA), 2 multiuse fields, baseball field, 50 acres open space, walking trails of at least 2,500 linear feet.
400 to 500 acres	125	Clubhouse, pool, tennis (8 ALTA), multiuse field, baseball field, soccer field, softball field, 80 acres of open space, walking trails of at least 3,500 linear feet, community center/pavilion
over 500 acres	125+ 10 points for each 100 acres over 500 acres	same as 400—500 acres, plus soccer field, 2nd pool, amphitheater

Table 2. Points for Each Amenity Proposed for a PTD

Amenity Type	Points (each, unless otherwise stated below)	Comments (maximum 2 of each type unless otherwise stated below)
Clubhouse	12.5	2,500 minimum square feet
Competition Pool	12.5	
Wading Pool	7.5	for children, must be accompanied with another pool herein
Alternate Design Pool	12.5	for sunbathing, recreation
Tennis Courts	5.0	maximum of 12, lighted
Walking Trails	1.0 (per 100 lineal feet)	paved, 6 feet in width
Multiuse Trails	1.35 (per 100 lineal feet)	paved, 12 feet, striped for bicycles and pedestrians
Baseball Field (reg.)	12.5	regulation size
Baseball Field (LL)	10.0	little league size
Softball Field	12.5	regulation size
Soccer Field	12.5	regulation size
Multiuse Field (1)	12.5	football and soccer
Multiuse Field (2)	15.0	football and baseball
Football Field	12.5	regulation size
Lake	10.0 (existing) 25.0 (new)	minimum of 10 acres, with full access, piers, launch
Amphitheater	17.5	minimum 150 seats
Community Center	7.5	750 to 2,000 square feet, near ball fields
Playground	5.0	swings, "jungle-jim", etc., (Max of 4)
Formal Parks	2.5 (per acre provided)	formal landscaping, fountains or art, benches (Max of 6)
Open Space	0.05 (per acre provided)	natural or enhanced, with trails providing access to and through the area

c. Office/Institutional Uses: Office development shall be designed and landscaped in a manner which is compatible with residential development and is which provides for traffic circulation alternative modes (i.e., pedestrian, bicycle, transit). The permitted uses are as follows:

(1) Libraries, museums, and art galleries

(2) Churches

(3) Medical and dental clinics/offices

(4) Professional and business offices providing that wholesale or retail merchandise is not offered for sale.

(5) Nursery schools, kindergarten schools, and daycare centers providing child care for more than ten (10) children when conducted in a principal structure or institution not associated with a church facility, provided that at least two hundred (200) square feet of outdoor play area and thirty-five (35) square feet of indoor play area is provided for each child. Use of outdoor play area in shifts is allowed. The outdoor play area shall be enclosed by a security fence at least four (4) feet in height. A decorative wooden fence or masonry wall at least six (6) feet in height shall be used when adjacent to residential uses. State license required.

(6) Assisted living/elder care facilities

Development Standards. The development standards for office uses shall be the same set forth in Section 3-7-151, except that for TND development areas, the minimum front yard shall not apply; a maximum front setback of twelve (12) feet from the ROW line shall apply; no minimum side yard shall apply, except for 30 feet for corner lots. Parking shall be aesthetically arranged to provide for convenient walking/cycling wherever possible. On-street parking is prohibited, unless allowed according to an approved illustrative master plan. Shared use of parking facilities (with office or commercial uses) may result in the reduction of the required parking by no greater than twenty-five (25) percent.

d. Commercial Uses: Commercial development shall include those uses established herein which are part of a planned town center. Commercial development shall be designed and landscaped in a manner which is compatible with residential development and which provides for traffic circulation compatible with alternative modes (i.e., pedestrian, bicycle, transit). The following uses shall be allowed under TND and CD development areas:

1. Traditional Neighborhood Development (TND)

Uses no greater than 3,000 square feet in floor area:

(a) Antique and art shops

(b) Barber shops, beauty shops, spas, and similar service establishments

- (c) Bicycle and repair shops
- (d) Books, stationary, and card shops
- (e) Dry cleaners/laundries
- (f) Catering establishments
- (g) Dry goods and notions establishments
- (h) Florists and gift shops
- (i) Coffeehouses
- (j) Custom dress making, tailoring, or millinery shops
- (k) Jewelry stores
- (l) Loan offices
- (m) Music stores
- (n) News and tobacco shops
- (o) Photographers (including the sale of supplies, film development, and equipment)
- (p) Quick copy centers
- (q) Shoe stores and shoe repair shops

Uses no greater than 7,500 square feet in floor area:

- (a) Banks, Savings and Loans, Credit Unions, and similar financial institutions
- (b) Package stores

- (c) Drug stores and apothecary shops
- (d) Restaurants, Bakeries (whose entire products are sold at retail on the premises), and cafes, odor-scrubbing devices required

Uses no greater than 15,000 square feet in floor area:

- (a) Apparel stores
- (b) Grocery, fruit, vegetable, and meat markets that involve no killing, eviscerating, skinning, plucking or smoking of products

Other:

- (a) Structured parking facilities
- (b) Other retail and service uses as may be determined by the planning staff to be similar and compatible with the above-listed permitted uses.

Development Standards. For TND development, the following standards shall apply:

Minimum lot area:	6,000 square feet
Minimum lot width	60 feet
Maximum lot width	100 feet
Minimum front setback	none
Maximum front setback	15 feet
Minimum side setback	none, 30 feet if a corner lot
Minimum rear yard	30 feet
Maximum height	60 feet
Parking	structured, or surface (rear parking preferred) on-street parking prohibited, unless approved on the master plan
Structured Parking	allowed with commercial along street frontage
Drive-through access	allowed pending Planning and Development review of placement (typically at rear of structure)

## 2. Conventional Development (CD)

Those uses listed in Sections 3-7-152 (C-1) and 3-7-153 (C-2).

Development Standards. Same as in Sections 3-7-152 (C-1) and 3-7-153 (C-2).

e. Industrial Uses: Industrial development shall be designed and landscaped in a manner which is compatible with residential development. Industrial areas in a PTD shall be placed only in Conventional Development (CD) areas and shall be designed as an industrial park with covenants and restrictions concerning building appearance and landscaping. Any uses permitted within an M-1 District shall be permitted with the exception of the following:

1. Armories;
2. Cold storage, ice plants and freezer lockers;
3. Garage and repair shops.

### f. Accessory Uses:

1. Accessory structures or buildings
2. Subdivision recreation areas owned, operated, and maintained by homeowners' associations exclusively for the use of residents and their guests.
3. The parking of one (1) unoccupied travel trailer, motor coach, or pleasure boat subject to provisions of this chapter.

4. Railroad through and spur tracks, but not sidings and/or terminal facilities.

5. Utility substations. All substations shall have a landscaped and masonry barrier on all sides.

g. Conditional Uses: Upon application to and recommendation by the planning commission and favorable decision thereon by the board of county commissioners (or respective city council), the following conditional uses are permitted:

1. Basement apartment, provided that not more than one (1) unit shall be permitted per lot and that no exterior alterations to the building are made to provide additional entrances. Adequate off-street parking is to be provided and the apartment shall meet health department standards.

2. Garage apartment, provided that not more than one (1) unit shall be permitted per lot and that such structure shall be subordinate to the principal structure and located entirely within the rear yard. Adequate off-street parking is to be provided and the apartment is to meet health department standards.

3. Guest quarters or employee quarters, provided that not more than one (1) unit shall be permitted on a lot and this unit shall be in the rear yard. These quarters shall not be used as rental property.

4. Home occupations where an accessory structure is used.

5. Nursery schools, kindergarten schools, and daycare centers for more than three (3) children when conducted in a principal structure or within a church or school, provided that at least two hundred (200) square feet of outdoor play area and thirty-five (35) square feet of indoor play area is provided for each child. The outdoor play area shall be enclosed by a security chain link fence at least four (4) feet in height. State license required.

6. Home occupation daycare for more than six (6) children when conducted within a single-family residence also used and occupied by a family as a dwelling unit, provided that at least two hundred (200) square feet of outdoor play area and thirty-five (35) square feet of indoor play area is provided for each child. The outdoor play area shall be enclosed by a security chain link fence at least four (4) feet in height. State license required.

7. Nursing care facilities of a denominational nature when located on the same site as a church.

8. Public and private golf courses, provided that use is limited to daytime hours and that all facilities shall be set back a minimum of one hundred (100) feet from any property line.

9. Public, parochial, and private schools when such facilities are located on the same site of the school or college. Any such facility shall front on a thoroughfare having the minimum classification of collector and have minimum

frontage of two hundred (200) feet. The minimum site area shall be three (3) acres.

h. Conditional Exceptions: NONE

(e) Density Credit(s)

Net land area adjustment. Table 3 outlines the adjustments for net land area for calculation of net density:

Table 3: Net Land Area Adjustment per Development Type

Development Type	Adjusted (i.e. added) "net land area"	Applicable to:
PTD with TND area	all areas within flood hazard areas and 50% of public lands	TND-designated areas only.
PTD with CD only	no adjustments allowed	n/a
PTD with 30% or more of total land area designated as a TND, remainder CD	all areas within flood hazard areas and 50% of public lands	up to 40% of this land to CD-designated areas, with remainder applicable to TND-designated areas only.

Process. Developments which fall under one of the three (3) criteria listed above (Development Type) shall apply the additional land area in the respective net land area calculations for TND and CD areas.

Density Adder. In addition to the net land area adjustment, developments meeting the following criteria may have additional density according to Table 4 below.

Table 4: Additions to Density According to Performance Criteria

Performance Criteria	Density Bonus	Applicable to:
TND residential/commercial of over 20 acres	0.30 du/acre	TND areas only.
Dedication of at least 20 acres of land for school or other public project	0.20 du/acre	TND areas <u>OR</u> CD area
All-masonry construction for 50% of single-family homes and 100% of multifamily structures, if applicable	0.20 du/acre	TND and/or CD areas designated all masonry

Process. The additional bonus density shall be applied to the appropriate TND or CD area base on the adjusted net density calculations.

There is a cap of four (4.0) dwelling units per net acre, adjusted for the aforementioned allowed acreage to maintain the harmony established in the Comprehensive Plan. In addition the maximum number of TND lots shall not exceed 50 percent of the total number of residential lots within the PTD development.

(e) Application Procedure:

(1) Preliminary concept plan review. Before an application for rezoning of a PTD is accepted, the applicant shall submit a preliminary concept plan for review by the planning and development department. The department shall coordinate review of the plan with other county, state, and regional agencies as necessary. The department shall make comments and recommendations within thirty (30) days.

a. Required Information: The preliminary concept plan shall include the following information:

1. Planned development name;
2. The owner and developer of the property;
3. Architect, engineer or planner who designed the plan;
4. Location or orientation map of the property;

5. Legal description of the parcel;
6. Date, scale, north arrow;
7. Acreage in total tract;
8. Topography at ten (10)-foot contour intervals;
9. Areas proposed TND and CD. TND areas shall include TND residential lots, TND commercial lots, and may also include formal park areas/recreational areas that are contiguous to the TND residential/commercial lots, not to exceed thirty (30.0) acres.

10. Proposed land use and net acreage in each type, including bonus density credit;

11. Proposed street layout;

12. Proposed lot layout;

13. Proposed buffers, open space, and natural environmental features such as surface drainage and open water; and,

14. General location of proposed buildings to be used for commercial, industrial, recreational, or public facility uses.

b. Rezoning. Following preliminary concept plan review and approval by the planning and development department, the developer of the PTD project may apply for rezoning pursuant to the requirements of Article XVI of the zoning ordinance and master plan development plan approval.

(2) PTD master development plan approval request. A master development plan which incorporates the comments and modifications made by the planning and development department in its review of the preliminary concept plan shall be submitted with the application for rezoning.

The master development plan shall include the following information:

a. A site plan for complete development of the planned development project drawn to a scale of one (1) inch equals one hundred (100) or one (1) inch equals two hundred (200) feet. The plan shall include information contained on the preliminary concept plan and all modifications previously made by the planning and development department. The plan shall include one (1) or more sheets, as necessary, to accurately depict the information shown on the following page:

1. Property information:

(i) Planned development project name;

(ii) Owner and developer of the property;

(iii) Architect, engineer or planner who designed the plan;

(iv) Date, scale and north arrow;

(v) An area map showing adjacent property owners, zoning classifications of adjacent parcels, and existing land use

within five hundred (500) feet of the property for the PTD project; and,

(vi) A legal description of the parcel.

2. Existing conditions:

(i) Existing topographical features of the site, with a minimum contour interval of five (5) feet. The outline of wooded areas and surface drainage such as streams, lakes and wetlands shall be shown.

(ii) The location of any flood hazard areas subject to a 100-year flood according to the Henry County Flood Damage Prevention Ordinance. The location of the 100-year flood shall be shown relative to contour elevations.

(iii) The location and extent of any aircraft approach zones over the subject PTD property.

(iv) The location of any existing property lines within the parcel; the location, width, right-of-way, and names of any existing roads; railroads; utility rights-of-way or easements; and existing buildings and structures.

(v) Existing public facilities, such as sanitary sewers, water mains, storm drainage facilities, culverts, bridges, and other underground or above-ground facilities within the parcel to be developed, or within the rights-of-way of roads bordering the parcel, with sizes, grades, and invert elevations from field surveys or other sources.

3. Proposed development conditions:

(i) Phases of the proposed development.

(ii) The location and extent of the proposed interior road system, including pavement and right-of-way width.

(iii) Delineation of the proposed TND and CD areas and the uses within each area, including the location of residential, office, commercial, industrial, and mixed land uses; total number of dwelling units; total number of lots; and number and percentage allocation by dwelling unit type. TND areas shall include TND residential lots, TND commercial lots, and may also include formal park areas/recreational areas that are contiguous to the TND residential/commercial lots not to exceed thirty (30.0) acres.

(iv) Proposed layout and dimensions of lots.

(v) Calculation of residential density in dwelling units per net acres, including bonus density credits provided herein.

(vi) Nonresidential areas shall be shown with lot layout and dimensions and general location of proposed buildings.

(vii) Planned town districts shall include the general location of proposed buildings, the combination of district uses, and the proposed density of any residential elements.

(viii) The interior common open space system.

(ix) Proposed dedication or reservation of land for public use, including streets, parks, schools, and other public buildings and facilities.

(x) Proposed improvements to existing community facilities, including roads, sewers, drainage and water facilities adjoining or near the site.

(xi) Proposed streetscaping, street trees, and on-street parking.

b. A written report shall be submitted by the applicant which contains the following information concerning the master development plan:

1. General description of the proposal.

2. Detailed legal description.

3. Architectural and design standards.

4. Proposed restrictions on the uses of the property, density standards, yard requirements, and restrictive covenants that include design standards for the homes and business structures. Thorough architectural and design standards may be presented in lieu of this requirement.

5. Proposed dedication or reservation of land for public uses, including streets, easements, parks and school sites.

6. Exceptions or variations from the requirements of the zoning ordinance and

subdivision ordinance, if any, [for] that area being requested.

7. Plans for the provision of utilities, including water, sanitary sewer and drainage facilities and appropriate calculations regarding the sizing of drainage areas and pipes.

8. A report from the Henry County Water and Sewerage Authority, or municipal authority, as appropriate, indicating the adequacy of sanitary sewer and water services.

9. Plans for the protection of abutting properties.

10. Plans for the maintenance of common open space areas.

11. Tables showing the total number of acres in the proposed development and the percentage designation for each land use, including public facilities. Information shall be provided in net acres.

12. Tabulations of the overall net density for residential uses.

13. An explanation of phasing or stages of the PTD project.

14. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, channelization structures, and traffic controls.

15. Adequacy and arrangement of pedestrian traffic access and circulation,

including traffic-calming devices and areas of separation from vehicular traffic.

16. Adequacy and arrangement of bicycle traffic access and circulation, including bike lanes, multiuse paths, and wide curb lanes.

17. Location, arrangement, appearance, and sufficiency of off-street parking and loading.

18. Location, arrangement, size and placement of buildings, lighting, and signs.

19. Certification by the applicant that a professional consultant is being utilized in the planning process for the PTD project, including preparation of the application.

In lieu of this report, findings from a Development of Regional Impact Review shall suffice, provided that staff may request further statements as needed to properly evaluate the PTD.

(f) Review of Application.

Planned development projects which (1) cover more than one hundred (100) acres; or, (2) generate more than four thousand (4,000) vehicle trips per day; or, (3) require the treatment of one hundred and fifty thousand (150,000) gallons of sewage per day shall be reviewed by the Atlanta Regional Commission for possible impact on the surrounding area. Projects covering more than one hundred and fifty (150) acres shall be considered a Development of Regional Impact (DRI)

and be sent to the Atlanta Regional Commission for review according to the Georgia Department of Community Affairs regulations as established by the Georgia Planning Act of 1989.

In reviewing the application for PTD preliminary development plan approval and zoning approval, the planning commission and board of commissioners shall consider those items listed in section 3-7-313 (Review of application for amendment) concerning zoning map amendments.

The consideration of a PTD District approval or disapproval and master development plan shall also include, but not be limited to, the following:

(1) Relation to the comprehensive plan;

(2) Adequacy and arrangement of access and circulation, including streets, intersections, road widths, channelization structures, pedestrian facilities, bicycle facilities, and traffic controls;

(3) Location, arrangement, appearance, and sufficiency of parking and loading;

(4) Location, arrangement, size, and placement of building(s), lighting, and signs;

(5) Arrangement of landscape features and buffer areas;

(6) Adequacy of public water supply;

(7) Adequacy of storm water and sanitary waste disposal facilities; and,

(8) Adequacy of structures and roadways in areas of moderate to high susceptibility to flooding, ponding, and/or erosion.

(Ord. 99-2 § 1, 1999)

**8.36.060 Section 3-7-147  
amended—R-3 medium/  
high-density single-family  
residential district.**

Section 3-7-147 of the Code of Henry County, Georgia, as amended, is further amended by deleting Section 3-7-147 in its entirety and inserting the following in lieu thereof:

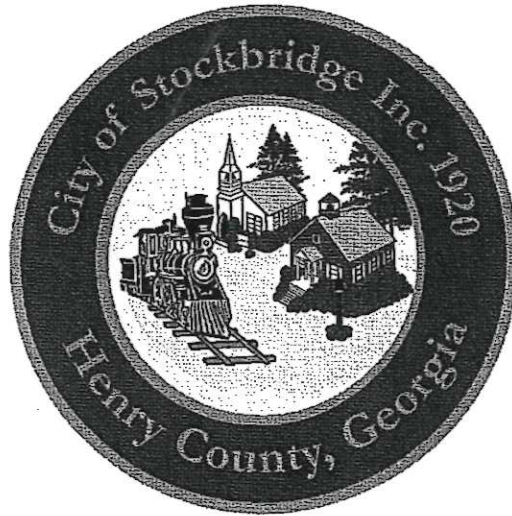
(a) Purpose. It shall be the purpose of this district to provide for single-family dwellings of a medium- to high-density character on individual lots when served by adequate public water and public sewer facilities. Areas available for development in accordance with the standards of this district shall be designated for medium- to high-density development in the Henry County/Cities Joint Comprehensive Development Plan and shall be contiguous to or no more than 1,000 feet from previously developed medium or high density residential property. The maximum development area of any project developed in accordance with the standards of this zoning district shall not exceed twenty (20) acres, unless included as part of a planned development project. Residential subdivisions in this district shall have access onto a major collector, or major arterial road as identified in the functional road plan.

REQUEST FOR ZONING  
VERIFICATION LETTER

EXPLANATION OF REQUEST

EXHIBIT C





**DEVELOPMENT AGREEMENT  
FOR**

**PINE GROVE COMMUNITY, L.L.C.\***

West of Stagecoach Road & North of Valley Hill Road

Carole M and Edward H. Whiddon, Sr. and  
China State Construction & Engineering Corp  
The Knight Group, Inc

December 21, 2001  
Amended January 9, 2002

\*includes PINE VIEW COMMUNITY  
F/k/a Pine Grove Cluster Homes

STATE OF GEORGIA  
COUNTY OF HENRY

COPY  
*Pine Grove*

**DEVELOPMENT AGREEMENT**

THIS DEVELOPMENT AGREEMENT ("Agreement") is made and entered into this 21<sup>st</sup> day of December, 2001, by and between the **CITY OF STOCKBRIDGE, GEORGIA**, a municipal corporation chartered under the laws of the State of Georgia (hereinafter "City"); the owners of the tract of land described in **Exhibit "A"** are **EDWARD H. WHIDDON, SR.**, and **CAROLE M. WHIDDON** (the "Whiddons"); the owner of the tract of land described in **Exhibit "B"** is **CHINA STATE CONSTRUCTION AND ENGINEERING CORPORATION**, ("China State") which is a corporation existing under the laws of the People's Republic of China and in good standing qualified to do business in the United States; and future landowners of the property described in Exhibits "A" and "B" hereto attached which include **TWENTY SOUTH CORPORATION**, a Georgia corporation in good standing qualified to do business in the State of Georgia; **THE KNIGHT GROUP, INC.**, a Georgia corporation in good standing qualified to do business in the State of Georgia ("Future Landowners"); and **PINE GROVE COMMUNITY, LLC**, a Georgia limited liability company in good standing qualified to do business in the State of Georgia ("Developer"). The property covered by this Agreement ("Property") shall consist of the two tracts mentioned above, as more particularly described in **Exhibit "C"** which are incorporated herein by reference.

**P R E A M B L E :**

**WHEREAS**, the Whiddons and China State own land located in the City consisting of 149.47 acres adjacent to Stagecoach Road and Valley Hill Road (the "Property"), which is zoned Residential Agriculture ("RA"); and

**WHEREAS**, the City's "Zoning Ordinance" designates several permitted uses for Planned Town Development ("PTD") District Classifications, including but not limited to residential and commercial uses; and

**WHEREAS**, the Zoning Ordinance designates several types of residential uses which may be featured in PTD districts, including single family detached residences and attached townhomes; and

**WHEREAS**, the Whiddons, China State and Developer desire to develop the Property in a profitable manner consistent with the Zoning Ordinance and have filed joint applications incorporated herein as Exhibit "D" to have the Property described in Exhibit "C" rezoned from an RA District to a PTD District; and

**WHEREAS**, because the Zoning Ordinance, including the City's Planned Town Development Ordinance ("PTD Ordinance") mandates that a single owner or owners have title to property for which PTD zoning is sought, the Whiddons, China State, Future Landowners and Developer, (which, together with all successors and assigns, shall be hereinafter referred to as "Owner") have combined or conveyed their respective ownership interests in order to comply with the PTD Ordinance; and

**WHEREAS**, Owner wishes to use the Property described in Exhibit "C", totaling 149.47 acres to develop a mixed use development incorporating, in part: (i) a single-family residential

subdivision (hereinafter, "Subdivision" or "Subdivision Property") including single-family detached residences and attached townhomes; and (ii) commercial or retail uses, consisting of not more than 117,000 square feet.

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

WHEREAS, the City and Owner are willing to execute this Agreement to achieve these purposes;

WHEREAS, water service to the Property will be provided to the Property pursuant to an Agreement entered into between the City and the Henry County Water and Sewerage Authority ("Authority"), dated March 14, 1996, and sewerage services will be provided by the City or its designee; and

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, and both the City, Henry County and the Authority have enacted certain Development Impact Fees pursuant to O.C.G.A. § 36-71-1, et seq.; and

WHEREAS, the City is currently investigating and considering the enactment of an Ordinance or Ordinances which will allow the collection of additional impact fees, and it does not represent, 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; and

WHEREAS, the parties desire to clarify and define what the obligation of Owner is and the credits that the Owner will be entitled to; and

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.

**A G R E E M E N T :**

1.

**Rezoning Applications**

The City has found that the application(s) filed with the City for the rezoning of the Property are consistent with zoning policies and goals of the City. Said application(s) have been approved subject to certain conditions, which are incorporated into this Agreement. All parties agree that said conditions are a part of this Agreement.

Said zoning shall become effective after the City of Stockbridge City Council passes the Rezoning Ordinance, the parties execute this Agreement, and both tracts of the Property are purchased simultaneously by the same landowner. Should the future landowner or their successors and assigns fail to purchase both tracts of the Property simultaneously, the Rezoning Ordinance and this Agreement shall not be effective.

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 consisting of two tracts which are described in Exhibits "A" and "B" respectively, for a total of 149.47 acres as described in Exhibit "C". The property described in Exhibit "C" shall be rezoned from the R-A zoning classification to the PTD (Planned Town Development) zoning classification.
- 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. In addition to said ordinances, the conditions contained in this Agreement shall apply. If there is a conflict between the Zoning Ordinances of the City and this Agreement, the terms of this Agreement shall control.
- C) **Infrastructure And Traffic Control Improvement Conditions.** The following conditions shall apply to infrastructure and traffic control improvements to the Property.
- 1) Street Design Standards, Utilities, and Parking. Access to the Property shall be provided by one (1) curb cut on Valley Hill Road, one (1) curb cut on Stagecoach Road, and one (1) curb cut on East Atlanta Road. Streets, roads, and cul-de-sacs shall be designed and constructed in accordance with the standards set forth in the Zoning Ordinance and all other applicable ordinances. Utilities and parking shall also be installed according to the Zoning Ordinance and all other applicable ordinances. In addition, Owner shall pay the City or its designee a total of Twenty Thousand Dollars (\$20,000.00) toward acquisition, installation, or maintenance of a traffic signal or device at the intersection of Valley Hill Road and Georgia Highway

42, and shall do so within thirty (30) days of notice from the City that said amount is due and payable, after the installation of said traffic signal.

D) **Residential Development Conditions.** The following conditions shall apply to residential development of the Property.

1) Net Density.

a. The "maximum allowable net density" (or "Net Density") means the total number of dwelling units or housing structures per acre of land based on the "net land area," as hereinafter defined. The maximum allowable net density, exclusive of any bonus density credits awarded under the PTD Ordinance, shall not exceed the density established by that ordinance. Net useable acreage (or "Net Land Area") means the total gross acreage less all streets, rights-of-way, flood hazard areas, buffer areas, commercial/industrial land, and public lands. Easements for drainage, sanitary sewer, shall not be excluded from net land area. The Net Useable Acreage or Net Land Area may be adjusted only to the extent and in the manner prescribed by the City's PTD Ordinance.

b. The total number of residential dwelling units on the Property shall be the *lesser* of: (i) the maximum units allowed under the PTD Ordinance; or (ii) 347, of which at least 285 shall be single family detached residences and no more than 62 shall be townhomes or cluster homes.

- c. The maximum square footage of floor area (heated space) for commercial or retail uses shall be the *lesser* of: (i) the maximum allowed under the PTD Ordinance; or (ii) 117,000 square feet.
- d. The minimum square footage set aside for open space shall be the *greater* of: (i) the minimum area required under the PTD Ordinance; or (ii) twenty percent (20%) of the Property.

2) Lot Improvements.

- a. Owner shall bear the cost of all lot improvements. Lot improvements shall include the following, all of which shall be designed, constructed, or installed in accordance with Henry County and City standards:
1. Following an overall community plan for pedestrian circulation including a combination of sidewalks and trails;
  2. Street lights served with underground power;
  3. All underground utilities (i.e., electrical, cable television, telephone, etc.), and connected to the Property;
  4. All lots will be serviced by sanitary sewer and water lines, connected to the Property.
  5. Owner also agrees to take all steps which are reasonably necessary to construct and maintain, at its sole cost, a trail

under an existing railroad culvert which will connect portions of the Property. Provided, however, that Owner shall be relieved of this requirement to the extent, and for so long as, the owner of the railroad property unconditionally refuses to grant Owner permission to do so.

3) Residential Structures.

The minimum floor area (heated space) of residential structures including finished heated and cooled living areas but exclusive of porches, basements, porte cocheres, garages, carports and breezeways ("heated area") which are zoned Planned Town Development shall be as follows.

a. *Traditional Neighborhood Development (TND).*

(i) Single Family Detached Residential Structures:

1/3 of the total a minimum of 1,600 s.f.

1/3 of the total a minimum of 1,700 s.f.

1/3 of the total a minimum of 1,800 s.f.

Owner acknowledges that these requirements may exceed those found in the Zoning Ordinance but voluntarily agrees to adhere to the higher standards contained herein.

(ii) Townhomes:

1/3 of the total a minimum of 1,400 s.f.

1/3 of the total a minimum of 1,500 s.f.

1/3 of the total a minimum of 1,600 s.f.

The parties acknowledge that these requirements are identical to those found in the Zoning Ordinance.

b. *Conventional Development (CD).*

(i) Single Family Detached Residential Structures:

1/3 of the total a minimum of 1,600 s.f.

1/3 of the total a minimum of 1,700 s.f.

1/3 of the total a minimum of 1,800 s.f.

The parties acknowledge that these requirements are identical to those found in the Zoning Ordinance.

(ii) Townhomes:

1/3 of the total a minimum of 1,600 s.f.

1/3 of the total a minimum of 1,700 s.f.

1/3 of the total a minimum of 1,800 s.f.

The parties acknowledge that these requirements are identical to those found in the Zoning Ordinance.

4) Open Space. Owner agrees to set aside for open space the *greater* of: (i) the minimum square footage or area required under the PTD Ordinance; or (ii) twenty percent (20%) of the Property. All open space areas shall conform to the standards and criteria set forth in the Zoning Ordinance.

5) Home Improvement Features

a. The exterior of residential dwelling units shall be developed in accordance with the requirements of the PTD Ordinance, the Zoning Ordinance generally, and any architectural standards and restrictive covenants implemented by Owner, as applicable.

b. All of the residential dwelling units constructed on the Property shall feature an exterior consisting of brick, stone, stucco, vinyl siding (not less than a medium grade of vinyl siding), wood, synthetic stone, hardboard siding, or any combination thereof. Moreover, a majority of the dwelling units shall feature accents consisting of brick or masonry covering at least 51% of the front of the home. If Owner chooses to construct dwelling units in conformity with Table 4 of Section 8.36.050, he shall be entitled to the density bonus points in the manner, and to the extent prescribed, therein.

c. The architecture of the commercial area shall be traditional architecture and in accordance with the styles and designs in place and in existence during the early 1900's (circa 1890 - 1920), as reflected in structures located in the former downtown area of

Stockbridge, and consistent with the illustrative exhibit attached hereto as **Exhibit E** and incorporated by reference.

- d. No mobile homes, house trailers, modular homes, "log houses," or "moved in houses" shall be erected or placed on any lot, except for sales, marketing, or construction trailers of developer or builders.
- e. No single family rental unit or multi-family rental housing units, including but not limited to, apartments, quadplexes, triplexes, or duplexes, shall be erected or placed on the Property.

6) Common Area Amenities and Recreational Facilities.

Prior to the completion of fifty percent (50%) of the total number of approved residential units, the Owner shall construct and place in operation a minimum of 50% of the planned open space and common area amenities which will include the following minimum recreational amenities, which can be relocated within the recreational area as needed by Owner:

- a. A club house or similar recreation building consisting of a minimum of 2,500 minimum square feet;
- b. A competition-size swimming pool;
- c. Tennis courts, lighted (2)
- d. A multiuse field capable of being used for football and soccer;
- e. Open space in the amount provided for in this Agreement, natural or enhanced, with trails providing access to and through the area;

f. ADA-accessible mulched walking trails or pathways of at least 5,000 linear feet; and

g. Sufficient parking to accommodate the proposed amenities and recreational facilities. The number of parking spaces will be determined at the time of the submission of the Final Site Plan for development of the Property.

h. Sidewalks along the road right of ways and into the subdivision.

All amenities and parking facilities shall conform to the standards and criteria set forth in the Zoning and Development Ordinances of the City except to the extent provided for herein. Owner also agrees to complete construction of all amenities prior to completion of 75% of all residential dwelling units. In the event Owner or his successors in interest fail to satisfy this condition, City or its designee shall be entitled to withhold any and all permits or approvals related to development of the Property until said condition has been satisfied.

7) Natural Resources

a. Owner shall comply with all applicable laws and regulations, including but not limited to those promulgated by the Georgia Department of Natural Resources (DNR) and its Environmental Protection Division (EPD) for Big Cotton Indian Creek.

- b. Owner shall provide a 25' buffer for any "state waters" as required by Georgia Erosion & Sedimentation Control Act. Owner shall also comply with all applicable laws and regulations governing soil erosion and sedimentation control on the Property.
- c. Owner shall protect the flood plains and wetlands as shown on the site plan or governmental records, to the extent and in the manner required by Henry County, City, state, and federal regulations or ordinances.
- d. Owner shall submit and receive approval of a stormwater management plan prior to the issuance of any land disturbance permit, to the extent and in the manner prescribed by Henry County, City, state or federal regulations or ordinances.
- e. To the extent required by law, all activities with respect to the Property by Owner shall comply with policies adopted by the Atlanta Regional Commission ("ARC"), including but not limited to those codified in ARC's Regional Development Plan.

E) **Commercial and Office/Institutional Development Conditions.** The rules, regulations, and conditions of the Zoning Ordinance of the City shall apply to the acres of the Property designated commercial or retail within the Planned Town Development Classification.

- 1) **Landscape Plan.** Owner agrees to prepare and submit a landscape plan for the areas designated for commercial or retail development. Said Landscape

Plan shall be approved by the City in accordance with the Zoning Ordinance and PTD Ordinance prior to the issuance of any building permit on the Property.

- F) **Phased Development Conditions.** No more than fifty percent (50%) of the town homes may be completed until after fifty percent (50%) of the single family detached residences have been completed. In addition, prior to the completion of fifty percent (50%) of the total number of all residential units, Owner or any successors in interest shall complete and place in operation one hundred percent (100%) of the commercial or business development of the Property.

In the event Owner or his successors in interest fail to satisfy this condition, City or its designee shall be entitled to withhold any and all permits or approvals related to development of the Property until said condition has been satisfied.

### 3.

#### Variances

The Henry County Planning and Development Department may grant Administrative Variances as to the following matters: (i) front, side, and rear yard set back requirements; (ii) landscaping requirements; and (iii) distances required between buildings or accessory structures; up to ten percent (10%) of the aforementioned requirements, to the extent set forth in this Agreement or the Zoning Ordinance. All other variances from the requirements of the Zoning Ordinance or the provisions of this Agreement shall be sought and considered in the manner prescribed by the Zoning Ordinance except as set forth in paragraph 2 herein.

### 4.

### Impact on Services

The Owner of the property described in Exhibits "A" and "B" hereto attached shall:

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.

Owner shall pay road improvement costs as follows:

1. Owner shall pay the City or its designee \$20,000.00 toward the installation of a traffic signal or device at the intersection of Valley Hill Road and Georgia Highway 42, and shall do so within thirty (30) days of notice from the City that said amount is due and payable after installation of said traffic signal.
2. Owner shall provide at its expense acceleration and deceleration lanes into and from the Property as required by the City or its designee, including the Henry County Department of Transportation, or any other applicable governmental entity.

C) Water and Sewerage Services.

Water and sewerage services to the Property shall be metered and provided by the City or its designee, including the Henry County Water and Sewerage Authority. The Owner shall comply will all rules, regulations, and ordinances of the City and Authority.

5.

**Impact Fee & 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 for the following:

1. All funds expended by Owner for the construction and installation of the traffic light on Valley Hill Road and Georgia Highway 42.
2. The installation of any and all acceleration and deceleration lanes into and from the Property.

B. Water and Sewerage Impact Fees.

All water and sewerage impact fees will be paid to City or its designee.

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.

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 and upon the purchase of the two tracts of the Property simultaneously by the same owner(s).

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; (ii) the execution of this Agreement; and (iii) the purchase of the two tracts of the Property simultaneously by the same owner(s).

9.

**Relation to Zoning**

The conditions of the zoning ordinance are hereby incorporated into and made a part of this Agreement and those conditions and this Agreement shall run with the land and be binding upon the Owner and/or Owner's 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, their heirs, administrators, executors, successors, and assigns. 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 of Stockbridge and Henry County 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 of Stockbridge and Henry County 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.

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

### **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.

18.

### **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 21<sup>st</sup> day of December, 2001.

CITY:

CITY OF STOCKBRIDGE, GEORGIA

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

ATTEST:

*Merle Sanders*  
City Clerk

[Seal]

APPROVED AS TO FORM:

*A. P. Kelly*  
City Attorney

OWNER:

*Edward H. Whiddon, Sr.* (L.S.)  
EDWARD H. WHIDDON, SR.

Signed, sealed and delivered before me this 21<sup>st</sup> day of December, 2001.

*Ausana Barron*  
Notary Public  
Notary Public, Henry County Georgia  
My Commission Expires Oct. 5th, 2002  
(seal)

COPY

Carole M. Whiddon (L.S.)  
CAROLE M. WHIDDON

Signed, sealed and delivered ...  
before me this 21<sup>st</sup> day of  
December, 2001.

Alicia Barim  
Notary Public

(seal) Notary Public, Henry County Georgia  
My Commission Expires Oct. 5th, 2002

CHINA STATE CONSTRUCTION AND  
ENGINEERING CORPORATION,  
a corporation existing under the laws of the  
People's Republic of China

By: Yuan (L.S.)

NING YUAN  
Its: ASSISTANT PRESIDENT

Signed, sealed and delivered  
before me this 21 day of  
December, 2001.

Bernice Baine  
Notary Public

(seal) BERNICE BAILINE  
Notary Public, State of New Jersey  
No. 2018571  
Qualified in Morris County  
Commission Expires Sept. 2, 2006

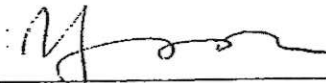
Attested:

Lilin Cao  
LILIN CAO, Corporate Secretary

(seal)

**FUTURE LANDOWNERS:**

**TWENTY SOUTH CORPORATION,**  
a Georgia corporation

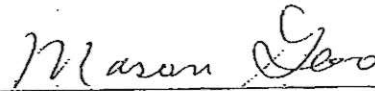
By:  (L.S.)  
NING YUAN  
Its: PRESIDENT

Signed, sealed and delivered  
before me this 21 day of  
December, 2001.

  
Notary Public

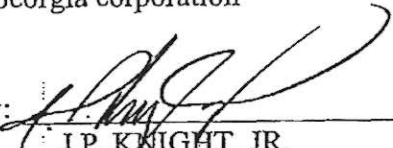
BERNICE BAILINE  
Notary Public, State of New Jersey  
No. 2018571  
Qualified in Morris County  
Commission Expires Sept. 2, 2006

Attested:

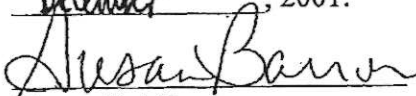
  
MEISHENG GAO, Corporate Secretary

(seal)

**THE KNIGHT GROUP, INC.,**  
a Georgia corporation

By:  (L.S.)  
J.P. KNIGHT, JR.  
Its: PRESIDENT

Signed, sealed and delivered  
before me this 21<sup>st</sup> day of  
December, 2001.

  
Notary Public

Notary Public, Henry County Georgia  
(seal) Commission Expires Oct. 5th, 2002

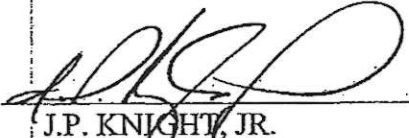
Attested:

\_\_\_\_\_  
\_\_\_\_\_, Corporate Secretary

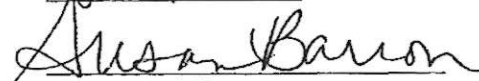
(seal)

**DEVELOPER:**

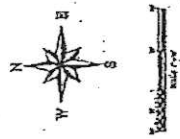
PINE GROVE COMMUNITY, LLC;  
a Georgia limited liability company

By:  (L.S.)  
J.P. KNIGHT, JR.  
Its: MANAGING MEMBER

Signed, sealed and delivered  
before me this 21<sup>st</sup> day of  
December, 2001.

  
Notary Public

(seal) Notary Public, Henry County Georgia  
My Commission Expires Oct. 5th, 2002



# MASTER PLAN

## PINE GROVE

THE KNIGHT GROUP

ZONED R.A.  
**TOTAL SITE ACREAGE**  
 149.47 +/- Acres

CLAYTON COUNTY  
SEWER PLANT

ZONED R.A.

TRANSCONTINENTAL  
GAS PIPELINES  
PUMPING STATION  
112 ACRES

40' BUFFER

20' TREE-SAVE AREA

- MEMORANDUM SUMMARY**
- 30 A. CONVENTIONAL RESIDENTIAL 145 CUBIC AC
  - 30 B. CONVENTIONAL RESIDENTIAL 145 CUBIC AC
  - 30 C. CONVENTIONAL RESIDENTIAL 145 CUBIC AC
  - 30 D. CONVENTIONAL RESIDENTIAL 145 CUBIC AC
  - 30 E. CONVENTIONAL RESIDENTIAL 145 CUBIC AC
  - 30 F. CONVENTIONAL RESIDENTIAL 145 CUBIC AC
  - 30 G. CONVENTIONAL RESIDENTIAL 145 CUBIC AC
  - 30 H. CONVENTIONAL RESIDENTIAL 145 CUBIC AC
  - 30 I. CONVENTIONAL RESIDENTIAL 145 CUBIC AC
  - 30 J. CONVENTIONAL RESIDENTIAL 145 CUBIC AC
  - 30 K. CONVENTIONAL RESIDENTIAL 145 CUBIC AC
  - 30 L. CONVENTIONAL RESIDENTIAL 145 CUBIC AC
  - 30 M. CONVENTIONAL RESIDENTIAL 145 CUBIC AC
  - 30 N. CONVENTIONAL RESIDENTIAL 145 CUBIC AC
  - 30 O. CONVENTIONAL RESIDENTIAL 145 CUBIC AC
  - 30 P. CONVENTIONAL RESIDENTIAL 145 CUBIC AC
  - 30 Q. CONVENTIONAL RESIDENTIAL 145 CUBIC AC
  - 30 R. CONVENTIONAL RESIDENTIAL 145 CUBIC AC
  - 30 S. CONVENTIONAL RESIDENTIAL 145 CUBIC AC
  - 30 T. CONVENTIONAL RESIDENTIAL 145 CUBIC AC
  - 30 U. CONVENTIONAL RESIDENTIAL 145 CUBIC AC
  - 30 V. CONVENTIONAL RESIDENTIAL 145 CUBIC AC
  - 30 W. CONVENTIONAL RESIDENTIAL 145 CUBIC AC
  - 30 X. CONVENTIONAL RESIDENTIAL 145 CUBIC AC
  - 30 Y. CONVENTIONAL RESIDENTIAL 145 CUBIC AC
  - 30 Z. CONVENTIONAL RESIDENTIAL 145 CUBIC AC

Boundary and Type are  
 Approximate Only  
 Topo: Acquired from Henry County  
 Boundary: Acquired from The Knight Group

DESIGNED BY  
 ENGINEER  
 ARCHITECT

REVISED AUGUST 13, 2011  
 REVISION: JUNE 2, 2011  
 ARCHITECT & INC.

RECEIVED IN OFFICE  
HENRY COUNTY  
CLERK OF SUPERIOR COURT

BK: 16399 PG: 41-62  
Filed and Recorded  
Apr-15-2019 08:55:56AM  
DOC#: D2019-009358  
BARBARA A. HARRISON  
CLERK OF SUPERIOR COURT Henry County GA.

2019 APR 12 PM 4:48

STATE OF GEORGIA

COUNTY OF HENRY

Mail to: St. Bourke  
Attn Debbie Bell  
1123 Zondrite Rd  
Suite 30  
Atlanta, GA 30306

DEVELOPMENT AGREEMENT

Pine View Subdivision

City of Stockbridge, Georgia

THIS DEVELOPMENT AGREEMENT ("Agreement") is made and entered into this 11<sup>th</sup> day of April, 2019, by and between the CITY OF STOCKBRIDGE, GEORGIA, a municipal corporation chartered under the laws of the State of Georgia (hereinafter "City") and DRAPAC GROUP 32, LLC, a Delaware limited liability company in good standing and qualified to do business in the State of Georgia ("Owner"). The real property covered by this Agreement ("Property") shall consist of the tract of land described in Exhibit "A", which is incorporated herein by reference.

\*21

PREAMBLE

**WHEREAS**, the Property has been substantially developed as described in the Final Plat recorded in Plat Book 44, Pages 103 through 108 ("Final Plat"), in the office of the Clerk of the Superior Court of Henry County, State of Georgia, as a residential subdivision known as Pine View ("Pine View" or the "Subdivision"); and

**WHEREAS**, the Property previously was made subject to a prior development agreement, originally dated December 21, 2001 (Notice of Execution recorded on December 31, 2001, in Deed Book 4689, Page 317, Records of Henry County, Georgia), and amended on December 9, 2002, and January 24, 2006, between the City and various parties, and included other lands in addition to the Property (the "Prior Development Agreement"); specifically, the Prior Development Agreement also included a separate residential subdivision known as Pine Grove ("Pine Grove") and a separate commercial tract ("Commercial Tract"), with all three (3) parcels controlled under a single Planned Town Development ("PTD") zoning district in effect at that time (collectively the "Prior Master Development"); and

**WHEREAS**, subsequent events have caused the Prior Master Development to be divided into the three (3) separate projects of Pine View, Pine Grove and Commercial Tract, all of which are now under separate and unrelated ownership; and

**WHEREAS**, the City and Owner have determined that the Property which comprises the Pine View Subdivision should be segregated from the operation of the Prior Development Agreement, and instead should be governed in its entirety by the new terms and conditions of this Agreement; however,

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the Prior Development Agreement shall continue in full force and effect as to the Pine Grove property and the Commercial Tract property, to the extent and as applicable to each; and

WHEREAS, this Agreement, therefore, shall exclusively and solely govern the ongoing development of Pine View, separate and distinct from any existing or future agreement(s) applicable to the Pine Grove and Commercial Tract, and the Prior Development Agreement is hereby released as to its applicability to the Pine View subdivision, and replaced in its entirety as to the Pine view Subdivision, by this Agreement.

**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.

##### **Release and Replacement of Prior Development Agreement**

The City and Owner hereby agree to the release of the Prior Development Agreement in its entirety to the extent it applied to the Property, and its replacement in its entirety by this Agreement as applicable to the Property, and mutually acknowledge that the terms and conditions of this Agreement shall not apply to any current or future agreements relating to Pine Grove or the Commercial Tract. This Agreement going forward contains all of the terms and conditions exclusively for the ongoing development of the Property, and is legally independent from any other existing or future agreements which may apply to Pine Grove or the Commercial Tract. The Prior Development Agreement (Notice of Execution of Development Agreement recorded in Deed Book 4689, Page 317, Records of Henry County, Georgia), as heretofore amended, is hereby released, superseded and replaced as to the Property, by this Agreement.

2.

##### **Ongoing Conditions for Development of the Property**

- A) Owner's One-Time Contribution to Pine Grove Amenity.** The Prior Development Agreement assumed that the amenities within the Pine Grove subdivision (the "Pine Grove Amenities") also would be for the benefit of Pine View residents. The City has inspected the Pine Grove Amenities and determined that repairs and maintenance are required. As consideration for this Agreement, the Owner will make a one-time contribution of Twenty Thousand Dollars (\$20,000.00) for the cost of certain repairs and restoration work to the Pine Grove Amenities as described on Exhibit B (hereinafter "the Pine Grove Amenity Restoration Contribution"). In addition, the Owner shall cause its affiliate, St. Bourke Development, to manage the repairs to the Pine Grove Amenities. Upon satisfactory

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completion of the restoration work, the City agrees that the Owner's Pine Grove Amenity Restoration Contribution shall satisfy any and all of the Owner's obligations, at present or in the future, with regard to the Pine Grove Amenity, or for any other matter whatsoever concerning the Pine Grove project or the Commercial Tract. This Agreement also stipulates that the Pine View subdivision, and its residents, will have no access to, nor any financial or other obligations towards, the Pine Grove Amenity or any other aspect of the Pine Grove subdivision.

- B) Release of Prior Traffic Signal Payment Obligation.** In consideration for the foregoing Pine Grove Amenity Contribution, the City hereby releases and discharges the Owner from any responsibility for the prior Pine View owner's obligation to pay the City of a total of Twenty Thousand Dollars (\$20,000.00) towards the installation of a traffic signal at the intersection of Valley Hill Road and Georgia Highway 42, which signal previously has been installed without such payment being made by the prior Pine view Owner.
- C) Residential Development Conditions for Pine View.** The following conditions shall apply to the ongoing development of Pine View Subdivision:
- 1) The maximum number of single-family homes shall continue to be seventy-seven (77).
  - 2) A minimum of twenty percent (20%) of the Property shall be permanently set aside as open space, which condition is met by the previously recorded Final Plat.
  - 3) Owner shall construct, at its sole cost, a walking trail/pathway within the Property at a location and length determined by the Owner. Said pathway may have a natural surface for those portions in natural areas, and may be paved (asphalt or concrete), at the Owner's option, in other areas. The construction of the pathway shall be completed prior to the issuance of the certificate of occupancy for the fiftieth (50<sup>th</sup>) residence within Pine View.
  - 4) Single-family detached residential structures shall be subject to the following:
    - a) The minimum floor area (heated space), exclusive of garages, porches, basements or breezeways, shall be 1,800 square feet.
    - b) Exterior materials of the front façade and two sides shall be brick, stone, stucco, synthetic stone or hardiplank siding, or any combination thereof. The remaining rear/back side may be hardiplank siding or any other materials, except that vinyl siding shall not be used.
  - 5) The Owner may, but shall not be required to, build a recreational amenity within the Pine View Subdivision of a scope and location as determined by Owner. In such event, the Owner shall determine the final design and dimensions of the amenity components as deemed suitable to the perceived market preferences for the Property. The plans for any such amenity shall be approved by the City, and will be constructed in accordance with the standards and

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criteria of the City existing at the time permits are issued, and if such an amenity is proposed by the Owner, it shall be completed prior to issuance of a certificate of occupancy for the fiftieth (50<sup>th</sup>) residence within Pine View.

6) The Final Plat provides for rear alley access to Lots 1 through 38, and Lots 50 through 77. Owner, at its option, may convert any or all of those lots from rear- to front-access garages. Where such a conversion is made, Owner shall have the option to leave the alley pavement in place or to remove the pavement. If the alley pavement is removed, the Owner shall leave in place any existing drainage system, and may revise the Final Plat to remove reference to an alley and change the Twenty-foot Access Easement ("20' AE") to a Twenty-foot Drainage Easement ("20' DE").

**D) Natural Resources.** Unless otherwise specifically addressed in this Agreement or otherwise already provided on the Final Plat, the future development of the Property shall comply with all applicable laws and regulations, including but not limited to those promulgated by the Georgia Department of Natural Resources and its Environmental Protection Division for Big Cotton Indian Creek. The stormwater management improvements, protection of flood plains and wetlands, as well as other applicable site development regulations applicable to the development of Pine View, were approved by the City upon the recording of the Final Plat, and as such no modifications will be required. Ongoing construction of residences and the amenity (if the Owner elects to construct one) shall be subject to the Georgia Erosion & Sediment Control Act and any other applicable laws and regulations in force at the time of such construction.

**3.**

**Water and Sewerage Services**

Water and sewerage services to the Property shall be provided by the City, or its designee, upon the payment of connection fees consistent with the City's standard, non-discriminatory fee schedule for such fees in effect when building permits are issued.

Prior to construction, Owner shall meet the requirements set forth on Exhibit C.

**4.**

**Covenants Running with the Land; Release of Prior Development Agreement**

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. This Agreement shall be deemed automatically assigned to, and binding upon, any successor developer and/or builder who acquires title to the Property from the current Owner, and upon recordation of such deed of conveyance, the original owner shall be deemed released from this Agreement. Notice of this Agreement shall be filed of record in the office of the Clerk of the Superior Court of Henry County. The recordation of such Notice of this Agreement shall operate as a matter of law to remove the applicability and effect of the Prior Development Agreement as an encumbrance upon and title exception to the Property.

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5.

**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 and recordation of the Notice of Execution of Development Agreement in the Records of Henry County, Georgia (the "Effective Date").

6.

**Relation to City Ordinances**

The Property was developed, and its Final Plat was accepted by the City and recorded, under the zoning ordinances and the Prior Development Agreement in effect during such development. It is agreed by the parties hereto that the Property is substantially complete in its site development and therefore legally vested under the prior zoning and ordinances applicable at such time, with the only remaining development being the construction of residential homes and potential amenity structures (at the Owner's election). Such future building construction shall be governed by the applicable City ordinances in effect at the time of such construction.

7.

**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.

8.

**Binding Effect**

This Agreement shall be binding upon the undersigned, their heirs, administrators, executors, successors and assigns. The parties expressly stipulate that there are no third party beneficiaries to this Agreement.

9.

**Future Changes in Development Standards**

The parties stipulate that the development of the Property to date has been accomplished in accordance with the development standards applicable to such development. All development

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regulations, guidelines, standards, rules, and conditions of the City in effect as of the date of this Agreement, or changes in same in the future, shall only apply to the remaining, future development of the Property, beyond the date of this Agreement, unless such provisions conflict with the express conditions herein. In such event, the conditions herein shall control.

**10.**

**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.

**11.**

**Severability and Authority**

The invalidity or unenforceability of any provision of this Agreement shall not affect 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.

**12.**

**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.

**13.**

**Rights Cumulative**

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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 assignees, or the City brings an action of any nature or description under this Agreement, the prevailing party shall recover all of its costs and expenses, including reasonable attorney's fees.

14.

**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. In the event the City defaults under this Agreement, the Owner shall seek only injunctive, mandamus, or other equitable relief to enforce this Agreement, and shall not seek monetary damages relief from the City in connection with this Agreement. 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.

**[SIGNATURES ON FOLLOWING PAGE]**

IN WITNES WHEREOF, the undersigned parties have hereto set their hands and affixed their seals this 11<sup>th</sup> day of April, 2019.

CITY:

CITY OF STOCKBRIDGE, GEORGIA

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*James Holiday*  
\_\_\_\_\_  
City Clerk

[Seal]

APPROVED AS TO FORM:

*[Signature]*  
\_\_\_\_\_  
City Attorney

By: *[Signature]*  
Name/Title: *Anthony S. Ford*  
*MAYOR*

OWNER:

DRAPAC GROUP 32, LLC

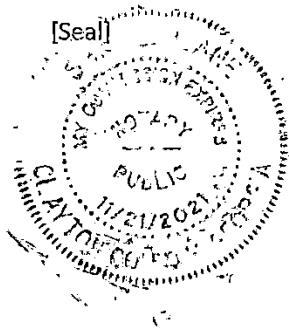
By: \_\_\_\_\_

Name/Title: \_\_\_\_\_

Signed, sealed and delivered  
Before me this 11 day of April, 2019

*Shari Lane*  
\_\_\_\_\_  
Notary Public

[Seal]



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IN WITNES WHEREOF, the undersigned parties have hereto set their hands and affixed their seals this 11<sup>th</sup> day of April, 2019.

CITY:

CITY OF STOCKBRIDGE, GEORGIA

By: \_\_\_\_\_

Name/Title: \_\_\_\_\_

ATTEST:

\_\_\_\_\_

City Clerk

[Seal]

APPROVED AS TO FORM:

\_\_\_\_\_

City Attorney

OWNER:

DRAPAC GROUP 32, LLC

By: [Signature]

Name/Title: Sebastian Drapac / Manager

Signed, sealed and delivered,  
Before me this 11<sup>th</sup> day of April, 2019

[Signature]  
Notary Public

[Seal]

ABIGAIL LONG  
NOTARY PUBLIC  
Fulton County  
State of Georgia  
My Comm. Expired Feb. 28, 2022

## EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 101 of the 12<sup>th</sup> District, Henry County, Georgia, being more particularly described as follows:

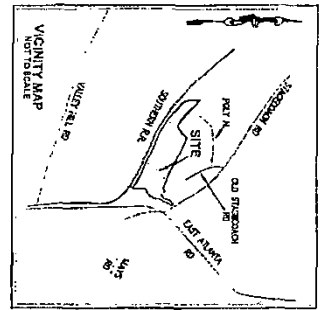
To arrive at the true point of beginning, begin at a one inch open top located at the intersection of the southwesterly right of way line of Stagecoach Road (right of way varies) and the land lot line that divides Land Lots 101 and 100, said district and county; run thence North 23 Degrees 02 Minutes 37 Seconds West along the southwesterly right of way line of Stagecoach Road and following the curvature thereof a distance of 55.11 feet to a point; continue thence North 29 Degrees 26 Minutes 36 Seconds West along the southwesterly right of way line of Stagecoach Road and following the curvature thereof a distance of 33.50 feet to a point; continue thence North 20 Degrees 26 Minutes 01 Seconds West along the southwesterly right of way line of Stagecoach Road and following the curvature thereof a distance of 42.20 feet to a point; continue thence North 29 Degrees 26 Minutes 44 Seconds West along the southwesterly right of way line of Stagecoach Road and following the curvature thereof a distance of 26.41 feet to a point; continue thence North 29 Degrees 22 Minutes 08 Seconds West along the southwesterly right of way line and following the curvature thereof a distance of 72.33 feet to a point and the point of beginning. From said point of beginning thus established, run thence southwesterly along the arc of a curve a distance of 167.26 feet to a point (said arc being subtended a chord with a radius of 160.52 feet a chord bearing South 40 Degrees 44 Minutes 15 Seconds West a distance of 159.80 feet); continue thence southwesterly along the arc of a curve a distance of 148.00 feet to a point (said arc being subtended by a chord with a radius of 273.42 feet a chord bearing South 26 Degrees 23 Minutes 33 Seconds West a distance of 146.20 feet); run thence South 41 Degrees 53 Minutes 58 Seconds West a distance of 24.13 feet to a point; run thence southwesterly along the arc of a curve a distance of 21.58 feet to a point (said arc being subtended by a chord with a radius of 25 feet a chord bearing South 17 Degrees 10 Minutes 13 Seconds West a distance of 20.92 feet); run thence southwesterly along the arc of a curve a distance of 74.69 feet to a point; (said arc being subtended by a chord with a radius of 75 feet a chord bearing South 20 Degrees 58 Minutes 08 Seconds West a distance of 71.64 feet); run thence South 53 Degrees 43 Minutes 45 Seconds East a distance of 50.11 feet to a point; run thence South 36 Degrees 16 Minutes 15 Seconds West a distance of 240.74 feet to a point; run thence South 55 Degrees 36 Minutes 19 Seconds West a distance of 173.42 feet to a point; run thence South 00 Degrees 00 Minutes 05 Seconds East a distance of 275.42 feet to a point; run thence South 38 Degrees 38 Minutes 05 Seconds West a distance of 55.08 feet to a point located on the northeasterly right of way line of the Southern Railway (150 foot right of way); run thence northwesterly along the northeasterly right of way line of the southern railway and following the curvature

thereof an arc distance of 470.60 feet to a point (said arc being subtended by a chord with a radius of 1778.34 feet a chord bearing North 58 Degrees 40 Minutes 52 Seconds West a distance of 469.23 feet); continue thence North 66 Degrees 15 Minutes 44 Seconds West along the northeasterly right of way line of the Southern Railway and following the curvature thereof a distance of 943.68 feet to a point; continue thence northwesterly along the northeasterly right of way line of the Southern Railway and following the curvature thereof an arc distance of 906.58 feet to a point (said arc being subtended by a chord with a radius of 2831.21 feet a chord bearing North 57 Degrees 05 Minutes 20 Seconds West a distance of 902.71 feet); continue thence North 47 Degrees 54 Minutes 55 Seconds West along the northeasterly right of way line of the Southern Railway and following the curvature thereof a distance of 357.95 feet to a point located at the intersection of the northeasterly right of way line of the Southern Railway and the land lot line that separates Land Lots 101 and 102, said county and district; continue thence North 00 Degrees 48 Minutes 37 Seconds West along the westerly right of way line of Land Lot 101, said district and county a distance of 148.47 feet to a point; continue thence North 00 Degrees 30 Minutes 29 Seconds West along the westerly right of way line of Land Lot 101, said district and county, a distance of 189.54 feet to a point; continue thence North 00 Degrees 26 Minutes 16 Seconds West along the westerly right of way line of Land Lot 101, said district and county, a distance of 61.51 feet to a point located in the center of Big Cotton Indian Creek; run thence southeasterly and thence northeasterly along the centerline of Big Cotton Indian Creek and following the meanderings thereof to a point (said point may be determined by running a traverse line the following courses and distances, South 42 Degrees 51 Minutes 33 Seconds East a distance of 623.43 feet to a point; thence South 60 Degrees 43 Minutes 42 Seconds East a distance of 298.66 feet to a point; thence North 45 Degrees 30 Minutes 44 Seconds East a distance of 369.43 feet to a point in the centerline of Big Cotton Indian Creek; thence departing the centerline of Big Cotton Indian Creek and running South 65 Degrees 49 Minutes 33 Seconds East a distance of 1516.83 feet to a point; run thence North 48 Degrees 32 Minutes 09 Seconds East a distance of 91.16 feet to a point; run thence South 41 Degrees 27 Minutes 51 Seconds East a distance of 120.45 feet to a point; run thence northeasterly an arc distance of 47.84 feet to a point (said arc being subtended by a chord with a radius of 75 feet a chord bearing North 73 Degrees 05 Minutes 07 Seconds East a distance of 47.03 feet); run thence northeasterly along the arc of a curve a distance of 21.58 feet to a point (said arc being subtended by a chord with a radius of 25 feet a chord bearing North 66 Degrees 37 Minutes 43 Seconds East a distance of 20.92 feet); run thence North 41 Degrees 53 Minutes 58 Seconds East a distance of 24.13 feet to a point; run thence northeasterly along the arc of a curve a distance of 104.70 feet to a point (said arc being subtended by a chord with a radius of 193.42 feet a chord bearing North 26 Degrees 23 Minutes 33 Seconds East a distance of 103.43 feet); run thence northeasterly along the arc of a curve a distance of 245.21 feet to a point located on the southwesterly right of way line of Stagecoach Road (said arc being subtended by a chord with a radius of 240.52 feet a chord bearing North 40 Degrees 05 Minutes 31 Seconds East a distance of 234.72 feet); run thence South 19 Degrees 08 Minutes 02 Seconds East along the southwesterly right

of way line of Stagecoach Road and following the curvature thereof a distance of 47.76 feet to a point; continue thence South 29 Degrees 22 Minutes 08 Seconds along the southwesterly right of way line of Stagecoach Road and following the curvature thereof a distance of 32.67 feet to a point and the point of beginning.

All is shown on plat of survey prepared for Pro-Dev, Inc. by Moore Bass Consulting, Wayne A. Powers (GRLS #2891), dated April 24, 2003, which survey indicates said tract contains 35.76 acres.

LESS AND EXCEPT from the above described property that portion of the property conveyed by that certain Subdivision Right-of-Way Deed from Pro-Dev Inc. to Henry County, a political subdivision of the State of Georgia, dated October 21, 2005, filed for record February 3, 2006 at 12:37 p.m., recorded in Deed Book 8908, Page 338, Records of Henry County, Georgia.



**COUNTY NOTES**

1. ALL STIPPLED AREAS SHALL BE EXEMPT FROM THE PAYMENT OF A FLOOD FEE.
2. EXEMPT AREAS ARE THOSE AREAS WHICH ARE NOT SUBJECT TO FLOODING AS SHOWN ON THE FLOOD HAZARD MAP OF THE COUNTY AND WHICH ARE NOT SUBJECT TO FLOODING AS SHOWN ON THE FLOOD HAZARD MAP OF THE COUNTY AND WHICH ARE NOT SUBJECT TO FLOODING AS SHOWN ON THE FLOOD HAZARD MAP OF THE COUNTY.

**FLOOD NOTES**

1. ALL STIPPLED AREAS SHALL BE EXEMPT FROM THE PAYMENT OF A FLOOD FEE.

2. EXEMPT AREAS ARE THOSE AREAS WHICH ARE NOT SUBJECT TO FLOODING AS SHOWN ON THE FLOOD HAZARD MAP OF THE COUNTY AND WHICH ARE NOT SUBJECT TO FLOODING AS SHOWN ON THE FLOOD HAZARD MAP OF THE COUNTY.

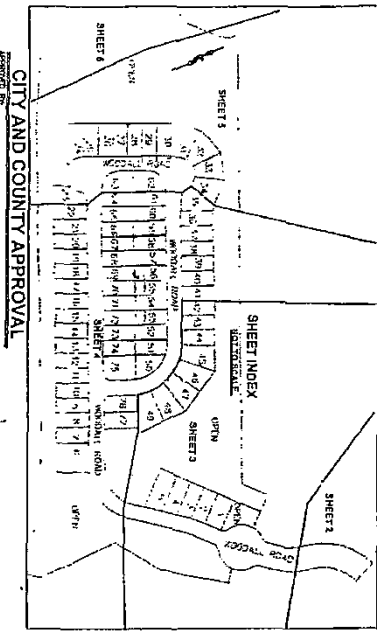
**SURVEY REFERENCES**

1. DEVELOPMENT OF INTERSECTION POINT OF HIGHWAY PROJECT NO. 2000-0010-0010
2. PART OF MAP AND PLAT FOR THE SUBDIVISION MAINTENANCE COMPANY, STATION 2000-0010-0010
3. RECORD SURVEY PREPARED BY THE FIRM OF J. W. BROWN, INC. OF ROOSE BROS DEVELOPMENT, INC. BY WAY OF A RECORD MAP FILED UNDER BOOK 2000-0010-0010
4. RECORD SURVEY PREPARED BY THE FIRM OF J. W. BROWN, INC. OF ROOSE BROS DEVELOPMENT, INC. BY WAY OF A RECORD MAP FILED UNDER BOOK 2000-0010-0010
5. RECORD SURVEY PREPARED BY THE FIRM OF J. W. BROWN, INC. OF ROOSE BROS DEVELOPMENT, INC. BY WAY OF A RECORD MAP FILED UNDER BOOK 2000-0010-0010

**SURVEY NOTES**

1. THE SURVEY WAS MADE BY THE FIRM OF J. W. BROWN, INC. OF ROOSE BROS DEVELOPMENT, INC. BY WAY OF A RECORD MAP FILED UNDER BOOK 2000-0010-0010.

2. THE SURVEY WAS MADE BY THE FIRM OF J. W. BROWN, INC. OF ROOSE BROS DEVELOPMENT, INC. BY WAY OF A RECORD MAP FILED UNDER BOOK 2000-0010-0010.



**Final Subdivision Plat**  
**For Pine View**  
 Land Lot 101 - 12th District  
 City of Stockbridge  
 Henry County, Georgia

444 TO 101  
 JAN 3 9 2008  
 HENRY COUNTY CLERK

CLERK OF SUPERIOR COURT

**CITY AND COUNTY APPROVAL**

APPROVED BY: [Signature]

DATE: 1/29/08

HENRY COUNTY TAX MAP AS OF 1/1/08

**OWNER'S ACKNOWLEDGEMENT**

STATE OF GEORGIA, HENRY COUNTY

I, the undersigned, being the owner of the above described land, do hereby acknowledge that I have read and understand the contents of the above described plat and that I have approved the same.

DATE: 1/29/08

**WETLANDS NOTE**

THESE ARE NOT A FLOOD HAZARD ZONE AND ARE NOT SUBJECT TO FLOODING AS SHOWN ON THE FLOOD HAZARD MAP OF THE COUNTY AND WHICH ARE NOT SUBJECT TO FLOODING AS SHOWN ON THE FLOOD HAZARD MAP OF THE COUNTY.

**SURVEYOR'S CERTIFICATION**

I, the undersigned, being a duly licensed and sworn surveyor, do hereby certify that I have personally surveyed the above described land and that the same is correctly and truthfully shown on the above described plat.

DATE: 1-29-08

**OWNER/DEVELOPER 24 HOUR CONTACT**

PROUDRY, INC.  
 P.O. BOX 71986  
 NENNAH, GA 30271  
 (404) 597-9758

**ZONING CONDITIONS**

1. THE ZONING DISTRICT IS RESIDENTIAL - SINGLE-FAMILY.

2. THE ZONING DISTRICT IS RESIDENTIAL - SINGLE-FAMILY.

3. THE ZONING DISTRICT IS RESIDENTIAL - SINGLE-FAMILY.

DATE	1/29/08	REVISIONS	
FILE #	CS-181	1. 11/27/07 Addendum 2007/2008	
CONTRACT #	0611001	2. 1/26/08 Revised Survey Certificate	
DRAWN BY	PHC		
CHECKED BY	WJW		
DESIGNED BY	WJW		
This document is the property of Moore Bass and is not to be used for any other purpose without the written consent of Moore Bass.			
SHEET TITLE		Final Subdivision Plat	
PROJECT		Pine View	
CLIENT NAME		PROUDRY, INC. P.O. Box 71986 NENNAH, GA 30271	
DRAWN BY		WJW	
CHECKED BY		WJW	
DATE		1-29-08	
SCALE		AS SHOWN	
SHEET		1 OF 6	

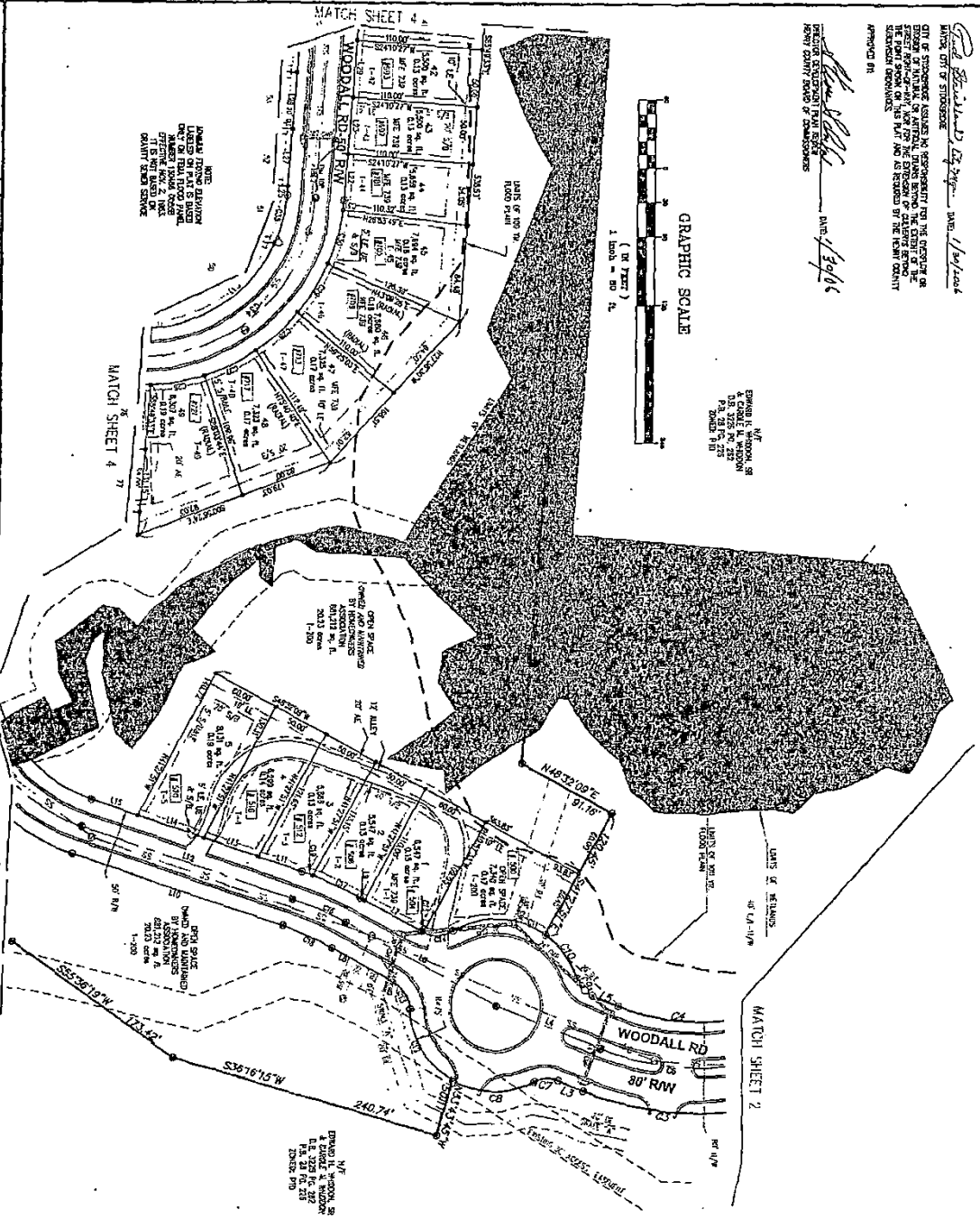
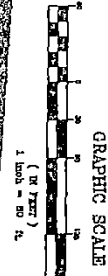


CITY AND COUNTY APPROVAL

APPROVED BY: *[Signature]* DATE: 1/30/05  
 KING, CITY ENGINEER  
 CITY OF TALLAHASSEE  
 CITY OF TALLAHASSEE ASSUMES NO RESPONSIBILITY FOR THE CORRECTNESS OR  
 ACCURACY OF ANY INFORMATION PROVIDED HEREON. THE CITY ENGINEER'S  
 REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE PLAN AND IS NOT A  
 GUARANTEE OF THE PLAN. THE CITY ENGINEER'S REVIEW IS LIMITED TO THE  
 TECHNICAL ASPECTS OF THE PLAN AND IS NOT A GUARANTEE OF THE PLAN.

APPROVED BY: *[Signature]* DATE: 1/30/05  
 HENRY COUNTY BOARD OF COMMISSIONERS

NOTE:  
 EDWARD H. WILSON, SR.  
 A. LICENSED PROFESSIONAL ENGINEER  
 P.E. 58176, STATE OF FLORIDA  
 TALLAHASSEE, FLORIDA



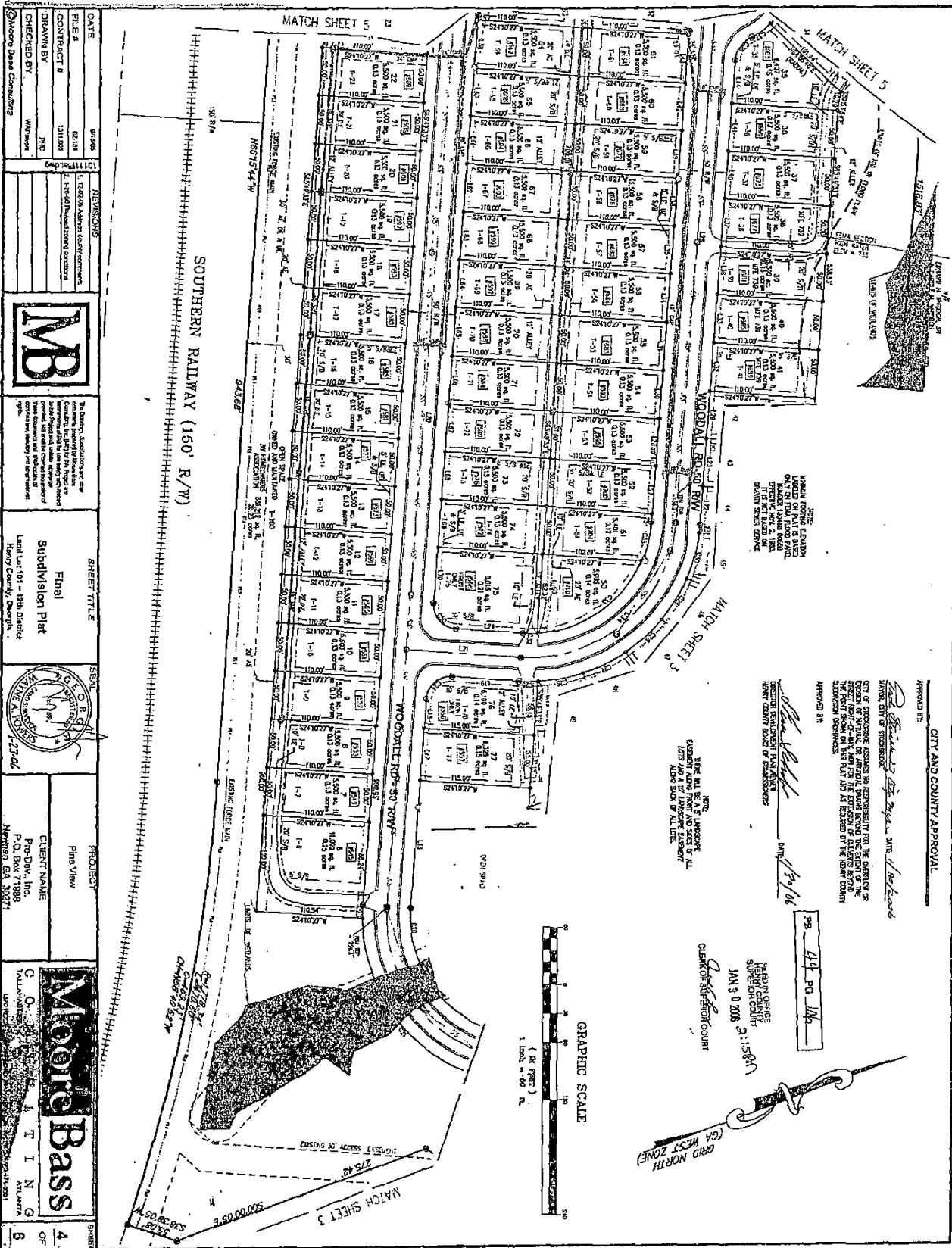
NOTE:  
 EXISTING LINES FROM THE PREVIOUS  
 PLAN AND A UTILITY EXISTENT  
 ABOVE THE SURFACE OF THE GROUND

444 pg 105

FILED IN OFFICE  
 HENRY COUNTY  
 JAN 31 2005 3:15 PM  
 Clerk of Superior Court

DATE	01/29/05	23/05/05							
FILE #	02-01	10111	10111						
CONTRACT #	10111	10111							
DRAWN BY	PIC								
CHECKED BY	W/Williams								
Checked By	W/Williams								
SHEET TITLE			Final	Subdivision Plat					
PROJECT			Phase View	Lead Lot 101 - 12th District 1997 County, Georgia					
CLIENT NAME			Pro-Dev, Inc	P.O. Box 71986 Newport, GA 30271					
C O N S U L T I N G			Moore Bass	32 INDUSTRIAL BLDG., TALLAHASSEE, FLORIDA 32310-4429					
OF			3	6					





DATE	9/16/05	REVISIONS	
TITLE #	02131	1. E2623 Addendum to contract	
CONTRACT #	10111001	2. L-6676 Addendum zoning exceptions	
DRAWN BY	JMC		
CHECKED BY	W/wh		
Moore Bass Consulting			
<b>MB</b>			
The drawing, specifications and notes are prepared by the engineer and are subject to the provisions of the contract documents. The engineer is not responsible for any errors or omissions in the drawing or specifications. The engineer is not responsible for any construction defects or for any damage to property or persons resulting from the use of the drawing or specifications.			
SHEET TITLE			
Final Subdivision Plat			
Land Lot 101 - 12th District, Henry County, Georgia.			
SEAL			
PROJEST			
Pine View			
CLIENT NAME			
P.O. Box, Inc.			
P.O. Box 71898			
Atlanta, Georgia 30371			
<b>Moore Bass</b>			
C O S E I T I N G			
VALUERS			
ATLANTA			
8			

CITY AND COUNTY APPROVAL

APPROVED BY: *[Signature]*

DATE: 1/16/06

REGISTRAR OF DEEDS

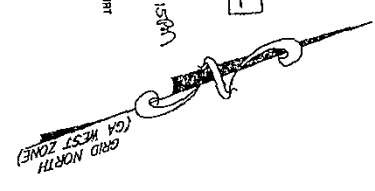
HENRY COUNTY

SUPERIOR COURT

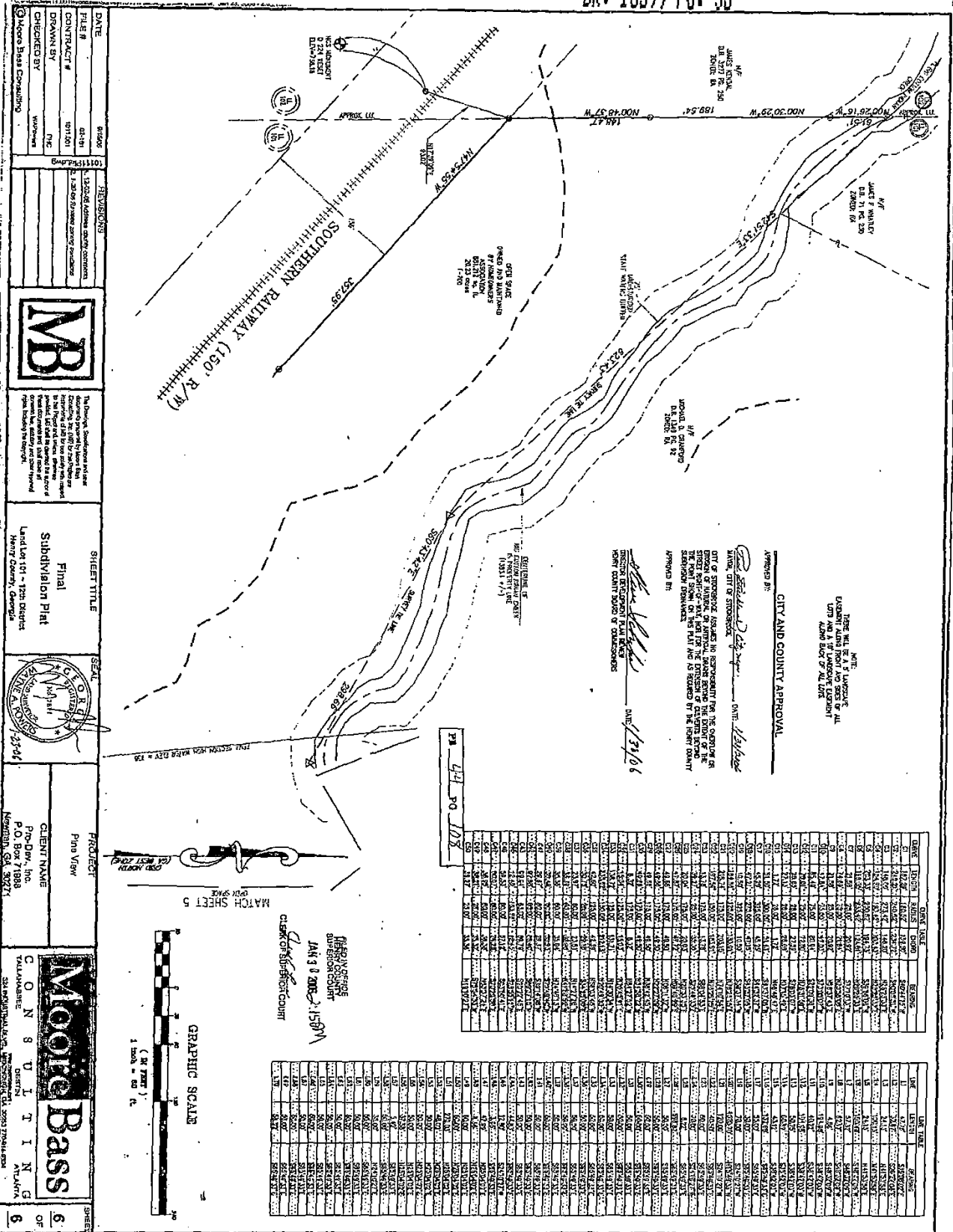
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CLIENT OF SUPERIOR COURT

THIS MAP BEING A PART OF THE RECORD OF DEEDS FOR HENRY COUNTY, GEORGIA, AND IS SUBJECT TO THE RECORD OF DEEDS FOR HENRY COUNTY, GEORGIA.







NOTE:  
 THERE WILL BE A 1/2" WIDENING  
 EXISTING ALONG FRONT AND SIDES OF ALL  
 LOT'S ADJACENT TO ALL LOTS

CITY AND COUNTY APPROVAL

APPROVED BY: *[Signature]* DATE: 1/31/06  
 CITY OF STROUSTON  
 CITY ENGINEER  
 CITY OF STROUSTON  
 CITY ENGINEER  
 CITY OF STROUSTON  
 CITY ENGINEER

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DATE: 03/21/06  
 FILE # 13-2005-000000-000000  
 CONTRACT # 1011001  
 DRAWN BY TFC  
 CHECKED BY W/Johnson  
 MOORE BASS CONSULTING

REVISIONS  
 13-2005-000000-000000  
 1. 03/21/06 BY TFC  
 2. 03/21/06 BY TFC

PROJECT: Pine View  
 CLIENT NAME: Pine View, Inc.  
 P.O. Box 71988  
 MEMPHIS, TN 38117

MOORE BASS  
 CONSULTING  
 221 BENTLEY BLVD.  
 MEMPHIS, TN 38117

GRAPHIC SCALE  
 1" = 60' (ON PAPER)  
 1" = 60' (ON PAPER)

MOORE BASS CONSULTING  
 221 BENTLEY BLVD.  
 MEMPHIS, TN 38117

DATE: 1/31/06  
 PROJECT: PINE VIEW  
 CITY OF STROUSTON

MOORE BASS CONSULTING  
 221 BENTLEY BLVD.  
 MEMPHIS, TN 38117

MOORE BASS CONSULTING  
 221 BENTLEY BLVD.  
 MEMPHIS, TN 38117

MOORE BASS CONSULTING  
 221 BENTLEY BLVD.  
 MEMPHIS, TN 38117

MOORE BASS CONSULTING  
 221 BENTLEY BLVD.  
 MEMPHIS, TN 38117

EXHIBIT BPine Grove Amenity Restoration Contribution

- Section 302.3:
  - Re-stripe the standard spaces.
  - Re-stripe the ADA spaces, access aisle and re-stencil the wheelchair and box on the asphalt.
  - Tuckpoint the brick steps at the front of the clubhouse.
- Section 302.4:
  - Cut back the overgrown vegetation at the Electrical Service Equipment, Natural Gas Meter and exterior HVAC equipment to restore required working clearances.
  - Cut back the vegetation that is growing into the ADA side entrance pathway. Remove the weeds that are growing in the pool deck area.
- Section 302.7:
  - Replace the tennis court chain link gate fencing.
  - Remove or repair the gate's card access entry as was originally constructed.
  - Replace the damaged guards at the pool fencing so that the passage of a 4" sphere is prohibited.
  - Anchor the pool fence posts that are wobbly.
  - Repair or replace the pool gate as needed to prevent the passage of a 4" sphere.
  - Repair the gate's self-closing and self-latching mechanism to prevent unauthorized entry.
  - Remove the rust and repaint the pool gate and fencing where the powder coating has started to rust or peel.
  - Put up a sign at the Tennis Courts that states "Use at your own Risk."
- Section 303.1:
  - Repair the self-closing and self-latching pedestrian gate.
  - Install the required pool signage for public, unattended pools.
  - Provide documentation of the installation of the required VGBA anti-suction devices.
  - Install the missing pool stairs.
  - Replace the emergency phone at the clubhouse lower level entrance.
- Section 304.12:
  - Install the missing handrails with returns on both sides of the rear deck stairs after the guardrail has been built to code.
- Section 304.15:
  - Replace the round knob style doorknobs with the lever style ADA compliant knobs as was originally Installed.
  - Damaged or missing sweeps need to be replaced to prevent rodent and insect entry.
- Section 304.19:
  - Repair the Tennis Court Gate and Pool Pedestrian gate as referenced in other sections.
- Section 304.2:
  - Trim at the exterior doors shows signs of rot. Replace the damaged trim and paint.
- Section 304.6:
  - Investigate active leak at the attic window across from the HVAC equipment (potentially repair).
- Section 304.7:
  - Replace the missing downspout and turnout at the rear of the structure.

- Section 305.6:
  - Adjust the self-closers so that the doors fully close when released.
- Section 309.1:
  - Remove the wasps nest from the clubhouse deck underside.
  - Provide a copy of the annual termite inspection report and bait station service agreement.
- Section 502.5:
  - Replace the damaged toilet stall privacy door and latch mechanism.
  - Replace or repair the escutcheons so that the interior walls are free of holes at the pipe penetrations.
- Section 505.3:
  - Investigate whether or not there is any leaking issue downstairs and provide a recommendation.
- Section 505.4:
  - Investigate whether or not the water heater is in operational condition and provide a recommendation.
- Section 506.2:
  - Replace the missing cleanout cover at the 6" cleanout to the left of the clubhouse in the lawn.
- Section 603.1:
  - Investigate the operational condition of the water heater and HVAC system and make a recommendation.
- Section 604.3:
  - Replace missing receptacle and switch plate covers inside the clubhouse.
  - Replace light bulbs so that all lights and switches are testable at reinspection.
  - Replace bubble cover missing at the front entrance to the clubhouse.
  - Correct the flying tap in the attic near the window. Install the missing j-box and covers.
  - Install the missing receptacle cover in the pool equipment room and that is GFCI protected.
  - All exit and emergency lights inside the clubhouse must be testable at reinspection.
  - Replace the missing hand hole covers at the tennis court light poles. Secure the covers that are loose.
  - Replace the timer box outside the pool equipment room that is missing the cover.
  - Bond all pool pump motors.
  - Repair the missing seal tight at the pump motor.
  - Secure the pump bonding conductor to the wall so that it is less likely to be disturbed and damaged.
  - Repair the damaged tennis court devices at the gate.
  - Properly secure the motion sensor lights to the soffit structure.
- Section 704.2:
  - Remove the tape from over the smoke detectors and reset.
- Section 304.10:
  - The rear deck rim joists require bearing or hangers per code.
  - Replace the guardrail system at the deck and down the steps per code.
  - Install the missing handrails on both sides of the stairs per code at the rear steps.
  - Rebuild lower run of steps so that all risers are equal and the steps terminate at a legal landing (sidewalk).

- o Install the missing guardrail post anchors back to the first floor joist.

{A0239764.DOCX }

EXHIBIT C

Schedule of City Utilities Requirements

**Water System**

- Test
- Inspect
- Check all services
- Check all valves
- Check all hydrants
- Replace broken valve markers & pads

**Sewer System**

- Test
- Inspect
- Check on backflow for lift station
- Check all manhole lids & rings

**Roads & Curbs**

- *Repair broken spots in curb*
- Asphalt around one sewer manhole needs to be repaired or manhole needs to be lowered to match grade
- Check on wood guardrail

**Storm System**

- Inspect all inlet boxes
- Grout rings
- Check all lids for proper fit
- Check rock at headwalls
- Repair washouts at headwalls
- Clean out all pipe exits

{A0239764.DOCX }



## **APPEAL CASE #AP-2026-01:**

**Appeal of a Zoning Verification Letter For  
Parcel #047-01016001 and Parcel #028-02021005**

**On East Atlanta Road and Stagecoach Road**

**Council District 4**

**CITY COUNCIL MEETING**

**May 11, 2026**

**Community Development Department**

**Ryan Anderson, Director**

# INTRODUCTION (Slide #1)

The applicant for Appeal Case #AP-2026-01 has filed an appeal against a Zoning Verification Letter (ZVL) that was completed on March 27, 2026 for his property at the southwest corner of East Atlanta Road and Stagecoach Road (Parcel #047-01016001 and Parcel #028-02021005).

The applicant / owner, Samir Patel, is represented by his attorney (the agent), Newton Galloway, who filed the appeal (SAGES Case #APPEAL-2026.04.0885) on April 20, 2026. Mr. Galloway submitted his ZVL application on March 27, 2026 (SAGES Case #ZVL-2026.03.0757), and the ZVL was completed by the Planning & Zoning Staff on the same day.

The completed ZVL stated that the property is zoned as PUD (Planned Unit Development), whereas Mr. Galloway sought confirmation that the property is zoned as PTD (Planned Town Development). Mr. Patel proposes to build a mixed-use development on the property, including a gas station, convenience store, additional retail tenants, and townhomes. Mr. Galloway contends that these uses are allowed under PTD, but the current Stockbridge Unified Development Code (UDC) requires that properties which are located within the PMU (Parkway Mixed-Use) Overlay District be approved for a Special Use Permit to allow for a gas station and convenience store.

## INTRODUCTION (Slide #2)

A. Applicant's Requested Form of Relief. Attorney Galloway's requested form of relief in his appeal application is as follows:

*Reissuance of the Zoning Verification Letter that confirms the zoning on the Subject Property is PTD pursuant to the Development Agreement for Pine Grove Community, LLC, entered December 21, 2021, amended January 9, 2022.*

B. Applicant's Justification for the Appeal. Mr. Galloway contends that the subject property is zoned as PTD (Planned Town Development), rather than PUD, on the basis of the approval of Rezoning Ordinance #01-105, which rezoned the property from RA (Residential-Agricultural) to PTD (Planned Town Development) on November 19, 2001 as part of a larger tract for the Pine Grove Community containing 149.47 acres. He also believes that the associated Development Agreement for Pine Grove, which was authorized by the adoption of Resolution #01-17 on the same date, still governs the subject property. The Development Agreement, which was adopted on December 21, 2001 and was amended on January 9, 2022, allowed for the adoption and development of a Master Plan to include commercial and residential development.

## INTRODUCTION (Slide #3)

**Mr. Galloway stated that the subject property is located within an area of the Master Plan that was designated for commercial development, and that the applicant now wishes to build such commercial development. He further cited, below, Section 13 of the Development Agreement to justify its continued applicability, to the subject property; and stated that Section 8.36.050(2) of the PTD Ordinance allows gas stations as a permitted use;** and stated that the layout of the buildings on the proposed site plan complies with what is shown on the Master Plan within the Development Agreement.

***All development regulations, guidelines, standards, rules, and conditions of the City of Stockbridge and Henry County 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 of Stockbridge and Henry County regulations, guidelines, standards, rules, and conditions.***

# DESCRIPTION OF THE SUBJECT PROPERTY

**Location**--Two parcels at the southwest corner of East Atlanta Road and Stagecoach Road, owned by Samir Patel:

~ Parcel #047-01016001 to the east contains 2.64+/- acres.

~ Parcel #028-02021005 to the west contains 10.88 +/- acres.

**Recombination of Parcels**—Approved by the Planning Commission on February 27, 2020, but still shown as two parcels since a copy of a recorded plat has not been received by Staff, and Tax Assessors' records have not been updated.

**Base Zoning**--The current Zoning Map shows both parcels as being zoned as PUD.

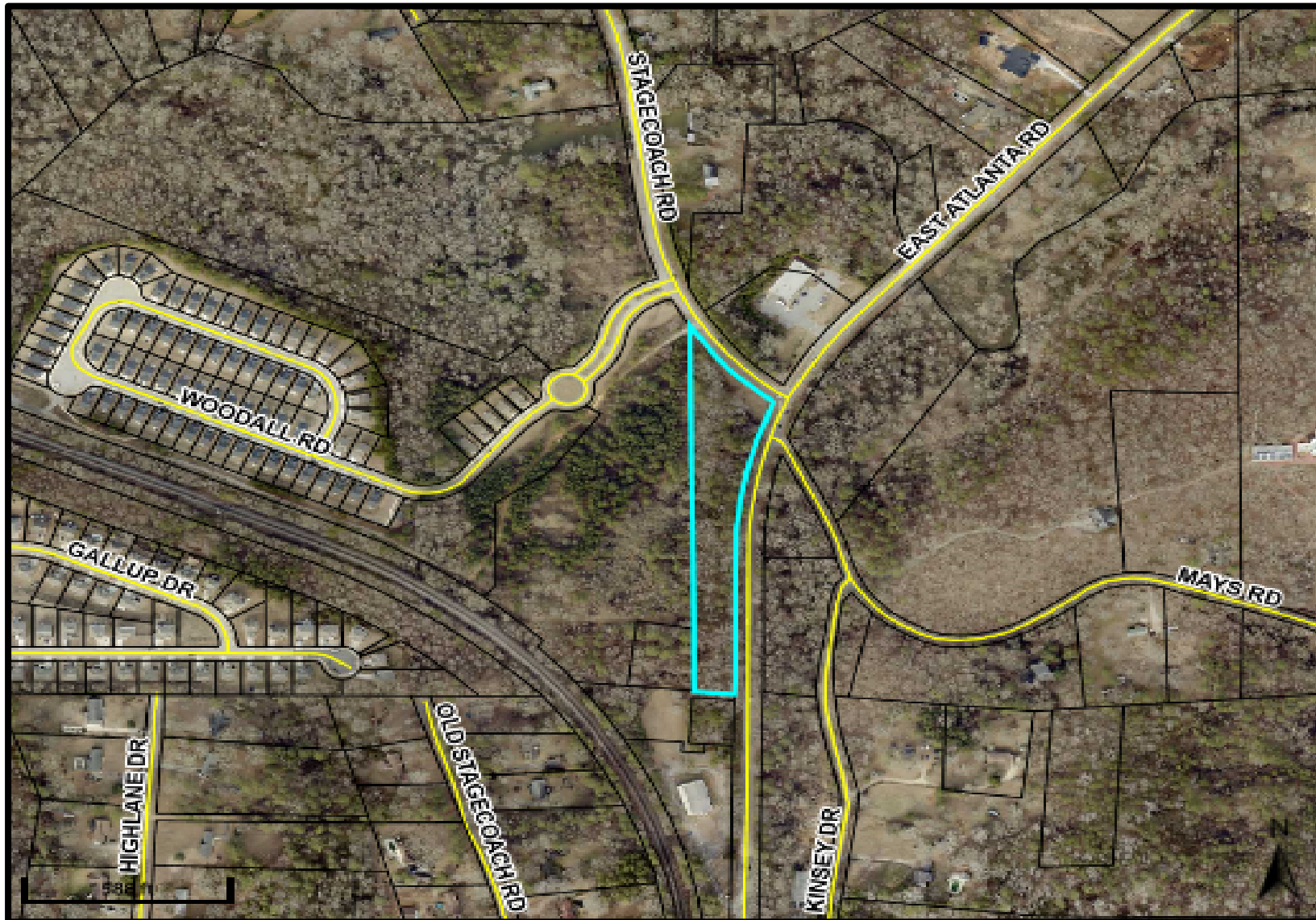
The table within Section 2.4.13(B) of the UDC lists the types of permitted retail and business uses in the PUD district as being any use that is permitted in the OI, C-1, and C-2 districts.

**Overlay District**—The parcels also lie within the PMU (Parkway Mixed-Use) Overlay District, where Section 2.5.2(C)(1)(a) identifies gas stations as being “select uses”, and Section 3.2.14 states that gas stations are a “special use” within the C-2 zoning district, although they are a permitted use in the C-3 zoning district.

**Future Land Use Designation**--Low-Density Residential, which does not allow commercial uses.

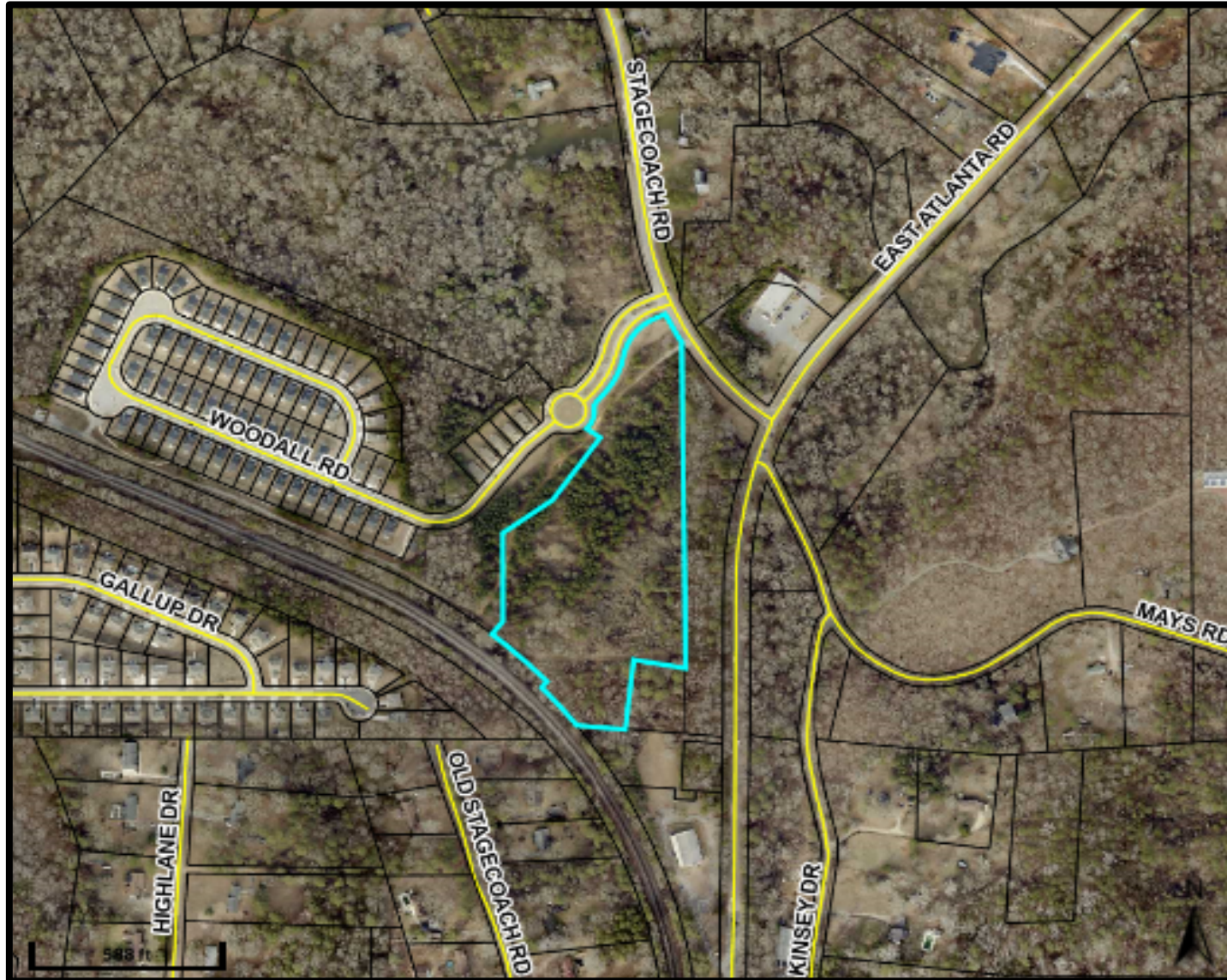
# AERIAL PHOTO FOR PARCEL #047-01016001

Contains 2.64 +/- Acres

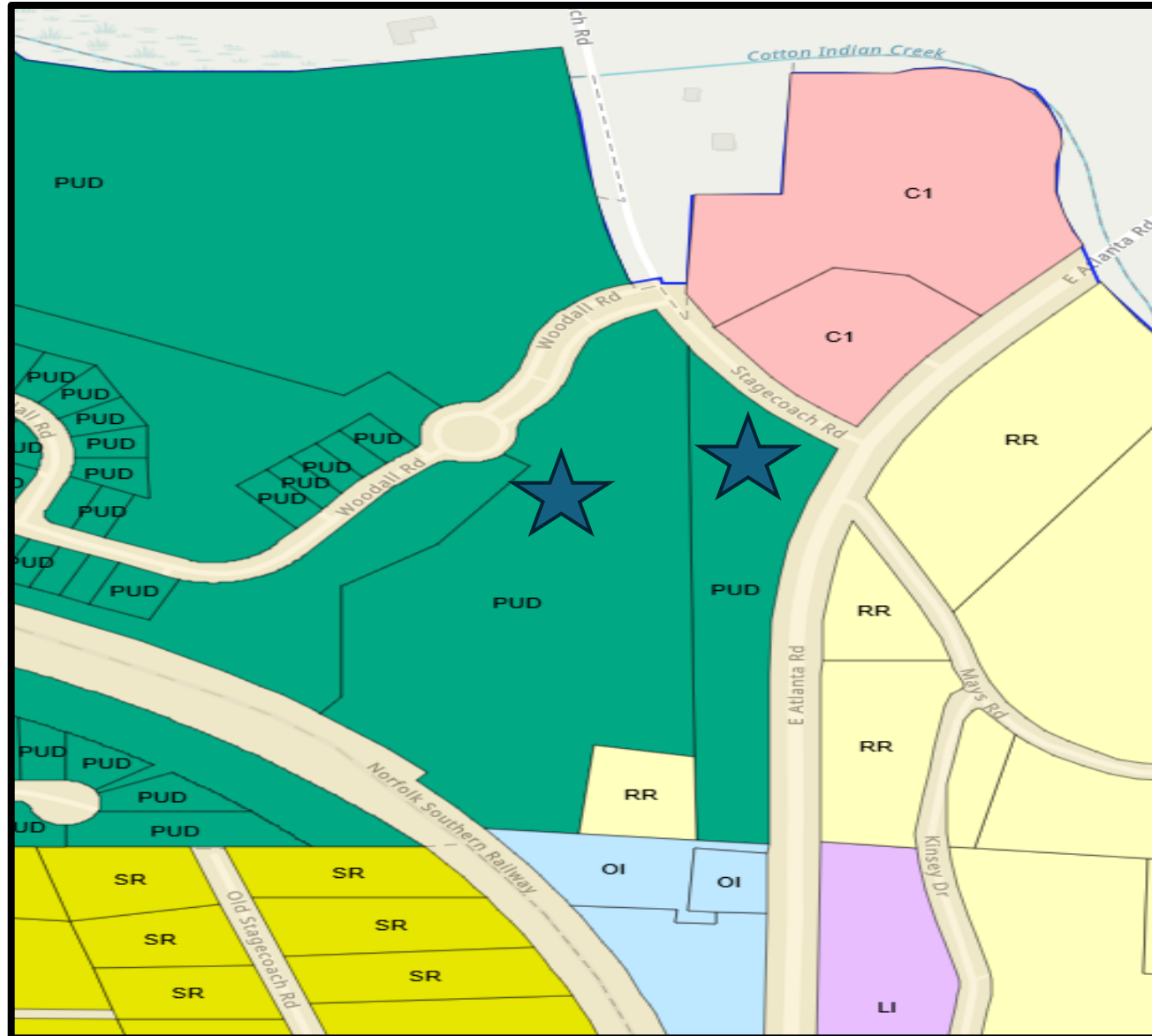


# AERIAL PHOTO FOR PARCEL #028-02021005

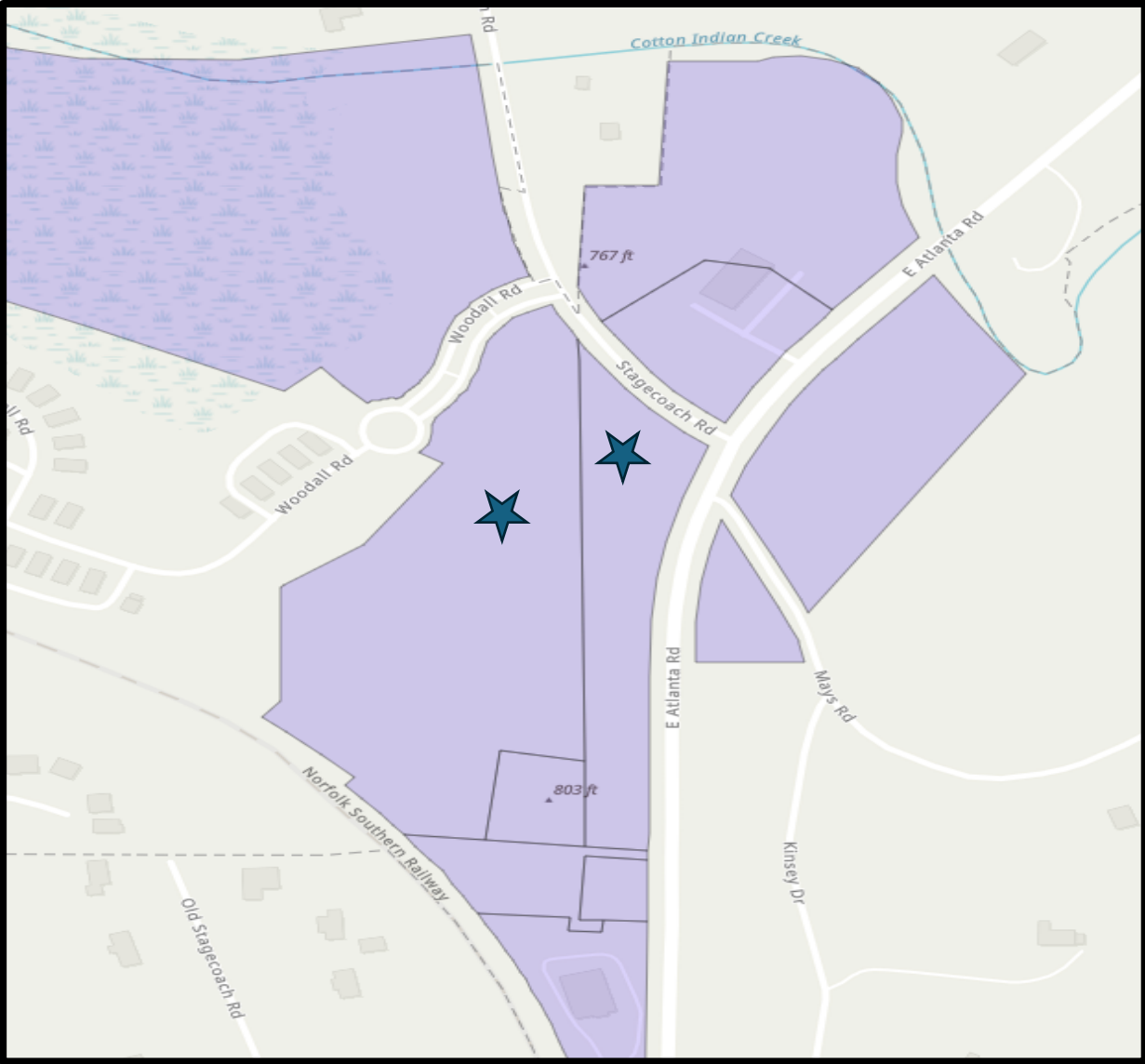
Contains 10.88 +/- Acres



# EXCERPT FROM THE CURRENT ZONING MAP



# EXCERPT FROM THE CURRENT OVERLAY DISTRICT MAP



# EXCERPT FROM THE CURRENT FUTURE LAND USE MAP

Light Orange—Low-Density Residential  
Medium Orange—Medium-Density Residential



# HISTORY OF THE PROPERTY (Slide #1)

**A. Events in 2000 and 2001.** On August 21, 2000, the subject property was annexed into the Stockbridge City Limits from unincorporated Henry County as part of a larger 149-47+/- tract of land via Ordinance #200-00, and it was assigned the zoning district of RA (Residential-Agricultural) via Rezoning Ordinance #00-82. One year later, on November 19, 2001, the property was rezoned via Rezoning Case #RZ-01-26 and Ordinance #01-105 from RA to PTD (Planned Town Development), with the requirement that a development agreement be prepared.

Resolution #01-17 on the same date authorized the approval of an associated Development Agreement for the Pine Grove Community, which included a Master Development Plan. The agreement was made between the City of Stockbridge, property owners Edward H. Whiddon and Carole M. Whiddon, and the developer, China States Construction and Engineering Corporation, along with various other property owners.

## HISTORY OF THE PROPERTY (Slide #2)

The Development Agreement specified various terms and conditions for the development of the property for a single-family residential component, a townhome component, and a commercial / retail component. Page 4 stated that the “validity and enforceability of this Agreement is conditional upon the City rezoning the Property to the zoning classification as follows: . . . [the] property . . . shall be rezoned from the R-A zoning classification to the PT (Planned Town Development zoning classification.” Further, Page 13 of the Development Agreement stated that the “rules, regulations and conditions of the Zoning Ordinance of the city shall apply to the acres of the Property designated commercial or retail within the Planned Town Development Classification.”

Thus, it is important to note that the Development Agreement was prepared on the basis of the property being zoned as PTD, not PUD. Further, the existing two parcels comprising the subject property, in their current configurations, did not exist at the time of the rezoning of the parent property to PTD and the preparation of the Pine Gate Development Agreement. That means that the parcels were later subdivided from the parent property; thus, the PTD zoning, as well as the Pine Gate Development Agreement, no longer apply to the subject property.

## HISTORY OF THE PROPERTY (Slide #3)

**B. Events in 2019.** On April 11, 2019, a Development Agreement for the Pine View Subdivision was approved by the Stockbridge City Council after the Pine View Subdivision had been “substantially developed” as a subdivided tract from the original Pine Grove Community. The agreement was made between the City and Drapac Group 32, LLC. It stated that Pine View was previously governed by the Development Agreement for Pine Grove under a Master Development Plan, but that “subsequent events” caused the Master Development Plan to be divided into “three separate” projects—Pine Grove, Pine View, and a Commercial Tract (including the subject property). With the adoption of the new Development Agreement for Pine View, Pine View was “released” from the control of the Pine Grove Development Agreement. However, the Pine Grove Development Agreement would remain “in full force and effect” for both the Pine Grove Community and the Commercial Tract, including the subject property.

However, as was stated above, since the subject property was rezoned in 2022 from PTD to PUD, and since the two parcels in their current configurations were subdivided from the original Pine Gate tract, the terms of the Pine View Development also no longer apply to the subject property.

## HISTORY OF THE PROPERTY (Slide #4)

C. Events in 2020. On February 27, 2020, the Stockbridge Planning Commission approved the recombination of two parcels of land into one parcel for the owner of the subject property, Samir Patel. This included Parcel #047-01016001 with 2.64 +/- acres in Land Lot 100 of District 12 (located at the southwest corner of East Atlanta Road and Stagecoach Road) and Parcel #028-0202005 with 10.88 +/- acres in Land Lot 101 of District 12 (located at the southeast corner of Stagecoach Road and Woodall Road). The Planning & Zoning Division, however, has not received a copy of a recorded plat, and the Henry County Tax Assessors' records still show the property as being two parcels rather than one.

## HISTORY OF THE PROPERTY (Slide #5)

D. Events in 2021. Samir Patel had filed two applications to be heard by the Stockbridge Planning Commission on December 21, 2022. These included Comprehensive Plan Amendment Case #CP-2021-02 and Rezoning Case #RZ-2021-02. The applicant was represented by Sibley-Miller Surveying, the Agent. The purpose of CP-2021-02 was to change the subject property's future land use designation from Low-Density Residential to Low-Density Vertical Mixed-Use, and the purpose of RZ-2021-02 was to allow the rezoning of the property from PTD to MUND (Mixed-Use Neighborhood Development) to allow for the development of a gas station, several commercial buildings, and a townhome community. However, the applicant withdrew both applications prior to the meeting, and the cases have not been revived since then.

E. Events in 2022. On March 14, 2022, the Stockbridge City Council adopted a new Zoning Map and a new Overlay Districts Map, which included new zoning districts. The map adoptions coincided with the adoption of an updated Unified Development Code (UDC). One of the new zoning districts was the PUD (Planned Unit Development), which replaced the former PTD, MUND, and TND districts. This caused the zoning of the subject property to change from PUD to PTD.

## HISTORY OF THE PROPERTY (Slide #6)

**F. Events in 2023.** A pre-meeting was held in the Levi Conference Room of City Hall on December 4, 2023. Attending the meeting were the applicant, his attorney, the City Manager, and members of the Planning & Zoning Staff.

**G. Events in 2025.** On June 18, 2025, the applicant submitted into SAGES (Case #SPEC-2025.06.0822) an application for a Special Use Permit for the purpose of requesting to build a gas station on the subject property. A survey and site plan were submitted, along with a Letter of Intent.

**H. Events in 2026.** On March 27, 2026, the applicant applied for a Zoning Verification Letter (ZVL), and the ZVL was completed by the Planning & Zoning Staff on the same day. Then on April 20, 2026, the applicant filed an appeal. The appeal case, #AP-2026-01, is scheduled to be heard by the City Council on May 11, 2026.

## PROPOSED DEVELOPMENT (Slide #1)

As part of the applicant's Special Use Permit application, the applicant submitted a site plan that was prepared by Sibley-Miller Surveying & Planning, Inc. as Project #B202085, which was dated 8/28/2024 with the title, "Master Development Plan: Samir Patel; 13.524 Platted Acres." It showed a proposed mixed-use development that would include a gas station, a retail building, a commercial building, and 35 townhomes within seven (7) buildings at the rear. A gas station and convenience store would be located in the center building, and there would be six (6) business spaces altogether. The convenience store would have approximately 5,000 square feet.

Although the proposed site plan encompasses both of the applicant's parcels, the applicant has submitted a survey of only the smaller parcel adjacent to East Atlanta Road (where the gas station and commercial uses would be built), and the application is only for the smaller parcel. However, the applicant must either build the gas station and commercial uses separately from the townhomes on the small parcel only, or the applicant must have a recombination plat recorded so that the two parcels can be combined to form one parcel and the proposed site plan for both the commercial and residential uses may be used for both parcels.

## PROPOSED DEVELOPMENT (Slide #2)

The applicant makes the statements below in his Letter of Intent, which signifies his acknowledgement that the property is zoned as PUD, and that a Special Use Permit (formerly known as a Conditional Use Permit) would be required to build a gas station on the property. However, the applicant also stated his belief that his proposed retail and commercial uses, as well as the townhomes, are allowed by right under the existing PUD zoning, and that only the proposed gas station requires a special use permit (f.k.a. conditional use permit).

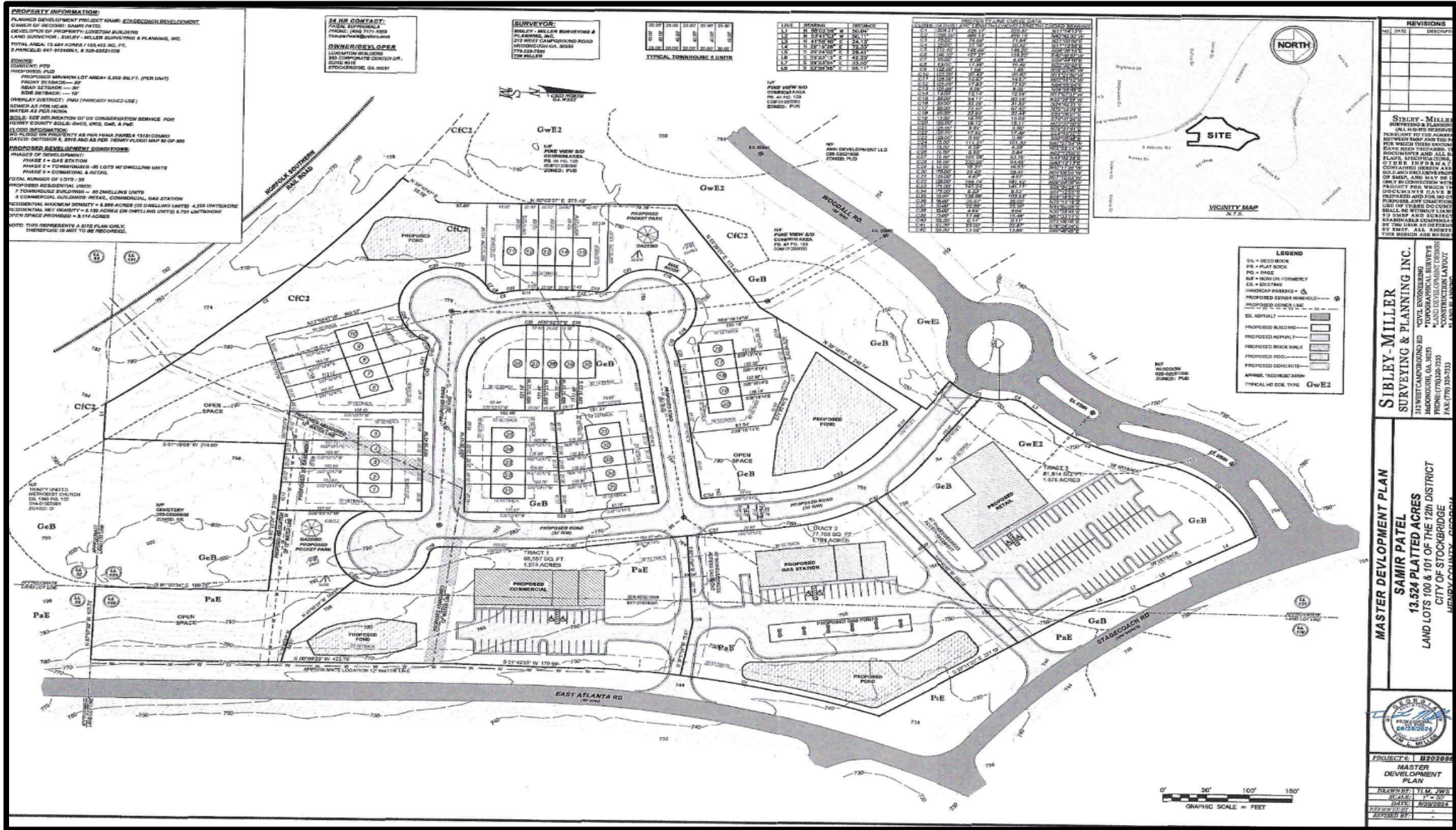
*“The Owner / Applicant seeks rezoning from PUD to C-2/Conditional zoning . . . “*

*“Both tracts are currently zoned PUD. The Owner / Applicant presented a development plan for both tracts under PUD zoning.”*

*“Because the development will include a gas station, conditional use approval is required under either PUD or C-2.”*

# APPLICANT'S PROPOSED SITE PLAN

## (Encompasses Both Parcels)



# THE P.U.D. DISTRICT (Slide #1)

The City's current PUD (Planned Unit Development) District was born on March 14, 2022 when the City adopted its new Unified Development Code (UDC), along with its new Zoning Map and Overlay District Map (which also merged other zoning districts), per Ordinance #OR22-497. At that time, changes were made to some of the existing zoning districts and new ones were added. Section 2.3 provides the following explanation:

*During the preparation of this new unified development code, some zoning districts were retained, some districts were converted to new districts or combined with other districts, some districts were eliminated, and new districts were added.*

## THE P.U.D. DISTRICT (Slide #2)

Section 2.3(B) of the UDC provides the “City of Stockbridge Zoning District Conversion Chart”, which lists the previous zoning districts and the new zoning districts. A portion of the Chart is reproduced below. It shows that the PTD district, along with the MUND and TND districts, were merged to form the new PUD district. Thus, the PTD district no longer exists within the City of Stockbridge.

### City of Stockbridge Zoning District Conversion Chart

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**Previous Zoning District Designation**

**Zoning District Designation Under  
This Unified Development Code**

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**Three Mixed-Use Districts:**

**PTD, Planned Town Development District**

**MUND, Mixed-Use Neighborhood Dev. District**

**TND, Traditional Neighborhood Development**

**New Mixed-Use District:**

**PUD, Planned Unit Development**

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## THE P.U.D. DISTRICT (Slide #3)

Section 2.4.14 of the UDC lists numerous requirements for PUD zoning. Among them are the following:

1. **Area.** The minimum area that is required for a PUD District shall be three (3) contiguous acres of land.
  2. **Uses.** Each PUD final development plan must include at least two (2) different uses and / or two (2) types of varied housing options. (in addition, the table within Section 2.4.13(B) lists the types of permitted retail and business uses as being any use that is permitted in the OI, C-1, and C-2 districts.
- F. PUD Master Development Plan Approval Request.** A master development plan which incorporates the comments and modifications made by the community development department in its review of the preliminary concept plan shall be submitted with the application for rezoning.

## **COUNCIL ACTIONS ON OTHER PROPERTIES HAVING DEVELOPMENT AGREEMENTS (Slide #1)**

**In recent years, the Stockbridge City Council has been consistent in its treatment of properties that were subject to development agreements.**

**For Zoning Modifications—Enforced or modified the development agreement terms:**

- 1. ZM-2020-01 for Parcel #013-01019000 on Walt Stephens Road at Speer Road—Enforced the terms of a 1996 development agreement for Brentwood Subdivision, where Pulte Group proposed to build a mixed residential development on 155.2 acres in MFR.**
- 2. ZM-2022-01 for Parcel #S07-01006005 on Brush Creek Court, Original—Modified the terms of the 2001 development agreement for Brush Creek Commons to allow Pivotol Enterprises to build a townhome development on 15.895 +/- acres in the MFR district.**
- 3. ZM-2024-01 for Parcel #S07-01006005 on Brush Creek Court, Phase 1—Further modified the terms of the 2001 development agreement to allow Pivotol Enterprises to build Phase 1 of Brush Creek Commons.**

## **COUNCIL ACTIONS ON OTHER PROPERTIES HAVING DEVELOPMENT AGREEMENTS (Slide #2)**

**For Rezoning—Gave a fresh start, free from the development agreement terms:**

- 1. RZ-2019-04 & RZ-2020-01 for Parcel #032-01026000 by TPA Residential on Hudson Bridge Drive—The terms of a Walmart Development Agreement and Master Plan for this parcel, which was annexed into the City of Stockbridge in 2002, were determined to be not applicable in rezoning this parcel, containing 20.367+/- acres, from C-2 to MUND to allow for a development with townhomes and commercial uses. The applicant withdrew its RZ-2019-04 application and returned to file RZ-2020-01 for a purely townhome development, but that application was denied by City Council.**
- 2. RZ-2022-08 for Parcel #032-01026000 on Hudson Bridge Drive—The same action was taken for Carter Acquisitions, LLC, who sought to rezone the property from C-2 to MUND to build an apartment community on 20.367 +/- acres.**

## **COUNCIL ACTIONS ON OTHER PROPERTIES HAVING DEVELOPMENT AGREEMENTS (Slide #3)**

**For Rezoning—Gave a fresh start, free from the development agreement terms.**

- 3. RZ-2024-01 for Parcel #032-01026000 on Hudson Bridge Drive—The same action was taken to allow Lennar Georgia, LLC to rezone the property from C-2 to MFR to build a townhome community on 20.367 +/- acres.**
- 4. RZ-2023-05 for Three Parcels on Davidson Parkway at Walter Way. The terms of a 2003 Development Agreement with DRA Development for Northbridge Crossing were determined to be not applicable upon the rezoning of this property from C-3 to PUD to allow the applicant, D. R. Horton, Inc., to build a mixed-use development, Branford Crossing, on 78.864 +/- acres.**

## CONCLUSIONS (Slide #1)

Based on the foregoing information, the following conclusions are drawn for Appeal Case #AP-2026-01:

1. The subject property still consists of two parcels, even though the Planning Commission approved their recombination into one parcel. That is because the applicant apparently has not had the recombination plat recorded so that the Tax Assessors' Office can update its property tax records. Yet, the applicant proposes building his proposed development over both parcels to include both the commercial and residential uses. His Special Use Permit application must, therefore, include a site plan for both parcels, even though the gas station would only be built on the smaller parcel.

## CONCLUSIONS (Slide #2)

2. The property's future land use designation of Low-Density Residential does not allow commercial uses; thus, a Comprehensive Plan amendment would be needed.
3. The enforcement of the Development Agreement for the Pine Grove Community, as including the subject property (which was part of the commercial component), as well as the Development Agreement for the subsequent Pine View Subdivision, were based on the property being zoned as PTD, not PUD; thus, both Development Agreements no longer apply to the subject property.
4. The existing two parcels comprising the subject property, in their current configurations, did not exist at the time of the rezoning of the parent property to PTD and the preparation of the Pine Gate Development Agreement. That means that the parcels were later subdivided from the parent property. Thus, the PTD zoning and the Pine Gate Development Agreement no longer apply to the subject property.

## CONCLUSIONS (Slide #3)

- 5. Although the Development Agreement for the Pine View Subdivision, which was prepared after most of the Pine View Subdivision had been developed, stated that its terms are still in force for the remainder of the original Pine Grove property (including the subject property, representing the “Commercial Tract”), that was based on the property being remained zoned as PTD.**
- 6. When the new Zoning Map and Overlay Map were adopted by City Council on March 14, 2022 via Ordinance #OR22-497, it included the new PUD zoning district, which replaced the former PTD zoning district (as well as the former MUND and TND zoning districts). Therefore, the PTD zoning district no longer exists. Further, the new Zoning Map showed the subject property as now being zoned as PUD.**

## CONCLUSIONS (Slide #4)

7. The City Council has consistently enforced the terms of development agreements for properties whose applicants sought zoning modifications rather than rezonings for their properties, whereas the City Council has determined that development agreements for properties whose applicants sought to rezone their properties were no longer applicable.
  
8. In the applicant's Special Use Permit Application, he acknowledges that the property is zoned as PUD.

# STAFF RECOMMENDATIONS (Slide #1)

In view of the conclusions above, the Staff makes the following recommendations for Appeal Case #AP-2026-01:

1. DENIAL of the applicant's appeal via AP-2026-01.
2. Confirmation of the accuracy of the Zoning Verification Letter that was prepared for the subject property on March 27 2026, which states that the subject property is zoned as PUD.
3. Confirmation that the Development Agreement for the Pine Grove Community, the Development Agreement for the Pine View Subdivision, and the PTD Ordinance all no longer apply to the subject property.

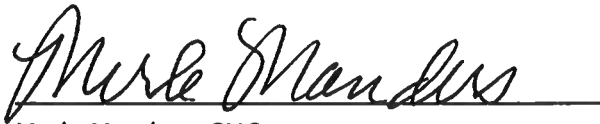
## STAFF RECOMMENDATIONS (Slide #2)

4. Confirmation that the applicant must take the following actions in developing the subject property if the proposed development project is to include a gas station, other commercial uses, and residential uses all within a combined site plan encompassing both parcels:
  - a. Have a recombination plat recorded to enable the property to become one parcel.
  - b. Apply for a Special Use Permit for the proposed gas station.
  - c. Apply for a Comprehensive Plan amendment to assign a new future land use designation to the property to allow for both commercial and residential uses at the appropriate density.

**CERTIFICATE**

**I, MERLE MANDERS**, Clerk of the City of Stockbridge, Georgia, do hereby certify that the foregoing Ordinance No. 99-02 was adopted by the Mayor and City Council of the City of Stockbridge at a regular meeting on March 8, 1999.

This the 14<sup>th</sup> day of December, 2005.

A handwritten signature in cursive script, reading "Merle Manders", written over a horizontal line.

Merle Manders, CMC  
City Clerk

STATE OF GEORGIA

CITY OF STOCKBRIDGE

ORDINANCE NO. 99-02

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF STOCKBRIDGE, GEORGIA, TO PROVIDE FOR A NEW PLANNED TOWN DEVELOPMENT, TO REPEAL CONFLICTING ORDINANCES AND FOR OTHER PURPOSES.

BE IT AND IT IS HEREBY ORDAINED by the Mayor and Council of the City of Stockbridge, Georgia, and by the authority thereof:

Section 1. That Section 8.36.010 of the Code of Ordinances of the City of Stockbridge, Georgia, is hereby amended by adding a new Section 3-7-162 which shall read as set forth on **Exhibit "A"** attached hereto and incorporated herein by this reference.

Section 2. All ordinances and parts of ordinances in conflict with this ordinance, or to the extent of such conflict, are hereby repealed.

SO ORDAINED, This 9<sup>th</sup> day of March, 1999.

CITY OF STOCKBRIDGE



R. G. Kelley, Mayor

Attest:



Merle Manders, City Clerk

**Section 3-7-162. PTD: planned town development district.**

- (a) **Purpose.** It is the purpose of the planned town development district to encourage the development of compatible land uses within the framework of a master development plan for residential and nonresidential land uses within an environmentally compatible setting. PTD shall only be allowed within incorporated areas within Henry County which are more conducive to this type of urban development. Tracts of one hundred (100) acres or larger are required for this district. The PTD district is designed to include residential, commercial or industrial zoning districts as appropriate to provide flexibility in the application of development standards and site design when approved according to a master development plan in a manner to promote the conservation of natural environment, more efficient use of land, and efficiency in the extension of streets and utilities.

Specifically, the PTD sets forth a framework for traditional neighborhood development (TND) that encourages pedestrian-scale residential and commercial activities to be designed in such a way as to reduce the number and type of vehicle trips, limiting congestion and thereby improving air quality. Conventional Development (CD) is also addressed in a manner to promote the clustering of residential to set aside areas of recreation and open space while providing for varied forms of pedestrian and bicycle movement that is buffered from commercial and industrial activities. A master development plan may contain a mixture of TND and CD development areas. Generally, densities shall be in accordance to benchmarks established by the Henry County/Cities Joint Comprehensive Development Plan unless otherwise provided for herein.

All planned developments shall be located on paved county/city roads with a minimum classification of arterial according to the Henry County Functional Road Plan. In most cases, each area within a PTD project developed for residential (including required open space and recreation amenities), commercial or industrial land use shall be designated separately according to the master development plan unless a mixture of uses within the site can better accomplish the goals established herein. Projects must consist of more than one type of land use to be considered an PTD project.

- (b) **Objectives.** To carry out the purpose of this section, a PTD district must provide the following, as appropriate:
- (1) A range in the types of residential environment, including types of housing, and community facilities/recreation activities available.
  - (2) Nonresidential land uses, if any, which provide convenient service, employment, and access.
  - (3) Conservation of natural topographical and geological features with emphasis upon:
    - a. Conservation of existing surface and sub-surface water resources;
    - b. Preservation of major trees and other significant natural environmental features;
    - c. Prevention of soil erosion;
  - (4) An efficient network of streets and utilities appropriate to serve the land uses within the PTD district.
  - (5) Creation of a mixture of uses that decrease reliance on the use of the automobile and to encourage the use of alternative modes.
  - (6) A master development plan to guide the PTD with specific development objectives which shall be included in conditions, covenants, and restrictions.

(c) *Definitions.* For this purpose of this section, the following terms shall have the meaning immediately set forth after the term.

- (1) *Amenity Area.* The area(s) set aside for active and passive recreation for the residents inside the PTD (or for the general public) 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.
- (2) *Architectural/Design Standards.* A document outlining home styles, building façades landscape standards, building placement, streetscaping, street trees, and the placement and design of accessory units. The standards shall also include general standards for the open space and recreation areas.
- (3) *Comprehensive land use plan.* The comprehensive long-range plan containing policies to guide the growth and development of Henry County along with the cities of Hampton, Locust Grove, McDonough and Stockbridge, which includes the analysis, recommendations and proposals for the county's population, economy, housing, transportation, community facilities, and land use.
- (4) *Conventional development (CD).* The clustering of residential lots to preserve areas for recreation and open space, along with related commercial and industrial activities in a town center and/or industrial park setting that is typical in modern development practices. This type of development is designed mainly for automobile traffic in scale of buildings, extensive use of buffering and landscaping, and commercial uses oriented to vehicular traffic. This does not exclude the use of pedestrian and bicycle facilities to make these developments more accessible.
- (5) *Credits, density.* The amount of additional density applicable to a PTD according to performance criteria established herein. The amount of density bonus shall be capped at 0.75 dwelling units per net acre in addition to the density established under the comprehensive land use plan.
- (6) *Master development plan.* A written and graphic submission for a planned town development which represents a tract of land; proposed subdivision; the location and bulk of buildings and other structures; density of development; streets, alleyways, sidewalks, and multiuse paths; parking facilities; common recreation and open space; public facilities; and all conditions, covenants, and restrictions relating to use thereof. The master development plan is submitted in conjunction with a rezoning application for the PTD district.
- (7) *Maximum allowable net density.* The total number of dwelling units or housing structures per unit of land based on the net land area. The maximum allowable net density, exclusive of any bonus density credits established herein, shall not exceed the density established by the comprehensive land use plan.
- (8) *Net land area.* Except for adjustments allowed herein, net land area shall consist of the area calculated in terms of net acres for the land devoted to residential use, use exclusive of streets, rights-of-way, flood hazard areas, commercial/industrial land, and public lands. Easements for drainage, sanitary sewer, etc. shall not be excluded from net land area.
- (9) *Nonresidential land uses.* Those designated areas which are not residential land uses, which includes but is not limited to: commercial or industrial uses, streets, drives, and service/parking areas.

- (10) *Open space.* Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common ownership and use by the residents of the developments and may include complementary structures and improvements as are necessary and appropriate for recreation or other complementary activities. Wetlands under common ownership shall also be included in open space.
- (11) *Ownership types.* These include all types of residential development including, but not limited to: single-family, duplex, apartments, townhomes, rental housing, such that ownership may be fee simple, lease-purchase, leased or rented, and common ownership of open spaces, recreation facilities, and parking areas.
- (12) *Planned industrial district.* An area within a PTD project designed for industrial uses with streets, utilities, and common architectural controls regulated by a master development plan and restrictive covenants.
- (13) *Planned town center.* An area within a PTD which contains a group of commercial and office establishments having a composition that is an architecturally-aesthetic unit and is not a miscellaneous assemblage of stores; and is planned, developed, analyzed as a unit, related in location, size and type of shops to the trade area that the unit serves, and provides limited on-site parking in relation to the types and sizes of stores to encourage pedestrian and other modes of access. A set of architectural design standards shall be created and approved prior to development of sites designated as planned town center.
- (14) *Preliminary concept plan.* A preliminary plan of the proposed planned development, of sufficient accuracy to be used for purpose of reviewing the proposed land uses and general layout.
- (15) *Professional consultant.* The person who is a registered and or certified engineer, architect, landscape architect, or planner who prepared the plan, within the scope of their respective legal responsibilities.
- (16) *Public lands.* The land area designated for general public use, not otherwise under the control of a homeowner or property owner association.
- (17) *Residential land uses.* Any variety of residence types as permitted herein, and as shown on the approved master development plan.
- (18) *Traditional neighborhood development (TND).* A TND development consists of areas of compact, urban residential development with alleys, rear garages (attached or detached), front porches (typically), street-trees, sidewalks, narrow streets (on-street parking allowed), pocket parks and other formalized park areas that reflects back upon urban neighborhood development in the period of the 1920s-1940s. The planned town center typically places the bulk of parking at the rear of buildings, with limited on-street parking, wide sidewalks, storefronts facing the street, street furniture, plazas, public art, street-trees, squares, and, where allowable, residential above storefronts. Generally, commercial activities are limited in scope and bulk to maintain harmony of the development. The number of TND lots shall be limited to [ 50% ] percent of the total residential lots of the development.

(d) *General Requirements for a Planned Development District:*

- (1) *Area.* The minimum area required for a PTD district shall be one hundred (100) contiguous acres of land. The planning board may consider projects with less acreage where the applicant can demonstrate that a smaller parcel will meet the purposes and objectives of the PTD district.

- (2) *Ownership.* The tract of land proposed for PTD development shall be one (1) ownership, or if in several ownerships, the application for zoning amendment shall be filed jointly by all of the owners of the properties included in the plan. Any subsequent change in owners of the properties involved, or in anyone having a legal or equitable interest in the property, shall be reported to the community development department. Failure to provide information on property ownership status shall result in the planning board and board of commissioners withdrawing approval.
- (3) *Location of PTD district.* The PTD district shall be located on arterial roads where public water and sewerage facilities are available.
- (4) *Permitted uses/development standards:*

a. Residential Uses: Residences may be single-family detached and cluster homes may be permitted within the PTD. The development standards for residential uses are listed below for TND and CD development areas:

1. *Traditional Neighborhood Development (TND)*

Single-family residential (detached and cluster)

- |   |  |
|---|--|
| (a) Minimum lot size:   | variable; minimum of<br>5,500 square feet (0.13 acre)<br>to 21,780 square feet (0.50 acre)<br>with a maximum density not to exceed<br>4.0 units per net acre as defined herein |
| (b) Minimum lot width   | 50 feet  |
| (c) Maximum lot width   | 100 feet   |
| (d) Minimum front setback   | 12 feet from back-of-curb  |
| (e) Maximum front setback   | 35 feet from back-of-curb  |
| (f) Minimum side yard   | 5 feet   |
| (g) Minimum rear yard   | 20 feet  |
| (h) Maximum height  | 40 feet  |
| (i) Minimum floor area (heated space)   | 1/3 at 1,400 square feet<br>1/3 at 1,500 square feet<br>1/3 at 1,600 square feet   |
| (j) Curb and gutter   | Required   |
| (k) Paved driveway  | Required   |
| (l) Sidewalks   | Required   |
| (m) Streetlights  | Required   |
| (n) Underground utilities   | Required/in alleys where possible  |
| (o) Public Sewer  | Required   |
| (p) Public Water  | Required   |
| (q) Garages   | Required. In rear yard only, Attached or detached  |
| (r) Alleys  | Required, no curb and gutter for alley section   |
| (s) Porches   | Recommended  |
| (t) Recreation/Open Space   | as stated herein   |
| (u) Concurrent Construction Requirement<br>(with TND/CD Housing mix, if applicable) | [ 2 ] TND to 1.0 CD  |
| (v) Maximum number of lots  | [ 50 ] % of total residential lots   |

2. *Conventional Development (CD)*

Single-family residential (detached and cluster)

- |                                       |   |
|---------------------------------------|---|
| (a) Minimum lot size:                 | variable; minimum of<br>8,000 square feet (0.18 acre)<br>to 81,720 (2.0 acres), with a maximum<br>density not to exceed 2.5 units per<br>net acre as defined herein |
| (b) Minimum lot width                 | 70 feet   |
| (c) Minimum front setback             | 25 feet from ROW line   |
| (d) Maximum front setback             | 70 feet from ROW line   |
| (e) Minimum side yard                 | 10 feet   |
| (f) Minimum rear yard                 | 30 feet   |
| (g) Maximum height                    | 40 feet   |
| (h) Minimum floor area (heated space) | 1/3 at 1,600 square feet<br>1/3 at 1,700 square feet<br>1/3 at 1,800 square feet  |
| (i) Curb and gutter                   | Required  |
| (j) Paved driveway                    | Required  |
| (k) Sidewalks                         | Required  |
| (l) Streetlights                      | Required  |
| (m) Underground utilities             | Required  |
| (n) Public Sewer                      | Required  |
| (o) Public Water                      | Required  |
| (p) Garages                           | Required 2-car, Attached or detached  |
| (q) Alleys                            | Allowed, no curb and gutter for alley section   |
| (r) Recreation/Open Space             | as stated herein  |

- b. Public buildings and recreation facilities (amenities) for use of the residents of the PTD are permitted. The restrictions as to the use of these facilities shall be set forth in the covenants and restrictions of the PTD development. The requirements for amenities are listed below.

Amenity Requirements:

In order to assure that adequate recreation and open space exists on-site, the following shall guide the PTD development in the development of *minimum* thresholds for open space and recreation facilities. It is expected that a PTD shall exceed the minimum standards set forth herein.

Amenity and recreation facilities shall be required according to a point system based on standards per one hundred (100) acres of development (total acreage). The minimum number of points and minimum amenities required shall be dependent on the total acreage of the PTD as shown in **Table 1** on the following page.

The point system for each type of amenity is shown in **Table 2** found on the following page.

*For other amenities not listed, the number of points assigned shall be established by the Director of Planning and Development in consultation with the municipal council, but shall not exceed twenty-five (25) points as established in this district.*

**Table 1. Minimum Number of Points/Criteria per PTD Acreage Class**

<b>PTD Total Acreage</b>	<b>Minimum Points</b>	<b>Minimum Criteria</b>
100 to 200 acres	60	Clubhouse, pool, tennis (2), multiuse field, 10 acres open space, walking trails of at least 1,000 linear feet.
200 to 300 acres	80	Clubhouse, pool, tennis (4), multiuse field, baseball field, 25 acres open space, walking trails of at least 1,500 linear feet.
300 to 400 acres	100	Clubhouse, pool, tennis (6 ALTA), 2 multiuse fields, baseball field, 50 acres open space, walking trails of at least 2,500 lineal feet.
400 to 500 acres	125	Clubhouse, pool, tennis (8 ALTA), multiuse field, baseball field, soccer field, softball field, 80 acres of open space, walking trails of at least 3,500 lineal feet, community center/pavilion
over 500 acres	125 + 10 points for each 100 acres over 500 acres	same as 400-500 acres, plus soccer field, 2 <sup>nd</sup> pool, amphitheater

**Table 2. Points for Each Amenity Proposed for a PTD**

<b>Amenity Type</b>	<b>Points</b> (each, unless otherwise stated below)	<b>Comments</b> (maximum 2 of each type unless otherwise stated below)
Clubhouse	12.5	2,500 minimum square feet
Competition Pool	12.5	
Wading Pool	7.5	for children, must be accompanied with another pool herein
Alternate Design Pool	12.5	for sunbathing, recreation
Tennis Courts	5.0	maximum of 12, lighted
Walking Trails	1.0 (per 100 lineal feet)	paved, 6 feet in width
Multiuse Trails	1.35 (per 100 lineal feet)	paved, 12 feet, striped for bicycles and pedestrians
Baseball Field (reg.)	12.5	regulation size
Baseball Field (LL)	10.0	little league size
Softball Field	12.5	regulation size
Soccer Field	12.5	regulation size
Multiuse Field (1)	12.5	football and soccer
Multiuse Field (2)	15.0	football and baseball
Football Field	12.5	regulation size

**Table 2. Points for Each Amenity Proposed for a PTD (continued)**

<b>Amenity Type</b>	<b>Points</b> (each, unless otherwise stated below)	<b>Comments</b> (maximum 2 of each type unless otherwise stated below)
<b>Lake</b>	10.0 (existing) 25.0 (new)	minimum of 10 acres, with full access, piers, launch
<b>Amphitheater</b>	17.5	minimum 150 seats
<b>Community Center</b>	7.5	750 to 2,000 square feet, near ball fields
<b>Playground</b>	5.0	swings, "jungle-jim", etc., (Max of 4)
<b>Formal Parks</b>	2.5 (per acre provided)	formal landscaping, fountains or art, benches (Max of 6)
<b>Open Space</b>	0.05 (per acre provided)	natural or enhanced, with trails providing access to and through the area

c. **Office/Institutional Uses:** Office development shall be designed and landscaped in a manner which is compatible with residential development and is which provides for traffic circulation alternative modes (i.e., pedestrian, bicycle, transit). The permitted uses are as follows:

- (1) Libraries, museums, and art galleries
- (2) Churches
- (3) Medical and dental clinics/offices
- (4) Professional and business offices providing that wholesale or retail merchandise is not offered for sale.
- (5) Nursery schools, kindergarten schools, and daycare centers providing child care for more than ten (10) children when conducted in a principal structure or institution not associated with a church facility, provided that at least two hundred (200) square feet of outdoor play area and thirty-five (35) square feet of indoor play area is provided for each child. Use of outdoor play area in shifts is allowed. The outdoor play area shall be enclosed by a security fence at least four (4) feet in height. A decorative wooden fence or masonry wall at least six (6) feet in height shall be used when adjacent to residential uses. State license required.
- (6) Assisted living/elder care facilities.

Development Standards. The development standards for office uses shall be the same set forth in Section 3-7-151, except that for TND development areas, the minimum front yard shall not apply; a maximum front setback of twelve (12) feet from the ROW line shall apply; no minimum side yard shall apply, except for 30 feet for corner lots. Parking shall be aesthetically arranged to provide for convenient walking/cycling wherever possible. On-street parking is prohibited, unless allowed according to an approved illustrative master plan. *Shared use of parking facilities (with office or commercial uses) may result in the reduction of the required parking by no greater than twenty-five (25) percent.*

- d. Commercial Uses: Commercial development shall include those uses established herein which are part of a planned town center. Commercial development shall be designed and landscaped in a manner which is compatible with residential development and which provides for traffic circulation compatible with alternative modes (i.e., pedestrian, bicycle, transit). The following uses shall be allowed under TND and CD development areas:

1. *Traditional Neighborhood Development (TND)*

Uses no greater than 3,000 square feet in floor area:

- (a) Antique and art shops
- (b) Barber shops, beauty shops, spas, and similar service establishments
- (c) Bicycle and repair shops
- (d) Books, stationary, and card shops
- (e) Dry cleaners/laundries
- (f) Catering establishments
- (g) Dry goods and notions establishments
- (h) Florists and gift shops
- (i) Coffeeshouses
- (j) Custom dress making, tailoring, or millinery shops
- (k) Jewelry stores
- (l) Loan offices
- (m) Music stores
- (n) News and tobacco shops
- (o) Photographers (including the sale of supplies, film development, and equipment)
- (p) Quick copy centers
- (q) Shoe stores and shoe repair shops

Uses no greater than 7,500 square feet in floor area:

- (a) Banks, Savings and Loans, Credit Unions, and similar financial institutions
- (b) Package stores
- (c) Drug stores and apothecary shops
- (d) Restaurants, Bakeries (whose entire products are sold at retail on the premises), and cafes, odor-scrubbing devices required

Uses no greater than 15,000 square feet in floor area:

- (a) Apparel stores
- (b) Grocery, fruit, vegetable, and meat markets that involve no killing, eviscerating, skinning, plucking or smoking of products

Other:

- (a) Structured parking facilities
- (b) Other retail and service uses as may be determined by the planning staff to be similar and compatible with the above-listed permitted uses.

Development Standards. For TND development, the following standards shall apply:

Minimum lot area:	6,000 square feet
Minimum lot width	60 feet

Maximum lot width	100 feet
Minimum front setback	none
Maximum front setback	15 feet
Minimum side setback	none, 30 feet if a corner lot
Minimum rear yard	30 feet
Maximum height	60 feet
Parking	structured, or surface (rear parking preferred) <i>on-street parking prohibited, unless approved on the master plan</i>
Structured Parking	allowed with commercial along street frontage
Drive-through access	allowed pending Planning and Development review of placement (typically at rear of structure)

**2. Conventional Development (CD)**

Those uses listed in Sections 3-7-152 (C-1) and 3-7-153 (C-2).

Development Standards. Same as in Sections 3-7-152 (C-1) and 3-7-153 (C-2).

e. **Industrial Uses:** Industrial development shall be designed and landscaped in a manner which is compatible with residential development. Industrial areas in a PTD shall be placed only in Conventional Development (CD) areas and shall be designed as an industrial park with covenants and restrictions concerning building appearance and landscaping. Any uses permitted within an M-1 District shall be permitted with the exception of the following:

1. Armories;
2. Cold Storage, ice plants and freezer lockers;
3. Garage and repair shops.

f. **Accessory Uses:**

1. Accessory structures or buildings
2. Subdivision recreation areas owned, operated, and maintained by homeowners' associations exclusively for the use of residents and their guests.
3. The parking of one (1) unoccupied travel trailer, motor coach, or pleasure boat subject to provisions of this chapter.
4. Railroad through and spur tracks, but not sidings and/or terminal facilities.
5. Utility substations. All substations shall have a landscaped and masonry barrier on all sides.

g. **Conditional Uses:** Upon application to and recommendation by the planning commission and favorable decision thereon by the board of county commissioners (or respective city council), the following conditional uses are permitted:

1. Basement apartment, provided that not more than one (1) unit shall be permitted per lot and that no exterior alterations to the building are made to provide additional entrances. Adequate off-street parking is to be provided and the apartment shall meet health department standards.
2. Garage apartment, provided that not more than one (1) unit shall be permitted per lot and that such structure shall be subordinate to the principal structure and located entirely within the rear yard. Adequate off-street parking is to be provided and the apartment is to meet health department standards.

3. Guest quarters or employee quarters, provided that not more than one (1) unit shall be permitted on a lot and this unit shall be in the rear yard. These quarters shall not be used as rental property.
4. Home occupations where an accessory structure is used.
5. Nursery schools, kindergarten schools, and daycare centers for more than three (3) children when conducted in a principal structure or within a church or school, provided that at least two hundred (200) square feet of outdoor play area and thirty-five (35) square feet of indoor play area is provided for each child. The outdoor play area shall be enclosed by a security chain link fence at least four (4) feet in height. State license required.
6. Home occupation daycare for more than six (6) children when conducted within a single-family residence also used and occupied by a family as a dwelling unit, provided that at least two hundred (200) square feet of outdoor play area and thirty-five (35) square feet of indoor play area is provided for each child. The outdoor play area shall be enclosed by a security chain link fence at least four (4) feet in height. State license required.
7. Nursing care facilities of a denominational nature when located on the same site as a church.
8. Public and private golf courses, provided that use is limited to daytime hours and that all facilities shall be set back a minimum of one hundred (100) feet from any property line.
9. Public, parochial, and private schools when such facilities are located on the same site of the school or college. Any such facility shall front on a thoroughfare having the minimum classification of collector and have minimum frontage of two hundred (200) feet. The minimum site area shall be three (3) acres.

h. Conditional Exceptions: NONE

(e) *Density Credit(s)*

**Net land area adjustment.** Table 3 outlines the adjustments for net land area for calculation of net density:

**Table 3: Net Land Area Adjustment per Development Type**

<b>Development Type</b>	<b>Adjusted (i.e. added) "net land area"</b>	<b>Applicable to:</b>
PTD with TND area	all areas within flood hazard areas and 50% of public lands	TND-designated areas only.
PTD with CD only	no adjustment allowed	n/a
PTD with 30% or more of total land area designated as a TND, remainder CD	all areas within flood hazard areas and 50% of public lands	up to 40% of this land to CD-designated areas, with remainder applicable to TND-designated areas only.

Process. Developments which fall under one of the three (3) criteria listed above (*Development Type*) shall apply the additional land area in the respective net land area calculations for TND and CD areas.

**Density Adder.** In addition to the net land area adjustment, developments meeting the following criteria may have additional density according to Table 4 below.

**Table 4: Additions to Density According to Performance Criteria**

Performance Criteria	Density Bonus	Applicable to:
TND residential/commercial of over 20 acres	0.30 du/acre	TND areas only.
Dedication of at least 20 acres of land for school or other public project	0.20 du/acre	TND areas <u>OR</u> CD area
All-masonry construction for 50% of single-family homes and 100% of multifamily structures, if applicable	0.20 du/acre	TND and/or CD areas designated all masonry

**Process.** The additional bonus density shall be applied to the appropriate TND or CD area base on the adjusted net density calculations.

**There is a cap of four (4.0) dwelling units per net acre, adjusted for the aforementioned allowed acreage to maintain the harmony established in the Comprehensive Plan. In addition the maximum number of TND lots shall not exceed 50% percent of the total number of residential lots within the PTD development.**

(e) *Application Procedure:*

(1) *Preliminary concept plan review.* Before an application for rezoning of a PTD is accepted, the applicant shall submit a preliminary concept plan for review by the planning and development department. The department shall coordinate review of the plan with other county, state, and regional agencies as necessary. The department shall make comments and recommendations within thirty (30) days.

a. **Required Information:** The preliminary concept plan shall include the following information:

1. Planned development name;
2. The owner and developer of the property;
3. Architect, engineer or planner who designed the plan;
4. Location or orientation map of the property;
5. Legal description of the parcel;
6. Date, scale, north arrow;
7. Acreage in total tract;
8. Topography at ten (10)-foot contour intervals;
9. Areas proposed TND and CD. TND areas shall include TND residential lots, TND commercial lots, and may also include formal park areas/recreational areas that are contiguous to the TND residential/commercial lots, not to exceed thirty (30.0) acres.
10. Proposed land use and net acreage in each type, including bonus density credit;
11. Proposed street layout;
12. Proposed lot layout;
13. Proposed buffers, open space, and natural environmental features such as surface drainage and open water; and,

14. General location of proposed buildings to be used for commercial, industrial, recreational, or public facility uses.
    - b. Rezoning. Following preliminary concept plan review and approval by the planning and development department, the developer of the PTD project may apply for rezoning pursuant to the requirements of Article XVI of the zoning ordinance and master plan development plan approval.
- (2) *PTD master development plan approval request.* A master development plan which incorporates the comments and modifications made by the planning and development department in its review of the preliminary concept plan shall be submitted with the application for rezoning.

The master development plan shall include the following information:

- a. A site plan for complete development of the planned development project drawn to a scale of one (1) inch equals one hundred (100) or one (1) inch equals two hundred (200) feet. The plan shall include information contained on the preliminary concept plan and all modifications previously made by the planning and development department. The plan shall include one (1) or more sheets, as necessary, to accurately depict the information shown on the following page:
  1. Property information:
    - (i) Planned development project name;
    - (ii) Owner and developer of the property;
    - (iii) Architect, engineer or planner who designed the plan;
    - (iv) Date, scale and north arrow;
    - (v) An area map showing adjacent property owners, zoning classifications of adjacent parcels, and existing land use within five hundred (500) feet of the property for the PTD project; and,
    - (vi) A legal description of the parcel.
  2. Existing conditions:
    - (i) Existing topographical features of the site, with a minimum contour interval of five (5) feet. The outline of wooded areas and surface drainage such as streams, lakes and wetlands shall be shown.
    - (ii) The location of any flood hazard areas subject to a 100-year flood according to the Henry County Flood Damage Prevention Ordinance. The location of the 100-year flood shall be shown relative to contour elevations.
    - (iii) The location and extent of any aircraft approach zones over the subject PTD property.
    - (iv) The location of any existing property lines within the parcel; the location, width, right-of-way, and names of any existing roads; railroads; utility rights-of-way or easements; and existing buildings and structures.
    - (v) Existing public facilities, such as sanitary sewers, water mains, storm drainage facilities, culverts, bridges, and other underground or above-ground facilities within the parcel to be developed, or within the rights-of-way of roads bordering the parcel, with sizes, grades, and invert elevations from field surveys or other sources.

3. Proposed development conditions:
- (i) Phases of the proposed development.
  - (ii) The location and extent of the proposed interior road system, including pavement and right-of-way width.
  - (iii) Delineation of the proposed TND and CD areas and the uses within each area, including the location of residential, office, commercial, industrial, and mixed land uses; total number of dwelling units; total number of lots; and number and percentage allocation by dwelling unit type. TND areas shall include TND residential lots, TND commercial lots, and may also include formal park areas/recreational areas that are contiguous to the TND residential/commercial lots not to exceed thirty (30.0) acres.
  - (iv) Proposed layout and dimensions of lots.
  - (v) Calculation of residential density in dwelling units per net acres, including bonus density credits provided herein.
  - (vi) Nonresidential areas shall be shown with lot layout and dimensions and general location of proposed buildings.
  - (vii) Planned town districts shall include the general location of proposed buildings, the combination of district uses, and the proposed density of any residential elements.
  - (viii) The interior common open space system.
  - (ix) Proposed dedication or reservation of land for public use, including streets, parks, schools, and other public buildings and facilities.
  - (x) Proposed improvements to existing community facilities, including roads, sewers, drainage and water facilities adjoining or near the site.
  - (xi) Proposed streetscaping, street trees, and on-street parking.
- b. A written report shall be submitted by the applicant which contains the following information concerning the master development plan:
- 1. General description of the proposal.
  - 2. Detailed legal description.
  - 3. Architectural and design standards.
  - 4. Proposed restrictions on the uses of the property, density standards, yard requirements, and restrictive covenants that include design standards for the homes and business structures. *Thorough architectural and design standards may be presented in lieu of this requirement.*
  - 5. Proposed dedication or reservation of land for public uses, including streets, easements, parks and school sites.
  - 6. Exceptions or variations from the requirements of the zoning ordinance and subdivision ordinance, if any, [for] that area being requested.
  - 7. Plans for the provision of utilities, including water, sanitary sewer and drainage facilities and appropriate calculations regarding the sizing of drainage areas and pipes.
  - 8. A report from the Henry County Water and Sewerage Authority, or municipal authority, as appropriate, indicating the adequacy of sanitary sewer and water services.
  - 9. Plans for the protection of abutting properties.
  - 10. Plans for the maintenance of common open space areas.
  - 11. Tables showing the total number of acres in the proposed development and the percentage designation for each land use, including public facilities. Information shall be provided in net acres.
  - 12. Tabulations of the overall net density for residential uses.
  - 13. An explanation of phasing or stages of the PTD project.

14. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, channelization structures, and traffic controls.
15. Adequacy and arrangement of pedestrian traffic access and circulation, including traffic-calming devices and areas of separation from vehicular traffic.
16. Adequacy and arrangement of bicycle traffic access and circulation, including bike lanes, multiuse paths, and wide curb lanes.
17. Location, arrangement, appearance, and sufficiency of off-street parking and loading.
18. Location, arrangement, size and placement of buildings, lighting, and signs.
19. Certification by the applicant that a professional consultant is being utilized in the planning process for the PTD project, including preparation of the application.

*In lieu of this report, findings from a Development of Regional Impact Review shall suffice, provided that staff may request further statements as needed to properly evaluate the PTD.*

(f) *Review of Application.*

Planned development projects which (1) cover more than one hundred (100) acres; or, (2) generate more than ~~two~~<sup>four</sup> thousand (4,000) vehicle trips per day; or, (3) require the treatment of one hundred and fifty thousand (150,000) gallons of sewage per day shall be reviewed by the Atlanta Regional Commission for possible impact on the surrounding area. Projects covering more than one hundred and fifty (150) acres shall be considered a *Development of Regional Impact (DRI)* and be sent to the Atlanta Regional Commission for review according to the Georgia Department of Community Affairs regulations as established by the Georgia Planning Act of 1989.

In reviewing the application for PTD preliminary development plan approval and zoning approval, the planning commission and board of commissioners shall consider those items listed in section 3-7-313 (Review of application for amendment) concerning zoning map amendments.

The consideration of a PTD District approval or disapproval and master development plan shall also include, but not be limited to, the following:

- (1) Relation to the comprehensive plan;
- (2) Adequacy and arrangement of access and circulation, including streets, intersections, road widths, channelization structures, pedestrian facilities, bicycle facilities, and traffic controls;
- (3) Location, arrangement, appearance, and sufficiency of parking and loading;
- (4) Location, arrangement, size, and placement of building(s), lighting, and signs;
- (5) Arrangement of landscape features and buffer areas;
- (6) Adequacy of public water supply;
- (7) Adequacy of storm water and sanitary waste disposal facilities; and,
- (8) Adequacy of structures and roadways in areas of moderate to high susceptibility to flooding, ponding, and/or erosion.

# PTD ORDINANCE

8.36.010

## Chapter 8.36

### ZONING

#### Sections:

#### Article I. Zoning Provisions Adopted

8.36.010 Henry County zoning provisions.

8.36.020 Zoning map.

8.36.040 Future Land Use Plan adopted.

#### Article II. Amendments to County Provisions

8.36.050 Section 3-7-162 added—Planned town development district.

8.36.060 Section 3-7-147 amended—R-3 medium/high-density single-family residential district.

#### Article I. Zoning Provisions Adopted

8.36.010 Henry County zoning provisions.

The zoning ordinance of Henry County, Georgia, adopted by the Henry County board of commissioners on June 3, 1986, as amended through June 20, 1995, which has been codified by Henry County in Chapter 3-7 of the Code of Henry County as reprinted in 1991 by Municipal Code Corporation of Tallahassee, Florida, except for Section 3-7-31, Section 3-7-104, Section 3-7-149 and Sections 3-7-231 through and including 3-7-250 is incorporated by this reference and adopted by the city and made the zoning ordinance of the city of Stockbridge, Georgia. (Ord. 98-24 § 1, 1998; Ord. 97-7 §§ 1 — 3, 1997)

8.36.020 Zoning map.

The zoning map of the city, titled "Zoning Map of Stockbridge, Georgia," prepared by Hurd-Prince and Associates, Inc. dated June 17, 1997, and as amended from time to time, bearing the signature of the mayor and the city seal, as evidence of approval dated August 11, 1997, is made the official zoning map for the city of Stockbridge, Georgia. (Ord. 97-8 § 1, 1997; Ord. 95-19 § 1, 1995)

8.36.040 Future Land Use Plan adopted.

A. The Henry County Comprehensive Land Use Plan, revised 1986, as adopted by the board of commissioners of Henry County, Georgia, as now or hereafter amended and to the extent same applies to the city of Stockbridge, Georgia, is incorporated in this section and made the Future Land Use Plan Ordinance for the city of Stockbridge.

B. A copy of the Future Land Use Plan adopted in subsection A of this section, including subsequent additions or deletions thereto, shall be maintained in the office of the city clerk and shall be available for inspection by the public. (§§ 1, 2 of Ord. dated 9/11/89)

#### Article II. Amendments to County Provisions

8.36.050 Section 3-7-162 added—Planned town development district.

Section 3-7-162 is added to the Code of Henry County, Georgia to read as follows:

Section 3-7-162. PTD: planned town development district.

(a) Purpose. It is the purpose of the planned town development district to encourage the development of compatible land uses within the framework of a master development plan for residential and nonresidential land uses within an environmentally compatible setting. PTD shall only be allowed within incorporated areas within Henry County which are more conducive to this type of urban development. Tracts of one hundred (100) acres or larger are required for this district. The PTD district is designed to include residential, commercial or industrial zoning districts as appropriate to provide flexibility in the application of development standards and site design when approved according to a master development plan in a manner to promote the conservation of natural environment, more efficient use of land, and efficiency in the extension of streets and utilities.

Specifically, the PTD sets forth a framework for traditional neighborhood development (TND) that encourages pedestrian-scale residential and commercial activities to be designed in such a way as to reduce the number and type of vehicle trips, limiting congestion and thereby improving air quality. Conventional Development (CD) is also addressed in a manner to promote the clustering of residential to set aside areas of recreation and open space while providing for varied forms of pedestrian and bicycle movement that is buffered from commercial and industrial activities. A master development plan may contain a mixture of TND and CD development areas. Generally, densities shall be in

accordance to benchmarks established by the Henry County/Cities Joint Comprehensive Development Plan unless otherwise provided for herein.

All planned developments shall be located on paved county/city roads with a minimum classification of arterial according to the Henry County Functional Road Plan. In most cases, each area within a PTD project developed for residential (including required open space and recreation amenities), commercial or industrial land use shall be designated separately according to the master development plan unless a mixture of uses within the site can better accomplish the goals established herein. Projects must consist of more than one type of land use to be considered a PTD project.

(b) Objectives. To carry out the purpose of this section, a PTD district must provide the following, as appropriate:

(1) A range in the types of residential environment, including types of housing, and community facilities/recreation activities available.

(2) Nonresidential land uses, if any, which provide convenient service, employment, and access.

(3) Conservation of natural topographical and geological features with emphasis upon:

a. Conservation of existing surface and sub surface water resources;

b. Preservation of major trees and other significant natural environmental features;

c. Prevention of soil erosion;

(4) An efficient network of streets and utilities appropriate to serve the land uses within the PTD district.

(5) Creation of a mixture of uses that decrease reliance on the use of the automobile and to encourage the use of alternative modes.

(6) A master development plan to guide the PTD with specific development objectives which shall be included in conditions, covenants, and restrictions.

(c) Definitions. For this purpose of this section, the following terms shall have the meaning immediately set forth after the term.

(1) Amenity Area. The area(s) set aside for active and passive recreation for the residents inside the PTD (or for the general public) 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.

(2) Architectural/Design Standards. A document outlining home styles, building facades landscape standards, building placement, streetscaping, street trees, and the placement and design of accessory

units. The standards shall also include general standards for the open space and recreation areas.

(3) Comprehensive land use plan. The comprehensive long-range plan containing policies to guide the growth and development of Henry County along with the cities of Hampton, Locust Grove, McDonough and Stockbridge, which includes the analysis, recommendations and proposals for the county's population, economy, housing, transportation, community facilities, and land use.

(4) Conventional development (CD). The clustering of residential lots to preserve areas for recreation and open space, along with related commercial and industrial activities in a town center and/or industrial park setting that is typical in modern development practices. This type of development is designed mainly for automobile traffic in scale of buildings, extensive use of buffering and landscaping, and commercial uses oriented to vehicular traffic. This does not exclude the use of pedestrian and bicycle facilities to make these developments more accessible.

(5) Credits, density. The amount of additional density applicable to a PTD according to performance criteria established herein. The amount of density bonus shall be capped at 0.75 dwelling units per net acre in addition to the density established under the comprehensive land use plan.

(6) Master development plan. A written and graphic submission for a planned town development which represents a tract of land; proposed subdivision; the location and bulk of buildings and other structures; density of development; streets, alleyways, sidewalks, and multiuse paths; parking facilities; common recreation and open space; public facilities; and all conditions, covenants, and restrictions relating to use thereof. The master development plan is submitted in conjunction with a rezoning application for the PTD district.

(7) Maximum allowable net density. The total number of dwelling units or housing structures per unit of land based on the net land area. The maximum allowable net density, exclusive of any bonus density credits established herein, shall not exceed the density established by the comprehensive land use plan.

(8) Net land area. Except for adjustments allowed herein, net land area shall consist of the area calculated in terms of net acres for the land devoted to residential use, use exclusive of streets, rights-of-way, flood hazard areas, commercial/industrial land, and public lands. Easements for drainage, sanitary sewer, etc. shall not be excluded from net land area.

(9) Nonresidential land uses. Those designated areas which are not residential land uses, which include but are not limited to: commercial or industrial uses, streets, drives, and service/parking areas.

(10) Open space. Land within or related to a development, not individually

owned or dedicated for public use, which is designed and intended for the common ownership and use by the residents of the developments and may include complementary structures and improvements as are necessary and appropriate for recreation or other complementary activities. Wetlands under common ownership shall also be included in open space.

(11) Ownership types. These include all types of residential development including, but not limited to: single-family, duplex, apartments, townhomes, rental housing, such that ownership may be fee simple, lease-purchase, leased or rented, and common ownership of open spaces, recreation facilities, and parking areas.

(12) Planned industrial district. An area within a PTD project designed for industrial uses with streets, utilities, and common architectural controls regulated by a master development plan and restrictive covenants.

(13) Planned town center. An area within a PTD which contains a group of commercial and office establishments having a composition that is an architecturally aesthetic unit and is not a miscellaneous assemblage of stores; and is planned, developed, analyzed as a unit, related in location, size and type of shops to the trade area that the unit serves, and provides limited on-site parking in relation to the types and sizes of stores to encourage pedestrian and other modes of access. A set of architectural design standards shall be created and approved prior to development of sites designated as planned town center.

(14) Preliminary concept plan. A preliminary plan of the proposed planned development, of sufficient accuracy to be used for purpose of reviewing the proposed land uses and general layout.

(15) Professional consultant. The person who is a registered and or certified engineer, architect, landscape architect, or planner who prepared the plan, within the scope of their respective legal responsibilities.

(16) Public lands. The land area designated for general public use, not otherwise under the control of a homeowner or property owner association.

(17) Residential land uses. Any variety of residence types as permitted herein, and as shown on the approved master development plan.

(18) Traditional neighborhood development (TND). A TND development consists of areas of compact, urban residential development with alleys, rear garages (attached or detached), front porches (typically), street-trees, sidewalks, narrow streets (on-street parking allowed), pocket parks and other formalized park areas that reflect back upon urban neighborhood development in the period of the 1920s-1940s. The planned town center typically places the bulk of parking at the rear of buildings, with limited on-street parking, wide sidewalks, storefronts facing the street, street furniture, plazas, public art, street-trees, squares, and, where allowable, residential above storefronts. Generally, commercial activities are limited in scope and bulk to

maintain harmony of the development. The number of TND lots shall be limited to 50 percent of the total residential lots of the development.

(d) General Requirements for a Planned Development District:

(1) Area. The minimum area required for a PTD district shall be one hundred (100) contiguous acres of land. The planning board may consider projects with less acreage where the applicant can demonstrate that a smaller parcel will meet the purposes and objectives of the PTD district.

(2) Ownership. The tract of land proposed for PTD development shall be one (1) ownership, or if in several ownerships, the application for zoning amendment shall be filed jointly by all of the owners of the properties included in the plan. Any subsequent change in owners of the properties involved, or in anyone having a legal or equitable interest in the property, shall be reported to the community development department. Failure to provide information on property ownership status shall result in the planning board and board of commissioners withdrawing approval.

(3) Location of PTD district. The PTD district shall be located on arterial roads where public water and sewerage facilities are available.

(4) Permitted uses/development standards:

a. Residential Uses: Residences may be single-family detached and cluster homes may be permitted within the PTD. The development standards for residential uses are listed below for TND and CD development areas:

1. Traditional Neighborhood Development (TND)

Single-family residential (detached and cluster)

(a) Minimum lot size:	variable; minimum of 5,500 square feet (0.13 acre) to 21,780 square feet (0.50 acre) with a maximum density not to exceed 4.0 units per net acre as defined herein
(b) Minimum lot width	50 feet
(c) Maximum lot width	100 feet
(d) Minimum front setback	12 feet from back-of-curb
(e) Maximum front setback	35 feet from back-of-curb
(f) Minimum side yard	5 feet
(g) Minimum rear yard	20 feet
(h) Maximum height	40 feet
(i) Minimum floor area (heated space)	1/3 at 1,400 square feet 1/3 at 1,500 square feet 1/3 at 1,600 square feet
(j) Curb and gutter	Required
(k) Paved driveway	Required
(l) Sidewalks	Required
(m) Streetlights	Required
(n) Underground utilities	Required/in alleys where possible
(o) Public Sewer	Required
(p) Public Water	Required
(q) Garages	Required. In rear yard only, Attached or detached
(r) Alleys	Required, no curb and gutter for alley section
(s) Porches	Recommended
(t) Recreation/Open Space	as stated herein
(u) Concurrent Construction Requirement (with TND/CD Housing Mix, if applicable)	2 TND to 1.0 CD
(v) Maximum number of lots	50% of total residential lots

2. Conventional Development (CD)

Single-family residential (detached and cluster)

- (a) Minimum lot size: variable; minimum of 8,000 square feet (0.18 acre) to 81,720 (2.0 acres), with a maximum density not to exceed 2.5 units per net acre as defined herein
- (b) Minimum lot width 70 feet
- (c) Minimum front setback 25 feet from ROW line
- (d) Maximum front setback 70 feet from ROW line
- (e) Minimum side yard 10 feet
- (f) Minimum rear yard 30 feet
- (g) Maximum height 40 feet
- (h) Minimum floor area (heated space)
  - 1/3 at 1,600 square feet
  - 1/3 at 1,700 square feet
  - 1/3 at 1,800 square feet
- (i) Curb and gutter Required
- (j) Paved driveway Required
- (k) Sidewalks Required
- (l) Streetlights Required
- (m) Underground utilities Required
- (n) Public Sewer Required
- (o) Public Water Required
- (p) Garages Required 2-car, Attached or detached
- (q) Alleys Allowed, no curb and gutter for alley section
- (r) Recreational/Open Space as stated herein

b. Public buildings and recreation facilities (amenities) for use of the residents of the PTD are permitted. The restrictions as to the use of these facilities shall be set forth in the covenants and restrictions of the PTD development. The requirements for amenities are listed below.

Amenity Requirements:

In order to assure that adequate recreation and open space exists on-site, the following shall guide the PTD development in the development of minimum thresholds for open space and recreation facilities. It is expected that a PTD shall exceed the minimum standards set forth herein.

Amenity and recreation facilities shall be required according to a point system based on standards per one hundred (100) acres of development (total acreage). The minimum number

of points and minimum amenities required shall be dependent on the total acreage of the PTD as shown in Table 1 on the following page.

The point system for each type of amenity is shown in Table 2 found on the following page.

For other amenities not listed, the number of points assigned shall be established by the Director of Planning and Development in consultation with the municipal council, but shall not exceed twenty-five (25) points as established in this district.

**Table 1. Minimum Number of Points/Criteria per PTD Acreage Class**

<b>PTD Total Acreage</b>	<b>Minimum Points</b>	<b>Minimum Criteria</b>
<b>100 to 200 acres</b>	60	Clubhouse, pool, tennis (2), multiuse field, 10 acres open space, walking trails of at least 1,000 linear feet.
<b>200 to 300 acres</b>	80	Clubhouse, pool, tennis (4), multiuse field, baseball field, 25 acres open space, walking trails of at least 1,500 linear feet.
<b>300 to 400 acres</b>	100	Clubhouse, pool, tennis (6 ALTA), 2 multiuse fields, baseball field, 50 acres open space, walking trails of at least 2,500 lineal feet.
<b>400 to 500 acres</b>	125	Clubhouse, pool, tennis (8 ALTA), multiuse field, baseball field, soccer field, softball field, 80 acres of open space, walking trails of at least 3,500 lineal feet, community center/pavilion
<b>over 500 acres</b>	125+ 10 points for each 100 acres over 500 acres	same as 400—500 acres, plus soccer field, 2nd pool, amphitheater

Table 2. Points for Each Amenity Proposed for a PTD

Amenity Type	Points (each, unless otherwise stated below)	Comments (maximum 2 of each type unless otherwise stated below)
Clubhouse	12.5	2,500 minimum square feet
Competition Pool	12.5	
Wading Pool	7.5	for children, must be accompanied with another pool herein
Alternate Design Pool	12.5	for sunbathing, recreation
Tennis Courts	5.0	maximum of 12, lighted
Walking Trails	1.0 (per 100 lineal feet)	paved, 6 feet in width
Multiuse Trails	1.35 (per 100 lineal feet)	paved, 12 feet, striped for bicycles and pedestrians
Baseball Field (reg.)	12.5	regulation size
Baseball Field (LL)	10.0	little league size
Softball Field	12.5	regulation size
Soccer Field	12.5	regulation size
Multiuse Field (1)	12.5	football and soccer
Multiuse Field (2)	15.0	football and baseball
Football Field	12.5	regulation size
Lake	10.0 (existing) 25.0 (new)	minimum of 10 acres, with full access, piers, launch
Amphitheater	17.5	minimum 150 seats
Community Center	7.5	750 to 2,000 square feet, near ball fields
Playground	5.0	swings, "jungle-jim", etc., (Max of 4)
Formal Parks	2.5 (per acre provided)	formal landscaping, fountains or art, benches (Max of 6)
Open Space	0.05 (per acre provided)	natural or enhanced, with trails providing access to and through the area

c. Office/Institutional Uses: Office development shall be designed and landscaped in a manner which is compatible with residential development and is which provides for traffic circulation alternative modes (i.e., pedestrian, bicycle, transit). The permitted uses are as follows:

(1) Libraries, museums, and art galleries

(2) Churches

(3) Medical and dental clinics/offices

(4) Professional and business offices providing that wholesale or retail merchandise is not offered for sale.

(5) Nursery schools, kindergarten schools, and daycare centers providing child care for more than ten (10) children when conducted in a principal structure or institution not associated with a church facility, provided that at least two hundred (200) square feet of outdoor play area and thirty-five (35) square feet of indoor play area is provided for each child. Use of outdoor play area in shifts is allowed. The outdoor play area shall be enclosed by a security fence at least four (4) feet in height. A decorative wooden fence or masonry wall at least six (6) feet in height shall be used when adjacent to residential uses. State license required.

(6) Assisted living/elder care facilities.

Development Standards. The development standards for office uses shall be the same set forth in Section 3-7-151, except that for TND development areas, the minimum front yard shall not apply; a maximum front setback of twelve (12) feet from the ROW line shall apply; no minimum side yard shall apply, except for 30 feet for corner lots. Parking shall be aesthetically arranged to provide for convenient walking/cycling wherever possible. On-street parking is prohibited, unless allowed according to an approved illustrative master plan. Shared use of parking facilities (with office or commercial uses) may result in the reduction of the required parking by no greater than twenty-five (25) percent.

d. Commercial Uses: Commercial development shall include those uses established herein which are part of a planned town center. Commercial development shall be designed and landscaped in a manner which is compatible with residential development and which provides for traffic circulation compatible with alternative modes (i.e., pedestrian, bicycle, transit). The following uses shall be allowed under TND and CD development areas:

1. Traditional Neighborhood Development (TND)

Uses no greater than 3,000 square feet in floor area:

(a) Antique and art shops

(b) Barber shops, beauty shops, spas, and similar service establishments

- (c) Bicycle and repair shops
- (d) Books, stationary, and card shops
- (e) Dry cleaners/laundries
- (f) Catering establishments
- (g) Dry goods and notions establishments
- (h) Florists and gift shops
- (i) Coffeehouses
- (j) Custom dress making, tailoring, or millinery shops
- (k) Jewelry stores
- (l) Loan offices
- (m) Music stores
- (n) News and tobacco shops
- (o) Photographers (including the sale of supplies, film development, and equipment)
- (p) Quick copy centers
- (q) Shoe stores and shoe repair shops

Uses no greater than 7,500 square feet in floor area:

- (a) Banks, Savings and Loans, Credit Unions, and similar financial institutions
- (b) Package stores

- (c) Drug stores and apothecary shops
- (d) Restaurants, Bakeries (whose entire products are sold at retail on the premises), and cafes, odor-scrubbing devices required

Uses no greater than 15,000 square feet in floor area:

- (a) Apparel stores
- (b) Grocery, fruit, vegetable, and meat markets that involve no killing, eviscerating, skinning, plucking or smoking of products

Other:

- (a) Structured parking facilities
- (b) Other retail and service uses as may be determined by the planning staff to be similar and compatible with the above-listed permitted uses.

Development Standards. For TND development, the following standards shall apply:

Minimum lot area:	6,000 square feet
Minimum lot width	60 feet
Maximum lot width	100 feet
Minimum front setback	none
Maximum front setback	15 feet
Minimum side setback	none, 30 feet if a corner lot
Minimum rear yard	30 feet
Maximum height	60 feet
Parking	structured, or surface (rear parking preferred) on-street parking prohibited, unless approved on the master plan
Structured Parking	allowed with commercial along street frontage
Drive-through access	allowed pending Planning and Development review of placement (typically at rear of structure)

## 2. Conventional Development (CD)

Those uses listed in Sections 3-7-152 (C-1) and 3-7-153 (C-2).

Development Standards. Same as in Sections 3-7-152 (C-1) and 3-7-153 (C-2).

e. Industrial Uses: Industrial development shall be designed and landscaped in a manner which is compatible with residential development. Industrial areas in a PTD shall be placed only in Conventional Development (CD) areas and shall be designed as an industrial park with covenants and restrictions concerning building appearance and landscaping. Any uses permitted within an M-1 District shall be permitted with the exception of the following:

1. Armories;

2. Cold storage, ice plants and freezer lockers;

3. Garage and repair shops.

f. Accessory Uses:

1. Accessory structures or buildings

2. Subdivision recreation areas owned, operated, and maintained by homeowners' associations exclusively for the use of residents and their guests.

3. The parking of one (1) unoccupied travel trailer, motor coach, or pleasure boat subject to provisions of this chapter.

4. Railroad through and spur tracks, but not sidings and/or terminal facilities.

5. Utility substations. All substations shall have a landscaped and masonry barrier on all sides.

g. Conditional Uses: Upon application to and recommendation by the planning commission and favorable decision thereon by the board of county commissioners (or respective city council), the following conditional uses are permitted:

1. Basement apartment, provided that not more than one (1) unit shall be permitted per lot and that no exterior alterations to the building are made to provide additional entrances. Adequate off-street parking is to be provided and the apartment shall meet health department standards.

2. Garage apartment, provided that not more than one (1) unit shall be permitted per lot and that such structure shall be subordinate to the principal structure and located entirely within the rear yard. Adequate off-street parking is to be provided and the apartment is to meet health department standards.

3. Guest quarters or employee quarters, provided that not more than one (1) unit shall be permitted on a lot and this unit shall be in the rear yard. These quarters shall not be used as rental property.

4. Home occupations where an accessory structure is used.

5. Nursery schools, kindergarten schools, and daycare centers for more than three (3) children when conducted in a principal structure or within a church or school, provided that at least two hundred (200) square feet of outdoor play area and thirty-five (35) square feet of indoor play area is provided for each child. The outdoor play area shall be enclosed by a security chain link fence at least four (4) feet in height. State license required.

6. Home occupation daycare for more than six (6) children when conducted within a single-family residence also used and occupied by a family as a dwelling unit, provided that at least two hundred (200) square feet of outdoor play area and thirty-five (35) square feet of indoor play area is provided for each child. The outdoor play area shall be enclosed by a security chain link fence at least four (4) feet in height. State license required.

7. Nursing care facilities of a denominational nature when located on the same site as a church.

8. Public and private golf courses, provided that use is limited to daytime hours and that all facilities shall be set back a minimum of one hundred (100) feet from any property line.

9. Public, parochial, and private schools when such facilities are located on the same site of the school or college. Any such facility shall front on a thoroughfare having the minimum classification of collector and have minimum

frontage of two hundred (200) feet. The minimum site area shall be three (3) acres.

h. Conditional Exceptions: NONE

(e) Density Credit(s)

Net land area adjustment. Table 3 outlines the adjustments for net land area for calculation of net density:

Table 3: Net Land Area Adjustment per Development Type

Development Type	Adjusted (i.e. added) "net land area"	Applicable to:
PTD with TND area	all areas within flood hazard areas and 50% of public lands	TND-designated areas only.
PTD with CD only	no adjustments allowed	n/a
PTD with 30% or more of total land area designated as a TND, remainder CD	all areas within flood hazard areas and 50% of public lands	up to 40% of this land to CD-designated areas, with remainder applicable to TND-designated areas only.

Process. Developments which fall under one of the three (3) criteria listed above (Development Type) shall apply the additional land area in the respective net land area calculations for TND and CD areas.

Density Adder. In addition to the net land area adjustment, developments meeting the following criteria may have additional density according to Table 4 below.

Table 4: Additions to Density According to Performance Criteria

Performance Criteria	Density Bonus	Applicable to:
TND residential/commercial of over 20 acres	0.30 du/acre	TND areas only.
Dedication of at least 20 acres of land for school or other public project	0.20 du/acre	TND areas <u>OR</u> CD area
All-masonry construction for 50% of single-family homes and 100% of multifamily structures, if applicable	0.20 du/acre	TND and/or CD areas designated all masonry

Process. The additional bonus density shall be applied to the appropriate TND or CD area base on the adjusted net density calculations.

There is a cap of four (4.0) dwelling units per net acre, adjusted for the aforementioned allowed acreage to maintain the harmony established in the Comprehensive Plan. In addition the maximum number of TND lots shall not exceed 50 percent of the total number of residential lots within the PTD development.

(e) Application Procedure:

(1) Preliminary concept plan review.

Before an application for rezoning of a PTD is accepted, the applicant shall submit a preliminary concept plan for review by the planning and development department. The department shall coordinate review of the plan with other county, state, and regional agencies as necessary. The department shall make comments and recommendations within thirty (30) days.

a. Required Information: The preliminary concept plan shall include the following information:

1. Planned development name;
2. The owner and developer of the property;
3. Architect, engineer or planner who designed the plan;
4. Location or orientation map of the property;

5. Legal description of the parcel;
6. Date, scale, north arrow;
7. Acreage in total tract;
8. Topography at ten (10)-foot contour intervals;
9. Areas proposed TND and CD. TND areas shall include TND residential lots, TND commercial lots, and may also include formal park areas/recreational areas that are contiguous to the TND residential/commercial lots, not to exceed thirty (30.0) acres.

10. Proposed land use and net acreage in each type, including bonus density credit;

11. Proposed street layout;

12. Proposed lot layout;

13. Proposed buffers, open space, and natural environmental features such as surface drainage and open water; and,

14. General location of proposed buildings to be used for commercial, industrial, recreational, or public facility uses.

b. Rezoning. Following preliminary concept plan review and approval by the planning and development department, the developer of the PTD project may apply for rezoning pursuant to the requirements of Article XVI of the zoning ordinance and master plan development plan approval.

(2) PTD master development plan approval request. A master development plan which incorporates the comments and modifications made by the planning and development department in its review of the preliminary concept plan shall be submitted with the application for rezoning.

The master development plan shall include the following information:

a. A site plan for complete development of the planned development project drawn to a scale of one (1) inch equals one hundred (100) or one (1) inch equals two hundred (200) feet. The plan shall include information contained on the preliminary concept plan and all modifications previously made by the planning and development department. The plan shall include one (1) or more sheets, as necessary, to accurately depict the information shown on the following page:

1. Property information:

(i) Planned development project name;

(ii) Owner and developer of the property;

(iii) Architect, engineer or planner who designed the plan;

(iv) Date, scale and north arrow;

(v) An area map showing adjacent property owners, zoning classifications of adjacent parcels, and existing land use

within five hundred (500) feet of the property for the PTD project; and,

(vi) A legal description of the parcel.

2. Existing conditions:

(i) Existing topographical features of the site, with a minimum contour interval of five (5) feet. The outline of wooded areas and surface drainage such as streams, lakes and wetlands shall be shown.

(ii) The location of any flood hazard areas subject to a 100-year flood according to the Henry County Flood Damage Prevention Ordinance. The location of the 100-year flood shall be shown relative to contour elevations.

(iii) The location and extent of any aircraft approach zones over the subject PTD property.

(iv) The location of any existing property lines within the parcel; the location, width, right-of-way, and names of any existing roads; railroads; utility rights-of-way or easements; and existing buildings and structures.

(v) Existing public facilities, such as sanitary sewers, water mains, storm drainage facilities, culverts, bridges, and other underground or above-ground facilities within the parcel to be developed, or within the rights-of-way of roads bordering the parcel, with sizes, grades, and invert elevations from field surveys or other sources.

3. Proposed development conditions:

(i) Phases of the proposed development.

(ii) The location and extent of the proposed interior road system, including pavement and right-of-way width.

(iii) Delineation of the proposed TND and CD areas and the uses within each area, including the location of residential, office, commercial, industrial, and mixed land uses; total number of dwelling units; total number of lots; and number and percentage allocation by dwelling unit type. TND areas shall include TND residential lots, TND commercial lots, and may also include formal park areas/recreational areas that are contiguous to the TND residential/commercial lots not to exceed thirty (30.0) acres.

(iv) Proposed layout and dimensions of lots.

(v) Calculation of residential density in dwelling units per net acres, including bonus density credits provided herein.

(vi) Nonresidential areas shall be shown with lot layout and dimensions and general location of proposed buildings.

(vii) Planned town districts shall include the general location of proposed buildings, the combination of district uses, and the proposed density of any residential elements.

(viii) The interior common open space system.

(ix) Proposed dedication or reservation of land for public use, including streets, parks, schools, and other public buildings and facilities.

(x) Proposed improvements to existing community facilities, including roads, sewers, drainage and water facilities adjoining or near the site.

(xi) Proposed streetscaping, street trees, and on-street parking.

b. A written report shall be submitted by the applicant which contains the following information concerning the master development plan:

1. General description of the proposal.

2. Detailed legal description.

3. Architectural and design standards.

4. Proposed restrictions on the uses of the property, density standards, yard requirements, and restrictive covenants that include design standards for the homes and business structures. Thorough architectural and design standards may be presented in lieu of this requirement.

5. Proposed dedication or reservation of land for public uses, including streets, easements, parks and school sites.

6. Exceptions or variations from the requirements of the zoning ordinance and

subdivision ordinance, if any, [for] that area being requested.

7. Plans for the provision of utilities, including water, sanitary sewer and drainage facilities and appropriate calculations regarding the sizing of drainage areas and pipes.

8. A report from the Henry County Water and Sewerage Authority, or municipal authority, as appropriate, indicating the adequacy of sanitary sewer and water services.

9. Plans for the protection of abutting properties.

10. Plans for the maintenance of common open space areas.

11. Tables showing the total number of acres in the proposed development and the percentage designation for each land use, including public facilities. Information shall be provided in net acres.

12. Tabulations of the overall net density for residential uses.

13. An explanation of phasing or stages of the PTD project.

14. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, channelization structures, and traffic controls.

15. Adequacy and arrangement of pedestrian traffic access and circulation,

including traffic-calming devices and areas of separation from vehicular traffic.

16. Adequacy and arrangement of bicycle traffic access and circulation, including bike lanes, multiuse paths, and wide curb lanes.

17. Location, arrangement, appearance, and sufficiency of off-street parking and loading.

18. Location, arrangement, size and placement of buildings, lighting, and signs.

19. Certification by the applicant that a professional consultant is being utilized in the planning process for the PTD project, including preparation of the application.

In lieu of this report, findings from a Development of Regional Impact Review shall suffice, provided that staff may request further statements as needed to properly evaluate the PTD.

(f) Review of Application.

Planned development projects which (1) cover more than one hundred (100) acres; or, (2) generate more than four thousand (4,000) vehicle trips per day; or, (3) require the treatment of one hundred and fifty thousand (150,000) gallons of sewage per day shall be reviewed by the Atlanta Regional Commission for possible impact on the surrounding area. Projects covering more than one hundred and fifty (150) acres shall be considered a Development of Regional Impact (DRI)

and be sent to the Atlanta Regional Commission for review according to the Georgia Department of Community Affairs regulations as established by the Georgia Planning Act of 1989.

In reviewing the application for PTD preliminary development plan approval and zoning approval, the planning commission and board of commissioners shall consider those items listed in section 3-7-313 (Review of application for amendment) concerning zoning map amendments.

The consideration of a PTD District approval or disapproval and master development plan shall also include, but not be limited to, the following:

- (1) Relation to the comprehensive plan;
- (2) Adequacy and arrangement of access and circulation, including streets, intersections, road widths, channelization structures, pedestrian facilities, bicycle facilities, and traffic controls;
- (3) Location, arrangement, appearance, and sufficiency of parking and loading;
- (4) Location, arrangement, size, and placement of building(s), lighting, and signs;
- (5) Arrangement of landscape features and buffer areas;
- (6) Adequacy of public water supply;

(7) Adequacy of storm water and sanitary waste disposal facilities; and,

(8) Adequacy of structures and roadways in areas of moderate to high susceptibility to flooding, ponding, and/or erosion.

(Ord. 99-2 § 1, 1999)

**8.36.060 Section 3-7-147  
amended—R-3 medium/  
high-density single-family  
residential district.**

Section 3-7-147 of the Code of Henry County, Georgia, as amended, is further amended by deleting Section 3-7-147 in its entirety and inserting the following in lieu thereof:

(a) Purpose. It shall be the purpose of this district to provide for single-family dwellings of a medium- to high-density character on individual lots when served by adequate public water and public sewer facilities. Areas available for development in accordance with the standards of this district shall be designated for medium- to high-density development in the Henry County/Cities Joint Comprehensive Development Plan and shall be contiguous to or no more than 1,000 feet from previously developed medium or high density residential property. The maximum development area of any project developed in accordance with the standards of this zoning district shall not exceed twenty (20) acres, unless included as part of a planned development project. Residential subdivisions in this district shall have access onto a major collector, or major arterial road as identified in the functional road plan.

A RESOLUTION TO AUTHORIZE EXECUTION OF A DEVELOPMENT AGREEMENT WITH EDWARD H. WHIDDON, SR., CAROLE M. WHIDDON, CHINA STATES CONSTRUCTION AND ENGINEERING CORP., AND CERTAIN PROPERTY OWNERS CONCERNING A TRACT OF LAND LOCATED IN THE CITY; TO REPEAL INCONSISTENT PROVISIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

## WITNESSETH:

WHEREAS, the City of Stockbridge ("the City") is a Georgia municipal corporation responsible for serving several public purposes, including but not limited to regulating the use of land located within the City; and

WHEREAS, Edward H. Whiddon, Sr., Carole M. Whiddon, and China States Construction and Engineering Corp., ("the Owner"), has announced that it owns certain property located in the City and more particularly described in Exhibit A ("Property"), has the Property under contract, or otherwise will be the owner of record of said Property in the near future; and

WHEREAS, the Owner has submitted an application to rezone the Property for the purpose of constructing certain improvements ("the Improvements") on it pursuant to a development plan ("Plan"); and

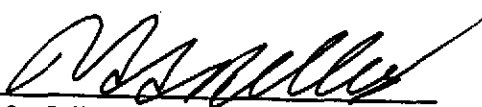
WHEREAS, the City has reviewed the proposed Improvements and Plan and has granted the rezoning application subject to certain conditions,

**THEREFORE, IT IS NOW RESOLVED BY THE CITY COUNCIL OF THE CITY OF STOCKBRIDGE, GEORGIA, AS FOLLOWS:**


1. **Authorization.** The City hereby authorizes the Mayor and Clerk to execute a Development Agreement identical to or substantially similar to the copy which is hereto attached, and all other documents necessary to effectuate the transaction contemplated herein.
2. **Severability.** To the extent any portion of this Resolution is declared to be invalid, unenforceable, or nonbinding, that shall not affect the remaining portions of this Resolution.
3. **Repeal of Conflicting Provisions.** All City resolutions are hereby repealed to the extent they are inconsistent with this Resolution.
4. **Effective Date.** This Resolution shall take effect immediately.

*Original Resolution is filed in Resolution File.*

THIS RESOLUTION adopted this 19<sup>th</sup> day of November, 2001.

  
\_\_\_\_\_  
R. G. Kelley  
Mayor, City of Stockbridge

ATTEST:

  
\_\_\_\_\_  
Merle Manders  
City Clerk

(seal)

**EXHIBIT A**  
**Legal Description of Whiddon Property**

All that tract or parcel of land, containing 39.622 acres, lying and being in Land Lot 101 of the 12th District of Henry County, Georgia, being depicted as Tract 1 containing 39.622 acres, as shown on plat of survey made for Estate of Sara Ester Wall by James Stothard, Georgia Registered Land Surveyor No. 2321, dated February 14, 1994, recorded in Plat Book 28, Page 226, Henry County Records. The description of said property as shown on plat is hereby incorporated herein and by reference made a part hereof.

**EXHIBIT B**  
**Legal Description of China State Property**

All that tract or parcel of land lying and being in Land Lots 91 and 102 of the 12th District of Henry County, Georgia, as per plat of survey by W.W. Lester, Registered Land Surveyor No. 2128, prepared for Georgia Southern Lumber, Inc., dated October 2, 1990 and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, begin at a point located at the common intersection of Land Lots 91, 102, 101 and 92, said point being the southeast corner of Land Lot 102; thence running North 03 degrees 10 minutes 14 seconds West along the east land lot line of Land Lot 102, a distance of 281.40 feet to an iron pin found, THE TRUE POINT OF BEGINNING; thence South 82 degrees 59 minutes 39 seconds West, a distance of 153.88 feet to an iron pin found; thence South 12 degrees 54 minutes 34 seconds West, a distance of 397.19 feet to an iron pin found; thence North 59 degrees 28 minutes 28 seconds West, a distance of 174.46 feet to an iron pin found; thence South 12 degrees 48 minutes 10 seconds West, a distance of 523.66 feet to an iron pin set, located at the northeast right of way line of Valley Hill Road, having an 80-foot right of way; thence running in a northwesterly direction along the northeast right of way line of Valley Hill Road, a distance of 808.49 feet to an iron pin found; thence North 03 degrees 59 minutes 08 seconds East, a distance of 409.22 feet to an iron pin set; thence North 68 degrees 39 minutes 47 seconds West, a distance of 331.78 feet to an iron pin found; thence North 03 degrees 59 minutes 08 seconds East, a distance of 2,167.78 feet to an iron pin set, located on the Southwest right of way line of Southern Railroad rail line, having a 150-foot right of way; thence South 50 degrees 46 minutes 45 seconds East, along the southwest right of way line of southern railroad rail line, a distance of 1,683.23 feet to an iron pin set; thence South 03 degrees 33 minutes 48 seconds East, a distance of 52 feet to an iron pin found; thence South 02 degrees 52 minutes 52 seconds East, a distance of 99.26 feet to an iron pin found; thence South 03 degrees 11 minutes 11 seconds East, a distance of 100.11 feet to an iron pin found; thence South 03 degrees 14 minutes 39 seconds East, a distance of 199.11 feet to an iron pin found; thence South 3 degrees 15 minutes 18 seconds East, a distance of 100.86 feet to an iron pin found; thence South 03 degrees 26 minutes 36 seconds East, a distance of 99.60 feet to an iron pin found; thence South 02 degrees 36 minutes 07 seconds East, a distance of 97.68 feet to an iron pin found; thence South 03 degrees 29 minutes 50 seconds East, a distance of 99.56 feet to an iron pin found; thence South 03 degrees 08 minutes 30 seconds East, a distance of 97.89 feet to an iron pin found; thence South 03 degrees 17 minutes 21 seconds East, a distance of 100.60 feet to an iron pin found; thence South 02 degrees 52 minutes 23 seconds East, a distance of 99.56 feet to an iron pin found, the TRUE POINT OF BEGINNING.

## EXHIBIT C

All that tract or parcel of land, containing 39.622 acres, lying and being in Land Lot 101 of the 12th District of Henry County, Georgia, being depicted as Tract 1 containing 39.622 acres, as shown on plat of survey made for Estate of Sara Ester Wall by James Stothard, Georgia Registered Land Surveyor No. 2321, dated February 14, 1994, recorded in Plat Book 28, Page 226, Henry County Records. The description of said property as shown on plat is hereby incorporated herein and by reference made a part hereof.

AND

All that tract or parcel of land lying and being in Land Lots 91 and 102 of the 12th District of Henry County, Georgia, as per plat of survey by W.W. Lester, Registered Land Surveyor No. 2128, prepared for Georgia Southern Lumber, Inc., dated October 2, 1990 and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, begin at a point located at the common intersection of Land Lots 91, 102, 101 and 92, said point being the southeast corner of Land Lot 102; thence running North 03 degrees 10 minutes 14 seconds West along the east land lot line of Land Lot 102, a distance of 281.40 feet to an iron pin found, THE TRUE POINT OF BEGINNING; thence South 82 degrees 59 minutes 39 seconds West, a distance of 153.88 feet to an iron pin found; thence South 12 degrees 54 minutes 34 seconds West, a distance of 397.19 feet to an iron pin found; thence North 59 degrees 28 minutes 28 seconds West, a distance of 174.46 feet to an iron pin found; thence South 12 degrees 48 minutes 10 seconds West, a distance of 523.66 feet to an iron pin set, located at the northeast right of way line of Valley Hill Road, having an 80-foot right of way; thence running in a northwesterly direction along the northeast right of way line of Valley Hill Road, a distance of 808.49 feet to an iron pin found; thence North 03 degrees 59 minutes 08 seconds East, a distance of 409.22 feet to an iron pin set; thence North 68 degrees 39 minutes 47 seconds West, a distance of 331.78 feet to an iron pin found; thence North 03 degrees 59 minutes 08 seconds East, a distance of 2,167.78 feet to an iron pin set, located on the Southwest right of way line of Southern Railroad rail line, having a 150-foot right of way; thence South 50 degrees 46 minutes 45 seconds East, along the southwest right of way line of southern railroad rail line, a distance of 1,683.23 feet to an iron pin set; thence South 03 degrees 33 minutes 48 seconds East, a distance of 99.26 feet to an iron pin found; thence South 02 degrees 52 minutes 52 seconds East, a distance of 99.26 feet to an iron pin found; thence South 03 degrees 11 minutes 11 seconds East, a distance of 100.11 feet to an iron pin found; thence South 03 degrees 14 minutes 39 seconds East, a distance of 199.11 feet to an iron pin found; thence South 3 degrees 15 minutes 18 seconds East, a distance of 100.86 feet to an iron pin found; thence South 02 degrees 36 minutes 07 seconds East, a distance of 99.60 feet to an iron pin found; thence South 02 degrees 36 minutes 07 seconds East, a distance of 97.68 feet to an iron pin found; thence South 03 degrees 29 minutes 50 seconds East, a distance of 99.56 feet to an iron pin found; thence South 03 degrees 08 minutes 30 seconds East, a distance of 97.89 feet to an iron pin found; thence South 03 degrees 17 minutes 21 seconds East, a distance of 100.60 feet to an iron pin found; thence South 02 degrees 52 minutes 23 seconds East, a distance of 99.56 feet to an iron pin found, the TRUE POINT OF BEGINNING.

**REZONING ORDINANCE**

**CITY OF STOCKBRIDGE  
STATE OF GEORGIA**

**ORDINANCE NO. 01405**

AN ORDINANCE FOR THE PURPOSE OF AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF STOCKBRIDGE, GEORGIA

**WHEREAS**, an application was filed by:

Edward H. Whiddon, Sr., Carole M. Whiddon,  
Greg Nobles, and China States Construction and Engineering Corp.

to rezone the property of

Edward H. Whiddon, Sr., Carole M. Whiddon,  
and China States Construction and Engineering Corp.

located in Land Lots 91, 101, and 102 of the 12<sup>th</sup> District, Henry County, Georgia, at Stagecoach Road and Valley Hill Road and being more particularly described on **Exhibit "A"** attached hereto and incorporated herein by reference (hereinafter "property"); and

**WHEREAS**, the application seeks to have the property zoned from its current zoning classification of

RA (Residential - Agricultural)

to

PTD (Planned Town Development)

for the purpose of: permitting development of a single family residential subdivision and retail commercial center consistent with the Zoning Ordinance.

**NOW THEREFORE**, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF STOCKBRIDGE, GEORGIA, AND IT IS HEREBY ORDAINED BY THE AUTHORITY THEREOF:

1.

That the above described property is hereby zoned to the PTD (Planned Town Development) zoning classification in accordance with the Zoning Ordinance of the City of Stockbridge, Georgia, effective in the manner provided herein.

2.

That the zoning of the above described property is subject to:

(X ) The conditions set forth on **Exhibit "B"** attached hereto and incorporated herein by reference.

(X ) The terms of Development Agreement attached hereto as **Exhibit "C"** and incorporated herein by reference.

( ) If no Exhibit "B" is attached hereto, then the property is zoned without special conditions.

3.

That the official zoning map for the City of Stockbridge is hereby amended to reflect such zoning classification for the property.

4.

This ordinance shall become effective immediately. The zoning of the property shall become effective only upon full execution, attestation, and delivery of the Development Agreement, attached hereto as **Exhibit C**. The zoning of the property shall be subject to satisfaction of the conditions set forth in **Exhibit B** and the terms of the Development Agreement.

**SO ORDAINED** by the Mayor and Council of Stockbridge this 19<sup>th</sup> day of November, 2001.

City of Stockbridge

By: 

R. G. Kelley, Mayor

ATTEST:

  
Merle Manders, City Clerk

**EXHIBIT A**  
**Legal Description of Whiddon Property**

All that tract or parcel of land, containing 39.622 acres, lying and being in Land Lot 101 of the 12th District of Henry County, Georgia, being depicted as Tract 1 containing 39.622 acres, as shown on plat of survey made for Estate of Sara Ester Wall by James Stothard, Georgia Registered Land Surveyor No. 2321, dated February 14, 1994, recorded in Plat Book 28, Page 226, Henry County Records. The description of said property as shown on plat is hereby incorporated herein and by reference made a part hereof.

**EXHIBIT B**  
**Legal Description of China State Property**

All that tract or parcel of land lying and being in Land Lots 91 and 102 of the 12th District of Henry County, Georgia, as per plat of survey by W.W. Lester, Registered Land Surveyor No. 2128, prepared for Georgia Southern Lumber, Inc., dated October 2, 1990 and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, begin at a point located at the common intersection of Land Lots 91, 102, 101 and 92, said point being the southeast corner of Land Lot 102; thence running North 03 degrees 10 minutes 14 seconds West along the east land lot line of Land Lot 102, a distance of 281.40 feet to an iron pin found, THE TRUE POINT OF BEGINNING; thence South 82 degrees 59 minutes 39 seconds West, a distance of 153.88 feet to an iron pin found; thence South 12 degrees 54 minutes 34 seconds West, a distance of 397.19 feet to an iron pin found; thence North 59 degrees 28 minutes 28 seconds West, a distance of 174.46 feet to an iron pin found; thence South 12 degrees 48 minutes 10 seconds West, a distance of 523.66 feet to an iron pin set, located at the northeast right of way line of Valley Hill Road, having an 80-foot right of way; thence running in a northwesterly direction along the northeast right of way line of Valley Hill Road, a distance of 808.49 feet to an iron pin found; thence North 03 degrees 59 minutes 08 seconds East, a distance of 409.22 feet to an iron pin set; thence North 68 degrees 39 minutes 47 seconds West, a distance of 331.78 feet to an iron pin found; thence North 03 degrees 59 minutes 08 seconds East, a distance of 2,167.78 feet to an iron pin set, located on the Southwest right of way line of Southern Railroad rail line, having a 150-foot right of way; thence South 50 degrees 46 minutes 45 seconds East, along the southwest right of way line of southern railroad rail line, a distance of 1,683.23 feet to an iron pin set; thence South 03 degrees 33 minutes 48 seconds East, a distance of 52 feet to an iron pin found; thence South 02 degrees 52 minutes 52 seconds East, a distance of 99.26 feet to an iron pin found; thence South 03 degrees 11 minutes 11 seconds East, a distance of 100.11 feet to an iron pin found; thence South 03 degrees 14 minutes 39 seconds East, a distance of 199.11 feet to an iron pin found; thence South 3 degrees 15 minutes 18 seconds East, a distance of 100.86 feet to an iron pin found; thence South 03 degrees 26 minutes 36 seconds East, a distance of 99.60 feet to an iron pin found; thence South 02 degrees 36 minutes 07 seconds East, a distance of 97.68 feet to an iron pin found; thence South 03 degrees 29 minutes 50 seconds East, a distance of 99.56 feet to an iron pin found; thence South 03 degrees 08 minutes 30 seconds East, a distance of 97.89 feet to an iron pin found; thence South 03 degrees 17 minutes 21 seconds East, a distance of 100.60 feet to an iron pin found; thence South 02 degrees 52 minutes 23 seconds East, a distance of 99.56 feet to an iron pin found, the TRUE POINT OF BEGINNING.

## EXHIBIT C

All that tract or parcel of land, containing 39.622 acres, lying and being in Land Lot 101 of the 12th District of Henry County, Georgia, being depicted as Tract 1 containing 39.622 acres, as shown on plat of survey made for Estate of Sara Ester Wall by James Stothard, Georgia Registered Land Surveyor No. 2321, dated February 14, 1994, recorded in Plat Book 28, Page 226, Henry County Records. The description of said property as shown on plat is hereby incorporated herein and by reference made a part hereof.

AND

All that tract or parcel of land lying and being in Land Lots 91 and 102 of the 12th District of Henry County, Georgia, as per plat of survey by W.W. Lester, Registered Land Surveyor No. 2128, prepared for Georgia Southern Lumber, Inc., dated October 2, 1990 and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, begin at a point located at the common intersection of Land Lots 91, 102, 101 and 92, said point being the southeast corner of Land Lot 102; thence running North 03 degrees 10 minutes 14 seconds West along the east land lot line of Land Lot 102, a distance of 281.40 feet to an iron pin found, THE TRUE POINT OF BEGINNING; thence South 82 degrees 59 minutes 39 seconds West, a distance of 153.88 feet to an iron pin found; thence South 12 degrees 54 minutes 34 seconds West, a distance of 397.19 feet to an iron pin found; thence North 59 degrees 28 minutes 28 seconds West, a distance of 174.46 feet to an iron pin found; thence South 12 degrees 48 minutes 10 seconds West, a distance of 523.66 feet to an iron pin set, located at the northeast right of way line of Valley Hill Road, having an 80-foot right of way; thence running in a northwesterly direction along the northeast right of way line of Valley Hill Road, a distance of 808.49 feet to an iron pin found; thence North 03 degrees 59 minutes 08 seconds East, a distance of 409.22 feet to an iron pin set; thence North 68 degrees 39 minutes 47 seconds West, a distance of 331.78 feet to an iron pin found; thence North 03 degrees 59 minutes 08 seconds East, a distance of 2,167.78 feet to an iron pin set, located on the Southwest right of way line of Southern Railroad rail line, having a 150-foot right of way; thence South 50 degrees 46 minutes 45 seconds East, along the southwest right of way line of southern railroad rail line, a distance of 1,683.23 feet to an iron pin set; thence South 03 degrees 33 minutes 48 seconds East, a distance of 52 feet to an iron pin found; thence South 02 degrees 52 minutes 52 seconds East, a distance of 99.26 feet to an iron pin found; thence South 03 degrees 11 minutes 11 seconds East, a distance of 100.11 feet to an iron pin found; thence South 03 degrees 14 minutes 39 seconds East, a distance of 199.11 feet to an iron pin found; thence South 3 degrees 15 minutes 18 seconds East, a distance of 100.86 feet to an iron pin found; thence South 03 degrees 26 minutes 36 seconds East, a distance of 99.60 feet to an iron pin found; thence South 02 degrees 36 minutes 07 seconds East, a distance of 97.68 feet to an iron pin found; thence South 03 degrees 29 minutes 50 seconds East, a distance of 99.56 feet to an iron pin found; thence South 03 degrees 08 minutes 30 seconds East, a distance of 97.89 feet to an iron pin found; thence South 03 degrees 17 minutes 21 seconds East, a distance of 100.60 feet to an iron pin found; thence South 02 degrees 52 minutes 23 seconds East, a distance of 99.56 feet to an iron pin found, the TRUE POINT OF BEGINNING.

**EXHIBIT B  
CONDITIONS**

1. Owner shall install a 40 foot undisturbed buffer along property lines that are adjacent to existing residential properties.

2. Owner shall comply with any other conditions attached hereto, including but not limited to those contained in the sample Development Agreement, a copy of which is attached hereto as **Exhibit C**.

3. Rezoning of the property shall become effective upon completion of the following:  
(a) The Mayor and Clerk of the City of Stockbridge executing this ordinance ("Rezoning Ordinance"); (b) the parties executing the Development Agreement; (c) both tracts of the Property being purchased by the same landowner; (d) a certified copy of the Deed being delivered to the City Clerk; and (e) Notice of the Development Agreement being filed in the office of the Clerk of the Henry County Superior Court.

**STATE OF GEORGIA**

**COUNTY OF HENRY**

**DEVELOPMENT AGREEMENT**

**THIS DEVELOPMENT AGREEMENT** ("Agreement") is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2001, by and between the **CITY OF STOCKBRIDGE, GEORGIA**, a municipal corporation chartered under the laws of the State of Georgia (hereinafter "City"); the owners of the tract of land described in **Exhibit "A"** are **EDWARD H. WHIDDON, SR.**, and **CAROLE M. WHIDDON** (the "Whiddons"); the owner of the tract of land described in **Exhibit "B"** is **CHINA STATE CONSTRUCTION AND ENGINEERING - US Inc.**, ("China State") which is a Delaware corporation in good standing qualified to do business in the State of Georgia; and future landowner(s) of the property described in Exhibits "A" and "B" hereto attached is: \_\_\_\_\_ ("Developer"). The property covered by this Agreement ("Property") shall consist of the two tracts mentioned above, as more particularly described in **Exhibit "C"** which are incorporated herein by reference.

**P R E A M B L E :**

**WHEREAS**, the Whiddons and China State own land located in the City consisting of 149.47 acres adjacent to Stagecoach Road and Valley Hill Road (the "Property"), which is zoned Residential Agriculture ("RA"); and

**WHEREAS**, the City is "Zoning Ordinance" designates several permitted uses for Planned Town Development ("PTD") District Classifications, including but not limited to residential and commercial uses; and

**WHEREAS**, the Zoning Ordinance designates several types of residential uses which may be featured in PTD districts, including single family detached residences and attached townhomes; and

**WHEREAS**, the Whiddons, China State and Developer desire to develop the Property in a profitable manner consistent with the Zoning Ordinance and have filed joint applications incorporated herein as **Exhibit "D"** to have the Property described in **Exhibit "C"** rezoned from an RA District to a PTD District; and

**WHEREAS**, because the Zoning Ordinance, including the City's Planned Town Development Ordinance ("PTD Ordinance") mandates that a single owner or owners have title to property for which PTD zoning is sought, the Whiddons, China State, Developer, and Future Landowners \_\_\_\_\_, (which, together with all successors and assigns, shall be hereinafter referred to as "Owner") have combined or conveyed their respective ownership interests in order to comply with the PTD Ordinance; and

**WHEREAS**, Owner wishes to use the Property described in **Exhibit "C"**, totaling 149.47 acres to develop a mixed use development incorporating, in part: (i) a single-family residential subdivision (hereinafter, "Subdivision" or "Subdivision Property") including single-family detached residences and attached townhomes; and (ii) commercial or retail uses, consisting of not more than 117,000 square feet.

**WHEREAS**, the parties wish to receive assurances from the other that certain essential events will occur in order to facilitate the development of the Property; to ensure that the Property will be developed pursuant to the Zoning Ordinance; the rezoning conditions imposed by the City; and this Agreement, and any amendments thereto; to preclude litigation; and to coordinate

development efforts; and

**WHEREAS**, the City and Owner are willing to execute this Agreement to achieve these purposes;

**WHEREAS**, water service to the Property will be provided to the Property pursuant to an Agreement entered into between the City and the Henry County Water and Sewerage Authority ("Authority"), dated March 14, 1996, and sewerage services will be provided by the City or its designee; and

**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, and both the City, Henry County and the Authority have enacted certain Development Impact Fees pursuant to O.C.G.A. § 36-71-1, et seq.; and

**WHEREAS**, the City is currently investigating and considering the enactment of an Ordinance or Ordinances which will allow the collection of additional impact fees, and it does not represent, 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; and

**WHEREAS**, the parties desire to clarify and define what the obligation of Owner is and the credits that the Owner will be entitled to; and

**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.

## **A G R E E M E N T :**

**1.**

### **Rezoning Applications**

The City has found that the application(s) filed with the City for the rezoning of the Property are consistent with zoning policies and goals of the City. Said application(s) have been approved subject to certain conditions, which are incorporated into this Agreement. All parties agree that said conditions are a part of this Agreement.

Said zoning shall become effective after the City of Stockbridge City Council passes the Rezoning Ordinance, the parties execute this Agreement, and both tracts of the Property are purchased simultaneously by the same landowner. Should the future landowner or their successors and assigns fail to purchase both tracts of the Property simultaneously, the Rezoning Ordinance and this Agreement shall not be effective.

**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 consisting of two tracts which are described in **Exhibits "A"** and **"B"** respectively, for a total of 149.47 acres as described in **Exhibit "C"**. The property described in **Exhibit "C"** shall be rezoned from the R-A zoning classification to the PTD (Planned Town Development) zoning classification.

- 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. In addition to said ordinances, the conditions contained in this Agreement shall apply. If there is a conflict between the Zoning Ordinances of the City and this Agreement, the terms of this Agreement shall control.
- C) **Infrastructure And Traffic Control Improvement Conditions.** The following conditions shall apply to infrastructure and traffic control improvements to the Property.
- 1) Street Design Standards, Utilities, and Parking. Access to the Property shall be provided by one (1) curb cut on Valley Hill Road, one (1) curb cut on Stagecoach Road, and one (1) curb cut on East Atlanta Road. Streets, roads, and cul-de-sacs shall be designed and constructed in accordance with the standards set forth in the Zoning Ordinance and all other applicable ordinances. Utilities and parking shall also be installed according to the Zoning Ordinance and all other applicable ordinances. In addition, Owner shall pay the City or its designee a total of Twenty Thousand Dollars (\$20,000.00) toward acquisition, installation, or maintenance of a traffic signal or device at the intersection of Valley Hill Road and Georgia Highway 42, and shall do so within thirty (30) days of notice from the City that said amount is due and payable, after the installation of said traffic signal.
- D) **Residential Development Conditions.** The following conditions shall apply to residential development of the Property.

1) Net Density.

- a. The “maximum allowable net density” (or “Net Density”) means the total number of dwelling units or housing structures per acre of land based on the “net land area,” as hereinafter defined. The maximum allowable net density, exclusive of any bonus density credits awarded under the PTD Ordinance, shall not exceed the density established by that ordinance. Net useable acreage (or “Net Land Area”) means the total gross acreage less all streets, rights-of-way, flood hazard areas, buffer areas, commercial/industrial land, and public lands. Easements for drainage, sanitary sewer, shall not be excluded from net land area. The Net Useable Acreage or Net Land Area may be adjusted only to the extent and in the manner prescribed by the City’s PTD Ordinance.
- b. The total number of residential dwelling units on the Property shall be the *lesser* of: (i) the maximum units allowed under the PTD Ordinance; or (ii) 347, of which at least 285 shall be single family detached residences and no more than 62 shall be townhomes or cluster homes.
- c. The maximum square footage of floor area (heated space) for commercial or retail uses shall the *lesser* of: (i) the maximum allowed under the PTD Ordinance; or (ii) 117,000 square feet.

- d. The minimum square footage set aside for open space shall be the *greater* of: (i) the minimum area required under the PTD Ordinance; or (ii) twenty percent (20%) of the Property.

2) Lot Improvements.

- a. Owner shall bear the cost of all lot improvements. Lot improvements shall include the following, all of which shall be designed, constructed, or installed in accordance with Henry County and City standards:
  - 1. Following an overall community plan for pedestrian circulation including a combination of sidewalks and trails;
  - 2. Street lights served with underground power;
  - 3. All underground utilities (i.e., electrical, cable television, telephone, etc.), and connected to the Property;
  - 4. All lots will be serviced by sanitary sewer and water lines, connected to the Property.
  - 5. Owner also agrees to take all steps which are reasonably necessary to construct and maintain, at its sole cost, a trail under an existing railroad culvert which will connect portions of the Property. Provided, however, that Owner shall be relieved of this requirement to the extent, and for so long as, the owner of the railroad property unconditionally refuses to grant Owner permission to do so.

3) Residential Structures.

The minimum floor area (heated space) of residential structures including finished heated and cooled living areas but exclusive of porches, basements, porte cocheres, garages, carports and breezeways ("heated area") which are zoned Planned Town Development shall be as follows.

a. *Traditional Neighborhood Development (TND).*

(i) Single Family Detached Residential Structures:

1/3 of the total a minimum of 1,600 s.f.

1/3 of the total a minimum of 1,700 s.f.

1/3 of the total a minimum of 1,800 s.f.

Owner acknowledges that these requirements may exceed those found in the Zoning Ordinance but voluntarily agrees to adhere to the higher standards contained herein.

(ii) Townhomes:

1/3 of the total a minimum of 1,400 s.f.

1/3 of the total a minimum of 1,500 s.f.

1/3 of the total a minimum of 1,600 s.f.

The parties acknowledge that these requirements are identical to those found in the Zoning Ordinance.

b. *Conventional Development (CD).*

(i) Single Family Detached Residential Structures:

1/3 of the total a minimum of 1,600 s.f.

1/3 of the total a minimum of 1,700 s.f.

1/3 of the total a minimum of 1,800 s.f.

The parties acknowledge that these requirements are identical to those found in the Zoning Ordinance.

(ii) Townhomes:

1/3 of the total a minimum of 1,600 s.f.

1/3 of the total a minimum of 1,700 s.f.

1/3 of the total a minimum of 1,800 s.f.

The parties acknowledge that these requirements are identical to those found in the Zoning Ordinance.

- 4) Open Space. Owner agrees to set aside for open space the *greater* of: (i) the minimum square footage or area required under the PTD Ordinance; or (ii) twenty percent (20%) of the Property. All open space areas shall conform to the standards and criteria set forth in the Zoning Ordinance.

5) Home Improvement Features

- a. The exterior of residential dwelling units shall be developed in accordance with the requirements of the PTD Ordinance, the Zoning

Ordinance generally, and any architectural standards and restrictive covenants implemented by Owner, as applicable.

- b. All of the residential dwelling units constructed on the Property shall feature an exterior consisting of brick, stone, stucco, vinyl siding (not less than a medium grade of vinyl siding), wood, synthetic stone, hardboard siding, or any combination thereof. Moreover, a majority of the dwelling units shall feature accents consisting of brick or masonry covering at least 51% of the front of the home. If Owner chooses to construct dwelling units in conformity with Table 4 of Section 8.36.050, he shall be entitled to the density bonus points in the manner, and to the extent prescribed, therein.
- c. The architecture of the commercial area shall be traditional architecture and in accordance with the styles and designs in place and in existence during the early 1900's (circa 1890 - 1920), as reflected in structures located in the former downtown area of Stockbridge, and consistent with the illustrative exhibit attached hereto as **Exhibit E** and incorporated by reference.
- d. No mobile homes, house trailers, modular homes, "log houses," or "moved in houses" shall be erected or placed on any lot, except for sales, marketing, or construction trailers of developer or builders.

- e. No single family rental unit or multi-family rental housing units, including but not limited to, apartments, quadplexes, triplexes, or duplexes, shall be erected or placed on the Property.

6) Common Area Amenities and Recreational Facilities.

Prior to the completion of fifty percent (50%) of the total number of approved residential units, the Owner shall construct and place in operation a minimum of 50% of the planned open space and common area amenities which will include the following minimum recreational amenities, which can be relocated within the recreational area as needed by Owner:

- a. A club house or similar recreation building consisting of a minimum of 2,500 minimum square feet;
- b. A competition-size swimming pool;
- c. Tennis courts, lighted (2)
- d. A multiuse field capable of being used for football and soccer;
- e. Open space in the amount provided for in this Agreement, natural or enhanced, with trails providing access to and through the area;
- f. ADA-accessible mulched walking trails or pathways of at least 5,000 linear feet; and
- g. Sufficient parking to accommodate the proposed amenities and recreational facilities. The number of parking spaces will be determined at the time of the submission of the Final Site Plan for development of the Property.

h. Sidewalks along the road right of ways and into the subdivision.

All amenities and parking facilities shall conform to the standards and criteria set forth in the Zoning and Development Ordinances of the City except to the extent provided for herein. Owner also agrees to complete construction of all amenities prior to completion of 75% of all residential dwelling units. In the event Owner or his successors in interest fail to satisfy this condition, City or its designee shall be entitled to withhold any and all permits or approvals related to development of the Property until said condition has been satisfied.

7) Natural Resources

- a. Owner shall comply with all applicable laws and regulations, including but not limited to those promulgated by the Georgia Department of Natural Resources (DNR) and its Environmental Protection Division (EPD) for Big Cotton Indian Creek.
- b. Owner shall provide a 25' buffer for any "state waters" as required by Georgia Erosion & Sedimentation Control Act. Owner shall also comply with all applicable laws and regulations governing soil erosion and sedimentation control on the Property.
- c. Owner shall protect the flood plains and wetlands as shown on the site plan or governmental records, to the extent and in the manner required by Henry County, City, state, and federal regulations or ordinances.

- d. Owner shall submit and receive approval of a stormwater management plan prior to the issuance of any land disturbance permit, to the extent and in the manner prescribed by Henry County, City, state or federal regulations or ordinances.
- e. To the extent required by law, all activities with respect to the Property by Owner shall comply with policies adopted by the Atlanta Regional Commission (“ARC”), including but not limited to those codified in ARC’s Regional Development Plan.

E) **Commercial and Office/Institutional Development Conditions.** The rules, regulations, and conditions of the Zoning Ordinance of the City shall apply to the acres of the Property designated commercial or retail within the Planned Town Development Classification.

- 1) Landscape Plan. Owner agrees to prepare and submit a landscape plan for the areas designated for commercial or retail development. Said Landscape Plan shall be approved by the City in accordance with the Zoning Ordinance and PTD Ordinance prior to the issuance of any building permit on the Property.

F) **Phased Development Conditions..** No more than fifty percent (50%) of the town homes may be completed until after fifty percent (50%) of the single family detached residences have been completed. In addition, prior to the completion of fifty percent (50%) of the total number of all residential units, Owner or any successors in interest shall complete and place in operation one hundred percent (100%) of the commercial

or business development of the Property.

In the event Owner or his successors in interest fail to satisfy this condition, City or its designee shall be entitled to withhold any and all permits or approvals related to development of the Property until said condition has been satisfied.

3.

**Variances**

The Henry County Planning and Development Department may grant Administrative Variances as to the following matters: (i) front, side, and rear yard set back requirements; (ii) landscaping requirements; and (iii) distances required between buildings or accessory structures; up to ten percent (10%) of the aforementioned requirements, to the extent set forth in this Agreement or the Zoning Ordinance. All other variances from the requirements of the Zoning Ordinance or the provisions of this Agreement shall be sought and considered in the manner prescribed by the Zoning Ordinance except as set forth in paragraph 2 herein.

4.

**Impact on Services**

The Owner of the property described in Exhibits "A" and "B" hereto attached shall:

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.

Owner shall pay road improvement costs as follows:

1. Owner shall pay the City or its designee \$20,000.00 toward the installation of a traffic signal or device at the intersection of Valley Hill Road and Georgia Highway 42, and shall do so within thirty (30) days of notice from the City that said amount is due and payable after installation of said traffic signal.
2. Owner shall provide at its expense acceleration and deceleration lanes into and from the Property as required by the City or its designee, including the Henry County Department of Transportation, or any other applicable governmental entity.

C) Water and Sewerage Services.

Water and sewerage services to the Property shall be metered and provided by the City or its designee, including the Henry County Water and Sewerage Authority. The Owner shall comply will all rules, regulations, and ordinances of the City and Authority.

5.

**Impact Fee & 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 for the following:

1. All funds expended by Owner for the construction and installation of the

traffic light on Valley Hill Road and Georgia Highway 42.

2. The installation of any and all acceleration and deceleration lanes into and from the Property.

B. Water and Sewerage Impact Fees.

All water and sewerage impact fees will be paid to City or its designee.

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.

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 and upon the purchase of the two tracts of the Property simultaneously by the same owner(s).

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; (ii) the execution of this Agreement; and (iii) the purchase of the two tracts of the Property simultaneously by the same owner(s).

9.

**Relation to Zoning**

The conditions of the zoning ordinance are hereby incorporated into and made a part of this Agreement and those conditions and this Agreement shall run with the land and be binding upon the Owner and/or Owner's 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, their heirs, administrators, executors, successors, and assigns. 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 of Stockbridge and Henry County 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 of Stockbridge and Henry County 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.

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

#### **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.

**18.**

**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 \_\_\_\_ day of \_\_\_\_\_, 2001.

**CITY:**

**CITY OF STOCKBRIDGE, GEORGIA**

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

**ATTEST:**

\_\_\_\_\_  
City Clerk

[Seal]

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney

**OWNER:**

**EDWARD H. WHIDDON, SR.**

By: \_\_\_\_\_ (L.S.)

Signed, sealed and delivered  
before me this \_\_\_\_ day of  
\_\_\_\_\_, 2001.

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

(seal)

**CAROLE M. WHIDDON**

By: \_\_\_\_\_ (L.S.)

Signed, sealed and delivered  
before me this \_\_\_\_ day of  
\_\_\_\_\_, 2001.

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

(seal)

**CHINA STATE CONSTRUCTION AND  
ENGINEERING - US Inc.**

By: \_\_\_\_\_ (L.S.)

**VICTOR MENG**

Its: **PRESIDENT**

Attested:

\_\_\_\_\_  
Bohui Sun, Corporate Secretary

(seal)

**FUTURE LANDOWNER(S):**

By: \_\_\_\_\_ (L.S.)

Signed, sealed and delivered  
before me this \_\_\_\_ day of  
\_\_\_\_\_, 2001.

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

(seal)

By: \_\_\_\_\_ (L.S.)

Signed, sealed and delivered  
before me this \_\_\_\_ day of  
\_\_\_\_\_, 2001.

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

(seal)



**Rezoning Evaluation Report**  
**City of Stockbridge City Council**

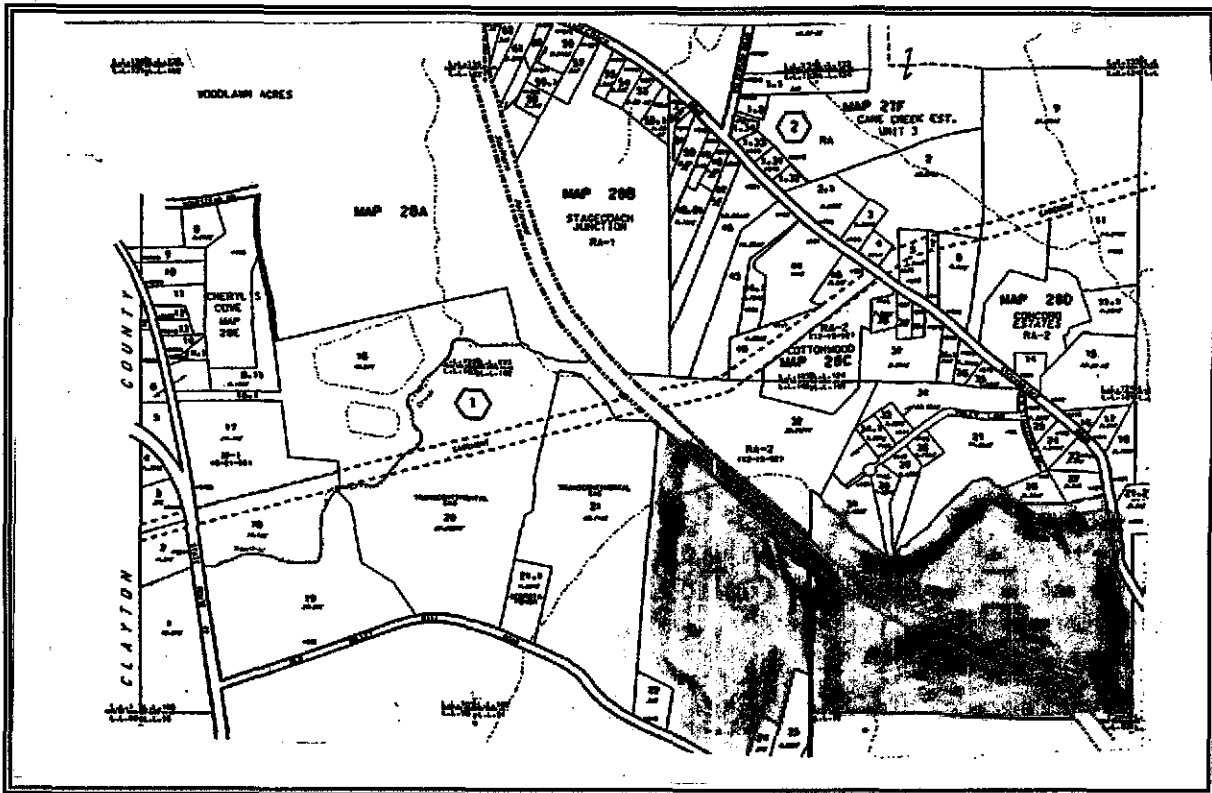
**Henry County Planning & Zoning**

**RZ-01-26**

**Commission District:** City of Stockbridge

**Planning Board Member:** Ray McDonald (770-474-8654)

**Applicant:** Pine Grove  
China State / Greg Noble / Ed Whiddon  
175 Corporate Drive  
Stockbridge, GA 30281  
(770-474-2733)



**Location:** The property is located in Land Lot (s) 91, 101, 102 of the 12<sup>th</sup> District, on Stagecoach Road just off East Atlanta and landlocked parcel off Valley Hill Road.

**Request:** Rezoning from R-A (Residential-Agricultural) to PTD (Planned Town Development)

**Proposed Use/  
Purpose:** Single-Family Residential Subdivision; Multi-family and Retail Commercial Development

**P&Z Meeting:** June 7, 2001: Tabled by Planning Commission  
July 12, 2001: Planning Commission Denied the Request  
September 13, 2001: Planning Commission Denied the Request

**City Council Meeting:** August 13, 2001: Tabled for further review by County and State  
October 8, 2001: Tabled for further review by County and State  
November 12, 2001: Tabled for further review by City and County  
**November 19, 2001**

**Lot Size:** The property consist of 149.47 +/- acres

**Road Access:** Stagecoach and Valley Hill Roads

**Public Facilities:**

Water and Wastewater Treatment: Letter submitted by the City of Stockbridge indicates that the City will make water and sewer available to the development.

Transportation: There are no traffic counts recorded for Stagecoach or Valley Hill Roads, which under the current land use plan they are classified as collector streets. With the addition of this development, there is a potential for increase in traffic volumes on the two (2) roadway systems. Stagecoach and Valley Hill Roads, on the draft future land use plan, will be classified as a major arterial when the plan is officially adopted.

**Zoning History:**

The property is zoned R-A (Residential-Agriculture) and no rezoning has taken place according to file records. Herein lies zoning for adjacent properties:

- North – RA (Residential Agricultural)
- South – RA (Residential-Agricultural)
- West – RA (Residential-Agricultural)
- East – RA (Residential-Agricultural) /M-1(light Industrial)

**Development Regulations Affected by Request:**

All standards and regulations that fall under PTD (Planned Town Development) Zoning Districts *City of Stockbridge Ordinance, Chapter 8.36*, with regards given to all other ordinances governing site development.

**Comments:**

The City Council of Stockbridge has heard the applicant's request several times with the Master Plan and associated reports being revised accordingly. The latest revision date to the Master Plan is November 16, 2001.

The City of Stockbridge PTD Ordinance requires that all PTD developments are to be located along an arterial road. East Atlanta Road is classified as a major arterial road and is one of three (3) entrances into the development. However, the Southern Railroad passes through the property, creating a vehicular barrier and eliminating connection between Development Pods A & B (the northern portions of the project) from Pod C (the southern portion of the project). The sole access to Pod C, the single-family residential portion of the development, is proposed off of Valley Hill Road. Valley Hill Road is presently classified as a collector road and therefore does not meet the criteria for a Planned Town Development. The draft land use plan before the Board of Commissioners proposes a reclassification of Valley Hill Road from a collector to major arterial status.

There are 285 home sites and only one entrance proposed into Pod C. This limited access could pose transportation and access issues and therefore the addition of a second entrance to the development, if design and engineering is feasible, is recommended to increase the safety and welfare of the future homeowners.

As part of the PTD requirements, the applicant submitted a Written Report that contains information concerning elements of the Master Plan. Staff has expressed some concerns with the applicant's original report and has received a revised report dated November 16, 2001. The highlights of this Written Report are detailed as follows:

- 1) The Report proposes dedication of a 30.0-acre nature sanctuary to the City of Stockbridge (see item IV, Applicants Written PTD Report). This is a commendable act, however this acreage is not considered as part of the overall project and cannot be a factor in calculating acreages or densities of the overall development.
- 2) The Report describes the proposed pedestrian access and circulation throughout the project (see item XIV, Applicants Written PTD Report). The Report proposes a pedestrian trail that crosses under the existing railroad right-of-way linking the northern portion of the project with the southern portion. However, this connection is not shown on the Master Plan. It should be noted that gaining railroad right-of-way is a very difficult task but such a pedestrian linkage would be a great asset to the development.
- 3) Included with the Report are two Tables, #1 & 2, that detail the amenity and recreational facilities that are required and proposed for the development. Developments the size of this proposal are required to include various recreational elements that total a minimum of 60 points (see Table #1, Applicants Written PTD Report). The applicants point total of 168.19 far exceeds the required amount, however the amenity types proposed do not match the Master Plan and a few of the required amenity types are not included in the Table (see Table #2, Applicants Written PTD Report).

The applicant has met all the requirements of ARC and the DRI rules of the Department of Community Affairs. The ARC has issued its final report, which was received by the Henry County Planning & Zoning Staff on the afternoon of November 9, 2001. In this report the ARC has indicated that the project is in the best interest of the State.

There are several items that the Planning & Zoning Staff believes are critical elements of the ARC's approval and that it is recommended that the entire ARC report and recommendations are included as conditions on any potential rezoning.

Planning & Zoning Staff met with the applicant and their attorney on Wednesday, November 14, 2001, to discuss the County concerns and ARC report recommendations. Our office received a faxed letter from the applicant's attorney on Friday, November 16, 2001 requesting that the property be rezoned with several conditions that were discussed at our meeting (see attached Client Proposed Conditions). If the project met all other requirements of the PTD Ordinance, Planning and Zoning would agree with the majority of the conditions requested, however recommends that the following italicized items be added or amended to the proposed conditions to insure proper compliance with the PTD Ordinance and report from ARC:

- 1) Amend: Page 2; Item 1. B. e)

Where the aforementioned site plan is in conflict with the PTD Ordinance or Henry County and City standards, *the Ordinance shall control.*

2) Add: Page 5; Item 1. F.

*All of the open space and common area amenities shall be constructed and operational prior to the approval of seventy-five percent (75%) of the residential units.*

3) Amend: Page 5; Item 1. F. (vi)

*ADA accessible walking trails or pathways of at least 1,000 linear feet; and*

4) Amend: Page 5; Item 1. F. (vii)

*Sufficient parking to accommodate the proposed amenities and recreational facilities. The number of parking spaces will be proposed by the applicant and reviewed for approval by Planning & Zoning at Final Site Plan submission for the development of the property.*

5) Add: Page 6; Item 2. D.

*Owner shall submit and receive approval of a storm water management plan prior to the issuance of any land disturbance permit as required by Henry County, City, State or Federal regulations.*

6) Add: Page 6; Item 2. E.

*To the extent required by law, all activities with respect to the Property by Owner shall comply with policies adopted by the Atlanta Regional Commission ("ARC"), including but not limited to those codified in the ARC's Regional Development Plan.*

7) Add: Page 6; Item 2. F.

*No more than fifty percent (50%) of the town homes may be completed until after fifty percent (50%) of the single family detached residences have been completed. In addition, prior to the completion of fifty percent (50%) of the total number of all residential units, Owner or any successors in interest shall complete and place in operation one hundred percent (100%) of the commercial or business development of the Property. In the event Owner or successors in interest fail to satisfy this condition, City or its designee shall be entitled to withhold any and all permits or approvals related to development of the Property until condition has been satisfied.*

8) Add: Page 6; Item 3. B.

*Owner shall provide at its own expense acceleration and deceleration lanes into and from the Property as required by Henry County DOT or other applicable governmental agencies.*

**Analysis of Request (Sec. 3-7-313):**

*The possible effects of the change in the regulations or map on the character of a zoning district, a particular piece of property, neighborhood, a particular area, or the community. Criteria points 1&2.*

The residential component of the request should not have adverse effect on the character of the zoning district. To minimize any potential adverse effects, a forty-foot (40') foot undisturbed buffer should be instituted along property lines that are adjacent to existing residential properties. With additional residential dwelling units, traffic volumes will increase which could affect the surrounding community.

***Consistency with the land use plan. Criteria point 3.***

A PTD zoning is defined as a mixed-use development that provides flexibility in the application of development standards and site design when approved according to a master development plan. A PTD is not addressed as a specific use in the land use plan, however the elements that comprise a PTD are required to meet specific requirements that conform to the land use plan. This proposed development is not in compliance with the land use plan due to the classification of the roadway system (Valley Hill Road and Stagecoach Road) as a collector and not a major arterial.

***The impact of the proposed development on infrastructure, water, sewer, adjacent thoroughfares, pedestrian and vehicular circulation and traffic volumes. Criteria points 4 & 5.***

According to the a letter submitted by the City of Stockbridge, water and sewer will be made available to the site via the city's system. Currently the county has no traffic counts for Stagecoach Road. The roadway system could be impacted by the increased vehicular traffic from the development of residential and commercial uses on the site. The conceptual plan does illustrate the use of walking trails and sidewalks throughout the development.

***The impact upon adjacent property owners. Criteria point 6.***

The impact upon adjacent property owners could be significant, especially from a transportation standpoint. Other potential impacts could also be decreased by instituting a forty foot (40') undisturbed buffer along all adjacent property abutting the development.

***Can it be developed for what it is currently zoned. Criteria point 7.***

Yes, the property can be developed under its current zoning classification RA (Residential Agricultural).

***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 land is capable of being developed as proposed. Staff visited the site and noticed areas of exposed granite rock, a stream and wetlands that could pose some limitations to developing the site in its entirety.

***The merits of the request. Criteria point 9.***

Staff has reviewed the merits of this request and finds only minor objections to this site being developed as proposed, due to its non-conformance of the requirement that all PTD developments are to be located along an arterial road.

**Recommendation:**

Staff recommends **Denial** of the request of China State, Greg Noble and Ed Whiddon to rezone the property along Stagecoach Road from RA (Residential-Agricultural) to PTD (Planned Town Development), because the request does not comply with the requirement that all PTD developments are to be located along an arterial road.

**Recommendation:**

Staff recommends **Denial** of the request of China State, Greg Noble and Ed Whiddon to rezone the property along Stagecoach Road from RA (Residential-Agricultural) to PTD (Planned Town Development), because the request does not comply with the requirement that all PTD developments are to be located along an arterial road.

**Attachments:**

- Zoning Applications (2)
- Campaign Disclosure Forms (2)
- Letter of Intent
- Letters of Ownership (3)
- Letter from the City of Stockbridge concerning Water and Sewer
- Preliminary Site Plan
- Constitutional Challenge
- PTD report from Applicant
- ARC Report
- Client Proposed Conditions



Planning & Development Petition for
Rezoning-Conditional Use-Variance and other
Board of Commissioner or City Appeals

Name: China State Construction & Engineering Date: Phone: 212-488-8964

Address: 1 World Trade Center Ste #3861 Pgr/Cell:

City: New York State: N.Y. Zip: 10048 Fax:

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: XX Variance: Conditional Exception:
Appeal Administrative Non Conforming Use; Extension or Enlargement

Total Amount Paid \$ Cash Check# Received By:

Zoning Request from RA to PTD

For the Purpose of Residential Subdivision

Location (Attach Plat) Valley Hill Road, Stockbridge

Size of Tract: 68 acre(s) Land Lot(s): 91 & 102 District(s): 12th

Signature of Applicant: William L. Davis

China State Construction & Engineering
Signature of Agent

Signature of Applicant: Melissa Graham
My Commission Expires June 13, 2007

By: Victor Meng, President
Signature of Agent

(For Office Use Only)

Received by:

Pre-application meeting: Date:

Application checked By: Date:

Map#(s):

Recommendation of Planning Commission:

BOC Decision:

Planning Director's Signature: Date:

Henry County Planning & Development Petition for  
Rezoning, Conditional Use, Variance and other  
Board of Commissioners or City Appeals

Name: Greg Nobles / Ed Whiddon Date: 03/09/01 Phone: 770/474-2733  
Address: 175 Corporate Center Dr. Pgr/Cell: 404-791-6709  
City: Stockbridge State: GA Zip: 30281 Fax: 770-474-2449

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: \_\_\_\_\_

Appeal Administrative \_\_\_\_\_ Non Conforming Use; Extension or Enlargement \_\_\_\_\_

Total Amount Paid \$ \_\_\_\_\_ Cash \_\_\_\_\_ Check# \_\_\_\_\_ Received By: \_\_\_\_\_

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

For the Purpose of Planned Unit Development PTD  
(Type of Development)

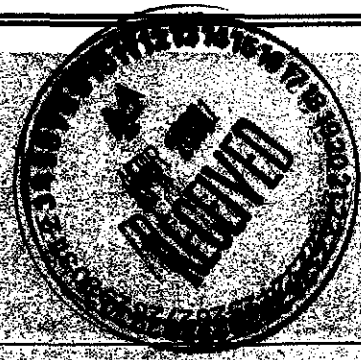
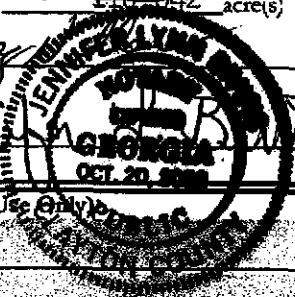
Location (Attach Plat) Fronts Stagecoach and also has landlocked parcel off Valley Hill Road  
(Street Address if Applicable, Nearest Intersection, Etc.)

Size of Tract: 1279.62 acre(s) Land Lot(s): 101 District(s): 12

Witness: Greg Nobles  
Notary: Jennifer Burns

Signature of Owner: Edward H Whiddon  
Signature of Agent: \_\_\_\_\_

(For Office Use Only)  
Received by: \_\_\_\_\_  
Pre-application meeting: \_\_\_\_\_ Date: \_\_\_\_\_  
Application checked By: \_\_\_\_\_ Date: \_\_\_\_\_  
Map#(s): \_\_\_\_\_  
Recommendation of Planning Commission: \_\_\_\_\_  
BOC Decision: \_\_\_\_\_  
Planning Director's Signature: \_\_\_\_\_ Date: \_\_\_\_\_



# Applicant Campaign Disclosure Form<sup>1</sup>

Has the applicant<sup>2</sup> 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 which will be considered as the required disclosure:

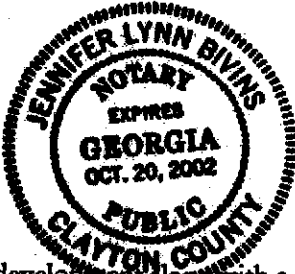
Commissioner/Planning Commission Member Name	Dollar amount of Campaign Contribution	Description of Gift \$250 or greater given to Board Member

We certify that the foregoing information is true and correct, this 21<sup>st</sup> day of February, 2001.

Edward H. Whiddon  
Applicant

\_\_\_\_\_  
Applicant's Attorney, if applicable

Sworn to and subscribed before me this 21<sup>st</sup> day of February, 2001.



Jennifer L. Bivins  
Notary Public

<sup>1</sup>Copy to be filed with planning & development along with a copy of the zoning application

<sup>2</sup>Applicant means any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association, or trust) applying for rezoning or other action.

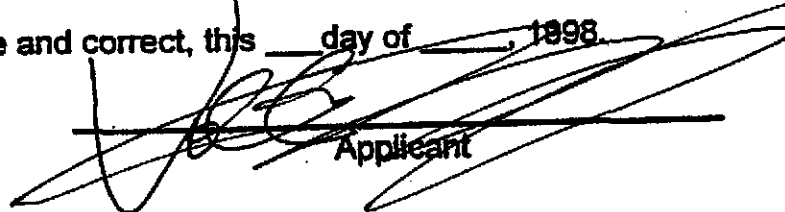
## Applicant Campaign Disclosure Form<sup>1</sup>

Has the applicant<sup>2</sup> 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   x  

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 which 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

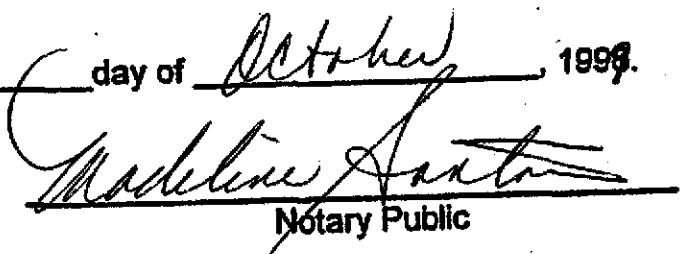
We certify that the foregoing information is true and correct, this        day of       , 1998.

  
 \_\_\_\_\_  
 Applicant

\_\_\_\_\_  
 Applicant's Attorney, if applicable

Sworn to and subscribed before me this   5   day of   October  , 1998.

**MADLINE SANTANA**  
 Notary Public, State of New York  
 No. 41-4944788  
 Qualified in Queens County  
 Commission Expires November 28, 2002

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

<sup>1</sup>Copy to be filed with planning & development along with a copy of the zoning application

<sup>2</sup>Applicant means any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association, or trust) applying for rezoning or other action.



Hr intent

**Metro Brokers**  
Better Homes and Gardens®

March 1, 2001

To: Henry County Planning and Zoning Department

It is the purpose of this application to rezone the two parcels fronting Valley Hill Road and Stagecoach Road to a Planned Township Development with Coventional Development. There will be three Pods displayed on the conceptual plat.

- Pod A – 20.29 Acres Commercial
- Pod B – 50.73 Acres Multi-Family
- Pod C- 108.45 Acres Single Family

There will be an entrance off Valley Hill Road and Stagecoach Road near the intersection of East Atlanta Road.

This property is inside the City Limits of Stockbridge and the developer will be responsible for a sewer line extension to service this tract.

Thank you for your consideration of this application. If you have any questions, please call me at 770-474-2733.

Thank you,

  
Greg Nobles



1215 Eagles Landing Pkwy. • Suite 101 • Stockbridge, GA 30281  
Telephone: (404) 843-2500 Fax: (770) 506-2306  
<http://metrobroskers.com>

*Real Estate, Financial, Insurance Services*

June 14, 2001

Attention: Planning and Zoning Commission

In reference to the application being filed by China State Construction and Engineering Corp. and Ed Whiddon , it is agreed by both parties that the applications can be filed as one. This project is a joint venture between both property owners.

If you have any questions please call Greg Nobles at 770-474-2733.

Sincerely,



Ed Whiddon



China State Construction and Engineering Corp.

February 16, 2001

To: Henry County Planning & Zoning

This letter is to confirm that I own the property located at Valley Hill and Stagecoach Road as shown on the attached application. I authorize Greg Nobles to submit this application on my behalf.

Thank you,

A handwritten signature in black ink, appearing to read "Ed Whiddon". The signature is written in a cursive style with a large, sweeping initial "E".

Ed Whiddon

678 479 7474



# City of Stockbridge

4545 North Henry Boulevard • Stockbridge, Georgia 30281  
Phone: (770) 389-7900 • Fax: (770) 389-7912

**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 23, 2001

Re: Water/Sewer-Land Lot 101 & 102, 12<sup>th</sup> District

To Whom It May Concern,

The City of Stockbridge will provide water and sewer for the project that Gregg Nobles is proposing on Land Lot 101 and 102 of 12<sup>th</sup> District. The main entrance will be off Valley Hill Road next to the gas plant. The commercial area will front at the corner of Stagecoach and East Atlanta Road.

Ted Strickland  
City Manger



*Metro Brokers*  
Better Homes and Gardens®

February 20, 2001

To: Henry County Planning & Zoning

This letter is to confirm that we own the 68 acres of property located at Valley Hill Road. I authorize Greg Nobles to submit the zoning application on our behalf.

Thank you,

  
Victor Meng  
China State Construction and Engineering



1215 Eagles Landing Pkwy. • Suite 101 • Stockbridge, GA 30281  
Telephone: (404) 843-2500 Fax: (770) 506-2306  
<http://metrobroskers.com>

*Real Estate, Financial, Insurance Services*





Site Location Map

CLAYTON COUNTY  
SEWER PLANT

ZONED R/A

TRANSCONTINENTAL  
GAS PIPELINES  
PUMPING STATION  
112 ACRES

ZONED R/A

ZONED R/A

ZONED M1

POD D  
(OUTPARCEL)  
NATURE SANCTUARY

LAKE

POD A  
COMMERCIAL

**DEVELOPMENT SUMMARY**  
 POD A - COMMERCIAL, NEIGHBORHOOD, 123 CROWN AC  
 - IMPROVED PAVED RD - 1.0000 EA.  
 - SPACES FOR 1,000 S.F. PAVS SPACES  
 - SEE SHEET 10/10/07  
 POD B - 1/2" CLAY TILE FRONTIER, PLAN GROUP AC  
 - 12.41 NET AC & 11,970 S.F. DIRT  
 - TOTAL NUMBER OF IMPROVED TYPICAL: 47  
 - 27' X 124' 1/2" - 5,000 S.F. TYPICAL  
 - 10' WIDE/14' H - 48 96 AC  
 POD C - 1/2" CLAY TILE FRONTIER, NEIGHBORHOOD AC  
 - 11.15 NET AC - 1,000 S.F. TYPICAL  
 - TOTAL NUMBER OF S.F. LOTS PROPOSED: 10  
 - ALTERNATE CROWN: 2.51 AC  
 POD D - NATURE SANCTUARY 2.51 AC  
 TOTAL SITE ACRES: 149.47  
 LINEAR FOOTAGE OF BOUNDARY: 12,800 FT  
 GREAT FOOTAGE OF TRAIL: 4,200 FT

Boundary and Topo are  
Appropriations Only  
 Topo: Acquired from Henry County  
 Boundary: Acquired from The Knight Group

ZONED R/A  
**TOTAL SITE ACREAGE**  
 149.47 +/- Acres

**MASTER PLAN**  
 PINE GROVE  
 THE KNIGHT GROUP



Scale: 1" = 100'



**PINE GROVE**  
**Master Development Plan**  
**Rezoning Request**  
**November 16, 2001**

**I. General Description**

The intent of this zoning request is to change the current zoning of the 149.47-acre tract from Residential (RA) to the proposed Planned Town Development (PTD) district. The PTD zoning category would allow for the development of a master planned community that would provide and organize a variety of land uses in an environmentally compatible setting, providing for recreation opportunities, neighborhood services, and employment for the proposed development, as well as the existing community. The proposed development consists of 285 single-family lots, 62 cluster homes/town homes, and 116,900 square feet of neighborhood commercial uses.

**II. Detailed Legal Description**

See Attachment 'A.'

**III. Proposed Standards for Development**

**A. Architectural and Design Standards:** See Attachment 'B.'

**B. Restrictions on the property include the following:**

**Pod A – Neighborhood Commercial:**

Proposed 40-foot buffer adjacent to Stagecoach Road, East Atlanta Road, and existing residential property.

Proposed 100-foot buffer adjacent to railroad right-of-way.

**Pod B – Cluster Homes/Town Homes:**

Proposed 100-foot buffer adjacent to railroad right-of-way.

**Pod C – Single Family:**

Proposed 50-foot buffer adjacent to Valley Hill Road.

Proposed 20-foot tree-save area adjacent to existing R-2 zoning.

Proposed 40-foot buffer adjacent to RA zoning.

Proposed 100-foot buffer adjacent to railroad right-of-way

**C. Proposed Density Standards:**

**Pod B – Cluster Homes/Town Homes:**

Maximum of 4 units per net acre.

**Pod C – Single Family:**  
Maximum of 3.6 units per acre.

**IV. *Proposed Dedication or Reservation of Property:***

- A. The Master Plan proposes the dedication of a 30.0-acre nature sanctuary to the City of Stockbridge. The facility is located adjacent to Big Cotton Indian Creek and will be an asset to this project, as well as to the City of Stockbridge and Henry County. In addition, the Master Plan proposes to make the following dedications:
1. In Pod A & B, the dedication of accel and decel lanes at both main access points off Stagecoach and East Atlanta Roads.
  2. Dedication of the proposed 80-foot right-of-way that will provide access off Stagecoach Road to Pod A and Pod B.
  3. In Pod C, the dedication of 50 feet of all right-of-way for the neighborhood streets in the single-family development.

**V. *Exceptions or Variations***

There are no proposed exceptions or variances from the subdivision ordinance proposed.

**VI. *Provisions of Utilities***

*Water Services:*

Waterline on East Atlanta Road: 12-inch DI on West Side of road.  
Waterline on Valley Hill Road: 8-inch DI on Southwest Side of road

*Sewer:*

The Master Plan proposes the installation of a lift station and force main to serve the property. The lift station will be located in a central portion of the site where a force main is proposed to run from the site along the right-of-way of East Atlanta Road to just north of Cochran Park where it will fit into the existing city sanitary sewer outfall.

*Stormwater Management:*

The proposed development will have a stormwater management system that will be designed in accordance with Henry County standards. This system will be designed for the 149.47 acres, with a series of detention ponds that will prevent

stormwater runoff from exceeding predeveloped stormwater runoff conditions. All stormwater systems will be designated according to Best Management Practices.

**VII. Adequacy of Sanitary Sewer & Water Service**

See Attachment 'C.'

**VIII. Plans for Protecting Abutting Properties**

The development will follow the Best Management Practices regarding soil erosion and storm drainage control measures. In addition, buffers, tree protection areas, and setbacks are also proposed to assist in protecting the adjacent properties. See Item 3 regarding restrictions to property.

**IX. Plans for Maintenance of Common Open Space**

The Developer will maintain open space until the "Homeowners Association" is able to take over the responsibility from the Developer.

**X. Proposed Development**

A. Total number of acreages in Proposed Development = 149.47

B. Percentage Designated by Land Use, as follows:

<u>Land Use</u>	<u>Gross Acreage</u>	<u>Net Acreage</u>	<u>% of Dev.</u>
POD A Neighborhood Commercial	20.02	14.00	9.37
POD B Cluster/Town Homes	21.00	15.51	10.38
POD C Single Family Residential Ac.	108.448	80.95	54.16
Right-of-Way/Roadway		21.14	14.14
Flood Plain		17.87	11.95
<b>TOTALS:</b>		<b>149.47</b>	<b>100</b>

**XI. Overall Net Density of Residential Uses**

(\*Net acreages include open space minus flood plain acreage):

	<u>Gross Density</u>	<u>Net Acreage</u>	<u># Units</u>	<u>Units per Acre</u>
Pod B – Cluster	21.0	15.51*	62	4.0
Pod C – Single Family	<u>108.448</u>	<u>80.95*</u>	<u>285</u>	<u>3.52</u>
<b>TOTALS:</b>	<b>129.448</b>	<b>96.46</b>	<b>347</b>	<b>3.60 DU/Ac.</b>

**XII. Phasing Unit**

The proposed PTD Master Plan is broken into three distinct phases. The land uses proposed are located to relate to the existing land uses and conditions that are present to the site. Pod A, Neighborhood Commercial, is located adjacent to the major collector road. Pod B, Cluster/Town Homes, is centrally located within the project to minimize impacts to adjacent properties. Pod C, Single-Family Development, is located in the southern portion of the site adjacent to the existing residential land uses.

**XIII. Adequacy & Arrangement of Vehicular Access & Circulation**

*Pod A* – Neighborhood commercial access is proposed from Stagecoach Road and East Atlanta Road. The entrance from Stagecoach Road is proposed as a divided parkway with a landscaped median. Its design incorporates accel/decel improvements and the use of a round-a-bout for traffic calming. The landscape design of both entrances unifies the development and aides in early visual recognition of entryways.

*Pod B* – Cluster homes access is proposed from the 80-foot dedicated roadway that will intersect with Stagecoach Road. This access is proposed as a divided parkway with multiple access points to the commercial area.

*Pod C* – Single-family access is proposed from Valley Hill Road. This access is proposed as a divided parkway with a landscaped median. The overall circulation system is designed so as to minimize cul-de-sacs and to provide unity within the community.

**XIV. Adequacy & Arrangement of Pedestrian Traffic Access & Circulation**

The project will be linked together by approximately 1.75 miles of nature trails. The trail is proposed to cross under the existing railroad right-of-way and link the single-family development with the nature sanctuary, the cluster homes/town homes and neighborhood commercial areas. In addition, five-foot sidewalks are proposed throughout all phases of the development, including sidewalks in the residential neighborhoods and the neighborhood commercial areas. The project's pedestrian system will also be greatly utilized as circulation for bicycle users. The trail system will incorporate wider paths in order to support both bicycle and pedestrian traffic.

**XV. Location of Off-Street Parking/ Loading**

Off-street parking will be provided in accordance with the City of Stockbridge and Henry County zoning ordinances, development guidelines, and tree protection and replacement ordinances. Specifically, the following parking ratios are proposed for the Pine Grove Master Plan:

- Pod A – 5 parking spaces per 1,000 gross square feet of commercial.
- Pod B – maximum of 2 parking spaces per dwelling unit.
- Pod C – maximum of 2 parking spaces per dwelling unit.

Parking will be provided in a manor that is conveniently located to the proposed use that it is to serve. All parking spaces will be landscaped to meet the tree replacement and protection standards for Henry County and the City of Stockbridge. In order to prevent obtrusive views from the surrounding neighborhoods, loading areas will be screened with landscape and/or hardscape elements. Final locations for these loading areas will be provided for final review and approval by the City of Stockbridge.

**XVI. Location/Arrangement of Buildings, Lighting & Signs**

The buildings in Pod 'A' are to be arranged in a manner that is architecturally and aesthetically compatible with existing and proposed residential development. The buildings will be unified in their arrangement, and a set of architect design standards has been created to regulate the overall character and quality of the development. The final building arrangement will be provided to the City of Stockbridge for its approval prior to issuance of a Land Disturbance Permit. Ornamental lights are proposed throughout the proposed development to provide a compatible theme. Project signage is proposed at the three major project entrance/exit locations and will be compatible with the architectural character of the proposed development. Signage structures will comply with the City of Stockbridge and Henry County Signage Ordinance.

**XVII. Certification by the Applicant**

PBS&J is assisting the Knight Group with the preparation of the Master Plan for Pine Grove. PBS&J is a national, multi-discipline engineering firm with over 2,400 employees and 40 years of planning and engineering experience. The Atlanta office has a staff of over 150 professional engineers, planners, and landscape architects. This office has a proven record of experience in large-scale planning projects that will be an asset to the Knight Group during the development of the Pine Grove Project.

**XVIII. Environmental Impact Report**

See Attachment 'D.'

**XIX. Minimum Number of Points/Criteria per PTD Acreage Class**

**Table #1**

Total Acreage = 149.47

Minimum points required = 60

Minimum Criteria: Clubhouse, pool, tennis (2), multi-use field, 10 acres of open space, 1,000 linear feet of walking trails

**Table #2**

Points for each amenity proposed in the Pine Grove PTD:

<b><u>Amenity Type</u></b>	<b><u>Points Each</u></b>	<b><u># Facilities</u></b>	<b><u>Total</u></b>
Clubhouse (2,500 sf. min)	12.5	2	25.0
Competition Pool	12.5	1	12.5
Wading Pool	7.5	1	7.5
Alternative Pool Design	12.5	1	12.5
Tennis Courts	5.0	2	10.0
Walking Trails (unpaved)	1. Per 100	9,350 L.F.	93.5
Playground	5.0	1	5.0
Open Space	.05 Per acre	43.75	<u>2.19</u>

**Total # of Proposed Points = 168.19**

TO: DALE  
FROM: Ted

DILLARD & GALLOWAY, LLC

ATTORNEYS AT LAW

1800 MONARCH PLAZA  
344 PEACHTREE STREET, N.E.  
ATLANTA, GEORGIA  
30308

TELEPHONE  
(404) 525-3680  
FACSIMILE  
(404) 525-3678

TRANSMISSION COVER LETTER

DATE & TIME: Friday, November 09, 2001 3:07:16 PM

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME: TED STRICKLAND

FROM:

NAME: Doug Dillard

*If this transmission is incomplete, please call (404) 965-3680*

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ATLANTA REGIONAL COMMISSION 40 COURTLA

Post-It® Fax Note	7571	Date	11/9/01	# of pages	
To	Dotty	From	Adina Dulau		
Co./Dept.		Co.	ARC		
Phone #		Phone #			
Fax #	(4) 965-3670	Fax #			

November 6, 2001

Honorable R.G. Kelley, Mayor  
City of Stockbridge  
4525 North Henry County Boulevard  
Stockbridge, GA. 30281

RE: Development of Regional Impact Review  
Pine Grove

Dear Mayor Kelley:

I am writing to let you know that the ARC staff has completed the Development of Regional Impact (DRI) review of the proposed Pine Grove project. Our finding is that this DRI is in the best interest of the State.

I am enclosing a copy of our review report and a copy of comments we received during the review. Please feel free to call me or Beverly Rhea (404-463-3311) if you have any questions concerning the review.

Sincerely,

Charles Krautler  
Director

Enclosures

- C Mr. Ted Strickland, City of Stockbridge
- Mr. Dale Hall, Henry County
- Mr. Jay Knight, The knight Group
- Mr. Doug Dillard, Dillard and Galloway

Facility: Pine Grove

Preliminary Report: October 9, 2001

Final Report: November 6, 2001

## DEVELOPMENT OF REGIONAL IMPACT

### REVIEW REPORT

**BACKGROUND:** Proposed development of 285 single-family homes, 62 cluster homes, and 116,900 sq.ft. of commercial space on 149.47 acres on the west side of Stagecoach and East Atlanta Roads south of Big Cotton Indian Creek in the City of Stockbridge. The development also is accessed by Valley Hill Road. A rail line runs through the site from northwest to southeast and divides the single-family detached lots from the cluster home/commercial area. An existing bridge allows development of a trail under the railroad to connect the two parts of the development which will also be connected by sidewalks along Valley Hill and Stagecoach/East Atlanta Roads.

### GENERAL

According to information on the review form or comments received from potentially affected governments:

**Is the proposed project consistent with the host-local government's comprehensive plan? If not, identify inconsistencies.**

The development is not consistent with the existing comprehensive plan which projects low density residential development in this area; however, the local government is proposing to amend the plan in December, 2001, to account for the development according to information filed with the review.

**Is the proposed project consistent with any potentially affected local government's comprehensive plan? If not, identify inconsistencies.**

Henry County did not identify any inconsistencies during the review.

**Will the proposed project impact the implementation of any local government's short-term work program? If so, how?**

No.

**Will the proposed project generate population and/or employment increases in the Region? If yes, what would be the major infrastructure and facilities improvements needed to support the increase?**

According to averages for the Atlanta Region, the total proposed development could accommodate a population 868, including 252 students, and 234 jobs. The developer will provide access/loop lanes, stormwater management, buffers, landscaping, erosion/sedimentation controls, sidewalks within the development and on both Valley Hill and East Atlanta/Stagecoach Roads, and a trail under an existing railroad culvert.

**What other major development projects are planned in the vicinity of the proposed project?**

ARC has not reviewed any other major developments in close proximity to this proposal with the exception of the expansion of the Stockbridge Wastewater Treatment Plant.

**Will the proposed project displace housing units or community facilities? If yes, identify and give number of units, facilities, etc.**

No. The site currently is vacant.

**Will the development cause a loss in jobs? If yes, how many.**

No.

**LOCATION**

**Where is the proposed project located within the host-local government's boundaries?**

The development site is located in a northern annexation of the City of Stockbridge and is mostly surrounded by unincorporated Henry County. It is located on the west side of Stagecoach/East Atlanta Roads just south of Big Cotton Indian Creek and also can be accessed by Valley Hill Road.  
33°34.106/84°14.523'

**Will the proposed project be located close to the host-local government's boundary with another local government? If yes, identify the other local government.**

Yes, as noted above the site is mostly surrounded by unincorporated Henry County.

**Will the proposed project be located close to land uses in other jurisdictions that would benefit or be negatively impacted by the project? Identify those land uses which would benefit and those which would be negatively affected and describe impacts.**

No impacts were noted by Henry County. However, a resident of the area submitted objections to the development.

**ECONOMY OF THE REGION**

According to information on the review form or comments received from potentially affected governments:

**What new taxes will be generated by the proposed project?**

Information submitted with the review estimates a value of \$47,000,000 at build-out with estimate of taxes at \$4,500,000.

**How many short-term jobs will the development generate in the Region?**

Short-term jobs will depend upon construction schedule, which will depend on market forces with an estimated build-out date is 2006. According to regional averages, long-term jobs are estimated at 234.

**Is the regional work force sufficient to fill the demand created by the proposed project?**

Yes.

**In what ways could the proposed development have a positive or negative impact on existing industry or business in the Region?**

The proposed development will provide additional housing as well as retail opportunities in this part of the Atlanta Region.

**NATURAL RESOURCES**

**Will the proposed project be located in or near wetlands, groundwater recharge area, water supply watershed, protected river corridor or other environmentally sensitive area of the Region? If yes, identify those areas.**

**In what ways could the proposed project create impacts that would damage or help to preserve the resource?**

**Watershed Protection**

The proposed development site is located on the south side of Big Cotton Indian Creek. Clayton County has a water intake on Big Cotton Indian Creek and the watershed is classified as a large watershed (over 100 sq. miles) by Georgia Environmental Protection Division criteria. No large water supply watershed requirements would apply to this particular development. However, there is a large 35.01 acre wetland nature sanctuary between the proposed development and the Creek. This is to remain undeveloped and rezoning is not being requested for this area.

**Georgia Erosion and Sedimentation Act/Stream Buffer Requirements**

The Georgia Erosion and Sedimentation Control Act requires a 25-foot buffer on "State waters." As noted above, a wetland nature sanctuary will be preserved along Big Cotton Indian Creek, which certainly would be classified as "State waters." In addition, a tributary to Big Cotton Indian Creek runs southward through the property proposed for development. The City should require a permanent buffer along the tributary to protect water quality.

**Floodplains**

Floodplains on the site appear to be located mostly in the sanctuary and along the tributary running southward through the site. ARC's Regional Development Plan policies require preservation of these environmentally sensitive areas.

**Wetlands**

Wetlands on the site also appear to be located mostly in the sanctuary and along the tributary. Leaving these areas undisturbed is consistent with ARC's Regional Development Plan policies.

Storm Water/Water Quality

The amount of pollutants that will be produced after construction of the proposed development was estimated by ARC staff. These estimates are based on some simplifying assumptions for typical pollutant loading factors (lbs/ac/yr). The loading factors are based on the results of regional storm water monitoring data from the Atlanta Region. The following table summarizes the results of the analysis.

Land Use	Pollutant Loads (lbs./yr.)						
	Land Area (acres)	TP	TN	BOD	TSS	Lead	Zinc
Commercial	16.80	26.73	292.32	1814.40	16514.40	20.66	3.70
Forest/Open	31.01	2.48	16.61	279.09	7287.35	0.00	0.00
Medium Density SF (0.25-0.50 acres)	114.16	154.12	674.69	4908.88	91442.16	36.81	9.13
Townhouse (Cluster Homes)	18.51	19.44	198.24	1240.17	11198.55	14.07	2.59
<b>TOTAL</b>	<b>180.48</b>	<b>204.76</b>	<b>1183.65</b>	<b>8242.54</b>	<b>128442.46</b>	<b>73.55</b>	<b>15.42</b>

Total Impervious Surface: approximately 29%

Structural Storm Water Controls

According to information submitted with the review, the proposed development would include storm water management. This will be particularly important because of the proximity to Big Cotton Indian Creek and the tributary running through the site.

Before any permits are issued, the local government should require that the developer submit a storm water management plan as a key component of the Plan of Development. The storm water plan should include location, construction and design details and all engineering calculations for all storm water quality control measures. The Plan also should include a monitoring program to ensure storm water pollution control facilities function properly. ARC staff recommends that structural controls be designed to accommodate the installation, operation and maintenance of automatic equipment at inlet and outlet locations for the monitoring of flow rates and water quality. It is recommended that the monitoring program consider the following minimum elements:

- Monitoring of four storms per year (1 per quarter);
- Collection of flow weighted composite of the inflow to the structure during the entire storm event;
- Collection of a flow weighted composite of the outflow from the structure—the sampling period should include the peak outflow resulting from the storm event;
- Analysis of inflow and outflow flow weighted composite samples for biochemical oxygen demand (BOD), total suspended solids (TSS), zinc, lead, total phosphorous (TP) and total nitrogen (TKN & NO3); and
- Collection of grab samples at the inlet and outlet locations during the periods of peak inflow and outflow for pH, dissolved oxygen (DO) and fecal coliform bacteria.

The local government should determine the actual number and size of storms to be monitored as well as who should be responsible for conducting the monitoring. Monitoring should be conducted at the developer's or owner's expense. Analysis should conform to EPA standards. Specific monitoring

procedures and parameters analyzed may change in the future based on continuing storm water runoff and water quality studies.

The storm water plan should require the developer to submit a detailed, long-term schedule for inspection and maintenance of the storm facilities. This schedule should describe all maintenance and inspection requirements and persons responsible for performing maintenance and inspection activities. These provisions and the monitoring program should be included in a formal, legally binding maintenance agreement between the local government and the responsible party.

In addition to inspections required in the storm water management plan, the formal maintenance agreement between the developer and the local government should allow for periodic inspections for the storm water facilities to be conducted by the local governments. If inadequate maintenance is observed, the responsible party should be notified and given a period of time to correct any deficiencies. If the party fails to respond, the local government should be given the right to make necessary repairs and bill the responsible party.

The local government should not release the site plans for development or issue any grading or construction permits until a storm water management plan has been approved and a fully executed maintenance/monitoring agreement is in place.

### **HISTORIC RESOURCES**

**Will the proposed project be located near a national register site? If yes, identify site.**

No.

**In what ways could the proposed project create impacts that would damage the resource?**

Not applicable.

**In what ways could the proposed project have a positive influence on efforts to preserve or promote the historic resource?**

Not applicable.

### **INFRASTRUCTURE**

#### **Transportation**

The development's access points will be from Stagecoach Road, East Atlanta Road, and Valley Mill Road. East Atlanta Road is a major arterial. Stagecoach and Valley Hill Roads currently are classified as collector streets, but are classified as major arterials on Henry County's draft future land use plan. Valley Hill Road is a short connecting road between East Atlanta Road and State Route 42 and is heavily used for through trips.

**How much traffic (both average daily and peak am/pm) will be generated by the proposed project?**

Information submitted with the review indicates 10,797 daily trips with 427 trips during AM peak and 1,025 during PM peak. It is estimated that 82% of the residential trips will impact Valley Hill Road and the remainder of the residential trips and all the commercial trips will impact East Atlanta Road.

ARC staff estimated only 8,984 trips based on the assumption that some of the commercial area will be used for office space such as insurance, medical, dental, investment, etc.

**What are the existing traffic patterns and volumes on the local, county, state and interstate roads that serve the site?**

The following table lists facilities that are near the site. The data is based on 2000 GDOT 24-hour traffic counts and both 2010 and 2025 24-hour volume data generated from ARC's travel demand model for the 2025 Regional Transportation Plan adopted in March 2000.

Facility	2000			2010			2025		
	Lanes	Volume	V/C	Lanes	Volume	V/C	Lanes	Volume	V/C
I-75 S north of SR138	8	108,336	.73	8	113,043	.76	8	118,152	.80
SR138 east of I-675	4	19,299	.37	4	30,259	.58	4	38,260	.73
US23/SR42 south of SR138	4	28,876	.55	4	37,667	.72	6	51,424	.65
E Atlanta Rd north of US23/SR42	2	9,712	.52	4	11,355	.61	2	14,465	.77
Stagecoach Rd west of E Atlanta Rd	2	2,292	.13	2	4,471	.25	2	6,688	.38
I-75 S HOV Lane	NA	NA	NA	NA	NA	NA	1+1	6,295	.17

**What transportation improvements are under construction or planned for the Region that would affect or be affected by the proposed project? What is the status of those improvements (long or short range or other)?**

ARC ID	Location	Description	N'wrk Year	Direct Proj Impact
AR353B	I-75 S HOV Lane	0→2	2020	No
HE-AR219	I-75S at SR138	Intchg Imp	U/C	No
HE010	US23/SR42	Widening	2010	No

**Will the proposed project be located in a rapid transit station area? If yes, how will the proposed project enhance or be enhanced by the rapid transit system?**

No.

**Is the site served by transit? If so, describe type and level of service.**

No.

**Are there plans to provide or expand transit service in the vicinity of the proposed project?**

Based on a review of the 2025 Regional Transportation Plan and the Governor's proposed Transit Expansion program, it is unclear if an extension of bus or rail service is planned for this area. Several studies have been performed but no definite investment has been identified at this time. As of now, GRTA's new C-Tran service is not proposed to serve the US23/SR42 or East Atlanta Road corridors.

**What transportation demand management strategies does the developer propose (carpool, flex-time, transit subsidy, etc.)?**

In order to meet ARC's air quality benchmark, the development is a residential development that includes neighborhood retail and street/bike/ped facilities.

**What is the cumulative trip generation of this and other developments? Is the transportation system (existing and planned) capable of accommodating these trips?**

The traffic analysis suggests that area freeways and streets have and will maintain adequate capacity over the next 25 years to serve the mobility and access needs of motorized vehicles.

### **INFRASTRUCTURE**

#### **Wastewater and Sewage**

**How much wastewater and sewage will be generated by the proposed project?**

According to information submitted with the review, the total development could generate 0.162 MGD of wastewater.

**Which facility will treat wastewater from the project?**

The City of Stockbridge Wastewater Treatment Facility.

**What is the current permitted capacity and average annual flow to this facility?**

Capacity = 1.5 MGD. The City reports that sufficient treatment capacity exists for the development.

**What other major developments will be served by the plant serving this project?**

None that ARC has reviewed.

### **INFRASTRUCTURE**

#### **Water Supply and Treatment**

**How much water will the proposed project demand?**

Again according to information submitted with the review, the total development could have a water demand of 0.18 MGD.

**How will the proposed project's demand for water impact the water supply or treatment facilities of the jurisdiction providing the service?**

The City of Stockbridge will provide water supply for the development.

**INFRASTRUCTURE**

**Solid Waste**

**How much solid waste will be generated by the project? Where will this waste be disposed?**

According to information submitted with the review, the development could generate some 255 tons of solid waste per year.

**Other than adding to a serious regional solid waste disposal problem, will the project create any unusual waste handling or disposal problems?**

No.

**Are there any provisions for recycling this project's solid waste.**

None stated. However, developments of this type would provide a good opportunity for recycling and this should be encouraged by the local government if this development moves forward.

**INFRASTRUCTURE**

**Other facilities**

**According to information gained in the review process, will there be any unusual intergovernmental impacts on:**

- **Levels of governmental services?**
- **Administrative facilities?**
- **Schools?**
- **Libraries or cultural facilities?**
- **Fire, police, or EMS?**
- **Other government facilities?**
- **Other community services/resources (day care, health care, low income, non-English speaking, elderly, etc.)?**

As proposed, the development could accommodate 252 students according to regional averages. It appears that Stockbridge High School and Middle School and Cotton Indian Elementary School would serve this area.

## HOUSING

**Will the proposed project create a demand for additional housing?**

The major part of the development is housing—single-family houses and cluster houses.

**Will the proposed project provide housing opportunities close to existing employment centers?**

The proposed development includes 116,900 sq.ft. of commercial development and the development site is in the City of Stockbridge.

**Is there housing accessible to the project in all price ranges demanded?**

Yes. The site proposed for development in is located in Census Tract 701.03. According to ARC's Population and Housing Report, this tract had a 118.6 percent increase in housing units from 1990 to 2000 and has an 88.7 percent occupancy rate compared to 90.5 for the region.

**Is it likely or unlikely that potential employees of the proposed project will be able to find affordable\* housing?**

Likely .

\* Defined as 30 percent of the income of a family making 80 percent of the median income of the Region - FY 2000 median income of \$51,649 for family of 4 in Georgia.

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3:08

PAGE 12/19

RightFAX

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ID:ARC

FAX:94044633254

PAGE 11/ 18

10/16/2001 09:50 FAX

002



State of Georgia  
#2 Capitol Square, S.W.  
Atlanta, Georgia 30334-1002

WAYNE SHACKELFORD  
COMMISSIONER  
(404)656-5208

FRANK L. DANCHEZ  
CHIEF ENGINEER  
(404)656-5277

STEVEN L. PARKS  
DEPUTY COMMISSIONER  
(404)656-5212

BILLY F. SHARP  
TREASURER  
(404)656-5224

October 15, 2001

Mrs. Beverly Rhea  
Atlanta Regional Commission  
40 Courtland Street, N.E.  
Atlanta, Georgia 30303-2538

Subject: Development of Regional Impact (DRI)  
Pine Grove

Dear Mrs. Rhea:

We have reviewed the subject proposal and have the following comments.

This proposed development would have an impact on the existing transportation system. The request for review did not mention any proposed road or transit improvements to the local system. The local streets connecting the development should be evaluated to determine if they could handle the additional 1,452 trips per day generated by this development. The applicant needs to address what roadway improvements in addition to demand strategies stated in the review that can be implemented to either support or mitigate the transportation demands of the proposed project initially and at build out. A total build out of the project should be coordinated with plan improvements and transportation demand management strategies defined in the Atlanta Regional Transportation Improvement Program and Regional Transportation Plan.

If you have any comments or questions, please contact Mr. Jeff Simmons (404) 463-4376.

Sincerely,

Marta V. Rosen  
State Transportation Planning Administrator

MVR: jls

FROM CITY OF STOCKBRIDGE

770-389-7912

(FRI) 11. 9' 01 17:47/ST. 17:39/NO. 4862638430 P 13

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3:08

PAGE 13/19

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FAX:94044633254

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# **UNSOLICITED COMMENTS**

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PAGE 14/19

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FILE No.243 11/09 '01 15:43 ID:ARC

FAX:94044633254

PAGE 13/ 18

page 1 of 1

Letter against Pine Grove Development, Stockbridge, GA

**Beverly Rhea**

---

**From:** Lafoy, Diane [Diane.Lafoy@turner.com]  
**Sent:** Thursday, October 18, 2001 3:08 PM  
**To:** Beverly Rhea  
**Subject:** Letter against Pine Grove Development, Stockbridge.  
**Importance:** High  
Beverly,

We spoke earlier in the week and you told me to e-mail our letter against the Pine Grove development in Stockbridge, GA.

I have attached the letter for your use. Please let me know if you have any questions. I may be reached at 404-807-3561 during the day and 770-507-6824 in the evenings.

Please respond and let me know that you got my e-mail.

Thank you.

Diane LaFoy  
Stockbridge, GA

10/18/01

Beverly Rhea  
Atlanta Regional Commission

October 17, 2001

**Re: Pine Grove Planned Town Development, Stockbridge, Georgia**

Dear Ms. Rhea:

We are writing this letter on behalf of residents of Henry County and the City of Stockbridge who oppose the current rezoning application for the Pine Grove Planned Town Development in the City of Stockbridge.

Currently, the land issue is zoned for residential agricultural use. We believe that the current zoning is of substantial benefit to the public and that the ARC should recommend denial of the development and that the City of Stockbridge follow the ARC's recommendation and deny the rezoning. Many residents are opposed to the rezoning and the development and have spoken at Henry County Planning and Zoning Board meetings. These residents have articulated substantial reasons that the current zoning of this property serves a public benefit. Aside from the fact that there is no classification to satisfy this request, we feel that the reasons provided below illustrate that a recommendation by the ARC and a decision by the City of Stockbridge to approve the rezoning will have an adverse affect on the health, safety, morale, and welfare of the public; a change in the zoning classification requested detracts significantly from the public benefit at large. We believe that these reasons form a solid foundation upon which the ARC can recommend denial of the development and City of Stockbridge can base a rejection of the rezoning request and we believe that the parties involved will have no grounds to challenge the constitutionality of the City Council's decision to reject this plan.

- 1) **The ARC encourages living, working and playing in the same neighborhoods, and an RA development, given the location of shopping, business and commercial centers, does not thwart that mission. The ARC has determined, as part of its study of the clean air problem, that cars being driven to run errands, rather than cars being driven to work and school spawn much of the pollution in the Metro area. Therefore, the ARC supports mixed-use developments. The land in question has a zoning classification which already fits the mission; it is zoned low-density RA, in an area surrounded by accessible retail shopping. Low-density means less traffic, less cars, less pollution. The Pine Grove developers will undoubtedly use the ARC's clean-air mission as a means to an end. Plans are redrawn to include some commercial; suddenly, their plans fit the ARC's mission. In Henry County, this notion of "living and playing and working" in the same neighborhood has been uttered like a mantra. But unlike a mantra, there is no substance behind the argument successfully espoused by developers who are overjoyed to have**

a viable way in which to thrust a nail shop in someone's back yard. This has been used as a basis to allow retail strip centers to abut residential neighborhoods. But the planning is lacking. Perhaps the only success picture has been in the Eagles Landing area, where groceries, work place, and restaurants are at the back doors of residential neighborhoods. Ga. Hwy 42 is an example of how this mission has failed both practically and aesthetically. There are no protections in place which would prevent a repeat of what we have witnessed on Hwy 42 between Stockbridge and McDonough

- 2) **The land for Pine Grove is in the City of Stockbridge, however, the land surrounding the area is in Henry County.** The land in question attaches to the City of Stockbridge by a piece of property about the width of a driveway. A question has been put to the city council about the legality of the annexation from Henry County into the City of Stockbridge. The council has not adequately answered the question. The land surrounding the property is in Henry County, with individual properties ranging in size from three to ten acres. The total area of the development is less than 150 acres. The proposed lot size for the nearly three hundred homes and sixty-eight town homes is significantly lower than the surrounding area. This will lower the neighboring residents' quality of life (reduction in air quality, noise generated by increased traffic, light pollution) and thus lower their home and land values.
- 3) **The City of Stockbridge and the residents of Henry County have an interest in retaining the significant buffer of RA zoning between the bordering transitional zoning areas of South DeKalb County, Fairview, and Georgia Highway 42 near its intersection with 675.** This land lies in the very center of an established, residential, agricultural neighborhood.
- 4) **This area is needed as a buffer of RA to prevent the encroachment of "blighted development."** Therefore, the current zoning of this land fulfills a substantial public benefit. Experience has shown us that older commercial areas become "run down" and tenants seek newer space. The commercial development begins to encroach and then over-run older, established, residential neighborhoods whose residents are less affluent or aged, and ill equipped to fight the onslaught of developers who have seemingly bottomless war chests to fund attorneys who can more adeptly navigated the sea of zoning laws. Neighborhoods are lost to new commercial development, and tenants leaving the older commercial centers leave behind empty store space. The owners of the commercial centers, desperate to fill the empty space, rarely renovate the abandoned retail fronts. Instead, signage restrictions are lowered, as are the rents. This trend is apparent in the Henry County and Stockbridge area. An example is the old Wal-Mart. It literally moved across the street, leveling many acres of open fields and a residential area, creating drainage and erosion problems, light pollution. Left in its wake is a wave of commercial blight development. At some point, municipalities such as

Stockbridge need to recognize a public benefit supports maintaining - if not the fierce protection of - residential buffers between "steam rolling development" and residential neighborhoods inhabited by middle class families. The City and the public benefits with the better utilization of resources. In other words, landlords of commercial properties should receive the financial benefit of *renovating* existing commercial and retail space. It is adverse to the public to continue to clear land, ruin residential enclaves, and lay more concrete, as opposed to recycling existing parking lots, buildings, etc.

- 5) **Neither Henry County nor the City of Stockbridge has any enforcement provisions in any of its building codes.** There are no fines, no sanctions and no penalties that the City of Stockbridge can impose if we discover that the development is not in compliance with state and local ordinances. We have only the guarantee of these men that they will keep their word and make this development both environmentally and aesthetically appealing. What if something happens and new developers come in? They may not care about creating a pleasant development. The public has no guarantee that neither these houses nor this development will be constructed according to minimum state environmental or building standards. Therefore, it is our position that until these penalty provisions are in place to guarantee the protection of the public at large, Henry County and the City of Stockbridge should place a moratorium on all re-zoning and all building permits until these provisions are in place. This is reasonable given our current growth rate.
- 6) **The location of the proposed development is inappropriate for high-density, mixed residential and commercial use because of the large natural gas pumping station.** Should the area become high-density given the current road configurations, and topographical layout, the implications of a pipeline explosion or leaks are unthinkable. Henry County provides fire services, as Stockbridge does not have its own fire department. The City has not consulted with the Henry County Fire Department on this particular issue. Henry County Fire does not have the equipment or the manpower to handle an accidental explosion if it were to occur. Clayton County and perhaps DeKalb County may, however there needs to be a study of response times by those agencies. How quickly could they reach the disaster site and begin work in this essentially "land locked" development?
- 7) **The City of Stockbridge does not have its own Police Department or Fire Department,** therefore, the County should be consulted as to whether current fire and police protection measures will provide adequate public safety to the area should it be developed according to plan.
- 8) **There is a problem with water pressure measurements at this elevation.** Have those been addressed and are they a problem currently? Local Henry

County residents have been subject to a watering ban for at least the last three years. Can the City of Stockbridge provide the needed water for the Pine Grove without straining their suppliers, Henry and Clayton Counties?

- 9) **At this time, there is a parcel of land at the corner of East Atlanta Road and Old Conyers Road that was rezoned commercial nearly three years ago. As yet no development of any sort has taken place. This corner is less than a half a mile from the proposed Pine Grove and its commercial development center. The East Atlanta\Old Conyers commercial development was presented to the city council as a grocery store, dry cleaners, nail salon, restaurant, and convenience store. The only activity on this land since the rezoning has been to remove and sell the homes and strip the land of timber. Local residents are concerned that the Pine Grove development will become yet another eyesore.**
- 10) **There is a wetland area within the proposed development site. As neither Henry County nor the City of Stockbridge have any type of penalties for ignoring state and local ordinances, there is no guarantee that the wetlands area will be unaffected by the development. When it rains heavily, the creek that abuts the development site floods, overflowing into yards of the people that live by the creek. If the Pine Grove development goes in, the flooding and run off problem will become even worse. With the lack of enforcement codes in Henry County and the City of Stockbridge, there will be no recourse if the developers do not follow proper measures to keep the creek from flooding more. With fewer trees, the run off will become worse and could do a lot of damage to homes in the area. Local residents have already experienced this problem with the East Atlanta\Old Conyers commercial development mentioned above, giving cause for concern by the Corps of Engineers.**
- 11) **Neither the funds nor plans to widen, alter or change the paths of Valley Hill Road and Stagecoach Road exist. Whether either is designated as major arterial road or not is not likely to result in any physical improvements of Valley Hill Road or Stagecoach Roads. The current configurations are only suited for low-density development. Safe egress and ingress into a high-density development is at issue, among other things. During rush hour and when a train is on the railroad track, traffic on Valley Hill Road backs up at least a mile. Stagecoach Road backs up as well, but to a lesser extent. Both roads will be unable to handle the additional cars and commercial vehicles that will be associated with the Pine Grove development since both are 2 lane roads with no center turn lanes. Also, East Atlanta Road between Valley Hill Road and Stagecoach Road is very dangerous. There is a bad curve in the road and it is hard to see oncoming traffic when exiting Stagecoach Road. This will become more of an issue and many accidents will happen if more vehicles are introduced in the area.**

- 12) **The schools in the area are not able to handle a large number of additional students a development like Pine Grove would bring into the school system. The schools in the area, Stockbridge Elementary, Cotton Indian Elementary, Stockbridge Middle, and Stockbridge High are overcrowded and Cotton Indian and Stockbridge High have trailers for classrooms. Has the school board been asked as to what can be done for the schools before adding more students to the already overcrowded schools? This is a real concern to all in the area as most families have children or grandchildren in the schools around this area.**
- 13) **With the economy slowing, there is a surplus of available housing already on the market. There are many homes for sale in the surrounding area. Many of the homes have larger lots and are bigger than those to be offered in Pine Grove. With the economy slowing down, many people are hesitant to make large purchases, such as a home. According to many economists, the south side of Atlanta will be hardest hit from the downward economy, especially with Delta Airlines cutting back, causing layoffs that spiral down to many different companies that work with the airlines.**
- 14) **There is a petition that has been signed by over three hundred residents that oppose the Pine Grove development. These residents are concerned with their quality of life and what a development like Pine Grove will do to lower that quality and how it will impact their daily lives.**

For the reasons listed above, we request that the ARC recommend the **DENIAL** of the request for the Pine Grove Development. It is difficult to imagine, given the way in which the property is landlocked in an established residential center that commercial property would be desirable to tenants. It is also difficult to imagine how the residents in the surrounding areas will live with the additional traffic, noise, and pollution that development will bring to the area.

Thank you,

Cameron and Diane LaFoy  
David and Frances Burke  
Michael and Crystal Tate  
Jerry and JoAnne Mulvaney  
And other concerned residents of  
Henry County and the City of  
Stockbridge

**DILLARD & GALLOWAY, LLC**

ATTORNEYS AT LAW

1500 MONARCH PLAZA  
3414 PEACHTREE ROAD, N.E.  
ATLANTA, GEORGIA  
30328

G. DOUGLAS DILLARD

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FACSIMILE  
(404) 965-3670

Direct Dial Number:  
(404) 965-3682

November 16, 2001

Mayor R. G. Kelley  
and City Council of Stockbridge  
4545 North Henry Blvd  
Stockbridge, GA 30281

Re: Application by China State Construction, Greg Nobles and Ed Whiddon (the "Applicant") to Rezone Property at Stagecoach Road and Valley Hill Road, Stockbridge, Henry County, Georgia (the "Property"); Application No. RZ-01-26

Dear Mayor Kelley and Members of Council:

The Applicant requests that the Property be rezoned in accordance with the following Conditions:

- I. **Residential Development Conditions.** The following Conditions shall apply to residential development of the Property:
  - A. **Net Density.**
    - (i) The "maximum allowable net density" (or "Net Density") means the total number of dwelling units or housing structures per acre of land based on the "net land area," as hereinafter defined. The maximum allowable net density, exclusive of any bonus density credits awarded under the PTD Ordinance, shall not exceed the density established by that Ordinance. Net useable acreage (or "Net Land Area") means the total gross areas, commercial/industrial land, and public lands. Easements for drainage, sanitary sewer, shall not be excluded from Net Land Area. The New Useable Acreage or Net Land Area may be adjusted only to the extent and in the manner prescribed by the City's PTD Ordinance.
    - (ii) The total number of residential dwelling units on the Property shall be the lesser of: (i) the maximum units allowed under the PTD Ordinance; or (ii) 347, of which at least 285 shall be single-family, detached residences and no more than 62 shall be townhouse/cluster homes.

**DILLARD & GALLOWAY, LLC**

Mayor R. G. Kelley  
and City Council of Stockbridge  
November 16, 2001  
Page 2

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- (iii) The maximum square footage of floor area (heated space) for commercial or retail uses shall be the *lesser* of: (i) the maximum allowed under the PTD Ordinance; or (ii) 117,000 square feet.
- (iv) The minimum square footage set aside for open space shall be the *greater* of: (i) the minimum area required under the PTD Ordinance; or (ii) twenty percent (20%) of the Property.

**B. Lot Improvements.**

- (i) Owner shall bear the cost of all lot improvements. Lot improvements shall include the following, all of which shall be designed, constructed, or installed in accordance with Henry County and City standards:
  - a) Following an overall community plan for pedestrian circulation including a combination of sidewalks and trails;
  - b) Street lights served with underground power;
  - c) All underground utilities (i.e., electrical, cable television, telephone, etc.), and connected to the Property;
  - d) All lots will be serviced by sanitary sewer and water lines, connected to the Property, and

No. (1) e) Where the aforementioned site plan is in conflict with the PTD Ordinance or Henry County and City standards, the site plan shall control.

**C. Residential Structures.**

The minimum floor area (heated space) of residential structures including finished heated and cooled living areas but exclusive of porches, basements, porte cocheres, garages, carports and breezeways ("heated area") which were zoned Planned Town Development shall be as follows:

**DILLARD & GALLOWAY, LLC**

Mayor R. G. Kelley  
and City Council of Stockbridge

November 16, 2001

Page 3

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(i) *Traditional Neighborhood Development (TND).*

(a) Single-Family Detached Residential Structures:

1/3 of the total a minimum of 1,600 s.f.

1/3 of the total a minimum of 1,700 s.f.

1/3 of the total a minimum of 1,800 s.f.

Owner acknowledges that these requirements may exceed those found in the Zoning Ordinance but voluntarily agrees to adhere to the higher standards contained herein.

(b) Townhomes:

1/3 of the total a minimum of 1,400 s.f.

1/3 of the total a minimum of 1,500 s.f.

1/3 of the total a minimum of 1,600 s.f.

The parties acknowledge that these requirements are identical to those found in the Zoning Ordinance.

(ii) *Conventional Development (CD).*

(a) Single-Family Detached Residential Structures:

1/3 of the total a minimum of 1,600 s.f.

1/3 of the total a minimum of 1,700 s.f.

1/3 of the total a minimum of 1,800 s.f.

The parties acknowledge that these requirements are identical to those found in the Zoning Ordinance.

**DILLARD & GALLOWAY, LLC**

Mayor R. G. Kelley  
and City Council of Stockbridge  
November 16, 2001  
Page 4

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(b) Townhomes:

1/3 of the total a minimum of 1,600 s.f.

1/3 of the total a minimum of 1,600 s.f.

1/3 of the total a minimum of 1,600 s.f.

The parties acknowledge that these requirements are identical to those found in the *Zoning Ordinance*.

- D. Open Space. Owner agrees to set aside for open space the *greater* of: (i) the minimum square footage or area required under the PTD Ordinance; or (ii) twenty percent (20%) of the Property. All open space areas shall conform to the standards and criteria set forth in the *Zoning Ordinance*.

E. Home Improvement Features.

The exterior residential dwelling units shall be developed in accordance with the requirements of the PTD Ordinance, the *Zoning Ordinance* generally, and any architectural standards and restrictive covenants implemented by Owner, as applicable.

2 OK (i)

In addition, Owner agrees to feature a brick or masonry front exterior accent on a majority of the residential dwelling units constructed on the Property. The front exterior accent shall cover at least fifty-one percent (51%) of the front of the home.

3 OK (ii)

The architecture of the commercial area shall be traditional architecture and in accordance with those styles and designs in place and in existence during the early 1900's (1890 - 1920).

- (iii) No mobile homes, house trailers, modular homes, "log houses" or "moved in houses" shall be erected or placed on any lot except for sales, marketing or construction trailers of developer or builder.
- (iv) No single-family rental unit or multi-family housing units, including but not limited to, apartments, quadplexes, triplexes or duplexes, shall be erected or placed on the Property.

DILLARD & GALLOWAY, LLC

Mayor R. G. Kelley  
and City Council of Stockbridge  
November 16, 2001  
Page 5

F. Common Area Amenities and Recreational Facilities.

Completion of  
all amenities?  
at what time?

Prior to the completion of fifty percent (50%) of the total number of approved residential units, the Owner shall construct and place in operation a minimum of fifty percent (50%) of the planned open space and common area amenities which will include the following minimum recreational amenities, which can be relocated within the recreational area as needed by Owner:

- (i) A club house or similar recreation building consisting of a minimum of 2,500 minimum square feet;
- (ii) A competition-size swimming pool;
- (iii) Tennis courts, lighted (2);
- (iv) A multi-use field capable of being used for football and soccer;
- (v) Open space in the amount provided for in this Agreement, natural or enhanced, with trails providing access to and through the area;

ADA Accessible  
D. (vi) Mulched walking trails or pathways of at least 1,000 linear feet; and

Sa (vii) Sufficient parking to accommodate the proposed amenities and recreational facilities. The number of parking spaces will be determined at the time of the submission of the Final Site Plan for development of the Property.

approved by  
P 9 2.

All amenities and parking facilities shall conform to the standards and criteria set forth in the Zoning and Development Ordinances of the City except to the extent provided for herein.

2. Natural Resources:

A. Owner shall comply with the Georgia Environmental Protection Division criteria for Big Cotton Indian Creek;

→ GONK-d

6 B. Owner shall provide a 25-foot buffer for any "state waters" as required by the Georgia Erosion & Sedimentation Control Act;

C. Owner shall protect the flood plains and wetlands as shown on the site plan and/or

DILLARD & GALLOWAY, LLC

Mayor R. G. Kelley  
and City Council of Stockbridge  
November 16, 2001  
Page 6

required by Henry County, City, State or Federal regulations.

7 (D) Owner shall submit a storm water management plan prior to the issuance of any land disturbance permit as required by Henry County, City, State or Federal regulations. *and receive approval of a*

8 ADD INFO  
3. Traffic and Road Improvements. Owner shall pay road improvement costs as follows:

A. Owner shall pay the City or its designee \$20,000.00 towards the installation of a traffic signal or device at the intersection of Valley Hill Road and Georgia Highway 42, and shall do so within thirty (30) days of notice from the City that said amount is due and payable after installation of said traffic signal.

B. Owner shall provide at its own expense acceleration and deceleration lanes into and from the Property as required by Henry County DOT. *or other applicable government authority*

10 (4) A development agreement shall be executed by the owners, Applicant and City prior to the issuance of any land disturbance permit.

Please give me a call once you have had an opportunity to review.

Very truly yours,

DILLARD & GALLOWAY, LLC

G. Douglas Dillard

9 Add Phased Condition  
GDD/drd

HP Fax Series 900  
Plain Paper Fax/Copier

Fax History Report for

Nov 16 2001 1:01pm

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Last Fax

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Nov 16	12:55pm	Received	RightFAX	5:01	7	OK

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Result:

OK - black and white fax

# DILLARD & GALLOWAY,LLC

ATTORNEYS AT LAW

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3414 PEACHTREE STREET, N.E.  
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FACSIMILE  
(404) 965-3670

## TRANSMISSION COVER LETTER

**DATE & TIME:** Monday, November 19, 2001 3:51:50 PM

**PLEASE DELIVER THE FOLLOWING PAGES TO:**

**NAME:** TED STRICKLAND

**FROM:**

**NAME:** DOTTY DUARTE

*If this transmission is incomplete, please call (404) 965-3680*

Number: \*8\*5426001-9-770-389-7912

Total Pages: 07  
(# includes cover page)

Billing Number: 5426/01

Brief Description:

CONFIDENTIALITY NOTE: The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named herein. If the reader of this message is not the intended recipient, you are hereby notified that any use, dissemination, distribution or copy of this telecopy is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone and return the original to us at the address above via the United States Postal Service. Thank you.

**DILLARD & GALLOWAY, LLC**

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Direct Dial Number:

(404) 965-3682

November 19, 2001

Mayor R. G. Kelley  
and City Council of Stockbridge  
4545 North Henry Blvd  
Stockbridge, GA 30281

Re: Application by China State Construction, Greg Nobles and Ed Whiddon (the "Applicant") to Rezone Property at Stagecoach Road and Valley Hill Road, Stockbridge, Henry County, Georgia (the "Property"); Application No. RZ-01-26

Dear Mayor Kelley and Members of Council:

After many meetings with your City Attorney and the Henry County Planning Staff, the Applicant requests that the Property be rezoned in accordance with the following Conditions:

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  - A. **Net Density.**
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    - (ii) The total number of residential dwelling units on the Property shall be the *lesser* of: (i) the maximum units allowed under the PTD Ordinance; or (ii) 347, of which at least 285 shall be single-family, detached residences and no more than 62 shall be townhouse/cluster homes.

## DILLARD &amp; GALLOWAY, LLC

Mayor R. G. Kelley  
and City Council of Stockbridge  
November 19, 2001  
Page 2

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- (iii) The maximum square footage of floor area (heated space) for commercial or retail uses shall be the *lesser* of: (i) the maximum allowed under the PTD Ordinance; or (ii) 117,000 square feet.
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B. Lot Improvements.

- (i) Owner shall bear the cost of all lot improvements. Lot improvements shall include the following, all of which shall be designed, constructed, or installed in accordance with Henry County and City standards:
  - a) Following an overall community plan for pedestrian circulation including a combination of sidewalks and trails;
  - b) Street lights served with underground power;
  - c) All underground utilities (i.e., electrical, cable television, telephone, etc.), and connected to the Property; and
  - d) All lots will be serviced by sanitary sewer and water lines, connected to the Property.

C. Residential Structures.

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- (i) *Traditional Neighborhood Development (TND).*
  - (a) Single-Family Detached Residential Structures:
    - 1/3 of the total a minimum of 1,600 s.f.
    - 1/3 of the total a minimum of 1,700 s.f.
    - 1/3 of the total a minimum of 1,800 s.f.

DILLARD & GALLOWAY, LLC

Mayor R. G. Kelley  
and City Council of Stockbridge  
November 19, 2001  
Page 3

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Owner acknowledges that these requirements may exceed those found in the Zoning Ordinance but voluntarily agrees to adhere to the higher standards contained herein.

(b) Townhomes:

1/3 of the total a minimum of 1,400 s.f.

1/3 of the total a minimum of 1,500 s.f.

1/3 of the total a minimum of 1,600 s.f.

The parties acknowledge that these requirements are identical to those found in the Zoning Ordinance.

(ii) *Conventional Development (CD).*

(a) Single-Family Detached Residential Structures:

1/3 of the total a minimum of 1,600 s.f.

1/3 of the total a minimum of 1,700 s.f.

1/3 of the total a minimum of 1,800 s.f.

The parties acknowledge that these requirements are identical to those found in the Zoning Ordinance.

(b) Townhomes:

1/3 of the total a minimum of 1,600 s.f.

1/3 of the total a minimum of 1,700 s.f.

1/3 of the total a minimum of 1,800 s.f.

The parties acknowledge that these requirements are identical to those found in the Zoning Ordinance.

**DILLARD & GALLOWAY, LLC**

Mayor R. G. Kelley  
and City Council of Stockbridge  
November 19, 2001  
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**D. Open Space.**

Owner agrees to set aside for open space the *greater* of: (i) the minimum square footage or area required under the PTD Ordinance; or (ii) twenty percent (20%) of the Property. All open space areas shall conform to the standards and criteria set forth in the Zoning Ordinance.

**E. Home Improvement Features and Architectural Standards.**

The exterior residential dwelling units shall be developed in accordance with the requirements of the PTD Ordinance, the Zoning Ordinance generally, and any architectural standards and restrictive covenants implemented by Owner, as applicable.

- (i) In addition, Owner agrees to feature a brick or masonry front exterior accent on a majority of the residential dwelling units constructed on the Property. The front exterior accent shall cover at least fifty-one percent (51%) of the front of the home.
- (ii) The architecture of the commercial area shall be traditional architecture and in accordance with those styles and designs in place and in existence during the early 1900's (1890 - 1920).
- (iii) No mobile homes, house trailers, modular homes, "log houses" or "moved in houses" shall be erected or placed on any lot except for sales, marketing or construction trailers of developer or builder.
- (iv) No single-family rental unit or multi-family housing units, including but not limited to, apartments, quadplexes, triplexes or duplexes, shall be erected or placed on the Property.

**F. Common Area Amenities and Recreational Facilities.**

Prior to the completion of fifty percent (50%) of the total number of approved residential units, the Owner shall construct and place in operation a minimum of fifty percent (50%) of the planned open space and common area amenities which will include the following minimum recreational amenities, which can be relocated within the recreational area as needed by Owner:

**DILLARD & GALLOWAY, LLC**

Mayor R. G. Kelley  
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- (i) A club house or similar recreation building consisting of a minimum of 2,500 minimum square feet;
- (ii) A competition-size swimming pool;
- (iii) Tennis courts, lighted (2);
- (iv) A multi-use field capable of being used for football and soccer;
- (v) Open space in the amount provided for in this Agreement, natural or enhanced, with trails providing access to and through the area;
- (vi) Mulched walking trails or pathways of not less than 5,000 linear feet which shall comply with ADA standards;
- (vii) Sufficient parking to accommodate the proposed amenities and recreational facilities. The number of parking spaces will be determined at the time of the submission of the Final Site Plan for development of the Property, and
- (viii) All streets shall have sidewalks and street lights.

All amenities and parking facilities shall conform to the standards and criteria set forth in the Zoning and Development Ordinances of the City except to the extent provided for herein. All of the aforementioned amenities shall be fully built and completed by the time seventy-five percent (75%) of the total approved residential units are built.

2. **Natural Resources:**

- A. Owner shall comply with the Georgia Environmental Protection Division criteria for Big Cotton Indian Creek;
- B. Owner shall provide a 25-foot buffer for any "state waters" as required by the Georgia Erosion & Sedimentation Control Act;
- C. Owner shall protect the flood plains and wetlands as shown on the site plan and/or required by Henry County, City, State or Federal regulations.

**DILLARD & GALLOWAY, LLC**

Mayor R. G. Kelley  
and City Council of Stockbridge  
November 19, 2001  
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- D. Owner shall submit a storm water management plan prior to the issuance of any land disturbance permit as required by Henry County, City, State or Federal regulations.
3. **Traffic and Road Improvements.** Owner shall pay road improvement costs as follows:
- A. Owner shall pay the City or its designee \$20,000.00 towards the installation of a traffic signal or device at the intersection of Valley Hill Road and Georgia Highway 42, and shall do so within thirty (30) days of notice from the City that said amount is due and payable after installation of said traffic signal.
- B. Owner shall provide at its own expense acceleration and deceleration lanes into and from the Property as required by Henry County DOT.
4. **Development Agreement.** A development agreement shall be executed by the owners, Applicant and City prior to the issuance of any land disturbance permit.

We thank you for all of the courtesies you always extend to us. Please call me should you have any questions.

Very truly yours,

DILLARD & GALLOWAY, LLC



G. Douglas Dillard

GDD/drd

cc: Mr. Ted Strickland (via facsimile)  
Bruce Vail, Esq. (via facsimile)  
Mr. Jay Knight (via facsimile)  
Mr. Greg Nobles (via facsimile)

# DILLARD & GALLOWAY, LLC

ATTORNEYS AT LAW

1500 MONARCH PLAZA  
3414 PEACHTREE ROAD, N.E.  
ATLANTA, GEORGIA  
30326

G. DOUGLAS DILLARD

TELEPHONE  
(404) 965-3680  
FACSIMILE  
(404) 965-3670

Direct Dial Number:

(404) 965-3682

August 13, 2001

## Via Facsimile and Hand Delivery

Mr. Ted Strickland  
City Manager, City of Stockbridge  
4545 N. Henry Boulevard  
Stockbridge, GA 30281

Re: Application by China State Construction, Greg Nobles and Ed Whiddon to Rezone Property at Stagecoach Road and Valley Hill Road, Stockbridge, Henry County, Georgia; Application No. RZ-01-26

Dear Ted:

Please find enclosed a revised Constitutional Challenge with respect to the above-captioned matter which is scheduled to go before the Stockbridge City Council tonight.

Please call me should you have any questions or need anything further in this regard.

Very truly yours,

DILLARD & GALLOWAY, LLC



G. Douglas Dillard

GDD/drd

Enclosure

cc: A. J. Buddy Welch, Esq. (w/encl.)

## CONSTITUTIONAL CHALLENGE

The portions of the City of Stockbridge Zoning Ordinance as applied to the Property which classify or may classify the Property into the R-A zoning district or to any category other than the requested PTD category 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 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 the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

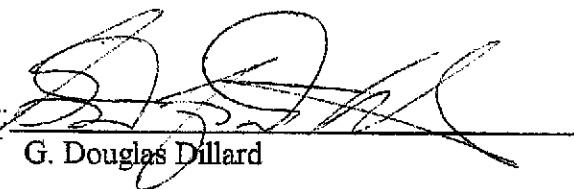
The application of the City of Stockbridge Zoning Ordinance to the Property which restricts its use to any category other than the PTD category as requested by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation 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 and capricious act by the City of Stockbridge City Council without any rational basis therefore, constituting an abuse of discretion in violation of 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 the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the City of Stockbridge City Council to amend the Zoning Map to designate the Property to the PTD category as proposed 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 change in the City of Stockbridge Zoning Map's designation of the Property subjecting it 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 Property to an unconstitutional category and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

Accordingly, your Applicant respectfully requests that this Application be granted and that the Property be designated to the PTD category on the City of Stockbridge Zoning Map.

DILLARD & GALLOWAY, LLC

By:   
G. Douglas Dillard

1500 Monarch Plaza  
3414 Peachtree Road, N.E.  
Atlanta, Georgia 30326  
404/965-3682

95113

# CITY OF STOCKBRIDGE

4545 NORTH HENRY BOULEVARD  
STOCKBRIDGE, GEORGIA 30281  
PHONE (770) 389-7900  
FAX (770) 389-7912  
E-MAIL [cityhall@cityofstockbridge.com](mailto:cityhall@cityofstockbridge.com)

**FAX**

*ARC Report  
Attached*

To: Bruce Vail

From: Merle Manders

Date: November 16, 2001

Re: Pine Grove

Pages: 19

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Sending you a packet received from Beverly Rhea. All pages were in the ARC report received from Charles Krautler dated November 6, 2001 with the exception of the letter dated October 15, 2001 addressed to Beverly Rhea. (Received by us on November 14, 2001)

After discussing with Ted, we decided to send you the entire packet with the letter dated October 15, 2001 from Mrs. Rhea. Some of the transportation needs were mentioned in the November 12 meeting but we thought you might need a copy of this letter to determine if the developers are addressing the DOT concerns.

If you get this FAX today, Rudy wants a copy of the draft agreement today so he can study it over the weekend.

If you have any questions, please contact Ted.



received  
11/14/2001

# Department of Transportation

State of Georgia  
#2 Capitol Square, S.W.  
Atlanta, Georgia 30334-1002

WAYNE SHACKELFORD  
COMMISSIONER  
(404)656-5206

FRANK L. DANCHETZ  
CHIEF ENGINEER  
(404)656-5277

STEVEN L. PARKS  
DEPUTY COMMISSIONER  
(404)656-5212

BILLY F. SHARP  
TREASURER  
(404)656-5224

October 15, 2001

Mrs. Beverly Rhea  
Atlanta Regional Commission  
40 Courtland Street, N.E.  
Atlanta, Georgia 30303-2538

Subject: Development of Regional Impact (DRI)  
Pine Grove

Dear Mrs. Rhea:

We have reviewed the subject proposal and have the following comments.

This proposed development would have an impact on the existing transportation system. The request for review did not mention any proposed road or transit improvements to the local system. The local streets connecting the development should be evaluated to determine if they could handle the additional 1,452 trips per day generated by this development. The applicant needs to address what roadway improvements in addition to demand strategies stated in the review that can be implemented to either support or mitigate the transportation demands of the proposed project initially and at build out. A total build out of the project should be coordinated with plan improvements and transportation demand management strategies defined in the Atlanta Regional Transportation Improvement Program and Regional Transportation Plan.

If you have any comments or questions, please contact Mr. Jeff Simmons (404) 463-4376.

Sincerely,

Marta V. Rosen  
State Transportation Planning Administrator

MVR: jls



received  
11-14-2001

ATLANTA REGIONAL COMMISSION 40 COURTLAND STREET, NE ATLANTA, GEORGIA 30303

November 6, 2001

~~Honorable R.G. Kelley, Mayor  
City of Stockbridge  
4525 North Henry County Boulevard  
Stockbridge, GA. 30281~~

RE: Development of Regional Impact Review  
Pine Grove

Dear Mayor Kelley:

I am writing to let you know that the ARC staff has completed the Development of Regional Impact (DRI) review of the proposed Pine Grove project. Our finding is that this DRI is in the best interest of the State.

I am enclosing a copy of our review report and a copy of comments we received during the review. Please feel free to call me or Beverly Rhea (404-463-3311) if you have any questions concerning the review.

Sincerely,

Charles Krautler  
Director

Enclosures

C Mr. Ted Strickland, City of Stockbridge ✓  
Mr. Dale Hall, Henry County  
Mr. Jay Knight, The knight Group  
Mr. Doug Dillard, Dillard and Galloway

Facility: Pine Grove  
Preliminary Report: October 9, 2001  
Final Report: November 6, 2001

received  
11-19-2001

## DEVELOPMENT OF REGIONAL IMPACT

### REVIEW REPORT

**BACKGROUND:** Proposed development of 285 single-family homes, 62 cluster homes, and 116,900 sq.ft. of commercial space on 149.47 acres on the west side of Stagecoach and East Atlanta Roads south of Big Cotton Indian Creek in the City of Stockbridge. The development also is accessed by Valley Hill Road. A rail line runs through the site from northwest to southeast and divides the single-family detached lots from the cluster home/commercial area. An existing bridge allows development of a trail under the railroad to connect the two parts of the development which will also be connected by sidewalks along Valley Hill and Stagecoach/East Atlanta Roads.

### GENERAL

According to information on the review form or comments received from potentially affected governments:

**Is the proposed project consistent with the host-local government's comprehensive plan? If not, identify inconsistencies.**

The development is not consistent with the existing comprehensive plan which projects low density residential development in this area; however, the local government is proposing to amend the plan in December, 2001, to account for the development according to information filed with the review.

**Is the proposed project consistent with any potentially affected local government's comprehensive plan? If not, identify inconsistencies.**

Henry County did not identify any inconsistencies during the review.

**Will the proposed project impact the implementation of any local government's short-term work program? If so, how?**

No.

**Will the proposed project generate population and/or employment increases in the Region? If yes, what would be the major infrastructure and facilities improvements needed to support the increase?**

According to averages for the Atlanta Region, the total proposed development could accommodate a population 868, including 252 students, and 234 jobs. The developer will provide accel/decel lanes, stormwater management, buffers, landscaping, erosion/sedimentation controls, sidewalks within the development and on both Valley Hill and East Atlanta/Stagecoach Roads, and a trail under an existing railroad culvert.

**What other major development projects are planned in the vicinity of the proposed project?**

ARC has not reviewed any other major developments in close proximity to this proposal with the exception of the expansion of the Stockbridge Wastewater Treatment Plant.

**Will the proposed project displace housing units or community facilities? If yes, identify and give number of units, facilities, etc.**

No. The site currently is vacant.

**Will the development cause a loss in jobs? If yes, how many.**

No.

## **LOCATION**

**Where is the proposed project located within the host-local government's boundaries?**

The development site is located in a northern annexation of the City of Stockbridge and is mostly surrounded by unincorporated Henry County. It is located on the west side of Stagecoach/East Atlanta Roads just south of Big Cotton Indian Creek and also can be accessed by Valley Hill Road.  
33°34.106/84°14.523'

**Will the proposed project be located close to the host-local government's boundary with another local government? If yes, identify the other local government.**

Yes, as noted above the site is mostly surrounded by unincorporated Henry County.

**Will the proposed project be located close to land uses in other jurisdictions that would benefit or be negatively impacted by the project? Identify those land uses which would benefit and those which would be negatively affected and describe impacts.**

No impacts were noted by Henry County. However, a resident of the area submitted objections to the development.

## **ECONOMY OF THE REGION**

According to information on the review form or comments received from potentially affected governments:

**What new taxes will be generated by the proposed project?**

Information submitted with the review estimates a value of \$47,000,000 at build-out with estimate of taxes at \$4,500,000.

### **How many short-term jobs will the development generate in the Region?**

Short-term jobs will depend upon construction schedule, which will depend on market forces with an estimated build-out date is 2006. According to regional averages, long-term jobs are estimated at 234.

### **Is the regional work force sufficient to fill the demand created by the proposed project?**

Yes.

### **In what ways could the proposed development have a positive or negative impact on existing industry or business in the Region?**

The proposed development will provide additional housing as well as retail opportunities in this part of the Atlanta Region.

## **NATURAL RESOURCES**

**Will the proposed project be located in or near wetlands, groundwater recharge area, water supply watershed, protected river corridor or other environmentally sensitive area of the Region? If yes, identify those areas.**

**In what ways could the proposed project create impacts that would damage or help to preserve the resource?**

### **Watershed Protection**

The proposed development site is located on the south side of Big Cotton Indian Creek. Clayton County has a water intake on Big Cotton Indian Creek and the watershed is classified as a large watershed (over 100 sq. miles) by Georgia Environmental Protection Division criteria. No large water supply watershed requirements would apply to this particular development. However, there is a large 35.01 acre wetland nature sanctuary between the proposed development and the Creek. This is to remain undeveloped and rezoning is not being requested for this area.

### **Georgia Erosion and Sedimentation Act/Stream Buffer Requirements**

The Georgia Erosion and Sedimentation Control Act requires a 25-foot buffer on "State waters." As noted above, a wetland nature sanctuary will be preserved along Big Cotton Indian Creek, which certainly would be classified as "State waters." In addition, a tributary to Big Cotton Indian Creek runs southward through the property proposed for development. The City should require a permanent buffer along the tributary to protect water quality.

### **Floodplains**

Floodplains on the site appear to be located mostly in the sanctuary and along the tributary running southward through the site. ARC's Regional Development Plan policies require preservation of these environmentally sensitive areas.

### **Wetlands**

Wetlands on the site also appear to be located mostly in the sanctuary and along the tributary. Leaving these areas undisturbed is consistent with ARC's Regional Development Plan policies.

Storm Water/Water Quality

The amount of pollutants that will be produced after construction of the proposed development was estimated by ARC staff. These estimates are based on some simplifying assumptions for typical pollutant loading factors (lbs/ac/yr). The loading factors are based on the results of regional storm water monitoring data from the Atlanta Region. The following table summarizes the results of the analysis.

Pollutant Loads (lbs./yr.)							
Land Use	Land Area (acres)	TP	TN	BOD	TSS	Lead	Zinc
Commercial	16.80	28.73	292.32	1814.40	16514.40	20.66	3.70
Forest/Open	31.01	2.48	18.61	279.09	7287.35	0.00	0.00
Medium Density SF (0.25-0.50 acres)	114.16	154.12	674.69	4908.88	91442.16	38.81	9.13
Townhouse (Cluster Homes)	18.51	19.44	198.24	1240.17	11198.55	14.07	2.59
<b>TOTAL</b>	<b>180.48</b>	<b>204.76</b>	<b>1183.85</b>	<b>8242.54</b>	<b>126442.46</b>	<b>73.55</b>	<b>15.42</b>

**Total Impervious Surface:** approximately 29%

Structural Storm Water Controls

According to information submitted with the review, the proposed development would include storm water management. This will be particularly important because of the proximity to Big Cotton Indian Creek and the tributary running through the site.

Before any permits are issued, the local government should require that the developer submit a storm water management plan as a key component of the Plan of Development. The storm water plan should include location, construction and design details and all engineering calculations for all storm water quality control measures. The Plan also should include a monitoring program to ensure storm water pollution control facilities function properly. ARC staff recommends that structural controls be designed to accommodate the installation, operation and maintenance of automatic equipment at inlet and outlet locations for the monitoring of flow rates and water quality. It is recommended that the monitoring program consider the following minimum elements:

- Monitoring of four storms per year (1 per quarter);
- Collection of flow weighted composite of the inflow to the structure during the entire storm event;
- Collection of a flow weighted composite of the outflow from the structure—the sampling period should include the peak outflow resulting from the storm event;
- Analysis of inflow and outflow flow weighted composite samples for biochemical oxygen demand (BOD), total suspended solids (TSS), zinc, lead, total phosphorous (TP) and total nitrogen (TKN & NO3); and
- Collection of grab samples at the inlet and outlet locations during the periods of peak inflow and outflow for pH, dissolved oxygen (DO) and fecal coliform bacteria.

The local government should determine the actual number and size of storms to be monitored as well as who should be responsible for conducting the monitoring. Monitoring should be conducted at the developer's or owner's expense. Analysis should conform to EPA standards. Specific monitoring

procedures and parameters analyzed may change in the future based on continuing storm water runoff and water quality studies.

The storm water plan should require the developer to submit a detailed, long-term schedule for inspection and maintenance of the storm facilities. This schedule should describe all maintenance and inspection requirements and persons responsible for performing maintenance and inspection activities. These provisions and the monitoring program should be included in a formal, legally binding maintenance agreement between the local government and the responsible party.

In addition to inspections required in the storm water management plan, the formal maintenance agreement between the developer and the local government should allow for periodic inspections for the storm water facilities to be conducted by the local governments. If inadequate maintenance is observed, the responsible party should be notified and given a period of time to correct any deficiencies. If the party fails to respond, the local government should be given the right to make necessary repairs and bill the responsible party.

The local government should not release the site plans for development or issue any grading or construction permits until a storm water management plan has been approved and a fully executed maintenance/monitoring agreement is in place.

## **HISTORIC RESOURCES**

**Will the proposed project be located near a national register site? If yes, identify site.**

No.

**In what ways could the proposed project create impacts that would damage the resource?**

Not applicable.

**In what ways could the proposed project have a positive influence on efforts to preserve or promote the historic resource?**

Not applicable.

## **INFRASTRUCTURE**

### **Transportation**

The development's access points will be from Stagecoach Road, East Atlanta Road, and Valley Mill Road. East Atlanta Road is a major arterial. Stagecoach and Valley Hill Roads currently are classified as collector streets, but are classified as major arterials on Henry County's draft future land use plan. Valley Hill Road is a short connecting road between East Atlanta Road and State Route 42 and is heavily used for through trips.

**How much traffic (both average daily and peak am/pm) will be generated by the proposed project?**

Information submitted with the review indicates 10,797 daily trips with 427 trips during AM peak and 1,025 during PM peak. It is estimated that 82% of the residential trips will impact Valley Hill Road and the remainder of the residential trips and all the commercial trips will impact East Atlanta Road.

ARC staff estimated only 8,984 trips based on the assumption that some of the commercial area will be used for office space such as insurance, medical, dental, investment, etc.

**What are the existing traffic patterns and volumes on the local, county, state and interstate roads that serve the site?**

The following table lists facilities that are near the site. The data is based on 2000 GDOT 24-hour traffic counts and both 2010 and 2025 24-hour volume data generated from ARC's travel demand model for the 2025 Regional Transportation Plan adopted in March 2000.

Facility	2000			2010			2025		
	Lanes	Volume	V/C	Lanes	Volume	V/C	Lanes	Volume	V/C
I-75 S north of SR138	8	108,336	.73	8	113,043	.76	8	118,152	.80
SR138 east of I-675	4	19,299	.37	4	30,259	.58	4	38,260	.73
US23/SR42 south of SR138	4	28,876	.55	4	37,667	.72	6	51,424	.65
E Atlanta Rd north of US23/SR42	2	9,712	.52	4	11,355	.61	2	14,465	.77
Stagecoach Rd west of E Atlanta Rd	2	2,292	.13	2	4,471	.25	2	6,688	.38
I-75 S HOV Lane	NA	NA	NA	NA	NA	NA	1+1	6,295	.17

**What transportation improvements are under construction or planned for the Region that would affect or be affected by the proposed project? What is the status of those improvements (long or short range or other)?**

ARC ID	Location	Description	N'wrk Direct	
			Year	Proj Impact
AR353B	I-75 S HOV Lane	0→2	2020	No
HE-AR219	I-75S at SR138	Intchg Imp	U/C	No
HE010	US23/SR42	Widening	2010	No

**Will the proposed project be located in a rapid transit station area? If yes, how will the proposed project enhance or be enhanced by the rapid transit system?**

No.

**Is the site served by transit? If so, describe type and level of service.**

No.

**Are there plans to provide or expand transit service in the vicinity of the proposed project?**

Based on a review of the 2025 Regional Transportation Plan and the Governor's proposed Transit Expansion program, it is unclear if an extension of bus or rail service is planned for this area. Several studies have been performed but no definite investment has been identified at this time. As of now, GRTA's new C-Tran service is not proposed to serve the US23/SR42 or East Atlanta Road corridors.

**What transportation demand management strategies does the developer propose (carpool, flex-time, transit subsidy, etc.)?**

In order to meet ARC's air quality benchmark, the development is a residential development that includes neighborhood retail and street/bike/ped facilities.

**What is the cumulative trip generation of this and other developments? Is the transportation system (existing and planned) capable of accommodating these trips?**

The traffic analysis suggests that area freeways and streets have and will maintain adequate capacity over the next 25 years to serve the mobility and access needs of motorized vehicles.

## **INFRASTRUCTURE**

### **Wastewater and Sewage**

**How much wastewater and sewage will be generated by the proposed project?**

According to information submitted with the review, the total development could generate 0.162 MGD of wastewater.

**Which facility will treat wastewater from the project?**

The City of Stockbridge Wastewater Treatment Facility.

**What is the current permitted capacity and average annual flow to this facility?**

Capacity = 1.5 MGD. The City reports that sufficient treatment capacity exists for the development.

**What other major developments will be served by the plant serving this project?**

None that ARC has reviewed.

## **INFRASTRUCTURE**

### **Water Supply and Treatment**

**How much water will the proposed project demand?**

Again according to information submitted with the review, the total development could have a water demand of 0.18 MGD.

**How will the proposed project's demand for water impact the water supply or treatment facilities of the jurisdiction providing the service?**

The City of Stockbridge will provide water supply for the development.

## **INFRASTRUCTURE**

### **Solid Waste**

**How much solid waste will be generated by the project? Where will this waste be disposed?**

According to information submitted with the review, the development could generate some 255 tons of solid waste per year.

**Other than adding to a serious regional solid waste disposal problem, will the project create any unusual waste handling or disposal problems?**

No.

**Are there any provisions for recycling this project's solid waste.**

None stated. However, developments of this type would provide a good opportunity for recycling and this should be encouraged by the local government if this development moves forward.

## **INFRASTRUCTURE**

### **Other facilities**

**According to information gained in the review process, will there be any unusual intergovernmental impacts on:**

- **Levels of governmental services?**
- **Administrative facilities?**
- **Schools?**
- **Libraries or cultural facilities?**
- **Fire, police, or EMS?**
- **Other government facilities?**
- **Other community services/resources (day care, health care, low income, non-English speaking, elderly, etc.)?**

As proposed, the development could accommodate 252 students according to regional averages. It appears that Stockbridge High School and Middle School and Cotton Indian Elementary School would serve this area.

## **HOUSING**

### **Will the proposed project create a demand for additional housing?**

The major part of the development is housing—single-family houses and cluster houses.

### **Will the proposed project provide housing opportunities close to existing employment centers?**

The proposed development includes 116,900 sq.ft. of commercial development and the development site is in the City of Stockbridge.

### **Is there housing accessible to the project in all price ranges demanded?**

Yes. The site proposed for development in is located in Census Tract 701.03. According to ARC's Population and Housing Report, this tract had a 118.6 percent increase in housing units from 1990 to 2000 and has an 88.7 percent occupancy rate compared to 90.5 for the region.

### **Is it likely or unlikely that potential employees of the proposed project will be able to find affordable\* housing?**

Likely .

\* Defined as 30 percent of the income of a family making 80 percent of the median income of the Region – FY 2000 median income of \$51,649 for family of 4 in Georgia.

received  
11-19-2001

# UNSOLICITED COMMENTS

**Beverly Rhea**

---

**From:** Lafoy, Diane [Diane.Lafoy@turner.com]  
**Sent:** Thursday, October 18, 2001 3:06 PM  
**To:** Beverly Rhea  
**Subject:** Letter against Pine Grove Development, Stockbridge,  
**Importance:** High

Beverly,

We spoke earlier in the week and you told me to e-mail our letter against the Pine Grove development in Stockbridge, GA.

I have attached the letter for your use. Please let me know if you have any questions. I may be reached at 404-807-3561 during the day and 770-507-6824 in the evenings.

Please respond and let me know that you got my e-mail.

Thank you,

Diane LaFoy  
Stockbridge, GA

--

Beverly Rhea  
Atlanta Regional Commission

October 17, 2001

**Re: Pine Grove Planned Town Development, Stockbridge, Georgia**

Dear Ms. Rhea:

We are writing this letter on behalf of residents of Henry County and the City of Stockbridge who oppose the current rezoning application for the Pine Grove Planned Town Development in the City of Stockbridge.

Currently, the land issue is zoned for residential agricultural use. We believe that the current zoning is of substantial benefit to the public and that the ARC should recommend denial of the development and that the City of Stockbridge follow the ARC's recommendation and deny the rezoning. Many residents are opposed to the rezoning and the development and have spoken at Henry County Planning and Zoning Board meetings. These residents have articulated substantial reasons that the current zoning of this property serves a public benefit. Aside from the fact that there is no classification to satisfy this request, we feel that the reasons provided below illustrate that a recommendation by the ARC and a decision by the City of Stockbridge to approve the rezoning will have an adverse affect on the health, safety, morale, and welfare of the public; a change in the zoning classification requested detracts significantly from the public benefit at large. We believe that these reasons form a solid foundation upon which the ARC can recommend denial of the development and City of Stockbridge can base a rejection of the rezoning request and we believe that the parties involved will have no grounds to challenge the constitutionality of the City Council's decision to reject this plan.

- 1) **The ARC encourages living, working and playing in the same neighborhoods, and an RA development, given the location of shopping, business and commercial centers, does not thwart that mission.** The ARC has determined, as part of its study of the clean air problem, that cars being driven to run errands, rather than cars being driven to work and school spawn much of the pollution in the Metro area. Therefore, the ARC supports mixed-use developments. The land in question has a zoning classification which already fits the mission; it is zoned low-density RA, in an area surrounded by accessible retail shopping. Low-density means less traffic, less cars, less pollution. The Pine Grove developers will undoubtedly use the ARC's clean-air mission as a means to an end. Plans are redrawn to include some commercial; suddenly, their plans fit the ARC's mission. In Henry County, this notion of "living and playing and working" in the same neighborhood has been uttered like a mantra. But unlike a mantra, there is no substance behind the argument successfully espoused by developers who are overjoyed to have

a viable way in which to thrust a nail shop in someone's back yard. This has been used as a basis to allow retail strip centers to abut residential neighborhoods. But the planning is lacking. Perhaps the only success picture has been in the Eagles Landing area, where groceries, work place, and restaurants are at the back doors of residential neighborhoods. Ga. Hwy 42 is an example of how this mission has failed both practically and aesthetically. There are no protections in place which would prevent a repeat of what we have witnessed on Hwy 42 between Stockbridge and McDonough

- 2) **The land for Pine Grove is in the City of Stockbridge, however, the land surrounding the area is in Henry County.** The land in question attaches to the City of Stockbridge by a piece of property about the width of a driveway. A question has been put to the city council about the legality of the annexation from Henry County into the City of Stockbridge. The council has not adequately answered the question. The land surrounding the property is in Henry County, with individual properties ranging in size from three to ten acres. The total area of the development is less than 150 acres. The proposed lot size for the nearly three hundred homes and sixty-eight town homes is significantly lower than the surrounding area. This will lower the neighboring residents' quality of life (reduction in air quality, noise generated by increased traffic, light pollution) and thus lower their home and land values.
- 3) **The City of Stockbridge and the residents of Henry County have an interest in retaining the significant buffer of RA zoning** between the bordering transitional zoning areas of South DeKalb County, Fairview, and Georgia Highway 42 near its intersection with 675. This land lies in the very center of an established, residential, agricultural neighborhood.
- 4) **This area is needed as a buffer of RA to prevent the encroachment of "blighted development."** Therefore, the current zoning of this land fulfils a substantial public benefit. Experience has shown us that older commercial areas become "run down" and tenants seek newer space. The commercial development begins to encroach and then over-run older, established, residential neighborhoods whose residents are less affluent or aged, and ill equipped to fight the onslaught of developers who have seemingly bottomless war chests to fund attorneys who can more adeptly navigated the sea of zoning laws. Neighborhoods are lost to new commercial development, and tenants leaving the older commercial centers leave behind empty store space. The owners of the commercial centers, desperate to fill the empty space, rarely renovate the abandoned retail fronts. Instead, signage restrictions are lowered, as are the rents. This trend is apparent in the Henry County and Stockbridge area. An example is the old Wal-Mart. It literally moved across the street, leveling many acres of open fields and a residential area, creating drainage and erosion problems, light pollution. Left in its wake is a wave of commercial blight development. At some point, municipalities such as

Stockbridge need to recognize a public benefit supports maintaining – if not the fierce protection of – residential buffers between “steam rolling development” and residential neighborhoods inhabited by middle class families. The City and the public benefits with the better utilization of resources. In other words, landlords of commercial properties should receive the financial benefit of *renovating* existing commercial and retail space. It is adverse to the public to continue to clear land, ruin residential enclaves, and lay more concrete, as opposed to recycling existing parking lots, buildings, etc.

- 5) **Neither Henry County nor the City of Stockbridge has any enforcement provisions in any of its building codes.** There are no fines, no sanctions and no penalties that the City of Stockbridge can impose if we discover that the development is not in compliance with state and local ordinances. We have only the guarantee of these men that they will keep their word and make this development both environmentally and aesthetically appealing. What if something happens and new developers come in? They may not care about creating a pleasant development. The public has no guarantee that neither these houses nor this development will be constructed according to minimum state environmental or building standards. Therefore, it is our position that until these penalty provisions are in place to guarantee the protection of the public at large, Henry County and the City of Stockbridge should place a moratorium on all re-zoning and all building permits until these provisions are in place. This is reasonable given our current growth rate.
  
- 6) **The location of the proposed development is inappropriate for high-density, mixed residential and commercial use because of the large natural gas pumping station.** Should the area become high-density given the current road configurations, and topographical layout, the implications of a pipeline explosion or leaks are unthinkable. Henry County provides fire services, as Stockbridge does not have its own fire department. The City has not consulted with the Henry County Fire Department on this particular issue. Henry County Fire does not have the equipment or the manpower to handle an accidental explosion if it were to occur. Clayton County and perhaps DeKalb County may, however there needs to be a study of response times by those agencies. How quickly could they reach the disaster site and begin work in this essentially “land locked” development?
  
- 7) **The City of Stockbridge does not have its own Police Department or Fire Department,** therefore, the County should be consulted as to whether current fire and police protection measures will provide adequate public safety to the area should it be developed according to plan.
  
- 8) **There is a problem with water pressure measurements at this elevation.** Have those been addressed and are they a problem currently? Local Henry

County residents have been subject to a watering ban for at least the last three years. Can the City of Stockbridge provide the needed water for the Pine Grove without straining their suppliers, Henry and Clayton Counties?

- 9) **At this time, there is a parcel of land at the corner of East Atlanta Road and Old Conyers Road that was rezoned commercial nearly three years ago. As yet no development of any sort has taken place.** This corner is less than a half a mile from the proposed Pine Grove and its commercial development center. The East Atlanta\Old Conyers commercial development was presented to the city council as a grocery store, dry cleaners, nail salon, restaurant, and convenience store. The only activity on this land since the rezoning has been to remove and sell the homes and strip the land of timber. Local residents are concerned that the Pine Grove development will become yet another eyesore.
- 10) **There is a wetland area within the proposed development site.** As neither Henry County nor the City of Stockbridge have any type of penalties for ignoring state and local ordinances, there is no guarantee that the wetlands area will be unaffected by the development. When it rains heavily, the creek that abuts the development site floods, overflowing into yards of the people that live by the creek. If the Pine Grove development goes in, the flooding and run off problem will become even worse. With the lack of enforcement codes in Henry County and the City of Stockbridge, there will be no recourse if the developers do not follow proper measures to keep the creek from flooding more. With fewer trees, the run off will become worse and could do a lot of damage to homes in the area. Local residents have already experienced this problem with the East Atlanta\Old Conyers commercial development mentioned above, giving cause for concern by the Corps of Engineers.
- 11) **Neither the funds nor plans to widen, alter or change the paths of Valley Hill Road and Stagecoach Road exist.** Whether either is designated as major arterial road or not is not likely to result in any physical improvements of Valley Hill Road or Stagecoach Roads. The current configurations are only suited for low-density development. Safe egress and ingress into a high-density development is at issue, among other things. During rush hour and when a train is on the railroad track, traffic on Valley Hill Road backs up at least a mile. Stagecoach Road backs up as well, but to a lesser extent. Both roads will be unable to handle the additional cars and commercial vehicles that will be associated with the Pine Grove development since both are 2 lane roads with no center turn lanes. Also, East Atlanta Road between Valley Hill Road and Stagecoach Road is very dangerous. There is a bad curve in the road and it is hard to see oncoming traffic when exiting Stagecoach Road. This will become more of an issue and many accidents will happen if more vehicles are introduced in the area.

- 12) **The schools in the area are not able to handle a large number of additional students a development like Pine Grove would bring into the school system.** The schools in the area, Stockbridge Elementary, Cotton Indian Elementary, Stockbridge Middle, and Stockbridge High are overcrowded and Cotton Indian and Stockbridge High have trailers for classrooms. Has the school board been asked as to what can be done for the schools before adding more students to the already overcrowded schools? This is a real concern to all in the area as most families have children or grandchildren in the schools around this area.
  
- 13) **With the economy slowing, there is a surplus of available housing already on the market.** There are many homes for sale in the surrounding area. Many of the homes have larger lots and are bigger than those to be offered in Pine Grove. With the economy slowing down, many people are hesitant to make large purchases, such as a home. According to many economists, the south side of Atlanta will be hardest hit from the downward economy, especially with Delta Airlines cutting back, causing layoffs that spiral down to many different companies that work with the airlines.
  
- 14) **There is a petition that has been signed by over three hundred residents that oppose the Pine Grove development.** These residents are concerned with their quality of life and what a development like Pine Grove will do to lower that quality and how it will impact their daily lives.

For the reasons listed above, we request that the ARC recommend the **DENIAL** of the request for the Pine Grove Development. It is difficult to imagine, given the way in which the property is landlocked in an established residential center that commercial property would be desirable to tenants. It is also difficult to imagine how the residents in the surrounding areas will live with the additional traffic, noise, and pollution that development will bring to the area.

Thank you,

Cameron and Diane LaFoy  
David and Frances Burke  
Michael and Crystal Tate  
Jerry and JoAnne Mulvaney  
And other concerned residents of  
Henry County and the City of  
Stockbridge

**received**  
11-19-2001

**SMITH, WELCH & BRITAIN**

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A.J. WELCH, JR.  
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**FACSIMILE TRANSMISSION COVER SHEET**

**TO:** Ted Strickland **DATE:** November 19, 2001  
**FAX No.** 770-389-7912 **TIME:** 1:19 pm  
**COMPANY:** **TOTAL PAGES:** 28  
**FROM:** Bruce R. Vail  
**CLIENT/MATTER:** City of Stockbridge - Whiddon/China State

*IF THE TOTAL PAGES NOTED ABOVE IS NOT RECEIVED PROPERLY OR IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE. THANK YOU.*

**COMMENTS :** Please review the attached Development Agreement which reflects with double-underlining the changes we recently discussed. Should you have any comments or suggestions, please contact me.

THE FOLLOWING DOCUMENTS ARE ENCLOSED	NUMBER OF PAGES
Development Agreement	27

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**STATE OF GEORGIA**

**COUNTY OF HENRY**

**DEVELOPMENT AGREEMENT**

**THIS DEVELOPMENT AGREEMENT ("Agreement") is made and entered into this** \_\_\_\_\_ **day of** \_\_\_\_\_, 2001, **by and between the CITY OF STOCKBRIDGE, GEORGIA, a municipal corporation chartered under the laws of the State of Georgia (hereinafter "City"); the owners of the tract of land described in Exhibit "A" are EDWARD H. WHIDDON, SR., and CAROLE M. WHIDDON (the "Whiddons"); the owner of the tract of land described in Exhibit "B" is CHINA STATE CONSTRUCTION AND ENGINEERING - US Inc., ("China State") which is a Delaware corporation in good standing qualified to do business in the State of Georgia; and future landowner(s) of the property described in Exhibits "A" and "B" hereto attached is:** \_\_\_\_\_ **("Developer"). The property covered by this Agreement ("Property") shall consist of the two tracts mentioned above, as more particularly described in Exhibit "C" which are incorporated herein by reference.**

**P R E A M B L E :**

**WHEREAS, the Whiddons and China State own land located in the City consisting of 149.47 acres adjacent to Stagecoach Road and Valley Hill Road (the "Property"), which is zoned Residential Agriculture ("RA"); and**

**WHEREAS, the City is "Zoning Ordinance" designates several permitted uses for Planned Town Development ("PTD") District Classifications, including but not limited to residential and commercial uses; and**

**WHEREAS**, the Zoning Ordinance designates several types of residential uses which may be featured in PTD districts, including single family detached residences and attached townhomes; and

**WHEREAS**, the Whiddons, China State and Developer desire to develop the Property in a profitable manner consistent with the Zoning Ordinance and have filed joint applications incorporated herein as **Exhibit "D"** to have the Property described in **Exhibit "C"** rezoned from an RA District to a PTD District; and

**WHEREAS**, because the Zoning Ordinance, including the City's Planned Town Development Ordinance ("PTD Ordinance") mandates that a single owner or owners have title to property for which PTD zoning is sought, the Whiddons, China State, Developer, and Future Landowners \_\_\_\_\_, (which, together with all successors and assigns, shall be hereinafter referred to as "Owner") have combined or conveyed their respective ownership interests in order to comply with the PTD Ordinance; and

**WHEREAS**, Owner wishes to use the Property described in **Exhibit "C"**, totaling 149.47 acres to develop a mixed use development incorporating, in part: (i) a single-family residential subdivision (hereinafter, "Subdivision" or "Subdivision Property") including single-family detached residences and attached townhomes; and (ii) commercial or retail uses, consisting of not more than 117,000 square feet.

**WHEREAS**, the parties wish to receive assurances from the other that certain essential events will occur in order to facilitate the development of the Property; to ensure that the Property will be developed pursuant to the Zoning Ordinance; the rezoning conditions imposed by the City; and this Agreement, and any amendments thereto; to preclude litigation; and to coordinate

development efforts; and

**WHEREAS**, the City and Owner are willing to execute this Agreement to achieve these purposes;

**WHEREAS**, water service to the Property will be provided to the Property pursuant to an Agreement entered into between the City and the Henry County Water and Sewerage Authority ("Authority"), dated March 14, 1996, and sewerage services will be provided by the City or its designee; and

**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, and both the City, Henry County and the Authority have enacted certain Development Impact Fees pursuant to O.C.G.A. § 36-71-1, *et seq.*; and

**WHEREAS**, the City is currently investigating and considering the enactment of an Ordinance or Ordinances which will allow the collection of additional impact fees, and it does not represent, 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; and

**WHEREAS**, the parties desire to clarify and define what the obligation of Owner is and the credits that the Owner will be entitled to; and

**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.

**A G R E E M E N T :****1.****Rezoning Applications**

The City has found that the application(s) filed with the City for the rezoning of the Property are consistent with zoning policies and goals of the City. Said application(s) have been approved subject to certain conditions, which are incorporated into this Agreement. All parties agree that said conditions are a part of this Agreement.

Said zoning shall become effective after the City of Stockbridge City Council passes the Rezoning Ordinance, the parties execute this Agreement, and both tracts of the Property are purchased simultaneously by the same landowner. Should the future landowner or their successors and assigns fail to purchase both tracts of the Property simultaneously, the Rezoning Ordinance and this Agreement shall not be effective.

**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 consisting of two tracts which are described in Exhibits "A" and "B" respectively, for a total of 149.47 acres as described in Exhibit "C". The property described in Exhibit "C" shall be rezoned from the R-A zoning classification to the PTD (Planned Town Development) zoning classification.

- 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. In addition to said ordinances, the conditions contained in this Agreement shall apply. If there is a conflict between the Zoning Ordinances of the City and this Agreement, the terms of this Agreement shall control.
- C) **Infrastructure And Traffic Control Improvement Conditions.** The following conditions shall apply to infrastructure and traffic control improvements to the Property.
- 1) **Street Design Standards, Utilities, and Parking.** Access to the Property shall be provided by one (1) curb cut on Valley Hill Road, one (1) curb cut on Stagecoach Road, and one (1) curb cut on East Atlanta Road. Streets, roads, and cul-de-sacs shall be designed and constructed in accordance with the standards set forth in the Zoning Ordinance and all other applicable ordinances. Utilities and parking shall also be installed according to the Zoning Ordinance and all other applicable ordinances. In addition, Owner shall pay the City or its designee a total of Twenty Thousand Dollars (\$20,000.00) toward acquisition, installation, or maintenance of a traffic signal or device at the intersection of Valley Hill Road and Georgia Highway 42, and shall do so within thirty (30) days of notice from the City that said amount is due and payable, after the installation of said traffic signal.
- D) **Residential Development Conditions.** The following conditions shall apply to residential development of the Property.

1) Net Density.

- a. The "maximum allowable net density" (or "Net Density") means the total number of dwelling units or housing structures per acre of land based on the "net land area," as hereinafter defined. The maximum allowable net density, exclusive of any bonus density credits awarded under the PTD Ordinance, shall not exceed the density established by that ordinance. Net useable acreage (or "Net Land Area") means the total gross acreage less all streets, rights-of-way, flood hazard areas, buffer areas, commercial/industrial land, and public lands. Easements for drainage, sanitary sewer, shall not be excluded from net land area. The Net Useable Acreage or Net Land Area may be adjusted only to the extent and in the manner prescribed by the City's PTD Ordinance.
- b. The total number of residential dwelling units on the Property shall be the *lesser* of: (i) the maximum units allowed under the PTD Ordinance; or (ii) 347, of which at least 285 shall be single family detached residences and no more than 62 shall be townhomes or cluster homes.
- c. The maximum square footage of floor area (heated space) for commercial or retail uses shall the *lesser* of: (i) the maximum allowed under the PTD Ordinance; or (ii) 117,000 square feet.

- d. The minimum square footage set aside for open space shall be the *greater of*: (i) the minimum area required under the PTD Ordinance; or (ii) twenty percent (20%) of the Property.
- 2) Lot Improvements.
- a. Owner shall bear the cost of all lot improvements. Lot improvements shall include the following, all of which shall be designed, constructed, or installed in accordance with Henry County and City standards:
1. Following an overall community plan for pedestrian circulation including a combination of sidewalks and trails;
  2. Street lights served with underground power;
  3. All underground utilities (i.e., electrical, cable television, telephone, etc.), and connected to the Property;
  4. All lots will be serviced by sanitary sewer and water lines, connected to the Property.
  5. Owner also agrees to take all steps which are reasonably necessary to construct and maintain, at its sole cost, a trail under an existing railroad culvert which will connect portions of the Property. Provided, however, that Owner shall be relieved of this requirement to the extent, and for so long as, the owner of the railroad property unconditionally refuses to grant Owner permission to do so.

3) Residential Structures.

The minimum floor area (heated space) of residential structures including finished heated and cooled living areas but exclusive of porches, basements, porte cocheres, garages, carports and breezeways ("heated area") which are zoned Planned Town Development shall be as follows.

a. *Traditional Neighborhood Development (TND).*

(i) Single Family Detached Residential Structures:

1/3 of the total a minimum of 1,600 s.f.

1/3 of the total a minimum of 1,700 s.f.

1/3 of the total a minimum of 1,800 s.f.

Owner acknowledges that these requirements may exceed those found in the Zoning Ordinance but voluntarily agrees to adhere to the higher standards contained herein.

(ii) Townhomes:

1/3 of the total a minimum of 1,400 s.f.

1/3 of the total a minimum of 1,500 s.f.

1/3 of the total a minimum of 1,600 s.f.

The parties acknowledge that these requirements are identical to those found in the Zoning Ordinance.

b. *Conventional Development (CD).*

(i) Single Family Detached Residential Structures:

1/3 of the total a minimum of 1,600 s.f.

1/3 of the total a minimum of 1,700 s.f.

1/3 of the total a minimum of 1,800 s.f.

The parties acknowledge that these requirements are identical to those found in the Zoning Ordinance.

(ii) Townhomes:

1/3 of the total a minimum of 1,600 s.f.

1/3 of the total a minimum of 1,700 s.f.

1/3 of the total a minimum of 1,800 s.f.

The parties acknowledge that these requirements are identical to those found in the Zoning Ordinance.

- 4) Open Space. Owner agrees to set aside for open space the *greater* of: (i) the minimum square footage or area required under the PTD Ordinance; or (ii) twenty percent (20%) of the Property. All open space areas shall conform to the standards and criteria set forth in the Zoning Ordinance.

5) Home Improvement Features

- a. The exterior of residential dwelling units shall be developed in accordance with the requirements of the PTD Ordinance, the Zoning

Ordinance generally, and any architectural standards and restrictive covenants implemented by Owner, as applicable.

- b. All of the residential dwelling units constructed on the Property shall feature an exterior consisting of brick, stone, stucco, vinyl siding (not less than a medium grade of vinyl siding), wood, synthetic stone, hardboard siding, or any combination thereof. Moreover, a majority of the dwelling units shall feature accents consisting of brick or masonry covering at least 51% of the front of the home. If Owner chooses to construct dwelling units in conformity with Table 4 of Section 8.36.050, he shall be entitled to the density bonus points in the manner, and to the extent prescribed, therein.
- c. The architecture of the commercial area shall be traditional architecture and in accordance with the styles and designs in place and in existence during the early 1900's (circa 1890 - 1920), as reflected in structures located in the former downtown area of Stockbridge, and consistent with the illustrative exhibit attached hereto as **Exhibit E** and incorporated by reference.
- d. No mobile homes, house trailers, modular homes, "log houses," or "moved in houses" shall be erected or placed on any lot, except for sales, marketing, or construction trailers of developer or builders.

- e. No single family rental unit or multi-family rental housing units, including but not limited to, apartments, quadplexes, triplexes, or duplexes, shall be erected or placed on the Property.

6) Common Area Amenities and Recreational Facilities.

Prior to the completion of fifty percent (50%) of the total number of approved residential units, the Owner shall construct and place in operation a minimum of 50% of the planned open space and common area amenities which will include the following minimum recreational amenities, which can be relocated within the recreational area as needed by Owner:

- a. A club house or similar recreation building consisting of a minimum of 2,500 minimum square feet;
- b. A competition-size swimming pool;
- c. Tennis courts, lighted (2)
- d. A multiuse field capable of being used for football and soccer;
- e. Open space in the amount provided for in this Agreement, natural or enhanced, with trails providing access to and through the area;
- f. ADA-accessible mulched walking trails or pathways of at least 5,000 linear feet; and
- g. Sufficient parking to accommodate the proposed amenities and recreational facilities. The number of parking spaces will be determined at the time of the submission of the Final Site Plan for development of the Property.

h. Sidewalks along the road right of ways and into the subdivision.

All amenities and parking facilities shall conform to the standards and criteria set forth in the Zoning and Development Ordinances of the City except to the extent provided for herein. Owner also agrees to complete construction of all amenities prior to completion of 75% of all residential dwelling units. In the event Owner or his successors in interest fail to satisfy this condition, City or its designee shall be entitled to withhold any and all permits or approvals related to development of the Property until said condition has been satisfied.

7) Natural Resources

- a. Owner shall comply with all applicable laws and regulations, including but not limited to those promulgated by the Georgia Department of Natural Resources (DNR) and its Environmental Protection Division (EPD) for Big Cotton Indian Creek.
- b. Owner shall provide a 25' buffer for any "state waters" as required by Georgia Erosion & Sedimentation Control Act. Owner shall also comply with all applicable laws and regulations governing soil erosion and sedimentation control on the Property.
- c. Owner shall protect the flood plains and wetlands as shown on the site plan or governmental records, to the extent and in the manner required by Henry County, City, state, and federal regulations or ordinances.

- d. Owner shall submit and receive approval of a stormwater management plan prior to the issuance of any land disturbance permit, to the extent and in the manner prescribed by Henry County, City, state or federal regulations or ordinances.
  - e. To the extent required by law, all activities with respect to the Property by Owner shall comply with policies adopted by the Atlanta Regional Commission ("ARC"), including but not limited to those codified in ARC's Regional Development Plan.
- E) **Commercial and Office/Institutional Development Conditions.** The rules, regulations, and conditions of the Zoning Ordinance of the City shall apply to the acres of the Property designated commercial or retail within the Planned Town Development Classification.
- 1) **Landscape Plan.** Owner agrees to prepare and submit a landscape plan for the areas designated for commercial or retail development. Said Landscape Plan shall be approved by the City in accordance with the Zoning Ordinance and PTD Ordinance prior to the issuance of any building permit on the Property.
- F) **Phased Development Conditions.** No more than fifty percent (50%) of the town homes may be completed until after fifty percent (50%) of the single family detached residences have been completed. In addition, prior to the completion of fifty percent (50%) of the total number of all residential units, Owner or any successors in interest shall complete and place in operation one hundred percent (100%) of the commercial

or business development of the Property.

In the event Owner or his successors in interest fail to satisfy this condition, City or its designee shall be entitled to withhold any and all permits or approvals related to development of the Property until said condition has been satisfied.

**3.**

**Variances**

The Henry County Planning and Development Department may grant Administrative Variances as to the following matters: (i) front, side, and rear yard set back requirements; (ii) landscaping requirements; and (iii) distances required between buildings or accessory structures; up to ten percent (10%) of the aforementioned requirements, to the extent set forth in this Agreement or the Zoning Ordinance. All other variances from the requirements of the Zoning Ordinance or the provisions of this Agreement shall be sought and considered in the manner prescribed by the Zoning Ordinance except as set forth in paragraph 2 herein.

**4.**

**Impact on Services**

The Owner of the property described in Exhibits "A" and "B" hereto attached shall:

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.**

Owner shall pay road improvement costs as follows:

1. Owner shall pay the City or its designee \$20,000.00 toward the installation of a traffic signal or device at the intersection of Valley Hill Road and Georgia Highway 42, and shall do so within thirty (30) days of notice from the City that said amount is due and payable after installation of said traffic signal.
2. Owner shall provide at its expense acceleration and deceleration lanes into and from the Property as required by the City or its designee, including the Henry County Department of Transportation, or any other applicable governmental entity.

**C) Water and Sewerage Services.**

Water and sewerage services to the Property shall be metered and provided by the City or its designee, including the Henry County Water and Sewerage Authority. The Owner shall comply with all rules, regulations, and ordinances of the City and Authority.

**5.**

**Impact Fee & 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 for the following:

1. All funds expended by Owner for the construction and installation of the

traffic light on Valley Hill Road and Georgia Highway 42.

2. The installation of any and all acceleration and deceleration lanes into and from the Property.

B. Water and Sewerage Impact Fees.

All water and sewerage impact fees will be paid to City or its designee.

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.

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 and upon the purchase of the two tracts of the Property simultaneously by the same owner(s).

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; (ii) the execution of this Agreement; and (iii) the purchase of the two tracts of the Property simultaneously by the same owner(s).

**9.****Relation to Zoning**

The conditions of the zoning ordinance are hereby incorporated into and made a part of this Agreement and those conditions and this Agreement shall run with the land and be binding upon the Owner and/or Owner's 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, their heirs, administrators, executors, successors, and assigns. 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 of Stockbridge and Henry County 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 of Stockbridge and Henry County 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.

All terms used in this Agreement which are not otherwise defined herein shall be defined in the manner prescribed by the Zoning Ordinance or PTD 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.**

**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.

18.

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 \_\_\_\_ day of \_\_\_\_\_, 2001.

CITY:

CITY OF STOCKBRIDGE, GEORGIA

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

ATTEST:

\_\_\_\_\_  
City Clerk

[Seal]

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

**OWNER:**

**EDWARD H. WHIDDON, SR.**

By: \_\_\_\_\_(L.S.)

Signed, sealed and delivered  
before me this \_\_\_\_ day of  
\_\_\_\_\_, 2001.

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

(seal)

**CAROLE M. WHIDDON**

By: \_\_\_\_\_(L.S.)

Signed, sealed and delivered  
before me this \_\_\_\_ day of  
\_\_\_\_\_, 2001.

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

(seal)

**CHINA STATE CONSTRUCTION AND  
ENGINEERING - US Inc.**

By: \_\_\_\_\_(L.S.)

**VICTOR MENG  
Its: PRESIDENT**

**Attested:**

\_\_\_\_\_  
**Bohui Sun, Corporate Secretary**

(seal)

**FUTURE LANDOWNER(S):**

By: \_\_\_\_\_(L.S.)

Signed, sealed and delivered  
before me this \_\_\_\_ day of  
\_\_\_\_\_, 2001.

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

(seal)

By: \_\_\_\_\_(L.S.)

Signed, sealed and delivered  
before me this \_\_\_\_ day of  
\_\_\_\_\_, 2001.

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

(seal)

\*\*\*\*\*  
TRANSMISSION REPORT  
\*\*\*\*\*

(FRI) NOV 16 2001 13:38  
CITY OF STOCKBRIDGE 770-389-7912

DOCUMENT #	TIME STORED	TIME SENT	DURATION	PAGE(S)	MODE	RESULT
4862638-505	11.16 13:35	11.16 13:35	2' 40"	19	ECM	OK

DESTINATION	DST. TEL #
BRUCE VAIL	97709579165

## CITY OF STOCKBRIDGE

4545 NORTH HENRY BOULEVARD  
STOCKBRIDGE, GEORGIA 30281  
PHONE (770) 389-7900  
FAX (770) 389-7912  
E-MAIL [cityhall@cityofstockbridge.com](mailto:cityhall@cityofstockbridge.com)

## FAX

To: Bruce Vail  
From: Merle Manders  
Date: November 16, 2001  
Re: Pine Grove  
Pages: 19

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Sending you a packet received from Beverly Rhea. All pages were in the ARC report received from Charles Krautler dated November 6, 2001 with the exception of the letter dated October 15, 2001 addressed to Beverly Rhea. (Received by us on November 14, 2001)

After discussing with Ted, we decided to send you the entire packet with the letter dated October 15, 2001 from Mrs. Rhea. Some of the transportation needs were mentioned in the November 12 meeting but we thought you might need a copy of this letter to determine if the developers are addressing the DOT concerns.

If you get this FAX today, Rudy wants a copy of the draft agreement today so he can study it over the weekend.

If you have any questions, please contact Ted.

Legals

County adopted the following Ordinance at its meeting of September 17, 2001:

AN ORDINANCE AUTHORIZING THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES ON SUNDAYS FROM 12:30 P.M. UNTIL 12:00 MIDNIGHT

WHEREAS, the sale of alcoholic beverages for consumption on the premises is lawful in the unincorporated areas of Henry County pursuant to Henry County Code Chapter 3-14, being Ordinance No. 9701, and a referendum approved by the voters on November 5, 1996; and

WHEREAS, Georgia law provides that the governing authority of Henry County may, by resolution or ordinance conditioned on approval in a referendum, authorize the sale of alcoholic beverages for consumption on the premises on Sundays from 12:30 p.m. until 12:00 midnight in any licensed establishment meeting specified requirements relating to food sales or overnight lodging; and

WHEREAS, the Board of Commissioners of Henry County desires to call a referendum on the question of Sunday sales of alcoholic beverages within the limitations permitted by law.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Henry County, and it is hereby ordained by the authority thereof, as follows:

1. The Election Superintendent of Henry County is hereby directed to call and schedule a referendum for the first Tuesday in November, 2001, the same being November 6, 2001, for the purpose of submitting to the

voters of Henry County the following question to appear on the ballot immediately preceding the date thereof in the official organ of Henry County. The ballot shall have written or printed thereon the words:

- ( ) YES Shall the Act be approved which provides staggered homestead exemptions in amounts ranging from \$20,000.00 to the full value of the property from Henry County school district ad valorem taxes for educational purposes for that school district for certain residents of that school district who are 62 years of age or older?
( ) NO

All persons desiring to vote for approval of the Act shall vote "Yes," and those persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question are for approval of the Act, then Sections 1 through 5 of this Act shall become of full force and effect on January 1, 2002, and shall be applicable to all taxable years beginning on or after January 1, 2002. If Sections 1 through 5 of this Act are not so approved or if the election is not conducted as provided in this section, Sections 1 through 5 of this Act shall not become effective and this Act shall be automatically repealed on the first day of January immediately following that election date. The expense of such election shall be borne by Henry County. It shall be the superintendent's duty to certify the result thereof to the Secretary of State.

SECTION 7.

Except as otherwise specified in

Section 6 of this Act, this Act shall become effective upon its approval (District) to C-3 (Highway Commercial).

Said property being more particularly described as follows:

TRACT I

All that tract or parcel of land lying and being in Land Lot 155 of the 7th District of Henry County, Georgia, more particularly described as follows:

Beginning at a 5/8" rebar set at the southwesterly end of the mitered intersection formed by the northeasterly right-of-way line of State Route 81 (variable width right-of-way) with the northwesterly right-of-way of the relocated Lake Dow Road, thence along the northwesterly right-of-way line of State Route 81 and following an arc to the left a distance of 355.84 to a 5/8" rebar set at the intersection of said northeasterly right-of-way line of State Route 81 with the southerly right-of-way line of existing Lake Dow Road, formerly known as South McGarity Road (60' right-of-way) said curve having a radius of 11519.16' and being subtended by a chord bearing North 54°34'07" West and a chord distance of 355.83'; thence along the right-of-way line of existing Lake Dow Road North 83°41'26" East a distance of 493.91' to a 5/8" rebar set at the intersection of said right-of-way line with the northwesterly right-of-way line of relocated Lake Dow Road (variable width right-of-way at this point), thence along the right-of-way line of relocated Lake Dow Road South 29°09'18" West a distance of 228.25' to a 5/8" rebar set (non-concentric 90' right-of-way at this point, 40' from centerline), thence continuing along said right-of-way line (40' from centerline) South 36°39'58"

West a distance of 62.52' to a 5/8" rebar set; thence continuing along

Public Hearing Notice Stockbridge City Council Monday, November 12, 2001 Location: Stockbridge City Hall, 4545 North Henry Boulevard, Stockbridge, GA 30281 Public Hearing: 6:00 p.m.

VARIANCE

VR-01-31

Dynamic Signs of Marietta, Georgia requests a variance for property located in Land Lot 20 of the 6th District, located off North Place Drive. The property contains approximately 2.0+/- acres and the request is for an increase in the height of the business sign to 110'.

VR-01-32

Hayes Development of Fayetteville, Georgia requests a variance for property located in Land Lots 25, 26, 29, and 40 of the 12th District, located in the Gresham, the Arlington and the Huntington at Brentwood Park. The property contains approximately 66.0+/- acres and the request is for a reduction in the front yard setback requirements.

REZONING

RZ-01-26

China State Construction, Greg Nobles and Ed Whiddon of Stockbridge, GA request rezoning from RA (residential-agricultural) to PTD (Planned Township Development) for property located in Land Lots 91, 101 & 102 of the 12th District, located at Stagecoach Road and Valley Hill Road. The property contains approximately 149.47+/- acres and the request is for a single-family subdivision and Retail Commercial.

the highest bidder for cash before the first Tuesday in November, 2001, GA, within the legal hours of sale on the first Tuesday in November, 2001, the following described property: All that lot, tract or parcel of land situated, lying and being in Land Lot 198 of the 6th Land District of Henry County, Georgia, being designated as Lot 11, Block E, of the Lake Cindy

Under and by virtue of the Power of Sale contained in the Deed to Secure Debt from Stephen Jack Martin and Jill Renee Martin to The First National Bank of Henry County, dated December 21, 1995 and recorded in Deed Book 2217, Page 14, in the offices of the Clerk of the Superior Court of Henry County, Georgia, as modified by that certain Modification

Under and by virtue of the Power of Sale contained in the Deed to Secure Debt from Stephen Jack Martin and Jill Renee Martin to The First National Bank of Henry County, dated December 21, 1995 and recorded in Deed Book 2217, Page 14, in the offices of the Clerk of the Superior Court of Henry County, Georgia, as modified by that certain Modification



ATLANTA REGIONAL COMMISSION 40 COURTLAND STREET, NE ATLANTA, GEORGIA 30303

November 6, 2001

Honorable R.G. Kelley, Mayor  
City of Stockbridge  
4525 North Henry County Boulevard  
Stockbridge, GA. 30281

RE: Development of Regional Impact Review  
Pine Grove

Dear Mayor Kelley:

I am writing to let you know that the ARC staff has completed the Development of Regional Impact (DRI) review of the proposed Pine Grove project. Our finding is that this DRI is in the best interest of the State.

I am enclosing a copy of our review report and a copy of comments we received during the review. Please feel free to call me or Beverly Rhea (404-463-3311) if you have any questions concerning the review.

Sincerely,

Charles Krautler  
Director

Enclosures

C Mr. Ted Strickland, City of Stockbridge  
Mr. Dale Hall, Henry County  
Mr. Jay Knight, The knight Group  
Mr. Doug Dillard, Dillard and Galloway

Facility: **Pine Grove**  
Preliminary Report: **October 9, 2001**  
Final Report: **November 6, 2001**

## **DEVELOPMENT OF REGIONAL IMPACT**

### **REVIEW REPORT**

**BACKGROUND:** Proposed development of 285 single-family homes, 62 cluster homes, and 116,900 sq.ft. of commercial space on 149.47 acres on the west side of Stagecoach and East Atlanta Roads south of Big Cotton Indian Creek in the City of Stockbridge. The development also is accessed by Valley Hill Road. A rail line runs through the site from northwest to southeast and divides the single-family detached lots from the cluster home/commercial area. An existing bridge allows development of a trail under the railroad to connect the two parts of the development which will also be connected by sidewalks along Valley Hill and Stagecoach/East Atlanta Roads.

### **GENERAL**

According to information on the review form or comments received from potentially affected governments:

**Is the proposed project consistent with the host-local government's comprehensive plan? If not, identify inconsistencies.**

The development is not consistent with the existing comprehensive plan which projects low density residential development in this area; however, the local government is proposing to amend the plan in December, 2001, to account for the development according to information filed with the review.

**Is the proposed project consistent with any potentially affected local government's comprehensive plan? If not, identify inconsistencies.**

Henry County did not identify any inconsistencies during the review.

**Will the proposed project impact the implementation of any local government's short-term work program? If so, how?**

No.

**Will the proposed project generate population and/or employment increases in the Region? If yes, what would be the major infrastructure and facilities improvements needed to support the increase?**

According to averages for the Atlanta Region, the total proposed development could accommodate a population 868, including 252 students, and 234 jobs. The developer will provide accel/decel lanes, stormwater management, buffers, landscaping, erosion/sedimentation controls, sidewalks within the development and on both Valley Hill and East Atlanta/Stagecoach Roads, and a trail under an existing railroad culvert.

**What other major development projects are planned in the vicinity of the proposed project?**

ARC has not reviewed any other major developments in close proximity to this proposal with the exception of the expansion of the Stockbridge Wastewater Treatment Plant.

**Will the proposed project displace housing units or community facilities? If yes, identify and give number of units, facilities, etc.**

No. The site currently is vacant.

**Will the development cause a loss in jobs? If yes, how many.**

No.

### **LOCATION**

**Where is the proposed project located within the host-local government's boundaries?**

The development site is located in a northern annexation of the City of Stockbridge and is mostly surrounded by unincorporated Henry County. It is located on the west side of Stagecoach/East Atlanta Roads just south of Big Cotton Indian Creek and also can be accessed by Valley Hill Road.  
33°34.106/84°14.523'

**Will the proposed project be located close to the host-local government's boundary with another local government? If yes, identify the other local government.**

Yes, as noted above the site is mostly surrounded by unincorporated Henry County.

**Will the proposed project be located close to land uses in other jurisdictions that would benefit or be negatively impacted by the project? Identify those land uses which would benefit and those which would be negatively affected and describe impacts.**

No impacts were noted by Henry County. However, a resident of the area submitted objections to the development.

### **ECONOMY OF THE REGION**

According to information on the review form or comments received from potentially affected governments:

**What new taxes will be generated by the proposed project?**

Information submitted with the review estimates a value of \$47,000,000 at build-out with estimate of taxes at \$4,500,000.

### **How many short-term jobs will the development generate in the Region?**

Short-term jobs will depend upon construction schedule, which will depend on market forces with an estimated build-out date is 2006. According to regional averages, long-term jobs are estimated at 234.

### **Is the regional work force sufficient to fill the demand created by the proposed project?**

Yes.

### **In what ways could the proposed development have a positive or negative impact on existing industry or business in the Region?**

The proposed development will provide additional housing as well as retail opportunities in this part of the Atlanta Region.

## **NATURAL RESOURCES**

**Will the proposed project be located in or near wetlands, groundwater recharge area, water supply watershed, protected river corridor or other environmentally sensitive area of the Region? If yes, identify those areas.**

**In what ways could the proposed project create impacts that would damage or help to preserve the resource?**

### **Watershed Protection**

The proposed development site is located on the south side of Big Cotton Indian Creek. Clayton County has a water intake on Big Cotton Indian Creek and the watershed is classified as a large watershed (over 100 sq. miles) by Georgia Environmental Protection Division criteria. No large water supply watershed requirements would apply to this particular development. However, there is a large 35.01 acre wetland nature sanctuary between the proposed development and the Creek. This is to remain undeveloped and rezoning is not being requested for this area.

### **Georgia Erosion and Sedimentation Act/Stream Buffer Requirements**

The Georgia Erosion and Sedimentation Control Act requires a 25-foot buffer on "State waters." As noted above, a wetland nature sanctuary will be preserved along Big Cotton Indian Creek, which certainly would be classified as "State waters." In addition, a tributary to Big Cotton Indian Creek runs southward through the property proposed for development. The City should require a permanent buffer along the tributary to protect water quality.

### **Floodplains**

Floodplains on the site appear to be located mostly in the sanctuary and along the tributary running southward through the site. ARC's Regional Development Plan policies require preservation of these environmentally sensitive areas.

### **Wetlands**

Wetlands on the site also appear to be located mostly in the sanctuary and along the tributary. Leaving these areas undisturbed is consistent with ARC's Regional Development Plan policies.

**Storm Water/Water Quality**

The amount of pollutants that will be produced after construction of the proposed development was estimated by ARC staff. These estimates are based on some simplifying assumptions for typical pollutant loading factors (lbs/ac/yr). The loading factors are based on the results of regional storm water monitoring data from the Atlanta Region. The following table summarizes the results of the analysis.

Pollutant Loads (lbs./yr.)							
Land Use	Land Area (acres)	TP	TN	BOD	TSS	Lead	Zinc
Commercial	16.80	28.73	292.32	1814.40	16514.40	20.66	3.70
Forest/Open	31.01	2.48	18.61	279.09	7287.35	0.00	0.00
Medium Density SF (0.25-0.50 acres)	114.16	154.12	674.69	4908.88	91442.16	38.81	9.13
Townhouse (Cluster Homes)	18.51	19.44	198.24	1240.17	11198.55	14.07	2.59
<b>TOTAL</b>	<b>180.48</b>	<b>204.76</b>	<b>1183.85</b>	<b>8242.54</b>	<b>126442.46</b>	<b>73.55</b>	<b>15.42</b>

**Total Impervious Surface:** approximately 29%

**Structural Storm Water Controls**

According to information submitted with the review, the proposed development would include storm water management. This will be particularly important because of the proximity to Big Cotton Indian Creek and the tributary running through the site.

Before any permits are issued, the local government should require that the developer submit a storm water management plan as a key component of the Plan of Development. The storm water plan should include location, construction and design details and all engineering calculations for all storm water quality control measures. The Plan also should include a monitoring program to ensure storm water pollution control facilities function properly. ARC staff recommends that structural controls be designed to accommodate the installation, operation and maintenance of automatic equipment at inlet and outlet locations for the monitoring of flow rates and water quality. It is recommended that the monitoring program consider the following minimum elements:

- Monitoring of four storms per year (1 per quarter);
- Collection of flow weighted composite of the inflow to the structure during the entire storm event;
- Collection of a flow weighted composite of the outflow from the structure—the sampling period should include the peak outflow resulting from the storm event;
- Analysis of inflow and outflow flow weighted composite samples for biochemical oxygen demand (BOD), total suspended solids (TSS), zinc, lead, total phosphorous (TP) and total nitrogen (TKN & NO3); and
- Collection of grab samples at the inlet and outlet locations during the periods of peak inflow and outflow for pH, dissolved oxygen (DO) and fecal coliform bacteria.

The local government should determine the actual number and size of storms to be monitored as well as who should be responsible for conducting the monitoring. Monitoring should be conducted at the developer's or owner's expense. Analysis should conform to EPA standards. Specific monitoring

procedures and parameters analyzed may change in the future based on continuing storm water runoff and water quality studies.

The storm water plan should require the developer to submit a detailed, long-term schedule for inspection and maintenance of the storm facilities. This schedule should describe all maintenance and inspection requirements and persons responsible for performing maintenance and inspection activities. These provisions and the monitoring program should be included in a formal, legally binding maintenance agreement between the local government and the responsible party.

In addition to inspections required in the storm water management plan, the formal maintenance agreement between the developer and the local government should allow for periodic inspections for the storm water facilities to be conducted by the local governments. If inadequate maintenance is observed, the responsible party should be notified and given a period of time to correct any deficiencies. If the party fails to respond, the local government should be given the right to make necessary repairs and bill the responsible party.

The local government should not release the site plans for development or issue any grading or construction permits until a storm water management plan has been approved and a fully executed maintenance/monitoring agreement is in place.

## **HISTORIC RESOURCES**

**Will the proposed project be located near a national register site? If yes, identify site.**

No.

**In what ways could the proposed project create impacts that would damage the resource?**

Not applicable.

**In what ways could the proposed project have a positive influence on efforts to preserve or promote the historic resource?**

Not applicable.

## **INFRASTRUCTURE**

### **Transportation**

The development's access points will be from Stagecoach Road, East Atlanta Road, and Valley Mill Road. East Atlanta Road is a major arterial. Stagecoach and Valley Hill Roads currently are classified as collector streets, but are classified as major arterials on Henry County's draft future land use plan. Valley Hill Road is a short connecting road between East Atlanta Road and State Route 42 and is heavily used for through trips.

**How much traffic (both average daily and peak am/pm) will be generated by the proposed project?**

Information submitted with the review indicates 10,797 daily trips with 427 trips during AM peak and 1,025 during PM peak. It is estimated that 82% of the residential trips will impact Valley Hill Road and the remainder of the residential trips and all the commercial trips will impact East Atlanta Road.

ARC staff estimated only 8,984 trips based on the assumption that some of the commercial area will be used for office space such as insurance, medical, dental, investment, etc.

**What are the existing traffic patterns and volumes on the local, county, state and interstate roads that serve the site?**

The following table lists facilities that are near the site. The data is based on 2000 GDOT 24-hour traffic counts and both 2010 and 2025 24-hour volume data generated from ARC's travel demand model for the 2025 Regional Transportation Plan adopted in March 2000.

Facility	2000			2010			2025		
	Lanes	Volume	V/C	Lanes	Volume	V/C	Lanes	Volume	V/C
I-75 S north of SR138	8	108,336	.73	8	113,043	.76	8	118,152	.80
SR138 east of I-675	4	19,299	.37	4	30,259	.58	4	38,260	.73
US23/SR42 south of SR138	4	28,876	.55	4	37,667	.72	6	51,424	.65
E Atlanta Rd north of US23/SR42	2	9,712	.52	4	11,355	.61	2	14,465	.77
Stagecoach Rd west of E Atlanta Rd	2	2,292	.13	2	4,471	.25	2	6,688	.38
I-75 S HOV Lane	NA	NA	NA	NA	NA	NA	1+1	6,295	.17

**What transportation improvements are under construction or planned for the Region that would affect or be affected by the proposed project? What is the status of those improvements (long or short range or other)?**

ARC ID	Location	Description	N'wrk Direct	
			Year	Proj Impact
AR353B	I-75 S HOV Lane	0→2	2020	No
HE-AR219	I-75S at SR138	Intchg Imp	U/C	No
HE010	US23/SR42	Widening	2010	No

**Will the proposed project be located in a rapid transit station area? If yes, how will the proposed project enhance or be enhanced by the rapid transit system?**

No.

**Is the site served by transit? If so, describe type and level of service.**

No.

**Are there plans to provide or expand transit service in the vicinity of the proposed project?**

Based on a review of the 2025 Regional Transportation Plan and the Governor's proposed Transit Expansion program, it is unclear if an extension of bus or rail service is planned for this area. Several studies have been performed but no definite investment has been identified at this time. As of now, GRTA's new C-Tran service is not proposed to serve the US23/SR42 or East Atlanta Road corridors.

**What transportation demand management strategies does the developer propose (carpool, flex-time, transit subsidy, etc.)?**

In order to meet ARC's air quality benchmark, the development is a residential development that includes neighborhood retail and street/bike/ped facilities.

**What is the cumulative trip generation of this and other developments? Is the transportation system (existing and planned) capable of accommodating these trips?**

The traffic analysis suggests that area freeways and streets have and will maintain adequate capacity over the next 25 years to serve the mobility and access needs of motorized vehicles.

## **INFRASTRUCTURE**

### **Wastewater and Sewage**

**How much wastewater and sewage will be generated by the proposed project?**

According to information submitted with the review, the total development could generate 0.162 MGD of wastewater.

**Which facility will treat wastewater from the project?**

The City of Stockbridge Wastewater Treatment Facility.

**What is the current permitted capacity and average annual flow to this facility?**

Capacity = 1.5 MGD. The City reports that sufficient treatment capacity exists for the development.

**What other major developments will be served by the plant serving this project?**

None that ARC has reviewed.

## **INFRASTRUCTURE**

### **Water Supply and Treatment**

**How much water will the proposed project demand?**

Again according to information submitted with the review, the total development could have a water demand of 0.18 MGD.

**How will the proposed project's demand for water impact the water supply or treatment facilities of the jurisdiction providing the service?**

The City of Stockbridge will provide water supply for the development.

## **INFRASTRUCTURE**

### **Solid Waste**

**How much solid waste will be generated by the project? Where will this waste be disposed?**

According to information submitted with the review, the development could generate some 255 tons of solid waste per year.

**Other than adding to a serious regional solid waste disposal problem, will the project create any unusual waste handling or disposal problems?**

No.

**Are there any provisions for recycling this project's solid waste.**

None stated. However, developments of this type would provide a good opportunity for recycling and this should be encouraged by the local government if this development moves forward.

## **INFRASTRUCTURE**

### **Other facilities**

**According to information gained in the review process, will there be any unusual intergovernmental impacts on:**

- **Levels of governmental services?**
- **Administrative facilities?**
- **Schools?**
- **Libraries or cultural facilities?**
- **Fire, police, or EMS?**
- **Other government facilities?**
- **Other community services/resources (day care, health care, low income, non-English speaking, elderly, etc.)?**

As proposed, the development could accommodate 252 students according to regional averages. It appears that Stockbridge High School and Middle School and Cotton Indian Elementary School would serve this area.

## **HOUSING**

**Will the proposed project create a demand for additional housing?**

The major part of the development is housing—single-family houses and cluster houses.

**Will the proposed project provide housing opportunities close to existing employment centers?**

The proposed development includes 116,900 sq. ft. of commercial development and the development site is in the City of Stockbridge.

**Is there housing accessible to the project in all price ranges demanded?**

Yes. The site proposed for development is located in Census Tract 701.03. According to ARC's Population and Housing Report, this tract had a 118.6 percent increase in housing units from 1990 to 2000 and has an 88.7 percent occupancy rate compared to 90.5 for the region.

**Is it likely or unlikely that potential employees of the proposed project will be able to find affordable\* housing?**

Likely .

\* Defined as 30 percent of the income of a family making 80 percent of the median income of the Region – FY 2000 median income of \$51,649 for family of 4 in Georgia.



# Department of Transportation

State of Georgia

#2 Capitol Square, S.W.

Atlanta, Georgia 30334-1002

WAYNE SHACKELFORD  
COMMISSIONER  
(404)656-5206

FRANK L. DANCHETZ  
CHIEF ENGINEER  
(404)656-5277

STEVEN L. PARKS  
DEPUTY COMMISSIONER  
(404)656-6212

BILLY F. SHARP  
TREASURER  
(404)656-5224

October 15, 2001

Mrs. Beverly Rhea  
Atlanta Regional Commission  
40 Courtland Street, N.E.  
Atlanta, Georgia 30303-2538

Subject: Development of Regional Impact (DRI)  
Pine Grove

Dear Mrs. Rhea:

We have reviewed the subject proposal and have the following comments.

This proposed development would have an impact on the existing transportation system. The request for review did not mention any proposed road or transit improvements to the local system. The local streets connecting the development should be evaluated to determine if they could handle the additional 1,452 trips per day generated by this development. The applicant needs to address what roadway improvements in addition to demand strategies stated in the review that can be implemented to either support or mitigate the transportation demands of the proposed project initially and at build out. A total build out of the project should be coordinated with plan improvements and transportation demand management strategies defined in the Atlanta Regional Transportation Improvement Program and Regional Transportation Plan.

If you have any comments or questions, please contact Mr. Jeff Simmons (404) 463-4376.

Sincerely,

A handwritten signature in cursive script that reads "Marta V. Rosen".

Marta V. Rosen  
State Transportation Planning Administrator

MVR: jls

# **UNSOLICITED COMMENTS**

**Beverly Rhea**

---

**From:** Lafoy, Diane [Diane.Lafoy@turner.com]  
**Sent:** Thursday, October 18, 2001 3:06 PM  
**To:** Beverly Rhea  
**Subject:** Letter against Pine Grove Development, Stockbridge,  
**Importance:** High

Beverly,

We spoke earlier in the week and you told me to e-mail our letter against the Pine Grove development in Stockbridge, GA.

I have attached the letter for your use. Please let me know if you have any questions. I may be reached at 404-807-3561 during the day and 770-507-6824 in the evenings.

Please respond and let me know that you got my e-mail.

Thank you,

Diane LaFoy  
Stockbridge, GA

Beverly Rhea  
Atlanta Regional Commission

October 17, 2001

**Re: Pine Grove Planned Town Development, Stockbridge, Georgia**

Dear Ms. Rhea:

We are writing this letter on behalf of residents of Henry County and the City of Stockbridge who oppose the current rezoning application for the Pine Grove Planned Town Development in the City of Stockbridge.

Currently, the land issue is zoned for residential agricultural use. We believe that the current zoning is of substantial benefit to the public and that the ARC should recommend denial of the development and that the City of Stockbridge follow the ARC's recommendation and deny the rezoning. Many residents are opposed to the rezoning and the development and have spoken at Henry County Planning and Zoning Board meetings. These residents have articulated substantial reasons that the current zoning of this property serves a public benefit. Aside from the fact that there is no classification to satisfy this request, we feel that the reasons provided below illustrate that a recommendation by the ARC and a decision by the City of Stockbridge to approve the rezoning will have an adverse affect on the health, safety, morale, and welfare of the public; a change in the zoning classification requested detracts significantly from the public benefit at large. We believe that these reasons form a solid foundation upon which the ARC can recommend denial of the development and City of Stockbridge can base a rejection of the rezoning request and we believe that the parties involved will have no grounds to challenge the constitutionality of the City Council's decision to reject this plan.

- 1) **The ARC encourages living, working and playing in the same neighborhoods, and an RA development, given the location of shopping, business and commercial centers, does not thwart that mission.** The ARC has determined, as part of its study of the clean air problem, that cars being driven to run errands, rather than cars being driven to work and school spawn much of the pollution in the Metro area. Therefore, the ARC supports mixed-use developments. The land in question has a zoning classification which already fits the mission; it is zoned low-density RA, in an area surrounded by accessible retail shopping. Low-density means less traffic, less cars, less pollution. The Pine Grove developers will undoubtedly use the ARC's clean-air mission as a means to an end. Plans are redrawn to include some commercial; suddenly, their plans fit the ARC's mission. In Henry County, this notion of "living and playing and working" in the same neighborhood has been uttered like a mantra. But unlike a mantra, there is no substance behind the argument successfully espoused by developers who are overjoyed to have

a viable way in which to thrust a nail shop in someone's back yard. This has been used as a basis to allow retail strip centers to abut residential neighborhoods. But the planning is lacking. Perhaps the only success picture has been in the Eagles Landing area, where groceries, work place, and restaurants are at the back doors of residential neighborhoods. Ga. Hwy 42 is an example of how this mission has failed both practically and aesthetically. There are no protections in place which would prevent a repeat of what we have witnessed on Hwy 42 between Stockbridge and McDonough

- 2) **The land for Pine Grove is in the City of Stockbridge, however, the land surrounding the area is in Henry County.** The land in question attaches to the City of Stockbridge by a piece of property about the width of a driveway. A question has been put to the city council about the legality of the annexation from Henry County into the City of Stockbridge. The council has not adequately answered the question. The land surrounding the property is in Henry County, with individual properties ranging in size from three to ten acres. The total area of the development is less than 150 acres. The proposed lot size for the nearly three hundred homes and sixty-eight town homes is significantly lower than the surrounding area. This will lower the neighboring residents' quality of life (reduction in air quality, noise generated by increased traffic, light pollution) and thus lower their home and land values.
- 3) **The City of Stockbridge and the residents of Henry County have an interest in retaining the significant buffer of RA zoning** between the bordering transitional zoning areas of South DeKalb County, Fairview, and Georgia Highway 42 near its intersection with 675. This land lies in the very center of an established, residential, agricultural neighborhood.
- 4) **This area is needed as a buffer of RA to prevent the encroachment of "blighted development."** Therefore, the current zoning of this land fulfils a substantial public benefit. Experience has shown us that older commercial areas become "run down" and tenants seek newer space. The commercial development begins to encroach and then over-run older, established, residential neighborhoods whose residents are less affluent or aged, and ill equipped to fight the onslaught of developers who have seemingly bottomless war chests to fund attorneys who can more adeptly navigated the sea of zoning laws. Neighborhoods are lost to new commercial development, and tenants leaving the older commercial centers leave behind empty store space. The owners of the commercial centers, desperate to fill the empty space, rarely renovate the abandoned retail fronts. Instead, signage restrictions are lowered, as are the rents. This trend is apparent in the Henry County and Stockbridge area. An example is the old Wal-Mart. It literally moved across the street, leveling many acres of open fields and a residential area, creating drainage and erosion problems, light pollution. Left in its wake is a wave of commercial blight development. At some point, municipalities such as

Stockbridge need to recognize a public benefit supports maintaining – if not the fierce protection of – residential buffers between “steam rolling development” and residential neighborhoods inhabited by middle class families. The City and the public benefits with the better utilization of resources. In other words, landlords of commercial properties should receive the financial benefit of *renovating* existing commercial and retail space. It is adverse to the public to continue to clear land, ruin residential enclaves, and lay more concrete, as opposed to recycling existing parking lots, buildings, etc.

- 5) **Neither Henry County nor the City of Stockbridge has any enforcement provisions in any of its building codes.** There are no fines, no sanctions and no penalties that the City of Stockbridge can impose if we discover that the development is not in compliance with state and local ordinances. We have only the guarantee of these men that they will keep their word and make this development both environmentally and aesthetically appealing. What if something happens and new developers come in? They may not care about creating a pleasant development. The public has no guarantee that neither these houses nor this development will be constructed according to minimum state environmental or building standards. Therefore, it is our position that until these penalty provisions are in place to guarantee the protection of the public at large, Henry County and the City of Stockbridge should place a moratorium on all re-zoning and all building permits until these provisions are in place. This is reasonable given our current growth rate.
  
- 6) **The location of the proposed development is inappropriate for high-density, mixed residential and commercial use because of the large natural gas pumping station.** Should the area become high-density given the current road configurations, and topographical layout, the implications of a pipeline explosion or leaks are unthinkable. Henry County provides fire services, as Stockbridge does not have its own fire department. The City has not consulted with the Henry County Fire Department on this particular issue. Henry County Fire does not have the equipment or the manpower to handle an accidental explosion if it were to occur. Clayton County and perhaps DeKalb County may, however there needs to be a study of response times by those agencies. How quickly could they reach the disaster site and begin work in this essentially “land locked” development?
  
- 7) **The City of Stockbridge does not have its own Police Department or Fire Department,** therefore, the County should be consulted as to whether current fire and police protection measures will provide adequate public safety to the area should it be developed according to plan.
  
- 8) **There is a problem with water pressure measurements at this elevation.** Have those been addressed and are they a problem currently? Local Henry

County residents have been subject to a watering ban for at least the last three years. Can the City of Stockbridge provide the needed water for the Pine Grove without straining their suppliers, Henry and Clayton Counties?

- 9) **At this time, there is a parcel of land at the corner of East Atlanta Road and Old Conyers Road that was rezoned commercial nearly three years ago. As yet no development of any sort has taken place.** This corner is less than a half a mile from the proposed Pine Grove and its commercial development center. The East Atlanta\Old Conyers commercial development was presented to the city council as a grocery store, dry cleaners, nail salon, restaurant, and convenience store. The only activity on this land since the rezoning has been to remove and sell the homes and strip the land of timber. Local residents are concerned that the Pine Grove development will become yet another eyesore.
- 10) **There is a wetland area within the proposed development site.** As neither Henry County nor the City of Stockbridge have any type of penalties for ignoring state and local ordinances, there is no guarantee that the wetlands area will be unaffected by the development. When it rains heavily, the creek that abuts the development site floods, overflowing into yards of the people that live by the creek. If the Pine Grove development goes in, the flooding and run off problem will become even worse. With the lack of enforcement codes in Henry County and the City of Stockbridge, there will be no recourse if the developers do not follow proper measures to keep the creek from flooding more. With fewer trees, the run off will become worse and could do a lot of damage to homes in the area. Local residents have already experienced this problem with the East Atlanta\Old Conyers commercial development mentioned above, giving cause for concern by the Corps of Engineers.
- 11) **Neither the funds nor plans to widen, alter or change the paths of Valley Hill Road and Stagecoach Road exist.** Whether either is designated as major arterial road or not is not likely to result in any physical improvements of Valley Hill Road or Stagecoach Roads. The current configurations are only suited for low-density development. Safe egress and ingress into a high-density development is at issue, among other things. During rush hour and when a train is on the railroad track, traffic on Valley Hill Road backs up at least a mile. Stagecoach Road backs up as well, but to a lesser extent. Both roads will be unable to handle the additional cars and commercial vehicles that will be associated with the Pine Grove development since both are 2 lane roads with no center turn lanes. Also, East Atlanta Road between Valley Hill Road and Stagecoach Road is very dangerous. There is a bad curve in the road and it is hard to see oncoming traffic when exiting Stagecoach Road. This will become more of an issue and many accidents will happen if more vehicles are introduced in the area.

- 12) **The schools in the area are not able to handle a large number of additional students a development like Pine Grove would bring into the school system.** The schools in the area, Stockbridge Elementary, Cotton Indian Elementary, Stockbridge Middle, and Stockbridge High are overcrowded and Cotton Indian and Stockbridge High have trailers for classrooms. Has the school board been asked as to what can be done for the schools before adding more students to the already overcrowded schools? This is a real concern to all in the area as most families have children or grandchildren in the schools around this area.
  
- 13) **With the economy slowing, there is a surplus of available housing already on the market.** There are many homes for sale in the surrounding area. Many of the homes have larger lots and are bigger than those to be offered in Pine Grove. With the economy slowing down, many people are hesitant to make large purchases, such as a home. According to many economists, the south side of Atlanta will be hardest hit from the downward economy, especially with Delta Airlines cutting back, causing layoffs that spiral down to many different companies that work with the airlines.
  
- 14) **There is a petition that has been signed by over three hundred residents that oppose the Pine Grove development.** These residents are concerned with their quality of life and what a development like Pine Grove will do to lower that quality and how it will impact their daily lives.

For the reasons listed above, we request that the ARC recommend the **DENIAL** of the request for the Pine Grove Development. It is difficult to imagine, given the way in which the property is landlocked in an established residential center that commercial property would be desirable to tenants. It is also difficult to imagine how the residents in the surrounding areas will live with the additional traffic, noise, and pollution that development will bring to the area.

Thank you,

Cameron and Diane LaFoy  
David and Frances Burke  
Michael and Crystal Tate  
Jerry and JoAnne Mulvaney  
And other concerned residents of  
Henry County and the City of  
Stockbridge

# SMITH, WELCH & BRITTAIN

ERNEST M. SMITH (1911-1992)  
A. J. WELCH, JR.  
J. MARK BRITTAIN  
E. GILMORE MAXWELL (TN & GA)  
BYRD GARLAND  
BRUCE MCFARLAND  
JOHN P. WEBB

ATTORNEYS AT LAW  
SUITE 200 - THE COMMERCE BUILDING - 235 KEYS FERRY STREET  
POST OFFICE BOX 10  
MCDONOUGH, GEORGIA 30253

Telephone (770) 957-3937  
Facsimile (770) 957-0115

BRUCE R. VAIL (MS & GA)  
C. WALTER PENDERGRASS, III  
WILLIAM A. WHITE  
KIRSTEN C. WELCH  
LEE MASON (U.S.V.I. & GA)

Stockbridge Office (770) 389-4884

Jackson Office (770) 775-3188

August 17, 2001

*China State &  
Ed Whiddon*

**COPY**

Dale Hall  
Henry County Planning & Development  
140 Henry Parkway  
McDonough, Georgia 30253

RE: City of Stockbridge - PTD Ordinance Inquiry

Dear Dale:

Several weeks ago, I wrote to you and asked you to review a proposed amendment to Stockbridge City Code Section 8.36.050, which defines the term "maximum allowable density" in connection with the PTD land use classification. To date, I have not received a response. Because the City recently received a request for a potential Planned Town Development and tabled it to allow the matter to be reviewed by the Atlanta Regional Commission, I would appreciate it if you would review my earlier correspondence on the subject and give me a call so we may discuss it further. If the City needs to amend its ordinance to clarify matters, this should take place as soon as possible.

Your time and attention are greatly appreciated.

Very truly yours,



Bruce R. Vail

BRV:cb

cc: Merle Manders

# SMITH, WELCH & BRITTAIN

ERNEST M. SMITH (1911-1992)  
A.J. WELCH, JR.  
J. MARK BRITTAIN  
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ATTORNEYS AT LAW  
SUITE 200 - THE COMMERCE BUILDING - 235 KEYS FERRY STREET  
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MCDONOUGH, GEORGIA 30253  
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Litigation Fax (770) 957-9165  
Real Estate Fax (770) 957-0115

T. BRUCE MCFARLAND  
JOHN P. WEBB  
TRICIA B. SMITH  
BRUCE R. VAIL (GA & MS)  
C. WALTER PENDERGRASS, III  
WILLIAM A. WHITE

August 16, 2001



David P. Brenskelle  
Henry County Attorney  
140 Henry Parkway  
McDonough, GA 30253

Re: **China State Construction & Engineering  
U.S., Inc./Ed Whiddon Annexation**

Dear Mr. Brenskelle:

I have received your letter dated August 7, 2001 concerning the above-stated matter. Please find enclosed the following annexation documentation:

- Floyd Chapel Baptist Church property
- Whiddon property
- China State Construction property

Your inquiry was whether or not the Whiddon property is contiguous to the existing City limits. You will note that on the plat of survey of the Whiddon property, the property is contiguous to the Floyd Chapel Baptist Church property. The two properties are contiguous by common line along the south line of Land Lot 101 and the north line of Land Lot 92 by a distance of 51.30 feet.

The City's engineer, Mr. Frank Prince, has verified to the City that the properties are contiguous and meet the requirement of the law. All of the above-stated information was provided to the County at the time of annexations. If you have any additional questions concerning this matter, please call.

With kindest regards,

SMITH, WELCH & BRITTAIN

A. J. Welch, Jr.

AJW:liz:encls.

cc: James F. Risher, County Manager

cc: Ted Strickland, City Manager (Stockbridge)

STOCKBRIDGE OFFICE

ANNEXATION ORDINANCE

CITY OF STOCKBRIDGE  
HENRY COUNTY, GEORGIA

ORDINANCE NO. 200-00

BE IT HEREBY ORDAINED by the Mayor and Council of the City of Stockbridge, Georgia, that upon the written and signed application of landowner(s), who own property contiguous to the existing corporate limits of the City of Stockbridge, a complete description of said property attached hereto and made a part hereof, that the said described property be annexed into and made a part of the City of Stockbridge.

This the 21<sup>st</sup> day of August, 2000.

[Signature]  
MAYOR

[Signature]  
COUNCIL

Fletcher Turner Jr.  
COUNCIL

Harold L. Cochran  
COUNCIL

[Signature]  
COUNCIL

[Signature]  
COUNCIL

<u>LOCATION OF PROPERTY</u>	<u>COUNTY MAP CODE</u>	<u>NUMBER OF ACRES</u>	<u>ZONED</u>	<u>LAND LOT</u>	<u>DISTRICT</u>
<u>West of Stagecoach Road</u>	<u>028-02-021</u>	<u>71.020</u>	<u>RA</u>	<u>101</u>	<u>12th</u>
<u>North of Valley Hill Road</u>	<u>028-01-021</u>	<u>39.622</u>	<u>RA</u>	<u>101</u>	<u>12th</u>

OWNER(S) NAME AND ADDRESS:

Edward H. Whiddon Sr.  
Carole M. Whiddon  
135 Fairview Road  
Stockbridge, Georgia 30281

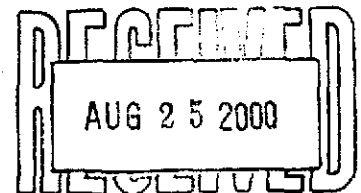
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I, MERLE MANDERS, City Clerk for the City of Stockbridge, do hereby certify that the above Ordinance is a true and correct copy of the Ordinance as it appears in the records of the City of Stockbridge.

This the 21<sup>st</sup> day of August, 2000.

ATTEST:

[Signature]  
Merle Manders, City Clerk



Sheet 10 of 10

REZONING ORDINANCE

ORDINANCE NO. 00-82

CITY OF STOCKBRIDGE  
STATE OF GEORGIA

AN ORDINANCE FOR THE PURPOSE OF ASSIGNING AN INITIAL ZONING CLASSIFICATION TO ANNEXED PROPERTY.

WHEREAS, the property of Edward H. Whiddon Sr.  
Carole M. Whiddon  
Address 135 Fairview Rd.  
Stockbridge, Georgia 30281

LOCATION OF PROPERTY	COUNTY MAP CODE	NUMBER OF ACRES	ZONED	LAND LOT	DISTRICT
West of Stagecoach Rd.	028-02-021	71.020	RA	101	12th
North of Valley Hill Rd.	028-01-021	39.622	RA	101	12th

(hereinafter "property"), has or will be annexed into the City Limits of the City of Stockbridge, Georgia (hereinafter referred to as "City"; and

WHEREAS, the City desires to assign a zoning classification to the property;

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF STOCKBRIDGE, GEORGIA, AND IT IS HEREBY ORDAINED BY THE AUTHORITY THEREOF:

1.

That the above described property is hereby rezoned from Residential Agricultural <sup>Unincorporated</sup> Henry Co. to Residential Agricultural in accordance with the Zoning Ordinance of the City of Stockbridge; City of Stockbridge

2.

That the zoning of the above described property is subject to:

- ( ) The conditions set forth on Exhibit "B" attached hereto and incorporated herein by reference.
- ( ) The terms of Development Agreement attached hereto as Exhibit "B" and incorporated herein by reference.
- ( ) If no Exhibit "B" is attached hereto, then the property is zoned without special conditions.

3.

That the official zoning map for the City of Stockbridge is hereby amended to reflect such zoning classification for the property.

4.

The rezoning of the property shall become effective the first day of the month following the date hereof.

SO ORDAINED by the Mayor and Council of the City of Stockbridge this 21<sup>st</sup> day of August, 2000.

ATTEST:

Murle Manders  
CITY CLERK

[Signature]  
MAYOR

# APPLICATION FOR ANNEXATION

**MAYOR AND CITY COUNCIL  
CITY OF STOCKBRIDGE  
HENRY COUNTY, GEORGIA**

The undersigned owner/s of land contiguous to the existing corporate limits of the City of Stockbridge, hereby makes application for the annexation of his/their land to the existing corporate limits. The land to be annexed is completely described in the attached survey plat and legal description of property.

This 22nd day of May, 2000.

LOCATION OF PROPERTY	COUNTY MAP CODE	NUMBER OF ACRES	ZONED	LAND LOT	DISTRICT
<u>West of Stagecoach Road</u>	<u>028-02-021</u>	<u>71.020</u>	<u>RA</u>	<u>101</u>	<u>12th</u>
<u>North of Valley Hill Road</u>	<u>028-01-021</u>	<u>39.622</u>	<u>RA</u>	<u>101</u>	<u>12th</u>

### OWNER/S NAME AND ADDRESS:

Edward H. Whiddon Sr. \_\_\_\_\_  
Carole M. Whiddon \_\_\_\_\_  
135 Fairview Road \_\_\_\_\_  
Stockbridge, Georgia 30281 \_\_\_\_\_  
\_\_\_\_\_

Signed by: Edward H. Whiddon Sr. L.S. Witness: Ray Radford  
Carole M. Whiddon L.S. Ray Radford  
\_\_\_\_\_ L.S. \_\_\_\_\_

REC'D IN BK 3226  
PAGE 202  
DATE REC'D 3-15-99  
CLERK Sean & Taylor

Mar 12 2 23 PM '99

FILED IN OFFICE  
CLERK OF SUPERIOR COURT  
HENRY COUNTY, GA

HENRY COUNTY GEORGIA  
REAL ESTATE TRANSFER TAX  
PAID \$ 385.20  
DATE 3-12-99  
Sean & Taylor  
Clerk of Superior Court

MAIL DOCUMENTS TO: 3-12-99

MEADOWS & FUTCH, P.C.  
ATTORNEYS AT LAW  
101 EAGLE'S POINTE PARKWAY  
STOCKBRIDGE, GA 30281

MEADOWS & FUTCH, P.C.  
101 EAGLE'S POINTE PARKWAY, STOCKBRIDGE, GA 30281

STATE OF GEORGIA

COUNTY OF HENRY

DEED

THIS INDENTURE, made the 11th day of March, 1999, between JULIAN L. WALL, ADMINISTRATOR DE BONIS NOM C.T.A. OF THE ESTATE OF SARA ESTER WALL (DECEASED), of the County of Clayton, State of Georgia, hereinafter call Grantor, and EDWARD H. WHIDDON, SR. and CAROLE M. WHIDDON, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context required or permits).

WITNESSETH that: Grantor, for and in consideration of the purchase price hereinafter set forth in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, 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 101 of the 12th District of Henry County, Georgia, being Tract 1 containing 39.622 acres and Tract 2 containing 71.020 acres, as shown on plat of survey made for Estate of Sara Ester Wall by James Stothard, Georgia Registered Land Surveyor No. 2321, dated February 14, 1994, recorded in Plat Book 28, Page 226, Henry County Records. Said description is hereby expressly incorporated herein and made a part hereof.

Said property is conveyed by virtue of an order of the Probate Court of Fulton County, Georgia.

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 said Grantee forever in FEE SIMPLE.

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

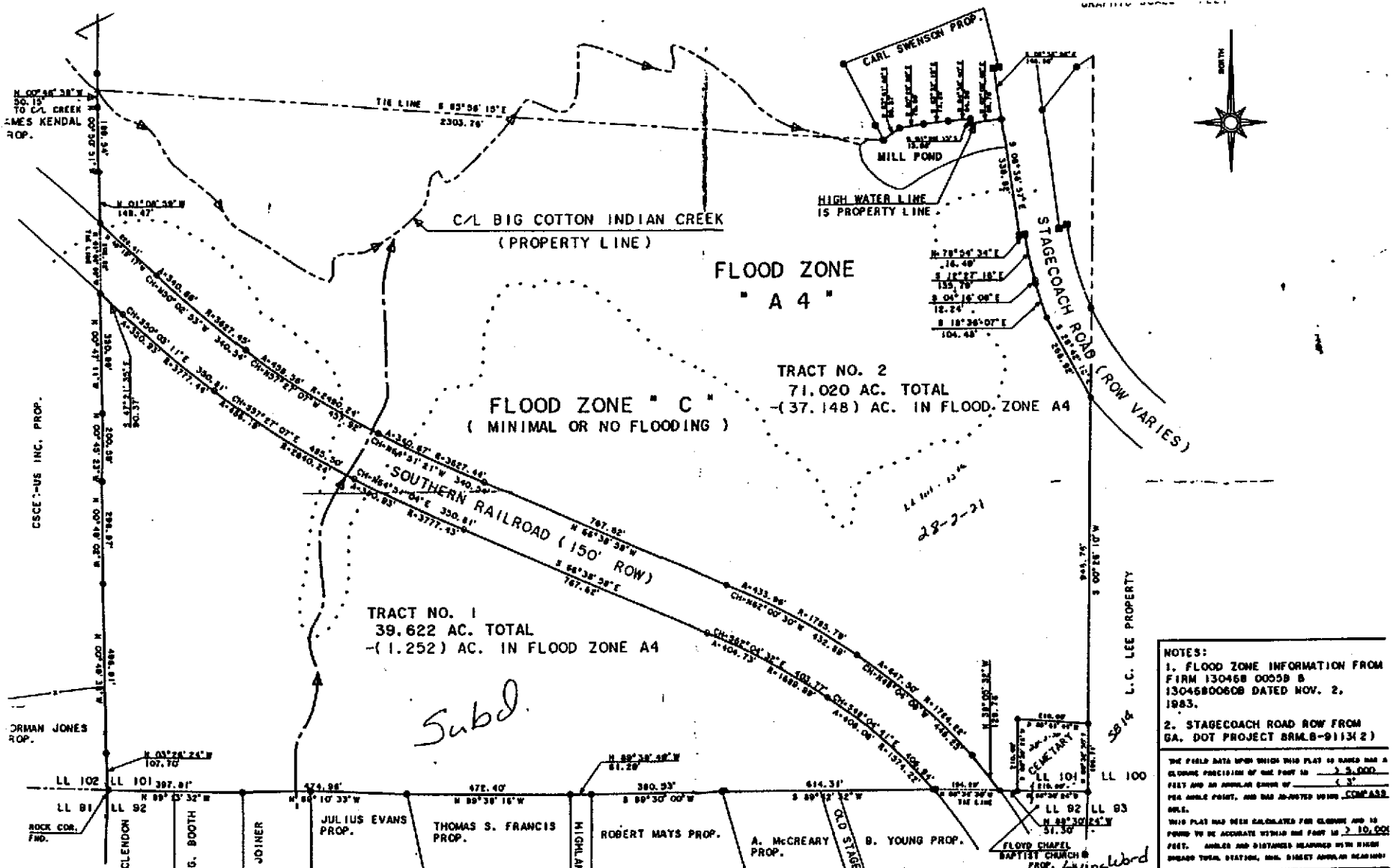
Signed, sealed and delivered in the presence of:

Bonnie Baker  
Unofficial Witness

LISA WEAVER  
Notary Public  
HENRY COUNTY, GA  
Notary Public, Henry County, Georgia  
My Commission Expires April 22, 2002

JULIAN L. WALL (Seal)  
ADMINISTRATOR  
DE BONIS NOM C.T.A. OF THE  
ESTATE OF SARA ESTER WALL  
(DECEASED)

008982



NOTES:  
 1. FLOOD ZONE INFORMATION FROM FIRM 130468 00058 B 130468006CB DATED NOV. 2, 1983.  
 2. STAGECOACH ROAD ROW FROM GA. DOT PROJECT BRMB-911312)

THE FIELD DATA UPON WHICH THIS PLAN IS BASED HAS A CLOSURE PRECISION OF ONE PART IN 2,500 FEET AND AN ANGULAR ERROR OF 3" PER ANGLE POINT, AND HAS ADJUSTED USING COMBASS' RULE.  
 THIS PLAN HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE PART IN 10,000 FEET. ANGLES AND DISTANCES MEASURED WITH HIGH DENSITY TOTAL STATION, AND DIRECT ANGLE OR BEARING!

- LEGEND**
- 5000 PPM FERM
  - 5000 PPM SET
  - 5000 PPM PROPERTY FOUND
  - △ CALCULATED POINT
  - BENCH MARK
  - POWER LINE
  - OVERHEAD POWER
  - OVERHEAD TELEPHONE
  - TELEPHONE
  - 50' WIDE HIGHWAY
  - 10' WIDE FOOT
  - PLANT LINE

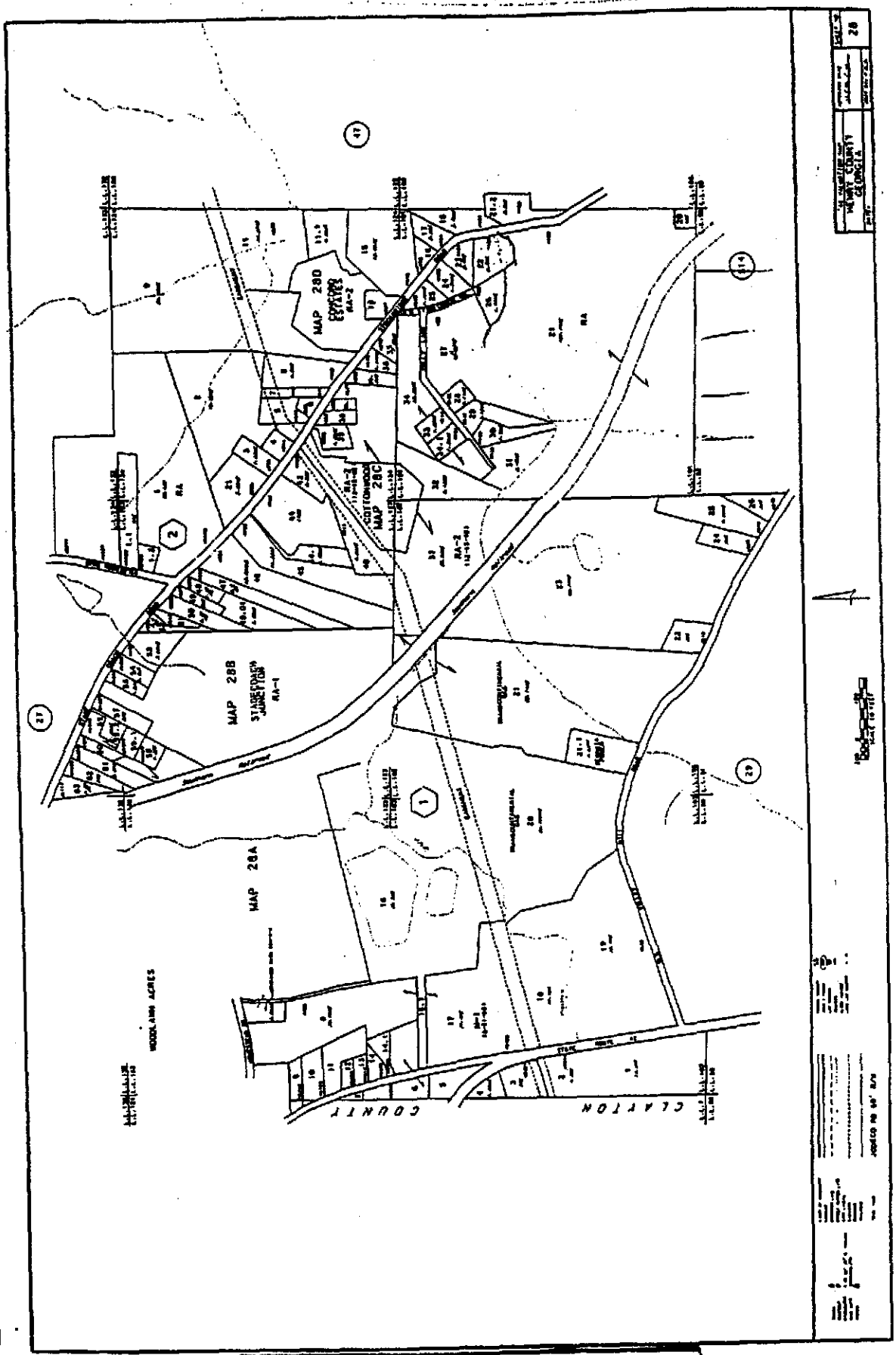


STATELAND ENGINEERING, INC.  
 100 MARBLE AVE.  
 LAWRENCE, GEORGIA 30040  
 PHONE: 706-984-5070

SURVEY FOR  
**ESTATE OF SARA ESTER WALL**  
 PB. 2, PG. 53  
 PART OF LILLIAN J. HANNA SURVEY  
 LAND LOT 101 1218 LAND DISTRICT  
 HENRY COUNTY GEORGIA  
 SCALE: 1" = 200' DWG NO. MS P4-10  
 DATE: 02/16/94 DWG FILE: C

STATE OF GEORGIA  
 HENRY COUNTY  
 I, James Stothard, a Licensed Land Surveyor in the State of Georgia, do hereby certify that the above plat or map is a true and accurate representation of a survey conducted by me or directed by me.  
 According to my survey, this the 16th Day of February, 1994.

*James Stothard*  
 James Stothard, PLS. No. 5001



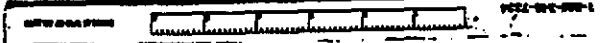
PLAT NO.	28
RECORD NO.	100-28-7234
DATE	
COUNTY	CLIFTON
STATE	MISSOURI



100-28-7234

100-28-7234

100-28-7234



ANNEXATION ORDINANCE

CITY OF STOCKBRIDGE  
HENRY COUNTY, GEORGIA

ORDINANCE NO. 204-00

BE IT HEREBY ORDAINED by the Mayor and Council of the City of Stockbridge, Georgia, that upon the written and signed application of landowner(s), who own property contiguous to the existing corporate limits of the City of Stockbridge, a complete description of said property attached hereto and made a part hereof, that the said described property be annexed into and made a part of the City of Stockbridge.

This the 11<sup>th</sup> day of December, 2000.

[Signature]  
MAYOR

[Signature]  
COUNCIL

[Signature]  
COUNCIL

[Signature]  
COUNCIL

[Signature]  
COUNCIL

[Signature]  
COUNCIL

<u>LOCATION OF PROPERTY</u>	<u>COUNTY MAP CODE</u>	<u>NUMBER OF ACRES</u>	<u>ZONED</u>	<u>LAND LOT</u>	<u>DISTRICT</u>
<u>Valley Hill Road</u>	<u>028-01-023</u>	<u>68.826</u>	<u>RA</u>	<u>91 &amp; 102</u>	<u>12th</u>
_____	_____	_____	_____	_____	_____

OWNER(S) NAME AND ADDRESS:

China State Construction Engineering Corporation

1 World Trade Center

Suite 4529

New York, N.Y. 10048

I, MERLE MANDERS, City Clerk for the City of Stockbridge, do hereby certify that the above Ordinance is a true and correct copy of the Ordinance as it appears in the records of the City of Stockbridge.

This the 11<sup>th</sup> day of December, 2000.

ATTEST:

[Signature]  
Merle Manders, City Clerk

REZONING ORDINANCE

CITY OF STOCKBRIDGE  
STATE OF GEORGIA

ORDINANCE NO. 00-89

AN ORDINANCE FOR THE PURPOSE OF ASSIGNING AN INITIAL ZONING CLASSIFICATION TO ANNEXED PROPERTY.

WHEREAS, the property of China State Construction Engineering Corporation

Address 1 World Trade Center  
Suite 4529  
New York, N.Y. 10048

<u>LOCATION OF PROPERTY</u>	<u>COUNTY MAP CODE</u>	<u>NUMBER OF ACRES</u>	<u>ZONED</u>	<u>LAND LOT</u>	<u>DISTRICT</u>
<u>Valley Hill Road</u>	<u>028-01-023</u>	<u>68.826</u>	<u>RA</u>	<u>91 &amp; 102</u>	<u>12th</u>

(hereinafter "property"), has or will be annexed into the City Limits of the City of Stockbridge, Georgia (hereinafter referred to as "City"; and

WHEREAS, the City desires to assign a zoning classification to the property;

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF STOCKBRIDGE, GEORGIA, AND IT IS HEREBY ORDAINED BY THE AUTHORITY THEREOF:

1.

That the above described property is hereby rezoned from RA Unincorporated Henry County to RA City of Stockbridge in accordance with the Zoning Ordinance of the City of Stockbridge;

2.

That the zoning of the above described property is subject to:

- ( ) The conditions set forth on Exhibit "B" attached hereto and incorporated herein by reference.
- ( ) The terms of Development Agreement attached hereto as Exhibit "B" and incorporated herein by reference.
- ( ) If no Exhibit "B" is attached hereto, then the property is zoned without special conditions.

3.

That the official zoning map for the City of Stockbridge is hereby amended to reflect such zoning classification for the property.

4.

The rezoning of the property shall become effective the first day of the month following the date hereof.

SO ORDAINED by the Mayor and Council of the City of Stockbridge this 11<sup>th</sup> day of December

ATTEST:

Mirle Manders  
CITY CLERK

[Signature]  
MAYOR

### APPLICATION FOR ANNEXATION

**MAYOR AND CITY COUNCIL  
CITY OF STOCKBRIDGE  
HENRY COUNTY, GEORGIA**

The undersigned owner/s of land contiguous to the existing corporate limits of the City of Stockbridge, hereby makes application for the annexation of his/their land to the existing corporate limits. The land to be annexed is completely described in the attached survey plat and legal description of property.

This 20th day of November, 2000.

LOCATION OF PROPERTY	COUNTY MAP CODE	NUMBER OF ACRES	ZONED	LAND LOT	DISTRICT
<u>Valley Hill Road</u>	<u>02801023</u>	<u>68.826</u>	<u>RA</u>	<u>91 &amp; 102</u>	<u>12th</u>

#### OWNER/S NAME AND ADDRESS:

China State Construction Engineering Corporation  
1 World Trade Center  
Suite 4529  
New York, N.Y. 10048

**Signed by:**  
China State Construction

**Witness:**  
Engineering Corporation

*Longsu Tian*

L.S.

Longsu Tian  
Vice President

Owner

*Mason Gao*

Mason Gao  
Witness

L.S.

Owner

CHI MING MUI  
Notary Public, State of New York  
No. 01MU5069991  
Qualified in Kings County  
Commission Expires Dec. 9, 2000

CHI MING MUI  
Notary Public, State of New York  
No. 01MU5069991  
Qualified in Kings County  
Commission Expires Dec. 9, 2000

*Chi Ming Mui*

*Chi Ming Mui*

# CITY OF STOCKBRIDGE

4545 NORTH HENRY BOULEVARD  
STOCKBRIDGE, GEORGIA 30281  
Phone 770 389-7900 FAX 770 389-7912  
Email: [cityhall@cityofstockbridge.com](mailto:cityhall@cityofstockbridge.com)

## ANNEXATION EVALUATION REPORT

APPLICANT: China State Construction & Engineering ~~U.S., Inc.~~ Corporation

LOCATION: Valley Hill Road

REQUEST: Annexation

SIZE: 68.826 Acres

CURRENTLY ZONED: RA Unincorporated Henry County

PROPOSED ZONING: RA City of Stockbridge

RECOMMENDATIONS: At a regular meeting on December 11, 2000, the Stockbridge City Council approved the request for annexation.

ATTACHED DOCUMENTS: Application for Annexation; Location Map, Legal Description, Certified Copy of Survey Map; Annexation Ordinance No.

= METROSCAN PROPERTY PROFILE =  
Henry (GA)

OWNERSHIP INFORMATION

Parcel Number :028 01 023 000 Building # : of  
Owner :Cscec  
CoOwner :  
Site Address :\*No Site Address\*  
Mail Address :1 World Trade Ctr #244 New York Ny 10048  
Owner Telephone :  
Tenant Telephone :

SALES AND LOAN INFORMATION

Transferred : Loan Amount :  
Document # :1714-110 Lender :  
Sale Price : Loan Type :  
Deed Type : Interest Rate :  
% Owned : Vesting Type :

ASSESSMENT, APPRAISAL AND TAX INFORMATION

Assessed Total :\$95,816 Appraised Total :\$239,540  
Assessed Land :\$95,816 Appraised Land :\$239,540  
Assessed Structure : Appraised Structure :  
PrvAssdTotal :\$63,550 Exempt Type :  
PrvAssdLand :\$63,550 1999 Taxes :\$3,453.20  
PrvAssdStructure :  
% Improved :  
Township :County

PROPERTY DESCRIPTION

Census :Tract: Block:  
Aero Map Pg/Grid :  
Land Use :A5 Agr,Agricultural Large Tract  
Subdivison :  
Legal :LL 102 91 12TH DIS  
:

EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 91 AND 102 OF THE 12<sup>TH</sup> DISTRICT, HENRY COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO ARRIVE AT THE TRUE POINT OF BEGINNING, BEGIN AT THE SOUTHEAST CORNER OF LAND LOT 102, SAID DISTRICT AND COUNTY WHICH CORNER IS THE COMMON CORNER OF LAND LOTS 91, 92, 101 AND 102, SAID DISTRICT AND COUNTY, RUN THENCE NORTH 03 DEGREES 10 MINUTES 14 SECONDS WEST A DISTANCE OF 281.40 FEET TO AN IRON PIN AND THE TRUE POINT OF BEGINNING. FROM SAID TRUE POINT OF BEGINNING THUS ESTABLISHED, RUN THENCE SOUTH 82 DEGREES 59 MINUTES 39 SECONDS WEST A DISTANCE OF 153.88 FEET TO AN IRON PIN; RUN THENCE SOUTH 12 DEGREES 54 MINUTES 34 SECONDS WEST A DISTANCE OF 397.19 FEET TO AN IRON PIN; RUN THENCE NORTH 59 DEGREES 28 MINUTES 28 SECONDS WEST A DISTANCE OF 174.46 FEET TO AN IRON PIN; RUN THENCE SOUTH 12 DEGREES 48 MINUTES 10 SECONDS WEST A DISTANCE OF 523.66 FEET TO AN IRON PIN LOCATED ON THE NORTHEASTERLY RIGHT OF WAY LINE OF VALLEY HILL ROAD (80 FOOT RIGHT OF WAY); RUN THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY RIGHT OF WAY LINE OF VALLEY HILL ROAD AND FOLLOWING THE CURVATURE THEREOF AN ARC DISTANCE OF 808.49 FEET TO AN IRON PIN (SAID ARC BEING SUBTENDED BY A CHORD WITH A RADIUS OF 4,229.03 FEET, A CHORD BEARING NORTH 64 DEGREES 40 MINUTES 47 SECONDS WEST A DISTANCE OF 807.26 FEET); RUN THENCE NORTH 03 DEGREES 59 MINUTES 08 SECONDS EAST A DISTANCE OF 409.22 FEET TO AN IRON PIN; RUN THENCE NORTH 68 DEGREES 39 MINUTES 47 SECONDS WEST A DISTANCE OF 331.78 FEET TO AN IRON PIN; RUN THENCE NORTH 03 DEGREES 59 MINUTES 08 SECONDS EAST A DISTANCE OF 2,167.78 FEET TO AN IRON PIN WHICH IS LOCATED ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF A SOUTHERN RAILROAD RIGHT OF WAY (150 FOOT RIGHT OF WAY); RUN THENCE SOUTH 50 DEGREES 46 MINUTES 45 SECONDS EAST A DISTANCE 1,683.23 FEET TO AN IRON PIN; RUN THENCE SOUTH 03 DEGREES 33 MINUTES 48 SECONDS EAST A DISTANCE OF 52.00 FEET TO AN IRON PIN; RUN THENCE SOUTH 02 DEGREES 52 MINUTES 52 SECONDS EAST A DISTANCE OF 99.26 FEET TO AN IRON PIN; RUN THENCE SOUTH 03 DEGREES 11 MINUTES 11 SECONDS EAST A DISTANCE OF 100.11 FEET TO AN IRON PIN; RUN THENCE SOUTH 03 DEGREES 14 MINUTES 39 SECONDS EAST A DISTANCE OF 199.11 FEET TO AN IRON PIN; RUN THENCE SOUTH 03 DEGREES 15 MINUTES 18 SECONDS EAST A DISTANCE OF 100.86 FEET TO AN IRON PIN; RUN THENCE SOUTH 03 DEGREES 26 MINUTES 36 SECONDS EAST A DISTANCE OF 99.60 FEET TO AN IRON PIN; RUN THENCE SOUTH 02 DEGREES 36 MINUTES 07 SECONDS EAST A DISTANCE OF 97.68 FEET TO AN IRON PIN; RUN THENCE SOUTH 03 DEGREES 29 MINUTES 50 SECONDS EAST A DISTANCE OF 99.56 TO AN IRON PIN; RUN THENCE SOUTH 03 DEGREES 08 MINUTES 30 SECONDS EAST A DISTANCE OF 97.89 FEET TO AN IRON PIN; RUN THENCE SOUTH 03 DEGREES 17 MINUTES 21 SECONDS EAST A DISTANCE OF 100.60 FEET TO AN IRON PIN; RUN THENCE SOUTH 02 DEGREES 52 MINUTES 23 SECONDS EAST A DISTANCE OF 99.56 FEET TO AN IRON PIN AND THE POINT OF BEGINNING. ALL IS SHOWN ON PLAT OF SURVEY PREPARED FOR GEORGIA SOUTHERN LUMBER, INC., BY W.W. LESTER (GRLS #2128), DATED OCTOBER 2, 1990 WHICH SURVEY INDICATES SAID TRACT CONTAINS 68.826 ACRES.





ANNEXATION ORDINANCE

CITY OF STOCKBRIDGE  
HENRY COUNTY, GEORGIA

ORDINANCE NO. 199-00

BE IT HEREBY ORDAINED by the Mayor and Council of the City of Stockbridge, Georgia, that upon the written and signed application of landowner(s), who own property contiguous to the existing corporate limits of the City of Stockbridge, a complete description of said property attached hereto and made a part hereof, that the said described property be annexed into and made a part of the City of Stockbridge.

This the 21<sup>st</sup> day of August, 2000.

[Signature]  
MAYOR

[Signature]  
COUNCIL

[Signature]  
COUNCIL

[Signature]  
COUNCIL

[Signature]  
COUNCIL

[Signature]  
COUNCIL

LOCATION OF PROPERTY	COUNTY MAP CODE	NUMBER OF ACRES	ZONED	LAND LOT	DISTRICT
<u>Tract 1-Cemetery</u>	<u>S14-01-007-001</u>	<u>1.26</u>	<u>OI</u>	<u>92.93</u>	<u>12th</u>
<u>Lot, East Atlanta Road</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>

OWNER(S) NAME AND ADDRESS:

Floyd Chapel Baptist Church Deacons  
112 Wilson Avenue  
Stockbridge, Georgia 30281

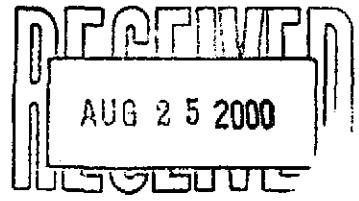
Trinity United Methodist Church  
112 Wilson Avenue  
Stockbridge, Georgia 30281

I, MERLE MANDERS, City Clerk for the City of Stockbridge, do hereby certify that the above Ordinance is a true and correct copy of the Ordinance as it appears in the records of the City of Stockbridge.

This the 21<sup>st</sup> day of August, 2000.

ATTEST:

[Signature]  
Merle Manders, City Clerk



Sheet 10 of 10

REZONING ORDINANCE

CITY OF STOCKBRIDGE  
STATE OF GEORGIA

ORDINANCE NO. 00-81

AN ORDINANCE FOR THE PURPOSE OF ASSIGNING AN INITIAL ZONING CLASSIFICATION TO ANNEXED PROPERTY.

WHEREAS, the property of Floyd Chapel Baptist Church Deacons  
Trinity United Methodist Church  
Address 112 Wilson Avenue  
Stockbridge, Georgia 30281

<u>LOCATION OF PROPERTY</u>	<u>COUNTY MAP CODE</u>	<u>NUMBER OF ACRES</u>	<u>ZONED</u>	<u>LAND LOT</u>	<u>DISTRICT</u>
<u>Tract One- Cemetery Lot, East Atlanta Road (hereinafter "property"), has or will be annexed into the City Limits of the City of Stockbridge, Georgia (hereinafter referred to as "City"; and</u>	<u>S14-01-007-001</u>	<u>1.26</u>	<u>OT</u>	<u>92.93</u>	<u>12th</u>

WHEREAS, the City desires to assign a zoning classification to the property;

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF STOCKBRIDGE, GEORGIA, AND IT IS HEREBY ORDAINED BY THE AUTHORITY THEREOF:

1.

That the above described property is hereby rezoned from Office Institution of City of Unincorporated Office Institution of Henry County to Office Institution of City of in accordance with the Zoning Ordinance of the City of Stockbridge; Stockbridge

2.

That the zoning of the above described property is subject to:

- ( ) The conditions set forth on Exhibit "B" attached hereto and incorporated herein by reference.
- ( ) The terms of Development Agreement attached hereto as Exhibit "B" and incorporated herein by reference.
- ( ) If no Exhibit "B" is attached hereto, then the property is zoned without special conditions.

3.

That the official zoning map for the City of Stockbridge is hereby amended to reflect such zoning classification for the property.

4.

The rezoning of the property shall become effective the first day of the month following the date hereof.

SO ORDAINED by the Mayor and Council of the City of Stockbridge this 21<sup>st</sup> day of August, 2000.

ATTEST:

Maule Manders  
CITY CLERK

[Signature]  
MAYOR

**APPLICATION FOR ANNEXATION**

**MAYOR AND CITY COUNCIL  
CITY OF STOCKBRIDGE  
HENRY COUNTY, GEORGIA**

The undersigned owner of land contiguous to the existing corporate limits of the City of Stockbridge hereby makes application for the annexation of his/their land to the existing corporate limits. The land to be annexed is completely described in the attached survey plat and legal description of property.

This 21<sup>st</sup> day of June, 1900.

NAME AND ADDRESS	COUNTY MAP CODES	NUMBER OF ACRES
Tract One-Cemetery Lot	S 14-01-007-001	1.26
East Atlanta Rd.		
Stockbridge, Ga. 30281		
%Floyd Chapel Baptist Church Deacons		
Stockbridge, Ga. 30281		

Signed Rev. E. H. C. Cook  
Rev. Geo. A. Evans  
Rev. Tom A. T.  
Mr. Wm. Robin  
Esra B. Franklin  
Rennie Franks

Witness Harold Franks  
Quelina Evans  
Rennie Franks  
W. H. G. G. G.  
Nash Tom  
Clara M. Bead

*Sheet 10*

**APPLICATION FOR ANNEXATION**

**MAYOR AND CITY COUNCIL  
CITY OF STOCKBRIDGE  
HENRY COUNTY, GEORGIA**

The undersigned owner of land contiguous to the existing corporate limits of the City of Stockbridge hereby makes application for the annexation of his/their land to the existing corporate limits. The land to be annexed is completely described in the attached survey plat and legal description of property.

This 22nd day of May, 2000.

NAME AND ADDRESS	COUNTY MAP CODES	NUMBER OF ACRES
Tract One-Cemetery Lot	S14-01-007-001	1.26
East Atlanta RD.		
Stockbridge, Ga. 30281		
% Trinity UMC		
112 Wilson Ave.		
Stockbridge, Ga. 30281		

Signed John W. Dikell  
Kenneth Paul  
H. B. [Signature]  
Wynnon Cook

Witness Walter L. [Signature]  
Walter L. [Signature]  
Walter L. [Signature]  
Walter L. [Signature]

SMITH & WELCH, Attorneys at Law, P. O. Box 11, McDonough, Georgia 30253

Quitclaim Deed

GEORGIA, HENRY COUNTY.

THIS INDENTURE, made this the 20<sup>th</sup> day of August, 1991, between LONNIE K. MUSSELL of the first part, and DEACONS OF FLOYD CHAPEL BAPTIST CHURCH AND THE STEWARDS OF TRINITY UNITED METHODIST CHURCH of the second part,

WITNESSETH: That the said party of the first part for and in consideration of the sum of ~~---~~ONE DOLLAR AND OTHER CONSIDERATIONS~~---~~, cash in hand paid, the receipt of which is hereby acknowledged, has bargained, sold and does by these presents bargain, sell, remise, release and forever quit-claim to the said parties of the second part their heirs and assigns, all the right title, interest, claim or demand which the said party of the first part has or may have had in and to

All that tract or parcel of land lying and being in Land Lots 92 & 93 of the 12th District of Henry County, Georgia, being designated as Tract One, containing 1.263 acres of land, and Easement for Ingress and Egress according to plat of survey made for Lonnie Mussell, prepared by A.E. Vaughn, Registered Land Surveyor No. 1629, dated February 16, 1990, and being recorded in Plat Book 20, page 48, Henry County Records. The description of said property as contained on said plat is hereby incorporated herein and by reference made a part hereof.

with all the rights, members and appurtenances to the said described premises in anywise appertaining or belonging.

TO HAVE AND TO HOLD the said described premises unto the said parties of the second part their heirs and assigns, so that neither the said party of the first part nor his heirs, nor any other person or persons claiming under him shall at anytime, claim or demand any right, title or interest to the aforesaid described preaises or its appurtenances.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and affixed his seal the day and year first above written.

Signed, sealed and delivered in the presence of:

Lonnie K. Mussell (SEAL)  
LONNIE K. MUSSELL

J. Paul Mussell  
unofficial witness

J. Paul Mussell  
Notary Public  
Commission expires:  
Notary Public, Henry County, Georgia  
My Commission Expires Feb. 21, 1994

\_\_\_\_\_  
(SEAL)

REC'D IN BK 1363  
PAGE 122  
DATE REC'D 11-26-91

Nov 22 3 25 PM '91

FILED  
CLERK OF SUPERIOR COURT  
HENRY COUNTY, GA.

People To Contact

STATE OF GEORGIA  
HENRY COUNTY

Trinity U.M. Church - Willie G. Gogg  
474-2637  
Floyd Chapel BAPT. Church  
Harold Franks  
(404) 361-5956

SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT, entered into this 28th day of January, 1991, by and between JAMES B. FRANKS, Individually and as representative of the Class of Plaintiffs in the Civil Action pending in Henry Superior Court known as Franks v. Mussell et al., Civil Action No. 86-CV-0186 (hereinafter referred to as "Franks"); LONNIE K. MUSSELL and MUSSELL SERVICES CORPORATION (hereinafter collectively referred to as "Mussell"); / NORFOLK SOUTHERN RAILWAY COMPANY (hereinafter referred to as "Southern"); and J. W. LEMON and WILLIE D. LEMON (hereinafter collectively referred to as "Lemon");

WHEREAS, the parties hereto are all of the parties to the above-styled civil action; and

WHEREAS, the parties desire to amicably settle said civil action upon the terms stated herein; and

WHEREAS, the parties desire to memorialize by this writing all of the terms of their settlement agreement;

NOW, THEREFORE, in consideration of the premises and mutual covenants, warranties and undertakings herein contained, it is agreed as follows:

1.

Mussell shall execute a quitclaim deed conveying all of their right, title and interest to the property described in Exhibit

"1" attached hereto and incorporated herein by this reference (hereinafter referred to as "the property"), to Floyd Chapel Baptist Church and Trinity United Methodist Church of Stockbridge, Georgia. The parties hereto agree that such transfer of title from Mussell shall be in a form and in a manner to allow Mussell to take full advantage of a deduction for a charitable contribution to the grantees therein named for the fair market value of the property. All parties hereto agree to provide any and all information and execute any and all documents necessary to effectuate the provisions of this paragraph.

2.

Mussell further agrees to execute a perpetual easement of ingress and egress for access to "The Property" over Mussell's property. Said right of ingress and egress shall comply with county ordinances and shall be of the minimum size allowable by said ordinances. Said right of access shall be non-exclusive, however, Mussell reserves the right to designate the location of the site of ingress and egress, and if conditions warrant, change the situs of the easement of ingress and egress, so long as all county ordinances are observed and so long as the intent of this paragraph is observed.

3.

Mussell further agrees to remove the piles of brush from The

Property and to seed the non-wooded portions of the property with grass no later than 120 days after the execution of this agreement by all parties hereto.

4.

Franks and the class of Plaintiffs in the afore-mentioned Henry County Superior Court action, agree to accept compliance with this Agreement on the part of Mussell as full and complete settlement of all claims against Mussell arising or accruing on or before the date of this Agreement, including, but not limited to, those claims stated in the civil action referenced above, and shall petition the Henry County Superior Court to accept this agreement as full and complete settlement of all claims of the class of Plaintiffs contained in said Superior Court action against Defendants.

5.

Mussell agrees to accept execution of this Agreement as full satisfaction of all claims, counterclaims and crossclaims against any party stated in or in any way connected to the above-styled action.

6.

The Property being bounded on the West by Southern's railroad land, Southern agrees to sign an agreement, in a form acceptable to Southern, with Floyd Chapel Baptist Church and Trinity United Methodist Church of Stockbridge, Georgia, granting to the churches a license for the use of a thirty (30) foot wide strip of land on their property immediately adjacent to the west

line of the property. Said license shall be revocable at will by Southern, or as otherwise provided in the license agreement, with or without cause, in Southern's sole discretion upon thirty days notice to the two churches.

7.

This Agreement shall not be construed as nor operate as an admission of any nature on the part of any party.

8.

This Agreement is intended as and shall be construed as a full and final settlement of all claims of each party against every other party arising on or before the date hereof. The individual plaintiffs and the Class of Plaintiffs ~~and the Third Party Defendants~~ TWA hereby quitclaim any and all right, title, and interest in and to any property belonging to Mussell with the exception of that parcel of land conveyed pursuant to the terms of this Agreement.

9.

The parties acknowledge that this Settlement Agreement is subject to approval by the Superior Court of Henry County. Should the Court fail or refuse to approve the Agreement, this Agreement shall be null and void in its entirety and shall not be admissible in evidence in any action either as substantive evidence or for purposes of impeachment, nor shall the contents hereof be used, treated or considered as an admission by any party as to any matter contained herein.

IN WITNESS WHEREOF, the parties have hereunto affixed their

hands and seals the date and year first above written.

James B. Franks (SEAL)  
JAMES B. FRANKS

Lonnie K. Mussell (SEAL)  
LONNIE K. MUSSELL

ATTEST:

MUSSELL SERVICES CORPORATION

Lonnie K. Mussell  
SECRETARY

Lonnie K. Mussell (SEAL)  
BY: LONNIE K. MUSSELL  
PRESIDENT

ATTEST:

NORFOLK SOUTHERN RAILWAY COMPANY

Debra M. Martin  
Assistant SECRETARY

Thos. W. Hill (SEAL)  
BY: Attorney

J. W. Lemon (SEAL)  
J. W. LEMON

Willie D. Lemon (SEAL)  
WILLIE D. LEMON

STATE OF GEORGIA

HENRY COUNTY

SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT, entered into this 28th day of January, 1991, by and between JAMES B. FRANKS, Individually and as representative of the Class of Plaintiffs in the Civil Action pending in Henry Superior Court known as Franks v. Mussell et al. Civil Action No. 86-CV-0186 (hereinafter referred to as "Franks"); LONNIE K. MUSSELL and MUSSELL SERVICES CORPORATION (hereinafter collectively referred to as "Mussell");/ <sup>NORFOLK</sup> SOUTHERN RAILWAY COMPANY (hereinafter referred to as "Southern"); and J. W. LEMON and WILLIE D. LEMON (hereinafter collectively referred to as "Lemon");

WHEREAS, the parties hereto are all of the parties to the above-styled civil action; and

WHEREAS, the parties desire to amicably settle said civil action upon the terms stated herein; and

WHEREAS, the parties desire to memorialize by this writing all of the terms of their settlement agreement;

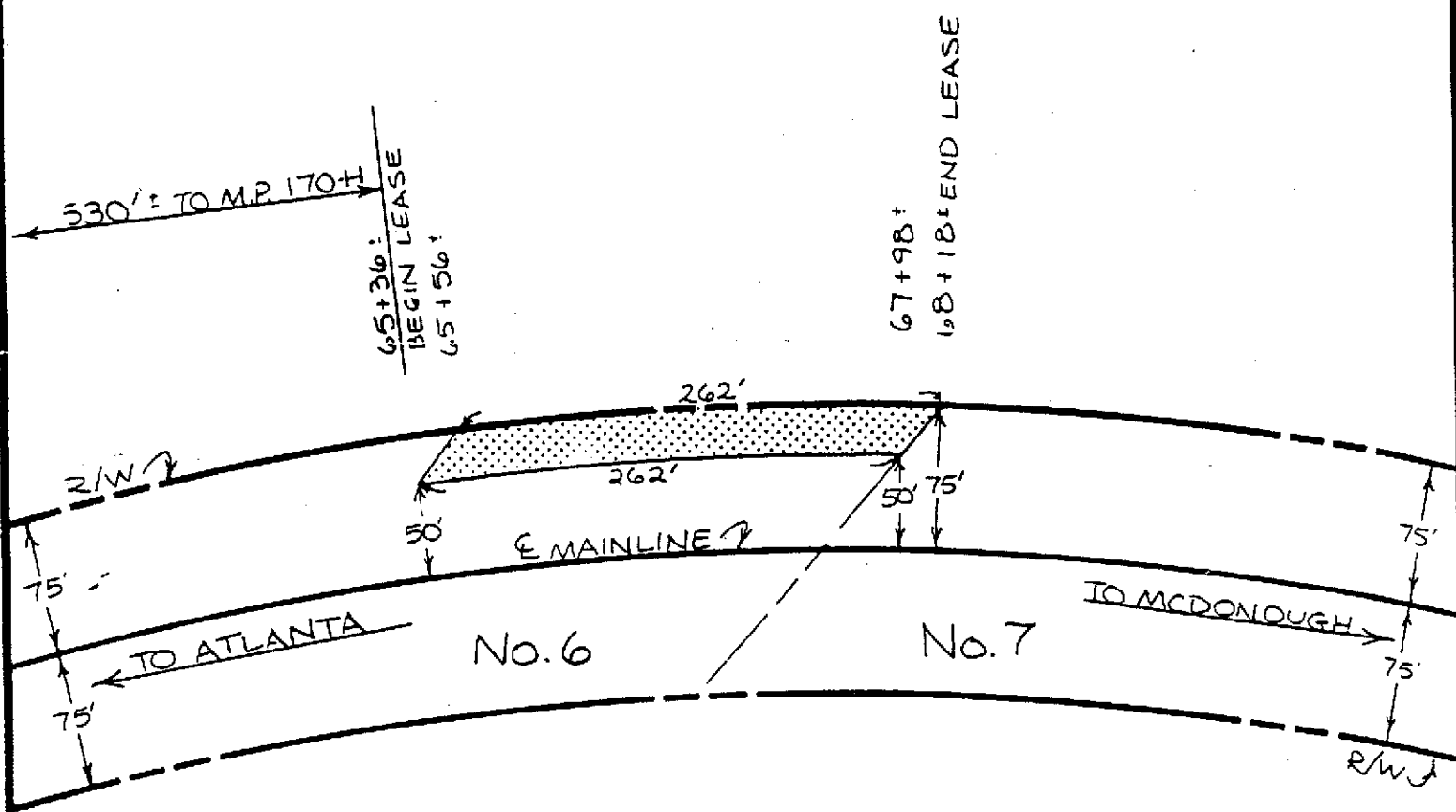
NOW, THEREFORE, in consideration of the premises and mutual covenants, warranties and undertakings herein contained, it is agreed as follows:

1.

Mussell shall execute a quitclaim deed conveying all of their right, title and interest to the property described in Exhibit

Ex B.

HENRY COUNTY, GA

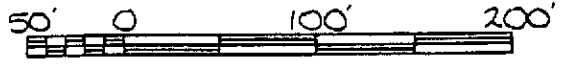


LEGEND:

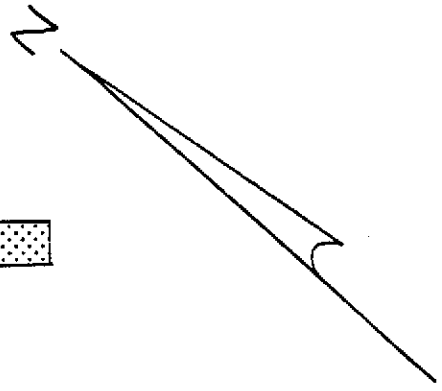
LAND TO BE LEASED SHOWN  
 AREA = 6799.6 ± S.F = 0.16 ± AC.



SCALE: 1" = 100'



DO NOT SCALE THIS DRAWING FOR DIMENSIONS NOT GIVEN



NORFOLK SOUTHERN RY. CO.  
 DIVISION COMPANY  
 GEORGIA DIVISION  
 OFFICE OF CHIEF ENGINEER - DESIGN & CONSTRUCTION ATLANTA, GA.

REV	BY	DATE	DESCRIPTION
LOCATION STOCKBRIDGE, GA			
TITLE LEASE OF LAND TO FLOYD CHAPEL BAPTIST CHURCH AND TRINITY UNITED METHODIST CHURCH			
DGN	VAL	SEC 68	MAP 4
MILE POST 170.1 H			DRAWING NUMBER
DWN	JPS	FILE	109-6453
CHK	ALC	DATE	4-11-91
			TA 910135

July 19, 1991

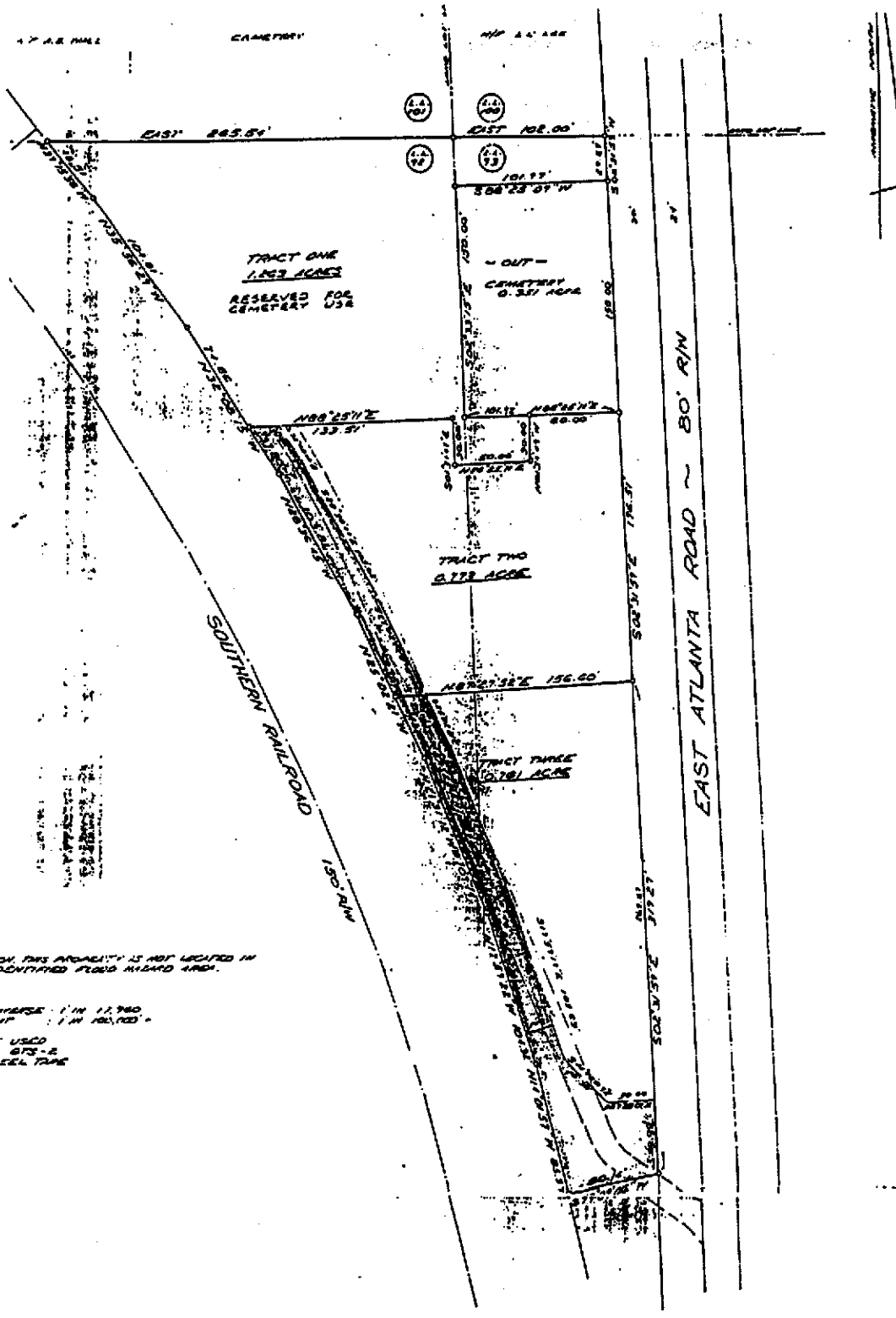
Deacons of Floyd Chapel Baptist  
Church.

Stockbridge, Ga

Jacob Edmond  
George B. Franks  
Harold Franks  
Willie F. Grimes  
Ronnie Franks

Stewards of Trinity United Methodist  
Church - Stockbridge, Ga

Willie G. Goggins  
Johnny B. Watson  
John Mikell  
Howard Smith  
Nazareth Knox Jr.  
Thomas Welch  
William Sagoes  
Mark Harris



NO PART OF THIS PROPERTY IS NOT LOCATED IN A FLOOD PLANNED AREA.

DESIGNS  
FIELD FINISHED 1/11/70  
PLAT 1/11/70

EQUIPMENT USED  
TOPCON GPS-2  
100 STEEL TAPE

SURVEY FOR  
**LONNIE MUSSELL**  
LAND LOTS 781-783 - 10<sup>th</sup> DISTRICT  
HENRY COUNTY, GEORGIA

FEBRUARY 18, 1970 SCALE 1"=50'

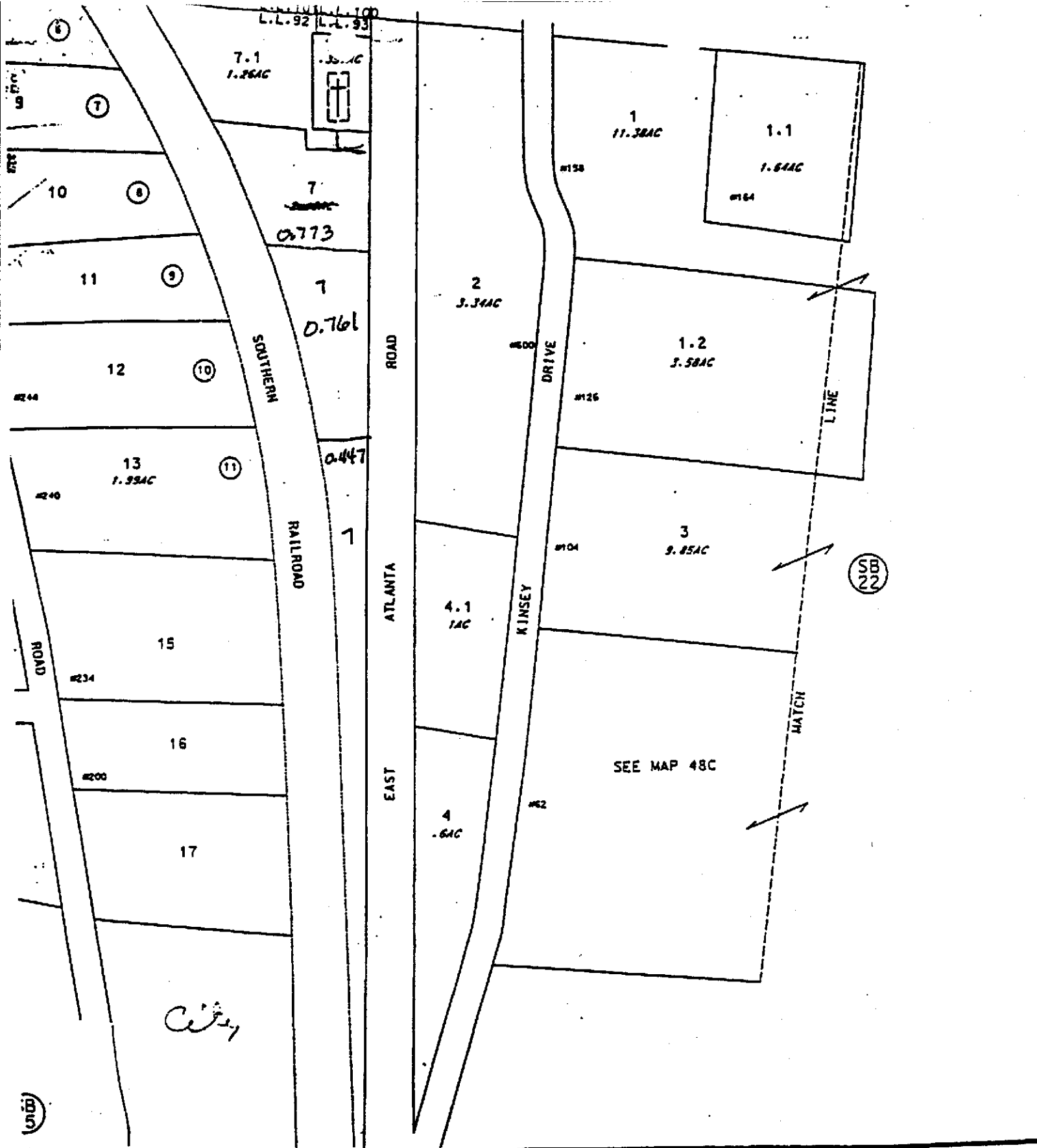
MADE BY  
**ALVIN E. VAUGHN & ASSOC., INC.**

REGISTERED SURVEYORS  
NO. 1521 70.2  
3700 WOODRIDGE, DECATUR, GEORGIA

I certify to the above named party  
in my opinion, this plat is a correct  
demonstration of the land stated and  
has been prepared in conformity with  
the minimum standards and require-  
ments of the law.

*Alvin E. Vaughn*  
ALVIN E. VAUGHN





FOR ASSESSMENT VALUATION PURPOSES OR		
TAX VALUATION MAP	REVISION DATE	SHEET
HENRY COUNTY GEORGIA	2/2/20	SB
DATE:	BY: G.P.S.	



**Rezoning Evaluation Report**  
**Henry County – Municipal Planning Commission**

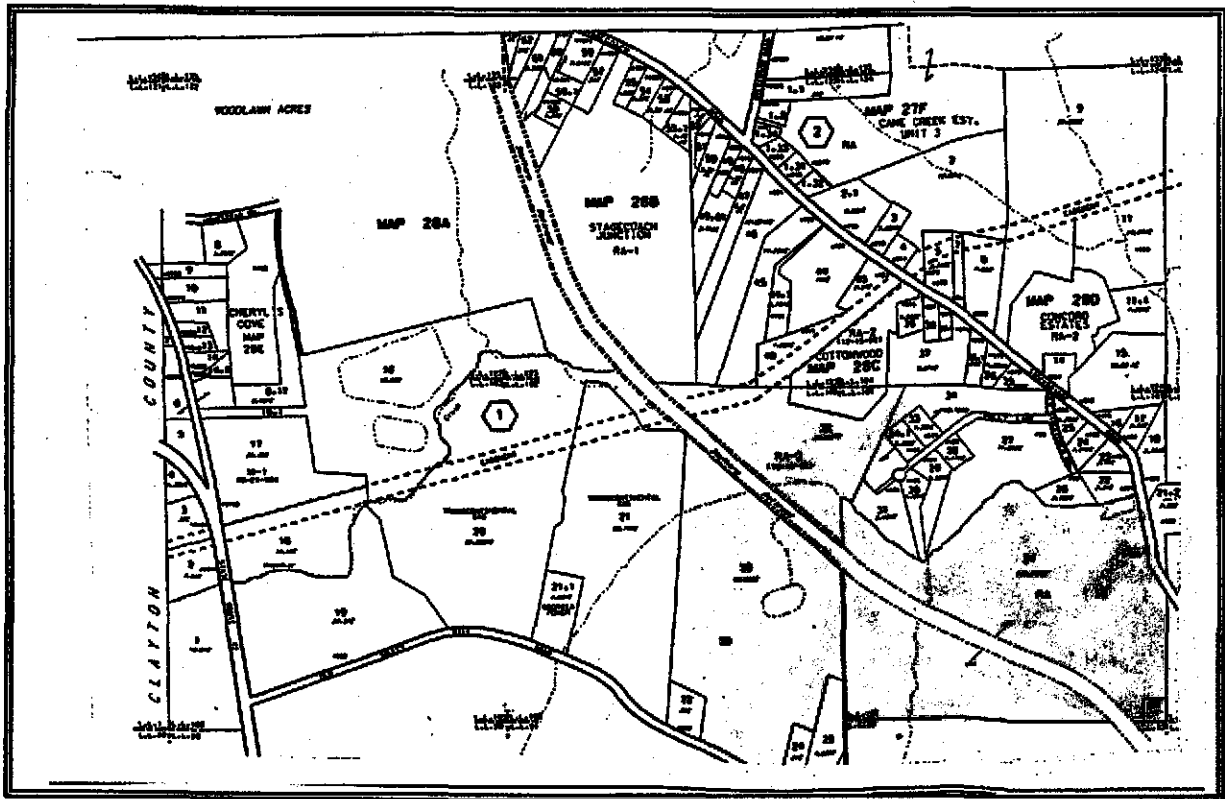
**Henry County Planning & Development**

**RZ-01-26**

**Commission District:** City of Stockbridge

**Planning Board Member:** Ray McDonald (770-474-8654)

**Applicant:** China State / Greg Noble / Ed Whiddon  
175 Corporate Drive  
Stockbridge, GA 30281  
(770-474-2733)



**Location:** The property is located in Land Lot (s) 91, 101, 102 of the 12<sup>th</sup> District, on Stagecoach Road just off East Atlanta and landlocked parcel off Valley Hill Road.

**Request:** Rezoning from R-A (Residential-Agricultural) to PTD (Planned Town Development)

**Proposed Use/  
Purpose:** Single-Family Residential Subdivision; Multi-family and Retail Commercial Development

**P&Z Meeting:** June 7, 2001: Tabled by Planning Commission  
July 12, 2001 Planning Commission Denied the Request

**City Council Meeting:** August 13, 2001

**Lot Size:** The property consist of 149.47 +/- acres

**Road Access:** Stagecoach and Valley Hill Roads

**Public Facilities:**

Water and Wastewater Treatment: Letter submitted by the City of Stockbridge indicates that water and sewer will be made available to the development by the City.

Transportation: There are no traffic counts recorded for Stagecoach or Valley Hill Roads, under the current land use plan they are classified as collector streets. With the addition of this development, there is a potential for increase in traffic volumes on two roadway systems. Stagecoach and Valley Hill Roads on the draft future land use plan will be classified as a major arterial when the plan is officially adopted.

**Zoning History:**

The property is zoned R-A (Residential-Agriculture) and no rezoning has taken place according to file records. Herein lies zoning for adjacent properties:

- North – RA (Residential Agricultural)
- South – RA (Residential-Agricultural)
- West – RA (Residential-Agricultural)
- East – RA (Residential-Agricultural) /M-1(light Industrial)

**Development Regulations Affected by Request:**

All standards and regulations that fall under PTD (Planned Town Development) Zoning Districts *City of Stockbridge Ordinance, Chapter 8.36*, with regards given to all other ordinances governing site development.

**Comments:**

Staff has evaluated the applicant's request with strong consideration given to the PTD requirements.

There are several general requirements of the PTD district that need to be addressed.

Residential uses may be single-family, detached and cluster homes, and include Traditional Neighborhood Development (TND) and the Conventional Development (CD) types. The applicant proposes a CD development (Pod C) and a Multi-family Development (Pod B). The ordinance allows for various net land area adjustments and density bonuses to achieve the maximum density of four (4) dwelling units per net acre. However, multi-family development is not an option to increase density and is not a permitted use in a PTD zoning.

The Ordinance requires that all PTD developments are to be located along a major arterial road. East Atlanta Road is classified as a major arterial road and is one of three entrances into the development. However, the Southern Railroad passes through the property, creating a vehicular barrier and eliminating connection between Development Pods A & B (the northern portions of the project) from Pod C (the southern portion of the project). The sole access to Pod C, the single-family residential portion of the development, is proposed off of Valley Hill Road. Valley Hill Road is presently classified as a collector road and therefore does not meet the criteria for a Planned Town Development. The draft land use plan before the Board of Commissioners proposes a reclassification of Valley Hill Road from a collector to major arterials status.

There are 285 home sites and only one entrance proposed into Pod C. This limited access could pose transportation and access issues and therefore the addition of a second entrance to the development, if design and engineering is feasible, is recommended to increase the safety and welfare of the future homeowners.

As part of the PTD requirements, the applicant submitted a Written Report that contains information concerning elements of the Master Plan. It is important to note a few discrepancies between the Written Report and the Master Plan.

The Report proposes dedication of a 31.0-acre nature sanctuary to the City of Stockbridge (see item #5, Applicants Written PTD Report). This is a commendable act, however this acreage cannot be a factor in calculating acreages or densities of the overall development.

The Report includes tables showing acreages, percentages and densities (see items #11-12, Applicants Written PTD Report). These numbers do not match the information depicted on the Master Plan and it is unclear whether the numbers are gross or net calculations.

The Report describes the proposed pedestrian access and circulation throughout the project (see item #15, Applicants Written PTD Report). The Report proposes a pedestrian trail that crosses under the existing railroad right-of-way linking the northern portion of the project with the southern portion. However, this connection is not shown on the Master Plan. It should be noted that gaining railroad right-of-way is a very difficult task but such a pedestrian linkage would be a great asset to the development.

Included with the Report are two Tables, #1 & 2, that detail the amenity and recreational facilities that are required and proposed for the development. Developments the size of this proposal are required to include various recreational elements that total a minimum of 60 points (see Table #1, Applicants Written PTD Report). The applicants point total of 162.76 far exceeds the required amount, however the amenity types proposed do not match the Master Plan and a few of the required amenity types are not included in the Table (see Table #2, Applicants Written PTD Report).

**Analysis of Request (Sec. 3-7-313):**

*The possible effects of the change in the regulations or map on the character of a zoning district, a particular piece of property, neighborhood, a particular area, or the community. Criteria points 1&2.*

The residential component of the request should not have adverse effect on the character of the zoning district. To minimize any potential adverse effects, a forty-foot (40') foot undisturbed buffer should be instituted along property lines that are adjacent to existing residential properties. With additional residential dwelling units, traffic volumes will increase which could affect the surrounding community.

**Consistency with the land use plan. Criteria point 3.**

A PTD zoning is defined as a mixed-use development that provides flexibility in the application of development standards and site design when approved according to a master development plan. A PTD is not addressed as a specific use in the land use plan, however the elements that comprise a PTD are required to meet specific requirements that conform to the land use plan.

This proposed development is not in compliance with the land use plan due to the classification of the roadway system (Valley Hill Road and Stagecoach Road) as a collector and not a major arterial.

*The impact of the proposed development on infrastructure, water, sewer, adjacent thoroughfares, pedestrian and vehicular circulation and traffic volumes. Criteria points 4 & 5.*

According to the a letter submitted by the City of Stockbridge, water and sewer will be made available to the site via the city's system. Currently the county has no traffic counts for Stagecoach Road. The roadway system could be impacted by the increased vehicular traffic from the development of residential and commercial uses on the site. The conceptual plan does illustrate the use of walking trails and sidewalks throughout the development.

*The impact upon adjacent property owners. Criteria point 6.*

The impact upon adjacent property owners could be significant, especially from a transportation standpoint. Other potential impacts could also be decreased by instituting a forty foot (40') undisturbed buffer along all adjacent property abutting the development.

*Can it be developed for what it is currently zoned. Criteria point 7.*

Yes, the property can be developed under its current zoning classification RA (Residential Agricultural).

*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 land is capable of being developed as proposed. Staff visited the site and noticed areas of exposed granite rock, a stream and wetlands that which could pose some limitations to developing the site in its entirety.

*The merits of the request. Criteria point 9.*

Staff has reviewed the merits of this request and finds objections to this site being developed as proposed, due to its non-conformance with the PTD (Planned Town Development) regulations and due to discrepancies between the master plan and the report submitted by the applicant.

**Recommendation:**

Staff recommends **Denial** of the request of China State, Greg Noble and Ed Whiddon to rezone the property along Stagecoach Road from RA (Residential-Agricultural) to PTD (Planned Town Development), because the request does not comply with the PTD requirements.

**Attachments:**

- Zoning Applications (2)
- Campaign Disclosure Forms (2)
- Letter of Intent
- Letters of Ownership (3)
- Letter from the City of Stockbridge concerning Water and Sewer
- Preliminary Site Plan
- Constitutional Challenge
- PTD report from Applicant

Henry County Planning & Development Petition for  
Rezoning, Conditional Use, Variance and other  
Board of Commissioners or City Appeals

Name: Greg Nobles / Ed Whiddon Date: 03/09/01 Phone: 770/474-2733  
Address: 175 Corporate Center Dr. Pgr/Cell: 404-791-6709  
City: Stockbridge State: GA Zip: 30281 Fax: 770-474-2449

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: \_\_\_\_\_

Appeal Administrative \_\_\_\_\_ Non Conforming Use; Extension or Enlargement \_\_\_\_\_

Total Amount Paid \$ \_\_\_\_\_ Cash \_\_\_\_\_ Check# \_\_\_\_\_ Received By: \_\_\_\_\_

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

For the Purpose of Planned Unit Development PTD  
(Type of Development)

Location (Attach Plat) Fronts Stagecoach and also has landlocked parcel off Valley Hill Road  
(Street Address, if Applicable, Nearest Intersection, Etc.)

Size of Tract: 1179.68 acre(s) Land Lot(s): 101 District(s): 12  
110.642

Witness: Greg Nobles

Signature of Owner: Edward H Whiddon

Agent: Jennifer Lynn Nobles

Signature of Agent



(For Office Use Only)

Received by: \_\_\_\_\_  
Pre-application meeting: \_\_\_\_\_ Date: \_\_\_\_\_

Application checked By: \_\_\_\_\_ Date: \_\_\_\_\_

Map#(s): \_\_\_\_\_

Recommendation of Planning Commission: \_\_\_\_\_

BOC Decision: \_\_\_\_\_

Planning Director's Signature: \_\_\_\_\_ Date: \_\_\_\_\_





Planning & Development Petition for  
Rezoning-Conditional Use-Variance and other  
Board of Commissioner or City Appeals

Name: China State Construction & Engineering Date: \_\_\_\_\_ Phone: 212-488-8964  
Address: 1 World Trade Center Ste #3861 Pgr/Cell: \_\_\_\_\_  
City: New York State: N.Y. Zip: 10048 Fax: \_\_\_\_\_

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:  Variance: \_\_\_\_\_ Conditional Exception: \_\_\_\_\_  
Appeal Administrative \_\_\_\_\_ Non Conforming Use; Extension or Enlargement \_\_\_\_\_

Total Amount Paid \$ \_\_\_\_\_ Cash \_\_\_\_\_ Check# \_\_\_\_\_ Received By: \_\_\_\_\_

Zoning Request from RA (Present zoning) to P.T.D (Proposed zoning)

For the Purpose of Residential Subdivision (Type of Development - include Site Plan)

Location (Attach Plat) Valley Hill Road, Stockbridge (Street Address, if Applicable, Nearest Intersection, Etc.)

Size of Tract: 68 acre(s) Land Lot(s): 91 & 102 District(s): 12th

William L. Davis  
Witness

China State Construction & Engineering  
Signature of Owner

Melissa Graham  
Notary My Commission Expires June 13, 2007

By: Victor Meng, President  
Signature of Agent

(For Office Use Only)

Received by: \_\_\_\_\_

Pre-application meeting: \_\_\_\_\_ Date: \_\_\_\_\_

Application checked By: \_\_\_\_\_ Date: \_\_\_\_\_

Map#(s): \_\_\_\_\_

Recommendation of Planning Commission:

BOC Decision: \_\_\_\_\_

Planning Director's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# Applicant Campaign Disclosure Form<sup>1</sup>

Has the applicant<sup>2</sup> 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 which will be considered as the required disclosure:

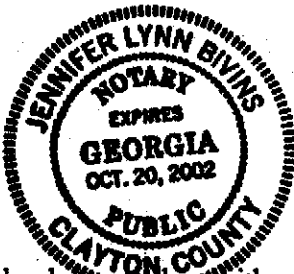
Commissioner/Planning Commission Member Name	Dollar amount of Campaign Contribution	Description of Gift \$250 or greater given to Board Member

We certify that the foregoing information is true and correct, this 21<sup>st</sup> day of February, 2001.

Edward H. Whiddon  
Applicant

\_\_\_\_\_  
Applicant's Attorney, if applicable

Sworn to and subscribed before me this 21<sup>st</sup> day of February, 2001.



Jennifer J. Bivins  
Notary Public

<sup>1</sup>Copy to be filed with planning & development along with a copy of the zoning application

<sup>2</sup>Applicant means any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association, or trust) applying for rezoning or other action.

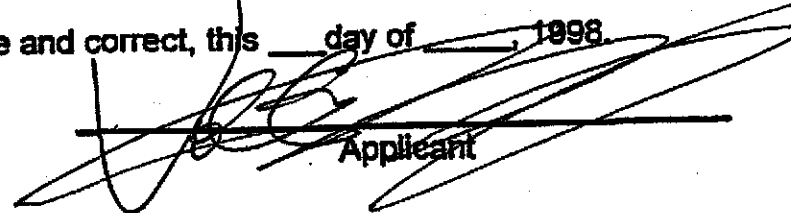
## Applicant Campaign Disclosure Form<sup>1</sup>

Has the applicant<sup>2</sup> 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   x  

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 which 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

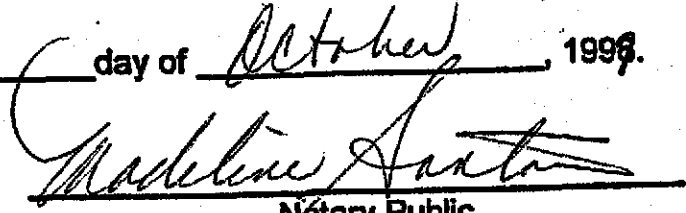
We certify that the foregoing information is true and correct, this        day of       , 1998.

  
 \_\_\_\_\_  
 Applicant

\_\_\_\_\_  
 Applicant's Attorney, if applicable

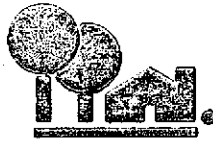
Sworn to and subscribed before me this   5   day of   October  , 1998.

**MADLINE SANTANA**  
 Notary Public, State of New York  
 No. 41-4944789  
 Qualified in Queens County  
 Commission Expires November 29, 2000

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

<sup>1</sup>Copy to be filed with planning & development along with a copy of the zoning application

<sup>2</sup>Applicant means any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association, or trust) applying for rezoning or other action.



Mr. Incent

**Metro Brokers**  
Better Homes and Gardens®

March 1, 2001

To: Henry County Planning and Zoning Department

It is the purpose of this application to rezone the two parcels fronting Valley Hill Road and Stagecoach Road to a Planned Township Development with Coventional Development. There will be three Pods displayed on the conceptual plat.


- Pod A - 20.29 Acres Commercial
- Pod B - 50.73 Acres Multi-Family
- Pod C- 108.45 Acres Single Family

There will be an entrance off Valley Hill Road and Stagecoach Road near the intersection of East Atlanta Road.

This property is inside the City Limits of Stockbridge and the developer will be responsible for a sewer line extension to service this tract.

Thank you for your consideration of this application. If you have any questions, please call me at 770-474-2733.

Thank you,

  
Greg Nobles



1215 Eagles Landing Pkwy. • Suite 101 • Stockbridge, GA 30281  
Telephone: (404) 843-2500 Fax: (770) 506-2306  
<http://metrobrokers.com>

**Real Estate, Financial, Insurance Services**

June 14, 2001

Attention: Planning and Zoning Commission

In reference to the application being filed by China State Construction and Engineering Corp. and Ed Whiddon , it is agreed by both parties that the applications can be filed as one. This project is a joint venture between both property owners.

If you have any questions please call Greg Nobles at 770-474-2733.

Sincerely,



Ed Whiddon



China State Construction and Engineering Corp.

February 16, 2001

To: Henry County Planning & Zoning

This letter is to confirm that I own the property located at Valley Hill and Stagecoach Road as shown on the attached application. I authorize Greg Nobles to submit this application on my behalf.

Thank you,

A handwritten signature in black ink, appearing to read "Ed Whiddon", written in a cursive style.

Ed Whiddon

678 479 7474



*Metro Brokers*  
Better Homes and Gardens®

February 20, 2001

To: Henry County Planning & Zoning

This letter is to confirm that we own the 68 acres of property located at Valley Hill Road. I authorize Greg Nobles to submit the zoning application on our behalf.

Thank you,

  
Victor Meng  
China State Construction and Engineering



1215 Eagles Landing Pkwy. • Suite 101 • Stockbridge, GA 30281  
Telephone: (404) 843-2500 Fax: (770) 506-2306  
<http://metrobroskers.com>

*Real Estate, Financial, Insurance Services*





# City of Stockbridge

4545 North Henry Boulevard • Stockbridge, Georgia 30281  
Phone: (770) 389-7900 • Fax: (770) 389-7912

**MAYOR**

*R. G. Kelley*

February 23, 2001

**COUNCIL MEMBERS**

*Harold Cochran*

*Fred Evans*

*W. A. Gardner*

*Ronnie Simmons*

*Fletcher Turner, Jr.*

Re: Water/Sewer-Land Lot 101 & 102, 12<sup>th</sup> District

**CITY MANAGER**

*Ted Strickland*

To Whom It May Concern,

**CITY CLERK**

*Merle Manders*

The City of Stockbridge will provide water and sewer for the project that Gregg Nobles is proposing on Land Lot 101 and 102 of 12<sup>th</sup> District. The main entrance will be off Valley Hill Road next to the gas plant. The commercial area will front at the corner of Stagecoach and East Atlanta Road.

Ted Strickland  
City Manger

**received**  
8-13-01**DILLARD & GALLOWAY, LLC**

ATTORNEYS AT LAW

1500 MONARCH PLAZA  
3414 PEACHTREE ROAD, N.E.  
ATLANTA, GEORGIA  
30326

G. DOUGLAS DILLARD

TELEPHONE  
(404) 965-3880  
FACSIMILE  
(404) 965-3870Direct Dial Number:  
(404) 965-3682

August 13, 2001

**Via Facsimile and Hand Delivery**Mr. Ted Strickland  
City Manager, City of Stockbridge  
4545 N. Henry Boulevard  
Stockbridge, GA 30281Re: Application by China State Construction, Greg Nobles and Ed Whiddon to Rezone  
Property at Stagecoach Road and Valley Hill Road, Stockbridge, Henry County,  
Georgia; Application No. RZ-01-26

Dear Ted:

Please find enclosed a revised Constitutional Challenge with respect to the above-captioned  
matter which is scheduled to go before the Stockbridge City Council tonight.

Please call me should you have any questions or need anything further in this regard.

Very truly yours,

DILLARD &amp; GALLOWAY, LLC



G. Douglas Dillard

GDD/drd  
Enclosure

cc: A. J. Buddy Welch, Esq. (w/encl.)

## CONSTITUTIONAL CHALLENGE

The portions of the City of Stockbridge Zoning Ordinance as applied to the Property which classify or may classify the Property into the R-A zoning district or to any category other than the requested PTD category 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 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 the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.


The application of the City of Stockbridge Zoning Ordinance to the Property which restricts its use to any category other than the PTD category as requested 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 and capricious act by the City of Stockbridge City Council without any rational basis therefore, constituting an abuse of discretion in violation of 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 the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the City of Stockbridge City Council to amend the Zoning Map to designate the Property to the PTD category as proposed 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 change in the City of Stockbridge Zoning Map's designation of the Property subjecting it 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 Property to an unconstitutional category and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

Accordingly, your Applicant respectfully requests that this Application be granted and that the Property be designated to the PTD category on the City of Stockbridge Zoning Map.

DILLARD & GALLOWAY, LLC

By:   
G. Douglas Dillard

1500 Monarch Plaza  
3414 Peachtree Road, N.E.  
Atlanta, Georgia 30326  
404/965-3682

95113

7912

**PUBLIC HEARING NOTICE**  
**Stockbridge City Council**

**Date:** Monday, August 13, 2001  
**Location:** Stockbridge City Hall,  
4545 North Henry Boulevard, Stockbridge, GA 30281  
**Public Hearing:** 6:00 P.M.

**REZONING:**

**RZ-01-26**

China State Construction, Greg Nobles and Ed Whiddon of Stockbridge, GA request rezoning from RA (residential-agricultural) to PTD (Planned Township Development) for property located in Land Lot(s) 91, 101 & 102 of the 12<sup>th</sup> District, located at Stagecoach Road and Valley Hill Road. The property contains approximately 149.47+/- acres and the request is for a single-family subdivision and Retail Commercial.

**RZ-01-30**

Randy Gibby of Gibby and Brinson Development Company of Stockbridge, Georgia requests rezoning from R-3 (Single-Family Residential) and C-1 (Light Commercial) to C-2 (Neighborhood Commercial) and C-3 (Heavy Commercial) for property located in Land Lot(s) 62 of the 12<sup>th</sup> District, located on the Highway 42 west of Neal Avenue. The property contains approximately 3.61 acres and the request is for office, retail, and warehouse development.

Please run a Legal ad in the *The Record* on Thursday, July 26, 2001.

Edited/Approved by: [Signature]

Delivered by: Dennis Halliday Date: 7/26/01

Received at *The Record* by: \_\_\_\_\_ Legal AD: \_\_\_\_\_

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

Please Bill: 0130 - Community Development Department

or the County Commissioners to put a sidewalk along the Hampton-locust Grove Road to Luella Middle School or Luella High School period.”

Victor Ellis: “I think that one hundred and forty-five (145) new residences in this new subdivision could be a positive force in getting those sidewalks done.”

Chairman Grizzell: “They want do it for the other one hundred and forty-five (145) homes that are already on the other side of the road. Let’s be realistic here. We are talking about three years and a school already being down there and a high school that isn’t even being built yet. So we are going to walk those kids to that sidewalk and drop them off on the end of that sidewalk and make them walk on the grass to get to that school.”

Victor Ellis: “If that is the case and there are no sidewalks, then maybe we can come up with some sort of solution.”

Chairman Grizzell: “We asked at the Concept Review that there be sidewalks put on the interior and no one even addressed that issue. We asked that they be put on the interior property so the children wouldn’t even have to come near the road to get on the school property.”

Victor Ellis: “You mean to access through the fence where it is now. I wasn’t aware of that. If that is something the Board is really interested in, we can take that up.”

Chairman Grizzell: “Is there anything else?”

Thomas Solomon: “Is there anything that has not been worked out that you consider not constitutional?”

Victor Ellis: “Well, Mr. Solomon, I’m not a Supreme Court of Georgia, so that is not for me to say.”

Chairman Grizzell: “Are there any other questions? Is there anyone here tonight in opposition to this request? Are there any other questions?” Seeing none, Chairman Grizzell re-read the item and entertained the motion.

Thomas Solomon moved to approve the request with staff recommendations; Ray McDonald seconded the motion. The vote was three in favor and four to deny the request. Request denied.

Chairman Grizzell: “Are there any other motions at this time? Seeing none we will go on to RZ-01-26.”

**RZ-01-26**

China State Construction, Greg Nobles and Ed Whiddon of Stockbridge, Georgia request rezoning from RA (Residential-Agricultural) to PTD (Planned Township Development) for property located in Land Lot(s) 91, 101 & 102 of the 12<sup>th</sup> District, located at Stagecoach Road and Valley Hill Road. The property contains approximately 149.47± acres and the request is for a single-family subdivision and Retail Commercial. **District 4; City of Stockbridge.**

**Recommendation:**

Staff recommends **Denial** of the request of China State, Greg Noble and Ed Whiddon to rezone the property along Stagecoach Road from RA (Residential-Agricultural) to PTD (Planned Town Development), because the request does not comply with the PTD requirements.

Dale Hall, Director, introduced the item; Frederick Gardiner, Chief Planner, represented staff.

Woody Galloway of Dillard and Galloway represented Greg Nobles and Ed Whiddon.

Woody Galloway: "As you know, this case has been before the Board a couple of times and there was an issue with the advertisement. We are back before you tonight, hopefully with the correct legal advertisement, for a decision by you. This application was originally filed for as two different applications separating the face of the property and the ownership. It is now filed as one application, which is how it was originally intended to be in terms of its' development. It was originally filed as one hundred seventy-nine point five (179.5) acres. We have carved out about thirty (30) acres of land, so now it is one hundred and forty-nine point five (149.5) acres. (Pointing to the site plan on screen.) The green area on the façade here is not an out parcel. It is shown on the site plan for illustrative purposes and is not part of the application. The property is currently zoned as RA (Residential-Agricultural) classification. We seek a rezoning to the PTD classification for residential and commercial development. After talking with staff for future staff analysis, a number of changes were made to the site plan that is before you now. The site has been reduced from one hundred seventy-nine point five (179.5) acres to one hundred and forty-nine point five (149.5) acres. We have reduce the multi-family from one hundred twenty-eight (128) units to sixty eight (68) units, reduced the commercial from one hundred thirty three thousand (133,000) square feet to one hundred and seventeen thousand (117,000) square feet. In the single family portion of the development there are two hundred eight-five (285) lots that are proposed and the houses will sale in the one hundred and twenty-five (125) thousand to one hundred sixty (160) thousand dollar range. There is a boulevard entrance with a street plantings along the front. There are sidewalks on both sides of the street. The amenity area will include a junior Olympic pool, a lake, clubhouse and ninety-three hundred (9,300) linear feet of walking trails. All the disturbed areas will be sodded, not just the front entrance, but front and rear yards as well. The main issue, which was raised in the sound analysis dealt with the issue that was heard before in an earlier cases regarding the classification of the road that provides access to this development not being classified as major arterial. That is currently on the Future Land Use Plan that is under consideration, there is consideration to change that to meet the criteria. It does not meet that criteria presently. We will accept a condition that subjects to any approval that that (the classification of the road) be changed before any development. There are a couple of stub-streets that are adjacent to the property, the applicant did not propose to attach or come into those stub-streets. As relates to the amenity area, a question was raised by staff, we have submitted a chart that shows we greatly exceed the number of credits that are required. Staff points out that all of those are not shown on the site plan, but we fully intend to provide those and to be bound by the combination of the site plan and the chart as submitted. We attended the work session and the issue was raised with regard to the constitutional objection letter that was filed with this case. That is commonly done based on Gayscull verses Holcomb Bridge and in a lot of cases you are obligated to do that, to challenge that. Against my advise, my clients have advised me to withdraw that letter of judgment to clear up that issue so that will not provide an impediment to your consideration tonight. The issue is whether me meet the criteria under the ordinance and your discretion. We would ask that you consider the criteria under the ordinance, whether we

meet that criteria in your determination of to approve or deny this request. I will be glad to answer any questions? Is there a right to rebuttal? I did not hear it at the beginning, after hearing from the opposition is there a right to come back up?"

Chairman Grizzell: "Yes sir."

Ray McDonald: "There are two roads there, will you propose to come off both of them and how many entrances will there be to the whole project?"

Mr. Galloway: "There is an access point to the commercial and multi-family off East Atlanta. There is also proposed access off of Stage Coach Road and the access to the single-family currently shown is Valley Hill Road. As indicated there are a number of stub-streets located in that section. We do not show access to those, but if that is an issue for you, we will certainly be willing to amend the plans to do that."

Ray McDonald: "On Valley Hill Road, how far down from the gas plant will that be?"

Mr. Galloway: "This is Greg Nobles, I will let him address that."

Greg Nobles: "From the gas plant street it is probably a thousand (1000') to fifteen hundred (1500') feet to the gas plant. There is one hundred thirty-five (135) acres owned by the gas company and you can barely see their entrance. Also a critical issue on the two other entryways that we have, High Lane Drive and Old Stage Coach Road come into this property, but they don't connect. Thinking of these people that have been living on High Lane Drive and Old Stage Coach Road for twenty some odd years, that just being neighborly, they probably would not want new houses and new cars and new traffic coming into a subdivision where there had been a dead end for so many years. That is why you don't see that on here, but if it is the Board's request to open those streets, there is no problem in doing that. We would rather it be at your request and not have neighbors mad with us."

Chairman Grizzell: "Any other questions?"

Ray McDonald: "Some of the lots on the Valley Hill side are going to be land locked?"

Greg Nobles: "No sir, in regards to the land lock lot, this triangular shaped portion of the property running back toward the east to East Atlanta Road, that area is currently not land locked. It currently has access from High Lane Drive and from Old Stage Coach Road. There are no cul-de-sacs on those streets. The county has never put in cul-de-sacs there, after all this time; it is stubbed out onto our property in that section. It appears land locked in that section on this drawing because we were not going to address these streets."

Chairman Grizzell: "Any other questions? Is there anyone here tonight who is in favor of this project other than the applicant themselves? Is there anyone here in objection to this? If you will, put your name and address on the tablet being passed around. Please come up and give us your name and address first. I ask you to limit your comments to no more than five minutes please. You will be on the record as a speaker."

Dale Hall: "Mr. Chairman, if I may please? The Board of Commissioners at their last meeting

did pass a resolution that basically stated, and this is a summary, that the applicant is given approximately fifteen minutes for their presentation and the opposition is a one half hour limit and then if need be the applicant has fifteen minutes to speak on the rebuttal of that so both sides have a total of one half hour. So, as many people as there are here tonight, they are limited to the total of thirty minutes of opposition per request. This has been approved by the Board of Commissioners at the last meeting.”

David Wall, 400 Stage Coach Road, Stockbridge, Georgia: “The first issue the retail. Another retail is already within a mile of this area. We could have a couple of thousand signatures if we needed them. We have plenty of retail available in the area. We would have to cross the railroad tracks with a golf cart to get there or get in your car and drive a mile around to get to it. That would defeat the purpose of the planned township. We have plenty of commercial on the west side of 75. This has been an established subdivision for many years of one plus acre homes. We would like it to stay that way. The schools are overcrowded, the road is skinny for a fire truck to get down, there are a lot of public facilities, and the roads are overcrowded. Looking at that map, that is a short road and with the traffic it would be hard getting out. There would have to be some sort of red light or something at Valley Hill. I don’t know about the road expansion. We would like to see it continue as R-1 and be developed without any commercial developments. My grandfather owned it back in the fifties and we had to let it go in settling the estate. Ed Whiddon bought it and I offered to help him develop that into a suitable plan, although I had limited means. To continue on with my thing about contiguous area of annexation. I don’t know about annexations and how they work. I talked to people around there, and no one was contacted about any annexations. Long before the time that it became annexed into the city, we did come up with a section 36-36-21 of the General Assembly Code that says, “nothing in this article shall be construed to authorize annexation of the length of any public right-of-way except to extend such right-of-way join s private property.” I don’t see how they could annex in just the railroad track and the street. Nobody around there that owns property seems to have anything actually annexed into the city except the railroad. It looks like a little flag on top of that SPLOST map and I was going to address the other thing in Stockbridge. Any time they start annexing in and trying to make islands of unincorporated areas.”

Chairman Grizzell: “Please keep the discussion contained to the issue here.”

David Wall: “If it went all around it would become an island. Still, lets just address this one other thing, this being annexed in, we seek to annul this annexation. We are going to check into it before any other areas are annexed. As far as land usage, as far as impact on water tables and other swamp creatures, we have a diverse swamp there that we look after in our own little way. I have talked to several other developers and they say they can make the same amount of profit one, two, three acre lots as they can just trying to cram all these in there. It is one of those things to have someone living next to you. Let’s hear from the rest of them, we are still opposed. Other than the danger of crossing the railroad track, we don’t really have a need for other commercial in there. We have a Super Wal-Mart and Lowes. Publix is going to build within several miles and there will be several smaller stores in with it. The county already has water in there. The ground does perk, but there is a lot of granite there and I understand, Henry County or Stockbridge has drilled ten wells and only three had water. There is an aquifer under the railroad, there are only two aquifers shown on this map and actually there are about four and a portion there that is constantly wet.”

Thomas David Trullinger, 349 Valley Hill Road, Stockbridge, Georgia: "I have lived on Valley Hill since 1961. Mrs. McLendon, across the street has lived there fifty-two (52), fifty-three (53) years. We have quite a large number of retired people, people that have lived in the subdivision quite a while. If Mr. Nobles would really like to be neighborly, he would not build on Valley Hill Road. I feel like it will ruin the neighborhood. To start with, it is a shame that people can't think of nothing but making a dollar bill and not take into consideration other factors of being humane and considerate about who all they are going to make unhappy. We already have a high traffic area. That area is a cut through from I-675 already going down Valley Hill Road going down to East Atlanta Road. There is a lot of traffic. I have grandbabies now and I worry about them now. I can't let them get anywhere close to the street. Another thing will be one entrance, another thing would be the number of children that would be going to the schools, and there will be higher taxes, which are already going up. Mine went up 5 percent this year because of growth in the county. There are some things that money just can't buy. When you have been in a county and you have had a home for forty-seven years and you grew up, seen the county grow, go to war and you come back, it means more than a dollar bill. Some people need to realize there are some things a dollar bill just cannot buy and that is a home and a good neighborhood. As far as I am concerned these builders and these developers and these attorneys should be ashamed of themselves. This is a neighborhood of older people and one day we all get old. If I was a young fellow, you looked after the young people because you will be getting old too. I can't understand why they want to ruin the neighborhood. As far as I am concerned this property should remain residential agricultural. There should be a limit on the amount of land a house will be developed on. T.K. White, quite a few years ago when we moved to this county, designed the property so that most of the houses would be on five acres. Most of the homes up and down Valley Hill are five acres. I do oppose the rezoning of this property. Thank you."

Chairman Grizzell: "Who else?"

Susan Grosvenor, 310 Valley Hill Road, Stockbridge, Georgia: "My main concern is the school system. I do believe the school system, and I do have children who go to Stockbridge Elementary, already has a number trailers. I really don't think it can handle the load of the number of children that will be living in the development. This property, I do believe, is going to be butting up right next to our house. I was just wondering what is the amount of square footage these houses are going to be and if there is going to be a buffer between our property and the development?"

Chairman Grizzell: "Who else? Yes sir."

Alex Grosvenor, 310 Valley Hill Road, Stockbridge, Georgia: "Good evening I'm Alex Grosvenor and I'm Susan's husband. As these other gentlemen have pointed out, it is a very high traffic area and it is nothing but a cut through on Valley Hill Road from East Atlanta to 42. We don't have a red light at Valley Hill, sometimes it take from five to ten minutes just to make your turn, right or left, much less putting in all these homes and adding all the extra traffic. We might as well go ahead and widen the road, add trailers to the school, do away with the wild life and that stuff that is back there in the woods. We have deer, foxes and all kinds of wild life, red birds. Just today my son found an arrow head in the front yard, if that is not something right there to keep a little bit sacred I don't know what is."

Chairman Grizzell: "Thank you. Yes sir."

Andy Alexander, 277 Valley Hill Road, Stockbridge, Georgia: "This is the first time I have ever spoke in public. I have been in the service for the last twenty-five (25) years. I am a Vietnam veteran. I love my community and one of the things that has upset me is the things that are going on in this development. My children were born and raised in Georgia and in the school systems. Some of my concerns are, one of the entrances is off Valley Hill. The speed limit there is 35 miles per hour. Because of the building of 675, I watched the growth over the last sixteen (16) years, that traffic comes up that one mile hill from Liberty Baptist Church sometimes at fifty and sixty miles per hour trying to cut over to East Atlanta Road because they don't want to go over to 138 and go through town because they know it is going to be backed up, even if they get on I-75. That is the creation of building all these homes to the south of Stockbridge and now they annexed all this land without anybody knowing about it, because we are not in the City of Stockbridge on Valley Hill Road. They should be ashamed of that. There is no stop light at 42 as I have mentioned, that means that when I drive to Fort McPherson, I work there now, it takes me as longer to drive to Fort McPherson to get to 675 as it takes to get to Valley Hill. I've seen that change in fifteen (15) years, where did all these cars come from? Now if they build two hundred and eighty-three (283) homes and each home has one (1) to two (2) cars, that is five hundred and sixty-six (566) cars with a potential of two hundred eighty-three (283) to eight hundred and fifty (850) people if there are three (3) to four (4) people per home. I looked at a map the other day on an aerial photo, most of those home are built on one (1) to five (5) to ten (10) acre lots along that property. If the build four (4) to five (5) homes to an acre that is less than one quarter (0.25) acre per house that is being crammed into an area that is being border by railroad tracks that bring chemicals through there. I was on the American Red Cross Disaster Team for Henry County for three years, I was Captain of it, I know what disaster is all about. The entrances to that valley is on a hundred year flood plan, the tornado went through there two years ago and hit in that area. The fire departments and police departments and rescue cannot get down into that valley and help those people the way it is set up. That is some of my concerns. I do appreciate the way that you people are conducting this meeting and the presentation by the developer was done very well, but I live in this community and I expect my daughter to come back to it after college and I have concerns about the elderly and the effects on our community. Thank you very much."

Chairman Grizzell: "Anybody else?"

Christy Conner, 56 Meys Road, Stockbridge, Georgia: "I am opposed to this development. I understand that they have a right to develop their land. I am opposed to the kind of development that it is. Some of the concerns that I have, have to do with the gas lines. I don't hear anybody discussing what could possibly happen if one of those lines were to blow. I am also concerned about water pressure in the area and elevation in that spot. There have been problems in the past and I have questions about it. Has anybody discussed any of those issues? There have been a lot of conditions discussed and as I remember, there is nothing in the local ordinance that forces the developers to adhere to those conditions, has that been changed? When you guys impose conditions is there anything that makes them stick to those conditions? Those are things that I want to have answered before you approve this. If you just denied Richard Krebbs' subdivision because the road was not a main arterial road, which was required by the zoning, I don't see how you can pass this."

Chairman Grizzell: "Yes sir."

Raymond King, 112 Valley Hill Drive, Stockbridge, Georgia: "Talking about the school buses, the subject you brought up. In the morning, school buses trying to go up Valley Hill and there is a curve right there, the school buses have to come almost to a stop right there because everybody is coming down the hill so fast. I think the Henry County police said there have been probably forty something accidents so far in the last year at Valley Hill and 42. I've seen this summer; three cars go off the curve there because the road is so crooked. With the extra traffic in there it will be a nightmare. You can drive from Atlanta to 675 faster than you can from 675 to Valley Hill Road. Regarding the school buses, as narrow as that road is, it is an accident waiting to happen. I hope you seriously consider turning this zoning application down. Thank you."

Chairman Grizzell: "Anyone else? Yes mam."

Leanna S. Bankston, 377 Valley Hill Road, Stockbridge, Georgia: "I wasn't going to say anything to begin with, but I have two concerns. One is the traffic, my concern is, if you deny the zoning, it is already annexed into the City. That would involve City property and County road. Can there be any agreement between the two to get the road changed? My second concern is the school. I don't have any children, I can't have any children, but all our tax money goes to schools, the need for upgrading the schools and the education. I want to see my money go to work, but I'm not benefiting from it. Thank you very much."

Chairman Grizzell: "Is there anyone else, quickly. This will be the last one."

Harvey Reagan, 386 Valley hill Road, Stockbridge, Georgia: "My property joins the planned development. My concerns are the density, too small of lots, and too small of houses. The roads, I don't think are wide enough to allow emergency craft to answer a call if a car is parked in front of a house. The rock is a concern. There is a lot of granite on our property and the sewer and utilities will be quite a job to put in there. Thank you."

Chairman Grizzell: "Thank you. Yes sir."

Lawrence G. Booth, 332 Valley Hill Road, Stockbridge, Georgia: "I pretty much agree with all I have heard. One thing that hasn't been covered, and I don't think the developers addressed this, is the decibel level of noise from the railroad tracks. My property is at the very end of the cul-de-sac type of driveway and it is probably about forty (40) feet from the property line. About four (4) years ago all the trees were harvested from the property, they cut hardwoods and pines. Prior to that I really had never noticed the railroad tracks or the train noise unless the wind was blowing in our direction. Now we notice the noise seven (7) days a week every time the train runs. We talked about a buffer zone, but really there are no trees on the site left. There are mostly saplings and underbrush. If they were to come in and develop that every bit would be wiped out entirely and the noise level would be even greater. There is nothing they can do short of building a fifty (50) foot wall along the railroad tracks that would help much with the noise from the railroad. That is another reason for not approving this. Thank you."

Chairman Grizzell: "I believe there was one more hand I missed, who was it? I see two, those will be the last two. You sir and then the lady."

Lauton D. Wimberly, 840 Stagecoach Road, Stockbridge, Georgia: "I know it has already been mentioned tonight, but by the County's own admission in the local paper, both the Atlanta Journal Constitution and the Henry County Paper, by 2003/2004 Fulton County will be building a new reservoir, so we are talking about adding another three to four thousand people. I get to water four hours a week on either Saturday or Sunday morning. Another thing, I don't have any children in Henry County schools any more but I do have grandchildren. I have grandchildren that live in the area that this developer is going to build in. I personally counted thirty-five trailers between the two schools that within three miles of this place. We don't have enough teachers in Henry County. We don't have enough teachers; we don't have enough classrooms, who is going to pay for the classrooms? Think of how many children are going to be living in those apartments and house. I figured it up and that will be about forty to fifty more trailers and teachers and buses. Just like the gentlemen said earlier, his taxes had gone up 25 percent. That is all I had to say."

Chairman Grizzell: "Yes mam."

Debbie Long, 400 Stagecoach Road, Stockbridge, Georgia: "I'm a little concerned. I am a mother, and I have children. I am concerned about heavy commercial streets; there will be heavy traffic if they annexed it into the City. I don't know what kind of commercial they are talking about, are they talking about alcohol being sold over there? I have children and I have to be concerned about all of this. That issue concerns me greatly because it is just across the street. I am a teacher for Henry County and I am greatly concerned about the children, about the schools being overcrowded. When you talk about the children, it touches me personally. I hope you don't listen to the developers."

Mr. Greer: "I want to address something one of the speakers made a comment on a while ago. Christy, you are right, I do remember you well because I had to correct you one night after being here about an article you wrote here tonight. You and I settled it that night. You made a comment tonight that was incorrect. I want to make sure that everyone who is in the audience understands, because it is really more important for you than it is for us. You said 'If you guys pass this....' We don't pass any thing. Did everybody hear that? We don't pass anything. This Board is a recommending body only to unincorporated Henry County. We are a recommending body to three cities, the city of Stockbridge, the City of Locus Grove and the City of Hampton. Any issues that are in their jurisdiction, they have the final say whether it passes it or not. We are strictly a recommending body. Too many people that live in this county do not understand it. Whether we say yah or whether we say nah is not final. How many of you people who are here in opposition to this request are citizens of incorporated Stockbridge, Georgia, you are a resident of Stockbridge you live within the city limits of Stockbridge, Georgia? Nobody? I thought you said you were annexed in? Here's the problem. His property is inside the City of Stockbridge, so no matter what this body recommends, the City of Stockbridge is going to have final say. Now, I'm going to say this and then I'm going to shut up. Henry County does not have in all it's ordinances does not have an ordinance for a PTD only a PD. Only the City of Stockbridge currently has that. We hear this simply because they are one of the three cities that belong to the county municipal planning and they take advantage of our staff and so forth. I don't mean that in a negative way. This proposal is in violation of the City of Stockbridge's own ordinance. I don't know what this Board is going to do tonight, but I can tell you this, whatever happens, whether they pass it or deny it, it is going to happen in the City of Stockbridge. It doesn't matter if you are happy or unhappy when you leave here tonight, it aint true folks, and you need to go to

Stockbridge. I just want to set the record straight about what our role is and I hope I have done a reasonably good job of doing that.” (Applause from the audience.)

Chairman Grizzell: “At this time I will ask the representative for the applicant back up.”

Greg Noble: “I would like to go over the area for justification. I would like to address concerns about some of the questions up in this area (pointing to site plan). I know there are some people who live on Valley Hill Road and their concerns have been brought up many times here tonight. Along this section of Valley Hill Road (pointing to site plan) you do have some homes on one plus acre lots. We can't deny that. Those are home that were appropriate back in the time they were built for that size lot. Just behind those homes however, you will see a lot of heavy congested are over here. If you go to the back of the lot on the south side of Valley hill Road there are, I believe, three mobile home parks, there is a section of duplexes, and numerous neighborhoods along in there that fall into the city of Stockbridge. Also along in here as you cross this area you will see some other high density neighborhoods, you will also see this is the exception here is a mobile home park. There is a lot of mixture of various uses of high density residential. Over here in this green area you have Mid-State drainage, which has outside storage of corrugated pipe that everybody passes as they are gong to play ball at the park right behind it. That is industrial use that falls in with the use Stockbridge has in there. All along the railroad track you have mixed use of commercial and industrial, such as Stockbridge Iron that I am familiar with. Houses are actually across the street from it. Most of that is on Stagecaoch Road. Coming back toward highway 42, the Transcontinental, Transco has purchased extra property as a buffer. Before these people actually purchase this property I went to Transco to see if they wanted to purchase any of the property and they said they did not need to purchase any extra buffer. They weren't interested and did not feel it was necessary for the safety of their operation to add additional land to it while it was available. This site is very heavily wooded. There has been a site, a thirty-nine acre portion of the residential side that has been timbered. That was done prior to us getting involved with this project or we would have recommended against that. We are proposing to leave a hundred (100) foot buffer that you will see on this plat here that will be heavily treed along this area that will be up against the railroad track. Part of that front edge of that buffer will be along the walking track, so there will be an area for people to walk and enjoy nature. We also have a section back in this area, this actually shows a cul-de-sac, which will not be there, it is a flood plan so it want be developed. It is an eighteen (18) acre parcel of un-developable property. Over in this section we have a thirty-one/thirty-two acre section that will be a nature sanctuary, so there will be a place for the deer and other wildlife to go to. There will be a total there of about forty-five or fifty acres of natural area of undeveloped land. That is one of the reasons why we chose the PTD zoning so we could allow that to be green space and using this an a amenities area.”

Woody Galloway: “There are a number of other issues that were raised. First to the wetlands issue, as Greg related to you there are some wetland areas and they will be delineated during the development stage and of course we will work with the wetlands that exist on the property. As relates to the schools, unfortunately that is an issue that we are facing throughout the Atlanta area. Whenever you have a metropolitan region that has grown as rapidly as we have, you are going to have kids trailers, mine have been in trailers for years. That is certainly an issue that every one faces. It is not a zoning issue, it is an issue with the Board of Education and unfortunately the Board of Education presently does not plan any new schools until the trailers reach a saturation point. As relates to the gas line, as Greg indicated, Transco is located basically

to our north, there is a substantial buffer on Transco's property and there will be a substantial buffer on our side of the property as well. There was a question about square footage of houses. Under the ordinance, it requires a minimum of 1,600 square feet, 1,700 square feet, 1,800 square feet. It will probably take about thirty months before any product is on the grounds, so that will give an amount of lead time for the school system to anticipate any issues. There was a comment about other retail in the area. There is other retail in the area, we feel there is enough demand to justify additional retail and that is part of the system whether note someone is going to venture the capital to develop the site and take that risk. In addition to the items that Greg mentioned, the Clayton County sewer plant is located just northwest of this property. In addition to all the other industrial uses in this area, we feel there is justification for this request. I will be glad to answer any questions that you may have."

Chairman Grizzell: "I have a question that deals with the railroad. I haven't seen anything basically, how are you planning to protect the children along the way?"

Woody Galloway: "In relation to this area, the topography of this land, we were aware of that and concerned. That is why we proposed a hundred foot buffer. Another gentleman in the crowd did bring up the noise level. There are certain types of mortgages that you have to stay under a certain decibel level to qualify. We did talk to the railroad and discuss some of those issues. In order to help with that we felt like the buffer area and the heavy trees that were there would deal with the noise level. This railroad track as relates to kids is higher than the land on either side, it was actually built up when it was put through the area years and years ago. It is probably at a fifteen (15) foot higher elevation than the surrounding land so the children are really going to be away from the housing area, through the buffer and climbing up a step embankment to get up to play on the railroad tracks. In addition, there is really nothing on the other side for them to get into except water and this area along the creek and this area is not really suitable for them to play in."

Chairman Grizzell: "Any other questions at this time? Staff, is there anything we haven't covered?"

Dale Hall: "No sir."

Chairman Grizzell: "I've been looking I guess at the comments that came from the developer. I notice on the request that there would be sixty-eight (68) multi-family units, is that correct?"

Greg Nobles: "When we first meet with Frederick and Rodney Heard, we had actually covered the wetland area, it really wasn't brought to our attention at this time that this was a portion of it. We came back, we reduced it from one hundred eighty (180) units to sixty eight (68) units."

Chairman Grizzell: "Approximately seventeen (17) acres, four (4) units to the acre."

Greg Nobles: "Approximately seventeen (17) acres, four (4) units to the acre. It will be nestled in behind the retail area. It will be surrounded by the nature sanctuary. From the way the land lays, I really don't think you will be able to see it from the surrounding area and passers by."

Chairman Grizzell: "Any other questions at this time? I want to address one or two things. One of the gentlemen spoke about water and what the water authority had said and was published

about 2003/2004 water in Henry County would be at a very critical area if no reservoirs are constructed. We can only go on the word of the powers that control the utilities. The City of Stockbridge Water said the City of Stockbridge would provide water and sewage to the development and commercial as well. We don't know how, but the City of Stockbridge will provide that water. The City of Stockbridge wrote that letter and said the water would be available. I have a question on the square footage of the houses. The ordinance I believe does say 1,600, 1,700 and 1,800 square feet, 33 percent, 33 percent, 33 percent."

Dale Hall: "That is correct. In a conventional development single family detached and clustered, those are the house sizes."

Chairman Grizzell: "One lady had a question about traffic. The fact of being City property and County roads running through there. It all becomes part of the governmental package and it shows there are some plans to improve both of these roads that are out here. That depends on whether or not SPLOST is passed. If SPLOST does not get passed, the improvements to these roads will not take place. So we need to be very mindful of that. The same thing is true that the School Board will be asking again for another chance on their SPLOST. In order for them to continue their growth they will need that as well, so that will need to be kept in mind. The School Board will need extra funding too. I understand our concern with the schools and roads, however currently we have not been able to challenge these issues constitutionally - roads and schools. I can say there have been at least five visits to the State Capitol by residents of Henry County to make that issue so that we can begin to challenge that issue based on schools and roads. We are going to continue to work with those individuals to help us control that. It is not just Henry County that is experiencing this type of growth; it is the whole entire metro area. The school systems are being over-taxed and over-burdened. We are continuing to work on that so that hopefully, we want be able to stop it, but we will be able to slow things down a little more. That way we will be able to say that if the roads and schools are not able to take it, they will have to be improved before the developments are constructed. Anything else?" Seeing none, the Chairman re-read the request and called for a motion.

Ray McDonald: "Mr. Chairman, I move that the request for a Planned Township Development (PTD) at this time be denied. Ron Anderson seconded the motion. The vote was unanimous to deny the request.

Chairman Grizzell: "This item is denied and will go on to the City of Stockbridge. We will hear the last rezoning item at this time."

A list is attached containing names of people present that were in opposition to the above request.

#### **RZ-01-30**

Randy Gibby of Gibby and Brinson Development Company of Stockbridge, Georgia requests rezoning from R-3 (Single-Family Residential) and C-1 (Light Commercial) to C-2 (Neighborhood Commercial) and C-3 (Heavy Commercial) for property located in Land Lot(s) 62 of the 12<sup>th</sup> District, located on the Highway 42 west of Neal Avenue. The property contains approximately 3.61± acres and the request is for office, retail, and warehouse development.  
**District 4; City of Stockbridge.**

Thursday, October 25, 2001

The Henry County Record

RZ-01-35

9-27, 10-4, 10-11, 10-18, 10-25, 11-1, 2001

contract.

DDP/Item 11/6/01  
Our file no. 5924001-FTS  
THIS LAW FIRM IS ATTEMPTING  
DEBT COLLECTOR ACTION  
TO COLLECT A DEBT. ANY INFOR-  
MATION OBTAINED WILL BE USED  
FOR THAT PURPOSE.  
Legal 01-1729  
10-11, 10-18, 10-25, 11-1, 2001

any may by appropriate resour-  
tion or ordinance permit and regulate  
Sunday sales by licensees.  
Otherwise, such Sunday sales shall  
not be permitted.

In seeking this authorization, the  
Board of Commissioners of Henry  
County adopted the following  
Ordinance at its meeting of  
September 17, 2001:

**AN ORDINANCE AUTHORIZING  
THE SALE OF ALCOHOLIC BEV-  
ERAGES FOR CONSUMPTION ON  
THE PREMISES ON SUNDAYS  
FROM 12:30 P.M. UNTIL 12:00 MID-**

**NIGHT**

WHEREAS, the sale of alcoholic  
beverages for consumption on the  
premises is lawful in the unincor-  
porated areas of Henry County pursu-  
ant to Henry County Code Chapter 3-14,  
being Ordinance No. 9701, and a re-  
ferendum approved by the voters on  
November 5, 1996; and

WHEREAS, Georgia law provides  
that the governing authority of Henry  
County may, by resolution or ordi-  
nance conditioned on approval in a  
referendum, authorize the sale of  
alcoholic beverages for consumption  
on the premises on Sundays from  
12:30 p.m. until 12:00 midnight in any  
licensed establishment meeting  
specified requirements relating to  
food sales or overnight lodging; and

WHEREAS, the Board of  
Commissioners of Henry County  
desires to call a referendum on the  
question of Sunday sales of alcoholic  
beverages within the limitations per-  
mitted by law.

NOW, THEREFORE, BE IT  
ORDAINED by the Board of  
Commissioners of Henry County, and  
it is hereby ordained by the authority  
thereof, as follows:

**Section 1.**

The Election Superintendent of  
Henry County is hereby directed to  
call and schedule a referendum for  
the first Tuesday in November, 2001,  
the same being November 6, 2001,  
for the purpose of submitting to the

West a distance of 62.52 to a 5/8" rebar set at the  
intersection of the above  
Street. The property contains approx-  
imately 880 +/- acres and the request  
is for construction/renovation of a  
new church.  
Legal 01-1948  
10-25, 2001

being more particu-  
larly requested to  
RA (Residential  
C-3 (Highway  
C-3)

**Public Hearing Notice**  
Stockbridge City Council  
Monday, November 12, 2001  
Location: Stockbridge City Hall,  
4545 North Henry Boulevard,  
Stockbridge, GA 30281  
Public Hearing: 6:00 p.m.

**Notice of Sale Under Power**  
STATE OF GEORGIA  
COUNTY OF HENRY  
By virtue of the power granted in  
the Deed to Secure Debt executed by  
Lloyd and Teresa Gabbert to BICEL  
PROPERTIES, INC. dated March 1,  
1997, in the principal sum of  
\$18,400.00, recorded in Deed Book  
2575, pages 323-326 said docu-  
ments being duly recorded in the  
Office of the Clerk of Superior Court,  
Henry County, Georgia, there will be  
sold to the highest bidder for cash  
before the Courthouse door in Henry  
County, Georgia, during the legal  
hours of sale on November 6, 2001,  
the following described property, to-  
wit:

**VARIANCE**  
VR-01-31  
Dynamic Signs of Marietta, Georgia  
requests a variance for property  
located in Land Lot 20 of the 6th  
District, located off North Place Drive.  
The property contains approximately  
2.0 +/- acres and the request is for an  
increase in the height of the business  
sign to 110'.  
VR-01-32  
Hayes Development of Fayetteville,  
Georgia requests a variance for prop-  
erty located in Land Lots 25, 26, 29,  
and 40 of the 12th District, located in  
the Gresham, the Arlington and the  
Huntington at Brentwood Park. The  
property contains approximately  
66.0 +/- acres and the request is for a  
reduction in the front yard setback  
requirements.

All those certain tracts or parcels  
of land more particularly described  
below (the "Land"): lying and being in  
the Land Lot 188, 2nd District of  
Henry County, Georgia, being known  
as Lot 369, Phase X, Skyland Mobile  
Home Subdivision as per Plat Book  
17, Page 269. Records of Henry  
County, Georgia.  
This conveyance is made subject to  
the Covenants, Conditions and  
Restrictions of the Skyland Mobile  
Home Subdivision.

**Notice of Sale Under Power**  
STATE OF GEORGIA  
COUNTY OF HENRY  
Because of a default in the payment  
of the indebtedness secured by that  
certain Security Deed, dated  
December 23, 1993, executed by  
GEORGE LUTHER SKELTON and  
DEBORAH W. SKELTON to  
SOUTHTRUST MORTGAGE COR-  
PORATION, recorded Deed Book  
1807, Page 01, Henry County,  
Georgia Deed Records, and securing  
a Note in the original principal  
amount of \$102,000.00, the current  
holder thereof, has declared the  
entire amount of said indebtedness  
evidenced by the Note immediately  
due and payable and, pursuant to the  
power of sale contained in said  
Security Deed, will, on the first  
Tuesday in November, 2001, to-wit:  
November 6, 2001, during the legal  
hours of sale, before the Henry  
County Courthouse door, sell at pub-  
lic outcry to the highest bidder for  
cash, the following described real  
property:

**REZONING**  
RZ-01-25  
China State Construction, Greg  
Nobles and Ed Whiddon of  
Stockbridge, GA request rezoning  
from RA (residential-agricultural) to  
PTD (Planned Township  
Development) for property located in  
Land Lots 91, 101 & 102 of the 12th  
District, located at Stagacoch Road  
and Valley Hill Road. The property  
contains approximately 149.47 +/-  
acres and the request is for a single-  
family subdivision and Retail  
Commercial.

Said Deed to Secure Debt was  
given to secure the payment on note  
in the principal sum of \$18,400.00,  
payable in consecutive monthly  
installments of \$197.73 each, the first  
of which is to be due on 1st day of  
April, 1997, and to continue each  
successive month until paid in full.  
Said note and deed to secure debt  
thereunder is not paid promptly when  
due. Bichel Properties may declare the  
entire indebtedness evidenced there-  
by immediately due and payable,  
time being of the essence of said

All that tract or parcel of land lying  
and being in Land Lot 33 of the 7th  
District, Henry County, Georgia,  
being Lot 23, Peach Pointe, Phase  
III, as per plat recorded at Plat Book  
18, page 273, Henry County, Georgia  
records, to which reference is made  
for the purpose of incorporating the  
same as a part herein.  
The aforesaid real property  
known as 63 Sunhigh Street,  
See Legals, page 4C



The Henry County Record

with the probate Court of Henry County, 20 Lawrenceville McDonough, Georgia, 30253, to said Estate are required immediate payment to the said. Daniel Lunsford, Executor of the Estate of Janie LaRue Lunsford, Jr. Legal 01-1457 8-16, 8-23, 8-30, 9-6, 2001

**Debtors and Creditors OF HENRY COUNTY**  
 Debtors of the Estate of Earl A. deceased, late of Henry Georgia, are hereby notified in their demands to the said according to law, and all indebted to said Estate are to make immediate payment assigned. William Tate South, Executor of Earl A. South, Deceased Legal 01-1458 8-16, 8-23, 8-30, 9-6, 2001

**Debtors and Creditors HENRY COUNTY.**  
 Debtors of the Estate of James Stephens, deceased, late of Henry Georgia, are hereby notified in their demands to the under- according to law, and all per- to said estate are make immediate payment signed. day of August, 2001. Margaret W. Stephens Executrix of the Estate of glas Stephens, deceased 929 Highway 3 North Hampton, GA 30228 Legal 01-1475 8-23, 8-30, 9-6, 9-13, 2001

**ELLANEOL**

**Public Sale**  
 ing motor vehicles, fore- tant to O.C.G.A. Code 1-5, will be sold at a pub- cordance with O.C.G.A. 140-11-5. Ford Taurus VIN # A136158. Sale will be on 8-28-01. Location: 413 Industrial Blvd., GA 30253. Legal 01-1459

Henry County, GEORGIA (the "Subject Property"). DATE PETITION FILED: February 27, 2001 DATE OF ORDER FOR PUBLI- CATION: July 2, 2001 TO: OCCUPANT/TENANT/RESI- DENT; JIMMY L. PEDIGO, JOHN E. MESSERALL; and/or ANY AND ALL OTHER INTERESTED PARTIES, KNOWN OR UNKNOWN (The "Respondent" in the Referenced Action - Petition to Quiet Title). TAKE NOTICE THAT SOUTHERN CRES- CENT HABITAT FOR HUMANITY, INC., as Petitioner, has caused to be filed, in the Superior Court of Henry County, Georgia, a Petition to Quiet Title, in conjunction with the above referenced parcel of land; under the provisions of O.C.G.A., § 23-3-60, et seq. Petitioner is seeking an order declaring that Petitioner owns the property in FEE SIMPLE, subject only to all valid liens of record. For the specifics of such pleas for relief the parties respondent must refer to the original petition and all other plead- ings filed with the court.

The Respondent is hereby noticed and commanded to be and appear at the court in which this action is pend- ing within 30 days of the date of the Order for service by publication. The Petitioner is to file any response or answer with the Clerk of the Superior Court of the above referenced Court, at the address shown below:

Clerk of Superior Court of Henry County Henry County Courthouse 1 Courthouse Square, 3rd Floor McDonough, Georgia 30253-3293 with a copy of such response or answer to be sent to the Attorney for the Petitioner, whose name and address is: C. TERRY BLANTON, Esq., Suite 1000, Wachovia Bank Building, 315 West Ponce de Leon Avenue, Decatur, GA 30030.

Witness, the Hon. Arch McGarity, Judge, Henry County Superior Court, Flint Judicial Circuit. Judith A. Lewis Clerk of Superior Court, Henry County, Georgia Legal 01-1265 8-16, 8-23, 8-30, 9-6, 2001

**PUBLIC NOTICE**

**Public Notice**  
 The City of McDonough will hold an election on November 6, 2001, at City Hall from 7:00 a.m. to 7:00 p.m. Seats up for election are Mayor, Councilmember-At-Large, District I and District II. Qualifying will begin at City Hall on Monday, September 10, 2001 at 9:00 a.m. and close on Friday, September 14, 2001 at 4:30

City of Stockbridge Legal 01-1481 8-23, 2001

**Mount Carmel Elementary School Council**  
 2450 Mt. Carmel Road Hampton, Georgia 30228 Phone: 770-897-9799 Fax: 770-897-9806 Web Site:

[www.henry.k12.ga.us/mtc](http://www.henry.k12.ga.us/mtc)  
 Under the Open Meetings Act (O.C.G.A. 50-14-1 -- 50-14-6), Mount Carmel Elementary School Council meetings will be held the fourth Monday of each month through May 2002. These meetings will begin at 7:00 p.m. Unless otherwise noted, the meetings will be held in the school media center.

Ellen Benton, Chairperson Mount Carmel Elementary School Council Legal 01-1482 8-23, 2001

**Legal Notice**

NOTICE IS HEREBY GIVEN THAT THE CITY OF LOCUST GROVE WILL HOLD AN ELECTION ON NOVEMBER 6, 2001 FOR THE PURPOSE OF ELECTING THREE (3) CITY COUNCIL MEMBERS.

ANYONE INTERESTED IN QUALIFYING FOR EITHER OF THESE COUNCIL SEATS MAY APPLY AT THE LOCUST GROVE CITY HALL FROM 8:30 A.M., SEP- TEMBER 10, 2001 THROUGH 4:30 P.M. SEPTEMBER 14, 2001. QUALI- FYING FEE IS \$90.00.

Mayor & Council of the City of Locust Grove Legal 01-1483 8-23, 8-30, 9-6, 2001

**Notice of Proposed Amendments to the Zoning Ordinance of the City of Hampton**

Section 3-7-400 Wetland Protection District Notice is hereby given as required by Chapter 66 of Title 35 of the Official Code of Georgia Annotated (the "Zoning Procedures Law") and Section 3-7-314 of Henry County, Georgia, that the Hampton City Council on Tuesday September 11, 2001, at 7:30 p.m. will conduct a hearing in the Court/Council Chambers at 20 East Main Street in Hampton, Georgia. The hearing will discuss adoption of a proposed amendment to Chapter 3-7 of the City Code of Ordinances ("the Zoning Ordinance of the City of Hampton"). An Ordinance for amending

**Wetland Rezoning: RZ-01-26**

China State Construction, Greg Nobles and Ed Whiddon of Stockbridge, GA request rezoning from RA (residential-agricultural) to PTD (Planned Township Development) for property located in Land Lots 91, 101 & 102 of the 12th District, located at Stagecoach Road and Valley Hill Road. The property contains approximately 149.47 +/- acres and the request is for a single-family subdivision and Retail Commercial. City of Stockbridge. RZ-01-39

Thomas Stames of Locust Grove, GA requests rezoning from R-3 (single family residential) to OI (Office/Institutional) for property located in Land Lot 71 of the 12th District, located at 691 Davis Road. The property contains approximately 1.4+/- acres and the request is for an American Legion Post, District 4; City of Stockbridge. Legal 01-1486 8-23, 2001

**SALE UNDER POWER**

**Notice of Sale Under Power Contained in Deed to Secure Debt STATE OF GEORGIA COUNTY OF HENRY**

Pursuant to a power of sale con- tained in a certain security deed exe- cuted by George Anthony Littlejohn, hereinafter referred to as Grantor, with the singular including the plural, to Alliance Funding, a Division of Superior Bank FSB recorded in Deed Book 1478, beginning at page 449, of the deed records of the Clerk of the Superior Court of the aforesaid state and county, and by virtue of a default in the payment of the debt secured by said security deed, the undersigned attorney-in-fact for the aforesaid Grantor (which attorney-in-fact is the present holder of said security deed and note secured thereby) will sell before the door of the courthouse in said county within the legal hours of sale, for cash, to the highest bidder on the first Tuesday in September, 2001, the property which, as of the time of the execution of said security deed, was described as set forth in the attached Exhibit "A". EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 59 of the 5th Land District of Houston County, Georgia and being known and desig- nated as Lot 84, Block A, Bradford Subdivision, Section No. 5, Phase No. 1, as shown on plat of record in Plat Book 52, Page 88, Clerk's Office, Houston Superior Court, which said See Legals, page 3B



<p>Jayden L. Williams MAYOR</p> <p>LaKeisha Gantt District 1</p> <p>Antwan Cloud District 2</p> <p>Kyle D. Berry, Sr. District 3</p> <p>Yolanda Barber District 4</p> <p>Elton Alexander Mayor Pro Tem/District 5</p>	<p><b>City of Stockbridge Planning &amp; Zoning Division Of Community Development 4640 North Henry Boulevard Stockbridge, GA 30281</b></p> <p>Shawn Edmondson <b>CITY MANAGER</b></p>	 <p>Ryan Anderson DIRECTOR</p>
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3/27/2026

**RE: ZONING VERIFICATION LETTER FOR PARCELS #047-01016001, 028-02021005**

Dear Mr. Patel,

This letter is in response to your request for verification of zoning for the properties identified by Parcel IDs #047-01016001 and 028-02021005. Based on the City of Stockbridge’s official zoning map, the subject properties are zoned as [PUD \(Planned Unit Development\)](#) and falls within the [PMU \(Parkway Mixed Use\)](#) Overlay District, which supersedes the PUD designation in the event of any conflict. Further information about the PUD and PMU districts, including a list of all permitted and special uses, can be found on Pages 50 and 59, respectively, of the [Stockbridge Unified Development Code \(UDC\)](#), or at the link above.

Under current zoning regulations, two of the three proposed uses, i.e., convenience stores and gasoline service centers, are allowable on the properties of interest, provided that the applicant receives a special use permit for each proposed use pursuant to [Section 3.2.14.](#) of the Stockbridge UDC. Furthermore, the proposed use of a shopping center development allows any retail or commercial use permitted in either the [C1 \(Neighborhood Commercial\)](#), [C2 \(General Commercial\)](#), or [OI \(Office Institutional\)](#) Districts, subject the conditions listed under the PMU Overlay District. For a succinct summary of generally allowable uses for each zoning district, please see [Section 3.1.](#) of the Stockbridge UDC.

Please note that this letter serves only as a verification of compatible zoning, and it is possible your use may require meeting additional State and local regulations before obtaining a business license. Further requirements may be needed to approve the use at this location, such as permits from agencies, including, but not limited to, the State of Georgia Department of Community Health, Fire Inspection, etc.

This zoning verification excludes other information which may apply to the subject property, such as grandfathered uses without a City Council ruling; official interpretations by any entity or official other than the City Council; variances, interpretations, and conditional uses granted by any entity or official other than the City Council; special restrictions on certain uses within the general zoning ordinance; setbacks, buffers, and construction standards in the general zoning ordinance; and requirements and restrictions imposed in the general zoning ordinance by any overlay district. Please note that zoning codes and regulations are subject to change.

If you have any questions concerning this matter or if I can be of any further assistance, please contact me at 678-833-3332 or via email at [breilly@stockbridgega.org](mailto:breilly@stockbridgega.org).

Respectfully,

Brennen Reilly, GIS Analyst/Planner II

<https://stockbridgega.org/departments/community-development>