

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 June 8, 2026 6:00 PM



STOCKBRIDGE CITY HALL

4640 NORTH HENRY BLVD.

STOCKBRIDGE, GA 30281

Website: www.stockbridgega.org

Phone: 770-389-7900

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Translation and Interpretation Services are available with (7) days prior notice. Please contact the City's HR Manager at 770-389-7908 for assistance.



AGENDA COUNCIL MEETING CITY OF STOCKBRIDGE

MONDAY, JUNE 8, 2026 6:00 PM

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

ADOPTION OF THE AGENDA

ADOPTION OF THE MINUTES

- 1 Adoption of the May 11, 2026 City Council Meeting Minutes
- 2 Adoption of the May 26, 2026, Work Session Minutes

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.

CEREMONIAL REVIEW: The following oaths and proclamations were issued for the Month of June 2026:

Oath of Office for City of Stockbridge Municipal Court Judge Wanda Dallas
Municipal Court Clerk Week: June 8–12, 2026
World Blood Donor Day: Sunday, June 14, 2026
Juneteenth: Friday, June 19, 2026
Father's Day: Sunday, June 21, 2026
Steve and Marjorie Harvey Foundation Proclamation
Caribbean American Heritage Month
Homeowners Month
Pride Month

OLD BUSINESS

3

AMPHITHEATER HOURS OF OPERATION: Council consideration of an ordinance establishing an inclement weather policy at the VyStar Amphitheater. Any such ordinance would be limited in scope to allow a concert to continue, if delayed due to inclement weather, until midnight. Such ordinance will require an amendment to the City Noise Ordinance (Code of Ordinances § 11.26, et seq.)

- Presented by: Megan McCulloch

4

AMPHITHEATER RENTAL POLICY: Council consideration to approve the 2026 Amphitheater Rental Policy.

- Presented by: Charisma Webster

5

VARIANCE CASE #VR-2026-01. (Council District 2)

Consideration of a variance application for two setback variances on Parcel #S20-03003000 on Wilson Avenue to allow for the construction of a new single-family detached dwelling. Applicant: Jerry Robinson of BAC Construction. Zoned: SR. Property size: 0.613 +/- acres. Variance Request #1--Reduce the front yard setback from the required 50 feet to 25 feet. Variance Request #2--Reduce the rear yard setback from the required 40 feet to 20 feet.

- Presented by: Ryan Anderson

6

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

NEW BUSINESS

7

CITY OF STOCKBRIDGE BUS STOP LOCATION MAP: Henry County Transit Department is introducing public transit service along a fixed route from McDonough to Stockbridge with defined stops for passengers to load and unload and requires an executed MEMORANDUM OF UNDERSTANDING.

- Presented by: Shawn Edmondson

8

PATH FOUNDATION MASTER SERVICE AGREEMENT WITH CITY OF STOCKBRIDGE: Council consideration to approve the Master Services Agreement (MSA) for coordination between PATH and the City of Stockbridge.

- Presented by: Decius Aaron

9

NEW PROJECT MANAGER CLASSIFICATION: Council consideration approving a new Project Manager classification within the City Manager's Office.

- Presented by: Dwayne Pollock

10

RECEIPT OF FISCAL YEAR 2026 GRANT AWARDS: Council consideration to officially accept all grants awarded to the city in the 2026 fiscal year in order to be compliant with grant requirements.

- Presented by: Frank Milazi

MAYOR'S COMMENTS (Mayor Jayden L. 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 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 MEETING
SUMMARY MINUTES
MONDAY MAY 11, 2026 6:00 P.M.**

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 L. Williams call the City Council Meeting to order at 6:04 PM. The invocation and The Pledge of Allegiance were led by Councilmember Kyle Berry.

All councilmembers were present and a quorum was established.

Councilmember Barber requested two amendments to the agenda: (1) a directive to staff to continue research on a shopping carts ordinance, and (2) a directive to staff to continue research on a "Code Cares" or similar program. The motion to amend failed for lack of a second.

Motion to adopt the agenda as presented was made by Councilmember Gantt; seconded by Mayor Pro Tem Alexander. The motion passed 5–0.

ADOPTION OF THE MINUTES

- 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

Before the vote, Councilmember Barber requested two amendments to the meeting minutes. The first addressed the Planning Retreat minutes of March 4, 2026, which she stated did not reflect her discussion regarding the use of parking meters during the city's concerts and other events. The second pertained to the April 28, 2026 Work Session minutes, which she stated did not capture her final comments during the vote on the Flock LPR/PTZ camera item, specifically, that supporting documents and the contract had not been provided to council prior to or during that meeting.

Mayor Pro Tem Alexander clarified for the record that there was no council consensus to implement paid parking meters downtown, though he had no objection to reflecting that Councilmember Barber raised the topic.

Councilmember Barber emphasized that she was requesting reflection of the topics she raised, not a record of any vote or consensus.

Councilmember Gantt noted that the full discussion—including any rebuttal regarding whether documents were or were not provided—should also be reflected in the minutes in totality.

Motion to amend the minutes to include Councilmember Barber's comments from the March 4, 2026 Planning Retreat and the April 28, 2026 Work Session, along with all related council discussion, was made by Councilmember Barber and seconded by Councilmember Berry. The motion passed 5–0.

Motion to approve the Work Session Summary Minutes for April 28, 2026; the City Council Summary Meeting Minutes for April 13, 2026; and the Planning Retreat Summary Minutes for Day 1 through Day 3 (March 4–6, 2026), inclusive of the revisions made by Councilmember Barber was made by Councilmember Gantt; seconded by Councilmember Cloud. The motion passed 5–0.

PUBLIC COMMENTS

Six people presented Public Comments:

Audrey Holmes (206 Hunting Court, Spivey Ridge) described the impact of construction activity on neighboring residents, noting that heavy machinery operated directly at the property line with no advance notice to homeowners, removing the tree line that had previously provided privacy and visual screening. She expressed a sense of disrespect as a taxpaying resident and requested that a security boundary be established between the construction site and the subdivision.

Linda Stanley (7940 Christian Court, Lake Spivey) expressed that she no longer felt safe or at peace in her home of nearly 31 years, citing strangers traversing her yard. She requested that the city provide a resolution to restore safety and peace to the subdivision.

Evelyn Dixon (267 Spivey Ridge Circle, Lake Spivey) acknowledged and thanked the council for its prior communication regarding the postponement of a town hall meeting on the Tranquil Trails development and for providing a FAQ document. However, she stated that several important questions remained unaddressed, particularly regarding what she characterized as a substantial modification from the 2022 conceptual plan—specifically, the increase from four to six apartment buildings. While acknowledging that the total unit count reportedly remained unchanged, she argued that more buildings represented a material design revision with implications for density, site layout, traffic flow, green space, buffer placement, and parking. She formally requested clarification, updated impact assessments, and supporting documentation to be provided before the rescheduled town hall.

Mike Adams (224 Hunting Court, Lake Spivey) presented a visual slideshow showing before-and-after photographs of the tree buffer behind his property. He documented the clear-cutting of mature trees up to and reportedly in some cases over the property line by construction equipment. He shared a quote from a Facebook post attributed to a community page stating that the developer would be required to replant the mandated buffer with trees and install a fence along the property line, and expressed hope that this would be enforced.

Cathy Walker (200 Hunting Court, Lake Spivey) addressed what she described as a pattern of transparency and accountability failures. She referenced the city's own FAQ document, which she said identified changes between the 2022 approval and current construction involving building count, site layout, parking, stormwater systems, amenities, commercial relocation, and the removal of townhomes from the original concept. She stated that substantial and major modifications to approved zoning conditions require review and approval by the mayor and council before permits are issued, and questioned whether this process had been followed and who approved the changes. She also raised concerns about the last-minute scheduling and cancellation of the town hall meeting and called for consistent, direct communication from elected officials—particularly the District 1 councilmember whose constituents are directly affected.

Kay Adams (224 Hunting Court, Lake Spivey) appealed to the council on behalf of long-term homeowners, asking that they consider the impact of the development on property values. She expressed a preference for owner-occupied housing over rental units, citing differences in investment and stewardship. She raised specific concerns about trash dumpster placement near the residential fence line and strongly requested a substantial buffer—not minimal landscaping, but multiple rows of fast-growing, mature trees—to restore the visual and practical separation that existed before construction.

QUARTERLY REPORTS – BOARDS & COMMITTEES

Downtown Development Authority Quarterly Report – 1st Qtr. 2026

Warren Washington, Vice Chair of the Downtown Development Authority (DDA), presented the first quarter 2026 report. He reports financially, the DDA maintained stable balances across its three primary accounts.

The operating account recorded \$15,000 in inflows with controlled expenses, the project account maintained a balance exceeding \$145,000 after a \$15,000 strategic transfer to support operations, and the facade grant account had approximately \$18,000 in grant-related outlays supporting local business improvements. On the governance side, the DDA advanced the process of securing legal counsel, improved compliance procedures, and continued board training. The DDA is also developing a new internal grant program to expand facade improvement support to all downtown businesses—both exterior (up to \$15,000) and interior (an additional \$15,000 or more).

Key project initiatives included preparations to bring a formal request to council for a Daddy King statue and related cultural identity anchors in downtown, efforts toward downtown boundary expansion, alleyway redevelopment, streetscape improvements, and coordination on major city-led investments including the amphitheater, a STEM school, and roadway enhancements.

Mayor Pro Tem Alexander commended the DDA and highlighted the progress towards the revitalization of the MLK Senior corridor, citing new businesses including ABA Therapy, Downtown Social, and a new clothing retailer as evidence of forward momentum.

Councilmember Barber asked about the timeline for the downtown boundary expansion vote, and Mr. Washington indicated it should occur by the next council meeting.

Councilmember Barber specifically requested that Stockbridge Lakes Bed and Breakfast be added to the boundary expansion map. Mr. Washington acknowledged this was the first time the matter had been brought to the DDA's attention, and Councilmember Barber directed City Manager Edmondson and Mr. Anderson to ensure the property is included.

Citywide Development Authority Quarterly Report – 1st Qtr. 2026

No representative was present to deliver this report.

Youth Council Quarterly Report – 1st Qtr. 2026

The Stockbridge Youth Council (SYC) quarterly report was presented by Mackenzy Edwards (Mayor Pro Tem, SYC; Eagles Landing High School), Houleymatou Diallo (Member at Large, Dutch Town High School), and Sharika Zellers (Advisory Committee Student Liaison).

The council reported on a full slate of first-quarter activities centered on the 2026 initiative theme of "well-being," encompassing social, physical, mental, and spiritual health. Activities included an MLK Day of Service cleanup with Mayor Pro Tem Alexander on Campground Road, a Winter Wonderland Teen Skate Night with over 300 student participants, a leadership retreat in February focused on brand-building and entrepreneurship, participation in the Shades of Melanin African American History Celebration, a community breakfast with the Stockbridge Police Department aimed at bridging the gap between teenagers and law enforcement, participation in the A.D. King

March to Selma representing the City of Stockbridge alongside students from other counties and Atlanta University Center institutions, and the third annual Youth Entrepreneurship Expo held at the Merle Manders Conference Center with over 50 youth vendors.

The SYC reported a starting budget of \$31,900 for the year, with \$17,832.81 remaining as of the report date, accounting for expenditures through the period including the police dinner in April and upcoming costs for the senior banquet and awards ceremony. Remaining planned expenditures include beautification activities, health and wellness initiatives through the summer, and a school supply drive in July.

Councilmember Gantt commended the SYC for its activity level and encouraged the council to explore fundraising to support attendance at the National League of Cities (NLC) conference, noting that other youth councils have done so, sometimes with contributions from participating families.

Mrs. Zellars noted that fundraising for NLC travel is already being discussed and that with the budget now supporting growth from 15 to 20 student members, recruitment and fundraising will be major focuses in the upcoming school year.

Mayor Williams praised the SYC's representation at the AD King trip, highlighting that the staff at the AD King Foundation commended Stockbridge's scholars as among the best who attended.

CEREMONIAL REVIEW

Mayor Pro Tem Alexander read and presented the following proclamations on behalf of the City of Stockbridge. National Public Works Week Proclamation; Asian American & Pacific Islander Heritage Month Proclamation. Mayor Williams also noted that the City of Stockbridge won the competition against Jonesboro as part of the "Move with Mayor" Initiative.

NEW BUSINESS

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.

Community Development Director Ryan Anderson presented the staff report. He explained that the applicant's attorney, Newton Galloway, filed a ZVL application on March 27, 2026, and the same day staff confirmed the zoning on the subject property as PUD (Planned Unit Development). The applicant contends the property is zoned PTD (Plan Town Development) based on a 2001 rezoning ordinance and an associated development agreement for the Pine Grove community. The applicant's intent is to develop a mixed-use project including a gas station/convenience store, additional retail, and townhomes.

Staff's position is that the PTD designation was effectively replaced when the city adopted a new Unified Development Code (UDC) and zoning map in March 2022, converting all PTD-, MUD-, and TND-zoned properties to the new PUD classification. Under PUD, a gas station is a special use requiring council approval; under PTD, the applicant contends it would be permitted by right.

Mr. Anderson detailed a complex 26-year history of the property, including its 2000 annexation, its 2001 rezoning to PTD with an associated development agreement, the applicant's purchase in 2018, a 2020 Planning Commission approval of a recombination plat that was never recorded, multiple applications filed and withdrawn or stalled since 2021, and the 2022 UDC rewrite that reclassified the property to PUD. He noted that in 2025 the applicant himself submitted a special use permit application acknowledging PUD zoning, which staff viewed as an admission consistent with staff's current position.

Staff's recommendation was denial of the appeal, confirmation that the property is zoned PUD, confirmation that the Pine Grove development agreement no longer applies, and direction that the applicant must record the recombination plat, apply for a special use permit for the gas station, and file a comprehensive plan amendment before the project may proceed.

Attorney Newton Galloway presented on behalf of the applicant, tendering a 567-page evidentiary record to the clerk for inclusion in the official record. He argued the matter is a quasi-judicial proceeding under OCGA 36-66-3-1.2 and the city's UDC Section 10.30.1. He contended that the 2001 development agreement—recorded in Henry County Superior Court records and binding on successors—vests the property in PTD zoning and controls over any subsequent changes to city regulations by virtue of its own terms (Section 13, "Future Changes in Development Standards").

He argued the agreement contained no termination date, was expressly amended as late as 2019 when the city itself used the agreement to release the Pine View residential tract while explicitly preserving the agreement's force as to the commercial tract. He stated the commercial tract was never notified of the 2022 rezoning, that no party speaking for the commercial tract consented to the Pine View amendment, and that the development agreement remained in the chain of mister Patel's title.

Attorney Galloway also recounted a lengthy history of applications dating to 2020 that, in his characterization, had never been brought forward to the council for a vote, and questioned whether the council was aware any of these applications had been pending. He acknowledged that at various points his client filed for a special use permit under PUD but stated this was done in good faith to try to move the project forward after being told the development agreement was void—a characterization he disputes.

Councilmember Gantt raised the point that due to the volume of materials presented she would seek to table the item pending review by legal counsel.

Attorney Galloway stated he had no objection to tabling to the next regular council meeting.

Motion to table Appeal Case #AP-2026-01 to the next regular council meeting to allow council and legal counsel time to review the submitted documentation was made by Councilmember Gantt and seconded by Councilmember Cloud. The motion passed 4–0–1. Councilmember Barber abstained.

Council Consideration For A Resolution Establishing A Council Voting Member As Intergovernmental Representative

Councilmember Gantt presented a resolution to formalize the appointment of a voting council member as a liaison and representative at intergovernmental meetings, mediations, litigation proceedings, and other significant external meetings where city interests are negotiated.

She explained the policy is not uncommon among municipalities and is consistent with how the city has already been operating such as with Mayor Pro Tem regularly attending such meetings alongside the mayor, but to ensure that a voting member of the governing body is always present and able to bring discussions back to the full council a resolution should be in place.

She emphasized that the representative would not have independent authority to vote or make binding decisions on behalf of the council but would serve as an informed liaison.

Mayor Williams sought clarification on whether this function was simply the existing role of the Mayor Pro Tem. Councilmember Gantt explained it extends beyond that position so that any voting council member may serve in the role when the Mayor Pro Tem is unavailable.

Councilmember Barber objected and questioned each council members asking if they had been involved in directing legal counsel to draft the resolution and noting she had not been included in the discussions. She expressed concern that the resolution was another effort to diminish the authority of the mayor, stating that in her tenure since January 2020, the mayor had always served as the city's representative in intergovernmental matters. She further noted she is the only council member not currently serving as a liaison to any board.

Councilmember Gantt responded that the resolution was based on needs arising from experience, including instances where a non-voting staff member had been sent in place of an elected official, and cited several past situations including litigation/mediation, SPLOST/LOST negotiations with other counties and cities that require negotiation as examples where this policy would have applied. Gantt reiterated that the resolution is standard municipal practice and is consistent with the council's city manager–council form of government.

Clarifying that the liaison has mandatory attendance requirements and the liaison can be appointment by a majority council vote each time.

Motion to approve the Resolution of the Mayor and City Council of the City of Stockbridge appointing a council member to serve as City Intergovernmental Representative, establishing duties, authorities, and reporting requirements of such representative, and for other lawful purposes was made by Councilmember Gantt and seconded by Mayor Pro Tem Alexander.

The motion passed 4–1-0. Councilmember Barber opposed.

EXECUTIVE SESSION (Exemptions to the Georgia Open Meetings Acts)

Motion to adjourn to executive session for the purposes of litigation, personnel, real estate, and cybersecurity was made by Councilmember Gantt and seconded by Councilmember Cloud. The motion passed 5–0.

The council returned from executive session at approximately 8:53 PM.

Motion to end the executive session and return to regular session was made by Mayor Pro Tem Alexander; seconded by Councilmember Berry.

The motion passed 5–0.

ADJOURNMENT

Motion to adjourn made by Councilmember Gantt; Seconded by councilmember Berry
The motion passed 5-0. The meeting adjourned at 8:55 p.m.

Respectfully submitted by:

Cassandra Lester, Interim City Clerk

Jayden L. Williams, Mayor



**CITY COUNCIL WORK SESSION
SUMMARY MINUTES
TUESDAY MAY 26, 2026 6:00 P.M.**

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.

The Work Session Meeting of the Stockbridge City Council was called to order by Mayor Jayden L. Williams at 6:02 PM.

The invocation was delivered by Councilmember Kyle D. Berry, Sr., followed by the Pledge of Allegiance.

Interim Clerk Lester called the roll. A quorum was established. Councilmember Cloud arrived at 6:04 PM, and Councilmember Gantt arrived during executive session approximately at 8:36 PM.

Motion to adopt the agenda was made by Mayor Pro Tem Alexander and seconded by Councilmember Berry. The motion passed 3-0.

The following amendments to the agenda were added during the meeting:

Add Item 8 (Amphitheater Operating Hours)

Motion to amend the agenda to add discussion regarding the Amphitheater Operating Hours made by Mayor Pro Tem Alexander, seconded by Councilmember Cloud.
The motion passed 4-0

Add Item 9 (Amphitheater Rental Policy)

Motion to amend the agenda to add discussion of the Amphitheater Rental Policy, made by Councilmember Barber seconded by Councilmember Berry. The motion passed 4-0

Review of the Minutes

Review the May 11, 2026 City Council Meeting Minutes. The May 11, 2026 City Council Meeting Minutes were presented for review.

Public Comments

Two public comments were received.

Charlene Woodruff presented photographs alleging that a developer trespassed on and disturbed her property, cutting down mature hardwood trees, and described resulting adverse impacts to her quality of life.

Kathy Walker summarized ongoing community concerns regarding the development, including unanswered questions about changes made since the original 2022 approval, the absence of a buffer restoration plan, and pending inquiries from the Attorney General's office.

Following public comments, Councilmember Barber moved to direct staff to plant mature cypress trees to restore the buffer for affected homeowners. The motion did not receive a second and therefore died.

Mayor Williams noted that the City Manager had been directed to mail updated information and a fact sheet to affected residents within the coming week.

New Business

Invitation to Bid (ITB) American Tank Maintenance

Council considered approval of the fifth renewal of ITB No. 16RFP101216-DRR with American Tank Maintenance, LLC for the Full-Service Tank Maintenance Program in the amount of \$61,419.00, funded from Water Department Budget Account No. 505-44200-522210. Staff confirmed there is no price increase under this renewal and that the Procurement Department recommends approval given the limited number of qualified vendors in Georgia and the benefit of fixed long-term costs.

Motion to approve was made by Mayor Pro Tem Alexander and seconded by Councilmember Berry. The motion passed 4-0.

Prime Contractors, Inc

Council considered approval of a change order with Prime Contractors, Inc. in the amount of \$219,594.79 for the installation of water, sewer, and fire main for the new Maintenance Shop, funded from SPLOST VI Account No. 321-42200-541318. The change order was necessitated by a fire line requirement that was not identified at the outset of the project.

Motion to approve was made by Mayor Pro Tem Alexander and seconded by Councilmember Cloud. The motion passed 4-0.

(Amphitheater Operating Hours)

Motion to amend the agenda to add discussion regarding the Amphitheater Operating Hours made by Mayor Pro Tem Alexander, seconded by Councilmember Cloud.

The motion passed 4-0

Dianna Hunt & Associates, Inc

Council considered approval of a contract amendment with Dianna Hunt & Associates, Inc. to provide right-of-way acquisition services for approximately 43 parcels associated with the Tye Street Multi-Use Path Project, increasing the contract from \$40,000.00 to \$107,500.00, funded

from TSPLOST Account No. 335-42200-541404. The amendment was necessary due to a miscalculation of services required to secure the easements.

Motion to approve was made by Councilmember Cloud and seconded by Councilmember Berry. The motion passed 4-0.

Rock Quarry Rd. Widening – Water and Sewer Utility Relocation

Council considered approval for the City to contract with the Henry County Water Authority (HCWA) to supply labor, materials, and coordination for the relocation of City water and sewer facilities in conflict with the Rock Quarry Road widening project, in the amount of \$617,085.95, funded from SPLOST VI Account No. 321-43300-541405. The Service Delivery Strategy permits the City to contract with HCWA for this work, and the relocation will serve as an infrastructure upgrade. The Rock Quarry Road widening project is a GDOT project estimated for completion in 2028.

Motion to approve was made by Mayor Pro Tem Alexander and seconded by Councilmember Cloud. The motion passed 4-0.

Resolution Approving a Memorandum of Understanding for a Martin Luther King Sr., aka "Daddy King Statue."

Council considered a resolution approving a Memorandum of Understanding (MOU) between the City of Stockbridge and the Downtown Development Authority (DDA) for a phased approach to the design and construction of a statue honoring the legacy of Martin Luther King Sr. The DDA is not requesting financial support from the City at this time. The MOU establishes permission for the DDA to study the use of Municipal Park for the statue site, with the City retaining final approval authority over all design and construction decisions. Public charrettes and council input are planned as part of the first phase. The disposition of the existing statue at Municipal Park was identified as a matter to be addressed in Phase 1.

Motion to approve was made by Mayor Pro Tem Alexander and seconded by Councilmember Cloud. The motion passed 3-1. Barber Opposed

Councilmember Barber opposed with the following comments for the record: "Members of this governing body, the newest members, are going to have to realize they will have to answer for all of the decisions that they're making. You're making decisions based on half information that you're being given. You're making decisions that are affecting my district. This governing body is making a whole lot of decisions about my district but yet they're not spending much time in their own districts where their residents and business owners can hold them accountable for their decisions. You can't keep making decisions about my district and not hear from me. You're hear from me every time. But eventually, the 2 well, 3 newest members of this governing body are gonna realize they are being manipulated. I jumped that ship years ago. I will stand on my own 10 toes down on every decision that I make. Every one of them. You can't keep making decisions in my district affecting the people in my district and not be held accountable for it. That's all."

2026 Budget Amendment No. 1

City Treasurer Frank Milazi presented Budget Amendment No. 1 for Fiscal Year 2026, increasing the total adopted budget from \$34,768,690 to \$37,880,690, an increase of \$3,112,000. The primary driver of the increase is a \$3,000,000 land acquisition line added to the General Fund. Additional changes included: removal of phone expenses from the Governing Body budget (relocated to IT); a \$257,200 increase to HR for workers' compensation and general liability expenses; a \$50,800 increase in Economic Development for unbudgeted contractual services; a \$50,000 increase in Community Development equipment; and internal

reallocation of expenses within the Police Department, Municipal Court, and City Clerk's Office with no net change to their respective budgets.

Mr. Milazi also announced that the City had received three recent grants, including two new law enforcement vehicles (EVs) and a bulletproof vest grant, which will be formally presented to Council for acceptance at a future meeting.

Council discussion also highlighted the City's improved financial position, including an approximately \$15,000,000 fund balance (approximately 50% of the operating budget, well above the GMA-recommended 25–30%), and a total of approximately \$21,000,000 recovered following prior Department of Justice audit findings.

The City Treasurer received recognition for the City receiving a Government Finance Officers Association (GFOA) award for fiscal year 2024

Motion to approve 2026 Budget Amendment No. 1 was made by Mayor Pro Tem Alexander and seconded by Councilmember Berry

Discussion: Councilmember Barber asked the governing body to vote on the Amphitheater Rental Policy as a separate item and to table that item until the next council meeting.

Mayor Pro Tem Alexander made a point of order to vote on 2026 Budget Amendment No. 1, removing the Amphitheater Rental Policy and voting on each item separately. seconded by Councilmember Berry. The motion passed 3-0-1. Barber Abstained

Councilmember Barber abstained, citing the inability to locate the adopted FY 2026 budget on the City's website for reference.

(Amphitheater Rental Policy)

Motion to amend the agenda to add discussion of the Amphitheater Rental Policy, made by Councilmember Barber seconded by Councilmember Berry. The motion passed 4-0

Operating Hours of the Amphitheater

Mayor Pro Tem Alexander raised the issue of amphitheater operating hours in the context of the May 24 concert, during which inclement weather caused a delayed start and a hard cutoff at 11:00 PM, resulting in abbreviated performances. He proposed amending the noise ordinance to allow a midnight end time in cases of inclement weather or force majeure, an 11:30 PM limit for shows running late due to operational factors, with the standard 11:00 PM curfew remaining the default. Council discussion acknowledged competing interests between concertgoers, the City's fiscal responsibility, and the quality of life of nearby residents. Councilmember Barber opposed any extension of concert hours, citing the impact on homeowners in the surrounding district. Councilmember Berry expressed support for a compromise that would allow reasonable weather-related grace periods without significantly extending disruption to residents.

City Attorney Megan McCulloch noted that any change would require formal enactment, including amendment of the noise ordinance and public notice, and confirmed she would prepare a more complete draft ordinance for a future meeting. No formal action was taken on this item.

Amphitheater Rental Policy

Councilmember Barber noted that the Council has never formally approved or adopted an amphitheater rental policy and moved to table the item to the next regular council meeting to

allow for a full presentation by the City Manager and amphitheater management staff. The motion to table resulted in a 2-0-2 vote (two in favor, two abstaining) and therefore failed.

Mayor Pro Tem Alexander subsequently moved to adopt a temporary rental fee schedule as recommended by staff, to take effect immediately, with a full presentation from City Events staff and the City Manager at the next regular meeting for final action.

Motion to adopt a temporary amphitheater rental fee schedule pending formal review at the next council meeting was made by Mayor Pro Tem Alexander and seconded by Councilmember Berry. The motion passed 3-1, with Councilmember Barber opposed.

Executive Session

Council convened to Executive Session for the purpose of discussing personnel matters.

Motion to adjourn to Executive Session was made by Mayor Pro Tem Alexander and seconded by Councilmember Berry. The motion passed 4-0.

Motion to end Executive Session was made by Councilmember Berry and seconded by Councilmember Cloud. The motion passed 5-0.

Action from Executive Session

Upon returning to open session, Council voted to appoint Wanda Dallas as Municipal Court Judge.

Motion to appoint Wanda Dallas as Municipal Court Judge was made by Councilmember Gantt and seconded by Councilmember Berry. The motion passed 4-1, Barber opposed.

Adjournment

Motion to adjourn was made by Mayor Pro Tem Alexander and seconded by Councilmember Berry. The motion passed 5-0. The meeting was adjourned at 9:16 pm.

Respectfully submitted by:

Cassandra Lester, Interim City Clerk

Jayden L. Williams, Mayor



City of Stockbridge

AGENDA ITEM

MEETING DATE

6/8/26

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: Megan McCulloch, Charisma Webster

DEPARTMENT: Legal / Events

ITEM/PROJECT/EVENT:

Council consideration of an ordinance establishing an inclement weather policy at the VyStar Amphitheater. Any such ordinance would be limited in scope to allow a concert to continue, if delayed due to inclement weather, until midnight. Such ordinance will require an amendment to the City Noise Ordinance (Code of Ordinances § 11.26, et seq.)

BACKGROUND INFORMATION:

This item for consideration was requested by a consensus of council after a concert with multiple artists was cut short due to inclement weather.

SIGNATURES:

CITY MANAGER

Frank S. Milazi

eSigned via GovOS.com

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

CITY TREASURER

Quinton 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

ATTACHMENTS:

ITEM/PROJECT/EVENT:

Council consideration of an ordinance establishing an inclement weather policy at the VyStar Amphitheater. Any such ordinance would be limited in scope to allow a concert to continue, if delayed due to inclement weather, until midnight. Such ordinance will require an amendment to the City Noise Ordinance (Code of Ordinances § 11.26, et seq.)

STAFF RECOMMENDATION:

Approval if limited in scope.

eSigned via GovOS.com

Megan McCulloch

Key: 7cb6a9e3-7863-4556-a458-502734485a09

**STATE OF GEORGIA
COUNTY OF HENRY
CITY OF STOCKBRIDGE**

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF STOCKBRIDGE, GEORGIA, AMENDING CHAPTER 11.26 (NOISE REGULATIONS) AND CHAPTER 7.12 (AMPHITHEATER OPERATIONS) OF THE CITY OF STOCKBRIDGE CODE OF ORDINANCES TO ESTABLISH A LIMITED AMPHITHEATER DELAY EXCEPTION FOR CERTAIN WEATHER-RELATED, PUBLIC SAFETY, AND OTHER UNCONTROLLABLE EVENT DELAYS; TO PROVIDE FOR ADMINISTRATIVE APPROVALS AND CONDITIONS; TO PROVIDE FOR ANNUAL LIMITATIONS; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR CITY ATTORNEY AUTHORITY; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, the City of Stockbridge (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia is charged with providing public services to residents located within the corporate limits of the City; and

WHEREAS, the City owns and operates the VyStar Amphitheater at the Bridge (“Amphitheater”), a premier outdoor venue for concerts and community events that serves residents and visitors while contributing to the City’s cultural and economic vitality; and

WHEREAS, the City Council recognizes that certain Amphitheater events may occasionally experience significant delays caused by severe weather, public safety incidents, emergency response activities, technical failures affecting safe event operations, or other circumstances beyond the reasonable control of the City and event organizers; and

WHEREAS, the Mayor and City Council recognize the need to balance operational flexibility in responding to such unforeseen delays with the protection of public health, safety, welfare, and the quality of life of nearby residents; and

WHEREAS, the City desires to establish a narrowly tailored framework allowing limited extensions of Amphitheater operating hours under specified conditions and approvals;

NOW, THEREFORE, THE MAYOR AND CITY COUNCIL OF THE CITY OF STOCKBRIDGE, GEORGIA HEREBY ORDAIN AS FOLLOWS:

SECTION 1. AMENDMENT TO CODE OF ORDINANCES § 11.26.100 – EXEMPTIONS.

The Mayor and Council hereby amend the City Code of Ordinances § 11.26.100 to include the following:

16. Limited Amphitheater Delay Exception.

(A) Notwithstanding any other provision of this Chapter, amplified sound associated with events conducted at the City-owned amphitheater may continue until no later than 12:00 midnight on Fridays and Saturdays when authorized by the City Manager, or designee, pursuant to the City's Amphitheater Extended-Hour Operations provisions.

(B) Such authorization may be granted only when a scheduled event has experienced a material delay due to severe weather, public safety incidents, emergency response activities, technical failures affecting safe event operations, or other circumstances beyond the reasonable control of the City and event organizer.

(C) Event organizers shall make reasonable efforts to conclude performances by 11:30 p.m. Any operation beyond 11:30 p.m. shall be limited to the minimum time reasonably necessary to safely conclude the event, and in no event shall amplified sound continue beyond 12:00 midnight.

(D) No more than twelve (12) event days may receive extended-hour approval during any calendar year. For purposes of this subsection, each calendar day on which an extended-hour authorization is granted shall count as one event day regardless of whether such authorization is associated with a multi-day event, festival, or series of performances.

SECTION 2. AMENDMENT TO THE CODE OF ORDINANCES – ESTABLISHMENT OF § 7.12.020 AMPHITHEATER EXTENDED-HOUR SPECIAL EVENT OPERATIONS.

The Mayor and Council of the City of Stockbridge hereby further amend the City Code of Ordinances to establish § 7.12.020 to be titled “Limited Amphitheater Extended-Hour Operations”. This section shall read as follows:

Sec. 7.12.020. Amphitheater Extended-Hour Special Event Operations.

(A) **Purpose.** The purpose of this Section is to authorize limited extensions of amphitheater operating hours when significant delays occur due to severe weather, public safety incidents, or other circumstances beyond the reasonable control of the City and event organizers, while preserving the health, safety, welfare, and quality of life of nearby residents.

(B) **Standard Operating Hours.** Unless otherwise authorized pursuant to this Section, all amplified sound, performances, and event operations at the City amphitheater shall comply with all applicable provisions of the City Code, including the City's noise regulations and any operating hour limitations.

(C) Authorized Limited Extension. Notwithstanding any other provision of the Code of Ordinances, the City Manager or designee may authorize a temporary extension of amplified sound, performances, and event operations until no later than 12:00 midnight on Fridays and Saturdays when the requirements of this Section have been satisfied.

1. Event organizers shall make reasonable efforts to conclude all performances by 11:30 p.m. Any extension beyond 11:30 p.m. shall be limited to the minimum time reasonably necessary to safely conclude the event, and in no event shall operations continue beyond 12:00 midnight.

(D) Annual Limitation. No more than twelve (12) event days may receive extended-hour approval during any calendar year. For purposes of this subsection, each calendar day on which an extended-hour authorization is granted shall count as one event day regardless of whether such authorization is associated with a multi-day event, festival, or series of performances.

(E) Administrative Approval. The City Manager may authorize an extended-hour operation only upon determining that:

1. The event has experienced a material delay resulting in a delayed start, delayed resumption, or interruption of the scheduled performance caused by severe weather, public safety incidents, emergency response activities, technical failures affecting safe event operations, or other similar emergency or safety-related circumstances beyond the reasonable control of the City and event organizer;
2. The delay would otherwise substantially impair the ability of the scheduled performance or event to be completed;
3. Appropriate operational plans are in place regarding security, parking, traffic management, sanitation, and crowd control;
4. The event organizer agrees to comply with all applicable City operational requirements and conditions of approval; and
5. The extension is necessary to safely conclude the event.

The City Manager, or designee, shall document the basis for each approval granted under this Section.

(F) Operational Conditions. As conditions of approval, the City may require:

1. Enhanced security staffing;
2. Traffic control measures;
3. Parking management plans;
4. Sound mitigation measures where reasonably practicable;
5. Modified ingress and egress procedures;
6. Emergency management coordination; and
7. Compliance with all applicable permits, licenses, and public safety directives.

(G) No Vested Right. Authorization of extended-hour operations under this Section shall constitute a revocable operational approval and shall not create a vested right for any promoter, operator, performer, or event organizer. Approval of one event shall not

create any entitlement or expectation of approval for any future event. The approval or denial of an extended-hour authorization for any event shall not establish a precedent requiring approval or denial of any future request.

(H) Enforcement Authority. The City reserves the right to suspend, revoke, or deny future extended-hour approvals for violations of City ordinances, operational requirements, public safety directives, or conditions of approval.

SECTION 3. ADMINISTRATIVE IMPLEMENTATION.

The City Manager or designee is hereby authorized and directed to develop administrative procedures and take all actions reasonably necessary to ensure consistent implementation and administration of this Ordinance.

SECTION 4. REPEAL OF CONFLICTING PROVISIONS.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. CITY ATTORNEY'S AUTHORITY.

Pursuant to the City's charter and with explicit consent of the City Council, the City Attorney is duly authorized to make requisite amendments to all contracts, ordinances, resolutions, and documents, as may be necessary, in order to secure conformity with the express intent of the City Council and to ensure adherence to all pertinent laws and ordinances of the City.

SECTION 6. SEVERABILITY.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall become effective immediately upon its adoption.

SO ORDAINED THIS _____ DAY OF _____, 2026.

Jayden Williams, Mayor

ATTEST:

APPROVED AS TO FORM:

Cassandra Lester, Interim City Clerk

Quinton G. Washington, City Attorney



Where Community Connects

Stockbridge Amphitheater

Outside Rental Fee Schedule

Policy Adoption & Market Alignment

Council Presentation | April 2026

Events Department

Policy objective: convert ad hoc rentals into a predictable business model

A high-level rental structure must protect the public asset while remaining administratively simple.

1

Recover costs

2

Reduce risk

3

Protect asset

4

Standardize terms

Recommended Policy Position

- Outside rentals should carry a defined base rate, scaled impact charges, actual cost recovery for City-required services, and limited public-benefit pricing pathways.

Current State vs. Proposed State

The proposed structure creates a consistent operating model and reduces case-by-case negotiation pressure.

Current State

- Case-by-case rental discussions
- Limited distinction between small and large events
- City service costs can be difficult to isolate
- Higher staff burden and inconsistent expectations

Proposed State

- Standardized outside rental schedule
- Attendance-based facility impact surcharge
- Actual cost recovery for public safety and operations
- Clear administrative authority and financial controls

Strategic result: a defensible policy that protects taxpayers and makes expectations clear for external renters.

Recommended base rental fee schedule

Base fee covers event-day facility use, standard utilities, and limited load-in/load-out. City-required services are billed separately.

Rental Day	Recommended Fee	Policy Rationale
Monday – Thursday	\$10,000	Lower-demand use window
Friday	\$15,000	Weekend event demand
Saturday	\$18,000	Premium event demand
Sunday	\$17,500	Weekend demand with operational reset

Important Clarification

- The base rental fee is not intended to absorb police, EMS, fire marshal, traffic control, cleanup, or specialized event costs.

Scale fees with verified event impact

Large private events should contribute proportionately to facility wear, sanitation demand, traffic burden, and operational support.

Attendance / Footprint	Surcharge	Purpose
0 – 2,000 attendees	Included	Baseline impact covered by rental fee
2,001 – 3,500 attendees	\$3 per attendee	Moderate impact scaling
3,501 – 5,000 attendees	\$5 per attendee	High impact scaling

Verification Standard

- Attendance should be verified through ticketing data, settlement reports, or documentation acceptable to the City.

Cost recovery and risk controls should be non-negotiable

Outside rentals should not shift private event costs onto taxpayers or internal operating budgets.

City Services

- Police / security
- EMS / medical
- Fire marshal, if required
- Traffic control and barricades
- Sanitation and cleanup

Billing Standard

- Actual cost + 15% administrative fee
- Clear estimates provided in advance
- Final reconciliation after event

Deposits

- 30% non-refundable reservation deposit
- \$10K–\$25K security/damage deposit
- Final payment due 14 days prior

Policy Principle

Cost recovery protects the City's financial position without restricting legitimate third-party use of the facility.

Community & Non-Profit Access

Creates an intentional public-benefit pathway while protecting baseline City costs.

Weekday Rate

- \$5,000 – \$7,500
- Best suited for lower-impact community events
- City services billed separately

Weekend Rate

- \$7,500 – \$12,500
- Reflects higher demand and operational impact
- Reduced deposit: \$5K–\$10K

Eligibility Controls

- 501(c)(3) or public-benefit documentation
- City Manager approval
- No automatic waiver of safety costs

Policy Position: Balance community access with fiscal responsibility; reduced rental rates should not become an unfunded City subsidy.

Kids & Family Show Pricing Proposal

Encourages daytime utilization and family-friendly programming without undermining the standard rental structure.

Recommended Rate

- Flat rental: \$7,500 – \$12,500
- Designed for youth and family-oriented programming
- Earlier event hours encouraged

Attendance Treatment

- Surcharge waived up to 3,000 attendees
- Standard surcharge applies above 3,000
- Verified attendance still required

Operating Assumptions

- Lower security footprint where appropriate
- Family-focused event plan required
- City services billed separately

Strategic Benefit: Activates the venue beyond premium night concerts and expands access for families, youth organizations, and school-age audiences.

Regional market context supports a structured municipal model

Comparable venue data should be used as directional support, not as a one-for-one pricing match.

Venue / Model	Published or Reported Signal	Implication for Stockbridge
Mable House Barnes	Commercial: greater of 10% gross or \$3,200/day; cap noted	Validates revenue-sensitive pricing for commercial rentals
Wolf Creek	Current rental page directs inquiries; 2019 model was \$15K + \$15/ticket	Supports base fee + scaled impact concept
Stockbridge Proposed	\$10K–\$18K base + attendance surcharge	More predictable, transparent, and administratively defensible

Market Position

Stockbridge should not underprice a premium public asset; the recommended model remains competitive while improving cost recovery and transparency.

Wolf Creek benchmark supports a scaled-fee approach

Wolf Creek is a useful regional signal because it is a public-sector amphitheater with a large event footprint.

2019 Publicly Reported Model

- \$15,000 flat rental fee
- \$15 per ticket
- Promoter responsible for security, concessions, ushers, and other needs

Current Public Information

- City of South Fulton rental page directs inquiries
- Published current fee table not clearly posted
- Use benchmark as directional context only

Stockbridge Application

- Use base rental fee for certainty
- Use surcharge for event impact
- Keep City service costs separate

Bottom line: the strongest policy lesson is not the exact number—it is the structure: base fee + scaled use + separate service costs.

Projected revenue logic

The model improves predictability while allowing revenue to scale with actual event impact.

Base Revenue

- Guaranteed rental income by day of week
- Protects the City even if attendance is lower than projected
- Creates a minimum cost-recovery floor

Impact Revenue

- Large events pay proportionately
- Surcharge reflects wear, staffing pressure, sanitation, and traffic impact
- Avoids one-size-fits-all pricing

Cost Recovery

- Police, EMS, fire marshal, traffic control, cleanup
- Actual cost + 15% administrative fee
- Protects taxpayers from subsidizing private rentals

Bottom Line: The City maintains competitive pricing while formalizing cost recovery, risk controls, and public-benefit access.

Recommended Council action

Adopt the fee schedule and authorize staff to administer the program consistently.

Step	Action	Responsibility
1	Adopt the outside rental fee schedule	Mayor and Council
2	Finalize application, agreement, and event checklist	City Manager / Legal / Venue Staff
3	Apply deposits, insurance, service estimates, and final payment controls	Venue Staff / Finance
4	Reconcile actual City service costs after each event	Finance / Public Safety / Operations

Recommended Motion

Approve the Stockbridge Amphitheater Outside Rental Fee Schedule as presented and authorize the City Manager or designee to implement administrative procedures.

Appendix: supporting references and policy notes

Sources are included to support public discussion and protect the City from relying on unsupported market claims.

Source	Used For
Mable House Barnes Amphitheatre	Published rental rate structure and commercial rental model
City of South Fulton: Wolf Creek Rentals	Current rental contact / inquiry status
Atlanta Journal-Constitution, 2019	Historical Wolf Creek rental fee model reported after Fulton County action
City policy recommendation	Stockbridge-specific pricing, deposits, cost recovery, and public-benefit access model

Policy Note

Comparable rates change over time; the City should review the schedule annually or after the first full season of rentals.



City of Stockbridge

AGENDA ITEM

MEETING DATE

June 8, 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: Charisma Webster

DEPARTMENT: Events Department

ITEM/PROJECT/EVENT:
Council consideration to approve the 2026 Amphitheater Rental Policy.

BACKGROUND INFORMATION:
This policy is necessary to establish fiscal accountability, secure new revenue streams, and provide a professional, standardized framework for all future venue rentals.

SIGNATURES:

CITY MANAGER *Frank S. Milazi*
eSigned via GovOS.com
Key: 7ed53636-d898-4ade-b417-932d73311167
eSigned via GovOS.com

CITY TREASURER *Quinton Washington*
eSigned via GovOS.com
Key: 9ff76c0b-1628-4926-950b-2b013c5f7b9

CITY ATTORNEY _____

FINANCIAL IMPACT N/A

AMOUNT:
0

ATTACHMENTS:

ITEM/PROJECT/EVENT:

Council consideration to approve the 2026 Amphitheater Rental Policy.

STAFF RECOMMENDATION:

Staff requests that Council review and approve the proposed schedule. Upon approval, the Department of Events will immediately update all rental applications, marketing collateral, and digital onboarding materials to reflect the new rates.

eSigned via GovOS.com

Charisma Webster

Key: 7cb6a9e3-7863-4556-a458-502734485a09



City of Stockbridge

AGENDA ITEM

MEETING DATE

JUNE 8, 2026

FUNDING SOURCE

- RESOLUTION
- ORDINANCE
- CONTRACT APPROVAL/RENEWAL
- PUBLIC HEARING
- PRESENTATION
- BID SELECTION/AWARD
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- DEPARTMENT FUND BALANCE
- BOND

ACCOUNT TRANSFER FROM:

ACCOUNT TRANSFER TO:

PRESENTER: Ryan Anderson

DEPARTMENT: Community Development

ITEM/PROJECT/EVENT:

VARIANCE CASE #VR-2026-01 (Council District 2). Consideration of a variance application for two setback variances on Parcel #S20-03003000 on Wilson Avenue to allow for the construction of a new single-family detached dwelling. Applicant: Jerry Robinson of BAC Construction. Zoned: SR. Property size: 0.613+/- acres. Variance Request #1--Reduce the front yard setback from the required 50 feet to 25 feet. Variance Request #2--Reduce the rear yard setback from the required 40 feet to 20 feet. City Council deferred this case at their May 11, 2026 meeting

BACKGROUND INFORMATION:

The property is long and narrow. The existing setbacks would leave only a tiny, triangular-shaped building area, making it infeasible to build the house. Staff Recommendation: Approval, with three conditions. City Council Action on April 13, 2026: Deferral to request that the applicant meet with members of the community. The applicant participated in a Neighborhood Meeting on April 23, 2026, and provided a Summary of the proceedings of the meeting.

SIGNATURES:

CITY MANAGER

Frank S. Milazi

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

CITY TREASURER

Quinton Washington

Key: 9f176c0b-1628-4926-950b-2b013c5f7b9
eSigned via GovOS.com

CITY ATTORNEY

Shawn Edmondson

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

FINANCIAL IMPACT N/A

AMOUNT:

\$0.00

ATTACHMENTS:

ITEM/PROJECT/EVENT:

VARIANCE CASE #VR-2026-01.

STAFF RECOMMENDATION:

APPROVAL, WITH THREE CONDITIONS.

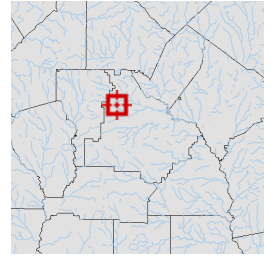
eSigned via GovOS.com
R. Ryan Anderson
Key: 7cb6a9e3-7863-4556-a458-502734485a09



Henry County, GA



Overview



Legend

- Parcels
- Roads

Parcel ID	S20-03003000	Class	Residential	Owner	BERNAL GOPAR	Land Value:	\$18,000				
Property Address		Acres	0.61	Address	LAURA & GOPAR-CARMONA	Building Value:	\$0	Last 2 Sales			
District	City/Stockbridge				LUIS A	Misc Value:	\$0	Date	Price	Reason	Qual
					103 ROSENWALD CIR	Total Value:	\$18,000	4/21/2023	\$18,000	LM	Q
					STOCKBRIDGE, GA 30281			1/1/1945	\$0	U	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: 2/12/2026
 Last Data Uploaded: 2/12/2026 1:13:26 AM



LETTER OF INTENT

BAC Construction Inc

110 Walter Way Unit 1963

6785209509

bac@bac-constructioninc.com

February 26, 2026

Stockbridge, Georgia Planning & Zoning Commission

4602 N Henry Blvd

Stockbridge Ga 30281

RE: Letter of Intent & Variance Request for Property at 0 Wilson Ave, Parcel ID S20-03003000

Dear Members of the Planning & Zoning Commission,

I am writing to formally submit a Letter of Intent and request a variance from the regulations of the Unified Development Code (UDC) for the property located at **0 Wilson Ave**, legally known as **Parcel ID S20-03003000**.

The purpose of this variance is to allow for **reduction in existing lot setbacks**:

- "A reduction in the required front-yard setback from 50 feet to 25 feet for the proposed construction of a new single-family residence."
- "A reduction in the required rear-yard setback from 40 feet to 20 feet for the proposed construction of a new single-family residence."
- Side-yard setback no change.

Property and Project Description:

The subject property is a residential lot, S20-.3003000 parcel within the Unified Development Code (UDC), specifically section 4.3.2. I am proposing to construct a new single-family residence.

Justification for Variance:

I believe this request meets the standard for a variance based on the following practical difficulties or unique circumstances associated with this specific property, as outlined in the City/Town zoning ordinance:

1. **Unique Physical Circumstances:** The property possesses unique conditions not generally found in the surrounding area, such as, an irregular lot shape, significant topographic constraints (steep slope, rock outcropping), an existing

non-conforming structure, or unusual dimensions]. These conditions create a practical difficulty in complying with the strict application of the UDC standards for my intended use.

2. **No Material Detriment:** The requested variance will not alter the essential character of the neighborhood. The proposed project, "will be consistent in scale, materials, and design with adjacent properties" or "will be screened from view and will not create noise, traffic, or privacy impacts". It will not be materially detrimental to nearby properties or to the public welfare.
3. **Preservation of Property Rights:** The strict application of the UDC regulations would result in an unnecessary hardship, depriving me of reasonable use of my property. The variance sought is the minimum necessary to achieve a reasonable use.
4. **Consistency with UDC Intent:** The variance, if granted, will allow a project that remains consistent with the broader purposes and intent of the Unified Development Code, which is to, "promote thoughtful development, enhance the streetscape, or support viable business operations".

I have attached preliminary site plans, drawings, and photographs to illustrate the existing conditions and the proposed work. I am committed to working with your staff to ensure the project meets all other applicable codes and standards.

I respectfully request that the Planning & Zoning Commission consider this variance request at your next available public hearing. I am available to answer any questions and to provide additional information as needed.

Thank you for your time and consideration.

Sincerely,

Jerry Robinson

BAC Construction Inc. Owner

Attachments:

- Site Plan
- Building Elevations/Renderings (if applicable)
- Photographs of Property
- Any other supporting documents

Neighborhood Meeting Summary

Date: April 23, 2026

Time: 6:30 PM

Location: Trinity United Methodist Church, Wilson Ave, Stockbridge, GA 30281

Purpose:

An informal meeting to inform community residents about a variance request and development proposal for a single-family residence.

Attendees:

- Kenneth Bank (neighborhood spokesperson / host)
 - Jerry Robinson (general contractor)
 - Laura and Luis Gopar (property owners)
 - Five community residents
-

Meeting Overview:

After introductions, Mr. Bank outlined the ground rules, keeping the discussion focused on a Q&A format to clarify the proposed land and structure use. He then invited me to explain the variance request.

Variance Requests (from my letter of intent dated December 10, 2026, submitted to Planning & Zoning):

- Front setback: reduce from 50 ft to 25 ft
- Rear setback: reduce from 40 ft to 50 ft

These variances are needed to allow construction of a proposed single-family residence.

Resident Questions & Responses:

1. **How do you plan to use the structure if the variance is approved?**
2. **Where do you currently live, and do you own your existing property?**
3. **Do you plan to rent the new structure or live in it?**

4. **Do you plan to rent your old home once the new one is built?**
5. **Did you know a variance would be required before submitting a building application?**
6. **What size house will be built? Does the requested setback accommodate that size?**
7. **Will the new house have any overhang? If so, can the footprint be reduced?**
8. **Have you considered buying the parcel to the rear of the lot? Will you accommodate future sidewalk implementation?**

All questions were answered to the attendees' satisfaction.

Concessions Requested by Residents:

1. Consider reducing the home's footprint if feasible (discuss with Planning & Zoning).
2. Stake the actual house footprint, including setbacks and property line markings (to be completed by April 25).

Owner's Response:

The property owner and I agreed to both requests.

Conclusion:

The meeting was cordial, respectful, and productive. All concerns were addressed, and everyone present agreed that the variance process could move forward.


Jerry Robinson

BAC Construction Inc

General Contractor

678.520.9509



BAC CONSTRUCTION

STOCKBRIDGE, GEORGIA 30281

110 Walter Way Unit 1963
Stockbridge, Ga. 30281
January 13, 2026

Authorized Agent : BAC Construction Inc / Jerry Robinson.

Luis A Gopar Carmona (owner of record) at location address o Wilson Avenue Stockbridge Georgia 30281. Hereby duly authorize Jerry Robinson (Contractor of BAC Construction Inc) to function as the agent for Luis A Gopar Carmona (the owner of record). The authorization gives Jerry Robinson the power to sign and enact a service contract for satisfying the requirements for Planning and Development variance application process with the City of Stockbridge Georgia.

Sincerely,
Jerry Robinson

Given under hand and seal this day: Jan 14, Twenty 2026

____ Jerry Robinson ____ (Applicant) ____

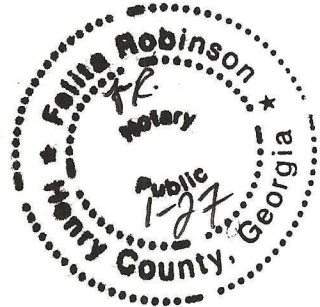
(Name of Signatory) (Company Name)

Sworn to (or affirmed) and subscribed before me

Date: Jan 14, Twenty 2026 By: Felita Robinson

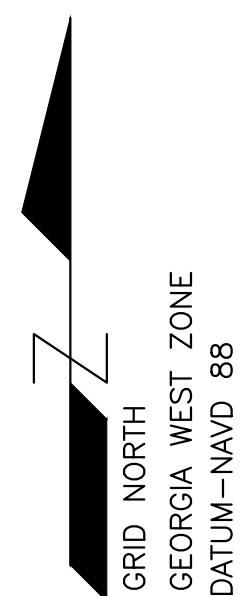
Felita Robinson
(Signature of Notary Public - State of Georgia)

Print, Type, or Stamp Commissioned Name of Notary Public:



LEGEND

- I.P.F. = IRON PIN FOUND
- I.P.S. = IRON PIN SET
- R.B.F. = REBAR FOUND
- O.T.P. = OPEN TOP PIPE
- C.T. = CRIMPED TOP
- R/W = RIGHT-OF-WAY
- P.L. = PROPER LINE
- C.L. = CENTER LINE
- B.L. = BUILDING LINE
- L.L. = LAND LOT
- L.L.L. = LAND LOT LINE
- W = WATER LINE
- SS-SS = SEWER LINE
- V = FENCE LINE
- Y = POWER LINE
- XY = OVERHEAD LINES
- P.P. = POWER POLE
- C.A. = CUY ANCHOR
- BWF = BARBED WIRE FENCE
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- SIG. POLE = SIGNAL POLE
- EP = EDGE OF PAVEMENT
- SWCB = SINGLE WING CATCH BASIN
- DWCB = DOUBLE WING CATCH BASIN
- U.B. = UNIFORM BOX
- D.I. = DROP INLET
- C.I. = CURB INLET
- Y.I. = YARD INLET
- H.W. = HEAD WALL
- C.M.P. = CORRUGATED METAL PIPE
- R.C.P. = REINFORCED CONCRETE PIPE
- D.P. = DUCTILE IRON PIPE
- D.E. = DRAINAGE EASEMENT
- S.S.H. = SANITARY SEWER MANHOLE
- S.S.E. = SANITARY SEWER EASEMENT
- H. = HYDRANT
- W.V. = WATER VALVE
- W.M. = WATER METER
- G.V. = GAS VALVE
- G.M. = GAS METER
- N.P. = NOW OR FORMERLY
- D.B. = DEED BOOK
- P.B. = PLAT BOOK
- P.C. = PLAT
- C.M.F. = CONCRETE MONUMENT FOUND
- C.P. = CALCULATED POINT
- C.L.F. = CHAIN LINK FENCE
- LOC = LIMIT OF CLEARING



FLOOD NOTE:
NO PORTION OF THE PROPERTY SHOWN HEREON IS INSIDE THE FLOOD HAZARD AREA

SEE F.I.R.M. PANEL NO. 13151C0115D DATED 10/06/2016

NOTES:
SUBJECT TRACT #S20-03003000
PRESENT ZONING SR
MINIMUM LOT SIZE - 12,000 SF
TOTAL AREA 26,702 SF / 0.613 ACRES
SETBACKS: FRONT= 50 FEET
SIDE = 10 FEET
REAR = 40 FEET
MIN. LOT WIDTH= 75 FEET
MAX. LOT COVERAGE= 30%
MIN. LIVING AREA= 1,500 SF

OWNER
LAURA COPAR
103 ROSENWALD CIR
STOCKBRIDGE, GA 30281
PH. _____

DEVELOPER/24HR. CONTACT
BAC CONSTRUCTION
JERRY ROBINSON
110 WALTER WAY
STOCKBRIDGE, GA 30281
PH. 404-924-9160

Da1	MULCHING APPLICATION REQUIREMENTS		
MATERIAL	RATE	DEPTH	
STRAW OR HAY	2 1/2 TON PER ACRE	6"-10"	
WOOD WASTE, CHIPS, SHAVINGS, BARK	6-8 TON PER ACRE	2"-3"	

PLANTING OF DISTURBED AREAS (HYDROSEEDING)

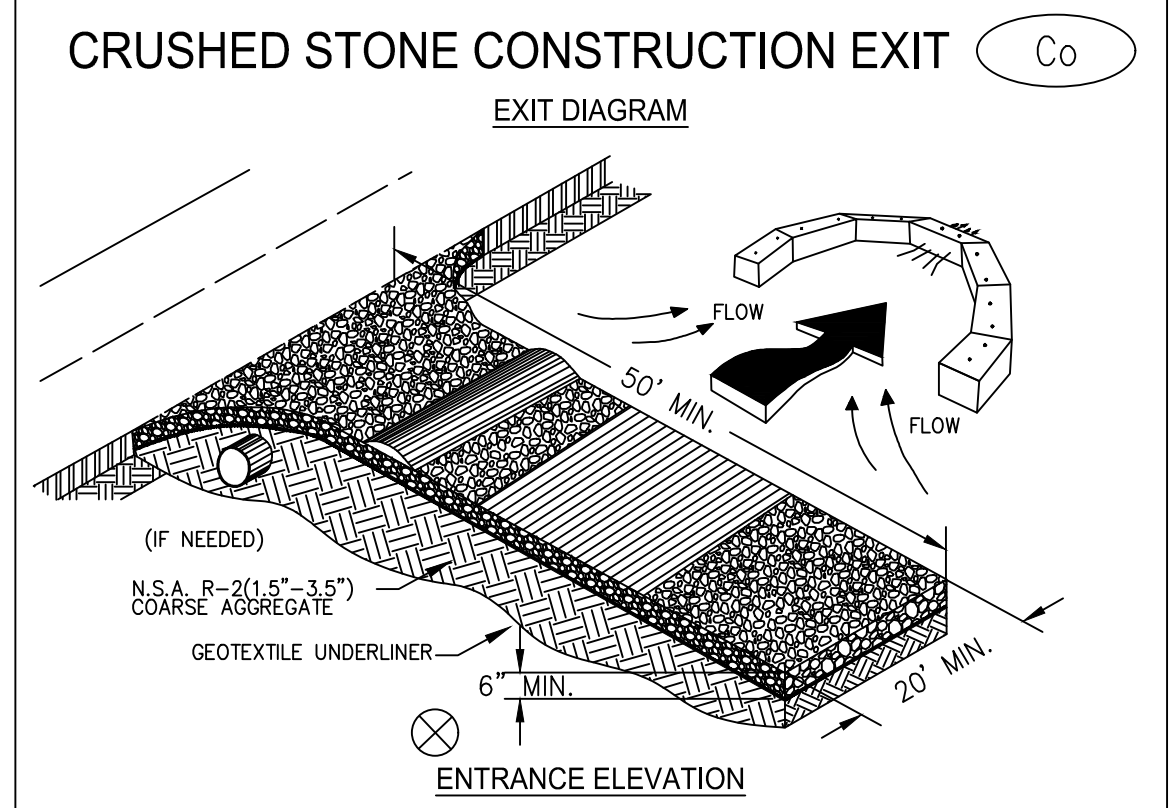
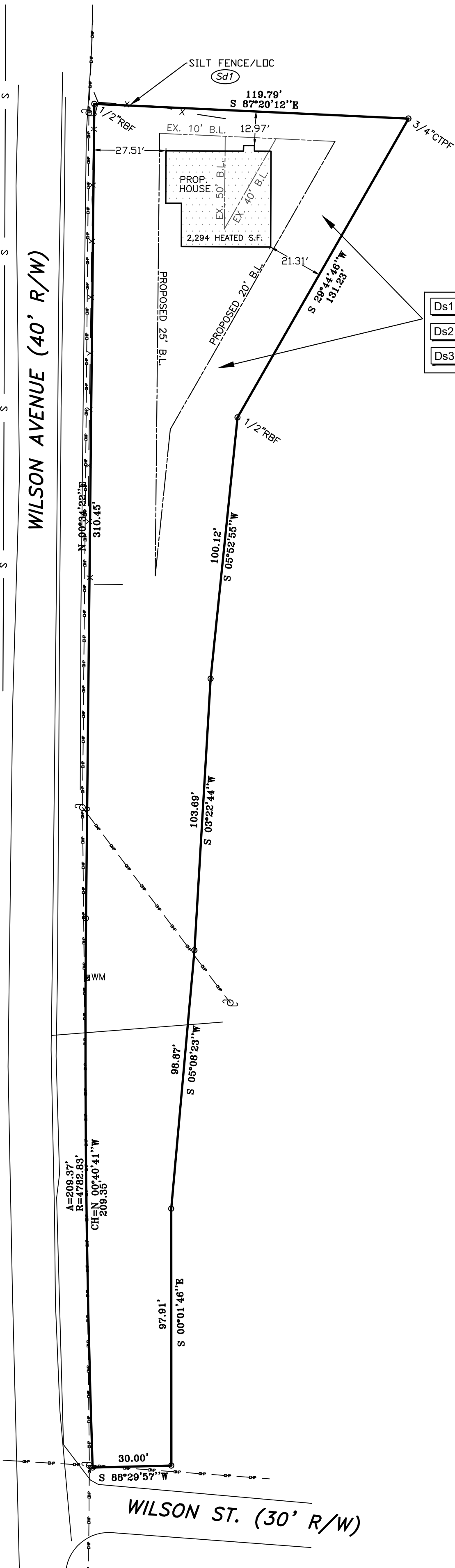
ALL LAWN AREAS SHALL BE SEEDDED WITH KENTUCKY 31 FESCUE (TEMPORARY) OR HULLED BERBERIS (PERMANENT). APPLY FESCUE AT THE RATE OF FIVE (5) POUNDS PER ONE THOUSAND (1000) SQUARE FEET OR APPLY BERBERIS AT THE RATE OF TWO (2) POUNDS PER ONE THOUSAND (1000) SQUARE FEET. ALL DESIGNATED AREAS SHALL BE PLANTED WITH A HYDRO-SEEDER AFTER AREAS HAVE BEEN PREPARED FOR SEEDING UNLESS PLANT SHOW OTHERWISE. HYDROSEEDING 1000, AS MANUFACTURED BY PROPLE PRODUCTS CO., SHALL BE APPLIED AT THE RATE OF ONE THOUSAND FIVE HUNDRED (1,500) POUNDS PER ACRE ON FLAT SURFACES, TWO THOUSAND (2000) POUNDS PER ACRE ON SLOPES UP TO 3H TO 1V, AND TWO THOUSAND FIVE HUNDRED (2,500) POUNDS PER ACRE ON SLOPES GREATER THAN 3H TO 1V. APPLY SEED FERTILIZER, LIME, AND FIBER IN ONE OPERATION. EXISTING TREES AND SHRUBS IN HYDRO-SEEDED AREA SHALL BE PROTECTED DURING HYDRO-SEEDING.

SPECIES	RATE		SEASON	YEAR TO APPLY FERTILIZER	FERTILIZING RATE		
	1000 SF.	ACRE			LIME	6/12/12	AMMONIA NITRATE
HULLED SIERRA BERBERIS GRASS (PERMANENT)	0.2 LBS.	10 LBS.	3/1 - 8/1	1ST YEAR	60 LBS./1000 SF.	40 LBS./1000 SF.	300 LBS./ACRE
UNHULLED SIERRA BERBERIS GRASS (PERMANENT)	0.2 LBS.	10 LBS.	10/1 - 3/1	2ND YEAR (BY OWNER)	30 LBS./1000 SF.	24 LBS./1000 SF.	0
				2ND YEAR (BY OWNER)	30 LBS./1000 SF.	24 LBS./1000 SF.	0
TALL FESCUE (TEMPORARY)	1.1 LBS.	50 LBS.	8/15 - 11/1	1ST YEAR	60 LBS./1000 SF.	40 LBS./1000 SF.	300 LBS./ACRE
**ANNUAL RYEGRASS (TEMPORARY)	0.9 LBS.	40 LBS.	8/1 - 4/15	2ND YEAR (BY OWNER)	30 LBS./1000 SF.	24 LBS./1000 SF.	0
				2ND YEAR (BY OWNER)	30 LBS./1000 SF.	24 LBS./1000 SF.	0

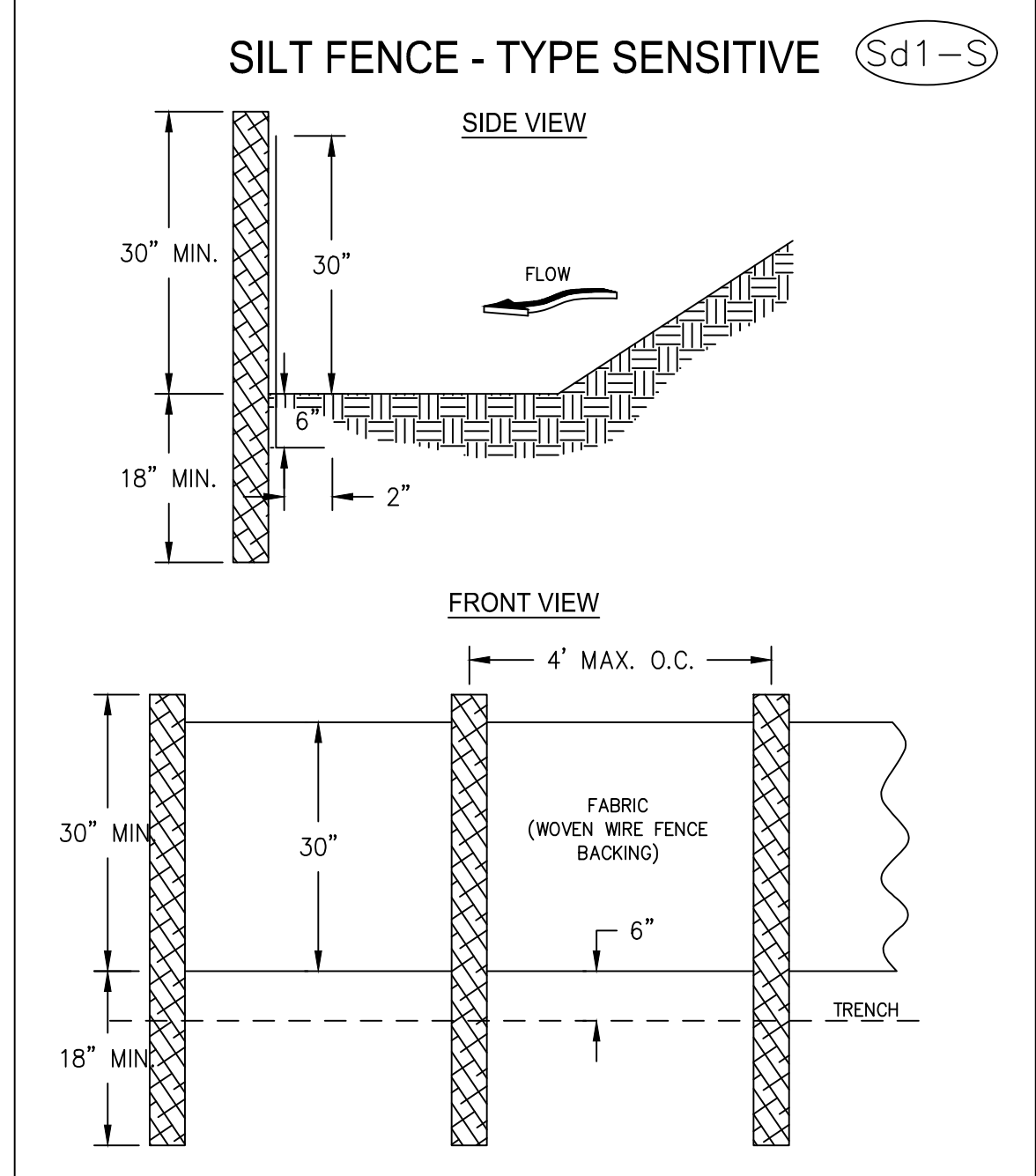
INDICATES OPTIMUM PLANTING DATES.
**ANNUAL RYEGRASS SHALL NOT BE USED IN MIXES.



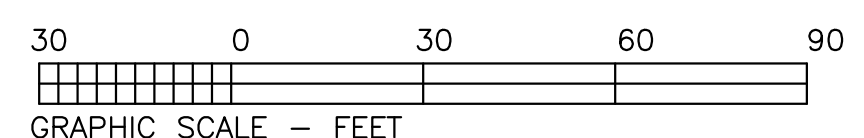
255 RACETRACK ROAD, SUITE 33
MCDONOUGH, GA 30252
PH (770) 483-8471
GRANT@BRCLANDSERVICES.COM



- NOTES:**
1. AVOID LOCATING ON STEEP SLOPES OR AT CURVES ON PUBLIC ROADS.
 2. REMOVE ALL VEGETATION AND OTHER UNSUITABLE MATERIAL FROM THE FOUNDATION AREA, GRADE, AND CROWN FOR POSITIVE DRAINAGE.
 3. AGGREGATE SIZE SHALL BE IN ACCORDANCE WITH NATIONAL STONE ASSOCIATION R-2 (1.5"-3.5" STONE).
 4. GRAVEL PAD SHALL HAVE A MINIMUM THICKNESS OF 6".
 5. PAD WIDTH SHALL BE EQUAL FULL WIDTH AT ALL POINTS OF VEHICULAR EGRESS, BUT NO LESS THAN 20'.
 6. A DIVERSION RIDGE SHOULD BE CONSTRUCTED WHEN GRADE TOWARD PAVED AREA IS GREATER THAN 2%.
 7. INSTALL PIRE UNDER THE ENTRANCE IF NEEDED TO MAINTAIN DRAINAGE DITCHES.
 8. WHEN WASHING IS REQUIRED, IT SHOULD BE DONE ON AN AREA STABILIZED WITH CRUSHED STONE THAT DRAINS INTO AN APPROVED SEDIMENT TRAP OR SEDIMENT BASIN (DIVERT ALL SURFACE RUNOFF AND DRAINAGE FROM THE ENTRANCE TO A SEDIMENT CONTROL DEVICE).
 9. WASHRACKS AND/OR TIRE WASHERS MAY BE REQUIRED DEPENDING ON SCALE AND CIRCUMSTANCE. IF NECESSARY, WASHRACK DESIGN MAY CONSIST OF ANY MATERIAL SUITABLE FOR TRUCK TRAFFIC THAT REMOVE MUD AND DIRT.
 10. MAINTAIN AREA IN A WAY THAT PREVENTS TRACKING AND/OR FLOW OF MUD ONTO PUBLIC RIGHTS-OF-WAYS. THIS MAY REQUIRE TOP DRESSING, REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT.



- NOTES:**
1. USE STEEL OR WOOD POSTS OR AS SPECIFIED BY THE EROSION, SEDIMENTATION, AND POLLUTION CONTROL PLAN.
 2. HEIGHT (H) IS TO BE SHOWN ON THE EROSION, SEDIMENTATION, AND POLLUTION CONTROL PLAN.



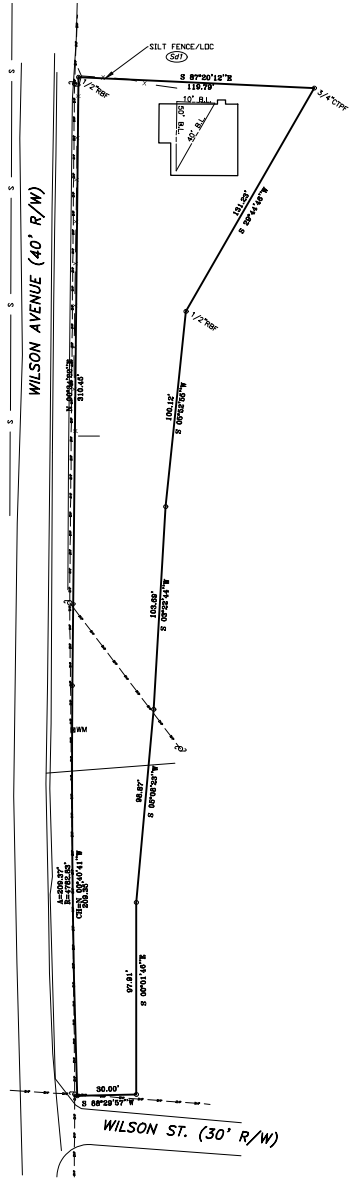
0 WILSON AVENUE
TOTAL AREA = 0.613 ACRE
(26,702 SQ.FT.)

SITE PLAN FOR:

BAC CONSTRUCTION	
LAND LOT 36	12TH DISTRICT
COUNTY HENRY	STOCKBRIDGE, GEORGIA
SCALE 1" = 30'	DATE 01/28/2026
REVISIONS: ADD EXISTING SETBACKS- 02/24/2026	

THE INTENT OF THIS SITE PLAN IS TO SHOW THE PROPOSED LOCATION OF A NEW SINGLE FAMILY HOME ALONG WITH THE PROPOSED FRONT AND REAR BUILDING SETBACK LINES.

LEVEL II CERTIFIED DESIGN PROFESSIONAL
CERTIFICATION NO.: 000103622



SYMBOL LEGEND

- SYMBOL LEGEND**
- IRON PIN FOUND
 - 1/2" REBAR SET
 - CONCRETE MONUMENT FOUND
 - UTILITY POLE
 - ☆ LIGHT POLE
 - ⊕ UTILITY METER
 - ⊗ FIRE HYDRANT
 - ⊙ SANITARY SEWER MANHOLE
 - ⊘ WATER VALVE
 - GAS LINE
 - CABLE TV LINE
 - WATER LINE
 - OVERHEAD POWER LINE
 - PROPERTY LINE
 - ADJACENT LOT LINE
 - LAND LOT LINE
 - ASPHALT AREA
 - CONCRETE AREA
 - DIRT AREA



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 herein. 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.

M.C. Allen
 Mark A. Buchner GA RLS 2422
 Date: 4/17/23

SHEET DESCRIPTION
 BOUNDARY / AS-BUILT SURVEY
 SHEET NUMBER
633B



BOUNDARY / AS-BUILT SURVEY FOR
LAURA GOPAR
 LOCATED IN LAND LOT 36 OF THE 12TH DISTRICT,
 CITY OF STOCKBRIDGE, HENRY COUNTY, GEORGIA

REFERENCES & NOTES

CURRENT OWNER:
 AMOS L. WILLIAMS

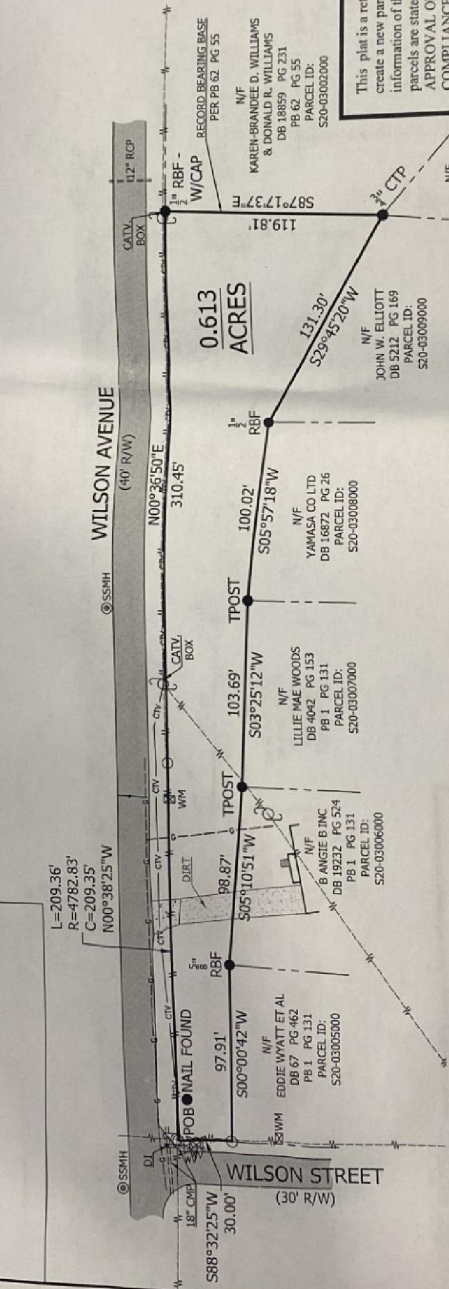
DEEDS:
 DB 36 PG 460

PARCEL ID: S20-03003000

THE UTILITIES SHOWN ON THIS PLAT WERE TAKEN FROM INFORMATION AVAILABLE AT THE TIME OF THE SURVEY AND MAY OR MAY NOT BE ACCURATE AS TO THE EXTENT AND OR LOCATION OF SAID UTILITIES. THIS SURVEYOR DOES NOT GUARANTEE THAT ALL EASEMENTS WHICH MAY AFFECT THIS PROPERTY ARE SHOWN.

The term "Certification" as used in Rule 1100-6-09(2) and (3) and relating to professional engineering or land surveying services, as defined in O.C.G.A. 43-15-2(6) and (11), shall mean a signed statement based upon facts and knowledge known to the registrant and is not a guarantee or warranty, either expressed or implied.

This survey complies with both the rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and the Official Code of Georgia Annotated 43-15-67, in that where a conflict exists between those two sets of regulations, the requirements of this plat prevail.



PLAT CERTIFICATION:

The field data, completed on 4/15/23, upon which this plat is based, has a closure precision of one foot in 48,771 feet and an angular error of 0.02" per angle point and was unadjusted. This plat has been calculated for closure and is found to be accurate within one foot in 443,692 feet.

The linear and angular measurements shown on this plat were obtained using a Geomax Robotic Total Station.

SCANLON ENGINEERING SERVICES, INC.
 221 EAST BANK STREET
 GRIFFIN, GEORGIA 30223
 PHONE: (678) 967-2051 www.scanlonteng.com

REV.	DESCRIPTION	DATE
1		
2		
3		

Project #: S230421798 Date: 4/16/2023 Scale: 1" = 60'
 Drawn by: JWS

"THIS DRAWING IS THE PROPERTY OF SCANLON ENGINEERING SERVICES, INC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN, AND IS NOT TO BE USED ON OTHER PROJECTS OR EXTENSIONS TO THIS PROJECT, OR REPRODUCED IN WHOLE OR IN PART, EXCEPT BY AGREEMENT IN WRITING AND WITH APPROPRIATE COMPENSATION."

CITY OF STOCKBRIDGE

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

January 7, 2026

Mr. Jerry Robinson
BAC Construction, Inc.
678-520-9509

RE: Service Availability Letter
0 Wilson Ave.
Parcel #: S20-03003000
Development Type: Residential

Mr. Robinson:

As requested, let this letter serve as an acknowledgement of service availability for the subject parcel and that the City of Stockbridge is the water and sewer provider. It will be the responsibility of the builder to install the sewer line across the road and tie into the City's sewer if there is not a current sewer tap available.

Sincerely,



Kevin Miller
Sewer Superintendent

Cc: Scott Mask, Water Superintendent
Kim Barnett, Utilities Manager



CITY OF STOCKHOLM
NOTICE OF PUBLIC HEARING
REGARDING THE PROPOSED
REVISIONS TO THE ZONING ORDINANCE
FOR THE CITY OF STOCKHOLM
PLANNING AND ZONING DIVISION
770-389-7900





**POWERPOINT PRESENTATION FOR
VARIANCE CASE #VR-2026-01**

Planning Commission Meeting—March 19, 2026
City Council Meetings—April 13, 2026 & June 8, 2026

CITY OF STOCKBRIDGE

COMMUNITY DEVELOPMENT DEPARTMENT

Ryan Anderson, Director

FACTS ABOUT THE SUBJECT PROPERTY

Property Location: Parcel #S20-03003000, located on the east side of Wilson Avenue and the north side of Wilson Street.

Property Owners: Laura Bernal Gopar & Luis A. Gopar-Carmona.

Council District: 2 (Councilmember Antwan Cloud).

Bordering Roads: Wilson Avenue to the west and Wilson Street to the south (corner lot). *(See the aerial photograph.)*

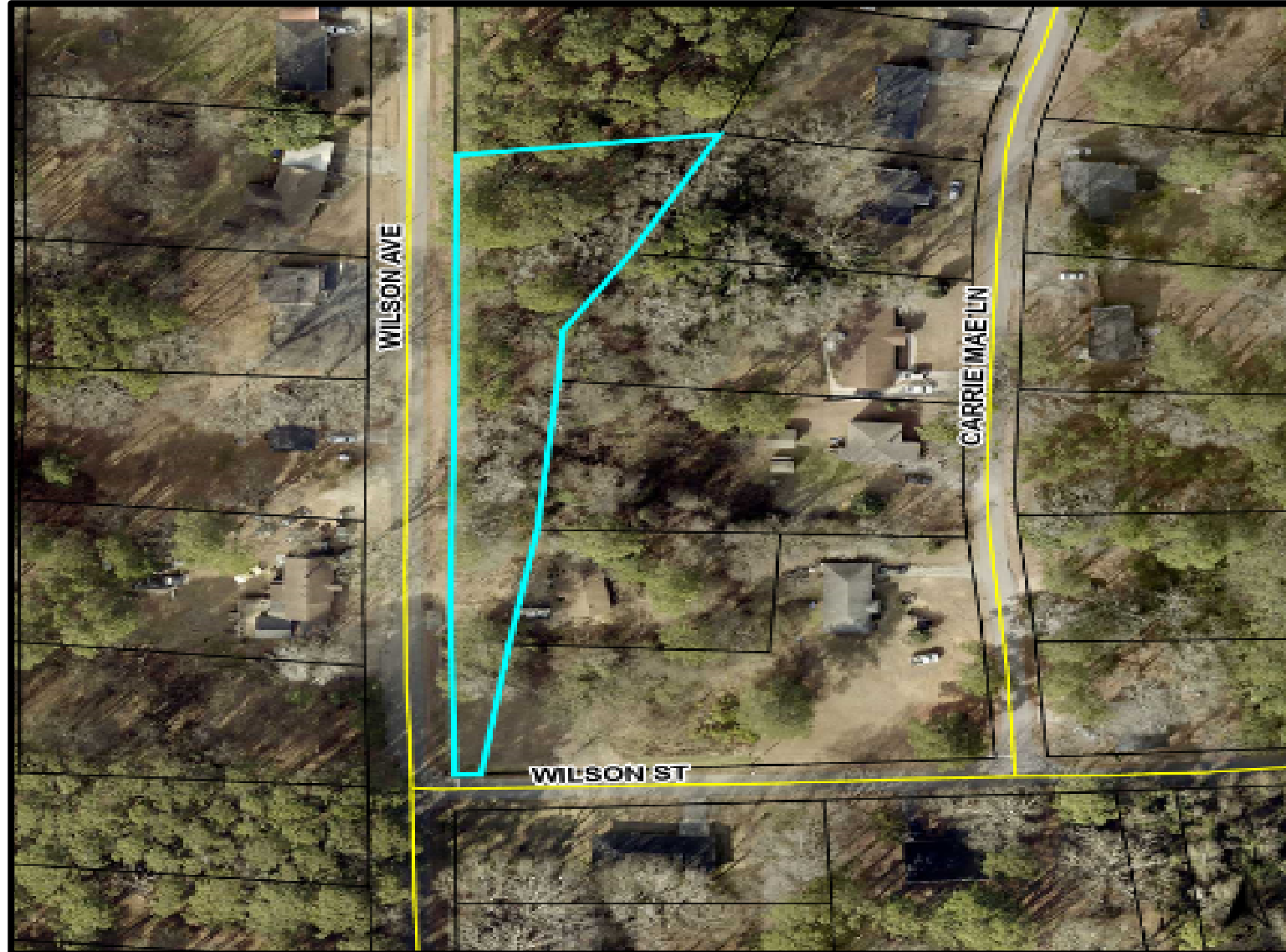
Current Zoning: SR (Suburban Residential). *(See the Zoning Map.)*

Future Land Use Designation: Medium-Density Mixed-Use. *(See the Future Land Use Map.)*

Property Conditions: The property is long and narrow, with 0.613 +/- acres, and it is currently vacant. *(See the aerial photo.)*

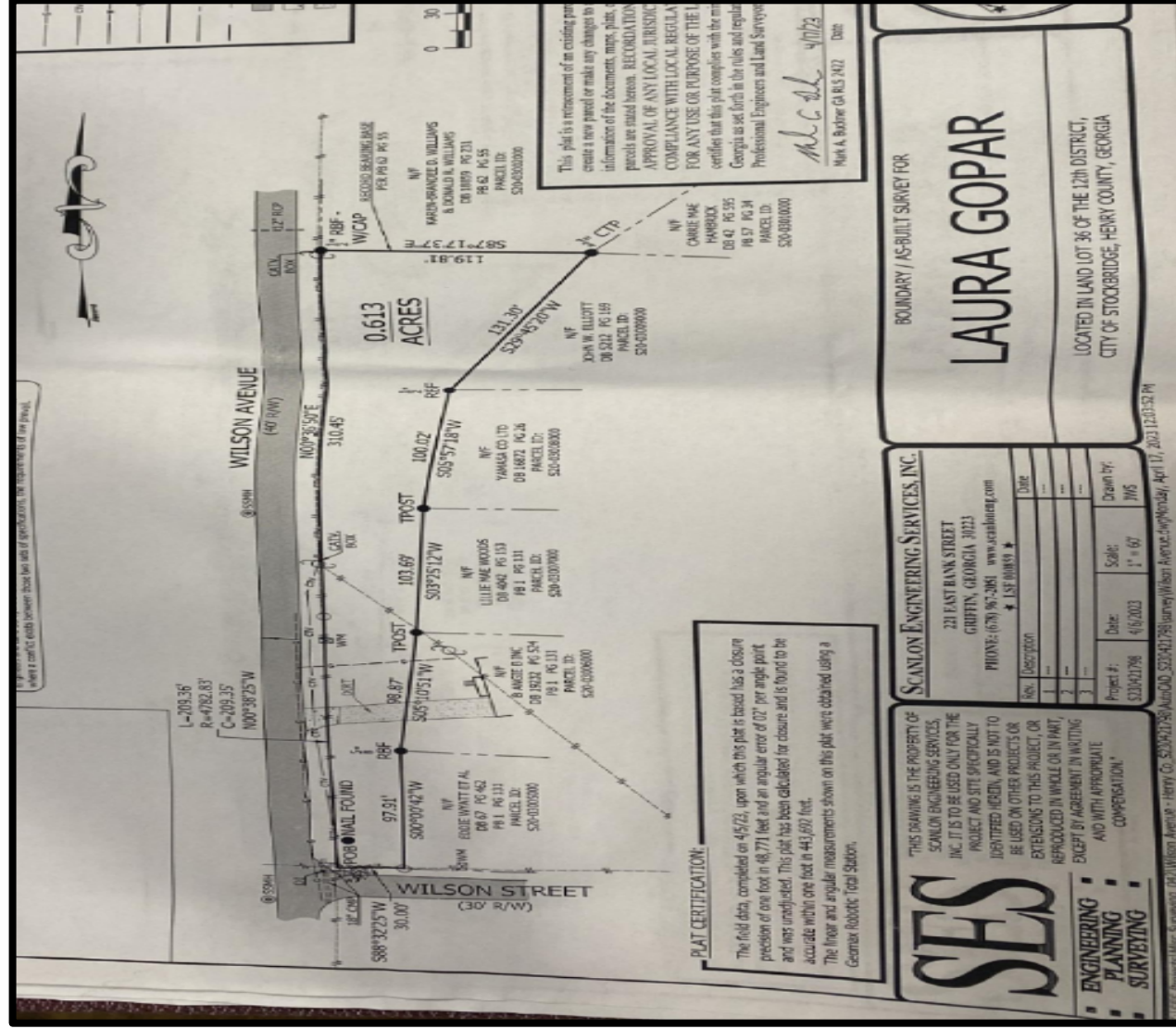
AERIAL PHOTOGRAPH for PARCEL #S20-03003000

Showing the Property Location, Size, and Shape



BOUNDARY SURVEY

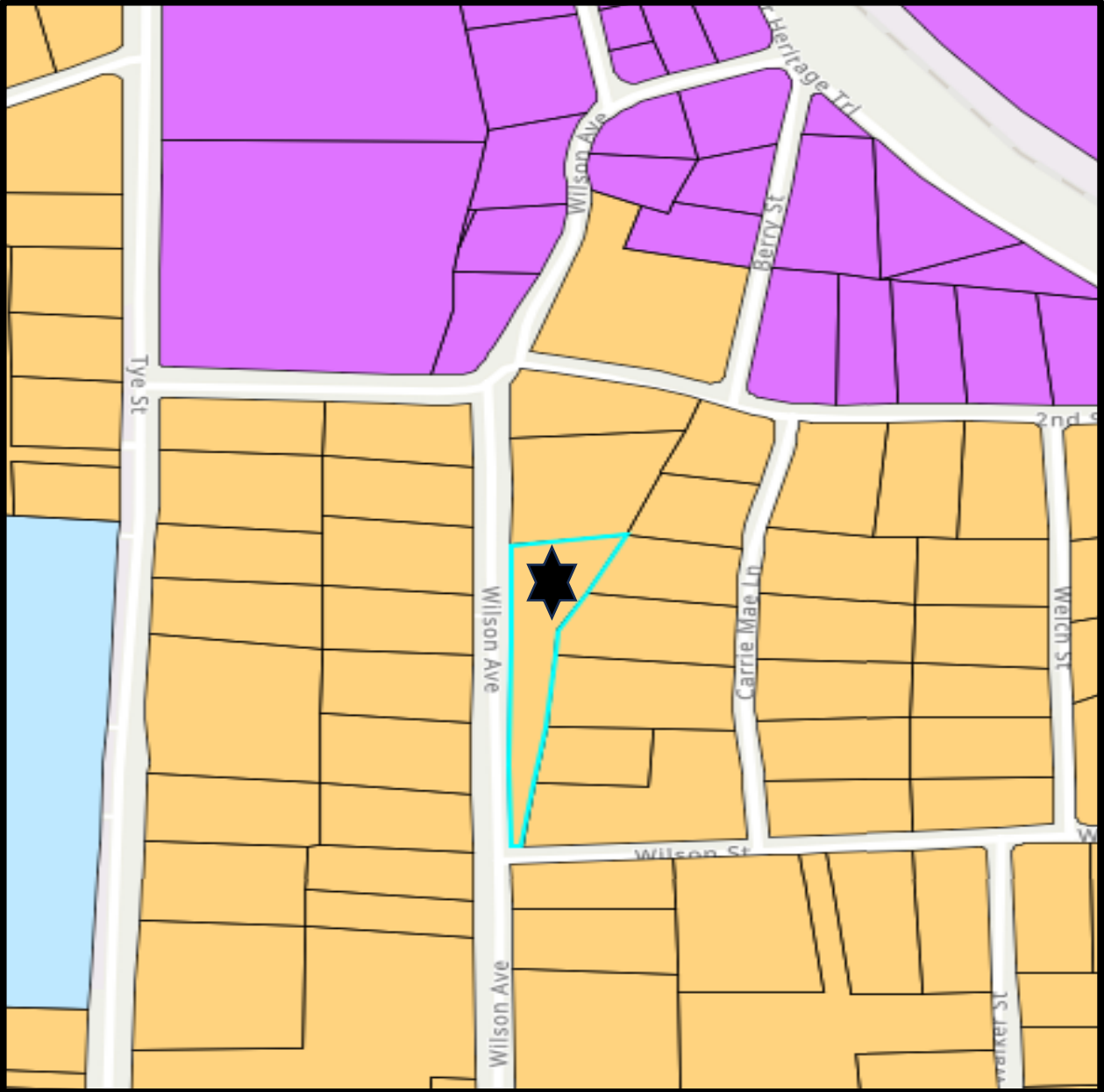
(Prepared by Scanlon Engineering Services, Inc. on 4/17/23)



ZONING MAP FOR VR-2026-01



FUTURE LAND USE MAP FOR VR-2026-01



CASE PURPOSE (Slide #1)

Applicant: Jerry Robinson of BAC Construction (the builder).

Proposed Development: New single-family detached dwelling with 2,294 total heated square feet.

Purpose of Case: Applicant requests to reduce the required front and rear yard setbacks in order to have sufficient land area on which to build the home.

Need for Case: The subject property is narrow and has an irregular shape.

Sign Posting—The zoning sign was posted on the subject property on March 4, 2026. *(See the aerial photo.)*

POSTING OF ZONING SIGN ON THE SUBJECT PROPERTY (View Toward the South)—March 4, 2026



CASE PURPOSE (Slide #2)

Required Setbacks—The setback requirements in the SR district are stated in Section 2.4.2 (B) of the Stockbridge Unified Development Code (UDC). They are as follows:

- ~ 50 feet for the front yard setback.
- ~ 10 feet for the side yard setback.
- ~ 40 feet for the rear yard setback.

Reason for Variance Requests--Because of the irregular shape and dimensions of the lot, the applicant has experienced difficulty in complying with the front and rear yard setbacks. The applicant has therefore requested two variances to allow him to deviate from these setback requirements:

Variance Request #1—To reduce the front yard setback from the required 50 feet to 25 feet.

Variance Request #2—To reduce the rear yard setback from the required 40 feet to 20 feet.

(No variance is needed for the side yards since they would meet the required 10 feet.)

PROPOSED DEVELOPMENT (Slide #1)

Proposed Construction--A new single-family detached dwelling (home).

Site Location—To be built in the northern portion of the property, which is the widest.
(See the Proposed Site Plan.)

Required Dwelling Size: At least 1,500 square feet in the SR district.

Proposed Dwelling Size: 2,294 total square feet, with 1,370 heated square feet on the first floor and 924 square feet on the second floor. (See the Proposed Site Plan.)

Required Setbacks:

- ~ They must be at least 50 feet in the front, 40 feet in the rear, and 10 feet on the sides.
(See the Site Plan Enlargement #1.)
- ~ Due to the irregular shape and size of the property, the use of these setbacks would leave only a tiny, triangular area left to build the home on.

PROPOSED DEVELOPMENT (Slide #2)

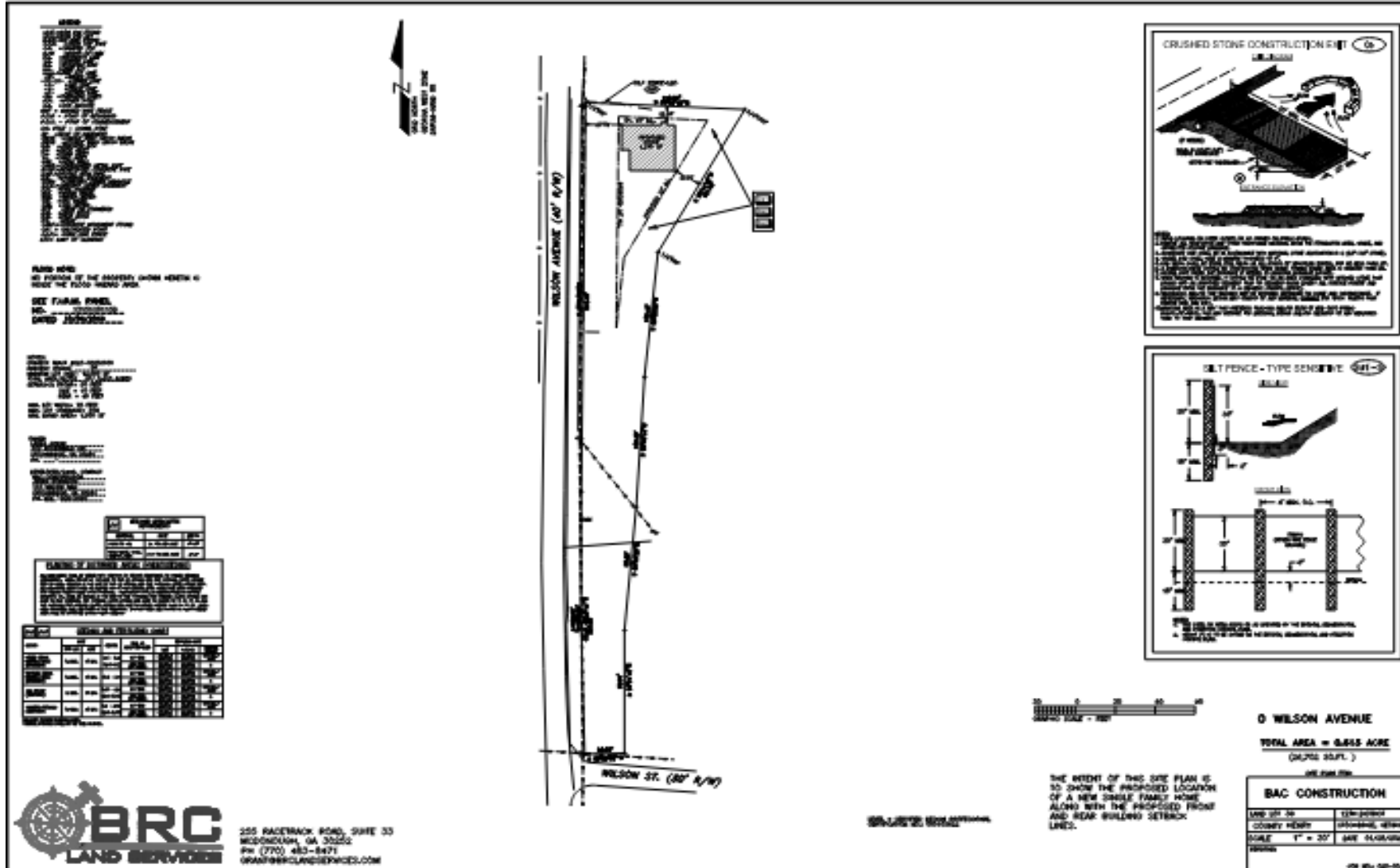
Proposed Setbacks:

- ~ Shown on the submitted site plan, prepared by BRC Land Services on 01/28/26. *(See the Site Plan Enlargement #1.)*
- ~ Proposed reduction of the front and rear yard setbacks by 50 percent each.
- ~ Variance Request #1—Reduce the front yard setback from the required 50 feet to 25 feet. (The new Building Line would be 25 feet, and the actual setback would be 27.31 feet.)
- ~ Variance Request #2—Reduce the rear yard setback from the required 40 feet to 20 feet. (The new Building Line would be 20 feet, and the actual setback would be 21.31 feet.) *(See the Site Plan Enlargement #2.)*
- ~ No variances are needed for the side yard setbacks, since they would be 12.97 feet, which is more than the required 10 feet.
- ~ The proposed footprint of the home is shown in the shaded area.

Comparison of Required Versus Proposed Setbacks--The applicant's proposed setbacks would significantly enlarge the available buildable area for constructing the proposed home. *(See the Site Plan Enlargement #3.)*

PROPOSED SITE PLAN—

Shows Proposed Home on Northern Portion of Site
(Prepared by BRC Land Services on 01/28/26)



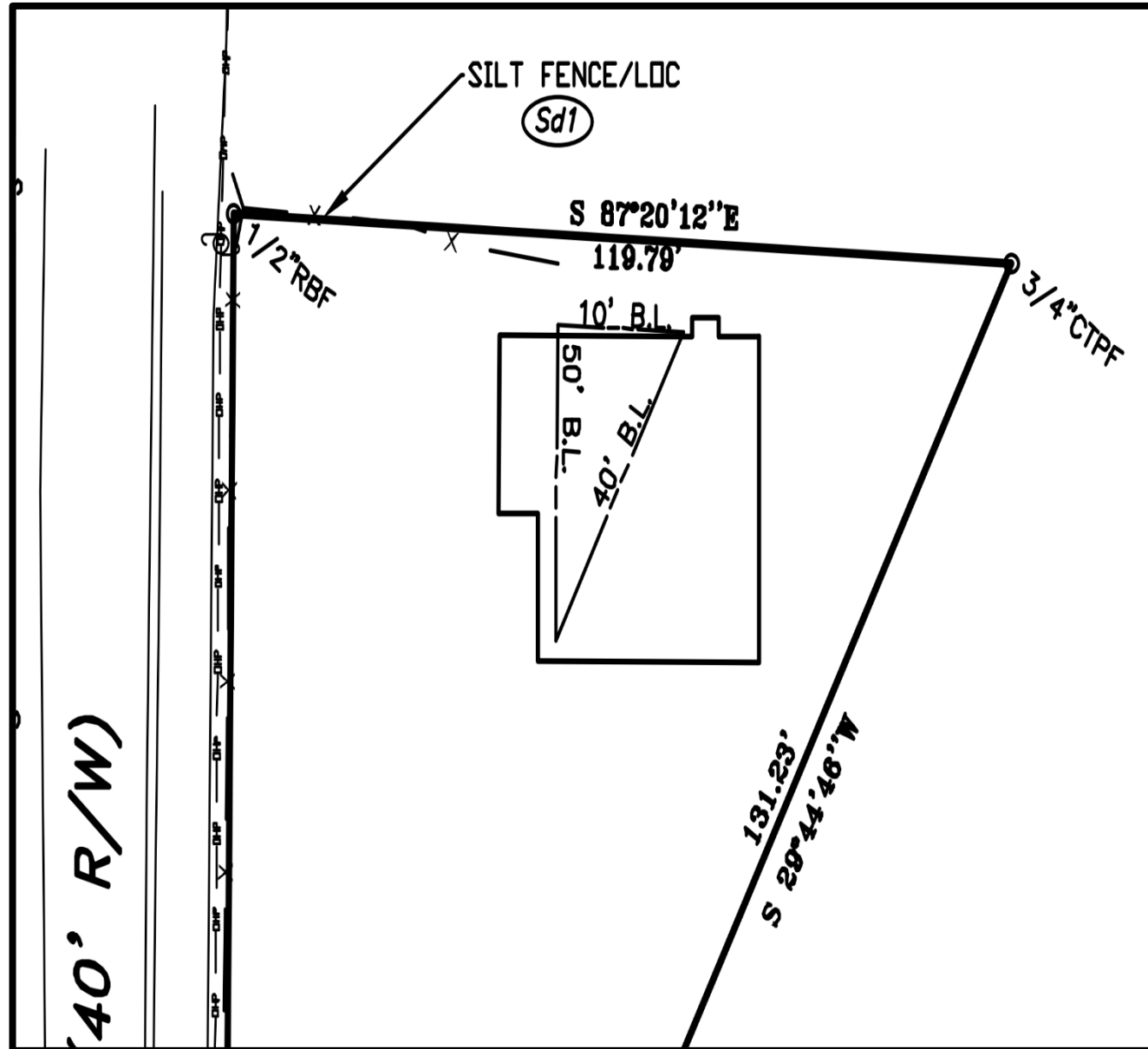
255 RACETRACK ROAD, SUITE 33
MCDONOUGH, GA 30252
PH: (770) 483-8471
WWW.BRC-LANDSERVICES.COM

SCALE: 1" = 20'

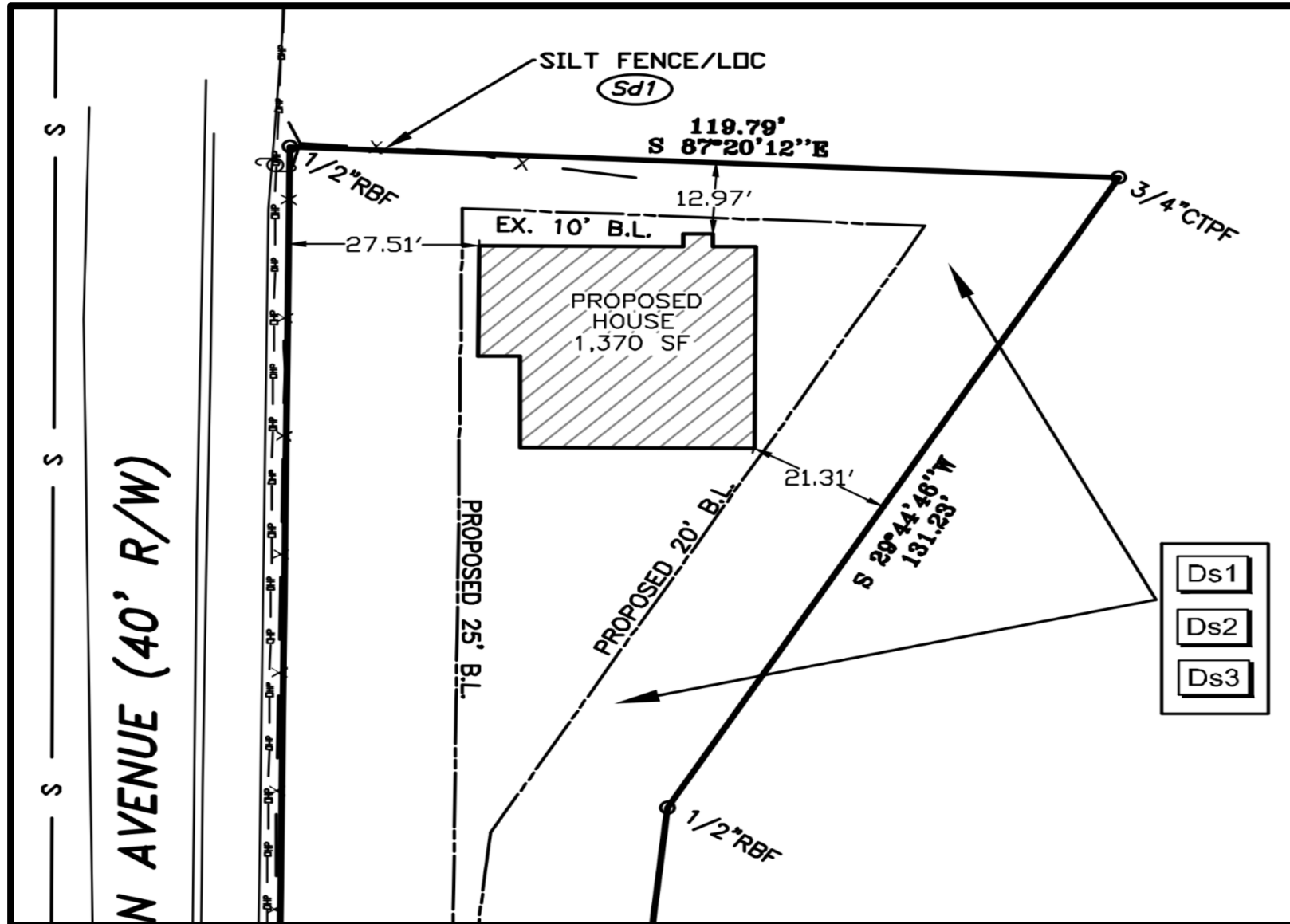


THE INTENT OF THIS SITE PLAN IS TO SHOW THE PROPOSED LOCATION OF A NEW SINGLE FAMILY HOME ALONG WITH THE PROPOSED FRONT AND REAR BUILDING SETBACK LINES.

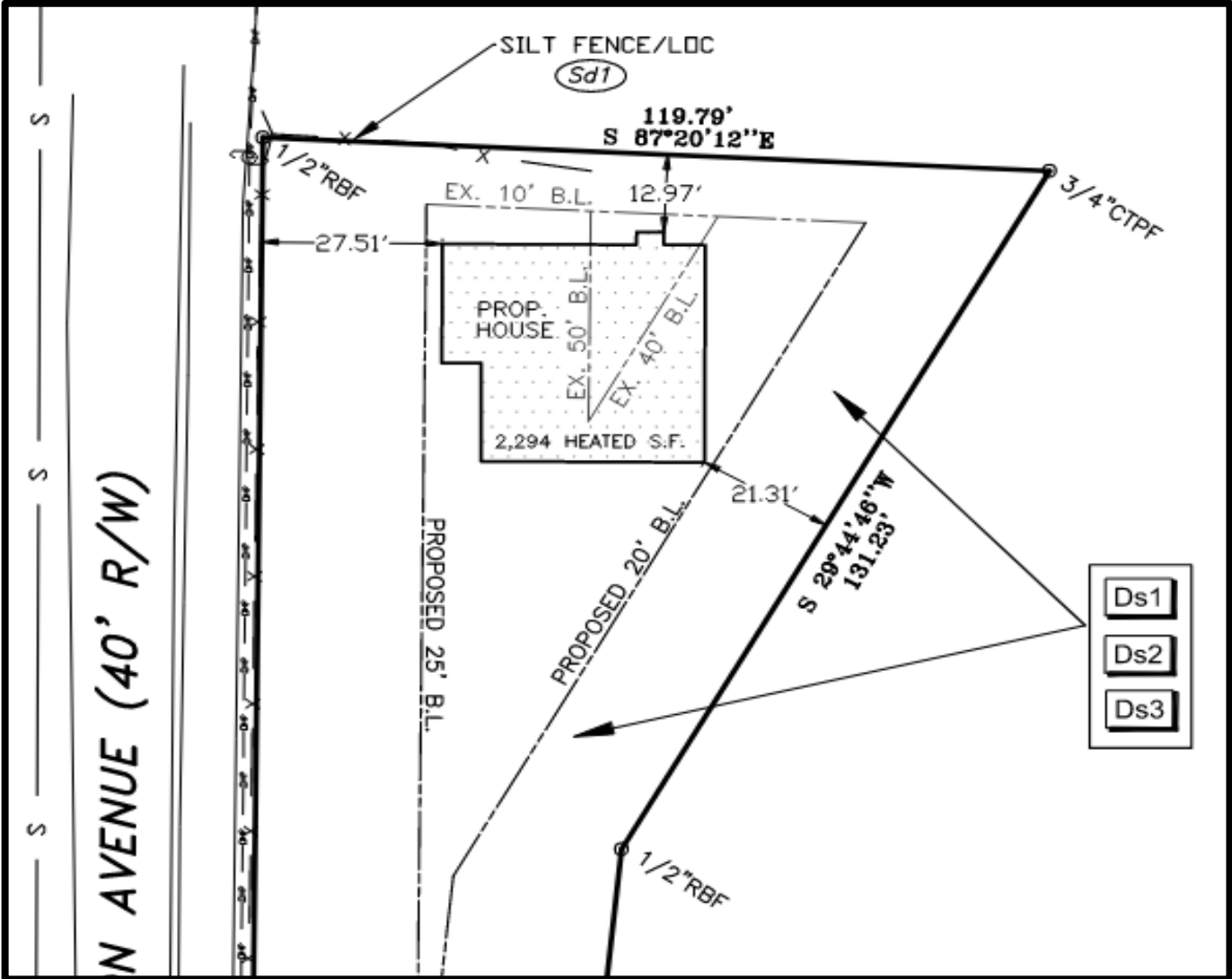
SITE PLAN ENLARGEMENT #1--REQUIRED SETBACKS



SITE PLAN ENLARGEMENT #2--PROPOSED SETBACKS



SITE PLAN ENLARGEMENT #3—SETBACK COMPARISONS



ANALYSIS OF VARIANCE REQUESTS (Slide #1)

Required Criteria—Section 10.1.3 of the UDC lists seven (7) criteria to be used in analyzing variance requests. It states that a variance may be granted upon a finding that all seven of these criteria are met.

Since both variance requests are for the reduction of setbacks rather than any other matter, they may be addressed together within each criterion below.

A. Extraordinary and exceptional circumstances pertaining to the particular piece of property in question exist due its size, shape, or topography that are not found on other properties in the same zoning district;

- ~The subject property has an irregular shape and a very narrow depth. According to the applicant's survey, the property has a frontage on Wilson Avenue of 519.81 feet, and its greatest depth of 119.81 feet is at the northern end of the property.
- ~ These dimensions differ significantly from those of most of the other lots along Wilson Avenue, which have an estimated average of 110 feet of frontage and a depth of 200 feet. The southern end of the subject property is only an estimated 15 feet deep.

ANALYSIS OF VARIANCE REQUESTS (Slide #2)

B. A literal interpretation of the provisions of this unified development code would deprive the applicant of rights commonly enjoyed by owners of other properties located in the same zoning district;

- ~ The required front yard setback is 50 feet in the SR district, and the required rear yard setback is 40 feet.
- ~ That means that there must be at least 90 feet of land area, from the front (at Wilson Avenue) to the rear, on which to build a house.
- ~ Since the deepest area at the northern end of the property has 119.81 feet, that would leave only 29.81 feet, from the front to the rear, on which to build a house. But the property tapers quickly to the south, leaving even less land area on which to build.
- ~ The applicant's site plan shows that only a tiny triangular-shaped area would be left on which to build the proposed house.
- ~ It would therefore not be possible to meet the setback requirements.

ANALYSIS OF VARIANCE REQUESTS (Slide #3)

C. Granting the variance requested will not confer upon the property owner any special privileges that are denied to other owners of property in the same zoning district;

- ~ **The applicant wishes to construct a single-family dwelling on the subject property, just as most of the other properties within the surrounding neighborhood also have single-family dwellings.**
- ~ **Without the requested variances, it would not be physically possible to construct a dwelling.**
- ~ **Although the proposed house would have 2,294 total heated square feet, only 1,370 square feet would be located on the first floor, and the remaining 924 square feet would be on the second floor. The applicant therefore would be reducing the size of the first floor (the footprint of the house) in order to leave more land area for the front and rear yard setbacks.**

ANALYSIS OF VARIANCE REQUESTS (Slide #4)

D. The variance will be consistent with the purposes and intent of this unified development code, will be compatible with uses on neighboring properties, and will serve the public welfare;

- ~ **The subject property is located within the SR zoning district, which allows single-family detached dwellings.**
- ~ **The applicant's proposed single-family detached dwelling would be compatible with the other single-family detached dwellings in the surrounding neighborhood. The development of the property would therefore represent a positive addition to the neighborhood.**
- ~ **Since a standard parking space is 20 feet long, the proposed front yard setback of 25 feet would allow any parked car on a driveway off Wilson Avenue to avoid protruding into the street, and no sidewalk is present on the east side of Wilson Avenue.**

ANALYSIS OF VARIANCE REQUESTS (Slide #5)

E. The extraordinary circumstances are not the result of actions of the applicant;

The applicant did not create the dimensions of the subject property, and the applicant has reduced the size of the footprint of the proposed home in order to not require even greater reductions in the front and rear yard setbacks.

F. The variance is the minimum relief that will allow the legal use of the land, building or structure; and

Due to the irregular dimensions and shape of the subject property, the requested variances appear to be the only possible relief to enable the property to be developed with a single-family detached dwelling as an allowable use.

G. The variance is not a request to permit a use of land, buildings or structures that is prohibited in the same zoning district.

The applicant proposes to build a type of use (a single-family detached dwelling) that is permitted within the property's zoning district, Suburban Residential.

STAFF CONCLUSION

As a result of the foregoing analysis, the Planning and Zoning Staff has reached the conclusion that the applicant's requests for front and rear yard setbacks are reasonable and should be granted for the following reasons:

- 1. The applicant proposes to develop an acceptable type of use on the property.**
- 2. The irregular shape and dimensions of the property represent a significant hardship for developing the property, making it impossible to meet the required setbacks.**

STAFF RECOMMENDATION

Based on the Staff Conclusion above, the Planning and Zoning Staff therefore recommends the APPROVAL OF BOTH VARIANCE REQUESTS, with the following three conditions:

1. Size of Dwelling—The proposed single-family detached dwelling shall have at least 1,500 total square feet of heated space in order to meet the minimum required dwelling size within the SR district.
2. Site Plan--The proposed development shall be constructed according to a revised site plan that is very similar to the submitted one, entitled “0 Wilson Avenue”, which was prepared by BRC Land Services as Job No. 025-0024 on 01/28/2026 and revised on 02/24/2026. The revised site plan shall show a driveway in an acceptable location off Wilson Avenue, having a length that would not cause parked vehicles to protrude into the street.
3. Dwelling Facades—The facades of the dwelling shall be constructed of materials which comply with the requirements of the Stockbridge Unified Development Code.



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

DATE: March 19, 2026 (Planning Commission Meeting) and
April 13, 2026 & June 8, 2026 (City Council Meetings)

SUBJECT: Staff Report for Variance Case #VR-2026-01 for Parcel #S20-03003000 on Wilson Avenue (Council District 2)

PURPOSE

The applicant for Variance Case #VR-2026-01, Jerry Robinson of BAC Construction, Inc., proposes to construct a new single-family detached dwelling on Parcel #S20-03003000 on Wilson Avenue within the City of Stockbridge. The subject property is located in Land Lot 36 of District 12, and it has 0.613 +/- acres, according to the applicant's submitted survey of the property. It is not located in any subdivision. The property is vacant and it has an elongated, tapered shape, as is shown by the aerial photograph. The property is bounded by Wilson Avenue to the west and Wilson Street to the south. The aerial photo and the submitted survey show the presence of a dirt driveway traversing the lower portion of the property. The driveway provides access to a house at 130 Wilson Avenue, which is a land-locked property.

The current zoning of the property is SR (Suburban Residential), which has the following minimum required setbacks: 50 feet for the front yard setback, 10 feet for the side yard setback, and 40 feet for the rear yard setback. Because of the irregular shape and dimensions of the lot, the applicant has experienced difficulty in complying with the front and rear yard setbacks. The applicant has therefore requested two variances:

- ~ **Variance Request #1**--Request for a variance from Section 2.4.2 (B) of the Stockbridge Unified Development Code (UDC) to allow a reduction in the required front-yard setback from 50 feet to 25 feet for the proposed construction of a new single-family residence.
- ~ **Variance Request #2**--Request for a variance from Section 2.4.2.(B) to allow a reduction in the required rear-yard setback from 40 feet to 20 feet for the proposed

construction of a new single-family residence.

**AERIAL PHOTOGRAPH OF THE SUBJECT PROPERTY
(PARCEL #S20-03003000 ON WILSON AVENUE)**



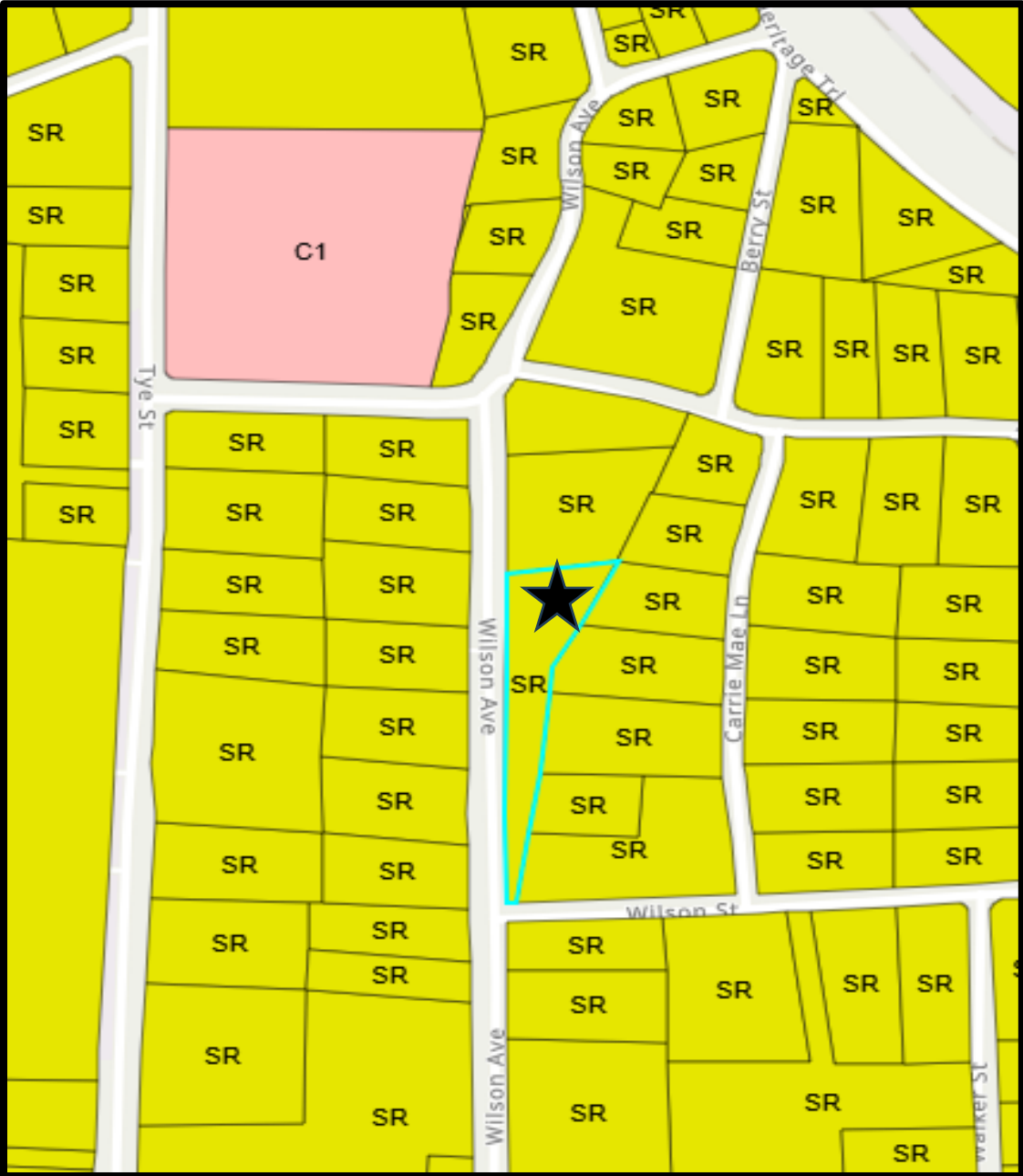
CASE FACTS TABLE

DESCRIPTIVE FACTOR	FINDINGS
Proposed Development	New single-family detached dwelling.
Property Location	West side of Wilson Avenue
Parcel Identification	Parcel S20-03003000
Parcel Acreage	0.613 +/- total acres.
Land District and Land Lot	District 12, Land Lot 36.
Council District	2 (Councilmember Antwan Cloud).
Applicant	Jerry Robinson of BAC Construction, Inc.
Property Owners	Laura Bernal Gopar & Luis A. Gopar-Carmona.
Existing Zoning	SR (Suburban Residential).
Surrounding Zoning	SR (Suburban Residential).
Future Land Use Designation	Medium-Density Residential
Property Conditions	<u>Parcel shape</u> --elongated and variable. <u>Surface</u> --level and wooded.
Current Use	Undeveloped, although a dirt driveway traverses the property near the southern end and provides access to a house at 130 Wilson Avenue, which is a landlocked parcel.
Surrounding Land Uses	~ <u>North</u> —Vacant land and a church. ~ <u>South</u> —Several houses along Wilson Street. ~ <u>East</u> —Several houses along Carrie Mae Lane, within the Silent Avenue Subdivision, including the house at 130 Wilson Avenue. ~ <u>West</u> —Several houses along Wilson Avenue, plus a small beauty salon.
Posting of Zoning Sign	March 4, 2026.

CITY OF STOCKBRIDGE 2026 ZONING MAP

LEGEND:

- Yellow—SR** (Suburban Residential).
- Pink—C1** (Neighborhood Commercial).
- Black Star—**Subject Property.



CITY OF STOCKBRIDGE 2026 FUTURE LAND USE MAP

LEGEND:

Light Orange—Medium-Density Residential

Lilac—Downtown District

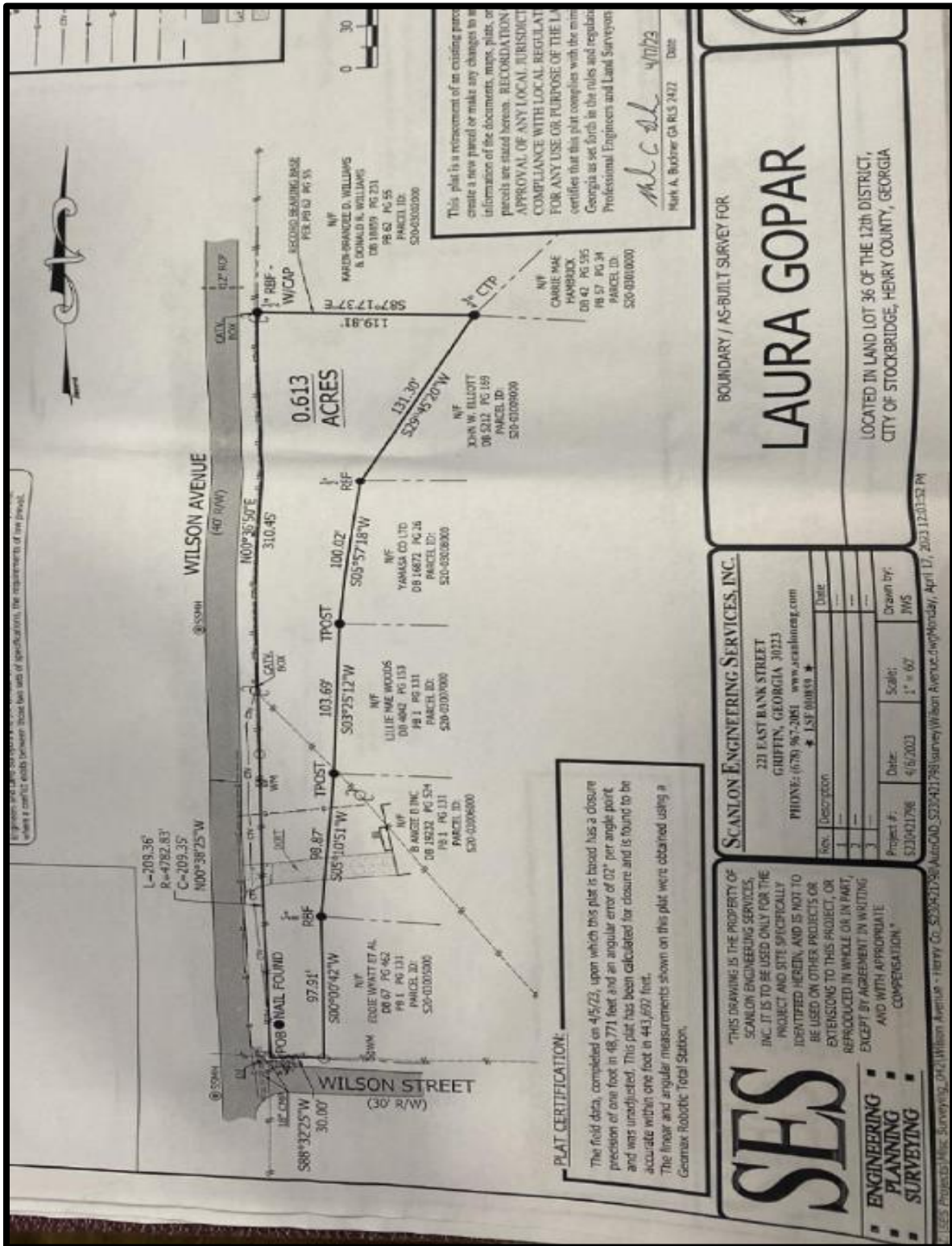
Light Blue—Public/Institutional

Black Star—Subject Property.



BOUNDARY SURVEY

(Prepared by Scanlon Engineering Services, Inc. on 4/17/23)



PROPOSED DEVELOPMENT

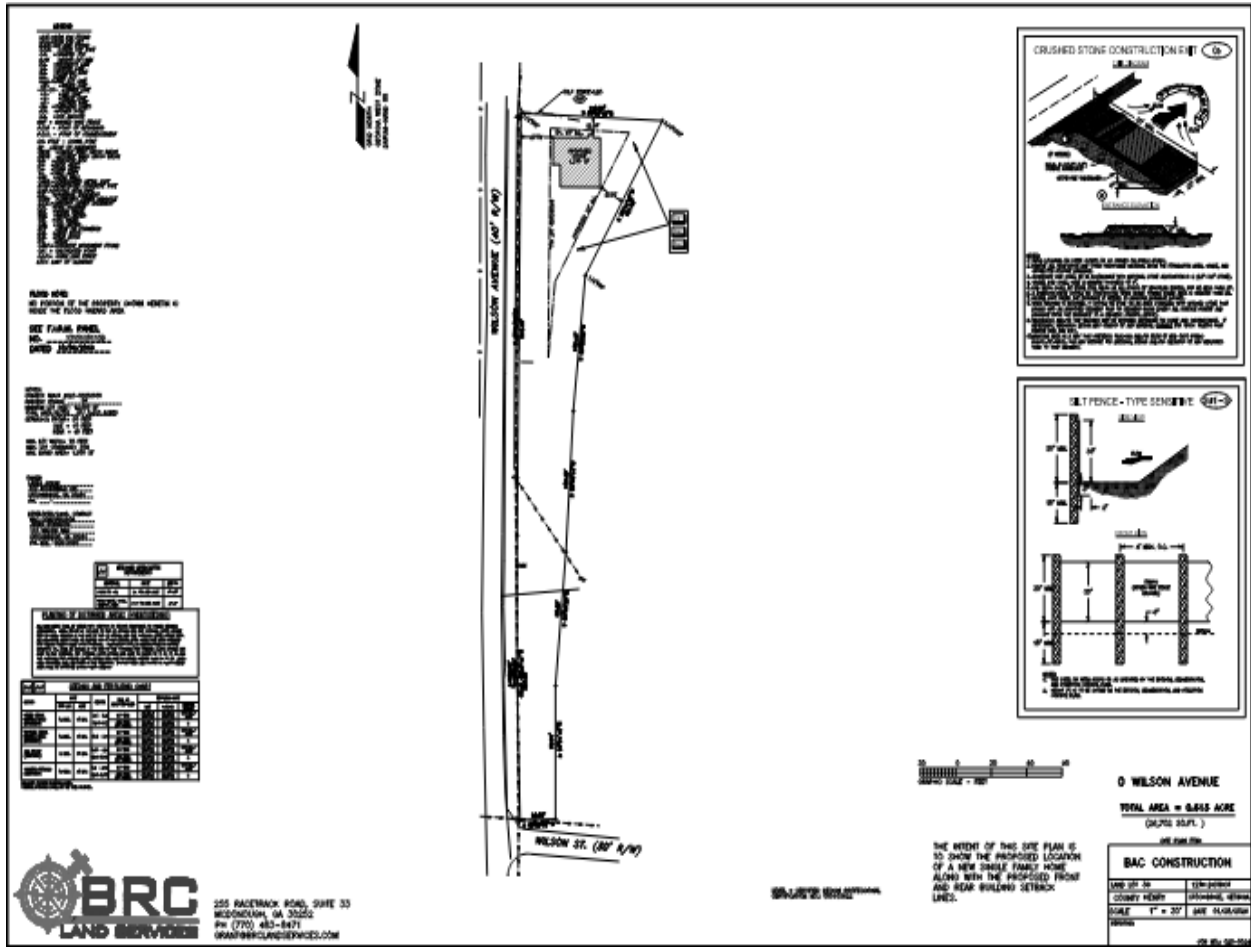
The applicant proposes to build a new single-family detached dwelling on the subject property, which would be a permitted use within the SR (Single-Family Residential) zoning district. The new home would have 2,294 total heated square feet, including 1,370 square feet on the first floor and the remaining 924 square feet on the second floor. The home would be situated on the northern portion of the property, which has the largest area.

Required Setbacks. In the SR district, the required setbacks are 50 feet for the front yard setback (from Wilson Avenue), 10 feet for the side yard setbacks, and 40 feet for the rear yard setback. The applicant's proposed site plan on the next page shows these required setbacks and the first-floor footprint of the proposed home. The locations of the required setbacks would leave only a tiny, triangular-shaped area on which to build the home. The front and rear yard setbacks would both be substantially exceeded. This is shown by Site Plan Enlargement #1 on the following page, which shows the required setbacks.

Proposed Setbacks. The applicant submitted a site plan, which was prepared by BRC Land Services on 01/28/26. It shows that, in order to have sufficient land area on which to build the proposed home, the applicant has proposed reducing the front and rear yard setbacks by 50 percent each. That is, the front yard setback would be reduced from the required 50 feet to 25 feet (the subject of Variance Request #1) and the rear yard setback would be reduced from the required 40 feet to 20 feet (the subject of Variance Request #2). Site Plan Enlargement #2 depicts these variance requests. The proposed footprint of the home is shown in the shaded area. The proposed new Building Lines of 25 feet and 20 feet, respectively, are shown, and the actual setbacks would be 27.31 feet in the front yard and 21.31 feet in the rear yard. The required 10-foot side yard setbacks would be met; thus, no variance would be needed for the side yard setbacks. The side yard setback on the northern side of the home would actually be 12.97 feet.

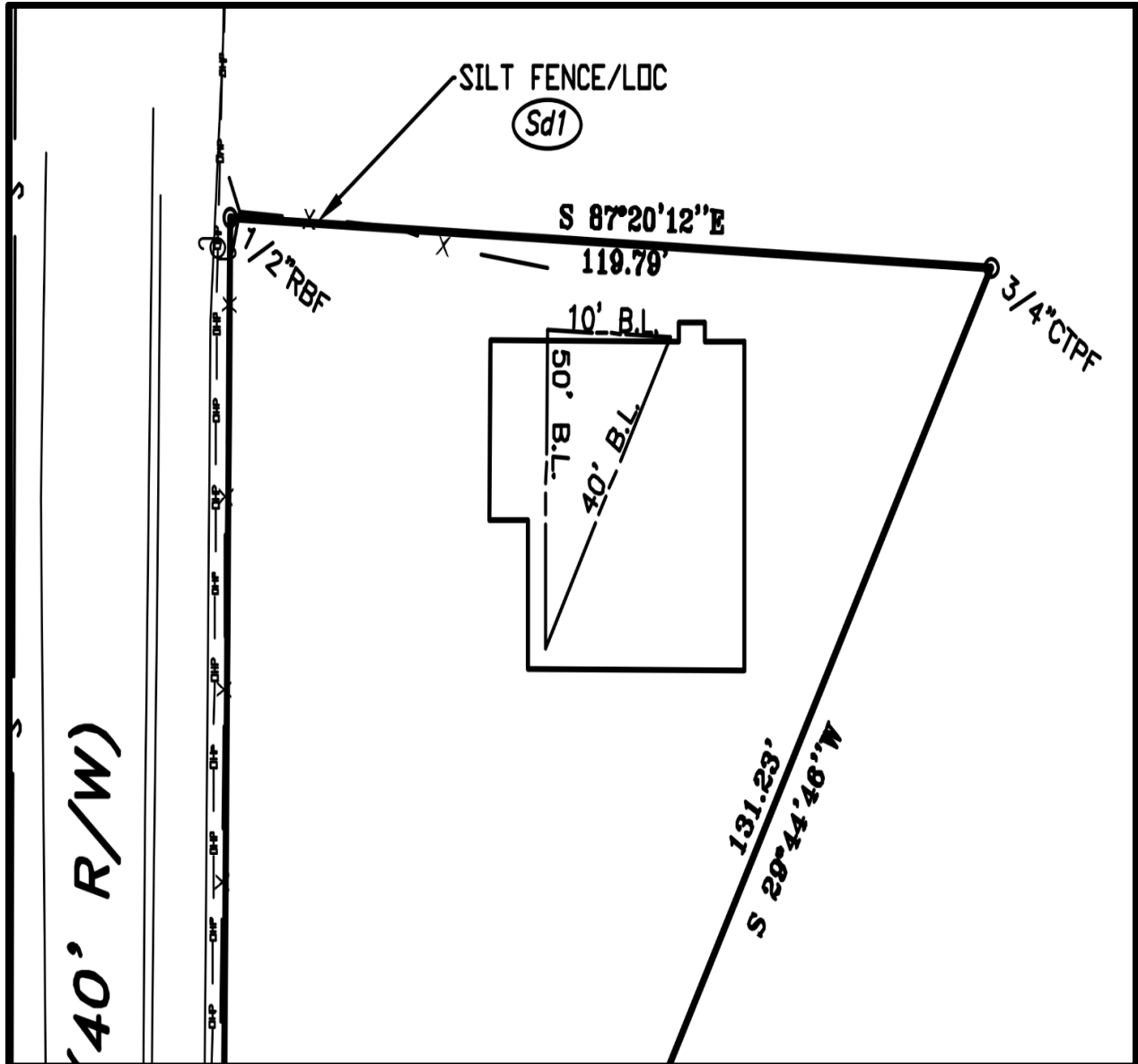
Comparison of Required Versus Proposed Setbacks. Site Plan Enlargement #3 shows both the required and the proposed setbacks for the front and rear yards. The applicant's proposed setbacks would significantly enlarge the available buildable area for constructing the proposed home.

PROPOSED SITE PLAN— Shows Location of Proposed Home On the Northern Portion of the Property (Prepared by BRC Land Services on 01/28/26)



SITE PLAN ENLARGEMENT #1— **SHOWS THE REQUIRED SETBACKS**

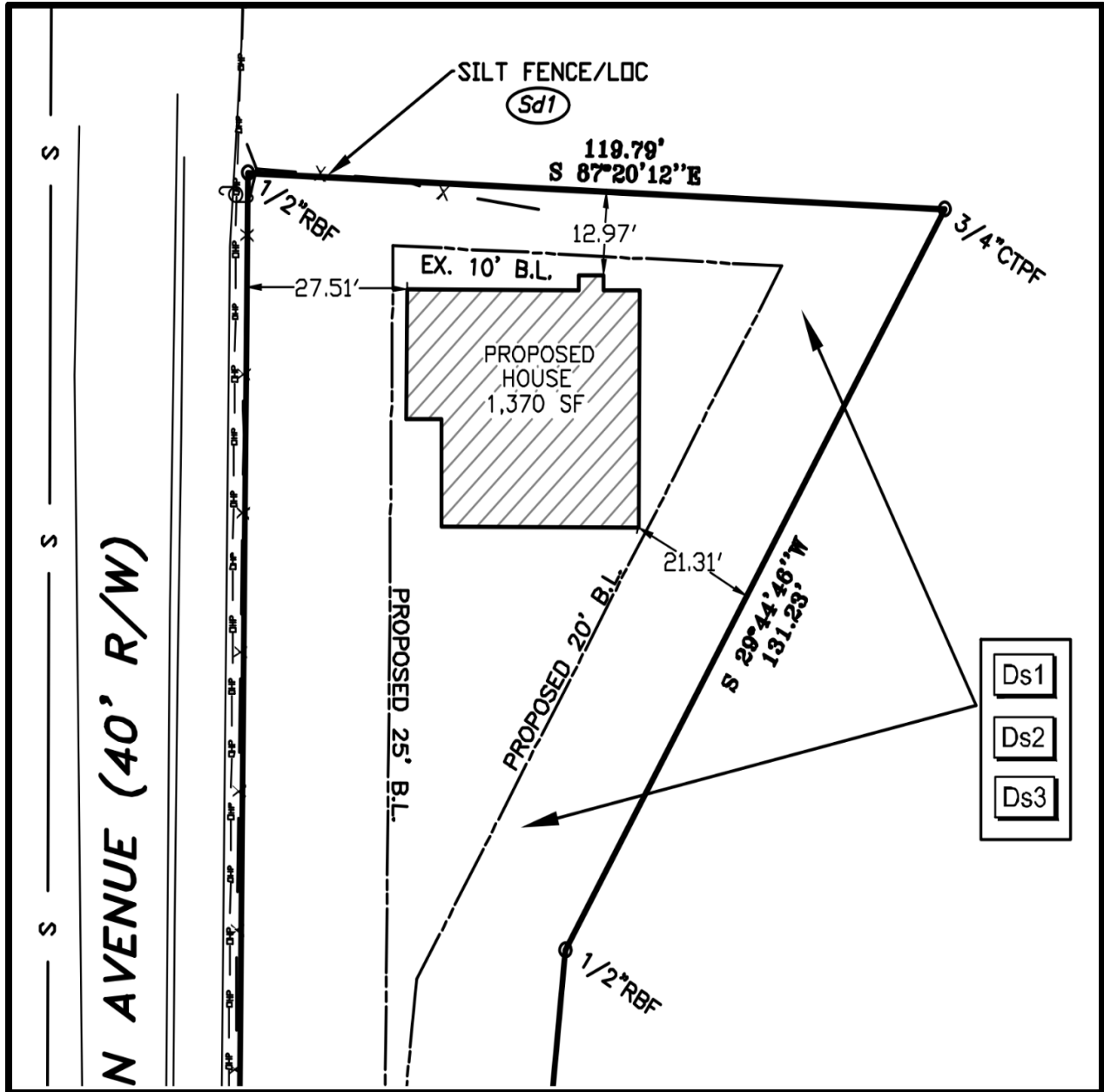
- Required Setbacks:**
~ 50 feet in the front
~ 10 feet on the sides
~ 40 feet in the rear



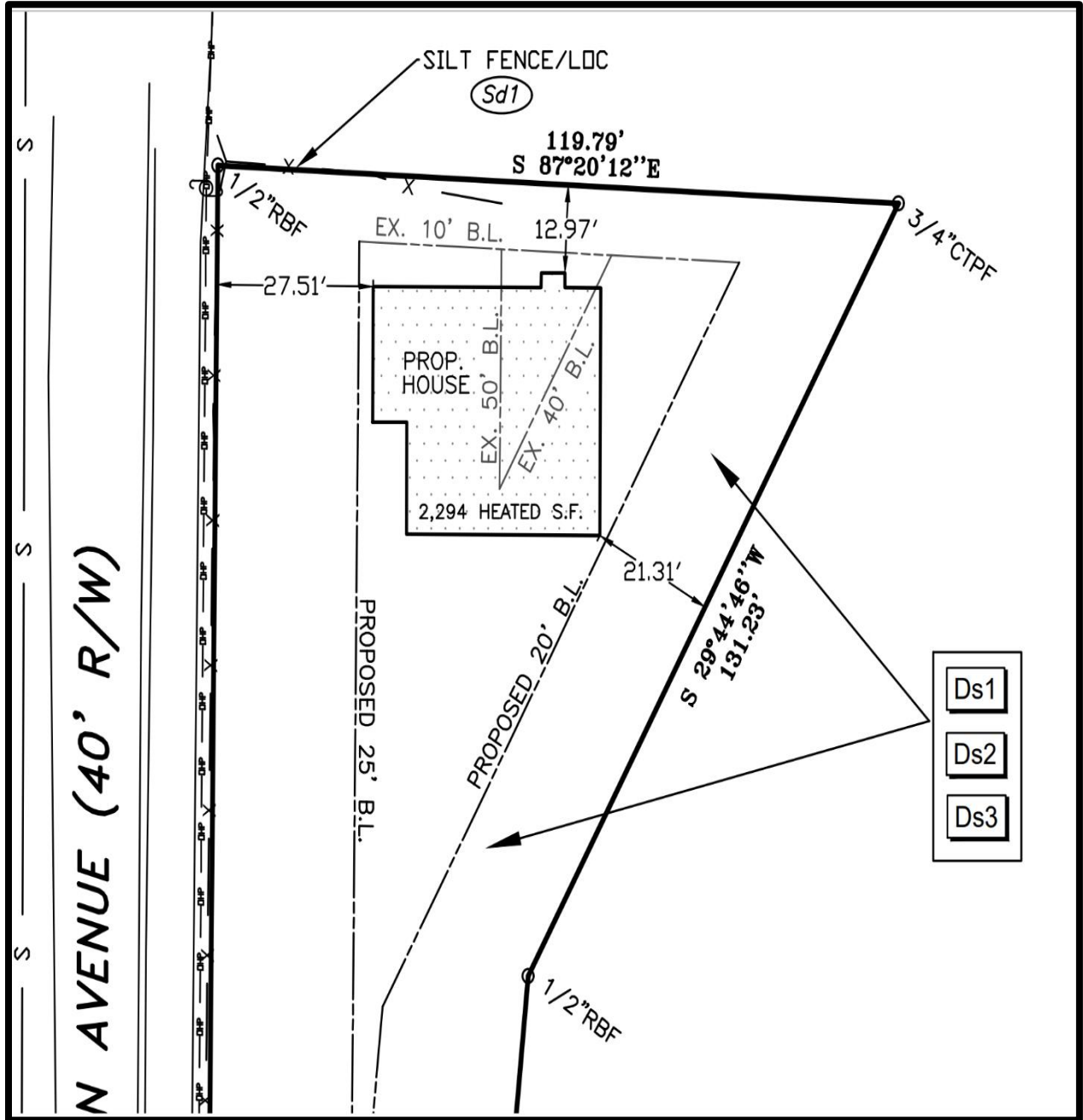
SITE PLAN ENLARGEMENT #2— SHOWS THE PROPOSED SETBACKS

Proposed Setbacks:

- ~ 25 feet in the front (Variance Request #1)
- ~ 10 feet on the sides (no variance)
- ~ 20 feet in the rear (Variance Request #2)



**SITE PLAN ENLARGEMENT #3—
SHOWS BOTH THE REQUIRED SETBACKS
AND THE PROPOSED SETBACKS**



ANALYSIS OF VARIANCE REQUESTS

The applicant has submitted a **Variance** application to request two variances, as are listed below, for the development of a proposed single-family dwelling on Parcel #S20-03003000 on Wilson Avenue. In both variance requests, the applicant is seeking permission to forego compliance with a particular requirement within the Unified Development Code (UDC) regulations. Each variance request has been analyzed by the Planning and Zoning Staff and is discussed below.

1. Variance Request #1—Reduce the front yard setback from the required 50 feet to 25 feet.
 2. Variance Request #2—Reduce the rear yard setback from the required 40 feet to 20 feet.
-

10.1.3 - Criteria to be considered for deciding variances.

A variance may be granted only upon a finding by the mayor and city council that all the following conditions are met:

- A. Extraordinary and exceptional circumstances pertaining to the particular piece of property in question exist due its size, shape, or topography that are not found on other properties in the same zoning district;
 - B. A literal interpretation of the provisions of this unified development code would deprive the applicant of rights commonly enjoyed by owners of other properties located in the same zoning district;
 - C. Granting the variance requested will not confer upon the property owner any special privileges that are denied to other owners of property in the same zoning district;
 - D. The variance will be consistent with the purposes and intent of this unified development code, will be compatible with uses on neighboring properties, and will serve the public welfare;
 - E. The extraordinary circumstances are not the result of actions of the applicant;
 - F. The variance is the minimum relief that will allow the legal use of the land, building or structure; and
 - G. The variance is not a request to permit a use of land, buildings or structures that is prohibited in the same zoning district.
-

Analysis of Variance Criteria

Since both variance requests are for the reduction of setbacks rather than any other matter, they may be addressed together within each criterion below.

A. Extraordinary and exceptional circumstances pertaining to the particular piece of property in question exist due its size, shape, or topography that are not found on other properties in the same zoning district;

The subject property has an irregular shape and a very narrow depth. According to the applicant's submitted survey, the subject property has a frontage on Wilson Avenue of 519.81 feet, and its greatest depth of 119.81 feet is at the northern end of the property. These dimensions differ significantly from those of most of the other lots along Wilson Avenue, which have an estimated average of 110 feet of frontage and a depth of 200 feet, according to the aerial photographs from the Henry County Tax Assessors' website. The southern end of the subject property is only an estimated 15 feet deep.

B. A literal interpretation of the provisions of this unified development code would deprive the applicant of rights commonly enjoyed by owners of other properties located in the same zoning district;

The required front yard setback is 50 feet in the SR district, and the required rear yard setback is 40 feet. That means that there must be at least 90 feet of land area, from the front (at Wilson Avenue) to the rear, on which to build a house. Since the deepest area at the northern end of the property has 119.81 feet, that would leave only 29.81 feet, from the front to the rear, on which to build a house. But the property tapers quickly to the south, leaving even less land area on which to build. The applicant's site plan showing the required setbacks indicates that only a tiny triangular-shaped area would be left on which to build the proposed house. It would therefore not be possible to meet the setback requirements.

C. Granting the variance requested will not confer upon the property owner any special privileges that are denied to other owners of property in the same zoning district;

The applicant wishes to construct a single-family dwelling on the subject property, just as most of the other properties within the surrounding neighborhood also have single-family dwellings. Without the requested variances, it would not be physically possible to construct a dwelling. Although the proposed house would have 2,294 total heated square feet, only 1,370 square feet would be located on the first floor, and the remaining 924 square feet would be on the second floor. The applicant therefore would be reducing the size of the first floor (the footprint of the house) in order to leave more land area for the front and rear yard setbacks.

D. *The variance will be consistent with the purposes and intent of this unified development code, will be compatible with uses on neighboring properties, and will serve the public welfare;*

The subject property is located within the SR zoning district, which allows single-family detached dwellings. The applicant's proposed single-family detached dwelling would be compatible with the other single-family detached dwellings in the surrounding neighborhood. The development of the property would therefore represent a positive addition to the neighborhood. Further, since a standard parking space is 20 feet long, the proposed front yard setback of 25 feet would allow any parked car on a driveway off Wilson Avenue to avoid protruding into the street, and no sidewalk is present on the east side of Wilson Avenue.

E. *The extraordinary circumstances are not the result of actions of the applicant;*

The applicant did not create the dimensions of the subject property, and the applicant has reduced the size of the footprint of the proposed home in order to not require even greater reductions in the front and rear yard setbacks.

F. *The variance is the minimum relief that will allow the legal use of the land, building or structure; and*

Due to the irregular dimensions and shape of the subject property, the requested variances appear to be the only possible relief to enable the property to be developed with a single-family detached dwelling as an allowable use.

G. *The variance is not a request to permit a use of land, buildings or structures that is prohibited in the same zoning district.*

The applicant proposes to build a type of use (a single-family detached dwelling) that is permitted within the property's zoning district, Suburban Residential.

STAFF CONCLUSION

As a result of the foregoing analysis, the Planning and Zoning Staff has reached the conclusion that the applicant's requests for front and rear yard setbacks are reasonable and should be granted for the following reasons:

1. The applicant proposes to develop an acceptable type of use on the property.
2. The irregular shape and dimensions of the property represent a significant hardship for developing the property, making it impossible to meet the required setbacks.

VI. STAFF RECOMMENDATION

Based on the Staff Conclusion above, the Planning and Zoning Staff therefore recommends the **APPROVAL OF BOTH VARIANCE REQUESTS, with the following three conditions:**

1. **Size of Dwelling**—The proposed single-family detached dwelling shall have at least 1,500 total square feet of heated space in order to meet the minimum required dwelling size within the SR district.
2. **Site Plan**--The proposed development shall be constructed according to a revised site plan that is very similar to the submitted one, entitled "0 Wilson Avenue", which was prepared by BRC Land Services as Job No. 025-0024 on 01/28/2026 and revised on 02/24/2026. The revised site plan shall show a driveway in an acceptable location off Wilson Avenue, having a length that would not cause parked vehicles to protrude into the street.
3. **Dwelling Facades**—The facades of the dwelling shall be constructed of materials which comply with the requirements of the Stockbridge Unified Development Code.



City of Stockbridge

AGENDA ITEM

MEETING DATE

JUNE 8, 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 #047-0016001 with 2.64 acres and Parcel #029-02021005 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. The City Council deferred this case at their May 11, 2026 meeting.

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. The Planning Commission had approved the recombination of the two parcels into one parcel on February 27, 2020, but the applicant still has not submitted a copy of the recorded plat; yet, the site plan shows only one parcel. Staff Recommendation: Denial.

SIGNATURES:

CITY MANAGER *Frank S. Milazi*
eSigned via GovOS.com Key: 7ed53636-d898-4ade-b417-932d73311167

CITY TREASURER *Quinton Washington*
eSigned via GovOS.com Key: 9ff76c0b-1628-4926-950b-2b013c5f7b9

CITY ATTORNEY _____

FINANCIAL IMPACT N/A

AMOUNT:

\$0.00

ATTACHMENTS:

ITEM/PROJECT/EVENT:

APPEAL CASE #AP-2026-01.

STAFF RECOMMENDATION:

DENIAL.

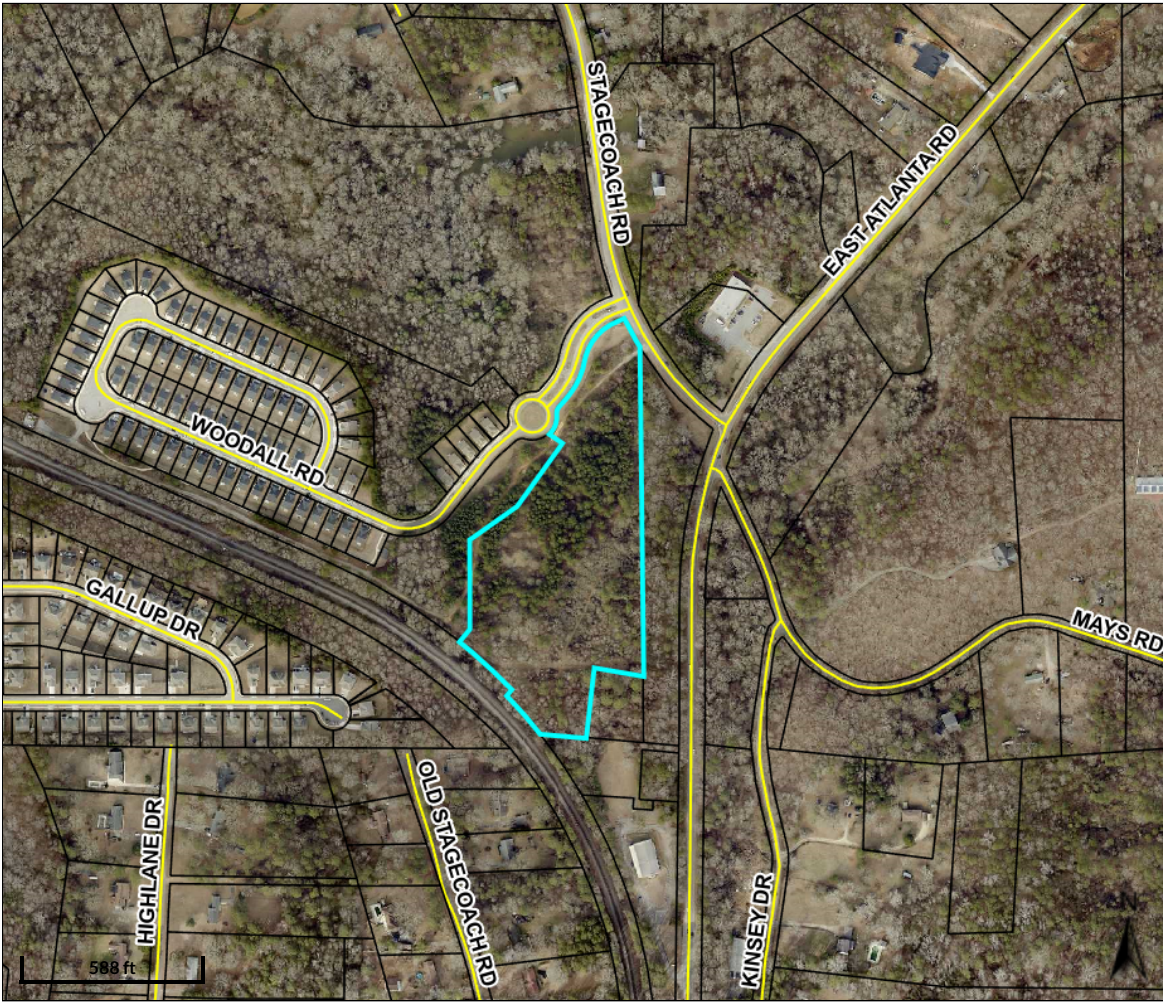
eSigned via GovOS.com

R. Ryan Anderson

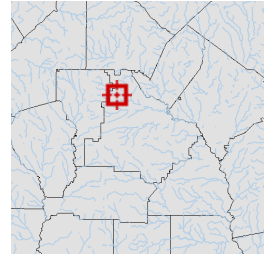
Key: 7cb6a9e3-7863-4556-a458-502734485a09



Henry County, GA



Overview



Legend

- Parcels
- Roads

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

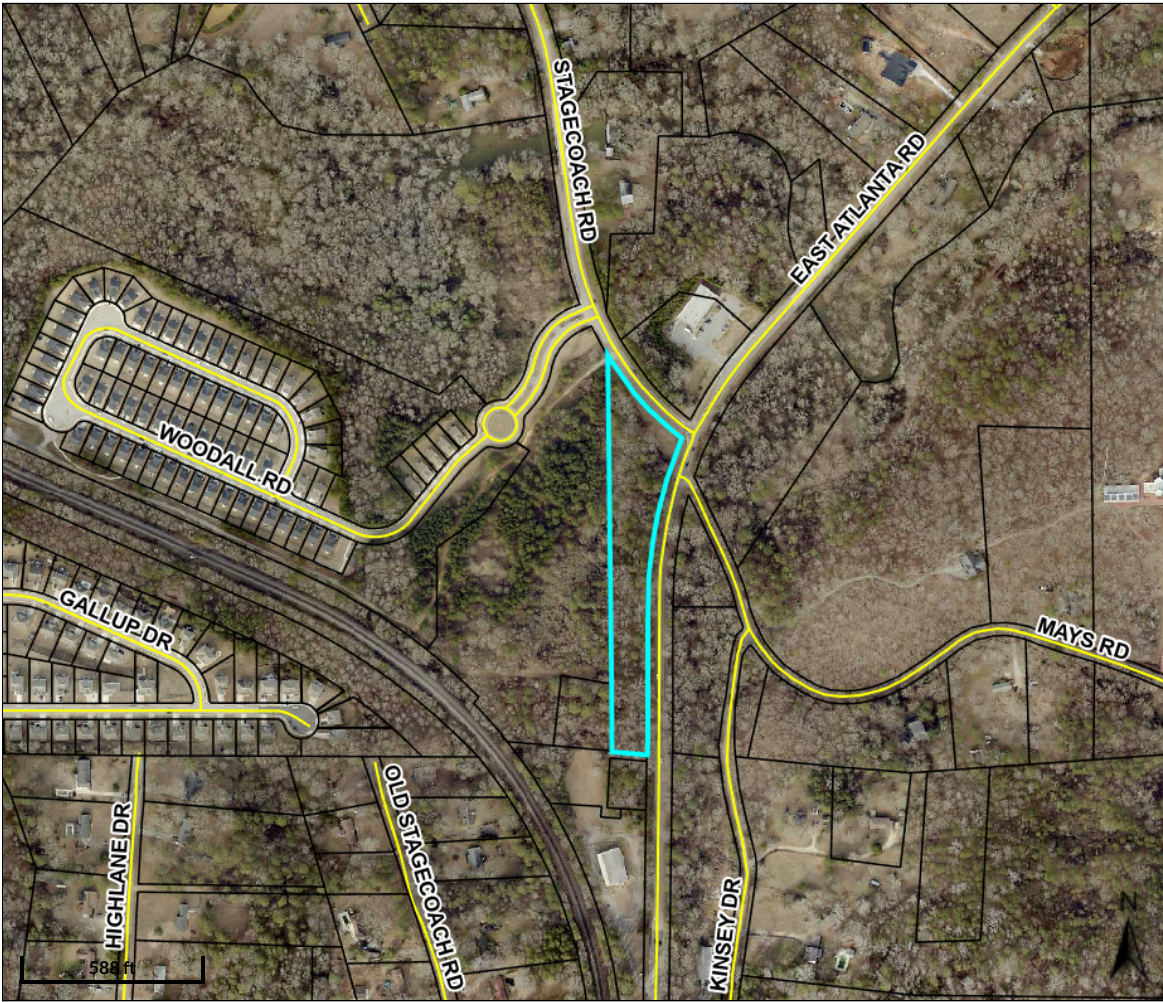
Date created: 11/27/2024

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

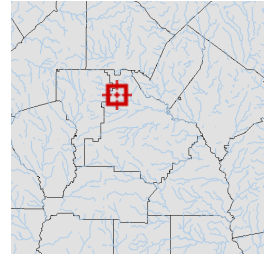
Developed by **SCHNEIDER**
GEOSPATIAL



Henry County, GA



Overview



Legend

- Parcels
- Roads

Parcel ID	047-01016001	Class	C	Owner	PATEL SAMIR	Land Value:	\$230,000			
Property Address		Acreage	2.64	Address	1400 OLD CONYERS RD	Building Value:	\$0	Last 2 Sales		
District	City/Stockbridge				STOCKBRIDGE GA 30281	Misc Value:	\$0	Date	Price	Reason Qual
						Total Value:	\$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

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

Developed by SCHNEIDER
GEOSPATIAL



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 & June 8, 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)

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

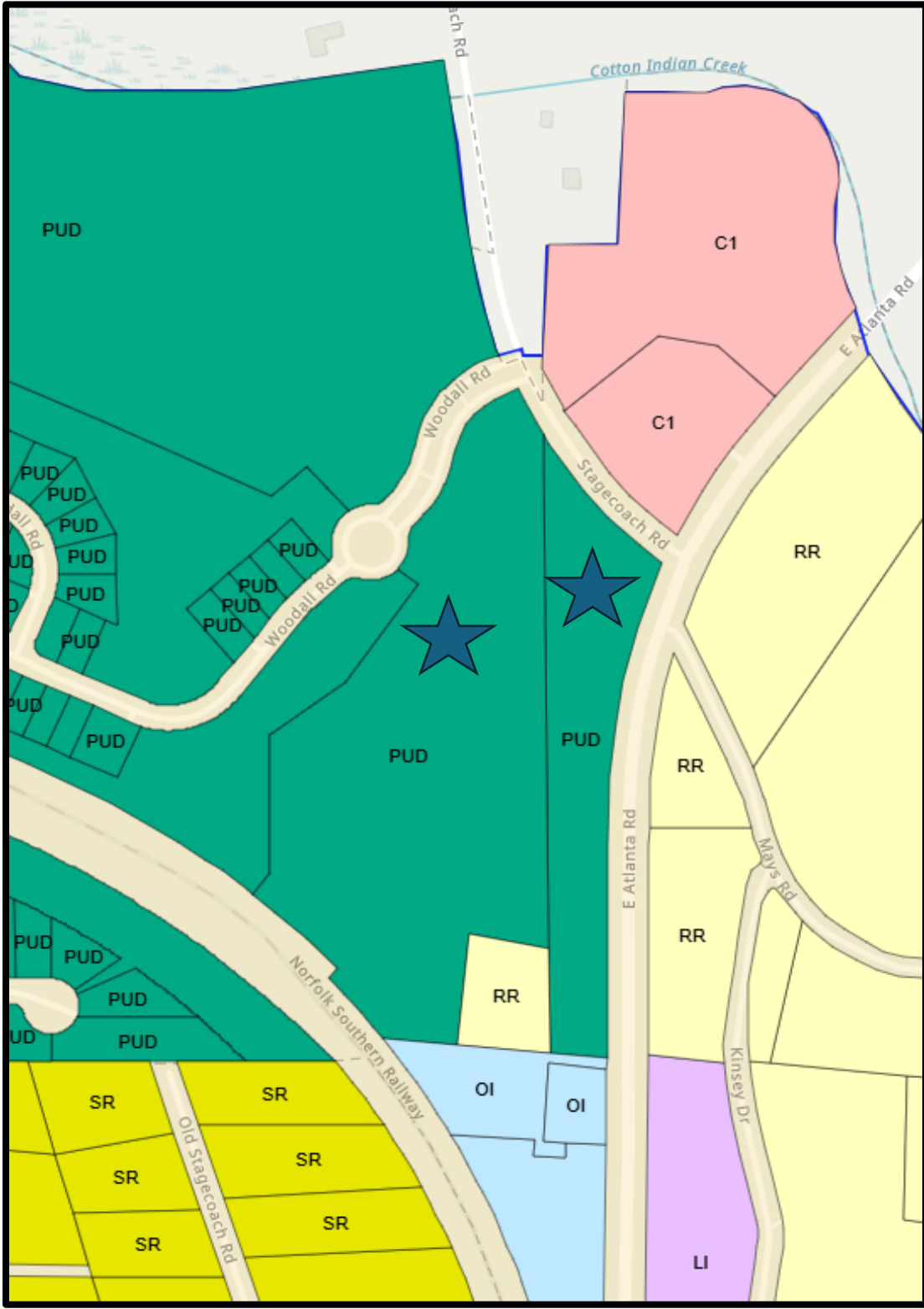


PARCEL #028-02021005 WITH 10.88 +/- ACRES

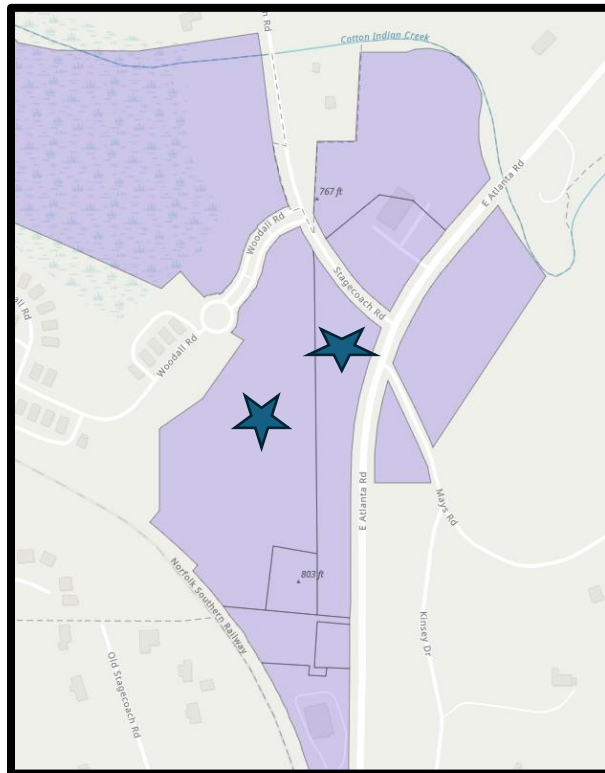


EXCERPT FROM THE CURRENT ZONING MAP

★ 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.

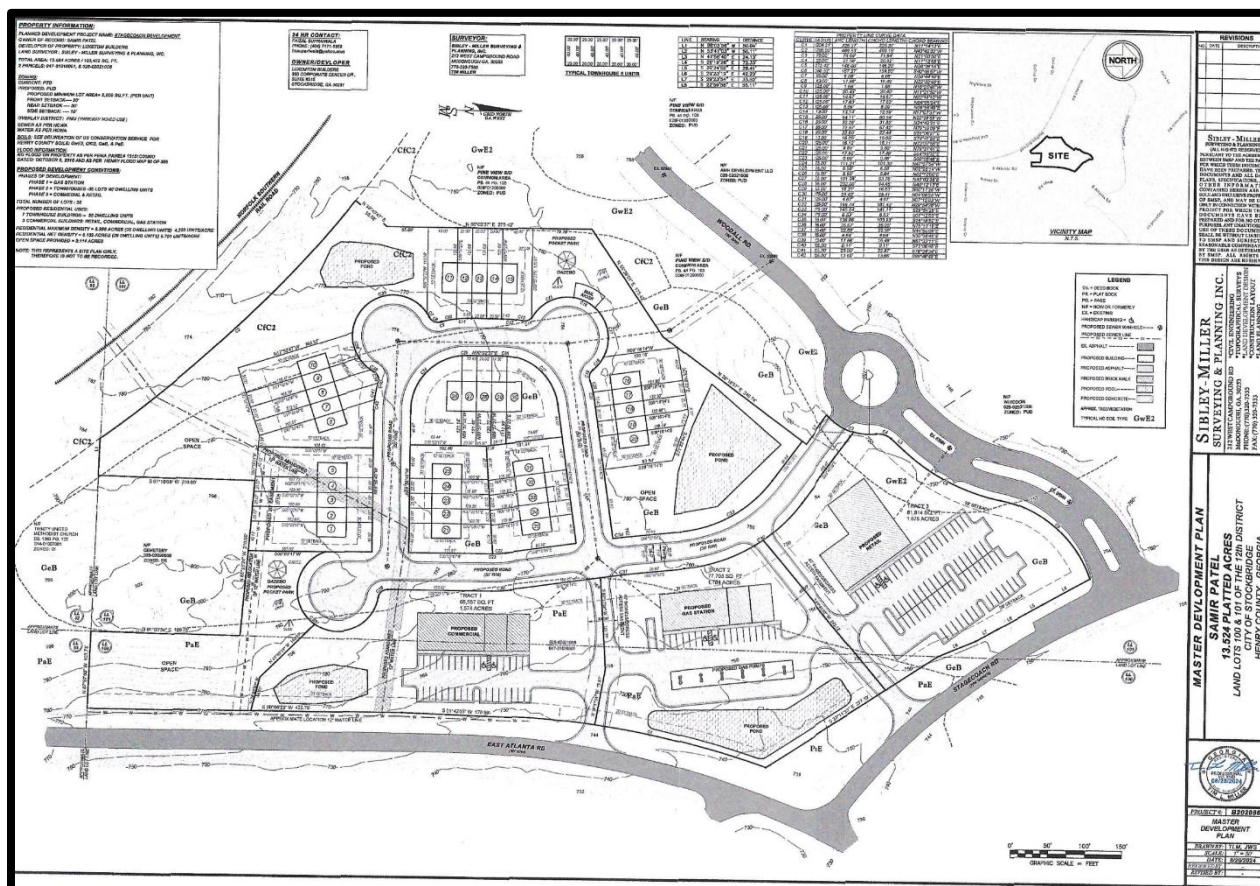
The applicant makes the statements below in his Letter of Intent, which signifies his acknowledgement that the property is zoned as PUD, and that a Special Use Permit (formerly known as a Conditional Use Permit) would be required to build a gas station on the property. However, the applicant also stated 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
Three Mixed-Use Districts:	New Mixed-Use District:
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. 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

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

Subject Property

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

Current Use:	Vacant	Proposed Use:	Commercial Shopping Center Development, Convenience Store, Gas Station
District:	District 4 Please refer to the SagesGov Council District Finder .	Number of Parcels:	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 12th 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.

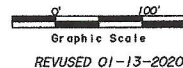
Newton M. Galloway (Agent/Attorney)
Galloway & Lyndall, LLP
P. O. Box 1893
The Lewis Mills House
406 North Hill Street
Griffin, Georgia 30223

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



IF YOU DIG GEORGIA...
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811
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
OTP	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
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

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 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, 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.**

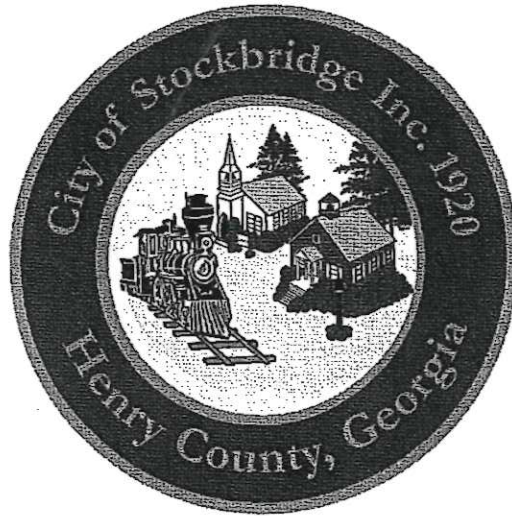
Section 3-7-147 of the Code of Henry County, Georgia, as amended, is further amended by deleting Section 3-7-147 in its entirety and inserting the following in lieu thereof:

(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 21st 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 21st 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:

[Signature]
City Attorney

OWNER:

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

Signed, sealed and delivered before me this 21st 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 21st 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

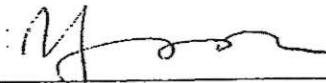
Attested:

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

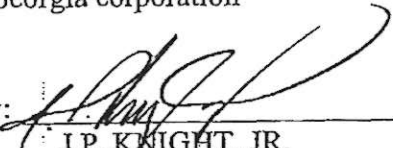
BERNICE BAILINE
Notary Public, State of New Jersey
No. 2018571
Qualified in Morris County
Commission Expires Sept. 2, 2006

Attested:

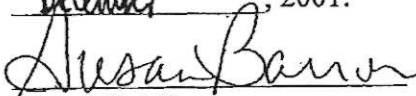

MEISHENG GAO, Corporate Secretary

(seal)

THE KNIGHT GROUP, INC.,
a Georgia corporation

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

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


Notary Public

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

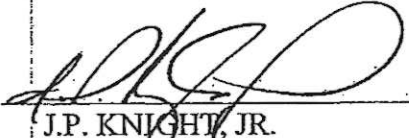
Attested:

_____, Corporate Secretary

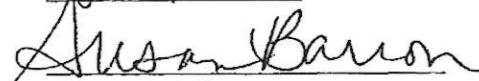
(seal)

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 21st day of
December, 2001.


Notary Public

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

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 11th 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 (50th) 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

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 (50th) 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.

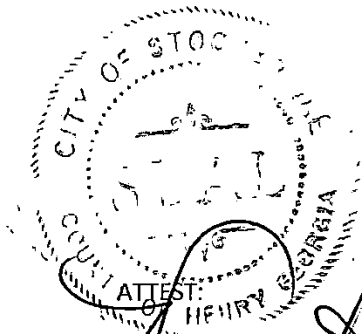
[SIGNATURES ON FOLLOWING PAGE]

IN WITNES WHEREOF, the undersigned parties have hereto set their hands and affixed their seals this 11th day of April, 2019.

CITY:

CITY OF STOCKBRIDGE, GEORGIA

{A0239764.DOCX }



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]



{A0239764.DOCX }

IN WITNES WHEREOF, the undersigned parties have hereto set their hands and affixed their seals this 11th 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 11th 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 12th District, Henry County, Georgia, being more particularly described as follows:

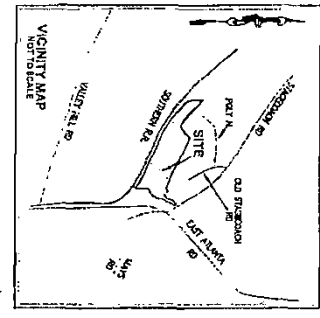
To arrive at the true point of beginning, begin at a one inch open top located at the intersection of the southwesterly right of way line of Stagecoach Road (right of way varies) and the land lot line that divides Land Lots 101 and 100, said district and county; run thence North 23 Degrees 02 Minutes 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

- ALL STREET GRADES SHALL BE FINISHED A MINIMUM OF 2' OVER EXISTING GROUND.
- EXISTING UTILITY LOCATIONS SHALL BE MAINTAINED OR REPLACED AT THE APPLICANT'S EXPENSE.
- EXISTING UTILITIES SHALL BE DELETED FROM THE SITE PLAN UNLESS THE APPLICANT CAN PROVE THAT THEY ARE NECESSARY FOR THE PROJECT.

FLOOD NOTES

- THE PROJECT IS LOCATED IN A FLOOD HAZARD AREA AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP NO. 13010-01A-0000. THE APPLICANT SHALL PROVIDE EVIDENCE OF FLOOD INSURANCE COVERAGE FOR THE PROJECT.
- THE APPLICANT SHALL PROVIDE EVIDENCE OF FLOOD INSURANCE COVERAGE FOR THE PROJECT.

SURVEY REFERENCES

- DEVELOPMENT OF INTERSECTION POINT OF HIGHWAY PROJECT NO. 13010-01A-0000
- DEVELOPMENT OF INTERSECTION POINT OF HIGHWAY PROJECT NO. 13010-01A-0000
- DEVELOPMENT OF INTERSECTION POINT OF HIGHWAY PROJECT NO. 13010-01A-0000
- DEVELOPMENT OF INTERSECTION POINT OF HIGHWAY PROJECT NO. 13010-01A-0000

SURVEY NOTES

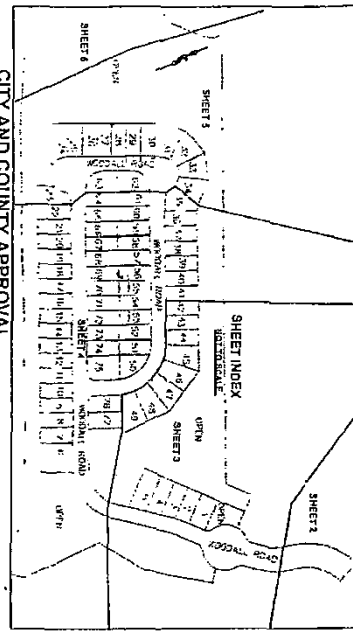
THESE NOTES ARE LOCATIONS OF SPREADSHEETS THAT ACCORDING TO THE CITY ENGINEER'S OFFICE. THE SPREADSHEET ACCEPTS NO RESPONSIBILITY FOR THE ACCURACY OF THIS DATA.

THE DATA FROM WHICH THIS PLAN IS BASED WAS A DIRECT MEASUREMENT OF ONE FOOT PER INCH. THE MEASUREMENTS WERE MADE BY THE SURVEYOR AND THE DATA WAS CHECKED BY THE SURVEYOR. THE SURVEYOR IS NOT RESPONSIBLE FOR THE ACCURACY OF THIS DATA.

DATE	REVISIONS
01/11/06	1. PREPARED FOR SUBMITTAL TO THE CITY ENGINEER'S OFFICE.
01/11/06	2. PREPARED FOR SUBMITTAL TO THE CITY ENGINEER'S OFFICE.
01/11/06	3. PREPARED FOR SUBMITTAL TO THE CITY ENGINEER'S OFFICE.

FILE # CS-181
 CONTRACT # 1611101
 DRAWN BY PHE
 CHECKED BY WJW

**Final
 Subdivision Plat
 For
 Pine View
 Land Lot 101 - 12th District
 City of Stockbridge
 Henry County, Georgia**



CITY AND COUNTY APPROVAL

APPROVED BY: *[Signature]* DATE: 1/24/06

APPROVED BY: *[Signature]* DATE: 1/24/06

OWNERS ACKNOWLEDGEMENT

STATE OF GEORGIA, HENRY COUNTY

I, the undersigned, the owner of the land shown in the plat and whose name is subscribed to the plat, do hereby certify that I am the owner of the land shown in the plat and that I have read and understand the contents of the plat and that I have approved the same and that I have executed this acknowledgment in the presence of the City Engineer and County Engineer.

DATE: 1/24/06

DEVELOPMENT DATA

Pine View Subdivision
 Land Lot 101 - 12th District
 City of Stockbridge
 Henry County, Georgia

1. Subdivider: PHE-DBY, INC.
 2. Address: P.O. Box 71008, Marietta, GA 30067
 3. Telephone Number: (404) 577-4700
 4. Property Owner: PHE-DBY, INC.
 5. Address: P.O. Box 71008, Marietta, GA 30067
 6. Telephone Number: (404) 577-4700
 7. Surveyor: JOHN RAY COOPER, INC.
 8. Address: 215 WOODRIDGE BLVD., WOODBRIDGE, GA 30259
 9. Telephone Number: (770) 911-5251
 10. Subdivision Engineer: JOHN RAY COOPER, INC.
 11. Address: P.O. Box 71008, Marietta, GA 30067
 12. Telephone Number: (404) 577-4700
 13. City of Stockbridge: 221 W. MAIN ST., STOCKBRIDGE, GA 30214
 14. County Engineer: JOHN RAY COOPER, INC.
 15. Address: P.O. Box 71008, Marietta, GA 30067
 16. Telephone Number: (404) 577-4700

WETLANDS NOTE

THESE ARE THE WETLANDS LOCATIONS AS SHOWN ON THE PLAT AND AS SHOWN ON THE CITY AND COUNTY APPROVAL. THE APPLICANT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THESE WETLANDS AND SHALL PROVIDE EVIDENCE OF FLOOD INSURANCE COVERAGE FOR THE PROJECT.

WETLANDS NOTE

THESE ARE THE WETLANDS LOCATIONS AS SHOWN ON THE PLAT AND AS SHOWN ON THE CITY AND COUNTY APPROVAL. THE APPLICANT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THESE WETLANDS AND SHALL PROVIDE EVIDENCE OF FLOOD INSURANCE COVERAGE FOR THE PROJECT.

SURVEYOR'S CERTIFICATION

I, the undersigned, the surveyor, do hereby certify that I am a duly licensed surveyor in the State of Georgia and that I have surveyed the land shown in the plat and that I have prepared this subdivision plat in accordance with the laws of the State of Georgia and the rules and regulations of the State Board of Surveyors.

DATE: 1-24-06

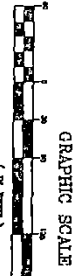
MOORE Bass

CONSTRUCTION

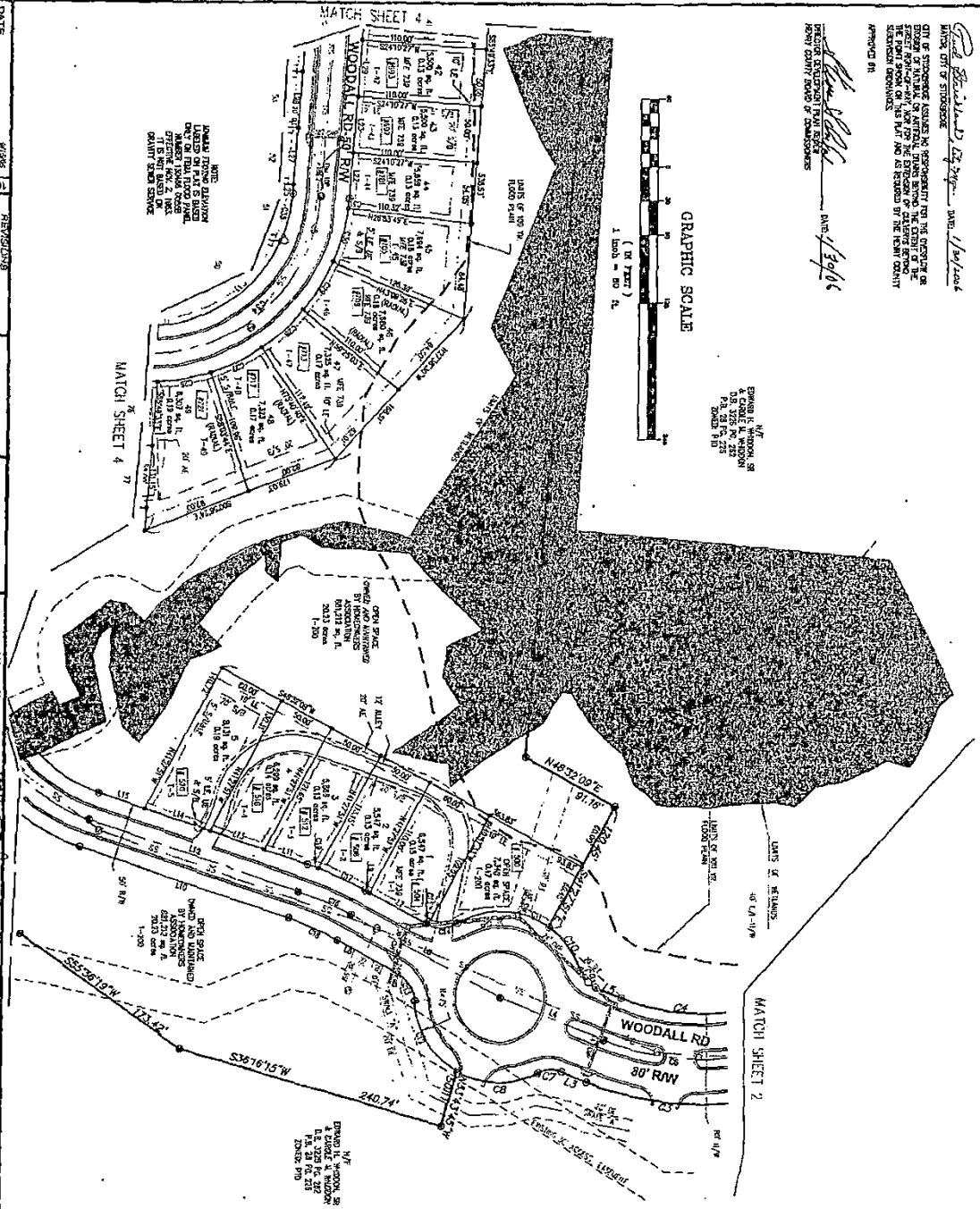
1 OF 6

CITY AND COUNTY APPROVAL
APPROVED BY: [Signature] DATE: 1/30/06

DATE: 01/30/06
FILE # 00-01
CONTRACT # 1011-001
DRAWN BY: P.C.
CHECKED BY: W.P.
VISION BASE CONSULTING



NOTE: EDWARD H. WILSON, SR. & DAVID H. WILSON, JR. ARE REGISTERED PROFESSIONAL ENGINEERS IN THE STATE OF MISSISSIPPI. LICENSE NO. 14024 AND 14025.



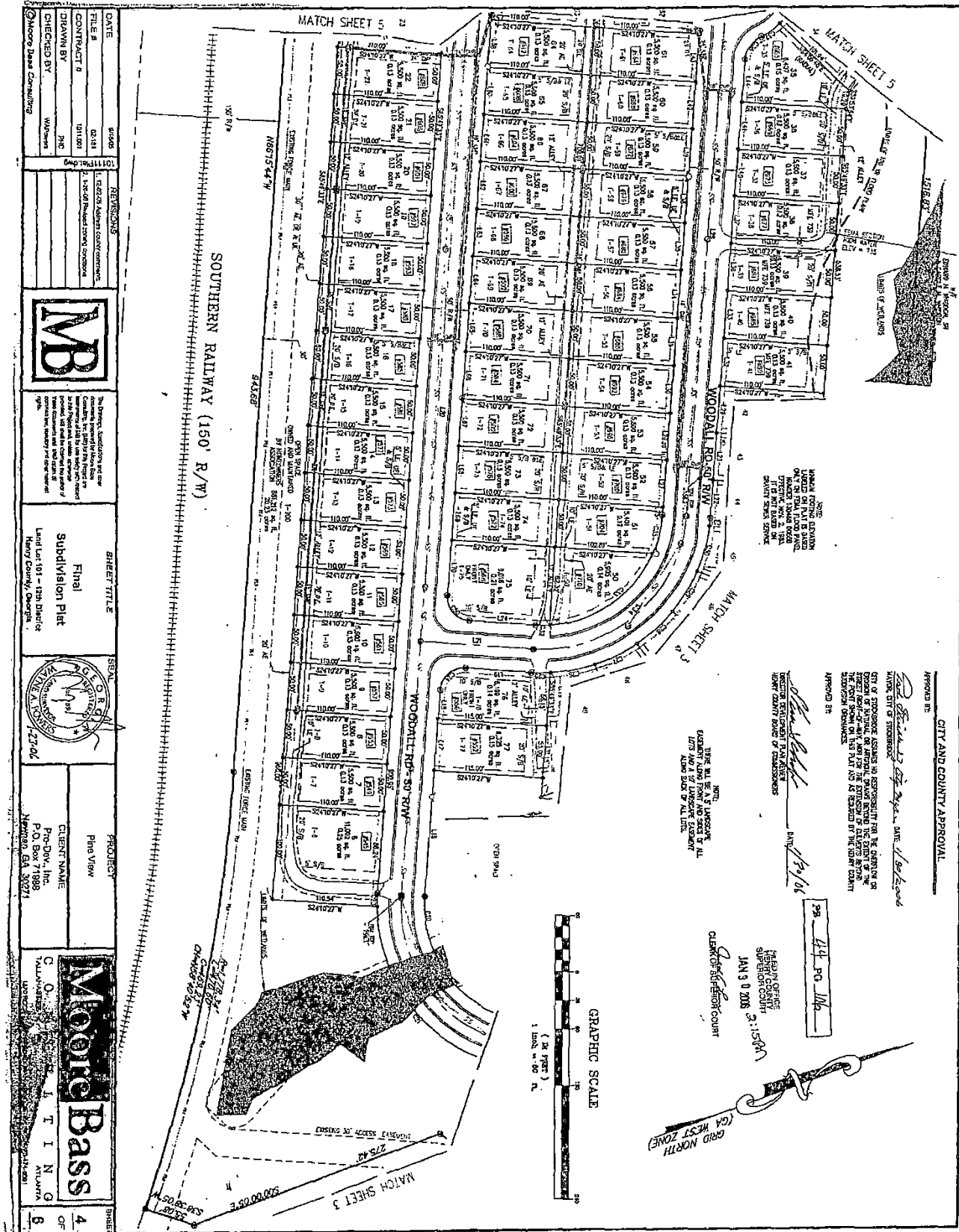
NOTE: EXISTING UTILITIES FROM THE RECORD PLANS AND SURVEY SHALL BE MAINTAINED AND NOT TO BE REMOVED UNLESS OTHERWISE SHOWN ON THIS PLAN.



444 pg 105

FIELD OFFICE
HENRY COUNTY
JAN 30 2006 3:15 PM
CLASSIFICATION COUNT

DATE	01/30/06	2006/01/30
FILE #	00-01	1011-001
CONTRACT #	1011-001	
DRAWN BY	P.C.	
CHECKED BY	W.P.	
VISION BASE CONSULTING		
SHEET TITLE: Final Subdivision Plat		
Lead Lot 101 - 12th District, Henry County, Georgia.		
PROJECT: Pine View		
CLIENT NAME: Pro-Div, Inc P.O. Box 71986 Newport, GA 30271		
MOORE BASS CONSULTING, INC. 320 INDUSTRIAL BLDG., TALLAHASSEE, FL 32310 TEL: 904.224.4429		
REGISTERED PROFESSIONAL ENGINEERS		
STATE OF MISSISSIPPI		
C O N S U L T I N G		
OF ATLANTA		
6		





DATE	9/16/05	REVISIONS	
TITLE #	02181	1. E2623 Addendum to plat	
CONTRACT #	10111001	2. L-46-02 Addendum to plat	
DRAWN BY	JMC		
CHECKED BY	W/Hubert		
			
The drawing, specifications and notes are prepared by Moore Bass Consulting, Inc. and are the property of Moore Bass Consulting, Inc. and shall remain the property of Moore Bass Consulting, Inc. and shall not be used for any other purpose without the written consent of Moore Bass Consulting, Inc.			
Final Subdivision Plat Land Lot 101 - 12th District Henry County, Georgia		SHEET TITLE SHEET #	
PROJECT Pine View		CLIENT NAME P.O. Box, Inc. P.O. Box 71898 Marietta, GA 30071	
		4 OF 8	

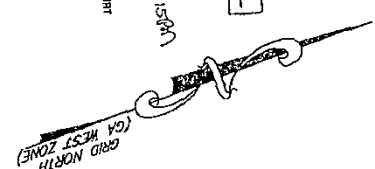
CITY AND COUNTY APPROVAL

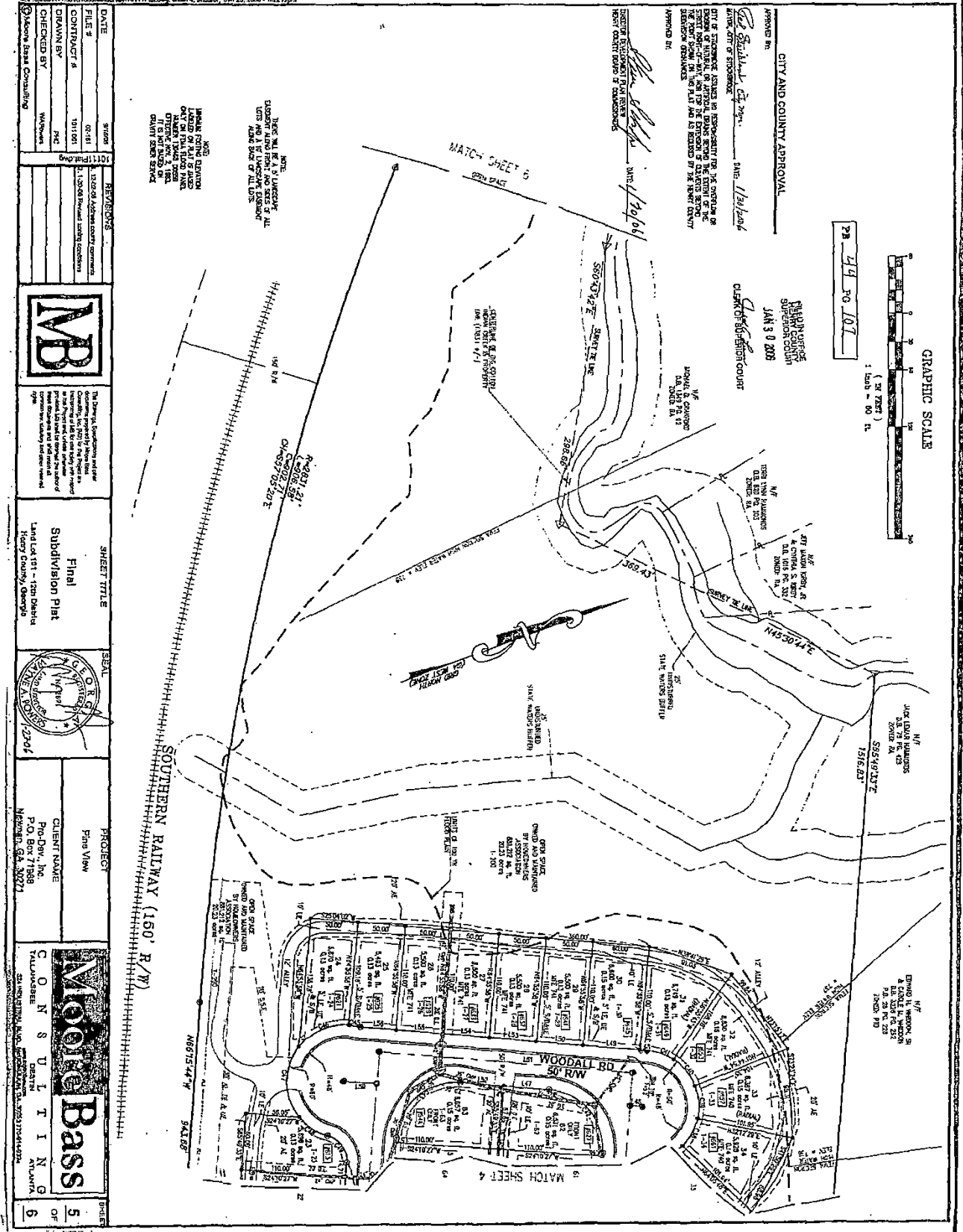
APPROVED BY: *[Signature]*

DATE: 1/15/06

REGISTRAR OF DEEDS
 HENRY COUNTY
 SUPERIOR COURT
 JAN 9 2006 2:15 PM

CLIENT OF SUPERIOR COURT





DATE	9/26/09	REVISIONS			The Drawing, Specifications and other documents of this subdivision plat are prepared by the Surveyor and are subject to the provisions of the Georgia Surveying and Mapping Act of 1977. The Surveyor is not responsible for any errors or omissions in the drawing or specifications.
FILE #	01-11				
CONTRACT #	1011091				PROJECT Pine View
DRAWN BY	FAC				
CHECKED BY	WAP/mms				CLIENT NAME C O N S U I T I N G P.O. Box 71988 Norcross, GA 30071
				Moore Bass C O N S U I T I N G TALLAHASSEE DEPT ATLANTA, GA	

CITY AND COUNTY APPROVAL

APPROVED BY: *[Signature]* DATE: 1/18/2010

PLANNING DEPARTMENT SUPERVISOR COUNTY JAN 8 2010

CITY OF SOUTHERN COUNTY

GRAPHIC SCALE (IN FEET) 1 inch = 60 ft.

28 44 50 107

NOTE: THESE WILL BE A 2 LANE ROAD WITH 10' SIDEWALKS AND 10' R/W. ALL ADJACENT LOTS WILL BE REQUIRED TO MATCH THIS R/W.

NOTE: THESE WILL BE A 2 LANE ROAD WITH 10' SIDEWALKS AND 10' R/W. ALL ADJACENT LOTS WILL BE REQUIRED TO MATCH THIS R/W.

SOUTHERN RAILWAY (150' R/W)

MATCH SHEET 6

MATCH SHEET 4

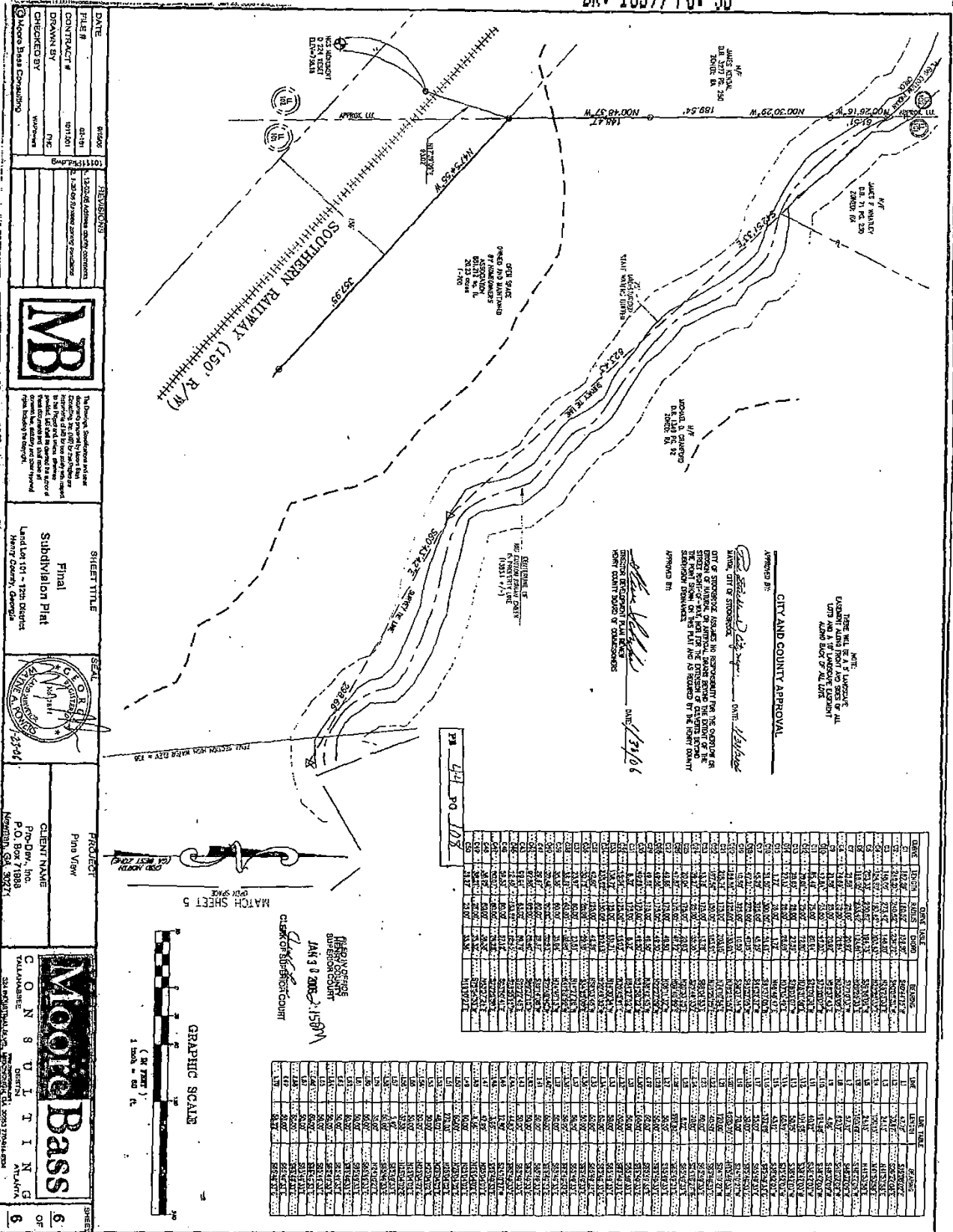
WOODALL RD 50' RW

Final Subdivision Plat

Pine View

Moore Bass

5 OF 6



DATE	04/21/06	REVISIONS	1. 12/20/05 (As shown on plan)
FILE #	1011.001	CONTRACT #	1011.001
DRAWN BY	TVC	CHECKED BY	W/Johnson
Moore Bass Consulting			

The Planning, Engineering and Surveying Department of Moore Bass Consulting, Inc. (MBC) is a professional engineering and surveying firm. All work is performed under the supervision of a Professional Engineer or Professional Surveyor. All work is subject to the jurisdiction of the State of Georgia. All work is subject to the jurisdiction of the State of Georgia.

SHEET TITLE	Final Subdivision Plat
Land Lot	101 - 125A District
County	Henry County, Georgia

PROJECT	Phin View
CLIENT NAME	Phin View, Inc.
P.O. Box	71988
Address	Memphis, GA 30071

C O N S U L T I N G

LINE	DESCRIPTION	AREA	REMARKS
1	62.5' WATER EASEMENT	1.00	AS SHOWN ON PLAN
2	36.0' WATER EASEMENT	1.00	AS SHOWN ON PLAN
3	36.0' WATER EASEMENT	1.00	AS SHOWN ON PLAN
4	62.5' SEWER EASEMENT	1.00	AS SHOWN ON PLAN
5	62.5' SEWER EASEMENT	1.00	AS SHOWN ON PLAN
6	62.5' SEWER EASEMENT	1.00	AS SHOWN ON PLAN
7	62.5' SEWER EASEMENT	1.00	AS SHOWN ON PLAN
8	62.5' SEWER EASEMENT	1.00	AS SHOWN ON PLAN
9	62.5' SEWER EASEMENT	1.00	AS SHOWN ON PLAN
10	62.5' SEWER EASEMENT	1.00	AS SHOWN ON PLAN
11	62.5' SEWER EASEMENT	1.00	AS SHOWN ON PLAN
12	62.5' SEWER EASEMENT	1.00	AS SHOWN ON PLAN
13	62.5' SEWER EASEMENT	1.00	AS SHOWN ON PLAN
14	62.5' SEWER EASEMENT	1.00	AS SHOWN ON PLAN
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92	62.5' SEWER EASEMENT	1.00	AS SHOWN ON PLAN
93	62.5' SEWER EASEMENT	1.00	AS SHOWN ON PLAN
94	62.5' SEWER EASEMENT	1.00	AS SHOWN ON PLAN
95	62.5' SEWER EASEMENT	1.00	AS SHOWN ON PLAN
96	62.5' SEWER EASEMENT	1.00	AS SHOWN ON PLAN
97	62.5' SEWER EASEMENT	1.00	AS SHOWN ON PLAN
98	62.5' SEWER EASEMENT	1.00	AS SHOWN ON PLAN
99	62.5' SEWER EASEMENT	1.00	AS SHOWN ON PLAN
100	62.5' SEWER EASEMENT	1.00	AS SHOWN ON PLAN

APPROVED BY: *[Signature]* DATE: 1/31/06

CITY AND COUNTY APPROVAL

THESE PLANS ARE A PART OF A LARGER PROJECT AND ARE SUBJECT TO ALL CITY AND COUNTY ORDINANCES.

EXEMPT FROM THE CITY AND COUNTY ORDINANCES.

APPROVED BY: *[Signature]* DATE: 1/31/06

PROJECT: PHIN VIEW SUBDIVISION

DATE: 1/31/06

DESIGNED BY: *[Signature]*

DATE: 1/31/06

PROJECT: PHIN VIEW SUBDIVISION

DATE: 1/31/06

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 }

City of Stockbridge

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



ACTION MINUTES PLANNING COMMISSION

THURSDAY, February 27, 2020 at 6:30 p.m.

BOARD MEMBERS:

Askia Abdullah--Chairperson
 Shirley Wallace--Vice Chair
 Stanley Dumas
 Kathleen Nelson
 Harold Thibodeaux

ADMINISTRATION:

Camilla Moore, Community Dev. Director
 Linda Logan, Senior Planner
 Melinda Davies, GIS Tech. / Planner
 Gordon Linton, Planning Intern
 Michael Williams, City Attorney

- I. **CALL TO ORDER** – Made by Chairman Abdullah at 6:34 p.m.
- II. **INVOCATION** – Led by Harold Thibodeaux.
- III. **PLEDGE OF ALLEGIANCE** – Done in unison by everyone.

IV. ROLL CALL:

	Present	Absent
~ Askia Abdullah	___X___	_____
~ Stanley Dumas	___X___	_____
~ Kathleen Nelson	___X___	_____
~ Shirley Wallace	___X___	_____
~ Harold Thibodeaux	___X___	_____

With all members present, a quorum was achieved.

V. ADOPTION OF THE AGENDA – A motion to adopt the Agenda was made by Shirley Wallace and seconded by Harold Thibodeaux. The Agenda was unanimously adopted.

VI. APPROVAL OF MINUTES – November 7, 2019 Action Minutes. A motion to approve the Minutes was made by Shirley Wallace and seconded by Harold Thibodeaux. The Minutes were unanimously approved.

VII. NEW BUSINESS:

1. Recombination Plat for Property at the Southwest Corner of East Atlanta Road and Stagecoach Road – Proposal to combine two existing parcels of land for the purpose of allowing a new mixed-use development project. The applicant is Samir Patel. The recombined tract of land would have 13.52 acres. The two parcels include the following:

- a. Parcel # 047-01016001 with 2.64 acres of land in Land Lot 100 of District 12 --
Located at the southwest corner of East Atlanta Road and Stagecoach Road.
- b. Parcel # 028-0202005 with 10.88 acres of land in Land Lot 101 of District 12 –
Located at the southeast corner of Stagecoach Road and Woodall Road.

This case was presented by Linda Logan. She gave a visual PowerPoint presentation that she had prepared. It included slides which showed aerial views of the subject property, an identification of the boundaries of the two parcels, street views of the property from several directions, maps of the parcels, a list of project information, and conclusions. She also explained that the larger parcel is zoned 'PTD' and that the City is assigning the PTD zoning classification to the smaller parcel so that both parcels can have the same zoning, thereby allowing them to be combined. However, the property will need to be rezoned later to allow for the applicant's proposed project.

A representative of the applicant was present. He identified himself as George Harper of Paramount Engineering (located at 11 East Broad Street in Newnan, Georgia; 30263). He came to the podium and made a few comments.

Shirley Wallace brought up the issue of possible negative impacts of the proposed development on the adjacent small cemetery to the south of the property. Ms. Logan said that that issue could be addressed during the consideration of any forthcoming rezoning application.

A motion to approve the recombination plat application was made by Stanley Dumas and seconded by Harold Thibodeaux. The motion passed by a vote of 4-1, with Ms. Wallace voting in opposition.

VIII. STAFF COMMENTS – Ms. Logan announced the next scheduled Planning Commission meeting date of March 26, 2020. She mentioned that the rezoning case of RZ-2019-04, which was previously withdrawn by the applicant, had been resubmitted (as RZ-2020-01), and would be heard at the next meeting.

IX. BOARD COMMENTS – Board members briefly discussed RZ-2019-04.

X. ADJOURN – A motion to adjourn the meeting was made by Stanley Dumas and seconded by Shirley Wallace. The motion was unanimously approved. Adjournment occurred at 7:55 p.m.



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

June 8, 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, 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, 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.

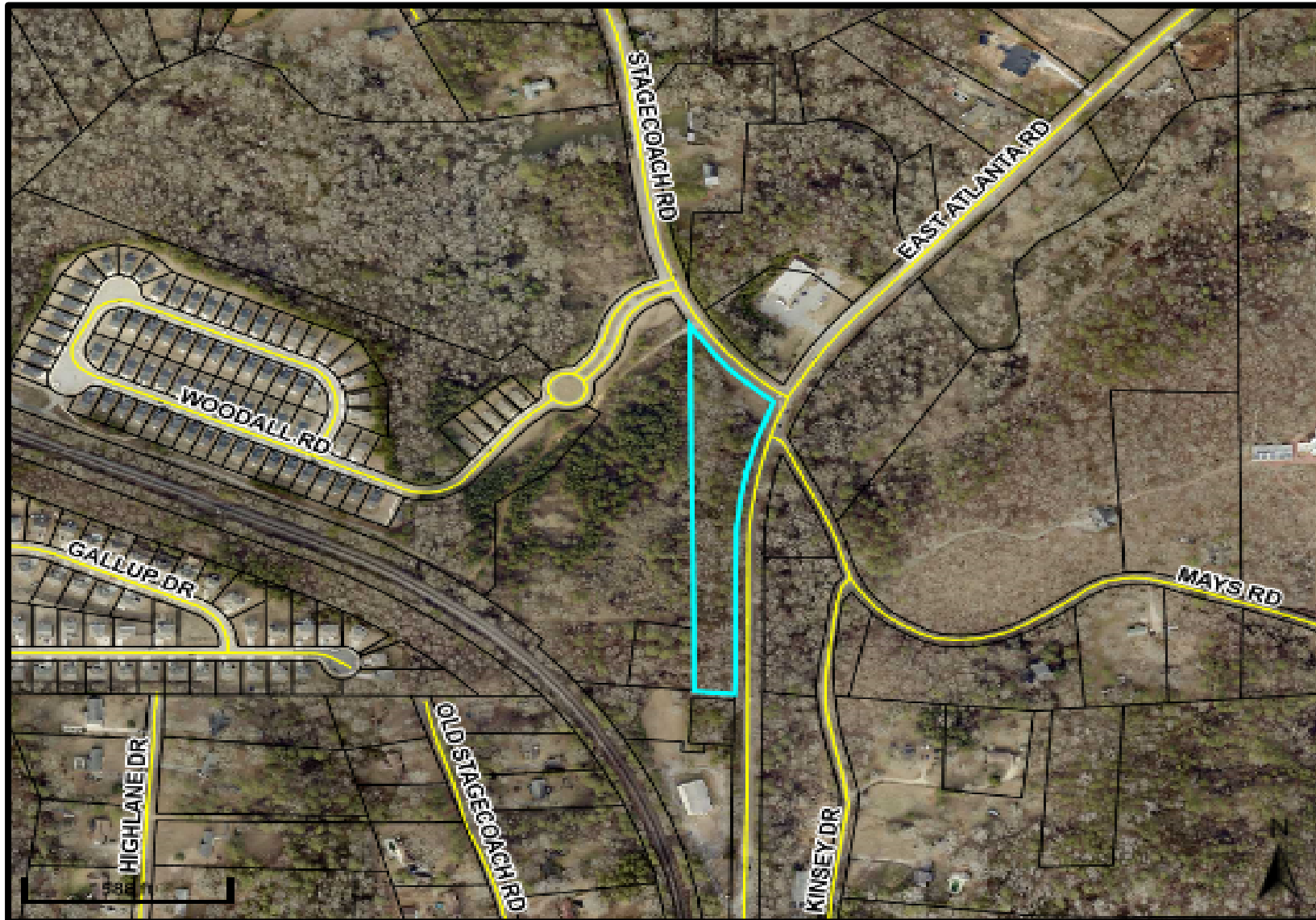
The table within Section 2.4.13(B) of the UDC lists the types of permitted retail and business uses in the PUD district as being any use that is permitted in the OI, C-1, and C-2 districts.

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.

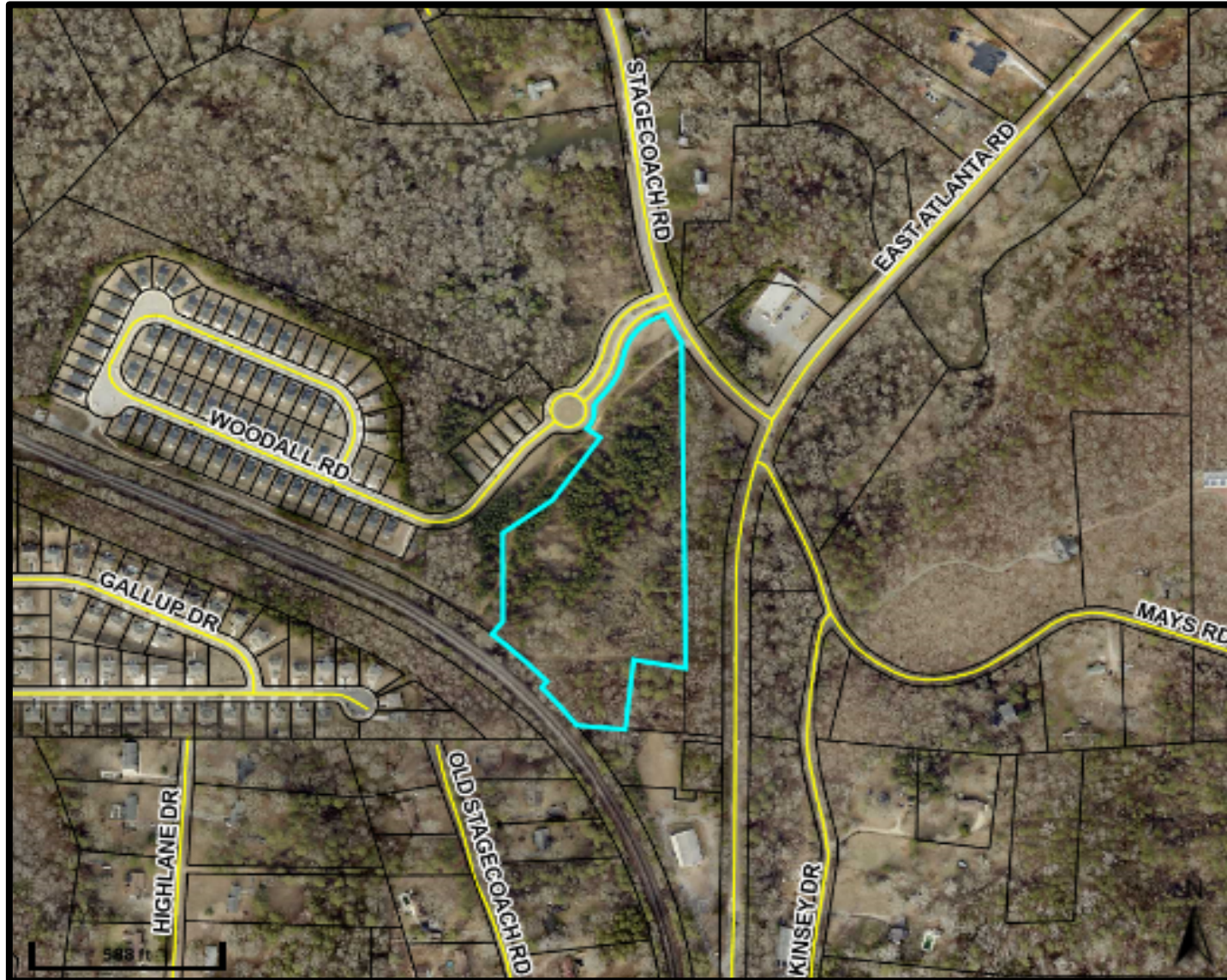
AERIAL PHOTO FOR PARCEL #047-01016001

Contains 2.64 +/- Acres

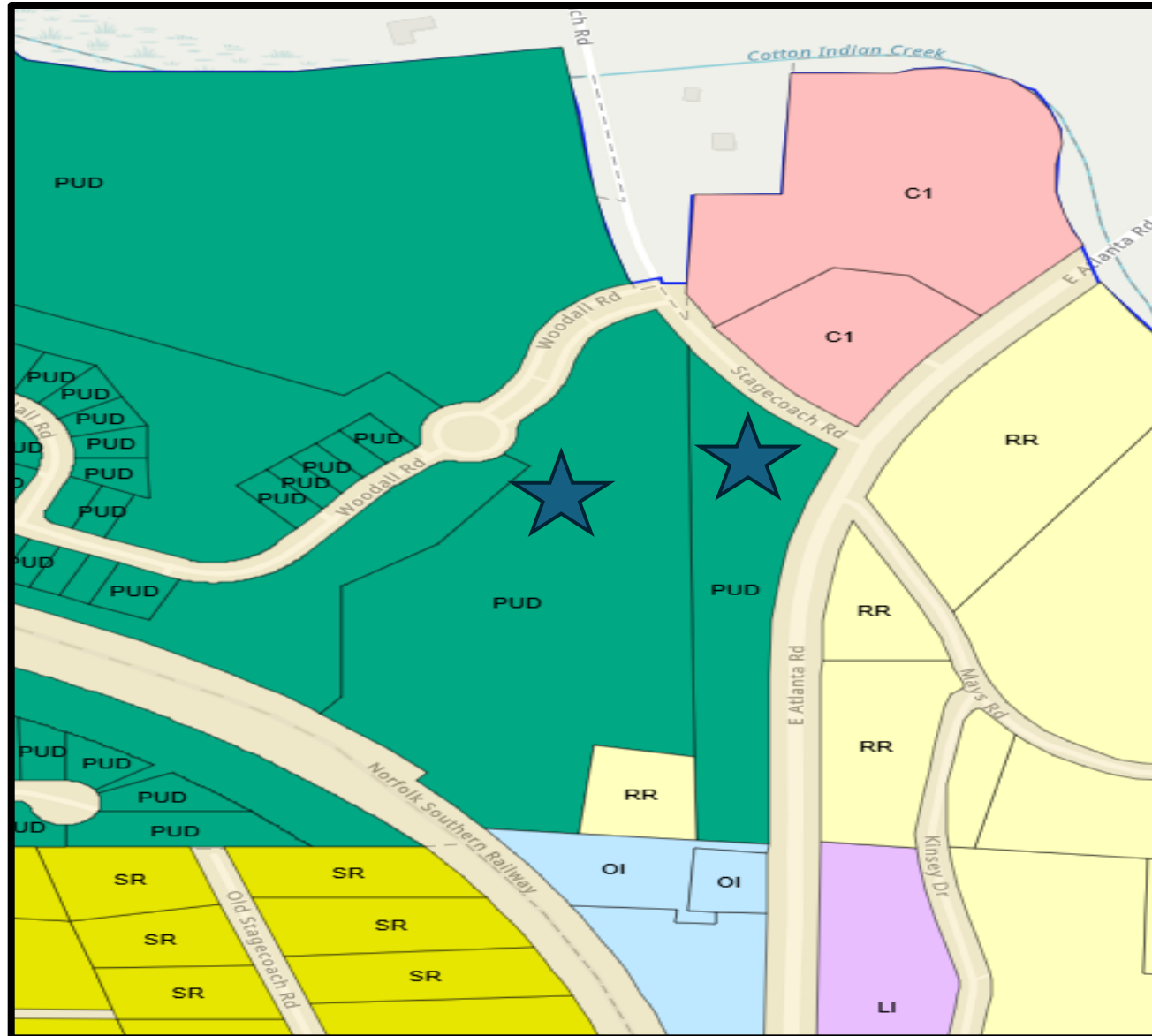


AERIAL PHOTO FOR PARCEL #028-02021005

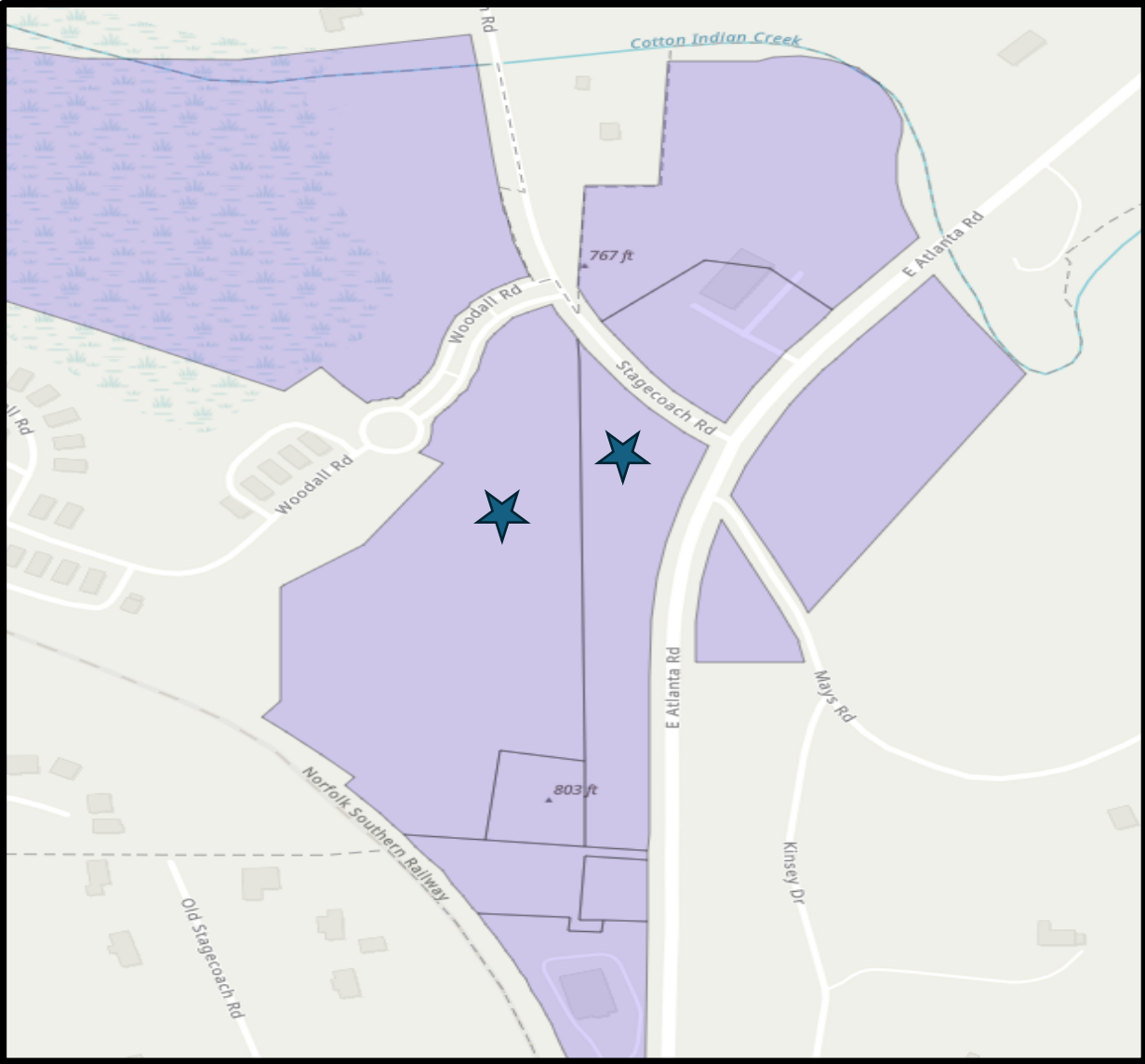
Contains 10.88 +/- Acres



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-application 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, was heard by the City Council on May 11, 2026, and it was deferred to June 8, 2026 after the applicant submitted a large number of documents for review.

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)

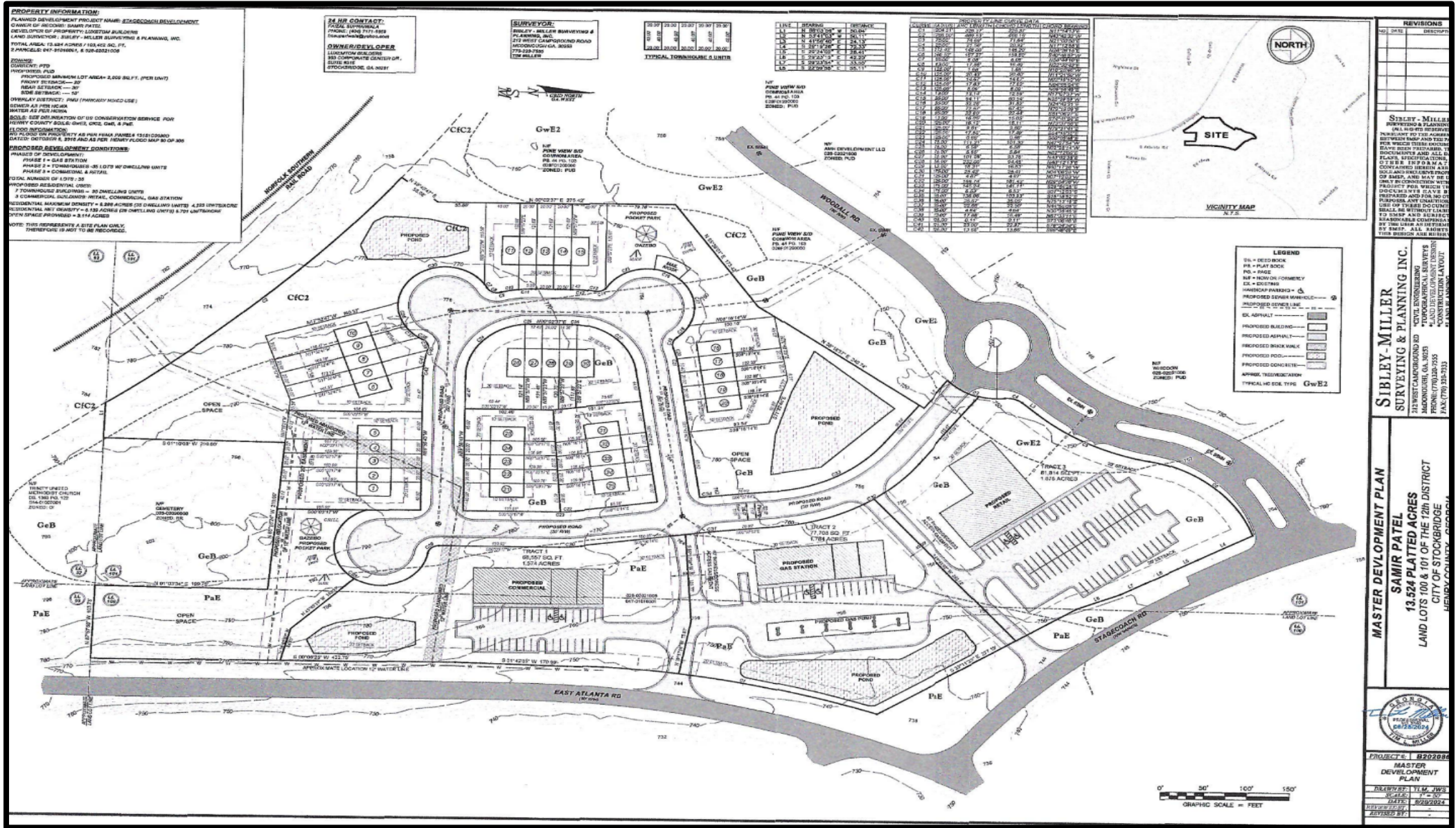
The applicant makes the statements below in his Letter of Intent, which signifies his acknowledgement that the property is zoned as PUD, and that a Special Use Permit (formerly known as a Conditional Use Permit) would be required to build a gas station on the property. However, the applicant also stated 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)



PROPERTY INFORMATION:
 PLANNED DEVELOPMENT PROJECT NAME: STAGECOACH DEVELOPMENT
 OWNER OF RECORD: SAMIR PATEL
 DEVELOPER OF PROPERTY: SIBLEY-MILLER SURVEYING & PLANNING, INC.
 LAND SURVEYOR: SIBLEY-MILLER SURVEYING & PLANNING, INC.
 TOTAL AREA: 13.524 ACRES / 103,432 SQ. FT.
 2 PARCELS: 107-201001, 107-2021000

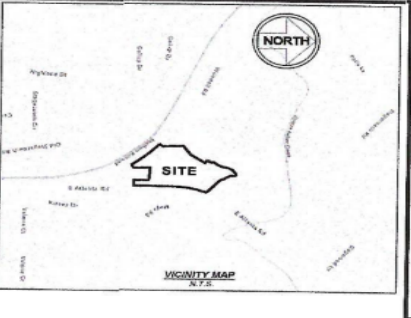
FOR CONTACT:
 SIBLEY-MILLER SURVEYING & PLANNING, INC.
 323 WEST CAMPBOND ROAD
 MONROEVILLE, GA 30033
 770-222-7300

SURVEYOR:
 SIBLEY-MILLER SURVEYING & PLANNING, INC.
 323 WEST CAMPBOND ROAD
 MONROEVILLE, GA 30033
 770-222-7300

LINE	BEARING	LENGTH	AREA
1	S 89° 12' 00" W	20.00	10.00
2	S 89° 12' 00" W	20.00	10.00
3	S 89° 12' 00" W	20.00	10.00
4	S 89° 12' 00" W	20.00	10.00

LINE	BEARING	LENGTH	AREA
1	S 89° 12' 00" W	20.00	10.00
2	S 89° 12' 00" W	20.00	10.00
3	S 89° 12' 00" W	20.00	10.00
4	S 89° 12' 00" W	20.00	10.00

TRACT	AREA	PERCENTAGE	TOTAL AREA
TRACT 1	1,574	11.6%	13,524
TRACT 2	1,000	7.4%	13,524
TRACT 3	1,000	7.4%	13,524
TRACT 4	1,000	7.4%	13,524
TRACT 5	1,000	7.4%	13,524



LEGEND

- DL - DRAINAGE
- PL - PLAY AREA
- PO - POLE
- MF - NOW OR FORMERLY
- DL - DRAINAGE
- PROPOSED SEWER MANHOLE
- PROPOSED OPEN SPACE
- PROPOSED ASPHALT
- PROPOSED BRICK WALK
- PROPOSED CONCRETE
- APPROX. TRENCH LOCATION
- TYPICAL HO SLOPE TYPE: GwE2

REVISIONS

NO.	DATE	DESCRIPTION

SIBLEY-MILLER SURVEYING & PLANNING INC.
 323 WEST CAMPBOND ROAD
 MONROEVILLE, GA 30033
 PHONE: (770) 222-7300
 FAX: (770) 222-7333

MASTER DEVELOPMENT PLAN
SAMIR PATEL
 13,524 PLATTED ACRES
 LAND LOTS 100 & 101 OF THE 12th DISTRICT
 CITY OF STOCKBRIDGE
 HENRY COUNTY, GEORGIA

PROJECT #: B202088
MASTER DEVELOPMENT PLAN
DRAWN BY: TLM, JWS
SCALE: 1" = 50'
DATE: 02/20/24
APPROVED BY:

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

Previous Zoning District Designation

Zoning District Designation Under
This Unified Development Code

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

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 Pivotal 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 Pivotal 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 14th 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.

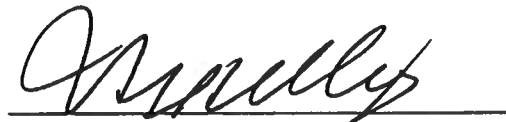
BE IT AND IT IS HEREBY ORDAINED by the Mayor and Council of the City of Stockbridge, Georgia, and by the authority thereof:

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 9th 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
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) 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

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 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 nd 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

Table 2. Points for Each Amenity Proposed for a PTD (continued)

Amenity Type	Points (each, unless otherwise stated below)	Comments (maximum 2 of each type unless otherwise stated below)
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 are 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

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 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~~^{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.

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

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 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, 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

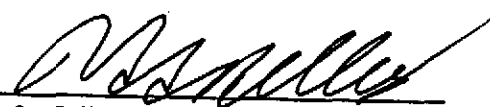
WHEREAS, the City has reviewed the proposed Improvements and Plan and has granted the rezoning application subject to certain conditions,

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.

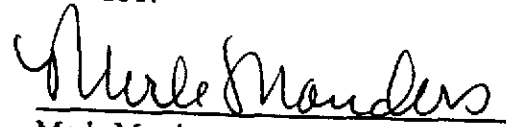
Original Resolution is filed in Resolution File.

THIS RESOLUTION adopted this 19th 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 12th 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 19th 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

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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

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**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

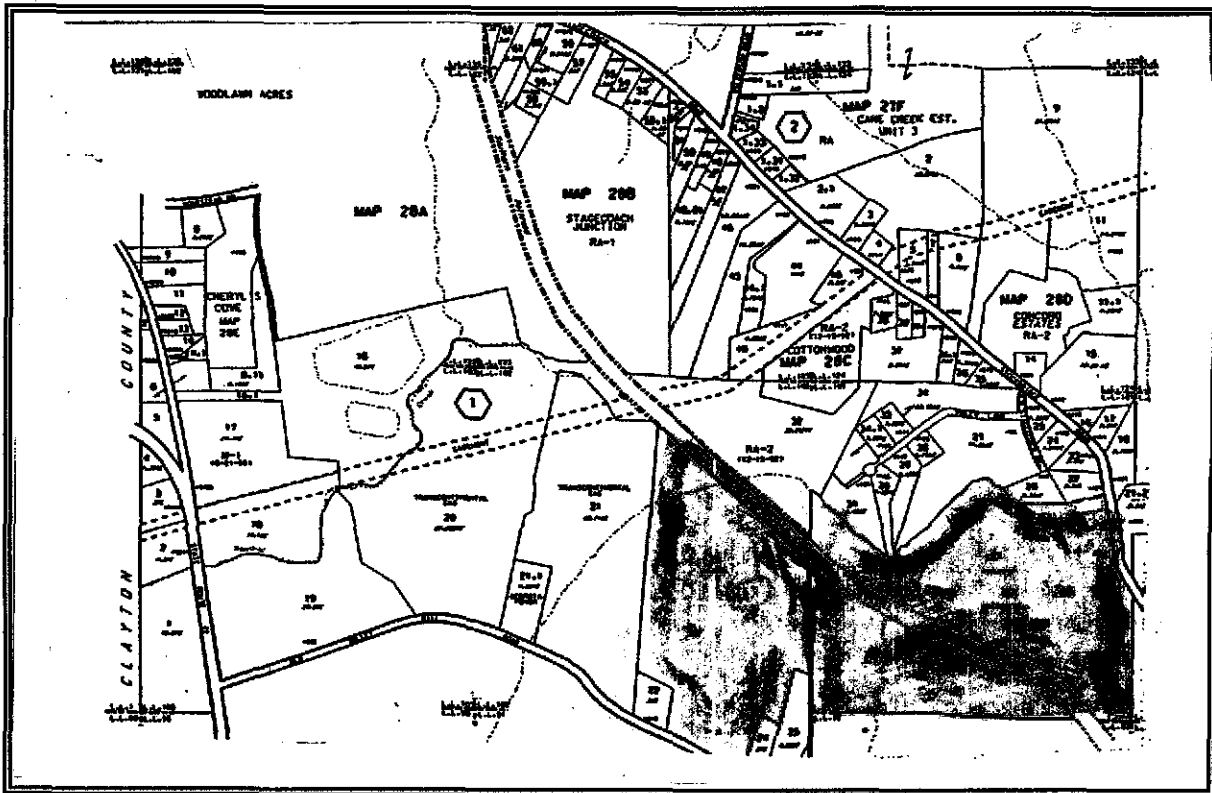
Henry County Planning & Zoning

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 12th 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: China State Construction & Engineering

Signature of Agent: By: Victor Meng, President

My Commission Expires June 13, 2007

(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

Signature of Owner: Edward H Whiddon

Notary: Jennifer Burns

Signature of Agent: _____

(For Office Use Only)

Received by: _____

Pre-application meeting: _____ Date: _____

Application checked By: _____ Date: _____

Map#(s): _____

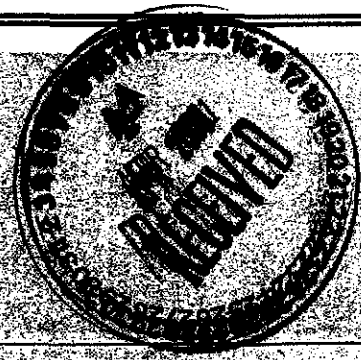
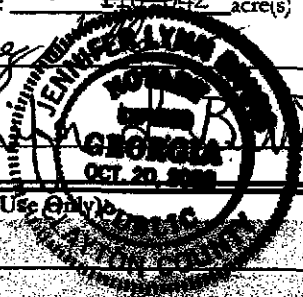
Recommendation of Planning Commission: _____

BOC

Decision: _____

Planning Director's Signature: _____

Date: _____



Applicant Campaign Disclosure Form¹

Has the applicant² 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:

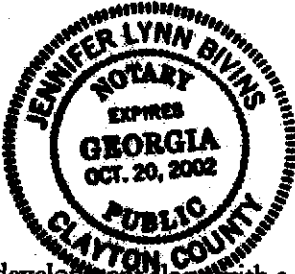
Commissioner/Planning Commission Member Name	Dollar amount of Campaign Contribution	Description of Gift \$250 or greater given to Board Member

We certify that the foregoing information is true and correct, this 21st day of February, 2001.

Edward H. Whiddon
Applicant

Applicant's Attorney, if applicable

Sworn to and subscribed before me this 21st day of February, 2001.



Jennifer L. Bivins
Notary Public

¹Copy to be filed with planning & development along with a copy of the zoning application

²Applicant means any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association, or trust) applying for rezoning or other action.

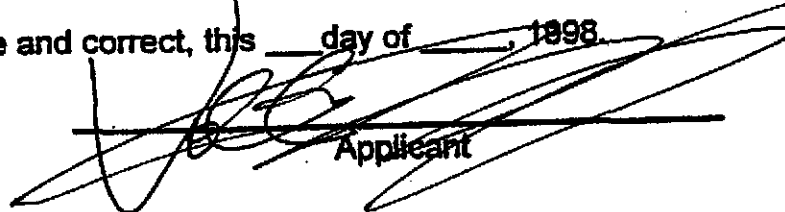
Applicant Campaign Disclosure Form¹

Has the applicant² 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.

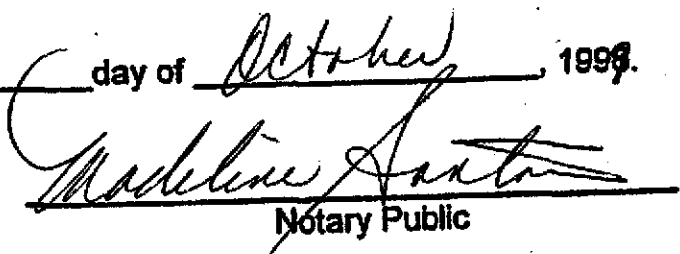


 Applicant

 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

¹ Copy to be filed with planning & development along with a copy of the zoning application

² Applicant means any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association, or trust) applying for rezoning or other action.



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,

A handwritten signature in cursive script that reads "Ed Whiddon".

Ed Whiddon

A handwritten signature in cursive script that reads "Mao Han".

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,



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, 12th 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 12th 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://metrobrokers.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 & 11.9750-12.0000
 - TOTAL NUMBER OF IMPROVED TYPICAL: 47
 - 27' X 124' TYPICAL - SINGLE TYPICAL
 - 14' X 124' TYPICAL - 48 IN AC
 POD C - 1/2" CLAY TILE FRONTIER, 1/2" CLAY TILE AC
 - 11.1111 TYPICAL - 1/2" CLAY TILE TYPICAL
 - TOTAL NUMBER OF S.F. LOTS PROPOSED IN
 - ALTERNATE CROWN: 321 AC
 POD D - NATURE SANCTUARY 123 AC
 TOTAL SITE ACRES: 149.47
 LINEAR FOOTAGE OF ROADWAY: 12,800 FT
 GRADE FOOTAGE OF TRAIL: 4,100 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



REVISION: JUNE 2003
 XEROX: 16/06



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
TOTALS:		149.47	100

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>
TOTALS:	129.448	96.46	347	3.60 DU/Ac.

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 manner 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:

<u>Amenity Type</u>	<u>Points Each</u>	<u># Facilities</u>	<u>Total</u>
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
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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

Number: *8*5426001-9-770-389-7912

Total Pages: 19
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ATLANTA REGIONAL COMMISSION 40 COURTLA

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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
TOTAL	180.48	204.76	1183.65	8242.54	128442.46	73.55	15.42

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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11/9/01

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PAGE 12/19

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PAGE 11/ 18

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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

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3:08

PAGE 13/19

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ID:ARC

FAX:94044633254

PAGE 12/ 18

UNSOLICITED COMMENTS

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 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

DILLARD & GALLOWAY, LLC

ATTORNEYS AT LAW

1500 MONARCH PLAZA
3414 PEACHTREE ROAD, N.E.
ATLANTA, GEORGIA
30328

G. DOUGLAS DILLARD

TELEPHONE
(404) 965-3680
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

- (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

(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

(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

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

Result:

OK - black and white fax

DILLARD & GALLOWAY,LLC

ATTORNEYS AT LAW

1500 MONARCH PLAZA
3414 PEACHTREE STREET, N.E.
ATLANTA, GEORGIA
30326

TELEPHONE
(404) 965-3680
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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1500 MONARCH PLAZA
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ATLANTA, GEORGIA
30326

G. DOUGLAS DILLARD

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(404) 965-3680
FACSIMILE
(404) 965-3670

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:

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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 & GALLOWAY, LLC

Mayor R. G. Kelley
and City Council of Stockbridge
November 19, 2001
Page 2

- (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:
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 - 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.

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:

- (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

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.

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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 1,700 s.f.

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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
Page 4

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
and City Council of Stockbridge
November 19, 2001
Page 5

- (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.

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Mayor R. G. Kelley
and City Council of Stockbridge
November 19, 2001
Page 6

- 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.

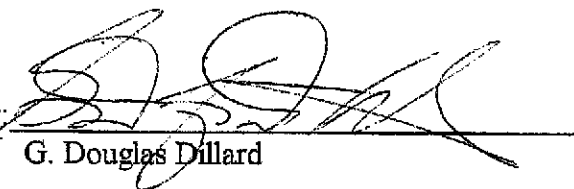
The application of the City of Stockbridge Zoning Ordinance to the Property which restricts its use to any category other than the PTD category as requested by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation 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

FAX

*ARC Report
Attached*

To: Bruce Vail

From: Merle Manders

Date: November 16, 2001

Re: Pine Grove

Pages: 19

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
TOTAL	180.48	204.76	1183.85	8242.54	126442.46	73.55	15.42

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

ERNEST M. SMITH (1911-1982)
A.J. WELCH, JR.
J. MARK BRITAIN
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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

CONFIDENTIALITY NOTE

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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

FAX

To: Bruce Vail
From: Merle Manders
Date: November 16, 2001
Re: Pine Grove
Pages: 19

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, within the legal hours of sale on 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
TOTAL	180.48	204.76	1183.85	8242.54	126442.46	73.55	15.42

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, appearing to read "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
E. GILMORE MAXWELL (TN & GA)

ATTORNEYS AT LAW
SUITE 200 - THE COMMERCE BUILDING - 235 KEYS FERRY STREET
POST OFFICE BOX 10
MCDONOUGH, GEORGIA 30253
Telephone (770) 957-3937
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 21st 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:

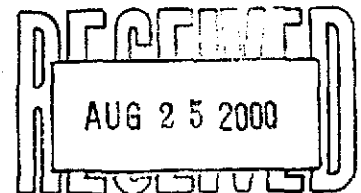
Edward H. Whiddon Sr.
Carole M. Whiddon
135 Fairview Road
Stockbridge, Georgia 30281

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 21st 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 ^{Unincorporated 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 21st 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. Ray Radford Witness:
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.

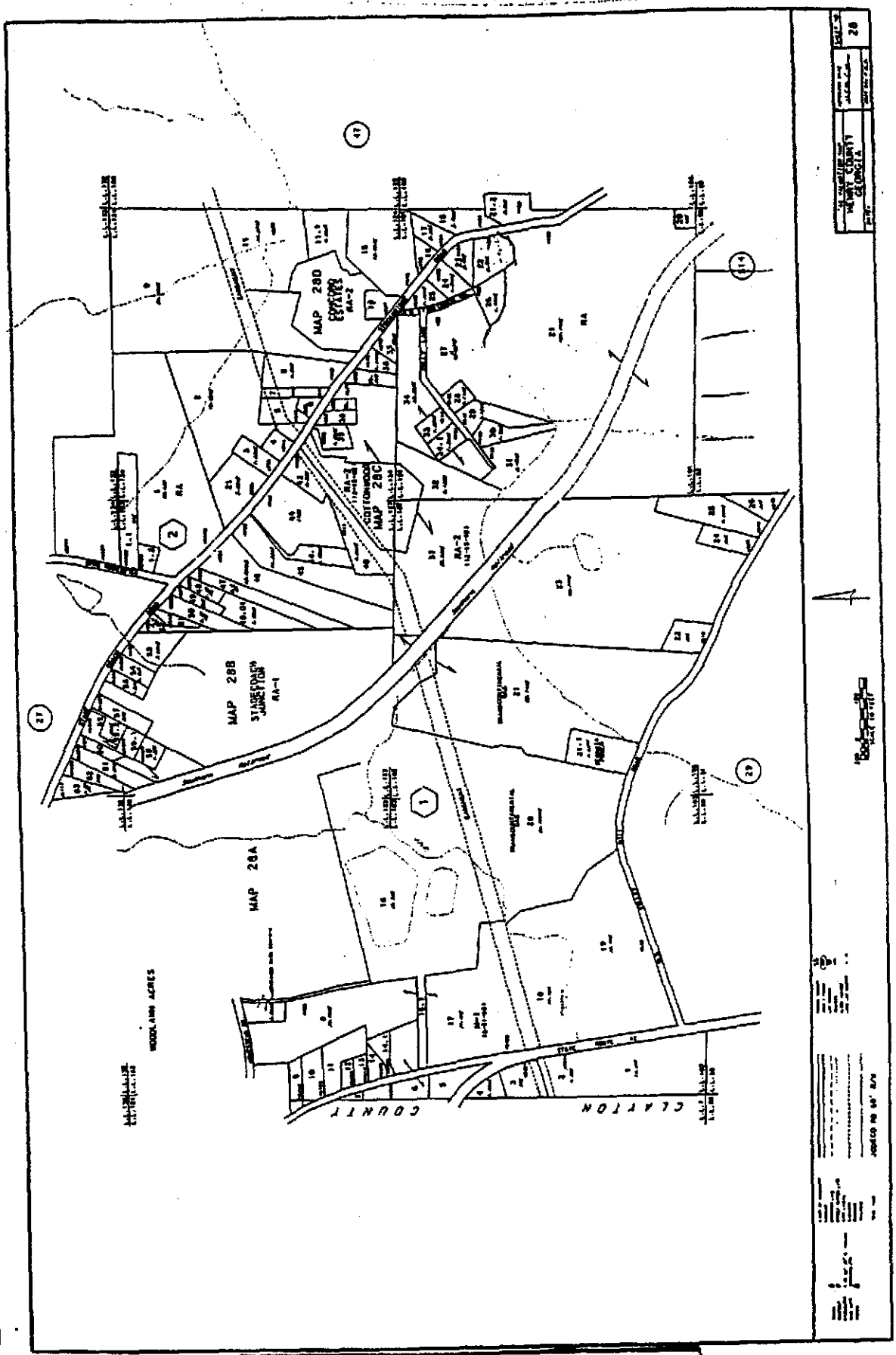
Signed, sealed and delivered in the presence of:

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)
JULIAN L. WALL, ADMINISTRATOR
DE BONIS NOM C.T.A. OF THE
ESTATE OF SARA ESTER WALL
(DECEASED)

008982



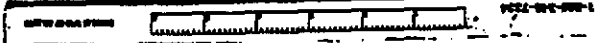
PLAT NO.	28
RECORD NO.	100-28-7204
DATE	
COUNTY	CLIFTON
STATE	MISSOURI



100-28-7204

100-28-7204

100-28-7204



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 11th 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 & 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 11th 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 & 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 11th 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 & 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 Owner
 Vice President

Mason Gao
 Mason Gao Witness

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

CITY OF STOCKBRIDGE

4545 NORTH HENRY BOULEVARD
STOCKBRIDGE, GEORGIA 30281
Phone 770 389-7900 FAX 770 389-7912
Email: 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 12TH 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.

IN MY OPINION THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW.



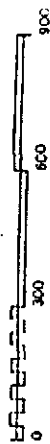
N. J. [Signature]

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PERIOD OF ONE FOOT IN 6,498 FEET AND AN ANGULAR ERROR OF 7" PER ANGLE POINT, AND WAS ADJUSTED USING THE MINIMUM SQUARE METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 4,476 FEET.

LEGEND

- PF - IRON PIN FOUND
- PS - IRON PIN SET
- PO/S - IRON PIN OFFSET
- C.L. - CENTERLINE
- P.L. - PROPERTY LINE
- S.W. - RIGHT-OF-WAY

SURVEYED BY
 TAMBLAC MANAGEMENT SERVICES, INC.
 CONSULTING FORESTERS AND LAND SURVEYORS
 WYNELLS GEORGIA 30683
 (404) 742-8822



GEORGIA SOUTHERN LUMBER, I

LL 91 & 102

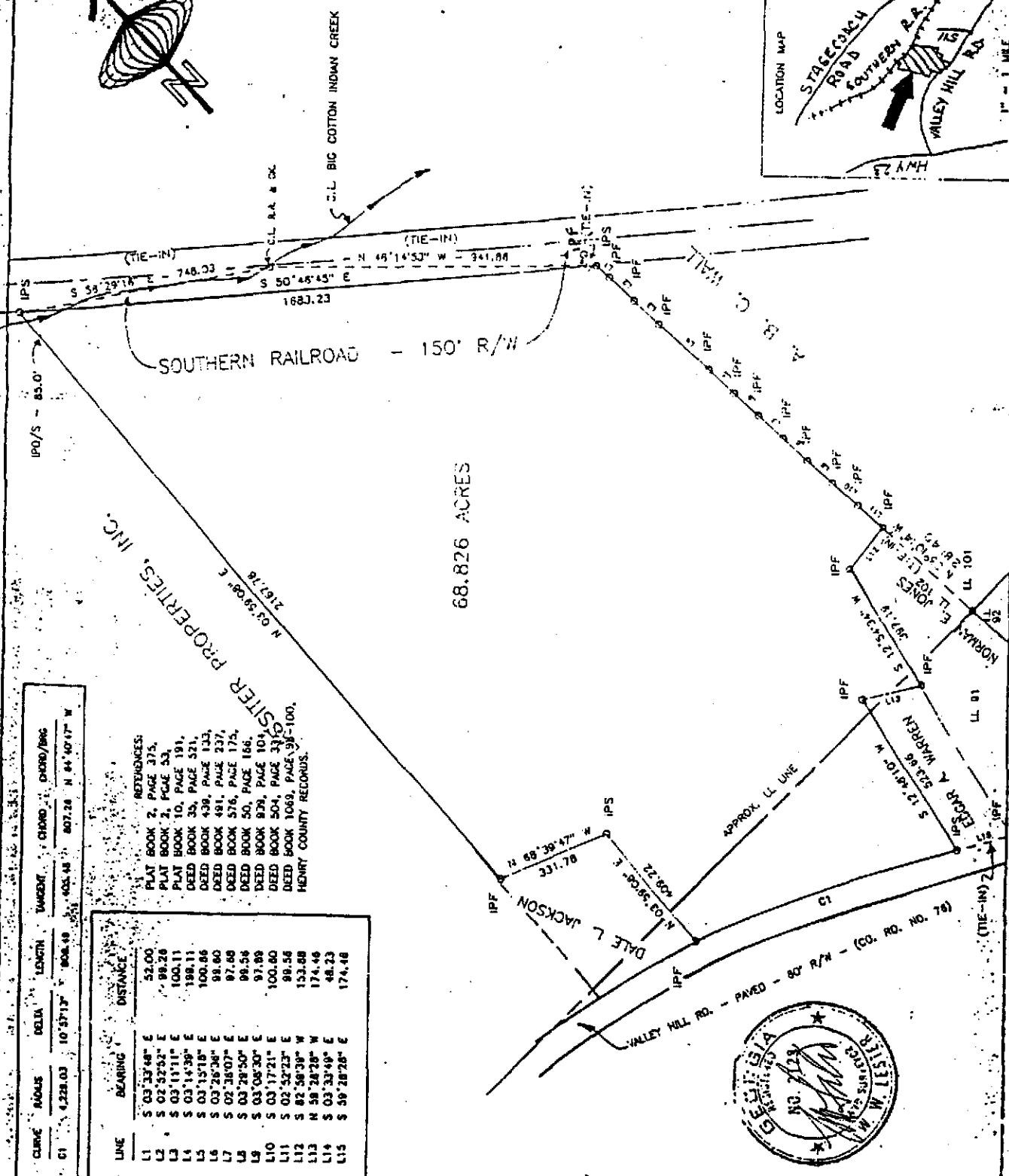
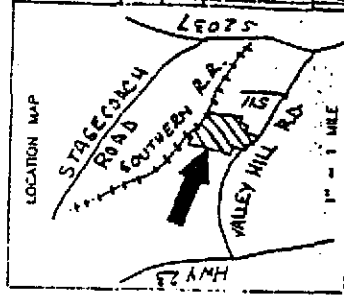
SCALE: 1" = 300 FEET/MCH	APPROVED BY: [Signature]	DRAWN BY: A.L.B.
DATE: 10-2-90		REVISED BY:

12th L.D.

HENRY CO., GA.

PAGE NO. 1

DRAWING NO. 4384



CURVE	ARCUS	DELTA	LENGTH	TANGENT	CHORD	CHORD/BKG
C1	4,228.03	10° 57' 13"	806.48	625.48	807.28	N 44° 40' 17" W

LINE	BEARING	DISTANCE
L1	S 03° 23' 48" E	52.00
L2	S 02° 52' 52" E	98.26
L3	S 03° 11' 11" E	100.11
L4	S 03° 14' 39" E	198.11
L5	S 03° 32' 18" E	100.86
L6	S 03° 28' 38" E	91.60
L7	S 02° 38' 07" E	97.68
L8	S 03° 24' 50" E	97.89
L9	S 03° 08' 30" E	97.89
L10	S 03° 17' 21" E	100.60
L11	S 02° 52' 23" E	98.56
L12	S 82° 58' 38" W	132.88
L13	N 58° 24' 28" W	174.46
L14	S 03° 32' 49" E	48.23
L15	S 59° 28' 28" E	174.46

REFERENCES:
 PLAT BOOK 2, PAGE 375.
 PLAT BOOK 2, PAGE 53.
 PLAT BOOK 10, PAGE 191.
 DEED BOOK 35, PAGE 321.
 DEED BOOK 438, PAGE 113.
 DEED BOOK 481, PAGE 175.
 DEED BOOK 50, PAGE 166.
 DEED BOOK 824, PAGE 104.
 DEED BOOK 504, PAGE 334.
 HENRY COUNTY RECORDS.



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 21st day of August, 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>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

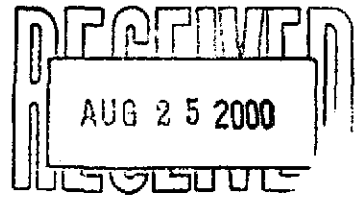
Trinity United Methodist Church
112 Wilson Avenue
Stockbridge, Georgia 30281

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 21st 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 21st 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 21st 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. D'Arce
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 20th 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
Notary Public
Commission expires: Feb. 21, 1994
Notary Public, Henry County, Georgia
My Commission Expires Feb. 21, 1994

(SEAL)

REC'D IN GR. 1363
PAGE 122
DATE REC'D 11-26-91
CLERK

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");/ ^{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;

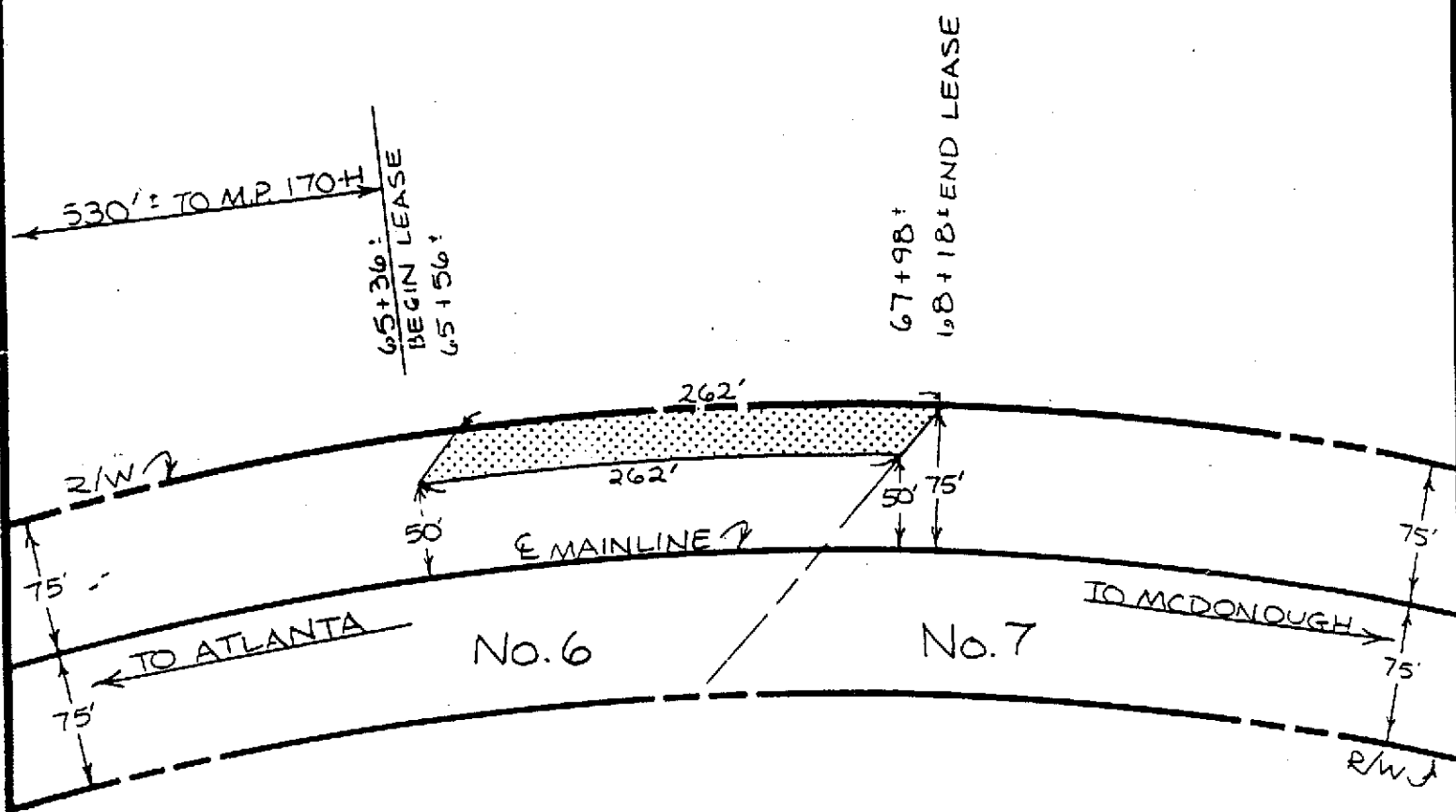
NOW, THEREFORE, in consideration of the premises and mutual covenants, warranties and undertakings herein contained, it is agreed as follows:

1.

Mussell shall execute a quitclaim deed conveying all of their right, title and interest to the property described in Exhibit

Ex B.

HENRY COUNTY, GA

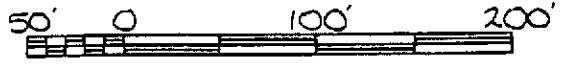


LEGEND:

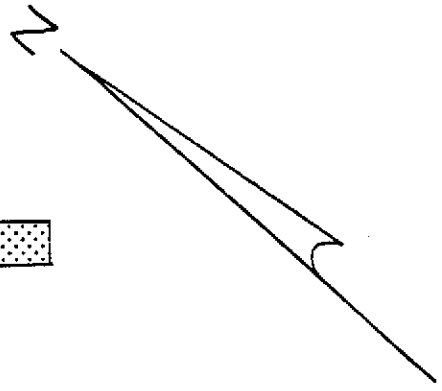
LAND TO BE LEASED SHOWN
 AREA = 6799.6 ± S.F = 0.16 ± AC.



SCALE: 1" = 100'



DO NOT SCALE THIS DRAWING FOR DIMENSIONS NOT GIVEN



NORFOLK SOUTHERN RY. CO.
 DESIGN 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
DWN	JPS	FILE 109-6453	DRAWING NUMBER
CHK	ALC	DATE 4-11-91	TA 910135

July 19, 1991

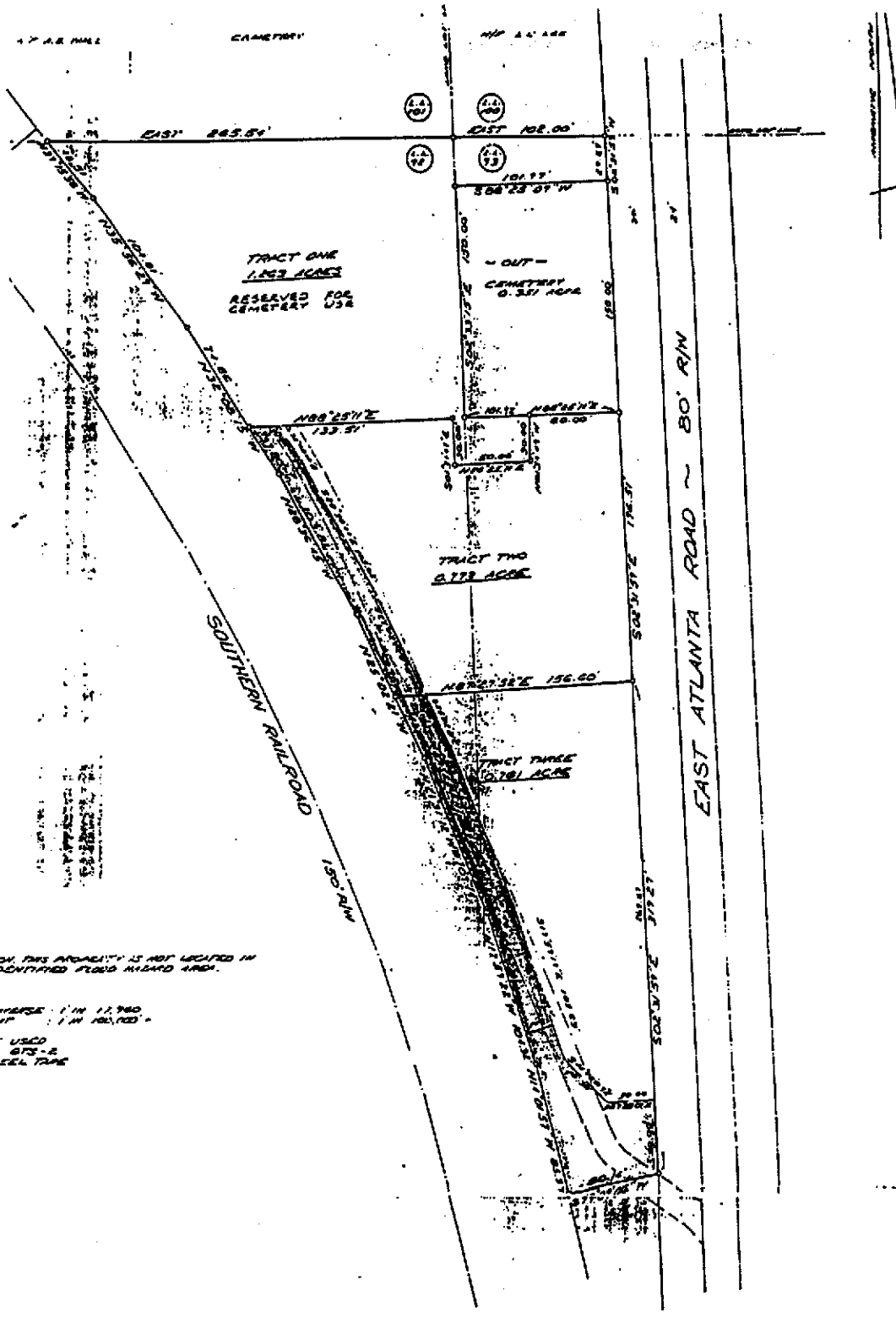
Deacons of Floyd Chapel Baptist
Church.

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 FLOOD HAZARD 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 281-23 - 10TH DISTRICT
 DEKALB COUNTY, GEORGIA

FEBRUARY 18, 1970 SCALE 1"=50'

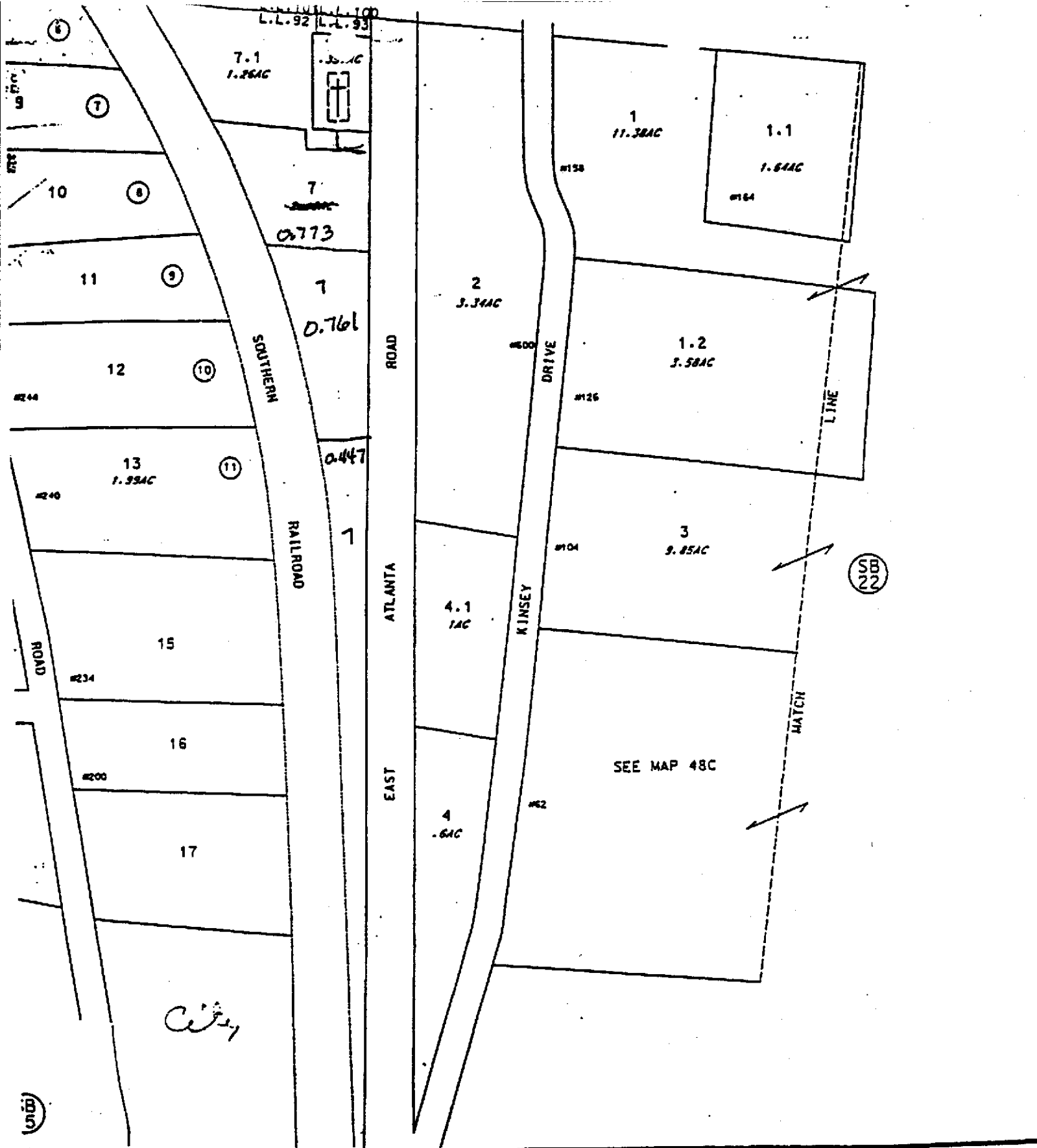
MADE BY
ALVIN E. VAUGHN & ASSOC., INC.

REGISTERED SURVEYORS
 NO. 15217-70-2
 3700 WOODRIDGE, DEKALB COUNTY, GEORGIA

I certify to the above named party
 in my opinion, this plat is a correct
 representation 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

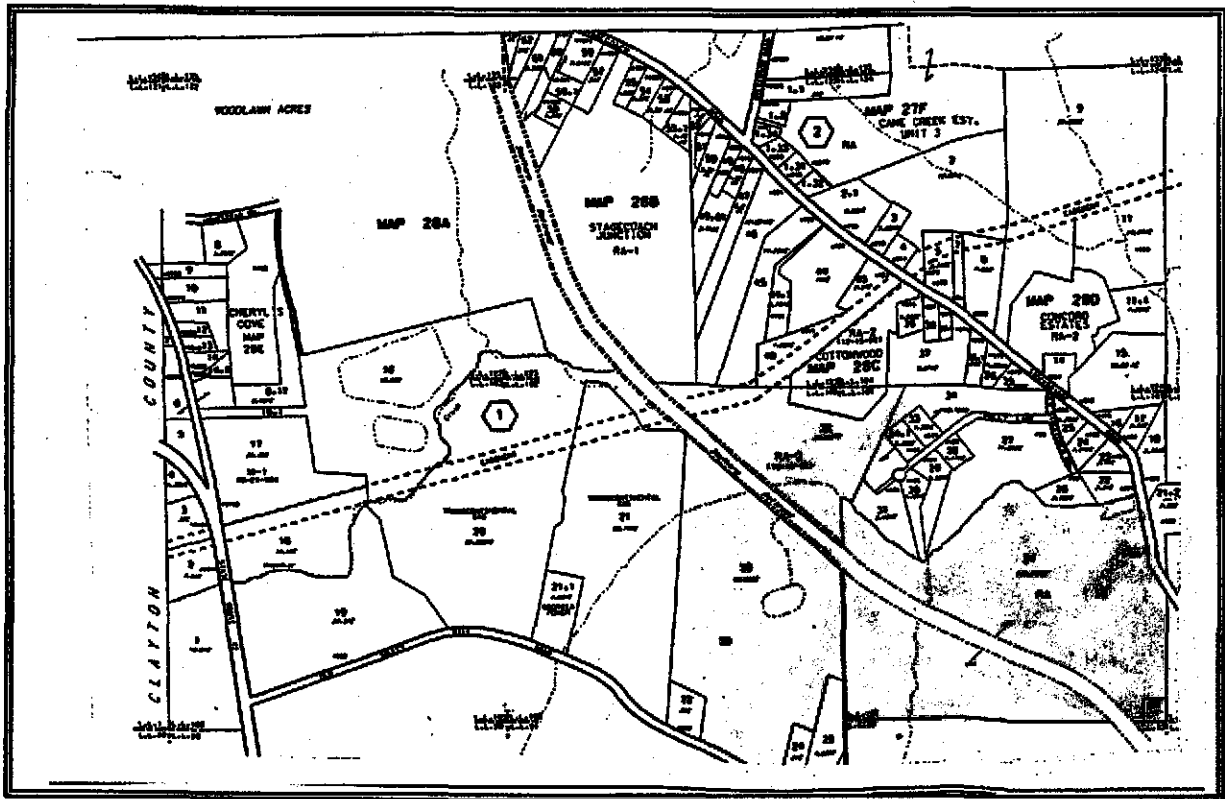
Henry County Planning & Development

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 12th 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: _____

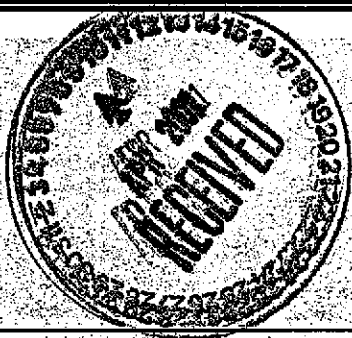
Zoning Request from RA to PTD
(Present Zoning) (Requested Zoning)
 For the Purpose of Planned Unit Development PTD
(Type of Development)

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: Jennifer Lynn Nobles Signature of Owner: Edward H Whiddon
 Agent: _____ 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 Form¹

Has the applicant² 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:

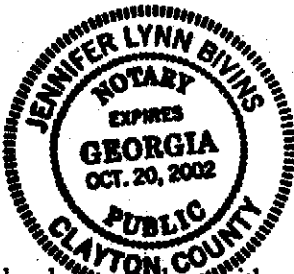
Commissioner/Planning Commission Member Name	Dollar amount of Campaign Contribution	Description of Gift \$250 or greater given to Board Member

We certify that the foregoing information is true and correct, this 21st day of February, 2001.

Edward H. Whiddon
Applicant

Applicant's Attorney, if applicable

Sworn to and subscribed before me this 21st day of February, 2001.



Jennifer L. Bivins
Notary Public

¹Copy to be filed with planning & development along with a copy of the zoning application

²Applicant means any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association, or trust) applying for rezoning or other action.

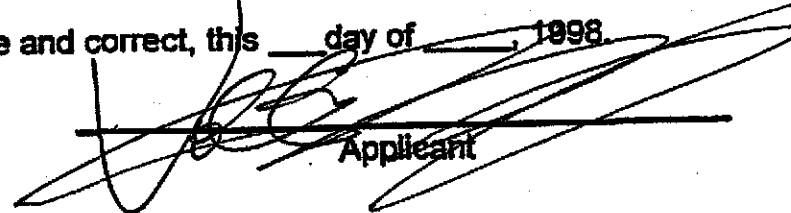
Applicant Campaign Disclosure Form¹

Has the applicant² 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.

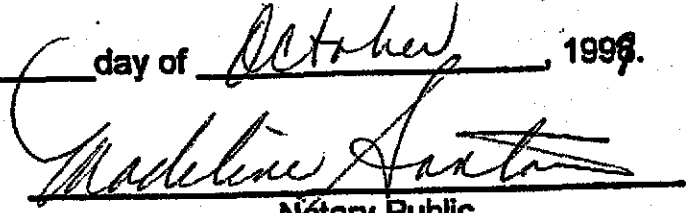


 Applicant

 Applicant's Attorney, if applicable

Sworn to and subscribed before me this 5 day of October , 1998.

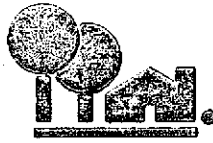
MADLINE SANTANA
 Notary Public, State of New York
 No. 41-4944789
 Qualified in Queens County
 Commission Expires November 29, 2000



 Notary Public

¹Copy to be filed with planning & development along with a copy of the zoning application

²Applicant 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 Conventional 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://metrobrokers.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, 12th 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 12th 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
8-13-2001**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 DeliveryMr. 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 & 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 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.

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 12th 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 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. **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 Krebs' 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 12th 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 unincorpo-
rated 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:

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.

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.

REZONING
RZ-01-25
China State Construction, Greg
Whiddon of
Nobles and Ed Whiddon
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.

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:

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.

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 there-
entire indebtedness evidenced thereby
by immediately due and payable,
time being of the essence of said

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:
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 following described real
property:
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 law, and all persons to said Estate are required immediate payment to the said. Daniel Lunsford, Executor of the Estate of Janie LaRue Lunsford, Jr., Attorney at Law, 1015 Peach & Brittain Road, Box 10, McDonough, Georgia 30253
Legal 01-1457
8-16, 8-23, 8-30, 9-6, 2001

**Debtors and Creditors of the Estate of Earl A. Stephens, deceased, late of Henry County, Georgia, are hereby notified in their demands to the said according to law, and all indebted to said Estate are to make immediate payment thereon signed. William Tate South, Executor of the Estate of Earl A. Stephens, deceased, Attorney at Law, 1015 Peach & Brittain Road, Box 10, McDonough, Georgia 30253
Legal 01-1458
8-16, 8-23, 8-30, 9-6, 2001**

**Debtors and Creditors of the Estate of James Stephens, deceased, late of Henry County, Georgia, are hereby notified in their demands to the said according to law, and all indebted to said estate are to make immediate payment thereon signed. Margaret W. Stephens, Executrix of the Estate of James Stephens, deceased, 929 Highway 3 North, Hampton, GA 30228
Legal 01-1475
8-23, 8-30, 9-6, 9-13, 2001**

ELLANEOL

Public Sale
The following motor vehicles, for sale pursuant to O.C.G.A. Code Sections 41-1-5, will be sold at a public sale in accordance with O.C.G.A. Code Sections 41-10-11-5. Ford Taurus VIN # 1A136158. 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 PUBLICATION: July 2, 2001
TO: OCCUPANT/TENANT/RESIDENT; 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 CRESCENT 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 pleadings filed with the court.

The Respondent is hereby noticed and commanded to be and appear at the court in which this action is pending 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
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., SEPTEMBER 10, 2001 THROUGH 4:30 P.M. SEPTEMBER 14, 2001. QUALIFYING 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 contained in a certain security deed executed 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 designated 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>City of Stockbridge Planning & Zoning Division Of Community Development 4640 North Henry Boulevard Stockbridge, GA 30281</p> <p>Shawn Edmondson CITY MANAGER</p>	 <p>Ryan Anderson DIRECTOR</p>
---	---	---

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.

Respectfully,

Brennen Reilly, GIS Analyst/Planner II

<https://stockbridgega.org/departments/community-development>



City of Stockbridge

AGENDA ITEM

MEETING DATE

JUNE 8, 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 #047-0016001 with 2.64 acres and Parcel #029-02021005 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. The City Council deferred this case at their May 11, 2026 meeting.

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. The Planning Commission had approved the recombination of the two parcels into one parcel on February 27, 2020, but the applicant still has not submitted a copy of the recorded plat; yet, the site plan shows only one parcel. 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 Washington

Key: 9f176c0b-1628-4926-950b-2b013c5f7b9

CITY ATTORNEY

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

Key: 7cb6a9e3-7863-4556-a458-502734485a09

MEMORANDUM OF UNDERSTANDING BETWEEN
CITY OF STOCKBRIDGE
AND
HENRY COUNTY, GEORGIA

THIS MEMORANDUM OF UNDERSTANDING (“MOU”) is made and entered into this _____ day of _____, 2026 (“Effective Date”), by and between the City of Stockbridge, Georgia, a municipality established under the Laws of the State of Georgia (“City”) , and Henry County, Georgia, a political subdivision of the State of Georgia (“County”), known collectively as the “Parties,” and clarifies the roles and responsibilities of the Parties regarding the public transit service along the fixed route.

WHEREAS, County, acting by and through its Henry County Transit Department, is introducing public transit service along a fixed route from McDonough to Stockbridge with defined stops for passengers to load and unload (See Exhibit “A,” Fixed Route Map, attached hereto and incorporated herein); and

WHEREAS, the service will travel along various streets owned by the City; and

WHEREAS, such service will require signs delineating the bus stops to be placed within the City-owned right-of-way; and

WHEREAS, the City desires such services for the use of its citizens, and desires to assist the County with the placement of bus stop signs.

NOW, THEREFORE, for and in consideration of the mutual promises and the covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

I. Purpose

This Memorandum of Understanding (MOU) is intended to provide a framework for cooperation between County, acting through its Henry County Transit Department, and the City in locating bus stop signs within right-of-way owned by the City where required to provide fixed route transit service. Per City of Stockbridge Title 12 – Unified Development Code, Chapter 4 Development Standards, Section 4.8.22 – Encroachment on public rights-of-way, structures are prohibited in the City-owned right-of-way. This MOU serves as an agreement between the City and the County to allow bus stop signs in city owned rights-of-way.

II. Background

The City of Stockbridge Title 12 – Unified Development Code, Chapter 4 Development Standards, Section 4.8.22 – Encroachment on public rights-of-way states the following:

No building, structure, fence, service area, parking facility/area, loading area, except driveways shall be permitted to encroach on public-right-of-way. All permanent structures or inorganic objects that are placed near, but not within the right-of-way, shall be located as to not obstruct, hinder, or impede the view or movement of pedestrian and vehicular traffic as to become a nuisance, danger or hazard to the public.

It is a standard transit industry practice to place bus stop signs within public right-of-way to identify designated transit locations and alert motorist awareness of transit activity and anticipate stops. Additionally, permanent signs increase safety during boarding and disembarking. Therefore, County is requesting a variance from the City to install bus stop signs within City-owned rights-of-way.

III. Roles and Responsibilities

County or their designated contractor(s) will be responsible for:

- Fabrication of all bus stop signs
- Installation of all bus stop signs as to not obstruct, hinder, or impede the view or movement of pedestrian and vehicular traffic as to become a nuisance, danger or hazard to the public
- Ongoing maintenance of all bus stop signs

Henry County Transit will design and install all bus stop signs in compliance with the Atlanta Regional Commission Regional Unified Bus Stop Signage Installation Plan Set, dated March 2018.

City will be responsible for:

- Permitting Henry County Transit to install bus stop signs in city owned right-of-way

IV. Term

The term of this MOU shall be from the Effective Date of this MOU, as stated above, until such time as the fixed route transit service, as contemplated in Exhibit “A,” ceases to operate. However, this MOU shall automatically renew on an annual basis on the anniversary date of this MOU.

V. Termination

This MOU shall automatically terminate upon the cessation of the fixed route transit service, as contemplated in Exhibit "A."

VI. Notices

All notices, demands and request which may be required to be given by one Party to the other shall be in writing and shall be deemed to have been properly given when postage sent prepaid by registered and certified mail (with return receipt requested) addressed as follows:

City: _____

County: Kevin Johnson, Deputy County Manager
140 Henry Parkway
McDonough, GA 30253

With copy: Taleim Salters, Transit Director
530 Industrial Parkway
McDonough, GA 30253

VII. Amendments and Modifications

Changes to this MOU may be requested by any Party at any time by written notice to the other Parties' signatory of this MOU. Such changes are mutually agreed upon by and between the Parties and shall be incorporated in written amendments to this MOU executed in the same manner as original MOU approval.

VIII. Governing Law

This MOU shall be governed by the laws of the State of Georgia.

IX. Waiver and Enforceability

In the event that the terms and conditions of this MOU are not strictly enforced by either party, such non-enforcement will not act as or be deemed to act as a waiver or modification of this MOU, nor will such non-enforcement prevent such party from enforcing each and every term of this MOU thereafter. If any term or provision of this MOU is held invalid or unenforceable, the remainder of this MOU will be considered valid and enforceable to the fullest extent permitted by law.

X. Entire Agreement

This MOU constitutes the final agreement between the parties. It is the complete and exclusive expression of the parties' agreement on the matters contained in this MOU. All prior and contemporaneous negotiations and agreements between the parties on the matters contained in this MOU are expressly merged into and superseded by this MOU. The provisions of this MOU cannot be explained, supplemented or qualified through evidence of trade usage or a prior course of dealings. In entering into this MOU, neither party has relied upon any statement, representation, warranty or agreement of any other party except for those expressly contained in this MOU. There are no conditions precedent to the effectiveness of this MOU, other than any that are expressly stated in this MOU.

[SIGNATURES ON THE FOLLOWING PAGE]

IN WITNESS WHEREOF, the Parties state and affirm that the signatories hereto are duly authorized to bind their respective entities designated below as of the day and year indicated.

Jayden Williams, Mayor

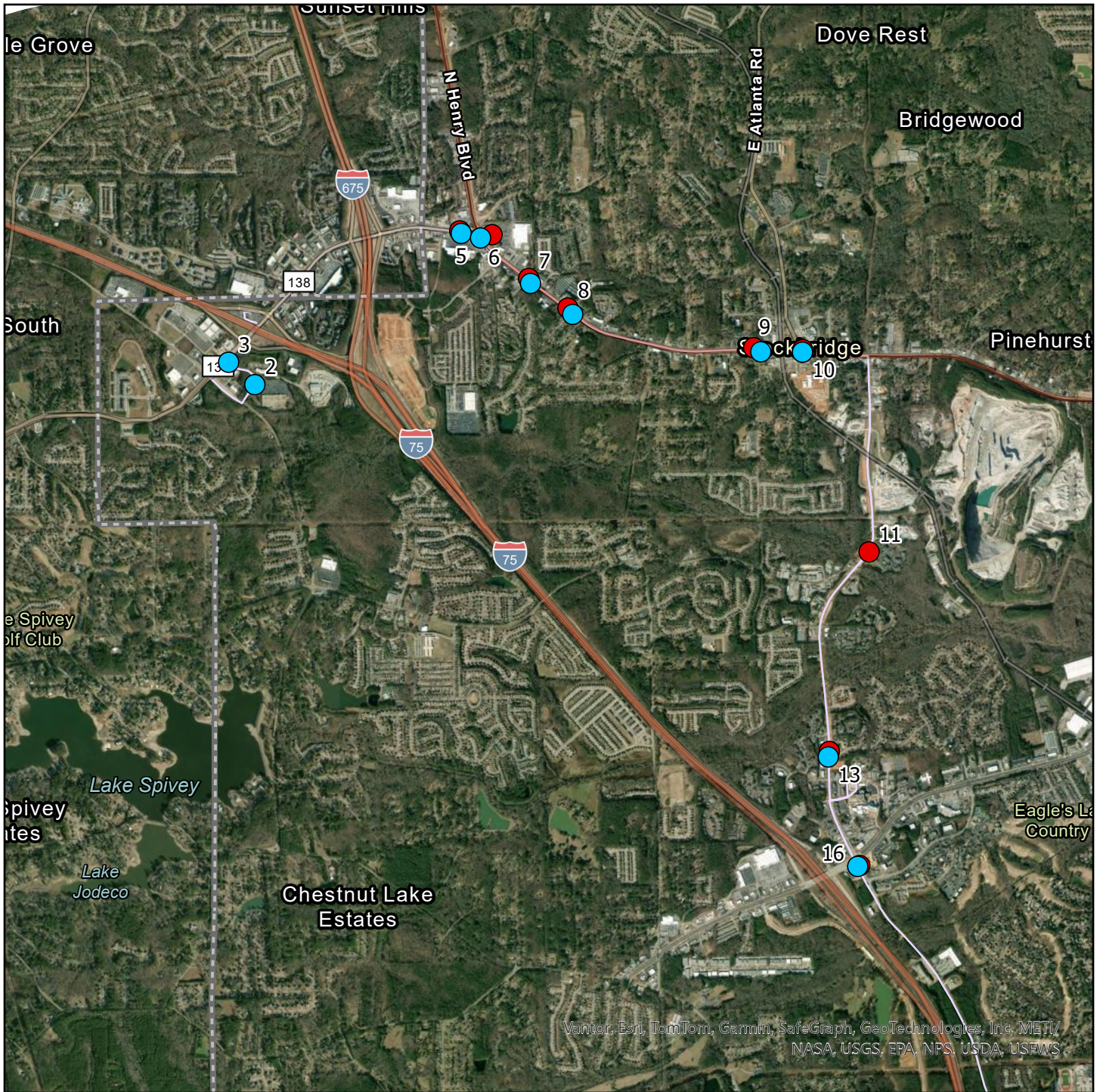
Date

Attest: _____
City Clerk

Carlotta Harrell, Chair

Date

Attest: _____
Stephanie Braun, County Clerk



Henry County Transit Fixed Route Stops Proposed in Stockbridge Right-of-Way (2, 3, 11, 13 & 16) and GDOT Right-of-Way (5 - 10)

Note: All stops will be a bus stop sign only.

Legend

Stops

Direction

- NB
- SB





City of Stockbridge

AGENDA ITEM

MEETING DATE

June 08, 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: Shawn Edmondson

DEPARTMENT: Executive

ITEM/PROJECT/EVENT:

Proposed Agreement: Henry County Transit Route Stops

BACKGROUND INFORMATION:

Agreement between city of Stockbridge and Henry County Transit Department on Proposed bus route for Stockbridge. Buses and routes are to managed and maintained by Henry County Transportation, not the city of Stockbridge. Attachments include a MOU and a proposed Henry County Transit Fixed Route Stop map.

SIGNATURES:

CITY MANAGER

eSigned via GovOS.com

Key: 3268d159-4d63-438f-940b-014ea0428880

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

CITY TREASURER

eSigned via GovOS.com

Key: 9ff76c0b-1628-4926-950b-2b0f013c5f7b9

CITY ATTORNEY

FINANCIAL IMPACT N/A

AMOUNT:

N/A

ATTACHMENTS:



ITEM/PROJECT/EVENT:

STAFF RECOMMENDATION:

eSigned via GovOS.com
Tranita Jones
Key: 7cb6a9e3-7863-4556-a458-502734485a09

**MASTER AGREEMENT
TO MASTER PLAN, DESIGN AND MANAGE THE CONSTRUCTION OF TRAILS
IN THE CITY OF STOCKBRIDGE, GEORGIA**

This **MASTER AGREEMENT TO MASTER PLAN, DESIGN AND MANAGE THE CONSTRUCTION OF TRAILS IN THE CITY OF STOCKBRIDGE** (“Agreement”), made this _____ day of _____ 2026, by and between the City of Stockbridge, Georgia, a municipal corporation of the State of Georgia, (“City”) and the PATH Foundation, Inc. (“PATH”), shall constitute the terms and conditions of a Master Agreement under which PATH shall provide for the planning, designing and construction management of greenway trails in the City.

WHEREAS, the City Council has determined that the presence of a greenway trail network throughout the City will provide an alternative transportation system which will enhance the air quality, reduce highway congestion, reduce fossil fuel consumption, promote health and public safety, and generally improve the quality of life in Stockbridge, Georgia; and

WHEREAS, the City Council has further determined that the introduction of a greenway trail system will promote economic growth, appreciation of property values, and tourism in the City; and

WHEREAS, PATH Foundation was formed and organized in 1991 as a 501(c)(3), nonprofit organization with a mission to develop a system of interlinking multi-use trails through metro Atlanta for commuting and recreational uses; and

WHEREAS, PATH has a lean administrative structure, and a demonstrated record of trail planning, design and construction on numerous projects involving the metro Atlanta area; showing its ability to complete projects on schedule, under budget, while leveraging significant local funding; and

WHEREAS, PATH’s area of expertise includes without limitation, planning, routing, detailed design, project management, coordination, land or easement acquisition, financing and performance of any or all other acts necessary or incidental to successful completion of greenway trails, cycle tracks, shared-use paths and other high-quality bicycle and pedestrian projects; and

NOW THEREFORE, for and in consideration of the mutual covenants and agreements set forth herein, the value and sufficiency of which are hereby acknowledged, the City and PATH hereby agree as follows:

ARTICLE I. MASTER AGREEMENT

This Agreement is a master agreement that sets forth the basic terms and conditions pursuant to which PATH shall perform work for the City. The particular terms for each project shall be approved by City Council and agreed to by both parties as set forth in an agreement relating to such project (“Project Agreement”). Each Project Agreement shall incorporate the terms of this

Agreement to the extent they are not inconsistent with the terms and conditions of the Project Agreement.

ARTICLE II. CONTRACT TIME

A. The term of this Master Agreement shall commence upon execution and shall expire at midnight on the first date of which all Project Agreements have expired or terminated; provided, however, that in no event shall the term of this Master Agreement exceed five (5) years from the date of execution. Following expiration as provided above, the parties may extend this Agreement upon mutually agreeable terms and conditions.

B. If at any time this Master Agreement is determined by a court of competent jurisdiction to be subject to the provisions of O.C.G.A. § 36-60-13, then the term of this Master Agreement shall revert to an annual term subject to renewal by agreement of the parties, unless it is terminated by the City with thirty (30) days' written notice to PATH.

C. The parties hereto agree that to the extent that the term of any Project Agreement exceeds one (1) years, then the Project Agreement shall comply with the provisions of O.C.G.A. § 36-60-13.

ARTICLE III. PAYMENT

A. Services. If applicable, the City shall pay PATH for basic services based on the schedule set forth in the applicable Project Agreement.

B. Reports and Invoices. PATH shall submit monthly reports and invoices to the City which reference the relevant Project Agreement, indicate items with unit cost, percentage of work completed to date, amount previously billed, current month's invoice, all relevant supporting documentation and such other documentation as may be requested by the City's Finance Director.

C. Payment upon Termination. In case of termination of this Agreement or any Project Agreement before the completion of the work, PATH will be paid only for work completed as of the date of termination as determined by the City, if PATH is being paid for any services under the Project Agreement(s).

ARTICLE IV. SCOPE OF WORK

A. Obligations of PATH.

PATH agrees to provide all services necessary to:

1. Identify property to be acquired by the City to implement particular projects in accordance with this Agreement and any Project Agreement, and oversee coordination of such acquisition (including, but not limited to, conducting meetings with property owners, coordinating creation of acquisition plats and legal description with surveyor), as may be requested by the City.

2. Assist City personnel in seeking and obtaining funding for trail projects.
3. Provide expertise and guidance to the City during all phases of greenway trail development for which a Project Agreement has been approved.
4. When an approved Project Agreement is in place, act as single point source of responsibility, as the City's designee, acting under the supervision of a representative of the City ("City Representative"), during the preliminary planning of greenway trails as well as any construction and development which is covered by a Project Agreement.
5. Provide adequate professionally certified staff to effectively supervise all initial planning phases of trail development and any pending Project Agreements.

B. Obligations of the City.

The City agrees to:

1. Identify staff members from the Special Projects, Traffic Engineering, Parks, and Public Works Departments, as well as essential personnel from other Departments and allocate time for them to represent the City during initial planning phases and the execution of Project Agreements.
2. Make City maps, studies, plans, etc., available to the design team at no charge during the development of trails; provided, however, that the City makes no representations or warranties as to the accuracy of said maps, studies, plans, etc.
3. Make City-owned right-of-way available for the development of greenway trails, subject to review and approval of routes by the City Council.
4. Use its best efforts to acquire property identified by PATH as necessary to implement particular projects in accordance with this Agreement and any Project Agreement.
5. Provide facilities for and co-host public meetings, as required, during the planning and design of the trail system.
6. Provide in-kind services to the design and construction team as specified in each Project Agreement. These services may include plan review, permits and inspections, dumping fees at City-owned facilities where the facility accepts the items tendered, pick up of vegetative debris at roadside, street signs and striping, and water and/or sewer tap fees if irrigation and restrooms are installed.
7. If applicable, furnish funding for the project as set forth in the Project Agreement.

ARTICLE V. GENERAL CONDITIONS

A. Accuracy of Work. PATH shall be responsible for the accuracy of the work and any error and/or omission made by PATH in any phase of the work under this Agreement; provided, however, PATH shall not be responsible for ongoing routine maintenance of any project constructed under this Agreement.

B. Additional Work. If PATH is asked by the City to perform work beyond the scope of this Agreement or any individual Project Agreement for which payment is desired, PATH shall notify the City in writing, state that the work is considered outside the basic scope of work of this Agreement, give a proposed cost for the additional work, and obtain approval in writing from the City prior to performing such additional work. The City shall in no way be held liable for any work performed under this section which has not first been approved in writing by the City.

C. Ownership of Documents. Absent a provision to the contrary in a Project Agreement, all documents are and remain the property of the City, and PATH agrees that the City may reuse any and all documents described herein in its sole discretion without first obtaining permission of PATH and without any payment of any monies to PATH therefor; provided, however, any reuse of the documents by the City on a different site shall be at its risk, and PATH shall have no liability where such documents are reused on another project.

D. Successors and Assigns. The City and PATH each binds itself and its partners, successors, executors, administrators, and assigns to the other party to this Agreement and to the partners, successors, executors, administrators, and assigns of such other party, in respect to all covenants of this Agreement. Except as above stated, neither the City nor PATH shall assign, sublet, subcontract, or transfer its interest in this Agreement without the written consent of the other. Nothing herein shall be construed as creating any personal liability on the part of any officers or agents of the City, nor shall it be construed as giving any right or benefits hereunder to anyone other than the parties to this Agreement.

E. Licenses, Standards, and Qualifications. PATH shall meet any and all licensing requirements, standards and/or other qualifications necessary to perform the work described in Article IV A herein.

F. Termination of this Agreement. The City or PATH may unilaterally terminate this Agreement, in whole or in part, for convenience, or because of failure of either of them to fulfill the obligations herein in any respect. The termination of this Agreement shall have no effect on the term of any and all Project Agreements; provided, however, that the City may unilaterally terminate any or all Project Agreements, in whole or in part, for its convenience, or because of PATH's failure to fulfill its obligations therein in any respect. The City or PATH shall terminate by delivering to the other party, with at least thirty (30) days' written notice, a Notice of Termination specifying the nature, extent, and effective date of termination. PATH shall be paid for services rendered up to the date of termination, if applicable, in accordance with the schedules set out in the applicable Project Agreement. The Notice of Termination shall be sent to PATH and the City, addressed as follows:

If to PATH:

PATH Foundation, Inc.
160I West Peachtree Street
Atlanta, Georgia 30309

If to the City:

City of Stockbridge
4640 North Henry Blvd.
Stockbridge, GA 30281
Attention: City Manager – Shawntez Edmondson

With a copy to:

Quinton G. Washington
City Attorney, City of Stockbridge
260 Peachtree Street
Suite 1600
Atlanta, Georgia 30303

All notices sent to the above address shall be binding upon PATH unless said address is changed by PATH in writing to the City.

G. Indemnification Agreement. To the fullest extent permitted by law, PATH shall indemnify, defend, and hold harmless the City from and against any third-party claims, causes of action, liabilities, injuries, damages, losses, and expenses, including but not limited to, attorney's fees, arising out of or resulting from PATH's gross negligence or willful misconduct. The indemnity obligations contained in this paragraph shall survive the expiration or termination of this Agreement.

To the fullest extent permitted by law, the City shall indemnify, defend, and hold harmless PATH, its members, partners, successors, assigns, officers, directors, agents, representatives, and employees from and against any claims, causes of action, liabilities, injuries, damages, losses, and expenses, including but not limited to, attorney's fees, arising out of or resulting from the performance of work or services under this Agreement, including but not limited to, third party claims for property damage or personal injury, or Hazardous Substances or Environmental Conditions. Notwithstanding the foregoing, the City shall not be obligated to indemnify, defend, or hold harmless PATH from any claims, causes of action, liabilities, injuries, damages, losses, or expenses arising from PATH's gross negligence or willful misconduct. The indemnity obligations contained in this paragraph shall survive the expiration or termination of this Agreement.

H. Insurance. At the time of execution of this Agreement, PATH shall furnish Certificates of Insurance from companies doing business in Georgia or written evidence or self-insurance that is acceptable to the City covering:

1. Statutory Workers' Compensation Insurance and Employer's Liability with limits of at least \$1,000,000 each accident/\$1,000,000 each employee by disease and \$1,000,000 policy limit by disease. Include an Alternate Employer's Endorsement listing

the City as the alternate employer or proof that PATH is not required to provide such coverage under Georgia law. PATH agrees to confirm that all subcontractors likewise carry statutory Workers' Compensation insurance, and to provide confirmation of such to the City. This policy shall contain a waiver of subrogation in favor of "City of Stockbridge, Georgia, its appointed and elected officials, departments, agencies, boards, commissions, officers, agents, employees and volunteers" for losses arising from work performed under this Agreement by or on behalf of PATH.

2. Professional liability insurance on the services in this Agreement with a minimum limit of one million dollars (\$1,000,000).

3. Comprehensive liability insurance covering all operations and automobiles:

- a. With minimum limits of \$100,000/\$300,000 bodily injury; and
- b. With minimum limits of \$100,000 property damage.

4. Commercial General Liability insurance covering liability arising from premises, operations, products-completed operations, personal and advertising injury, and liability assumed under an insured contract (including the tort liability of another assumed in a business contract) with limits of at least \$1,000,000 each occurrence. The City of Stockbridge, Georgia, its elected and appointed officials, employees, volunteers, boards, and authorities shall be named as an "Additional Insured" on this policy.

PATH may meet the insurance limits set forth herein with any combination of primary and umbrella/excess liability insurance.

This insurance shall apply as primary and non-contributory insurance with respect to any other insurance of self-insurance programs afforded by the City.

All insurance provided by PATH shall be written by companies that have a rating of A-VII or better by the A.M. Best Company.

By requiring insurance herein, the City does not represent that coverage and limits will necessarily be adequate to protect PATH and such coverage and limits shall not be deemed as a limitation of PATH's liability to the City under this Agreement.

PATH waives all rights against the City, its elected and appointed officials, employees, volunteers, boards, and authorities for recovery of damages to the extent these damages are covered by commercial general liability, auto liability (or under any applicable auto physical damage policy), Workers' Compensation or commercial umbrella liability insurance maintained pursuant to this Agreement.

Certificates of insurance shall be executed in accordance with the following provisions:

1. Certificates to contain policy number, policy limits and policy expiration date of all policies issued in accordance with this Agreement;
2. Certificates to contain the location and operations to which the insurance applies;
3. Certificates to contain the following clause:

“Re: Change or Cancellation. Policy will not be changed or cancelled without ten (10) days’ prior notice to the City of Stockbridge, as evidenced by return receipts of registered or certified letters.”

I. Non-Discrimination. During performance of this Agreement, PATH shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender, national origin, age, disability, or military or veteran status, or any other status or classification protected by applicable federal, state and local laws. This practice shall apply to all terms and conditions of employment, including but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation, and training.

PATH shall undertake equal employment opportunity efforts to ensure that applicants and employees are treated without regard to their race, color, religion, sex, sexual orientation, gender, national origin, age, disability, or military or veteran status, or any other status or classification protected by applicable federal, state and local laws. PATH's equal employment opportunity efforts shall include, but not be limited to, all terms and conditions of employment, including but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation, and training.

PATH shall, in all solicitations or advertisements for employees placed by, or on behalf of PATH, state that all qualified applicants will receive consideration for employment without regard to their race, color, religion, sex, sexual orientation, gender, national origin, age, disability, or military or veteran status, or any other status or classification protected by applicable federal, state and local laws.

PATH shall cause the foregoing provisions to be inserted in all subcontracts for any work covered by the Agreement so that such provisions will be binding upon each subcontractor, provided that the foregoing provisions shall not apply to contracts or subcontracts for standard commercial supplies or raw materials.

J. City Representative. The City shall designate the City Representative through whom PATH will contact the City. The City Representative shall be consulted and his/her written recommendation obtained before any request for additional work is presented to City Council. All payments to PATH shall be submitted to and approved by the City Representative in accordance with the payment provision set forth herein.

K. PATH's Status. The relationship between the City and PATH shall be that of owner and independent contractor. Nothing contained in this Agreement shall be construed to constitute PATH or any of its employees, agents or subcontracts as a partner, employee or agent of the City or as the City's exclusive contractor for greenway trail development. The City may, in its sole discretion, engage other contractors for greenway trail development within the City.

L. Sole Agreement. This Agreement constitutes the sole agreement between the parties. No representations oral or written not incorporated herein shall be binding on the parties. No amendments or modifications of this Agreement or any Project Agreement shall be enforceable unless approved by action of the City Council. All Project Agreements shall be approved by action of the City Council.

M. Governing Law. The governing law of this Agreement shall be laws of the State of Georgia. Venue for any action arising under this Agreement shall lie exclusively in Henry County, Georgia.

N. No Waiver of Immunity. Nothing in this Agreement shall be construed as a waiver of the City's sovereign or governmental immunity, which is hereby expressly reserved.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the day and date hereinabove written.

CITY OF STOCKBRIDGE:

PATH FOUNDATION, INC.:

Shawntez Edmondson
City Manager, City of Stockbridge

Greta DeMayo
Executive Director, PATH Foundation, Inc.

ATTEST:

ATTEST:

Cassandra Lester
Interim City Clerk, City of Stockbridge

APPROVED AS TO FORM:

Quinton G. Washington
City Attorney, City of Stockbridge



City of Stockbridge

AGENDA ITEM

MEETING DATE

June 8, 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: Decius T. Aaron

DEPARTMENT: Public Works

ITEM/PROJECT/EVENT:

Council consideration to approve the new Master Services Agreement (MSA) for coordination between PATH and the City of Stockbridge. PATH has added their new joint "Indemnification Agreement" text which is the only change they are suggesting for the new MSA with Stockbridge.

BACKGROUND INFORMATION:

The City Council has determined that the presence of a greenway trail network throughout the City will provide an alternative transportation system which will enhance the air quality, reduce highway congestion, reduce fossil fuel consumption, promote health and public safety, and generally improve the quality of life in Stockbridge.

SIGNATURES:

CITY MANAGER

Frank S. Milazi

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

CITY TREASURER

Quinton Washington

Key: 9ff76c0b-1628-4926-950b-2b013c5f7b9

CITY ATTORNEY

eSigned via GovOS.com
Shawn Edmondson

Key: 3268d159-4d63-438f-940b-014ea0428880

FINANCIAL IMPACT N/A

AMOUNT:

\$0

ATTACHMENTS:



ITEM/PROJECT/EVENT:

This Agreement is a master agreement that sets forth the basic terms and conditions pursuant to which PATH shall perform work for the City. The particular terms for each project shall be approved by City Council and agreed to by both parties as set forth in an agreement relating to such project ("Project Agreement"). Each Project Agreement shall incorporate the terms of this Agreement to the extent they are not inconsistent with the terms and conditions of the Project Agreement.

STAFF RECOMMENDATION:

Public Works recommend approval.

eSigned via GovOS.com
Decius T. Aaron
Key: 7cb6a9e3-7863-4556-a458-502734485a09



CITY OF STOCKBRIDGE

FY26 APPROVED PAY AND CLASSIFICATION LISTING

DEPARTMENT	REPORTS TO	CLASS TITLE	Pay Grade	Min	Mid	Max
Events	City Manager	Events Manager	117	\$ 74,171.44	\$ 94,568.59	\$ 114,965.73
Executive	City Manager	Information Technology Director	117	\$ 74,171.44	\$ 94,568.59	\$ 114,965.73
Police	Police Major	Police Captain	117	\$ 74,171.44	\$ 94,568.59	\$ 114,965.73
Finance	Treasurer/Finance Director	Accounting Manager	117	\$ 74,171.44	\$ 94,568.59	\$ 114,965.73
Executive	City Manager	Communications Manager	117	\$ 74,171.44	\$ 94,568.59	\$ 114,965.73
Finance	Treasurer/Finance Director	Procurement Manager	117	\$ 74,171.44	\$ 94,568.59	\$ 114,965.73
Executive	City Manager	Project Manager	117	\$ 74,171.44	\$ 94,568.59	\$ 114,965.73
Permitting	Community Development Director	Fire Marshal	118	\$ 79,363.44	\$ 101,188.39	\$ 123,013.34
Police	Police Chief	Police Major	118	\$ 79,363.44	\$ 101,188.39	\$ 123,013.34
City Clerk	Mayor & Council	City Clerk	119	\$ 84,918.88	\$ 108,271.58	\$ 131,624.27
Human Resources	Human Resources Director	Human Resources Manager	119	\$ 84,918.88	\$ 108,271.58	\$ 131,624.27
Executive	City Manager	Human Resources Director	120	\$ 90,863.21	\$ 115,850.59	\$ 140,837.97
Executive	City Manager	Economic Development Director	120	\$ 90,863.21	\$ 115,850.59	\$ 140,837.97
Executive	City Manager	Community Development Director	120	\$ 90,863.21	\$ 115,850.59	\$ 140,837.97
Public Works	City Manager	Public Works Director	120	\$ 90,863.21	\$ 115,850.59	\$ 140,837.97
Executive	Mayor & Council	Treasurer/CFO	121	\$ 97,223.63	\$ 123,960.13	\$ 150,696.63
Executive	City Manager	Police Chief	123	\$ 111,311.33	\$ 141,921.95	\$ 172,532.57
Unassigned	Unassigned	Unassigned	124	\$ 119,975.84	\$ 152,204.20	\$ 185,032.55
Executive	Mayor & Council	City Manager	125	\$ 127,440.35	\$ 162,486.44	\$ 197,532.54

Job Title: Project Manager

Job Summary: Under the administrative direction of the City Manager, directs, manages, supervises, and coordinates the activities and operations of the City's capital improvement program with a primary focus on projects funded through Special Purpose Local Option Sales Tax (SPLOST), Transportation Special Purpose Local Option Sales Tax (TSPLOST), and Floating Local Option Sales Tax (FLOST).

Oversees all phases of project delivery, including planning, design, procurement, construction, and closeout; ensures compliance with applicable laws, regulations, and funding requirements; coordinates assigned activities with other departments and outside agencies; and provides highly responsible and complex administrative support to the City Manager.

Provides direct supervision to the Management Analyst and oversight of contractors, consultants, and project teams.

Class Characteristics: This is the full-performance exempt classification level.

Major Duties: The following duties are typical for this classification. Incumbents may not perform all of the listed duties and/or may be required to perform additional or different duties from those set forth below:

- Assumes management responsibility for assigned capital improvement programs and projects, including SPLOST, TSPLOST, and FLOST initiatives.
- Manages and participates in the development and implementation of goals, objectives, policies, and priorities for assigned programs; recommends and administers policies and procedures.
- Plans, directs, coordinates, and reviews project work plans; assigns work activities, projects, and programs; reviews and evaluates work products, methods, and procedures.
- Develops and executes project plans including scopes, schedules, budgets, specifications, and resource allocations.
- Monitors and evaluates project progress through design review, field inspections, meetings, and reporting; ensures projects remain on schedule and within budget.
- Administers and oversees procurement processes including invitations to bid (ITB), requests for proposals (RFP), and contract development.

- Administers contracts and monitors performance of consultants, contractors, and vendors.
- Ensures compliance with federal, state, and local laws, ordinances, and funding requirements related to capital projects and special tax programs.
- Oversees and participates in the development and administration of project budgets; monitors expenditures and implements adjustments.
- Prepares technical, administrative, and financial reports including project updates, compliance reports, and presentations for executive leadership and City Council.
- Serves as liaison with departments, external agencies (including GDOT), contractors, and the public.
- Responds to and resolves difficult and sensitive inquiries and complaints related to capital projects.
- Reviews engineering and architectural plans and specifications; ensures compliance and recommends value engineering solutions.
- Supervises, trains, motivates, and evaluates assigned personnel, including the Management Analyst; provides or coordinates staff training and professional development.
- Maintains accurate records and documentation related to project planning, execution, and compliance.
- Attends and participates in professional meetings; maintains awareness of industry trends, regulations, and best practices.
- Performs other related duties as assigned.

Knowledge, Skills and Abilities Required by the Position:

- Principles and practices of program and project management.
- Principles and practices of municipal budget preparation and administration.
- Principles of supervision, training, and performance evaluation.
- Principles and techniques of public infrastructure construction and capital project delivery.
- Applicable federal, state, and local laws, ordinances, and regulations.
- Public procurement and contract administration practices.
- Methods and techniques of research, analysis, and reporting.
- Proficiency with personal computers and Microsoft Office applications.

- Oversee and participate in the management of complex capital improvement programs.
- Plan, organize, and direct the work of staff and project teams.
- Select, supervise, train, and evaluate personnel.
- Analyze problems, identify alternative solutions, and implement recommendations.
- Interpret and apply applicable laws, regulations, and policies.
- Prepare clear and concise technical, administrative, and financial reports.
- Communicate clearly and concisely, both orally and in writing.
- Establish and maintain effective working relationships with those contacted in the course of work.
- Exercise sound independent judgment and decision-making.

Supervisory Controls: The work of this position is performed under the general supervision of the City Manager.

Guidelines: Guidelines include City and departmental manuals, policies and procedures, codes, and ordinances.

Complexity: This position provides effective, professional leadership, positioning the City to meet the community's current and future needs through appropriate technologies and services. The principal duties of the position are performed in a general office environment.

Personal Contacts: Contacts that typically occur with co-workers, elected officials, vendors, contractors, developers, local and state government agencies, and the general public.

Purpose of Contacts: Contacts typically occur in order to give and exchange information, solve problems, resolve conflicts and provide services.

Physical Demands: This work is performed indoors in an office setting and involves occasional light lifting.

Work Environment: This work is performed indoors in an office setting.

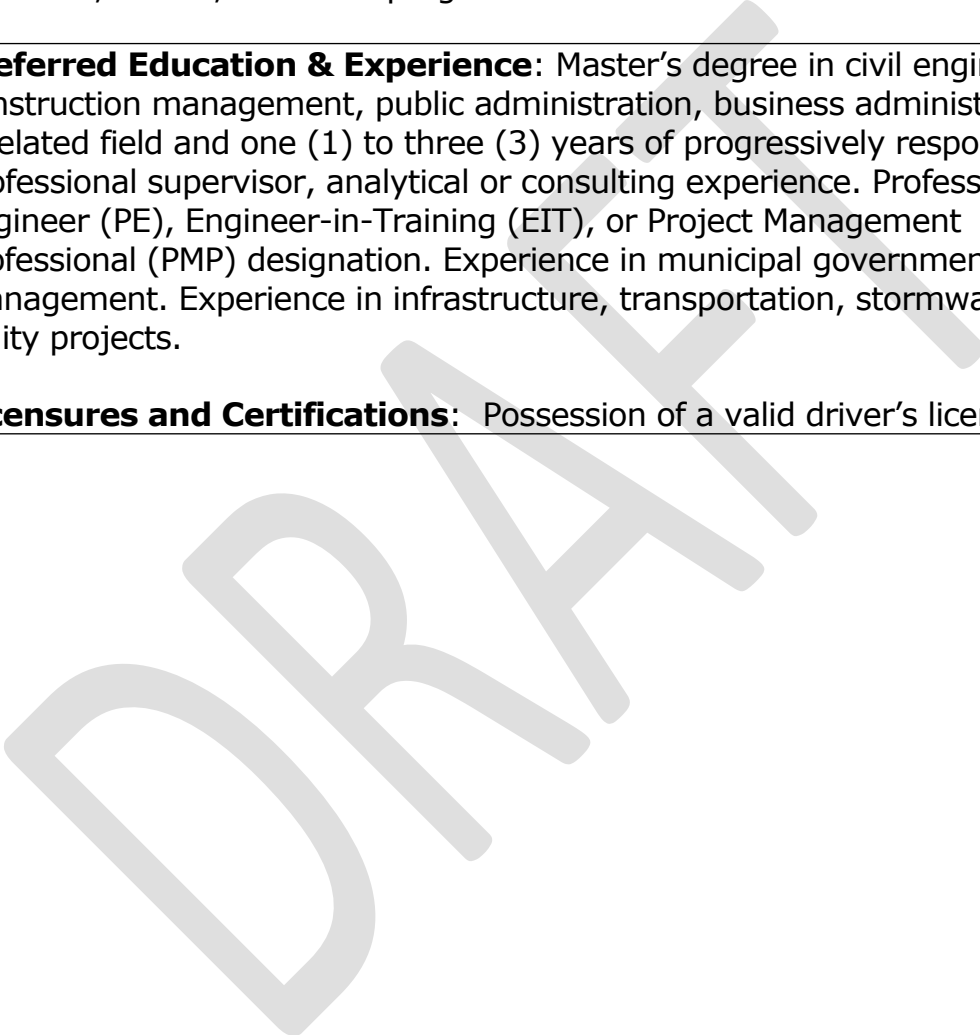
Supervisory and Management Responsibility: This position will supervise the work of the Administration – Management Analyst. May oversee

consultants, contractors, and project teams.

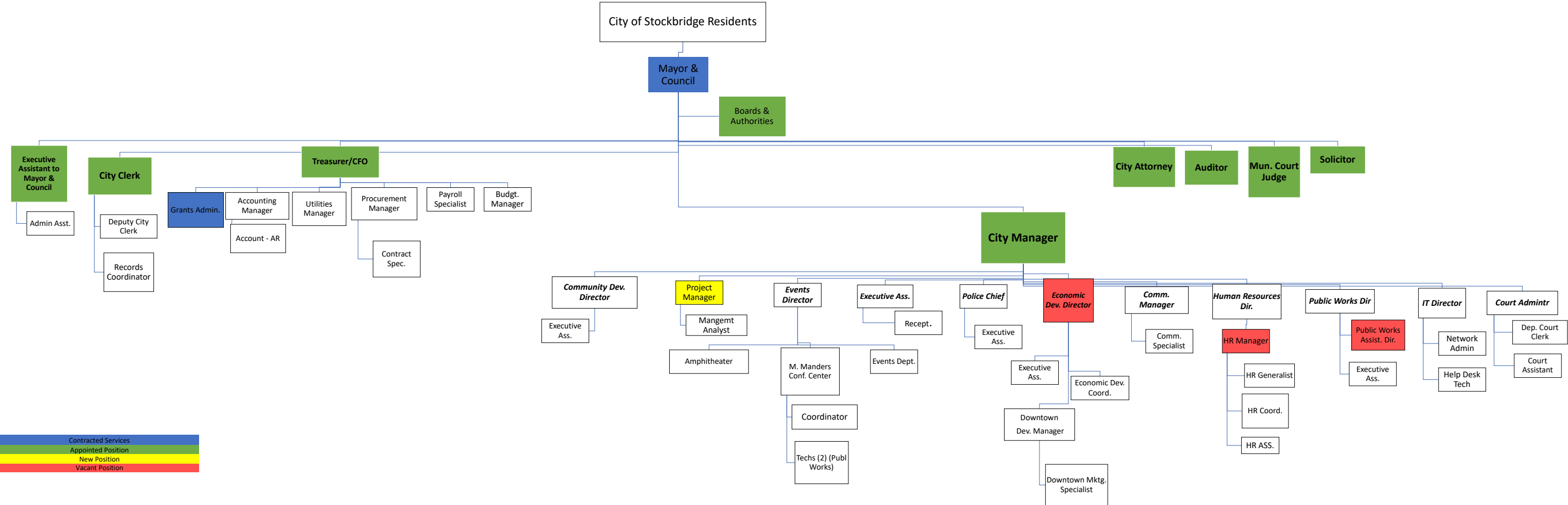
Minimum Qualifications: This position requires a Bachelor’s degree from an accredited college or university in civil engineering, construction management, public administration, business administration, or a related field. Five (5) years of progressively responsible experience in project management, capital projects, engineering, or public administration. Experience managing publicly funded capital projects (e.g., SPLOST, TSPLOST, FLOST, or similar programs.

Preferred Education & Experience: Master’s degree in civil engineering, construction management, public administration, business administration, or a related field and one (1) to three (3) years of progressively responsible professional supervisor, analytical or consulting experience. Professional Engineer (PE), Engineer-in-Training (EIT), or Project Management Professional (PMP) designation. Experience in municipal government project management. Experience in infrastructure, transportation, stormwater, or utility projects.

Licensures and Certifications: Possession of a valid driver’s license.



City of StockBridge Organizational Chart - effective 06/04/2026



Contracted Services
Appointed Position
New Position
Vacant Position



City of Stockbridge

AGENDA ITEM

MEETING DATE

06/08/2026

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: Dwayne Pollock

DEPARTMENT: City Administration

ITEM/PROJECT/EVENT:

Council approval to establish a new Project Manager classification within the City Manager's Office.

BACKGROUND INFORMATION:

This position is designed to strengthen the City's capacity to effectively plan, manage, and deliver capital improvement projects funded through Special Purpose Local Option Sales Tax (SPLOST), Transportation Special Purpose Local Option Sales Tax (TSPLOST), and Floating Local Option Sales Tax (FLOST) programs. The Project Manager will be responsible for overseeing all phases of capital project delivery, including planning, design, procurement, construction, and project closeout. The position will ensure projects are completed on time, within budget, and in compliance with all applicable federal, state, and local requirements.

SIGNATURES:

CITY MANAGER

Frank S. Milazi

eSigned via GovOS.com

Key: 7ed53636-d898-4ade-b417-932d7311167
eSigned via GovOS.com

CITY TREASURER

Quinton Washington

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

CITY ATTORNEY

FINANCIAL IMPACT N/A

AMOUNT:

\$132,000 - Executive Budget Salary Fund

ATTACHMENTS:



ITEM/PROJECT/EVENT:

Approval of the creation of the Project Manager classification reporting to the City Manager.

- Improve oversight and execution of SPLOST, TSPLOST, and FLOST-funded projects
- Enhance coordination between departments, contractors, and external agencies
- Strengthen compliance, reporting, and financial accountability for capital programs
- Provide dedicated leadership and supervision for project-related functions

Funding Source: Executive Budget 100-15100-511100 (Salaries)

STAFF RECOMMENDATION:

Approval of the creation of the Project Manager classification reporting to the City Manager.

Additionally, this position will provide direct supervision of the Management Analyst position, enhancing coordination, accountability, and operational efficiency within the City Manager's Office.

The creation of this classification aligns with the City's ongoing commitment to improving project delivery, strengthening fiscal oversight of voter-approved funding programs, and supporting strategic infrastructure investments.

Funding Source: Executive Budget 100-15100-511100 (Salaries)

eSigned via GovOS.com

Dwayne Pollock

Key: 7cb6a9e3-7863-4556-a458-502734485a09

CITY OF STOCKBRIDGE
GRANTS ADMINISTRATION
FISCAL YEAR 2026 AWARDED GRANTS

1. GA Office of Highway Safety (HEAT) – police officers, vehicles - \$268,928.00

2. GA Office of Highway Safety (HEAT) FY27 application submitted pending approval – enforcement hours for officers - \$129,313.60

3. Office of Congressman David Scott - appropriation City of Stockbridge for Willow Springs Sewer Line Replacement - \$746,868

4. Office of Congressman David Scott - appropriation City of Stockbridge for Willow Springs Water Line Replacement - \$746,868

5. Patrick Leahy Bulletproof Vest Partnership (BVP) Program - \$4,884.92

6. Georgia Power EV Infrastructure is pending with \$300,000 as the maximum amount

TOTAL AMOUNT AWARDED = \$2,196,862.52

STATE OF GEORGIA
COUNTY OF HENRY
CITY OF STOCKBRIDGE

RESOLUTION NO. R25-1869

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STOCKBRIDGE, GEORGIA AUTHORIZING THE CITY TO ACCEPT A GRANT FROM THE GEORGIA GOVERNOR'S OFFICE OF HIGHWAY SAFETY (GOHS) IN THE AMOUNT OF \$268,928.00; AUTHORIZING THE CITY TREASURER TO AMEND THE BUDGET TO REFLECT THE APPROPRIATE REVENUE SOURCE; AUTHORIZING THE CITY MANAGER TO APPROVE ALL NECESSARY PURCHASES REQUIRED TO FULFILL THE REQUIREMENTS OF THE GRANT, NOT TO EXCEED THE TOTAL GRANT AWARD; AND FOR OTHER PURPOSES.

WHEREAS, the City of Stockbridge ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia and is charged with being fiscally responsible concerning the use and expenditure of all public funds; and

WHEREAS, the Georgia Governor's Office of Highway Safety ("GOHS") has awarded the City of Stockbridge a H.E.A.T. Grant in the amount of Two Hundred Sixty-Eight Thousand Nine Hundred Twenty-Eight Dollars (\$268,928.00), as detailed in the attached Exhibit A; and

WHEREAS, the grant period is effective December 1, 2025, through September 30, 2026, and all allowable project costs incurred within this period are reimbursable at a rate of 100% of the approved federal funds allocated; and

WHEREAS, acceptance of this grant will support law enforcement initiatives aimed at reducing impaired driving, speeding, and other high-risk roadway behaviors, thereby enhancing the safety of the City's residents and visitors; and

WHEREAS, the City Council finds that accepting the grant and authorizing related administrative and financial actions are in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STOCKBRIDGE, GEORGIA AS FOLLOWS:

SECTION 1. APPROVAL OF GOHS H.E.A.T. GRANT.

The Council hereby authorizes the City to accept the GOHS H.E.A.T. Grant. The Mayor is hereby authorized, on behalf of the City of Stockbridge, to accept the GOHS H.E.A.T. Grant in the amount of \$268,928.00 to support two (2) additional police officer positions, as well as two (2) Ford Interceptor patrol vehicles and the associated upfitting equipment for the purpose of traffic enforcement and addressing traffic-related violations within the City of Stockbridge, as detailed in the attached Exhibit A.

SECTION 2. BUDGET AMENDMENT.

The City Treasurer is authorized to amend the City's budget, as necessary, to reflect the appropriate revenue source associated with the grant funds.

SECTION 3. AUTHORIZATION TO EXPEND FUNDS.

The City Manager, or his designee, is authorized to approve and execute all necessary purchases required to fulfill the requirements of the grant, provided such expenditures do not exceed the total grant award and comply with applicable procurement laws and grant conditions.

SECTION 4. ADMINISTRATIVE IMPLEMENTATION.

City Council hereby authorizes and directs the City Manager, or his designee, to execute all administrative and budgetary actions necessary to implement this Resolution.

SECTION 5. SEVERABILITY.

If any part of this resolution is adjudged invalid, such judgment shall not affect the remainder of this resolution.

SECTION 6. REPEAL OF CONFLICTING PROVISIONS.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7. CITY ATTORNEY'S AUTHORITY.

Pursuant to the City's charter and with explicit consent of the City Council, the City Attorney is duly authorized to make requisite amendments to all contracts, ordinances, resolutions, and documents, as may be necessary, in order to secure conformity with the express intent of the City Council and to ensure adherence to all pertinent laws and ordinances of the City.

SECTION 8. EFFECTIVE DATE.

This Resolution shall be effective immediately upon adoption.

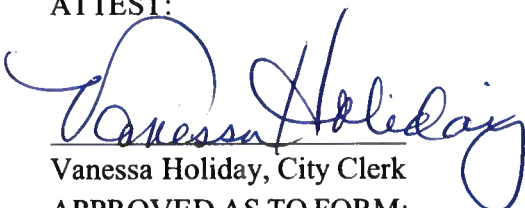
[Signatures on the following page.]

RESOLVED this 8th day of December, 2025.



Anthony S. Ford, Mayor

ATTEST:



Vanessa Holiday, City Clerk

APPROVED AS TO FORM:



Quinton G. Washington, City Attorney

Exhibit A

Attached



City of Stockbridge

AGENDA ITEM

MEETING DATE

December 8, 2025

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: N/A
 ACCOUNT TRANSFER TO:

PRESENTER: Shaquita Barnes

DEPARTMENT: Finance

ITEM/PROJECT/EVENT:
 Request Council to accept a Highway Enforcement of Aggressive Traffic (HEAT) grant award in the amount of \$268,928.00. This is a 100% reimbursable grant. The effective date of the grant is December 1, 2025, through September 30, 2025.

BACKGROUND INFORMATION:
 City of Stockbridge is one of the 26 law enforcement agencies in Georgia to receive a Highway Enforcement of Aggressive Traffic (HEAT) grant for federal Fiscal Year 2026, that begins October 1, 2025, and ends on September 30, 2026.

SIGNATURES:

CITY MANAGER *Frank S. Milazi*
eSigned via GovOS.com Key: 7e753636-c998-4ade-b417-932d73311167

CITY TREASURER *Quinton Washington*
eSigned via GovOS.com Key: 9f176c0b-1628-4926-950b-2b013c5f710

CITY ATTORNEY _____

FINANCIAL IMPACT N/A

AMOUNT:
 \$268,928.00

ATTACHMENTS:

ITEM/PROJECT/EVENT:

To accept the grant award

STAFF RECOMMENDATION:

Request Council to accept the HEAT Grant in the amount of \$268,928.00

eSigned via GovOS.com
Frank S. Milazi
Key: 7cb0a9e3-7863-4556-a458-502734485a99



Governor's Office of Highway Safety

James H "Sloppy" Floyd Veterans Memorial Bldg.
2 Martin Luther King Jr. Drive SE. • Suite 370, East Tower • Atlanta, GA 30334
Telephone: 404.656.6996 or 888.420.0767 • Facsimile: 404.651.9107
www.gahighwaysafety.org

Brian P. Kemp
GOVERNOR

Allen Poole
DIRECTOR

December 1, 2025

Ford, Anthony
Stockbridge Police Department
4640 North Henry Blvd
Stockbridge, GA 30281

Re: **Application #: GA-2026-StockbriPD-226-APP**
Grant #: GA-2026-StockbriPD-226
Project Title: Stockbridge HEAT Grant Application

Dear Ford, Anthony,

Congratulations! It is my pleasure to inform you that your application in the amount of **\$268,928.00** federal funds has been approved. The effective date of the grant is December 1, 2025, through September 30, 2026. Allowed costs incurred within this period are reimbursable at a rate of 100% of the approved federal funds allocated above.

*The Grant Terms and Conditions** have been updated and can be found within your grant application in the GOHS Grant Management System (GMS) or on the GOHS website. *Special Conditions**, **HEAT**, associated with your grant can also be found on the GOHS website and both contain important information from GOHS. These documents clearly identify the guidelines and requirements governing your grant. Please note under Grant Terms and Conditions **all grant awards are contingent upon the availability of federal funds** and must be identified separately in your agency's account system.

GOHS and the National Highway Traffic Safety Administration (NHTSA) must provide written approval prior to the purchase of any equipment item costing \$10,000.00 or more. If applicable and approval is granted, you will receive notification of the equipment approval from GOHS. Please ensure your agency follows its local procurement policy as well as the Buy America Act requirements. If local policies are not available, your agency must use the State of Georgia procurement procedures. By policy, GOHS is required to maintain inventory of any item that costs \$10,000 or more. For purposes of this policy, "equipment items \$10,000 or more" include any item that has the capability of storing data, such as desktop computers, laptops, and I-pads. The \$10,000 threshold also includes items that may physically cost less than \$10,000 but with taxes and shipping costs added will equal over \$10,000.

If your project allows for **Safety Items for Public Distribution**, such as bike helmets, reflector belts, or similar items whose sole purpose is to improve highway safety, you will be required to read, sign, and submit the document titled *Acknowledgement form for Distribution of Safety Items** to your grant manager at GOHS prior to distributing those items. This document should be signed by the project director and will be included in the grant file. If the Acknowledgement for Safety Items for Public Distribution document is not received prior to distribution, GOHS reserves the right to deny reimbursement.

GOHS is required to complete *Risk Assessments** on each grantee prior to the award and notify the grantee of the outcome. The Risk Assessment is based upon prior grants, audit reports, and/or interaction during the application process. Your agency's Risk Assessment score for the FFY 2026 grant year is **HIGH**.



If your jurisdiction/agency (combined) receives federal funds of \$1,000,000.00 or more in a year, an audit is required in accordance with 2 CFR Part 200, Subpart F. A copy of the audit report must be submitted to the Governor's Office of Highway Safety (GOHS) prior to September 30, 2026.

Agencies awarded federal funds through GOHS are required to receive their reimbursement payments electronically. If your agency received funds in FFY 2025, please review the information previously submitted to GOHS. If no changes are needed, GOHS will continue to use this information to reimburse electronically unless we receive new information. If changes are needed or you are a new grantee, you will need to complete the *"Supplier Change Request" form**. Grantees need to include a copy of a Voided Check or a MICR letter for their Bank, stating their electronic account number and routing number. Signatures on the Supplier Change forms must be WET – no computer-generated signatures (Adobe). New grantees will also need to complete the *W-9 Tax form**. All financial forms should be emailed to Paula Wilbanks, GOHS Grants Specialist at, gohs-finance@gohs.ga.gov no later than **December 15, 2025**, to prevent any delay in reimbursement.

Award packet documents discussed above and identified in *red and an asterisk (*)*, are all located on the GOHS website at <http://www.gahighwaysafety.org/current-grantees/>.

Organization Legal Name (as listed in SAM.gov): City of Stockbridge

SAM Unique Entity Identifier: JJXMJNATK49

Assistance Listing Number: 20.600

Assistance Listing Title: State and Community Highway Safety

FAIN: 69A37525300004020GA0

Subaward Period of Performance Start and End Date: December 1, 2025 – September 30, 2026

Subaward Budget Period Start and End Date: December 1, 2025 – September 30, 2026

Should you have questions regarding the content of this letter, please contact **Roger Hayes** at (404) 656-6996. GOHS looks forward to your partnership in helping to make Georgia's roadways safer.

Sincerely,



Allen Poole
Director

AP/sw

cc: Barnes, Shaquita, Project Director
Milazi, Frank, Financial Officer
Roger Hayes, GOHS Division Director



General Application 2026
Organization: Stockbridge Police Department, City of
GA-2026-StockbrIPD-226-APP
Version Date: 10/28/2025 08:55:07 AM
Application Project Info

Project Title : Stockbridge HEAT Grant Application

Project Summary : HEAT Grant for the Stockbridge Police Department 2026

General Application 2026
Organization: Stockbridge Police Department, City of
GA-2026-StockbrIPD-226-APP
Version Date: 10/28/2025 08:55:07 AM
General Additional Info

Are you a non-profit organization ? No

Are funds being sought from other sources ? No

Does your jurisdiction receive any other federal funds from other sources ? Yes

If So How Much ? \$2,204,928.00

When is your Audit Period ? From: 1/1/2026 To: 12/31/2026

SAM UEI : JJMXMJNATK49

General Application 2026
Organization: Stockbridge Police Department, City of
GA-2026-StockbridgePD-226-APP
Version Date: 10/28/2025 08:55:07 AM
Problem Identification

Section 1 — Local conditions (jurisdiction, population, area, highways) See attachments for crisis data analysis

The jurisdiction is the City of Stockbridge, Georgia; the agency is the Stockbridge Police Department (SPD), which was relaunched on July 1, 2022, with 59 sworn officers (authorized to be 62), two part-time officers, and nine civilian staff. Stockbridge lies in northwestern Henry County along the Clayton County line and spans approximately 19.3 square miles. A voter-approved annexation on November 8, 2022, expanded SPDs service area by more than 6,700 residents; as of January 2023, the city's population exceeded 36,700. Population composition is approximately 21.4% White, 65.1% Black or African American, 8.7% Asian, 8.4% Hispanic or Latino, and 3.7% two or more races.

The roadway network is anchored by Interstate 75 (Exits 222, 224, 228) and Interstate 675 (Exit 1), with principal arterials U.S. 23/GA-42, GA-138, GA-155, GA-401 (I-75), and GA-413 (I-675). U.S. 23 runs through the city center, linking 20 miles northwest to Downtown Atlanta and 9 miles southeast to McDonough. The Georgia DOTs average annual daily traffic (AADT) on I-75 through Stockbridge typically ranges from approximately 80,000 to more than 130,000 vehicles per day, resulting in sustained high-speed approaches, weaving, and queues at ramp terminals and adjacent signalized intersections. Based on complaints and observed crash clustering, priority locations include:

- I-75 southbound at Hudson Bridge Rd
- 1400 block of Hudson Bridge Rd
- North Henry Blvd
- I-75 northbound at Eagles Landing Pkwy
- I-75 northbound at Hudson Bridge Rd

For exposure context, GDOTs Mileage by Route and Road System (2021) shows Henry County with approximately 4.476 million vehicle miles traveled (VMT) on state routes, 2.666 million on county roads, and 0.564 million on city streets (≈7.707 million total).

Section 2 — Additional (exterior) contributing factors

Eighteen public schools (nine elementary, three middle, two high) and four private/charter schools are within city limits; 24 colleges/universities within 20 miles add young and visiting drivers to evening/weekend traffic. Approximately 1,847 businesses and about 200 restaurants, including numerous establishments with on-premises alcohol service, are concentrated near interstate interchanges and retail corridors, which elevates late-evening volumes and contributes to conflicts. The Merle Manders Conference Center features a 6,000-square-foot ballroom, along with over 5,000 square feet of additional meeting space, and regularly hosts corporate events, weddings/receptions, conferences, and seminars. The Stockbridge Amphitheater (The Bridges), which seats approximately 3,600 in its complete configuration and hosted around 40–50 concerts between 2020 and 2024, is a significant traffic

generator. These venues experience irregular but intense nighttime and weekend surges, as well as increased pedestrian exposure near activity hubs, underscoring the need for safety measures in these areas.

Section 3 — State and federal data (GEARS totals; FARS fatalities; consecutive years)

Crash totals and injuries are based on the Georgia Electronic Accident Reporting System (GEARS) and should be verified with local records; fatalities (including alcohol- and speed-related) are from the federal Fatality Analysis Reporting System (FARS). Two thousand twenty-four sub-categories are listed as UNK where they have not yet been published.

Henry County — five-year crash/fatality summary

Year	Total Crashes	Injury Crashes	Total Injured	Total Fatalities	Alcohol-Related
Fatalities					
2019	12,548	2,647	4,075	23	2
2020	10,939	2,336	3,446	28	6
2021	13,597	2,918	4,343	33	4
2022	12,339	2,889	4,323	43	13
2023	12,397	2,896	4,448	28	10
2024*	12,174	2,966	4,511	23	UNK

Most recent figures on your table.

City of Stockbridge — crash summary (SPD period)

Year	Total Crashes	Injury Crashes	Total Injured	Total Fatalities	Alcohol-Related
Fatalities					
2019	N/A	N/A	N/A	N/A	N/A
N/A					
2020	N/A	N/A	N/A	N/A	N/A
2021	N/A	N/A	N/A	N/A	N/A
2022	859	173	194	1	0
2023	2,490		655	810	1
2024*	2,329		496	718	1

*Partial year; not directly comparable to full years.

Crash problem interpretation

County totals since 2019 have remained essentially flat, with a decrease of 151 (-1.2%), yet the severity of the issue has escalated: injury crashes increased to 2,896 (+9.4%) and total injuries to 4,448 (+9.1%). Fatalities climbed from 23 to 28 (+21.7%), peaking at 43 in 2021. Alcohol-related deaths rose from 2 to 10 and speed-related deaths from 2 to 3. Unrestrained occupant deaths occur annually, underscoring occupant-protection gaps. Within Stockbridge city limits—where SPD resumed service in mid-2022, reported

crashes increased from 859 (partial-year 2022) to 2,490 (first full year 2023), with injury crashes rising from 173 to 655. Year-to-date 2024 indicates sustained pressure (2,329 crashes; 496 injury crashes; one fatality). Concentrations at I-75/Hudson Bridge (NB/SB), I-75/Eagles Landing Pkwy, the 1400 block of Hudson Bridge Rd, and North Henry Blvd reflect very high interstate volumes—approximately 80,000–130,000 vehicles per day in average annual daily traffic (AADT)—short interchange spacing, weaving/merging, closely spaced signals, and heavy retail driveways. These conditions amplify speed variance, rear-end and angle crashes, and risk when drivers are impaired or distracted. Risk escalates during weekday commuting periods, weekend shopping periods, and evening event periods associated with the amphitheater and conference center. Residents, commuters, and visitors, including teen and young-adult drivers associated with local schools and nearby colleges—are routinely exposed as growth and annexation add demand on already congested corridors. The urgency of the situation cannot be overstated, and immediate action is required to address these issues.

Seat-belt usage and local compliance baseline

Georgias observed seat-belt use remained below 90% statewide in 2024 (88.8%). Locally, the most recent Stockbridge observational study (2023) measured 78% usage, indicating a material compliance gap associated with higher injury severity. SPD will conduct repeat observational surveys early in the project year to validate the baseline by corridor and time of day, and set a target for a 5–10 percentage-point improvement, supported by occupant-protection checkpoints and coordinated public information.

In 2023, 1,615 fatalities occurred in motor vehicle traffic crashes on Georgia roadways. Between 2019 and 2023, the number of suspected serious crash injuries increased by 12%, from 7,308 in 2019 to 8,171 in 2023. The number of traffic-related fatalities also increased by 8% from 1,492 fatalities in 2019 to 1,615 in 2023. Recent motor vehicle traffic trends demonstrate a gradual return to pre-COVID norms. Between 2022 and 2023, traffic-related fatalities decreased by 10% and 6%, respectively; however, these numbers are still higher than pre-pandemic norms.

- **Unrestrained Fatalities:** In 2023, there were 1,615 traffic fatalities in Georgia, of which 1,001 (52%) were occupants of passenger vehicles (PV). Nearly half of the passenger vehicle occupants who were fatally injured were unrestrained (46%, 464 PV occupants), 42% (418) were restrained, and 12% (119) had unknown restraint use. Georgias observed seatbelt usage rate increased by 1.2% net-points from 2023, with an overall usage rate of 88.8% in 2024.
- **Impaired Driving Fatalities:** In Georgia, drivers are considered legally alcohol impaired when their BACs are .08 grams per deciliter (g/dL) or higher. In 2023, there were 433 fatalities that involved at least one alcohol-impaired driver—a 15% decrease from the 507 alcohol-impaired fatalities in 2022. These alcohol-impaired fatalities represented 27% of all traffic fatalities that occurred on Georgia roadways in 2023—compared to 30% nationwide. In 2023, 22% of all drivers in fatal crashes were suspected of drug involvement or had positive drug test results. Drug-related fatalities represented 14% of all traffic-related fatalities in 2023.
- **Speed-Related Fatalities:** Compared to the previous year, speeding-related fatal crashes decreased by 22%; however, there were

no changes in serious injury speeding-related crashes and a 1% decrease in all speeding crashes in 2023. Twenty-two percent of all traffic fatalities (349 out of 1,615) were speeding-related in 2023, compared to 23% (422 out of 1,796) in 2022.

- Pedestrian Fatalities: In 2023, there were 310 pedestrians fatally injured in traffic crashes, a 10% decrease from the 345 pedestrian fatalities in 2022. In 2023, nearly three-quarters of pedestrian fatalities (72%) and nearly half (47%) of pedestrian injuries occurred on roadways with posted speed limits at or above 45 mph. Additionally, the number of pedestrian fatalities that occur in dark lighting conditions has more than doubled in the past decade (from 123 to 251).

General Application 2026
Organization: Stockbridge Police Department, City of
GA-2026-StockbriPD-226-APP
Version Date: 10/28/2025 08:55:07 AM
Document Attachment

Document Type	Document Name	Document Title	Updated By	Updated TimeStamp
Application Docs	City of Stockbridge 2023 Audit Report 04232025.pdf	2023 Audit Report	danita.doleman	8/28/2025 8:42 AM EDT
Application Docs	W9.pdf	W9	danita.doleman	8/28/2025 8:43 AM EDT
Problem Identification Support Data	crashdataanalysis.pdf	Crash Data and Analysis	danita.doleman	8/28/2025 11:54 AM EDT
Problem Identification Support Data	GEARS Data.pdf	GEARS Data	danita.doleman	8/28/2025 11:55 AM EDT
Procurement Policy	City of Stockbridge Procurement Manual.pdf	Procurement Policy	danita.doleman	8/28/2025 12:00 PM EDT
Application Docs	CITY OF STOCKBRIDGE Verification letter 8532 .pdf	Bank Verification Letter	danita.doleman	8/28/2025 3:35 PM EDT
Application Docs	StockbridgeSupplierForm.pdf	StockbridgeSupplierForm	danita.doleman	8/28/2025 7:43 PM EDT
Application Docs	5 Year Data Sheets STOCKBRIDGE-HENRY.xlsx	5-year Data Sheet	danita.doleman	10/2/2025 11:15 PM EDT

General Application 2026
Organization: Stockbridge Police Department, City of
GA-2026-StockbriPD-226-APP
Version Date: 10/28/2025 08:55:07 AM
Program Assessment

Stockbridge Police Departments two-officer Traffic Unit operates on a data-driven analysis and deployment model (DDAC). Each month, Georgia Electronic Accident Reporting System (GEARS) reports and computer-aided dispatch (CAD) data are reviewed to set high-visibility enforcement (HVE) by corridor, day, and hour. Current operations are continuous and campaign-aligned: 100 Days of Summer H.E.A.T. places a sustained emphasis on speed and aggressive driving; Operation Southern Slow Down concentrates on interstate speed enforcement in a regional blitz; and Drive Sober or Get Pulled Over anchors nighttime driving-under-the-influence patrols and sobriety/safety checks around holiday and event periods. Between these, the unit conducts distracted-driving waves with the Metro Atlanta Traffic Enforcement Network (MATEN), focusing on device use at signals and in queued retail traffic. Multi-agency road-safety checks are hosted in Stockbridge, featuring the Georgia State Patrol and neighboring departments, with a focus on occupant protection, impairment screening, and verifying license/insurance compliance. LIDAR is used for precise speed enforcement, and Standardized Field Sobriety Testing (SFST) supports evaluations of impairment. Education and information—such as the Teen Academy, Citizens Police Academy, venue-area briefings, and city/SPD social messaging—reinforce the same behaviors addressed through enforcement.

These activities produce apparent on-scene effects while deployed. During active details, prevailing and 85th-percentile speeds drop, checkpoints increase visible seat-belt use, and DUI patrols routinely remove impaired drivers. Contact rates and warnings/citations increase during blitz periods, and academy participants and event patrons reference SPD messaging in real-time—evidence that communications are reaching their intended audiences.

The need for ongoing monitoring and adaptive strategies is crucial and should be a priority. What is not working maps directly to the Problem ID. Coverage and cadence cannot match when and where risk concentrates: with only two dedicated traffic officers, presence cannot be sustained across the known hot spots during late-evening, weekend, holiday, and event-egress windows—precisely when severity rises. As soon as units redeploy, the exact mechanisms described in the Problem ID reappear at those nodes: speed variance on interchange approaches, alcohol-involved trips linked to nighttime and event egress, and distraction in

queued retail traffic. The monitoring cycle also lags the street; monthly DDAC reviews identify where to work next, but rapid shifts from construction phases, seasonal retail surges, and concert nights often outpace that refresh, leaving gaps in the highest-risk hours. Occupant protection remains a pronounced gap: local observation measured 78 percent seat-belt use (2023); compliance improves while checkpoints are active and then slips outside those windows, mirroring the broader pattern—short-term gains on scene followed by a return to the behaviors that drive crashes and injuries. Limited vehicles and specialized equipment further constrain truly concurrent speed, DUI, and occupant-protection operations, as well as multi-agency checks—though impactful—are episodic; without sustained follow-through, their deterrence dissipates at the exact locations. The milestones outlined below are contingent upon the formal approval and budget allocation for two additional officer positions.

Section 4 — How the HEAT grant will address the problem and bring about positive change

The HEAT grant will fund a dedicated, data-driven traffic safety unit to reduce crashes, injuries, and fatalities associated with impaired driving, speeding, distracted driving, and seat-belt non-use. Two HEAT officers and two fully equipped patrol vehicles will conduct sustained high-visibility operations at the identified hot spots on I-75 and adjacent arterials (Hudson Bridge Rd, Eagles Landing Pkwy, North Henry Blvd) during the days and hours when crashes and DUIs cluster. Deployment will follow a DDAC-style (data-driven analysis and deployment) process, utilizing monthly GEARS and computer-aided dispatch (CAD) reviews to update locations and schedules. Quarterly problem-profiling will ensure that resources track patterns in speed, impairment, distraction, and restraint non-use. Performance will be tracked through measurable reductions in DUI- and speed-related crashes, increased local seatbelt/child-seat compliance from the 2023 baseline, and overall decreases in police-reported crashes and injury crashes citywide.

General Application 2026
Organization: Stockbridge Police Department, City of
GA-2026-StockbrIPD-226-APP
Version Date: 10/28/2025 08:55:07 AM
Program Assessment Chart

Activity	2022	2023	2024
DUI Arrests	16	19	40
Speeding (all cases)	253	454	1582
Safety Belt Violations	33	67	634
All Other Traffic Violations	3404	7457	8930
Traffic Crashes	894	2498	2361
Check Point Conducted	0	0	0

General Application 2026
Organization: Stockbridge Police Department, City of
GA-2026-StockbriPD-226-APP
Version Date: 10/28/2025 08:55:07 AM
Project Objectives

1.1 GOHS Goal: Reduce Alcohol/Drug Related Crashes/Injuries/Fatalities

Objective :
Initiate 20 DUI contacts per month during the grant period.

10.1 GOHS Goal: Reduce Distracted Driving Related Crashes/Injuries/Fatalities

Objective :
Initiate 50 distracted-driving contacts per month during the grant period.

2.1 GOHS Goal: Increase Overall Safety Belt Usage

Objective :
Initiate 50 occupant-protection contacts per month during the grant period.

Conduct two observational seat-belt surveys during the grant period (all vehicle types).

3.1 GOHS Goal: Reduce Speed-Related Crashes/Injuries/Fatalities

Objective :
Initiate 120 speeding contacts per month during the grant period.

6.1 GOHS Goal: Enhance Police Traffic Services

Objective :
The grantee will participate in at least 7 GOHS/NHTSA activities and campaigns during the grant period.

The HEAT Unit agrees to participate in at least eight regional traffic enforcement network meetings and initiatives during the grant year.

The HEAT Unit will participate in at least three GOHS-sponsored Thunder Task Force mobilizations during the grant period.

The grantee agrees to submit a Governors Challenge application and attend the awards and banquet/training.

7.2 GOHS Goal: Disseminate Traffic Safety-Related Educational Materials

Objective :
Conduct one community engagement/education event per month.

General Application 2026
Organization: Stockbridge Police Department, City of
GA-2026-StockbriPD-226-APP
Version Date: 10/28/2025 08:55:07 AM
Project Activities Evaluations

Goal: 1.1 GOHS Goal: Reduce Alcohol/Drug Related Crashes/Injuries/Fatalities

Objective: Initiate 20 DUI contacts per month during the grant period.

Activity: The HEAT unit will be dedicated to enforcing the impaired driving laws on the roadways of SPD through saturated patrols and checkpoints in areas identified by data to be those where DUI related crashes, injuries, and fatalities occur. A minimum of 20 DUI contacts will be initiated each month by the Unit. All resources will be up to date with regard to DUI SFST/ARIDE training through refresher and update training.

Evaluation: The HEAT unit will list impaired driving contacts in daily programmatic reports, which will be summarized and submitted to GOHS in each monthly report. Compare the actual number of DUI related contacts to the number projected and the increase or decrease in the number of DUI related crashes, injuries, and fatalities to the previous year. Documentation of DUI SFST/ARIDE training will also be submitted to GOHS.

	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	TOTAL
0	0	20	20	20	20	20	20	20	20	20	20	20	200

; Goal: 2.1 GOHS Goal: Increase Overall Safety Belt Usage

Objective: Initiate 50 occupant-protection contacts per month during the grant period.

Activity: The HEAT Unit will be dedicated to enforcing the occupant protection laws on the roadways of SPD through saturated patrol and checkpoints, in areas identified by data to be those where non-restraint related crashes, injuries, and fatalities occur. The Unit will initiate a minimum of 50 occupant protection contacts each month. The HEAT Unit will have resources available that are trained in CPST.

Evaluation: The HEAT Unit will list occupant protection contacts in daily programmatic reports, which will be summarized and submitted to GOHS in each monthly report. Compare the actual number of occupant protection contacts to the number projected and the increase or decrease in the number of injuries and fatalities in relation to occupant protection to the previous year. Documentation of CPST training will also be submitted to GOHS.

OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	TOTAL
0	0	50	50	50	50	50	50	50	50	50	50	500

; Goal: 3.1 GOHS Goal: Reduce Speed-Related Crashes/Injuries/Fatalities

Objective: Initiate 120 speeding contacts per month during the grant period.

Activity: The HEAT Unit will be dedicated to enforcing the laws that govern speed on the roadways of SPD through saturated patrol in areas identified by data to be those where speed related crashes, injuries, and fatalities occur. The Unit will initiate a minimum of 120 speeding contacts each month. Activity hours will be filled by resources that hold the appropriate certifications on traffic enforcement equipment. Crash data will be used as a hot spot locator to target enforcement in high problem areas.

Evaluation: The HEAT Unit will list speed related contacts in daily programmatic reports, which will be summarized and submitted to GOHS in each monthly report. Compare the actual number of speeding contacts to the number projected and the increase or decrease in the number of speed related crashes, injuries, and fatalities to the previous year. Documentation of traffic enforcement equipment training will also be submitted to GOHS.

OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	TOTAL
0	0	120	120	120	120	120	120	120	120	120	120	1200

; Goal: 10.1 GOHS Goal: Reduce Distracted Driving Related Crashes/Injuries/Fatalities

Objective: Initiate 50 distracted-driving contacts per month during the grant period.

Activity: The HEAT Unit will be dedicated to enforcing the laws that govern distracted driving on the roadways of SPD through saturated patrol in areas identified by data to be those where distracted driving related crashes, injuries, and fatalities occur. The Unit

will initiate a minimum of 50 distracted driving contacts each month. Crash data will be used as a hot spot locator to target enforcement in high problem areas.

Evaluation: The HEAT Unit will list distracted driving related contacts in daily programmatic reports, which will be summarized and submitted to GOHS in each monthly report. Compare the actual number of distracted driving contacts to the number projected and the increase or decrease in the number of distracted driving crashes, injuries, and fatalities to the previous year. Documentation of traffic enforcement equipment training will also be submitted to GOHS.

OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	TOTAL
0	0	50	50	50	50	50	50	50	50	50	50	500

; Goal: 2.1 GOHS Goal: Increase Overall Safety Belt Usage

Objective: Conduct two observational seat-belt surveys during the grant period (all vehicle types).

Activity: The HEAT Unit will conduct a minimum of two seatbelt surveys during the grant period. At least one survey will be completed at the beginning and one at the end of the grant period to create a measurable outcome.

Evaluation: Information that is collected will be forwarded to GOHS in programmatic reports.

OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	TOTAL
0	0	0	1	0	0	0	0	0	0	1	0	2

; Goal: 7.2 GOHS Goal: Disseminate Traffic Safety-Related Educational Materials

Objective: Conduct one community engagement/education event per month.

Activity: The HEAT Unit will conduct a minimum of one community engagement event a month to the public during the grant period. This may also include traffic enforcement education to law enforcement officers within the jurisdictional area of the grantee no more than three (3) times per year.

Evaluation: Events will be documented on a GOHS Community Engagement Form and submitted in the GOHS monthly programmatic reports.

OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	TOTAL
0	0	1	1	1	1	1	1	1	1	1	1	10

; Goal: 6.1 GOHS Goal: Enhance Police Traffic Services

Objective: The grantee will participate in at least 7 GOHS/NHTSA activities and campaigns during the grant period.

Activity: The grantee will participate in at least seven GOHS/NHTSA highway safety campaigns including CIOT, Drive Sober or Get Pulled Over, CIOT Border to Border, Operation Southern Slow Down, and 100 Days of Summer HEAT during the grant period.

Evaluation: Participation in GOHS/NHTSA campaigns will be documented in the GMS monthly programmatic reports.

OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	TOTAL
0	0	0	1	0	0	0	1	1	2	0	2	7

; Goal: 6.1 GOHS Goal: Enhance Police Traffic Services

Objective: The HEAT Unit agrees to participate in at least eight regional traffic enforcement network meetings and initiatives during the grant year.

Activity: The HEAT Unit will participate in at least eight monthly regional traffic enforcement network meetings and initiatives during the grant year.

Evaluation: The regional TEN coordinator will provide a sign-in sheet for all regional traffic enforcement meetings and initiatives.

OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	TOTAL
0	0	0	1	1	1	0	1	1	1	1	1	8

; Goal: 6.1 GOHS Goal: Enhance Police Traffic Services

Objective: The HEAT Unit will participate in at least three GOHS-sponsored Thunder Task Force mobilizations during the grant period.

Activity: The HEAT unit will participate in at least three Thunder Task Force mobilizations.

Evaluation: Participation in the Thunder Task Force will be documented in the GOHS monthly programmatic reports.

OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	TOTAL
0	0	0	1	0	1	0	0	0	0	0	1	3

; Goal: 6.1 GOHS Goal: Enhance Police Traffic Services

Objective: The grantee agrees to submit a Governors Challenge application and attend the awards and banquet/training.

Activity: The grantee will submit a Governors Challenge application. The grantee will also attend the awards banquet and training.

Evaluation: The GOHS LES Director will provide a list of all participants attending the Governors Challenge.

OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	TOTAL
0	0	0	0	0	1	0	1	0	0	0	0	2

General Application 2026

**Organization: Stockbridge Police Department, City of
GA-2026-StockbridgePD-226-APP**

**Version Date: 10/28/2025 08:55:07 AM
Media Plan**

The Stockbridge Police Department will submit a press release announcing the grant award to the citizens of Stockbridge through the following local media outlets and social media sites: Newspapers - The Henry County Times and The Henry Neighbor. Television Stations - WUPA-TV, WTBS , WATL, WJVG, WHSG, WATC, and WPXA. Websites - stockbridgega.org/police and Social Media pages – Twitter - @StockbridgePD , Facebook <https://www.facebook.com/StockbridgePD>, Instagram - @stockbridge.pd. After the announcement of the initial award, Stockbridge Police Department will continue to utilize these media outlets through the project period to keep the community informed of the officers efforts, results, and upcoming mobilizations to include Click It or Ticket, 100 Days of Summer HEAT, and Drive Sober or Get Pulled Over.

General Application 2026
Organization: Stockbridge Police Department, City of
GA-2026-StockbriPD-226-APP
Version Date: 10/28/2025 08:55:07 AM
Resource Requirements

The Stockbridge Police Department is requesting this grant to fund an enforcement effort focusing on alcohol and drug-impaired driving, speeding, and occupant protection, utilizing 3,200 enforcement activity hours annually. Activity hours may also be used for educational events, attending the GOHS Highway Safety Conference, and highway safety-related training/certifications, among other purposes. Activity hours will be filled by resources that hold the appropriate certifications on traffic enforcement equipment. Standardized Field Sobriety, RADAR, LIDAR, and ARIDE, at a minimum, will be required by resources that conduct activity hours. Activity hours during identified peak hours for the enforcement of DUIs, Speeding, and Occupant Protection. Crash data will be used as a hotspot locator to target enforcement in high-priority areas. The activity hours will be conducted and/or participated in checkpoints and saturation patrols in identified areas throughout the County. Activity hours will also complete the other goals and objectives of the project, such as conducting educational events and participating in GOHS Campaigns and Network Meetings. Personnel (needed; hours; roles). Two HEAT Officers will deliver the 3,200 annual activity hours on a data-driven schedule, focusing on late evenings, weekends, holidays, and event egress at identified hotspots. Duties include high-visibility enforcement of DUI, speed, distraction, and occupant protection; administering SFST/PBT; operating LIDAR; conducting checkpoints/saturation patrols; recording in-car camera evidence; issuing citations/arrests; maintaining daily logs and monthly GMS reporting; participating in education events; and conducting the two required seat-belt surveys. Enforcement cost: \$96,928 (2 officers @ \$30.29 x 1,600 hrs each).

Equipment includes fully upfitted patrol vehicles with in-car cameras (2 x \$76,000 = \$152,000); LIDAR units (2 x \$2,100 = \$4,200); vehicle fuel/maintenance (2 x \$3,000 = \$6,000) ,2 Also-Sensor \$800, Axon camera system 2 @3,000 = \$6000, travel as required for 2 people = \$3000.

Our total budgeted amount, which includes personnel, equipment, and OM, is \$268,928.00. This figure reflects our commitment to cost-effectiveness and efficient use of resources, ensuring that every dollar is maximized for the safety of our community.

Each HEAT officer is assigned a fully equipped vehicle with an in-car camera to provide a visible presence, enable rapid redeployment between hot spots, and record evidentiary footage of stops and SFSTs. LIDAR supports precise, court-defensible

speed enforcement on interchange approaches/frontage segments. Alco-Sensor PBTs support roadside impairment screening before evidential testing. Portable radios ensure interoperable communications with partner agencies during checkpoints, MATEN details, and Thunder Task Force mobilizations. Tasers/sidearms are required life-safety equipment for nighttime roadside operations. Fuel/maintenance sustains saturation patrols and checkpoint logistics. Officers assigned to activity hours will hold the necessary certifications (SFST, RADAR, LIDAR, ARIDE) as required by SPD policy for the use of PBT, implied consent, and digital evidence handling.

General Application 2026
Organization: Stockbridge Police Department, City of
GA-2026-StockbriPD-226-APP
Version Date: 10/28/2025 08:55:07 AM
Self-Sufficiency

The continued cost of activity hours and enforcement efforts, as well as equipment, certifications, and vehicle maintenance, will be funded through the Departmental Budget.

General Application 2026
Organization: Stockbridge Police Department, City of
GA-2026-StockbriPD-226-APP
Version Date: 10/28/2025 08:55:07 AM
Personnel Service Details – Position

Position/Title	Pay Code	Hours/Week	Pay Rate	Annual Salary	Time%	Project Salary
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Total:\$0.00

General Application 2026
Organization: Stockbridge Police Department, City of
GA-2026-StockbrIPD-226-APP
Version Date: 10/28/2025 08:55:07 AM
Personnel Service Details – Benefits

Project Salaries	Percent of Time	Project Salary
Total	0%	\$0.00

Fringe Benefit Type	Percentage	Amount
F.I.C.A	%	\$0.00
Retirement	%	\$0.00
Health Insurance	%	\$0.00
Workers Compensation	%	\$0.00
Unemployment Insurance	%	\$0.00
Total		\$0.00
Total Personnel Service (Total Salaries + Fringe Benefits)		\$0.00

General Application 2026
Organization: Stockbridge Police Department, City of
GA-2026-StockbriPD-226-APP
Version Date: 10/28/2025 08:55:07 AM
Pay Schedule For Project Employees

Pay Code	Month	Beginning Date	Ending Date	Actual Pay Date
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General Application 2026
Organization: Stockbridge Police Department, City of
GA-2026-StockbriPD-226-APP
Version Date: 10/28/2025 08:55:07 AM
Enforcement Activity Hours

Resource	Pay Rate	Total Hours	Funds Needed
1	\$30.29	1600	\$48,464.00
2	\$30.29	1600	\$48,464.00
Total :			\$96,928.00

General Application 2026
Organization: Stockbridge Police Department, City of
GA-2026-StockbriPD-226-APP
Version Date: 10/28/2025 08:55:07 AM
Regular Operating Expenses

Description	Unit Price	Quantity	Total Costs
Vehicle Maintenance Gas	\$3,000.00	2	\$6,000.00
Also-sensor	\$400.00	2	\$800.00
Total:			\$6,800.00

General Application 2026
Organization: Stockbridge Police Department, City of
GA-2026-StockbriPD-226-APP
Version Date:10/28/2025 08:55:07 AM
Travel

Description	Unit Price	Quantity	Total Costs
Travel to the meeting	\$1,500.00	2	\$3,000.00

Total:\$3,000.00

General Application 2026
Organization: Stockbridge Police Department, City of
GA-2026-StockbriPD-226-APP
Version Date:10/28/2025 08:55:07 AM
Equipment Purchases

Description	Unit Price	Quantity	Total Costs
Lidar	\$2,100.00	2	\$4,200.00
AXON In-Car Camera System with LPR	\$3,000.00	2	\$6,000.00

Total:\$10,200.00

General Application 2026
Organization: Stockbridge Police Department, City of
GA-2026-StockbriPD-226-APP
Version Date:10/28/2025 08:55:07 AM
Contractual Services

Description	Unit Price	Quantity	Total Costs
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Total:\$0.00

General Application 2026
Organization: Stockbridge Police Department, City of
GA-2026-StockbrIPD-226-APP
Version Date: 10/28/2025 08:55:07 AM
Per Diem & Fees

Description	Unit Price	Quantity	Total Costs
			Total: \$0.00

General Application 2026
Organization: Stockbridge Police Department, City of
GA-2026-StockbriPD-226-APP
Version Date:10/28/2025 08:55:07 AM
Computer Charges And Computer Equipment

Description	Unit Price	Quantity	Total Costs
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Total:\$0.00

General Application 2026
Organization: Stockbridge Police Department, City of
GA-2026-StockbriPD-226-APP
Version Date:10/28/2025 08:55:07 AM
Telecommunication

Description	Unit Price	Quantity	Total Costs
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Total:\$0.00

General Application 2026
Organization: Stockbridge Police Department, City of
GA-2026-StockbriPD-226-APP
Version Date: 10/28/2025 08:55:07 AM
Motor Vehicle Purchase

Description	Unit Price	Quantity	Total Costs
• Fully Equipped Ford Police Interceptor: \$48,000 • Upfitting Costs (lights, sirens, partitions, etc.): \$22,000	\$76,000.00	2	\$152,000.00
Total:			\$152,000.00

General Application 2026
Organization: Stockbridge Police Department, City of
GA-2026-StockbriPD-226-APP
Version Date:10/28/2025 08:55:07 AM
Rent or Real Estates

Description	Unit Price	Quantity	Total Costs
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Total:\$0.00

General Application 2026
Organization: Stockbridge Police Department, City of
GA-2026-StockbriPD-226-APP
Version Date: 10/28/2025 08:55:07 AM
Cost Category Summary

Cost Category	Total	Award Amount
Personnel Services - Fringe Benefits	\$0.00	\$0.00
Regular Operating Expenses	\$6,800.00	\$6,800.00
Travel	\$3,000.00	\$3,000.00
Equipment Purchases	\$10,200.00	\$10,200.00
Contractual Services	\$0.00	\$0.00
Per Diem and Fees	\$0.00	\$0.00
Computer Charges and Computer Equipment	\$0.00	\$0.00
Telecommunication	\$0.00	\$0.00
Motor Vehicle Purchase	\$152,000.00	\$152,000.00
Rent/Real Estates	\$0.00	\$0.00
Enforcement/Activity Hours	\$96,928.00	\$96,928.00
Total	\$268,928.00	\$268,928.00

Matching Funds	
Local Cash Match (You must enter at least a 0 before	0%
	\$0.00

Federal Participation (percentage of total in Item 12)	100%	\$268,928.00
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General Application 2026
Organization: Stockbridge Police Department, City of
GA-2026-StockbriPD-226-APP
Version Date:10/28/2025 08:55:07 AM
App Contract Forms

Grantee Project Director(Primary Contact) : Shaquita Barnes

Agency Staff (Financial Contact): Frank Milazi

Authorized Official : Anthony Ford

**General Application 2026
Organization: Stockbridge Police Department, City of
GA-2026-StockbriPD-226-APP
Certification and Signatures**

I certify that I understand and agree to comply with the general and fiscal year terms and conditions of this application including special conditions; to comply with provisions of the Act governing these funds and all other federal laws; that all information presented is correct; that there has been appropriate coordination with affected agencies; that I am duly authorized by the applicant to perform the tasks as they relate to the terms and conditions of this grant application; that costs incurred prior to grant approval may result in the expenses being absorbed by the grantee; and, that the receipt of grantor funds through the Governor's Office of Highway Safety will not supplant state or local funds. Monthly reimbursement claim submissions filed electronically are in effect, "electronically signed".

Project Director*

Name: Shaquita Barnes
Agency: Stockbridge Police Department,
City of
Phone Number: (678) 827-2886

Fax Number:
Signature:


Title: Grant Administrator
Address: 4640 North Henry Blvd,
Stockbridge , Georgia-30281
Email Address:
sbarnes@stockbridgega.org
Date: 8/28/2025



Fiscal Staff*

Name: Frank Milazi
Agency: Stockbridge Police Department, City
of
Phone Number: 4704730051
Fax Number:
Signature:

Title: City Treasurer
Address: 4640 North Henry Blvd,
Stockbridge , Georgia-30281
Email Address: fmilazi@stockbridgega.org
Date: 8/28/2025



Authorized Official*

Name: Anthony Ford
Agency: Stockbridge Police Department,
City of
Phone Number: (770) 389-7910
Fax Number:
Signature:

Title: Mayor
Address: 4640 North Henry Blvd,
Stockbridge , Georgia-30281
Email Address: asford@stockbridgega.org
Date: 8/28/2025

* NOTE : PROJECT DIRECTOR, FISCAL STAFF AND AUTHORIZED OFFICIAL CANNOT BE THE SAME PERSON WITHOUT GOHS APPROVAL. STAFF BEING FUNDED UNDER THIS GRANT MAY NOT BE ANY OF THE ABOVE OFFICIALS WITHOUT GOHS APPROVAL.

2025-08-28 03:03 PM



City of Stockbridge

AGENDA ITEM

MEETING DATE

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 or TSPLOST
- ARPA
- GRANT
- HOTEL/MOTEL TOURISM
- COUNCIL INITIATIVE
- PARTNER/SPONSOR
- DEPARTMENT FUND BALANCE
- BONDING

ACCOUNT TRANSFER FROM:

ACCOUNT TRANSFER TO:

PRESENTER:

DEPARTMENT:

ITEM/PROJECT/EVENT:

BACKGROUND INFORMATION:

APPROVALS: CITY MANAGER _____

CITY TREASURER _____

CITY ATTORNEY _____

GRANTS ADMIN. _____

FINANCIAL IMPACT N/A

AMOUNT \$

ATTACHMENTS:

ITEM/PROJECT/EVENT:

BACKGROUND INFORMATION:

STAFF RECOMMENDATION:

Staff Signature _____