



Community Development Department

P. O. Box 900
Locust Grove, Georgia 30248

Phone: (770) 957-5043
Facsimile (770) 954-1223

Item Coversheet

Item: Request to rezone property at the intersection of Indian Creek Road, Tanger Blvd., and Shoal Creek Rd. (Parcels: 129-01045005 and L03-01026000) in Land Lots 168 and 186 of the 2nd district from RA (Residential Agricultural) and R-2 (Single-Family Residential) to R-3 (Single-Family Residential) for a single-family residential development.

Action Item: Yes No

Public Hearing Item: Yes No

Executive Session Item: Yes No

Advertised Date: July 3, 2024

Budget Item: N/A

Date Received: June 1, 2024

Workshop Date: July 22, 2024

Regular Meeting Date: August 5, 2024

Discussion:

Rob Franks, agent of the applicant (Elizabeth Todd), of Stockbridge, GA has submitted an application requesting a rezoning from RA (Residential Agricultural) and R-2 (Single Family Residential) to R-3 (Single Family Residential) consisting of 35+/- acres and 1.3 +/- acres, (Parcels: 129-01045005 and L03-01026000); in Land Lots 168 and 186 of the 2nd district. The applicant is proposing a single-family residential subdivision.

Recommendation:

Staff recommends **DENIAL** of the applicant's request to rezone to R-3. However, staff recommends approving R-2 (CRSO), as zoning meets the intent of the LCI and is supported by the Future Land Use designation, with the following conditions:

1. At the developer's/owner's expense, connection to water/sewer shall be provided with all necessary improvements.
2. All houses shall be constructed of at least two (2) of the following materials on each side of the house: brick, stone, or cement fiberboard.
3. There shall be a mandatory Homeowners' Association that shall oversee the maintenance of all common areas of the proposed development, including open space, playgrounds, and other amenity areas.
4. An amenity package, which may include tennis courts, or swimming pool, activity center, playground, pedestrian paths, bike paths, or other recreational areas shall be provided to the Community Development Director for review and approval.

ORDINANCE NO. _____

AN ORDINANCE TO APPROVE A REZONING FROM RA (RESIDENTIAL AGRICULTURAL) AND R-2 (SINGLE-FAMILY RESIDENTIAL) TO R-3 (SINGLE-FAMILY RESIDENTIAL) AT THE INTERSECTION OF INDIAN CREEK ROAD, TANGER BLVD., AND SHOAL CREEK RD. (PARCELS: 129-01045005 AND L03-01026000); CONSISTING OF 35 +/- ACRES AND 1.3 +/- ACRES IN LAND LOTS 168 AND 186 OF THE 2ND DISTRICT WITHIN THE CITY OF LOCUST GROVE, GEORGIA; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the City of Locust Grove (“City”) is a municipal corporation, duly organized and existing under the laws of the State of Georgia; and,

WHEREAS, Rob Franks, agent of the applicant (Elizabeth Todd), Stockbridge, GA has submitted an application requesting a rezoning from RA (Residential Agricultural) and R-2 (Single Family Residential) to R-3 (Single Family Residential) consisting of 35 +/- acres and 1.3 +/- acres, (Parcels: 129-01045005 and L03-01026000); in Land Lots 168 and 186 of the 2nd district. The applicant is proposing a single-family residential subdivision. (the “Property), attached hereto as **Exhibit A**; and,

WHEREAS, the Applicant filed a request for a Rezoning on June 1, 2024 as shown in the application attached hereto and incorporated herein by reference as **Exhibit B**; and,

WHEREAS, the Applicant’s request has been reviewed by the Mayor and City Council at a Public Hearing held on July 22,2024, as well as by the City Community Development Director; and,

WHEREAS, the Applicant requests a Rezoning for the purpose of single-family subdivision; and,

WHEREAS, notice of this matter (as attached hereto and incorporated herein as **Exhibit C**) has been provided in accordance with applicable state law and local ordinances; and,

WHEREAS, the Mayor and City Council have reviewed and considered the Applicant's request and both the recommendations of the public hearing and City staff as presented in the Staff Report.

THEREFORE, THE COUNCIL OF THE CITY OF LOCUST GROVE HEREBY ORDAINS:

1.

(X) That the request for rezoning from R-A and R-2 to R-3 is hereby **DENIED , but APPROVED for R-2 CRSO.**

() That the request for rezoning is hereby **DENIED.**

2.

That the use of the Property is subject to:

(X) The condition(s) set forth on **Exhibit D** attached hereto and incorporated herein by reference.

() The terms of the Development Agreement attached hereto as **Exhibit D** and incorporated herein by reference.

() If no **Exhibit D** is attached hereto, then the property is zoned without conditions.

If granted, this Ordinance shall become effective immediately subject to the corresponding annexation ordinance under consideration.

SO ORDAINED by the Council of this City this 5th of August 2024.

VINCENT WILLIAMS, Mayor Pro Tem

ATTEST:

MISTY SPURLING, City Clerk

(Seal) APPROVED AS TO FORM:

City Attorney

EXHIBIT A



REZONING EVALUATION REPORT

FILE: RZ-24-06-01

July 22, 2024

REZONING RA AND R-2 TO R-3

Property Information

Tax ID	129-01045005 and L03-01026000
Location/address	Intersection of Indian Creek Road, Tanger Blvd. and Shoal Creek Rd.
Parcel Size	35+/- and 1.3+/- acres
Current Zoning	RA (Residential Agricultural) and R-2 (Single-Family Residential)
Request	Rezoning to R-3 (Single Family Residential)
Proposed Use	Single-family Subdivision
Existing Land Use	Vacant/Undeveloped
Future Land Use	Low Density Residential and Mixed Historic Neighborhood
Recommendation	Denial

Summary

Rob Franks, agent of the applicant (Elizabeth Todd), of Stockbridge, GA has submitted an application requesting a rezoning from RA (Residential Agricultural) and R-2 (Single Family Residential) to R-3 (Single Family Residential) consisting of 35 +/- acres and 1.3 +/- acres (Parcels: 129-01045005 and L03-01026000); in Land Lots 168 and 186 of the 2nd district. The applicant is proposing a single-family residential subdivision.

The subject properties are vacant/undeveloped and abut majority R-2 (Single Family Residential) zoned single-family homes to the north, east, and southeast.

Current Zoning

The subject properties are currently zoned RA (Residential Agricultural) and R-2 (Single-Family Residential).



REZONING EVALUATION REPORT

FILE: RZ-24-06-01

July 22, 2024

REZONING RA AND R-2 TO R-3

Livable Centers Initiative (LCI) Overlay

These properties are in the LCI as part of the emerging south district that incorporates sidewalk improvements, neighborhood parks, and multi-use paths.

Development of Regional Impact (DRI)

The subject properties do not trigger the Georgia Department of Community Affairs (DCA) threshold for a Development of Regional Impact (DRI). For Housing Developments in Rural and Developing Rural areas, the threshold is four hundred new units. The Applicant is proposing seventy-six new single-family residential units for the subject property.

Service Delivery / Infrastructure

Water and Sewer: The subject properties are located within the City's current water and sewer delivery area and have access to adequate water supply. The city has adequate sewer treatment capacity for the proposed project. Connectivity will be provided at the developer's expense.

Land Use: If the requested rezoning to R-3 (Single Family Residential) is approved, the site must follow the requirements set forth in the City's R-3 (Single-Family Residential) zoning ordinance as well as development standards established in Title 15 of the City Code, including Watershed Protection standards, as applicable to the site.

Police Services: The subject properties are in the existing city limits and will remain on a regular patrol route. Future development of this area may require additional police patrol for crime prevention and traffic control.

Fire: Fire and emergency services will be performed by Henry County as is similar with other portions of the city as defined by the Service Delivery Strategy.

Transportation Impacts: This 35.5+/- acre and 1.3 +/- acre tract will contain 76 single family residential units. The Institute of Transportation Engineers Trip Generation Manual, 7th Edition assigns a rate of approximately ten weekday trips per house in a single-family housing development. Caution should be shown as this

Preserving the Past... Planning the Future



REZONING EVALUATION REPORT

FILE: RZ-24-06-01

July 22, 2024

REZONING RA AND R-2 TO R-3

rate is based on a wide variety of studies including active, working residents and older, retired residents. Under the current plan, this development will yield approximately 1760 trips on average per weekday.

Indian Creek Road and Tanger Boulevard are classified as a Rural Local Road and Minor Arterial Roadway, respectively. Rural local roads provide a lower level of service primarily as access to land with little to no through movement. Minor arterials provide a high level of service at high to moderate speeds with some degree of access control.

Impacts to the existing transportation system should be minor. Tanger Boulevard has the existing capacity to move vehicles to either Bill Gardner Parkway or State Route 42 with no decrease in the existing Level of Service.

Criteria for Evaluation of Rezoning Request

Section 17.04.315 Procedure for Hearing before City Council.

(a) All proposed amendments to this chapter or to the official zoning map with required site plans shall be considered at the public hearing. The City Council shall consider the following:

(1) 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.

The proposed rezoning is not supported by the Future Land Use designation and will alter the area's rural character. Only the R-1 or R-2 zoning is supported by the current Future Land Use Map designation of LD (Low Density Residential). The R-3 zoning request is not supported by the Future Land Use Map.

(2) The relation that the proposed amendment bears to the purpose of the overall zoning scheme with consideration given to whether the proposed change will help conduct the purposes of this Chapter. The request will allow a higher, more intense use R-3 (Single- Family



REZONING EVALUATION REPORT

July 22, 2024

FILE: RZ-24-06-01

REZONING RA AND R-2 TO R-3

The request will allow a higher more intense use of the subject properties than the current zoning and surrounding zoning designations.

- (3) **Consistency with the Land Use Plan.** The Applicant's request for the rezoning of RA (Residential Agriculture) and R-2 (Single Family Residential) to R-3 (Single-Family Residential) is inconsistent with the Future Land Use designation.
- (4) **The potential impact of the proposed amendment on City infrastructure including water and sewerage systems.** There will be an impact on infrastructure in the area. Impacts can be mitigated through improvements made via the collection of impact fees.
- (5) **The impact of the proposed amendment on adjacent thoroughfares and pedestrian vehicular circulation and traffic volumes.**
The development will have an impact on the surrounding area in terms of traffic; however, Tanger Boulevard has enough capacity to absorb the increase. Sidewalks will be required to tie into the existing, larger network to promote non-vehicular mobility.
- (6) **The impact upon adjacent property owners should the request be approved.** Impacts to adjacent property owners will include increases in traffic and population. Immediate neighboring properties consist of single-family homes and undeveloped land.
- (7) **The ability of the subject land to be developed as it is presently zoned.** The subject properties can be developed as it is currently zoned, RA (Residential Agricultural).
- (8) **The physical conditions of the site relative to its capability to be developed as requested, including topography, drainage, access, and size and shape of the property.** There are no known physical conditions or limitations that could preclude the use of the site; however, the developer will be required to protect and buffer all streams and other environmentally sensitive areas that may be located on the subject property in accordance with the City's Watershed Protection and Stream Buffer Ordinances.



REZONING

EVALUATION REPORT

FILE: RZ-24-06-01

July 22, 2024

REZONING RA AND R-2 TO R-3

- (9) **The merits of the requested change in zoning relative to any other guidelines and policies for development which the Community Development Commission and City Council may use in furthering the objectives of the Land Use Plan.** The merits of the requested change are inconsistent with the City's Future Land Use Map.

Recommendations

Staff recommends **DENIAL** of the applicant's request to rezone to R-3. However, staff recommends approving R-2 (CRSO), as zoning meets the intent of the LCI and is supported by the Future Land Use designation, with the following conditions:

1. At the developer's/owner's expense, connection to water/sewer shall be provided with all necessary improvements.
2. All houses shall be constructed of at least two (2) of the following materials on each side of the house: brick, stone, or cement fiberboard.
3. There shall be a mandatory Homeowners' Association that shall oversee the maintenance of all common areas of the proposed development, including open space, playgrounds, and other amenity areas.
4. An amenity package, which may include tennis courts, or swimming pool, activity center, playground, pedestrian paths, bike paths, or other recreational areas shall be provided to the Community Development Director for review and approval.

EXHIBIT B

1st parcel

RZ-24-06-01

Request for Zoning Map Amendment

Name of Applicant Elizabeth W. Todd Phone: 713-291-8295 Date: _____
 Address Applicant: 20649 Eaglewood Forest Drive Cell # _____
 City: Porter State: TX Zip: 77365 E-mail: eawvtexas@msn.com
 Name of Agent Rob Franks Phone: 770-231-6147 Date: _____
 Address Agent: 200 Willis Drive Cell # 770-231-6147
 City: Stockbridge State: GA Zip: 30281 E-mail: rob@franksandwhite.com

THE APPLICANT NAMED ABOVE AFFIRMS THAT THEY ARE THE OWNER OR AGENT OF THE OWNER OF THE PROPERTY DESCRIBED BELOW AND REQUESTS: (PLEASE CHECK THE TYPE OF REQUEST OR APPEAL AND FILL IN ALL APPLICABLE INFORMATION LEGIBLY AND COMPLETELY).

Concept Plan Review Conditional Use Conditional Exception Modifications to Zoning Conditions

Variance Rezoning DRI Review/Concurrent Amendment to the Future Land Use Plan

Request from RA (Current Zoning) to R3 (Requested Zoning)

Request from _____ (Current Land Use Designation) to _____ (Requested Land Use Designation)

For the Purpose of Medlum Density Detached Single Family Residential (Type of Development)

Address of Property: 0 Shoal Creek Road, Locust Grove, GA 30248

Nearest intersection to the property: Stanley K Tanger Blvd & Indian Creek Road

Size of Tract: ~~30.000~~^{35.958} acre(s), Land Lot Number(s): 168, District(s): _____ 2nd _____

Gross Density: ~~2~~ 3 units per acre Net Density: ~~1.76~~ 2.1 units per acre

Property Tax Parcel Number: 129-01045005 (Required)

Witness Signature Christy D'Hollander

Signature of Owner's Elizabeth W. Todd

Printed Name of Witness Christy D'Hollander

Printed Name of Owner's Elizabeth W. Todd

Notary _____

Signature of Agent _____

Notary (For Office Use Only)

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

Application checked by: P. Parks Date: 6/7/24 Map Number(s): 129

Pre-application meeting: _____ Date: _____

Public Hearing Date: _____

Council Decision: _____ Ordinance: _____

Date Mapped in GIS: _____ Date: _____

Amount due \$ 2047.90
Rezoning for 35.958 acres
plus 1797.90
* tax fee

* see notes from 2023

Applicant Campaign Disclosure Form

Has the applicant¹ 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 Locust Grove City Council and/or Mayor who will consider the application?

Yes _____ No

If Yes, the applicant and the attorney representing the applicant must file a disclosure report with the Locust Grove City Clerk within ten (10) days after this application is first filed. Please supply the following information that will be considered as the required disclosure:

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

We certify that the foregoing information is true and correct, this 4th day of August 2023

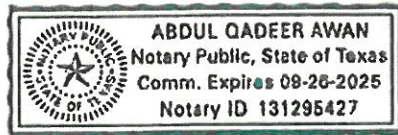
Elizabeth W. Todd
Applicant's Name - Printed

Elizabeth W. Todd
Signature of Applicant

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 4th day of AUGUST, 2023



[Signature]
Notary Public

¹ Applicant means any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association, or trust) applying for rezoning or other action.

01/02/2003 11:17 AM
BK# 657 PG# 0124-125
JUDITH A. LEWIS
CLERK OF SUPERIOR COURT
HENRY COUNTY, GA

024-116 B

STATE OF GEORGIA
COUNTY OF HENRY

JONES, EDGE & KIMBELL, P.C.
115 NORTH PARK TRAIL
STOCKBRIDGE, GEORGIA 30281

AFFIDAVIT OF DESCENT

MOSES LAMAR WILSON, the undersigned deponent having been duly sworn by the undersigned Notary Public, hereby deposes, warrants and represents that deponent was personally acquainted with ELIZABETH (BESSIE) ROSSER WILSON, deceased, over a period of FIFTY (50) years; that deponent was related to said decedent as her Son, that said decedent died as a resident of Henry County, Georgia, on , 1982, that all debts of the estate have been fully paid; that no Federal estate taxes were due or payable by the estate; and that said decedent was married one time as follows:

<u>Name of Each Husband or Wife</u>	<u>Age and Address if Living Date of Death if Deceased</u>
J. L. Wilson (husband)	Died June 10, 1953

Deponent further says on oath that the following are all the children ever born to or adopted by said decedent:

<u>Name of Each Child</u>	<u>Age and Address if Living Date of Death if Deceased</u>
Moses Lamar Wilson	Adult; 7212 Chadwell Rd Huntsville, Al. 35802

Deponent further says on oath that no children of the decedent predeceased decedent;

Deponent says on oath that the above listed children along with deponent constitute all the heirs at law of said decedent, and that all of said heirs are of age and sound mind.

This affidavit is made with the understanding that it will be relied upon by purchasers or lenders dealing with the heirs herein named, by the attorney(s) certifying title property owned by the decedent, and by title insurance companies insuring title to said property. The title to said property having been vested in J.L. Wilson, said J. L. Wilson died intestate and Elizabeth (Bessie) Rosser Wilson his wife assumed title to all properties owned by J. L. Wilson.

Moses Lamar Wilson
Moses Lamar Wilson - Deponent

Address: 7212 Chadwell Rd. Huntsville, Al. 35802

Sworn to and signed before me
this 18th day of Dec, 2002

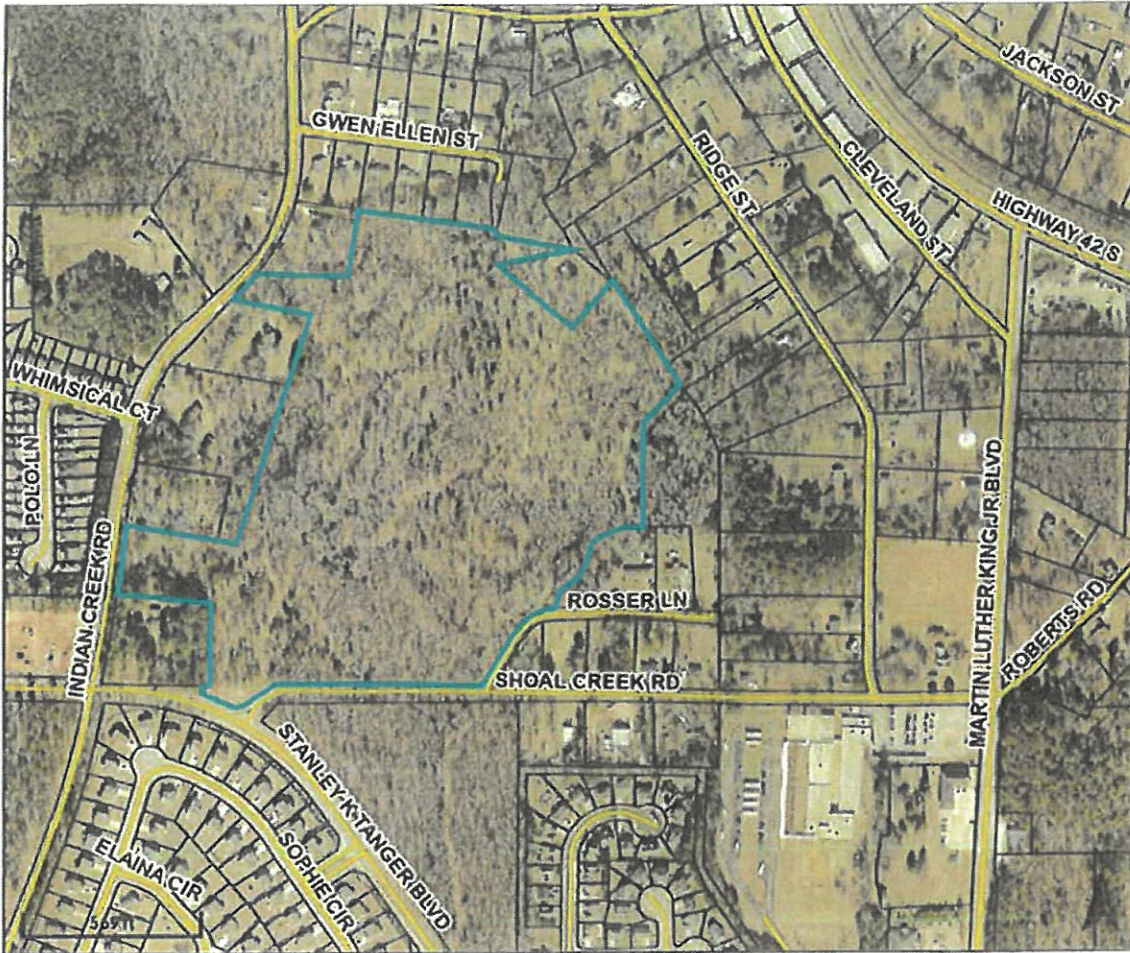
[Signature]
Notary Public



ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 168 OF THE 2ND DISTRICT OF HENRY COUNTY, GEORGIA, CONTAINING 33.909 ACRES, MORE OR LESS, AS PER PLAT OF SURVEY DATED OCTOBER 11, 2002 PREPARED BY WAYNE A. POWERS, GEORGIA RLS NO. 2891, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A 1/2 INCH REBAR SET ON THE POINT OF INTERSECTION OF THE WESTERN RIGHT OF WAY LINE OF INDIAN CREEK ROAD (HAVING AN 80' R/W) AND THE NORTHERN RIGHT OF WAY LINES OF TANGER BOULEVARD fka COMBS ROAD (HAVING AN 80' R/W); THENCE CONTINUE ALONG THE NORTHERN RIGHT OF WAY LINE OF TANGER BOULEVARD NORTH 88 DEGREES 25 MINUTES 08 SECONDS WEST A DISTANCE OF 666.90 FEET TO A POINT; THENCE LEAVING SAID RIGHT OF WAY NORTH 00 DEGREES 47 MINUTES 48 SECONDS EAST A DISTANCE OF 443.05 FEET TO A 1/2 INCH REBAR SET; THENCE NORTH 88 DEGREES 25 MINUTES 08 SECONDS WEST A DISTANCE OF 458.08 FEET TO A 1/2 INCH REBAR SET; THENCE NORTH 01 DEGREES 11 MINUTES 48 SECONDS WEST A DISTANCE OF 971.07 FEET TO A 1/2 INCH REBAR LOCATED ON THE NORTH LAND LOT LINE OF LAND LOT 168, THENCE ALONG SAID LAND LOT LINE NORTH 88 DEGREES 50 MINUTES 13 SECONDS EAST A DISTANCE OF 284.09 FEET TO A 1/2 INCH REBAR FOUND; THENCE CONTINUE NORTH 88 DEGREES 46 MINUTES 50 SECONDS EAST A DISTANCE OF 576.16 FEET TO A 1/2 INCH OPEN TOP PIPE; THENCE CONTINUE NORTH 88 DEGREES 57 MINUTES 12 SECONDS EAST A DISTANCE OF 124.76 FEET TO A 1/2 INCH REBAR SET; THENCE LEAVING SAID LAND LOT LINE SOUTH 01 DEGREES 09 MINUTES 56 SECONDS EAST A DISTANCE OF 401.24 FEET TO A 1/2 INCH REBAR FOUND; THENCE SOUTH 70 DEGREES 54 MINUTES 49 SECONDS EAST A DISTANCE OF 359.77 FEET TO A 1/2 INCH REBAR FOUND LOCATED ON THE NORTHWESTERN RIGHT OF WAY LINE OF INDIAN CREEK ROAD; THENCE FOLLOWING THE CURVATURE OF THE WESTERN RIGHT OF WAY LINE OF INDIAN CREEK ROAD IN A SOUTHWESTERLY DIRECTION A DISTANCE OF 1000.56 FEET TO A 1/2 REBAR SET AND THE POINT OF BEGINNING.

PARCEL ID NUMBER: 129-001-0045



Overview



Legend

- Parcels
- Roads

Parcel ID	129-01045005	Class	A	Owner	WILSON MOSES LAMAR	Land	\$255800				
Property		Acreage	35.32	Address	C/O ELIZABETH TODD	Value:					
Address					20649 FAGI FWOOD	Building	\$0	1 act 2 Salec			
District	City/LocustGrove				FOREST DR	Value:		Date	Price	Reason	Qual
					PORTER TX 77365	Misc	\$0	4/1/1983	\$0	n/a	U
						Value:		n/a	\$	n/a	n/a
						Total	\$255800				
						Value:					

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

Date created: 8/1/2023
 Last Data Uploaded: 8/1/2023 5:30:52 AM

DB 518 Pg 2/6

Developed by  Schneider
 GEOSPATIAL



PLAN SCALE 1"=100'
 MINIMUM LOT SIZE = 12,000 S.F.
 MINIMUM LOT WIDTH = 80'
 TOTAL NUMBER OF LOTS SHOWN = 76



SHOAL CREEK DRIVE S/D
 CONCEPT DRAWING

REV. DATE: DESCRIPTION:

SCALE: DATE:

SHEET:

BOUNDARY RETRACEMENT PLAT

NO NEW LOTS CREATED

RECORDED FOR RECORD

SURVEYOR'S CERTIFICATE:

I, JAMES H. HARRIS, LICENSED SURVEYOR, HAVE RECALCULATED THE SURVEY FOR THIS PLAT AND THE RESULTS ARE AS SHOWN HEREON. THE RECALCULATION WAS MADE BY ME OR UNDER MY SUPERVISION AND THE RESULTS ARE AS SHOWN HEREON. THE RECALCULATION WAS MADE BY ME OR UNDER MY SUPERVISION AND THE RESULTS ARE AS SHOWN HEREON. THE RECALCULATION WAS MADE BY ME OR UNDER MY SUPERVISION AND THE RESULTS ARE AS SHOWN HEREON. THE RECALCULATION WAS MADE BY ME OR UNDER MY SUPERVISION AND THE RESULTS ARE AS SHOWN HEREON.

SURVEYOR'S NOTES:

1. RECALCULATION OF THIS SURVEY HAS BEEN MADE BY ME OR UNDER MY SUPERVISION AND THE RESULTS ARE AS SHOWN HEREON.
2. THIS SURVEY IS SUBJECT TO ANY UNRECORDED INTERESTS.
3. THE SURVEYOR'S LIABILITY IS LIMITED TO THE RECALCULATION OF THIS SURVEY.
4. THE SURVEYOR IS NOT RESPONSIBLE FOR ANY UNRECORDED INTERESTS.
5. THE SURVEYOR IS NOT RESPONSIBLE FOR ANY UNRECORDED INTERESTS.

LINE TABLE

LINE	LENGTH	BEARING
L1	69.58	S87°41'45"E
L2	409.72	S07°58'42"E
L3	60.00	N87°58'32"E
L4	110.00	N07°00'32"E
L5	97.81	N85°17'17"W
L6	97.81	N85°46'06"W
L7	113.33	S08°34'45"W
L8	82.21	S88°46'35"E
L9	46.00	N07°16'32"E
L10	24.99	S87°58'32"E
L11	112.75	S87°58'32"E
L12	44.38	S87°58'32"E
L13	94.27	N85°58'22"E
L14	30.00	N85°14'32"E

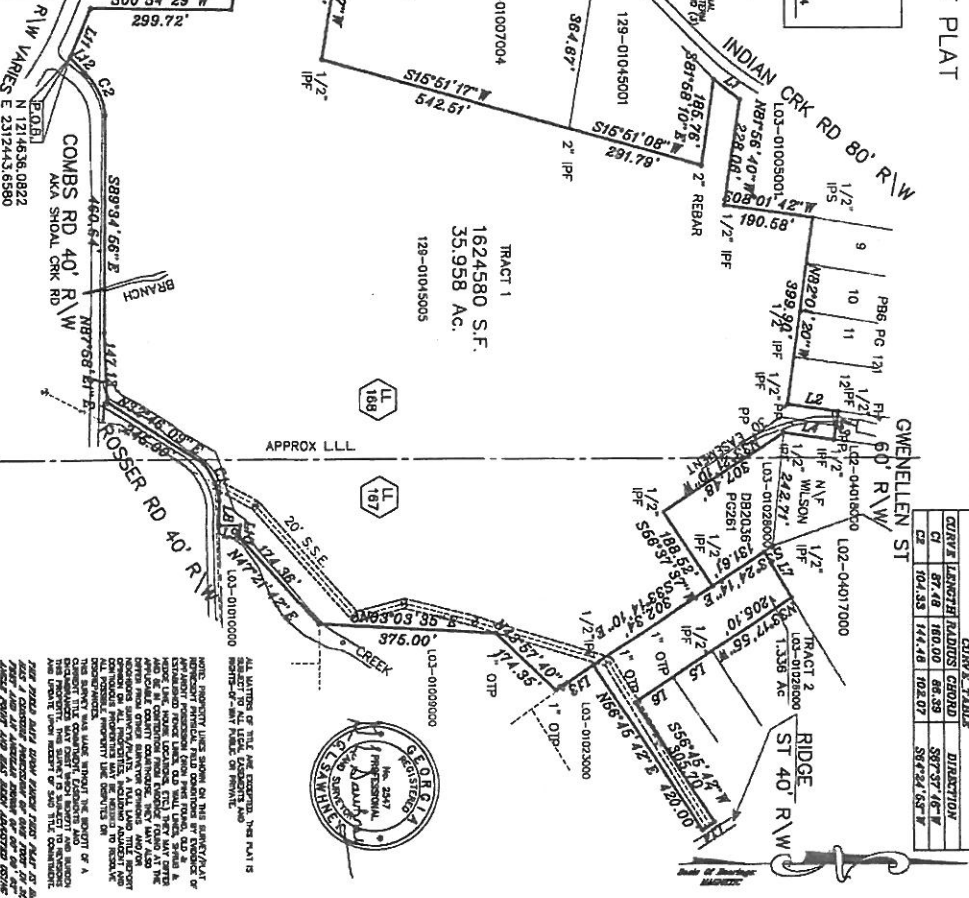
TRACT 1 AND 2

37 SHOAL CREEK, LLC.

LIN LUM 1671168 DATE 4/25/2024

AWHNEY & ASSOCIATES

523 HASTINGS WAY JAMESBORO GA 30238



LINE TABLE

LINE	LENGTH	DISTRICT	SECTION	ADJUNCTION
L1	67.48	100.00	65.39	S87°37'46"W
L2	104.58	146.48	102.07	S87°24'55"W

DATE: 4/25/2024

AWHNEY & ASSOCIATES

523 HASTINGS WAY JAMESBORO GA 30238

Scale: 1" = 100'

AWHNEY & ASSOCIATES

523 HASTINGS WAY JAMESBORO GA 30238

PH: (904) 560-1588

AWHNEY & ASSOCIATES

523 HASTINGS WAY JAMESBORO GA 30238

PH: (904) 560-1588

2nd parcel

2nd parcel

Request for Zoning Map Amendment

Name of Applicant: Elizabeth W. Todd Phone: 713-291-8295 Date: _____
 Address Applicant: 20649 Eaglewood Forest Drive Cell # _____
 City: Porter State: TX Zip: 77365 E-mail: eawtexas@msn.com
 Name of Agent: Rob Franks Phone: 770-231-6147 Date: _____
 Address Agent: 200 Willis Drive Cell # 770-231-6147
 City: Stockbridge State: GA Zip: 30281 E-mail: rob@franksandwhite.com

THE APPLICANT NAMED ABOVE AFFIRMS THAT THEY ARE THE OWNER OR AGENT OF THE OWNER OF THE PROPERTY DESCRIBED BELOW AND REQUESTS: (PLEASE CHECK THE TYPE OF REQUEST OR APPEAL AND FILL IN ALL APPLICABLE INFORMATION LEGIBLY AND COMPLETELY).

Concept Plan Review Conditional Use Conditional Exception Modifications to Zoning Conditions

Variance Rezoning DRI Review/Concurrent Amendment to the Future Land Use Plan

Request from ~~RA~~ R-2 (Current Zoning) to ~~R-2~~ R-3 (Requested Zoning) Bey

Request from _____ (Current Land Use Designation) to _____ (Requested Land Use Designation)

For the Purpose of Medium Density Detached Single Family Residential (Type of Development)

Address of Property: 0 Shoal Creek Road, Locust Grove, GA 30248

Nearest intersection to the property: Stanley K Tanger Blvd & Indian Creek Road

Size of Tract: 1.336 acre(s), Land Lot Number(s): 167 & 186 District(s): 2nd

Gross Density: ~~2~~ 3 units per acre Net Density: ~~1.75~~ 2.1 units per acre

Property Tax Parcel Number: 103-01026000 (Required)

Christy D'Hollas
Signature of Witness

Elizabeth W. Todd
Signature of Owners/s

Christy D'Hollas
Printed Name of Witness

Elizabeth W. Todd
Printed Name of Owner/s

[Signature]
Signature of Agent



(For Office Use Only)

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

Application checked by: P. Parks Date: 6/7/24 Map Number(s): 129

Pre-application meeting: _____ Date: _____

Public Hearing Date: _____

Council Decision: _____ Ordinance: _____

Date Mapped In GIS: _____ Date: _____

Amount due \$ 316.5

Applicant Campaign Disclosure Form

Has the applicant¹ 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 Locust Grove City Council and/or Mayor who will consider the application?

Yes ___ No

If **Yes**, the applicant and the attorney representing the applicant must file a disclosure report with the Locust Grove City Clerk within ten (10) days after this application is first filed. Please supply the following information that will be considered as the required disclosure:

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

We certify that the foregoing information is true and correct, this 4th day of August 2023

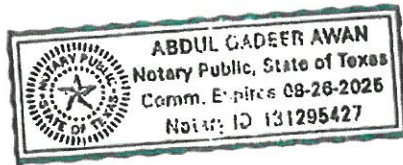
Elizabeth W. Todd
Applicant's Name - Printed

Elizabeth W. Todd
Signature of Applicant

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 4th day of AUGUST, 2023



[Signature]
Notary Public

¹ Applicant means any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association, or trust) applying for rezoning or other action.

BK: 15654 PG: 166-167
Filed and Recorded
Jan-11-2018 01:34:21PM
DOC#: 02018-001057
Real Estate Transfer Tax \$0.00
0752018000195
BARBARA A. HARRISON
CLERK OF SUPERIOR COURT Henry County GA.

Return Recorded Document to:

S. Dagnal Rowe
Wilmer & Lee, P.A.
100 Washington Street, Suite 100
(P.O. Box 2168)
Huntsville, AL 35801 (35804)

PREPARED BY: Ryan Downs
WESSELS & DIXON, P.C.
175 Corporate Center Dr., Ste. A
Stockbridge, GA 30281
(678) 759-2211

QUITCLAIM DEED

STATE OF GEORGIA
COUNTY OF HENRY

DRAWDEED ONLY

H
C

Note: Scrivener drafted Deed only at the request of the parties, did not perform a title search and therefore does not warranty in any manner whatsoever the chain of title including but not limited to the following, to wit: the record title holder, liens, judgments, easements or rights of persons in possession thereof.

THIS INDENTURE, Made the 28 day of DECEMBER, 2017, between W & D Estates, Inc., as party or parties of the first part, hereinafter called Grantor, and Elizabeth W. Todd of 20670 Lavone Drive, Porter, TX 77365, and Lisa W. Durham of 20302 Hickory Wind Drive, Humble, TX 77346, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of one dollar (\$1.00) and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby remise, convey and forever QUITCLAIM unto the said Grantee:

All that tract or parcel of land containing 0.70 acres lying and being in Land Lot 167 of the 2nd District of Henry County, Georgia, and in the Town of Locust Grove, per plat of survey made for M. L. Wilson by William H. Alexander, Jr., Registered Land Surveyor, dated April 20, 1974, and more particularly described as follows:

Beginning at the corner formed by the north side of New Street with the northwesterly side of a street with a 40 foot right of way shown on said plat; thence running north 89 degrees 20 minutes west along the north side of New Street 147.13 feet; thence north 22 degrees 44 minutes east 245 feet; thence south 89 degrees 20 minutes east 147.13 feet to the northwesterly side of said street with a 40 foot right of way; thence south 22 degrees 44 minutes west along the northwesterly side of said Street 245 feet to the point of beginning.

-AND-

2018 JAN 11 AM 11:28

RECEIVED IN OFFICE
HENRY COUNTY
CLERK OF SUPERIOR COURT

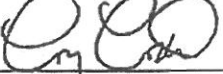
All that tract or parcel of land containing 1.336 acres lying and being in Land Lots 167 and 186 of the 2nd District, Henry County, Georgia per survey made for Lamar Wilson dated March 16, 2004, prepared by Joe Rowan Land Surveying, McDonough, Georgia. Said plat is marked as Exhibit A, attached hereto and by reference made a part hereof.

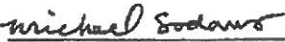
This Deed is given subject to all easements and restrictions of record, if any.

TO HAVE AND TO HOLD the said described premises to grantees, so that neither grantor nor any person or persons claiming under grantor shall at any time, by any means or ways, have, claim or demands any right to title to said premises or appurtenances, or any rights thereof.

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

Signed, sealed and delivered this 28 day of December, 2017, in the presence of:


(Unofficial witness)
Print Name: TROY TODD


(Notary Public)
Print Name: Michael Sodano

My Commission Expires: 09/22/2019

W & D Estates, Inc.

 (SEAL)
By: Elizabeth W. Todd
Its President



10355 0345

COUNTY MADE FOR:
LAMAR WILSON

PROPERTY LOCATED IN:
**LAND LOTS 167 & 168 * 2ND. DISTRICT
HENRY COUNTY * GEORGIA**

SCALE: 1" = 100' * DATE: 3-16-04



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 BY LAW.

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 FLOOD HAZARD AREA. 130480 04508
EFF. DATE: 11-2-03

REFERENCE INFORMATION:
SURVEY MADE FOR ROBERTS BROTHERS
BY LANDMARK SURVEYING.

248.28' ALONG ROAD TO THE
CENTER OF INDIAN
CREEK ROAD

RIDGE STREET
40' R/W

APPROXIMATE

N/F JACKSON PROPERTY
DB 1753 PG 19
ZONED R2

N/F GEORGE ROBERTS (ASH PROP.)
DB 1824 PG 122
ZONED R2

N/F COTTON PROPERTY
DB 1743 PG 180
ZONED R2

N/F DUFFY PROPERTY
DB 470 PG 56
ZONED R2

WILSON PROPERTY
DB 8 PG 111A
ZONED R1A

LAND LOT 168
LAND LOT 167

N/F BRUCE PROPERTY
DB 3381 PG 111
ZONED RA

1.938 ACRES
ZONED RA
DB & PG 11A
LOT IS UNBUILDABLE DUE TO PROXIMITY
OF FRONT AND REAR BUILDING LINES

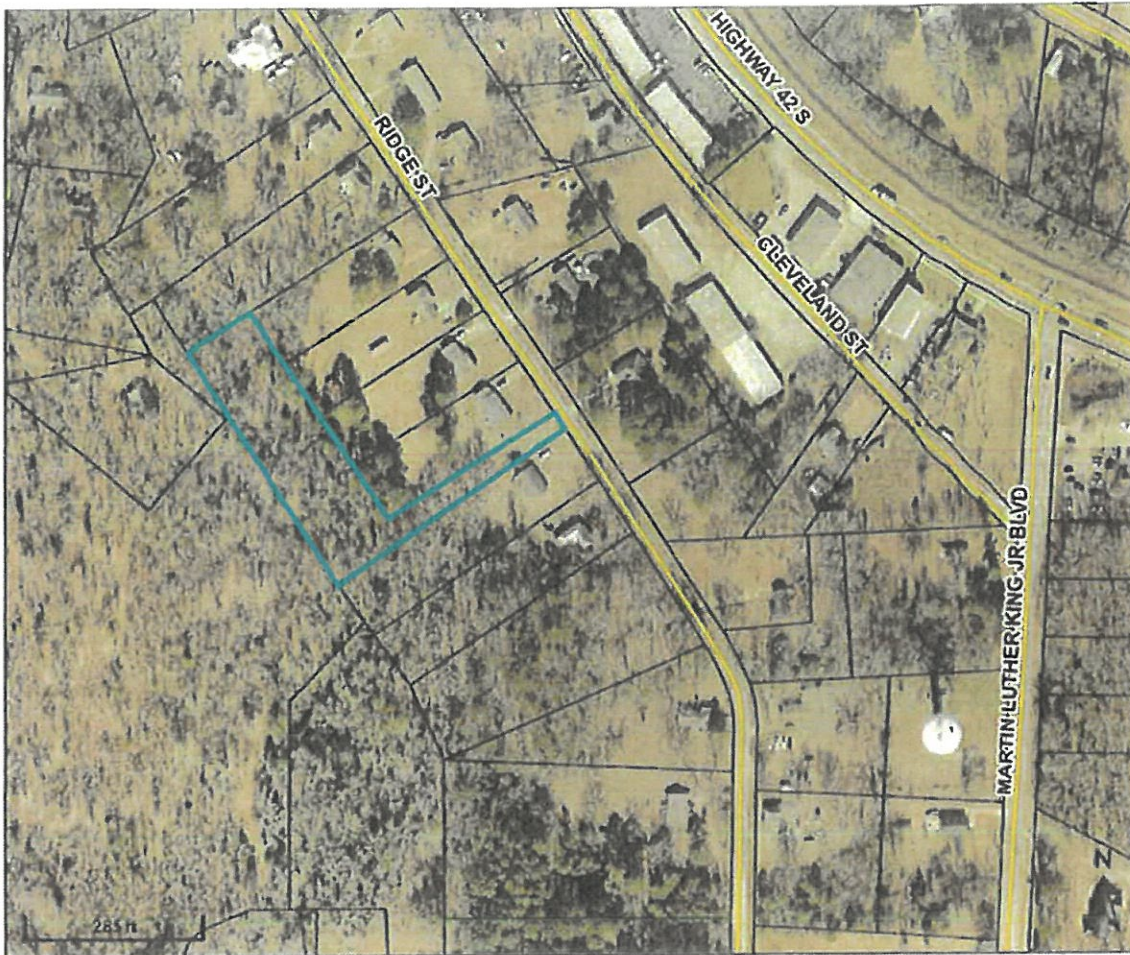
LEGEND
● MANHOLE

NOTE:
LOT IS UNBUILDABLE
THIS MAP OR PLAT HAS BEEN
CALCULATED FOR CLOSURE AND
IS FOUND TO BE ACCURATE WITHIN
ONE FOOT IN 150,000 FEET.

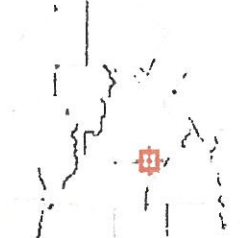
THE EQUIPMENT USED TO
MAKE THIS SURVEY WAS A
SOKKITA SEISEI TOTAL STATION

NOTE:
PROPERTY IS LOCATED IN
THE WATER BED PROTECTION DISTRICT.
PROPERTY IS NOT PART OF A SUBDIVISION
THIS PROPERTY IS NOT LOCATED IN
A FLOOD HAZARD AREA ACCORDING TO THE
FEMA MAP JUNE 2002 SERVED BY COUNTY
ENGINEER
PROPERTY-OWNER LAMAR WILSON
ADDRESS: RIDGE STREET

JOB NOS/6042H DRAWING BY JOE CHECKED BY **KK**



Overview



Legend

- Parcels
- Roads

Parcel ID	L03-01026000	Class	R	Owner	TODD ELIZABETH W & DURHAM LISA W	Land Value:	\$22500								
Property Address		Acreage	n/a	Address	20449 EAGLEWOOD FOREST DR PORTER TX 77365	Building Value:	\$0	Lot 2 Sale Date	12/28/2017	Price	\$0	Reason	FAMILY/GIFT	Qual	U
District	City/Locust Grove					Misc Value:	\$0	Total Value:	\$22500						

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: 8/1/2023
 Last Data Uploaded: 8/1/2023 5:30:52 AM

Developed by Schneider GEOSPATIAL

DR 10 35.5 1R 161
 DR 10 35.5 1R 500



Franks & White, LLC

Real Estate Services

200 Willis Dr.

Stockbridge, GA 30281

770-477-5959

GA R. E. License # 47160

08/04/2023

To Mayor, Council and Staff,

The intent of this letter is for Elizabeth (Beth) W. Todd to notify all concerned parties that as the owner of the property I would like to request a change in the zoning from a low-density residential use to medium-density residential use. We believe the change in zoning will complement the area and fit in nicely with what has been developed on the surrounding adjacent parcels. The homes to be built on these lots will be fee simple single family detached meeting or exceeding the local standards set by the current City of Locust Grove code.

A handwritten signature in black ink, appearing to read "Rob Franks", is written over a horizontal line.

Robert (Rob) G. Franks Agent for Elizabeth (Beth) W. Todd

08-04-2023

Date:

City Water and Sewer Service Capacity Form:

Please fill out the necessary items above for determination of available capacity for water and sewer service.

Applicant: Elizabeth W. Todd

Address/Location of Request: 0 Shoal Creek Road, Locust Grove, GA 30248

Type of Project: Commercial **Residential** Mixed Use

For residential or mixed-use residential, number of lots or units: ~~65~~ 76

For commercial, amount of square feet: _____

Estimated water usage: _____ (GALLONS)

Estimated sewer usage: _____ (GALLONS)

STAFF ANALYSIS

Is this project within current water and sewer delivery area: _____

Does the project have access to adequate water supply: _____

Does city have adequate sewer treatment capacity for this project: _____

Are any improvements required as a result of this project: _____

If so, what types of improvements are necessary

EXHIBIT C

Henry Herald

38 Sloan Street
McDonough, Georgia 30253

Phone (770) 951-9161
Fax (770) 957-9161

PUBLISHER'S AFFIDAVIT

STATE OF GEORGIA
COUNTY OF HENRY

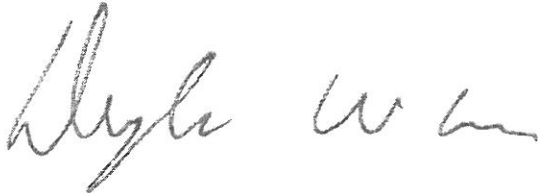
Personally appeared before the undersigned, a notary public within and for said county and state, Douglas W. Crow, Vice President of Operations, Times Journal Inc., which published the Henry Herald, Published at McDonough, County of Henry, State of Georgia, and being the official organ for the publication of legal advertisements for said county, who being duly sworn, states on oath that the report of

Ad No.: **420320**

Name and File No.: **PUBLIC HEARING 7/22/2024**

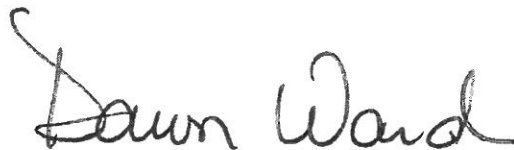
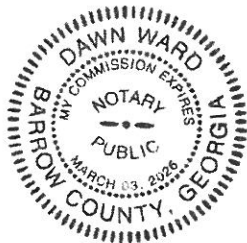
a true copy of which is hereto attached, was published in said newspaper on the following date(s):

07/03/2024



Douglas W. Crow, Vice President of Operations, Times Journal Inc.

Sworn and subscribed to before me 3rd day of July, 2024



Notary Public

My commission expires 03/03/2026

Ad text :
Hdh4889
gpn16

Public Hearing Notice
City of Locust Grove
July 22, 2024, 6:00 PM
Locust Grove Public Safety Building
3640 Highway 42 South
Locust Grove, GA 30248

Notice is hereby given as required by Chapter 66 of Title 36 of the Official Code of Georgia Annotated ("Zoning Procedures Law") and Section 17.04 of the Code of Ordinances, City of Locust Grove, Georgia, that the Locust Grove City Council, on Monday, July 22, 2024, at 6:00 PM, will conduct public hearings for the purpose of the following:

CAPITAL IMPROVEMENT ELEMENT (CIE) UPDATE

A resolution to transmit the annual update of the Capital Improvement Element for the City of Locust Grove Comprehensive Plan to the Atlanta Regional Commission for regional and state review; to authorize the Mayor and City Clerk to execute and deliver any documents necessary to carry out this resolution; to repeal inconsistent provisions; to provide an effective date; and for other purposes.

REZONING

RZ-24-06-01 Rob Franks, agent of the applicant (Elizabeth Todd), has submitted an application requesting a rezoning from RA (Residential Agricultural) and R-2 (Single Family Residential) to R-3 (Single Family Residential) of property located on Indian Creek Road (Parcels: 129-01045005 and L03-01026000); the subject properties consist of 35 +/- acres and 1.3 +/- in land lot 168 of the 2nd district. The applicant is proposing a single-family residential subdivision.

The public hearing will be held in the Locust Grove Public Safety Building, located at 3640 Highway 42 South.

Daunt? Gibbs
Community Development Director - City of Locust Grove
7:3, 2024

AFFIDAVIT OF SIGN POSTING

Personally appeared, before the undersigned officer duly authorized to administer oaths, Brian Fornal, who, after being duly sworn, testifies as follows:

1.

My name is Brian Fornal. I am over twenty-one years of age and competent to give this, my affidavit, based upon my personal knowledge.

2.

Rob Franks, agent of the applicant (Elizabeth Todd), of Stockbridge, GA request a rezoning from RA (Residential Agricultural) and R-2 (Single Family Residential) to R-3 (Single Family Residential) consisting of of 35 +/- acres and 1.3 +/- acres, located on Indian Creek Road (Parcel: 129-01045005) and Ridge Street (Parcel: L03-01026000) in Land Lots 168 and 186 of the 2nd district. The applicant is proposing a single-family residential subdivision.

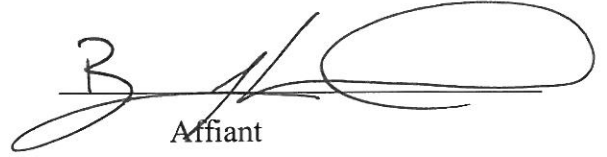
3.

On the 2nd day of July 2024, I, Brian Fornal, posted two double-sided sign notifications on the properties advertising a public hearing on the above requests to be heard by the Locust Grove City Council on the 22nd day of July 2024 at 6:00 p.m. at the Locust Grove Public Safety Building, 3640 Highway 42, Locust Grove, Georgia 30248. Photographs of same are attached hereto as Exhibit "A" and incorporated herein by reference. The public hearing signs were posted at the following locations:

1. Double-sided sign posted at 9:50 a.m. on July 2, 2024, along Tanger Blvd. between Shoal Creek Road and Indian Creek, visible from the north and southbound lanes on Tanger Blvd.
2. Double-sided sign placed at 10:00 a.m. on July 2, 2024. on Ridge Street between 168 Ridge Street and 118 Ridge Street, visible to both north and southbound traffic on Ridge Street.

FURTHER AFFIANT SAYETH NOT.

This is the 2nd day of July 2024.


Affiant

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

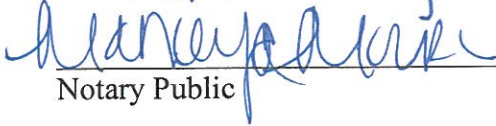

Notary Public



Exhibit "A"



PUBLIC City of Mount Grove
REZONING
NOTICE

Application No. 2024-001
Property Address: 1234 Main St., Mount Grove, PA 17042
Date: July 22, 2024
Time: 6:00 PM
City Office or Map: 1234 Main St., Mount Grove, PA 17042



PUBLIC City of Locust Grove
City of Locust Grove
Public Hearing
Notice

REZONING
From: R-1
Proposed: R-1 to R-2
Family Residential

DATE: 06/22/2024
TIME: 6:00 PM

NOTICE
For information, please call:
770-517-3632 or visit:
www.locustgrove.ga.gov



FRANKS & WHITE
LLC

FOR SALE

Real Estate Services
770-477-5959
www.franksandwhite.com

Rob Franks 770-231-6147

PUBLIC
NOTICE



PUBLIC
NOTICE

FRANKS & WHITE
L.L.C.
FOR SALE
Real Estate Services
770-477-5959
www.franksandwhite.com
Rob Franks 770-231-6147

EXHIBIT D

Staff recommends **DENIAL** of the applicant's request to rezone to R-3. However, staff recommends approving R-2 (CRSO), as zoning meets the intent of the LCI and is supported by the Future Land Use designation, with the following conditions:

1. At the developer's/owner's expense, connection to water/sewer shall be provided with all necessary improvements.
2. All houses shall be constructed of at least two (2) of the following materials on each side of the house: brick, stone, or cement fiberboard.
3. There shall be a mandatory Homeowners' Association that shall oversee the maintenance of all common areas of the proposed development, including open space, playgrounds, and other amenity areas.
4. An amenity package, which may include tennis courts, or swimming pool, activity center, playground, pedestrian paths, bike paths, or other recreational areas shall be provided to the Community Development Director for review and approval.



Community Development Department

P. O. Box 900
Locust Grove, Georgia 30248
Phone: (770) 957-5043
Facsimile (770) 954-1223

Item Coversheet

Item: A request to amend the Development Agreement between Tanger Partners LLC and the City of Locust Grove to allow for a partial release from the Development Agreement specific to the Shops at Indian Creek located at the intersection of Hwy. 42 and Tanger Boulevard.

Action Item: Yes No

Public Hearing Item: Yes No

Executive Session Item: Yes No

Advertised Date: July 6, 2024

Budget Item: No

Date Received: June 24, 2024

Workshop Date: July 22, 2024

Regular Meeting Date: August 5, 2024

Discussion:

Jacob C. Harper, Attorney for Venture South Investments, LLC (“VSI”) and Evan Conder, request that the City of Locust Grove release VSI from the 2004 Development Agreement, as amended, between Tanger Partners LLC and the City of Locust Gove and clarify the obligations of Tanger Partners, LLC in satisfying the requirements on the subject VSI property, specifically pertaining to the grocer-based shopping center location now known as the Shops at Indian Creek. The subject Development Agreement was part of a previous rezoning (case # RZ-02-74-L), requiring Public Notice of the amendment request.

Recommendation:

Staff recommends APPROVAL of the applicants request for a partial release from the subject Development Agreement, as the agreement exceeds twenty (20) years since its origination and has been mostly satisfied with the following exceptions that are recommended as conditions specific to the subject Shops at Indian Creek development:

1. All GRTA Notice of Decision road improvements at Tanger Blvd. and Hwy. 42 shall be satisfied.
2. Language in the partial release shall state that the improvements made for the site include the signalization of Hwy 42 and Tanger.
3. As an Exhibit for the partial release, a copy of the approved site plan from the approved Development Plans shall be included.

Record and return to:
Brinson, Askew, Berry
Attn: Jacob Harper
P.O. Box 5007
Rome, GA 30162

Cross-Reference:
Book 6908, Page 324

PARTIAL RELEASE OF DEVELOPMENT AGREEMENT

This Partial Release of Development Agreement is dated August 5, 2024, by the CITY OF LOCUST GROVE, GEORGIA, a municipal corporation chartered under the laws of the State of Georgia (“**City**”), for the benefit of VSI LOCUST GROVE, LLC (“**Landowner**”), a Georgia limited liability company.

Recitals:

- A. On January 26, 2004, the City and Tanger Partners, LLC (“Tanger Partners”) entered into a Development Agreement burdening 384.8 acres of property that Tanger Partners planned to develop into a combination of residential and commercial uses. The City and Tanger Partners amended this agreement by the First Amendment to Development Agreement, dated October 2005, and the Second Amendment to Development Agreement, dated July 31, 2009. The Development Agreement as amended is referred to as the “Development Agreement” herein.
- B. A Notice of Execution of Development Agreement between the City and Tanger Partners was filed for record on March 17, 2004 and recorded in Deed Book 6908, Page 324 of the Henry County, Georgia land records (the “Recorded Notice”).
- C. The Landowner is the successor in interest to Tanger Partners for the approximately 30.2 acres described on Exhibit A (the “Released Tract”) and as depicted by the approved site plan, attached as Exhibit B.
- D. On the terms described below, the City releases the Released Tract from the Development Agreement and states the remaining obligations of the Landowner.

Now, therefore, in consideration of the sum of ten dollars, for the mutual covenants and agreements hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City hereby expressly agrees as follows:

1. **Release and Termination.** The City hereby forever releases, terminates, discharges, and cancels the Development Agreement and the Recorded Notice to the extent they encumber and affect the Released Tract.

2. **Remaining Obligations of Landowner.** The City and the Landowner agree that the remaining obligations of the Landowner relative to the Released Tract are the conditions stated in Ordinance No. 23-05-040, and are as follows:

- a. In conjunction with the required 50 feet of planted or undisturbed buffer, the Landowner shall maintain an additional 10 feet of vegetated buffer in areas of reduced tree coverage, subject to approval from the Community Development Director.
- b. In addition to the required buffering, the Landowner shall install opaque privacy fencing 6 to 8 feet in height along all property boundaries abutting residential zoning districts.
- c. The Landowner shall coordinate with the Locust Grove Police Department for the installation of flock cameras.
- d. The Landowner shall coordinate with GDOT and agrees to provide signalization at the intersection of Hwy. 42 and Tanger Blvd., if the signal or other improvement warrants are met.
- e. The Landowner shall coordinate with GDOT regarding deeded right-of-way for future widening of Hwy. 42.
- f. The Landowner shall coordinate with the City of Locust Grove Community Development Director or their designee regarding the installation of an 8' multi-use path linking the development to the city's trail network that will extend to Barnes Station.

3. **Runs with Land.** This release and termination agreement shall be appurtenant to and run with title to the land affected hereby and shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, successors, and assigns, including, without limitation, all subsequent owners of any portions of the property described herein and all persons claiming under them.

4. **Severability.** If any covenant or provision of this agreement shall be held illegal, invalid, or unenforceable under present or future laws effective during the term of this agreement, then it is the intention of the parties hereto that the remainder of this agreement shall not be affected thereby, and that this agreement shall otherwise continue in full force and effect.

5. **Authority to Bind.** The signatory to this agreement warrants that he or she has been duly authorized by the City to execute this agreement on the City's behalf and to bind the City to this agreement.

6. Counterparts. This agreement may be executed in one or more counterparts, each of which in the aggregate shall constitute one and the same instrument.

7. Governing Law. This agreement shall be governed by and construed in accordance with the laws of the State of Georgia.

8. No Further Modification. Except as expressly modified by this agreement, the Development Agreement remains in full force and effect in accordance with its terms.

[Signatures on following pages]

In witness whereof, the undersigned have executed and delivered this agreement under seal as of the day and year first above written.

Signed, sealed, and delivered
in the presence of:

City of Locust Grove, Georgia,

Unofficial Witness

By: _____

Name: _____

Title: _____

Notary

My Commission Expires: _____

[NOTARY SEAL]

Signed, sealed, and delivered
in the presence of:

VSI Locust Grove, LLC,
a Georgia limited liability company

Unofficial Witness

By: _____

Name: _____

Title: _____

Notary

My Commission Expires: _____

[NOTARY SEAL]

EXHIBIT A

Legal Description of the Released Tract

Parcel A:

All that tract or parcel of land lying and being in Land Lots 155, 156, 165 & 166 of the 2nd District, City of Locust Grove, Henry County, Georgia, and being more particularly described as follows:

Commencing at the northerly end of the mitered right-of-way at the intersection of the southerly right-of-way of Highway 42 (variable right-of-way) and the westerly of Tanger Boulevard (100 foot right-of-way); said point being the point of beginning; thence along said mitered right-of-way, south 17 degrees 10 minutes 34 seconds east, 58.19 feet to a point on said westerly right-of-way; thence along said westerly right-of-way, south 26 degrees 10 minutes 42 seconds west, 689.48 feet to a 1/2 inch rebar; thence leaving said westerly right-of-way, run along the northerly line of Elmstone Commons Subdivision Phase 2, POD A, as shown on Plat Book 59, Page 222 north 63 degrees 50 minutes 18 seconds west, 338.89 feet to a point; thence continuing along the said northerly line of Elmstone Commons along a curve to the right, an arc distance of 401.05 feet, said curve having a radius of 360.00 feet and being subtended by a chord of 380.63 feet, at north 31 degrees 55 minutes 28 seconds west, to a 1/2 inch rebar found; thence north 88 degrees 39 minutes 17 seconds west, 829.00 feet to a point on the easterly subdivision line of Barnes Station Subdivision, Phase One, Section b as recorded in Plat Book 27, Page 130; thence along the said easterly subdivision line north 01 degrees 26 minutes 44 seconds east, 940.16 feet to a 1/2 inch rebar found; thence leaving the said easterly subdivision line proceed north 87 degrees 09 minutes 41 seconds east, 32.92 feet to a point; thence north 87 degrees 10 minutes 09 seconds east, 133.95 feet to a point; thence north 88 degrees 10 minutes 11 seconds east, 286.06 feet to a 1/2 inch rebar found on the southwestery right-of-way of highway 42 (public variable right-of-way, limited access); thence along the said southwestery right-of-way, south 55 degrees 28 minutes 48 seconds east, 137.27 feet to a point; thence continuing along the said southwestery right-of-way of Highway 42 the following bearings and distances:

1. north 34 degrees 03 minutes 38 seconds east, 5.28 feet to a point;
2. south 55 degrees 22 minutes 20 seconds east, 99.81 feet to a concrete monument found;
3. south 33 degrees 41 minutes 46 seconds west, 9.85 feet to a concrete monument found;
4. south 54 degrees 36 minutes 22 seconds east, 195.48 feet to a point;
5. south 00 degrees 01 minutes 35 seconds east, 35.86 feet to an iron pin found with cap "Rlowenby", RLS 2763;
6. south 55 degrees 59 minutes 14 seconds east, 384.21 feet to a point;
7. north 34 degrees 01 minutes 48 seconds east, 20.00 feet to a point;
8. south 55 degrees 47 minutes 49 seconds east, 51.31 feet to a point;

8. along a curve to the left, an arc distance of 494.66 feet, said curve having a radius of 5764.41 feet and being subtended by a chord of 494.50 feet, at south 58 degrees 15 minutes 09 seconds east, to the point of beginning;

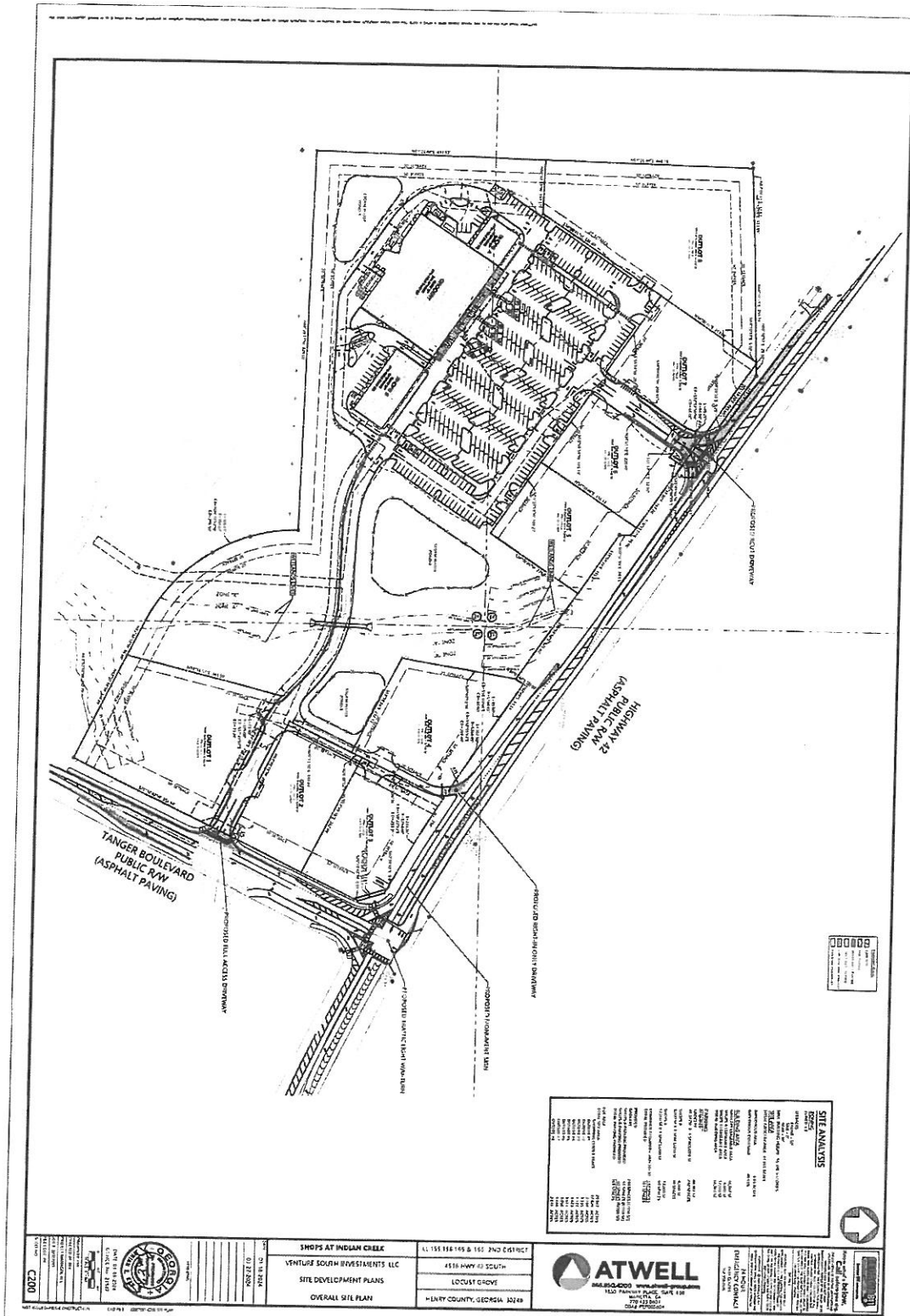
Said tract or parcel containing 30.108 acres (1,311,470 square feet)

Along with parcel B:

All that tract or parcel of land lying and being in Land Lot 155 & 166 of the 2nd District, City of Locust Grove, Henry County, Georgia, and being more particularly described as follows:

Commencing at the northerly end of the mitered right-of-way at the intersection of the southerly right-of-way of Highway 42 (variable r/w) and the westerly of Tanger Boulevard (100 foot right of way); thence along said southerly right-of-way, along a curve to the right, an arc distance of 494.22 feet, said curve having a radius of 5764.41 feet and being subtended by a chord of 494.22 feet, at north 58 degrees 15 minutes 14 seconds west, to a point; thence, north 55 degrees 47 minutes 49 seconds west, 51.59 feet to a point; thence, south 34 degrees 01 minutes 48 seconds west, 20.00 feet to a point; thence, north 55 degrees 59 minutes 14 seconds west, 384.21 feet to a 1/2 inch rebar; thence leaving said southerly right-of-way, south 00 degrees 01 minutes 51 seconds east, 689.30 feet to a 1/2 inch rebar, said point being the True Point of Beginning; thence, south 88 degrees 26 minutes 05 seconds west, 829.00 feet to a point; thence, north 01 degrees 25 minutes 03 seconds east, 11.29 feet to a point; thence, north 88 degrees 39 minutes 17 seconds west, 828.99 feet to the True Point of Beginning.

EXHIBIT B



1337940.4



NOTICE OF DECISION

To: Chick Krautler, ARC
(via electronic mail) Sonny Deriso, GRTA
Andrella Baylis, GRTA
Tim Connolly, GRTA

Eric Hovdesven, GRTA
Richard Tucker, GRTA
Michael W. Tyler, GRTA
Carolyn Williams, GRTA

To: Mayor Lorene M. Lindsey, City of Locust Grove
(via electronic mail and certified mail) Leland Maddox, Henry County Board of Commissioners
Warren Holder, Henry County Board of Commissioners
Larry Adams, Tanger Partners

From: Catherine Ross, GRTA

Copy: Kirk Fjelstul, GRTA
(via electronic mail) Alan Steinbeck, GRTA
Elizabeth Smith, DCA
Mike Alexander, ARC
Steve Walker, GDOT

Rick Jeffares, City of Locust Grove
Dale Hall, Henry County
Eddie Walker, Groveland Realty
Odalys Delgado, PBS&J
Steven Rowland, Moore Bass

Date: November 14, 2002

Re: Notice of Decision Regarding DRI 270 Locust Grove Station

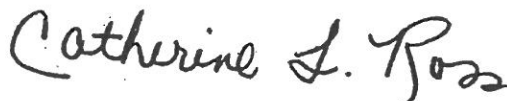
**Notice of Decision for
Request for Non-Expedited Review of
DRI 270 Locust Grove Station**

The purpose of this notice is to inform Tanger Partners (the Applicant), the City of Locust Grove (i.e., the local governments), the GRTA DRI Committee, the Georgia Department of Community Affairs (DCA), the Georgia Department of Transportation (GDOT), and the Atlanta Regional Commission (ARC) of GRTA's decision regarding DRI 270 Locust Grove Station (the DRI Plan of Development). GRTA has completed a non-expedited review for the DRI Plan of Development pursuant to sections 3-101 and 3-103.A of the *Procedures and Principles for GRTA Development of Regional Impact Review* and has determined that the DRI Plan of Development meets the GRTA review criteria set forth in Sections 3-101 and 3-103.A. The DRI Plan of Development as proposed is **approved subject to conditions**, as provided in Attachment A and subject to the limitations placed on allowable modifications to the DRI Plan of Development, as described in Attachment B.

Subject to the conditions set forth in Attachment A and Attachment B, GRTA will approve the expenditure of state and/or federal funds for providing the Land Transportation Services and Access improvements listed in Section 2 of Attachment C. The need for said approval shall terminate and be of no further force and effect after fifteen (15) years from the date of this Notice of Decision, unless the local government has issued a permit for the construction of any part of the proposed DRI Plan of Development prior to the end of the fifteen-year period.

The notice of decision is based on the information found in the Technical Analysis Transmittal dated October 25, 2002, and a review of the applicant's DRI review package. The Review Package includes the site development plan dated (no date) and received by GRTA on October 4, 2002, prepared by Moore Bass Consulting, titled "Locust Grove Station Conceptual Master Plan" (Site Plan) and the analysis prepared by PBS&J dated October 2002 and received by GRTA on October 4, 2002.

Pursuant to Section 2-501 of the *Procedures and Principles for GRTA Development of Regional Impact Review*, the Applicant, the GRTA DRI Committee and the local government have a right to appeal this decision within five (5) working days of the date on this letter by filing a Notice of Appeal with the GRTA DRI Committee. A Notice of Appeal must specify the grounds for the appeal and present any argument or analysis in support of the appeal. For further information regarding the right to appeal, consult Part 5 of the *Procedures and Principles for GRTA Development of Regional Impact Review*, available from GRTA or on the Worldwide Web at <<http://www.grta.org/dri/home.htm>>. If GRTA staff receives an appeal, you will receive another notice from GRTA and the DRI Committee will hear the appeal at its December 11, 2002 meeting.



Executive Director
Dr. Catherine L. Ross

Attachment A – General Conditions

Proposed Conditions to GRTA Notice of Decision:

- Provide vehicular access from the site to Higgins Road when Higgins Road becomes a paved facility.
- Provide vehicular access from the site to Forest Drive when Forest Drive becomes a paved facility. Access to the site shall remain open after the development of Pod F-1.

Proposed Roadway Improvements as Conditions to GRTA Notice of Decision:

The following improvements are required on and adjacent to state roads:

- Provide left and right-turn lanes at all site access points along SR 42.

The following improvements are required on and adjacent to non-state roads:

- Proposed Tanger Boulevard shall be built substantially in accordance with the site plan and shall connect Locust Grove-Griffin Road with S.R. 42.
- Provide east and westbound left-turn lanes along Tanger Boulevard Extension into each site access.
- Provide a signal at the intersection of Tanger Boulevard Extension and Locust Grove-Griffin Road.
- Provide left-turn lanes on all approaches at the intersection of Tanger Boulevard Extension and Locust Grove-Griffin Road.
- Provide a westbound right-turn lane along Tanger Boulevard Extension at the intersection with Locust Grove-Griffin road.
- Sidewalks:
 - Provide sidewalks along Locust Grove-Griffin Road.
 - Provide sidewalks along S.R. 42.
 - Sidewalks will be provided on both sides of all interior subdivision roads.
 - Provide an 8' wide multi-use path on the south side of Tanger Boulevard extension
 - Provide sidewalk access to/from site amenities.
 - Provide nature trails throughout the residential portion of the development.

Attachment B – Required Elements of the DRI Plan of Development

Proposed Conditions Related to Altering Site Plan after GRTA Notice of Decision:

The on-site development will be constructed materially (substantially) in accordance with the Site Plan. Changes to the Site Plan will not be considered material or substantial so long as the following conditions are included as part of any changes:

- All of the conditions set forth in Attachment A are satisfied.
- Access points to the future residential pods off Tanger Boulevard Extension should be constructed as divided driveways with landscaped medians.
- A system of roads, exclusive of Tanger Boulevard, shall be constructed that provides connectivity between Pods SF-2, SF-3, SF-7, SF-9 and C-6.
- Development on S.R. 42 shall have a maximum of one drive east of Tanger Boulevard and one drive west of Tanger Boulevard.
- Provide a vehicular cross access point along the west property line at Pod C-6 to the adjacent property.
- Provide a pedestrian and vehicular access point from Pod MF-2 to Pod C-6.
- Provide a pedestrian and vehicular cross access point from Pod SF-9 to Pod C-6.
- Pod C-6 and Pod C-7 shall consist of commercial or a combination of commercial and office uses.
- Pod P-2 shall consist of a recreational complex with vehicular access to Tanger Boulevard.
- Provide a pedestrian connection between Pod MF-1 and Pod P-2.
- Sign and reserve a minimum of 25 carpooling/vanpooling parking spaces in Pod P-2 for weekday use.
- Provide vehicular access from Tanger Boulevard to Pods C-1, C-2, C-3, C-4 and C-5.
- Provide a vehicular cross access point from Pod C-4 to Pod C-3 and from Pod C-4 to Pod P-2.
- Pod C-2 and C-3 shall have a maximum of one shared drive on Locust Grove-Griffin Road.
- Pod C-5 shall have a maximum of one drive on Locust Grove-Griffin Road and one drive on Tanger Boulevard.

Attachment C – Required Improvements to Serve the DRI

Pursuant to Section 1-201.R. of the *Procedures and Principles for GRTA Development of Regional Impact Review*, a “Required Improvement means a land transportation service [def. in Section 1-201.N] or access [def. in Section 1-201.A.] improvement which is necessary in order to provide a safe and efficient level of service to residents, employees and visitors of a proposed DRI.”

The Required Improvements in the study network were identified in the Review Package as necessary to bring the level of service up to an applicable standard before the build-out of the proposed project. These requirements are identified in Sections 1 and 2 of this Attachment. Section 1 contains improvements that do not require GRTA approval at this time because they are to be constructed prior to the completion of the DRI Plan of Development. However, GRTA approval shall be required in the event state and/or federal funds are proposed at a later date to be used for any portion of the improvements described in Section 1. Section 2 contains improvements that require GRTA approval prior to the expenditure of state and/or federal funding. Subject to the conditions set forth in Attachment A and Attachment B, GRTA approves the expenditure of state/and or federal funding for the improvements contained in Section 2.

Section 1.

- At the Bill Gardner Parkway/Tanger Boulevard intersection, add right-turn bays along northbound, southbound, and eastbound approaches.

Section 2.

- At the intersection of Bill Gardner Parkway at SR 42/US 23, add an additional eastbound right-turn lane (creating dual right-turn lanes), and a westbound left turn lane (creating dual left-turns).
- At the intersection of SR 42 @ ~~Bethany Road~~, add a signal, north and southbound left-turn lanes along ~~Bethany Road~~, and eastbound and westbound left-turn and through lanes along SR 42.
- At the SR42/US 23 and Locust Grove-Griffin Road intersection, add an eastbound right-turn lane, a westbound left-turn lane, and a northbound right-turn lane.
- At the SR 42/US 23 at Grove Road intersection, add a left-turn lane on all four approaches.
- At the SR 42/US 23 at Tanger Boulevard Extension intersection, provide separate northbound left and right-turn lanes along Tanger Boulevard Extension, eastbound and westbound left-turn lanes along SR 42/US 23.
- At the Tanger Boulevard/Locust Grove-Griffin Road intersection, add a signal and left-turn bays on all approaches, and a westbound right-turn bay along Tanger Boulevard.
- At the intersection of SR 42/US 23 at Locust Road, add a signal, northbound and southbound left-turn lanes along Locust Road, and eastbound and westbound left-turn and through lanes along SR 42.
- At the Indian Creek Road/Tanger Boulevard intersection, add an eastbound right-turn lane.
- Widen I-75 to a 10-lane transitioning urban freeway.
- Widen SR 42/US 23 to a 4-lane facility from Bill Gardner Parkway through Locust Road.

Henry Herald

PUBLISHER'S AFFIDAVIT

State of Georgia
County of Henry

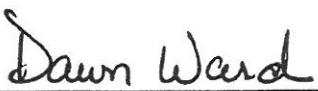
Personally appeared before the undersigned, Shayna Dawson who after being first duly sworn states that he/she is a **Legal Advertising Clerk, for the Henry Herald**, official legal organ of **Henry County, Georgia**, and that upon his/her own personal knowledge knows that the advertisement, a true copy of which is hereto annexed, was published in said newspaper of general circulation on the following dates:

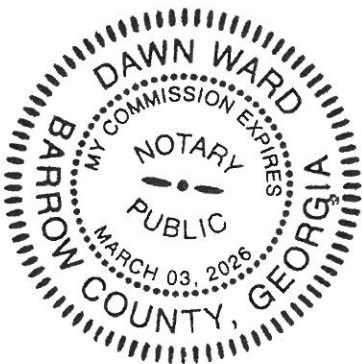
July 6, 2024



Affiant

Sworn to and subscribed before me this
the 8th day of July, 2024

Signed 
Notary Public



Public Hearing Notice
City of Locust Grove
July 22, 2024

6:00 PM
Locust Grove Public Safety Building
3640 Highway 42 South
Locust Grove, GA 30248

Notice is hereby given as required by Chapter 66 of Title 36 of the Official Code of Georgia Annotated ("Zoning Procedures Law") and Section 17.04 of the Code of Ordinances, City of Locust Grove, Georgia, that the Locust Grove City Council, on Monday, July 22, 2024, at 6:00 PM, will conduct public hearings for the purpose of the following:

Amendment to Development Agreement

Jacob C. Harper, Attorney for Venture South Investments, LLC ("VSI") and Evan Conder, request that the City of Locust Grove release VSI from the 2004 Development Agreement, as amended, between Tanger Partners LLC and the City of Locust Grove and clarify the obligations of Tanger Partners, LLC in satisfying the requirements on the subject VSI property, specifically pertaining to the grocer-based shopping center location now known as the Shops at Indian Creek. The subject Development Agreement was part of a previous rezoning (case # RZ-02-74-L), requiring Public Notice of the amendment request.

The public hearing will be held in the Locust Grove Public Safety Building, located at 3640 Highway 42 South.

Daunté Gibbs
Community Development Director - City of Locust Grove



Community Development Department

P. O. Box 900
Locust Grove, Georgia 30248
Phone: (770) 957-5043
Facsimile (770) 954-1223

Item Coversheet

Item: A resolution to transmit an annual update of the Capital Improvement Element for the City of Locust Grove Comprehensive Plan to the Atlanta Regional Commission for regional and state review; to authorize the Mayor or Mayor Pro Tem and City Clerk to execute and deliver any documents necessary to carry out this resolution; to repeal inconsistent provisions; to provide an effective date; and for other purposes.

Action Item: Yes No

Public Hearing Item: Yes No

Executive Session Item: Yes No

Advertised Date: July 3, 2024

Budget Item: No

Date Received: N/A – required annual filing

Workshop Date: July 22, 2024

Regular Meeting Date: August 5, 2024 (October 31, 2024 deadline for adoption)

Discussion:

These reports will be submitted to the ARC in accordance with the Georgia Planning Act and with requirements set by the Georgia DCA. The reports include:

1. **Capital Improvement Element Update of the City of Locust Grove's Comprehensive Plan. This update is required due to the fact that the City collects Development Impact fees.**
2. **Report of Accomplishments for 2023/2024.**

A Short-Term Work Program report is NOT included in this transmittal to the State, as that particular item was adopted with the 2030 Comprehensive Plan Update in December 2023, that was reviewed and approved by the ARC and DCA and adopted by the City Council.

Acceptance of these reports by the ARC and DCA will allow the City to retain its Qualified Local Government status thus keeping the City eligible for State and Federal funds.

Recommendation:

Approval

RESOLUTION NO. _____

A RESOLUTION TO TRANSMIT AN ANNUAL UPDATE OF THE CAPITAL IMPROVEMENT ELEMENT FOR THE CITY OF LOCUST GROVE COMPREHENSIVE PLAN TO THE ATLANTA REGIONAL COMMISSION FOR REGIONAL AND STATE REVIEW; TO AUTHORIZE THE MAYOR PRO TEM AND CITY CLERK TO EXECUTE AND DELIVER ANY DOCUMENTS NECESSARY TO CARRY OUT THIS RESOLUTION; TO REPEAL INCONSISTENT PROVISIONS; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

W I T N E S S E T H :

WHEREAS, the City of Locust Grove, Georgia (“City”) held a public hearing on July 22, 2024 to transmit an update of the Capital Improvement Element (“CIE”) for the City of Locust Grove Comprehensive Plan;

WHEREAS, the City has prepared an amendment in accordance with the guidance of the latest Minimum Standards under the Georgia Planning Act and the Rules and Regulations by the Georgia Department of Community Affairs as shown in **Exhibit “A”**;

WHEREAS, notice of this matter (as attached hereto and incorporated herein as **Exhibit “B”**) has been provided in accordance with applicable state law and local ordinances;

WHEREAS, the Mayor Pro Tem and City Council wish to submit the CIE update to the Atlanta Regional Commission for Regional and State review, as per the requirements of Minimum Planning Standards by the Georgia Department of Community Affairs; and,

WHEREAS, the Mayor Pro Tem and City Council wish to submit a Statement of Accomplishments of the CIE to the Atlanta Regional Commission for Regional and State review, as per the requirements of Minimum Planning Standards by the Georgia Department of Community Affairs; and,

WHEREAS, the Mayor Pro Tem and City Council in the exercise of their sound judgment and discretion, after giving thorough thought to all implications involved, and keeping in mind the public interest and welfare to the citizens of the City, have determined this amendment to be in the best interests of the citizens of the City, that this Resolution be adopted.

THEREFORE, IT IS NOW RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOCUST GROVE, GEORGIA, AS FOLLOWS:

1. **Authorization.** That the Locust Grove City Council hereby authorizes the Mayor Pro Tem to submit the CIE update to the Atlanta Regional Commission for Regional and State review, as per the requirements of the Minimum Planning Standards of the Georgia Department of Community Affairs.

2. **Public Purpose.** The City finds that the foregoing actions constitute a major step in preserving the health, safety, well-being and economic vitality of the community and are, therefore, consistent with its public purposes and powers.
3. **Attestation.** That the Locust Grove City Council hereby authorizes the City Clerk to attest the signature of any City official appearing on documents necessary to carry out this Resolution, to affix the official seal of the City thereto, as necessary, and to place this Resolution and any related documents among the official records of the City for future reference.
4. **Severability.** To extent any portion of this Resolution is declared to be invalid, unenforceable, or nonbinding, that shall not affect the remaining portions of this Resolution.
5. **Repeal of Conflicting Provisions.** All City resolutions are hereby repealed to the extent they are inconsistent with this Resolution.
6. **Effective Date.** This Resolution shall take effect immediately.

THIS RESOLUTION adopted this 5th day of August 2024.

VINCENT WILLIAMS, MAYOR PRO TEM

ATTEST:

MISTY SPURLING, CITY CLERK

(seal)

APPROVED AS TO FORM:

City Attorney

EXHIBIT "A"

**AMENDMENT TO CAPITAL IMPROVEMENT ELEMENT FOR THE CITY OF
LOCUST GROVE COMPREHENSIVE PLAN**

CAPITAL IMPROVEMENT ELEMENT -- SCHEDULE OF IMPROVEMENTS FUNDED BY IMPACT FEES - 2025 - 2029

(1) Project Description	(2) Service Area	(3) Project Start Date	(4) Project Completion Date	(5) Estimated Project Cost	(6) Portion Chargeable to Impact Fees	(7) Sources of Funds (& Share)	(8) Responsible Party
Administration & CIE Cost Recovery							
Update plan and methodology, CIE, especially Transportation Element upon completion of updated countywide CTP model and project selection	Citywide	2021	2025	\$ 80,000	100%	Local (100%) with Impact Fee Funds	City, Ross+Associates, impact fees (3% CIE fee/Admin)
Public Safety							
SPLOST IVW Involved Projects							
Additional Parking as part of Phase II of Municipal Complex along both sides of Claude Gray Drive.	Citywide	2023	2026	\$ 500,000	20%	SPLOST IV - V. Impact fees up to \$100,000 (Public Safety)	City, Impact Fees, SPLOST IV/V
Highways and Streets							
Transportation Planning Related Items							
Central Connector -- Tanger to Frances Ward Blvd	LCI	2024	2029	\$ 4,250,000	20%	GDOT, City, private	GDOT, City-Private Investment as part of development
Peeksville Connector -- State Route 42 to Cleveland Street	LCI	2022	2026	\$ 4,250,000	20%	GDOT, City	GDOT (plans and signal improvements), City (R/W, Construction)
Realignment of Price Dr to intersect with Bethlehem Rd	LG North CID	2023	2026	\$ 7,200,000	20%	Private, City, CID, GDOT	Private (R/W and construction or realignment), part of Bethlehem Road Interchange at new Bethlehem
New Bethlehem Road Interchange at I-75 Final Plans and Construction	Citywide	2021	2028	\$ 258,000,000	TBD	Private (realignment), General Fund and SPLOST IV (Scoping+Concept/Envy), State	GaDOT, County, City, Region
SPLOST / T-SPLOST Involved Projects							
Bill Gardner at SR 42 Intersection - initial was roundabout, but now part of improved signalization and turning lane additions with additional NB Lane on SR 42 (below)	Citywide	2023	2027	\$ 2,250,000	20%	GaDOT (20%), Local (80%), T-SPLOST and SPLOST V	GaDOT, City, County

CAPITAL IMPROVEMENT ELEMENT -- SCHEDULE OF IMPROVEMENTS FUNDED BY IMPACT FEES - 2025 - 2029

(1) Project Description	(2) Service Area	(3) Project Start Date	(4) Project Completion Date	(5) Estimated Project Cost	(6) Portion Chargeable to Impact Fees	(7) Sources of Funds (& Share)	(8) Responsible Party
Additional left-turn lane, Hwy 42 NB onto Bill Gardner Parkway (reconfiguration of existing intersection with enhanced split-phase signalization - striping as deemed necessary by project above).	Citywide	2022	2027	\$ 3,750,000	20%	GaDOT (LMIG Grant)/Local (SPLOST V, T-SPLOST)	GaDOT/City
Interchange Reconstruction, Exit 212 at I-75 (formerly TIA-HE-015)	Citywide	2027	2033	\$ 67,500,000	20%	Local (SPLOST-VI and future T-SPLOST) and regional participation	City, County, GaDOT, Region
Bill Gardner Parkway between I-75 and Tanger: enhancements for safety and traffic operations, including possible north side turning lane for dual turning and raised median between I-75 to Tanger along with additional left turning lane for WB Bill Gardner to SB I-75.	Citywide	2021	2024	\$ 3,588,000	20%	Local (PE), GDOT/HB-170	City, GaDOT
Bill Gardner Parkway (HE-128B, CR 650) Widen from 2>4 lanes from Hwy 155 to Lester Mill Road and from 2>4/6 lanes from Lester Mill Road to west side of I-75 interchange. (former project to upgrade existing 2-lane facility)	Citywide	2023	2029	\$ 36,500,000	20%	Private (15%), County (55%), GaDOT (10%), Local (20%) through SPLOST V, T-SPLOST and local funding	City, County, GaDOT, Region
Overhead Bridge Crossing Study. Study for feasibility and location of overhead bridge over N-S Railway between Bill Gardner and Bethlehem Road. PI# 0017770	Citywide	2022	2026	\$ 1,250,000	20%	Local (SPLOST-IV and future SPLOST VI) and regional (State GDOT)	City, County, GaDOT, Region
Signal Installation at Hwy 42 and Bethlehem Road (Temp)	Citywide	2023	2024 (completed)	\$ 300,000	20%	SPLOST V, Private, GDOT	City, GaDOT, Norfolk Southern
<i>Parks and Recreation</i>							
Veterans Memorial - Scatter Remembrance Garden	Citywide	2023	2024 (completed)	\$ 560,000	20%	SPLOST IV-V, Cemetery Fund, General Fund	City
Install walking trails/passive recreation along Davis Lake property	Citywide	2023	2026	\$ 250,000	100%	County Impact Fee Share	City / County

CAPITAL IMPROVEMENT ELEMENT -- SCHEDULE OF IMPROVEMENTS FUNDED BY IMPACT FEES - 2025 - 2029

(1) Project Description	(2) Service Area	(3) Project Start Date	(4) Project Completion Date	(5) Estimated Project Cost	(6) Portion Chargeable to Impact Fees	(7) Sources of Funds (& Share)	(8) Responsible Party
Construct new passive recreation park area at Jubilee Ph. III Subdivision Open Space	Citywide	2024	2026	\$ 500,000	100%	Impact Fees and City	City
Parks Improvements - Chase Maddox field lights; soccer fields; additional parking; concessions	Citywide	Ongoing	Ongoing	\$ 250,000	100%	Henry County (65%), Local (35%) through Impact Fee contributions to County via SDS	City, County
				\$ 390,978,000			

Impact Fee Collections, Calendar Year 2023

Note: These figures will be updated with finalized numbers from the Audit of 2023 prior to submittal to ARC

Revenues

	<i>Administration</i>	<i>CIE Cost Recovery</i>	<i>Public Safety</i>	<i>Highways and Streets</i>	<i>Parks & Recreation</i>	<i>Total</i>
Balance Prior Period	\$103,432	\$27,880	\$212,252	\$676,395	\$448,890	\$1,468,850
Collections	\$14,967	\$3,706	\$59,426	\$157,323	\$282,105	\$517,527
Interest Income	\$99	\$23	\$203	\$568	\$512	\$1,405
Current Year (2023)	\$15,066	\$3,729	\$59,629	\$157,891	\$282,617	\$518,932

Total Receipts + Balance	\$118,498	\$31,609	\$271,881	\$834,286	\$731,507	\$1,987,781
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Expenditures

Expenditures Prior (in balance)	\$10,490	\$0	\$41,209	\$142,134	\$1,185,728	\$1,379,561
Expenditures 2023	\$0	\$0	\$0	\$0	\$2,780	\$2,780

Total Expenditures 2023	\$0	\$0	\$0	\$0	\$2,780	\$2,780
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Balance at Year End	\$118,498	\$31,609	\$271,881	\$834,286	\$728,727	\$1,985,002
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Source: Audited Financial Figures of City of Locust Grove by Rushton and Company, June 30, 2024, submitted to DCA August 6, 2024

Note: There were NO refunds of impact fees in 2023

EXHIBIT "B"

PUBLIC NOTICE OF TRANSMITTAL RESOLUTION

Henry Herald

38 Sloan Street
McDonough, Georgia 30253

Phone (770) 951-9161
Fax (770) 957-9161

PUBLISHER'S AFFIDAVIT

STATE OF GEORGIA
COUNTY OF HENRY

Personally appeared before the undersigned, a notary public within and for said county and state, Douglas W. Crow, Vice President of Operations, Times Journal Inc., which published the Henry Herald, Published at McDonough, County of Henry, State of Georgia, and being the official organ for the publication of legal advertisements for said county, who being duly sworn, states on oath that the report of

Ad No.: **420320**

Name and File No.: **PUBLIC HEARING 7/22/2024**

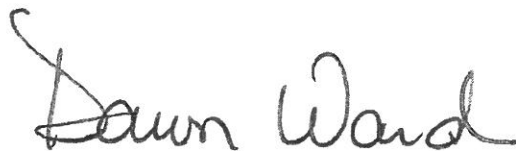
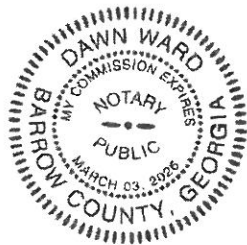
a true copy of which is hereto attached, was published in said newspaper on the following date(s):

07/03/2024



Douglas W. Crow, Vice President of Operations, Times Journal Inc.

Sworn and subscribed to before me 3rd day of July, 2024



Notary Public

My commission expires 03/03/2026

Ad text :
Hdh4889
gpn16

Public Hearing Notice
City of Locust Grove
July 22, 2024, 6:00 PM
Locust Grove Public Safety Building
3640 Highway 42 South
Locust Grove, GA 30248

Notice is hereby given as required by Chapter 66 of Title 36 of the Official Code of Georgia Annotated ("Zoning Procedures Law") and Section 17.04 of the Code of Ordinances, City of Locust Grove, Georgia, that the Locust Grove City Council, on Monday, July 22, 2024, at 6:00 PM, will conduct public hearings for the purpose of the following:

CAPITAL IMPROVEMENT ELEMENT (CIE) UPDATE

A resolution to transmit the annual update of the Capital Improvement Element for the City of Locust Grove Comprehensive Plan to the Atlanta Regional Commission for regional and state review; to authorize the Mayor and City Clerk to execute and deliver any documents necessary to carry out this resolution; to repeal inconsistent provisions; to provide an effective date; and for other purposes.

REZONING

RZ-24-06-01 Rob Franks, agent of the applicant (Elizabeth Todd), has submitted an application requesting a rezoning from RA (Residential Agricultural) and R-2 (Single Family Residential) to R-3 (Single Family Residential) of property located on Indian Creek Road (Parcels: 129-01045005 and L03-01026000); the subject properties consist of 35 +/- acres and 1.3 +/- in land lot 168 of the 2nd district. The applicant is proposing a single-family residential subdivision.

The public hearing will be held in the Locust Grove Public Safety Building, located at 3640 Highway 42 South.

Daunt? Gibbs
Community Development Director - City of Locust Grove
7:3, 2024



LOCUST EST
GROVE 1893

Community Development Department

P. O. Box 900
Locust Grove, Georgia 30248
Phone: (770) 957-5043
Facsimile (770) 954-1223

Item Coversheet

Item: An Ordinance to amend the Subdivision Ordinance to add a binder course to the residential street construction standards.

Action Item: Yes No

Public Hearing Item: Yes No

Executive Session Item: Yes No

Advertised Date: July 10, 2024

Budget Item: NA

Date Received: NA

Workshop Date: July 22, 2024

Regular Meeting Date: August 5, 2024

Discussion:

This revision to the Subdivision Ordinance will align the City's paving standards with established engineering standards currently used by GDOT and HCDOT as well as the City's own non-residential street construction standard.

The proposed two-inch binder section lies between the compacted gravel base course (GAB) and the asphalt overlay (surface course/topcoat). Its primary purpose is to distribute the load to the base course in such a way that prevents rutting and promotes stability.

Recommendation:

Staff recommends approval of this revision to the Subdivision Ordinance.

ORDINANCE NO. _____

TO AMEND TITLE 16 “SUBDIVISIONS”, CHAPTER 16.04 “SUBDIVISIONS”; ARTICLE IV “IMPROVEMENT STANDARDS”, SECTION 16.04.074 “CONSTRUCTION REQUIREMENTS FOR RESIDENTIAL SUBDIVISION STREETS”, TABLE 3-1 “RESIDENTIAL SUBDIVISION STREET DEVELOPMENT STANDARDS” OF THE “CODE OF ORDINANCES, CITY OF LOCUST GROVE, GEORGIA” WHICH PROVIDES CONSTRUCTION STANDARDS FOR RESIDENTIAL STREETS BY INSERTING NEW “2.” UNDER TABLE 3-1, AND RENUMBERING TABLE 3-1 ACCORDINGLY, TO PROVIDE A REQUIREMENT FOR A 2” BINDER COURSE TO BE PART OF RESIDENTIAL STREET CONSTRUCTION; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

THE COUNCIL OF THE CITY OF LOCUST GROVE HEREBY ORDAINS

SECTION 1. *Section 16.04.074* “Construction Requirements for Residential Subdivision Streets”, TABLE 3-1 “Residential Subdivision Street Development Standards” is hereby amended as follows:

Table 3-1 Residential Subdivision Street Development Standards

EXPAND

CONSTRUCTION STANDARDS	SPECIFICATIONS
1. Surface topping (plant mix)	Two inch "E" or "F" asphalt topping, 220 pounds per square yard
2. Binder	Two inch 12.5mm superpave mix, 220 pounds per square yard
3. Primer	0.15 gallons primer per square yard "MC" or "RC"
4. Curbs/shoulder and ditch	Construction 24-inch X six-inch concrete "L" back curb; 18-inch gutter; six inches high; six-inch curb width
5. Base construction	Six-inch base (graded aggregate); 100 percent compaction
6. Street surface width	22 feet pavement width with curb and gutter; 26 feet back of curb to back of curb
7. Street base width	22 feet with curb and gutter
8. Street grade	12 percent maximum on local streets Eight percent maximum on collector and minor arterial streets Five percent maximum on major streets Two percent maximum grade at intersections 100 feet from curb line
9. Turnaround area	40 feet radius cul-de-sac pavement; 80-foot diameter
10. Intersections	20 feet pavement radius at intersection within subdivision; 25 feet pavement radius required where intersecting existing county or state public streets

11. Right-of-way	50 feet right-of-way minimum for local streets (additional right-of-way and/or slope easements may be required for cut and fill areas); 110 feet diameter right-of-way for cul-de-sac.
12. Fill areas and back slopes	2:1 maximum slope allowed
13. Storm sewers and cross drains	GDOT materials specifications; coated metal pipe required; pipe location and size will be approved by Locust Grove Community development Department.
14. Grassed areas	Shall comply with the Locust Grove Soil Erosion and Sedimentation Control Ordinance.
15. Core testing	Core samples will be taken as directed (at developer's expense) to determine thickness of base and pavement.
16. Maintenance bond	Three-year maintenance bond or letter of credit or letter of surety on all improvements within public right-of-way (streets, sidewalks, sanitary and storm sewer, catch basins, cross drains) and stormwater detention facilities. On phased developments, certain sections may require a renewed bond if used for construction access on newer phases (see Section 16.04.036).

SECTION 2. Codification. This ordinance shall be codified in a manner consistent with the laws of the State of Georgia.

SECTION 3. Severability.

A. It is hereby declared to be the intention of the City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

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

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

SECTION 4. Repeal of Conflicting Provision. Except as otherwise provided herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5. Effective Date. The Council further finds that time is of the essence; therefore, this ordinance shall become effective upon adoption.

SO ORDAINED this 5th day of August 2024.

VINCENT WILLIAMS, Mayor pro tem

ATTEST:

MISTY SPURLING, City Clerk

(Seal)

APPROVED AS TO FORM:

City Attorney