

**City of Locust Grove  
Council Meeting Minutes  
Public Safety Building – Courtroom Chamber  
3640 Highway 42 S. – Locust Grove, GA 30248  
Tuesday, July 5, 2022  
6:00 PM**

<b>Members Present:</b>	<b>Staff Present:</b>
Robert Price – Mayor	Tim Young – City Manager
Carlos Greer – Councilman	Bert Foster – Assistant City Manager
Willie Taylor – Councilman	Misty Spurling – City Clerk
Keith Boone – Councilman	Jennifer Adkins – Assistant City Clerk
Vincent Williams – Councilman	Daunte’ Gibbs – Community Development Director
Rod Shearouse – Councilman	Jack Rose – Public Works Director
Rudy Breedlove – Councilman	Derrick Austin - Police Chief
	Andy Welch –Attorney
	<b>Staff not present:</b>
	Colleen Watts – Main Street Director

Mayor Price called the meeting to order at 6:00 PM

Invocation given by Chief Derrick Austin

Councilman Taylor led the Pledge of Allegiance.

**APPROVAL OF AGENDA** –

Mayor Price asked for a motion to amend the agenda. Councilman Boone made the motion to add item seven (7) to the agenda.

RESULT	APPROVED ADD ITEM # (7) SEVEN
MADE MOTION	COUNCILMAN BOONE
2 <sup>ND</sup> MOTION	COUNCILMAN TAYLOR
VOTE	MOTION CARRIED - ALL IN FAVOR

Mayor Price asked for a motion. Councilman Shearouse made the motion to approve the July 5, 2022, meeting agenda as amended.

RESULT	APPROVED AGENDA AS AMENDED
MADE MOTION	COUNCILMAN SHEAROUSE
2 <sup>ND</sup> MOTION	COUNCILMAN GREER
VOTE	MOTION CARRIED - ALL IN FAVOR

**PUBLIC COMMENTS** –

- **Presentation of State Law Enforcement Certification to Locust Grove Police Department – GA Chiefs Association**

Chief Austin stepped forward and introduced three representatives from GACP (Georgia Chiefs of Police) who also stepped forward including: Chief Chuck Groover, Chief Scott Gray from

Fayetteville, and Chief Janet Moon from Peachtree City. Chief Groover – state coordinator for the program – said he is happy to honor the Locust Grove Police Department for this certification. Chief Groover said 20% of the agencies in Georgia are State Certified, and now Locust Grove Police Department is one of the top agencies in Georgia. This is a three-year process, which means upon receiving certification, a department is required to complete the process every three years. GIRMA also offers rate reductions by up to twenty percent (20%) that have achieved and maintain their certification. Chief Groover provided a brochure to Mayor and Council and reviewed six standards as part of the certification.

Chief Groover presented the State Certification Plaque to Chief Austin. Also, in recognition of her assistance with completing the process, Chief Groover presented Officer Hurst with an award plaque.

Chief Moon made a comment the Locust Grove Police Department wants to be the best and this department is now meeting best practices and standards. Chief Moon said it is an honor to be here to welcome the Locust Grove Police Department into this success.

Chief Gray also thanked Chief Austin for his dedication and success. Nothing further.

**PUBLIC HEARING ITEMS – NONE**

**APPROVAL OF THE MINUTES –**

**1. JUNE 6, 2022 - REGULAR MEETING MINUTES –**

Mayor Price asked for a motion. Councilman Greer made the motion to approve the June 6, 2022, regular meeting minutes.

RESULT	APPROVED JUNE 6, 2022, REGULAR MEETING MINUTES
MADE MOTION	COUNCILMAN GREER
2 <sup>ND</sup> MOTION	COUNCILMAN WILLIAMS
FAVOR	MOTION CARRIED – ALL IN FAVOR

**2. JUNE 21, 2022- WORKSHOP MEETING MINUTES –**

Mayor Price asked for a motion. Councilman Williams made the motion to approve the June 21, 2022, workshop meeting minutes.

RESULT	APPROVED JUNE 21, 2022, WORKSHOP MEETING MINUTES
MADE MOTION	COUNCILMAN WILLIAMS
2 <sup>ND</sup> MOTION	COUNCILMAN BOONE
FAVOR	MOTION CARRIED – ALL IN FAVOR

**ACCEPTANCE OF THE FINANCIAL STATEMENT –**

**3. MAY 2022 FINANCIAL STATEMENT –**

Mayor Price asked for a motion. Councilman Greer made the motion to approve the May 2022, financial statement.

RESULT	APPROVED MAY 2022, FINANCIAL STATEMENT
MADE MOTION	COUNCILMAN GREER
2 <sup>ND</sup> MOTION	COUNCILMAN BOONE
FAVOR	MOTION CARRIED – ALL IN FAVOR

**UNFINISHED BUSINESS/ACTION ITEMS –**

**4. Ordinance to adopt Section 8.23, Fire Prevention and Protection, of the City of Locust Grove Code of Ordinances –**

Mayor Price asked for a motion. Councilman Greer made the motion to approve the request by approving ordinance **#22-07-043**

RESULT	APPROVED ORDINANCE #22-07-043
MADE MOTION	COUNCILMAN GREER
2 <sup>ND</sup> MOTION	COUNCILMAN BREEDLOVE
FAVOR	MOTION CARRIED – ALL IN FAVOR

**5. Ordinance to enter a contract between the City of Locust Grove and C.W. Matthews Contracting Co., LLC for resurfacing for roads in the City of Locust Grove -**

Assistant City Manager Bert Foster stepped forward. Mr. Foster said this is to enter a contract with C.W. Matthews Contracting Co., LLC for road resurfacing throughout the city. The attorney’s office has reviewed; however, has revisions.

Attorney Andy Welch said the revised contract will be added to this resolution as Exhibit “A.” Councilman Greer asked if Council should have concerns? Mr. Foster said no, just clarity of language revised. Attorney Andy Welch said the language had to be modified to pertain to roads as opposed to building.

Councilman Boone asked if a time limit is needed for revisions to be done? Attorney Welch said the revisions to the contract are complete and will be end of year before beginning the project.

Mayor Price asked for a motion. Councilman Boone made the motion to approve the request by approving ordinance **#22-07-044**

RESULT	APPROVED ORDINANCE #22-07-044
MADE MOTION	COUNCILMAN BOONE
2 <sup>ND</sup> MOTION	COUNCILMAN GREER
FAVOR	MOTION CARRIED – ALL IN FAVOR

**NEW BUSINESS/ACTION/DISCUSSION ITEMS -**

**6. Request for Special Event Permit for the Locust Grove Fire Marshal and the Johnson Foundation school supply distribution on July 23, 2022 –**

Fire Marshal Anthony Hicks stepped forward. Mr. Hicks said he is trying to establish a new outreach within the city in his new position as Fire Marshal. He is partnering with The Johnson Foundation; an organization recognized as a 501(c)(3) non-profit organization, to raise funds to

provide free school supplies to the local students. The request also includes use of the City Hall parking lot in front of the Community Development entrance.

Councilman Boone told Mr. Hicks he appreciates his efforts and asked if he could give a background on The Johnson Foundation? Mr. Hicks said Ms. Olivia McCornell, resident of Locust Grove, founded the organization in 2017 and has a history of hosting several events.

Councilman Breedlove asked if the city could contribute donations to this event? Attorney Welch said he discourages donations on the city’s behalf because everyone would start requesting donations.

Mayor Price asked for a motion. Councilman Greer made the motion to approve the request.

RESULT	APPROVED SPECIAL EVENT
MADE MOTION	COUNCILMAN GREER
2 <sup>ND</sup> MOTION	COUNCILMAN BREEDLOVE
FAVOR	MOTION CARRIED – ALL IN FAVOR

**ADD ITEM -**

**7. Resolution transferring authority of certain fire prevention services from the State to the City of Locust Grove -**

Mr. Hicks said this is a resolution in conjunction with the ordinance approved in item four earlier. This resolution assures the state fire marshal association that the job is being done as expected. This removes the power from the state; however, the state will maintain the Title 25 buildings (hospitals, nursing homes, jails, etc.).

Mayor Price asked for a motion. Councilman Williams made the motion to approve the request by approving resolution 22-07-045.

RESULT	APPROVED RESOLUTION #22-07-045
MADE MOTION	COUNCILMAN WILLIAMS
2 <sup>ND</sup> MOTION	COUNCILMAN GREER
FAVOR	MOTION CARRIED – ALL IN FAVOR

**CITY MANAGER’S COMMENTS –**

Mr. Young said the utility department printed 4,023 water bills this past billing cycle and we used the base station at the MLK tank to read the bills. We are to the point of training on that system and eventually transition to two billing cycles. We had one contractor present for the bid on the Bill Gardner Parkway Interchange and are postponing for now. The LOST negotiation with the County will begin on July 19, 2022. The digital sign at City Hall is in final stages, and a public information open house for the Bethlehem Road Interchange will be held in the fall. There is a 14–22-week lead time on the Market Place signal light project. Nothing further.

**MAYOR’S COMMENTS –**

**EXECUTIVE SESSION – LITIGATION**

Motion to go into executive session by Councilman Breedlove and seconded by Councilman Boone for litigation. Motion Carried All in favor 6:38 PM.

At 6:52 PM, Motion to come back into regular session made by Councilman Greer and seconded by Councilman Breedlove.

**ADJOURNMENT** –

Councilman Greer asked a question “Didn’t the city partner with a group for a July 4<sup>th</sup> event at Warren Holder Park a few years ago?” Mr. Young said we tried to do a joint venture with them; however, they have not coordinated that event in a while. We met with them in 2020 to partner up again but nothing came of it. Discussion took place about the city hosting an event similar in the future, and Mr. Young said we can discuss and collaborate ideas for next year.

Mayor Price asked for a motion to adjourn. Councilman Shearouse made the motion to adjourn.

RESULT	APPROVED – ADJOURN MEETING
MADE MOTION	COUNCILMAN SHEAROUSE
2 <sup>ND</sup> MOTION	COUNCILMAN GREER
FAVOR	MOTION CARRIED MEETING ADJOURNED @ 7:01 PM.

Notes taken by:

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Misty Spurling, City Clerk

**City of Locust Grove  
Council Workshop Meeting Minutes  
Public Safety Building – 3640 Highway 42 S.  
Locust Grove, GA 30248  
Monday, July 18, 2022  
6:00 PM**

<b>Members Present:</b>	<b>Staff Present:</b>
Robert Price – Mayor	Tim Young – City Manager
Rod Shearouse – Councilman	Bert Foster – Assistant City Manager
Keith Boone – Councilman/Pro Tem	Misty Spurling – City Clerk
Rudy Breedlove - Councilman	Jennifer Adkins – Assistant City Clerk
Vincent Williams – Councilman <b>Present via Telephone/Zoom</b>	Daunte’ Gibbs – Community Development Director
Carlos Greer – Councilman	Jack Rose – Public Works Director
Willie Taylor – Councilman	Derrick Austin – Police Chief
	Colleen Watts – Main Street Program Manager
	Brooke White–SWWW Attorney

Mayor Price called the meeting to order at 6:00 PM.

Invocation given by Community Development Director Daunte’ Gibbs

Councilman Boone led the Pledge of Allegiance.

**APPROVAL OF AGENDA** –

Mayor Price asked for a motion to amend the agenda. Councilman Boone made the motion to remove the item from Public Safety Operations (discussion) and add as item six (6) under New Business/Action Items to the agenda.

RESULT	APPROVED ADD ITEM # (6) SIX
MADE MOTION	COUNCILMAN BOONE
2 <sup>ND</sup> MOTION	COUNCILMAN SHEAROUSE
VOTE	MOTION CARRIED - ALL IN FAVOR

Mayor Price asked for a motion. Councilman Greer made the motion to approve the July 18, 2022, meeting agenda as amended.

RESULT	APPROVED AGENDA AS AMENDED
MADE MOTION	COUNCILMAN BREEDLOVE
2 <sup>ND</sup> MOTION	COUNCILMAN BOONE
VOTE	MOTION CARRIED - ALL IN FAVOR

**PUBLIC COMMENTS** –

**PUBLIC HEARING ITEMS** –

- 1. Ordinance for rezoning of 30 +/- acres (Parcel IDs: 129-01058004; 129-01058006) in LL 185 of the 2<sup>nd</sup> district located on Stanley K. Tanger Blvd south of Tanger Dr. to develop a multifamily residential community -**

Daunte' Gibbs, Community Development Director, stepped forward. Mr. Gibbs said this is a request from RangeWater Real Estate of Atlanta, for rezoning from C-2 (general commercial) to RM-1 (multi-family residential/apartments) to develop a multi-family residential community. This is adjacent to the Locust Grove Village shopping center and across from Tanger Outlets. The applicant is seeking to develop a 300-unit community, and staff is recommending approval with conditions. Mr. Gibbs read aloud conditions one-four.

Mayor Price said this is a public hearing and asked for comments from anyone in favor of the request.

Ms. Julie Sellers with Dillard Sellers; attorneys for the applicant, stepped forward. Ms. Sellers said RangeWater Real Estate develops and manages properties all over the United States. Ms. Sellers reviewed slides on the overhead screen. We will have 25 acres of new residential and five acres to remain for future commercial development. This project is designed with unique architecture and different building types. RangeWater is unique because they develop, construct, and manage their properties. The design plan and amenity plan were reviewed on the overhead screen and discussion took place. Ms. Sellers said her team has had conversations about the conditions that Mr. Gibbs read aloud and will finalize the details before returning next month. Two representatives from Range Water are present tonight if any questions.

Mayor Price asked for comments from anyone opposed to the request and there were no comments.

Mayor Price closed the public hearing and asked for questions from Council.

Councilman Greer said the proposed item says it is 30 acres and asked for clarity. Mr. Gibbs said in his initial introduction to the request he mentioned the rezoning is for 25 acres. Councilman Greer asked Ms. Sellers what the estimated monthly rent for a two-bedroom apartment will be. Mr. Rob Sucher with RangeWater stepped forward. Mr. Sucher said the rent will range between \$1,500-\$2,000 depending on the market.

Mayor Price asked what is the turnaround time on selling the property to a different management company after development is completed and occupied? Ms. Sellers said RangeWater will build and manage the property. The property could be sold to a different owner; however, RangeWater could still manage or hire a third-party management.

Councilman Shearouse asked what is the ratio of one-, two-, and three-bedroom apartments? Mr. Sucher said studios and one-bedrooms (60 percent), two-bedrooms (30 percent), and three-bedrooms (10 percent). Councilman Shearouse asked if there is a demand in Locust Grove for this type of development? Mr. Sucher said we secured a capital partner on the deal, and all are supportive of the community and its amazing job growth. There is an existing demand and future demand.

Councilman Boone asked if the community will be gated? Mr. Sucher said there is an access control gate for all buildings. Councilman Boone said some of the amenities are not listed as required. Mr. Gibbs said all the amenities proposed are on the list. Councilman Boone asked if any of the proposed amenities would attract a younger age group and how many buildings/units per building? Mr. Sellers said the amenities listed would probably attract the working type; however, is set to attract [some] children also. Mr. Sucher clarified there will be six buildings with less than 30 units per building.

Councilman Greer said his concern is the increase in traffic [average of two vehicles per unit]. Ms. Sellers said the reality is there is growth everywhere and this has been designed to come out at the traffic signal to hopefully control the flow of traffic better. Mr. Sucher said with 60 percent being studios and one-bedrooms the average would not be two vehicles per unit. Councilman Boone asked where are they anticipating people will work who live in the community? Mr. Sucher said they are expecting people will work within the county, but some will commute as well.

Councilman Shearouse asked how many parking spaces assigned per unit? Mr. Sucher said the new code requires 1.5 spaces per unit. We will have the minimum spaces plus detached garages.

Councilman Breedlove asked what the rental point [top end] will be and if there are plans for future development in the green space? Mr. Sucher said the prices are all market based; therefore, he cannot give a specific rate. Ms. Sellers said there are no intentions of building in the green space.

Discussion took place about the entry gate location. Ms. Sellers said staff recommended the gate location not be closer to Tanger Boulevard to the Tanger cut-through road. Mr. Young said we recommended speed humps to [slow] cut-through traffic. Councilman Breedlove asked how this is considered a gated community when 2/3 of the units are outside the gate? Mr. Sucher said their definition "gated" is access control gate(s) which are 100 percent controlled for each building. Councilman Boone made a comment this is not a gated community. Nothing further.

Councilman Williams (present via telephone), asked Ms. Sellers what age group will this community likely attract? Ms. Sellers said a mixed age group of couples and singles as opposed to families with young children (millennials, mid-career, and retired). Nothing further.

**2. Preliminary concept plan review feedback discussion of 50.16 +/- acres located on Price Drive in LL 201 of the 2<sup>nd</sup> district that has requested rezoning from C-2 (General Commercial) to PD (Planned Development) for a proposed mixed-use development -**

Mr. Gibbs said this is a request from Tellus Partners for a preliminary concept plan for a proposed planned development. The preliminary concept plan comes in advance of a formal request to rezone the subject property. This plan for "The Exchange at Locust Grove" includes RM-1, RM-2, and C-2 pod designations consisting of 332 apartment homes, 56 townhomes, and C-2 (general commercial) space. Mr. Gibbs reviewed the summary from the evaluation report and said this is not a request for rezoning.

Mayor Price said this is a public hearing and asked for comments from anyone in favor of the request.

Mr. Jonathon Shrader with Tellus Partners stepped forward. Mr. Shrader said he is here to answer any questions.

Mayor Price asked for any comments from anyone opposed to the request to come forward.

Mr. Bob Woeste, resident on Price Road, stepped forward to comment. Mr. Woeste said he lives across from the northern boundary of the development and is asking the developer why no interest in purchasing his property? If his property is not purchased, Mr. Woeste said he does not want high density property across from his residence. Mr. Woeste said he is requesting more information on the entire project.



Mr. Cliff Shearouse, resident on Price Drive stepped forward. Mr. Shearouse said they are proposing 338 dwellings which will bring an average of two vehicles per dwelling to this road. The housing will not coincide with the current infrastructure (roads, water, sewer, first responders) and there is no benefit for him because he will not have access to any of the amenities. Mr. Shearouse asked, "Can this development be stopped?" This is a very rural area and would like to preserve that if possible. He is not opposed to growth; but we must be smart about the growth that we allow. Nothing further.

Ms. Judy Frank, resident on Gwen Ellen stepped forward. Ms. Frank had a question about the public notice sign on Indian Creek and Frances Ward intersection that was advertised. Mr. Gibbs said the item was removed from the agenda to readvertise and collect proper fees to process the application. Nothing further.

Mayor Price closed the public hearing and asked for comments from Council.

Councilman Greer said his concern again for this request is traffic because this traffic will effect Bill Gardner Parkway as well.

Mayor Price asked how many units is being proposed? Mr. Shrader said eight percent (three-bedrooms), 44 percent (two-bedrooms), and 46 percent (one-bedrooms) at \$1.60 average per sq. ft. Councilman Breedlove asked what is the square footage of each type and how the parking spaces for each are calculated? Mr. Shrader said the average is 750 sq. ft. to 1,600 sq. ft. and we propose 1.5 parking spaces per unit with additional parking on site.

Councilman Shearouse asked if a traffic study was completed? Mr. Shrader said no because he wants the moratorium lifted first and then proceed further. A more specific plan would follow afterwards. Discussion took place and Mr. Shrader said they develop and have in house management that manages during lease up.

Mayor Price asked about entrance locations on Price Drive. Mr. Shrader said there will be three entrances.

Councilman Boone asked if the community will be gated? Mr. Shrader said yes. Discussion took place about the rental rate and Councilman Breedlove calculated and clarified the one bedroom would be around \$1,125 and three-bedroom rate would be around \$2,400 per month.

Councilman Greer said there is not a lot of information from the developer to help with decision. Mr. Gibbs said Council should take that into consideration tonight. Mr. Young said Council has up to 30-days to relay information back to the applicant. Nothing further.

### **3. Ordinance to repeal the PR-4 (Planned Residential district) zoning district in its entirety –**

Mr. Gibbs said this is to repeal the PR-4 zoning district in its entirety and Mr. Gibbs read aloud Section 1 of the ordinance.

Mayor Price said this is a public hearing and asked for public comments from anyone in favor of the request. There were no comments.

Mayor Price asked for public comments from anyone opposed to the request. There were no comments and Mayor Price closed the public hearing.

Mayor Price asked for comments from Council.

Councilman Shearouse asked what happens to the current applications pertaining to PR-4 and Mr. Gibbs said the existing requests will be presented to Council because those applications already exist; however, will not accept any applications after. Nothing further.

**4. Ordinance to repeal the PR-5 (Urban Infill/Active Adult Planned residential district) zoning district in its entirety –**

Mr. Gibbs said this is to repeal the PR-5 zoning district in its entirety and Mr. Gibbs read aloud Section 1 of the ordinance.

Mayor Price said this is a public hearing and asked for comments from anyone in favor of the request. There were no comments.

Mayor Price asked for comments from anyone opposed to the request. There were no comments.

Mayor Price closed the public hearing and asked for comments from Council.

Councilman Shearouse asked if we have any existing applications for PR-5? Mr. Gibbs said there are no existing PR-5 applications.

**OLD BUSINESS/ACTION ITEMS – NONE**

**NEW BUSINESS/ACTION ITEMS –**

**5. Ordinance to set the millage rate for the city for the 2022 tax year; roll back tax millage for the 2022 tax year –**

Mr. Young stepped forward and said this is to roll back the millage rate for the 2022 tax year. The previous year sales tax divided into the net M & O tax digest of the city is used for the calculation for a millage rate that would have been 5.529 mils. The increase in property valuation due to development and commercial/industrial buildings has allowed a continual drop in figures. The city proposes the millage rate to be rolled back to 0.00 mils.

Mr. Young the upcoming homestead exemption is approved, it would allow 100% exemption from Ad Valorem Tax for homeowners. Anyone who rents would have to pay that tax. Nothing further.

Mayor Price asked for a motion. Councilman Greer made the motion to approve the request by approving ordinance **#22-07-046**

RESULT	APPROVED ORDINANCE #22-07-046
MADE MOTION	COUNCILMAN GREER
2 <sup>ND</sup> MOTION	COUNCILMAN BREEDLOVE
VOTE	MOTION CARRIED - ALL IN FAVOR

**ADD ITEM -**

**6. Special Event request for the City of Locust Grove Police Chief in partnership with Band of Blue to host a motorcycle ride on August 6, 2022, to support families of fallen officers –**

Chief Austin stepped forward and said he partnered with Ken Maddox to hold a motorcycle ride from Chase Maddox Park to the City of McDonough square. The event is hosted in partnership with Band of Blue; a non-profit organization that offers support for families of fallen officers.

Councilman Williams how much is the registration fee? Chief Austin said he is not sure; however, he will get that information. Chief Austin said Officer Maddox’s retired vehicle will be driven in the ride as well.

Mayor Price asked for a motion. Councilman Breedlove made the motion to approve the request.

RESULT	APPROVED SPECIAL EVENT
MADE MOTION	COUNCILMAN BREEDLOVE
2 <sup>ND</sup> MOTION	COUNCILMAN SHEAROUSE
VOTE	MOTION CARRIED - ALL IN FAVOR

**CITY OPERATION REPORTS / WORKSHOP DISCUSSION ITEMS -**

**MAIN STREET OPERATIONS – COLLEEN WATTS**

Ms. Watts gave an update a new barber shop will be opening at the old post office in downtown on July 8, 2022. Southern Farmhouse is closing their business effective July 30, 2022. Main Street, Inc. decided to cancel Groovin’ in the Grove [this year] due to lack of sponsors. Instead, we will host a drive-in movie on October 15, 2022, and HPC had no COAs. Nothing further.

**PUBLIC SAFETY OPERATIONS – CHIEF AUSTIN**

Chief Austin reviewed the monthly report and gave an update total collected in June 2022 was \$66,927.00. The department completed 104 training hours in June. We had 25 new cases for investigation and cleared 17 of those cases. The department will be doing Jujitsu training on July 26 at the Strong Rock School gymnasium. This type of training is a less violent style of use of force and is being funded by the Chase It Up Foundation. All GPS units are installed and working out well. Nothing further.

**PUBLIC WORKS – JACK ROSE**

Public Works Director Jack Rose gave update the water tank is painted and will be about two-three weeks until the logo is complete. Discussion took place about a resident on Maddox Road requesting an easement on the sewer line for a fence. Mr. Young asked if he is wanting an encroachment over our easement? Mr. Rose confirmed yes. Mr. Rose said the new meter reading system is operating as expected. Nothing further.

**ADMINISTRATION – BERT FOSTER**

- **Discussion on the final draft of the Henry County Comprehensive Transportation Plan (CTP) –**

Mr. Foster said the final draft is complete and the document will be scheduled for a public hearing and adoption during the regular meeting on August 1, 2022.

- **Discussion on the final draft of the Henry County Master Trails Plan –**

Mr. Foster the final draft is complete for this as well and ready for review. This will be presented at the August 1, 2022, meeting for public hearing and adoption.

Councilman Shearouse asked how the Master Plan coordinates with the CTP? Mr. Foster said this plan gives best effort to predict and take steps to make best decisions. Mr. Young said the CTP is a product that goes into the regional plan. The roads in the Master Plan are localized; the Bill Gardner Parkway improvements are regional.

- **Update of the 17.04.090 Residential Growth Regulation ordinance revision –**

Mr. Foster said Council had suggestions at the June workshop meeting to amend some of the language in the ordinance. Mr. Foster said staff has reshaped the numbers to try and accommodate what Council would like to see and Mr. Foster reviewed the updated changes.

Councilman Breedlove made a comment about the medium and high-density and discussion took place about the undeveloped units in the city. Councilman Breedlove said the idea was to remove medium-density all together. Councilman Breedlove did calculations and reviewed with staff and said there are areas that are currently zoned on the FLUM, and the low-density units are outnumbered almost three to one. Councilman Breedlove suggests putting a threshold of three (3) units per acre for low-density and anything above three units per acre would be high-density. Mr. Foster said he would have to modify and change the definitions to make those revisions.

Mr. Young said multi-family and single-family are different because apartment communities are taxed as commercial property, and we broke multi-family out to index those separately. Mr. Young said with the initial presentation in 2005, there was a mismatch between medium and low-density, and this is to correct and update on relative data that is part of the ordinance. The ordinance requires to calculate by unit or lot in a real time situation and not looking as calibrated to land use type. Councilman Breedlove said he would like a balance between high- and low-density living units.

Mayor Price said we can save further discussion for the retreat coming up. Councilman Boone said we also need to discuss and the delicate balance with affordable housing (rent, sq. ft.). Councilman Williams said everyone does not want to own a home. Nothing further.

Mr. Foster gave an update the Peeksville Road extension (joining Highway 42 at Peeksville and Cleveland Street) construction will begin early next year. Mr. Foster also gave an update we received one bid for the Bill Gardner Parkway modifications totaling \$3.5 million dollars. The MMIP (commercial vehicle lanes) remains at a standstill for the next couple of years. The development plans for the Scatter Garden/Veteran's Memorial were reviewed and will present the final design on the Veteran's Memorial options at the August 1, 2022, meeting. The downtown corridor study was awarded to WSP – a multinational engineering firm. Mr. Foster said the turning lane for the signal at Bethlehem Road and Hwy 42 is almost complete. A Public Information open house is scheduled for Fall 2022 on the Bethlehem Road Interchange, and we are waiting on the damage assessment from the consultants for City Hall repairs. The front lawn sign is operating and will complete training tomorrow for use.

Councilman Boone asked what we estimated the bid to be for the modifications to Bill Gardner Parkway? Mr. Young said originally \$1.5 million, and then we increased to \$2.5 million. They will be working night shift versus daytime which increased the bid as well. Councilman Boone asked if there is only one designer for the Scatter Garden/Veteran's Memorial and how long has this process taken? Mr. Foster said yes one designer and two years. Nothing further.

Councilman Shearouse asked the status of the T-SPLOST paving project and Mr. Foster said we are collecting signatures now.

## **COMMUNITY DEVELOPMENT OPERATIONS – DAUNTÉ GIBBS**

Mr. Gibbs gave an update his department has issued a total of 1,041 permits including 152 new house permits for 2022. We have issued 186 COs [129 residential / 57 commercial] with 398 business licenses issued so far for 2022. Mr. Gibbs said he will give new development updates at the next meeting. Nothing further.

**ARCHITECTURAL REVIEW BOARD (ARB) – NONE**

**CITY MANAGER’S COMMENTS –TIM YOUNG**

Mr. Young said we are wrapping up the mid-year budget amendment. He and the Mayor have a meeting tomorrow with Henry County for LOST discussion. We will have the FY 2021 audited Financial Statement presentation in August, and we had several employees in Public Safety with Covid as well as in Administration. We are reviewing ideas for the next retreat (maybe Columbus) and Mr. Young asked Council to look at schedules for coordination on dates. Nothing further.

**MAYOR’S COMMENTS – NONE**

**EXECUTIVE SESSION – NONE**

**ADJOURNMENT-**

Mayor Price asked for a motion to adjourn. Councilman Shearouse made the motion to adjourn.

RESULT	ADOPTED
MADE MOTION	COUNCILMAN SHEAROUSE
2 <sup>ND</sup> MOTION	COUNCILMAN BREEDLOVE
VOTE	MOTION CARRIED - ALL IN-FAVOR MEETING ADJOURNED @ 8:22 PM.

Notes taken by:

\_\_\_\_\_  
Misty Spurling, City Clerk



## Administration Department

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

# Item Coversheet

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**Item:** A Resolution to adopt updates to the Henry Joint County/Cities Comprehensive Transportation Plan.

**Action Item:**  Yes  No

**Public Hearing Item:**  Yes  No

**Executive Session Item:**  Yes  No

**Budget Item:** Yes, various capital funds

**Date Received:** June 30, 2022

**Workshop Date:** July 18, 2022  
June 21, 2022 – presentation and discussion only  
April 19, 2021

**Regular Meeting Date:** August 1, 2022 – public hearing and adoption

## Discussion:

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**NOTE: A COPY OF THE FINAL DRAFT OF THE COMPREHENSIVE TRANSPORTATION PLAN WAS EMAILED TO THE COUNCIL ON JULY 6, 2022 AND A HARDCOPY PROVIDED ON JULY 18, 2022 PRIOR TO THE WORKSHOP MEETING.**

The final draft of the City's updated Comprehensive Transportation Plan (CTP) is ready for adoption. Work on this update has been ongoing since early 2021 and is part of the ARC's CTP program to encourage counties and municipalities to work together on a joint plan that is designed to provide:

- Cohesive vision
- Identification of funding opportunities
- Opportunities for collaboration
- Efficient project prioritization
- Congestion Relief
- Vehicular and Personal Safety

- Quality of Life
- Community Health
- Equity
- Technology and Innovation
- Freight Mobility

This CTP is a critical component for helping to identify projects for inclusion on the Regional Transportation Plan (RTP). Projects seeking state and/or federal funding must be on the RTP in order to receive consideration for funding.

Over the last nineteen months, the City has participated in numerous Project Management Team meetings and Stakeholder meetings with our counterparts at the State and County levels as well as hosted a Public Information Meeting at the Public Safety Building last April and a formal presentation to the Council on June 21, 2022 with a follow-up discussion on July 18, 2022.

**Recommendation:**

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Staff recommends approval of this resolution.

**RESOLUTION NO. \_\_\_\_\_**

**TO ADOPT AN UPDATE TO THE HENRY JOINT COUNTY/CITIES COMPREHENSIVE TRANSPORTATION PLAN; TO AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE AND DELIVER ANY DOCUMENTS NECESSARY TO CARRY OUT THIS RESOLUTION; TO REPEAL CONFLICTING RESOLUTIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

***WITNESSETH:***

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

**WHEREAS**, the City, along with the cities of Hampton, McDonough, Stockbridge and Henry County approved a Henry Joint County/Cities Comprehensive Transportation Plan (“CTP”) in 2007 to provide a coordinated and comprehensive blueprint for addressing transportation needs through policies and collaboration; and,

**WHEREAS**, the CTP is an important supporting element of the Joint County/Cities Comprehensive Plan; and,

**WHEREAS**, the CTP was updated in 2016 in order to cover a planning period from 2015-2040; and,

**WHEREAS**, in accordance with City’s wish to update the CTP to cover a planning period from 2022-2050, the City entered into an agreement with Pond & Company to prepare an update of the CTP (“Update”); and,

**WHEREAS**, in addition to online outreach, the City held several in-person discussions regarding the Update that the public was invited to witness including a Public Information Open House on April 20, 2022, a formal presentation by Pond & Company to the City Council on June 21, 2022, a follow-up discussion on July 18, 2022 and a public hearing on August 1, 2022; and,

**WHEREAS**, a copy of the CTP, as updated by Pond & Company, is attached hereto as Exhibit A; and

**WHEREAS**, the Update has been completed in compliance with the standards established by the Atlanta Regional Commission to the satisfaction of the City; and,



**THEREFORE, THE CITY COUNCIL OF THE CITY OF LOCUST GROVE,  
GEORGIA, HEREBY RESOLVES**

**SECTION 1.** The Update to the Henry Joint County/Cities Comprehensive Transportation Plan, prepared by Pond & Company, is approved.

**SECTION 2.** The Mayor and City Clerk are hereby authorized to execute and deliver any documents necessary to carry out this Resolution.

**SECTION 3.** All City resolutions are hereby repealed to the extent they are inconsistent with this Resolution.

**SECTION 4.** This Resolution shall take effect immediately.

**So resolved** this 1st day of August 2022.

\_\_\_\_\_  
Robert Price, Mayor

ATTEST:

\_\_\_\_\_  
Misty Spurling, City Clerk

(seal)

Approved as to form:

\_\_\_\_\_  
City Attorney

**EXHIBIT A**



## Administration Department

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

# Item Coversheet

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**Item:**        **A Resolution to adopt the Henry County Trails Plan.**

**Action Item:**                **Yes**                **No**

**Public Hearing Item:**        **Yes**                **No**

**Executive Session Item:**     **Yes**                **No**

**Budget Item:**            **Yes, various capital funds**

**Date Received:**        **June 30, 2022**  
June 17, 2022

**Workshop Date:**        **July 18, 2022 – discussion only**  
June 21, 2022 – presentation and discussion only

**Regular Meeting Date:**    **August 1, 2022 – public hearing and adoption**

## Discussion:

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**NOTE: A COPY OF THE FINAL DRAFT OF THE HENRY COUNTY TRAILS PLAN WAS EMAILED TO THE COUNCIL ON JULY 6, 2022 AND A HARDCOPY PROVIDED ON JULY 18, 2022 PRIOR TO THE WORKSHOP MEETING.**

The final draft of the Henry County Trails Plan is ready for adoption. The Trails Plan is a comprehensive effort to assist the City and its local partners in defining non-modal transportation goals and priorities, specifically for pedestrians and bicyclists.

This project kicked-off in June of 2021. Since then, the City has participated in numerous Project Management Team meetings and Stakeholder meetings with our counterparts at the State and County levels as well as hosted a Public Information Meeting at the Public Safety Building last April, a formal presentation to the Council on June 21, 2022 and a follow-up discussion on July 18, 2022.

The Trails Plan has the stated goal of making the City healthier and more livable through alternative transportation options that focus on the needs and issues of the Locust Grove community.

**Recommendation:**

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Staff recommends approval of this resolution.

**RESOLUTION NO. \_\_\_\_\_**

**TO ADOPT AN UPDATE TO THE HENRY COUNTY TRAILS PLAN; TO AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE AND DELIVER ANY DOCUMENTS NECESSARY TO CARRY OUT THIS RESOLUTION; TO REPEAL CONFLICTING RESOLUTIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

***WITNESSETH:***

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

**WHEREAS**, the City, along with the cities of Hampton, McDonough, Stockbridge and Henry County approved a Henry Joint County/Cities Comprehensive Transportation Plan (“CTP”) in 2007 to provide a coordinated and comprehensive blueprint for addressing transportation needs through policies and collaboration; and,

**WHEREAS**, the CTP was updated in 2016 in order to cover a planning period from 2015-2040; and,

**WHEREAS**, the 2016 CTP update recommended that a county-wide trails plan (“Trails Plan”) be developed; and,

**WHEREAS**, in accordance with City’s wish to fulfill the recommendation that a Trails Plan be developed, the City, along with Henry County and the other municipalities, entered into an agreement with Pond & Company to prepare a Henry County Trails Plan; and,

**WHEREAS**, in addition to online outreach, the City held several in-person discussions regarding the Update that the public was invited to witness including a Public Information Open House on April 20, 2022, a formal presentation by Pond & Company to the City Council on June 21, 2022, a follow-up discussion on July 18, 2022 and a public hearing on August 1, 2022; and,

**WHEREAS**, a copy of the Trails Plan, as updated by Pond & Company, is attached hereto as Exhibit A; and

**WHEREAS**, the Trails Plan has been completed in compliance with the standards established by the Atlanta Regional Commission to the satisfaction of the City; and,

**THEREFORE, THE CITY COUNCIL OF THE CITY OF LOCUST GROVE,  
GEORGIA, HEREBY RESOLVES**

**SECTION 1.** The Henry County Trails Plan, prepared by Pond & Company, is approved.

**SECTION 2.** The Mayor and City Clerk are hereby authorized to execute and deliver any documents necessary to carry out this Resolution.

**SECTION 3.** All City resolutions are hereby repealed to the extent they are inconsistent with this Resolution.

**SECTION 4.** This Resolution shall take effect immediately.

**So resolved** this 1st day of August 2022.

\_\_\_\_\_  
Robert Price, Mayor

ATTEST:

\_\_\_\_\_  
Misty Spurling, City Clerk

(seal)

Approved as to form:

\_\_\_\_\_  
City Attorney

**EXHIBIT A**



## Community Development Department

P. O. Box 900  
Locust Grove, Georgia 30248

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

## Item Coversheet

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**Item:** An ordinance for rezoning of 25 +/- acres (Parcel IDs: 129-01058004; 129-01058006) in Land Lot 185 of the 2nd District located on Stanley K. Tanger Blvd.

**Action Item:**  Yes  No

**Public Hearing Item:**  Yes  No

**Executive Session Item:**  Yes  No

**Advertised Date:** N/A

**Budget Item:** N/A

**Date Received:** June 7, 2022

**Workshop Date:** July 18, 2022

**Regular Meeting Date:** August 1, 2022

### Discussion:

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RangeWater Real Estate of Atlanta, GA requests rezoning of 25 +/- acres located on Stanley K. Tanger Boulevard in Land Lot 185 of the 2<sup>nd</sup> District from C-2 (General Commercial) to RM-1 (Multi-Family Residential District - Apartments) for the purpose of developing a Multifamily Residential Community.

The subject property consists of portions of two separate tax parcels including Parcel IDs 129-01058004 and 129-01058006 (the "Property"). The Property is adjacent to the Locust Grove Village shopping center on Bill Gardner Parkway and across from the Tanger Outlets facing Interstate 75. The Property is undeveloped and vacant land, identified on the City's Official Zoning Map as C-2 (General Commercial).

The applicant, RangeWater Real Estate, is requesting a zoning map amendment to rezone the subject property to RM-1 (Multi-Family Residential District-Apartments) to create a new, high-quality multifamily community for current and future Locust Grove residents. The applicant



seeks to develop a 300-unit multifamily community, containing a density consistent with the RM-1 density allowances. The proposed design is an attractive multifamily residential community featuring units with superior building materials, distinct interior finishes, and upgraded appliance packages. The proposed community includes a variety of different building elevations with cohesive architectural styles.

### **Recommendation:**

**To remain consistent with the Locust Grove LCI Plan and the merits of the recent ordinance revisions to RM (RM-1 Multiple Family-Apartments), staff recommends approval of the applicant's request to rezone the subject property from C-2 to RM(RM-1) with the following conditions:**

1. The illustrative architectural renderings of elevations of the multifamily unit types shall form the basis of the future building permitting and reference in the ARB architectural review Board and shall only be deviated from in a material amount by the ARB.
2. Amenities shall be reviewed as part of the ARB review process to be consistent with the RM-1 Ordinance, the attached Site Plan, and the goals and objectives of the LCI Plan.
3. A 40-foot Right-of-Way shall be set aside and dedicated to the City as part of the LCI Plan's Long-Term Transportation project #16 (Tanger Drive Extension) along the entire frontage of the project where it abuts the Ingles Shopping Center.
4. Prior to the issuance of a certificate of occupancy for more than 50% of the buildings on the subject property, the owner/developer shall construct a paved connection to the existing asphalt driveway located north of Tax Parcel 129-01058 041 which provides access to Tanger Boulevard.
5. The pedestrian crossing on the north side of the entrance driveway located closest to the vehicular gate area, shall be a raised crosswalk.
6. A Flock camera will be installed at the development.
7. Prior to the issuance of the final certificate of occupancy, an easement for public use of the multiuse path will be recorded in the public records.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO REZONE 25 +/- ACRES FROM C-2 (GENERAL COMMERCIAL) TO RM-1 (MULTI-FAMILY RESIDENTIAL DISTRICT-APARTMENTS) FOR PROPERTY LOCATED ON THE EAST SIDE OF STANLEY K. TANGER BOULEVARD, SOUTH OF BILL GARDNER PARKWAY; PARCELS 129-01058004 & 129-01058006 IN LAND LOT 185 OF THE 2<sup>ND</sup> DISTRICT WITHIN THE CITY OF LOCUST GROVE, GEORGIA**

**WHEREAS**, RangeWater Real Estate of Atlanta, GA (hereinafter referred to as “Applicant”), requests rezoning for 25 +/- acres located on Stanley K. Tanger Boulevard (Parcels 129-01058004 & 129-01058006) in Land Lot 185 of the 2<sup>nd</sup> District (hereinafter referred to as the “Property”) and described in **Exhibit A** attached hereto and incorporated herein by reference; and,

**WHEREAS**, the Applicant has submitted an application which is included in the Rezoning Evaluation Report (hereinafter referred to as “Report”) attached hereto and incorporated herein by reference as **Exhibit “B”**; and,

**WHEREAS**, the Applicant requests the Mayor and City Council of the City of Locust Grove (hereinafter referred to as “City”) rezone the subject property from C-2 (General Commercial) to RM-1 (Multi-Family Residential District-Apartments); and,

**WHEREAS**, said request has been reviewed by the Community Development Department (hereinafter referred to as “Staff”) and the City during a public hearing held on July 18, 2022; and,

**WHEREAS**, notice of this matter (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 the recommendations of the Staff as presented in the Report; and,

**WHEREAS**, the Mayor and City Council have considered the Applicant’s request in light of those criteria for rezoning under *Section 17.04.315* of the *Code of the City of Locust Grove*; and,

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

1.

- That the Property is hereby rezoned from C-2 to RM-1 in accordance with the Zoning Ordinance of the City
- The Applicant's request in said application is hereby **DENIED**.

2.

That the rezoning of the above-described Property is subject to:

- The conditions 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 are zoned without conditions.

3.

That, if rezoning is granted, the official zoning map for the City is hereby amended to reflect such zoning classification for the Property.

4.

That, if rezoning is granted, said rezoning of the Property shall become effective immediately.

**SO ORDAINED** by the Council of the City this 1<sup>st</sup> day of August 2022.

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ROBERT S. PRICE, Mayor

ATTEST:

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MISTY SPURLING, City Clerk

(Seal)

APPROVED AS TO FORM:

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City Attorney

**EXHIBIT "A"**

Applicant: RangeWater Real Estate  
c/o Julie Sellers

Owner: Nacoochee Corporation & The  
Hanover 2021 Dynasty Trust w/ Ray  
Simmons Trustee

### Request for Zoning Map Amendment

Name of Applicant RangeWater Real Estate c/o Julie Sellers Phone: 404-665-1224 Date: \_\_\_\_\_  
 Address Applicant: 1776 Peachtree St. NW Ste. 415-S Cell # \_\_\_\_\_  
 City: Atlanta State: GA Zip: 30309 E-mail: jsellers@dillardsellers.com  
 Name of Agent \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_  
 Address Agent: \_\_\_\_\_ Cell # \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ E-mail: \_\_\_\_\_

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 C-2 (Current Zoning) to RM-1 (Requested Zoning)

Request from \_\_\_\_\_ (Current Land Use Designation) to \_\_\_\_\_ (Requested Land Use Designation)

For the Purpose of Multifamily Residential Community  
(Type of Development)

Address of Property: Stanley K. Tanger Boulevard

Nearest intersection to the property: Bill Gardner Parkway at Tanger Boulevard

Size of Tract: +/- 25 acre(s), Land Lot Number(s): \_\_\_\_\_, District(s): 2nd

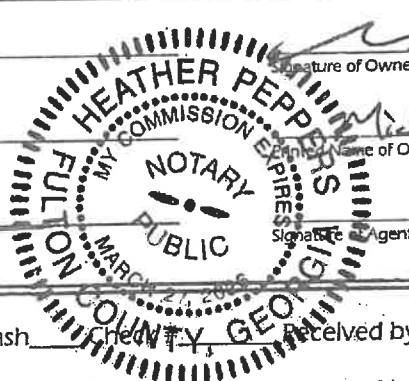
Gross Density: 12 units per acre Net Density: \_\_\_\_\_ units per acre

Property Tax Parcel Number: 129-01058004 (Required)  
129-01058006

Witness Signature \_\_\_\_\_ Signature of Owner/s \_\_\_\_\_

Printed Name of Witness Gary McClain Printed Name of Owner/s Michael Blair

Notary Signature \_\_\_\_\_ Signature of Agent \_\_\_\_\_



(For Office Use Only)

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

Application checked by: \_\_\_\_\_ Date: \_\_\_\_\_ Map Number(s): \_\_\_\_\_

Pre-application meeting: \_\_\_\_\_ Date: \_\_\_\_\_

Public Hearing Date: \_\_\_\_\_

Council Decision: \_\_\_\_\_ Ordinance: \_\_\_\_\_

Date Mapped in GIS: \_\_\_\_\_ Date: \_\_\_\_\_

## Applicant Campaign Disclosure Form

Has the applicant<sup>1</sup> made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating \$250 or more or made gifts having in the aggregate a value of \$250 or more to a member of the 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 \_\_\_ day of \_\_\_, 20\_\_.

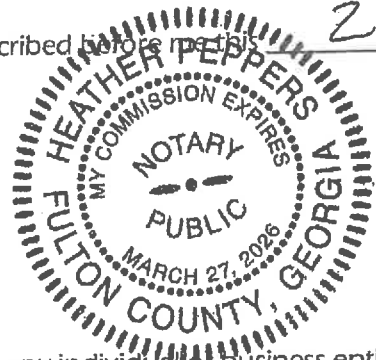
Michael Blair  
Applicant's Name - Printed

[Signature]  
Signature of Applicant

\_\_\_\_\_  
Applicant's Attorney, if applicable - Printed

\_\_\_\_\_  
Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 2 day of June, 2022



[Signature]  
Notary Public

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

Applicant: RangeWater Real Estate  
c/o Julie Sellers

Owner: Nacoochee Corporation & The  
Hanover 2021 Dynasty Trust w/ Ray  
Simmons Trustee

### Request for Zoning Map Amendment

Name of Applicant RangeWater Real Estate c/o Julie Sellers Phone: 404-665-1224 Date: \_\_\_\_\_  
 Address Applicant: 1776 Peachtree St. NW Ste. 415-S Cell # \_\_\_\_\_  
 City: Atlanta State: GA Zip: 30309 E-mail: jsellers@dillardseillers.com  
 Name of Agent \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_  
 Address Agent: \_\_\_\_\_ Cell # \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ E-mail: \_\_\_\_\_

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  DRJ Review/Concurrent  Amendment to the Future Land Use Plan

Request from C-2 to RM-1  
(Current Zoning) (Requested Zoning)

Request from \_\_\_\_\_ to \_\_\_\_\_  
(Current Land Use Designation) (Requested Land Use Designation)

For the Purpose of Multifamily Residential Community  
(Type of Development)

Address of Property: Stanley K. Tanger Boulevard

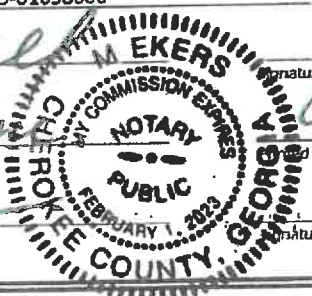
Nearest intersection to the property: Bill Gardner Parkway at Tanger Boulevard

Size of Tract: +/- 25 acre(s), Land Lot Number(s): \_\_\_\_\_ 185 District(s): 2nd

Gross Density: 12 units per acre Net Density: \_\_\_\_\_ units per acre

Property Tax Parcel Number: 129-01058004 (Required)  
129-01058006

Witness Signature: Joel Smith Signature of Owner/s: [Handwritten Signature]  
 Printed Name of Witness: Joel Smith Name of Owner/s: NACOOCHEE CORP  
 Notary Signature: [Handwritten Signature] Signature of Agent: \_\_\_\_\_  
 Notary: \_\_\_\_\_



(For Office Use Only)

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

Application checked by: \_\_\_\_\_ Date: \_\_\_\_\_ Map Number(s): \_\_\_\_\_

Pre-application meeting: \_\_\_\_\_ Date: \_\_\_\_\_

Public Hearing Date: \_\_\_\_\_

Council Decision: \_\_\_\_\_ Ordinance: \_\_\_\_\_

Date Mapped in GIS: \_\_\_\_\_ Date: \_\_\_\_\_



**Owner Disclosure Form**

Owner: Nacoochee Corporation & The Hanover 2021 Dynasty Trust w/ Ray Simmons Trustee

**Campaign Disclosure Form**

Has the applicant<sup>1,2</sup> made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating \$250 or more or made gifts having in the aggregate a value of \$250 or more to a member of the Locust Grove City Council and/or Mayor 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 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 1<sup>st</sup> day of June, 2022

NACOOCHEE CORPORATION  
Applicant's Name - Printed

[Signature]  
Signature of Applicant

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 1<sup>st</sup> day of June, 2022

[Signature]  
Notary Public



1 Applicant means any individual or business entity (corporation, partnership, limited partnership, enterprise, franchise, association, or trust) applying for rezoning or other action.  
2 Applicant also submits a disclosure form on behalf of the listed Owner of the subject property.


**City of Locust Grove  
Property Owner Authorization**

Subject Property: +/- 30 acres on Stanley K. Tanger Boulevard (Parcel Nos. 129-01058004  
129-01058006)

Property Owner: Nacoochee Corporation & The Hanover 2021 Dynasty Trust w/ Ray  
Simmons Trustee

Applicant: RangeWater Real Estate c/o Julie Sellers

I hereby swear that I am the owner of the above listed property, which is the subject  
matter of the attached rezoning application. I hereby authorize the Applicant to file and pursue  
this rezoning request.

  
\_\_\_\_\_  
Property Owner  
NACOOCHEE CORP.

\_\_\_\_\_  
Date 6/1/2022

Applicant: RangeWater Real Estate  
c/o Julie Sellers

Owner: Nacoochee Corporation & The  
Hanover 2021 Dynasty Trust w/ Ray  
Simmons Trustee

### Request for Zoning Map Amendment

Name of Applicant RangeWater Real Estate c/o Julie Sellers Phone: 404-665-1224 Date: \_\_\_\_\_  
 Address Applicant: 1776 Peachtree St. NW Ste. 415-S Cell # \_\_\_\_\_  
 City: Atlanta State: GA Zip: 30309 E-mail: jsellers@dillardsellers.com  
 Name of Agent \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_  
 Address Agent: \_\_\_\_\_ Cell # \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ E-mail: \_\_\_\_\_

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 C-2 to RM-1  
(Current Zoning) (Requested Zoning)

Request from \_\_\_\_\_ to \_\_\_\_\_  
(Current Land Use Designation) (Requested Land Use Designation)

For the Purpose of Multifamily Residential Community  
(Type of Development)  
Address of Property: Stanley K. Tanger Boulevard

Nearest intersection to the property: Bill Gardner Parkway at Tanger Boulevard

Size of Tract: +/- 25 acre(s), Land Lot Number(s): 185 District(s): 2nd

Gross Density: 12 units per acre Net Density: \_\_\_\_\_ units per acre

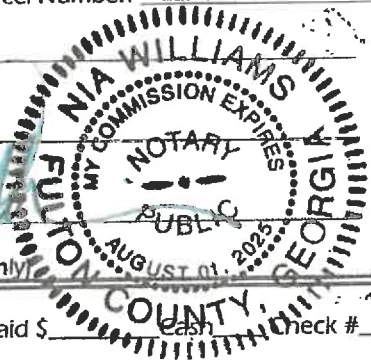
Property Tax Parcel Number: 129-01058004  
129-01058006 (Required)

Witness Signature

Printed Name of Witness

Notary

(For Office Use Only)



Signature of Owner/s

Printed Name of Owner/s

Signature of Agent

*Julie Sellers + Brandon Rose, Attorneys For Applicant*

Total Amount Paid \$ \_\_\_\_\_ cash check # \_\_\_\_\_ Received by: \_\_\_\_\_ (FEES ARE NON-REFUNDABLE)

Application checked by: \_\_\_\_\_ Date: \_\_\_\_\_ Map Number(s): \_\_\_\_\_

Pre-application meeting: \_\_\_\_\_ Date: \_\_\_\_\_

Public Hearing Date: \_\_\_\_\_

Council Decision: \_\_\_\_\_ Ordinance: \_\_\_\_\_

Date Mapped in GIS: \_\_\_\_\_ Date: \_\_\_\_\_

## Applicant Campaign Disclosure Form

Has the applicant<sup>1</sup> made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating \$250 or more or made gifts having in the aggregate a value of \$250 or more to a member of the 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 6 day of June, 2022

Applicant's Name - Printed \_\_\_\_\_

R. Berto Reed via Julie Sellers

Applicant's Attorney, if applicable - Printed \_\_\_\_\_

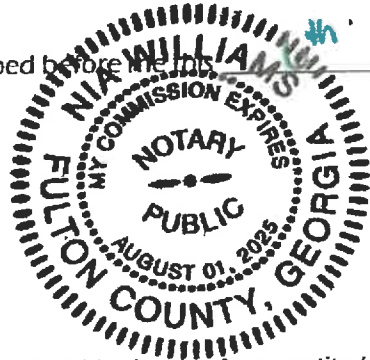
Signature of Applicant \_\_\_\_\_

[Handwritten Signature]

Signature of Applicant's Attorney, if applicable \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 2022

day of June, 2022



[Handwritten Signature]  
Notary Public

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

**LETTER OF INTENT**

**Locust Grove, GA**

**Zoning Map Amendment Application**

**Applicant:**

**RangeWater Real Estate  
c/o Julie Sellers**

**Property:**

**+/- 25 acres on Stanley K. Tanger Boulevard  
Locust Grove, GA 30248**

**Tax Parcel ID Nos.:**

**Subject Property & Acreage across Two Parcels  
Parcel ID 129-01058004  
Parcel ID 129-01058006**

**Submitted for Applicant by:**

**Julie Sellers  
R. Baxter Russell  
DILLARD SELLERS  
1776 Peachtree Street NW, Suite 415-S  
Atlanta, Georgia 30309  
(404) 665-1242  
jsellers@dillardsellers.com**

## I. INTRODUCTION

The subject property is approximately +/- 25 acres of land located along Stanley K. Tanger Boulevard in Locust Grove and identified as portions of two separate tax parcels including Parcel IDs 129-01058004 and 129-01058006 (the "Property"). The Property is adjacent to the Locust Grove Village shopping center on Bill Gardner Parkway and across from the Tanger Outlets facing Interstate 75. The Property is undeveloped and vacant land, identified on the City's Zoning Map with the C-2 (General Commercial) zoning district designation.

The Applicant, RangeWater Real Estate, respectfully requests a zoning map amendment to rezone the Property to RM-1 (Multi-Family Residential District-Apartments) to create a new, high-quality multifamily community for current and future Locust Grove residents. Applicant seeks to develop a 300-unit multifamily community, containing a density consistent with the RM-1 density allowances. Designed as an attractive residential community, Applicant's multifamily neighborhood features units with superior building materials, distinct interior finishes, and upgraded appliance packages. The community includes a variety of different building elevations with cohesive architectural styles. Applicant's progressive and design-forward approach creates a welcoming neighborhood with unique visual interest. The community provides ample parking for residents and guests while incorporating enclosed garages for select apartment units. Applicant's proposed development plan envisions an inviting, community living experience featuring a community clubhouse with resident lounge, fitness center, and co-working space along with other amenities such as a pool, dog park, community lawns, ample greenspace with nature trail, and private internal sidewalks. Additionally, community residents will appreciate and enjoy the community's proximity to the adjacent, offsite retail opportunities including the grocery store, restaurants, and shops.

By introducing this development to the vacant and undeveloped site, Applicant seeks to transform the Property and surrounding Tanger Boulevard-Bill Gardner Parkway area into a true mixed-use environment by incorporating residential uses adjacent to the existing shopping center and across from the retail outlet center. Given the concentration of commercial uses in the area, new residential uses will help upgrade a commercial corridor into a more modern mixed-use neighborhood and activity center. The proximity to the commercial options coupled with the convenience of access to Interstate 75 make this property ideally situated for a residential development. Applicant's development reimagines the Tanger Boulevard-Bill Gardner Parkway corridor and city gateway by introducing an attractive residential component to the current commercial landscape.

Locust Grove has a definite need for more high-quality housing options to serve current and future residents. As cited in the Image Henry 2040 Comprehensive Plan Update, Henry County and its municipalities including Locust Grove face the distinct challenge and goal of providing housing options beyond just single-family homes (Imagine Henry 2040, pg. 77). The Applicant's requested rezoning and residential community accomplish this goal and deliver on the City's desired policies to achieve a diverse supply of "Missing Middle" housing. Additionally, the Tanger Boulevard-Bill Gardner Parkway corridor is an active and important gateway that should demand attention and reflect the lifestyle opportunities available in the City.

The Applicant's requested rezoning and residential community enhances the corridor and delivers a desired high-quality housing product with mixed use integration needed in the area.

Applicant's requested rezoning of the Property should be approved as the multifamily community will greatly benefit and promote the public health and general welfare by providing high-quality, architecturally unique housing integrated into an attractive mixed-use setting. The current commercial zoning is not viable considering the Property's large size, exhausted commercial buildout on surrounding properties, and current commercial trends opposed to big-box retail development. Applicant's requested rezoning and multifamily community are consistent with the stated goals in the City's Comprehensive Plan. Applicant's multifamily neighborhood will contribute to the variety of residential options in the market, promote a mixed-use corridor environment, and enhance a vacant site located in an area of the City ripe for transformation. For all of these reasons and satisfaction of the zoning criteria below, Applicant respectfully requests that a rezoning of the Property to RM-1 be approved by the City Council.

## II. ZONING CRITERIA AND WRITTEN ANALYSIS

The Applicant satisfies all criteria for zoning map amendment approval as set forth in the Zoning Ordinance of Locust Grove, Georgia ("Zoning Ordinance"), Section 17.04.313 and Section 17.04.315.

- 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.**

Applicant's proposed rezoning to RM-1 and multifamily community will have a positive impact on the Property, surrounding parcels, the Tanger Boulevard-Bill Gardner Parkway corridor, and the City of Locust Grove. Applicant's requested rezoning of the Property will greatly benefit and promote the public health, general welfare, and viability of surrounding commercial properties, property owners and city residents by providing high-quality housing and multifamily neighborhood integrated into an attractive mixed-use setting.

- 2) **The relation that the proposed amendment bears to the purpose of the overall zoning scheme with due consideration given to whether or not the proposed change will help carry out the purposes of this chapter.**

Applicant's requested rezoning to RM-1 will achieve the purpose, intent, and vision of the City's zoning program for the surrounding area and the future land use goals established in the Imagine Henry 2040 plan. Applicant's requested rezoning and multifamily community will contribute to and enhance the commercial uses and commercial zoning in the surrounding area by creating a new mixed-use character for the corridor. Additionally, Applicant's request is consistent with the Property's future land use designation as "mixed use neighborhood" by incorporating multi-family residential with existing commercial uses to establish a regional mixed-use setting.

**3) Consistency with the land use plan.**

Applicant's requested rezoning is consistent with intent and vision of the City's comprehensive plan and future land use map. The Applicant's residential community accomplishes the City's goal to deliver a diverse supply of "Missing Middle" housing and provide a mixture of housing options for current and future city residents (Imagine Henry 2040, pg. 77). Additionally as stated above, Applicant's multifamily neighborhood is consistent with the Property's future land use designation by incorporating multi-family residential with existing commercial uses to create a regional mixed-use setting.

**4) The potential impact of the proposed amendment on county infrastructure including water and sewerage systems.**

Applicant anticipates minimal impact on city or county infrastructure such as water or sewer service systems. As included in the submitted application package, Applicant provided a letter from the Locust Grove Community Development Department attesting to water and sewer service availability for the Property. Applicant will work with staff to address any concerns that are identified.

**5) The impact of the proposed amendment on adjacent thoroughfares and pedestrian and vehicular circulation and traffic volumes.**

Applicant anticipates minimal impact on adjacent thoroughfares, traffic volumes, and circulation for pedestrians and vehicles. Traffic generated by Applicant's community is consistent with increased traffic generated by similar new developments in surrounding markets. Applicant's development and site design provides safe vehicle and pedestrian traffic flow to and from the Property. Applicant will work with staff to address any concerns that are identified.

**6) The impact upon adjacent property owners should the request be approved.**

Applicant's rezoning and multifamily community will contribute to and enhance the commercial uses on the surrounding properties by creating a new mixed-use character for the corridor. Applicant's rezoning will greatly benefit and promote the value and viability of surrounding commercial properties and property owners by providing high-quality housing with new customer base integrated as an attractive, progressive mixed-use setting. Adjacent property owners would not benefit from another large commercial shopping center as permitted on the Property under the current C-2 zoning.

**7) The ability of the subject land to be developed as it is presently zoned.**

The Property cannot be developed under the C-2 zoning designation and thus has no reasonable economic value as currently zoned. The current C-2 zoning diminishes the value of the Property due to the presence and proliferation of existing commercial centers and shopping plazas in the surrounding area. The Tanger Boulevard-Bill Gardner



Parkway corridor is saturated with existing shopping centers. The Property and surrounding commercial market are not currently suited for another large shopping center. As such, there is not a reasonable economic value in the Property as currently zoned General Commercial.

- 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.**

The Property's size, shape, and physical conditions are well suited and appropriate for development of the Applicant's multifamily neighborhood. The current C-2 zoning is not viable considering the Property's large size, exhausted commercial buildout on surrounding properties, and current commercial trends opposed to big-box retail development. Despite new commercial, retail, and hotel development along the Tanger Boulevard-Bill Gardner Parkway corridor and in the surrounding area, the Property has remained vacant without redevelopment. Applicant requests this rezoning to RM-1 to create a high-quality residential development on this site.

- 9) **The merits of the requested change in zoning relative to any other guidelines and policies for development which the city council may use in furthering the objectives of the land use plan.**

Applicant's requested RM-1 rezoning and multifamily community provide a unique opportunity for the City to transform a vacant parcel into a vibrant neighborhood, to create a true mixed-use setting for a primary corridor and city gateway, and to provide new and diverse housing options for current and future city residents. The current C-2 zoning diminishes the value of the Property due to the Property's large size, the presence and proliferation of existing commercial centers and shopping plazas in the surrounding area, and current commercial trends opposed to big-box retail development. The Property and surrounding commercial market are not currently suited for another shopping center. As such, there is not a reasonable economic value in the Property as currently zoned. Furthermore, there is no benefit to the public from the Property's current C-2 zoning and its destruction of the property value. The current state of the Property as a vacant site does not promote the health, safety, morals, or general welfare of the public. The approval of this application for a high-quality, multifamily community and creation of a new mixed-use activity center will promote the health, safety, morals, and general welfare of the public and provide immense benefits to surrounding property owners and Locust Grove citizens.

### III. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that this Zoning Map Amendment Application be granted as requested by the Applicant. If there are any questions about this request, please do not hesitate to contact me at (404) 665-1242 or jsellers@dillard sellers.com.

Sincerely,

DILLARD SELLERS, LLC

A handwritten signature in blue ink, appearing to read "Julie L. Sellers".

Julie L. Sellers  
R. Baxter Russell  
*Attorneys for the Applicant*

**Exhibit A**  
**REQUIRED CONSTITUTIONAL AND ANTE LITEM NOTICE**

Georgia law and the procedures of Locust Grove require the Applicant to raise Federal and State constitutional objections during the public hearing process. While the Applicant anticipates a smooth application process for this submitted zoning map amendment application and any related concurrent requests (herein, "Application"), failure to raise constitutional objections at this stage may mean that the Applicant will be barred from raising important legal claims later in the process. Accordingly, the following constitutional objections are stated:

The portions the Zoning Ordinance of the Locust Grove, Georgia ("Zoning Ordinance"), facially and as applied to the Property, which restrict the Property to any uses, conditions, land use designations, development standards, or to any zoning district other than that proposed by the Applicant are 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 and 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 Zoning Ordinance, facially and as applied to the Property, which restricts the Property to any uses, conditions, land use designations, development standards, or to any zoning district other than in accordance with the application as proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States; Article I, Section I, Paragraph I, and 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 be unconstitutional under the Takings Clause of the Fifth Amendment to the Constitution of the United States and the Just Compensation Clause of Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983. A refusal by City Council (including its members in both their official and individual capacity) to grant the Application as requested would constitute a taking of the Applicant's property. Because of this unconstitutional taking, Locust Grove would be required to pay just compensation to the Applicant.

A denial of this Application would constitute an arbitrary and capricious act by City Council (including its members in both their official and individual capacity) without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and 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 to grant the requested zoning map amendment and other concurrent requests would lack objective justification and would result only from neighborhood opposition, which would constitute an unlawful delegation of the zoning power to non-legislative bodies in violation of the Georgia Constitution, Article IX, Section II, Paragraph 4.

A refusal by City Council (including its members in both their official and individual capacity) to grant the zoning map amendment and other concurrent requests for the Property in accordance with the criteria as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of the 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 approval of the requests subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to a unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

A denial of this application would be unconstitutional. This notice is being given to comply with the provisions of O.C.G.A. § 36-33-5 to afford the City an opportunity to approve the zoning map amendment as requested by the Applicant. If action is not taken by the City to approve the Application within a reasonable time, a claim will be filed in the Superior Court of Henry County demanding just and adequate compensation under Georgia law for the taking of the Property, inverse condemnation, diminution of value of the Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.

#### Standing Objection

The Applicant further objects to the standing of each and every surrounding resident to challenge, whether before City Council or any court of competent jurisdiction, any zoning decision by City Council in that he/she has not shown, nor can show, that he/she will suffer special damages within the meaning of Georgia law as a result of said decision. The Applicant raises this objection before City Council and requests City Council to determine the standing of any individual who challenges or objects to City Council's decision to rezone the Property. Applicant further raises this objection before City Council to preserve said objection on appeal, if any, to any court of competent jurisdiction.

#### Evidence Objection

Applicant objects to the testimony and documentary evidence proffered by anyone opposed to the Application based on relevancy, inadmissibility, hearsay, lack of foundation and any other applicable evidentiary objection.

We respectfully request that the City cure the aforementioned unconstitutional current zoning of the Property by approving the Application. Should the City have any questions, suggestions and/or concerns, we ask that you bring these to our attention so they can be timely addressed.

## DESCRIPTION OF

### Proposed Parcel 1

ALL THAT TRACT OR PARCEL OF LAND lying and being in the City of Locust Grove, Land Lot 185, 2nd District, Henry County, Georgia, and being more particularly described as follows:

**COMMENCING** at the intersection of the southerly line of Land Lot 185 with the easterly R/W line of Stanley K. Tanger Boulevard (80' R/W); THENCE running along said R/W line of Stanley K. Tanger Boulevard South 00 degrees 57 minutes 47 seconds West a distance of 75.00 feet to a 1/2" rebar with cap found; said point being the **POINT OF BEGINNING**;

THENCE leaving said R/W line of Stanley K. Tanger Boulevard North 89 degrees 35 minutes 46 seconds East a distance of 922.00 feet to a 2" open top pipe found; THENCE South 01 degrees 25 minutes 31 seconds West a distance of 799.86 feet to a 2" open top pipe found; THENCE North 89 degrees 48 minutes 09 seconds East a distance of 136.73 feet to a point in the centerline of a creek; THENCE running along the centerline of said creek the following courses and distances: South 36 degrees 08 minutes 39 seconds West a distance of 25.27 feet to a point; THENCE South 48 degrees 21 minutes 35 seconds West a distance of 33.05 feet to a point; THENCE South 69 degrees 40 minutes 04 seconds West a distance of 16.57 feet to a point; THENCE South 41 degrees 02 minutes 59 seconds West a distance of 11.33 feet to a point; THENCE South 22 degrees 28 minutes 35 seconds East a distance of 12.02 feet to a point; THENCE South 11 degrees 14 minutes 27 seconds East a distance of 20.74 feet to a point; THENCE South 30 degrees 22 minutes 00 seconds East a distance of 18.77 feet to a point; THENCE South 39 degrees 53 minutes 43 seconds West a distance of 38.17 feet to a point; THENCE South 07 degrees 38 minutes 12 seconds West a distance of 38.06 feet to a point; THENCE South 27 degrees 02 minutes 39 seconds West a distance of 23.21 feet to a point; THENCE South 05 degrees 56 minutes 16 seconds West a distance of 51.19 feet to a point; THENCE South 01 degrees 06 minutes 20 seconds West a distance of 36.66 feet to a point; THENCE South 72 degrees 39 minutes 54 seconds East a distance of 9.92 feet to a point; THENCE North 26 degrees 02 minutes 15 seconds East a distance of 10.84 feet to a point; THENCE North 70 degrees 15 minutes 58 seconds East a distance of 15.66 feet to a point; THENCE South 48 degrees 26 minutes 46 seconds East a distance of 6.13 feet to a point; THENCE South 04 degrees 12 minutes 36 seconds East a distance of 16.46 feet to a point; THENCE South 03 degrees 18 minutes 02 seconds East a distance of 28.82 feet to a point; THENCE South 10 degrees 55 minutes 07 seconds West a distance of 16.51 feet to a point; THENCE South 61 degrees 39 minutes 33 seconds West a distance of 22.83 feet to a point; THENCE South 87 degrees 34 minutes 12 seconds West a distance of 29.84 feet to a point; THENCE South 66 degrees 13 minutes 15 seconds West a distance of 6.44 feet to a point; THENCE South 08 degrees 26 minutes 05 seconds West a distance of 19.35 feet to a point; THENCE South 22 degrees 39 minutes 04 seconds West a distance of 35.15 feet to a point; THENCE South 25 degrees 30 minutes 07 seconds West a distance of 38.10 feet to a point; THENCE South 15 degrees 14 minutes 43 seconds West a distance of 18.83 feet to a point; THENCE South 40 degrees 55 minutes 15 seconds East a distance of 8.84 feet to a point; THENCE North 87 degrees 42 minutes 19 seconds East a distance of 11.05 feet to a point; THENCE South 22 degrees 16 minutes 23 seconds East a distance of 9.69 feet to a point; THENCE South 34 degrees 53 minutes 22 seconds West a distance of 11.24 feet to a point; THENCE South 31 degrees 59 minutes 34 seconds West a distance of 22.73 feet to a point; THENCE South 31 degrees 23 minutes 38 seconds West a distance of 20.79 feet to a point; THENCE South 20 degrees 20 minutes 41 seconds West a distance of 38.89 feet to a point; THENCE South 44 degrees 41 minutes 55 seconds West a distance of 42.16 feet to a point; THENCE South 29 degrees 50 minutes 28 seconds West a distance of 30.01 feet to a point; THENCE South 43 degrees 54 minutes 12 seconds West a distance of 54.95 feet to a point; THENCE South 03 degrees 05 minutes 41 seconds West a distance of 14.66 feet to a point; THENCE South 36 degrees 46 minutes 07 seconds West a distance of 11.65 feet to a point; THENCE South 05

degrees 15 minutes 57 seconds East a distance of 12.48 feet to a point; THENCE South 35 degrees 07 minutes 04 seconds East a distance of 36.23 feet to a point; THENCE South 04 degrees 57 minutes 23 seconds East a distance of 9.20 feet to a point; THENCE South 34 degrees 26 minutes 56 seconds West a distance of 7.62 feet to a point; THENCE North 80 degrees 51 minutes 43 seconds West a distance of 9.30 feet to a point; THENCE South 60 degrees 51 minutes 58 seconds West a distance of 26.60 feet to a point; THENCE South 27 degrees 49 minutes 14 seconds West a distance of 53.21 feet to a point; THENCE South 24 degrees 50 minutes 31 seconds West a distance of 43.61 feet to a point; THENCE South 19 degrees 40 minutes 56 seconds West a distance of 47.90 feet to a point; THENCE South 80 degrees 15 minutes 41 seconds West a distance of 3.68 feet to a point; THENCE North 77 degrees 33 minutes 29 seconds West a distance of 17.95 feet to a point; THENCE North 68 degrees 20 minutes 54 seconds West a distance of 8.36 feet to a point; THENCE South 18 degrees 33 minutes 37 seconds West a distance of 8.86 feet to a point; THENCE South 20 degrees 57 minutes 46 seconds West a distance of 21.25 feet to a point; THENCE South 25 degrees 49 minutes 53 seconds West a distance of 45.66 feet to a point; THENCE South 84 degrees 44 minutes 04 seconds West a distance of 14.46 feet to a point; THENCE South 45 degrees 54 minutes 28 seconds West a distance of 10.22 feet to a point; THENCE South 14 degrees 28 minutes 50 seconds West a distance of 59.78 feet to a point; THENCE South 36 degrees 50 minutes 39 seconds West a distance of 26.65 feet to a point; THENCE leaving the centerline of said creek North 35 degrees 59 minutes 45 seconds West a distance of 133.85 feet to a point in the centerline of a ditch; THENCE running along the centerline of said ditch the following courses and distances; North 34 degrees 21 minutes 55 seconds West a distance of 50.00 feet to a point; THENCE North 43 degrees 58 minutes 36 seconds West a distance of 45.00 feet to a point; THENCE North 20 degrees 44 minutes 15 seconds West a distance of 63.96 feet to a point; THENCE North 17 degrees 16 minutes 13 seconds West a distance of 39.23 feet to a point; THENCE North 15 degrees 08 minutes 24 seconds West a distance of 52.08 feet to a point; THENCE North 15 degrees 54 minutes 27 seconds West a distance of 17.80 feet to a point; THENCE North 20 degrees 15 minutes 23 seconds West a distance of 9.29 feet to a 3/4" open top pipe found; THENCE leaving the centerline of said ditch North 67 degrees 45 minutes 54 seconds West a distance of 57.33 feet to a point; THENCE North 01 degrees 00 minutes 52 seconds East a distance of 486.41 feet to a point; THENCE North 71 degrees 12 minutes 34 seconds West a distance of 2.76 feet to a point; THENCE North 22 degrees 31 minutes 18 seconds West a distance of 21.90 feet to a point; THENCE North 33 degrees 51 minutes 39 seconds West a distance of 41.06 feet to a point; THENCE North 42 degrees 50 minutes 22 seconds West a distance of 43.05 feet to a point; THENCE North 50 degrees 24 minutes 22 seconds West a distance of 38.12 feet to a point; THENCE North 53 degrees 30 minutes 21 seconds West a distance of 10.42 feet to a point; THENCE North 53 degrees 30 minutes 21 seconds West a distance of 23.38 feet to a point; THENCE North 35 degrees 59 minutes 28 seconds West a distance of 28.83 feet to a point; THENCE North 45 degrees 03 minutes 58 seconds West a distance of 32.53 feet to a point; THENCE North 45 degrees 03 minutes 58 seconds West a distance of 18.47 feet to a point; THENCE North 55 degrees 09 minutes 33 seconds West a distance of 209.89 feet to a point on the easterly R/W line of Stanley K. Tanger Boulevard; THENCE running along said easterly R/W line of Stanley K. Tanger Boulevard North 01 degrees 00 minutes 52 seconds East a distance of 285.71 feet to a 1/2" rebar with cap found; THENCE leaving said R/W line of Stanley K. Tanger Boulevard South 89 degrees 09 minutes 23 seconds East a distance of 307.60 feet to a 1/2" rebar found; THENCE North 00 degrees 46 minutes 19 seconds East a distance of 286.35 feet to an iron pin set; THENCE South 89 degrees 39 minutes 38 seconds West a distance of 307.57 feet to an iron pin set on the easterly R/W line of Stanley K. Tanger Boulevard; THENCE running along said R/W line of Stanley K. Tanger Boulevard North 00 degrees 47 minutes 20 seconds East a distance of 39.87 feet to a 1/2" rebar with cap found; said point being the **POINT OF BEGINNING**.

Said tract or parcel of land containing 1,089,045 square feet, or 25.001± acres.



PROJECT NO.	201100001
DATE	08/25/11
PROJECT	STANLEY K. TANGER BOULEVARD
CLIENT	STANLEY K. TANGER
SCALE	AS SHOWN
TITLE	RECORDING SITE PLAN
DATE	08/25/11

**DEVELOPMENT SUMMARY:**

**Site Area and Zoning**  
 Site Area: 25.00 acres (1,386,040 S.F.)  
 Zoning: P2 (Professional Office)  
 Proposed Zoning: P2 (Professional Office)

**Proposed Land Use:** Multi-family Residential

**Proposed Density:** 300 units

**Proposed Building Height:** 4 stories, 3 stories maximum 6 stories

**Site Conditions:** 100% of site is wooded, 1,000 S.F. of 2nd floor area is currently under construction, and by 3 or more additional units, 200 residential units per person

**Adjacent Properties:**  
 N. Peachtree Dunwoody Road  
 N. Peachtree Dunwoody Road  
 N. Peachtree Dunwoody Road  
 N. Peachtree Dunwoody Road

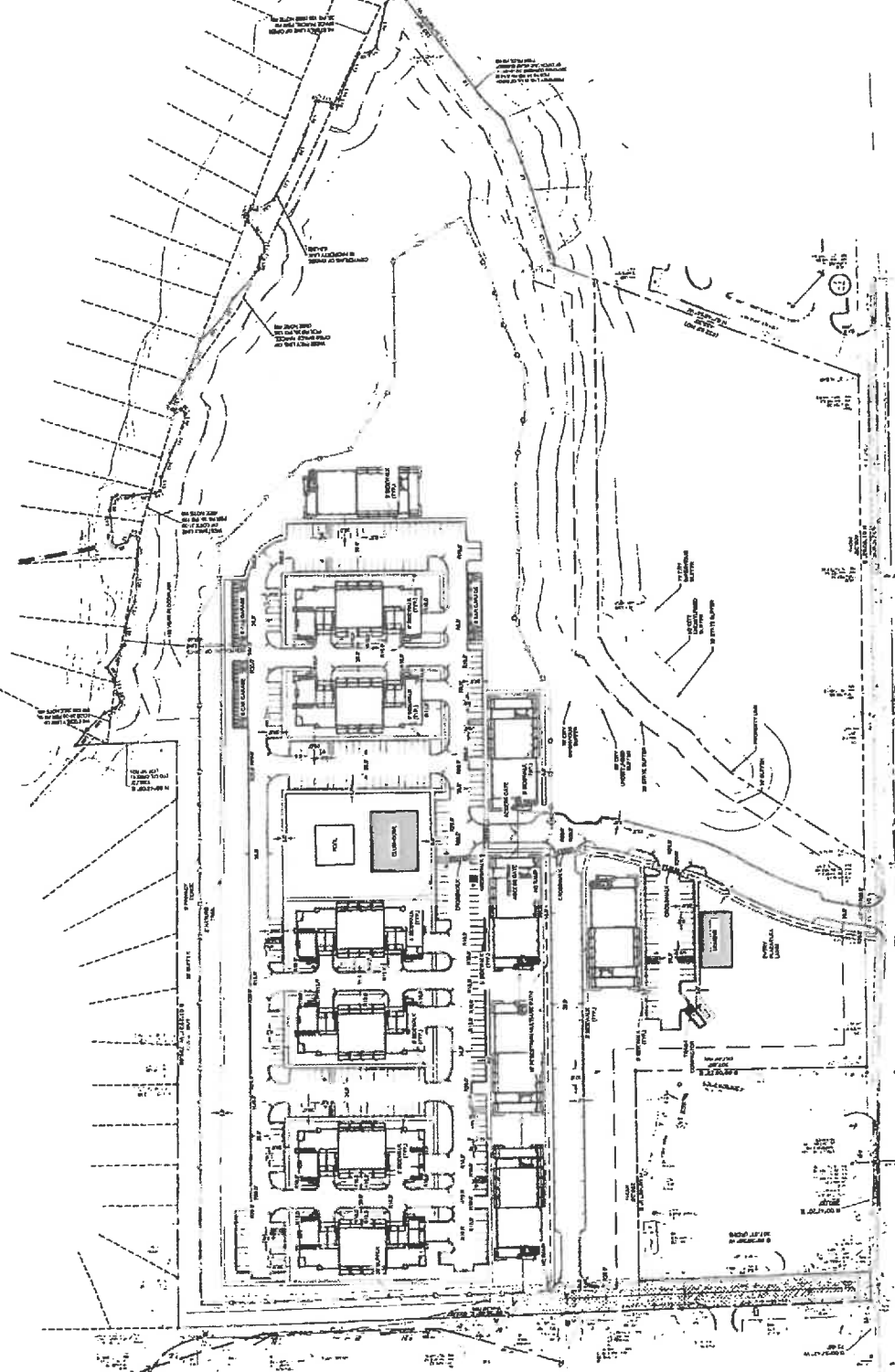
**Adjacent Owners:**  
 Mr. & Mrs. J. H. ...  
 Mr. & Mrs. J. H. ...  
 Mr. & Mrs. J. H. ...  
 Mr. & Mrs. J. H. ...

**Adjacent Right-of-Way:**  
 N. Peachtree Dunwoody Road  
 N. Peachtree Dunwoody Road  
 N. Peachtree Dunwoody Road  
 N. Peachtree Dunwoody Road

- SITE NOTES:**
1. THE PROPOSED BUILDING INFORMATION SYSTEM (BIS) SHALL BE PROVIDED IN ACCORDANCE WITH THE CITY OF ATLANTA'S BUILDING INFORMATION SYSTEM (BIS) REQUIREMENTS. THE BIS SHALL BE PROVIDED TO THE CITY OF ATLANTA AT THE TIME OF THE SUBMITTAL OF THE SITE PLAN.
  2. THE PROPOSED BUILDING INFORMATION SYSTEM (BIS) SHALL BE PROVIDED IN ACCORDANCE WITH THE CITY OF ATLANTA'S BUILDING INFORMATION SYSTEM (BIS) REQUIREMENTS. THE BIS SHALL BE PROVIDED TO THE CITY OF ATLANTA AT THE TIME OF THE SUBMITTAL OF THE SITE PLAN.
  3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF ATLANTA'S BUILDING INFORMATION SYSTEM (BIS) REQUIREMENTS. THE BIS SHALL BE PROVIDED TO THE CITY OF ATLANTA AT THE TIME OF THE SUBMITTAL OF THE SITE PLAN.
  4. THE PROPOSED BUILDING INFORMATION SYSTEM (BIS) SHALL BE PROVIDED IN ACCORDANCE WITH THE CITY OF ATLANTA'S BUILDING INFORMATION SYSTEM (BIS) REQUIREMENTS. THE BIS SHALL BE PROVIDED TO THE CITY OF ATLANTA AT THE TIME OF THE SUBMITTAL OF THE SITE PLAN.
  5. THE PROPOSED BUILDING INFORMATION SYSTEM (BIS) SHALL BE PROVIDED IN ACCORDANCE WITH THE CITY OF ATLANTA'S BUILDING INFORMATION SYSTEM (BIS) REQUIREMENTS. THE BIS SHALL BE PROVIDED TO THE CITY OF ATLANTA AT THE TIME OF THE SUBMITTAL OF THE SITE PLAN.
  6. THE PROPOSED BUILDING INFORMATION SYSTEM (BIS) SHALL BE PROVIDED IN ACCORDANCE WITH THE CITY OF ATLANTA'S BUILDING INFORMATION SYSTEM (BIS) REQUIREMENTS. THE BIS SHALL BE PROVIDED TO THE CITY OF ATLANTA AT THE TIME OF THE SUBMITTAL OF THE SITE PLAN.

**SITE PLAN LEGEND:**

--- PROPERTY LINE  
 --- 20' SETBACK DISTANCE LINE  
 --- 20' FLUSHING DISTANCE LINE



STANLEY K. TANGER BOULEVARD  
 (P/A PEACH ROAD)  
 180' R/W - PB 25, PG 80/PB 23, PG 120

STANLEY K. TANGER BOULEVARD  
 (P/A PEACH ROAD)  
 180' R/W - PB 25, PG 80/PB 23, PG 120











# City of Locust Grove

P.O. Box 900 Locust Grove, Georgia 30248-0900

Telephone (770) 957-5043 Fax: 1-866-364-0996

April 27, 2022

**MAYOR**

Robert Price

**COUNCIL**

Rudy Breedlove

Keith Boone

Carlos Greer

Rod Shearouse

Willie J. Taylor

Vincent Williams

**CITY MANAGER**

Tim Young

**CITY CLERK**

Misty Spurling

Asia Mosee  
Kimley-Horn  
11720 Amber Park Dr Ste. 600  
Alpharetta, GA 30009

[Asia.mosee@kimley-horn.com](mailto:Asia.mosee@kimley-horn.com)  
(Delivered electronically)

**RE: Parcel ID# 129-01058004 located east of Tanger Blvd. water and sewer availability**

**To whom it may concern:**

The City of Locust Grove (the "City") does provide water service to the above-referenced property (the "Property") via an existing 10" water line located along the Ingles shopping center rear access drive. Sanitary sewer service is available via existing lines along Tanger Blvd.

The City provides water and sanitary sewer services on a first-come, first-served basis. Prior to occupancy, the developer will be responsible for making any necessary upgrades to the systems in order to provide proper pressures and flows to the Property.

The information contained in this letter will remain in effect for a period of 365 days from the date of this letter unless otherwise notified in writing by the City.

Please do not hesitate to contact us at 770-957-5043 if you need additional information.

Kind regards,

*Anna Ogg*

Anna Ogg, Planner II  
Community Development Department







## MEMORANDUM

To: Trevor Kierecki, *Rangewater Real Estate*

From: John D. Walker, P.E., PTOE, *Kimley-Horn and Associates, Inc.*  
Harrison Forder, P.E., *Kimley-Horn and Associates, Inc.*

Date: July 21, 2022

RE: ***Rangewater Locust Grove, City of Locust Grove, Henry County, Georgia --  
Trip Generation Comparison***

---

Kimley-Horn is pleased to provide this memorandum regarding the trip generation comparison for the proposed *Rangewater Locust Grove* development in the City of Locust Grove, Henry County, Georgia. Per the *Trip Generation* section of this memorandum, the proposed residential rezoning is expected to generate less traffic than a commercial development compliant with the current zoning.

### PROJECT OVERVIEW

The *Rangewater Locust Grove* development is a proposed residential development on an approximate 25.0-acre site with an additional approximate 4.7-acre outparcel property located east of Tanger Boulevard and north of Palmetto Street in the City of Locust Grove, Henry County, Georgia.

The entire site is currently zoned for C-2 (General Commercial) land use and the entire 25-acre parcel is proposed to be rezoned to RM1 (Multi-Family Residential District Apartments) land use. The 4.7-acre outparcel is anticipated to remain zoned C-2. The trip generation comparison will be based on the following scenarios:

1. Existing Zoning: 240,000 SF Retail
2. Proposed Zoning: 300 Multi-Family Housing (Mid-Rise) Residential units, 40,000 SF Retail

The purpose of this memorandum is to compare the trip generation potential of the Existing Zoning with the trip generation potential of the Proposed Zoning.

**Figure 1** provides a location map. **Figure 2** provides an aerial imagery of the project site. Additionally, the preliminary site plans for the proposed development are provided.

### TRIP GENERATION

Project traffic used in this analysis is defined as the vehicle trips expected to be generated by the development and the distribution and assignment of that traffic through the study roadway network.

Anticipated trip generation for the proposed *Rangewater Locust Grove* development was calculated using rates and equations contained in the Institute of Transportation Engineers' (ITE) *Trip Generation Manual*, 11<sup>th</sup> Edition.

The densities and the project trip generation for the proposed development are summarized by land use in **Table 1**.

Table 1: Gross Trip Generation											
Land Use	ITE Code	Density	Daily Traffic			AM Peak			PM Peak Hour		
			Total	Enter	Exit	Total	Enter	Exit	Total	Enter	Exit
<b>Existing Zoning (C-2)</b>											
Retail/Shopping Center (>150K)	820	240,000 SF	8,882	4,441	4,441	202	125	77	816	392	424
<b>Proposed Zoning (RM1 &amp; C-2)</b>											
Multi-Family Housing (Mid-Rise)	221	300 d.u.	1,384	692	692	120	28	92	123	75	48
Retail/Shopping Center (40K – 150K)	821	40,000 SF	2,700	1,350	1,350	69	43	26	208	102	106
<b>Total Gross Trips</b>			4,084	2,042	2,042	189	71	118	331	177	154
<b>Difference in Gross Project Trips</b>			-4,798	-2,399	-2,399	-13	-54	+41	-485	-215	-270
<b>% Difference in Gross Project Trips</b>			-54%	-54%	-54%	-6%	-43%	+53%	-59%	-55%	-64%

\*Note: No reductions for mixed-use, alternative mode, or pass-by were taken in order to present a conservative analysis.

Based on the trip generation shown in **Table 1**, the proposed *Rangewater Locust Grove* development is projected to generate approximately 4,798 less total daily trips (2,042 in; 2,042 out), 13 fewer AM peak hour trips, and 485 fewer PM peak hour trips than the Existing Zoning. The proposed *Rangewater Locust Grove* development will generate approximately 54% less gross daily trips, 6% less AM peak hour trips, and approximately 59% less PM peak hour trips compared to the Existing Zoning.

## SUMMARY

The proposed *Rangewater Locust Grove* development is a proposed residential development on an approximate 25.0-acre site with an additional approximate 4.7-acre outparcel property located east side of Tanger Boulevard and north of Palmetto Street in the City of Locust Grove, Henry County, Georgia. The entire 25-acre site is proposed to be rezoned from C-2 to RM1. The 4.7-acre outparcel is anticipated to remain zoned C-2.

This memo compared the trip generation potential of the Existing Zoning (240,000 SF Retail) to the trip generation potential of the Proposed Zoning (300 Multi-Family Housing (Mid-Rise) Residential units, and 40,000 SF Retail). Based on the trip generation comparison, the Proposed Zoning of the proposed *Rangewater Locust Grove* development is projected to generate approximately 54% less gross daily trips, 6% less AM peak hour trips, and 59% less PM peak hour trips versus the Existing Zoning.

We hope this information is helpful. Please contact me if you have any questions.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.



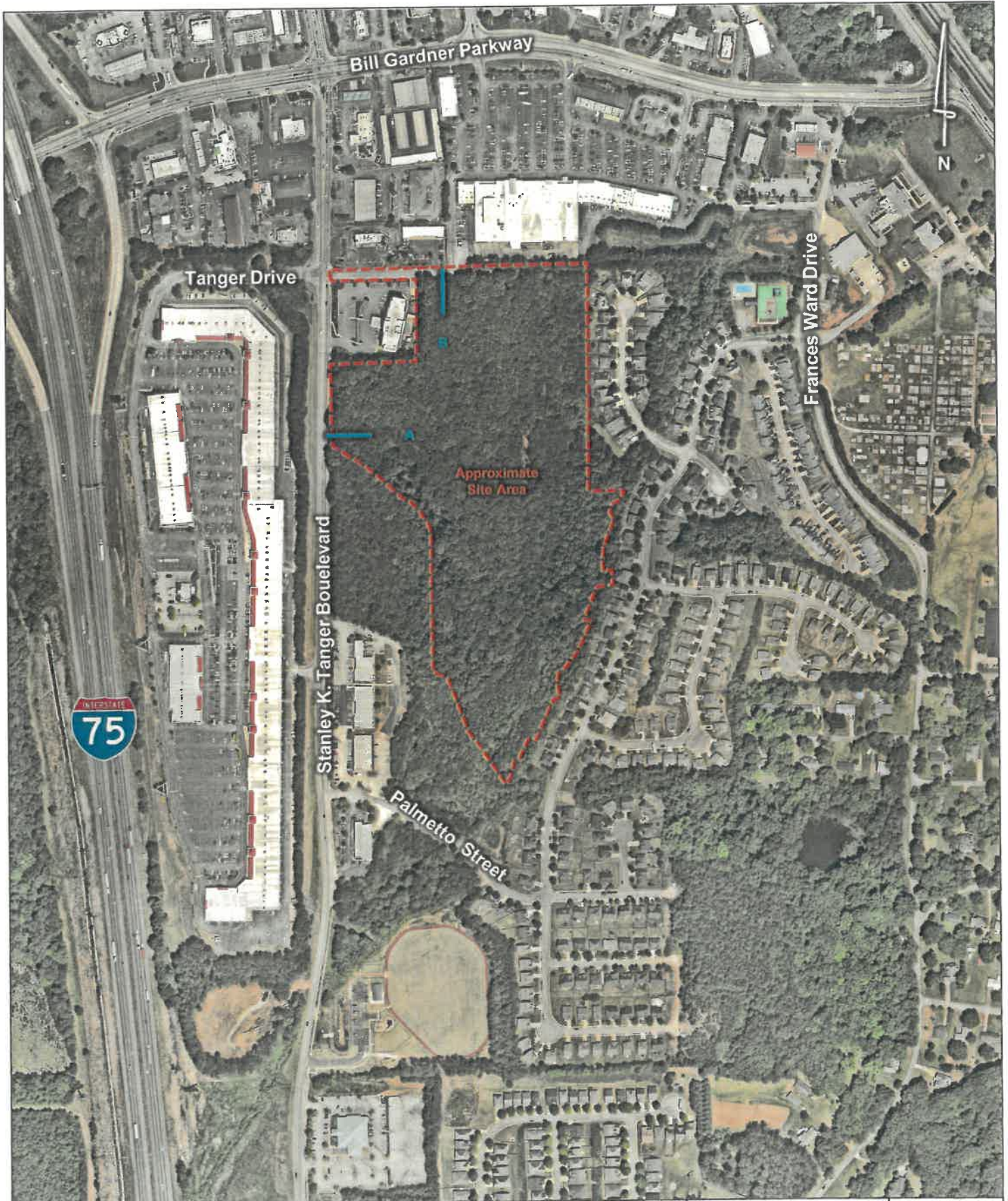
John D. Walker, P.E., PTOE  
Senior Vice President



Harrison Forder, P.E.  
Project Engineer

### Attachments:

- Figure 1: Site Location Map
- Figure 2: Site Aerial
- Trip Generation Analyses
- Proposed Site Plan





### Option 1

Trip Generation Analysis (11th Ed.) Rangewater Locust Grove City of Locust Grove, Henry County, GA							
Land Use	Intensity	Daily Trips	AM Peak Hour		PM Peak Hour		
			Total	In	Out	Total	In
<b>Proposed Site Traffic</b>							
820 Shopping Center (>150k)	240,000 s.f. gross leasable area	8,882	202	125	77	816	424
		<b>8,882</b>	<b>202</b>	<b>125</b>	<b>77</b>	<b>816</b>	<b>424</b>
		<b>Gross Trips</b>					
		<b>8,882</b>	<b>202</b>	<b>125</b>	<b>77</b>	<b>816</b>	<b>424</b>

\\kimley-horn.com\se\_aip\vaip\_prj\013678008\_locust\_grove\eng\traffic\analysis[locust\_grove (240,000sqft retail)] - trip gen.xls\trip generation

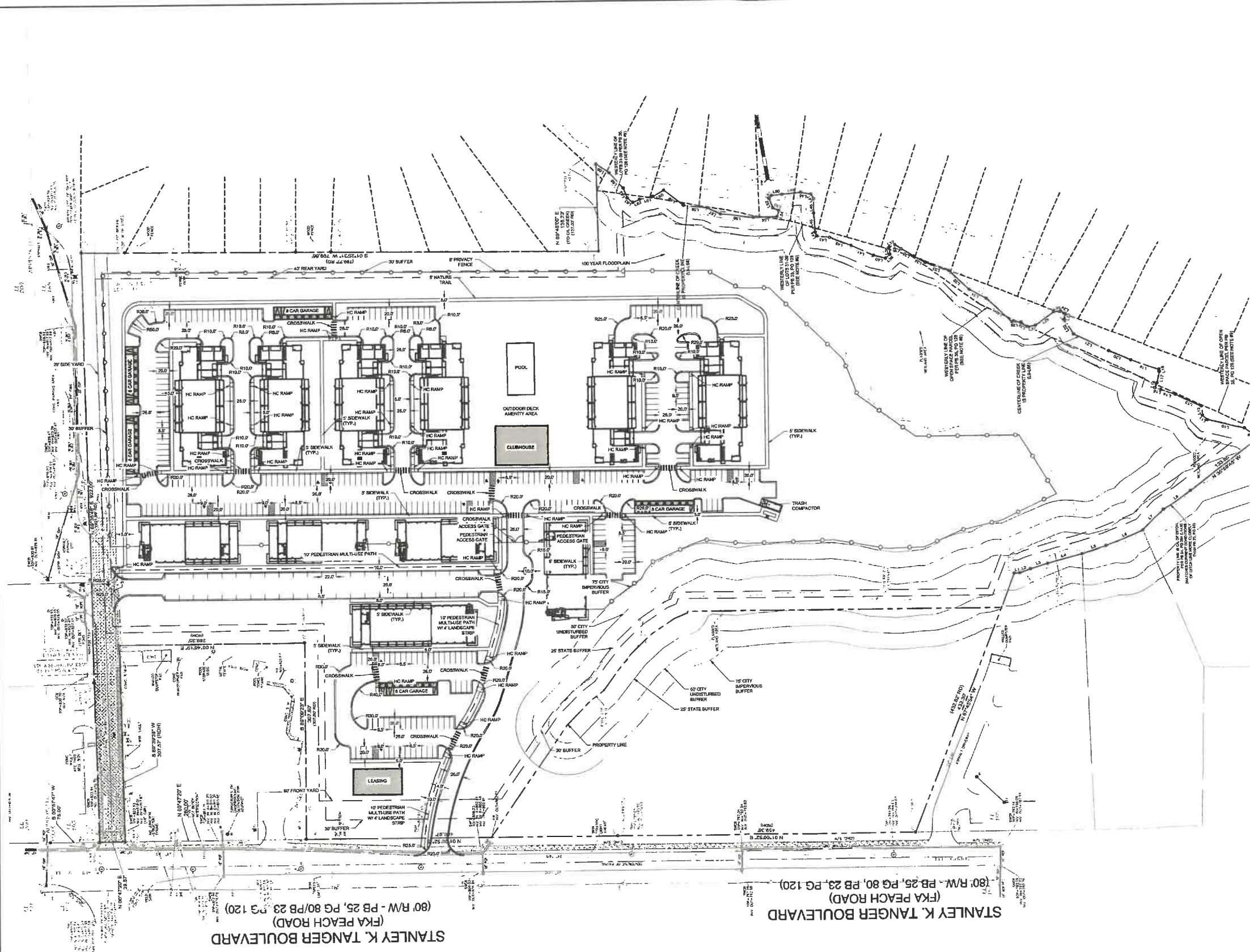
## Option 2

Trip Generation Analysis (11th Ed.) Rangewater Locust Grove City of Locust Grove, Henry County, GA									
Land Use	Intensity	Daily Trips	AM Peak Hour		PM Peak Hour				
			Total	In	Out	Total	In	Out	
<b>Proposed Site Traffic</b>									
221 Multi-Family Housing (Mid-Rise)	300 d.u.	1,384	120	28	92	123	75	48	
<b>Gross Trips</b>		<b>1,384</b>	<b>120</b>	<b>28</b>	<b>92</b>	<b>123</b>	<b>75</b>	<b>48</b>	
\\hkmley-horn.com\se_alp1\alp_prj\013678008_locust grove\eng\traffic\analysis\locust grove (300 units) - trip gen.xls\trip generation									

Trip Generation Analysis (11th Ed.) Rangewater Locust Grove City of Locust Grove, Henry County, GA									
Land Use	Intensity	Daily Trips	AM Peak Hour		PM Peak Hour				
			Total	In	Out	Total	In	Out	
<b>Proposed Site Traffic</b>									
821 Shopping Center (40K-150k)	40,000 s.f. gross leasable area	2,700	69	43	26	208	102	106	
<b>Gross Trips</b>		<b>2,700</b>	<b>69</b>	<b>43</b>	<b>26</b>	<b>208</b>	<b>102</b>	<b>106</b>	
\\hkmley-horn.com\se_alp1\alp_prj\013678008_locust grove\eng\traffic\analysis\locust grove (40,000sqft retail) - trip gen.xls\trip generation									



Drawing name: K:\ALP\_P\121013671806\_Local\_Growth\CDP\Residential\CD-30 - REZONING SITE PLAN.dwg CA-30 SITE PLAN - JUN 28, 2022 12:48pm by: Bailey/Charles



**DEVELOPMENT SUMMARY:**

**Site Area and Zoning:**  
 Site Area: 25.00 acres (1,088,045 S.F.)  
 Existing Zoning: C-2 (General Commercial)  
 Proposed Zoning: RM1 (Multi-Family Residential District)

**Land Uses and Density:**  
 Proposed Land Use: Multi-Family Residential  
 Max. Allowable Density (12 units/acre \* 25 acres): 300 units  
 Proposed Density: 300 units  
 Allowable Building Height: Min. 3 stories and Max 5 stories  
 Proposed Building Height: 3 story

**Min. Floor Area(heated):** 900 s.f. for 1 bedroom, 1200 s.f. for 2 bedroom, and for 3 or more bedroom units, 200 additional s.f. per bedroom

**Setbacks & Buffers:**  
 Min. Lot Width: 100'  
 Min. Front Yard: 80'  
 Min. Side Yard: 20'  
 Min. Rear yard: 40'  
 Min. Distance Between Buildings: 40'  
 Planted Buffer: 30' along adjoining properties and public roadways

**Parking:**  
 Min. Allowable (1.5 spaces/unit): 450 spaces  
 Max. Allowable (2.0 spaces/unit): 600 spaces  
 Provided: 355 surface parking spaces + 13 handicap spaces + 62 garage spaces = 450 total spaces

**SITE NOTES:**

1. THE PROPOSED BUILDING INFORMATION SHOWN HEREON IS FROM AN ELECTRONIC FILE PROVIDED BY HUMPHREYS AND PARTNERS, DATED 05/12/2022 AND IS FOR ILLUSTRATIVE PURPOSES ONLY. CONTRACTOR SHALL REFERENCE ARCHITECTURAL PLANS FOR EXACT BUILDING INFORMATION.
2. EXISTING CONDITIONS SHOWN HEREON ARE FROM A SURVEY FILE PROVIDED BY PARAMOUNT SURVEYS, DATED 05/29/2022.
3. ALL DIMENSIONS ARE FROM FACE OF CURB TO FACE OF CURB UNLESS OTHERWISE NOTED.
4. SIDEWALK INSTALLED AGAINST BACK OF CURB SHALL BE INSTALLED PER THE PLAN AS MEASURED FROM THE BACK OF CURB.
5. ALL SIGNAGE AND STRIPING MUST MEET THE LATEST REQUIREMENTS SET FORTH BY MUTCD, CDOT, AND GEORGIA STATE CODE.
6. REFERENCE LANDSCAPE PLANS FOR ALL LANDSCAPE AND LANDSCAPE DETAILS AND SPECIFICATIONS.

**SITE PLAN LEGEND:**

- PROPERTY LINE
- XX FT BUILDING SETBACK LINE
- XX FT LANDSCAPE BUFFER LINE

**Kimley»Horn**

© 2022 KIMLEY HORN AND ASSOCIATES, INC.  
 11720 AMBER PARK DRIVE, SUITE 600  
 ALPHARETTA, GA 30009  
 PHONE: (770) 919-4200  
 WWW.KIMLEYHORN.COM

**RANGEWATER REAL ESTATE**

5806 OLENDORGE DRIVE, NE, SUITE 776  
 ALPHARETTA, GA 30009  
 PHONE: 470.312.2991

CLIENT

DATE

BY

PROJECT

NO. REVISION DESCRIPTIONS

RANGEWATER REAL ESTATE

RANGEWATER LOCUST GROVE

GEORGIA REGISTERED PROFESSIONAL ENGINEER

07/15/2022

CSW/C: CERT. (LEVEL II)

DRAWN BY: ANM

DESIGNED BY: ANM

REVIEWED BY: JKM

DATE: 06/08/2022

PROJECT NO.: 01000000X

TITLE

REZONING SITE PLAN

SHEET NUMBER

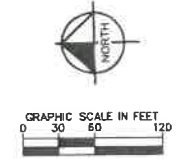
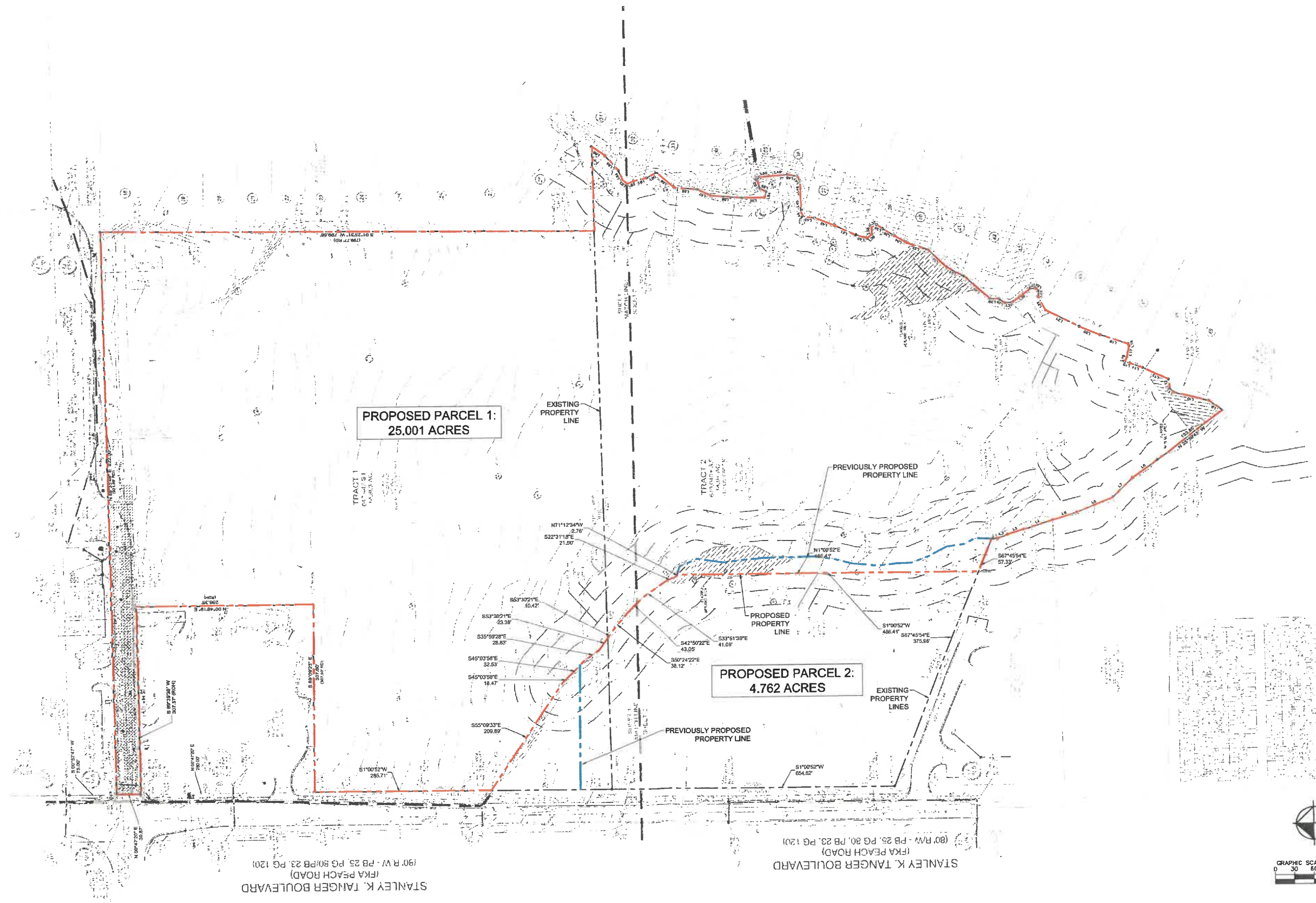
**C0-30**

GRAPHIC SCALE IN FEET

STANLEY K. TANGER BOULEVARD (FKA PEACH ROAD) PG 120  
 (80' R/W - PB 25, PG 80, PB 23, PG 120)  
 STANLEY K. TANGER BOULEVARD (FKA PEACH ROAD) PG 120  
 (80' R/W - PB 25, PG 80, PB 23, PG 120)

This document, together with the concepts and designs presented herein, is an instrument of service, is intended only for the specific purpose and client for which it was prepared. Plans of and proper reliance on this document without written authorization and adoption by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

K:\ALP\_PRJ\013678008\_Locust Grove\CAD\Exhibits\2022-05-24 Property Line Exhibit.dwg Layout1 May 26, 2022 8:49pm by: Asia.Mosee



**Kimley»Horn**  
 11720 AMBER PARK DRIVE, SUITE 600, ALPHARETTA, GEORGIA 30009  
 PHONE: (770) 619-4280 | www.kimley-horn.com

TITLE:  
**PROPOSED PROPERTY LINE**

PROJECT:  
**LOCUST GROVE**

CLIENT:  
**RANGEWATER REAL ESTATE**

JOB NUMBER: 013678008  
 SCALE: AS SHOWN  
 DATE: 5/24/2022  
 SHEET: **EXHIBIT A**

THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY KIMLEY-HORN AND ASSOCIATES, INC. SHALL BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC. COPYRIGHT KIMLEY-HORN AND ASSOCIATES, INC. 2017

**EXHIBIT "B"**



# REZONING EVALUATION REPORT

FILE: RZ-22-06-03

July 18, 2022

REZONING C-2 TO RM-1

## Property Information

Tax ID	129-01058004; 129-01058006
Location/address	Land Lot 185 of the 2 <sup>nd</sup> District
Parcel Size	25 +/- acres
Current Zoning	C-2 (General Commercial)
Request	RM-1 (Multi-Family Residential District-Apartments)
Proposed Use	Multifamily Residential Community
Existing Land Use	Vacant/undeveloped land
Future Land Use	Mixed Use Neighborhood
Recommendation	Approval

## Summary

RangeWater Real Estate of Atlanta, GA requests rezoning of 25+/- acres located on Stanley K. Tanger Boulevard in Land Lot 185 of the 2<sup>nd</sup> District from C-2 (General Commercial) to RM-1 (Multi-Family Residential District - Apartments) for the purpose of developing a Multifamily Residential Community.

The subject property consists of portions of two separate tax parcels including Parcel IDs 129-01058004 and 129-01058006 (the "Property"). The Property is adjacent to the Locust Grove Village shopping center on Bill Gardner Parkway and across from the Tanger Outlets facing Interstate 75. The Property is undeveloped and vacant land, identified on the City's Official Zoning Map as C-2 (General Commercial).

The applicant, RangeWater Real Estate, is requesting a zoning map amendment to rezone the subject property to RM-1 (Multi-Family Residential District-Apartments) to create a new, high-quality multifamily community for current and future Locust Grove residents. The applicant seeks to develop a 300-unit multifamily community, containing a density consistent with the RM-1 density allowances. The proposed design is an attractive multifamily residential community featuring units with superior building materials, distinct interior finishes, and upgraded appliance packages. The proposed community includes a variety of different building elevations with cohesive architectural styles.

The applicant proposes a progressive and design-forward approach that creates a welcoming neighborhood with unique visual interest. The proposed community will provide ample parking for residents and guests while incorporating enclosed garages for select apartment units. The applicant is proposing a development that envisions an inviting, community living experience featuring a community clubhouse with resident lounge, fitness center, and co-working space along with other

*Preserving the Past... ....Planning the Future*



# REZONING EVALUATION REPORT

FILE: RZ-22-06-03

**July 18, 2022**  
**REZONING C-2 TO RM-1**

amenities such as a pool, dog park, community lawns, ample greenspace with nature trail, and private internal sidewalks. Additionally, the applicant proposes a community where residents will appreciate and enjoy the community's proximity to the adjacent, offsite retail opportunities including the grocery store, restaurants, and shops.

The introduction of this development to the vacant and undeveloped site, will allow the applicant to transform the subject property and surrounding Tanger Boulevard-Bill Gardner Parkway area into a true mixed-use environment by incorporating residential uses adjacent to the existing shopping center and across from the retail outlet center. Given the concentration of commercial uses in the area, new residential uses will help upgrade a commercial corridor into a more modern mixed-use neighborhood and activity center. The proximity to the commercial options coupled with the convenience of access to Interstate 75 make this property ideally situated for a residential development. The proposed development reimagines the Tanger Boulevard-Bill Gardner Parkway corridor and city gateway by introducing an attractive residential component to the current commercial landscape.

According to the Henry County/Joint Cities Comprehensive Plan 2040, the City of Locust Grove has a definite need for more high-quality housing options to serve current and future residents. As cited in the 2040 Comprehensive Plan Update, Henry County and its municipalities including Locust Grove face the distinct challenge and goal of providing housing options beyond just single-family homes (pg. 77). The applicant's requested rezoning and residential community accomplishes this goal and delivers on the City's desired policies to achieve a diverse supply of "Missing Middle" housing. Additionally, the Tanger Boulevard-Bill Gardner Parkway corridor is an active and important gateway that should demand attention and reflect the lifestyle opportunities available in the City of Locust Grove.

The applicant's proposed development will enhance the corridor and deliver a desired high-quality housing product with mixed use integration needed in the area. Applicant's requested rezoning, if approved, will greatly benefit and promote the public health and general welfare by providing high-quality, architecturally unique housing integrated into an attractive mixed-use setting. The current commercial zoning of the subject property is not viable considering the Property's large size, exhausted commercial buildout on surrounding properties, and current commercial trends opposed to big-box retail development. The applicant's requested rezoning is consistent with the stated goals in the Comprehensive Land Use Plan. The applicant's multifamily neighborhood will contribute to the variety of residential options in the market, promote a mixed-use corridor environment, and enhance a vacant site located in an area of the city ripe for transformation. For all of these reasons and satisfaction of the zoning criteria, as amended, the applicant's proposed development will establish the high quality development, meeting and exceeding the collective vision of the City of Locust Grove City Council.





# REZONING EVALUATION REPORT

FILE: RZ-22-06-03

July 18, 2022  
REZONING C-2 TO RM-1

## Service Delivery / Infrastructure

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**Water and Sewer:** The City of Locust Grove does provide water service to the subject property via an existing 10" water line located along the Ingles shopping center rear access drive. Sanitary sewer service is available via existing lines along Tanger Boulevard.

**Land Use:** The site must be in compliance with the requirements set forth in the City's RM-1 (Multi-Family Residential District-Apartments) zoning district as well as development standards established in Title 15 of the City Code, including Watershed Protection standards, as applicable to the site.

### **Development of Regional Impact (DRI)**

The proposed multifamily residential community development does not meet the Georgia Department of Community Affairs (DCA) threshold for a Development of Regional Impact (DRI). For Housing Developments, lots or units, in areas designated as Developing Suburban, the threshold is 500 lots or units. The Applicant is proposing 300 units on the subject property, thereby, not meeting the threshold for DRI review.

### **Financial Impacts:**

Fees for water and sewer services, development and building inspections and reviews, occupational tax and impact fees will be collected. It is estimated that construction of the proposed development will be \$75-80 million, with a value approaching \$100 million when completely leased added to the tax digest.

**Police Services:** The subject property is 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 the City of Locust Grove Fire Marshal in partnership with Henry County as is similar with other portions of the city as defined by the Service Delivery Strategy.

## 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 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, a neighborhood, a particular area, or the community.**



# REZONING EVALUATION REPORT

July 18, 2022

FILE: RZ-22-06-03

REZONING C-2 TO RM-1

The applicant's proposed rezoning to RM-1 will have a positive impact on the subject property, surrounding parcels, the Tanger Boulevard-Bill Gardner Parkway corridor, and the City of Locust Grove. The applicant's requested rezoning of the Property will greatly benefit and promote the public health, general welfare, and viability of surrounding commercial properties, property owners and city residents by providing high-quality housing and multifamily neighborhood integrated into an attractive mixed-use setting.

**(2) The relation that the proposed amendment bears to the purpose of the overall zoning scheme with due consideration given to whether or not the proposed change will help carry out the purposes of this Chapter.**

The applicant's requested rezoning to RM-1 will achieve the purpose, intent, and vision of the City's zoning for the surrounding area and the future land use goals established in the Henry County/Joint Cities Comprehensive Land Use Plan 2040. The applicant's requested rezoning and proposed multifamily community will contribute to and enhance the commercial uses and commercial zoning in the surrounding area by creating a new mixed-use character for the corridor. Additionally, the applicant's request is consistent with the subject property's future land use designation as "mixed use neighborhood" by incorporating multi-family residential with existing commercial uses to establish a regional mixed-use setting.

**(3) Consistency with the Land Use Plan.**

The applicant's requested rezoning is consistent with intent of the Comprehensive Land Use Plan. The applicant's residential community accomplishes the Comprehensive Land Use Plan's goal to deliver a diverse supply of "Missing Middle" housing and provide a mixture of housing options for current and future city residents (pg. 77). Additionally, as previously stated, the applicant's multifamily neighborhood is consistent with the Property's future land use designation by incorporating multi-family residential with existing commercial uses to create a regional mixed-use setting.

**(4) The potential impact of the proposed amendment on City infrastructure including water and sewerage systems.**

Minimal impact anticipated on city water and sewer infrastructure, as capacity to service the proposed development has been confirmed by the City Public Works Department.

**(5) The impact of the proposed amendment on adjacent thoroughfares and pedestrian vehicular circulation and traffic volumes.**

Minimal impact on adjacent thoroughfares, traffic volumes, and circulation for pedestrians and vehicles is anticipated. Traffic generated by applicant's proposed development is consistent with increased traffic generated by similar new developments in surrounding markets. The applicant's development and site design will provide safe vehicle and pedestrian traffic flow to and from the subject property.



# REZONING EVALUATION REPORT

FILE: RZ-22-06-03

**July 18, 2022**  
**REZONING C-2 TO RM-1**

**(6) The impact upon adjacent property owners should the request be approved.**

The applicant's rezoning and proposed development will contribute to and enhance the commercial uses on the surrounding properties by creating a new mixed-use character for the corridor. The applicant's rezoning, if approved, will greatly benefit and promote the value and viability of surrounding commercial properties and property owners by providing high-quality housing with new customer base integrated as an attractive, progressive mixed-use setting.

Direction	Zoning	Current Land Use	Future Land Use
North	C-2 (General Commercial) & C-3 (Heavy Commercial)	Ingles Shopping Center; Hampton Inn	Regional Commercial
East	RM (Multi-Family Residential)	Patriots Point Subdivision	High Density Residential
South	C-2 (General Commercial)	Commercial Shopping Center	Mixed Use Neighborhood
West	C-2 (General Commercial)	Tanger Outlet Shopping Center	Gateway Town Center

**(7) The ability of the subject land to be developed as it is presently zoned.**

The subject property obtains its highest and best use that is guided by the future land use designation of mixed-use neighborhood. The current C-2 zoning potential exacerbates the presence and proliferation of existing commercial centers and shopping plazas in the surrounding area. The subject property and surrounding commercial market are not currently better suited for mixtures of uses that establish better balance in transitional zoning. As such, there is better economic value in the subject property if developed as proposed by the applicant.

**(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.**

The subject property's size, shape, and physical conditions are well suited and appropriate for development of the Applicant's multifamily neighborhood. The current C-2 zoning would potentially exhaust commercial buildout on surrounding properties, and current commercial trends opposed to big-box retail development. Despite new commercial, retail, and hotel development along the Tanger Boulevard-Bill Gardner Parkway corridor and in the surrounding area, the subject property has remained vacant without redevelopment. The applicant's request to rezone the subject property from C-2



# REZONING EVALUATION REPORT

FILE: RZ-22-06-03

**July 18, 2022**  
**REZONING C-2 TO RM-1**

to RM-1, if approved, stands to create a high-quality residential development on the subject property.

**(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 applicant's request to rezone the subject property from C-2 to RM-1 provides a unique opportunity for the City to transform a vacant parcel into a vibrant neighborhood, to create a true mixed-use setting for a primary corridor and city gateway, and to provide new and diverse housing options for current and future city residents. The current C-2 zoning would potentially proliferate existing commercial centers and shopping plazas in the surrounding area, and current commercial trends opposed to big-box retail development. The subject property and surrounding commercial market are not currently suited for another shopping center. As such, there is not a reasonable economic value in the Property as currently zoned. Furthermore, there is no benefit to the public from the Property's current C-2 zoning. The current state of the subject property as a vacant site does not promote the health, safety, morals, or general welfare of the public. The approval of the applicant's request for a high-quality, multifamily community and creation of a new mixed-use activity center will promote the health, safety, morals, and general welfare of the public and provide immense benefits to surrounding property owners and the City of Locust Grove citizens.

## Recommendations

**To remain consistent with the Locust Grove LCI Plan and the merits of the recent ordinance revisions to RM (RM-1 Multiple Family-Apartments), staff recommends approval of the applicant's request to rezone the subject property from C-2 to RM(RM-1) with the following conditions:**

1. The illustrative architectural renderings of elevations of the multifamily unit types shall form the basis of the future building permitting and reference in the ARB architectural review Board and shall only be deviated from in a material amount by the ARB.
2. Amenities shall be reviewed as part of the ARB review process to be consistent with the RM-1 Ordinance, the attached Site Plan, and the goals and objectives of the LCI Plan.
3. A 40-foot Right-of-Way shall be set aside and dedicated to the City as part of the LCI Plan's Long-Term Transportation project #16 (Tanger Drive Extension) along the entire frontage of the project where it abuts the Ingles Shopping Center.



# REZONING EVALUATION REPORT

FILE: RZ-22-06-03

**July 18, 2022**

**REZONING C-2 TO RM-1**

- 
4. Prior to the issuance of a certificate of occupancy for more than 50% of the buildings on the subject property, the owner/developer shall construct a paved connection to the existing asphalt driveway located north of Tax Parcel 129-01058 041 which provides access to Tanger Boulevard.
  5. The pedestrian crossing on the north side of the entrance driveway located closest to the vehicular gate area, shall be a raised crosswalk.
  6. A Flock camera will be installed at the development.
  7. Prior to the issuance of the final certificate of occupancy, an easement for public use of the multiuse path will be recorded in the public records.

**EXHIBIT "C"**

**AFFIDAVIT OF SIGN POSTING**

Personally appeared, before the undersigned officer duly authorized to administer oaths, Ms. Wendy Stephens, who, after being duly sworn, testifies as follows:

1.

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

2.

Rangewater Properties of Atlanta, GA requests rezoning of 25+/- acres located at Stanley K. Boulevard in Land Lot 185 of the 2<sup>nd</sup> District from C-2 (General Commercial) to RM-1 (Multifamily) for the purpose of developing a multifamily residential community with a max density of 12 DU/acre.

3.

On the 29<sup>th</sup> day of June 2022, I, Wendy Stephens posted a double-sided sign notification on the subject parcel advertising a public hearing on the above requests to be heard by the Locust Grove City Council on the 18<sup>th</sup> day of July at 6:00 p.m. at the Locust Grove Public Safety Building, 3640 Highway 42, Locust Grove, Georgia 30248. A photograph of same is attached hereto as Exhibit "A" and incorporated herein by reference. The public hearing sign was posted at the following location:

1. Double-sided sign posted at 11:19 AM on the east side of Stanley K Tanger Blvd. south of Tanger Dr. on 6/29/22.

FURTHER AFFIANT SAYETH NOT.

This 12<sup>th</sup> day of July, 2022.



Affiant

Sworn and subscribed before me  
this 12 day of July, 2022

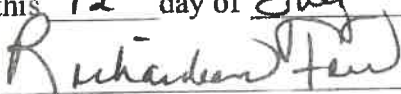
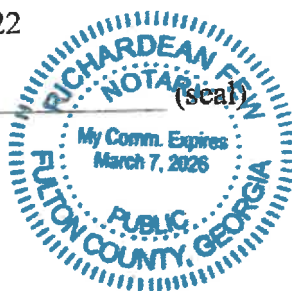
  
\_\_\_\_\_  
Notary Public




Exhibit "A"



Write a Caption

Wednesday • Jun 29, 2022 • [Adjust](#)  
11:19 AM

 IMG\_2534

Apple iPhone SE (2nd gener... HEIF 

Back Camera — 28 mm f1.8  
12 MP • 4032 × 3024 • 3.1 MB



Edit



# Henry Herald

38 Sloan Street  
McDonough, Georgia 30253

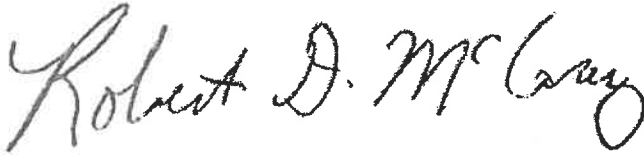
## PUBLISHER'S AFFIDAVIT

STATE OF GEORGIA  
COUNTY OF HENRY

Personally appeared before the undersigned, a notary public within and for said county and state, Robert D. McCray, Vice President of SCNI, 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

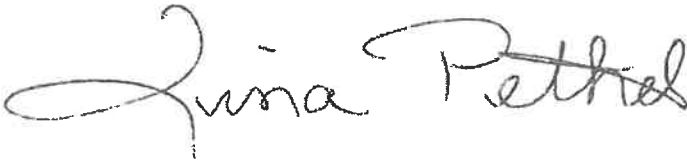
Ad No.: 74623

Name and File No.: **PUBLIC HEARING 7/18/2022**  
a true copy of which is hereto attached, was published in  
said newspaper on the following date(s):  
**06/29/2022**



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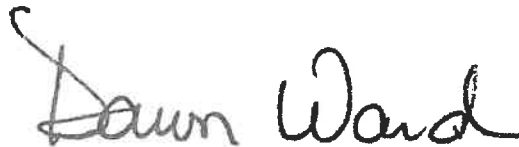
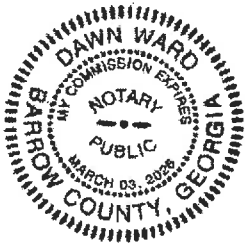
Robert D. McCray, SCNI Vice President of Sales and Marketing



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By Tina Pethel  
SCNI Controller

Sworn and subscribed to me 06/29/2022



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Notary Public  
My commission expires 03/03/2026

Ad text :     Public Hearing Notice  
City of Locust Grove  
July 18, 2022  
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 18, 2022, at 6:00 PM, will conduct public hearings for the purpose of the following:

**PRELIMINARY CONCEPT  
PLAN REVIEW**

Tellus Partners of Chamblee, GA requests a rezoning of 50.16 +/- acres located on Price Drive in Land Lot 201 of the 2nd District from C-2 (General Commercial) to PD (Planned Development) requiring a preliminary concept plan review.

**REZONINGS**

RZ-22-05-01 Standard Properties of McDonough, GA requests a rezoning of 4.355 +/- acres located on Martin Luther King Jr. Blvd in Land Lot 167 of the 2nd District from OI (Office Institutional) to R-3 (Single Family Residential) for the purpose of developing six single-family homes.

RZ-22-06-02 The Beverly J Searles Foundation requests a rezoning of 21.97 +/- acres located on Frances Ward Dr in Land Lot 168 of the 2nd District from R-3 (Single-Family Residential) to PR-4 (Planned Residential District) for the purpose of developing a 100-lot single-family subdivision

RZ-22-06-03 Rangewater Properties of Atlanta, GA requests a rezoning of 25 +/- acres located on Tanger Boulevard in land lot 185 of the 2nd district from C-2 (General Commercial) to RM-1 (Multi-Family Residential District) for the purpose of developing a multi-family residential community with a max density of 12 du/acre.

**ZONING ORDINANCE  
AMENDMENT**

ORD-AM-22-06-04 A City of Locust Grove initiated amendment to Zoning Ordinance Section 17.04.052, PR-4 (Planned Residential Development), repealing the PR-4 zoning district in its entirety.

ORD-AM-22-06-05 A City of Locust Grove initiated amendment to Zoning Ordinance Section 17.04.055, PR-5 (Urban infill/active adult planned residential district), repealing the PR-5 zoning district in its entirety.

The public hearings 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  
74623-6/29/2022

## EXHIBIT “D”

**To remain consistent with the Locust Grove LCI Plan and the merits of the recent ordinance revisions to RM (RM-1 Multiple Family-Apartments), staff recommends approval of the applicant's request to rezone the subject property from C-2 to RM(RM-1) with the following conditions:**

1. The illustrative architectural renderings of elevations of the multifamily unit types shall form the basis of the future building permitting and reference in the ARB architectural review Board and shall only be deviated from in a material amount by the ARB.
2. Amenities shall be reviewed as part of the ARB review process to be consistent with the RM-1 Ordinance, the attached Site Plan, and the goals and objectives of the LCI Plan.
3. A 40-foot Right-of-Way shall be set aside and dedicated to the City as part of the LCI Plan’s Long-Term Transportation project #16 (Tanger Drive Extension) along the entire frontage of the project where it abuts the Ingles Shopping Center.
4. Prior to the issuance of a certificate of occupancy for more than 50% of the buildings on the subject property, the owner/developer shall construct a paved connection to the existing asphalt driveway located north of Tax Parcel 129-01058 041 which provides access to Tanger Boulevard.
5. The pedestrian crossing on the north side of the entrance driveway located closest to the vehicular gate area, shall be a raised crosswalk.
6. A Flock camera will be installed at the development.
7. Prior to the issuance of the final certificate of occupancy, an easement for public use of the multiuse path will be recorded in the public records.



## Community Development Department

P. O. Box 900  
Locust Grove, Georgia 30248

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

# Item Coversheet

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**Item:** An ordinance to repeal the PR-4 (Planned Residential District) zoning district in its entirety.

**Action Item:**  Yes  No

**Public Hearing Item:**  Yes  No

**Executive Session Item:**  Yes  No

**Advertised Date:** N/A

**Budget Item:** N/A

**Date Received:** June 22, 2022

**Workshop Date:** July 18, 2022

**Regular Meeting Date:** August 1, 2022

### Discussion:

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The City of Locust Grove City Council directed city staff to move forward with the repealing of the PR-4 (Planned Residential District) zoning district in its entirety, as part of their collective vision to establish residential districts of lower density.

### Recommendation:

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APPROVAL

**ORDINANCE NO. \_\_\_\_\_**

**TO AMEND TITLE 17, CHAPTER 17.04.052 PR-4 (PLANNED RESIDENTIAL DEVELOPMENT) OF THE CITY OF LOCUST GROVE CODE OF ORDINANCES, WHICH PROVIDES FOR ZONING REGULATIONS; TO AMEND FOR REFERENCE CERTAIN DEVELOPMENT STANDARDS; TO PROVIDE FOR APPLICABILITY; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL INCONSISTENT PROVISIONS; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**

**THE COUNCIL OF THE CITY OF LOCUST GROVE HEREBY ORDAINS**

**SECTION 1.** Section 17.04.052 entitled “PR-4 Planned Residential District” is hereby repealed, effective the official date of adoption of this ordinance by the City of Locust Grove City Council. All existing developments shall remain zoned PR-4 with all applicable regulations and conditions as part of their original zoning in force. Without being construed as an approval of or support for any application for zoning map amendment received prior to the effective date of this repeal, such applications shall be allowed to continue through the rezoning process as vested under the PR-4 ordinance regulations that were in effect prior to this repeal with all rights granted thereunto. After the effective date of repeal, no applications shall be accepted for this zoning district.

**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.** This ordinance shall become effective immediately upon its adoption by the Mayor and Council of the City of Locust Grove.

**SO ORDAINED** this 1<sup>st</sup> day of August 2022.

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Robert S. Price, Mayor

ATTEST:

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Misty Spurling, City Clerk

(Seal)

APPROVED AS TO FORM:

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City Attorney



## 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 repeal the PR-5 (Urban Infill/Active Adult Planned Residential District) zoning district in its entirety.

**Action Item:**  Yes  No

**Public Hearing Item:**  Yes  No

**Executive Session Item:**  Yes  No

**Advertised Date:** N/A

**Budget Item:** N/A

**Date Received:** June 22, 2022

**Workshop Date:** July 18, 2022

**Regular Meeting Date:** August 1, 2022

### Discussion:

---

The City of Locust Grove City Council directed city staff to move forward with the repealing of the PR-5 (Urban Infill/Active Adult Planned Residential District) zoning district in its entirety, as part of their collective vision to establish residential districts of lower density.

### Recommendation:

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APPROVAL



**ORDINANCE NO. \_\_\_\_\_**

**TO AMEND TITLE 17, CHAPTER 17.04.055 PR-5 (URBAN INFILL/ACTIVE ADULT PLANNED RESIDENTIAL DISTRICT) OF THE CITY OF LOCUST GROVE CODE OF ORDINANCES, WHICH PROVIDES FOR ZONING REGULATIONS; TO PROVIDE FOR CONDITIONAL USES FOR AGE TARGETED DEVELOPMENTS; TO AMEND FOR REFERENCE CERTAIN DEVELOPMENT STANDARDS; TO PROVIDE FOR APPLICABILITY; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL INCONSISTENT PROVISIONS; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**

**THE COUNCIL OF THE CITY OF LOCUST GROVE HEREBY ORDAINS**

**SECTION 1.** Section 17.04.055 entitled “PR-5 Urban Infill/Active Adult Planned Residential District” is hereby repealed, effective the official date of adoption of this ordinance by the City of Locust Grove City Council. All existing developments shall remain zoned PR-5 with all applicable regulations and conditions as part of their original zoning in force. Without being construed as an approval of or support for any application for zoning map amendment received prior to the effective date of this repeal, such applications shall be allowed to continue through the rezoning process as vested under the PR-5 ordinance regulations that were in effect prior to this repeal with all rights granted thereunto. After the effective date of repeal, no applications shall be accepted for this zoning district.

**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.** This ordinance shall become effective immediately upon its adoption by the Mayor and Council of the City of Locust Grove.

**SO ORDAINED** this 1<sup>st</sup> day of August 2022.

---

Robert S. Price, Mayor

ATTEST:

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Misty Spurling, City Clerk

(Seal)

APPROVED AS TO FORM:

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City Attorney



## Community Development Department

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

# Item Coversheet

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**Item:** A Resolution to create a streetlight district in Madison Acres, a residential subdivision located along Lester Mill Road.

**Action Item:**  Yes  No

**Public Hearing Item:**  Yes  No

**Executive Session Item:**  Yes  No

**Advertised Date:** NA

**Budget Item:** NA

**Date Received:** July 15, 2022

**Workshop Date:** TBD

**Regular Meeting Date:** August 1, 2022

## Discussion:

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Staff received a petition to create a streetlight district in Madison Acres, a residential subdivision.

- Number of Lots: 84
- Number of Lights: 24 (Central GA EMC)
- Type of Lights: Acorn LED w/ straight pole
- Cost per Light: \$17.25 x 10 & \$15.25 x 14 per month
- Cost per Month: \$386.00
- Cost per Year: \$4,632.00
- Administrative Cost: 15% of annual cost = \$694.80
- Pro Rata Cost per Lot:  $\$4,632.00 + \$694.80 / 84 \text{ lots} = \underline{\underline{\$63.41 \text{ per year}}}$

**Comments:**

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The City's Street Light Tax District Ordinance permits the Council to create streetlight districts by resolution. The City will pay the electricity usage fees on the lights each month then be reimbursed annually for these fees by way of a pro rata cost that is added to each property tax statement. This pro rata cost includes each lot's share of the electricity usage fees and administrative costs.

**Recommendation:**

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Approval of the Resolution to create a new streetlight district in Madison Acres subdivision.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION TO APPROVE A REQUEST TO CREATE A STREET LIGHT TAX DISTRICT IN MADISON ACRES SUBDIVISION IN ACCORDANCE WITH CHAPTER 3.10 OF THE CITY OF LOCUST GROVE CODE OF ORDINANCES; TO PROVIDE CONDITIONS FOR APPROVAL; TO IDENTIFY A PUBLIC PURPOSE; TO AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE ANY DOCUMENTS NECESSARY TO CARRY OUT THIS RESOLUTION; TO PROVIDE FOR SEVERABILITY; 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”) adopted Article II, Chapter 3.10 (“Chapter”) entitled “Street Light Tax Districts”; and,

**WHEREAS**, the purpose of the Chapter is to provide the City with a procedure for the installation, maintenance and operation of street lights in certain public rights-of-way in the City of Locust Grove and for the promotion of health, safety, prosperity and general welfare of the citizens of Locust Grove; and,

**WHEREAS**, Vincent Williams, who is a property owner (“Owner”) and member of the Homeowners Association submitted an *Application for Special Tax District – Street Lighting* and a *Petition for Special Tax District – Street Lighting* (“Application”) attached as **Exhibit “A”** for the subdivision known as Madison Acres, (the “Subdivision”); and,

**WHEREAS**, the Application indicates support from eighty percent (80%) of the property owners in the Subdivision in accordance with the Chapter; and,

**WHEREAS**, a copy of the *Central Georgia Electric Membership Corporation Underground Wiring / Outdoor Lighting Agreement for the Subdivision* (“Request”) outlining the costs, quantities, locations, terms and conditions associated with the Request is attached as **Exhibit “B”**; and,

**WHEREAS**, the City agrees to pay the monthly streetlight fee of \$386.00 (\$4,632.00 annually) to Central Georgia EMC in accordance with the Request and to be reimbursed for such payments by way of assessments imposed upon all property owners within this subdivision in the amount of \$63.41 (includes a 15% administrative fee) per lot annually; and,

**WHEREAS**, the Request was found to be generally consistent with the purpose and intent of the Chapter; and,

**WHEREAS**, the 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 request for the creation of a streetlight tax district 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 OF LOCUST GROVE,  
GEORGIA, AS FOLLOWS:**

1. **Finding.** That the Council hereby finds that the Application submitted by the Owners generally conforms to the requirements of Chapter 3.10 of City of Locust Grove Code.
2. **Public Purpose.** The Council finds that the foregoing actions constitute a major stem in preserving the health, safety, well-being and economic vitality of the community and are, therefore, consistent with its public purposes and powers.
3. **Authority.** That the Council hereby authorizes the Mayor, or his designee, to execute the *Central Georgia Underground Wiring / Outdoor Lighting Agreement* for the Subdivision and any other documents necessary to carry out this Resolution, 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 Council 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 1st day of August 2022.

\_\_\_\_\_  
ROBERT S. PRICE, MAYOR

ATTEST:

\_\_\_\_\_  
MISTY SPURLING, CITY CLERK

(seal)

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

**EXHIBIT "A"**

*Application for Special Tax District – Street Lighting*  
*Petition for Special Tax District – Street Lighting*

# Application For Special Tax District - Street Lighting

We, the undersigned, all being property owners of the City of Locust Grove Special Tax District for Street Lighting, being the Madison Acres (Subdivision) in Land Lot(s) 214 of the 2nd Land District at Lester Mill Road (road), do hereby petition the Mayor and City Council of the City of Locust Grove "City" for the placement of streetlights through our subdivision or street(s).

Each of us do hereby pledge and consent to levying of a lien by the City against property we own for the purpose of payment for the cost of maintenance and operation of the streetlights. There are 84 (number) lots currently existing in the Special Tax District Madison Acres (Subdivision), and each owner as shown on the tax records has affirmatively signed this petition or their indication for disapproval is noted herein.

The petition represents 67 (number) affirmative votes, representing 80 % of this district to be affected in this request. Your signature on this petition indicates that you have read and fully understand all information contained with Chapter 3.10 of the Code of Ordinances of the City of Locust Grove.

Personally appeared before me, a Notary Public, the undersigned affiance, who says on oath that Vincent Williams (name) is one of the subscribing witnesses to the within instrument; and, that each said witnesses saw the execution and delivery of the same by each grantor therein for the purpose set forth; and, that each of said witnesses signed the same as supported. Sworn to and subscribed to me, this 21 day of July, 2022.

  
SUBSCRIBING WITNESS

  
NOTARY PUBLIC



PLEASE INDICATE WHICH UTILITY COMPANY SERVICES YOUR PROPOSED STREETLIGHT DISTRICT:

GEORGIA POWER     CENTRAL GEORGIA     OTHER

NEW STREETLIGHT DISTRICT     ADDING STREETLIGHTS TO EXISTING DISTRICT



# Petition For Special Tax District - Street Lighting

[Make additional copies, if necessary]

PROPERTY OWNERS	OWNERS' SIGNATURE	STREET ADDRESS	(YES OR NO)	WITNESS' SIGNATURE
✓ Eddie Hedge	Eddie Hedge	7003 Becca Ln	Yes	Angela Lynn
✓ Loretta Thompson	Loretta Thompson	5005 Lynne Ct	Yes	Jammi
✓ Janice Guiden	Janice	5004 Lynne Ct	Yes	Loretta Thompson
✓ Anzio/Wyketta Gibson	Anzio	7011 Becca Ln.	Yes	Wyketta
✓ Whamon Loyd	Whamon Loyd	4009 Madison Acres Dr	Yes	[Signature]
✓ DAVID COLEY	[Signature]	4012 MADISON ACRES DR	YES	[Signature]
✓ Patricia Lavon	Patricia Lavon	4051 Madison Acres	Yes	James R. Bing
✓ James Bing	James R. Bing	4051 Madison Acres	Yes	Patricia Lavon
✓ Latasha Wright	[Signature]	4052 Madison Acres	Yes	[Signature]
✓ Steve Thomas	[Signature]	4052 Madison Acres	Yes	[Signature]
✓ James Stankly	[Signature]	4060 Madison Acres Dr.	Yes	[Signature]
✓ Alhaha Stankly	[Signature]	4060 Madison Acres Drive	Yes	[Signature]
✓ Wavonne Darling	[Signature]	4062 Madison Acres Dr	Yes	[Signature]
✓ Nicole Darling	[Signature]	4062 Madison Acres	Yes	[Signature]
✓ Reginald Gee	Reginald	5006 Lynne Court	Yes	[Signature]
✓ Alabacha Johnson	[Signature]	4008 Madison Acres Dr	Yes	[Signature]
✓ John H. Henderson	[Signature]	8005 FAITH AVE.	YES	[Signature]
✓ Ra-h Hean	[Signature]	8004 Faith	Yes	[Signature]
✓ Charise Vasquez	[Signature]	8003 Faith Ave	Yes	[Signature]
✓ TELLITTLE *	[Signature]	4080 MADISON ACRES	YES	[Signature]

# Petition For Special Tax District - Street Lighting

[Make additional copies, if necessary]

PROPERTY OWNERS	OWNERS' SIGNATURE	STREET ADDRESS	(YES OR (NO))	WITNESS' SIGNATURE
✓ Arthur Carlton	<i>Arthur Q. Carlton</i>	7044 Becca Ln.	yes	<i>[Signature]</i>
✓ Cassandra Cason	<i>C. Cason</i>	4043 Madison Acres Dr	yes	<i>[Signature]</i>
✓ Robert E. Woods	<i>Robert Woods</i>	4050 Madison Acres Dr	yes	<i>[Signature]</i>
✓ Robyn Smith	<i>R. Smith</i>	4054 Madison Acres	yes	<i>[Signature]</i>
✓ ERIN STUBBS	<i>E. Stubbs</i>	4056 Madison Acres Dr	yes	<i>[Signature]</i>
✓ Frankie Tomlin	<i>F. Tomlin</i>	4055 Madison Acres Dr	yes	<i>[Signature]</i>
✓ Madril Roberts	<i>Madril Roberts</i>	4058 Madison Acres	yes	<i>[Signature]</i>
✓ Daunte Gibbs	<i>Daunte Gibbs</i>	4069 Madison Acres Drive	yes	<i>[Signature]</i>
✓ PAT LAVANT BING	<i>Patricia Lavant</i>	4051 Madison Acres DR	YES	<i>Patricia Bing</i>
✓ Melinda Wiley	<i>Melinda Wiley</i>	4013 Link Way	(NO)	<i>[Signature]</i>
✓ James V. Williams	<i>J. Williams</i>	4014 Madison Acres	yes	<i>[Signature]</i>
✓ Belinda Nellis	<i>B. Nellis</i>	4044 Madison Acres Dr	yes	<i>[Signature]</i>
✓ Myra Jackson	<i>Myra Jackson</i>	4047 Madison Acres	yes	<i>[Signature]</i>
✓ Danny A. Thomas	<i>Danny A. Thomas</i>	4032 Madison Ave	yes	<i>[Signature]</i>
✓ Glad Rouse	<i>G. Rouse</i>	4103 Madison Ave	yes	<i>[Signature]</i>
✓ BETTYE J. HARTLINE	<i>Bettye Hartline</i>	4038 Madison Ave DR.	YES	<i>[Signature]</i>
✓ Florence Graham	<i>F. Graham</i>	4005 Linkway	Yes	<i>[Signature]</i>
✓ Isidore Birts	<i>Isidore Birts</i>	4070 Madison Acres Dr.	Yes	<i>Isidore Birts</i>
✓ Jon Wincham	<i>J. Wincham</i>	4045 Madison Acres Dr.	yes	<i>[Signature]</i>
✓ AARLY L. ABBOTT	<i>Aarly L. Abbott</i>	4815 madison Acres	yes	<i>[Signature]</i>

# Petition For Special Tax District - Street Lighting

[Make additional copies, if necessary]

PROPERTY OWNERS	OWNERS' SIGNATURE	STREET ADDRESS	(YES OR (NO)	WITNESS' SIGNATURE
✓ Darrell Chamblee	<i>D. Chamblee</i>	6007 Linda Way	Yes	<i>[Signature]</i>
✓ Danielle Barber	<i>[Signature]</i>	6016 Linda way	yes	James Owen
✓ Darryl Owens	<i>[Signature]</i>	6012 Linda Way	YES	James Owen
✓ Angela West	<i>[Signature]</i>	4022 Madison Acres	Yes	<i>[Signature]</i>
✓ Olympia Meredith	<i>[Signature]</i>	4024 Madison Acres	(NO)	<i>[Signature]</i>
✓ Kevin Melnick English	<i>[Signature]</i>	4016 Madison Ave	YES	<i>[Signature]</i>
✓ CARONE ANDREW	<i>[Signature]</i>	7009 BECCA LANE	YES	Errol Andrews
✓ Delois Spender	<i>[Signature]</i>	7007 BECCA LANE	YES	Cortis Pierce
✓ Kenneth Williams	<i>[Signature]</i>	4041 Madison Acres	yes	Regina Wilkins
✓ Alfred Washburn	<i>[Signature]</i>	4066 MADISON ACRES	Yes	Tyne 7 Mads
✓ Tyree Martin	Tyne 7 Mads	6006 Linda Way	yes	<i>[Signature]</i>
✓ Steve Golden	<i>[Signature]</i>	7016 BECCA LANE	yes	<i>[Signature]</i>
✓ Michael Chandler	<i>[Signature]</i>	4035 Madison Acres	YES	<i>[Signature]</i>
✓ Shelley Washington	<i>[Signature]</i>	4039 Madison Acres	yes	<i>[Signature]</i>
✓ DONALD HAMMOND	<i>[Signature]</i>	4030 MADISON ACRES	YES	<i>[Signature]</i>
✓ Candace Cuen	<i>[Signature]</i>	4033 Madison Acres	yes	<i>[Signature]</i>
✓ LYN WILKINS Lynn Ferguson	<i>[Signature]</i>	6008 Linda way	YES	<i>[Signature]</i>
✓ Katrina King-Flanagan	<i>[Signature]</i>	7012 BECCA LANE	YES	<i>[Signature]</i>
✓ Mike Underwood	<i>[Signature]</i>	4018 Madison Acres	YES	<i>[Signature]</i>
✓ DAVID WATSON	<i>[Signature]</i>	4023 MADISON ACRES	yes	James Owen

# Petition For Special Tax District - Street Lighting

[Make additional copies, if necessary]

PROPERTY OWNERS	OWNERS' SIGNATURE	STREET ADDRESS	(YES OR (N)O)	WITNESS' SIGNATURE
Darryl HALL SANDRA HALL		4044 MADISON ACRES DR Locust Grove, GA	Yes	
Herland Smith		4027 Madison Acres Dr Locust Grove Ga.	YES	
Erica Atkins		4001 Madison Acres Dr. Locust Grove, GA	yes	
Kimberly Kirtz		5003 Lynne Court Locust Grove, GA 30248	Yes	
Lauton Ayko		6015 Linda Way Locust Grove GA 30248	yes	
Thoro T. Pichel		4048 Madison Acres Dr Locust Grove GA	Yes	
John Hightower		7005 Becca LN Locust Grove GA	Yes	
Pamly Nich		6004 Linda Way Locust Grove, GA	Yes	
PATEL DASHARATH		5001 Linda Ct	Yes	

**EXHIBIT "B"**

*Central Georgia Electric Membership Corporation  
Underground Wiring / Outdoor Lighting Agreement*

CENTRAL GEORGIA ELECTRIC MEMBERSHIP CORPORATION  
923 SOUTH MULBERRY STREET  
JACKSON, GEORGIA 30233

**UNDERGROUND WIRING / OUTDOOR LIGHTING AGREEMENT**

Name: City of Locust Grove Acct. No.: 12223- Loc. No.: 910-23-  
(Print Name as Listed on Bill Card)

Address: Lights for Madison Acres

I (we) hereby apply for a lease of outdoor lighting equipment to Central Georgia EMC under the terms and conditions set forth below:

**1. INFORMATION AND COST**

Lights, Fixtures, and Poles:

Quantity	<u>10</u>	Rate	<u>12</u>	Class	<u>6</u>	Cost Per Month \$	<u>17.25</u>	each	Total Cost \$	<u>172.50</u>	per month	Description:	<u>ACORN LED/STRAIGHT POLE Lights</u>
Quantity	<u>14</u>	Rate	<u>13</u>	Class	<u>6</u>	Cost Per Month \$	<u>15.25</u>	each	Total Cost \$	<u>213.50</u>	per month	Description:	<u>Discounted Acorn led/Straight pole</u>
Quantity	<u>   </u>	Rate	<u>   </u>	Class	<u>   </u>	Cost Per Month \$	<u>   </u>	each	Total Cost \$	<u>   </u>	per month	Description:	<u>   </u>
Quantity	<u>   </u>	Rate	<u>   </u>	Class	<u>   </u>	Cost Per Month \$	<u>   </u>	each	Total Cost \$	<u>   </u>	per month	Description:	<u>   </u>

**TOTAL COST PER MONTH \$ 386.00**

Total CIAC (Contribution in Aid of Construction) = \$ 0.00

3. The corporation reserves the right to increase or decrease rates of outdoor lighting without prior written notice to each individual lessee.

4. Fixtures served by underground wiring will be available at these rates when the underground cable is buried in the same trench with the underground distribution system and the excess trench required does not exceed thirty (30) feet per fixture for a small LED fixture or eighty (80) feet per fixture for a large LED fixture or post top LED fixture. A contribution in aid of construction shall be paid in advance for the footage in excess of the base allowance.

5. I (we) will perform all trenching, install duct furnished by the Corporation, backfill, and complete the paving to the mutual satisfaction of all parties concerned where underground wiring is desired and paving or other obstacles exist.

6. I (we) will pay in advance a contribution in aid of construction in the amount of the current installed cost of additional pole(s) if more than one pole must be installed. The additional pole(s) will remain the property of the Corporation.

7. All lighting equipment, wiring, etc. will be furnished by the Corporation.

8. The Corporation will perform ordinary maintenance of light and equipment which will be done during normally scheduled working hours. Current overtime fee per service call shall be paid to the serviceperson making the repairs when requested at any time other than the normal working hours.

9. I (we) will pay for replacement of any equipment damaged or destroyed by vehicle collision or vandalism.

10. I (we) will pay the lease for the light(s) at the rates above according to current billing procedures. The Corporation may discontinue service without further notice if the bill is not paid.

11. The corporation shall use reasonable care to maintain constant service but shall not be liable for interruption through acts of God, strikes, labor troubles, or any other causes beyond the control of the Corporation.

12. I (we) will pay a Membership or Additional Service fee and be bound by the provisions of the Articles of Incorporation, Bylaws, and rules of the Corporation that may be adopted from time to time.

13. This agreement shall become effective on the date of service is first delivered and shall remain in effect for 5 years and thereafter until terminated by either party's giving three month notice.

14. This agreement shall be binding upon the successors, legal representative, and assigns of the respective parties hereto.

15. The Corporation reserves the right to shield the light or relocate the pole and light if objected by the adjacent landowners.

16. I (we) will grant, bargain, sell, and convey unto the Corporation, its successors, and assign an easement and right-of-way for the purpose of constructing, inspecting, maintaining, operating, repairing, or replacing its facilities. The Corporation shall have the right to egress to and egress from the easement over the lands of the lessee adjacent to the easement and lying between public and private roads and easements.

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

# Madison Acres



24 Rights