CITY OF LOCUST GROVE

WORKSHOP MEETING AGENDA Monday April 17, 2023 - 6:00 P.M. Public Safety Building – 3640 Highway 42 S. Locust Grove, GA 30248

CALL TO ORDER	
INVOCATION	
PLEDGE OF ALLEGIANCE	Councilman Boone
APPROVAL OF THE AGENDA (Action Needed) 🗵	
PUBLIC COMMENTS/PRESENTATIONS	Register with Clerk Before Meeting
PUBLIC HEARING ITEMS	
 Ordinance to amend the city's Future Land Use Map designation from Community Commercial for multiple tracts located on Highway 42 an Rezoning request from OI (office/institutional), RM (residential multi- commercial) for 29.62 +/- acres (Parcel IDs: #129-01004000, 129-01002 2nd district on Highway 42 and Tanger Boulevard. Variance request to allow for a master sign plan located on the west s Highway 42 (Parcel IDs: #129-01004000, 129-01003000, Conditional Use request to allow gravel-surfaced truck/tractor-trailer (Parcel IDs: 111-01013015, 111-0103016, and 111-0103020). 	d Tanger Boulevard family) and PD (planned development) to C-2 (general 2000, 129-01003000, and 130-01002006) in LL 166 of side of the intersection of Tanger Boulevard and , and 130-01002006).
OLD BUSINESS/ACTION ITEMS	None
NEW BUSINESS/ACTION ITEMS	
5. Resolution to accept the proposal from Ross + Associates for assista program (Motion Required)	ance in updating the city's Develop <mark>men</mark> t Impact Fee
CITY OPERATIONS REPORTS / WORKSHOP DISCUSSION ITEMS (No Actions	Needed unless added to New Business)
Main Street Operations (Monthly Update Report)	Colleen Watt <mark>s</mark> , Main Street Mana <mark>g</mark> er
Public Safety Operations (Monthly Update Report)	Chief Derrick Austin
Public Works Operations (Monthly Update Report)	Director Jack Rose
Administration (Monthly Update Report)	Bert Foster, Assistant City Manager
Community Development Operations (Monthly Update Report)	Daunté Gibbs, Community Development Director
 Ordinance to approve the final plat for Bridle Creek Phase 2A subdivious Ordinance to approve the final plat for Collinswood Phase II (LG Griff 01002012. 	

- 8. Ordinance to approve a final plat for Cedar Ridge (Pod D Phase I) located on Tanger Boulevard, Parcel ID #130-01005000)
- 9. Review of proposed landscape plan for CarMax to be located on Price Drive.

ADA Compliance: Individuals with disabilities who require certain accommodations to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting, or the facilities are required to contact the City Clerk at (770) 957-5043 promptly to allow the City to make reasonable accommodations for those persons.

<u>Public Comment</u> may be limited to no more than ten (10) minutes with up to 3 minutes per requesting applicant to speak. Please register your NAME and ADDRESS prior to the beginning of the meeting with the City Clerk via e-mail at <u>mspurling@locustgrove-ga.gov</u> or in person at the physical meeting.

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ARCHITECTURAL REVIEW BOARD (ARB) (Review and Comment Portion Only)	2 Items
 Resolution approving the architectural plans submitted for The Shops at Indian Creek. Resolution approving the architectural plans submitted for the remodel of an existing structure Gardner Parkway. 	re located at 4971 Bill
CITY MANAGER'S COMMENTS (Update of Activities)	Tim Young
12. FY 2023 Budget – 1 st Quarter update 13. Ordinance to update the Storm Water Management - Chapter 15.36	
	Council
MAYOR'S COMMENTS	Mayor Robert Price
EXECUTIVE SESSION - If needed (for property acquisition, personnel, or potential litigation)	
ADJOURN -	

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Public Comment may be limited to no more than ten (10) minutes with up to 3 minutes per requesting applicant to speak. Please register your NAME and ADDRESS prior to the beginning of the meeting with the City Clerk via e-mail at <u>mspurling@locustgrove-ga.gov</u> or in person at the physical meeting.



Community Development Department

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

Item Coversheet

Item: An ordinance to amend the City's Future Land Use Map designation from Office and Medium Density Residential to Community Commercial for multiple tracts located on Highway 42 and Tanger Boulevard.

Action Item:		Yes	$\mathbf{\overline{N}}$	No
Public Hearing Item:	Ø	Yes		No
Executive Session Item:		Yes	M	No
Advertised Date:	Marc	h 29, 2023		
Budget Item:	No			
Date Received:	Marc	h 6, 2023		
Workshop Date:	April	17, 2023		
Regular Meeting Date:	May 1	1, 2023		

Discussion:

Evan Conder of Decatur, GA requests a Future Land Use Amendment for multiple tracts located on the west side of the intersection of Tanger Blvd. and Hwy. 42 (Parcel ID # 129-01004000, 129-01002000, 129-01003000, and 130-01002006) from Office and Medium Density Residential to Community Commercial for the purpose of developing a grocery-anchored shopping center.

1 ... in The Grove

Recommendation:

Staff recommends APPROVAL.

ORDINANCE NO.

AN ORDINANCE TO TO APPROVE A FUTURE LAND USE AMENDMENT FOR APPROXIMATELY 16.71+/- ACRES LOCATED ON THE WEST SIDE OF THE INTERSECTION OF TANGER BOULEVARD AND HIGHWAY 42 PARCEL ID # 129-01004000, 129-01002000, AND 129-01003000) IN LAND LOT 166 OF THE 2ND DISTRICT WITHIN THE CITY OF LOCUST GROVE, GEORGIA; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

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

WHEREAS, Evan Conder of Decatur, GA requests a Future Land Use Amendment for multiple tracts located on the west side of the intersection of Tanger Blvd. and Hwy. 42 (Parcel ID # 129-01004000, 129-01002000, 129-01003000, and 130-01002006) in land lot 166 of the 2nd District (the "Property), attached hereto as **Exhibit A**; and,

WHEREAS, the Applicant filed a request for a Future Land Use Map Amendment on March 6, 2023 as shown in the application attached hereto and incorporated herein by reference as **Exhibit B**; and,

WHEREAS, the Applicant's request has been reviewed by the Mayor and City Council at a Public Hearing held on April 17, 2023, as well as by the City Community Development Director; and,

WHEREAS, the Applicant requested a Future Land Use Map Amendment from Office and Medium Density Residential to Community Commercial for the purpose of developing a grocery-anchored shopping center ; and,

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

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

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

1.

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

2.

That the use of the Property is subject to:

- () The condition(s) set forth on **Exhibit D** attached hereto and incorporated herein by reference.
- () The terms of the Development Agreement attached hereto as Exhibit D and incorporated herein by reference.
- (X) If no **Exhibit D** is attached hereto, then the property is zoned without conditions.

3.

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

4.

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

SO ORDAINED by the Council of this City this 1^{st} day of May 2023.

ROBERT S. PRICE, Mayor

ATTEST:

MISTY SPURLING, City Clerk

(Seal)

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

Application for Rezoning, Conditional Use, Conditional Exception, Variance, Modifications to Zoning Conditions and Future Land Use Plan Amendments

Thank you for your interest in the City of Locust Grove, Georgia. This packet includes the necessary documents for rezoning, conditional use, conditional exception, variance and modifications to zoning conditions to be heard by the Locust Grove City Council.

Please note: <u>All fees are non-refundable</u>. There are no exceptions. In addition, be sure to review current ordinances, as new amended sections of code are to be adopted over the year.

Should you need further assistance, please feel free to contact our office between 8:00 AM to 5:00 PM, Monday through Friday at: (770) 692-2321 or (770) 957-5043

> The location of all City Council meetings is: Locust Grove Public Safety Building 3640 Highway 42 Locust Grove, GA 30248

> > WWW.LOCUSTGROVE-GA.GOV

Zoning Application Checklist

PLEASE COMPLETE THIS FORM WHEN ACCEPTING ALL REZONING, CONDITIONAL USE, VARIANCE, MODIFICATIONS TO ZONING APPLICATIONS, AND FUTURE LAND USE PLAN AMENDMENTS. ATTACH THE CHECKLIST TO THE APPLICATION AND SIGN.

REQUIRED ITEMS	COPIES	PROCEDURE	CHECK
Application Form	01	 Signed and notarized by owner. Original signature In lieu of owner's signature, applicant has signed and notarized A copy of "Contract", "Power of Attorney" or "Lease" 	V
Applicant Disclosure Form	01	Required for all applicants filed whether yes or no and must be notarized	V
Letter of Ownership	01	Letter stating that the owner is aware of the zoning request and owns the property in question	V
Letter of Intent	01	Must clearly state the proposed use and development intent	4
Legal Description	01	Legal Description of property to be considered for zoning action. Must be submitted as part of ordinance of rezoning, conditional use, variance, etc.	V
Conceptual Site Plan(s) (24″ x 36″ max.)	01	Must show minimum details: Buildings, setbacks, buffers, road frontage, correct scale, north arrow, present zoning classification, topographic information to show elevation and drainage, location and extent of required buffers, proposed lot layout. For PD zoning, applicant must submit all additional paperwork as established in Chapter 17.04 of the Code of Ordinances.	V
Survey Plat (8 ½" x 11" minimum, 17" by 22" maximum)	01	Subject Property, prepared and sealed within the last ten years by a professional engineer, landscape architect or land surveyor registered in the State of Georgia. Said survey plat shall: 1) indicate the complete boundaries of the subject property and all buildings and structures existing therein; 2) Include a notation as to whether or not any portion of the subject property is within the boundaries of the 100-year floodplain; and 3) Include a notation as to the total acreage or square footage of the subject property Electronic copies via PDF and/or AutoCad are required, if available.	V
Letter from the Henry County Water Authority (HCWA)	01	This letter of availability must accompany application at the time of submittal. For city water and/or sewer service, the availability and suitability will be determined in the rezoning evaluation by staff. Follow procedure from HCWA. For City Water/Sewer, Fill out form attached.	Requested
Letter from the Henry Co. Environmental Health Department (if property is not on sewer)	01	This letter of availability must accompany application at the time of submittal. This is required if on septic system.	plac

ALL DOCUMENTS ARE REQUIRED IN ORDER TO ACCEPT APPLICATION

Community Development Department

Application Procedures and Requirements

The following application procedures and requirements apply to all amendments to the Official Zoning map. Any deviation from these standards as prescribed by Section 17.04.312 of the Code of the City of Locust Grove, shall be discussed and considered by the Community Development Director.

- Rezoning
- Conditional Use
- Conditional Exception
- Modifications to Zoning Conditions
- Variance
- Amendments to the Future Land Use Plan

APPLICATIONS <u>WILL NOT</u> BE ACCEPTED WITHOUT ALL THE REQUIRED INFORMATION AS STATED FOR THE FOLLOWING. ALL FEES ARE NON-REFUNDABLE.

ARTICLE XVI. AMENDMENTS

Section 17.04.311 Amendments to Chapter and to Official Zoning Map.

This Chapter, including the official zoning map, may be amended by the City Council that shall become effective after review and comment in a public hearing.

Section 17.04.312 Application for amendment.

- (a) A zoning map amendment may be proposed by any public agency or department of Locust Grove, Georgia or by the City Council. Unless initiated by one (1) of the above bodies, all applications for map amendments must be submitted by an individual with fifty-one (51) or more percent ownership in fee simple of the subject property being petitioned for rezoning, or his legal agent authorized in writing over the owner's signature.
- (b) Any petition for amendment of the Locust Grove Zoning Ordinance or official zoning map shall be accompanied by a filing fee maintained by the Locust Grove Community Development Department office.
- (c) Applications for zoning map amendments shall be filed with the Locust Grove Community Development Department, which will schedule the application for public hearing before the City Council.
- (d) Applications for a zoning map amendment must contain the following:
 - (1) A completed and signed copy of the application for zoning map amendment.
 - (2) A conceptual plat/site plan representing information on the location, extent and type of proposed development, which may include, depending upon the type of development, the following minimum types of information:

- a. Correct scale and north arrow.
- b. The present zoning classification of all adjacent parcels.
- c. The location of the parcel relative to existing or proposed public streets.
- d. Required zoning yard setbacks for the zoning district requested.
- e. Topographic information sufficient to show elevation and drainage conditions of the land.
- Existing conditions or improvements on the property.
- g. The location and extent of required buffer areas, including the extent of natural vegetation or fences as required.
- h. Proposed lot layout of the property if it is to be a subdivision for residential, commercial or industrial development, with required building line setbacks and buffer areas shown.
- i. Commercial or industrial development on existing individual lots, or proposed shopping center developments shall also indicate the location and dimensions of proposed buildings, parking and loading areas, driveways and storage areas.
- j. Report from the Henry County Health Department and the Henry County Water and Sewerage Authority and/or (as applicable) the City Utility Department.
- k. The Community Development Department may require additional information, or information different from the above depending upon the type of development, to properly evaluate the zoning map amendment.
- (3) A copy of the proposed restrictive covenants to be placed upon property that a rezoning application is being made therefore.

Section 17.04.313 Review of application for amendment.

- (a) All proposed amendments to this chapter or to the Official Zoning Map with required site plans shall be transmitted to the Community Development Department Director and City Council for analysis and public hearing. The Community Development Department Director shall study the need and justification of the following facts:
 - (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.
 - (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.
 - (3) Consistency with the Land Use Plan.
 - (4) The potential impact of the proposed amendment on county infrastructure including water and sewerage systems.
 - (5) The impact of the proposed amendment on adjacent thoroughfares and pedestrian and vehicular circulation and traffic volumes.
 - (6) The impact upon adjacent property owners should the request be approved.
 - (7) The ability of the subject land to be developed as it is presently zoned.
 - (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.
 - (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.
- (b) After completing the analysis and review, the City Council shall conduct a public hearing on the proposed zoning map amendment.

Section 17.04.314 Notification and public hearing.

- (a) If Locust Grove, Georgia is taking action resulting in a zoning decision, it shall provide for a hearing on the proposed action. At least fifteen (15) but not more than forty-five (45) days prior to the date of the hearing, the Community Development Department shall cause to be published within a newspaper of general circulation within the City limits and Henry County a notice of the hearing. The notice shall state the time, place and purpose of the hearing.
- (b) If a zoning decision of Locust Grove, Georgia is for the rezoning of property and the rezoning is initiated by a party other than City officials or a City department then:
 - (1) The notice, in addition to the foregoing requirements, shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property; and
 - (2) A sign containing information required by this chapter shall be placed in a conspicuous location on the property not less than fifteen (15) days prior to the date of the hearing.
- (c) If the property proposed for rezoning does not have frontage on a public street, then the sign may be posted on the right-of-way of the nearest public street which provides access to the site. No public hearing may be held by the City Council until said sign(s) have been posted for at least fifteen (15) days. Said signs shall remain posted until final action has been taken by the City Council.
- (d) Before enacting an amendment to this Chapter, whether the proposed amendment is a text or map amendment, the City Council shall hold a public hearing thereon for the purpose of receiving and considering public comment on the merits of the proposed amendment. Said hearings shall be held only after full compliance with all required public notification of the hearing as set forth herein.
- (e) If the zoning decision of the City Council is to deny the rezoning request, then the same property may not again be considered for rezoning until the expiration of at least six (6) months immediately following the defeat of the rezoning by the City Council.

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, neighborhood, a particular area, or the community.
 - (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.
 - (3) Consistency with the Land Use Plan.
 - (4) The potential impact of the proposed amendment on City infrastructure including water and sewerage systems.
 - (5) The impact of the proposed amendment on adjacent thoroughfares and pedestrian vehicular circulation and traffic volumes.
 - (6) The impact upon adjacent property owners should the request be approved.
 - (7) The ability of the subject land to be developed as it is presently zoned.
 - (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.
 - (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.
- (b) The following rules of procedure shall govern the public hearing before the City Council:

- (1) Each applicant shall appear before the Council, identify himself/herself by name, address and whether or not applicant is owner or agent for owner.
- (2) Each applicant or other interested party who provides the Council with documents shall have each document numbered and shall identify each document and each such document submitted shall be made a part of the official record of the hearing.
- (3)
- a. Each applicant shall have thirty (30) minutes to present facts pertinent to the application. An applicant may have additional time to address the Council if the applicant notifies the City Clerk prior to the start of the public hearing that applicant needs additional time. The additional time shall be limited to ten (10) minutes.
- b. Each person in opposition to rezoning of property and amendment to the zoning ordinance shall have ten (10) minutes to address the Council and shall provide the City Clerk with name and address; however, the total time for all interested parties in opposition shall be thirty (30) minutes unless the applicant requests for additional time in subsection (a) above, and then the total time shall not exceed forty (40) minutes.
- (4) At the conclusion of the hearing, the City Council shall make a final decision and its next regular public meeting and direct the Community Development Department to notify the applicant in writing of the Council's decision. The decision shall be based on the information contained in Section 17.04.315 (a) and from the public hearing. The written notification shall immediately be entered on the minutes and made a part of the record on the date that written notification is given to the applicant.
- (5) Any aggrieved party shall have thirty (30) days from the date of written notification to file an appeal from the Council's decision with the superior court.

Section 17.04.316 Conditional zoning.

- (a) In deciding upon any application for zoning map amendment, the City Council may, on their own motion or upon the suggestion of the applicant, or on consideration of the recommendations of the Community Development Department, grant the application subject to certain conditions necessary to promote and protect the health, safety and general welfare.
- (b) The City Council may grant approval of a zoning map amendment and include conditional approval as follows:
 - (1) Such conditions as deemed necessary to protect neighboring properties and to lessen any potentially adverse effects of the zoning change;
 - (2) That the rezoning is conditional upon the condition that the applicant or any successor in title may construct only those uses and only in such a manner as depicted upon any site plan submitted and approved with the application; and,
 - (3) That the rezoning is conditional upon any written conditions proposed by the applicant and/or City Council, and as further set forth on an approved site plan.
- (c) Prior to a final vote being taken upon any application for a zoning map amendment for which such conditions shall be imposed, such conditions shall be announced at the public hearing and made a part of the motion to approve. If the applicant finds such conditions to be unacceptable, it may, at the time, withdraw the application for zoning map amendment. Such withdrawal shall not enable the applicant to refile the same zoning map amendment for the same property until six (6) months have elapsed from the date of withdrawal.

- (d) Any zoning map amendment which is adopted with conditions shall be indicated on the official zoning map. The property shall be indicated on the official zoning map with the suffix "c" to indicate that the property has been rezoned with conditions. Such conditions shall remain imposed upon the property until removed or modified by the City Council.
- (e) Conditional requirements may be imposed upon either permitted and/or conditional use within any zoning district. In ruling upon such requirements, the City Council shall utilize the standards of review contained in section 17.04.313 of this Chapter.

Section 17.04.317 Types of zoning conditions.

In adopting an amendment to the zoning map, or approving a conditional use permitted in any zoning district, the City Council may impose conditions, such as, but not limited to, the following:

- (1) Setback requirements from any lot line;
- (2) Specified or prohibited locations for buildings, parking, loading or storage areas;
- (3) Restrictions on land use activities to be permitted;
- (4) Maximum building dimensions and height;
- (5) Landscaping or planted area which may include the location, type and maintenance of plant materials within a designated buffer area;
- (6) Fences, walls, earthen berms, or other landscape buffer provisions or protective measures;
- (7) Preservation of existing trees and vegetation;
- (8) Special conditions to eliminate or reduce undesirable views, light, glare, dust or odor;
- (9) Hours of operation;
- (10) Architectural details to be compatible with existing buildings in the area;
- (11) Adherence to specific site plans as adopted; and
- (12) Any other requirements that the City Council may deem appropriate and necessary for the protection of public health and welfare.

Section 17.04.318 Reversion.

After an approval has been granted for a map amendment to create or extend any zoning district, the applicant, agent or property owner has twelve (12) months in which to make substantial progress in developing the property. Substantial progress shall mean the point of construction at which time the first inspection is carried out. If no substantial construction or alteration of the property or other affirmative action to develop the property has occurred within twelve (12) months of the granting of an application for rezoning, the City Council shall review the situation and report its findings with who can, at a public hearing change, the zoning category to its prior or other appropriate zoning district classification.

Contacts

Henry County Water Authority 1695 Highway 20 West McDonough, GA 30253 (770) 957-6659

Henry County Fire Department 110 South Zack Hinton Boulevard McDonough, GA 30253 Henry County Environmental Health Department 137 Henry Parkway McDonough, GA 30253 (770) 288-6190

City of Locust Grove PO Box 900 3644 Highway 42 South (770) 288-6637 Locust Grove, GA 30248 (770) 957-5043 Community Development (770) 692-2321 Public Works/Water-Sewer (770) 692-2333

NOTE: Projects that exceed minimum thresholds for Development of Regional Impact (DRI) review as established by the Department of Community Affairs will be withheld from final Public Hearings until a Notice of Decision is received.

Request for Zoning Map Amendment

Name of Applicant _E	van Conder			Phone.			Da	ate:	02.28.23	
Address Applicant: 1	20 West Trinit	y Place				Cell #_(770) 90	00-684	48	
City: Decatur	Sta	te: GA	Zip:	30030	E-mail:	e.cond	er@vsc	outh.c	om	
Name of Agent Bria	n Kay			Phor	ne: (770	0) 900-6	848	Date:		
Address Agent: 1800	Parkway Plac	e, Suite	700			_Cell #_	(770) 90	00-684	48	
city: Marietta	Sta	te: GA	Zip:	30067	E-mail:	bkay@	atwell-	group	.com	
THE APPLICANT NAMED A REQUESTS: (PLEASE CHEC										
Concept Plan Review 🗌	Conditional Use	Conditi	ional Exce	eption 🗌 I	Modificati	ions to Zo	ning Cor	nditions	5	
/ariance 🛛 Rezonir	g 🛛 DRI Review	v/Concurr	ent 🗌 A	mendmen	t to the Fu	uture Lan	d Use Pla	in 🛛		
Request from	PD, OI, R	A 1-3		to	C2					
	(Current Zoning					Requested Zon	^{ing)} Note	: Comn	nunity Com	mercial
Request from Vac	ant			to Gro						
	(Current Land Use Des	gnation)				(Requested Lar				
or the Purpose of	Grocery Ancho	red Sho	opina C	enter						
Type of Development)										
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Nearest intersection to	the property:									
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Request for Zoning Map Amendment

	Evan Conder				
					Cell #(770) 900-6848
					e.conder@vsouth.com
Name of Agent_Bria	an Kay			Phone: _(77	70) 900-6848 Date:
Address Agent: 180	0 Parkway Place,	Suite 70	00		Cell # (770) 900-6848
City: Marietta	State:	GA	_Zip: _3006	67 E-mai	bkay@atwell-group.com
REQUESTS: (PLEASE CHE	CK THE TYPE OF REQUEST	OR APPEAL	LAND FILL IN A	LL APPLICABLE	E OWNER OF THE PROPERTY DESCRIBED BELOW AN INFORMATION LEGIBLY AND COMPLETELY). Itions to Zoning Conditions
Variance 🛛 Rezoni	ing 🛛 DRI Review/C	oncurren	t 🗌 Amendi	ment to the	Future Land Use Plan 🔀
Request from	PD, OI, RM 1	-3	to	C2	
	(Current Zoning)				(Requested Zoning)
Request from Va	cant		to	Grocerv A	Anchored Shopping Center (Requested Land Use Designation)
	(Current Land Use Designati	ion)	10		(Requested Land Use Designation)
For the Purpose of	Grocery Anchored	d Shopp	ing Center		
	4518 Hwy 42 So	uth. Loc	ust Grove	GA 3024	3
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Nearest intersection to	o the property:				
Nearest intersection to					
	<u>+/-</u> acre(s), Land Lo	ot Numbe	er(s): <u>166</u>		
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Has the applicant¹ made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating \$250 or more or made gifts having in the aggregate a value of \$250 or more to a member of the Locust Grove City Council and/or Mayor who will consider the application? Yes No 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 I_day of $March 20^{23}$

Evan Conder

Applicant's Name - Printed

Signature of Applicant

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this day of Sworn to and subscribed before me this willkins Notary Public 1 Applicant means any individual or business entity (corporation, partnership, limited partnership, firm enterprise franchise association or trust) applying for rezoning or other action bara Wilkinson

enterprise, franchise, association, or trust) applying for rezoning or other action.

City Water and Sewer Service Capacity Form:

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

dress/Location of Request	4518 Hwy 42 South,	Locust Grove, GA 3024	18
pe of Project:	Commercial	Residential	Mixed Use
r residential or mixed-use	residential, number of lot	ts or units:	
r commercial, amount of s	quare feet: 66,387 sf		
timated water usage: <u>AD</u>	F 44,250 GPD	(GALLONS)	
timated sewer usage: <u>AD</u>	F 44,250 GPD	(GALLONS)	
AFF ANALYSIS			
his project within current	water and sewer delivery	area:	
es the project have access	to adequate water supply	y:	
es city have adequate sew	er treatment capacity for	this project:	
e any improvements requir	ed as a result of this proj	ect:	
o, what types of improvem	ents are necessary		

11

March 3, 2023

City of Locust Grove Community Development 3644 Highway 42 Locust Grove, GA 30248

To Whom it may Concern:

I am owner of the parcel ID 129-01002000, 129-01003000 and 129-01004000. I am aware of the request for rezoning regarding my properties and I have no reservations or objections to the rezoning request.

Sincerely,

Gerald Taylor

Gerald Taylor

March 3, 2023

21

City of Locust Grove Community Development 3644 Highway 42 Locust Grove, GA 30248

To Whom it may Concern:

I am owner of the parcel ID 130-01002006. I am aware of the request for rezoning regarding my property and I have no reservations or objections to the rezoning request.

Sincerely,

U. Jonnalagedde

U. Jonnalaga DDA JJUJVJ Georgia Adventures, LLC



March 6, 2023

City of Locust Grove Community Development 3644 Highway 42 Locust Grove, GA 30248

To Whom it may Concern:

On behalf of Venture South Investments, LLC, Atwell Engineering, and Phillips Partnership, we are pleased to present our proposal for a proposed grocery anchored shopping center, to be named Shops at Indian Creek. This proposal consists of a rezoning, future land use map amendment, variance for signage, and architectural review board approval.

Existing Conditions

The subject property consists of four (4) contiguous parcels totaling approximately 30.75 acres, located in the southwest quadrant of the Tanger Blvd. and GA Hwy 42 intersection, in the City of Locust Grove, Henry County, Georgia. The property(s) is primarily undeveloped with a few residential structures located near to the northwest corner of the subject property. Bifurcating the property is a stream and wetland area, within the 100-yr flood plain. Surrounding the subject property are several residential neighborhoods, as well as the Relevant Church located across Tanger Blvd.

Existing Zoning and Future Land Use Conditions

The subject property consists of four (4) parcels having an Office/Institutional (OI), Multifamily Residential (RM 1-3) and Planned Development (PD) zoning classifications. The future land use map designation consists of Community Commercial, Very High Density - County, and Office.

Proposed Zoning and Future Land Use Conditions

The proposed development is requesting the property be re-zoned from Office/Institutional (OI), Multifamily Residential (RM 1-3) and Planned Development (PD), to C2 (General Commercial). The future land use map designation is proposed to be Commercial.

Proposed Development

The proposed grocery anchored shopping center development will consist of a 48,387 square foot grocery store with pharmacy drive-thru and two (2) ancillary shops buildings consisting of 6,000 square feet to the west and 12,000 square feet to the east. The center will have a total of seven (7) outparcels,

City of Locust Grove Page 2

four of which will be located on the eastern side of the existing stream/wetland and three nearest the grocery user.

Proposed Uses

Anchoring this development is a grocery store that provides fresh produce, pharmacy related items, a delicatessen, various soft goods, etc. It will employ approximately 120 to 150 people. Estimated hours of operation are between 7am - 10pm but subject to change based on operations.

Co-tenants in the development will consist of common ancillary service, mercantile and restaurant uses typically found in a grocery anchored developments including, but not limited to: hair salons, nail salons, business services, cellular phone stores, ice cream/yogurt shops, fast casual and full service restaurants, banks, etc.

Site Layout Characteristics

The parking field will consist of an overall ratio of five (5) spaces per thousand (1000) square feet, with the outparcels parking adequately and independently of the center. The main parking field will feature a concrete sidewalk running perpendicular to the front door of the grocery store, connecting pedestrians to their vehicles, with access to public right-of-way to meet the current ADA Regulations. Additional raised concrete sidewalks with ramps and striped crosswalks are planned for shopping/building connectivity and customer safety. There will be way finding signs, typical for this Grocery use, strategically placed for the customers utilizing the pharmacy drive-thru. Adequate ADA accessible parking spaces, meeting current standards and regulations, are planned for the individual buildings and tenant specific requirements. Curbed islands are planned at the end of the parking spaces to help control traffic flow and support landscape requirements. A large truck turn-around is proposed in the back of the center to encourage 18-wheeled vehicles or similar delivery trucks to utilize the back entrance and stay behind the buildings. Typical 8-ft tall split-faced concrete block dumpster enclosures are proposed for the Shops buildings and a large trash compactor is proposed for the Grocery use.

Access into the center has been verified with Georgia Department of Transportation and City of Locust Grove traffic engineers for entrances on GA Hwy 42 and Tanger Blvd., respectively. The main access driveway coming into the center is proposed full access with adequate left turn lane and right turn lanes. A Right In only driveway is located closest to Tanger Blvd. nearest the intersection, and another full access driveway will be located on Tanger Blvd. with adequate left turn lane and right turn lane. Applicable signs and lane striping will be used to define traffic flow and safety within the private and public property.

A traffic study is currently underway, and the development is seeking a traffic signal for the intersection of GA Hwy 42 and Tanger Blvd.

The site topography unfortunately requires the use of a stream/wetland crossing in the form of multibarrel pipes or box culvert(s) to connect the shopping center to Tanger Blvd. We do not anticipate the use of retaining walls to support the planned building square footage and applicable parking.

Utilities for this development will be served by the typical suppliers in this area, and no pumps for sewer or water are anticipated.

City of Locust Grove Page 3

Stormwater Management will be handled by a series of catch basins, drop inlets, and piping to convey runoff from the development to the proposed stormwater pond on the north side of the project. The discharge or outfall of the pond will be directed per city/county regulations, at a rate of runoff equal to or less than the existing condition, per city regulations.

Landscaping will be provided to meet current city development code. Parking lot islands will be located at endcaps of parking spines and some placed strategically for traffic control and earthen slopes. A planned mixture of overstory and understory trees, to include a variety of each will be placed in the parking lot islands, landscape strips, and other areas around the site. Irrigation is planned for this development, and will be designed to meet tenant requirements for sustainability and conservation.

Architectural Characteristics

Drawing from the regional context of central Georgia, the buildings are proposed to include brick and exterior insulated finish systems with accents of aluminum louvers and horizontal metal canopies. The sides and rear operations areas will be painted split face masonry that will complement the brick and EIFS materials. Street fronting facades will be finished in a manner similar to the front elevations with brick and exterior finish systems. Any visible mechanical and electrical units will be painted.

The buildings will include parapets on the street facing facades and the building sides to provide a finished appearance and visual interest.

Adequate pedestrian lighting along the front and sides will be accomplished with wall mounted accent lighting in conjunction with security lighting at the ATM.

Signage

Included with this submittal is a variance request for an additional monument sign, proposed to be located along GA Hwy 42. Due to the length of frontage this property has along GA Hwy 42, we're requesting an additional sign be allowed at the access point closer to the intersection.

We've provided a master sign plan with the submittal that is intended to be binding with the variance request.

Conclusion

Based on the existing character of the neighborhood and surrounding areas and zoning classifications, we believe this zoning proposal will permit a use that is suitable for area. The original master plan for Tanger Blvd. contemplated a grocery store for the 12.91 acre property zoned PD within this proposal. Over time, grocery tenant needs have evolved, and the presence of the stream and wetland area required the development proposal to grow, therefore needing to include the additional 17.84 acre property.

Based on the quality of the development put forth, we believe the zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property.

City of Locust Grove Page 4

We believe that by rezoning OI, RM 1-3 and PD with rezoning proposed to C2, the future land use map amendment, obtaining the signage variance, and architectural review board approval, this development will provide a reasonable economic use and increase the tax base.

We believe that the zoning proposal will not result in a use which will cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

We believe that the proposed development is in conformity with the policy and intent of the land use plan.

We believe that the zoning proposal and information provided herein are supporting grounds for approval of the zoning proposal.

Sincerely,

Evan Conder Venture South Investments, LLC

RECEIVED IN OFFICE HENRY COUNTY CLERN OF SUPERIOR COURT

2015 DEC 28 AM 11: 38

BK: 14305 FG: 1-3 Filed and Recorded Dec-28-2015 02:09:29PM DOC#: D2015-030773 Real Estate Transfer Tax Paid \$240.00 0752015009401 BARBARA A. HARRISON CLERK OF SUPERIOR COURT Henry County GA.

[ABOVE SPACE RESERVED FOR RECORDING DATA]

AFTER RECORDING, RETURN TO: Bank of the Ozarks Attn: Office of General Counsel 17901 Chenal Parkway P.O. Box 8811 Little Rock, Arkansas 72223

Attanta, Ga 30309

LIMITED WARRANTY DEED

STATE OF GEORGIA COUNTY OF Henry

THIS INDENTURE is made this <u>17</u>⁴⁴ day of December, 2015, between FCB **PROPERTIES**, LLC (hereinafter referred to as "Grantor") and SJUJVJ Georgia Adventures, LLC (hereinafter referred to as "Grantee") to include their respective successors, legal representatives and assigns where the context required or permits.

WITNESSETH:

GRANTOR, in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and does hereby grant, bargain, sell, alien, convey, and by these presents grants, bargains, sells and conveys to Grantee the following described property:

See Exhibit "A" attached hereto for a detailed description of the property (hereinafter collectively referred to as the "Land").

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

BK: 14385 PG: 2

AND GRANTOR in lieu of all other warranties, express or implied, hereby covenants with Grantee that Grantor will forever warrant and defend the title to the Land against all lawful claims and encumbrances done or suffered by or through Grantor, but against none other whatsoever.

THIS CONVEYANCE is subject to all real estate ad valorem taxes and governmental assessments, all matters of record, all matters as would be revealed by a current and accurate survey of the property herein conveyed, and all matters accruing prior to the date of acquisition of the Land by Grantor.

EXECUTED under seal as of the date above.

Signed, sealed, and delivered in the presence of

Witness

Notary Public

My Commission Expires:

FCB PROPERTIES, LLC

BY: BANK OF THE OZARKS

Its: Member/Manager

By: Rhonda Clark

Title: Vice President - Special Assets OF

BANK

BK: 14385 PG: 3

EXHIBIT "A"

LEGAL DESCRIPTION

All that tract or parcel of land lying, situate and being in Land Lots 166, 165, and 155 and 156 of the Second Land District of Henry County, Georgia, containing 13.07 acres, more particularly described as follows:

Beginning at an iron pin which marks the intersection of the Northwest right of way of the newly dedicated Tanger Boulevard and the Southern right of way of Georgia Highway 42; thence in a Northwesterly direction along the Southern right of way of Georgia Highway 42 545.97 feet to an iron pin; thence South 34 degrees 0 minutes 46 seconds West 20.0 feet to an iron pin; thence North 55 degrees 59 minutes 14 seconds West 384.21 feet to an iron pin; thence South 0 degrees 1 minute 4 seconds East 689.80 feet to an iron pin; thence South 24 degrees 20 minutes 41 seconds East 305.7 feet (L) 360 feet (R) 296.60 feet (C) to an iron pin; thence South 56 degrees 15 minutes 18 seconds East 338.89 feet to an iron pin; thence South 63 degrees 50 minutes 18 seconds East 338.89 feet to an iron pin located on the Western right of way of Tanger Boulevard; thence North 26 degrees 9 minutes 42 seconds East 690.17 feet along said right of way to an iron pin which is the Point of Beginning.

- and -

All that tract or parcel of land lying and being in Land Lots 154, & 167 of the 2nd District, City of Locust Grove, Henry County, Georgia, and being more particularly described as follows:

Commencing at a Rebar found at the Southeasterly mitered intersection of the Easterly right of way of Locust Grove – Griffin Road, and the Northerly right of way of Tanger Blvd. (100' R/W), thence Easterly along the Northerly right of way of Tanger Blvd. a distance of 286.94' to a Rebar with cap found at the Point of Beginning

Thence N 16°31'21" E leaving said right of way a distance of 247.15' to a Rebar with cap found.

Thence S 76°03'46" E a distance of 248.38' to a Rebar with cap found

Thence S 16°48'41" W a distance of 230.12' to a Rebar with cap found on the Northerly right of way of Tanger Blvd.

Thence with a curve turning to the left along said right of way, with an arc Length of 249.23', with a radius of 994.85', with a chord bearing Of N 79°59'57" W, with a chord length of 248.57' to a Rebar with cap found

Which is the Point of Beginning, having an area of 1.326 Acres.

RECEIVED IN OFFICE HENRY COUNTY CLERK OF SUPERIOR COURT

2015 DEC 28 AM 11:38

BARBARA A. HARRISON CLERK OF SUPERIOR COURT Henry County GA.

After recording, return to:

Chad Henderson, Esq. Henderson Legal LLC 1350 Spring Street, Suite 485 Atlanta, Georgia 30309

QUIT CLAIM DEED

THIS INDENTURE, made and entered into this 17th day of December, 2015, by and between FCB PROPERTIES, LLC, a Georgia limited liability company (hereinafter "Grantor"), and SJUJVJ GEORGIA ADVENTURES LLC, a Georgia limited liability company (hereinafter "Grantee") (the words "Grantor" and "Grantee" to include their respective heirs, legal representatives, successors, and assigns where the context requires or permits).

WITNESSETH:

THAT GRANTOR, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency whereof are hereby acknowledged, has remised, conveyed and quitclaimed, and by these presents does hereby remise, convey and forever QUITCLAIM AND RELEASE unto Grantee, all of Grantor's right, title, and interest in and to the property described in Exhibit A attached hereto and by reference made a part hereof (hereinafter referred to as the "Property").

TO HAVE AND TO HOLD the Property to the said Grantee, so that neither Grantor nor any person or persons claiming under Grantor shall at any time, by any means or ways, have, claim or demand any right or title to the Property or its appurtenances, or any rights thereof.

IN WITNESS WHEREOF, Grantor has signed, sealed and delivered this Quit Claim Deed on the day and year first above written.

Signed, sealed and delivered in the presence of:

Witness



FCB PROPERTIES, LLC

By: Bank of the Ozarks, its sole Member/Manager

04/12/2023

BK: 14385 PG: 5

EXHIBIT A

New Survey Legal Description

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

Beginning at a Rebar found at the Northwestern mitered intersection of the Southerly right of way of Georgia Hwy 23/ U.S. 42 (variable R/W) and The Westerly right of way of Tanger Blvd. (100' R/)

Thence S 17°23'18" E A Distance Of 57.91' to a Rebar found at the Southeastern mitered intersection of the Southerly right of way of Georgia Hwy 23/U.S. 42 (variable R/W) and The Westerly right of way of Tanger Blvd. (100' R/) Thence S 26°10'42" W along the Westerly right of way of Tanger Blvd. A Distance Of 689.48' to a Rebar found Thence N 63°50'18" W leaving said right of way A Distance Of 338.89' to a Point

Thence With A Curve Turning To The Right With An Arc Length Of 95.37', With A Radius Of 360.00', With A Chord Bearing Of N 56°17'47" W, With A Chord Length Of 95.09' to a Rebar found

Thence N 24°18'12" W A Distance Of 296.50' to a Rebar found

Thence N 00°01'35" W A Distance Of 689.33' to a Rebar set on the Southerly right of way Georgia Hwy 23/U.S; 42 Thence S 55°58'14" E along said right of way A Distance Of 384.21' to a Rebar set

Thence N 34°01'46" E along said right of way A Distance Of 20.00' to a Rebar set

Thence S 55°46'39" E along said right of way A Distance Of 51.32' to a Point

Thence With A Curve Turning To The Left along said right of way, With An Arc Length Of 494.73', With A Radius Of 5764.41', With A Chord Bearing Of S 58°13'34" E, With A Chord Length Of 494.57' to a Rebar set Which Is The Point Of Beginning, Having an area of 12.908 Acres

BK:19085 PG:76-77 Filed and Recorded May-03-2022 01:38 PM DOC# 2022 - 017568 Real Estate Transfer Tax Paid: \$ 665.00 0752022005024 SABRIYA HILL CLERK OF SUPERIOR COURT HENRY COUNTY, GA Participant ID: 7118145743

RETURN TO: MARK BRITTAIN, P.C. 245 Country Club Drive Suite 200H Stockbridge, Georgia 30281

LIMITED WARRANTY DEED

STATE OF GEORGIA,

COUNTY OF HENRY.

Tax Map Parcel ID No. 129-01002000 Tax Map Parcel ID No. 129-01003000 Tax Map Parcel ID No. 129-01004000

THIS INDENTURE made this the 3rd day of May, 2022, between DM LGI, LLC, a Georgia limited liability company, as Party of the First Part (hereinafter called "Grantor"), and GERALD TAYLOR, as Party of the Second Part (hereinafter called "Grantee"); the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits.

WITNESSETH:

THAT for and in consideration of the sum of Ten Dollars and other considerations (\$10.00) in hand paid to the Grantor by the Grantee at and before the execution, sealing and delivery of these presents and other good and valuable considerations, the receipt, adequacy and sufficiency of which are hereby acknowledged, the Grantor, by these presents, does grant, bargain, sell, alien, convey and confirm unto the Grantee the following described property, to-wit:

All that tract or parcel of land lying and being in Land Lot 166 of the 2nd District of Henry County, Georgia, being identified as Tract "A" containing 1.173 acres, more or less; Tract "B", containing 13.032 acres, more or less; Tract "C", containing 2.50 acres, more or less; and Tract "D" containing 0.803 acres, more or less, as more particularly described on that certain Survey made for Thomas Dickson Cloud, prepared by Donald R. Milligan, Ga. R.L.S. #2472, dated September 5, 2001, filed for record on May 9, 2002 and recorded at Plat Book 35, Page 61, Henry County, Georgia records. The description of the property as contained on said plat of survey is incorporated herein by reference and made a part hereof. TO HAVE AND TO HOLD the property, together with all and singular the rights, members and appurtenances thereof (collectively the "Property"), to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of the Grantee, its successors and assigns forever in fee simple.

GRANTOR FOR ITSELF, ITS HEIRS, EXECUTORS, ADMINISTRATORS, SUCCESSORS AND ASSIGNS shall warrant and forever defend the right and title to the Property unto the Grantee, its successors and assigns, against the claims of all persons whomsoever claiming by, through or under Grantor, but not otherwise.

IN WITNESS WHEREOF, Grantor has caused this Limited Warranty Deed to be executed in the manner provided by law as of the day and year first above written.

Signed, sealed and delivered in the presence of:

DM LGI, LLC, a Georgia limited liability company

By Its Sole Member:

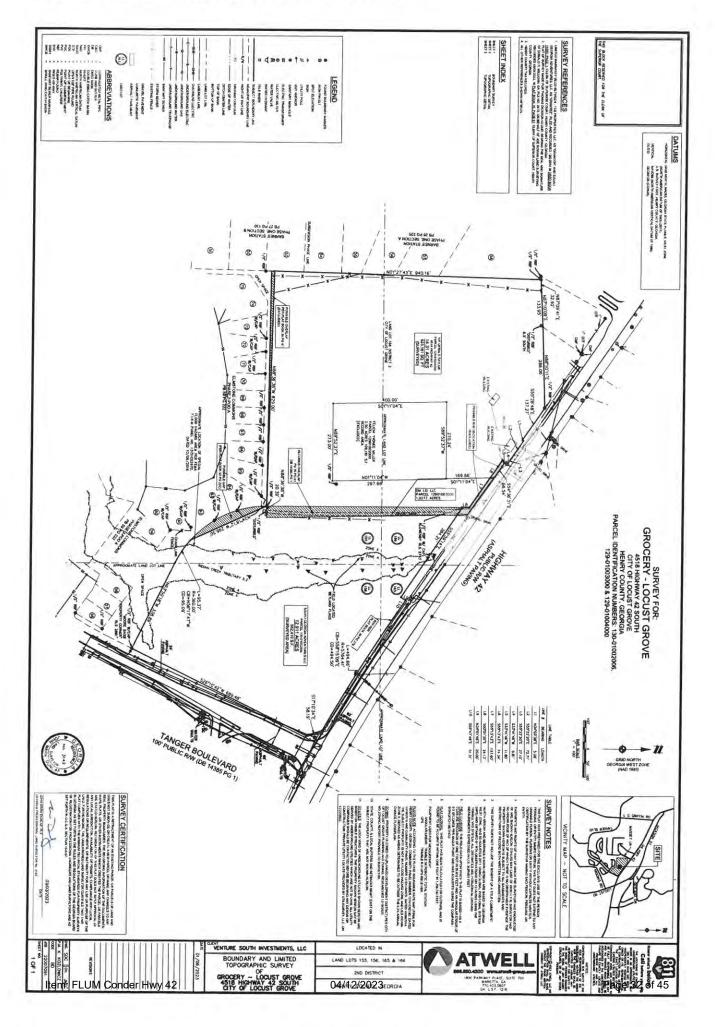
SMS CAPITAL LLC, a Florida limited liability company

By: (SEAL)

Unof

Notary Public

DAVID HASCUP Notary Public State of New Jersey My Commission Expires January 19, 2027 EDMONDO, SCHWARTZ Managing Member





City of Locust Grove

P.O. Box 900 Locust Grove, Georgia 30248-0900 Telephone (770) 957—5043 Fax: 1-866-364-0996

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

Hank Wright Atwell, LLC 2445 Commerce Ave Duluth, GA 30096 <u>naes@dennisgroup.com</u> [delivered electronically]

April 12, 2023

RE:

Water and Sewer Availability for The Shops at Indian Creek

To Whom It May Concern:

Please be advised that water is available to the subject property through the Henry County Water Authority. Final determination of the water provider to the subject property will be made under the terms of an agreement with the Henry County Water Authority (HCWA). Any upgrades to the service lines to serve the development shall be the responsibility of the developer.

The subject property has access to sanitary sewer within the vicinity. City sewer is located in the general vicinity of the subject property, terminating at Big Poplar Way in Elmstone Commons Subdivision. Any upgrades or extensions of nearby sewer lines shall be at the developer's expense.

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,

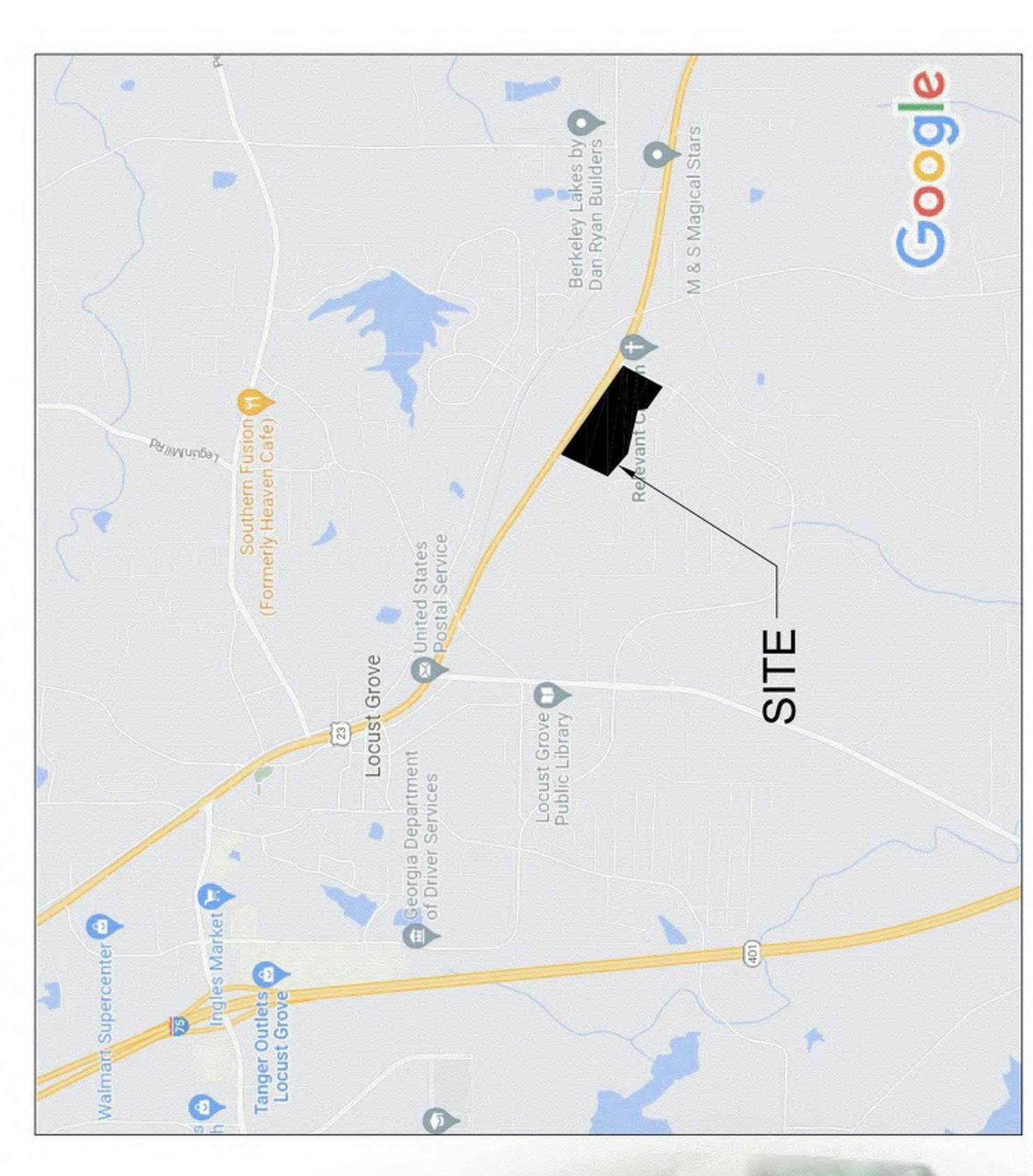
Anna Williams

Anna Williams, Planner II Community Development Department

04/12/2023

SITE ANALYSIS	
BUILDING AREA	
GROCERY LEASEABLE AREA	387 S
SHOPS B LEASEABLE AREA SHOPS B LEASEABLE AREA	
TOTAL BUILDING AREA	6,3
PARKING REQUIRED	
GROCERY (5 PER 1000 SF)	S
SHOPS (5 PER 1000 SF)	
TOTAL PARKING REQUIRED	50
PARKING PROVIDED	
GROCERY (5 PER 1000 SF)	242 SP
SHOPS (6.9 PER 1000 SF)	2 S
SHOPS (6.9 PER 1000 SF)	0 1 3
TOTAL PARKING PROVIDED	
LOT AREA	
	.92
<u> </u>	.17
	A 00.
OUTPARCEL #3	1.00 AC
<u> </u>	.01 A
<u> </u>	.07
OUTPARCEL #7	.11 A

VICINITY MAP

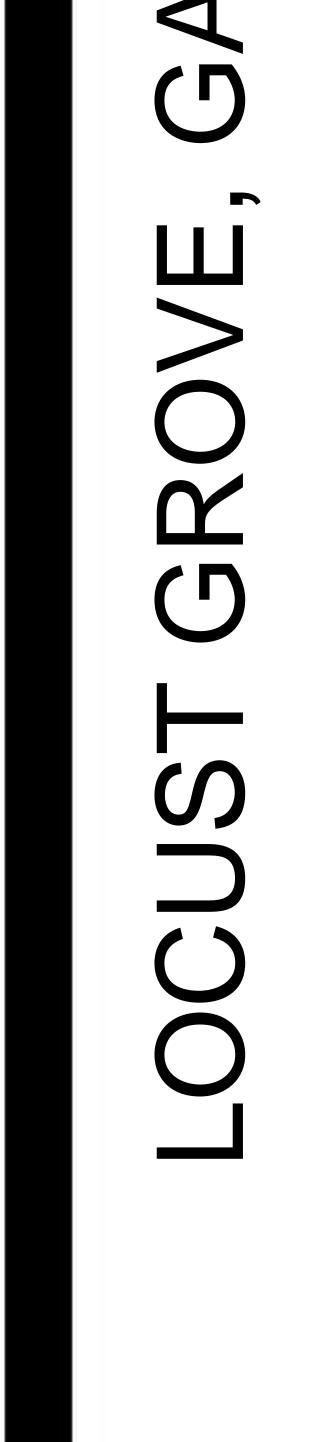






SHOPS AT INDIAN CREEK - CONCEPT SITE PLAN





Page 34 of 45

EXHIBIT B



FUTURE LAND USE AMENDMENT EVALUATION REPORT

FILE: FLU-AM-23-03-02 AP

April 17, 2023

Property Information

1 5	
Tax ID	129-01004000, 129-01002000, and 129-01003000
Location/address/area	Land Lot 166 of the 2 nd District. Hwy. 42 and Tanger Blvd.
Tract Size	16.71+/- acres
Current Zoning	OI (Office/Institutional) & RM (Residential Multifamily)
Request	To amend the Future Land Use Map (FLUM) designation from Office and Medium Density Residential to Community Commercial.
Existing Land Use	Vacant/Undeveloped
Future Land Use	(Current) Office & Medium Density Residential (As Proposed for Amendment) Community Commercial
Recommendation	Approval

Summary

Evan Conder of Decatur, GA requests a Future Land Use Amendment for multiple tracts located on the west side of the intersection of Tanger Blvd. and Hwy. 42 (Parcel ID # 129-01004000, 129-01002000, 129-01003000, and 130-01002006) from Office and Medium Density Residential to Community Commercial for the purpose of developing a grocery-anchored shopping center.

The subject parcels are currently identified as Office and Medium Density Residential on the Future Land Use Map and are currently zoned OI (Office/Institutional) and RM (Residential Multifamily). The Property is undeveloped. The Applicant is seeking a concurrent rezoning of the Property to C-2 (General Commercial) filed concurrently with this FLUM amendment request.

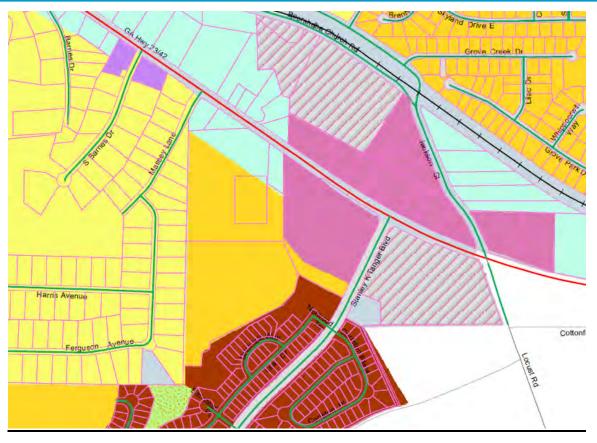
The FLUM is a component of the City's Comprehensive Land Use Plan. The City Council adopted updates to the Comprehensive Plan in accordance with rules set forth by the Georgia Department of Community Affairs Minimum Planning Standards and Procedures for Local Comprehensive Planning on October 15, 2018.

The Comprehensive Plan serves as a guide for elected and public officials by establishing policies and priorities for evaluating development proposals especially as they pertain to land-use decisions. These land-use decisions are analyzed and based on how they relate to growth, economic development and the prioritization of capital improvements on local and regional levels.

Preserving the Past... Planning the Future



FUTURE LAND USE AMENDMENT EVALUATION REPORT FILE: FLU-AM-23-03-02 APRIL 17, 2023



Requested Amendment's relationship to Growth:

Demand for goods and services within the City is increasing given rapid residential growth. The proposed development is part of an emerging commercial area along this portion of Highway 42 and is conveniently located to serve the nearby residential areas.

Requested Amendment's relationship to Capital Improvements:

The proposed amendment has no direct impact on capital improvement projects.

Relationship to the surrounding areas:

The requested Future Land Use Map designation of Community Commercial is consistent with the Future Land Use of adjacent property as well as directly neighboring properties on the north side of Highway 42.

The permitted zoning designations for the proposed FLUM designation do not conflict with the surrounding current or future land use of the adjacent parcels.

- North Office & Community Commercial (Single Family Residential)
- East Low-Density Residential (Single Family Residential)
- South Medium Density Residential (Single Family Residential)

Preserving the Past... Planning the Future

04/12/2023



• West – Community Commercial (currently undeveloped, part of proposed grocery-anchored shopping center site)

Recommendations

Staff recommends APPROVAL of the applicant's request to amend the Future Land Use Map from Office and Medium Density Residential to Community Commercial. The request aligns with the intent of the Comprehensive Plan.

Preserving the Past... Planning the Future

EXHIBIT C

1

AFFIDAVIT OF SIGN POSTING

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

1.

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

2.

Evan Conder of Decatur, GA requests a Future Land Use Amendment for multiple tracts located on the west side of the intersection of Tanger Blvd. and Hwy. 42 (Parcel ID # 129-01004000, 129-01002000, 129-01003000, and 130-01002006) from Office and Medium Density Residential to Community Commercial for the purpose of developing a grocery-anchored shopping center.

3.

On the 30th day of March 2023, I, Brian Fornal 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 17th day of April at 6:00 p.m. at the Locust Grove Public Safety Building, 3640 Highway 42, Locust Grove, Georgia 30248. Photographs of same are attached hereto as Exhibit "A" and incorporated herein by reference. The public hearing sign was posted at the following location:

 Double-sided sign posted at 9:20 AM on the south side of Highway 42 near Tanger Boulevard on 3/30/23 FURTHER AFFIANT SAYETH NOT.

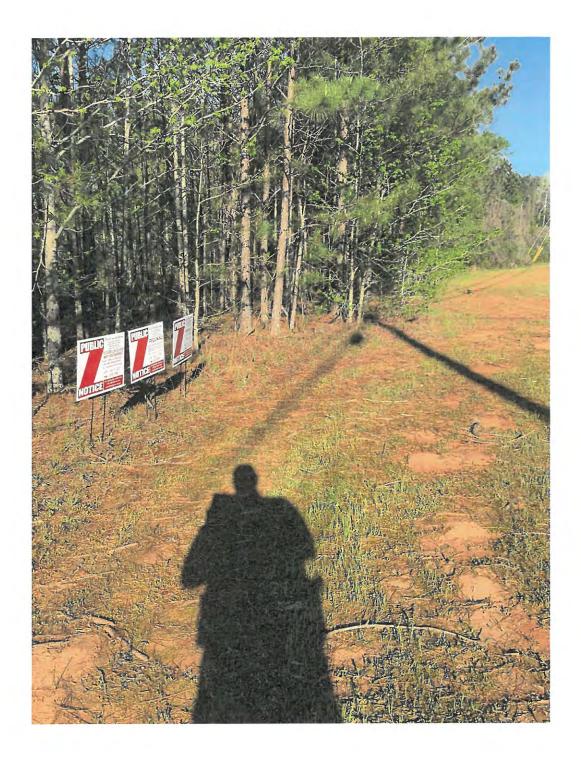
This 12th day of April 2023.

1540 Affiant

Sworn and subscribed before me this 12tn day of pri, _, 2023 NUT KEYA MOO GEL January 2, PUBLIC KNRY COUNT 0 Notary Public Multiman

Exhibit "A"





JONESBORO GROUP TJI D/B/A GRAY PUBLISHING PO BOX 1286 LAWRENCEVILLE GA 30046 (770)963-9205

ORDER CONFIRMATION

Salesperson: DAWN WARD	Printed at 03/23/23 12:59 by dward-lv
Acct #: 119830	Ad #: 98707 Status: New
CITY OF LOCUST GROVE / L PO BOX 900 ATTN TIM YOUNG LOCUST GROVE GA 30248	Start: 03/29/2023 Stop: 03/29/2023 Times Ord: 1 Times Run: *** LGL 1.00 X 97.00 Words: 400 Total LGL 97.00 Class: 0928 PUBLIC HEARING/NOTICE Rate: L928 Cost: 60.00 # Affidavits: 1 Ad Descrpt: PUBLIC HEARING 4/17/2023
Contact: Phone: (770)957-7055	Descr Cont: PUBLIC HEARING NOTICE CIT Given by: ANNA WILLIAMS
Fax#: Email: mspurling@locustgrove-ga.gov Agency:	P.O. #: Created: dward 03/23/23 12:52 Last Changed: dward 03/23/23 12:57
PUB ZONE EDT TP RUN DATES HDH A 95 S 03/29 HINT A 102 S 03/29	

AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

Name (print or type)

Name (signature)

(CONTINUED ON NEXT PAGE)

JONESBORO GROUP TJI D/B/A GRAY PUBLISHING PO BOX 1286 LAWRENCEVILLE GA 30046 (770)963-9205

ORDER CONFIRMATION (CONTINUED)

Salesperson: DAWN WARD	Printed at 03/23/23 12:59 by dward-lv

Acct #: 119830

Ad #: 98707 Status: New

Public Hearing Notice		
City of Locust Grove April 17, 2023 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 Ti-		
tle 36 of the Official Code of Georgia Annotated ("Zoning Procedures Law") and Sec-		
tion 17.04 of the Code of Or- dinances, City of Locust Grove, Georgia, that the Lo-		
cust Grove Čity Council, on Monday, April 17, 2023, at 6:00 PM, will conduct public		
hearings for the purpose of the following: <u>CONDITIONAL USE</u>		
CU-23-03-01 Zack Hinton of McDonough, GA requests a Conditional Use for		
11.32+/- acres located on Bethlehem Road (Parcel ID # 111-01013015, 111-		
0103016, and 111- 0103020) for the purpose of developing a gravel truck		
parking lot. FUTURE LAND USE MAP AMENDMENT		
FLU-AM-23-03-02 Evan Conder of Decatur, GA re- quests a Future Land Use		
Ámendment for multiple tracts located on the west side of the intersection of		
Tanger Blvd. and Hwy. 42 (Parcel ID # 129-01004000, 129-01002000, 129- 01003000, and 130-		
01002006) from Office and Medium Density Residential to Community Commercial		
for the purpose of develop- ing a grocery-anchored shopping center.		
REZONING RZ-23-03-03 Evan Conder		
of Decatur, GA requests a rezoning of 29.62 +/- acres located on the west side of the intersection of Tanger		
the intersection of Tanger Blvd. and Hwy. 42 (Parcel ID # 129- 01004000, 129- 01002000, 129-01003000,		
and 130-01002006) from Ol (Office/Institutional), RM (Residential Multifamily) and		
PD (Planned Development to C-2 (General Commercial) for the purpose of develop- ing a grocery-anchored		
shopping center.		
VR-23-03-04 Evan Conder of Decatur, GA requests a variance from development		
regulations specific to sig- nage to allow for a master sign plan located on the west side of the intersection		
west side of the intersection of Tanger Blvd. and Hwy. 42 (Parcel ID # 129-01004000, 129-01002000, 129- 01002000, 129-		
01003000, and 130- 01002006).		
The public hearings will be held in the Locust Grove Public Safety Building, locat- ed at 3640 Highway 42		
South.		
Community Development		

Community Development Department



P. O. Box 900 Locust Grove, Georgia 30248

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

Item Coversheet

Item: Rezoning request from OI (Office/Institutional), RM (Residential Multifamily) and PD (Planned Development to C-2 (General Commercial) for 29.62+/acres. (Parcel IDs # 129-01004000, 129-01002000, 129-01003000, and 130-01002006) in Land Lot 166 of the 2nd District located on Highway 42 and Tanger Boulevard.

Action Item:		Yes	X	No
Public Hearing Item:	X	Yes		No
Executive Session Item:		Yes	×	No
Advertised Date:	Marc	h 29, 2023		
Budget Item:	N/A			
Date Received:	Marc	h 6, 2023		
Workshop Date:	April	17, 2023		
Regular Meeting Date:	May 1	, 2023		

Discussion:

Evan Conder of Decatur, GA requests a rezoning of 29.62 +/- acres located on the west side of the intersection of Tanger Blvd. and Hwy. 42 (Parcel ID # 129-01004000, 129-01002000, 129-01003000, and 130-01002006) from OI (Office/Institutional), RM (Residential Multifamily) and PD (Planned Development to C-2 (General Commercial) for the purpose of developing a grocery-anchored shopping center.

Recommendation:

Staff recommends APPROVAL with the following conditions:

Page 2 1) The property shall be developed in substantial compliance with the site plan dated March 8, 2023.

2) The Applicant shall submit a traffic study for review by the Community Development Director prior to the issuance of any Land Disturbance Permit.

ORDINANCE NO.

AN ORDINANCE TO REZONE APPROXIMATELY 29.62+/- ACRES LOCATED ON THE WEST SIDE OF THE INTERSECTION OF TANGER BOULEVARD AND HIGHWAY 42 PARCEL ID # 129-01004000, 129-01002000, 129-01003000, and 130-01002006) IN LAND LOT 166 OF THE 2ND DISTRICT WITHIN THE CITY OF LOCUST GROVE, GEORGIA; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

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

WHEREAS, Evan Conder of Decatur, GA (the "Applicant"), requests a rezoning from from OI (Office/Institutional), RM (Residential Multifamily) and PD (Planned Development to C-2 (General Commercial) for property located on the west side of the intersection of Tanger Blvd. and Hwy. 42 (Parcel ID # 129-01004000, 129-01002000, 129-01003000, and 130-01002006) in land lot 156 of the 2nd District (the "Property), attached hereto as **Exhibit A**; and,

WHEREAS, the Applicant filed a request to rezone the Property on March 6, 2023 as shown in the application attached hereto and incorporated herein by reference as **Exhibit B**; and,

WHEREAS, the Applicant's request has been reviewed by the Mayor and City Council at a Public Hearing held on April 17, 2023, as well as by the City Community Development Director; and,

WHEREAS, the Applicant requested that the Property be rezoned from OI (Office/Institutional), RM (Residential Multifamily), and PD (Planned Development to C-2 (General Commercial) for the purpose of developing a grocery-anchored shopping Center; and,

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

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

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

1.

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

2.

That the use of the Property is subject to:

- (X) The condition(s) set forth on Exhibit D attached hereto and incorporated herein by reference.
- () The terms of the Development Agreement attached hereto as Exhibit D and incorporated herein by reference.
- () If no **Exhibit D** is attached hereto, then the property is zoned without conditions.

3.

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

4.

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

SO ORDAINED by the Council of this City this 1^{st} day of May 2023.

ROBERT S. PRICE, Mayor

ATTEST:

MISTY SPURLING, City Clerk

(Seal)

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

Application for Rezoning, Conditional Use, Conditional Exception, Variance, Modifications to Zoning Conditions and Future Land Use Plan Amendments

Thank you for your interest in the City of Locust Grove, Georgia. This packet includes the necessary documents for rezoning, conditional use, conditional exception, variance and modifications to zoning conditions to be heard by the Locust Grove City Council.

Please note: <u>All fees are non-refundable</u>. There are no exceptions. In addition, be sure to review current ordinances, as new amended sections of code are to be adopted over the year.

Should you need further assistance, please feel free to contact our office between 8:00 AM to 5:00 PM, Monday through Friday at: (770) 692-2321 or (770) 957-5043

> The location of all City Council meetings is: Locust Grove Public Safety Building 3640 Highway 42 Locust Grove, GA 30248

> > WWW.LOCUSTGROVE-GA.GOV

Zoning Application Checklist

PLEASE COMPLETE THIS FORM WHEN ACCEPTING ALL REZONING, CONDITIONAL USE, VARIANCE, MODIFICATIONS TO ZONING APPLICATIONS, AND FUTURE LAND USE PLAN AMENDMENTS. ATTACH THE CHECKLIST TO THE APPLICATION AND SIGN.

REQUIRED ITEMS	COPIES	PROCEDURE	CHECK
Application Form	01	 Signed and notarized by owner. Original signature In lieu of owner's signature, applicant has signed and notarized A copy of "Contract", "Power of Attorney" or "Lease" 	V
Applicant Disclosure Form	01	Required for all applicants filed whether yes or no and must be notarized	V
Letter of Ownership	01	Letter stating that the owner is aware of the zoning request and owns the property in question	V
Letter of Intent	01	Must clearly state the proposed use and development intent	4
Legal Description	01	Legal Description of property to be considered for zoning action. Must be submitted as part of ordinance of rezoning, conditional use, variance, etc.	V
Conceptual Site Plan(s) (24″ x 36″ max.)	01	Must show minimum details: Buildings, setbacks, buffers, road frontage, correct scale, north arrow, present zoning classification, topographic information to show elevation and drainage, location and extent of required buffers, proposed lot layout. For PD zoning, applicant must submit all additional paperwork as established in Chapter 17.04 of the Code of Ordinances.	V
Survey Plat (8 ½ x 11″ minimum, 17″ by 22″ maximum)	01	Subject Property, prepared and sealed within the last ten years by a professional engineer, landscape architect or land surveyor registered in the State of Georgia. Said survey plat shall: 1) indicate the complete boundaries of the subject property and all buildings and structures existing therein; 2) Include a notation as to whether or not any portion of the subject property is within the boundaries of the 100-year floodplain; and 3) Include a notation as to the total acreage or square footage of the subject property Electronic copies via PDF and/or AutoCad are required, if available.	V
Letter from the Henry County Water Authority (HCWA)	01	This letter of availability must accompany application at the time of submittal. For city water and/or sewer service, the availability and suitability will be determined in the rezoning evaluation by staff. Follow procedure from HCWA. For City Water/Sewer, Fill out form attached.	Requester
Letter from the Henry Co. Environmental Health Department (if property is not on sewer)	01	This letter of availability must accompany application at the time of submittal. This is required if on septic system.	pla

ALL DOCUMENTS ARE REQUIRED IN ORDER TO ACCEPT APPLICATION

Community Development Department

Application Procedures and Requirements

The following application procedures and requirements apply to all amendments to the Official Zoning map. Any deviation from these standards as prescribed by Section 17.04.312 of the Code of the City of Locust Grove, shall be discussed and considered by the Community Development Director.

- Rezoning
- Conditional Use
- Conditional Exception
- Modifications to Zoning Conditions
- Variance
- Amendments to the Future Land Use Plan

APPLICATIONS <u>WILL NOT</u> BE ACCEPTED WITHOUT ALL THE REQUIRED INFORMATION AS STATED FOR THE FOLLOWING. ALL FEES ARE NON-REFUNDABLE.

ARTICLE XVI. AMENDMENTS

Section 17.04.311 Amendments to Chapter and to Official Zoning Map.

This Chapter, including the official zoning map, may be amended by the City Council that shall become effective after review and comment in a public hearing.

Section 17.04.312 Application for amendment.

- (a) A zoning map amendment may be proposed by any public agency or department of Locust Grove, Georgia or by the City Council. Unless initiated by one (1) of the above bodies, all applications for map amendments must be submitted by an individual with fifty-one (51) or more percent ownership in fee simple of the subject property being petitioned for rezoning, or his legal agent authorized in writing over the owner's signature.
- (b) Any petition for amendment of the Locust Grove Zoning Ordinance or official zoning map shall be accompanied by a filing fee maintained by the Locust Grove Community Development Department office.
- (c) Applications for zoning map amendments shall be filed with the Locust Grove Community Development Department, which will schedule the application for public hearing before the City Council.
- (d) Applications for a zoning map amendment must contain the following:
 - (1) A completed and signed copy of the application for zoning map amendment.
 - (2) A conceptual plat/site plan representing information on the location, extent and type of proposed development, which may include, depending upon the type of development, the following minimum types of information:

- a. Correct scale and north arrow.
- b. The present zoning classification of all adjacent parcels.
- c. The location of the parcel relative to existing or proposed public streets.
- d. Required zoning yard setbacks for the zoning district requested.
- e. Topographic information sufficient to show elevation and drainage conditions of the land.
- Existing conditions or improvements on the property.
- g. The location and extent of required buffer areas, including the extent of natural vegetation or fences as required.
- h. Proposed lot layout of the property if it is to be a subdivision for residential, commercial or industrial development, with required building line setbacks and buffer areas shown.
- i. Commercial or industrial development on existing individual lots, or proposed shopping center developments shall also indicate the location and dimensions of proposed buildings, parking and loading areas, driveways and storage areas.
- j. Report from the Henry County Health Department and the Henry County Water and Sewerage Authority and/or (as applicable) the City Utility Department.
- k. The Community Development Department may require additional information, or information different from the above depending upon the type of development, to properly evaluate the zoning map amendment.
- (3) A copy of the proposed restrictive covenants to be placed upon property that a rezoning application is being made therefore.

Section 17.04.313 Review of application for amendment.

- (a) All proposed amendments to this chapter or to the Official Zoning Map with required site plans shall be transmitted to the Community Development Department Director and City Council for analysis and public hearing. The Community Development Department Director shall study the need and justification of the following facts:
 - (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.
 - (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.
 - (3) Consistency with the Land Use Plan.
 - (4) The potential impact of the proposed amendment on county infrastructure including water and sewerage systems.
 - (5) The impact of the proposed amendment on adjacent thoroughfares and pedestrian and vehicular circulation and traffic volumes.
 - (6) The impact upon adjacent property owners should the request be approved.
 - (7) The ability of the subject land to be developed as it is presently zoned.
 - (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.
 - (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.
- (b) After completing the analysis and review, the City Council shall conduct a public hearing on the proposed zoning map amendment.

Section 17.04.314 Notification and public hearing.

- (a) If Locust Grove, Georgia is taking action resulting in a zoning decision, it shall provide for a hearing on the proposed action. At least fifteen (15) but not more than forty-five (45) days prior to the date of the hearing, the Community Development Department shall cause to be published within a newspaper of general circulation within the City limits and Henry County a notice of the hearing. The notice shall state the time, place and purpose of the hearing.
- (b) If a zoning decision of Locust Grove, Georgia is for the rezoning of property and the rezoning is initiated by a party other than City officials or a City department then:
 - (1) The notice, in addition to the foregoing requirements, shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property; and
 - (2) A sign containing information required by this chapter shall be placed in a conspicuous location on the property not less than fifteen (15) days prior to the date of the hearing.
- (c) If the property proposed for rezoning does not have frontage on a public street, then the sign may be posted on the right-of-way of the nearest public street which provides access to the site. No public hearing may be held by the City Council until said sign(s) have been posted for at least fifteen (15) days. Said signs shall remain posted until final action has been taken by the City Council.
- (d) Before enacting an amendment to this Chapter, whether the proposed amendment is a text or map amendment, the City Council shall hold a public hearing thereon for the purpose of receiving and considering public comment on the merits of the proposed amendment. Said hearings shall be held only after full compliance with all required public notification of the hearing as set forth herein.
- (e) If the zoning decision of the City Council is to deny the rezoning request, then the same property may not again be considered for rezoning until the expiration of at least six (6) months immediately following the defeat of the rezoning by the City Council.

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, neighborhood, a particular area, or the community.
 - (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.
 - (3) Consistency with the Land Use Plan.
 - (4) The potential impact of the proposed amendment on City infrastructure including water and sewerage systems.
 - (5) The impact of the proposed amendment on adjacent thoroughfares and pedestrian vehicular circulation and traffic volumes.
 - (6) The impact upon adjacent property owners should the request be approved.
 - (7) The ability of the subject land to be developed as it is presently zoned.
 - (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.
 - (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.
- (b) The following rules of procedure shall govern the public hearing before the City Council:

- (1) Each applicant shall appear before the Council, identify himself/herself by name, address and whether or not applicant is owner or agent for owner.
- (2) Each applicant or other interested party who provides the Council with documents shall have each document numbered and shall identify each document and each such document submitted shall be made a part of the official record of the hearing.
- (3)
- a. Each applicant shall have thirty (30) minutes to present facts pertinent to the application. An applicant may have additional time to address the Council if the applicant notifies the City Clerk prior to the start of the public hearing that applicant needs additional time. The additional time shall be limited to ten (10) minutes.
- b. Each person in opposition to rezoning of property and amendment to the zoning ordinance shall have ten (10) minutes to address the Council and shall provide the City Clerk with name and address; however, the total time for all interested parties in opposition shall be thirty (30) minutes unless the applicant requests for additional time in subsection (a) above, and then the total time shall not exceed forty (40) minutes.
- (4) At the conclusion of the hearing, the City Council shall make a final decision and its next regular public meeting and direct the Community Development Department to notify the applicant in writing of the Council's decision. The decision shall be based on the information contained in Section 17.04.315 (a) and from the public hearing. The written notification shall immediately be entered on the minutes and made a part of the record on the date that written notification is given to the applicant.
- (5) Any aggrieved party shall have thirty (30) days from the date of written notification to file an appeal from the Council's decision with the superior court.

Section 17.04.316 Conditional zoning.

- (a) In deciding upon any application for zoning map amendment, the City Council may, on their own motion or upon the suggestion of the applicant, or on consideration of the recommendations of the Community Development Department, grant the application subject to certain conditions necessary to promote and protect the health, safety and general welfare.
- (b) The City Council may grant approval of a zoning map amendment and include conditional approval as follows:
 - (1) Such conditions as deemed necessary to protect neighboring properties and to lessen any potentially adverse effects of the zoning change;
 - (2) That the rezoning is conditional upon the condition that the applicant or any successor in title may construct only those uses and only in such a manner as depicted upon any site plan submitted and approved with the application; and,
 - (3) That the rezoning is conditional upon any written conditions proposed by the applicant and/or City Council, and as further set forth on an approved site plan.
- (c) Prior to a final vote being taken upon any application for a zoning map amendment for which such conditions shall be imposed, such conditions shall be announced at the public hearing and made a part of the motion to approve. If the applicant finds such conditions to be unacceptable, it may, at the time, withdraw the application for zoning map amendment. Such withdrawal shall not enable the applicant to refile the same zoning map amendment for the same property until six (6) months have elapsed from the date of withdrawal.

- (d) Any zoning map amendment which is adopted with conditions shall be indicated on the official zoning map. The property shall be indicated on the official zoning map with the suffix "c" to indicate that the property has been rezoned with conditions. Such conditions shall remain imposed upon the property until removed or modified by the City Council.
- (e) Conditional requirements may be imposed upon either permitted and/or conditional use within any zoning district. In ruling upon such requirements, the City Council shall utilize the standards of review contained in section 17.04.313 of this Chapter.

Section 17.04.317 Types of zoning conditions.

In adopting an amendment to the zoning map, or approving a conditional use permitted in any zoning district, the City Council may impose conditions, such as, but not limited to, the following:

- (1) Setback requirements from any lot line;
- (2) Specified or prohibited locations for buildings, parking, loading or storage areas;
- (3) Restrictions on land use activities to be permitted;
- (4) Maximum building dimensions and height;
- (5) Landscaping or planted area which may include the location, type and maintenance of plant materials within a designated buffer area;
- (6) Fences, walls, earthen berms, or other landscape buffer provisions or protective measures;
- (7) Preservation of existing trees and vegetation;
- (8) Special conditions to eliminate or reduce undesirable views, light, glare, dust or odor;
- (9) Hours of operation;
- (10) Architectural details to be compatible with existing buildings in the area;
- (11) Adherence to specific site plans as adopted; and
- (12) Any other requirements that the City Council may deem appropriate and necessary for the protection of public health and welfare.

Section 17.04.318 Reversion.

After an approval has been granted for a map amendment to create or extend any zoning district, the applicant, agent or property owner has twelve (12) months in which to make substantial progress in developing the property. Substantial progress shall mean the point of construction at which time the first inspection is carried out. If no substantial construction or alteration of the property or other affirmative action to develop the property has occurred within twelve (12) months of the granting of an application for rezoning, the City Council shall review the situation and report its findings with who can, at a public hearing change, the zoning category to its prior or other appropriate zoning district classification.

Contacts

Henry County Water Authority 1695 Highway 20 West McDonough, GA 30253 (770) 957-6659

Henry County Fire Department 110 South Zack Hinton Boulevard McDonough, GA 30253 Henry County Environmental Health Department 137 Henry Parkway McDonough, GA 30253 (770) 288-6190

City of Locust Grove PO Box 900 3644 Highway 42 South (770) 288-6637 Locust Grove, GA 30248 (770) 957-5043 Community Development (770) 692-2321 Public Works/Water-Sewer (770) 692-2333

NOTE: Projects that exceed minimum thresholds for Development of Regional Impact (DRI) review as established by the Department of Community Affairs will be withheld from final Public Hearings until a Notice of Decision is received.

Request for Zoning Map Amendment

Name of Applicant _E	van Conder			Phone.			Da	ate:	02.28.23	
Address Applicant: 1	20 West Trinit	y Place				Cell #_(770) 90	00-684	48	
City: Decatur	Sta	te: GA	Zip:	30030	E-mail:	e.cond	er@vsc	outh.c	om	
Name of Agent Bria	n Kay			Phor	ne: (770	0) 900-6	848	Date:		
Address Agent: 1800	Parkway Plac	e, Suite	700			_Cell #_	(770) 90	00-684	48	
city: Marietta	Sta	te: GA	Zip:	30067	E-mail:	bkay@	atwell-	group	.com	
THE APPLICANT NAMED A REQUESTS: (PLEASE CHEC										
Concept Plan Review 🗌	Conditional Use	Conditi	ional Exce	eption 🗌 I	Modificati	ions to Zo	ning Cor	nditions	5	
/ariance 🛛 Rezonir	g 🛛 DRI Review	v/Concurr	ent 🗌 A	mendmen	t to the Fu	uture Lan	d Use Pla	in 🛛		
Request from	PD, OI, R	A 1-3		to	C2					
	(Current Zoning					Requested Zon	^{ing)} Note	: Comn	nunity Com	mercial
Request from Vac	ant			to Gro						
	(Current Land Use Des	gnation)				(Requested Lar				
or the Purpose of	Grocery Ancho	red Sho	opina C	enter						
Type of Development)										
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Nearest intersection to	the property:									
Nearest intersection to	the property:	d Lot Nur	nber(s): _			_, District	(s): <u>2nd</u>	2n		
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Request for Zoning Map Amendment

Name of Applicant					Diffe.	
Address Applicant: 1	20 West Trinity P	Place			Cell #(770) 900-6848	
City: Decatur	State:	GA	Zip: <u>30030</u>	E-mail:	e.conder@vsouth.com	
Name of Agent_Bria	n Kay		Pho	ne: (77(0) 900-6848 Date:	
Address Agent: 1800) Parkway Place,	Suite 700)		Cell #(770) 900-6848	_
City: Marietta	State:	<u>GA</u> z	ip: <u>30067</u>	E-mail:	bkay@atwell-group.com	
REQUESTS: (PLEASE CHEC	CK THE TYPE OF REQUEST	OR APPEAL AN	ND FILL IN ALL A	PPLICABLE I	OWNER OF THE PROPERTY DESCRIBED BELOWNER OF THE PROPERTY DESCRIBED BELOWNFORMATION LEGIBLY AND COMPLETELY).	V AN
Concept Plan Review	Conditional Use	Conditional	Exception 🗌	Modificati	ons to Zoning Conditions 🗌	
Variance 🛛 Rezonii	ng 🔀 DRI Review/C	oncurrent	Amendmer	nt to the F	uture Land Use Plan 🔀	
Request from	PD, OI, RM 1	-3	to	C2		
	(Current Zoning)		10		Requested Zoning)	-
Request from Vac	ant		to Gr	ocerv A	nchored Shopping Center	
	(Current Land Use Designati	ion)			(Requested Land Use Designation)	-
For the Purpose of	Grocery Anchorec	d Shopping	g Center			
	4518 Hwy 42 Sou	uth Locus	t Grove G	4 30248		
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Has the applicant¹ made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating \$250 or more or made gifts having in the aggregate a value of \$250 or more to a member of the Locust Grove City Council and/or Mayor who will consider the application? Yes No 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 I_day of $March 20^{23}$

Evan Conder

Applicant's Name - Printed

Signature of Applicant

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this day of Sworn to and subscribed before me this willkins Notary Public 1 Applicant means any individual or business entity (corporation, partnership, limited partnership, firm enterprise franchise association or trust) applying for rezoning or other action bara Wilkinson

enterprise, franchise, association, or trust) applying for rezoning or other action.

City Water and Sewer Service Capacity Form:

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

dress/Location of Request	4518 Hwy 42 South,	Locust Grove, GA 3024	18
pe of Project:	Commercial	Residential	Mixed Use
r residential or mixed-use	residential, number of lot	ts or units:	
r commercial, amount of s	quare feet: 66,387 sf		
timated water usage: <u>AD</u>	F 44,250 GPD	(GALLONS)	
timated sewer usage: <u>AD</u>	F 44,250 GPD	(GALLONS)	
AFF ANALYSIS			
his project within current	water and sewer delivery	area:	
es the project have access	to adequate water supply	y:	
es city have adequate sew	er treatment capacity for	this project:	
e any improvements requir	ed as a result of this proj	ect:	
o, what types of improvem	ents are necessary		

March 3, 2023

City of Locust Grove Community Development 3644 Highway 42 Locust Grove, GA 30248

To Whom it may Concern:

I am owner of the parcel ID 129-01002000, 129-01003000 and 129-01004000. I am aware of the request for rezoning regarding my properties and I have no reservations or objections to the rezoning request.

Sincerely,

Gerald Taylor

Gerald Taylor

March 3, 2023

21

City of Locust Grove Community Development 3644 Highway 42 Locust Grove, GA 30248

To Whom it may Concern:

I am owner of the parcel ID 130-01002006. I am aware of the request for rezoning regarding my property and I have no reservations or objections to the rezoning request.

Sincerely,

U. Jonnalagedde

U. Jonnalaga DDA JJUJVJ Georgia Adventures, LLC



March 6, 2023

City of Locust Grove Community Development 3644 Highway 42 Locust Grove, GA 30248

To Whom it may Concern:

On behalf of Venture South Investments, LLC, Atwell Engineering, and Phillips Partnership, we are pleased to present our proposal for a proposed grocery anchored shopping center, to be named Shops at Indian Creek. This proposal consists of a rezoning, future land use map amendment, variance for signage, and architectural review board approval.

Existing Conditions

The subject property consists of four (4) contiguous parcels totaling approximately 30.75 acres, located in the southwest quadrant of the Tanger Blvd. and GA Hwy 42 intersection, in the City of Locust Grove, Henry County, Georgia. The property(s) is primarily undeveloped with a few residential structures located near to the northwest corner of the subject property. Bifurcating the property is a stream and wetland area, within the 100-yr flood plain. Surrounding the subject property are several residential neighborhoods, as well as the Relevant Church located across Tanger Blvd.

Existing Zoning and Future Land Use Conditions

The subject property consists of four (4) parcels having an Office/Institutional (OI), Multifamily Residential (RM 1-3) and Planned Development (PD) zoning classifications. The future land use map designation consists of Community Commercial, Very High Density - County, and Office.

Proposed Zoning and Future Land Use Conditions

The proposed development is requesting the property be re-zoned from Office/Institutional (OI), Multifamily Residential (RM 1-3) and Planned Development (PD), to C2 (General Commercial). The future land use map designation is proposed to be Commercial.

Proposed Development

The proposed grocery anchored shopping center development will consist of a 48,387 square foot grocery store with pharmacy drive-thru and two (2) ancillary shops buildings consisting of 6,000 square feet to the west and 12,000 square feet to the east. The center will have a total of seven (7) outparcels,

City of Locust Grove Page 2

four of which will be located on the eastern side of the existing stream/wetland and three nearest the grocery user.

Proposed Uses

Anchoring this development is a grocery store that provides fresh produce, pharmacy related items, a delicatessen, various soft goods, etc. It will employ approximately 120 to 150 people. Estimated hours of operation are between 7am - 10pm but subject to change based on operations.

Co-tenants in the development will consist of common ancillary service, mercantile and restaurant uses typically found in a grocery anchored developments including, but not limited to: hair salons, nail salons, business services, cellular phone stores, ice cream/yogurt shops, fast casual and full service restaurants, banks, etc.

Site Layout Characteristics

The parking field will consist of an overall ratio of five (5) spaces per thousand (1000) square feet, with the outparcels parking adequately and independently of the center. The main parking field will feature a concrete sidewalk running perpendicular to the front door of the grocery store, connecting pedestrians to their vehicles, with access to public right-of-way to meet the current ADA Regulations. Additional raised concrete sidewalks with ramps and striped crosswalks are planned for shopping/building connectivity and customer safety. There will be way finding signs, typical for this Grocery use, strategically placed for the customers utilizing the pharmacy drive-thru. Adequate ADA accessible parking spaces, meeting current standards and regulations, are planned for the individual buildings and tenant specific requirements. Curbed islands are planned at the end of the parking spaces to help control traffic flow and support landscape requirements. A large truck turn-around is proposed in the back of the center to encourage 18-wheeled vehicles or similar delivery trucks to utilize the back entrance and stay behind the buildings. Typical 8-ft tall split-faced concrete block dumpster enclosures are proposed for the Shops buildings and a large trash compactor is proposed for the Grocery use.

Access into the center has been verified with Georgia Department of Transportation and City of Locust Grove traffic engineers for entrances on GA Hwy 42 and Tanger Blvd., respectively. The main access driveway coming into the center is proposed full access with adequate left turn lane and right turn lanes. A Right In only driveway is located closest to Tanger Blvd. nearest the intersection, and another full access driveway will be located on Tanger Blvd. with adequate left turn lane and right turn lane. Applicable signs and lane striping will be used to define traffic flow and safety within the private and public property.

A traffic study is currently underway, and the development is seeking a traffic signal for the intersection of GA Hwy 42 and Tanger Blvd.

The site topography unfortunately requires the use of a stream/wetland crossing in the form of multibarrel pipes or box culvert(s) to connect the shopping center to Tanger Blvd. We do not anticipate the use of retaining walls to support the planned building square footage and applicable parking.

Utilities for this development will be served by the typical suppliers in this area, and no pumps for sewer or water are anticipated.

City of Locust Grove Page 3

Stormwater Management will be handled by a series of catch basins, drop inlets, and piping to convey runoff from the development to the proposed stormwater pond on the north side of the project. The discharge or outfall of the pond will be directed per city/county regulations, at a rate of runoff equal to or less than the existing condition, per city regulations.

Landscaping will be provided to meet current city development code. Parking lot islands will be located at endcaps of parking spines and some placed strategically for traffic control and earthen slopes. A planned mixture of overstory and understory trees, to include a variety of each will be placed in the parking lot islands, landscape strips, and other areas around the site. Irrigation is planned for this development, and will be designed to meet tenant requirements for sustainability and conservation.

Architectural Characteristics

Drawing from the regional context of central Georgia, the buildings are proposed to include brick and exterior insulated finish systems with accents of aluminum louvers and horizontal metal canopies. The sides and rear operations areas will be painted split face masonry that will complement the brick and EIFS materials. Street fronting facades will be finished in a manner similar to the front elevations with brick and exterior finish systems. Any visible mechanical and electrical units will be painted.

The buildings will include parapets on the street facing facades and the building sides to provide a finished appearance and visual interest.

Adequate pedestrian lighting along the front and sides will be accomplished with wall mounted accent lighting in conjunction with security lighting at the ATM.

Signage

Included with this submittal is a variance request for an additional monument sign, proposed to be located along GA Hwy 42. Due to the length of frontage this property has along GA Hwy 42, we're requesting an additional sign be allowed at the access point closer to the intersection.

We've provided a master sign plan with the submittal that is intended to be binding with the variance request.

Conclusion

Based on the existing character of the neighborhood and surrounding areas and zoning classifications, we believe this zoning proposal will permit a use that is suitable for area. The original master plan for Tanger Blvd. contemplated a grocery store for the 12.91 acre property zoned PD within this proposal. Over time, grocery tenant needs have evolved, and the presence of the stream and wetland area required the development proposal to grow, therefore needing to include the additional 17.84 acre property.

Based on the quality of the development put forth, we believe the zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property.

City of Locust Grove Page 4

We believe that by rezoning OI, RM 1-3 and PD with rezoning proposed to C2, the future land use map amendment, obtaining the signage variance, and architectural review board approval, this development will provide a reasonable economic use and increase the tax base.

We believe that the zoning proposal will not result in a use which will cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

We believe that the proposed development is in conformity with the policy and intent of the land use plan.

We believe that the zoning proposal and information provided herein are supporting grounds for approval of the zoning proposal.

Sincerely,

Evan Conder Venture South Investments, LLC

RECEIVED IN OFFICE HENRY COUNTY CLERN OF SUPERIOR COURT

2015 DEC 28 AM 11: 38

BK: 14305 FG: 1-3 Filed and Recorded Dec-28-2015 02:09:29PM DOC#: D2015-030773 Real Estate Transfer Tax Paid \$240.00 0752015009401 BARBARA A. HARRISON CLERK OF SUPERIOR COURT Henry County GA.

[ABOVE SPACE RESERVED FOR RECORDING DATA]

AFTER RECORDING, RETURN TO: Bank of the Ozarks Attn: Office of General Counsel 17901 Chenal Parkway P.O. Box 8811 Little Rock, Arkansas 72223

Attanta, Ga 30309

LIMITED WARRANTY DEED

STATE OF GEORGIA COUNTY OF Henry

THIS INDENTURE is made this <u>17</u>⁴⁴ day of December, 2015, between FCB **PROPERTIES**, LLC (hereinafter referred to as "Grantor") and SJUJVJ Georgia Adventures, LLC (hereinafter referred to as "Grantee") to include their respective successors, legal representatives and assigns where the context required or permits.

WITNESSETH:

GRANTOR, in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and does hereby grant, bargain, sell, alien, convey, and by these presents grants, bargains, sells and conveys to Grantee the following described property:

See Exhibit "A" attached hereto for a detailed description of the property (hereinafter collectively referred to as the "Land").

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

BK: 14385 PG: 2

AND GRANTOR in lieu of all other warranties, express or implied, hereby covenants with Grantee that Grantor will forever warrant and defend the title to the Land against all lawful claims and encumbrances done or suffered by or through Grantor, but against none other whatsoever.

THIS CONVEYANCE is subject to all real estate ad valorem taxes and governmental assessments, all matters of record, all matters as would be revealed by a current and accurate survey of the property herein conveyed, and all matters accruing prior to the date of acquisition of the Land by Grantor.

EXECUTED under seal as of the date above.

Signed, sealed, and delivered in the presence of

Witness

Notary Public

My Commission Expires:

FCB PROPERTIES, LLC

BY: BANK OF THE OZARKS

Its: Member/Manager

By: Rhonda Clark

Title: Vice President - Special Assets OF

BANK

BK: 14385 PG: 3

EXHIBIT "A"

LEGAL DESCRIPTION

All that tract or parcel of land lying, situate and being in Land Lots 166, 165, and 155 and 156 of the Second Land District of Henry County, Georgia, containing 13.07 acres, more particularly described as follows:

Beginning at an iron pin which marks the intersection of the Northwest right of way of the newly dedicated Tanger Boulevard and the Southern right of way of Georgia Highway 42; thence in a Northwesterly direction along the Southern right of way of Georgia Highway 42 545.97 feet to an iron pin; thence South 34 degrees 0 minutes 46 seconds West 20.0 feet to an iron pin; thence North 55 degrees 59 minutes 14 seconds West 384.21 feet to an iron pin; thence South 0 degrees 1 minute 4 seconds East 689.80 feet to an iron pin; thence South 24 degrees 20 minutes 41 seconds East 305.7 feet (L) 360 feet (R) 296.60 feet (C) to an iron pin; thence South 56 degrees 15 minutes 18 seconds East 338.89 feet to an iron pin; thence South 63 degrees 50 minutes 18 seconds East 338.89 feet to an iron pin located on the Western right of way of Tanger Boulevard; thence North 26 degrees 9 minutes 42 seconds East 690.17 feet along said right of way to an iron pin which is the Point of Beginning.

- and -

All that tract or parcel of land lying and being in Land Lots 154, & 167 of the 2nd District, City of Locust Grove, Henry County, Georgia, and being more particularly described as follows:

Commencing at a Rebar found at the Southeasterly mitered intersection of the Easterly right of way of Locust Grove – Griffin Road, and the Northerly right of way of Tanger Blvd. (100' R/W), thence Easterly along the Northerly right of way of Tanger Blvd. a distance of 286.94' to a Rebar with cap found at the Point of Beginning

Thence N 16°31'21" E leaving said right of way a distance of 247.15' to a Rebar with cap found.

Thence S 76°03'46" E a distance of 248.38' to a Rebar with cap found

Thence S 16°48'41" W a distance of 230.12' to a Rebar with cap found on the Northerly right of way of Tanger Blvd.

Thence with a curve turning to the left along said right of way, with an arc Length of 249.23', with a radius of 994.85', with a chord bearing Of N 79°59'57" W, with a chord length of 248.57' to a Rebar with cap found

Which is the Point of Beginning, having an area of 1.326 Acres.

RECEIVED IN OFFICE HENRY COUNTY CLERK OF SUPERIOR COURT

2015 DEC 28 AM 11:38

BARBARA A. HARRISON CLERK OF SUPERIOR COURT Henry County GA.

After recording, return to:

Chad Henderson, Esq. Henderson Legal LLC 1350 Spring Street, Suite 485 Atlanta, Georgia 30309

QUIT CLAIM DEED

THIS INDENTURE, made and entered into this 17th day of December, 2015, by and between FCB PROPERTIES, LLC, a Georgia limited liability company (hereinafter "Grantor"), and SJUJVJ GEORGIA ADVENTURES LLC, a Georgia limited liability company (hereinafter "Grantee") (the words "Grantor" and "Grantee" to include their respective heirs, legal representatives, successors, and assigns where the context requires or permits).

WITNESSETH:

THAT GRANTOR, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency whereof are hereby acknowledged, has remised, conveyed and quitclaimed, and by these presents does hereby remise, convey and forever QUITCLAIM AND RELEASE unto Grantee, all of Grantor's right, title, and interest in and to the property described in Exhibit A attached hereto and by reference made a part hereof (hereinafter referred to as the "Property").

TO HAVE AND TO HOLD the Property to the said Grantee, so that neither Grantor nor any person or persons claiming under Grantor shall at any time, by any means or ways, have, claim or demand any right or title to the Property or its appurtenances, or any rights thereof.

IN WITNESS WHEREOF, Grantor has signed, sealed and delivered this Quit Claim Deed on the day and year first above written.

Signed, sealed and delivered in the presence of:

Witness



FCB PROPERTIES, LLC

By: Bank of the Ozarks, its sole Member/Manager

04/12/2023

r

https://search.gsccca.org/Imaging/HTML5Viewer.aspx?id=67391434&key1=14385&key2=1&county=75&countyname=HENRY&userid=556847&appid=4 4/5

BK: 14385 PG: 5

EXHIBIT A

New Survey Legal Description

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

Beginning at a Rebar found at the Northwestern mitered intersection of the Southerly right of way of Georgia Hwy 23/ U.S. 42 (variable R/W) and The Westerly right of way of Tanger Blvd. (100' R/)

Thence S 17°23'18" E A Distance Of 57.91' to a Rebar found at the Southeastern mitered intersection of the Southerly right of way of Georgia Hwy 23/U.S. 42 (variable R/W) and The Westerly right of way of Tanger Blvd. (100' R/) Thence S 26°10'42" W along the Westerly right of way of Tanger Blvd. A Distance Of 689.48' to a Rebar found Thence N 63°50'18" W leaving said right of way A Distance Of 338.89' to a Point

Thence With A Curve Turning To The Right With An Arc Length Of 95.37', With A Radius Of 360.00', With A Chord Bearing Of N 56°17'47" W, With A Chord Length Of 95.09' to a Rebar found

Thence N 24°18'12" W A Distance Of 296.50' to a Rebar found

Thence N 00°01'35" W A Distance Of 689.33' to a Rebar set on the Southerly right of way Georgia Hwy 23/U.S; 42 Thence S 55°58'14" E along said right of way A Distance Of 384.21' to a Rebar set

Thence N 34°01'46" E along said right of way A Distance Of 20.00' to a Rebar set

Thence S 55°46'39" E along said right of way A Distance Of 51.32' to a Point

Thence With A Curve Turning To The Left along said right of way, With An Arc Length Of 494.73', With A Radius Of 5764.41', With A Chord Bearing Of S 58°13'34" E, With A Chord Length Of 494.57' to a Rebar set

Which Is The Point Of Beginning, Having an area of 12.908 Acres

BK:19085 PG:76-77 Filed and Recorded May-03-2022 01:38 PM DOC# 2022 - 017568 Real Estate Transfer Tax Paid: \$ 665.00 0752022005024 SABRIYA HILL CLERK OF SUPERIOR COURT HENRY COUNTY, GA Participant ID: 7118145743

RETURN TO: MARK BRITTAIN, P.C. 245 Country Club Drive Suite 200H Stockbridge, Georgia 30281

LIMITED WARRANTY DEED

STATE OF GEORGIA,

COUNTY OF HENRY.

Tax Map Parcel ID No. 129-01002000 Tax Map Parcel ID No. 129-01003000 Tax Map Parcel ID No. 129-01004000

THIS INDENTURE made this the 3rd day of May, 2022, between DM LGI, LLC, a Georgia limited liability company, as Party of the First Part (hereinafter called "Grantor"), and GERALD TAYLOR, as Party of the Second Part (hereinafter called "Grantee"); the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits.

WITNESSETH:

THAT for and in consideration of the sum of Ten Dollars and other considerations (\$10.00) in hand paid to the Grantor by the Grantee at and before the execution, sealing and delivery of these presents and other good and valuable considerations, the receipt, adequacy and sufficiency of which are hereby acknowledged, the Grantor, by these presents, does grant, bargain, sell, alien, convey and confirm unto the Grantee the following described property, to-wit:

All that tract or parcel of land lying and being in Land Lot 166 of the 2nd District of Henry County, Georgia, being identified as Tract "A" containing 1.173 acres, more or less; Tract "B", containing 13.032 acres, more or less; Tract "C", containing 2.50 acres, more or less; and Tract "D" containing 0.803 acres, more or less, as more particularly described on that certain Survey made for Thomas Dickson Cloud, prepared by Donald R. Milligan, Ga. R.L.S. #2472, dated September 5, 2001, filed for record on May 9, 2002 and recorded at Plat Book 35, Page 61, Henry County, Georgia records. The description of the property as contained on said plat of survey is incorporated herein by reference and made a part hereof. TO HAVE AND TO HOLD the property, together with all and singular the rights, members and appurtenances thereof (collectively the "Property"), to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of the Grantee, its successors and assigns forever in fee simple.

GRANTOR FOR ITSELF, ITS HEIRS, EXECUTORS, ADMINISTRATORS, SUCCESSORS AND ASSIGNS shall warrant and forever defend the right and title to the Property unto the Grantee, its successors and assigns, against the claims of all persons whomsoever claiming by, through or under Grantor, but not otherwise.

IN WITNESS WHEREOF, Grantor has caused this Limited Warranty Deed to be executed in the manner provided by law as of the day and year first above written.

Signed, sealed and delivered in the presence of:

DM LGI, LLC, a Georgia limited liability company

By Its Sole Member:

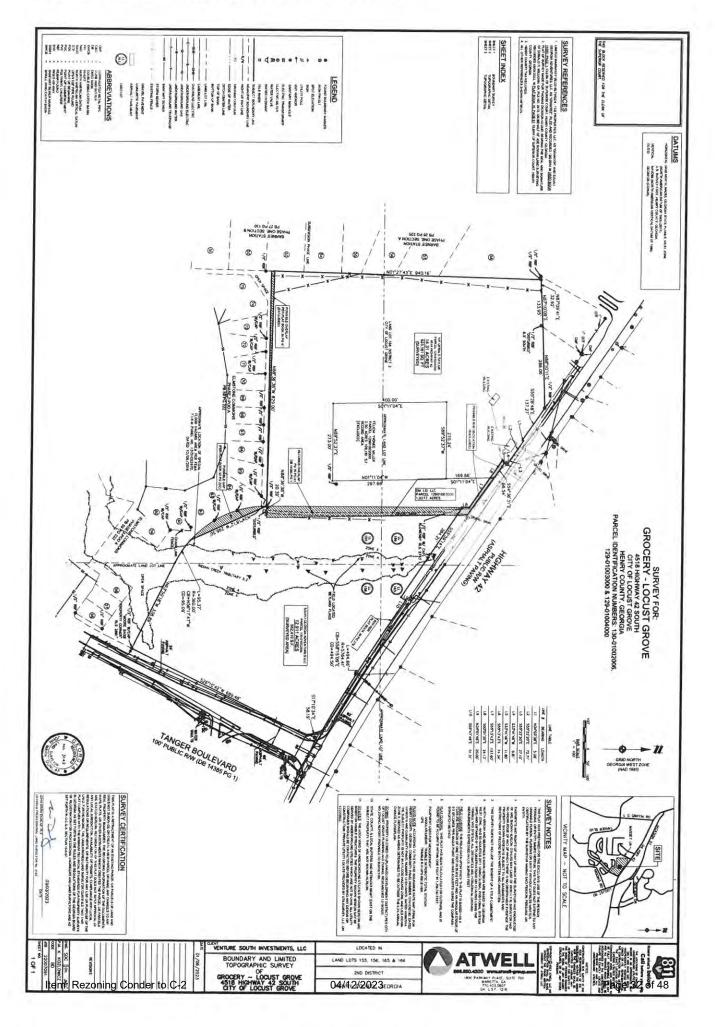
SMS CAPITAL LLC, a Florida limited liability company

By: (SEAL)

Unof

Notary Public

DAVID HASCUP Notary Public State of New Jersey My Commission Expires January 19, 2027 EDMONDO, SCHWARTZ Managing Member





City of Locust Grove

P.O. Box 900 Locust Grove, Georgia 30248-0900 Telephone (770) 957—5043 Fax: 1-866-364-0996

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

Hank Wright Atwell, LLC 2445 Commerce Ave Duluth, GA 30096 <u>naes@dennisgroup.com</u> [delivered electronically]

April 12, 2023

RE:

Water and Sewer Availability for The Shops at Indian Creek

To Whom It May Concern:

Please be advised that water is available to the subject property through the Henry County Water Authority. Final determination of the water provider to the subject property will be made under the terms of an agreement with the Henry County Water Authority (HCWA). Any upgrades to the service lines to serve the development shall be the responsibility of the developer.

The subject property has access to sanitary sewer within the vicinity. City sewer is located in the general vicinity of the subject property, terminating at Big Poplar Way in Elmstone Commons Subdivision. Any upgrades or extensions of nearby sewer lines shall be at the developer's expense.

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.

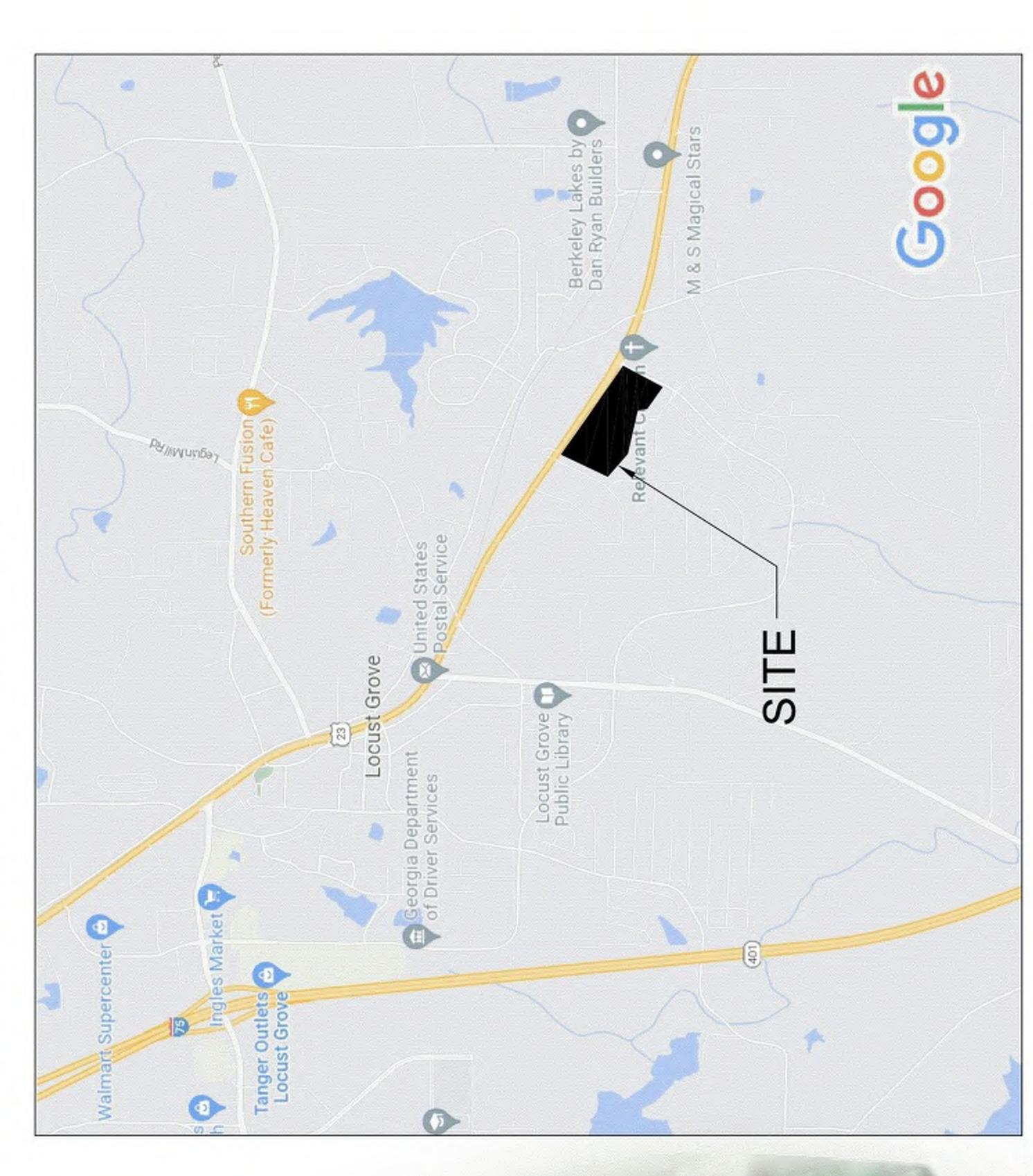
Kind regards,

Anna Williams

Anna Williams, Planner II Community Development Department

SITE ANALYSIS	
BUILDING AREA	
GROCERY LEASEABLE AREA SHOPS A LEASEABLE AREA	48,387 SF 6.000 SF
EASEA	000°
TOTAL BUILDING AREA	87
PARKING REQUIRED	
GROCERY (5 PER 1000 SF)	242 SP
SHOPS (5 PER 1000 SF)	SOS
	0000
TOTAL PARKING REQUIRED	
PARKING PROVIDED	
GROCERY (5 PER 1000 SF)	
SHOPS (6.9 PER 1000 SF)	2 S
SHOPS (6.9 PER 1000 SF)	3
TOTAL PARKING PROVIDED	
LOT AREA	
	.92
OUTPARCEL #1	.17
OUTPARCEL #2	A 00.
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OUTPARCEL #7	.11 A

VICINITY MAP

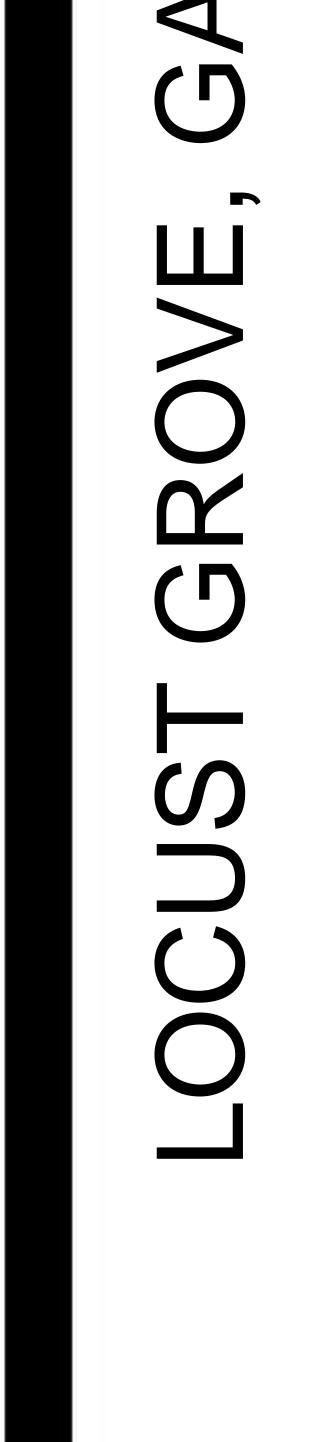






SHOPS AT INDIAN CREEK - CONCEPT SITE PLAN





Page 34 of 48

EXHIBIT B



REZONING EVALUATION REPORT

FILE: RZ-23-03-03

April 17, 2023

REZONING OL RM. AND PD TO C-2

Property Information

Tax ID	129-01004000, 129-01002000, 129-01003000, and 130- 01002006
Location/address	Land Lot 166 of the 2 nd District Hwy. 42 and Tanger Blvd.
Parcel Size	29.62 +/- acres
Current Zoning	OI (Office/Institutional) RM (Residential Multifamily) & PD (Planned Development
Request	Rezoning to C-2 (General Commercial)
Proposed Use	Grocery-anchored shopping center
Existing Land Use	Vacant/undeveloped
Future Land Use	Community Commercial, Office, & Medium Density Residential
Recommendation	Approval with conditions

Summary

Evan Conder of Decatur, GA requests a rezoning of 29.62 +/- acres located on the west side of the intersection of Tanger Blvd. and Hwy. 42 (Parcel ID # 129-01004000, 129-01002000, 129-01003000, and 130-01002006) from OI (Office/Institutional), RM (Residential Multifamily) and PD (Planned Development to C-2 (General Commercial) for the purpose of developing a grocery-anchored shopping center.

The property abuts vacant single-family residential properties to the south and west. Neighboring zoning designations and land uses include PD (Planned Development) and Single-Family Residential.

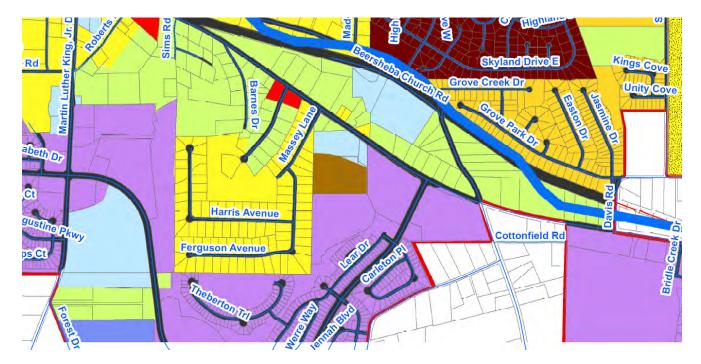
Current Zoning

The subject property is currently zoned OI (Office/Institutional) RM (Residential Multifamily) & PD (Planned Development.

Preserving the Past... Planning the Future



REZONINGApril 17, 2023EVALUATION REPORT
FILE: RZ-23-03-03REZONING OL RM. AND PD to C-2



Future Land Use

The subject parcels are identified on the Future Land Use Map (FLUM) as Community Commercial, Office, and Medium Density Residential. The applicant has submitted a concurrent request to amend the Office and Medium Density Residential FLUM designations to Community Commercial. The Community Commercial FLUM designation serves a trade population of 25,000 or more, and mainly consists of grocery stores and other anchor tenants less than 70,000 square feet in size. These centers are typically no larger than 300,000 square feet in leasable area. Typical zoning district(s) under the current ordinance would be C-1 (Neighborhood Commercial) and C-2 (General Commercial).

Livable Centers Initiative (LCI) Overlay

The subject property is not located in the City of Locust Grove Livable Centers Initiative (LCI) Study Area.

Development of Regional Impact (DRI)

The proposed development does not meet the Georgia Department of Community Affairs (DCA) threshold for a Development of Regional Impact (DRI). For commercial

Preserving the Past... Planning the Future



REZONINGApril 17, 2023EVALUATION REPORT
FILE: RZ-23-03-03REZONING OI, RM, AND PD TO C-2

developments in areas designated as Developing Suburban, the threshold is 400,000 square feet of development. The Applicant is proposing 66,387 +/- square feet of commercial development on the subject property.

Service Delivery / Infrastructure

Water and Sewer: According to the City of Locust Grove Public Works Department, the subject properties will be serviced by the Henry County Water Authority for water. The City of Locust Grove will provide sanitary sewer service. The subject properties are not located within any Watershed Protection Area.

Land Use: If the requested rezoning to C-2 (General Commercial) is approved, the site must be in compliance with the requirements set forth in the City's C-2 zoning ordinance as well as development standards established in Title 15 of the City Code, including Watershed Protection standards, as applicable to the site.

Police Services: The subject 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 Henry County as is similar with other portions of the city as defined by the Service Delivery Strategy.

Transportation Impacts: Transportation impacts will be evaluated in a traffic study provided by the applicant.

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, neighborhood, a particular area, or the community. The subject property

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is located on a highly traveled state route on the periphery of a rapidly growing residential and the proposed use is consistent with planned community commercial growth in the neighboring area. Staff does not anticipate any negative impact on the character of the surrounding area.

- (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 proposed amendment is consistent with the City's Future Land Use Map and Comprehensive Plan.
- (3) Consistency with the Land Use Plan. The Applicant's rezoning request is compatible with one of the current FLUM designations (Community Commercial). The applicant has submitted a concurrent request to amend the Office and Medium Residential portions of the site to Community Commercial.
- (4) The potential impact of the proposed amendment on City infrastructure including water and sewerage systems. The proposed development will require water/sewer extensions and/or upgrades which will be at the developer's expense.
- (5) The impact of the proposed amendment on adjacent thorough fares and pedestrian vehicular circulation and traffic volumes. Transportation impacts will be evaluated in a traffic study to be conducted by the applicant.
- (6) The impact upon adjacent property owners should the request be approved. Immediate neighboring properties consist of single-family homes, and a large church on the east side of Tanger Boulevard. Potential impacts to neighboring single-family housing will be mitigated via buffering as required in the City's landscaping ordinance (17.04.100).
- (7) The ability of the subject land to be developed as it is presently zoned. The subject property can be used/developed as currently zoned PD (Planned Development), OI (Office/Institutional), and RM (Residential Multifamily).
- (8) The physical conditions of the site relative to its capability to be developed as requested, including topography, drainage, access, and

Preserving the Past Planning the Future



size and shape of the property. There are no known physical conditions or limitations that could preclude the use of the site.

(9) The merits of the requested change in zoning relative to any other guidelines and policies for development which the Community Development Commission and City Council may use in furthering the objectives of the Land Use Plan. The merits of the requested change are consistent with the City's overall vision for economic development and land use.

Recommendations

Staff recommends APPROVAL with the following condition:

- 1) The property shall be developed in substantial compliance with the site plan dated March 8, 2023.
- 2) The Applicant shall submit a traffic study for review by the Community Development Director prior to the issuance of any Land Disturbance Permit.

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EXHIBIT C

1

AFFIDAVIT OF SIGN POSTING

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

1.

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

2.

Evan Conder of Decatur, GA requests a rezoning of 29.62 +/- acres located on the west side of the intersection of Tanger Blvd. and Hwy. 42 (Parcel ID # 129-01004000, 129-01002000, 129-01003000, and 130-01002006) from OI (Office/Institutional), RM (Residential Multifamily) and PD (Planned Development to C-2 (General Commercial) for the purpose of developing a grocery-anchored shopping center.

3.

On the 30th day of March 2023, I, Brian Fornal 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 17th day of April at 6:00 p.m. at the Locust Grove Public Safety Building, 3640 Highway 42, Locust Grove, Georgia 30248. Photographs of same are attached hereto as Exhibit "A" and incorporated herein by reference. The public hearing sign was posted at the following location:

- Double-sided sign posted at 9:20 AM on the south side of Highway 42 near Tanger Boulevard on 3/30/23
- Double-sided sign posted at 9:29 AM on the west side of Tanger Boulevard south of Highway 42 on 3/30/23

FURTHER AFFIANT SAYETH NOT.

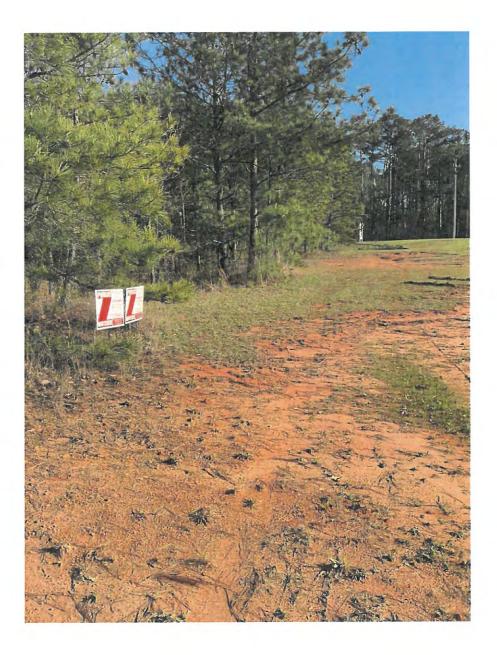
This 12th day of April 2023.

(SYO Affiant

Sworn and subscribed before me	and the second sec
this 12 day of April, 2023	RKEYA MO
Notary Public	GEORGIA
Notary Public	January 2, 2027
	PUBLIC THUNNING







JONESBORO GROUP TJI D/B/A GRAY PUBLISHING PO BOX 1286 LAWRENCEVILLE GA 30046 (770)963-9205

ORDER CONFIRMATION

Salesperson: DAWN WARD	Printed at 03/23/23 12:59 by dward-lv			
Acct #: 119830	Ad #: 98707 Status: New			
CITY OF LOCUST GROVE / L PO BOX 900 ATTN TIM YOUNG LOCUST GROVE GA 30248	Start: 03/29/2023 Stop: 03/29/2023 Times Ord: 1 Times Run: *** LGL 1.00 X 97.00 Words: 400 Total LGL 97.00 Class: 0928 PUBLIC HEARING/NOTICE Rate: L928 Cost: 60.00 # Affidavits: 1 Ad Descrpt: PUBLIC HEARING 4/17/2023			
Contact: Phone: (770)957-7055	Descr Cont: PUBLIC HEARING NOTICE CIT Given by: ANNA WILLIAMS			
Fax#: Email: mspurling@locustgrove-ga.gov Agency:	P.O. #: Created: dward 03/23/23 12:52 Last Changed: dward 03/23/23 12:57			
PUB ZONE EDT TP RUN DATES HDH A 95 S 03/29 HINT A 102 S 03/29				

AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

Name (print or type)

Name (signature)

(CONTINUED ON NEXT PAGE)

JONESBORO GROUP TJI D/B/A GRAY PUBLISHING PO BOX 1286 LAWRENCEVILLE GA 30046 (770)963-9205

ORDER CONFIRMATION (CONTINUED)

Salesperson: DAWN WARD	Printed at 03/23/23 12:59 by dward-lv

Acct #: 119830

Ad #: 98707 Status: New

Public Hearing Notice City of Locust Grove April 17, 2023 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 Ti- tle 36 of the Official Code of Georgia Annotated ("Zoning Procedures Law") and Sec- tion 17.04 of the Code of Or- dinances, City of Locust Grove, Georgia, that the Lo- cust Grove City Council, on Monday, April 17, 2023, at 6:00 PM, will conduct public hearings for the purpose of the following:			
$\begin{array}{c} \hline \textbf{C0NDITIONAL USE}\\ \hline \textbf{CU-23-03-01} Zack Hinton \\ of McDonough, GA requests \\ a Conditional Use for \\ 11.324-' acres located on \\ Bethlehem Road (Parcel ID # \\ 111-01013015, 111- \\ 0103020; for the purpose of \\ developing a gravel truck \\ parking lot. \end{array}$			
FUTURE LAND USE MAP AMENDMENT FUL-AM-23-03-02 Evan Conder of Decatur, GA re- quests a Future Land Use Amendment for multiple tracts located on the west side of the intersection of Tanger Blvd. and Hwy. 42 (Parcel ID # 129-01004000, 129-01002000, 129- 01003000, and 130- 01002006) from Office and Medium Density Residential to Commercial for the purpose of develop- ing a grocery-anchored shopping center.			
REZONING RZ-23-03-03 Evan Conder of Decatur, GA requests a rezoning of 29.62 +/- acres located on the west side of the intersection of Tanger Blvd. and Hwy. 42 (Parcel ID # 129-01004000, 129- 01002000, 129-01003000, and 130-01002006) from OI (Office/Institutional), RM (Residential Multifamily) and PD (Planned Development to C-2 (General Commercial) for the purpose of develop- ing a grocery-anchored shopping center.			
VARIANCE VR-23-03-04 Evan Conder of Decatur, GA requests a variance from development regulations specific to sig- nage to allow for a master sign plan located on the west side of the intersection of Tanger Blvd. and Hwy. 42 (Parcel 1D # 129-01004000, 129-01002000, 129- 01003000, and 130- 01002006).			
The public hearings will be held in the Locust Grove Public Safety Building, locat- ed at 3640 Highway 42 South.			
Daunté Gibbs Community Development			

EXHIBIT D

- 1) The property shall be developed in substantial compliance with the site plan dated March 8, 2023.
- 2) The Applicant shall submit a traffic study for review by the Community Development Director prior to the issuance of any Land Disturbance Permit.

Community Development Department



P. O. Box 900 Locust Grove, Georgia 30248

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

Item Coversheet

Item: Conditional Use Request to allow gravel-surfaced truck/tractor-trailer parking on Bethlehem Road west of Highway 42 (Parcel IDs 111-01013015, 111-01013016, and 111-01013020).

Action Item:		Yes	X	No
Public Hearing Item:	X	Yes		No
Executive Session Item:		Yes	X	No
Advertised Date:	Marc	h 29, 2023		
Budget Item:	N/A			
Date Received:	Marc	h 2, 2023		
Workshop Date:	April	17, 2023		
Regular Meeting Date:	May	1, 2023		

Discussion:

Zack Hinton Jr. of McDonough, GA (the "Applicant"), requests a Conditional Use for 11.32+/acres located on the south side of Bethlehem Road west of Highway 42 (Parcel ID # 111-01013015, 111-01013016, and 111-01013020) for the purpose of developing a gravel truck parking lot.

Recommendation:

Staff recommends APPROVAL with the following conditions:

1) The applicant shall submit a photometric plan to the Community Development Director for review prior to the issuance of any land disturbance or building permit. All parking areas and entry/exit gates will be adequately lit.

Page 2

- 2) All entry/exit points to the truck parking area shall be secured with fencing, gates, and/or security.
- 3) In addition to required buffering, the applicant shall install opaque privacy fencing six (6) to eight (8) feet in height around the perimeter of the parking lot.
- 4) The applicant shall coordinate with the LGPD for the installation of flock cameras.

ORDINANCE NO. _____

AN ORDINANCE TO TO APPROVE A CONDITIONAL USE FOR APPROXIMATELY 11.32+/- ACRES LOCATED ON BETHLEHEM ROAD (PARCEL ID # 111-01013015, 111-0103016, and 111-0103020) IN LAND LOT 247 OF THE 2ND DISTRICT WITHIN THE CITY OF LOCUST GROVE, GEORGIA; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

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

WHEREAS, Zack Hinton Jr. of McDonough, GA requests a Conditional Use for 11.32+/acres located on Bethlehem Road (Parcel ID # 111-01013015, 111-0103016, and 111-0103020) in land lot 247 of the 2nd District (the "Property), attached hereto as **Exhibit A**; and,

WHEREAS, the Applicant filed a request for a Conditional Use on March 2, 2023 as shown in the application attached hereto and incorporated herein by reference as **Exhibit B**; and,

WHEREAS, the Applicant's request has been reviewed by the Mayor and City Council at a Public Hearing held on April 17, 2023, as well as by the City Community Development Director; and,

WHEREAS, the Applicant requested a Conditional Use for the purpose of developing a gravel truck parking lot; and,

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

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

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

1.

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

2.

That the use of the Property is subject to:

- (X) The condition(s) set forth on Exhibit D attached hereto and incorporated herein by reference.
- () The terms of the Development Agreement attached hereto as Exhibit D and incorporated herein by reference.
- () If no **Exhibit D** is attached hereto, then the property is zoned without conditions.

3.

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

4.

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

SO ORDAINED by the Council of this City this 1^{st} day of May 2023.

ROBERT S. PRICE, Mayor

ATTEST:

MISTY SPURLING, City Clerk

(Seal)

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

Request for Zoning Map Amendment Date: Feb Jn-Phone: 6786144 3 In Ton. Name of Applicant Cell # Ke Lenry Address Applicant: SMAL COM 30253 E-mail: ZIPHINTON GA Zip: State: Citv: Date: Shine H INTON SAME Phone: Name of Agent Cell # SAME Address Agent: Zip: E-mail: SAMe State: City: 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 Rezoning DRI Review/Concurrent Amendment to the Future Land Use Plan Variance Request from to (Requested Zoning) (Current Zoning) Request from (Requested Land Use Designation) (Current Land Use Designation) nuc For the Purpose of (Type of Development) Address of Property: _ NONE Nearest intersection to the property: 247 2 Znd _acre(s), Land Lot Number(s): _ District(s): Size of Tract: units per acre Net Density: units per acre Gross Density: _ -010 (Required Property Tax Parcel Number: Witness' Signature Printed Name of Owner/s Printed N Signature of Agent Notan 01/13 (For Office Use Only) Total Amount Paid \$ 525 FEES ARE NON-REFUNDABLE Check # Received by: Cash 111 Will am Gate: Map Number(s): Application checked by: Date: Pre-application meeting: pr117.2023 Public Hearing Date:____ Ordinance: Council Decision: _ Date: Date Mapped in GIS: ____ 9

CU-23-03

Applicant Campaign Disclosure Form

Has the applicant¹ made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating \$250 or more or made gifts having in the aggregate a value of \$250 or more to a member of the Locust Grove City Council and/or Mayor who will consider the application? Yes _____ No _____

If <u>Yes</u>, 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 (3) day of f-b, 20,2,3

34

Applicant's Name - Printed

Signature of Applicant

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this

202 dav

Notary Public

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

City Water and Sewer Service Capacity Form:

r

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

Applicant: ZACK	Hinton -	TR		
Address/Location of Request:	NOT N	real NO SE	wen on	water
Type of Project:	Commercial	Residential	Mixed Use	
For residential or mixed-use res	sidential, number of lo	ts or units:		
For commercial, amount of squ	are feet:		-	
Estimated water usage:		(GALLONS)		
Estimated sewer usage:		(GALLONS)		
STAFF ANALYSIS				
Is this project within current wa	ater and sewer deliver	y area:		
Does the project have access to	adequate water supp	bly:	-	
Does city have adequate sewer	treatment capacity fo	or this project:	-	
Are any improvements require	d as a result of this pro	oject:		
If so, what types of improveme	nts are necessary			
		11		

To whom it may concern,

Please allow this letter on behalf of Z&Z Construction, to request a conditional use to allow a gravel truck parking lot on the property parcel #111-01013015

Thank you,

Zack B. Hinton, JR. Z&Z Construction Land owner

+1

12579 Page 62

Fit Width (89%) ¥

CONSTRUCTION COMPANY, a Georgia partnership, of the Second Part (hereinafter called "grantce"); the words "grantor" and "grantee" to include their respective heirs, successors and assigns where the context requires or permits:

WITNESSETH: That the said grantor (acting under and by virtue of the power and authority contained in the said will, the same having been duly probated and recorded in the Court of Probate of Henry County, Georgia), for and in consideration of the sum of \$10.00 in hand paid, at and before the sealing and delivery of these presents (the receipt of which is hereby acknowledged), has granted, bargained, sold, and conveyed, and by these presents does grant, bargain, sell and convey unto the said grantees, all of grantor's and Zack B. Hinton, Sr.'s interest in all that tract or parcel of land lying and being in Land Lot 247 of the 2nd District of Henry County, Georgia, containing 5.00 acres, being more particularly described according to a plat of survey made for John McGarity, prepared by Donald R. Milligan, GRLS No. 2472, dated March 10, 2003, and attached as Exhibit "A" in Warranty Deed recorded May 20, 2003 in Deed Book 5976, Pages 88-90, Henry County Records; which plat is incorporated herein and by reference made a part hereof.

Cross-Referenced Instruments PT61 E-FILING PT-61 075-2012-005306

G 04/12/2023 A

This record was added to the statewide Deed database index on 6/30/2012 2:00

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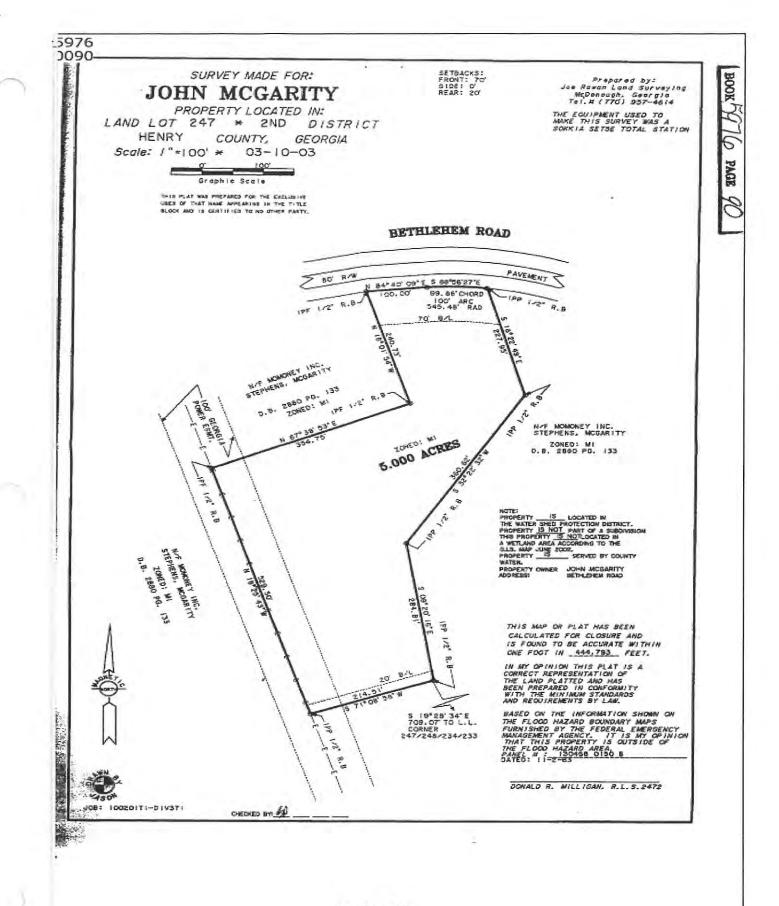
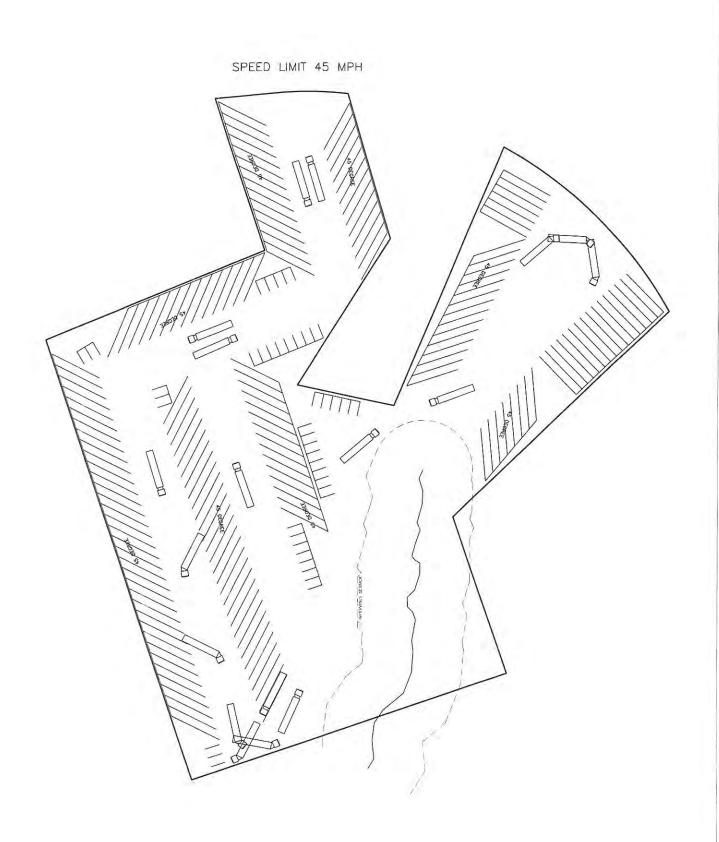


EXHIBIT "A"



CITY OF LOCUST GROVE 770-957-5043 REC#: 00552903 3/06/2023 1:36 PM OPER: RF TERM: 341 REF#: CK#14242 PAID BY: TRAN: BLDG/COM BLDG/COMMUNITY DEVL 31.62CR 202300199 HINTON JR, ZACK BETHLEHEM RD/HWY 42 31.62CR ZON-001 31.62 CHECK TENDERED: 31.62-APPLIED: 0.00 CHANGE :

14211 UNITED COMMUNITY BANK 64-1284/611 ZACK'S PROPERTIES INC. 103 KEYS FERRY ST. MCDONOUGH, GA 30253 ACHECK ANNOT 2023 \$ 525.00 PAY TO THE ORDER OF_ DOLLARS MEMO ZONINg Bathel Ro 0 AUTHORIZED SIGNATURE #014211# ::061112843::2305811321#

Cond. Use app.

2/2023 lecid

		Zoning Map A		
Name of Applicant	1 Huber	T Phone: 40	4391 4354 Da	te: 2-13-2023
Address Applicant: 1 Br	AL Wolkon Th	21	Cell #	
City: FERNANDINA	State: FL	Zip: 32034	E-mail: Bhubent	1952 A GMAIL, COM
Name of Agent				
Address Agent:			Celi #	
City:	State:	_Zip: I	E-mail:	
THE APPLICANT NAMED ABOVE AF REQUESTS: (PLEASE CHECK THE TYP				
Concept Plan Review 🗌 Conditi	onal Use Condition	nal Exception 🗌 Mo	difications to Zoning Con	ditions 🗌
Variance 🚺 Rezoning 🗌 🛛	RI Review/Concurrer	nt 🗌 Amendment to	o the Future Land Use Pla	n 🗌
Request from	urrent Zoning)	to	(Requested Zoning)	
(C	Jrrent zoning)		[hequested 201mg]	
Request from	Land Lise Designation	to	(Requested Land Use Design	iation)
For the Purpose of	pperty: <u>Bet</u> re(s), Land Lot Number units per acre <u>111-01030</u>	h Le h e m er(s): <u>247/a</u> Net Density	$\frac{Rd + HWy}{2}$ $\frac{Rd + HWy}{2}$ $\frac{District(s): 2}{2}$ $\frac{Units point}{2}$ $\frac{W}{2}$ $\frac{W}{2}$	<u> </u>
Total Amount Paid \$	_Cash Check #	Received by:	(FEES ARE)	NON-REFUNDABLEJ
Application checked by:				
Pre-application meeting:			Date:	
Public Hearing Date:				
Council Decision:				
Date Mapped in GIS:		C)ate:	
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Applicant Campaign Disclosure Form

Has the applicant¹ made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating \$250 or more or made gifts having in the aggregate a value of \$250 or more to a member of the Locust Grove City Council and/or Mayor who will consider the application? Yes _____ No _____

If <u>Yes</u>, 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____

Ben Hubert

Applicant's Name - Printed

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this

otary Public

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

City Water and Sewer Service Capacity Form:

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

Applicant: <u>Bew</u>	Habert	L	
Address/Location of Request	NONE	peole	<u>(</u> ,
Type of Project:	Commercial	Residential	Mixed Use
For residential or mixed-use	residential, number of lots	or units:	
For commercial, amount of s	quare feet:		
Estimated water usage:		(GALLONS)	
Estimated sewer usage:		(GALLONS)	
STAFF ANALYSIS			
Is this project within current	water and sewer delivery	area:	
Does the project have access	to adequate water supply	:	
Does city have adequate sew	ver treatment capacity for	this project:	
Are any improvements requi	red as a result of this proje	ect:	
If so, what types of improven	nents are necessary		
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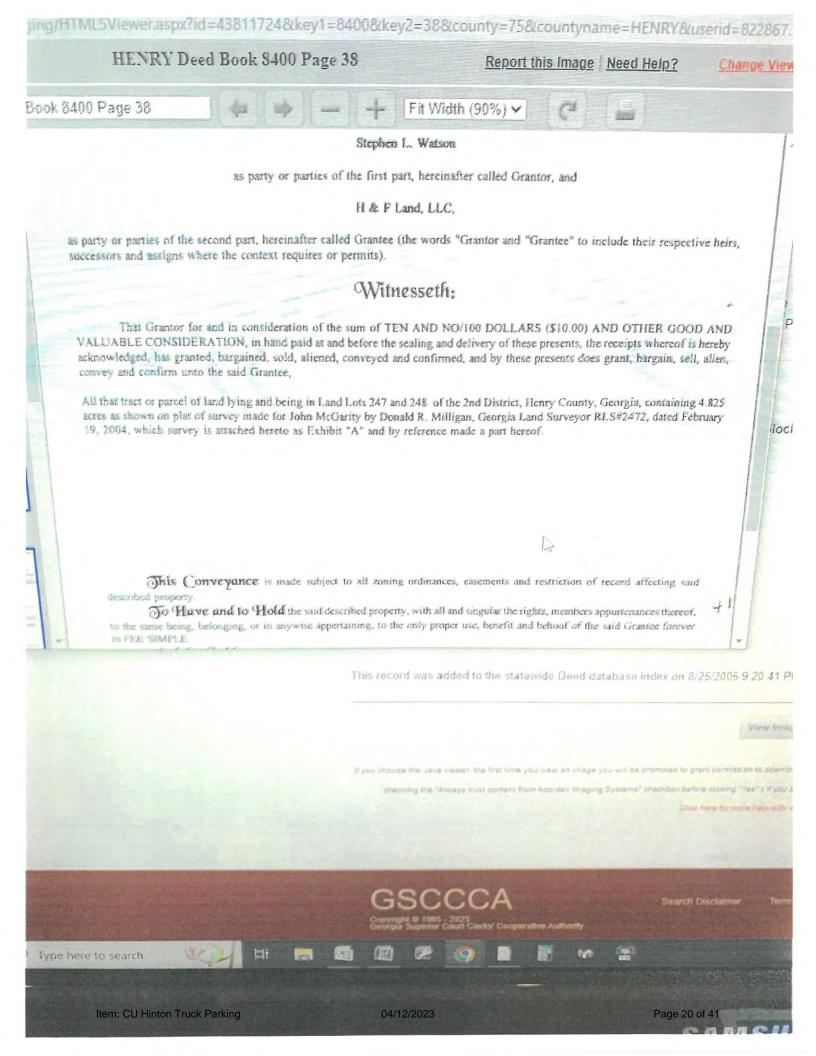
To whom it may concern,

Please allow this letter on behalf of Delta Industrial Contractors, Inc., to request a conditional use to allow a gravel truck parking lot on the property parcel #111-01013020

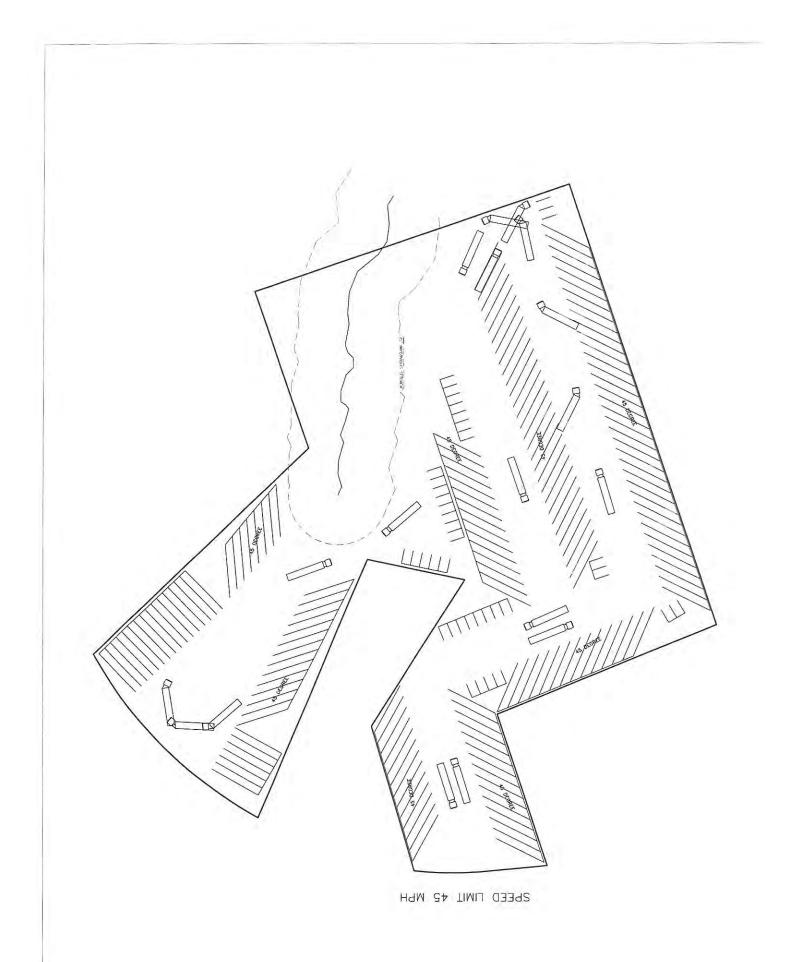
Thank you,

Ben Hubert

Delta Industrial, Inc. Land owner







	Request for	Loi mig map	7 unchannente	
Name of Applicant	Ben Hubert	F Phone	464-391-4354 Date: Feb 13 -	20
Address Applicant:	Beachwalker	Rd	Cell # 404 391 4354	
City: FerNAnd	IWA State: F/	Zip: 32034	E-mail: BhubenT1952 (A) Comail.	60
			ne:Date:	
Address Agent:			Cell #	
City:	State:	Zip:	_ E-mail:	-
			NT OF THE OWNER OF THE PROPERTY DESCRIBED BELOW A PPLICABLE INFORMATION LEGIBLY AND COMPLETELY).	ND
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Variance Rezoning] 🗌 DRI Review/Concurre	ent 🗌 Amendmer	at to the Future Land Use Plan 🗌	
Request from	(Current Zoning)	to	[Requested Zoning]	
Request from	(Current Land Use Designation)	to	(Requested Land Use Designation)	30
	Truck PANI	A		į
Address of Property:				
			+ HWY 42	
Size of Tract: 1,5	acre(s), Land Lot Numb	ber(s):	District(s):2nd	
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Size of Tract: <u>1.5</u> Gross Density: Property Tax Parcel Num <u>Amancla f</u> Witness' Signature <u>Amanda Ha</u> Printed Name of Witness <u>Printed Name of Witness</u> <u>Printed Name of Witness</u> <u>Protany</u> <u>For Office Use Only</u> Total Amount Paid \$ <u>Protany</u> Total Amount Paid \$ Pre-application checked by: Pre-application meeting. Public Hearing Date: Council Decision:	acre(s), Land Lot Numb units per acre nber:616 30 fal CashCheck # Date:	Der(s):Net Dens		

Has the applicant¹ made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating \$250 or more or made gifts having in the aggregate a value of \$250 or more to a member of the Locust Grove City Council and/or Mayor who will consider the application? Yes _____ No _____

If <u>Yes</u>, 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___

Applicant's Name - Printed

Signature of Applicant

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this

otary Public

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

day of

City Water and Sewer Service Capacity Form:

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

Applicant: <u>Ber</u>	v Juber	1	
Address/Location of Reque	st:NOWE	e wealer	l
Type of Project:	Commercial	Residential	Mixed Use
For residential or mixed-us	e residential, number of I	lots or units:	
For commercial, amount of	square feet:		
Estimated water usage:		(GALLONS)	
Estimated sewer usage:		(GALLONS)	
STAFF ANALYSIS			
Is this project within currer	nt water and sewer delive	ery area:	
Does the project have acce	ess to adequate water sup	oply:	
Does city have adequate se	ewer treatment capacity	for this project:	
Are any improvements req	uired as a result of this p	roject:	
If so, what types of improv	ements are necessary		
		11	

To whom it may concern,

Please allow this letter on behalf of H&F Land, LLC., to request a conditional use to allow a gravel truck parking lot on the property parcel #111-01013016

Thank you,

Ben Hubert

H&F Land, LLC. Land owner

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HENRY Deed Book 10949 Page 85

Report this Image Need Help? Change

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Book 10949 Page 85

STATE OF GEORGIA HENRY COUNTY

Warranty Deed

Fit Width (90%) ~

This Indenture, Made June 12, 2008, between

Lemie Bales III and Catherine L. Bales

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

Delta Industrial Contractors, Inc.,

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

Witnesseth:

That Grantor for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, in hand paid at and before the scaling and delivery of these presents, the receipts whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

All that tract or parcel of land lying and being in Land Lot 247 of the 12th District of Henry County, Georgia, containing 1.50 acres as per plat of survey made for John McGarity Realty LLC, prepared by Donald R. Milligan, GRLS No. 2472, dated August 26, 2003, and recorded in Deed Book 6583, Page 242, Henry County Records; which plat is incorporated herein and by reference made a part hereof.

Cross-Referenced Instruments

DEED	WARRAN
PT61	E-FILING

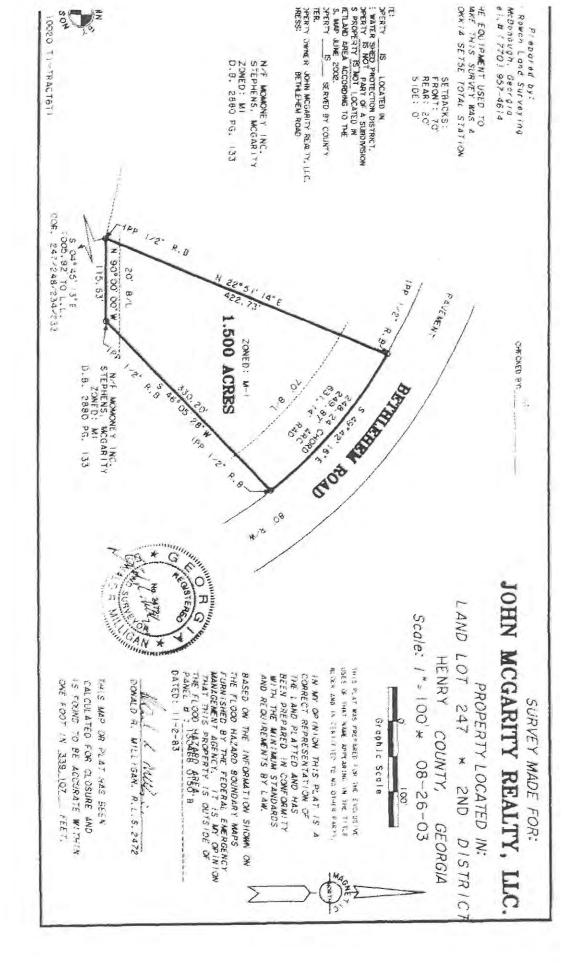
RANTY DEED BOOK 6583, PAGE 242 ING PT-61 075-2008-005563

This record was added to the statewide Deed database index on 7/14/2008 10:0

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checking the "Always trust content from Acordex imaging Systems" checkbox before clicking "res"

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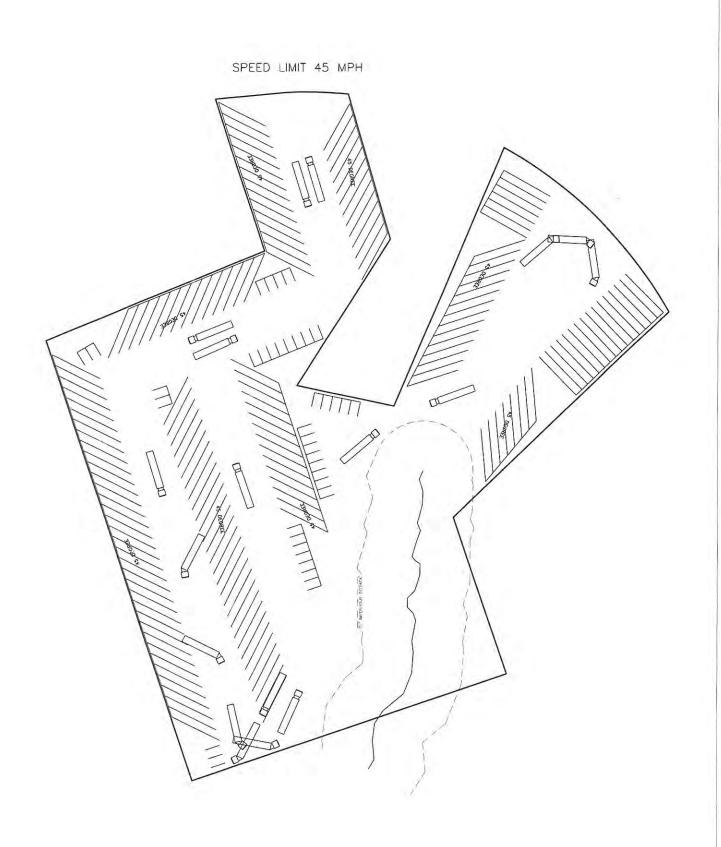


EXHIBIT B



TRUCK PARKING - GRAVEL LOT

Property Information	
Tax ID	111-01013015, 111-01013016, & 111-01013020
Location/address	Bethlehem Road west of Highway 42
Parcel Size	11.32 +/- acre
Current Zoning	M-1 (Light Manufacturing)
Request	The applicant is requesting a Conditional Use to develop the property as a gravel truck parking lot
Proposed Use	Gravel Truck Parking Lot
Existing Land Use	Vacant/Undeveloped
Future Land Use	Industrial
Recommendation	Approval with conditions

Summary

Zack Hinton Jr. of McDonough, GA requests conditional use for property located on the south side of Bethlehem Road, west of Highway 42 (Parcel IDs 111-01013015, 111-01013016, and 111-01013020) in Land Lot 247 of the 2nd District. The property consists of 11.32 +/- acres and is currently zoned M-1-(Light Manufacturing). The applicant requests a Conditional Use for the purpose of developing the subject parcels for use as a gravel surface tractor-trailer/oversized vehicle parking lot.

Tractor-trailer & oversized vehicle parking is permitted with an approved Conditional Use within the M-1 (Light Manufacturing) and M-2 (General Industrial) zoning districts and is consistent with the Industrial Future Land Use Map designation of the subject property. Chapter 15.44.060 of the Locust Grove Code of Ordinances includes a provision for gravel parking within the M-1 (Light Manufacturing) and M-2 (Heavy Manufacturing) zoning districts, only, with an approved Conditional Use granted by the City of Locust City Council.

	Current Zoning	Current Land Use
North	M-1 (Light Manufacturing)	Vacant/Undeveloped
South	M-1 (Light Manufacturing)	Vacant/Undeveloped
East	M-1 (Light Manufacturing)	Warehousing/Undeveloped
West	M-1 (Light Manufacturing)	Vacant/Undeveloped

Source: City of Locust Grove Official Zoning Map, adopted 2016

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The subject property is located within area primarily designated M-1 (Light Manufacturing). The abutting properties are undeveloped with the exception of one warehouse facility bounded by two of the subject parcels on the east and west.

Service Delivery / Infrastructure

Water and Sewer: No facilities requiring water or sewer services are shown on the proposed site plan.

Police Services: Locust Grove Police Department will continue to perform regular patrols of the area.

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

Transportation Impacts: The subject property is located within an area of growing industrial development and will likely serve existing truck traffic. Upcoming transportation improvements within the immediate vicinity of the site include the realignment of Bethlehem Road and the construction of a new interchange at Bethlehem Road and I-75.

Criteria for Evaluation of 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, neighborhood, a particular area, or the community. The request is consistent with the existing and future character and use of the surrounding properties.

(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 request is consistent with the applicable zoning district, as it is located within the M-1 (Light Manufacturing) zoning district.

(3) Consistency with the Land Use Plan. The request is consistent with the future land use plan for this area; however, a conditional use is required for all truck parking lots.

(4) The potential impact of the proposed amendment on City infrastructure including water and sewerage systems. Impacts on the existing infrastructure will be minor. No water/sewer is shown on the proposed site plan.

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(5) The impact of the proposed amendment on adjacent thoroughfares, pedestrian and vehicular circulation and traffic volumes. There is little additional impact with this request in terms of vehicular circulation, as the parking lot will likely be serving existing truck traffic. The proposed truck parking facility may improve circulation in extant private parking lots within the City by providing drivers with an alternative option.

(6) The impact upon adjacent property owners should the request be approved. Most of the surrounding area is vacant/undeveloped or has already been designated for future industrial use. Any impact to the adjoining industrial use can likely be mitigated by buffering, lighting, and security. Please refer to the conditions listed below.

(7) The ability of the subject land to be developed as it is presently zoned. The subject property is zoned M-1 (Light Manufacturing). Any use that is permitted by right or with an approved conditional use in the M-1 zoning district allows the subject property to be developed as it is presently zoned.

(8) The physical conditions of the site relative to its capability to be developed as requested, including topography, drainage, access, and size and shape of the property. There are no known physical conditions on the property that would preclude development.

(9) The merits of the requested change in zoning relative to any other guidelines and policies for development which the Community Development staff and City Council may use in furthering the objectives of the Land Use Plan. The merits are consistent with the City of Locust Grove's zoning ordinance and Future Land Use Map. The proposed truck parking will also fulfill and existing need for more formalized truck parking locations within the City.

Recommendation

Staff recommends approval of the request with the following conditions:

- 1) The applicant shall submit a photometric plan to the Community Development Director for review prior to the issuance of any land disturbance or building permit. All parking areas and entry/exit gates will be adequately lit.
- 2) All entry/exit points to the truck parking area shall be secured with fencing, gates, and/or security.
- 3) In addition to required buffering, the applicant shall install opaque privacy fencing six (6) to eight (8) feet in height around the perimeter of the parking lot.
- 4) The applicant shall coordinate with the LGPD for the installation of flock cameras.

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EXHIBIT C

JONESBORO GROUP TJI D/B/A GRAY PUBLISHING PO BOX 1286 LAWRENCEVILLE GA 30046 (770)963-9205

ORDER CONFIRMATION

Salesperson: DAWN WARD	Printed at 03/23/23 12:59 by dward-lv
Acct #: 119830	Ad #: 98707 Status: New
CITY OF LOCUST GROVE / L PO BOX 900 ATTN TIM YOUNG LOCUST GROVE GA 30248	Start: 03/29/2023 Stop: 03/29/2023 Times Ord: 1 Times Run: *** LGL 1.00 X 97.00 Words: 400 Total LGL 97.00 Class: 0928 PUBLIC HEARING/NOTICE Rate: L928 Cost: 60.00 # Affidavits: 1 Ad Descrpt: PUBLIC HEARING 4/17/2023
Contact: Phone: (770)957-7055	Descr Cont: PUBLIC HEARING NOTICE CIT Given by: ANNA WILLIAMS
Fax#: Email: mspurling@locustgrove-ga.gov Agency:	P.O. #: Created: dward 03/23/23 12:52 Last Changed: dward 03/23/23 12:57
PUB ZONE EDT TP RUN DATES HDH A 95 S 03/29 HINT A 102 S 03/29	

AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

Name (print or type)

Name (signature)

(CONTINUED ON NEXT PAGE)

JONESBORO GROUP TJI D/B/A GRAY PUBLISHING PO BOX 1286 LAWRENCEVILLE GA 30046 (770)963-9205

ORDER CONFIRMATION (CONTINUED)

Salesperson: DAWN WARD	Printed at 03/23/23 12:59 by dward-lv

Acct #: 119830

Ad #: 98707 Status: New

Public Hearing Notice City of Locust Grove April 17, 2023 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 Ti- tle 36 of the Official Code of Georgia Annotated ("Zoning Procedures Law") and Sec- tion 17.04 of the Code of Or- dinances, City of Locust Grove, Georgia, that the Lo- cust Grove City Council, on Monday, April 17, 2023, at 6:00 PM, will conduct public hearings for the purpose of the following:		
CONDITIONAL USE CU-23-03-01 Zack Hinton of McDonough, GA requests a Conditional Use for 11.32+/- acres located on Bethlehem Road (Parcel ID # 111-01013015, 111- 0103016, and 111- 0103020) for the purpose of developing a gravel truck parking lot.		
FUTURE LAND USE MAP AMENDMENT FUL-AM-23-03-02 Evan Conder of Decatur, GA re- quests a Future Land Use Amendment for multiple tracts located on the west side of the intersection of Tanger Blvd. and Hwy. 42 (Parcel ID # 129-01004000, 129-01002000, 129- 01003000, and 130- 01002006) from Office and Medium Density Residential to Community Commercial for the purpose of develop- ing a grocery-anchored shopping center.		
REZONING RZ-23-03-03 Evan Conder of Decatur, GA requests a rezoning of 29.62 +/- acres located on the west side of the intersection of Tanger Blvd. and Hwy. 42 (Parcel ID # 129- 01004000, 129- 01002000, 129-01003000, and 130-01002006) from Ol (Office/Institutional), RM (Residential Multifamily) and PD (Planned Development to C-2 (General Commercial) for the purpose of develop- ing a grocery-anchored shopping center.		
VARIANCE VR-23-03-04 Evan Conder of Decatur, GA requests a variance from development regulations specific to sig- nage to allow for a master sign plan located on the west side of the intersection of Tanger Blvd. and Hwy. 42 (Parcel ID # 129-01004000, 129-01002000, 129- 01003000, and 130- 01002006).		
The public hearings will be held in the Locust Grove Public Safety Building, locat- ed at 3640 Highway 42 South. Daunté Gibbs		
Community Development		

Daline Globs Community Development Director -City of Locust Grove 98707-3/29/20

AFFIDAVIT OF SIGN POSTING

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

1.

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

2.

E Zack Hinton of McDonough, GA requests a Conditional Use for 11.32+/- acres located on Bethlehem Road (Parcel ID # 111-01013015, 111-0103016, and 111-0103020) for the purpose of developing a gravel truck parking lot.

3.

On the 30th day of March 2023, I, Brian Fornal 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 17th day of April at 6:00 p.m. at the Locust Grove Public Safety Building, 3640 Highway 42, Locust Grove, Georgia 30248. Photographs of same are attached hereto as Exhibit "A" and incorporated herein by reference. The public hearing sign was posted at the following location:

- 1. Double-sided sign posted at 9:41 AM west of 181 Bethlehem Road on 3/30/23
- 2. Double-sided sign posted at 9:46 AM east of 181 Bethlehem Road on 3/30/23

FURTHER AFFIANT SAYETH NOT.

This 12th day of April 2023.

SKI Affiant

Sworn and subscribed before me this day of <u>April</u>, 2023 <u>Management</u> Notary Public

E(SOCES) And Communition of the

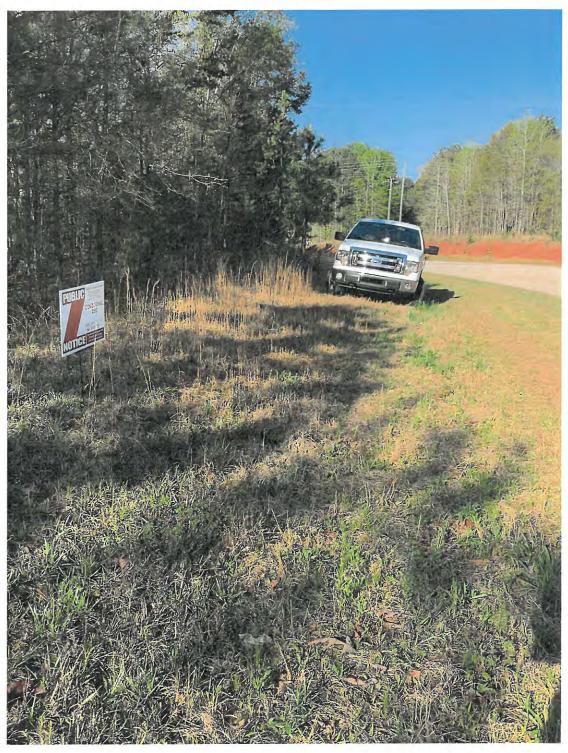




EXHIBIT D

- 1) All entry/exit points to the truck parking area shall be secured with fencing, gates, and/or security.
- 2) In addition to required buffering, the applicant shall install opaque privacy fencing six (6) to eight (8) feet in height around the perimeter of the parking lot.
- 3) The applicant shall coordinate with the LGPD for the installation of flock cameras.