CITY OF LOCUST GROVE

REGULAR MEETING AGENDA Monday May 1, 2023 – 6:00 P.M.

PUBLIC SAFETY BUILDING - 3640 HIGHWAY 42 S.

LOCUST GROVE, GA 30248

CALL TO ORDER
NVOCATION
INVOCATION
APPROVAL OF THE AGENDA
PUBLIC COMMENTS
PUBLIC HEARING ITEMS
APPROVAL OF THE MINUTES
 April 3, 2023, Regular Meeting Minutes (Motion Required) April 3, 2023, Executive Session Meeting Minutes (Motion Required) April 17, 2023, Workshop Meeting Minutes (Motion Required) April 17, 2023, Executive Session Meeting Minutes (Motion Required)
ACCEPTANCE OF THE FINANCIAL STATEMENT
FY 2022 final adjustments pending from audit – N/A
UNFINISHED BUSINESS/ACTION ITEMS
 Ordinance for adoption of a new zoning map incorporating map amendments, areas annexed into the city August 1, 2016, and new zoning districts. – (Tabled from April 3, 2023) (Motion Required) 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 (Motion Required) Ordinance for Rezoning from OI (office/institutional), RM (residential multi-family) 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 LL 166 of 2nd district on Highway 42 and Tanger Boulevard. (Motion Required) Ordinance to approve a variance request to allow for a master sign plan located on the west side of the intersection of Tanger Boulevard and Highway 42 (Parcel IDs: #129-01004000, 129-01002000, 129-01003000, and 130-01002006). (Motion Required) Ordinance to approve a conditional Use request to allow gravel-surfaced truck/tractor-trailer parking on Bethlehem Road west of Highway 42 (Parcel IDs: 111-0103015, 111-0103016, and 111-0103020). (Motion Required) Ordinance to approve the final plat for Bridle Creek Phase 2A subdivision located on Highway 42 in Parcel #147-01009016 (Motion Required) Ordinance to approve the final plat for Collinswood Phase II (LG Griffin Pod D) located on Kirkland Dr. in Parcel #130-01002012. (Motion Required) Ordinance to approve a final plat for Cedar Ridge (Pod D Phase I) located on Tanger Blvd, (Parcel ID #130-01005000) – (Motion Required) Ordinance to approve a final plat for Cedar Ridge (Pod D Phase I) located on Tanger Blvd, (Parcel ID #130-01005000) – (Motion Required) Resolution approving the architectural plans submitted for The Shops at Indian Creek. (Motion Required)
14. Resolution approving the architectural plans submitted for the remodel of an existing structure located at 4971 Bill Gardner Parkway. (Motion Required)
NEW BUSINESS/ACTION/DISCUSSION ITEM
15. Ordinance to amend Section 2.04.010 of Title 2, Chapter 4 of the City of Locust Grove Code of Ordinances which provides for compensation (Motion Required)
CITY MANAGER'S COMMENTS
COUNCIL COMMENTS
MAYOR'S COMMENTS
EXECUTIVE SESSION – (IF NEEDED)
ADJOURN
POSTED AT CITY HALL –April 26, 2023, at 16:30

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. 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.

City of Locust Grove Council Meeting Minutes Public Safety Building – Courtroom Chamber 3640 Highway 42 S. – Locust Grove, GA 30248 Monday, April 3, 2023 6:00 PM

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

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

Invocation given by Chief Derrick Austin.

Councilman Taylor led the Pledge of Allegiance.

APPROVAL OF AGENDA -

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

RESULT	APPROVED
MADE MOTION	COUNCILMAN GREER
2 ND MOTION	COUNCILMAN BREEDLOVE
VOTE	MOTION CARRIED - ALL IN FAVOR

PUBLIC COMMENTS -

Mrs. Janice Madison: resident at 1537 Jackson Street stepped forward to comment. Mrs. Madison said she would like to review the report from the EPD before the council votes on the ordinance for zoning map amendments. Janice said there is a creek flowing through the property where the gas tanks are proposed. Mr. Madison said they want to know that the water will be protected prior to the council acting. Mr. and Mrs. Madison said they want to protect the land/property that they enjoy.

Councilman Greer said right now the council is discussing the zoning; however, if this is approved and we move forward, the EPD would then be involved. Mr. Madison asked if he and his wife could be involved. Daunté said no that normally the EPD does not normally allow involvement [on placement of tanks].

Councilman Williams asked Mr. Madison if the developer has reached out to him. Mr. Madison said no.

Andy said this is a public comment period where the public can make comments to the council. This is evolving into something further and Councilman Breedlove needs to comment.

Councilman Breedlove read letter of recusal and recused himself from discussion and exited the meeting.

Councilman Williams asked if the developer has reached out to the community? Daunté asked the developer to come forward.

Mr. Rob Franks of Franks and White, Stockbridge, GA stepped forward to comment. Rob said a buffer [required by code] is included and anything further would be done within their means. They will work with directional lighting and the storage [buildings shown on the original concept plan] has been removed. The underground springs will be investigated as plans progress (assuming the item is approved).

Discussion took place about on-site security. Andy asked about the time limit for public comment and the city clerk confirmed the time had expired.

Councilman Breedlove returned to the meeting.

PUBLIC HEARING ITEMS – NONE

APPROVAL OF THE MINUTES -

1. MARCH 6, 2023- REGULAR MEETING MINUTES -

Mayor Price asked for a motion. Councilman Boone made the motion to approve the March 6, 2023, regular meeting minutes.

RESULT	APPROVED MARCH 6, 2023, REGULAR
	MEETING MINUTES
MADE MOTION	COUNCILMAN BOONE
2 ND MOTION	COUNCILMAN SHEAROUSE
FAVOR	MOTION CARRIED – ALL IN FAVOR

2. MARCH 6, 2023- EXECUTIVE SESSION MEETING MINUTES -

Mayor Price asked for a motion. Councilman Williams made the motion to approve the March 6, 2023, executive session meeting minutes.

RESULT	APPROVED MARCH 6, 2023, EXECUTIVE
	SESSION MEETING MINUTES
MADE MOTION	COUNCILMAN WILLIAMS
2 ND MOTION	COUNCILMAN BOONE
FAVOR	MOTION CARRIED – ALL IN FAVOR

3. MARCH 20, 2023- WORKSHOP MEETING MINUTES -

Mayor Price asked for a motion. Councilman Shearouse made the motion to approve the March 20, 2023, workshop meeting minutes.

RESULT	APPROVED MARCH 20, 2023, WORKSHOP
	MEETING MINUTES
MADE MOTION	COUNCILMAN SHEAROUSE
2 ND MOTION	COUNCILMAN BREEDLOVE
FAVOR	MOTION CARRIED – ALL IN FAVOR

4. MARCH 20, 2023- EXECUTIVE SESSION MEETING MINUTES -

Mayor Price asked for a motion. Councilman Breedlove made the motion to approve the March 20, 2023, executive session meeting minutes.

RESULT	APPROVED MARCH 20, 2023, EXECUTIVE
	SESSION MEETING MINUTES
MADE MOTION	COUNCILMAN BREEDLOVE
2 ND MOTION	COUNCILMAN SHEAROUSE
FAVOR	MOTION CARRIED – ALL IN FAVOR

ACCEPTANCE OF THE FINANCIAL STATEMENT – NONE – FY Closeout.

UNFINISHED BUSINESS/ACTION ITEMS -

5. Ordinance for adoption of a new zoning map amendments, areas annexed into the city August 1, 2016, and new zoning districts –

Mayor Price asked for a motion. Councilman Greer made the motion to table until May 1, 2023

RESULT	TABLED UNTIL MAY 1, 2023
MADE MOTION	COUNCILMAN GREER
2 ND MOTION	COUNCILMAN WILLIAMS
FAVOR	MOTION CARRIED – ALL IN FAVOR

Discussion took place and Daunté said after action is taken on the zoning matter the map will be updated and effective May 1,2023. Andy said this will cover the property that has been zoned and newly annexed.

6. Ordinance to rezone from RA (residential agricultural) to C-2 (general commercial) for 03.37 +/- acres (Parcel ID 147-01038000) in LL 156 of the 2nd district located on Highway 42–

Councilman Breedlove read letter of recusal recusing himself from discussion or action on this item due to having a business relationship with the broker. Councilman Breedlove exited the meeting.

Daunté clarified if the council decides to add fencing in addition to the required buffer the ordinance can be updated. It is rare that we require security fencing.

Councilman Greer asked if the property owners agree with this decision. Andy said the applicant must get a permit for the underground storage tank which is approved by the State of Georgia. Andy also asked the council to keep in mind that after the study is done, the soil may not be approved or appropriate. Andy said Daunté is following a land use policy and our ordinances as to if it should be zoned commercial or not. The gas tanks are separate; therefore, if they wanted to design the store without gas, the C-2 zoning is sufficient. The gas tanks are separate.

Councilman Boone asked if the accel/decel lanes on Highway 42 are included with this request. Daunté said that is decided through the GDOT process and the approved areas will be reviewed with staff. Nothing further.

Mayor Price asked for a motion. Councilman Greer made the motion to amend the conditions to add privacy fence and approve the request by approving ordinance $\frac{#23-04-034}{}$.

RESULT	APPROVED ORDINANCE AS AMENDED #23-04-
	034
MADE MOTION	COUNCILMAN GREER
2 ND MOTION	COUNCILMAN WILLIAMS
FAVOR	MOTION CARRIED – FOUR IN FAVOR (GREER,
	WILLIAMS, TAYLOR, SHEAROUSE) ONE
	OPPOSED (BOONE) AND ONE RECUSED FROM
	VOTE (BREEDLOVE)

7. Resolution to create a streetlight district – Collinswood at Locust Grove Station, Phase 2 –

Mayor Price asked for a motion. Councilman Williams made the motion to approve the request by approving resolution <u>#23-04-035.</u>

RESULT	APPROVED RESOLUTION #23-04-035
MADE MOTION	COUNCILMAN WILLIAMS
2 ND MOTION	COUNCILMAN TAYLOR
FAVOR	MOTION CARRIED – ALL IN FAVOR

8. Request for a Special Event permit for Haven House 5K fundraiser at Strong Rock School – April 22, 2023 –

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

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

9. Request for a Special Event permit for Kiesha Stubbs/The Artisan Markets to hold an outdoor maker's market at the Locust Grove Train Watching platform on the 2nd and 4th weekends May 12, 2023, through September 23, 2023 –

Daunté Gibbs said the applicant submitted a revision to the initial proposed dates and is now in compliance with the allowed 14 events per calendar year. She will only have 13 events and Ms. Stubbs is present to answer any questions. Daunté said staff recommends approval with one additional condition [food trucks will be prohibited]. This condition will be included with the two existing conditions that are required by staff.

Councilman Williams asked why not allow food trucks? Daunté said the parking is very limited at the train platform, and the downtown businesses will benefit in food sales by not allowing those there.

Councilman Shearouse asked how many vendors are expected. The applicant, Kiesha Stubbs stepped forward to comment. Kiesha said the green space adjacent to the train platform will accommodate up to 50 vendors. Councilman Shearouse asked if there is enough parking at the train platform and Kiesha said no one will park at the train platform; only parking near the city park.

Councilman Breedlove asked how many vendors will be set up on the train platform? Kiesha said the train platform will only be for music (DJ) and information, no vendors. Discussion took place

as to how the area was determined on number of vendors and Kiesha said she measured the space. Mr. Young said it is the space where the scarecrow village is held. Councilman Breedlove asked why not host the event at Claude Gray Park which has more space and parking. Andy said she applied to have the events at the train platform and by condoning; we are not assuming responsibility.

Councilman Boone asked Kiesha how much she is charging each vendor. Kiesha said \$50 per vendor (not a net profit) and discussion took place. Councilman Williams said this will bring foot traffic for businesses in the city/downtown.

Councilman Boone said this will be a \$32,000 profit for the applicant after all events are done. A discussion took place about business licenses. Andy said the ordinance doesn't specify what the motive of the person is applying, and this is a special event. Tim said the ordinance addresses nonprofits in terms of fees and the fee can be waived if not for profit. Andy said this is not legally city property, we have a contractual agreement with Norfolk Southern and we have the right to use it.

Discussion took place about the one-time permit fee and Greer said he thinks the fee should be per event. Andy said the council must act on the application as presented by the ordinance now and if the council decides to amend the ordinance later that is fine but not retroactive to her (now).

Discussion took place about who the liability falls on and Andy said we follow our ordinances to the extent of our insurance policy no matter the location. Kiesha said she has \$1 million in coverage per occurrence. Andy said the policy would have to name Locust Grove as a co-dependent. Kiesha said she will have it updated accordingly.

Councilman Boone asked why not host the event in McDonough. Kiesha said she has hosted in McDonough; however, she thinks Locust Grove would be more visible.

Mayor Price asked for a motion. Councilman Williams made the motion to approve with additional condition and co-binding the insurance.

RESULT	APPROVED SPECIAL EVENT AS AMENDED
MADE MOTION	COUNCILMAN WILLIAMS
2 ND MOTION	COUNCILMAN GREER
FAVOR	MOTION CARRIED -ALL IN FAVOR

NEW BUSINESS/ACTION/DISCUSSION ITEMS –

10. Resolution to further approve and designate the additional location of Peeksville Road Extension and for other purposes -

Mayor Price asked for a motion. Councilman Shearouse made the motion to approve the request by approving ordinance $\frac{#23-04-036}{}$.

RESULT	APPROVED RESOLUTION #23-04-036
MADE MOTION	COUNCILMAN SHEAROUSE
2 ND MOTION	COUNCILMAN BREEDLOVE
FAVOR	MOTION CARRIED – ALL IN FAVOR.

<u>CITY MANAGER'S COMMENTS –</u>

Mr. Young gave an update that the Public Information Open House for the Bethlehem Road Interchange will be April 13, 2023, at the Public Safety Building from 4PM - 6PM. Printouts are available, and the project will be let later this year. Construction hopefully to begin by the fourth quarter of 2024 or early 2025. Councilman Williams asked if the truck lanes are separate from this, and Tim said yes.

COUNCIL COMMENTS - NONE

MAYOR'S COMMENTS – NONE

EXECUTIVE SESSION – LITIGATION

Motion to go into executive session to discuss pending and/or threatened litigation matters by Councilman Shearouse and seconded by Councilman Breedlove. Motion Carried All in favor 6:55 PM.

At 7:04 PM, motion to come back into regular session made by Councilman Shearouse and seconded by Councilman Greer.

EXECUTIVE SESSION – PERSONNEL

Motion to go into executive session to discuss personnel matters by Councilman Boone and seconded by Councilman Breedlove. Motion Carried All in favor 7:04 PM.

At 8:19 PM, motion to come back into regular session made by Councilman Greer and seconded by Councilman Taylor.

REGULAR SESSION RECONVENED -

Councilman Williams instructed Tim to get with Jack about two positions he is requesting for his department (Administrative Assistant and Foreman). Discuss if positions already exist, salary, and job descriptions by next meeting.

ADJOURNMENT -

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

RESULT	APPROVED – ADJOURN MEETING
MADE MOTION	COUNCILMAN GREER
2 ND MOTION	COUNCILMAN SHEAROUSE
FAVOR	MOTION CARRIED MEETING ADJOURNED @ 8:21 PM.

Notes taken by:

Misty Spurling City Clerk

City of Locust Grove Council Workshop Meeting Minutes Public Safety Building – 3640 Highway 42 S. Locust Grove, GA 30248 Monday, April 17, 2023 6:00 PM

Members Present:	Staff Present:		
Robert Price – Mayor	Tim Young – City Manager		
Keith Boone – Councilman/Pro Tem	Bert Foster – Assistant City Manager		
Vincent Williams – Councilman	Misty Spurling – City Clerk		
Willie Taylor – Councilman	Jennifer Adkins – Assistant City Clerk		
Rod Shearouse - Councilman	Jack Rose – Public Works Director		
Rudy Breedlove - Councilman	Daunté Gibbs – Community Development Director		
Carlos Greer – Councilman	Colleen Watts – Main Street Manager		
	Derrick Austin – Police Chief		
	Andy Welch – Attorney		

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

Invocation given by Community Development Director Daunté Gibbs

Councilman Boone led the Pledge of Allegiance

APPROVAL OF AGENDA -

Mayor Price asked for a motion. Councilman Breedlove made the motion to approve the agenda as amended.

RESULT	APPROVED AGENDA
MADE MOTION	COUNCILMAN BREEDLOVE
2 ND MOTION	COUNCILMAN GREER
VOTE	MOTION CARRIED - ALL IN FAVOR

<u>PUBLIC COMMENTS</u> – NONE

PUBLIC HEARING ITEMS -

1. 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 –

Community Development Director Daunté Gibbs stepped forward. Daunté said this is for multiple tracts for the purpose of developing a grocery store with a pharmacy and drive-thru. This will employ 120-150 people and staff recommends approval.

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

Mr. Evan Conder with Venture South Investments stepped forward to comment. Evan said with the council's affirmative action, this development will be called the Shops at Indian Creek. Evan said

this is approximately 30 acres and said in due time will be able to announce the name of the store. This will increase the economy and tax base and will meet all city code requirements.

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

Ms. Delikah Carter, resident in Elmstone Commons subdivision, stepped forward to comment. Delikah said she is neither for nor against this request; however, would like to speak on behalf of the community. This is a residential area, and this development will bring more traffic, crime, trash, noise, and who knows what else. Delikah said she chose to live in this area for the peace and quiet and is asking the council to consider the community prior to deciding [on this development].

Evelyn Roberts stepped forward to comment. Ms. Roberts asked how far on Highway 42 this development will be.

Delikah said her back yard will be facing the store and asked how the lighting will affect her home. Also, why is the name of the store a secret; this should be public information.

Daunté said there is a required fifty-foot. buffer by ordinance, and the developer is required to meet the requirements with a landscape plan. Daunté said legally there is a nondisclosure agreement the applicant is under and as a courtesy the applicant asked staff to not announce the store name. Tim said there is nothing written in the plans so staff cannot formerly disclose the information and we are bound to not say the name.

Andy said it is not unusual for these type entities to not disclose that type information. The name is not in the application; therefore, staff cannot speculate.

Daunté asked the applicant to come forward to answer additional questions.

Mr. Conder stepped forward to address the questions previously asked. Evan said a request to get a curb cut must be presented to GDOT. Evan said they also have a proposed traffic signal which also includes accel/decel lanes which will help with traffic control. The city has a lighting ordinance, and any light pollution will not leave the site. We contract with a local trash company and an onsite sweeper to clean the parking lot daily. Daunté confirmed the lighting is required to be downcast.

Ms. Catherine Butcher stepped forward to comment. Catherine asked how this will affect the property taxes.

Andy said there is a lot of tax revenue; however, it should not affect individual tax value because this is commercial not residential. The city doesn't set the property tax rate, which is set by the county. The advantage is the proximity of the development may be desirable and may make the property values increase as well. If this project is approved and developed, staff stated that the tax revenue will increase for the county and city. The council will take into consideration all concerns.

Ms. Butcher asked what percentage of Locust Grove will be employed at this store. Andy said the applicant will have to answer this question.

Ms. Roberts asked if the three lanes will be removed. Tim said yes [along this frontage] and we are requesting that GDOT reduce the passing lane section to a two lane with a center turn lane along with a reduced speed limit.

Judy Welch stepped forward to comment. Judy asked what community commercial is. Tim said everything is commercial [neighborhood, community, and regional]. Tim reviewed each type and

Judy asked if [Community Commercial] opens for larger commercial development. Andy said only the areas highlighted will be changed to [Community Commercial].

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

Councilman Greer asked if all justification items for this request (page 11) have been met. Daunté said yes, staff cannot bring a request to the council until all items have been met.

Councilman Boone asked if we could control the buffer with evergreens. Daunté said yes, we can include specific types of evergreens in the landscape plan. Discussion about right-of-way and Daunté said the applicant would have to coordinate with GDOT.

Discussion took place about the location of the traffic light and crime analysis at Ingles. Chief Austin said there is very little crime at Ingles. Tim said Flock cameras can be installed to assist our network in the area.

Rezoning request from OI (office/institutional), RM (residential multi-family) 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 LL 166 of the 2nd district on Highway 42 and Tanger Boulevard –

Daunté said this is a request for rezoning for the same property as related to the FLUM amendment. Staff recommends approval with conditions (read aloud) and the applicant has now provided a traffic study which is condition number two requirement.

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

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

Delikah Carter stepped forward to comment. Delikah requested a copy of the map and asked what would happen to the existing trees. Tim said yes, the map is online; however, we can provide a paper copy. Daunté said they will keep and maintain the (healthy) trees if possible. Delikah asked why the need for other stores and why this location? This town and the people love Ingles and are asking for their concerns to be considered before moving forward. She said she wants to enjoy peace and wildlife, and this will disturb those qualities. Nothing further.

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

Councilman Greer said he would like at least a six-to-eight-foot fence. Also, Greer asked even with the daily sweeping, how this can guarantee cleanliness of the grounds and compared to the issues he's seen at Walmart and Dollar General in particular. Mr. Conder said the retail tenants (Wal-Mart and Dollar General) are not in the same genre as this type of grocery store. We are required to sweep the lot daily, and this retail center is Georgia owned; the quality is much different from competitors. There was further discussion on the recruitment of labor for the businesses. Mr. Conder said he does not work for his client; however, based on a demographic study the average commute is 30-minutes, so definitely want to hire local (Locust Grove). Locust Grove and this property was chosen because this type of retailer follows households and likes to be at the front door of the customers.

A discussion took place about sidewalks and Mr. Conder confirmed the design includes sidewalks.

Councilman Greer asked whose expense would the flock cameras be, and Mr. Conder said they are paying for the light, but not sure about the cameras. A discussion took place about the cameras and Chief Austin said the cameras are about \$2,000 each. Mr. Conder said he will work with the Chief to accommodate the cameras.

Discussion took place about the longevity of the store (ownership) and Mr. Conder said they work to hold onto many of their developments as long as they can from the time of development.

Councilman Taylor asked if the traffic light will be operational prior to the opening of the store. Mr. Conder said yes, preferably.

Councilman Greer asked about right-of-way procedures and Daunté said the applicant submits a request to GDOT and corresponds to them. Andy said any right-of-way that is needed is determined by GDOT. Discussion took place and Daunté said staff will look for the indicator on the plan and have a courtesy review regarding right-of-way and will provide recommended improvements by the May 1 council meeting. Councilman Breedlove asked if the traffic light can be included as a condition (at their expense). Daunté said it can be added as part of rezoning and further discussion took place on the proximity of the lights. Nothing further.

3. Variance request to allow for a master sign plan located on the west side of the intersection of Tanger Boulevard and Highway 42 (Parcel IDs: 129-01004000, 129-01002000, and 130-01002006) –

Daunté said this is a request for a variance from development regulations specific to signage to allow for a master sign plan. Staff recommends approval with three conditions (read aloud).

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

Mayor Price closed the public hearing.

Mayor Price asked for comments from the council.

Discussion took place about the proposed signs and clarity on the reason for the variance request. Tim said the proposed signage is over 800 sq. ft. but doing in a controlled or master sign plan, which is typical with large shopping centers. A typical development is limited to 500 square feet. In this case, each store has individual budgets (depending on location), and the out parcels will only be 8ft. tall.

Andy clarified Tim's comment about individual (budgets) meaning each would have the right to max signage to zoning and they can negotiate down to reduce the overall signage than what would otherwise be allowed.

4. Conditional Use request to allow gravel-surfaced truck/tractor-trailer parking on Bethlehem Road west of Highway 42 (Parcel IDs: 111-01013015, 111-0103016, 111-0103020) –

The applicant Zack Hinton, Jr., is requesting conditional use for the purpose of developing a gravel truck parking lot. Staff recommends approval with conditions (read aloud).

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

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

Clayton Carte, of Locust Grove stepped forward to comment. Clayton said he is not in opposition; however, the property is overwhelmingly in the path where GDOT will be for the Bethlehem Road improvements and is asking the council to consider their decision due to the location and had concerns with that affecting land acquisition costs for the R/W needed. Nothing further.

Mayor Price asked for comments from the council.

Daunté said objectively, staff's recommendation remains the same. We don't know for sure and it's contingent to change; however, the council can add a condition to require right-of-way. Andy said we can't conditionalize any right-of-way because that would conflict with federal standards. With Andy's clarification, Daunté said the staff's recommendation remains the same and discussion took place. Tim said this is already zoned for use and the applicant could wait to see where GDOT stands. Andy said if you grant a conditional use, GDOT, through the appraisal process would have to consider any business impacts. Daunté said the developer is not present tonight.

Discussion took place about the Bethlehem Interchange project. Andy said Locust Grove contributed \$1 million dollars for the concept design. Councilman Shearouse asked if the council can conditionalize the dust control, thickness of gravel, etc. and Daunté said yes.

Councilman Greer asked if this would potentially turn into overnight stay(s). Daunté said if it is dust free and paved there will be stormwater requirements. Greer asked if we could require a restroom facility on site. Andy said staff can conditionalize as a requirement; however, as facilities are added, you would be encouraging longer stays. Greer asked how often the gravel would be scraped and Daunté said we can't require or determine how often. Daunté asked if the council wanted to add a condition for annual inspection on gravel replacement (by code enforcement) and Greer said yes. Boone also wants to add a condition for keeping the property neat and clean. Daunté said he would add as a condition.

OLD BUSINESS/ACTION ITEMS – NONE

NEW BUSINESS/ACTION ITEMS -

5. Resolution to accept the proposal from Ross & Associates for assistance in updating the city's Development Impact Fee program –

Assistant City Manager Bert Foster stepped forward. Bert said the city implemented this ordinance in 2005 for measuring growth and the impact of that growth on the city's public safety, parks, and roads. The full process will take about eight months and cost the city \$79,500. Staff recommends approval. Tim said the funds will come from our program and that account has about \$80,000.

Councilman Boone asked how often this needs to be updated and Bert said about every ten years. Andy said Bert is correct, and depending on what the capital plan is, staff may want to do it sooner.

Councilman Williams asked if we have spent close to the \$50 million that is referenced in the report from 2005 for public safety, parks, and roads. Tim said taking into consideration the factors of the original study, it showed the city should have 43,000 people by now; however, by this time, our growth is only ¹/₄ of that, and our needs are less but cost a lot more.

Councilman Shearouse asked if the water/sewer fees are included in this update, and Bert said the city has a separate impact fee program for water/sewer (tap fees). Shearouse asked if the fees are up to date, and Tim said those need to be updated but are ok for now.

Mayor Price asked for a motion. Councilman Shearouse made the motion to approve the request by approving resolution $\frac{\#23-04-037}{2}$.

RESULT	APPROVED RESOLUTION # 23-04-037
MADE MOTION	COUNCILMAN SHEAROUSE
2 ND MOTION	COUNCILMAN BREEDLOVE
VOTE	MOTION CARRIED - ALL IN FAVOR

CITY OPERATION REPORTS / WORKSHOP DISCUSSION ITEMS -

MAIN STREET OPERATIONS – COLLEEN COOK

Ms. Cook gave an update HPC met and two COAs were approved for Looks Hair Salon and Eagles Landing Family Practice (now Aylo). HPC members attended online training for preservation planning. The Main Street, Inc. did not meet but two people are being interviewed for the board. DDA is continuing with planning and Black Rose Café' was purchased and the new ownership is in process. After the re-opening the business will be open for breakfast, lunch, and dinner. Locust Grove Day was a success, and Colleen said thank you to everyone who made this event a success. Nothing further.

PUBLIC SAFETY OPERATIONS – CHIEF AUSTIN

Chief Austin reviewed the monthly report and gave an update total collected in March 2023 was \$73,040.00. The department completed 344 training hours in March. We had 33 new cases for investigation and cleared 30 of those cases. The murder case is still ongoing, and the suspect is still incarcerated. Nothing further.

PUBLIC WORKS – JACK ROSE

Public Works Director Jack Rose said Price Drive is now closed (with a gate) and staff also relocated the city limit sign. Jack said regular street maintenance, grass cutting, and day-to-day operations were ongoing. Nothing further.

Councilman Breedlove asked Jack to check on the stop sign at Market Place where the signal is currently operating. Nothing further.

ADMINISTRATION – BERT FOSTER

Mr. Foster gave an update for the Peeksville Road Extension and the water line installation for the extra lane on Highway 42 which is 99% complete. The retaining wall under the bridge for the Bill Gardner Parkway modifications is wrapping up and advised contractor to delay until 9AM to avoid future traffic backups. The contractor should be preparing for paving in Leesburg Plantation next then followed by Walker Crossing. Bert said he is contacting the grading contractor tomorrow for final estimates on the scatter garden/veteran's memorial project. GDOT confirmed bids were received for the signal at Bethlehem Road and Highway 42 and being reviewed by GDOT Atlanta. The PIOH for the Bethlehem Road Interchange was last Thursday and any comments or concerns need to be submitted to him by Wednesday. We are facing challenges with relocating the server from the water department to the Public Safety Building and will be relocating the water department staff to the administrative department during the City Hall repairs. Bert said he attended training in Philadelphia for the National Planning Conference and retained very good information. Nothing further.

Councilman Greer said he thought we discussed public works staff doing the grading for the scatter garden. Bert said he can discuss with staff; however, the same grader (Roberts Hauling and Pipeline) may be able to do the grading. Tim said this would take the load off staff. Andy said the council asked for utilization of new staff (heavy equipment operator) to do the grading and Andy said Councilman Greer is asking why this has not been done. Greer asked if the staff was unable to do the work. Jack said his staff can do it, but the contractor has their equipment on site already. Councilman Breedlove said Jack confirmed at the last meeting his staff could do it. Councilman Williams asked what the hold up is for the scatter garden. Bert said the specialty stone mason for the block work [stone mason from Jackson]. Discussion took place with Jack about the grading and Tim said staff will coordinate with Jack and update the council next week. Mayor Price said he requested Roberts Hauling provide a bid for grading. Nothing further.

COMMUNITY DEVELOPMENT OPERATIONS – DAUNTÉ GIBBS

Mr. Gibbs gave an update that the department has issued a total of eight 350 permits (including 59 new house permits) for 2023. We have issued 46 COs [24 residential, and 22 commercial] and 250 business licenses issued so far for 2023. Daunté continued with items that will be forthcoming for action in May.

6. Ordinance to approve the final plat for Bridle Creek Phase 2A subdivision located on Highway 42 in Parcel #147-01009016 –

Daunté reviewed this request and said it is proposed for six single-family residential lots. Staff recommends approval.

7. Ordinance to approve the final plat for Collinswood Phase II (LG Griffin Pod D) located on Kirkland Dr. in Parcel # 130-01002012 –

Daunté reviewed this request and said the general concept is eleven single-family residential lots. Staff recommends approval.

8. Ordinance to approve a final plat for Cedar Ridge (Pod D Phase I) located on Tanger Boulevard, Parcel ID# 130-01005000 -

Daunté reviewed and said this is for 127 lots on 43.5 acres zoned PR-4. Staff recommends approval.

9. Review of proposed landscape plan for CarMax to be located on Price Drive -

Daunté said the applicant submitted a request for a waiver to reduce landscape buffering (from 50 ft. to 30ft.) and tree replanting. The applicant agreed to install a privacy fence and staff recommends the council approve or deny staff proceeding with approving the proposed landscape plan and Daunté read the conditions aloud that are recommended.

Councilman Breedlove asked Daunté what he recommends and why no approval or denial by staff. Daunté said this request goes beyond staff's ability to recommend approval/denial. The applicant has diligently strived to meet the city's code requirements due to the natural landscape that exists; therefore, Daunté said he would approve what has been submitted. They are not requesting a variance only verbiage.

Councilman Shearouse asked what is considered an opaque fence. Daunté said a wood or vinyl fence and if the council wants an 8-foot vs. 6-foot tall fence as a condition can be added. Discussion took place about the fence around the entire development and clarity on the west side of the area in terms of landscaping.

Michael Boseman and Steve Hudak stepped forward to comment.

Michael said the request is for a reduction to 30 feet on two areas [east side and north side] at the retention wall. The majority is pastureland, and a lot of earth is being disturbed in the pasture. Steve said the original plan was for industrial use, and we can avoid a heap of dirt being hauled off with this reduction. A discussion took place and review of the plan displayed on the overhead screen.

Councilman Shearouse said his concern is the parking lot of this development will be close to his backyard. Steve said a 6-foot wall is proposed around the perimeter of the property. Discussion took place about landscaping around the base of the hill at the wall. Michael asked how thick the tree line is on the Shearouse's property. Clifford Shearouse (from the public) said his back yard is fifty feet. from the creek. Discussion took place. Councilman Greer asked if the concerns/questions by Councilman Shearouse are on behalf of city concern or individual (Shearouse) because he doesn't want any negative feedback (from anyone) regarding the development.

Steve said the property hasn't been purchased, it is still under contract. This is a learning process for them, but they would have to evaluate how to achieve what the council is asking. Tim said you are grading into a 50-foot buffer, and the buffer will remain stripped of vegetation. Discussion took place about the need for fencing on top of the hill with potential planting. Michael said the challenge is the 2:1 slope in terms of trees that could grow on such a hillside. The intent would be to meet the density and the points that are required. The code says only a certain percentage of pines can be used.

Discussion took place about the condition of the existing trees. Daunté suggested the applicant submit a proposal for staff review and said if he can verify if the use of loblolly pines will suffice; he has no problem with approval. Daunté said the plans need to be revised to show the southern slope push back (5 feet) and have appropriate vegetation that will provide growth. The buffer requirement is 50 feet, and the stream buffer requirement is different. Daunté said because of the sensitivity of this request, staff decided it was prudent to involve the council before approving. We will bring it back to the council at the May 15, 2023, meeting. Andy said the [stream buffer] ordinance is not based on what EPD says.

ARCHITECTURAL REVIEW BOARD (ARB) -

10. Resolution approving the architectural plans submitted for The Shops at Indian Creek -

Daunté said the most recent renderings do comply and staff recommends approval with conditions. Daunté said the conditions have been met. Nothing further.

11. Resolution approving the architectural plans submitted for the remodel of an existing structure located at 4971 Bill Gardner Parkway –

Daunté said this is a request to remodel the existing IHOP building to Chase Bank. Staff recommends approval. Nothing further.

<u>CITY MANAGER'S COMMENTS</u> –TIM YOUNG

12. FY 2023 Budget – 1st Quarter update –

Tim said we added new accounts for property tax and amendments in Hotel/Motel. Overall looking good in revenue and expenditures and did clean up from importing the budget after year-end closeout.

Councilman Shearouse asked why the highlighted items? Tim said he highlighted as internal reminders for either adjusting out or making changes.

13. Ordinance to update the Storm Water Management - Chapter 15.36 -

Tim said this is to bring the city's current and post development Stormwater Management regulations into full compliance. We are working on an ordinance to amend the Stormwater Utility ordinance to increase rates for development to be equal to Henry County and surrounding areas.

Further, Tim said he provided a handout as part of Leadership Henry, and the city is sponsoring a rocking chair. If the council is interested, we will make an amendment to add the item. We are preparing to submit comments related to the PIOH [Bethlehem Road Interchange]. Tim said he sent out information regarding tentative dates for a retreat. I have received a few responses; however, need the rest so that we can finalize.

Finally, we are in the process of requesting to reduce the speed limit from 55 MPH to 45 MPH on the northside past Bill Gardner and the south side below Grove Road. We are reviewing funds to determine if we can begin work at Davis Road and Highway 42 for traffic signals. Tim said we are also in the process of looking at paperwork required for the CID [discussed previously], and if successful, the city will be the first in Henry County to have a CID. Nothing further.

<u>COUNCIL COMMENTS</u> - NONE

MAYOR'S COMMENTS - NONE

EXECUTIVE SESSION – PERSONNEL

Motion to go into executive session to discuss personnel items by Councilman Breedlove and seconded by Councilman Shearouse. Motion Carried All in favor 9:22 PM.

At 10:10 PM, motion to come back into regular session made by Councilman Shearouse and seconded by Councilman Breedlove.

ADJOURNMENT-

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

RESULT	ADOPTED
MADE MOTION	COUNCILMAN BREEDLOVE
2 ND MOTION	COUNCILMAN SHEAROUSE
VOTE	MOTION CARRIED - ALL IN-FAVOR
	MEETING ADJOURNED @ 10:10PM.

Notes taken by:

Misty Spurling, City Clerk

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 provide for the adoption of a new zoning map incorporating map amendments, areas annexed into the City since August 1, 2016 and new zoning districts.

Regular Meeting Date:	May	1, 2023		
Workshop Date:	Marc	ch 20, 2023		
Date Received:	N/A			
Executive Session Item:		Yes	×	No
Public Hearing Item:		Yes	×	No
Action Item:	×	Yes		No

Discussion:

During the recent Public Hearing for the adoption of the City's Official Zoning Map ("Map"), several items were noted that needed to be either changed or added to the Map prior to adoption. Staff requested a postponement of the vote on this Item until the Regular Meeting in May. All changes have been made.

Recommendation:

Approval

ORDINANCE NO.

TO AMEND TITLE 17 CHAPTER 17.04 OF THE CITY OF LOCUST GROVE CODE OF ORDINANCES, WHICH PROVIDES FOR ZONING REGULATIONS, TO AMEND SECTION 17.04.020 ENTITLED "3-7-31. ZONING MAP ADOPTED: SEAL;" TO PROVIDE FOR ADOPTION OF NEW ZONING MAP INCORPORATING AREAS ANNEXED SINCE AUGUST 1, 2016 AND NEW ZONING DISTRICTS; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

THE COUNCIL OF THE CITY OF LOCUST GROVE HEREBY ORDAINS

SECTION 1. Chapter 17.04.020 of the Code of Ordinances of the City of Locust Grove is hereby amended by repealing Section 17.04.020 in its entirety and replacing in lieu thereof the following:

Section 17.04.020 3-7-31 Zoning map adopted; seal.

- A. The City of Locust Grove, Georgia (the "City") is hereby divided into zoning districts, as shown on the official zoning map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Chapter.
- B. The official zoning map, a copy incorporated herein as Exhibit A, shall be the digital GIS map kept on the City's server as developed and maintained by the Community Development Department. The department will keep a paper copy from the date of approval of this Chapter with the signature of the Mayor stating: "This is to certify that by official action of the City Council, that this is a copy of the Official Zoning Map of the City of Locust Grove, Georgia, as adopted May 1, 2023. Subsequently, the official map shall be the electronic map developed by the Community Development Department and shall be maintained and updated as stated in the zoning ordinance of the City".
- C. If, in accordance with the provisions of this Chapter, changes are made in land use, zoning district boundaries, and/or other matter portrayed on the official zoning map, such changes shall be entered in the official copy kept in the Community Development Department GIS system, who may print copies of such map from time to time in a large format suitable for wall mounting and a binder-type book format where pages may be substituted suitable for reference.
- D. No changes or alterations of any nature shall be made to the official zoning map, including, but not limited to, the addition and deletion of zoning districts, except in conformity with the procedures set forth in this Chapter.

- E. Regardless of the existence of purported copies of the official zoning map, which may from time to time be made or published for uses outside the official and authoritative uses of the City Council, Mayor or Community Development Department; the official zoning map as located within the GIS system of the City's server shall be the governing and final authority as to the current zoning status of the City.
- F. Errors or omissions to the official zoning map may be corrected only by presentation of an ordinance by the City of Locust Grove (or, prior to annexation, by the Henry County Board of Commissioners) for the prior amendment, which shall cause the director to correct the map accordingly.

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

SECTION 3. Severability.

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

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

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

<u>SECTION 4. Repeal of Conflicting Ordinances.</u> All City Ordinances are hereby repealed to the extent they are inconsistent with this Ordinance.

SECTION 5. Effective Date. This ordinance shall become effective immediately upon its adoption by the Mayor and Council of the City of Locust Grove.

SO ORDAINED this 1st day of May, 2023

ATTEST:

ROBERT S. PRICE, Mayor

MISTY SPURLING, City Clerk

(Seal)

Approved as to form:

City Attorney

EXHIBIT A CITY OF LOCUST GROVE OFFICIAL ZONING MAP [ATTACHED]

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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:	$\mathbf{\nabla}$	Yes		No
Public Hearing Item:		Yes	V	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 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 requested amendment to the Future Land Use Map is hereby **APPROVED**.
- () That the requested amendment to the Future Land Use Map is hereby **DENIED**.

2.

That the Future Land Use Map Amendment for 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 Future Land Use Map for the City is hereby amended to reflect such future land use designation 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

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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 1. Signed and notarized by owner. Original signature 2. In lieu of owner's signature, applicant has signed and notarized 3. A copy of "Contract", "Power of Attorney" or "Lease"		OPIES PROCEDURE	
Application Form	01				
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			
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.			
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.	Requeste		
Letter from the Henry Co. Environmental Health Department (if Droperty is not on Sewer)	01	This letter of availability must accompany application at the time of submittal. This is required if on septic system.			

ALL DOCUMENTS ARE REQUIRED IN ORDER TO ACCEPT APPLICATION

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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:
 - 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 Lydin Ounc	ler	Phone:	Date: 02.28.23
Address Applicant: 120 West 1	Frinity Place		Cell #(770) 900-6848
City: Decatur	State: GA	Zip: 30030 E-mail:	e.conder@vsouth.com
Name of Agent Brian Kay		Phone:(770) 900-6848 Date:
Address Agent: 1800 Parkway	Place, Suite 700	1	Cell #(770) 900-6848
City: Marietta	State:GAZ	ip: <u>30067</u> E-mail: _	bkay@atwell-group.com
			DWNER OF THE PROPERTY DESCRIBED BELOW AND NFORMATION LEGIBLY AND COMPLETELY).
Concept Plan Review 🗌 Conditiona	I Use Conditional	Exception 🗌 Modification	ons to Zoning Conditions 🗌
Variance 🛛 Rezoning 🖾 DRI R	Review/Concurrent[Amendment to the Fu	iture Land Use Plan 🛛
Request from PD, O	0I, RM 1-3	to C2	
	t Zoning)		equested Zoning) Note: Community Commercial -
Request from vacant			chored Shopping Center
	Use Designation]		Requested Land Use Designation)
For the Purpose of Grocery A	nchored Shoppin	g Center	
	42 South, Locus	st Grove, GA 30248	
Nearest intersection to the proper	ty:		
Size of Tract: 29.62 +/- acre(s), Land Lot Number(s): 166	_, District(s): 2nd
Gross Density:uni	ts per acre	Net Density:	units per acre
Property Tax Parcel Number:			A . A
	9-01004000, 130-010	Jo2006 Gerald	Laylor
WITTESS' Superhure S CHADLE		Signature of Owners/s	
TA MISSION STORE APP	nan	Gerald -	Tanlor
	X.L.		
Printed Man Har WOLARL B		Printed Name of Owner/s	
B Anno S		Printed Name of Owner/s	Kr
AUBLIC S		Printed Name of Owner/s	Ry .
		- Frie EI	Ry .
Votary	sh Check #	Signature of Agent	(FEES ARE NON-REFUNDABLE)
Por Office Use Office O		Signature of Agent	(FEES ARE NON-REFUNDABLE)
Votary	Date:	Received by: Map Number(s):	
Notary Control of the second s	Date:	Received by: Map Number(s): Da	nte:
Notary Control of the second s	Date:	Received by: Data	nte:

Request for Zoning Map Amendment

Name of Applicant _E	Evan Conder	Phone:	Date: 02.28.23
Address Applicant: 1	20 West Trinity Place		Cell #_(770) 900-6848
City: Decatur	State: GA	_Zip: <u>30030</u> E-m.	ail: _e.conder@vsouth.com
Name of Agent_Bria	n Kay	Phone:(7	770) 900-6848 Date:
Address Agent: 1800) Parkway Place, Suite 70	0	Cell # (770) 900-6848
City: Marietta	State: GA	Zip: <u>30067</u> E-ma	ail: <u>bkay@atwell-group.com</u>
THE APPLICANT NAMED A REQUESTS: (PLEASE CHEC	NBOVE AFFIRMS THAT THEY ARE THE	OWNER OR AGENT OF T AND FILL IN ALL APPLICAB	HE OWNER OF THE PROPERTY DESCRIBED BELOW AND LE INFORMATION LEGIBLY AND COMPLETELY).
Concept Plan Review 🗌	Conditional Use Conditiona	l Exception 🗌 Modifi	cations to Zoning Conditions 🗌
Variance 🛛 Rezonir	ng 🔀 DRI Review/Concurrent	Amendment to the	e Future Land Use Plan 🔀
Request from	PD, OI, RM 1-3	to C2	
	(Current Zoning)		(Requested Zoning)
Request from <u>Vac</u>	Current Land Use Designation)	toGrocery	Anchored Shopping Center
For the Purpose of	Grocery Anchored Shoppin	ng Center	
	4518 Hwy 42 South, Locu	st Grove, GA 302	48
Nearest intersection to	the property:		
Size of Tract: 29.62	+/acre(s), Land Lot Number	(s): <u>166</u>	, District(s): 2nd2nd
Gross Density:	units per acre	Net Density:	units per acre
Property Tax Parcel Nu	mber: <u>129-01002000, 129-01</u>		
Myre, Causer	129-01004000, (130-01	002006)	and a conda
Witness' Signature		Signature of Owners/s	malogadda
Mura Care	n qu	() MARAN	ESWART JONNALAGA DU
Printed Name of Witness	0	Printed Name powner/s	SWART JOIN ATCHEN DD
P. p. Marker W. D. C.	h les	FMI	E Z
March Y D D		Signature of Agent	3
			<u> </u>
Expires Total; Amount Raid S July 13, 2024	Cash Check #	Received by:	(FEES ARE NON-REFUNDABLE)
July 13. 2024			
application checked by			s):
P. C. PPUGUM meeting	g:		Date:
Public Hearing Date:			
out mapped in Ob.		Date:	

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 wilkins Wilkins 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.

Applicant: Evan Cond	er		
Address/Location of Req	uest:4518 Hwy 42 South,	Locust Grove, GA 3024	В
Type of Project:	Commercial	Residential	Mixed Use
For residential or mixed-	use residential, number of lot	ts or units:	
For commercial, amount	of square feet: 66,387 sf		
Estimated water usage:	ADF 44,250 GPD	(GALLONS)	
Estimated sewer usage:_	ADF 44,250 GPD	(GALLONS)	
STAFF ANALYSIS			
Is this project within curre	ent water and sewer delivery	area:	
Does the project have acc	cess to adequate water suppl	y:	
Does city have adequate :	sewer treatment capacity for	this project:	
Are any improvements re	quired as a result of this proj	ect:	
If so, what types of impro	vements 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 Laylor

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 PG: 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.

25

[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 CANSA

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 95.02 chord 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; thence North 17 degrees 23 minutes 26 seconds West 58.02 feet 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

Name/Tit

r

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.

31

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

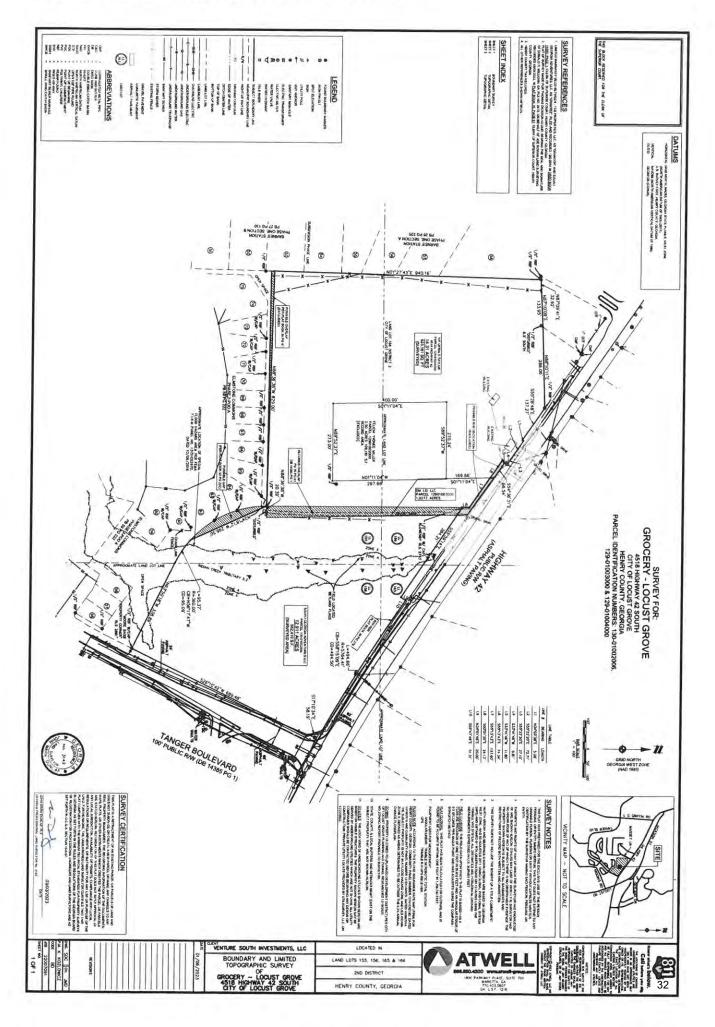
By: (SEAL)

Unof

Notary Public

DAVID HASCUP NOTARY PUBLIC State of New Jersey

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





N

N/C

SHOPS AT INDIAN CREEK - CONCEPT SITE PLAN

03/01/2023

SITE ANALYS	SIS
BUILDING AREA	
GROCERY LEASEABLE A	REA 48,387 SF
SHOPS A LEASEABLE AR	EA 6,000 SF
SHOPS B LEASEABLE AR	EA 12,000 SF
TOTAL BUILDING AREA	66,387 SF
PARKING REQUIRE	ED
GROCERY (5 PER 1000 S	F) 242 SP
SHOPS (5 PER 1000 SF)	30 SP
SHOPS (5 PER 1000 SF)	60 SP
TOTAL PARKING REQUIR	332 SP
PARKING PROVIDE	ED
GROCERY (5 PER 1000 S	F) 242 SP
SHOPS (6.9 PER 1000 SF)	
SHOPS (6.9 PER 1000 SF)	
TOTAL PARKING PROVID	ED 367 SP
LOT AREA	
TOTAL SITE AREA	29.92 AC
OUTPARCEL #1	1.17 AC
OUTPARCEL #2	1.00 AC
OUTPARCEL #3	1.00 AC
OUTPARCEL #4	1.00 AC
OUTPARCEL #5	1.01 AC
OUTPARCEL #6	1.07 AC
OUTPARCEL #7	4.11 AC

VICINITY MAP

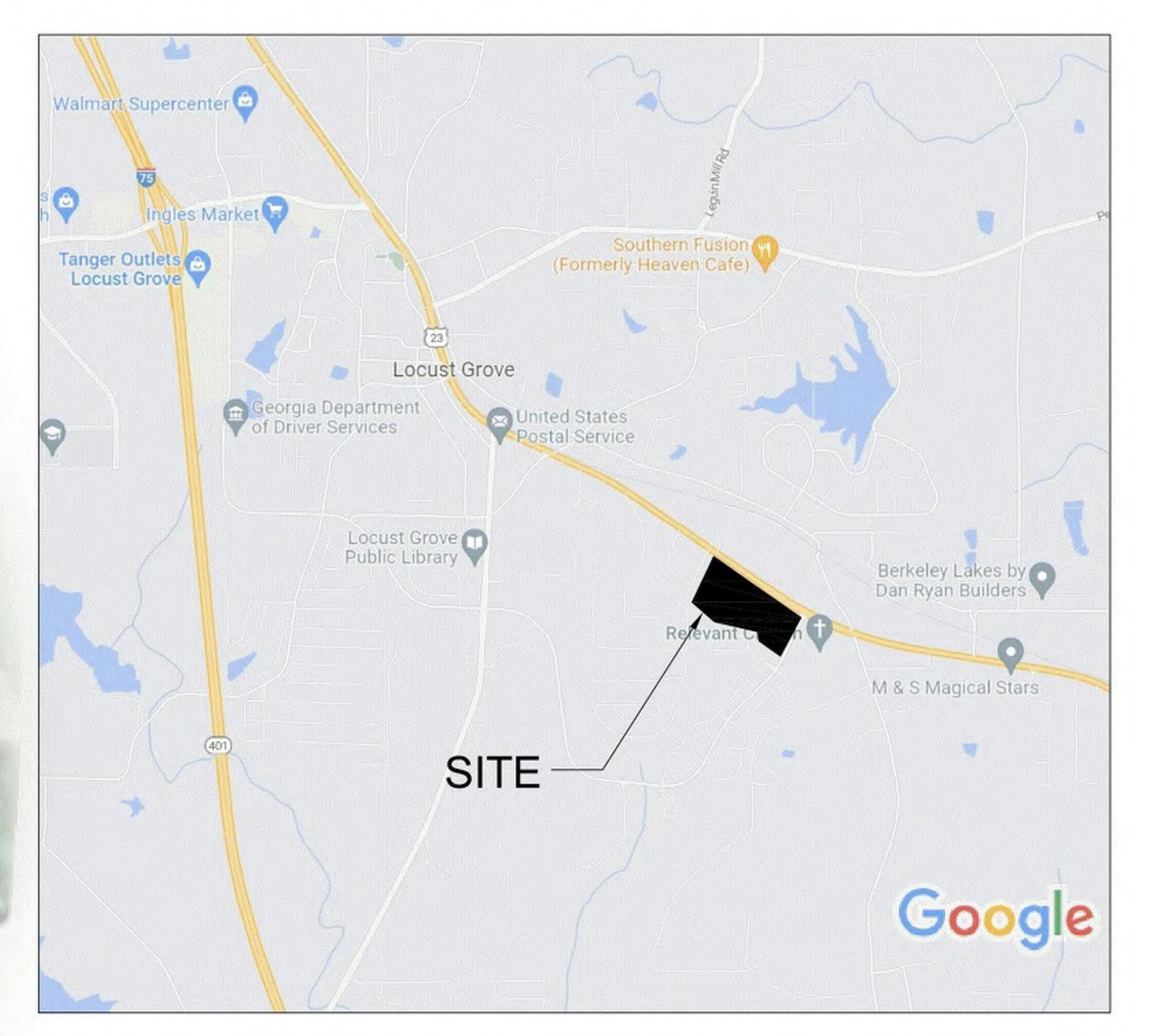




EXHIBIT B



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.

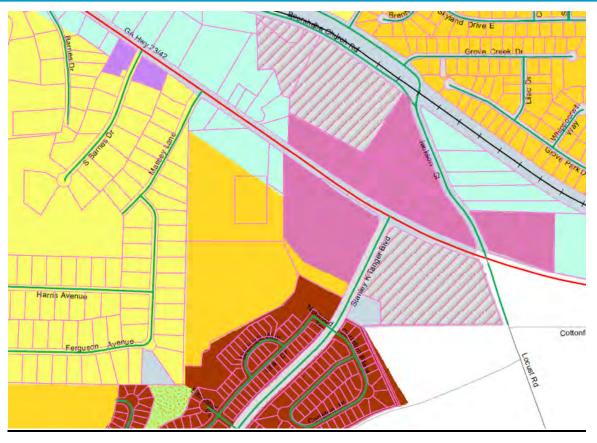
The FLUM is a component of the City's Comprehensive Land Use Plan. The City Council adopted updates to the Comprehensive Plan in accordance with rules set forth by the Georgia Department of Community Affairs Minimum Planning Standards and Procedures for Local Comprehensive Planning on October 15, 2018.

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)



• 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.

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.

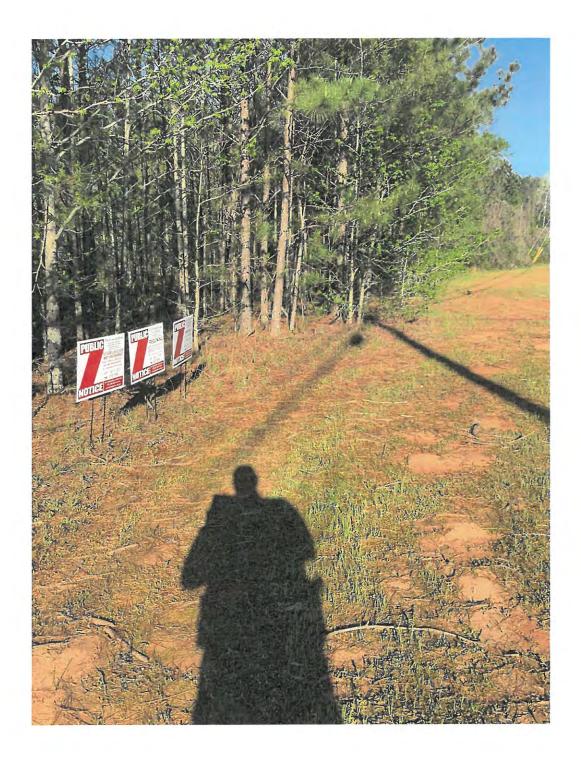
This 12th day of April 2023.

1540 Affiant

ne 2023 MKEYA MOO NOTARI EXPIRES (Seal) GEORGIA January 2, 2027 PUBLIC NRY COUNTIN Sworn and subscribed before me this 2tn day of pri, 10 Notary Public

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 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 11.324'- 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 # 129-0104000, 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- 01002006) 129- 01002000, 129-01003000, and 130-01002006) from 01 (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- 010030000, 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 Director - City of Locust Grove 98707-3/29/2023	45

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:	X	Yes		No
Public Hearing Item:		Yes	X	No
Executive Session Item:		Yes	X	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:

- 1. In conjunction with the required fifty (50) feet of planted or undisturbed buffer, the applicant shall maintain an additional ten (10) feet of vegetated buffer in areas of reduced tree coverage, subject to approval from the Community Development Director.
- 2. In addition to the required buffering, the applicant shall install opaque privacy fencing six (6) to eight (8) feet, along the rear residential zoning districts, where the 50' undisturbed buffer is replaced with the 50' planted buffer area.
- 3. The applicant shall coordinate with the Locust Grove Police Department for the installation of flock cameras.
- 4. The applicant shall coordinate with GDOT and agrees to provide signalization or other improvements at the intersection of Hwy. 42 and Tanger Blvd., if the signal or other improvement warrants are met.
- 5. The applicant shall coordinate with GDOT regarding deeded right-of-way for future widening of Hwy. 42.

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.	7
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.	Requeste
Letter from the Henry Co. Environmental Health Department (if Droperty 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:
 - 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 Lydin Ound	ler	Phone:	Date: 02.28.23
Address Applicant: 120 West 1	Frinity Place		Cell #(770) 900-6848
City: Decatur	State: GA	Zip: 30030 E-mail:	e.conder@vsouth.com
Name of Agent Brian Kay		Phone:(770) 900-6848 Date:
Address Agent: 1800 Parkway	Place, Suite 700	1	Cell #(770) 900-6848
City: Marietta	State:GAZ	ip: <u>30067</u> E-mail: _	bkay@atwell-group.com
			DWNER OF THE PROPERTY DESCRIBED BELOW AND NFORMATION LEGIBLY AND COMPLETELY).
Concept Plan Review 🗌 Conditiona	I Use Conditional	Exception 🗌 Modification	ons to Zoning Conditions 🗌
Variance 🛛 Rezoning 🖾 DRI R	Review/Concurrent[Amendment to the Fu	iture Land Use Plan 🛛
Request from PD, O	0I, RM 1-3	to C2	
	t Zoning)		equested Zoning) Note: Community Commercial -
Request from vacant			chored Shopping Center
	Use Designation]		Requested Land Use Designation)
For the Purpose of Grocery A	nchored Shoppin	g Center	
	42 South, Locus	st Grove, GA 30248	
Nearest intersection to the proper	ty:		
Size of Tract: 29.62 +/- acre(s), Land Lot Number(s): 166	_, District(s): 2nd
Gross Density:uni	ts per acre	Net Density:	units per acre
Property Tax Parcel Number:			A . A
	9-01004000, 130-010	Jo2006 Gerald	Laylor
WITTESS' Superhure S CHADLE		Signature of Owners/s	
TA MISSION STORE APP	nan	Gerald -	Tanlor
	X.L.		
Printed Man Har WOLARL B		Printed Name of Owner/s	
B Anno S		Printed Name of Owner/s	Kr
AUBLIC S		Printed Name of Owner/s	Ry .
		- Frie EI	Ry .
Votary	sh Check #	Signature of Agent	(FEES ARE NON-REFUNDABLE)
Por Office Use Office O		Signature of Agent	(FEES ARE NON-REFUNDABLE)
Votary	Date:	Received by: Map Number(s):	
Notary Control of the second s	Date:	Received by: Map Number(s): Da	nte:
Notary Control of the second s	Date:	Received by: Data	nte:

Request for Zoning Map Amendment

Name of Applicant _E	Evan Conder	Phone:	Date: 02.28.23
Address Applicant: 1	20 West Trinity Place		Cell #_(770) 900-6848
City: Decatur	State: GA	_Zip: <u>30030</u> E-m.	ail: _e.conder@vsouth.com
Name of Agent_Bria	n Kay	Phone:(7	770) 900-6848 Date:
Address Agent: 1800) Parkway Place, Suite 70	0	Cell # (770) 900-6848
City: Marietta	State: GA	Zip: <u>30067</u> E-ma	ail: <u>bkay@atwell-group.com</u>
THE APPLICANT NAMED A REQUESTS: (PLEASE CHEC	NBOVE AFFIRMS THAT THEY ARE THE	OWNER OR AGENT OF T AND FILL IN ALL APPLICAB	HE OWNER OF THE PROPERTY DESCRIBED BELOW AND LE INFORMATION LEGIBLY AND COMPLETELY).
Concept Plan Review 🗌	Conditional Use Conditiona	l Exception 🗌 Modifi	cations to Zoning Conditions 🗌
Variance 🛛 Rezonir	ng 🔀 DRI Review/Concurrent	Amendment to the	e Future Land Use Plan 🔀
Request from	PD, OI, RM 1-3	to C2	
	(Current Zoning)		(Requested Zoning)
Request from <u>Vac</u>	Current Land Use Designation)	toGrocery	Anchored Shopping Center
For the Purpose of	Grocery Anchored Shoppin	ng Center	
	4518 Hwy 42 South, Locu	st Grove, GA 302	48
Nearest intersection to	the property:		
Size of Tract: 29.62	+/acre(s), Land Lot Number	(s): <u>166</u>	, District(s): 2nd2nd
Gross Density:	units per acre	Net Density:	units per acre
Property Tax Parcel Nu	mber: <u>129-01002000, 129-01</u>		
Myre, Causer	129-01004000, (130-01	002006)	and a conda
Witness' Signature		Signature of Owners/s	malogadda
Mura Care	n al	() MARAN	ESWART JONNALAGA DU
Printed Name of Witness	0	Printed Name powner/s	SWART JOIN ATCHEN DD
P. p. Marker W. D. C.	h les	FMI	E Z
March Y D D		Signature of Agent	3
			<u> </u>
Expires Total; Amount Raid S July 13, 2024	Cash Check #	Received by:	(FEES ARE NON-REFUNDABLE)
July 13. 2024			
application checked by			s):
P. C. PPUGUM meeting	g:		Date:
Public Hearing Date:			
out mapped in Ob.		Date:	

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 wilkins Wilkins 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.

Applicant: Evan Cond	er		
Address/Location of Req	uest:4518 Hwy 42 South,	Locust Grove, GA 3024	В
Type of Project:	Commercial	Residential	Mixed Use
For residential or mixed-	use residential, number of lot	ts or units:	
For commercial, amount	of square feet: 66,387 sf		
Estimated water usage:	ADF 44,250 GPD	(GALLONS)	
Estimated sewer usage:_	ADF 44,250 GPD	(GALLONS)	
STAFF ANALYSIS			
Is this project within curre	ent water and sewer delivery	area:	
Does the project have acc	cess to adequate water suppl	y:	
Does city have adequate :	sewer treatment capacity for	this project:	
Are any improvements re	quired as a result of this proj	ect:	
If so, what types of impro	vements 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 Laylor

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 PG: 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.

25

[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 CANSA

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 95.02 chord 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; thence North 17 degrees 23 minutes 26 seconds West 58.02 feet 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

Name/Tit

r

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.

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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

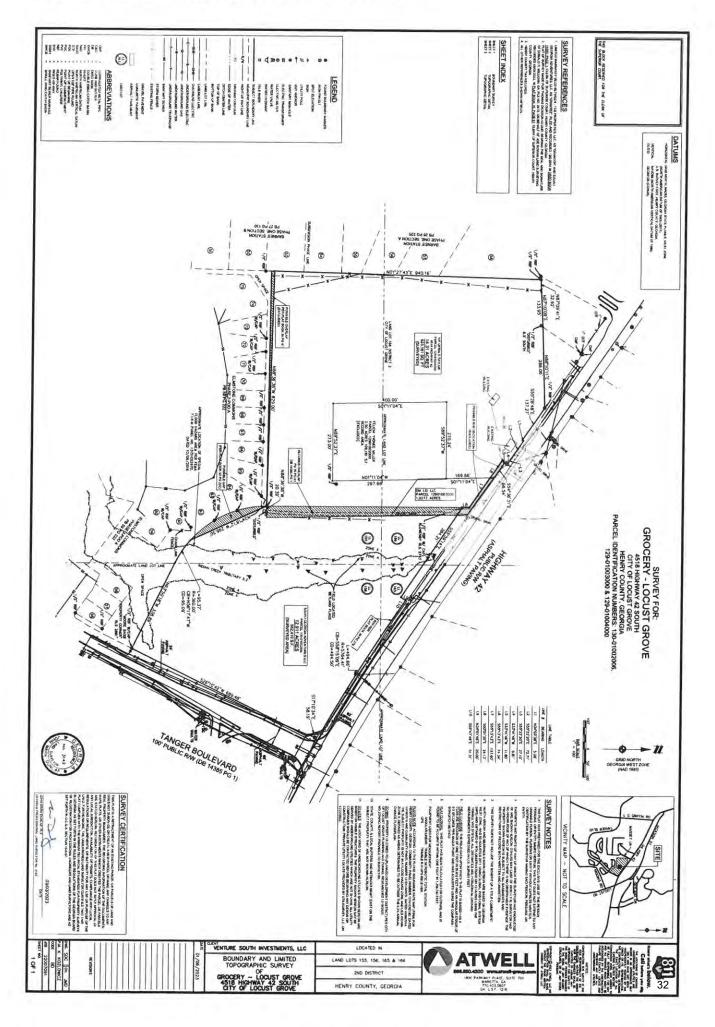
By: (SEAL)

Unof

Notary Public

DAVID HASCUP NOTARY PUBLIC State of New Jersey

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





N

N/C

SHOPS AT INDIAN CREEK - CONCEPT SITE PLAN

03/01/2023

SITE ANALYS	SIS
BUILDING AREA	
GROCERY LEASEABLE A	REA 48,387 SF
SHOPS A LEASEABLE AR	EA 6,000 SF
SHOPS B LEASEABLE AR	EA 12,000 SF
TOTAL BUILDING AREA	66,387 SF
PARKING REQUIRE	ED
GROCERY (5 PER 1000 S	F) 242 SP
SHOPS (5 PER 1000 SF)	30 SP
SHOPS (5 PER 1000 SF)	60 SP
TOTAL PARKING REQUIR	332 SP
PARKING PROVIDE	ED
GROCERY (5 PER 1000 S	F) 242 SP
SHOPS (6.9 PER 1000 SF)	
SHOPS (6.9 PER 1000 SF)	
TOTAL PARKING PROVID	ED 367 SP
LOT AREA	
TOTAL SITE AREA	29.92 AC
OUTPARCEL #1	1.17 AC
OUTPARCEL #2	1.00 AC
OUTPARCEL #3	1.00 AC
OUTPARCEL #4	1.00 AC
OUTPARCEL #5	1.01 AC
OUTPARCEL #6	1.07 AC
OUTPARCEL #7	4.11 AC

VICINITY MAP

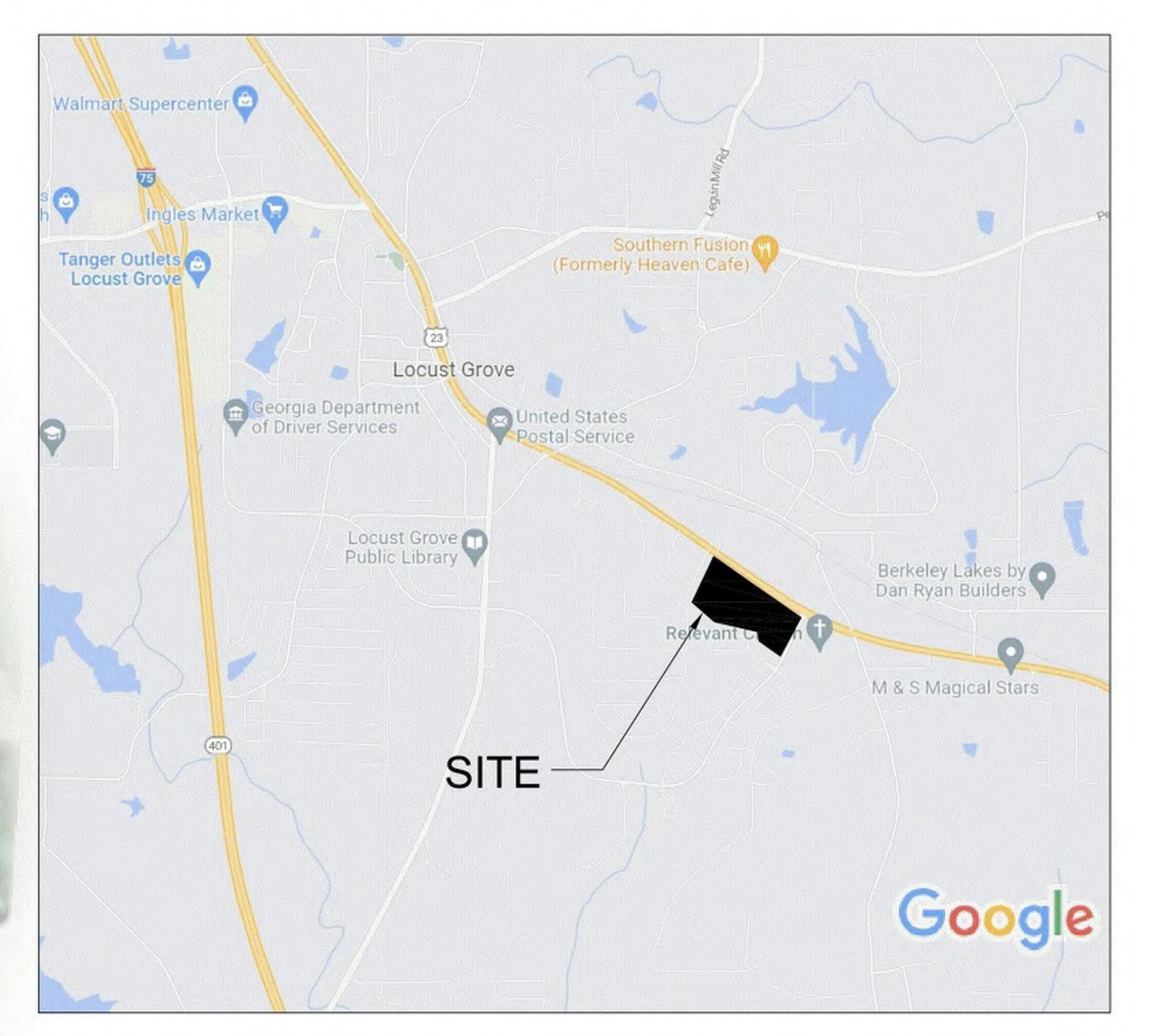




EXHIBIT B



REZONING EVALUATION REPORT

FILE: RZ-23-03-03

May 1, 2023

REZONING OI, 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.

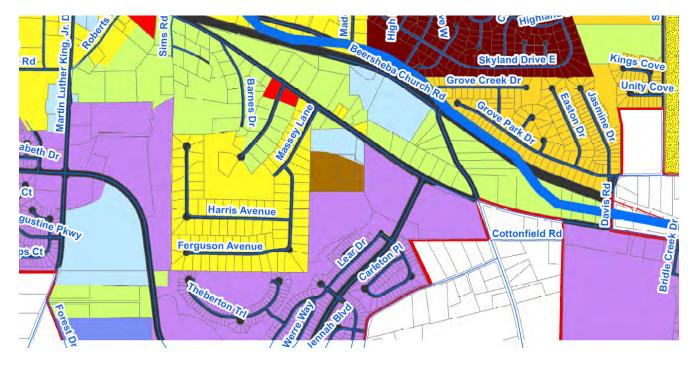
Current Zoning

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



REZONING EVALUATION REPORT FILE: RZ-23-03-03 REZONING (

REZONING OI, 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



REZONINGMay 1, 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

Preserving the Past... Planning the Future



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 thoroughfares 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 conditions:

- 1. In conjunction with the required fifty (50) feet of planted or undisturbed buffer, the applicant shall maintain an additional ten (10) feet of vegetated buffer in areas of reduced tree coverage, subject to approval from the Community Development Director.
- 2. In addition to the required buffering, the applicant shall install opaque privacy fencing six (6) to eight (8) feet, along the rear residential zoning districts, where the 50' undisturbed buffer is replaced with the 50' planted buffer area.
- 3. The applicant shall coordinate with the Locust Grove Police Department for the installation of flock cameras.
- 4. The applicant shall coordinate with GDOT and agrees to provide signalization or other improvements at the intersection of Hwy. 42 and Tanger Blvd., if the signal or other improvement warrants are met.
- 5. The applicant shall coordinate with GDOT regarding deeded right-of-way for future widening of Hwy. 42.

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.

1540 Affiant

Sworn and subscribed before me this day of <u>APTI</u> , 2023 Manufathan Notary Public	EXPIRES GEORGIA January 2, 2027
	AF COUNT







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-MM-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 10 # 129-01004000, 129-01002000, 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 Bivd. 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 10 # 129-01004000, 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 Director - City of Locust Grove 98707-3/29/2023		47

EXHIBIT D

- 1. In conjunction with the required fifty (50) feet of planted or undisturbed buffer, the applicant shall maintain an additional ten (10) feet of vegetated buffer in areas of reduced tree coverage, subject to approval from the Community Development Director.
- In addition to the required buffering, the applicant shall install opaque privacy fencing six (6) to eight (8) feet, along the rear residential zoning districts, where the 50' undisturbed buffer is replaced with the 50' planted buffer area.
- 3. The applicant shall coordinate with the Locust Grove Police Department for the installation of flock cameras.
- 4. The applicant shall coordinate with GDOT and agrees to provide signalization or other improvements at the intersection of Hwy. 42 and Tanger Blvd., if the signal or other improvement warrants are met.
- 5. The applicant shall coordinate with GDOT regarding deeded right-of-way for future widening of Hwy. 42.