



Community Development Department

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

Item Coversheet

Item: An ordinance for rezoning of 1.96 +/- acres and 1.91 +/- acres located at the Northwest Corner of Indian Creek Road (Parcel IDs: 129-01046001) in Land Lots 168 of the 2nd District.

Action Item: Yes No

Public Hearing Item: Yes No

Executive Session Item: Yes No

Advertised Date: February 24, 2021

Budget Item: No

Date Received: January 29, 2021

Application Accepted: February 4, 2021

Workshop Date: March 15, 2021

Regular Meeting Date: April 5, 2021

Discussion:

Mike Ford, agent for Mehulkumar Gajjar, of Locust Grove, GA (the "Applicant"), requests rezoning from RA (Residential Agricultural) to C-1 (Neighborhood Commercial) for property located at the Northwest Corner of Indian Creek Road (Parcel IDs: 129-01046001) in Land Lots 168 of the 2nd District. The applicant intends to build a Convenience Store.

Recommendation:

Staff recommends approval of the applicant's request with the following conditions:

1. All building exteriors shall be constructed of brick, glass, stone, or any combination thereof.
2. The required buffers shall be undisturbed; however, if the buffer is inadequate, additional planting shall be required to screen the development from residential uses. The following number of plant materials shall be required in planted buffers:
 - a. One canopy tree
 - b. One evergreen
 - c. One understory tree
 - d. Five shrubs
3. In addition to the required buffers, a minimum 6' vinyl fence, consistent with the exterior color décor of the development, shall be installed along all property lines abutting residential uses.
4. All gas pumps constructed on the property shall be covered by a canopy and shall have consistent character and design detail that reflects the overall architectural design of the project.
5. Sidewalks shall be installed along the frontage of the subject property on Indian Creek Road matching the width of the existing sidewalk along the frontage of the subject property on Tanger Boulevard.
6. The 5' sidewalk along the frontage of the proposed building shall be extended to connect to the sidewalk along Tanger Boulevard.
7. Decorative downcast Pedestrian lighting shall be installed on Tanger Boulevard and Indian Creek Road along the subject property sidewalks.

ORDINANCE NO. _____

AN ORDINANCE TO REZONE 1.96 +/- ACRES FROM RA (RESIDENTIAL AGRICULTURAL) TO C-1 (NEIGHBORHOOD COMMERCIAL) FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF INDIAN CREEK ROAD AND TANGER BOULEVARD; LOCATED IN LAND LOT 168 OF THE 2ND DISTRICT WITHIN THE CITY OF LOCUST GROVE, GEORGIA

WHEREAS, Mike Ford, agent for Mehulkmar Gajjar, of Locust Grove, GA (hereinafter referred to as "Applicant"), requests rezoning for 1.96 +/- acres located at the Northwest Corner of Indian Creek Road and Tanger Boulevard in Land Lot 168 of the 2nd District (hereinafter referred to as the "Property") and described in **Exhibit A** attached hereto and incorporated herein by reference; and,

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

WHEREAS, the Applicant requests the Mayor and City Council of the City of Locust Grove (hereinafter referred to as "City") rezone the subject property from RA (Residential Agricultural) to C-1 (Neighborhood Commercial); and,

WHEREAS, said request has been reviewed by the Community Development Department (hereinafter referred to as "Staff") and the City during a public hearing held on March 15, 2021; and,

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

WHEREAS, the Mayor and City Council have reviewed and considered the Applicant's request and the recommendations of the Staff as presented in the Report; and,

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

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

1.

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

2.

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

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

3.

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

4.

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

SO ORDAINED by the Council of the City this 5th day of April 2021.

ROBERT S. PRICE, Mayor

ATTEST:

MISTY SPURLING, City Clerk

(Seal)

APPROVED AS TO FORM:

City Attorney

EXHIBIT "A"

Request for Zoning Map Amendment

Name of Applicant: MEHULKAR GASSAR Phone: 404-403-2157 Date: 01/28/2021
 Address Applicant: 1094 EAGLES Brook Drive Cell # _____

City: Locust Grove State: GA Zip: 30240 E-mail: m.gajjar04@gmail.com

Name of Agent: Mike Ford Phone: 770-946-0256 Date: 01/28/2021
 Address Agent: 405 GORA Rd. Cell # 770-281-8157

City: Fayetteville State: GA Zip: 30215 E-mail: mibanda.generalcounsel@hotmail.com

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

- Concept Plan Review
 Conditional Use
 Conditional Exception
 Modifications to Zoning Conditions
 Variance
 Rezoning
 DRI Review/Concurrent
 Amendment to the Future Land Use Plan

Request from AR RA (Current Zoning) to C-1 (Requested Zoning)

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

For the Purpose of C-Start (Type of Development)

Address of Property: Northwest Corner of Indian Creek Rd. + Tanger Blvd.

Nearest intersection to the property: Indian Creek Rd. @ Tanger Blvd.

Size of Tract: 1.96 acre(s), Land Lot Number(s): 168 District(s): 2nd

Gross Density: _____ units per acre Net Density: _____ units per acre

Property Tax Parcel Number: 129-01046001 (Required)

Ashley Nix
 Witness Signature

Mehulkar Gassar Dimple Patel
 Signature of Owner/s

Ashley Nix
 Printed Name of Witness



Mehulkar Gassar Dimple Patel
 Printed Name of Owner/s

[Signature]
 Notary

[Signature] Michael A Ford
 Signature of Agent

(For Office Use Only)

Total Amount Paid \$848.00 Cash Check # 1036 Received by: R.F. (FEES ARE NON-REFUNDABLE)

Application checked by: O Hills Date: 2/2/2021 Map Number(s): 129

Pre-application meeting: _____ Date: _____

Public Hearing Date: 3/15/2021

Council Decision: _____ Ordinance: _____

Date Mapped in GIS: _____ Date: _____

Applicant Campaign Disclosure Form

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

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

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

We certify that the foregoing information is true and correct, this 29 day of Jan, 2021.

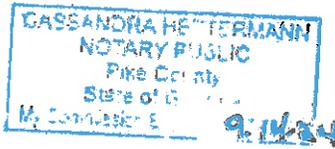
MEHULKUMAR GASTAL
 # Dimple Patel
 Applicant's Name - Printed

[Signature]
 Signature of Applicant

Applicant's Attorney, if applicable - Printed

Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 29 day of Jan, 2021



[Signature]
 Notary Public

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

January 29, 2021

Mehulkumar Gajjar
1094 Eagles Brooke Drive
Locust Grove, Georgia 30248

Daunte Gibbs
Community Development Director
City of Locust Grove
P.O. Box 900
Locust Grove, Georgia

Re: *Letter of Intent for Rezoning of Property*
Parcel 129-01046001

Dear Mr. Gibbs:

Please accept this letter as our Letter of Intent involving the rezoning of approximately 2 acres of property located at the intersection of Tanger Boulevard and Indian Creek Road. We are requesting a rezoning from AR to C1 to develop a Convenient Store with one additional tenant space. The property is currently zoned AR with a future land use designation of neighborhood business.

We appreciate the City's consideration of this request. Please contact me at your convenience if you need additional information.

Sincerely,



Mehulkumar Gajjar

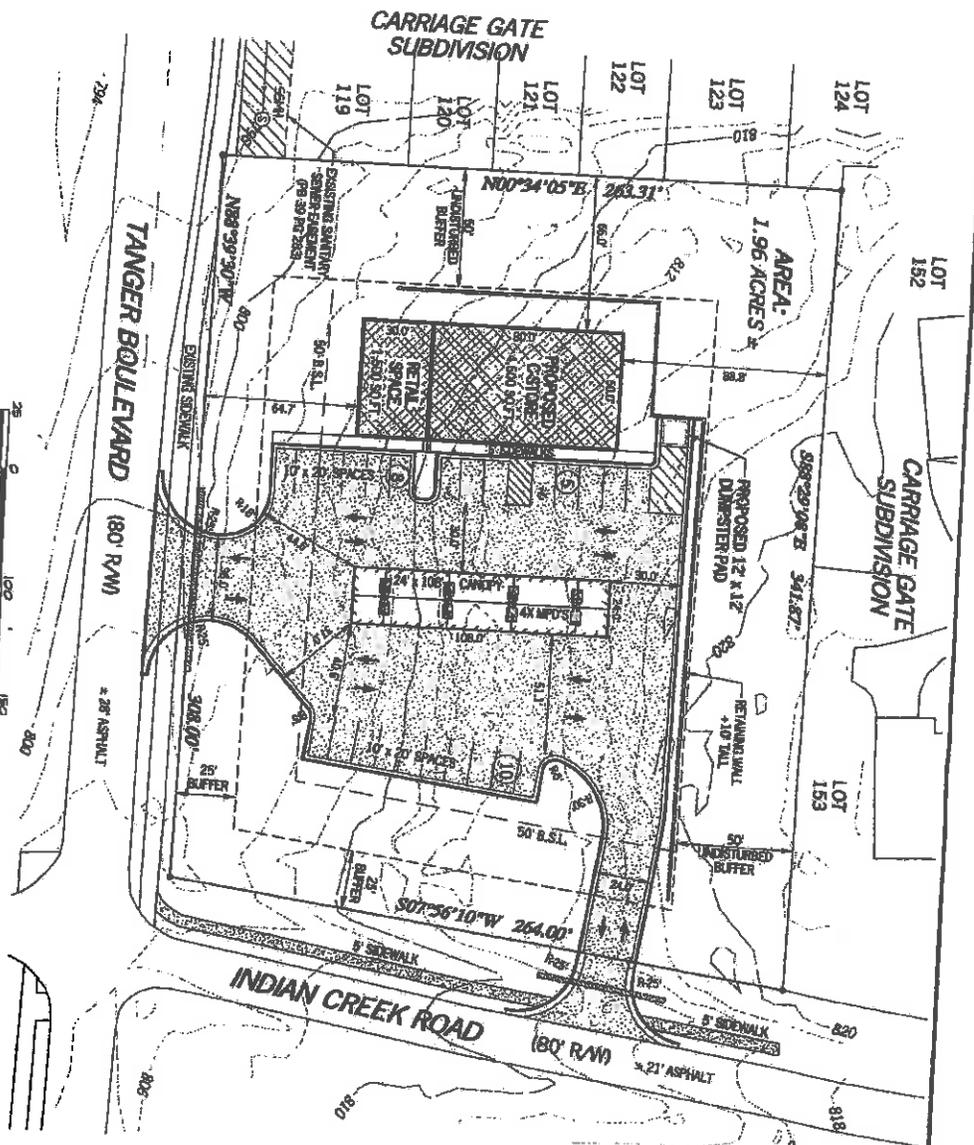
01/29/2021

To Whom it may Concern:

Concerning Parcel # 129-01046001 Has been requested to obtain C-1 zoning for this parcel

Owner B. L. Mitchell


1/29/2021 1:22:24 PM EST



#	DATE	DESC.
0	12/8/20	1ST SUBMIT
1	01/14/2021	ROTATE LAYOUT TO FACE EAST
2	01/14/2021	PER COMMENTS
3	01/26/2021	ADD BOUNDARY SURVEY INFO

PREPARED BY:

S.J. Reeves & Associates, Inc.

P.O. BOX 659 • 1141 HIGHWAY 19 N • ZEBULON, GA. 30295
 770-564-5203 • sj@sjreeves.com (E-mail)
 LAND SURVEYING, PLANNING & SUBDIVISION DESIGN



**TANGER BOULEVARD
C-STORE**

CONCEPTUAL PLAN FOR:

CITY	REV
LOCUST GROVE	000
LANDLOT 68	DISTRICT 2ND
SCALE 1" = 50'	COUNTY HENRY
DATE OF DRAWING	
12/8/2020	
SHEET 1 OF 1	

SETBACK REQUIREMENTS:
 MIN. LOT AREA: 10,000 SQ. FT.
 MIN. LOT WIDTH: 60 FEET
 MIN. FRONT YARD: 30 FEET FROM RIGHT-OF-WAY LINE
 MIN. SIDE YARD: NONE, BUT 30 FEET IF A CORNER LOT
 MIN. REAR YARD: 20 FEET
 MAX. HEIGHT: 35 FEET

PARKING REQUIREMENTS:

- 2 SPACES PER 645 SQ. FT. PLUS 3 SPACES PER EACH SERVICE BAY OR SIMILAR FACILITY; PLUS 1 SPACE FOR EACH ATTENDANT;
- 1 SPACE PER 150 SQ. FT. OF RETAIL SPACE REQUIRED;
- 3 ATTENDANT SPACES
- 3 SERVICE SPACES
- 1,500 SQ. FT. RETAIL SPACE = 10 SPACES
- TOTAL REQUIRED: 23
- PROVIDED: 21 SPACES + 2 ADA SPACES
- 23 SPACES TOTAL

TANGER BOULEVARD C-STORE

Parcel Description

All that tract or parcel of land lying and being in Land Lot 68 of the 2nd District, City of Locust Grove, Henry County, Georgia and being more particularly described as follows:

BEGINNING at an iron pin set at the intersection of the northern right-of-way line of Tanger Boulevard (80 foot-wide right-of-way) and the western right-of-way line of Indian Grove Road (80 foot-wide right-of-way), Thence running along said northern right-of-way line of Tanger Boulevard North $88^{\circ}39'30''$ West, 308.00 feet to a point; Thence leaving said right-of-way line and running along a line common with now or formerly Carriage Gate Subdivision, North $00^{\circ}34'05''$ East, 263.31 feet to a point; Thence, continuing on a common line with said subdivision, South $88^{\circ}29'08''$ East, 341.87 feet to a point on said western right-of-way line of Indian Grove Road; Thence running along said right-of-way line, South $07^{\circ}56'10''$ West, 264.00 feet to an iron pin set and the true **POINT OF BEGINNING**.

Said tract contains 1.960 Acres (85,390 square feet), more or less, as shown on a plat of survey prepared for "Tanger Boulevard C-Store" by S.J. Reeves & Associates (RLS#2765), dated January 26, 2021.

EXHIBIT "B"



REZONING EVALUATION REPORT

March 15, 2021

FILE: RZ-21-02-01

REZONING RA TO C-1

Property Information

Tax ID	129-01046001
Location/address	Land Lot 168 of the 2 nd District Northwest Corner of Indian Creek Road & Tanger Blvd.
Parcel Size	1.96 +/- acres
Current Zoning	RA (Residential Agricultural)
Request	Rezoning to C-1 (Neighborhood Commercial)
Proposed Use	Convenience Store
Existing Land Use	Vacant
Future Land Use	Neighborhood Commercial
Recommendation	Approval

Summary

Mike Ford, agent for Mehulkumar Gajjar, of Locust Grove, GA (the "Applicant"), requests rezoning from RA (Residential Agricultural) to C-1 (Neighborhood Commercial) for property located at the Northwest Corner of Indian Creek Road and Tanger Blvd. (Parcel 129-01046001) in land lot 168 of the 2nd District. The applicant intends to build a Convenience Store.

The subject property is currently vacant, undeveloped, and abuts a Residential Multi-family Townhome subdivision to the west. According to the applicant's site plan, a 4,500 sq. ft. convenience store along with 4 pump stations and a 1,500 sq. ft. retail space is proposed.

Future Land Use

The subject property is contained within an area identified on the Future Land Use Map as Neighborhood Commercial.

Concurrent Conditional Use request

There is no concurrent Conditional Use application needed.

Preserving the Past... .. Planning the Future



REZONING EVALUATION REPORT

March 15, 2021

FILE: RZ-21-02-01

REZONING RA TO C-1

Livable Centers Initiative (LCI) Overlay

The subject property is also located in the City of Locust Grove Livable Centers Initiative (LCI) Emerging South District. The objective of this district is to encourage residential developments consisting of a variety of housing options and multi-modal connectivity options. This area provides various connectivity options to areas of active and passive recreation and links the Gateway District and the Historic District; therefore, any uses that compete with uses in these adjoining districts are discouraged.

Development of Regional Impact (DRI)

The subject property does not trigger the Georgia Department of Community Affairs (DCA) threshold for a Development of Regional Impact (DRI).

Service Delivery / Infrastructure

Water and Sewer: A city water and sewer capacity form, received January 29, 2021, confirms that water is available to the subject property from the right-of-way of Indian Creek Road. However, sewer is not available and would require an extension, at the developer's expense, of the sewer line located near the entrance of Carriage Gate subdivision on Tanger Blvd.

Land Use: The site must comply with the requirements set forth in the City's C-1 (Neighborhood Commercial) zoning district as well as development standards established in Title 15 of the City Code, including Watershed Protection standards, if 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 Impact: This 1.96 +/- acre tract will contain a convenience store with 4 fuel pump stations. The Institute of Transportation Engineers Trip Generation Manual, 7th Edition assigns a rate of 542.60 weekday trips per vehicle fueling position.

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REZONING EVALUATION REPORT

March 15, 2021

FILE: RZ-21-02-01

REZONING RA TO C-1

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

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

Criteria for Evaluation of Rezoning Request

Section 17.04.315 Procedure for Hearing before City Council.

- (a) All proposed amendments to this chapter or to the official zoning map with required site plans shall be considered at 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 main impact here will be transitioning vacant property to a Convenience Store. Traffic volumes will increase; however, the increase in volume can be absorbed into the existing transportation network as detailed in the *Transportation Impact* above.
 - (2) The relation that the proposed amendment bears to the purpose of the overall zoning scheme with due consideration given to whether or not the proposed change will help carry out the purposes of this Chapter. The request will allow a more intense zoning use (C-1) that will be consistent with the future land use designation of the subject property.
 - (3) Consistency with the Land Use Plan. The Applicant's request is consistent with the Neighborhood Commercial future land use designation.
 - (4) The potential impact of the proposed amendment on City infrastructure including water and sewerage systems. There will be an impact on infrastructure in the area. These impacts are anticipated by and can be

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REZONING EVALUATION REPORT

March 15, 2021

FILE: RZ-21-02-01

REZONING RA TO C-1

mitigated through improvements made via the collection of impact fees. Each unit will pay approximately \$28,803.63 per unit.

- (5) **The impact of the proposed amendment on adjacent thoroughfares and pedestrian vehicular circulation and traffic volumes.** The development will have an impact on the surrounding area in terms of traffic; however, Tanger Boulevard has enough capacity to absorb the increase. Sidewalks will be required that tie into the existing, larger network to promote non-vehicular mobility.
- (6) **The impact upon adjacent property owners should the request be approved.** Impacts to adjacent property owners will include increases in traffic. As such, this development would be relatively consistent in impact or slightly better given the ability to establish buffers, landscaping, and better connectivity.
- (7) **The ability of the subject land to be developed as it is presently zoned.** Developing the subject property as it is currently zoned does not provide the highest and best use for the land. The highest and best use of the subject land is a commercial use.
- (8) **The physical conditions of the site relative to its capability to be developed as requested, including topography, drainage, access, and size and shape of the property.** There are no known physical conditions or limitations that could preclude the use of the site; however, the developer will be required to protect and buffer any and all streams and other environmentally sensitive areas that may be located on the subject property in accordance with the City's Watershed Protection and Stream Buffer Ordinances.
- (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 goals of the Locust Grove Town Center LCI to provide a service to surrounding residents, particularly for areas lying in the Emerging South District. There is no technical conflict with the LCI from what is being proposed.

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REZONING EVALUATION REPORT

FILE: RZ-21-02-01

March 15, 2021

REZONING RA TO C-1

Recommendations

Staff recommends APPROVAL of the applicants rezoning request with the following conditions:

1. All building exteriors shall be constructed of brick, glass, stone, or any combination thereof.
2. The required buffers shall be undisturbed; however, if the buffer is inadequate, additional planting shall be required to screen the development from residential uses. The following number of plant materials shall be required in planted buffers:
 - a. One canopy tree
 - b. One evergreen
 - c. One understory tree
 - d. Five shrubs
3. In addition to the required buffers, a minimum 6' vinyl fence, consistent with the exterior color décor of the development, shall be installed along all property lines abutting residential uses.
4. All gas pumps constructed on the property shall be covered by a canopy and shall have consistent character and design detail that reflects the overall architectural design of the project.
5. Sidewalks shall be installed along the frontage of the subject property on Indian Creek Road matching the width of the existing sidewalk along the frontage of the subject property on Tanger Boulevard.
6. The 5' sidewalk along the frontage of the proposed building shall be extended to connect to the sidewalk along Tanger Boulevard.
7. Decorative downcast Pedestrian lighting shall be installed on Tanger Boulevard and Indian Creek Road along the subject property sidewalks.



- Legend**
- Parcels
 - Parcel Numbers
 - Roads
 - Locust Grove Zoning**
 - <all other values>
 - <blank>
 - Active Adult Res.
 - Neighborhood Comm.
 - General Comm.
 - Heavy Comm.
 - Light Mfg.
 - General Industrial
 - Office/Institutional
 - Planned Development
 - Single-Family Residential R-1
 - Single-Family Res 2
 - Med-High SF R-3
 - Res. Agricultural
 - Residential Duplex
 - Multifamily Residential
 - Res. Mfg. Home
 - Trans./Comm./Utili

Parcel ID	129-01046001	Class	R	Owner	MITCHELL JR B L	Land Value:	\$56,100				
Property Address		Acreage	1.96	Address	325 SATIE CREEK WAY	Building Value:	\$0	Last 2 Sales			
District	City/LocustGrove				MCDONOUGH GA 30253	Misc Value:	\$0	Date	Price	Reason	Qual
						Total Value:	\$56,100	4/3/2019	\$10,000	FAMILY/GIFT	U
								3/18/2019	\$30,000	FAMILY/GIFT	U

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

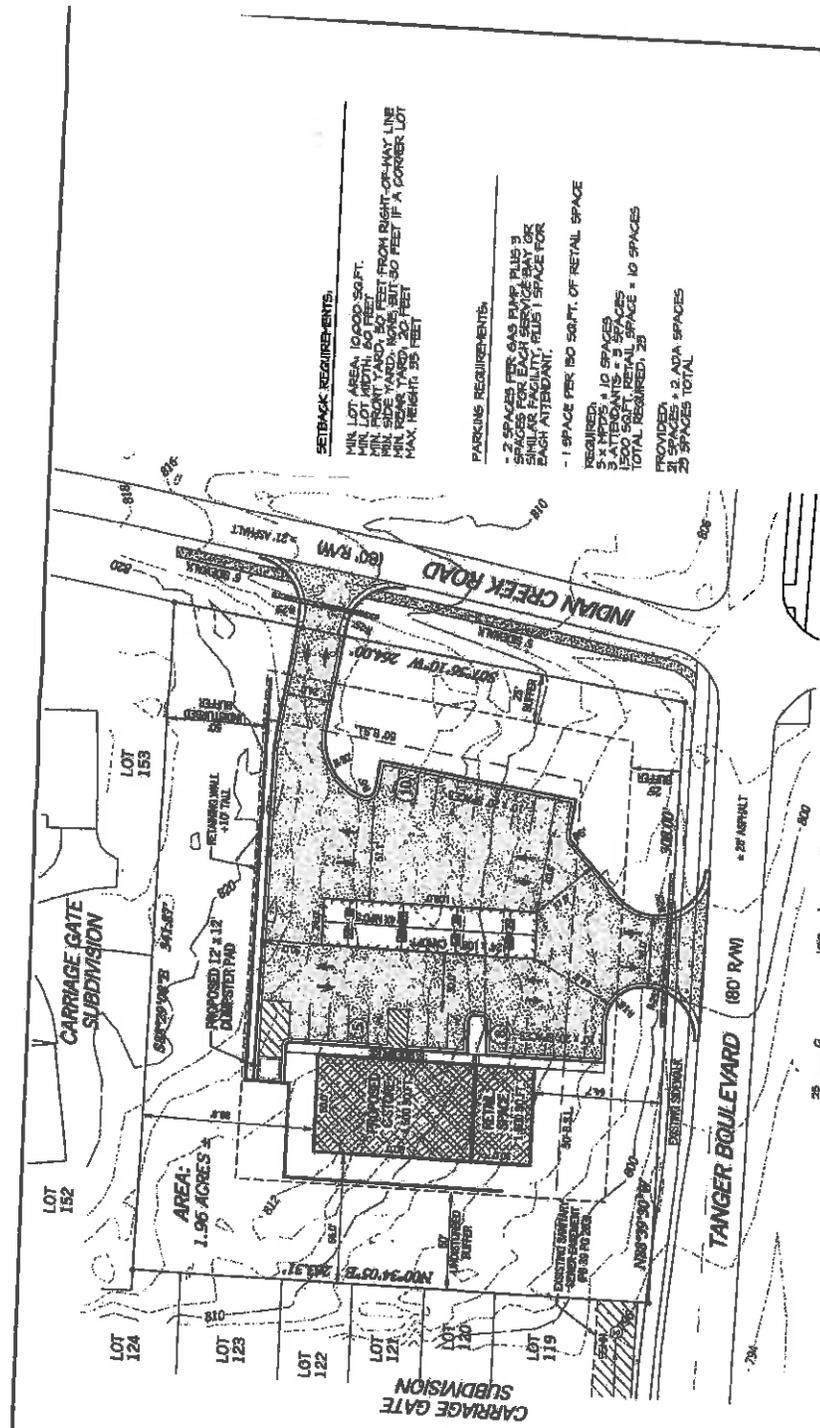
This zoning map is subject to change at any time. The official version of the Zoning map resides within the City of Locust Grove Community Development Department. Please contact the City of Locust Grove Community Development Department at 770-957-5043 to verify current zoning.



127-45-00

● Represents Existing Commercial Properties
In Proximity To Subject Property.

nearmap



- SETBACK REQUIREMENTS:**
- MIN. LOT AREA, 10,000 SQ. FT.
 - MIN. LOT WIDTH, 50 FEET
 - MIN. FRONT YARD, 50 FEET FROM RIGHT-OF-WAY LINE
 - MIN. REAR YARD, 25 FEET, BUT 50 FEET IF A CORNER LOT
 - MAX. HEIGHT, 35 FEET
- PARKING REQUIREMENTS:**
- 2 SPACES PER GAS PUMP PLUS 3 SPACES FOR EACH SERVICE BAY OR EACH ATTENDANT.
 - 1 SPACE PER 150 SQ. FT. OF RETAIL SPACE
- REQUIRED:**
- 5 X 10'S = 10 SPACES
 - 1500' X 10'S = 3 SPACES
 - TOTAL REQUIRED, 25
- PROVIDED:**
- 21 SPACES
 - 12 ADA SPACES
 - 25 SPACES TOTAL

CITY	REV
LOUIS-BRONE	000
LANDLOT	DISTRICT
168	2ND
SCALE	COUNTY
1" = 50'	HENRY
DATE OF DRAWING	
12/28/2020	
SHEET 1 OF 1	

CONCEPTUAL PLAN FOR:
**TANGER BOULEVARD
C-STORE**

S.J. reeves & associates, Inc.
P.O. BOX 955 • 11491 HIGHWAY 19 N • ZEBULON, GA. 30245
770-264-5205 • steve.reeves@sjra.net
LAND SURVEYING, PLANNING & SUBDIVISION DESIGN

PREPARED BY:
GRAPHIC SCALE IN FEET
SCALE: 1" = 50'

#	DATE	DESC.
0	12/28/20	1ST SUBMIT
1	01/04/2021	ROTATE LAYOUT TO FACE EAST
2	01/14/2021	PER COMMENTS
3	01/25/2021	ADD BOUNDARY SURVEY INFO

EXHIBIT "C"

Henry Herald

38 Sloan Street
McDonough, Georgia 30253

PUBLISHER'S AFFIDAVIT

STATE OF GEORGIA
COUNTY OF HENRY

Personally appeared before the undersigned, a notary public within and for said county and state, Robert D. McCray, Vice President of SCNI, which published the Henry Herald, Published at McDonough, County of Henry, State of Georgia, and being the official organ for the publication of legal advertisements for said county, who being duly sworn, states on oath that the report of

Ad No.: 27784

Name and File No.: **PUBLIC HEARING 3/15/2021**
a true copy of which is hereto attached, was published in said newspaper on the following date(s):
02/24/2021

Robert D. McCray

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

Tina Pethel

By Tina Pethel
SCNI Controller

Sworn and subscribed to me 02/24/2021



Dawn Ward

Notary Public

My commission expires 03/04/2022

Ad text : Public Hearing Notice
 City of Locust Grove
 March 15, 2021
 6:00 PM
 Locust Grove Public Safety
 Building
 3640 Highway 42 South
 Locust Grove, GA 30248

Notice is hereby given as required by Chapter 66 of Title 36 of the Official Code of Georgia Annotated ("Zoning Procedures Law") and Section 17.04 of the Code of Ordinances, City of Locust Grove, Georgia, that the Locust Grove City Council, on Monday, March 15, 2021 at 6:00 PM, will conduct public hearings for the purpose of the following:

REZONING

RZ-21-02-01 Mehulkmar Gajjar of Locust Grove, GA has submitted application requesting rezoning of 1.96 +/- acres located at the Northwest corner of Indian Creek Road and Tanger Boulevard from RA (Residential Agricultural) to C-1 (Neighborhood Commercial); Parcel 29-01046001 in Land Lot 168 of the 2nd District. The applicant intends to build a Convenience Store on the subject property.

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

Daunté Gibbs
Community Development
Director - City of Locust
Grove
27784-2/24/2021

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.

Mehulkmar Gajjar of Locust Grove, GA has submitted an application requesting rezoning of 1.96 +/- acres located at the Northwest corner of Indian Creek Road and Tanger Boulevard from RA (Residential Agricultural) to C-1 (Neighborhood Commercial); Parcel 29-01046001 in Land Lot 168 of the 2nd District. The applicant intends to build a Convenience Store development on the subject property.

3.

On the 22nd day of February 2021, I, Brian Fornal, posted double-sided sign notifications on the property advertising a public hearing on the above requests to be heard by the Locust Grove City Council on the 15th day of March 2021 at 6:00 p.m. at the Locust Grove Public Safety Building, 3640 Highway 42, Locust Grove, Georgia 30248. Photographs of same are attached hereto as Exhibit "A" and incorporated herein by reference. The public hearing signs were posted at the following locations:

- 1) Double-sided sign posted at 8:53 AM on Indian Creek Road on the property located at the Northwest corner of Indian Creek Road and Tanger Boulevard on 2/22/2021.
- 2) Double-sided sign posted at 8:55 AM on Tanger Boulevard on the property located at the Northwest corner of Indian Creek Road and Tanger Boulevard on 2/22/2021.

FURTHER AFFIANT SAYETH NOT.

This 24th day of February 2021.


Affiant

Sworn and subscribed before me
this 24th day of February

Markeya Moore
Notary Public

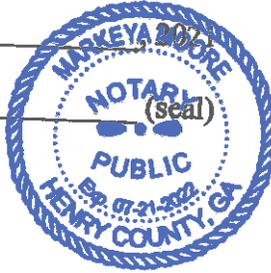






EXHIBIT "D"

CONDITIONS

Conditions for consideration

Staff recommends approval of the applicants rezoning request with the following conditions:

1. All building exteriors shall be constructed of brick, glass, stone, or any combination thereof.
2. The required buffers shall be undisturbed; however, if the buffer is inadequate, additional planting shall be required to screen the development from residential uses. The following number of plant materials shall be required in planted buffers:
 - a. One canopy tree
 - b. One evergreen
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3. In addition to the required buffers, a minimum 6' vinyl fence, consistent with the exterior color décor of the development, shall be installed along all property lines abutting residential uses.
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5. Sidewalks shall be installed along the frontage of the subject property on Indian Creek Road matching the width of the existing sidewalk along the frontage of the subject property on Tanger Boulevard.
6. The 5' sidewalk along the frontage of the proposed building shall be extended to connect to the sidewalk along Tanger Boulevard.
7. Decorative downcast Pedestrian lighting shall be installed on Tanger Boulevard and Indian Creek Road along the subject property sidewalks.



Administration Department

P. O. Box 900
Locust Grove, Georgia 30248

Phone: (770) 957-5043
Facsimile: (866) 364-0996

Item Coversheet

Item: MOU for SR 42 Corridor Study - GDOT

Action Item: Yes No

Public Hearing Item: Yes No

Executive Session Item: Yes No

Advertised Date: N/A

Budget Item: Yes, General, allocated for Crossing Study.

Date Received: March 5, 2021 (from GDOT)

Workshop Date: March 15, 2021 – Action Item

Regular Meeting Date: N/A

Discussion:

Attached is a Memorandum of Understanding with GDOT for contribution of \$100,000 in funds originally designated for the Railroad Crossing Study RFP to be matched several times over by the Georgia Department of Transportation for a study estimated at up to \$900,000 along SR 42 between MLK Boulevard and Market Place Boulevard. This will include the scoping of our original Railroad Crossing RFP but expanded by a much larger factor in studying alternatives for Highway 42 (No Build, Build, Alternative Routes, etc.) to relieve the corridor of current and future traffic congestion. This study goes far beyond our original scope and should be done holistically to consider all issues related to travel in the central portion of the City.

Recommendation:

APPROVE RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE MOU BETWEEN THE CITY AND THE GEORGIA DEPARTMENT OF TRANSPORTATION ON PROJECT #0017770.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF LOCUST GROVE TO ACCEPT THE MEMORANDUM OF UNDERSTANDING WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION FOR SCOPING/PRELIMINARY ENGINEERING PROJECT #0017770 ALONG SR 42 BETWEEN CS634/MLK JR BLVD. TO CS680 MARKETPLACE BLVD.; TO REPEAL INCONSISTENT RESOLUTIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

W I T N E S S E T H:

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, the Georgia Department of Transportation (“GDOT”) is organized by the State of Georgia for the planning, designing, construction and maintenance of roads and bridges throughout the State; and,

WHEREAS, GDOT requests that the City provide funding in the amount of \$100,000 for Preliminary Engineering (PE) for a portion of the costs for completion of an approved scoping study and concept report for P.I. No. 0017770; and,

WHEREAS, the P.I. No. 0017770 study will cost an estimated \$900,0000 in providing relief along the busy State Route 42 Corridor between Martin Luther King, Jr. Boulevard and Market Place Boulevard while incorporating recommended locations for railroad crossing points along this critical highway; and,

WHEREAS, the City is aware that this Project is critical in the mobility of vehicles and freight within the southern Henry County, including relief for Bill Gardner Parkway and the growing travel along I-75; and,

WHEREAS, the City is making a substantial commitment in this MOU to advance the Project towards an eventual construction and assist the mobility of all in Henry County and in particular those in and around the City of Locust Grove; and,

WHEREAS, the MOU has been reviewed for acceptance at a public meeting held by the City Council on March 15, 2021; and,

WHEREAS, the Mayor and Council believe that acceptance of the MOU with GDOT to advance this Project in the best interest of the County and the City, and their citizens;

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

1. **Acceptance of the Memorandum of Understanding.** The Mayor, by and with the advice and consent of the City Council, hereby accepts the MOU as attached hereto and incorporated herein as **Exhibit "A"**.
2. **Severability.** To the extent any portion of this Resolution is declared to be invalid, unenforceable, or nonbinding, that shall not affect the remaining portions of this Resolution.
3. **Repeal of Conflicting Provisions.** All City resolutions are hereby repealed to the extent they are inconsistent with this Resolution.
4. **Effective Date.** This Resolution shall take effect immediately.

THIS RESOLUTION adopted this 15th day of March, 2021.

ROBERT S. PRICE, Mayor

ATTEST:

APPROVED AS TO FORM:

Misty Spurling, City Clerk
(seal)

City Attorney

EXHIBIT A
MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF LOCUST GROVE
AND THE GEORGIA DEPARTMENT OF TRANSPORTATION
ON PROJECT #0017770

SR 42 FROM CS 634/MLK JR BLVD TO CS 680/MARKETPLACE BLVD

Project ID: 0017770
 Project Manager: Demick Vincent
 Office: Program Delivery
 County: Henry
 Congressional District: 003
 State Representative: Q17
 State House District: 111, 130
 Project Type: Other
 Project Status: Construction Work Program
 Right of Way Authorization:

Initial or Revised Date:
 Construction Percent Complete: 5%
 Current Completion Date:
 Program Delivery
 Work Completion Date:
 Construction Contract Amount:
 Construction Contractor:
[Preconstruction Status Report](#)
[Construction Status Report](#)
 Contact Us

Project Description

Online Representation of Robertson Bridge video at Google Earth. This bridge is not a bridge but a structure that is used as a bridge between different levels of roads use and the structure is a...

Activity	Program Year	Cost Estimate	Date of Last Estimate
SR 42	2021	\$800,000.00	



Project Overview
 There are no other to show in this view.

**MEMORANDUM OF AGREEMENT
BY AND BETWEEN
GEORGIA DEPARTMENT OF TRANSPORTATION
AND
CITY OF LOCUST GROVE
FOR
PRELIMINARY ENGINEERING**

This Memorandum of Agreement (the "MOA") is made and entered into this _____ (the "Effective Date"), by and between the **GEORGIA DEPARTMENT OF TRANSPORTATION**, an agency of the State of Georgia (hereinafter called the "DEPARTMENT" or "GDOT"), and **CITY OF LOCUST GROVE**, Georgia, acting by and through its Mayor and City Council (hereinafter called the "LOCAL GOVERNMENT") (collectively "PARTIES").

WHEREAS, PI No. *0017770, SR 42 From CS 634/MLK JR BLVD TO CS 680/MARKETPLACE BLVD* (hereinafter called "PROJECT") has been added to the Statewide Transportation Improvement Plan; and,

WHEREAS, the DEPARTMENT is funding the PROJECT and the LOCAL GOVERNMENT has agreed to contribute a certain amount to cover a portion of the preliminary engineering activities (hereinafter called "PE Activities"); which are necessary for the PROJECT; and

WHEREAS, the LOCAL GOVERNMENT funds will be used to fund a portion of the PE Activities under a DEPARTMENT design consultant contract, DEPARTMENT internal staff hours, and any other associated expenses incurred by any DEPARTMENT employee working on the PROJECT; and,

WHEREAS, the Constitution authorizes intergovernmental agreements whereby state and local entities may contract with one another "for joint services, for the provision of services, or for the joint or separate use of facilities or equipment; but such contracts must deal with activities, services or facilities which the parties are authorized by law to undertake or provide." Ga. Constitution Article IX, §III, ¶I(a).

NOW THEREFORE, in consideration of the mutual promises made and of the benefits to flow from one to the other, the DEPARTMENT and the LOCAL GOVERNMENT hereby agree each with the other as follows:

1. The DEPARTMENT will procure the PE Activities that shall include scoping and concept phase activities related to the approval of a scoping study and concept report. The LOCAL GOVERNMENT shall provide One-Hundred Thousand and 00/100 dollars (\$100,000.00) (the "PE Activity Funds") to the DEPARTMENT to assist in funding and completing these activities.

2. The LOCAL GOVERNMENT will provide full payment of the PE Activity Funds to the DEPARTMENT within thirty (30) days of the Effective Date on which this MOA is fully executed.
 - a. All payments by the LOCAL GOVERNMENT to the DEPARTMENT contemplated by this MOA shall be sent as follows:

For payments made by check:
Georgia Department of Transportation
P.O. Box 117138
Atlanta, GA 30368-7138

For payments made by ACH:
Bank Routing (ABA) # 021052053
Account # 43125093
 - b. If there is an unused balance of PE Activity Funds as may be supplemented after completion of all tasks and phases of the PROJECT, the remainder will be refunded to the LOCAL GOVERNMENT.
3. The LOCAL GOVERNMENT understands and agrees that the DEPARTMENT may request additional funds from the LOCAL GOVERNMENT for future phases, if the PROJECT advances after the approval of the scoping study and concept report and is funded in the future phases.
4. If the Project advances and when appropriate, the DEPARTMENT will prepare additional agreements (collectively, the "Specific Activity Agreements"), for funding applicable to other PROJECT activities, such as right of way, utilities and construction phases, if any.
5. This Agreement is made and entered into in FULTON COUNTY, GEORGIA, and shall be governed and construed under the laws of the State of Georgia.
6. The covenants herein contained shall, except as otherwise provided, accrue to the benefit of and be binding upon the successors and assigns of the parties hereto.
7. If any provision of this amendment is determined to be invalid or unenforceable, the remaining provisions shall remain in force and unaffected to the fullest extent permitted by law and regulation.
8. Nothing contained herein shall be construed as conferring upon or giving to any person, other than the parties hereto, any rights or benefits under or by reason of this Agreement.
9. This Agreement supersedes all prior negotiations, discussion, statements and agreements between the parties and constitutes the full, complete and entire agreement between the Parties with respect hereto; no member, officer, employee or agent of either party has authority to make, or has made, any statement, agreement, representation or

contemporaneous agreement, oral or written, in connection herewith, amending, supplementing, modifying, adding to, deleting from, or changing the terms and conditions of this Agreement. No modification of or amendment to this Agreement will be binding on either Party hereto unless such modification or amendment will be properly authorized, in writing, properly signed by both Parties and incorporated in and by reference made a part hereof.

(THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK)

IN WITNESS WHEREOF, the DEPARTMENT and the LOCAL GOVERNMENT have caused these presents to be executed under seal by their duly authorized representatives.

GEORGIA DEPARTMENT OF
TRANSPORTATION

CITY OF LOCUST GROVE, GEORGIA

BY: _____
Commissioner

BY: _____
Mayor

Signed, sealed and delivered this ____ day of _____, 20__, in the presence of:

ATTEST:

Treasurer

Witness

Notary Public

This Agreement approved by Local Government, the ____ day of _____, 20__.

Attest

Name and Title

FEIN: _____



Russell R. McMurry, P.E., Commissioner
One Georgia Center
600 West Peachtree Street, NW
Atlanta, GA 30308
(404) 631-1000 Main Office

March 5, 2021

PI No. 0017770, Henry County
SR 42 From CS 634/MLK JR BLVD TO CS 680/MARKETPLACE BLVD

The Honorable Robert Price, Mayor
Locust Grove City Hall
3644 Highway 42
Locust Grove, Georgia 30248

ATTN: Tim Young, City Manager

Dear Mayor Price:

The Georgia Department of Transportation (GDOT) is requesting for the City of Locust Grove to provide Preliminary Engineering (PE) funds in the amount of \$100,000. This money will be utilized to fund a portion of the PE cost by the Department through the completion of an approved scoping study and concept report for P.I. No. 0017770.

Enclosed is a Memorandum of Agreement (MOA) detailing PE funding commitments for this project.

Please review the attached agreement and if satisfactory, execute the agreement within the Contract Authorization Tracking System (CATS) using the DocuSign® electronic signature system.

Once the signed agreement is received within CATS, it will be routed for GDOT signatures, and then the City of Locust Grove will be sent one copy of the fully executed agreement for the project file.

Please send payment in the amount of \$100,000 made out to the Georgia Department of Transportation as follows and include the above P.I. No. on the transaction:

**For payments made by check:
Georgia Department of Transportation
P.O. Box 117138
Atlanta, GA 30368-7138**

**For payments made by ACH:
Bank Routing (ABA) # 021052053
Account # 43125093**

If you have any questions about items contained in this agreement, please contact the Project Manager, Ameenah Saleem, at (470) 755-4310.

Sincerely,

A handwritten signature in blue ink that reads 'Kimberly W. Nesbitt'.

Kimberly W. Nesbitt
State Program Delivery Administrator

C.L.B.
KWN:CLB:CBF:ABS
cc: Adam Smith, District 3 Preconstruction Engineer