



## Community Development Department

P. O. Box 900  
Locust Grove, Georgia 30248

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

## Item Coversheet

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

**Action Item:**  Yes  No

**Public Hearing Item:**  Yes  No

**Executive Session Item:**  Yes  No

**Advertised Date:** July 3, 2024

**Budget Item:** N/A

**Date Received:** June 1, 2024

**Workshop Date:** July 22, 2024

**Regular Meeting Date:** August 5, 2024

### Discussion:

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

**Recommendation:**

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

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

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

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

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

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

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

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

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

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

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

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

1.

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

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

2.

That the use of the Property is subject to:

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

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

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

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

**SO ORDAINED** by the Council of this City this 5<sup>th</sup> of August 2024.

\_\_\_\_\_  
VINCENT WILLIAMS, Mayor Pro Tem

ATTEST:

\_\_\_\_\_  
MISTY SPURLING, City Clerk

(Seal) APPROVED AS TO FORM:

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

**EXHIBIT A**



# REZONING EVALUATION REPORT

July 22, 2024

FILE: RZ-24-06-01

REZONING RA AND R-2 TO R-3

## Property Information

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

## Summary

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

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

### Current Zoning

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



# REZONING EVALUATION REPORT

July 22, 2024

FILE: RZ-24-06-01

REZONING RA AND R-2 TO R-3



## Future Land Use

The subject properties are contained within an area identified on the Future Land Use Map as Low Density Residential and Mixed Historic Neighborhood. This classification area is primarily located on the southern periphery of the city and allows single-family residential development including subdivisions up to 1.5 and 2.5 du/acre when developed with approved water systems. Typical zoning districts within the Low-Density future land use designation includes R-1 and R-2. Also, zoning district within the Mixed Historic Neighborhood future land use designation include R-2, R-3, and OI.

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



# REZONING EVALUATION REPORT

FILE: RZ-24-06-01

July 22, 2024

REZONING RA AND R-2 TO R-3

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### Livable Centers Initiative (LCI) Overlay

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

### Development of Regional Impact (DRI)

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

### Service Delivery / Infrastructure

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

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

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

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

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

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





# REZONING EVALUATION REPORT

July 22, 2024

FILE: RZ-24-06-01

REZONING RA AND R-2 TO R-3

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

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

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

## Criteria for Evaluation of Rezoning Request

### Section 17.04.315 Procedure for Hearing before City Council.

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

- (1) **The possible effects of the change in the regulations or map on the character of a zoning district, a particular piece of property, neighborhood, a particular area, or the community.**

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

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



# REZONING EVALUATION REPORT

July 22, 2024

FILE: RZ-24-06-01

REZONING RA AND R-2 TO R-3

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

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



# REZONING EVALUATION REPORT

FILE: RZ-24-06-01

July 22, 2024  
REZONING RA AND R-2 TO R-3

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

## Recommendations

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

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

**EXHIBIT B**

1st page

RZ-24-06-01

### Request for Zoning Map Amendment

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

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

Concept Plan Review  Conditional Use  Conditional Exception  Modifications to Zoning Conditions

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

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

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

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

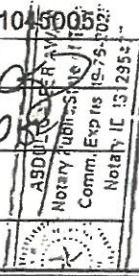
Address of Property: 0 Shoal Creek Road, Locust Grove, GA 30248

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

Size of Tract: ~~30.000~~<sup>35.958</sup> acre(s), Land Lot Number(s): 168, District(s): 2nd

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

Property Tax Parcel Number: 129-01045005  
 Witness Signature: Christy D'Hollander  
 Printed Name of Witness: Christy D'Hollander  
 Notary: [Signature]  
 (For Office Use Only)



(Required)  
 Signature of Owner/s: Elizabeth W. Todd  
 Printed Name of Owner/s: Elizabeth W. Todd  
 Signature of Agent: [Signature]

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

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

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

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

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

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

\* see notes from 2023

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

## Applicant Campaign Disclosure Form

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

Yes \_\_\_ No

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

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

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

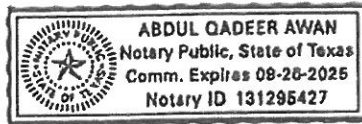
Elizabeth W. Todd  
Applicant's Name - Printed

Elizabeth W. Todd  
Signature of Applicant

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

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

Sworn to and subscribed before me this 4<sup>th</sup> day of AUGUST .2023



[Signature]  
Notary Public

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

01/16/06  
PUBLIC NOTARY  
COURT REPORTER  
SUPERIOR COURT  
HENRY COUNTY, GA  
LEWIS 4-125

STATE OF GEORGIA  
COUNTY OF HENRY

024-916 B  
JONES, EDGE & KIMBELL, P.C.  
115 NORTH PARK TRAIL  
STOCKBRIDGE, GEORGIA 30281

**AFFIDAVIT OF DESCENT**

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

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

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

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

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

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

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

*Moses Lamar Wilson*  
Moses Lamar Wilson - Deponent

Address: 7212 Chadwell Rd. Huntsville, Al. 35802

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

*[Signature]*  
Notary Public

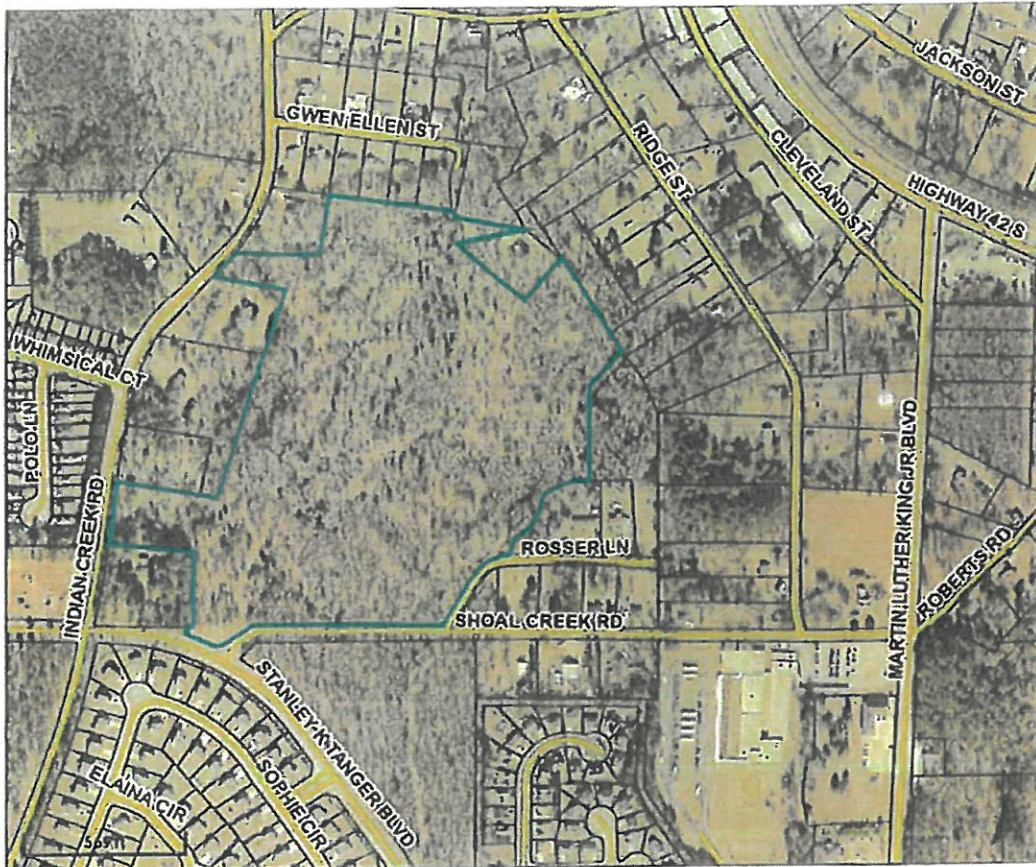


ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 168 OF THE 2ND DISTRICT OF HENRY COUNTY, GEORGIA, CONTAINING 33.909 ACRES, MORE OR LESS, AS PER PLAT OF SURVEY DATED OCTOBER 11, 2002 PREPARED BY WAYNE A. POWERS, GEORGIA RLS NO. 2891, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A 1/2 INCH REBAR SET ON THE POINT OF INTERSECTION OF THE WESTERN RIGHT OF WAY LINE OF INDIAN CREEK ROAD (HAVING AN 80' R/W) AND THE NORTHERN RIGHT OF WAY LINES OF TANGER BOULEVARD AND COMBS ROAD (HAVING AN 80' R/W); THENCE CONTINUE ALONG THE NORTHERN RIGHT OF WAY LINE OF TANGER BOULEVARD NORTH 88 DEGREES 25 MINUTES 08 SECONDS WEST A DISTANCE OF 666.90 FEET TO A POINT; THENCE LEAVING SAID RIGHT OF WAY NORTH 00 DEGREES 47 MINUTES 48 SECONDS EAST A DISTANCE OF 443.06 FEET TO A 1/2 INCH REBAR SET; THENCE NORTH 88 DEGREES 25 MINUTES 08 SECONDS WEST A DISTANCE OF 458.08 FEET TO A 1/2 INCH REBAR SET; THENCE NORTH 01 DEGREES 11 MINUTES 48 SECONDS WEST A DISTANCE OF 971.07 FEET TO A 1/2 INCH REBAR LOCATED ON THE NORTH LAND LOT LINE OF LAND LOT 168, THENCE ALONG SAID LAND LOT LINE NORTH 88 DEGREES 50 MINUTES 13 SECONDS EAST A DISTANCE OF 284.09 FEET TO A 1/2 INCH REBAR FOUND; THENCE CONTINUE NORTH 88 DEGREES 46 MINUTES 50 SECONDS EAST A DISTANCE OF 576.16 FEET TO A 1/2 INCH OPEN TOP PIPE; THENCE CONTINUE NORTH 88 DEGREES 57 MINUTES 12 SECONDS EAST A DISTANCE OF 124.76 FEET TO A 1/2 INCH REBAR SET; THENCE LEAVING SAID LAND LOT LINE SOUTH 01 DEGREES 09 MINUTES 58 SECONDS EAST A DISTANCE OF 401.24 FEET TO A 1/2 INCH REBAR FOUND; THENCE SOUTH 70 DEGREES 54 MINUTES 49 SECONDS EAST A DISTANCE OF 359.77 FEET TO A 1/2 INCH REBAR FOUND LOCATED ON THE NORTHWESTERN RIGHT OF WAY LINE OF INDIAN CREEK ROAD; THENCE FOLLOWING THE CURVATURE OF THE WESTERN RIGHT OF WAY LINE OF INDIAN CREEK ROAD IN A SOUTHWESTERLY DIRECTION A DISTANCE OF 1000.56 FEET TO A 1/2 REBAR SET AND THE POINT OF BEGINNING.

PARCEL ID NUMBER: 129-001-0045





Overview



Legend

- Parcels
- Roads

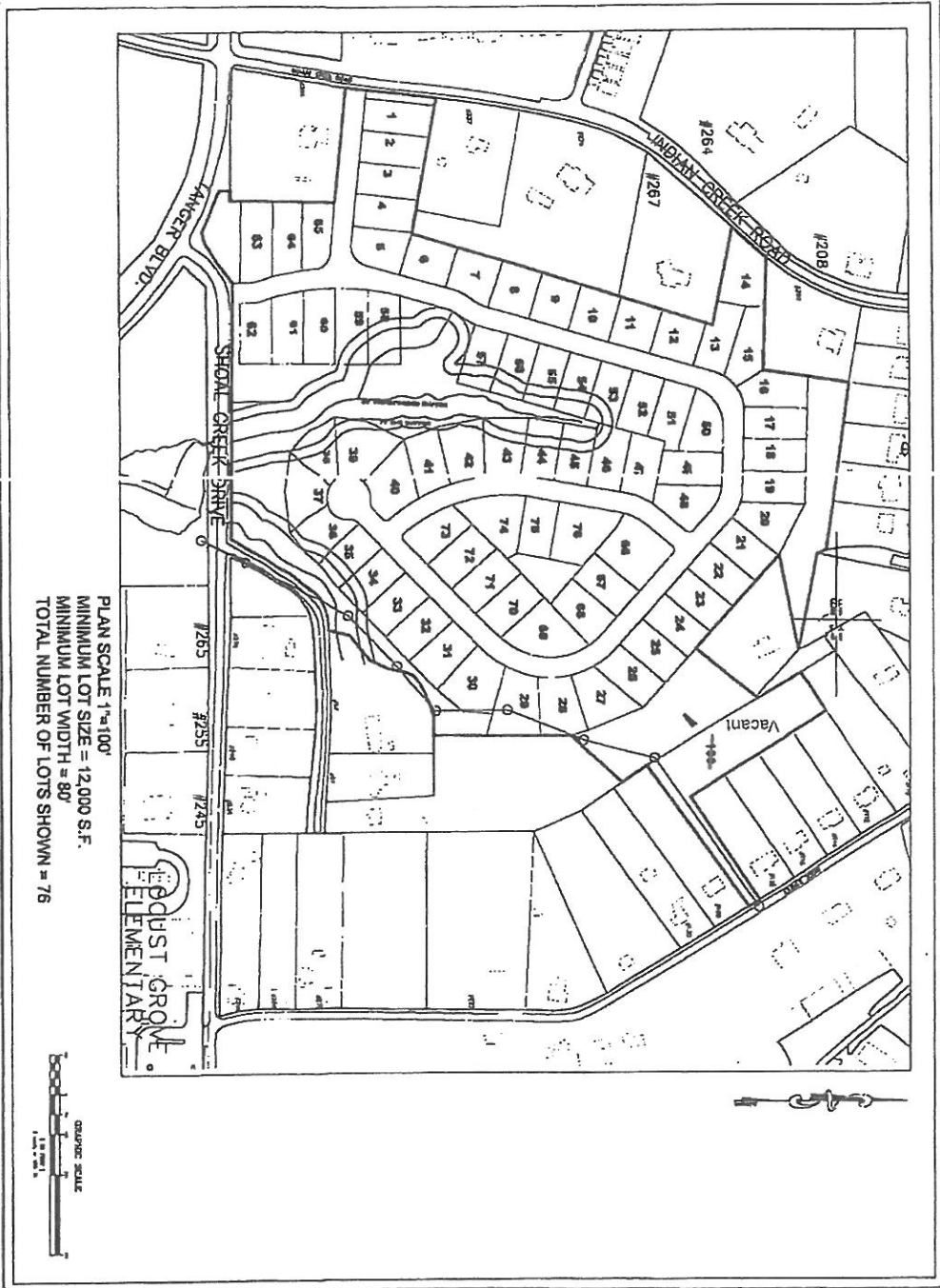
Parcel ID	129-01045005	Class	A	Owner	WILSON MOSES LAMAR	Land	\$255800		
Property		Acreege	35.32	Address	C/O ELIZABETH TODD	Value:			
Address					20440 FAGEWOOD	Building	\$0	1 act 2 Sale	
District	City/LocustGrove				FOREST DR	Value:		Date	Price Reason Qual
					PORTER TX 77365	Misc	\$0	4/1/1983	\$0 n/a U
						Value:		n/a	\$ n/a n/a
						Total	\$255800		
						Value:			

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

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

*DR 518 Pg 2/6*

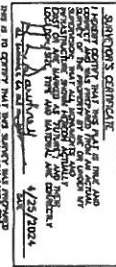
Developed by  Schneider  
 GEOSPATIAL



REV.	DATE	DESCRIPTION

SCALE: 1"=100'

**BOUNDARY RETRACEMENT PLAT**  
AS SHOWN ON DEED



THE STATE OF VIRGINIA, I, [Name], a duly Licensed Professional Surveyor, do hereby certify that the foregoing plat was prepared by me or under my direct supervision and that I am a duly Licensed Professional Surveyor of the State of Virginia. I am not providing any services or performing any duties as a surveyor in any other state or country. I am not providing any services or performing any duties as a surveyor in any other state or country. I am not providing any services or performing any duties as a surveyor in any other state or country.

- NOTICE TO CONTRACTORS:**
1. This plat is a boundary retracement plat and does not show any new survey data.
  2. The boundaries shown on this plat are based on the best available evidence of title and are not intended to be used as a basis for any new survey.
  3. The boundaries shown on this plat are subject to the same conditions and exceptions as the original deed.
  4. The boundaries shown on this plat are subject to the same conditions and exceptions as the original deed.
  5. The boundaries shown on this plat are subject to the same conditions and exceptions as the original deed.
  6. The boundaries shown on this plat are subject to the same conditions and exceptions as the original deed.
  7. The boundaries shown on this plat are subject to the same conditions and exceptions as the original deed.
  8. The boundaries shown on this plat are subject to the same conditions and exceptions as the original deed.
  9. The boundaries shown on this plat are subject to the same conditions and exceptions as the original deed.
  10. The boundaries shown on this plat are subject to the same conditions and exceptions as the original deed.

**LINE TABLE**

LINE NO.	START POINT	END POINT	LENGTH	BEARING
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**37 SHOAL CREEK, LLC.**

TRACT 1 AND 2

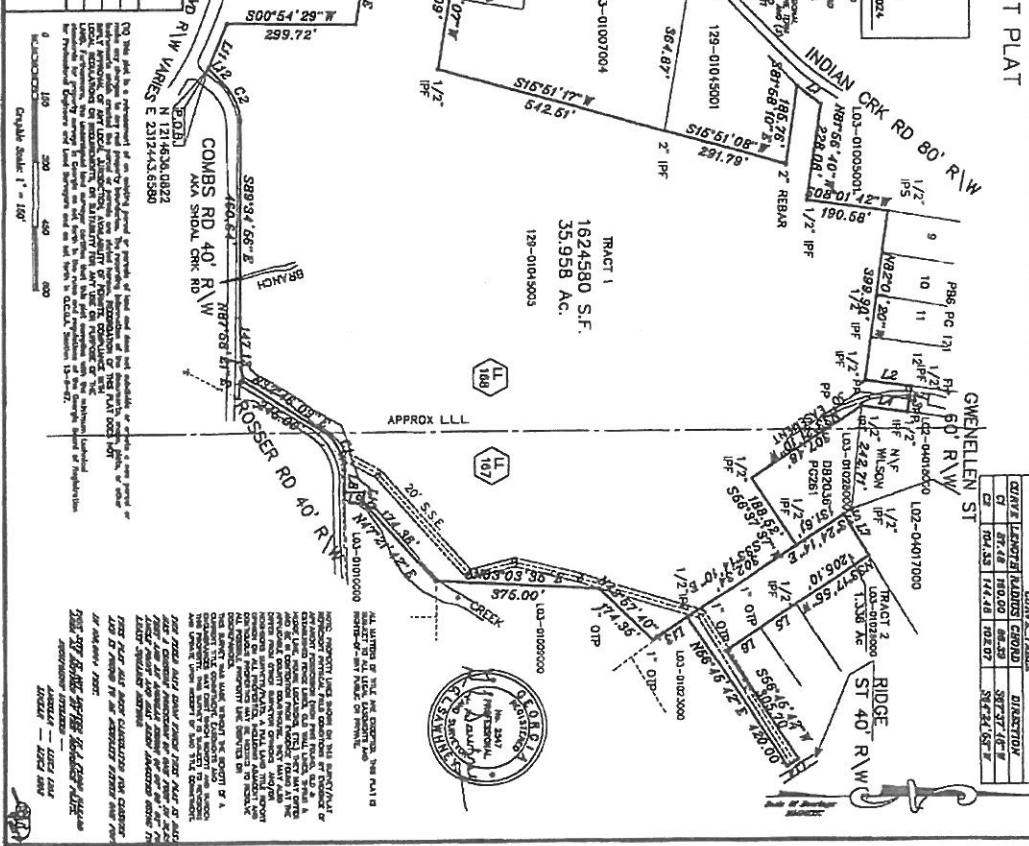
DEED NO. 223004/24

COUNTY: HENRY CO., VA

DATE: 4/25/2024

**SAWHNEY & ASSOCIATES**  
529 HASTINGS VA, PHENIXBORO VA 20238

Scale: Graph Scale 1" = 100'



**LINE TABLE**

LINE NO.	START POINT	END POINT	LENGTH	BEARING
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27	...	...	...	...
28	...	...	...	...
29	...	...	...	...
30	...	...	...	...



THIS PLAT IS A BOUNDARY RETRACEMENT PLAT AND DOES NOT SHOW ANY NEW SURVEY DATA. THE BOUNDARIES SHOWN ON THIS PLAT ARE BASED ON THE BEST AVAILABLE EVIDENCE OF TITLE AND ARE NOT INTENDED TO BE USED AS A BASIS FOR ANY NEW SURVEY.

DATE: 4/25/2024

2nd parcel

2nd parcel

### Request for Zoning Map Amendment

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

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

Concept Plan Review  Conditional Use  Conditional Exception  Modifications to Zoning Conditions

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

Request from ~~RA~~ R-2 (Current Zoning) to ~~R-2~~ R-3 (Requested Zoning) *[Signature]*

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

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

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

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

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

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

Property Tax Parcel Number: 103-01026000 (Required)

ABDI. OASDER AWAK  
 Notary Public, State of Texas  
 Commission Expires 12-26-2025  
 Commission # 00000000000000000000

*Christy D'Hollasg*  
 Signature  
Christy D'Hollasg  
 Printed Name of Witness

*Elizabeth W. Todd*  
 Signature of Owners  
Elizabeth W. Todd  
 Printed Name of Owner/s  
*[Signature]*  
 Signature of Agent

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

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

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

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

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

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

Amount due \$ 316.5

## Applicant Campaign Disclosure Form

Has the applicant<sup>1</sup> made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating \$250 or more or made gifts having in the aggregate a value of \$250 or more to a member of the Locust Grove City Council and/or Mayor who will consider the application?  
 Yes \_\_\_ No ✓

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

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

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

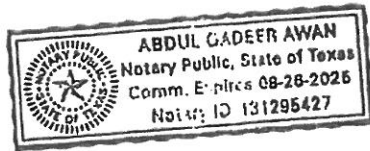
Elizabeth W. Todd  
 Applicant's Name - Printed

Elizabeth W. Todd  
 Signature of Applicant

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

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

Sworn to and subscribed before me this 4<sup>th</sup> day of AUGUST, 2023



[Signature]  
 Notary Public

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

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

Return Recorded Document to:

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

PREPARED BY: Ryan Downs  
WESSELS & DIXON, P.C.  
175 Corporate Center Dr., Ste. A  
Stockbridge, GA 30281  
(878) 759-2211

## QUITCLAIM DEED

DRAWDREED ONLY

STATE OF GEORGIA  
COUNTY OF HENRY

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

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

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

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

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

-AND-

2018 JAN 11 AM 1:28

RECEIVED IN OFFICE  
HENRY COUNTY  
CLERK OF SUPERIOR COURT

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

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

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

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

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



(Unofficial witness)  
Print Name: TROY TODD

Michael Sodano  
(Notary Public)  
Print Name: Michael Sodano

My Commission Expires: 09/22/2019

W & D Estates, Inc.

 (SEAL)  
By: Elizabeth W. Todd  
Its President



010355 0345

SURVEY MADE FOR:  
**LAMAR WILSON**

PROPERTY LOCATED IN:  
**LAND LOTS 167 & 166 \* 2ND. DISTRICT  
HENRY COUNTY \* GEORGIA**

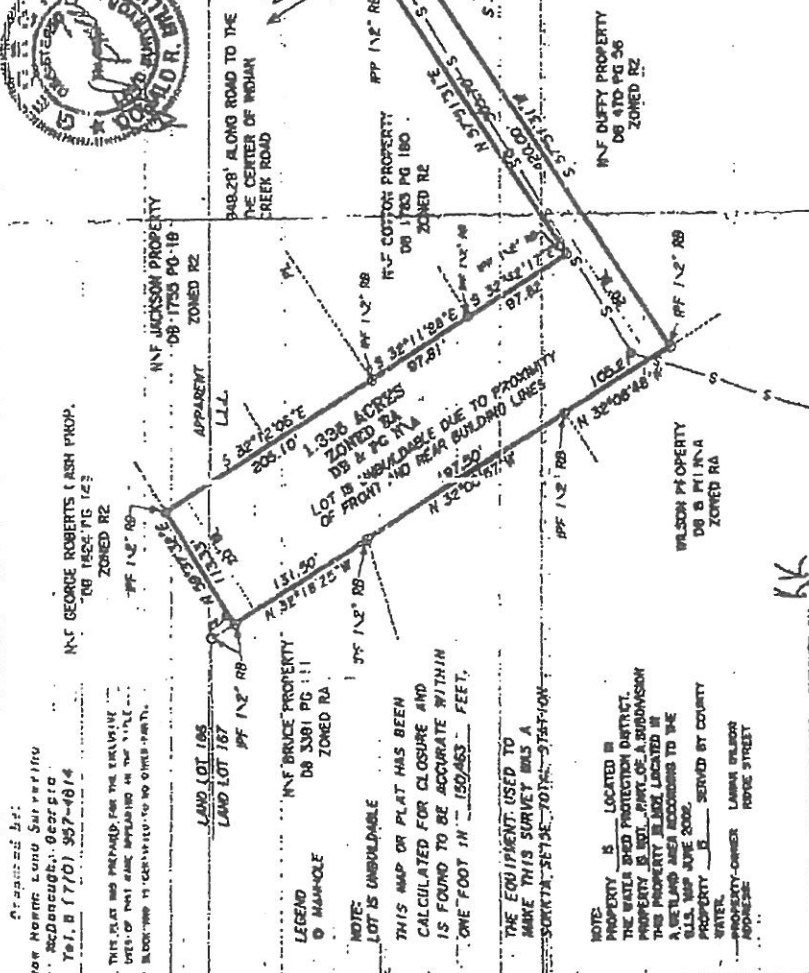
SCALE: 1" = 100' \* DATE: 3-16-04



IN MY OPINION THIS PLAT IS A  
CORRECT REPRESENTATION OF  
THE LAND PLATTED AND HAS  
BEEN PREPARED IN CONFORMITY  
WITH THE MINIMUM STANDARDS  
AND REQUIREMENTS BY LAW.

BASED ON THE INFORMATION SHOWN ON  
THE FLOOD HAZARD BOUNDARY MAPS  
FURNISHED BY THE FEDERAL EMERGENCY  
MANAGEMENT AGENCY, IT IS MY OPINION  
THAT THIS PROPERTY IS OUTSIDE OF  
THE FLOOD HAZARD AREA. 130489 04508  
PANEL N  
EFF. DATE: 11-2-03

REFERENCE INFORMATION  
SURVEY MADE FOR ROBERTS BROTHERS  
BY LANDMAKER SURVEYING



Job Name: LAMAR WILSON  
Recorded: 0802510  
T.B. 17701 357-4014  
THIS PLAT WAS PREPARED FOR THE EXCLUSIVE  
USES OF THE ESTATE IMPLICATED IN THE TITLE  
BLOCK MAP TO BE FILED TO THE CLERK'S OFFICE.

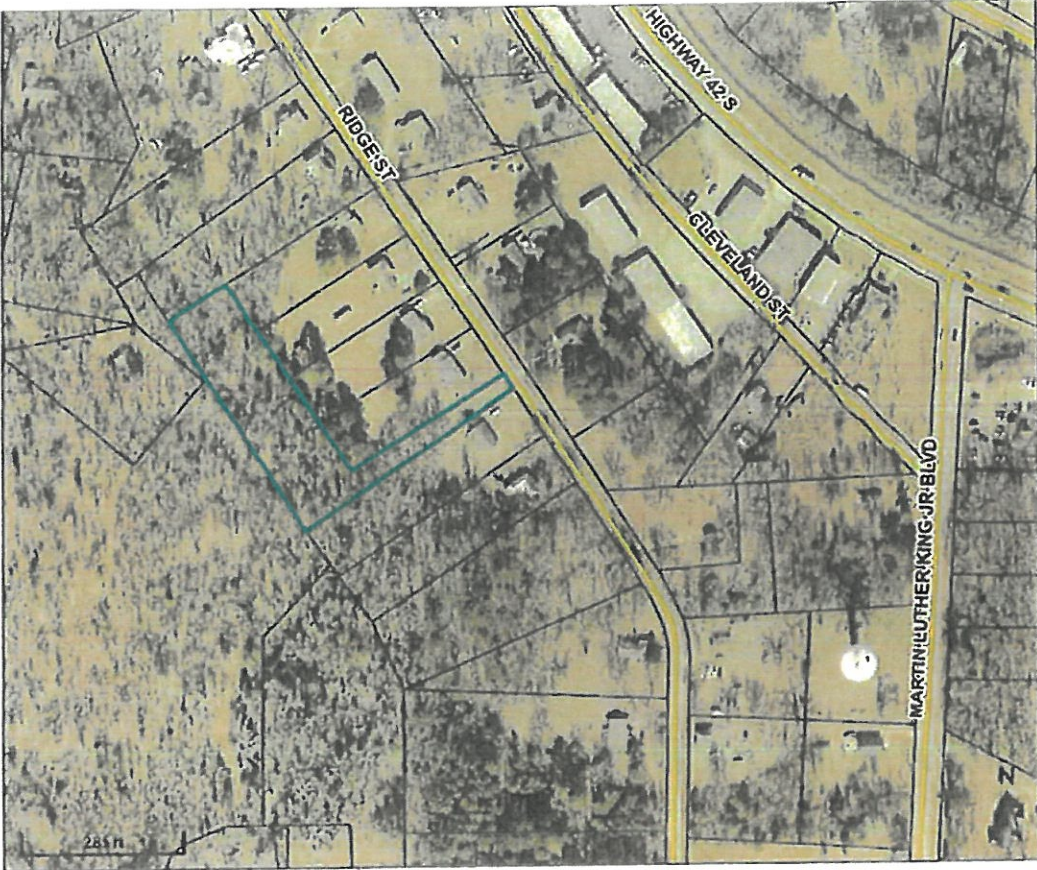
NOTE:  
THIS MAP OR PLAT HAS BEEN  
CALCULATED FOR CLOSURE AND  
IS FOUND TO BE ACCURATE WITHIN  
ONE FOOT IN 150,000 FEET.

THE EQUIPMENT USED TO  
MAKE THIS SURVEY WAS A  
SOKKIA SETS-701 STATION

NOTE:  
PROPERTY IS LOCATED IN  
THE 2ND DISTRICT OF HENRY COUNTY,  
GEORGIA. THIS PROPERTY IS NOT PART OF A SUBDIVISION  
AND IS NOT LOCATED IN  
A FLOOD HAZARD AREA ACCORDING TO THE  
FEMA MAP DATED JUNE 2002.  
PROPERTY IS SERVED BY COUNTY  
WATER.  
PROPERTY-OWNER: LAMAR WILSON  
ADJACENT: RIDGE STREET

JOB NO: 10355 DRAWING BY: JCE CHECKED BY: *KK*





Parcel ID	L03-01026000	Class	R	Owner	TODD ELIZABETH W &	Land	\$22500				
Property		Acraege	n/a	Address	DURHAM LISA W	Value:					
Address					20648 EAGLEWOOD	Building	\$0	Last 3 Sales			
District	City/Locust Grove				FOREST DR	Value:		Date	Price	Reason	Qual
					PORTER TX 77365	Misc	\$0	12/28/2017	\$0	FAMILY/GIFT	U
						Value:		7/19/2007	\$0	n/a	U
						Total	\$22500				
						Value:					

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

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

Developed by Schneider  
 GEOSPATIAL

*DP 103.5 1A 161*  
*DP 103.5 1A 161*



**Franks & White, LLC**

Real Estate Services

200 Willis Dr.

Stockbridge, GA 30281

770-477-5959

GA R. E. License # 47160

08/04/2023

To Mayor, Council and Staff,

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

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

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

08-04-2023

Date:

## City Water and Sewer Service Capacity Form:

---

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

Applicant: Elizabeth W. Todd

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

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

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

For commercial, amount of square feet: \_\_\_\_\_

Estimated water usage: \_\_\_\_\_ (GALLONS)

Estimated sewer usage: \_\_\_\_\_ (GALLONS)

### **STAFF ANALYSIS**

Is this project within current water and sewer delivery area: \_\_\_\_\_

Does the project have access to adequate water supply: \_\_\_\_\_

Does city have adequate sewer treatment capacity for this project: \_\_\_\_\_

Are any improvements required as a result of this project: \_\_\_\_\_

If so, what types of improvements are necessary

**EXHIBIT C**

# Henry Herald

38 Sloan Street  
McDonough, Georgia 30253

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

## PUBLISHER'S AFFIDAVIT

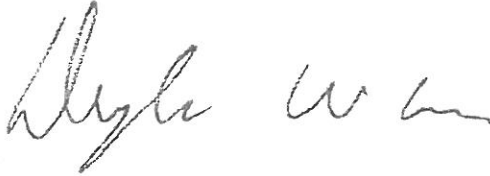
STATE OF GEORGIA  
COUNTY OF HENRY

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

Ad No.: 420320

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

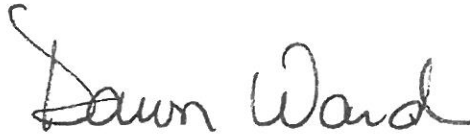
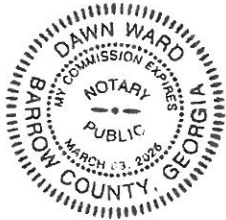
a true copy of which is hereto attached, was published in said newspaper on the following date(s):  
07/03/2024



---

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

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



---

Notary Public  
My commission expires 03/03/2026

Ad text :  
Hdh4889  
gpn16

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

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

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

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

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

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

**AFFIDAVIT OF SIGN POSTING**

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

1.

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

2.

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

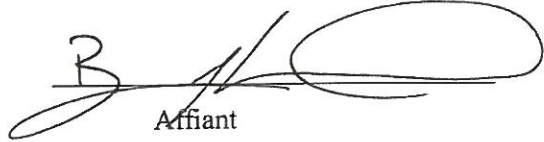
3.

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

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

FURTHER AFFIANT SAYETH NOT.

This is the 2<sup>nd</sup> day of July 2024.

  
Affiant

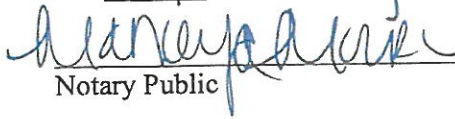
Sworn and subscribed before me  
this 2nd day of July, 2024  
  
Notary Public





Exhibit "A"







**FRANKS & WHITE**  
**FOR SALE**  
Real Estate Services  
**770-477-5959**  
[www.franksandwhite.com](http://www.franksandwhite.com)  
Rob Franks 770-231-6147

**PUBLIC**  
**NOTICE**



#### EXHIBIT D

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

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