

AGENDA ITEM SUMMARY
March 2, 2023 City Council Workshop
Item Number: 8



Presented by: Charles Reese

Department: Community Development Department

ITEM SUMMARY:

The request for Case #220812 (**Marc Smith for Lake Dow Retail Development**) is to rezone property from C-2 (Central Commercial) to C-3 (Highway Commercial). The subject property is located at 937 Hwy 81 E., and further recognized as Tax Parcel ID #123A02007000.

SPECIAL CONSIDERATIONS OR CONCERNS:

Said application is to be processed in accord with schedule herein:

02/14/23	Planning Commission Workshop
03/02/23	City Council Workshop Review
03/14/23	Planning Commission "Public
03/20/23	City Council "Public Hearing"

STAFF RECOMMENDATION:

PENDING FINAL STAFF REPORT and Planning Commission Public Review

FINANCIAL IMPACT: N/A

FUNDING SOURCE:

Line Item: N/A

ATTACHMENTS:

- P/Z Initial Staff Report

OTHER DEPARTMENTAL REVIEW NEEDED:

Yes-Pending Review and Comments

OTHER DEPARTMENTAL REVIEW



City of McDonough
Community Development Department
136 Keys Ferry Street, 3rd Floor
McDonough, GA 30253
Phone (678) 432-4622
Fax (678) 432-4665

MEMORANDUM

February 6, 2023

TO: City and County Reviewing Agencies

CC: Municipal Planning Commission Members

FROM: Tina Tebo, Executive Assistant to Community Development Director

SUBJECT: Initial Review of Proposed Petition(s) Request – Case #220812

Please see the below information along with the attached supporting documents for your review and comments. Please contact me with any questions.

Applicant: Marc Smith of Trinity McDonough, LLC. for Lake Dow Retail Development

Request: **Rezone property to C-3 (Highway Commercial)**

Zoning History: **C-2 (Central Commercial) with conditions per ORD #05-07-18001(Z)**

Tax-Parcel ID#: 123A-02007000

Address: 937 Hwy. 81 E.

Tract Size: 3.77 +/- acres

Location: Land Lot(s) 152 of the 7th District

Infrastructure: Water & Sewer Service: Henry County Water Authority
Electrical Service: Snapping Shoals
Telephone: Bellsouth
Cable: Charter

Attachments:

TRINITY MCDONOUGH, LLC
6312 KINGSTON PIKE, SUITE C
KNOXVILLE, TN 37919
865-599-0455
MARC@TRINITYDEVINC.COM

Letter of Intent

Trinity McDonough, LLC has under contract the Cheryl Tate property at 937 Highway 81 in McDonough. It is currently zoned C-2 with conditions. When the Tate's rezoned the property in 2005 they indicated they wanted to potentially build a tire store on their land as Larry Tate was in the tire business in several locations. It appears several conditions were attached to the notes from the zoning hearing and tire stores and oil change stores were not specifically called out even though the C-2 zoning classification allows them.

We are asking for this property to be rezoned to C-3 to be consistent with the other property we own on Highway 81 to the west of this parcel and to be consistent with the property to the north of this parcel that is zoned C-3. This would have all the property along Highway 81 that we intend to develop zoned C-3. We intend to build have a tire store and oil change facility on this property and have deals with national retailers for it.

Thank you for your consideration.



Marc Smith

Chief Manager, Trinity McDonough, LLC

[illegible]

STANDING SEAM: DRAWN	THREE ONE HALF GUT WINTER 1987 11 YEAR WARRANTY, 10 YEAR FLUOROCARBON STEEL, "CHAMPAGNE METALLIC," UNDERCOAT & FRAME TO BE PAINTED SW 6152 "SUPERIOR BRONZE"
ROOF SHINGLES	ONKAS CORRODING DURATION SERIES "DREYFOLD"
MISC. ROOF VENTS, DOWNSPOUTS, E.T.C.	FIELD PAINT SHERWIN-WILLIAMS SYNTH "AQUADUR" BARRIER "SIERRA TAN"
BUTTER DOWNSPOUTS, FASCIA, EXTERIOR SOFFIT, EXPOSED TRIM	BARRIER "SIERRA TAN"

304 LTP WINNER TIEBOLD JT SERIES CLEAR ANODIZED ALUMINUM STOREFRONT SYSTEM w/ 1" INSULATED GLAZING.	FIELD PAINT SHERIDAN WILLIAMS SW-73 IS "HOMESTEAD BROWN". PROVIDE MOCK-UP AND VERIFY COLOR WINNER
STOREFRONT SYSTEM:	
H.M. DOORS & FRAMES:	
O.H. DOOR FINISH:	CLEAR ANODIZED ALUMINUM

**RENDERED ELEVATIONS - 3BAY
STANDARD - STONE & BRICK**

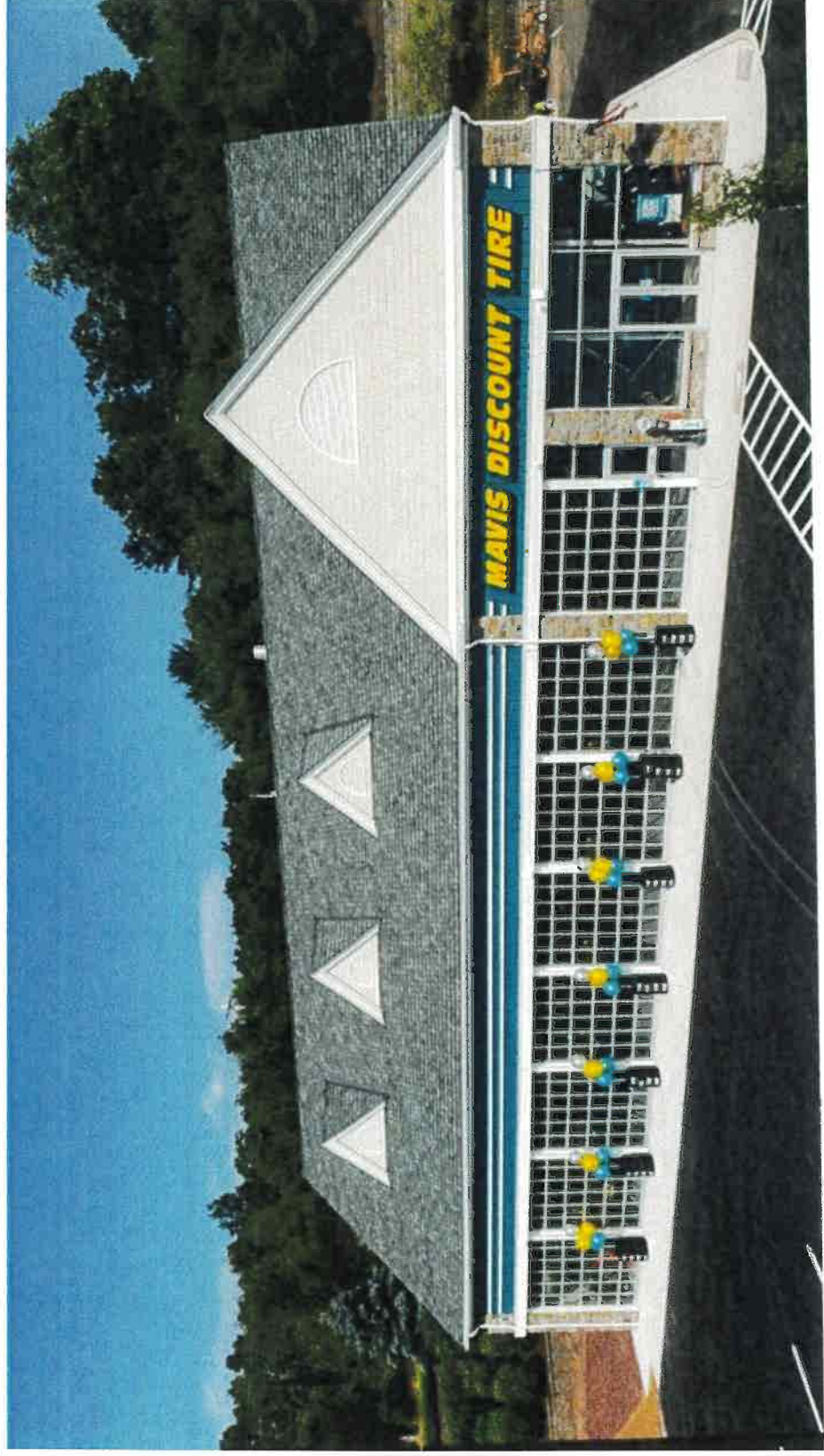
DATE	ISSUE RECORD
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Project No: #####

MAVIS EXTERIORS



HARLEYSVILLE, PA

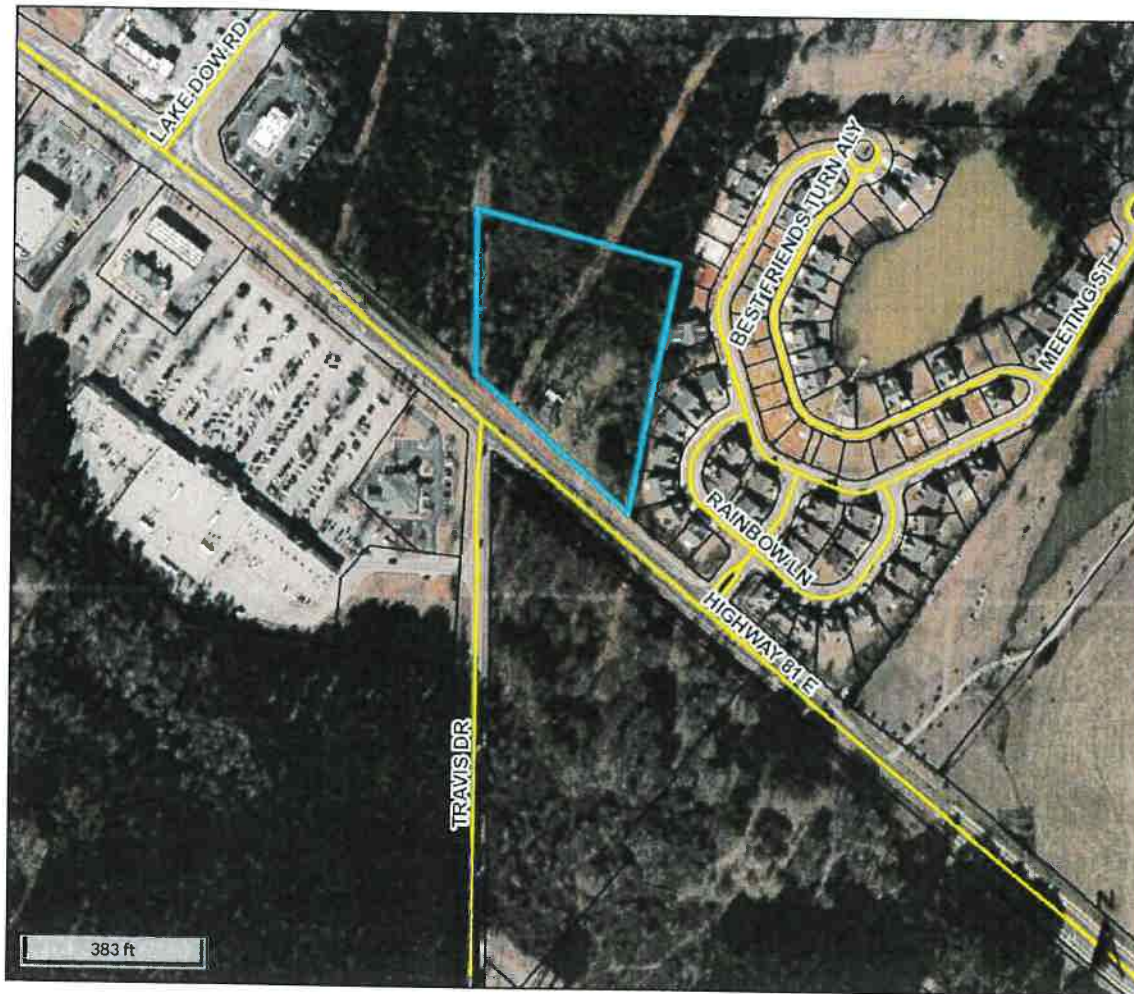


MARMORA, NJ

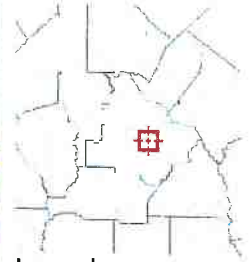


WEBSTER, NY





Overview



Legend

- Parcels
- Roads

Parcel ID	123A02007000	Class	R	Owner	TATE CHERYL	Land					
Property	937 HIGHWAY	Acreage	3.77	Address	3101 PEEKSVILLE RD	Value:	\$184,700				
Address	81 E				LOCUST GROVE GA	Building					
District	City/McDonough				30248	Value:	\$151,500	Last 2 Sales			
						Misc		Date	Price	Reason	Qual
						Value:	\$0	3/21/2003	\$550,000	n/a	U
						Total		10/1/1986	\$97,000	n/a	Q
						Value:	\$336,200				

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.

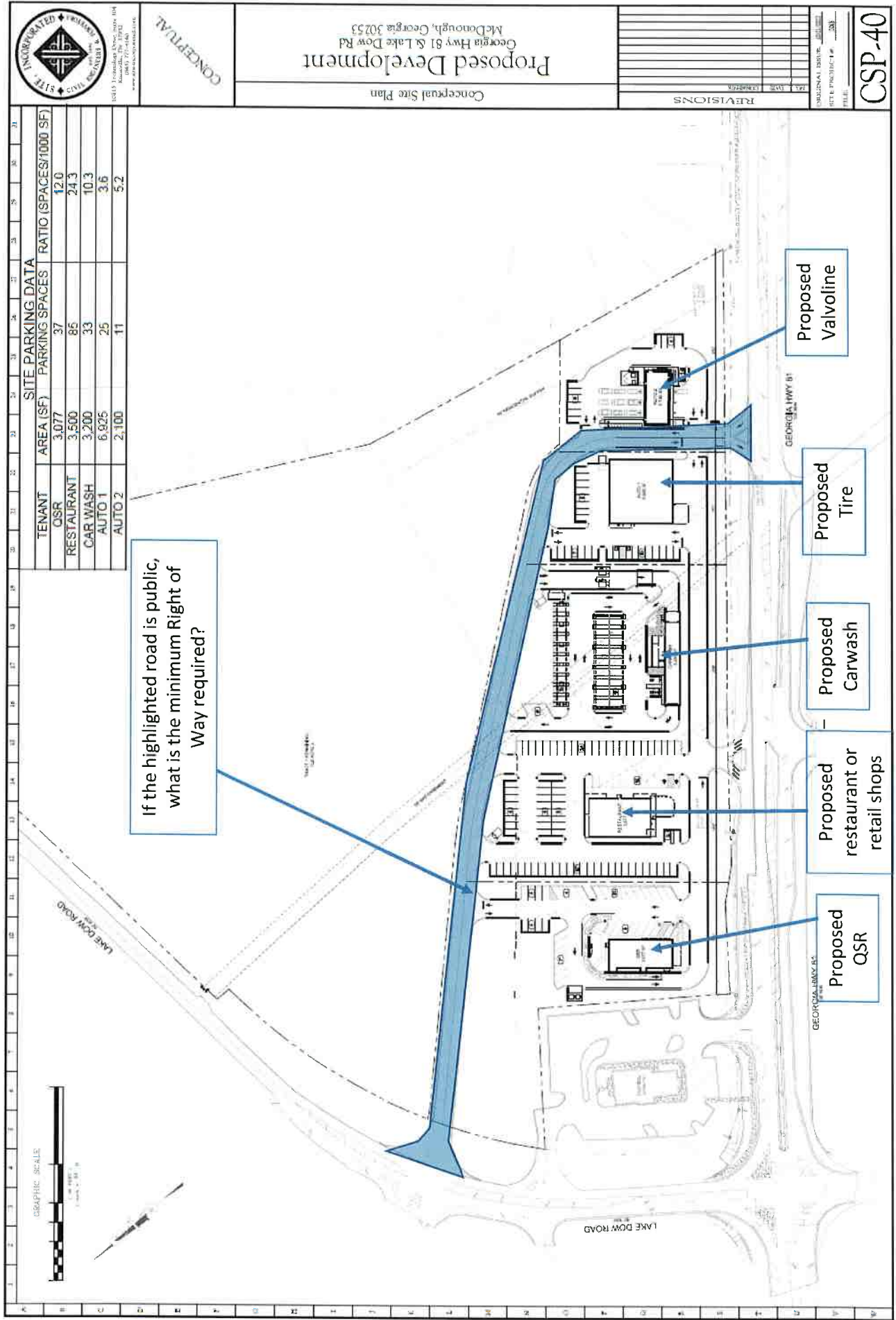
Date created: 8/23/2022

Last Data Uploaded: 8/23/2022 2:20:06 AM

Developed by  **Schneider**
GEOSPATIAL

[illegible]

10.25.22





AGENDA ITEM SUMMARY
March 2, 2023 City Council Workshop
Item Number: 9

Presented by: Charles Reese

Department: Community Development Department

ITEM SUMMARY:

The request for Case #230101 (**Chelsey Pippin for the Pippin Home**) is to rezone property to from O-I (Office Institutional) to R-85 (Single Family Residential) for residential use. The subject property is located at 87 Sims St., and further recognized as Tax Parcel ID #M19-04003000.

SPECIAL CONSIDERATIONS OR CONCERNS:

Said application is to be processed in accord with schedule herein:

02/14/23	Planning Commission Workshop
03/02/23	City Council Workshop
03/14/23	Planning Commission Public Review
03/20/23	City Council Public Hearing

STAFF RECOMMENDATION:

PENDING FINAL STAFF REPORT and Planning Commission Public Review

FINANCIAL IMPACT: N/A

FUNDING SOURCE:

Line Item: N/A

ATTACHMENTS:

- P/Z Initial Staff Report

OTHER DEPARTMENTAL REVIEW NEEDED:

Yes-Pending Review and Comments

OTHER DEPARTMENTAL REVIEW



**City of McDonough
Community Development Department
136 Keys Ferry Street, 3rd Floor
McDonough, GA 30253
Phone (678) 432-4622
Fax (678) 432-4665**

MEMORANDUM

February 6, 2023

TO: City and County Reviewing Agencies

CC: Municipal Planning Commission Members

FROM: Tina Tebo, Executive Assistant to Community Development Director 

SUBJECT: Initial Review of Proposed Petition(s) Request – Case #230101

Please see the below information along with the attached supporting documents for your review and comments. Please contact me with any questions.

Applicant: Chelsey Pippin for the Pippin Home.

Request: A petition to rezone property to R-85 (Single Family Residential) for residential use.

Zoning History: O-I (Office Institutional) with conditions and variances per ORD #05-05-16001(Z)

Tax-Parcel ID#: M19-04003000

Address: 87 Sims St.

Tract Size: Approximately 0.298 +/- acres

Location: Land Lot(s) 134 of the 7th District

Infrastructure: Water & Sewer Service: City of McDonough
Electrical Service: Georgia Power
Telephone: TBD
Cable: TBD

Attachments:

Chelsey Pippin

87 Sims St.
McDonough, GA 30253
(404)798-0200
chelseydellinger@gmail.com

20 November, 2022

To the Board of Commissioners,

I am writing on behalf of my family to request the rezoning of 87 Sims St. McDonough, GA, 30253, from Office and Industrial to Residential. The previous owner, an attorney by trade, had the property rezoned to Office and Industrial some ten years ago as a personal office space and made the minimal changes for approval. It is our intent to convert the zoning back to a Residential status for use as a single family home and for use as our primary residence.

Sincerely,

Chelsey D. Pippin

Jonathan A. Pippin

From: Chelsey Dellinger chelseydellinger@gmail.com
Subject: Street View
Date: Nov 30, 2022 at 14:26:39
To: Chelsey Dellinger chelseydellinger@gmail.com



[WEBSITE](#) | [FACEBOOK](#) | [INSTAGRAM](#)



SR 155

SIMS STREET (SR 155) 60'R/W 36' PAVEMENT

Distance to John Frank
Ward Blvd = 1000'±

Distance to Lawrenceville St. = 500' ±

M/F Mildred Hubbard
79 Sims Street
Zoning: R-100

N/F H. C. Probate
98 Sims Street
Zioning R-100

N/E J. P. Price, Sr.
195 Lawrenceville St.
Zoning: R-100

GENERAL PROJECT NOTES:

- 1 PROJECT NAME: 27 SIXTH STREET
2 CURRENT ZONING: O-1 VW CONDITIONS.
3 DIMENSIONS: 103'-05" (150'11") MIN. WIDTH = 75'

REAR 30

(* SETBACK - 50' ADJACENT TO RESIDENTIAL)
 A. L. #134, 7th DIST. CITY OF McDONOUGH. HENRY
 11/10/2007 11:00:00

THOM

THOMAS CARR
THOMAS DEYANNE CARR, PC

PO BOX 1383

PH: (770) 957-7611 FAX: (770) 957-5455

3. ENGINEER: **DIVSmith Design Group, Inc.**

D. WAYNE SMITH, PE
35 HANCOCK STREET

20 PARKVIEW STREET
MCDONOUGH, GA 30253

PH. (678) 583-6920 FAX: (678) 583-6921
1 TOTAL SITE AREA: 0.298 ACRES

PARKING REQUIRED = 1354/200 = 7 SPACES.
CARVING PROVIDED = 4, INCLUDING GARAGE

BOUNDARY INFORMATION TAKEN FROM

SURVEY BY VAUGHAN & DROE SURVEYORS, INC.
DATED 2/19/05

1 TOPOGRAPHIC INFORMATION TAKEN FROM
2
3 SURVEY BY WALSH & DRAKE SURVEYORS, INC.

DATED 10/15/06.

1. I AND SHE IS NOT BOARDED IN THE
 1.000 PLAN PER FEMIA COMMUNITY PLANET #

130342 0001 A DATED DECEMBER 28, 1979.
12. WATERSEWER SERVICE CITY OF McDONOUGH

12. NO WORK MAY BE PERFORMED ON GDOT ROAD WITHOUT A VALID PERMIT FROM GDOT

NO STATE WATERS WITHIN 200 OF PROJECT

PERMIT DRAWINGS for
87 Sims Street

11. JIM, JR. DISTRICT, CITY OF McDONOUGH, HENRY COUNTY
Thomas DeVane Carr, PC
 1000 NORTH ALLEN AVE. SUITE 2000 WILLOW SPRING, ILL. 60090-3414 FAX: (708) 541-1444

SITE PLAN

SITE PLAN

DWSmith Design Group, Inc.

Land Planning Civil Engineering Landscape Architecture

23 Hampton Street, McDonough, Georgia 30253

PHONE: (678) 583-5960 FAX: (678) 583-5961



AGENDA ITEM SUMMARY
March 2, 2023 City Council Workshop
Item Number: 10

Presented by: Charles Reese

Department: Community Development Department

ITEM SUMMARY:

The request for Case #230103 (**Brian Brakefield for Eastwood City Project**) is to rezone property from O-I (Office Institutional) to C-1 (Neighborhood Commercial). The subject property is located at 20 Jonesboro St., and further recognized as Tax Parcel ID #M09-04003000.

SPECIAL CONSIDERATIONS OR CONCERNS:

Said application is to be processed in accord with schedule herein:

02/14/23	Planning Commission Workshop
03/02/23	City Council Workshop
03/14/23	Planning Commission Public Review
03/20/23	City Council Public Hearing

STAFF RECOMMENDATION:

PENDING FINAL STAFF REPORT and Planning Commission Public Review

FINANCIAL IMPACT: N/A

FUNDING SOURCE:

Line Item: N/A

ATTACHMENTS:

- P/Z Initial Staff Report

OTHER DEPARTMENTAL REVIEW NEEDED:

Yes-Pending Review and Comments

OTHER DEPARTMENTAL REVIEW



**City of McDonough
Community Development Department
136 Keys Ferry Street, 3rd Floor
McDonough, GA 30253
Phone (678) 432-4622
Fax (678) 432-4665**

MEMORANDUM

February 6, 2023

TO: City and County Reviewing Agencies
CC: Municipal Planning Commission Members
FROM: Tina Tebo, Executive Assistant to Community Development Director
SUBJECT: Initial Review of Proposed Petition(s) Request – Case #230103

Please see the below information along with the attached supporting documents for your review and comments. Please contact me with any questions.

Applicant: Brian Brakefield for Eastwood City Project
Request: To rezone property to C-1 (Neighborhood Commercial)
Zoning History: O-I (Office Institutional) per ORD #97-11-17R
Tax-Parcel ID#: M09-04003000
Address: 20 Jonesboro St.
Tract Size: .378
Location: Land Lot(s) 134 of the 7th District
Infrastructure: Water & Sewer Service: City of McDonough
Electrical Service: Georgia Power
Telephone: n/a
Cable: n/a
Attachments:

Letter of Intent

20 Jonesboro St.
McDonough, Ga. 30253

January 4, 2023

Mayor and Council,

I have not been satisfied with the quality of potential tenants that have approached me under the current Office/Institute (O&I) zoning. Rezoning this property to a higher commercial zoning classification will allow me to market my property to a more diverse tenant pool.

A C-1 zoning is consistent with neighboring downtown McDonough properties. Downtown McDonough would benefit overall from the additional foot traffic and tax revenue that a retail or spa business occupying my property would attract.

This is a historic property with high-visibility located just steps from the Welcome Center. Its highest and best use is not being met under the current zoning.

I would appreciate your support and approval to rezone this property to C-1.

Respectfully,

Brian Brakefield

A handwritten signature in black ink, appearing to read 'B. Brakefield', with a long, sweeping horizontal stroke extending to the right.



SURVEY MADE FOR:
KMA BUSINESS SOLUTIONS
 PROPERTY LOCATED IN:
 LAND LOT 134 * 7TH DISTRICT
 HENRY COUNTY, GEORGIA
 Scale: 1" = 30' * 09-24-2007



THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USES OF THAT NAME APPEARING IN THE TITLE BLOCK AND IS CERTIFIED TO NO OTHER PARTY.

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

NOTE:
 PROPERTY IS LOCATED IN THE WALNUT CREEK WATER SHED PROTECTION DISTRICT. PROPERTY IS PART OF A SUBDIVISION THIS PROPERTY IS NOT LOCATED IN A WETLAND AREA.
 PROPERTY IS SERVED BY ~~CITY~~ CITY WATER. THIS PROPERTY DOES NOT HAVE BOARDS OF WATER ON THE PROPERTY. PROPERTY OWNER: KMA BUSINESS SOLUTIONS. ADDRESS: 20 JONESBORO STREET

BASED ON THE INFORMATION SHOWN ON THE FLOODED HAZARD BOUNDARY MAPS FURNISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, IT IS MY OPINION THAT THIS PROPERTY IS OUTSIDE OF THE 100 YEAR FLOOD HAZARD AREA. THE 100 YEAR FLOOD HAZARD AREA PANEL # 134A-0189-2
 DATE 05-18-2006

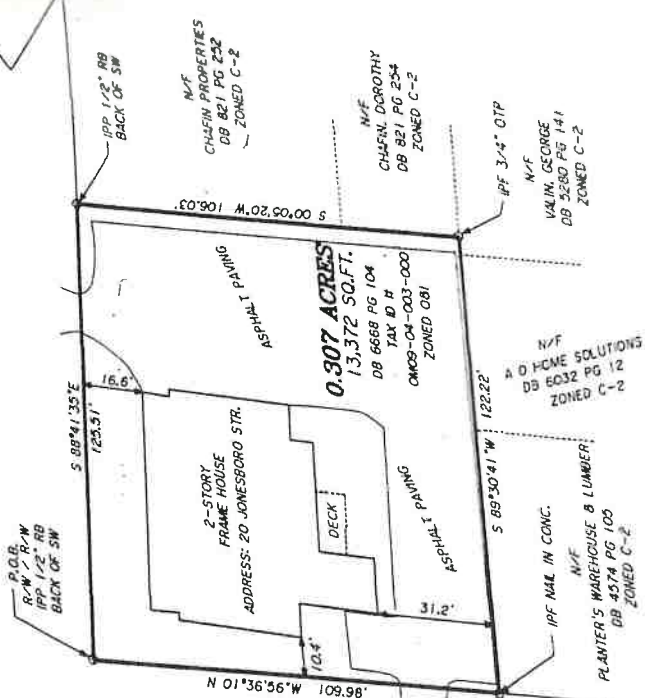
THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 126,329 FEET.
 SURVEY MADE BY POSITION ONLY, NO CLOSURE MADE.

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

PREPARED BY:
 SOUTHERN SURVEYORS
 394 GRIFFIN STREET
 MCDONOUGH GA., 30253
 PHONE # (770) 957-4614

JONESBORO STREET
 R/W VIRES ASPHALT PAVING

TARPLEY STREET
 30' R/W ASPHALT PAVING



REFERENCE INFORMATION TAKEN FROM DEED BOOK 4574 PAGE 105, DEED BOOK 6668 PG 12, & DEED BOOK 6668 PAGE 104 OF HENRY COUNTY RECORDS.



City of McDonough

CHECKED BY KERI

JOB # 091707HR



AGENDA ITEM SUMMARY
March 2, 2023 City Council Workshop
Item Number: 11

Presented by: Charles Reese

Department: Community Development Department

ITEM SUMMARY:

The request for Case #230104 (**Turner Church Rd.-Weekley Project**) is to rezone property from RA-200 (Residential Agricultural) to R-50 (Single Family Residential). The subject property is located at 343 Turner Church Rd., and further recognized as Tax Parcel ID #105-01061000 & #105-01061003.

SPECIAL CONSIDERATIONS OR CONCERNS:

Said application is to be processed in accord with schedule herein:

02/14/23	Planning Commission Workshop
03/02/23	City Council Workshop
03/14/23	Planning Commission Public Review
03/20/23	City Council Public Hearing

STAFF RECOMMENDATION:

PENDING FINAL STAFF REPORT and Planning Commission Public Review

FINANCIAL IMPACT: N/A

FUNDING SOURCE:

Line Item: N/A

ATTACHMENTS:

- P/Z Initial Staff Report

OTHER DEPARTMENTAL REVIEW NEEDED:

Yes-Pending Review and Comments

OTHER DEPARTMENTAL REVIEW



City of McDonough
Community Development Department
136 Keys Ferry Street, 3rd Floor
McDonough, GA 30253
Phone (678) 432-4622
Fax (678) 432-4665

MEMORANDUM

February 6, 2023

TO: City and County Reviewing Agencies

CC: Municipal Planning Commission Members

FROM: Tina Tebo, Executive Assistant to Community Development Director 

SUBJECT: Initial Review of Proposed Petition(s) Request – Case #230104

Please see the below information along with the attached supporting documents for your review and comments. Please contact me with any questions.

Applicant: Stephen Moore of Moore Bass for Turner Church Rd. – David Weekley Project.

Request: A petition to rezone property to R-50 (Single Family Residential).

Zoning History: RA-200 (Residential Agricultural) with conditions per ORD # 21-11-15002(A)(Z)

Tax-Parcel ID#: 105-01061000 & 105-01061003

Address: 343 Turner Church Rd.

Tract Size: 151.76 +/- acres

Location: Land Lot(s) 71, 72, 89 & 90 of the 7th District

Infrastructure: Water & Sewer Service: City of McDonough
Electrical Service: Snapping Shoals
Telephone: TBD
Cable: TBD

Attachments:



Land Use Planning • Engineering Design • Environmental Permitting • Landscape Architecture • Surveying

January 3, 2023

Charles Reese
Community Development Director
Community Development Department
City of McDonough
136 Keys Ferry Street
McDonough, GA 30253

RE: LETTER OF INTENT
Turner Church Road Property – 343 Turner Church Rd.
Rezoning +/- 151.76 acres

Dear Charles.

This document is intended to serve as the Letter of Intent for the rezoning of the above referenced property, located on the north side of Turner Church Road, between Georgia Hwy 155 and Georgia Hwy 20. Further descriptions of the proposed actions associated with each property are below:

Property to be rezoned from RA to R-75 (RGP)

Part of Parcel ID - 105-01061000 Address - 343 TURNER CHURCH RD Owner - TJW ENTERPRISES LLLP Acres – 147.92 acres; and	Part of Parcel ID - 105-01061003 Address - 343 TURNER CHURCH RD Owner - TJW ENTERPRISES LLLP Acres – 3.84
Total property to be rezoned: 151.76 acres	

The subject property is currently located in unincorporated Henry County and the request is to rezone from Henry County's zoning designation of RA-200 to R-50. Should you have any questions concerning the above information, please do not hesitate to call me at (770) 914-9394.

Sincerely,

Moore Bass Consulting, Inc.

A handwritten signature in black ink, appearing to read 'Stephen D. Moore', is written over a horizontal line.

Stephen D. Moore

Buckhorn A (B329)



Buckhorn B (B329)



Buckhorn C (B329)



Buckhorn D (B329)



Ransdall A (B330)



Ransdall B (B330)



Ransdall C (B330)



Ransdall D (B330)



Ransdall E (B330)

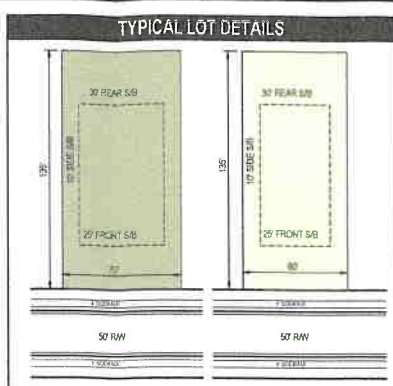




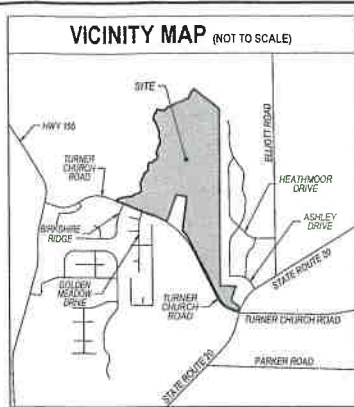
SITE INFORMATION			
SUBJECT PROPERTY INFORMATION			
PARCEL NO (PIN)	TOTAL AREA	TO BE REZONED	
PIN 105-01061000	150.76 AC	147.92 AC	
PIN 105-01061003	6.64 AC	3.84 AC	
TOTAL	157.40 AC	151.76 AC	
AREA TO BE REZONED		151.76 AC	
CURRENT ZONING		RA-200	
PROPOSED ZONING		R-50	
BOUNDARY SOURCE		BOUNDARY SURVEY BY MOORE BASS CONSULTING, INC.	
TOPOGRAPHIC SOURCE		HENRY COUNTY G.I.S.	
PROJECT UTILITIES			
WATER		CITY OF MCDONOUGH	
SEWER		CITY OF MCDONOUGH	

OWNER / DEVELOPER	
OWNER	TJW ENTERPRISES, LLLP
ADDRESS	P.O. BOX 371 MCDONOUGH, GA 30253
DEVELOPER / APPLICANT	DAVID WEEKLEY HOMES, LLC
ADDRESS	5775 GLENRIDGE DRIVE NE BUILDING B, SUITE 210 ATLANTA, GA 30328
PHONE	678-622-2857
CIVIL ENGINEER	
NAME	MOORE BASS CONSULTING, INC.
ADDRESS	1350 KEYS FERRY CT. MCDONOUGH, GA 30253
PHONE	PH: (770) 914-9394 FAX: (770) 914-9596
SURVEYOR	
NAME	MOORE BASS CONSULTING, INC.
ADDRESS	1350 KEYS FERRY CT. MCDONOUGH, GA 30253
PHONE	PH: (770) 914-9394 FAX: (770) 914-9596

PROPOSED DEVELOPMENT SUMMARY				
PROJECT NAME	WADE FARM			
PROPOSED ZONING	R-50			
PROPOSED USE	LOT WIDTH	LOT AREA	SETBACKS	QUANTITY
SINGLE-FAMILY DETACHED	70' WIDE	9,000 SF MIN	FRONT: 25', SIDE: 10', REAR: 30'	156 UNITS
SINGLE-FAMILY DETACHED	60' WIDE	8,000 SF MIN.	FRONT: 25', SIDE: 10', REAR: 30'	125 UNITS
			TOTAL	281 UNITS
PROPOSED DENSITY	281 UNITS / 151.8 AC.		1.85 UNITS PER ACRE	
OPEN SPACE REQUIRED	20% OF DEVELOPMENT AREA		NET OPEN SPACE REQUIRED	30.4 AC.
OPEN SPACE PROVIDED			OVERALL	74.2 AC.
			LESS FLOODPLAIN / WETLAND AREAS	- 24.4 AC.
			PROPOSED NET OPEN SPACE AREA	49.8 AC.
			PROPOSED OPEN SPACE AREA AS A % OF SITE	48.9%



OPEN SPACE LEGEND	
TOTAL OPEN SPACE PROPOSED	74.2 AC. AREA (48.9% OF SITE)
PORTION OF OPEN SPACE WITHIN FLOODPLAIN	24.4 AC.
PROPOSED PARK / AMENITY AREAS	9.4 AC.

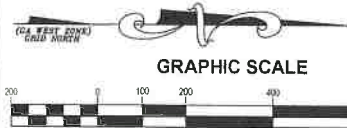


MB
Moore Bass Consulting, Inc.

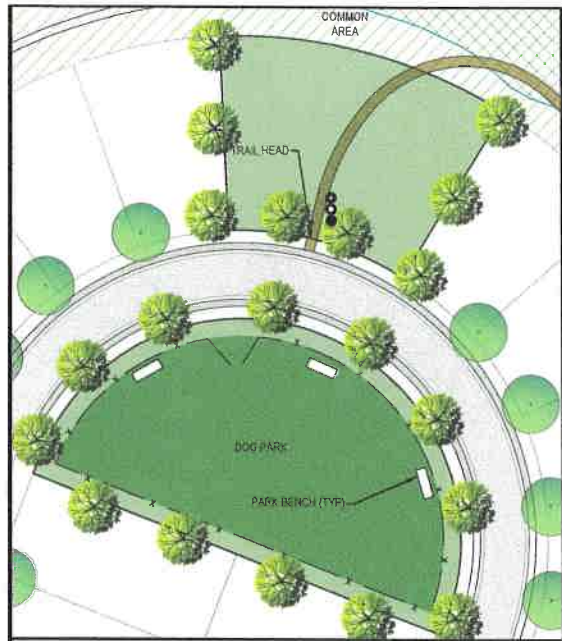
- Civil Engineering
- Land Surveying
- Development Consulting
- Landscape Architecture
- Environmental Permitting

www.moorebass.com
TALLAHASSEE • ATLANTA

1350 Keys Ferry Court
McDonough, GA 30253
770.914.9394



PROJECT NAME	
WADE FARM MCDONOUGH, GEORGIA	
CLIENT NAME	
DAVID WEEKLEY HOMES, LLC 5775 GLENRIDGE DRIVE, NE, BUILDING B, STE 210 ATLANTA, GA 30328	
REVISIONS	
A3657.0002-REZ-2	
DATE	12-15-2002
CONTRACT #	
DRAWN BY	DW/SDM
The Drawings, Specifications and other documents prepared by Moore Bass Consulting, Inc. (MBC) for this project are intended to be used only for the project and site shown. Any use of these drawings for any other project or site without the written consent of MBC is strictly prohibited. MBC shall not be responsible for any errors or omissions in these drawings or for any consequences arising therefrom.	
TALLAHASSEE, FL 32310	
SEAL	
SHEET TITLE	
CONCEPTUAL MASTER PLAN	
SHEET	
1	



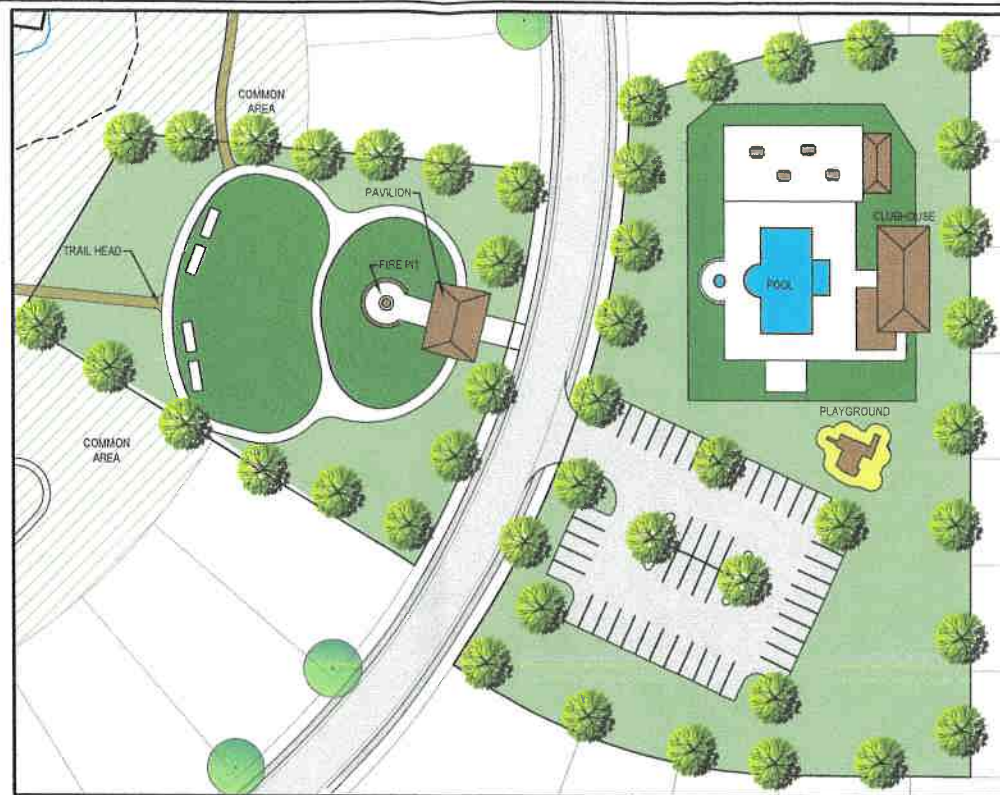
AMENITY AREA ③

- TRAIL ACCESS
- DOG PARK
- PARK BENCHES



AMENITY AREA ②

- TRAIL ACCESS
- MAIL KIOSK
- PARK BENCHES

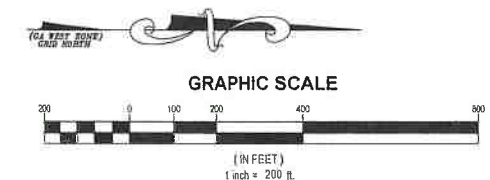
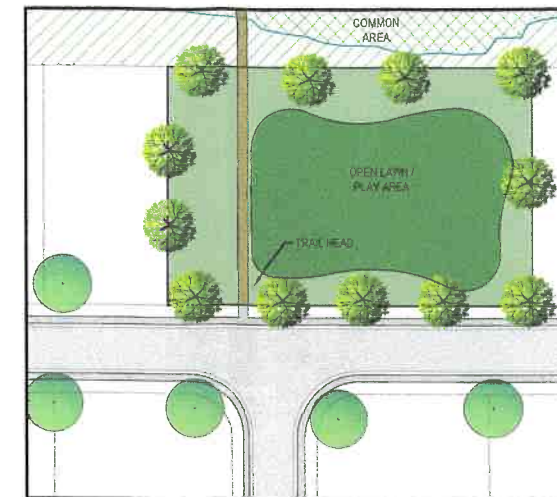


AMENITY AREA ④

- POOL
- CLUBHOUSE
- PLAYGROUND
- GRILLING AREA
- TRAIL ACCESS
- PARK BENCHES
- PAVILION
- FIRE PIT

AMENITY AREA ⑤

- TRAIL ACCESS
- OPEN LAWN



AMENITY AREA ①

- OPEN LAWN
- PARK BENCHES



AMENITY AREA ⑦

- DOG PARK
- PARK BENCHES
- TRAIL ACCESS

AMENITY AREA ⑥

- PICKLEBALL
- GAZEBO
- PLAYGROUND
- TRAIL ACCESS
- PARKING AREA



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PROJECT NAME	WADE FARM MCDONOUGH, GEORGIA																						
CLIENT NAME	DAVID WEEKLEY HOMES, LLC 5775 GLENRIDGE DRIVE, NE, BUILDING B, STE 210 ATLANTA, GA 30328																						
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A3867.0002-REZ-2 DATE: 12-15-2022 CONTRACT # DRAWN BY: DWISDM The drawings, specifications and other documents prepared by Moore Bass Consulting, Inc. shall be used only for the project and site named herein. Any other use without the express written consent of Moore Bass Consulting, Inc. is prohibited. We shall be deemed to have accepted the responsibility for the design and construction of the project and shall not be responsible for any errors or omissions in the drawings and specifications or for any consequences arising therefrom, including but not limited to, the construction of the project and the safety of the project. 1350 KEYS FERRY COURT MCDONOUGH, GA 30253 770.914.9394																							
SEAL	SHEET TITLE																						
SHEET	OPEN SPACE / AMENITY PLAN																						
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STATE OF GEORGIA
CITY OF MCDONOUGH

ORDINANCE NO. _____

**AN ORDINANCE AMENDING TITLE 9, PUBLIC PEACE, MORALS AND WELFARE,
OF THE CITY CODE OF ORDINANCE; PROHIBITING PANHANDLING;
PRESERVING THE HEALTH AND WELFARE OF THE CITY AND FOR OTHER
LAWFUL PURPOSES**

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

WHEREAS, the duly elected governing authority of the City are the Mayor and Council (“City Council”) thereof;

WHEREAS, the City is authorized pursuant to Section 2.17(b) of the City Charter to adopt ordinances resolutions, rules and regulations deemed necessary, expedient, or helpful for the good order, welfare, prosperity and well-being of the City;

WHEREAS, the City desires to prohibit panhandling through this Ordinance; and

WHEREAS, the City Council finds this Ordinance to be in the best interest of the health, safety and welfare of the City.

THE COUNCIL OF THE CITY OF MCDONOUGH HEREBY ORDAINS as follows:

Section 1. Title 9, Public Peace, Morals and Welfare, of the City of McDonough Code of Ordinances is hereby amended by creating a new Section 9.08.140, Panhandling, which shall read as follows:

TITLE 9 - PUBLIC PEACE, MORALS AND WELFARE

CHAPTER 9.08 - MISCELLANEOUS OFFENSES

...

SEC. 9-08.140 – Panhandling.

- A. Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

“*Accosting*” means approaching or speaking to someone in such a manner as would cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon his person, or upon the property in his immediate possession.

“Aggressively panhandle” means and includes:

1. Intentionally or recklessly making any physical contact with or touching another person or his vehicle in the course of the solicitation without the person's consent;
2. Following the person being solicited, if that conduct is intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession, or is intended to, or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;
3. Continuing to solicit within five feet of the person being solicited after the person has made a negative response, if continuing the solicitation is intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession, or is intended to, or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;
4. Intentionally or recklessly blocking the safe or free passage of the person being solicited or requiring the person, or the driver of a vehicle, to take evasive action to avoid physical contact with the person making the solicitation. Acts legally authorized as an exercise of one's constitutional right to picket or legally protest shall not constitute obstruction of pedestrian or vehicular traffic;
5. Intentionally or recklessly using obscene or abusive language or gestures intended to or likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession, or words intended to, or reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;
6. Approaching the person being solicited in a manner that is intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession, or is intended to, or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation.

“Ask,” “beg” or “solicit” means and includes, without limitation, the spoken, written or printed word or such other acts as are conducted in furtherance of the purpose of obtaining alms.

“Forcing oneself upon the company of another” means continuing to request, beg or solicit alms from a person after that person has made a negative response, blocking the passage or the individual addressed or otherwise engaging in conduct which could reasonably be construed as intended to compel or force a person to accede demands.

“Public area” means an area to which the public or a substantial group of persons has access including, but not limited to, alleys, bridges, buildings, driveways, parking lots, parks, play grounds, plazas, sidewalks, and streets that are open to the general public

“Solicit” means to request an immediate donation of money or other thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other thing of value, including employment, business or contributions or to request the sale

of goods or services. The solicitation may be, without limitation, by the spoken, written, or printed word, or by other means of communication.

B. Prohibitions. It shall be unlawful for any person, firm, organization, or corporation to aggressively panhandle within any public area in the city. It shall additionally be unlawful for any person, firm, organization, or corporation to solicit funds and/or things of value for the sole benefit of the solicitor:

1. In any public transportation vehicle, or bus or subway station or stop;
2. Within 15 feet of any entrance or exit of any bank or check cashing business or within 15 feet of any automated teller machine during the hours of operation of such bank, automated teller machine or check cashing business without the consent of the owner or other person legally in possession of such facilities. Provided, however, that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility;
3. On private property if the owner, tenant, or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property;
4. From any operator of a motor vehicle that is in traffic on a public street, whether in exchange for cleaning the vehicle's windows, or for blocking, occupying, or reserving a public parking space; provided, however, that this paragraph shall not apply to services rendered in connection with emergency repairs requested by the operator or passengers of such vehicle;
5. Within 15 feet of the entrance to or exit from any public toilet facility;
6. Within 15 feet of any pay telephone, provided that when a pay telephone is located within a telephone booth or other facility, such distance shall be measured from the entrance or exit of the telephone booth or facility;
7. Within 15 feet of any bus stop or taxi stand;
8. From any person who is waiting in line for entry to any building, public or private including, but not limited to, any residence, business or athletic facility;
9. Within 15 feet of the entrance or exit from a building, public or private including, but not limited to, any residence, business, or athletic facility; or
10. Within any public right-of-way in the city.

C. Applicability. This code section regulates the time, place and manner of solicitations and shall not apply to any persons from exercising their clearly established constitutional right to picket, protest or engage in other constitutionally protected activity.

Section 2. *Instructions to City Clerk and Police Chief.* The City Clerk is hereby directed to forward a fully executed copy of this Ordinance to the Police Chief. The Police Chief is thereby instructed to cause for a copy of this Ordinance to be emailed to all City code law and code enforcement officers.

Section 3. It is hereby declared to be the intention of the City Council that:

- (a) All sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.
- (b) 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. No section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.
- (c) In the event that any phrase, clause, sentence, paragraph or section 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 phrases, clauses, sentences, paragraphs or sections of the Ordinance.

Section 4. The City Attorney and City Clerk are authorized to make non-substantive editing and renumbering revisions to this Ordinance for proofing and renumbering purposes.

Section 5. The effective date of this Ordinance shall be the date of adoption, unless provided otherwise by the City Charter, state and/or federal law.

BE IT SO ORDAINED, this ____ day of _____, 2023.

ATTEST:

CITY OF MCDONOUGH, GEORGIA:

Christy L. Taylor, City Clerk

Sandra Vincent, Mayor

APPROVED AS TO FORM:

Emilia C. Walker, City Attorney

STATE OF GEORGIA
CITY OF MCDONOUGH

ORDINANCE NO. _____

**AN ORDINANCE AMENDING TITLE 9, PUBLIC PEACE, MORALS AND WELFARE,
OF THE CITY CODE OF ORDINANCES; REGULATING CONVENIENCE STORE
LOITERING; PRESERVING THE HEALTH AND WELFARE OF THE CITY AND
FOR OTHER LAWFUL PURPOSES**

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

WHEREAS, the duly elected governing authority of the City are the Mayor and Council (“City Council”) thereof;

WHEREAS, the City is authorized pursuant to Section 2.17(b) of the City Charter to adopt ordinances, resolutions, rules and regulations deemed necessary, expedient, or helpful for the good order, welfare, prosperity and well-being of the City;

WHEREAS, the City desires to prohibit panhandling through this Ordinance; and

WHEREAS, the City Council finds this Ordinance to be in the best interest of the health, safety and welfare of the City.

THE COUNCIL OF THE CITY OF MCDONOUGH HEREBY ORDAINS as follows:

Section 1. Title 9, Public Peace, Morals and Welfare, of the City of McDonough Code of Ordinances is hereby amended by deleting Section 9.08.060, Loitering or prowling, in its entirety, and replacing it to read as follows:

TITLE 9 - PUBLIC PEACE, MORALS AND WELFARE

CHAPTER 9.08 - MISCELLANEOUS OFFENSES

...

Section 9.08.060, Prohibition against loitering or condoning the same.

~~**Section 9.08.060, Loitering or prowling.**~~

~~It is unlawful for any person to commit the offense of loitering or prowling.~~

~~A. A person commits the offense of loitering or prowling when one is in a place, at a time, or in a manner not usual for law-abiding individuals under the circumstances that~~

warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity.

~~B. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon the appearance of a law enforcement officer, refuses to identify himself or herself, or manifestly endeavors to conceal himself or herself or any object. Unless flight by the person or other circumstances makes it impracticable, a law enforcement officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm or immediate concern which would otherwise be warranted by requesting the person to identify himself or herself and explain his or her presence and conduct. No person shall be convicted of an offense under this section if the law enforcement officer failed to comply with the foregoing procedure, or if it appears at trial that the explanation given by the person charged was true and would have dispelled the alarm or immediate concern.~~

A. Definitions. The following words, terms and phrases, when used in this section, shall have the following meaning, except where the context clearly indicates a different meaning:

“*Convenience goods*” means basic food, household and/or pharmaceutical items.

“*Convenience store*” means any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and has less than ten thousand (10,000) square feet of retail floor space. Convenience store does not include any business where there is no retail floor space accessible to the public.

B. Loitering prohibited. It is unlawful for any person to commit the offense of loitering or prowling.

1. A person commits the offense of loitering or prowling when one is in a place, at a time, or in a manner not usual for law-abiding individuals under the circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity.

2. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon the appearance of a law enforcement officer, refuses to identify himself or herself, or manifestly endeavors to conceal himself or herself or any object. Unless flight by the person or other circumstances makes it impracticable, a law enforcement officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm or immediate concern which would otherwise be warranted by requesting the person to identify himself or herself and explain his or her presence and conduct. No person shall be convicted of an offense under this section if the law enforcement officer failed to comply with the foregoing procedure, or if it appears at trial that the

79 explanation given by the person charged was true and would have dispelled the alarm
80 or immediate concern.

81 **C. Condoning of loitering prohibited.** It shall be unlawful for the owner, manager and/or
82 operator of a convenience store to allow any person to loiter on or about the licensed
83 premises, without taking prompt action to cause for such loiterer to be removed from the
84 premises. The unlawful loitering of a person at a convenience store for a period of more
85 than 30 minutes shall constitute prima facie evidence that the owner, manager and/or
86 operator of the establishment is unlawfully condoning such prohibited conduct.

87 **D. Prominent display of loitering prohibition.** Convenience stores within the City
88 pursuant to this chapter shall cause for the following language to be prominently
89 displayed, in no less than 48-inch font, in a manner which is visible to the general public
90 on the exterior and interior of the establishment:

91 **NO LOITERING**

92 **This establishment is required by law to prohibit loitering, pursuant to**
93 **Title 9, Sec. 9.08.060, of the McDonough Code of Ordinances.**
94

95 **E. Notice to convenience stores selling alcohol.** In addition to other penalties and
96 sanctions authorized by local and state law, the violation of this chapter by owners,
97 managers and/or operators of convenience stores may subject the convenience store to
98 termination, revocation and/or suspension of its license to sell alcoholic beverages.

99 *****

100 **Section 2. Instruction to City Clerk and Police Chief.** The City Clerk is hereby directed to
101 forward a fully executed copy of this Ordinance to the Police Chief. The Police Chief is thereby
102 instructed to cause for a courtesy copy of this Ordinance to be distributed to all known
103 convenience stores within the City.
104

105 **Section 3.** It is hereby declared to be the intention of the City Council that:

- 106 (a) All sections, paragraphs, sentences and phrases of this Ordinance are or were, upon their
107 enactment, believed by the City Council to be fully valid, enforceable and constitutional.
108 (b) To the greatest extent allowed by law, each and every section, paragraph, sentence,
109 clause or phrase of this Ordinance is severable from every other section, paragraph,
110 sentence, clause or phrase of this Ordinance. No section, paragraph, sentence, clause or
111 phrase of this Ordinance is mutually dependent upon any other section, paragraph,
112 sentence, clause or phrase of this Ordinance.
113 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance
114 shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise
115 unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is
116 the express intent of the City Council that such invalidity, unconstitutionality or
117 unenforceability shall, to the greatest extent allowed by law, not render invalid,

118 unconstitutional or otherwise unenforceable any of the remaining phrases, clauses,
119 sentences, paragraphs or sections of the Ordinance.

120
121 **Section 4.** The City Attorney and City Clerk are authorized to make non-substantive editing
122 and renumbering revisions to this Ordinance for proofing and renumbering purposes.

123
124 **Section 5.** The effective date of this Ordinance shall be the date of adoption, unless provided
125 otherwise by the City Charter, state and/or federal law.

126
127 **BE IT SO ORDAINED**, this ____ day of _____, 2023.

128
129 ATTEST:

CITY OF MCDONOUGH, GEORGIA:

130
131 _____
132 Christy L. Taylor, City Clerk

Sandra Vincent, Mayor

133
134 APPROVED AS TO FORM:

135
136 _____
137 Emilia C. Walker, City Attorney