

# CITY OF STATHAM

## AGENDA

Statham City Hall

327 Jefferson Street, Statham, GA 30666



---

WORK SESSION – February 3, 2022

6:30 P.M.

---

### CALL TO ORDER

Roll Call

### PLEDGE OF ALLEGIANCE

### REPORTS

1. Finance Department
2. Police Department
3. Public Works Department

### DISCUSSION ITEMS

1. **O-22-01 Ordinance Amending Zoning Hearing and Application Procedures:**  
*First Reading.* An ordinance amending the Unified Development Code of the City of Statham, Georgia, Adopted June 30, 2020, amended April 20, 2021, to amend Article 13, “Zoning Amendments and Procedures,” to add sections 13-215 and 13-315 “Amendments to Applications,” and to amend section 13-405, “Sequence and Limits”; and to amend Article 14, “Variances and Appeals” to add Section 14-117; to repeal conflicting ordinances; to provide for severability; to provide for an effective date; and for other purposes.
2. **O-22-02 Ordinance Adopting and Enacting a New Code for the City of Statham:**  
*First Reading:* An ordinance adopting and enacting a new code for the City of Statham, Georgia; Providing for the repeal of certain ordinances not included therein; providing a penalty for the violation thereof; providing for the manner of amending such code; and providing when such code and this ordinance shall be effective.
3. **PP-21-04 Preliminary Plat Statham Place:** Application for Preliminary Plat Approval for “Statham Place,” Sullins Engineering, LLC, Applicant, MHC of Georgia, LLC, property owner, 36 lots on 48.10 acres fronting on the southeast side of Dooley Town Road (part of Map/Parcels ST04/095C and ST04/095). Applicant requests waiver for the installation of sidewalk along the frontage of the project on Dooley Town Road per Section 6-402 of the Statham Unified Development Code. Staff’s recommendation is approval with conditions.
3. **PP-22-01 Preliminary Plat Providence Estates II:** Application for Preliminary Plat Approval for “Providence Estates 2.0,” GDCI GA 7, LP, applicant and owner, for 35 lots on xx acres units fronting on the north side of Providence Road (part of Map/Parcel ST05/131) (UR, Urban Residential Zoning); (Bear Creek Water Supply Watershed). Applicant requests waiver for the installation of sidewalk along the frontage of the project on Providence Road per Section 6-

402 of the Statham Unified Development Code. Staff's recommendation is approval with conditions.

4. **Agreement for Reserved Sewer Capacity:** To sign an agreement for reserved sewer capacity with Owner and Developer, Richard Cooper of GDCI GA 7, LP for 35 ERUs or 8,750 gallons per day. The total cost to the Developer to reserve 35 ERU's is \$157,500 which will be paid directly to the City. Upon receipt of full payment and execution of agreement, the City will purchase 35 ERUs from the Barrow County Water & Sewer Authority, which will be reserved for this development.
5. **RFP 21-005 Gravity Sewer Line Replacement Project:** To approve a gravity sewer line replacement project between 1st Street and 2nd Street adjacent to the Casto Hardware Store that was budgeted for FY22. Replacement of 500 LF of sewer line is needed to correct issues with sags and damage to the existing line. Bids were advertised in the City's legal organ for three cycles; sealed bids were read and received on January 27, 2022: Anderson Grading & Pipeline for \$189,000 and McDaniel Utilities, Inc. for \$175,220. Staff's recommendation is to select McDaniel Utilities, Inc. for \$175,220 with a 15% contingency for a total project cost of \$201,503.
6. **Impact Fees:** To discuss the City implementing and utilizing impact fees. Impact fees, which are one-time fees charged to land developers to help defray the costs of expanding capital facilities to serve new growth, can be a substantial source of revenue for financing capital improvements. Impact fee funds are utilized for specific improvement categories.

## **EXECUTIVE SESSION**

1. Meeting to discuss or deliberate upon the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee as provided in Georgia Code section 50-14-3(b)(2).
2. Pursuant to the attorney-client privilege and as provided by Georgia Code section 50-14-2(1), a meeting otherwise required to be open was closed to the public in order to consult and meet with legal counsel pertaining to pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the agency or any officer or employee or in which the agency or any officer or employee may be directly involved and the matter discussed was **pending or potential litigation**.

## **CITIZEN INPUT**

## **MINUTE APPROVAL**

1. January 18, 2022 Regular Meeting

## **ADJOURN**

CITY OF STATHAM  
STATE OF GEORGIA

**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF STATHAM, GEORGIA, ADOPTED JUNE 30, 2020, AMENDED APRIL 20, 2021, TO AMEND ARTICLE 13, “ZONING AMENDMENTS AND PROCEDURES,” TO ADD SECTIONS 13-215 AND 13-315 “AMENDMENTS TO APPLICATIONS,” AND TO AMEND SECTION 13-405, “SEQUENCE AND LIMITS”; AND TO AMEND ARTICLE 14, “VARIANCES AND APPEALS” TO ADD SECTION 14-117; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

WHEREAS, The Statham Unified Development Code outlines the processes and procedures for the City’s consideration of applications for rezoning, conditional use, and variance applications submitted by property owners or their agents; and

WHEREAS, The City of Statham desires to provide for procedures that will allow both proponents and opponents of said applications to provide input on each proposal in an effective, efficient and orderly manner; and

WHEREAS, the City Council desires to amend the text the Unified Development Code to provide for clarification as to the procedures by which public hearings on applications are conducted; and

WHEREAS, The City of Statham further desires to amend the text of the Unified Development Code to restrict any applicant’s ability to file an amendment to a pending rezoning, conditional use or variance application after the conduct of the public hearing; and

WHEREAS, Notice of Public Hearing for this amendment was published in a newspaper of general circulation within the City of Statham as required by the zoning procedures law and the Statham unified development code for text amendments; and

WHEREAS, The City Council conducted a public hearing on this matter;

Now, therefore, IT IS ORDAINED by the City Council of the City of Statham that the Statham Unified Development Code, adopted June 30, 2020, is hereby amended in the following respects:

**Section 1.**

Article 13, “Zoning Amendments and Procedures” is hereby amended to add the following Sections 13-215 and 13-315, both entitled “Amendments to Application”

**“Section 13-215. Amendments to Application.**

- (a) **Amendments generally.** An applicant may amend their application at any time prior to the conveying of a public hearing by filing an amended application with the zoning administrator that meets all the requirements of Section 13-203 of this UDC.
- (b) **Amendments after public hearing.** After five calendar days following the Statham City Council's public hearing on an application, no amendment to the application, proposed site plan, or other document may be submitted, and the City Council shall not consider any proposed amendments or changes to the proposed use or site plan made after the five calendar days following the conclusion of the public hearing. This limitation shall not apply where the public hearing is tabled at the public hearing.

**Section 13-315. Amendments to Application.**

- (a) **Amendments generally.** An applicant may amend their application at any time prior to the conveying of a public hearing by filing an amended application with the zoning administrator that meets all the requirements of Section 13-303 of this UDC.
- (b) **Amendments after public hearing.** After five calendar days following the Statham City Council's public hearing on an application, no amendment to the application, proposed site plan, or other document may be submitted, and the City Council shall not consider any proposed amendments or changes to the proposed use or site plan made after the five calendar days following the conclusion of the public hearing. This limitation shall not apply where the public hearing is tabled at the public hearing."

**Section 2.**

The existing Article 13, Section 14-405 is deleted in its entirety with the following substituted in its place:

**"Section 13-405. Sequence and limits.**

For all public hearings held pursuant to this Article 13, the following sequence and time limits shall apply.

- (a) **Staff presentation.** The City's zoning administrator, planner or designee shall speak first and shall present to the City Council their report and recommendation, including any proposed conditions of approval. At the conclusion of the staff's presentation, the City Council may ask any questions of the staff that it has of the staff regarding the application or the staff's report. There shall be no limit on the time upon staff's presentation.
- (b) **Applicant and proponents.** After the presentation of the staff's report and recommendation, the applicant or their representative shall be provided up to 10 minutes to present the application. No representative of the applicant shall be allowed to speak on behalf of the applicant unless the representative has full authority to make binding commitments to the City with respect to any stipulations that may be offered

in connection with such application. Failure to attend the hearing by the applicant or his or her authorized representative may result in the application being continued or denied. An applicant may reserve any or all of their allotted time for rebuttal if they so choose and must clearly state said reservation prior to concluding their remarks to the City Council. If, at the conclusion of the applicant's presentation, there are any proponents wishing to speak in favor of the application, they may do so. Any time used by said proponents shall be deducted from the balance of applicant's remaining 10 minutes.

- (c) **Opponents.** After the presentation of the applicant and proponents, any person wishing to speak in opposition of the application shall be allowed to speak. The chair, in his or her discretion, may require each person wishing to speak to sign in with the Clerk of Court prior to the beginning of the public hearing. A total of up to 10 minutes shall be provided for all those wishing to speak in opposition. Upon the conclusion of the opponent's presentation, those present, but who have questions will speak during the remaining time afforded the opposition.
- (d) **Rebuttal.** After the presentation of the opponent(s), if the applicant has any time remaining, which has been expressly reserved for rebuttal, the applicant will then be allowed to use the reserved time for rebuttal but must be limited to points or issues raised by opponents to the application during the public hearing.
- (e) **Authority to Expand Time Limits.** The presiding official, in his or her discretion, may alter the time limits set forth herein, but in no event shall the presiding official afford one side more time than the other to present their position. Each side shall be afforded the same amount of time.
- (f) **Decorum and presentations, generally.** Each speaker may speak only to the proposed application(s) under consideration and shall address his or her remarks only to the hearing body. Each speaker shall refrain from personal attacks on any other speaker or the discussion of facts or opinions irrelevant to the proposed application under consideration. The presiding official may limit or refuse a speaker the right to continue if, after first being cautioned, the speaker continues to violate this procedure.
- (g) **Questions and Answers of City Council.** During the public hearing, any member of the City Council as appropriate may, upon recognition by the presiding official, ask questions of the staff, applicant, or speaker at the public hearing. Time devoted to question and answers will not be counted against any time limitations that have been imposed on presentations.
- (h) **Requests to Table.** If at any time the applicant wishes to continue the public hearing to allow for such discussions with members of the public, the applicant may request that the City Council table the public hearing. The City Council may, in its complete, unfettered discretion grant or deny said requests or may condition such tabling on applicant's payment of any costs incurred by the City resulting from said delay,

including, without limitation, advertising expenses, expert fees, etc.. Once the public hearing is concluded, no additional public hearings may be held.”

### **Section 3.**

Article 14, “Variances And Appeals” is hereby amended to add the following Section 14-117 entitled “Amendments to Application.”

#### **“Section 14-117. Amendments to Application.**

- (a) **Amendments generally.** An applicant may amend their application at any time prior to the conveying of a public hearing by filing an amended application with the zoning administrator that meets all the requirements of Section 14-103 of this UDC.
- (b) **Amendments after public hearing.** After five calendar days following the Statham City Council’s public hearing on an application, no amendment to the application, proposed site plan, or other document may be submitted, and the City Council shall not consider any proposed amendments or changes to the proposed use or site plan made after the five calendar days following the conclusion of the public hearing. This limitation shall not apply where the public hearing is tabled at the public hearing.”

### **Section 4.**

All ordinances, or parts of ordinances in conflict herewith are hereby repealed.

### **Section 5.**

If any portion of this ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair the remaining portions unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional.

### **Section 6.**

The effective date of this ordinance shall be upon its adoption by the Statham City Council.

SO ORDAINED, this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Clerk

**APPROVED AS TO FORM**

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

O-22-02

**AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF STATHAM, GEORGIA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.**

BE IT ORDAINED BY THE CITY COUNCIL:

Section 1. The Code entitled "The Code of the City of Statham, Georgia," published by Municipal Code Corporation, consisting of Chapters 1 through 32, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before April 20, 2021, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in Section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine in the maximum amount as allowed by state law. Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.



O-22-02

Section 5. Additions or amendments to the Code when passed in such form as to indicate the intention of the City Council to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances adopted after April 20, 2021, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 7. This ordinance shall become effective \_\_\_\_\_.

Passed and adopted by the \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Certificate of Adoption

I hereby certify that the foregoing is a true copy of the ordinance passed at the regular meeting of the City Council, held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
City Clerk

RECEIVED  
DEC 27 2021

BY: AS

# PLANNING AND DEVELOPMENT DEPARTMENT

City of Statham

327 Statham Street  
Statham, GA 30666

Phone: 770-725-5455

## APPLICATION FOR PRELIMINARY PLAT

### Applicant Information:

Name: GDCI GA 7, LP  
Address: 5755 Dupree Drive Suite 130  
City, State, Zip: Atlanta GA, 30327  
Phone: E-mail: richard@pacificgroupinc.com

PAID  
 CASH  
 CHECK #0973  
 CREDIT  
\$1,050  
12-27-21  
AS

### Property Owner Information: (if different from applicant)

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_

The property owner, must sign the following form; if the applicant is not the property owner, you must submit evidence of property owner approval to file this application by submitting the property owner authorization form.

### Property Information:

Tax Map and Parcel Number: ST05 131

Address (if one has been assigned): \_\_\_\_\_

Acreage of Property: ~~19.8~~ 18.47 *Corrected*

Existing Zoning District: UR

### Proposed Use:

Residential development - Proposed 35 lots under current Zoning District UR

Property Owner Authorization

I swear that I am the owner of the property which is the subject matter of this application, as shown in the records of Barrow County, Georgia.

Name of Owner(s): GDCI GA 7, LP BY: PACIFIC LAND, LLC, as its Manager

I authorize the person named below to act as applicant in the pursuit of this application.

Signature of Property Owner: *Max S*

Name of Applicant(s): GDCI GA 7, LP

Address: 5755 Dupree Dr Ste 130 Atlanta GA 30327

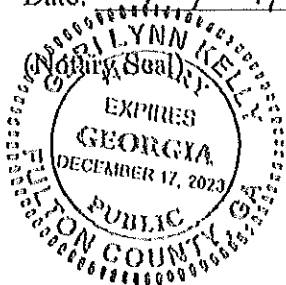
Property owner personally appeared before me

*Michael Kilgallon*

who swears that the information contained in this authorization is true and correct to the best of his or her knowledge and belief;

Notary Public: *Jean Lynn Kelly*

Date: *12/21/2021*

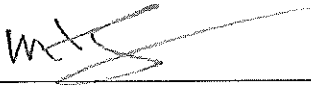
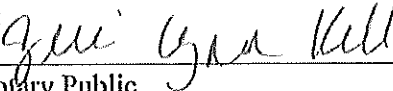
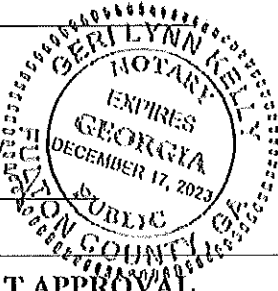


To complete your application, attach/submit the following in addition to this completed form:

✓	Application fee: \$500.00 or \$30.00 per lot, whichever is greater. Make check payable to the City of Statham. <i>\$1050 CK # 0973</i>
✓	Plat: Submit 10 copies of the preliminary plat plus one digital copy. Checklist of items is provided below for preliminary plats of subdivisions:

**Specifications for all preliminary plats:**

	Box. A box of not less than three inches square, if at full size, in the upper left-hand corner
✓	County
✓	City
✓	Owner name and contact info
✓	Type of plat
✓	Name of subdivision
✓	Designations for lots (#s)
✓	Developer name and contact info
✓	Militia district
✓	Date of plat and revision dates or block for revisions
✓	Surveyor. Name, address, and telephone number, certificate of authorization number
✓	Surveyor registration number
✓	Surveyor seal
NA	Page numbers (If the plat has multiple pages)
✓	Scale (graphic)
	Point of beginning and point of reference
✓	Names of adjoining subdivisions and property owners and documents reviewed
✓	Roads. Adjacent streets, roads, or other rights-of-way, and the width and the former widths, if pertinent, of rights-of-way adjacent to or crossing the property
	Water. All water boundaries
✓	Easements. The width and the former widths, if pertinent, of easements adjacent to or within the property
	Encroachments and cemeteries. Apparent encroachments and observed evidence of any cemeteries or burial grounds
✓	North arrow
	Metes and bounds bearings and distances and areas of boundary and lots
	Equipment reference
	Closure precision statement
	Monuments: must be set at all boundaries. All monuments found set, or replaced
	Monument specifications
✓	Street names
✓	Location sketch or vicinity map
	Road centerlines, pavement widths and radii
	Lot and block identifiers

	Addresses for each lot (if applicable)
✓	Front building setbacks
	Flood hazard area note
	Private covenants. Statement and reference, if any
	Point of beginning and point of reference
	<p><b>Surveyor certification box, as follows:</b></p> <p>“As required by subsection (d) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.”</p> <p>The land surveyor shall sign on a line immediately beneath the certification.</p>
	<p><b>Owner's certification:</b></p> <p>“The owner of the land shown on this plat and whose name is subscribed hereto, certifies that that he/she is the fee simple absolute owner of the land shown on this plat and that all state, city and county taxes or other assessments now due on this land have been paid.”</p> <p style="text-align: center;">         _____        Owner     </p> <p>Signed, sealed and delivered in the presence of:</p> <p style="text-align: center;">         _____        Notary Public     </p> <div style="text-align: right;">  </div>
	<p><b>CERTIFICATE OF PRELIMINARY PLAT APPROVAL</b></p> <p>All applicable requirements of the City of Statham relative to final plats having been fulfilled, approval of this is hereby granted by the Zoning Administrator and is entitled to be recorded.</p> <p>_____</p> <p>Zoning Administrator</p> <p>Date: _____</p>

**Health department certificate.** If the subdivision involves an on-site sewage management system or community water system, the following certification shall be provided on the plat:

“This final plat has been approved by the Barrow County Health Department as being consistent with applicable state and local environmental health requirements.”

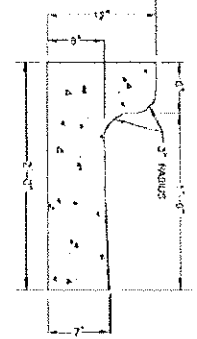
---

Signature, Director, Barrow County Health Department      Date

*Note: For a minor subdivision, the Zoning Administrator may waive the requirement to include a signed health department certificate on a final plat; provided, however, that if the lot(s) included in the final plat of a minor subdivision are to be served by an on-site sewage management system (septic tank), in lieu of said certification the final plat shall contain the following note:*

“Each lot must be reviewed and approved by the Barrow County Environmental Health Department for on-site sewage management system placement prior to the issuance of a building permit.”

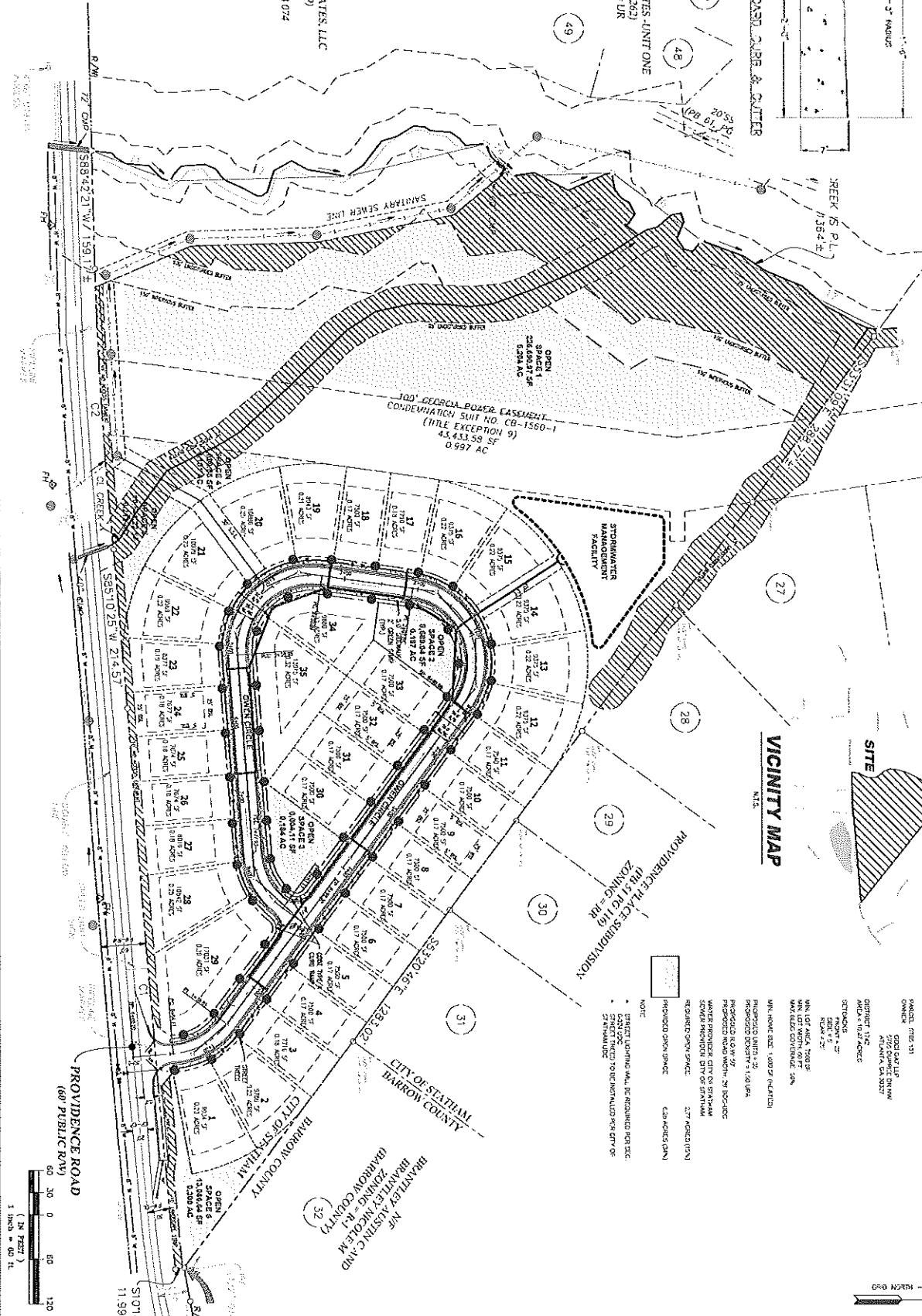
Item	Quantity	Unit	Notes
Standard	2	Sheet	
Revision	1	Sheet	
Drawn	1	Sheet	
Checked	1	Sheet	
Approved	1	Sheet	



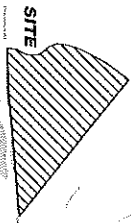
PROVINCIAL ESTATES UNIT ONE  
(PB 61 PG 262)  
ZONING - UR

ALTA PROVIDENCE ESTATES, LLC  
(PB 61 PG 262)  
PARCEL ID: ST058 074  
ZONING - UR

BOBBY JOE HOLLIBAY  
(PB 466 PG 445)  
PARCEL ID: ST04 049  
ZONING - SR-2

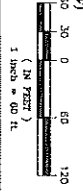


VICINITY MAP



DEVELOPMENT SUMMARY

PROJECT: PROVINCIAL PLATS SUBDIVISION  
CLIENT: ALTA PROVIDENCE ESTATES, LLC  
LOCATION: 12460 Oxbow Road, S.W., Alphaville, GA 30517  
PREPARED BY: GREYDEN ENGINEERING  
DATE: 12/15/2023  
SCALE: AS SHOWN



**PRELIMINARY PLAT FOR PROVINCIAL ESTATES UNIT II**

LOCATED IN GEORGIA PARCELS 61 PG 262  
CITY OF STANLIAM, HARROW COUNTY, GEORGIA

**GREYDEN ENGINEERING**  
12460 Oxbow Road, S.W., Alphaville, Georgia 30517  
PH: 770-573-4501 FAX: 678-327-6362

**CLIENT: PACIFIC GROUP**  
24 HOUR EMERGENCY CONTACT: PACHARD COOPER / 678-603-8221  
5755 BUFFEY ERVE RD, ATLANTA, GA 30327

## April Stephens

---

**From:** Richard Cooper <richard@pacificgroupinc.com>  
**Sent:** Friday, January 28, 2022 10:02 AM  
**To:** April Stephens  
**Subject:** RE: Providence Estates II

Good morning April,

As discussed, we would like to request a waiver for the installation of sidewalk along the frontage of our project on Providence Road. Please accept this email as the *Sidewalk Installation Waiver (Sec. 6-402)*. Below is a summary for each item noted in the Section:

### Existing sidewalks

- a) To the EAST – Providence Place Subdivision does not contain sidewalks internally or along Providence Road.
- b) To the WEST – Providence Estates Unit I is approximately 1800 linear feet from the proposed entrance. It does contain sidewalks, but they do not currently extend towards the proposed development.
- c) To the SOUTH – There is existing sidewalk on the opposite side of Providence Road that terminates at April Court, approximately 1100 linear feet from the proposed entrance. There are no traffic controlled intersections that would allow for pedestrian crossing.

### Schools

- a) Statham Elementary School and Castial Academy are greater than one-half mile from the development
- b) There are no parks within one-half mile

### Existing conditions

- a) Approximately 600 linear feet from the proposed entrance is the first of two creek crossings. These locations have virtually no shoulder that would allow for the installation of sidewalk. To improve these shoulders would require the extension of the culvert pipes in the live streams, additional fill to be placed along the shoulder and in the stream buffers, and the installation of retaining walls to accommodate the significant grade changes due to the existing topography. This would require plan approval from USACE, Ga EPD, and the City of Statham, with no assurance of approval from the outside agencies. Additionally, the added costs would be excessively burdensome for this size project.

If you would prefer this in another format, let me know and I'll get it over to you.

Thanks

Richard Cooper  
The Pacific Group, Inc.  
(678) 603-8267  
[www.pacificgroupinc.com](http://www.pacificgroupinc.com)

**From:** April Stephens [mailto:[astephens@cityofstatham.com](mailto:astephens@cityofstatham.com)]  
**Sent:** Wednesday, January 26, 2022 8:52 AM  
**To:** Richard Cooper <richard@pacificgroupinc.com>  
**Subject:** Providence Estates II

Hi Richard,



MAYOR  
Joe Piper

CITY CLERK  
Sandra Bennett



CITY COUNCIL  
Betty Lyle  
Tammy Crawley  
Dwight McCormic  
Hattie Thrasher  
Gary Venable

**PLANNING and DEVELOPMENT**  
City of Statham, P.O. Box 28, Statham, GA 30666 - (770) 725-5455

December 15, 2021

Richard Cooper  
Pacific Group, Inc.  
(678) 603-8267

**RE: Zoning Confirmation, +/- 17.96 acres per tax data base map and parcel ST05 131**  
**Property Name: GDCI GA 7, LP Providence Road, Statham, GA 30666**

Dear Mr. Cooper,

The above-referenced property, as more fully described in the attached legal description and as shown on the attached tax map, is zoned UR, Urban Residential, according to the Official Zoning Map of the City of Statham, Georgia, as adopted June 30, 2020 by the Statham City Council.

Permitted uses are as specified in Table 2-1 and Dimensional Requirements in Table 2-2 of the Unified Development Code of the City of Statham updated June 15, 2021.

If you need any further information, please let me know.

Sincerely,

April Stephens  
City of Statham

Attachments: Exhibit A, Legal Description, Survey and Tax Map

## Exhibit A Legal Description

### LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Georgia Militia District 1742, City of Statham, Barrow County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE at a 1/2" open top pipe found at the intersection of the northerly right-of-way of Providence Road (60' Public Right-of-Way) and the southwest corner of Lot 32, Providence Place Subdivision, per Plat Book 51, Page 116; said point being the TRUE POINT OF BEGINNING.

FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED,

Thence along the northerly right-of-way of Providence Road (60' Public Right-of-Way) the following courses and distances:

South 10 Degrees 14 Minutes 49 Seconds East a distance of 11.99 feet to a point;  
Along a curve to the right, an arc distance of 758.77 feet, said curve having a radius of 30,315.70 feet and being subtended by a chord of 758.75 feet, at South 85 Degrees 10 Minutes 26 Seconds West to a point;  
South 85 Degrees 10 Minutes 25 Seconds West a distance of 214.57 feet to a point;  
Along a curve to the right, an arc distance of 378.07 feet, said curve having a radius of 5,424.24 feet and being subtended by a chord of 377.99 feet, at South 86 Degrees 21 Minutes 23 Seconds West to a point;  
South 88 Degrees 42 Minutes 21 Seconds West a distance of 159.17± feet to a point in the centerline of a creek;

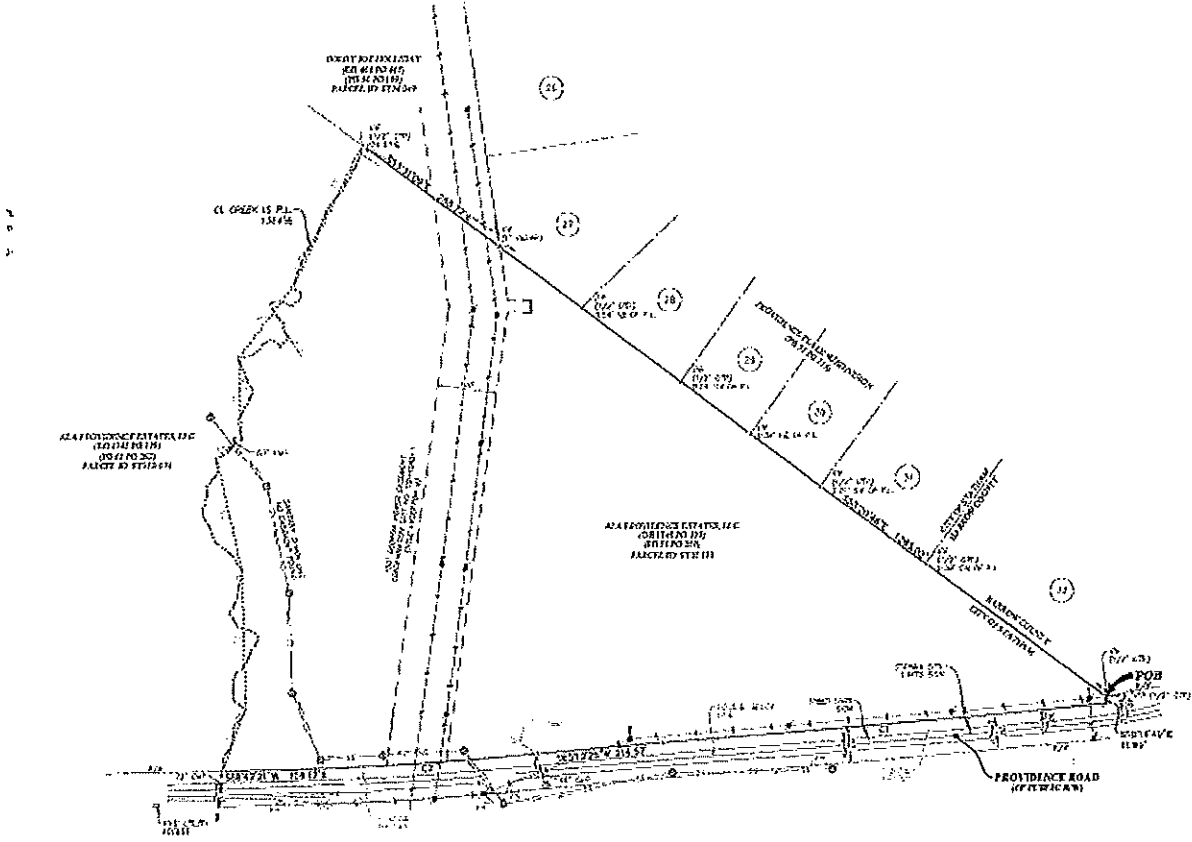
Thence leaving said right-of-way and running along the centerline of said creek, said centerline being the property line, a distance of 1364± feet, and subtended by a traverse line with the following courses and distances:

North 21 Degrees 20 Minutes 24 Seconds East a distance of 113.63 feet to a point;  
North 01 Degrees 25 Minutes 17 Seconds West a distance of 236.28 feet to a point;  
North 13 Degrees 02 Minutes 21 Seconds West a distance of 193.90 feet to a point;  
North 53 Degrees 00 Minutes 30 Seconds East a distance of 54.60 feet to a point;  
North 01 Degrees 36 Minutes 32 Seconds West a distance of 137.60 feet to a point;  
North 37 Degrees 39 Minutes 37 Seconds East a distance of 149.70 feet to a point;  
North 26 Degrees 35 Minutes 00 Seconds East a distance of 267.34 feet to a point;  
Thence leaving the centerline of said creek South 53 Degrees 31 Minutes 09 Seconds East a distance of 288.77± feet to a 1" rebar found;  
Thence South 53 Degrees 20 Minutes 46 Seconds East a distance of 1,283.02 feet to a 1/2" open top pipe found, said point being the TRUE POINT OF BEGINNING.

Said tract or parcel of land containing 19.800± Acres.

# Survey of Map/Parcel ST05 131

TOTAL AREA=  
19,800+ ACRES



Statham City Hall  
P.O. Box 28 - 327 Jefferson St.  
Statham, GA 30666





**Jerry Weitz & Associates, Inc.**  
**Planning & Development Consultants**

1225 Rucker Road, Alpharetta, Georgia 30004  
Phone: (404) 502-7228 E-Mail: [jweitz@bellsouth.net](mailto:jweitz@bellsouth.net)

Growth Management  
Comprehensive Planning  
Zoning & Land Use Regulations  
Land Development Applications  
Expert Testimony  
Zoning Administration

**MEMORANDUM**

TO: April Plank Stephens, City of Statham  
Ralph Davia, PE, Greyden Engineering

FROM: Jerry Weitz, PhD, FAICP, Principal

DATE: December 28, 2021

RE: **January 2022 City Council Agenda Item (not a public hearing):** Application by Pacific Group, By Greyden Engineering, for Preliminary Plat Approval for Providence Estates Unit II: 35 units fronting on the north side of Providence Road (part of Map/Parcel ST05/131) (UR, Urban Residential Zoning); (Bear Creek Water Supply Watershed)

---

**APPROVAL PROCESS AND CRITERIA**

Preliminary plats require approval of the Statham City Council. The basis of the Statham City Council's review of and action on a preliminary plat shall be whether the preliminary plat meets the purposes and requirements of this article and the UDC generally, whether the public dedications proposed in the subdivision are adequate, and whether the preliminary plat conforms to the policies of the comprehensive plan. (ref: Sec. 15-304 UDC).

**REVIEW FOR COMPLIANCE WITH UNIFIED DEVELOPMENT CODE (UDC)**

Staff has completed a review of the subdivision and has several suggested additions and changes as specified below:

- ✓ 1. **Clarification of area of tract.** The plat indicates there are 19.8 acres involved in the subdivision. However, the tax map referenced in the proposed subdivision includes the area west of the sanitary sewer easement and east of the stream running north-south (1.327 acre), which is platted as open space for Lakes of Statham (159 feet of frontage per plat). Further, the tax map, which may not have an accurate area shown in the system, shows the tract (including the Lakes of Statham open space of 1.327 acre), is only 17.96 acres. The 1.327 acre open space tract that is platted as part of Lakes of Statham subdivision must be shown as open space for Lakes of Statham, and the total acreage needs to be clarified (with reference to a boundary survey) and where necessary corrected, especially since a minimum open space requirement is imposed.
2. **Bear Creek Environmental Overlay.** The subject property lies within the Bear Creek water supply reservoir protection district. A note should be added on the plat referencing these requirements (Article IV, Sec. 4.110. The plat correctly shows 100 foot buffers and 150 foot impervious surface setbacks required by the overlay district of the UDC.

However, there is a stream that does not show up in the county mapping system as a stream that is shown with a state minimum imposed buffer. Additional information should be submitted about the classification of this stream; if perennial it is subject to the 100 foot buffer and 150 impervious surface requirement. Also, the plat should add a reference that the overall impervious surface of the subdivision cannot exceed 25 percent of the area of the subdivision. A demonstration of compliance with the 25 percent impervious maximum is required prior to final plat approval.

- ✓ 3. **UR dimensional requirements.** The minimum lot size for the UR zoning district is 7,500 square feet but that minimum can be reduced to 6,000 square feet if there is 20% open space provided within the subdivision. All lots are proposed to meet the 7,500 square foot minimum. The applicant does not propose to utilize the authorized reduction of lot size with provision of minimum 20% open space down to 6,000 square feet. The minimum heated floor area per dwelling unit is 1,600 square feet. The subdivision complies with these requirements, although the lot width of the front of each lot needs to be delineated to ensure compliance.
- ✓ 4. **Areas of open space.** The areas of open space need to be identified for each open space tract.
- ✓ 5. **10' landscape strip.** This is not a requirement for a detached, single-family subdivision and may be removed but it is acceptable to retain.
- ✓ 6. **Area of overhead electric easement.** The area of the overhead electric overhead easement needs to be identified.
- ✓ 7. **Owen Circle:** delineate right of way width and pavement width in selected places.
- ✓ 8. **Providence Road.** Delineate existing pavement width and existing right of way.
- ✓ 9. **Base and paving detail.** Show required paving specifications from Sec. 315 and 316 UDC.
- ✓ 10. **Vertical curb detail.** Add vertical curb detail from Sec. 6-319 UDC.
- ✓ 11. **Deceleration lane.** Delineate pavement width and distance per standard for deceleration lane.
- ✓ 12. **Providence Road improvements:** along the entire length of the development's road frontage improvements are required including standard right of way width, standard pavement width, curbs, gutters, and sidewalk per Sec. 6-207 UDC, unless request for waiver is made and approved. For sidewalk, show as extending along entire property frontage unless waiver form is applied for and granted per Sec. 6-402.
- ✓ 13. **Street lighting:** Add note that street lighting will be required per Sec. 6-324 UDC.
- ✓ 14. **Road name; addresses.** The proposed road name should be formally submitted for approval by Barrow County if has not been approved already. Addresses will be needed prior to final plat approval but it is acceptable to approve the preliminary plat without assigned addresses.

✓ 15. **Statham city limits sign.** remove from plat drawing; if this reflects existing signage it should be moved east to city limits.

16. **Street trees** are recommended along the frontage of the proposed new street.



## April Stephens

---

**From:** April Stephens  
**Sent:** Thursday, January 20, 2022 4:01 PM  
**To:** Joe Piper; Gary Venable; Lee Patterson; Scott Penn; Hattie Thrasher; Debi Krause; Sandra Bennett; April Stephens; Jody Campbell  
**Subject:** Preliminary Plat - February agenda  
**Attachments:** PP-22-01 Preliminary Plat Application Providence Estates II.pdf; 2021-12-15 Zoning Confirmation Letter ST05 131.pdf

Good afternoon, Mayor and Council.

We received a preliminary plat for Providence Estates II. Hard copies of the preliminary plat are in your mailboxes for your review. We do not have an updated staff report prepared yet, but will have it before the Feb. 3 work session.

We initially gave them a memo/staff report in December requesting changes to the plat, which they have completed and returned today. We will do another review in the upcoming week. So far, they have adhered to all zoning requirements and have not asked for any variances or conditional uses.

This tract of land is on Providence Road and zoned UR. Remember in June 2021, council approved to amend the UDC to no longer allow rezones to UR, however, any existing UR remained. Here is the portion of the Unified Development Code regarding UR:

**Sec. 2-206. UR, Urban Residential District.**

(a) **Purpose and intent.** The Urban Residential zoning district is intended to implement the urban residential future land use designation on the future land use plan map adopted as a part of the Statham comprehensive plan. A public water supply and sanitary sewer are typically available to serve this district. This zoning district is primarily intended to establish suitable areas primarily for detached, single-family residences on their own lots with resulting densities of less than 6.0 units per acre (minimum lot size of 7,500 square feet), and less than 7.3 units per acre (minimum lot size of 6,000 square feet) when 20 percent or more of the subdivided tract is set aside as open space.

(b) **Permitted and conditional uses.** Permitted and conditional uses shall be as specified in Table 2-1, "Use Regulations for Zoning Districts."

(c) **Dimensional requirements.** Height, setback, lot area, density, intensity, and other requirements for development within the zoning district shall be as specified in Table 2-2, "Dimensional Requirements for Zoning Districts."

(d) There shall be no rezoning to the UR, Urban Residential District permitted, and the zoning administrator shall not accept or process any application for rezoning to the UR, Urban Residential District. *[added via amendment Ord. O-21-07 adopted 6-15-2021]*

I wanted to be sure you had this information to look over the plat and ask any questions before the work session meeting on 2/3.

Thank you!

April Plank Stephens  
City of Statham  
327 Jefferson St.  
Statham, GA 30666  
(770) 725-5455 ext. 2014  
www.cityofstatham.com





## Planning & Zoning Department

### MEMORANDUM

TO: Mayor Piper and City Council, City of Statham

CC: April Stephens and Jordan McDaniel, City of Statham; Jerry Weitz, Consulting Planner

FROM: City of Statham Staff

DATE: January 31, 2022

RE: Application for Preliminary Plat Approval for "Providence Estates II," GDCI GA 7, LP, Applicant and Owner, 35 lots on 18.47 acres fronting Providence Road (Map/Parcels ST05 131)

---

#### **Update to Staff Memo Dated December 28, 2021**

SUMMARY: A staff memo was provided to applicant and owner, GDCI GA 7, LP on December 28, 2021 that supplements preliminary plat application PP-22-01.

City Staff met with the applicant in a pre-application meeting on December 14, 2021 and addressed several areas of concern of the proposed preliminary plat. On December 28, 2021, Planning Consultant Jerry Weitz had written a memo to the City and to the applicant's engineer, Greyden Engineering, which is included in the application packet.

An updated preliminary plat was returned to the City on January 20, 2022, at which time was emailed to Mayor and Council along with the application and zoning confirmation letter. Hard copies of the updated preliminary plat were placed in each members' mailbox for review.

It is the recommendation of City Staff to approve preliminary plat application PP-22-01 with the following recommendations:

#### **To approve application PP-22-01 Preliminary Plat with the following conditions:**

1. To approve the sidewalk waiver to not install sidewalks along Providence Road in front of Providence Estates II Development due to a) Providence Place Subdivision does not contain sidewalks internally or along Providence Road; b) Providence Estates Unit I is approximately 1800 linear feet from proposed entrance; c) There are no traffic controlled intersections that would allow for pedestrian crossing; d) The existing sidewalk on the opposite side of Providence Road terminates at April Court, approximately 1100 linear feet

from the proposed entrance; e) Statham Elementary School and Castial Academy are greater than one-half mile from development; f) There are no parks within one-half mile from development; g) Approximately 600 linear feet from proposed entrance is the first of two creek crossings which have no shoulder that would allow for the installation of a sidewalk. The approval of this waiver is for external use of the subdivision only; it does not include the internal subdivision.

2. With the understanding that absolutely no work may begin in any part of this subdivision without the proper permits and completed applications.
3. It is the due diligence and responsibility of the developer to be in contact with all Utility companies before any permit of work is issued. Proof will be required by the City that all Utility companies have been made aware of said subdivision as easements and infrastructure would be affected by this development.
4. The developer/builder is required to maintain all BMPs (Best Management Practices) at all times throughout the development.

PP-21-04

RECEIVED  
OCT 05 2021

BY: AS

PLANNING AND DEVELOPMENT DEPARTMENT  
City of Statham

327 Statham Street  
Statham, GA 30666

Phone: 770-725-5455

APPLICATION FOR PRELIMINARY PLAT

Applicant Information:

Name: Sullins Engineering, LLC  
Address: 302 West May Street  
City, State, Zip: Winder, GA 30680  
Phone: E-mail: matt.sullins@gmail.com

PAID  CASH  
 CHECK  
 CREDIT  
#2221  
\$1,080.  
10-5-21

Property Owner Information: (if different from applicant)

Name: MHC of Georgia LLC  
Address: 1020 Garland Drive, #100  
City, State, Zip: Bogart, GA 30622  
Phone: 770-294-6558

The property owner, must sign the following form; if the applicant is not the property owner, you must submit evidence of property owner approval to file this application by submitting the property owner authorization form.

Property Information:

Tax Map and Parcel Number: ST04 095C 2 095

Address (if one has been assigned): N/A

Acreage of Property: 48.10

Existing Zoning District: RR

Proposed Use: Single Family Residential Subdivision

**Property Owner Authorization**

I swear that I am the owner of the property which is the subject matter of this application, as shown in the records of Barrow County, Georgia.

Name of Owner(s): MHC of Georgia, LLC

I authorize the person named below to act as applicant in the pursuit of this application.

Signature of Property Owner: [Signature]

Name of Applicant(s): Jacob Prather

Address: 1020 Garland Dr Ste 100, Bogart, GA, 30622

Property owner personally appeared before me

[Signature]

who swears that the information contained in this authorization is true and correct to the best of his or her knowledge and belief:

Notary/Public: [Signature]

Date: 10/4/21

(Notary Seal)


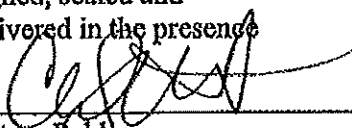
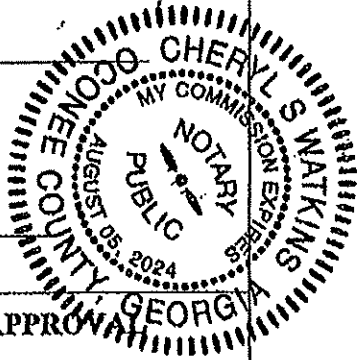


To complete your application, attach/submit the following in addition to this completed form:

X	Application fee: \$500.00 or \$30.00 per lot, whichever is greater. Make check payable to the City of Statham.
X	Plat: Submit 10 copies of the preliminary plat plus one digital copy. Checklist of items is provided below for preliminary plats of subdivisions:

**Specifications for all preliminary plats:**

X	Box. A box of not less than three inches square, if at full size, in the upper left-hand corner
X	County
X	City
X	Owner name and contact info
X	Type of plat
X	Name of subdivision
X	Designations for lots (#s)
X	Developer name and contact info
X	Militia district
X	Date of plat and revision dates or block for revisions
X	Surveyor. Name, address, and telephone number, certificate of authorization number
X	Surveyor registration number
X	Surveyor seal
X	Page numbers (If the plat has multiple pages)
X	Scale (graphic)
X	Point of beginning and point of reference
X	Names of adjoining subdivisions and property owners and documents reviewed
X	Roads. Adjacent streets, roads, or other rights-of-way, and the width and the former widths, if pertinent, of rights-of-way adjacent to or crossing the property
X	Water. All water boundaries
X	Easements. The width and the former widths, if pertinent, of easements adjacent to or within the property
X	Encroachments and cemeteries. Apparent encroachments and observed evidence of any cemeteries or burial grounds
X	North arrow
X	Metes and bounds bearings and distances and areas of boundary and lots
X	Equipment reference
X	Closure precision statement
X	Monuments: must be set at all boundaries. All monuments found set, or replaced
X	Monument specifications
X	Street names
X	Location sketch or vicinity map
X	Road centerlines, pavement widths and radii
X	Lot and block identifiers

X	Addresses for each lot (if applicable)
X	Front building setbacks
X	Flood hazard area note
	Private covenants, Statement and reference, if any
	Point of beginning and point of reference
X	<p><b>Surveyor certification box, as follows:</b></p> <p>“As required by subsection (d) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.”</p> <p>The land surveyor shall sign on a line immediately beneath the certification.</p>
X	<p><b>Owner's certification:</b></p> <p>“The owner of the land shown on this plat and whose name is subscribed hereto, certifies that that he/she is the fee simple absolute owner of the land shown on this plat and that all state, city and county taxes or other assessments now due on this land have been paid.”</p> <p style="text-align: center;">         _____        Owner     </p> <p>Signed, sealed and delivered in the presence of:</p> <p style="text-align: center;">         _____        Notary Public     </p> <div style="text-align: right;">  </div>
X	<p style="text-align: center;"><b>CERTIFICATE OF PRELIMINARY PLAT APPROVAL</b></p> <p>All applicable requirements of the City of Statham relative to final plats having been fulfilled, approval of this is hereby granted by the Zoning Administrator and is entitled to be recorded.</p> <p>_____</p> <p>Zoning Administrator</p> <p>Date: _____</p>

**Health department certificate.** If the subdivision involves an on-site sewage management system or community water system, the following certification shall be provided on the plat:

"This final plat has been approved by the Barrow County Health Department as being consistent with applicable state and local environmental health requirements."

---

Signature, Director, Barrow County Health Department      Date

X  
*Note: For a minor subdivision, the Zoning Administrator may waive the requirement to include a signed health department certificate on a final plat; provided, however, that if the lot(s) included in the final plat of a minor subdivision are to be served by an on-site sewage management system (septic tank), in lieu of said certification the final plat shall contain the following note:*

"Each lot must be reviewed and approved by the Barrow County Environmental Health Department for on-site sewage management system placement prior to the issuance of a building permit."

SULLINS ENGINEERING, LLC  
302 W May St.  
Winder, GA 30680

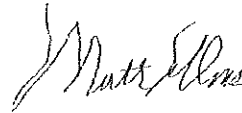
October 13, 2021

Attn: April Plank  
City of Statham Planning  
327 Jefferson Street  
Statham, GA 30666

**Re: Statham Place: SIDEWALK WAIVER (UDC Code Sec. 6-402)**

The intent of this letter is to provide justification for the waiver to not install sidewalks along Dooley Town Road in front of the Statham Place Development. The following reasons apply: 1)there are not sidewalk along Dooley Town Road currently and there is limited future development within the City's boundary that would extend the sidewalk for future use, 2)there is a lack of right-of-way on Dooley Town Road when considering the installation of the deceleration lane, and 3)the rural nature of Dooley Town Road. Please note that the that this sidewalk waiver is not in reference to the internal subdivision streets of the subdivision.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew Sullins". The signature is fluid and cursive, with a large initial "M".

Matthew Sullins, P.E.





matthew sullins <mattsullins@gmail.com>

---

## SUBDIVISION NAME AND STREET NAME APPROVAL (ST04 095C & ST04 095)

3 messages

---

matthew sullins <mattsullins@gmail.com>

Wed, Oct 13, 2021 at 8:54 AM

To: Joel Carnow <jcarnow@barrowga.org>

SUBDIVISION NAME: STATHAM PLACE  
STREET NAMES: DONNIE WAY and OLD SPRING ROAD

--

*Matt Sullins*  
*Sullins Engineering LLC.*  
*(678)687-6219*

---

Joel Carnow <jcarnow@barrowga.org>

Thu, Oct 14, 2021 at 8:32 AM

To: matthew sullins <mattsullins@gmail.com>

Matt,

These names are approved.

Thanks,

Joel Carnow

*GIS and Planning Administrator*

*Barrow County Board of Commissioners*

*770 307 3022*

[Quoted text hidden]

---

matthew sullins <mattsullins@gmail.com>

Thu, Oct 14, 2021 at 8:59 AM

To: Joel Carnow <jcarnow@barrowga.org>

Thank you!

[Quoted text hidden]



**Jerry Weitz & Associates, Inc.**  
**Planning & Development Consultants**

1225 Rucker Road, Alpharetta, Georgia 30004  
Phone: (404) 502-7228 E-Mail: [jweitz@bellsouth.net](mailto:jweitz@bellsouth.net)

Growth Management  
Comprehensive Planning  
Zoning & Land Use Regulations  
Land Development Applications  
Expert Testimony  
Zoning Administration

**MEMORANDUM**

TO: Honorable Mayor and City Council, City of Statham

FROM: Jerry Weitz, Consulting Planner, City of Statham

DATE: October 29, 2021

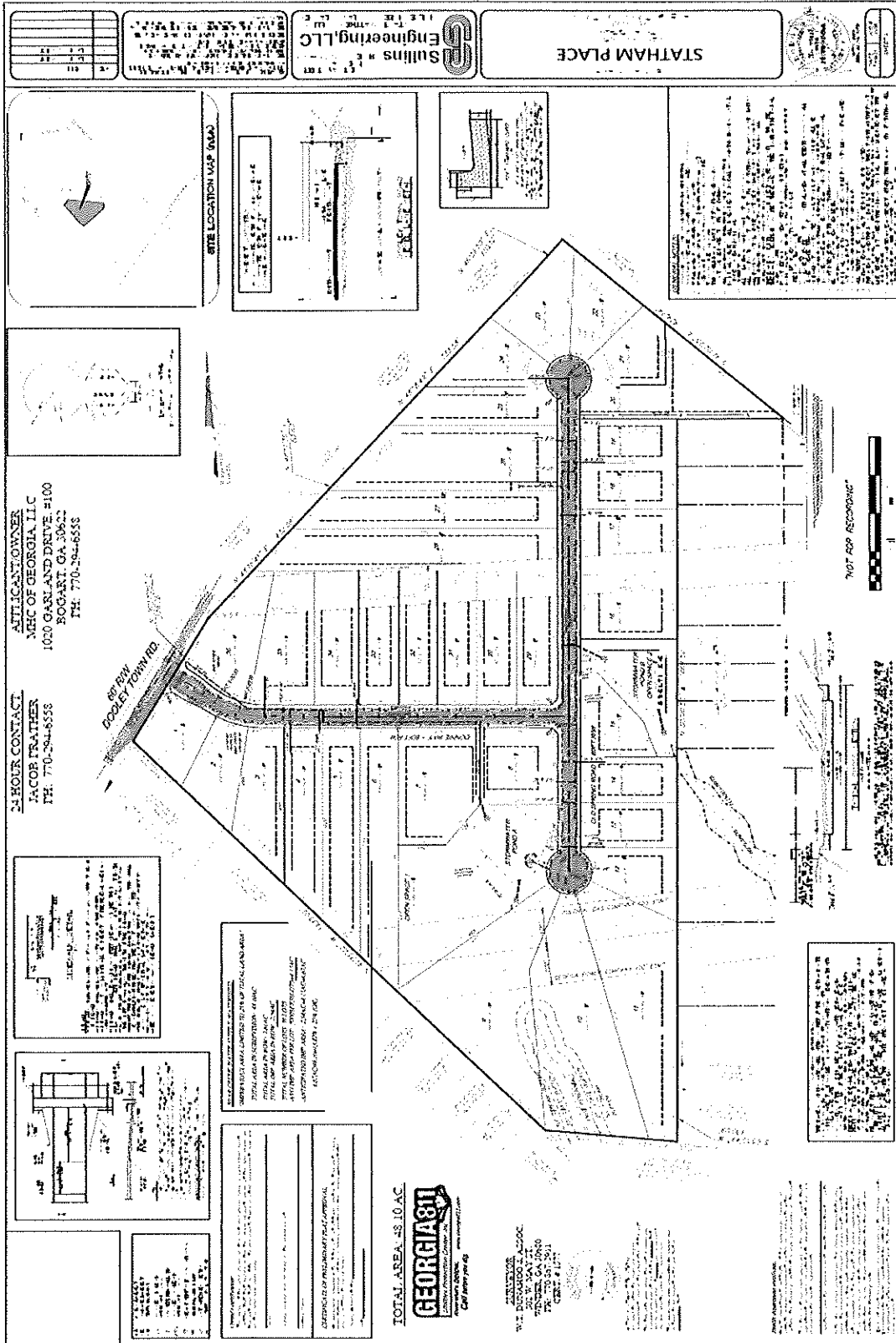
RE: Application for Preliminary Plat Approval for "Statham Place," Sullins Engineering, LLC, Applicant, MHC of Georgia, LLC, property owner, 36 lots on 48.10 acres fronting on the southeast side of Dooley Town Road (part of Map/Parcels ST04/095C and ST04/095)

---

A review was completed of the above-referenced application. Several comments were made and the preliminary plat was revised per staff's comments. Planning Staff recommends approval of the preliminary plat.

Hard copies of the preliminary plat (copy attached) have been submitted to city hall for distribution.

Attachment





## Planning & Zoning Department

### MEMORANDUM

TO: Mayor Piper and City Council, City of Statham

CC: April Stephens and Jordan McDaniel, City of Statham

FROM: City of Statham Staff and Jerry Weitz, Consulting Planner

DATE: November 10, 2021

RE: Application for Preliminary Plat Approval for "Statham Place," Sullins Engineering, LLC, Applicant, MHC of Georgia, LLC, property owner, 36 lots on 48.10 acres fronting on the southeast side of Dooley Town Road (part of Map/Parcels ST04/095C and ST04/095)

---

Planning staff is supplementing its response regarding the preliminary plat based on activity on the site and the adjacent final plat property that is currently considered in violation of city codes.

It is the recommendation of City Staff and the Consulting Planner to Table the approval of application PP-21-04 Preliminary Plat for the following reasons:

- A. Although submitted as separate applications, owner Jacob Prather of My Home Communities, LLC is listed on both applications FP-21-02 Jackson Estates Final Plat and the PP-21-04 Statham Place Preliminary Plat as a point of contact and/or owner. Additionally, Sullins Engineering developed both plats, and is listed as applicant to PP-21-04.
- B. City staff and planning and zoning department has encountered several inconsistencies while working with the applicant beginning in or around October 2020, as listed below:
  1. October 10, 2020, Sullins Engineering emailed a concept plan to Consulting Planner, Jerry Weitz, for a proposed development that consisted of 57 lots along Dooley Town Road and Highway 211 for approximately 51.57 acres. A markup of the concept plan with notes was returned to Sullins Engineering by Jerry Weitz. In that review, planning staff indicated a strong desire to have a through road within the subdivision, one that connected Dooley Town Road and Highway 211.
  2. November 23, 2020, a letter of water availability was requested by realtor, Mike Rice, for above referenced proposed development along Dooley Town Road and Highway 211.

3. December 7, 2020, a plat was emailed to the City by Sullins Engineering which consisted of only 10 lots fronting Highway 211. The remainder of the property was excluded because the plat did not involve new or public improvements, a preliminary plat was not required, and the final plat approval was approved administratively (since then, the code has been changed that even if there are no public improvements, final plats of 5 or more lots must have city council approval).
4. December 31, 2020, City staff raised concern about only 10 lots being proposed in the final plat, rather than a plat for the entire property as originally submitted to the City in October 2020.
5. January 25, 2020, the final plat application FP-21-02 was submitted to the City. The applicant implied their intention was to only develop 10 lots, and that they did not foresee developing the entire property as originally proposed. Specifically, the applicant told Weitz that they would not develop the rear portion of the property at all, and that it would remain open space.
6. February 12, 2021, the final plat application FP-21-02 for the 10 lots fronting Highway 211 was approved and signed administratively and recorded with Barrow County on February 15, 2021. In other words, the city and its consultant took them at their word and allowed them to proceed with just the 10 lots fronting Highway 211.
7. April 13, 2021, Sullins Engineering emailed planning consultant, Jerry Weitz, a concept plan of the “septic subdivision” for Jacob Prather, which Jerry Weitz immediately forwarded to City staff. Much to the City’s surprise, this concept plan was for the remainder of the property that was not included in application FP-21-02 for the 10 lots fronting Highway 211; this newly received concept plan was for the same property the owner/applicant informed City staff there was no intention of development. Even if there had been a change of ownership where the back portion fronting Dooly Town Road was sold off, prior statements about it remaining as open space turned out to be incorrect.
8. April 14-15, 2021, City staff discussed the situation with Jerry Weitz, and all were in agreement that the owner/applicant and engineer were not up front and transparent with their plans. City staff desired a connected development for the entire property; had intentions from the developer and engineer been forthcoming, the approval of application FP-21-02 would have been handled much differently, because a preliminary plat would have been required and staff and consultant certainly would have recommended that Dooly Town Road and Highway 211 be connected with a street through the development. In staff’s opinion the applicant acted to deliberately frustrate the city’s intent in that regard.
9. April 15, 2021, City staff sent an email to Sullins Engineering regarding this “new” proposed development and included the City’s outlook about how misleading their

development team has been thus far. In other our feelings of being deceived were made known to the applicant's engineer. There was no response from anyone from the development team.

10. June 4, 2021, a revised final plat of FP-21-02 was emailed to City staff that included a drainage easement and temporary construction easement. City staff was not aware of any easement, and final plat FP-21-02 that was approved did not list any City easements. This immediately raised red flags for City staff, at which time staff asked if these easements indicated the developer was planning construction in the large open tract of land that was part of the "concept plan" received on April 13. When City staff addressed this issue with Sullins Engineering, staff was informed the easement was so the developer could loop the water line in the proposed new subdivision, as per the City's previous comments in the email from April 15.
11. June 17-23, 2021, revised final plat of FP-21-02 was sent to the City and included the changes requested by City staff regarding the easement leading from lot 10 of FP-21-02 to lot 11 of the "new" proposed development. City staff requested civil plans to ensure the water line would be a looped system before moving forward with reviewing any additional plans for their "new" development. The revised final plat of FP-21-02 including the utility easement and temporary construction easement was approved and became known as final plat FP-21-05.
12. August 9, 2021, upon City and County inspection of the 10 lots fronting Highway 211 (now also known as FP-21-05), it was discovered that a bury/burn pit was located on lot 8. Pictures were taken, and an email sent to the development team of My Home Communities.
13. October 1, 2021, the City received plans for the "new" development, map and parcel numbers ST04 095 and ST04 095C for 48.10 acres. At this time, the City had not received an application or application fees.
14. October 6, 2021, the City received Statham Place application and fees, hydrology report and the civil plans, which were asked for originally in June.
15. November 4, 2021, application PP-21-04 was placed on the City Council Work Session Agenda for preliminary plat approval, and scheduled to be voted on at the November 16, 2021 Regular Meeting.
16. November 8, 2021, City staff reached out to Kinder Morgan, a gas utility company, and discovered that they (Kinder Morgan) had no knowledge of any construction, development or otherwise of this property. City staff also reached out to other utility companies including Georgia Power and Colonial Pipeline, and neither of these companies were notified by the developer or development team. Each of these utility companies hold easements and infrastructure that would be affected by this development.

17. November 9, 2021, upon City inspection of the 10 lots fronting Highway 211, it was discovered that a hole was being dug approximately 20-feet in width, 30-feet in length, and 15-20 feet in depth behind lot 6, and upon further City and Bureau Veritas inspection, it was discovered that large amounts of dirt was being removed from land of the “new” development (application reference PP-21-04) and a large hole in the ground approximately 40-45 feet long, 30-feet wide and 8-12 feet deep was being developed.

**City staff issued Stop Work Orders on lots 3, 4, 5, 6 and 7 effective immediately.**

- i. Based on this project’s overall history and City staff’s experience with the developing team and builders, City staff believes the holes that were dug could be used as bury pits for construction debris, tree debris/inert waste, which is illegal.
- ii. The developer/builder was informed and instructed to clear and grade one lot at a time while maintaining all BMPs (Best Management Practices).
- iii. BMPs were not followed, to include land disturbance.
- iv. Since lots were cleared, graded and dirt was disturbed over multiple lots at the same time, it is an EPD requirement to obtain a land disturbance permit for an area in excess of one disturbed acre.
- v. Lot 3 was to be treated with sensitivity since wetlands exist here, however, the builder was “unaware” of these wetlands, and informed City staff and Bureau Veritas that he did not “was not aware of the 25’ stream buffer.”
- vi. The land behind these 10 lots was not to be disturbed as it is not part of this current 10-lot development; this has not been approved by the City to be disturbed, is not permitted by the EPD to be disturbed, and has now created an issue for when that land is approved to be worked on.

In conclusion, there are code violations alleged on the adjoining property and the property involved with the preliminary plat. Though the ownership may not technically be the same, the applicant for the final plat along Highway 211 and the preliminary plat applicant are associated with one another as indicated earlier in this memo. Staff believes that preliminary plat approval should not be granted at this time because of such alleged violations. Also, it would be staff’s suggestion that we consider a design to the preliminary plat and a revision of the final plat that accomplishes the original intention of the City to attain a through street connecting Highway 211 and Dooley Town Road.



## Planning & Zoning Department

### MEMORANDUM

TO: Mayor Piper and City Council, City of Statham

CC: April Stephens and Jordan McDaniel, City of Statham; Jerry Weitz, Consulting Planner

FROM: City of Statham Staff

DATE: January 31, 2022

RE: Application for Preliminary Plat Approval for "Statham Place," Sullins Engineering, LLC, Applicant, MHC of Georgia, LLC, property owner, 36 lots on 48.10 acres fronting on the southeast side of Dooley Town Road (part of Map/Parcels ST04/095C and ST04/095)

---

Planning staff is updating its response regarding the request to table Preliminary Plat approval of "Statham Place."

SUMMARY: A staff memo was provided to Mayor and Council on November 11, 2021 that supplemented Planning Staff's response about preliminary plat application PP-21-04 based on activity on the site and the adjacent final plat property that was in violation of multiple city codes. Although submitted as separate applications, owner Jacob Prather of My Home Communities, LLC is listed on both applications FP-21-02 Jackson Estates Final Plat and the PP-21-04 Statham Place Preliminary Plat as a point of contact and/or owner. Additionally, Sullins Engineering developed both plats, and is listed as applicant to PP-21-04.

City Staff, Planning Staff and Bureau Veritas has addressed these city code violations, permitting fines and BMPs with the builders and applicant/owner My Home Communities which were referenced in the November 11, 2021 memo. All violations have been addressed; BMPs in place and all fines have been paid in full. It is the recommendation of City Staff to allow application PP-21-04 Preliminary Plat to be placed on the February 3, 2022 work session agenda and February 15, 2022 regular meeting agenda for council vote with the following recommendations:

**To approve application PP-21-04 Preliminary Plat with the following conditions:**

1. To approve the sidewalk waiver to not install sidewalks along Dooley Town Road in front of Statham Place Development due to a) there are no existing sidewalks along Dooley Town Road; b) the rural nature of Dooley Town Road; c) limited future development that



would extend the sidewalk for future use. The approval of this waiver is for external use of the subdivision only; it does not include the internal subdivision.

2. With the understanding that absolutely no work may begin in any part of this subdivision without the proper permits and completed applications. Based on this project's overall history and City staff's experience with the developing team and builders, the City and their affiliates will closely monitor the progress of development.
3. It is the due diligence and responsibility of the developer to be in contact with all Utility companies before any permit of work is issued. Proof will be required by the City that all Utility companies have been made aware of said subdivision as easements and infrastructure would be affected by this development.
4. The developer/builder is required to maintain all BMPs (Best Management Practices) at all times throughout the development.

STATE OF GEORGIA

COUNTY OF BARROW

**AGREEMENT FOR RESERVED SEWER CAPACITY**

THIS AGREEMENT FOR RESERVED SEWER SERVICE, made as of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_22\_\_\_\_\_, by and between THE CITY OF STATHAM, GEORGIA, a municipal corporation chartered by the General Assembly of the State of Georgia, (herein called "Statham") and GDCI GA 7, LP, a Georgia [insert corporate structure] (herein called "Developer"), as well as its successors and assigns.

WITNESSETH:

WHEREAS, Developer owns or will own certain property (herein called the "Developer Property") which is shown on Exhibit "A" attached hereto and which is located so as to be serviceable by sewer capacity to be supplied by Statham; and

WHEREAS, Statham desires to sell and reserve to Developer, and Developer desires to purchase and reserve from Statham approximately 8,750 gallons per day of sewage treatment capacity; and

WHEREAS, Statham has authority to enter into this Agreement under the provisions of Paragraph III of Section II of Article IX of the Constitution of Georgia.

NOW, THEREFORE, for mutual consideration and the covenants hereinafter set forth, Statham and Developer, intending to be legally bound hereby agree as follows:

1. Reservation of Capacity. In consideration of this Agreement, Statham shall purchase from Barrow County and reserve to Developer and its successors and assigns, 8,750 gallons per day of sewage treatment capacity (herein called the "Developer Reserved Capacity") for the purpose of providing sewage treatment to the Developer and/or subsequent owners and users of the Developer Property.
2. Consideration. Developer shall pay Statham an advance payment (herein called the "Advance Payment") in the amount of \$157,500 within sixty (60) days of this agreement. Developer acknowledges that the Advance Payment shall be used exclusively by Statham to purchase sewage treatment capacity from the Barrow County Water and Sewer Authority (hereinafter called "Barrow") for use at the Developer Property. The Advance Payment shall be credited against all future connection fees, availability charges, surcharge fees and other tap-on *fees* and charges (by whatever *name* called and herein called "Tap-on Fees"), computed at Statham's then prevailing rate at the time building permits are issued for any portion of the Developer Property ("prevailing rate" shall be defined as the rate then established by Statham as payable by any then existing or future sewer customer dependent upon the lift Station for utilization of sewer capacity). In addition to the Advance Payment, Developer shall pay to Statham a non-

refundable, administrative fee equal to five percent (5%) of the Advance Payment amount to cover Statham's administrative overhead costs associated with purchasing, managing, and monitoring the future capacity and its usage.

3. Zoning Contingency. The Developer acknowledges that tender of the Advance Payment shall not entitle the Developer to zoning approval nor shall such payment be considered or factored into any zoning decision by the governing authority of Statham. The Advance Payment shall be calculated based upon the number of lots shown on the proposed plat and site plan submitted in connection with any zoning application. If the number of lots shown on an approved final plat is greater than those shown on the site plan submitted in connection with the request for zoning, as a condition of plat approval, Developer agrees to purchase in advance such additional sewage treatment capacity as is necessary at the then prevailing rate. If the number of lots shown on an approved final plat is less than those shown on the site plan submitted in connection with the request for zoning, the Developer shall be entitled to either 1) a refund of any portion of the Advance Payment not required or 2) a credit against future Tap-On Fees due at the time building permits are issued for Developer's Property.
4. Required Infrastructure. Any public sanitary sewer systems installed, or caused to be installed by Developer on Developer's Property shall be constructed in accordance with all applicable state and local laws, ordinances, regulations and rules and shall be subject to the review and approval of the plans and specifications by Statham and subject to inspection and approval by Statham of the installation of said systems. Upon completion by Developer and approval by Statham of said sanitary sewer systems and easements according to Statham's requirements, such sewer systems and casements shall, within six (6) months after approval, be submitted to Statham for dedication and, upon acceptance by Statham (which shall not be unreasonably withheld), shall become part of Statham's sewer system.
5. Future Connections. If any adjoining upstream property owner desires to connect to any sanitary sewer approved by Statham prior to the time Developer requires such connection, Developer will grant to Statham an easement running to the designated sewer line connection point location, or from any sewer connection systems already located within the Developer Property, to the boundary of the Developer Property line, at a location approved by Developer and at no cost to either Statham County or the adjoining property owner, provided that the adjoining land owner (i) agrees in writing to repair and restore Developer's property to its property to its prior condition, (ii) carries builder's risk insurance with a company and in an amount reasonably satisfactory to Developer which names Developer as an additional insured and provides Developer with a copy of the same prior to commencement of construction, and (iii) agrees in writing, to indemnify and hold Developer harmless from and against any and all loss, cost, damage or expense that Developer may suffer or incur (including, without limitation, attorney's fees and court costs) arising out of or related to the easement. The cost of constructing the connecting sewer system within the easement area of the Developer's property shall be paid solely by the requesting adjoining property owner with no financial obligation or participation by Developer. Such sewer line

connection systems shall be sized at the time of the installation and built according to Statham regulations.

6. Developer Easements. Developer will reserve on all final plats an easement along all natural drainage areas to the boundaries of the development property for the purpose of running future sewer lines. Permanent easements shall be 20 feet wide and adequate to install said lines, with adjacent temporary construction easements of 10 feet in width on each side of the permanent easements. After future sewer lines are installed, any temporary construction easements shall be terminated.
7. Waiver of Liability. Developer acknowledges and agrees that Statham shall have no liability, except for paragraph 2 herein, to Developer for the failure of any third party to do or perform any act, including, without limitation, any failure by third party to pay the cost of installing all or any part of the sewage collection system upon which Developer may be dependent in order to connect Developer's sewage collection system to the sewerage system. Statham makes no representations or representations regarding the ability to provide sewer service to Developer Property, and Developer hereby waives any and all claims against Statham based upon Statham's ability or inability to provide sewer service to Developer Property. Developer shall be responsible for acquiring any and all easements necessary to serve the subject Developer Property.
8. Repurchase and Refund Rights. Statham and Developer understand and agree that there is presently a limited amount of sewer capacity available to Statham through Barrow County.
  - a. In the event Statham is unable to acquire the necessary sewer capacity from Barrow County, Statham shall refund to Developer the Advance Payment, which shall be the sole and exclusive remedy available to Developer on account of Statham's inability to reserve sufficient capacity from Barrow County.
  - b. Statham and Developer understand and agree that so long as the present sewer capacity shortfall exists, Developer will furnish status reports to Statham at the end of twenty-four (24) months from the date of payment as required under paragraph 4 hereinabove and at twelve (12) month intervals thereafter which show the status of utilization of the Developer Reserved Capacity. These reports shall be in sufficient detail to show the status of contracts, closings, construction and occupancy dates. At any time within sixty (60) days (the "Option Period") of receiving a required status report, or upon failure of Developer to timely submit a required status report or if at any time Barrow demands the repurchase of Reserved Capacity from Statham, Statham shall have the Option to repurchase any portion of the Developer Reserved Capacity which exceeds, in Statham's judgment, the amount of capacity necessary to adequately service the Developer Property (the portion thus subject to said Option shall be hereinafter referred to as the "Excess Capacity"). The Option price payable by Statham upon exercise of the Option shall equal to the price paid by Developer for capacity pursuant to this Agreement. Exercise of said

Option shall be by written notice to Developer deposited in the U.S. Mail (certified mail return receipt requested) with adequate postage thereon within the Option Period, and addressed to Developer at the address given hereinbelow or at any substitute address provided to Statham by Developer in writing subsequent to this Agreement. Said notice shall state Statham's election to exercise its Option, together with the total capacity to be repurchased and the total repurchase price payable. Said notice shall be deemed received on the third day following the date it is posted, provided it is mailed pursuant to the above requirements. In the event Developer has any objection to Statham's exercise of the Option, Developer shall submit to Statham in writing, within thirty (30) days of receipt of Statham's notice of exercise (the "Objection Period"), its detailed objection, together with any supplemental report Developer desires to submit. Any objection not received within the Objection Period shall be deemed waived. Upon receipt of an objection, Statham shall tender the repurchase price, as adjusted if applicable pursuant to this process, whereupon Developer's capacity shall be administratively adjusted accordingly. This Agreement may be terminated by Developer at any time. Within ten (10) days after notification of termination, Statham shall refund all payments by Developer for any unused capacity. Developer waives any and all claims against Statham arising from or relating to any repurchase of sewer capacity by Statham or Barrow County pursuant to this paragraph.

9. Developer's Efforts. In order to ensure that the Developer is utilizing the reserved capacity in a timely manner, Developer must establish evidence of the following:
  - a. A continuous marketing effort must be undertaken.
  - b. A Grading/Building Permit should be acquired within 2 years from the date of execution of this document by the Statham County Board of Commissioners.
  - c. Upon approval of the Permit, construction should begin within 60 days from the date of approval.
10. Severability. If any phrase, clause, sentence, paragraph or section of this Agreement shall be declared or judged invalid or unconstitutional, such adjudication shall in no manner affect the other phrases, clauses, sentences, paragraphs or sections of this Agreement, which shall remain in full force and effect as if the phrase, clause, sentence, paragraph or section of the Agreement so declared or adjudicated invalid or unconstitutional was not originally a part hereof.
11. Duty to Mitigate Capacity Usage. In the event that re-use water becomes available the Developer agrees to use re-use water on any common areas needing irrigation. The Developer also agrees to allow Statham to irrigate on any unused property within the Development provided that it does not interfere with the Development. The developer will install casing under all driveways to accommodate possible installation of reuse lines.

All developments will reserve an easement 5 feet in width adjacent to the right-of-way for the purpose of installing re-use water lines.

12. Assignment and transferability. The reserved capacity acquired by Statham shall inure to and run with the Developer Property, and upon any conveyance of said property, the Developer's rights under this Agreement shall likewise be conveyed to the purchaser of the Developer Property. Purchaser shall perform in accordance with the terms of this Agreement in its entirety and be bound by the conditions and restrictions set forth herein.

IN WITNESS WHEREOF, the fully authorized officials of Statham and the fully authorized officers of Developer have respectively caused this Agreement to be entered into on behalf of Statham and Developer and the seals of Statham and Developer to be affixed hereto on the date and year first above written.

**CITY OF STATHAM, GEORGIA**

By: \_\_\_\_\_  
Joe Piper, Mayor SEAL

Attest: \_\_\_\_\_  
April Stephens, City Accountant

Approved as to form:

\_\_\_\_\_  
Jody Campbell, City Attorney

**DEVELOPER NAME**

\_\_\_\_\_  
By: \_\_\_\_\_

Title: \_\_\_\_\_

McDaniel Utilities, Inc.  
Chris McDaniel  
P.O. Box 1602  
Winder, Georgia 30680  
404-569-0508

Proposed Bid for RFP# 21-005  
City of Statham Gravity Sewer Line Replacement  
Behind Casto's from 2nd Street to 1st Street

-Tree Removal	\$ 33,000.00
-Tie into 1st manhole on 2nd Street	\$ 6,000.00
-Remove existing clay pipe, replace with new 8" SDR 26 PVC, approximately 500 ft. @ \$ 180.00 ln.ft.	\$ 90,000.00
-1 new manhole about midway point (approximately 6.5' tall)	\$ 3,500.00
-Replace existing manhole at 1st Street (approximately 8' tall)	\$ 6,000.00
-6 new service tie-ins @ \$ 2,000.00 ea.	\$ 12,000.00
-Approximately 180 tons #57 bedding stone @ \$ 44.00 ton	\$ 7,920.00
-Repave 15' x 20' in street	\$ 14,000.00
-Sow grass with contractors blend seed, mulch with hay or straw	\$ 2,800.00
Total	\$ 175,220.00



# Proposal

To: **City of Statham**  
 Address: **327 Jefferson St.**  
 City / State: **Statham, GA 30666**

Date: **January 27, 2022**

Attn: **Jordan McDaniel**  
 Phone: **770-725-5455**  
 Email: **jmcdaniel@cityofstatham.com**

Job: **Statham Gravity Sewer Line Replacement**  
 Location: **Statham, GA 30666**

Engineer: *N/A*  
 Plan Date: *N/A*

Addenda:  
*Proposal good for 30 days*

**Standard Exclusions (Unless otherwise noted):**

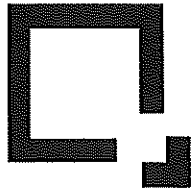
- Asbestos and/or other hazardous materials testing or abatement is excluded.
- Set up or maintenance of truck wash facility.
- Re-location, removal or replacement of existing utilities.
- Excavation below sub-grade in cut areas or below stated topsoil depth in fill areas.
- Removal/disposal of rock, unsuitable soils, hazardous materials. Rock Boring.**
- De-watering, well points, manipulation of soils to attain proper moisture content.
- Hauling off or hauling in dirt to achieve site balance.
- Hauling off or hauling in topsoil, except as noted.
- Water & sanitary sewer lines are priced to 5-ft outside buildings. Tie-in by others.
- Asphalt patching or asphalt overlay of existing streets.

- Permits, Fees, Meters.**
- NPDES permitting or monitoring.**
- Compaction Testing**
- Maintenance or removal of erosion control items.
- Undercutting or de-mucking.
- Catch basin tops & throats
- Landscaping, hardscaping or fencing.

<u>Description</u>	<u>Quantity</u>	<u>Unit</u>
<b><u>CLEARING &amp; DEMO</u></b>		
CLEAR, GRUB & HAUL OFF	1	LS
TREE SURGEON WORK	1	LS
REMOVE SEWER PIPE	500	LF
REMOVE SEWER MANHOLES	1	EA
<b><u>EROSION CONTROL</u></b>		
CONSTRUCTION EXIT W/ FABRIC incl REMOVAL	1	EA
SILT FENCE - TYPE S & REMOVAL	520	LF
GRASSING	1	LS
<b><u>SANITARY SEWER</u></b>		
8" PVC SDR26 (0'-10')	500	LF
6" PVC SDR26 (0'-10')	60	LF
STONE BEDDING	159	TN
4' DIAMETER MANHOLE	14	VF
STREET RING AND COVER	1	EA
CAST IN, BOLT DOWN RING & COVER	1	EA
ADJUST RINGS & COVERS TO PAVING	1	EA
8" X 6" PVC SDR26 SERVICE ASSEMBLY	4	EA
STREET CUT AND CONCRETE PATCH	12	SY
ASPHALT PATCH	12	SY
SEWER TESTING	500	LF

**PROPOSAL TOTAL: \$ 189,000.00**





**Jerry Weitz & Associates, Inc.  
Planning & Development Consultants**

1225 Rucker Road, Alpharetta, Georgia 30004  
Phone: (404) 502-7228 E-Mail: [jweitz@bellsouth.net](mailto:jweitz@bellsouth.net)

Growth Management  
Comprehensive Planning  
Zoning & Land Use Regulations  
Land Development Applications  
Expert Testimony  
Zoning Administration

**MEMORANDUM**

TO: Honorable Mayor Joe Piper, City of Statham  
C: Sandra Bennett, April Plank, Jody Campbell  
FROM: Jerry Weitz, Consulting City Planner  
DATE: December 28, 2020  
RE: Development impact fee program for Statham: framework and steps

---

This memo outlines a strategy for your consideration to rapidly develop and implement an impact fee program. This memo also serves as a primer for summarizing components of the impact fee program that can be shared with city council members.

**WHAT IS AN IMPACT FEE?**

It is a payment of money imposed upon development as a condition of development approval to pay for a proportionate share of the cost of system improvements needed to serve new growth and development. It is paid at the time of a building permit.

**WHY ADOPT AN IMPACT FEE PROGRAM?**

Without an impact fee program:

- The costs of providing facilities serving new development are paid for mostly if not exclusively through property taxes (city capital improvement budget) and special sales taxes (or just special local option sales taxes)
- All property owners in the city pay for the necessary improvements to serve new development; that is an arrangement that can be viewed as unfair and inequitable to residents, who may not want to subsidize the costs of facilities for new development
- Facilities may not otherwise be funded at the most appropriate level of service

With impact fees:

- The city puts together a plan that identifies needs and provides for new facilities
- A portion of the costs of providing facilities for new development are attributed to and paid for by new development as it occurs

## OVERVIEW OF PROGRAM COMPONENTS

### Capital improvements element (CIE) of the comprehensive plan

To support a development impact fee program, the city's comprehensive plan must meet state administrative rules for Capital Improvements Elements (CIEs).<sup>1</sup> This work is beginning immediately. The CIE will address the services for which the city wants to charge impact fees.

### Development Impact Fee Ordinance(s)

Impact fee ordinances must comply with applicable state law. Impact fee ordinances are relatively standardized in terms of contents, and templates are available and in-hand. The preparation of an impact fee ordinance itself is not time consuming, although the city will have active participation by the city attorney in the effort.

State law requires establishment of an impact fee advisory committee, and the composition of the committee is also prescribed in state law:

The comprehensive plan amendment (Capital Improvement Element) must be adopted prior to ordinance adoption, but both could take place at the same meeting. Two public hearings are required by statute to be held (minimum two weeks apart) on the impact fee ordinance prior to adoption.

## FACILITY PLANNING CONSIDERATIONS

### Facilities Eligible

Impact fees can be charged by local governments for some facilities and services, but not others. School impact fees are not authorized under Georgia law. Water and sewer impact fees can be prepared and adopted, but Statham already has tap/connection fees and such an approach is permissible and serves some of the same purposes as an impact fee program. A road impact fee can be charged, although the preparation of an impact fee program for roads is more complicated than for other services. Drainage is also an eligible expense, although in my opinion the greater need has to do with maintenance of existing stormwater facilities, and a stormwater "utility" is a better approach because stormwater utility fees can be used for maintenance of existing facilities.

Public safety (police/law enforcement including courts, fire, and emergency medical services are eligible facilities for impact fee funding. Fire and EMS are provided by the county, so we should seek their formal agreement to charge impact fees for those services in Statham. The city has a police force, and this makes police facilities an obvious choice for impact fees. Parks and recreation are eligible services, and they are recommended for impact fees. With regard to libraries, the city does not directly provide that service (it is part of the regional library system) but future population growth will strain existing library facilities serving Statham. Therefore, a library impact fee may also be recommended.

---

<sup>1</sup> Rules of Georgia Department of Community Affairs, Chapter 110-12-2, Development Impact Fee Compliance Requirements

### Facility Planning Details

Growth projections (population and employment) are needed to plan for future facilities. There will be some significant effort required to develop reliable population and employment projections. After deciding which facilities and services for which impact fees will be collected, a level of service standard must be established. Accurate inventories of existing facilities must be completed to assess existing levels of service and to prepare level of service standards. A service area for each facility/service must be established. Usually, service areas are established for the entire local government jurisdiction; however, there may be reason to consider dividing the city into service areas for some facilities/services.

Once facilities/services have service levels established, a schedule of improvements is prepared; those are the only projects for which impact fees can be spent. Each project requires an estimated cost. Per O.C.G.A. 36-71-4(q), development impact fees must be based on actual system improvement costs or reasonable estimates of such costs.

### HOW MUCH WOULD THE IMPACT FEES BE?

One cannot say up front. The fee should be based on full cost-recovery considerations. However, in practice the impact fees are usually discounted (i.e., set lower than real costs). The city can also charge up to 3% of the impact fee to offset administrative costs of administering the impact fee program.

Shown below is research I conducted two years ago showing what other local governments in Georgia have been charging for impact fees (by type):

**Comparison of Development Impact Fee  
by Type for a Single-family Dwelling Unit  
Representative Local Governments in Georgia  
(excludes utility fees)**

Georgia Local Govt.	Public Safety	Parks	Roads	Library	All Impact Fees
Milton	\$638.43	\$6,215.10	\$678.36	--	\$7,757.85
Sandy Springs	\$444.80	\$4,543.67	\$1,666.69	--	\$6,854.82
Alpharetta					\$6,494.69
Forsyth County	\$510.00	\$1,178.00	\$1,968.00	\$148.00	\$3,641.00
Roswell (2,500 sq. ft. home)	\$916.00	\$559.00	\$1,690.00	--	\$3,517.00
Dawson County	\$941.29	\$813.88	\$999.55	\$225.99	\$2,980.71
Powder Springs	\$669.36	\$1,449.11	--	--	\$2,118.47
Fayetteville	\$693.95	\$665.90	\$216.58	--	\$1,576.43
Cherokee County	\$799.21	\$283.74	\$589.70	\$281.06	\$1,953.71
Woodstock	--	\$1,465.75	--	--	\$1,465.75
Jefferson	--	\$1,293.75	--	--	\$1,293.75

In my view, the total impact fee charged by Statham (which depends on the services included) should be in the range of \$1,500 to \$4,500 per dwelling unit, recognizing that significant water and sewer connection fees are already paid in Statham. Again, the amount would be based on detailed cost of facility/service considerations.

As another example, I have provided below the fees that are charged in Hoschton (a program I helped develop in 2020) (residential only shown; excludes nonresidential):

Fee	Admin. Fee (3%) (dwelling unit only)	Total per dwelling unit w/ admin fee
Police	\$23.75	\$815.71
Fire/rescue	\$28.21	\$968.81
Park/open space land	\$32.37	\$1,111.58
Total	\$84.33	\$2,896.10

### WHO PAYS?

Park and recreation services and libraries serve residential development almost exclusively; therefore, they are charged to residential development only. Public safety facilities serve nonresidential as well as residential development and are therefore charged to all developments.

### ACCOUNTING AND IMPLEMENTATION CONSIDERATIONS

Individual impact fee trust funds would be established for each facility (in the case of public safety, separate funds would be established for law enforcement and fire protection/EMS. Monies collected for each type must remain in the appropriate trust fund and used for lawful purposes (capital improvements plus related expenditures like planning, architecture, engineering, land acquisition, etc.).

Local governments that charge impact fees are required to annually update the comprehensive plan including capital improvements element and community work program. Annual reports of impact fees collected, encumbered, and expended must be sent to the Georgia Department of Community Affairs at the time the annual plan update is submitted for required regional and state review.

### ESTIMATED COSTS OF PURSUING THE PROGRAM

I have indicated previously that my role in the program will require an estimated \$10,000 to \$15,000, depending on which facilities and services are included. This amount implies some assistance from city staff in collecting data about city facilities. The planning amount of this fee is reimbursable with impact fees by putting it in the capital improvements element. Some additional work is implied by the city attorney to review the draft ordinance, draft or review one or more intergovernmental agreements, and to participate in various meetings.

### IMPLEMENTATION MILESTONES (aggressive – best case)

1. Advertise and hold initial public hearing on the capital improvements element of the comprehensive plan (January 2021). (suggested notice has been provided already)
2. City Council appoints members of the development impact fee advisory committee (February 2021). (suggested notice to Council in January)

3. Initiate formal discussions with non-city service providers (county fire and rescue department / emergency medical services and the regional library system (if desired), regarding intergovernmental agreements and desired service levels as well as determining capital facility needs. Task the city attorney with drafting any necessary intergovernmental agreements (Weitz can assist). **(January to March 2021)**.
4. Hold meeting of the impact fee advisory committee **(March or April 2021)**.
5. Complete the draft capital improvements element (this can be reviewed by the committee, but the committee is only required to consider the ordinance) **(March 2021)**. Schedule a second public hearing **(April 2021)** and transmit the CIE for regional and state review.
6. Advertise and conduct two public hearings on the ordinance **(April – May 2021)**. The two hearings must be at least 14 days apart.
7. Adopt the capital improvements element **(May 2021)** and impact fee ordinance (same meeting is a possibility).

#### **WHY THE URGENCY?**

Residential developers and builders have been in contact with city officials about proceeding with development plans. There are literally hundreds of residential dwelling units on the horizon, perhaps even 1,000 potential dwelling permits to be issued in the next several months, if projects discussed come to fruition. Once word goes out publicly (i.e., in January 2021) that Statham is pursuing impact fees, builders and developers will aggressively expedite their programs if possible to try and avoid paying the fee. The city should expect to lose potential impact fee review on dozens if not hundreds of units. However, if the program is put in place expeditiously (i.e., by June 2021), the city will be able to get impact fee revenues on the vast majority of new dwelling units constructed.