



# Application to Amend the Official Zoning Map of the City of Hampton

## Evaluation Report

### City of Hampton, Georgia

#### REZONING CASE NO.

HP Henry, LLC (RZ-20-02)

**City Council:** Steve Hutchison, Mayor  
Marty Meeks, Mayor Pro Tem  
Stephanie Bodie  
Henry Byrd  
Mary Ann Mitcham  
Errol Mitchell  
Willie Turner

**Report prepared by:** Wanda D. Moore, PLA / Director of Community Development

**Applicant:** HP Henry LLC c/o Battle Law, PC  
One West Court Square, Suite 750  
Decatur, GA 30030  
(404) 601-7616

**Location:** East side of Floyd Road; +/-700' South of Floyd Lane & Floyd Road intersection  
City of Hampton, GA 30228

**Request:** Rezoning from RA (Residential-Agricultural) to R3 (Single-Family Residential)

**Parcel ID:** 023-01082000

**Proposed Use:** 307 Lots / R3 Single-Family Residential gated development

**Current Land Use:** Undeveloped, vacant

**Future Land Use:** Rural Residential

**Notices Mailed:** January 24, 2020

**Sign Posted:** January 25, 2020

**Public Hearing:** February 11, 2020

**Property Area:** 201.43 acres

**Road Access:** Floyd Road

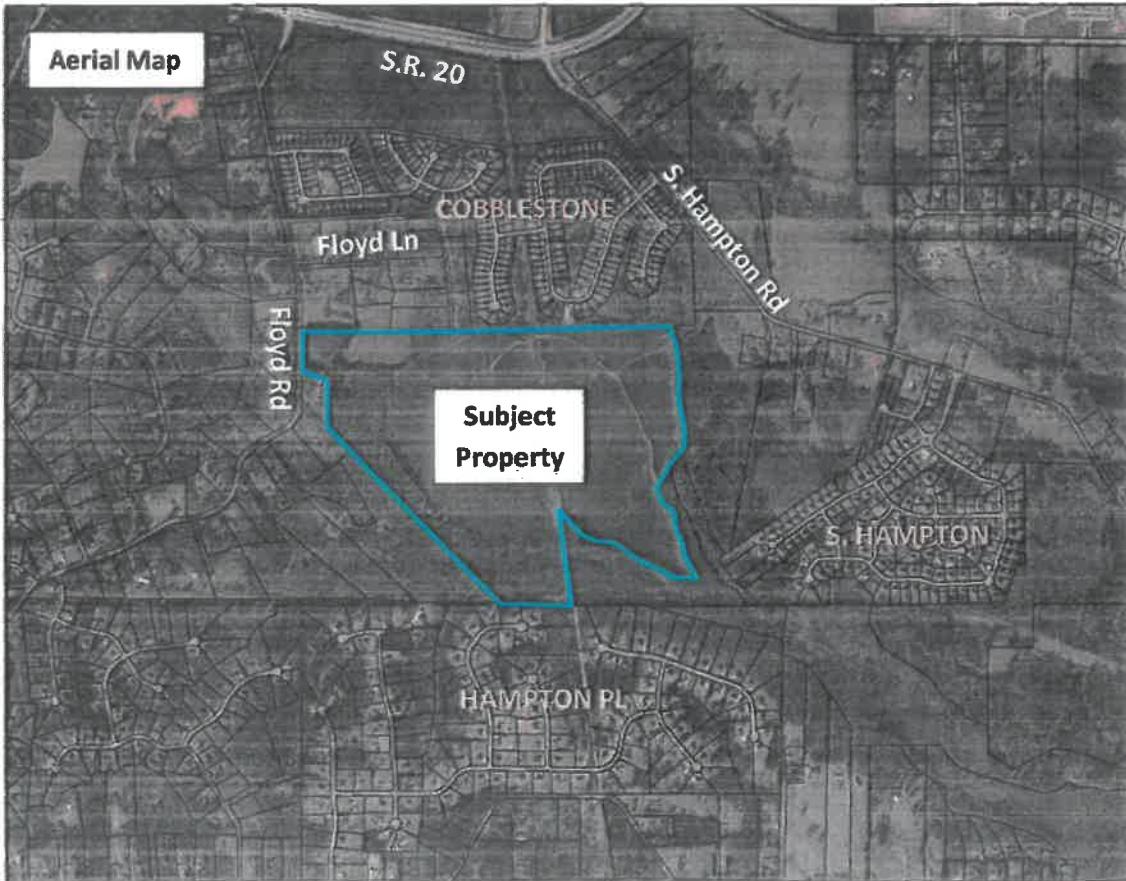
**Zoning History:** According to the Official Zoning Map, the property is zoned RA (Residential Agricultural). There have been no prior approved zoning actions for the subject property.

Table 1.0 illustrates the current zoning and land use(s) of adjacent properties:

Position	Current Zoning	Current Land Use
North	*RA (Residential-Agricultural) & PD (Planned Development)	(4) SF homes on +/- 2.2, 2.5, 8.2, 3.0 ac parcels & Planned Development HOA Land / Open Space
South	*RA (Residential-Agricultural)	(4) SF homes; Hampton Place S/D, (1) SF home +/- 21 ac. parcel, (1) SF home +/- 3.2 ac. parcel & Henry County Water Authority Property
East	*RA (Residential-Agricultural)	SF Residential +/- 41 ac. parcel Henry County Water Authority Property
West	*RA (Residential-Agricultural)	(1) SF home +/- 2.4 ac. parcel

\*denotes Henry County zoning classifications, property within unincorporated Henry County

**Summation:** The subject property is located south of Cobblestone Ridge S/D with frontage along Floyd Road. The applicant is requesting to rezone the property from RA to R3 to develop the +/- 201-acre site as a 307-lot single-family residential gated subdivision with amenities. The property is currently undeveloped and unimproved. The property is located with the Limited Development and Water Quality Critical Areas of the Tugalga River Watershed District. The subject property is located within an area designated for Rural Residential land uses as described in the Henry County/Cities Joint 2040 Comprehensive Plan. An amendment to the Comp Plan is required to support an R3 Single-Family Residential rezoning. The applicant has filed an amendment to the City's Comprehensive Plan which runs concurrently with this rezoning request.



### Development Regulations Relevant to Request:

- Article V. Sec. 5-1. - RA (Residential-Agricultural)
- Article V. Sec. 5-4. - R3 (Single-Family Residential)
- Henry County/Cities Joint 2040 Comprehensive Plan, Future Land Use Map, Policies.
- All other sections regarding site development standards and requirements.

### Analysis of Request (Section 12-7. - Rezoning Requests and Text Amendments):

#### Criteria Point 1: The possible effects of the proposed amendment on the character of a zoning district, a particular piece of property, neighborhood, a particular area, or the community.

The subject property is currently bounded with single-family residential subdivisions, single-family platted lots outside of a subdivision, and Henry County Water Authority property. The single-family residences to the north are zoned RA (Residential-Agricultural) and PD (Planned Development). Properties to the east, west, and south are zoned RA (Residential-Agricultural). The minimum lot size for PD is 10,890 sf and one-acre (43,560 sf) for RA. The proposed development of the subject property is a net density of 2.4 du/nua, Cobblestone Ridge S/D is a net density of 3.2, and South Hampton S/D is a net density of 1.8 du/nua.

Figure 1.0 depicts the proximity of nearby residential development to the subject site, and Table 2.0 summarizes the characteristics of existing residential development in the area.

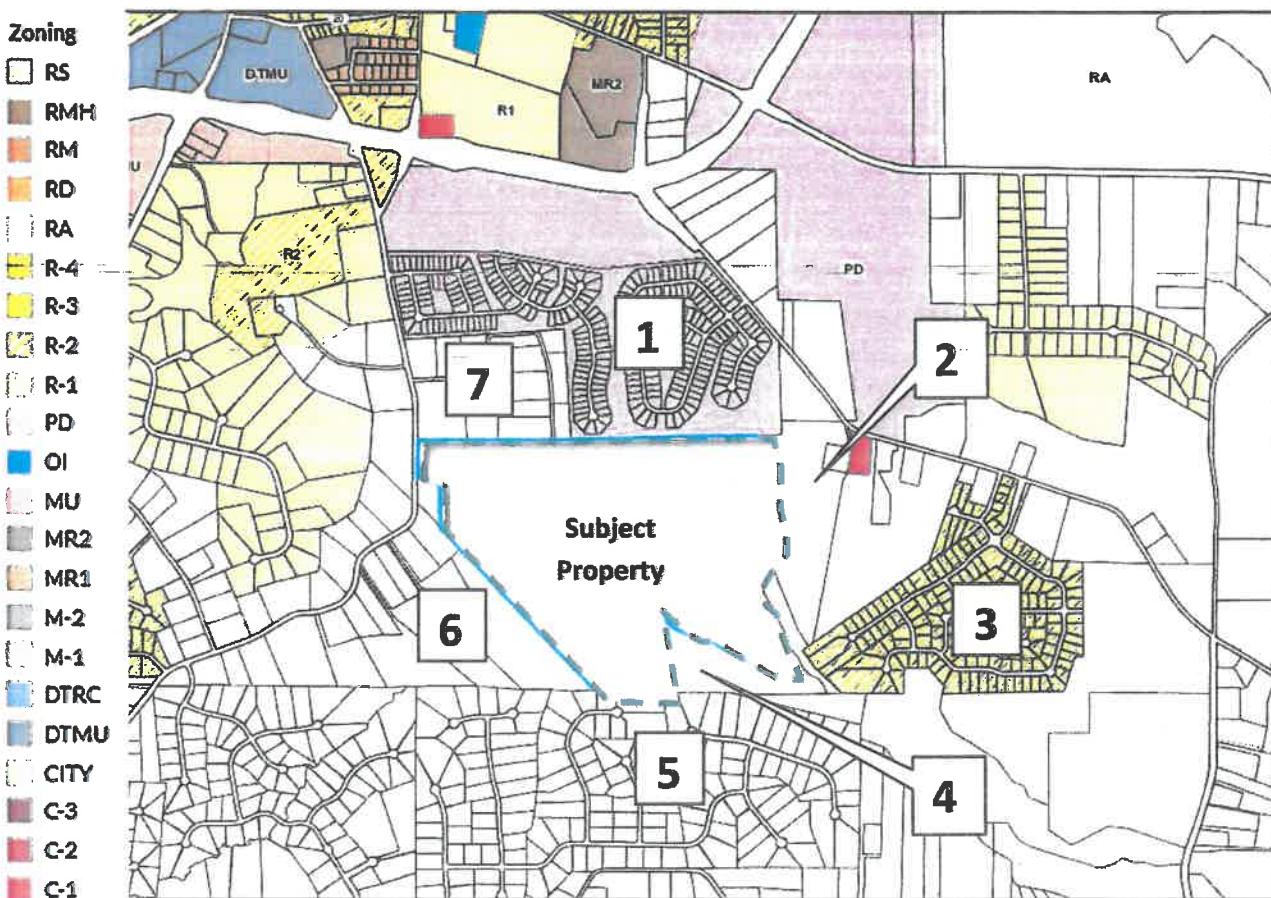


Table 2.0 Characteristics of Developments in the Area

\*denotes property located in Unincorporated Henry County.

Map No.	Developments	Zoning	Acreage +/-	# of Lots	Minimum Lot Size (sq. ft.)	Min. Heated Floor Area (existing)	Gross Density
Subject Property	Proposed S/D	R3	201.4	307	12,000	2,200	1.5 du/ac
1	Cobblestone Ridge S/D	PD	142.5	276	10,890	1,600 sf	1.9 du/ac
2*	Platted Lot outside S/D	RA	41.0	1	1 acre	1,010 sf	1.0 du/ac max.
3	South Hampton	R2	97.0	147	18,000	2,700 sf	1.5 du/ac
4*	Henry County Water Authority	RA	20.6	0	1 acre	1,500 sf	0 du/ac
5*	Hampton Place	RA	255	149	1 acre	1,800 sf	0.6 du/ac
6*	Platted Lots outside S/D	RA	2.4 to 21	3	1 acre	1,900 sf	1.0 du/ac max.
7*	Platted Lots outside of S/D	RA	2.2 to 8.2	4 lots adjacent north P/L	1 acre	1,248 to 1,992 sf	1.0 du/ac max.

**Criteria Point 2: The relation that the proposed amendment bears to the purpose of the overall zoning scheme with due consideration given to whether or not the proposed amendment will help carry out the purposes of this Appendix.**

The development of the site as a single-family residential subdivision is consistent with the purpose of the R3 Single-Family Residential zoning district, which is "... to provide for single-family dwellings of a moderate density character on individual lots." per Section 5-4 of the zoning code.

**Criteria Point 3: Consistency with the Comprehensive Plan.**

The subject property is located within the area designated Rural Residential (RR). Rural Areas are primarily areas that are planned not to be developed or have sewer services. However, the subject project has access to public water and sewer. *"Rural Area Description: Large land lots of residential, farms or undeveloped land is expected to remain with these areas. The Strategies and Policies include creation of transfer of development rights program to protect land from development pressures, promote the use of conservation subdivisions, develop a trail and greenways system,*

and promote the use of scenic byways along key corridors to protect rural viewsheds". (Imagine Henry 2040 County/Cities Joint Comp Plan)

The applicant's request is to develop an R3 single-family subdivision which is designated as Low-Density Residential in the City's Comprehensive Plan. Low-Density Residential (LDR) form of development includes single family homes in walkable neighborhoods with parks and open space. LDR compatible zoning districts are R2, R3, PD, RMH, and RD. R3 minimum lot size is 12,000 sf.

This request is not consistent with the current designation of Rural Residential (RR) described as a form of development that includes farms, pastures, and forestry practices on large tracts of land, single-family associated with agricultural activities, and large lot subdivisions without sewer services. RR compatible zoning districts are RA and R1 with one (1) acre minimum lot size.

**Criteria Point 4: Potential impact on infrastructure including water and sewerage systems.**

**Water and Wastewater Treatment**

The City of Hampton serves Cobblestone Ridge S/D to the south and South Hampton S/D to the north with water and sewer. The City currently has water and sewer capacity to serve the subject property. Proposed extension of services will require plan review and approval from the City of Hampton Public Works and City engineer. Expenses incurred for extension of existing sewer main line and/or force main, easements, lift station, etc. shall be the responsibility of the owner/developer.

**Streets and Sidewalks**

The subject property has frontage on Floyd Road which is classified as a collector road under the jurisdiction and maintenance of Henry County. Currently, there are no sidewalks in the area. Access should be located such that the minimum intersection sight distance and the minimum spacing requirements are met per the road's posted speed limit and should have a deceleration lane and acceleration lane taper designed and constructed to Henry County DOT standards. For placement of deceleration lane, the owner/developer shall be responsible to obtain additional right of way and easements, as well relocation of existing utilities where necessary or as required by Henry County.

Henry County requirements for a left turn lane along Floyd is as follows: "For 35mph or less (per our records Floyd is 35mph within the County), if  $ADT < 6000$ , Left turn lane required if  $LTV >= 300$  Left turns/day. The left turn placement will require widening of Floyd Road for the placement of left turn lane and required downstream taper. This widening will extend outside of site's frontage and in addition to design and construction of the improvement the owner/developer will be required to obtain additional right of way and easements, as well relocation of existing utilities where necessary or as required by Henry County. The left turn lane improvements should include overlay of existing roadway as required by Henry County, as well as any deep patching (as directed by the county) of any failure areas in existing roadway prior to placement of overlay."

"Any proposed improvement to East King/SR20 and South Hampton/SR20 intersection is to go thru GDOT for review and approval, and such permitted improvement is to be the owner/developer's responsibility. GDOT will likely require an ICE (Intersection Control Evaluation) Analysis for any proposed intersection improvement to SR20." -Henry County Department of Transportation

As part of a development approval, the developer shall adjust the proposed subdivision road network as marked up by City staff (see Exhibit A). The changes are to facilitate better connection with proposed trails and reduce long stretches

of straight roadway and introduce geometry to slow traffic movement. The proposed trail system shall provide connection to sidewalks along side yard of lots in a dedicated open space and connect with adjoining Phase 1. Sidewalks are required throughout the subdivision located on both sides of the road and five (5') in width.

**Criteria Point 5: Impact on adjacent thoroughfares and pedestrian and vehicular circulation and traffic volumes.**

The addition of daily trips will impact adjacent thoroughfares and pedestrian and vehicular circulation and traffic volumes. The average daily trip allocation for single family residential is roughly 9.52. This means that for each home approximately 9.52 trips happen daily to and from the residence. As proposed, the subject property may generate approximate 2,938 new vehicular trips daily (1,469 entering and 1,469 exiting). Due to proposed number of lots (307), a traffic impact study shall be required per Henry County ULDC, Chapter 8 requirements per HCDOT.

**Criteria Point 6: Impact upon adjacent property owners.**

The impact upon adjacent property owners should be typical of a new residential subdivision. Certain impacts may be mitigated by appropriate zoning conditions.

**Criteria Point 7: Ability of the subject land to be developed as it is presently zoned.**

The subject property can be developed as an RA subdivision meeting the development regulations outlined in Section 5-1 of the zoning code, and Section 8-3 Towliga River Watershed Overlay.

**Criteria Point 8: Physical conditions of the site relative to its capability to be developed as requested, including topography, drainage, access, and size and shape of the property.**

The subject property is located within the Limited Development Area and Water Quality Critical Area of the Towliga River and will be required to comply with Section 8-3 Towliga River Watershed Overlay District regulations. The subject property appears to be physically capable of being developed as proposed. Design matters regarding Floyd Lake dam crossing, stormwater management, access, etc. will be determined and coordinated by the City in conjunction with City, State, and Federal regulations.

**Criteria Point 9: Merits of the requested amendment relative to any other guidelines and policies for development which the City Council may use in furthering the objectives of the land use plan.**

The subject property is located within the Towliga River Watershed Overlay District. Within the Watershed Overlay District agriculture, forestry and mining activities are permitted and exempt from permit requirements. Farming is confined to animal feeding operation in a building or enclosed fence and does not include pasturing of animals. Additionally, single family lots in the WQCA on public water and sewer are required to be a minimum of 1.5 acre in size and all residential developments total impervious area shall not exceed 25 percent. The proposed impervious for the development is 17 percent. Merits of single-family development include greater restrictions for impervious area, larger lot size in WQCA, use of public water and sewer in lieu of well water and septic fields in the watershed district.

The FLUM objectives for Rural Areas are to remain undeveloped or be utilized for farming or agricultural practices. These uses may not be suitable adjacent existing single-family development as permitted. Strategies and Policies which could include the creation of transfer of development rights are not in place. The Policy available is the use of

conservation subdivisions (2,500 sf minimum and R3 net density of 3.0 du/ha), trail and greenways master plan, and an access into the subject property that protects the rural viewsheds.

The character of the area is residential and rural in nature. The make-up or character of the proposed development has components of Cobblestone Ridge S/D, South Hampton, and Hampton Place (Henry County). Cobblestone has integrated open space and perimeter buffers, South Hampton has larger lots and a long boulevard entry that protects the rural viewshed, and Hampton Place is comprised of minimum one-acre lots developed adjacent larger single-family tracts of land.

The City's FLUM designates each land use character area through residential zoning districts. For the subject property the residential zoning districts regulate density with lot size and width, setbacks, buffers, amenity requirements, open space, etc. rather than a simple units per acre number. The applicant has requested a change in the FLUM to Low Density Residential for the subject property. The proposed amendment of the land use designation from Rural Residential to Low Density Residential seems to have merit as the site is located adjacent 10,890 sf sized lots on sewer and one-acre sized lots without sewer and has access to sewer.

**Recommendation:**

Planning staff recommends Approval of the request from RA to R3 with the following conditions:

1. Average lot size for the development shall be 18,000 s.f.
2. The owner/developer shall be responsible for extending available water and sewer services including but not limited to force main extension, lift station, off-site easements, etc. to the approval of the City of Hampton Public Works and City engineer.
3. All home construction shall adhere to the requirements enumerated in Article 3. Section 3-2. Residential Design Standards. (A thru F).
4. All disturbed areas shall be sodded, except where landscaping is present or installed.
5. The property boundary shall have a minimum 20' evergreen vegetative buffer. In areas where evergreen vegetation is sparse, the buffer shall be supplemented with evergreen material. A landscape plan prepared by a GA Registered Landscape Architect shall be required for areas with sparse evergreen vegetation.
6. Privacy fencing shall be installed along the rear lot lines of lots adjacent to Cobblestone Ridge S/D.
7. Interior walking trails shall be 10' wide asphalt trails with connectivity provided within open space areas between side lot lines to sidewalks along each street.
8. The amenity area shall be screened to protect rural view shed corridor from Floyd Road.
9. Floyd Lake dam shall be improved in such a manner as to not permanently alter normal water elevation to the extent it diminishes the shared use with lake front properties located along Floyd Lane.
10. The gated access shall be designed with (2) entrance lanes and (1) exit lane with gates, columns, fencing and landscaping along Floyd Road frontage in a rural theme consistent with the area.
11. Street lighting shall be downcast with fully shielded decorative fixtures to reduce light pollution and impact in a rural setting.
12. The owner/developer shall complete a traffic study equivalent to that required in Henry County's ULDC, Section 8.01.01. The owner/developer shall be required to complete indicated improvements to the satisfaction of HCDOT for access to Floyd Road as part of the subdivision's first approved development permit.

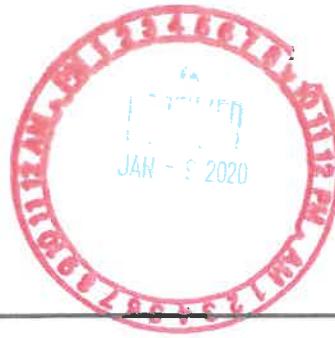
13. Access shall be located such that the minimum intersection sight distance and the minimum spacing requirements of the Henry County Department of Transportation (HCDOT) are met per the posted speed limit of Floyd Road.
14. Access shall have a deceleration lane and acceleration taper designed and constructed to HCDOT standards. For placement of deceleration lane, owner/developer to be responsible to obtain additional right of way and easements, as well relocation of existing utilities where necessary or as required by Henry County.
15. The owner/developer shall provide a left turn lane along Floyd Road. The left turn lane improvements should include overlay of existing roadway as required by Henry County, as well as any deep patching (as directed by the county) of any failure areas in existing roadway prior to placement of overlay.

**Attachments:**

- Application
- Letter of Intent
- Survey Plat
- Site Plan
- Rendering
- Exhibit A (Staff Plan Review)



THE CITY OF HAMPTON  
17 E. Main Street South  
P.O. Box 400  
Hampton, GA 30228  
(770) 946-4306



APPLICATION TO AMEND  
THE OFFICIAL ZONING MAP OF  
THE CITY OF HAMPTON  
(Pursuant to Appendix A: Zoning,  
Article 12, Section 12-7)

Name of Applicant: HP Henry, LLC c/o Battle Law, P.C. Tel.: 404-601-7616

Mailing Address: One West Court Sq., Suite 750, Decatur, GA 30030 Email: mlb@battlelawpc.com

Name of Property Owner: HP Henry, LLC Tel: 770-652-6963

(Attach additional page for more than one owner)

Address of Property: 0 South Hampton Road Tax Parcel No: 023-01082000

Zoning Classification: Current: RA Requested: R-3

Use of Property: Current: Vacant Requested: 307 single family detached lots

Surrounding Zoning North PD South RA East RA West RA

If the requested change is to extend an existing adjacent zoning district to include this property, explain below why the proposed change should be made.

If the requested change is not to extend an adjacent zoning district, explain below why this property should be placed in a different zoning district than all adjoining property. (How does it differ from adjoining property, and why should it be subject to different restrictions than those applying to adjoining property?)

see Statement of Intent

ATTACH THE FOLLOWING DOCUMENTS:

1. Written legal description of the property (copy of deed) – full metes and bounds description rather than plat reference.
2. Plat showing property lines and lengths and bearings, adjoining streets, locations of existing buildings, north arrow and scale. Submit seven copies of the plat. Submit on PDF of the plat.
3. List of adjacent property owners
4. Disclosure of Campaign Contributions and Gifts Form.
5. If Property Owner and Applicant are not the same, Authorization by Property Owner Form or Authorization of Attorney Form.
6. Filing fee payable to the City of Hampton
7. Letter of Intent, conceptual plan

I hereby authorize the staff of City of Hampton to inspect the premises of the above described property. I hereby depose and say that all statements herein and attached statements submitted are true and correct to the best of my knowledge and belief.

Sworn to subscribe before me  
This 9<sup>th</sup> day of January, 2020

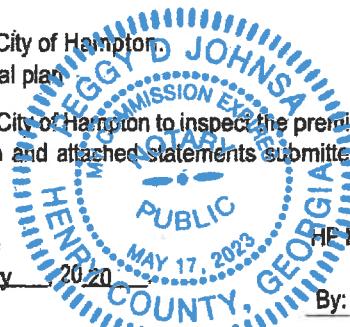
HP Henry, LLC

By:

Authorized Signatory

Signature of Applicant

Notary Public



# AUTHORIZATION OF ATTORNEY

Application of Rezoning or Variance

I swear that as an attorney at law, I have been authorized by the owner to file the attached application.

  
Signature of Attorney

Michele L. Battle, Battle Law, P.C.  
Name

One West Court Sq., Suite 750  
Address

Decatur	GA	30030
City	State	Zip Code

404-601-7616  
Telephone Number

# AUTHORIZATION OF PROPERTY OWNER

## Application for Rezoning or Variance

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

I authorize the person named below to act as Applicant in the pursuit of rezoning or a variance of this property.

Name of Applicant HP Henry LLC c/o Battle Law PC  
Address One West Court Square, Suite 750, Decatur, GA 30030  
Telephone No. 404-601-7616

Signature of Owner

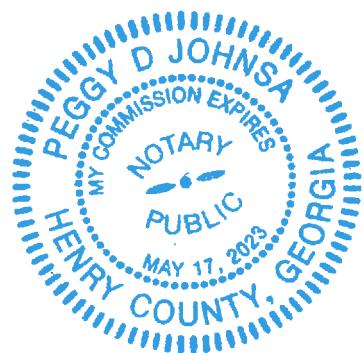
Personally, appeared before me

Doug Adams

Who swears the information contained in this authorization is true and correct to the best of his or her knowledge and belief.

Peggy D Johnson  
Notary Public

1-9-2020  
Date



# DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

(Required by Title 36, Chapter 67A, Official Code of Georgia Annotated)

Reference: Application filed on January 9, 2020, to rezone real property described as follows:

0 South Hampton Road  
Tax Parcel 023-01082000

Within two years preceding the above filing date, the Applicant has made campaign contributions aggregating \$250.00 or more to each member of the City Council of the City of Hampton who will consider the Application and is listed below. List (1) the name and official position of the local government official and (2) the dollar amount, description, and date of each such campaign contribution.

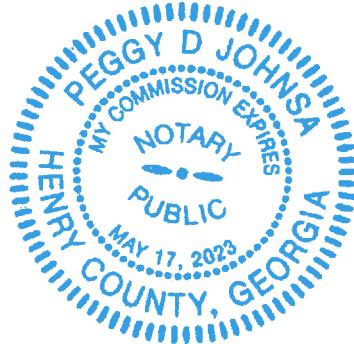
I hereby depose and say that all statements herein are true, correct and complete to the best of my knowledge and belief.

Signature of Applicant

Sworn to and subscribed before me

This 9th day of JANUARY, 2020.

Peggy D. Johnson  
Notary Public



# DISCLOSURE OF FINANCIAL INTERESTS

(Required by Title 36, Chapter 67A, Official Code of Georgia Annotated)

Reference: Application filed on January 9, 2020, to rezone real property described as follows:

0 South Hampton Road  
Tax Parcel 023-01082000

- N/A The undersigned official of the City of Hampton has a property interest (Note 1) in said property as follows:
- N/A The undersigned official of the City of Hampton has a financial interest (Note 2) in a business entity (Note 3) which has a property interest in said property, which financial interest is as follows:
- N/A The undersigned official of the City of Hampton has a member of the family (Note 4) having a property interest in said property or a financial interest in a business entity in said property, which family member and property interest or financial interest are as follows:

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Note 1: Property interests – Direct ownership of real property, including and percentage of ownership less than total ownership.

Note 2: Financial interest – All direct ownership interests of the total assets or capital stock of a business entity where such ownership interest is 10 percent (10%) or more.

Note 3: Business entity – Corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust.

Note 4: Member of family – Spouse, mother, father, brother, sister, son or daughter.

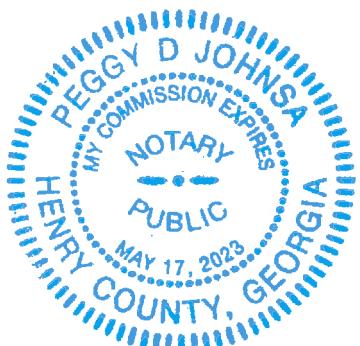
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I hereby depose and say that all statements herein are true, correct and complete to the best of my knowledge and belief.

  
Signature of Applicant

Sworn to and subscribed before me  
This 9th day of JANUARY, 2020.

Peggy D. Johnson  
Notary Public



**UPDATED**  
**STATEMENT OF INTENT AND**  
**IMPACT ANALYSIS**

and

Other Material Required by  
City of Hampton Zoning Ordinance  
for the  
Application to Amend Official Zoning Map

of

**HP Henry, LLC**

for

+/-201.43 Acres of Land  
located in  
Land Lots 141, 142 & 147, 3rd District, Henry County

**From RA to R-3**

**Submitted for Applicant by:**

Michèle L. Battle, Esq.  
Battle Law, P.C.  
One West Court Square, Suite 750  
Decatur, Georgia 30030  
(404)601-7616 Phone  
(404)745-0045 Facsimile  
[mlb@battlelawpc.com](mailto:mlb@battlelawpc.com)

## I. LETTER OF INTENT

HP Henry, LLC (the "Applicant") is the owner of 201.43 acres of land having front on South Hampton Road and Floyd Road and being Tax Parcel No. 023-01082000 (the "Subject Property"). The Subject Property is currently unimproved and is zoned RA. The Applicant is seeking to rezone the Subject Property from RA to R-3 to allow for the development of a 307-unit single family detached subdivision at a density of 1.5 units per acre, with homes having a minimum heated floor area of 2,200 sq. ft. The current Comprehensive Land Use Plan Designation for the Subject Property is Rural Residential. Simultaneously with the submission of this Application, the Applicant has filed a Comprehensive Land Use Plan Amendment to amend the land use designation to Low Density Residential. It is the Applicant's desire to develop the proposed 307-unit subdivision simultaneously with the development of the adjacent 43.23 acre tract of land being Tax Parcel Nos. 041-01023000 and 041-01023001 (540 South Hampton Road) having frontage on South Hampton Road.

This document is submitted both as a Statement of Intent with regard to this Application, a preservation of the Applicant's constitutional rights, and the Impact Analysis of this Application. A surveyed plat and site plan of the Subject Property has been filed contemporaneously with the Application, along with other required materials.

## II. IMPACT ANALYSIS

### A.

#### **THE ZONING PROPOSAL IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE COMPREHENSIVE PLAN**

The Subject Property has a Comprehensive Plan Designation of Rural Residential. The

Applicant is seeking to amend the land use designation of the Subject Property to Low-Density Residential. It appears that up until the adoption of the 2018 update to the Henry County Comprehensive Plan, the Subject Property had a land use designation of Low Density Residential. The change to Rural Residential appears to be inconsistent with the most recent developments in the area located within the City of Hampton, including the Cobblestone Ridge and South Hampton Subdivisions, both of which has a land use designation of Low Density Residential. In fact, the Subject Property is the only property which is bounded by Floyd Road to the West and South Hampton Road to the East that is located within the City of Hampton that has a land use designation other than Low Density Residential. The development of 1 acre plus lots in the area is simply not marketable and is inconsistent with the trends in the area. Furthermore, the Rural Residential Designation is stated as being appropriate for “farms, pastures, and forestry practices on large tracts of land; single-family residences associated with agricultural activities.” The Subject Property is undeveloped land which is not used for any type of agricultural activities. The Low-Density Residential Land Used Designation, however, is stated in the Comprehensive Plan as being the “largest land use in terms of acreage in Henry County.” This designation is designed to encourage the development of “walkable neighborhoods” with sidewalks, crosswalks, parks and open space, which is exactly what the Applicant is proposing. Therefore, it is the Applicant’s contention that proposed project is consistent with the proposed land use designation for the Subject Property, as well as with the purpose and intent of the Low Density Land Use Designation.

**B.**

**THE PROPOSED REZONING PERMITS A USE THAT IS  
SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND  
NEARBY PROPERTY.**

The proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The Cobblestone Ridge (Pod A) subdivision which is adjacent to the northern boundary of the Subject Property is zoned PD and was developed on a 75.99 acre tract of land with 140 units at a density of 3.32 units per acre with minimum 12,000 sq. ft. lots. The South Hampton Subdivision south of the Subject Property having access from South Hampton Road, was developed with on a 96.818 acre tract of land with 147 lots at a density of 1.68 with minimum 18,000 sq. ft. lots. The proposed subdivision is therefore consistent reduced lot sizes required in the RA District of 1 acre or 43,560 sq. ft. , as well as being at a lesser density than the most recent subdivision developed in the area. It is the Applicant's contention that the proposed subdivision will allow for the development of homes which are consistent with the surrounding homes in terms of both lot size, house size and price points.

**C.**

**THE SUBJECT PROPERTY DOES NOT HAVE A  
REASONABLE ECONOMIC USE AS PRESENTLY ZONED.**

The Subject Property as currently zoned has marginal value, due to the costs associated with the development of the Subject Property in its entirety to achieve a marketable lot yield. The Subject Property has environmental features on site which makes the land much more difficult to development. There is currently no market for 1 acre lots in the area, and the development of 1

acre lots would only serve to encourage suburban sprawl.

**D.**

**THE PROPOSED REZONING WILL NOT ADVERSELY AFFECT THE EXISTING  
USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY**

The proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property. As noted above, development patterns in the area are entirely consistent with the proposed use for the Subject Property.

**E.**

**OTHER EXISTING OR CHANGING CONDITIONS  
AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY**

The area in which the Subject Property is a residential community. The Subject Property has been undeveloped for more than thirty (30) years due to the environmental challenges with the Subject Property, together with the current zoning conditions which significantly limited the viability of the development of the Subject Property. The currently required 43,560 sq. ft. lots required on the RA zoned property is simply not marketable in 2020. When this is factored in with the increasing construction costs for the development of residential subdivisions, the cost of developing the Subject Property is cost prohibitive without the proposed rezoning being approved. It should also be noted, that due to the wetlands and floodplain located on the Subject Property, the proposed subdivision will have a significant amount of greenspace, in addition to the active recreational amenity area proposed by the Applicant.

**F.**

**THE ZONING PROPOSAL WILL NOT  
ADVERSELY AFFECT HISTORIC BUILDINGS,  
SITES, DISTRICTS OR ARCHAEOLOGICAL RESOURCES**

The Applicant knows of no historic buildings, sites, districts, or archaeological resources either on the Subject Property or located in the immediate vicinity that would suffer adverse impacts from the rezoning requested.

**G.**

**THE REQUESTED REZONING WILL NOT RESULT IN A USE WHICH  
WILL OR COULD CAUSE EXCESSIVE OR BURDENOME USE OF EXISTING  
STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS**

The proposed rezoning, if approved, will not affect existing transportation facilities or utilities, and it will not negatively impact the schools in the area. The proposed subdivision will have 1 point of ingress and egress on Floyd Road and on South Hampton Road. Improvements to the public right of way, as any required dedication of right of way will be made as required by the City of Hampton.

**III. CONCLUSION**

For the foregoing reasons, the Applicant respectfully requests that the Rezoning Application at issue be approved. The Applicant also invites and welcomes any comments from Staff or other officials of the City of Hampton so that such recommendations or input might be incorporated as conditions of approval of this Application.

This 10<sup>th</sup> of January, 2020.

Respectfully submitted,

  
\_\_\_\_\_  
Michèle L. Battle  
Attorney For Applicant

**NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF  
CONSTITUTIONAL RIGHTS**

The following is being submitted to the City of Hampton, Georgia City Council on behalf of the Applicant to preserve their right to appeal any decision made by the City of Hampton City Council which denies the rezoning request applied for by the Applicant:

The portions of the City of Hampton Zoning Ordinance, facially and as applied to the Subject Property, which restrict or classify or may restrict or classify the Subject Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The application of the City of Hampton Zoning Ordinance to the Subject Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just

Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia.

A refusal by the City of Hampton City Council to rezone the Subject Property to the classification as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

A refusal to allow the rezoning in question would be unjustified from a fact-based

standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

A refusal to allow the rezoning in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law, O.C.G.A Section 36-66/1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

The existing zoning classification on the Subject Property is unconstitutional as it applies to the Subject Property. This notice is being given to comply with the provisions of O.C.G.A. Section 36-11-1 to afford the City an opportunity to revise the Property to a constitutional classification. If action is not taken by the City to rectify this unconstitutional land use designation and/or zoning classification within a reasonable time, the Applicant is hereby placing the City on notice that it may elect to file a claim in the Superior Court of Henry County demanding just and adequate compensation under Georgia law for the taking of the Subject Property, diminution of value of the Subject Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.

LIST OF ADJACENT PROPERTY OWNERS

HENRY COUNTY WATER &  
SEWERAGE AUTHORITY  
1695 HIGHWAY 20 WEST  
MCDONOUGH, GA 30253

KELLER CAROL  
PO BOX 832  
HAMPTON, GA 30228

KELLER PAXTON & CAROL  
PO BOX 832  
HAMPTON, GA 30228

THE ASSOCIATION @ COBBLESTONE INC  
C/O SENTRY MGMT  
303 CORPORATE DRIVE, SUITE 300 A  
STOCKBRIDGE, GA 30281

ALMAND DONALD EE  
185 FLOYD LN  
HAMPTON, GA 30228

FLOYD LIVING TRUST  
FLOYD CAROLYN F AS TRUSTEE  
235 FLOYD RD  
HAMPTON, GA 30228

EUBANKS STUART  
114 FLOYD LN  
HAMPTON, GA 30228

ALLEN CHARLES F  
111 FLOYD RD  
HAMPTON, GA 30228

DOTSON STEVE G & LINDA L  
245 FLOYD RD  
HAMPTON, GA 30228

FLOYD LIVING TRUST & LEROY R FLOYD  
CAROLYN F FLOYD AS TRUSTEE  
235 FLOYD RD  
HAMPTON, GA 30228

EPPERSON KENNETH N  
273 FLOYD ROAD  
HAMPTON, GA 30228

CASTILLO GAYSHALAVON & HALL JONATHAN  
537 BETHELVIEW DR  
HAMPTON, GA 30228

DEHART JONATHAN D & MISHELL L  
541 BETHELVIEW DR  
HAMPTON, GA 30228

Doc ID: 016708470002 Type: WD  
Recorded: 04/21/2014 at 09:16:44 AM  
Fee Amt: \$785.00 Page 1 of 2  
Transfer Tax: \$781.00  
Henry, GA Clerk of Superior Court  
Barbara Harrison Clerk of Court  
ex 13541 pg 81-82

Return Recorded Document to:  
CHALKER & CHALKER, P.C.  
3550 GEORGE BUSKEE PARKWAY  
SUITE 100  
KENNESAW, GA 30144

PT-51 075-20 14 - 2461

LIMITED  
WARRANTY DEED

STATE OF GEORGIA  
COUNTY OF COBB

FILE #: 14-03001

THIS INDENTURE made this 14th day of April, 2014, between FOUR SITE HOLDINGS, LLLP (49% UNDIVIDED INTEREST) AND ALLIANCE, ENTERPRISES, INC. (51% UNDIVIDED INTEREST), as party or parties of the first part, hereinafter called Grantor, and HP HENRY, LLC as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations in hand paid, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee.

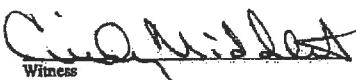
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 142 AND 147 OF THE 3RD DISTRICT, HENRY COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE.

TO HAVE AND TO HOLD the said tract or parcel of land, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee, forever in FEE SIMPLE, subject, however, to all liens, exceptions, easements, rights-of-way, covenants, conditions, restrictions, reservations, encroachments, protrusions, shortages in area, boundary disputes and discrepancies, matters which could be discovered or would be revealed by, respectively, an inspection or current survey of the Property, encumbrances, impositions (monetary and otherwise), access limitations, licenses, leases, prescriptive rights, rights of parties in possession, rights of tenants, co-tenants, or other co-owners, and any and all other matters or conditions affecting the Subject Property, as well as standby fees, real estate taxes, and assessments on the Property for the current year and prior and subsequent years, and subsequent taxes and assessments for prior years due to change in land usage or ownership, and any and all zoning laws, regulations, and ordinances of municipal and other governmental authorities affecting the Property (all of the foregoing being collectively referred to as the "Permitted Encumbrances").

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons by, through and under the above named grantor, but not otherwise provided, however, that Grantor's conveyance of the Property and Grantor's warranties of title contained in this Deed are and shall be subject to the Permitted Encumbrances.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in presence of:

  
Witness

  
Notary Public



FOUR SITE HOLDINGS, LLLP.  
BY: EMERALD INDUSTRIES, INC.  
ITS GENERAL PARTNER

By:   
DANIEL J. KIENZLER - VICE PRESIDENT



ALLIANCE ENTERPRISES, INC.

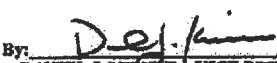
By:   
DANIEL J. KIENZLER - VICE PRESIDENT



EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 142 AND 147 OF THE 3RD DISTRICT, HENRY COUNTY, GEORGIA, CONTAINING 226.109 ACRES MORE OR LESS, AND BEING MORE PARTICULARLY DESCRIBED BY PLAT OF SURVEY PREPARED BY STANTON & ASSOCIATES, DATED 9-3-87, RECORDED IN PLAT BOOK 15, PAGE 121 HENRY COUNTY RECORDS WHICH PLAT IS INCORPORATED HEREIN AND MADE A PART HEREOF BY REFERENCE.

LESS AND EXCEPT: ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 142 AND 147 OF THE 3RD DISTRICT, HENRY COUNTY, GEORGIA, CONTAINING 20.60 ACRES AS BEING SHOWN ON A SURVEY PREPARED FOR HENRY COUNTY WATER AND SEWERAGE AUTHORITY BY WILLIAM E. BURTON (RLS) DATED 9-17-98, REVISED 9-28-98 AND LAST REVISED 12-3-98, RECORDED IN PLAT BOOK 28, PAGE 191 HENRY COUNTY RECORDS WHICH PLAT IS INCORPORATED HEREIN AND MADE A PART HEREOF BY REFERENCE.

### FLOYD ROAD DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 142 AND 147, 3RD DISTRICT, HENRY COUNTY, GEORGIA, MORE PARTICULARLY DESCRBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH REBAR FOUND AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF FLOYD ROAD (60 FOOT RIGHT-OF-WAY WIDTH) AND THE NORTHERLY LINE OF LAND LOT 142;

THENCE, WITH SAID NORTHERLY LINE OF LAND LOT 142, NORTH 89 DEGREES 38 MINUTES 55 SECONDS EAST A DISTANCE OF 1,139.78 FEET TO A 1/2 INCH REBAR AND CAP SET;

THENCE, NORTH 89 DEGREES 27 MINUTES 14 SECONDS EAST A DISTANCE OF 629.81 FEET TO A 1 INCH OPEN TOP PIPE;

THENCE, NORTH 89 DEGREES 20 MINUTES 40 SECONDS EAST A DISTANCE OF 642.42 FEET TO A NAIL;

THENCE, NORTH 89 DEGREES 31 MINUTES 37 SECONDS EAST A DISTANCE OF 1,538.88 FEET TO THE INTERSECTION OF SAID LAND LOT LINE AND THE CENTER OF A CREEK, SAID POINT LABELED "POINT A" ON A BOUNDARY SURVEY PREPARED FOR HP HENRY, LLC, BY FALCON DESIGN CONSULTANTS, LLC, DATED MAY 14, 2019;

THENCE, ALONG THE CENTER OF SAID CREEK, 1,679 FEET +/- TO A POINT LABELED "POINT B";

THENCE, LEAVING SAID CREEK AND WITH THE LINE OF HENRY COUNTY WATER & SEWERAGE AUTHORITY, SOUTH 22 DEGREES 49 MINUTES 14 SECONDS WEST A DISTANCE OF 298.52 FEET TO A POINT;

THENCE, SOUTH 39 DEGREES 51 MINUTES 20 SECONDS EAST A DISTANCE OF 258.06 FEET TO A 1 INCH REBAR;

THENCE, SOUTH 00 DEGREES 27 MINUTES 00 SECONDS WEST A DISTANCE OF 81.56 FEET TO A 1 INCH REBAR;

THENCE, SOUTH 23 DEGREES 51 MINUTES 13 SECONDS EAST A DISTANCE OF 121.22 FEET TO A 1 INCH REBAR;

THENCE, SOUTH 05 DEGREES 33 MINUTES 50 SECONDS EAST A DISTANCE OF 305.01 FEET TO A 1 INCH REBAR;

THENCE, SOUTH 36 DEGREES 34 MINUTES 00 SECONDS EAST A DISTANCE OF 327.17 FEET TO A 1 INCH REBAR;

THENCE, NORTH 89 DEGREES 33 MINUTES 23 SECONDS WEST A DISTANCE OF 241.49 FEET TO A 1 INCH REBAR;

THENCE, NORTH 38 DEGREES 18 MINUTES 48 SECONDS WEST A DISTANCE OF 131.19 FEET TO A 1 INCH REBAR;

THENCE, NORTH 56 DEGREES 19 MINUTES 58 SECONDS WEST A DISTANCE OF 145.78 FEET TO A 1 INCH REBAR;

THENCE, NORTH 72 DEGREES 26 MINUTES 29 SECONDS WEST A DISTANCE OF 153.46 FEET TO A 1 INCH REBAR;

THENCE, NORTH 84 DEGREES 05 MINUTES 04 SECONDS WEST A DISTANCE OF 224.93 FEET TO A 1 INCH REBAR;

THENCE, NORTH 72 DEGREES 54 MINUTES 19 SECONDS WEST A DISTANCE OF 232.02 FEET TO A POINT;

THENCE, NORTH 78 DEGREES 17 MINUTES 13 SECONDS WEST A DISTANCE OF 248.73 FEET TO A 1 INCH REBAR;

THENCE, NORTH 40 DEGREES 38 MINUTES 00 SECONDS WEST A DISTANCE OF 259.91 FEET TO A POINT IN THE Easterly LINE OF A 100 FOOT GEORGIA POWER EASEMENT;

THENCE, WITH SAID EASEMENT LINE, SOUTH 07 DEGREES 44 MINUTES 13 SECONDS EAST A DISTANCE OF 835.60 FEET TO A POINT IN THE SOUTHERLY LINE OF LAND LOT 142 AND THE SOUTHERLY LINE OF A 150 FOOT GEORGIA POWER EASEMENT;

THENCE, WITH SAID LAND LOT LINE, NORTH 89 DEGREES 58 MINUTES 53 SECONDS WEST A DISTANCE OF 50.27 FEET TO A 1/2 INCH REBAR;

THENCE, NORTH 89 DEGREES 59 MINUTES 02 SECONDS WEST A DISTANCE OF 739.19 FEET TO A 1/2 INCH REBAR;

THENCE, NORTH 45 DEGREES 36 MINUTES 01 SECONDS WEST A DISTANCE OF 2,220.85 FEET TO A 1/2 INCH REBAR;

THENCE, NORTH 45 DEGREES 35 MINUTES 12 SECONDS WEST A DISTANCE OF 350.23 FEET TO A 1/2 INCH REBAR;

THENCE, NORTH 00 DEGREES 31 MINUTES 35 SECONDS WEST A DISTANCE OF 613.03 FEET TO A 1/2 INCH ROD;

THENCE, NORTH 70 DEGREES 07 MINUTES 05 SECONDS WEST A DISTANCE OF 252.30 FEET TO A 1/2 INCH REBAR FOUND IN SAID Easterly RIGHT-OF-WAY LINE OF FLOYD ROAD;

THENCE, WITH SAID RIGHT-OF-WAY LINE, 89.85 FEET ALONG A CURVE TO THE RIGHT (SAID CURVE HAVING A RADIUS OF 6,331.84 FEET, WITH A CHORD BEARING NORTH 00 DEGREES 45 MINUTES 42 SECONDS EAST, 89.84 FEET) TO A POINT;

THENCE, NORTH 01 DEGREES 10 MINUTES 06 SECONDS EAST A DISTANCE OF 208.94 FEET TO A POINT;

THENCE, NORTH 00 DEGREES 42 MINUTES 51 SECONDS EAST A DISTANCE OF 125.82 FEET TO THE POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINING 201.43 ACRES (8,774,194 SQUARE FEET).

(COMP. AMEND)

**ZONING**

**NOTICE**

CONCERNING THIS PROPERTY  
**08540 S. HAMPTON**

REQUEST **RA-COUNTY**  
TO **R3-CITY**

DATE **2/11/2020**  
TIME **6:00 PM**

LOCATION: HAMPTON CITY HALL  
(17 E MAIN ST.)



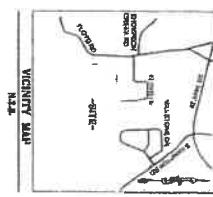
QUESTIONS?  
CONTACT THE CITY OF HAMPTON COMMUNITY  
DEVELOPMENT DEPARTMENT @ (770) 948-4701





## Henry County, Georgia

## Gates at South Hampton





**From:** David Simmons  
**Sent:** Tuesday, February 4, 2020 2:48 PM  
**To:** Wanda Moore  
**Subject:** RE: Floyd Road, South Hampton Road, City of Hampton Rezoning

Wanda:

Here's my input from a quick look. Let me know if you have any questions

Parcel is within City of Hampton. Site's west access is to Floyd Road, and that portion appears to be County's roadway (doesn't appear to have been annexed with the site). Site's east access is to South Hampton, and that portion also appears to be County's Maintenance at that location.

Due to proposed number of lot (389), there should be a traffic impact study done per Henry County ULDC, Chapter 8 requirements. The approximate # of trips is projected to be around 3700/day (1850 in /1850 out).

The County requirements for left turn lane along Floyd is as follows:

For 35mph or less (per our records Floyd is 35mph within the County), if ADT<6000, Left turn lane required if LTV>=300 Left turns/day. The left turn placement will require widening of Floyd Road for the placement of left turn lane and required downstream taper. This widening will extend outside of site's frontage and in addition to design and construction of the improvement the owner/developer will be required to obtain additional right of way and easements, as well relocation of existing utilities where necessary or as required by Henry County.

The County requirements for left turn lane along South Hampton Road is as follows:

For 45mph, if ADT<6000, Left turn lane required if LTV>=250 Left turns/day. The left turn placement will require widening of South Hampton Road for the placement of left turn lane and required downstream taper. This widening will extend outside of site's frontage and in addition to design and construction of the improvement the owner/developer will be required to obtain additional right of way and easements, as well relocation of existing utilities where necessary or as required by Henry County.

The left turn lane improvements should be include overlay of existing roadway as required by Henry County, as well as any deep patching (as directed by the county) of any failure areas in existing roadway prior to placement of overlay

Each access (onto Floyd & South Hampton) is to have a deceleration lane (right turn lane) designed and constructed to Henry County standards. Any access to Floyd or South Hampton is to be such that it meets the minimum intersection sight distance per the road's posted speed limit, and is to meet the minimum spacing requirements per the Henry County ULDC (Chapter 8). For placement of deceleration lane, owner/developer to be responsible to obtain additional right of way and easements, as well relocation of existing utilities where necessary or as required by Henry County.



# Application to Amend the Comprehensive Plan of the City of Hampton

## Evaluation Report

### City of Hampton, Georgia

#### REZONING CASE NO.

**HP Henry, LLC (COMP-AM-20-02)**

**City Council:** Steve Hutchison, Mayor

Marty Meeks, Mayor Pro Tem

Stephanie Bodie

Henry Byrd

Mary Ann Mitcham

Errol Mitchell

Willie Turner

**Report prepared by:** Wanda D. Moore, PLA / Director of Community Development

**Applicant:** HP Henry LLC c/o Battle Law, PC

One West Court Square, Suite 750

Decatur, GA 30030

(404) 601-7616

**Location:** East side of Floyd Road; +/-700' South of Floyd Lane & Floyd Road intersection  
City of Hampton, GA 30228

**Request:** Rural Residential to Low Density Residential

**Parcel ID:** 023-01082000

**Proposed Use:** Gated Single-Family Subdivision

**Future Land Use:** Rural Residential (RA and R1 Zoning District)

**Public Hearing:** February 11, 2020

**Road Access:** Floyd Road

**Zoning History:** According to the Official Zoning Map, the property is zoned RA (Residential Agricultural) as illustrated on the City of Hampton Official Zoning Map. A review of files indicates there have been no prior approved zoning actions for the subject property.

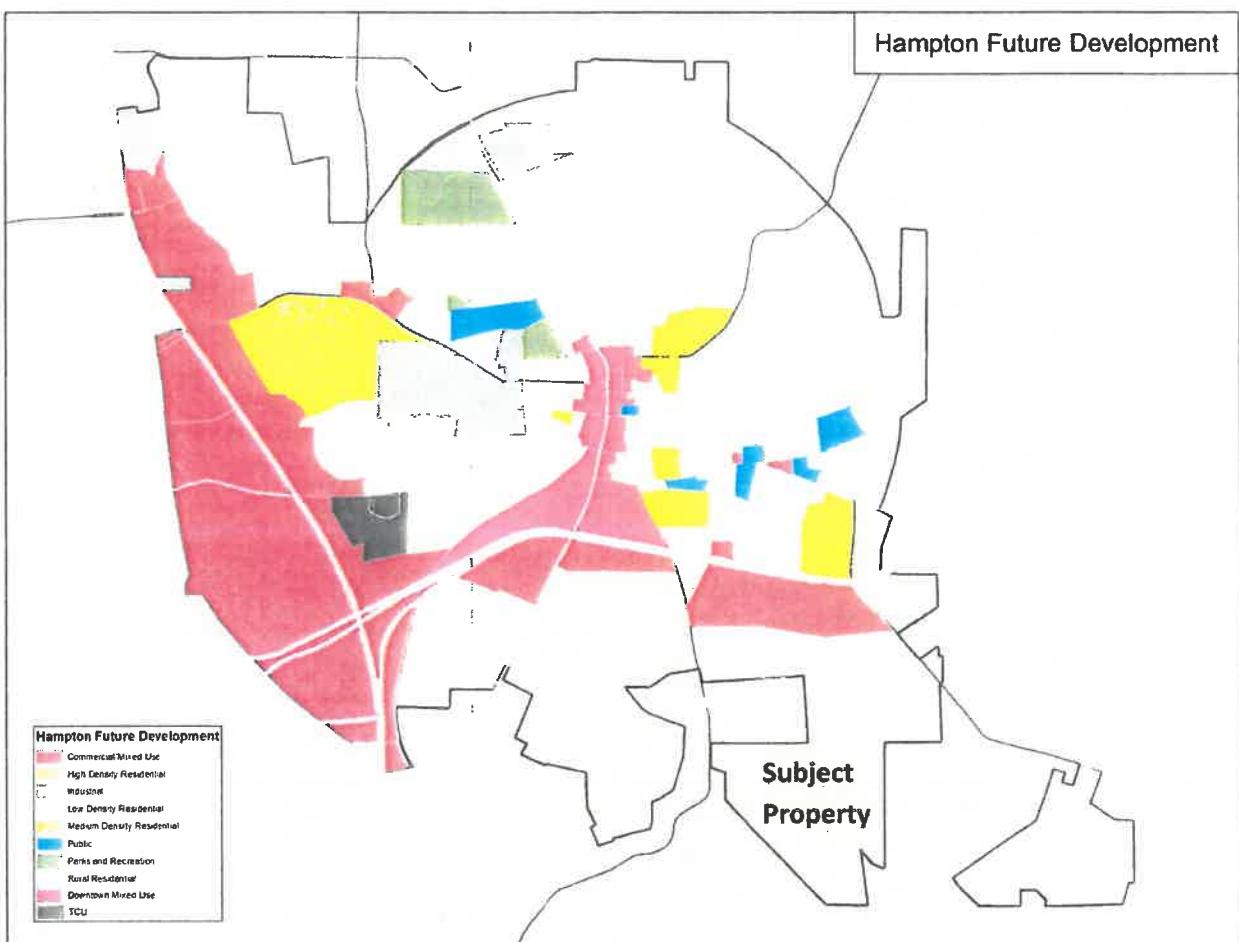
**Table 1.0** Illustrates the current zoning and land use(s) of adjacent properties:

Position	Current Zoning	Current Land Use
North	*RA (Residential-Agricultural) & PD (Planned Development)	Single-Family Residences
South	*RA (Residential-Agricultural)	Single-Family Residences and Henry County Water Authority
East	*RA (Residential-Agricultural)	Single-Family Residences
West	*RA (Residential-Agricultural)	Single-Family Residences

\*denotes properties located within unincorporated Henry County

#### Summation:

The subject property is located south of Cobblestone Ridge S/D with frontage along Floyd Road. The applicant is requesting to rezone the property from RA to R3 in order to develop the +/- 201-acre site as a 307-lot single-family residential gated subdivision with amenities. The subject property is located within an area designated for Rural Residential land uses as described in the Henry County/Cities Joint 2040 Comprehensive Plan. An amendment to the Comp Plan is required to support an R3 Single-Family Residential rezoning request the applicant has running concurrently with the Comprehensive Plan amendment.



**Evaluation:**

The subject property is located within an area designated Rural Residential (RR). Rural Areas are primarily areas that are planned not to be developed or have sewer services. However, the subject property has access to public sewer. *"Rural Area Description: Large land lots of residential, farms or undeveloped land is expected to remain with these areas. The Strategies and Policies include creation of transfer of development rights program to protect land from development pressures, promote the use of conservation subdivisions, develop a trail and greenways system, and promote the use of scenic byways along key corridors to protect rural viewsheds".* (Imagine Henry 2040 County/Cities Joint Comp Plan)

The area surrounding the subject property consists of a mixture of residential subdivisions including PD, R2, and RA zoning classifications with lot size minimums of 10,890 sf, 18,000 sf, and 1 acre respectively. Additional adjacent properties include residential tracts platted outside of a subdivision within unincorporated Henry County and zoned RA.

The policies outlined in the Comprehensive Plan are intended to ensure that new developments promote a better sense of place and preserve valued elements of community character. A request to amend the Future Land Use Map (FLUM) seems reasonable based on existing water and sewer services and existing development trends in the area.

**Attachments:**

- Application
- Letter of Intent
- Survey Plat
- Site Plan
- Rendering
- Tax Map
- Zoning Map



**THE CITY OF HAMPTON**  
17 E. Main Street South  
P.O. Box 400  
Hampton, GA 30228  
(770) 946-4306



## APPLICATION TO AMEND COMPREHENSIVE PLAN OF THE CITY OF HAMPTON

Name of Applicant: HP Henry, LLC c/o Battle Law, P.C. Tel.: 404-601-7616

Mailing Address: One West Court Sq., Suite 750 Email: [mlb@battlelawpc.com](mailto:mlb@battlelawpc.com)

Name of Property Owner: Decatur, GA 30030 HP Henry, LLC Tel: 770-652-6963

*(Attach additional page for more than one owner)*

Address of Property: 0 South Hampton Road Tax Parcel No: 023-01082000

Amendment Requested: Rural Residential to Low-Density Residential as set forth in the attached Statement of Intent

**ATTACH THE FOLLOWING DOCUMENTS:**

1. Written legal description of the property (copy of deed) – full metes and bounds description rather than plat reference.
  2. Plat showing property lines and lengths and bearings, adjoining streets, locations of existing buildings, north arrow and scale. Submit seven copies of the plat. Submit on PDF of the plat.
  3. List of adjacent property owners
  4. Disclosure of Campaign Contributions and Gifts Form.
  5. If Property Owner and Applicant are not the same, Authorization by Property Owner Form or Authorization of Attorney Form.
  6. Filing fee payable to the City of Hampton.
  7. Letter of Intent, conceptual plan

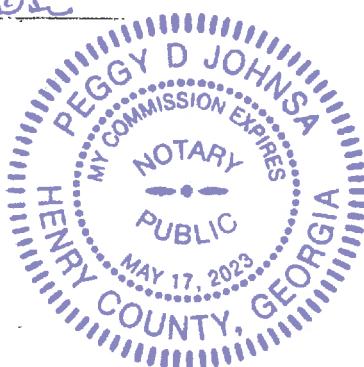
I hereby authorize the staff of City of Hampton to inspect the premises of the above described property. I hereby depose and say that all statements herein and attached statements submitted are true and correct to the best of my knowledge and belief.

Sworn to subscribe before me

This 15<sup>th</sup> day of January, 2020

Notary Public

Signature of Applicant



# DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

(Required by Title 36, Chapter 67A, Official Code of Georgia Annotated)

Reference: Application filed on January 9, 2020, to rezone real property described as follows:

0 South Hampton Road  
Tax Parcel No 023-01082000

Within two years preceding the above filing date, the Applicant has made campaign contributions aggregating \$250.00 or more to each member of the City Council of the City of Hampton who will consider the Application and is listed below. List (1) the name and official position of the local government official and (2) the dollar amount, description, and date of each such campaign contribution.

Non-applicable

Doug Adams

I hereby depose and say that all statements herein are true, correct and complete to the best of my knowledge and belief.

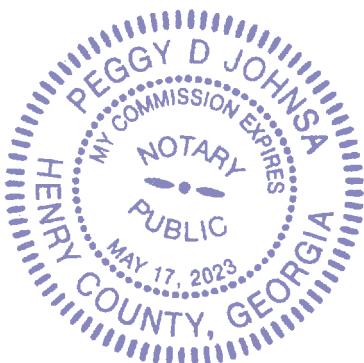
Signature of Applicant

 - Owners Rep

Sworn to and subscribed before me

This 15<sup>th</sup> day of January, 2020.

  
Notary Public



# DISCLOSURE OF FINANCIAL INTERESTS

(Required by Title 36, Chapter 67A, Official Code of Georgia Annotated)

Reference: Application filed on January 9, 2020, to rezone real property described as follows:

0 South Hampton Road  
Tax Parcel No. 023-01082000

- N/A The undersigned official of the City of Hampton has a property interest (Note 1) in said property as follows:
- N/A The undersigned official of the City of Hampton has a financial interest (Note 2) in a business entity (Note 3) which has a property interest in said property, which financial interest is as follows:
- N/A The undersigned official of the City of Hampton has a member of the family (Note 4) having a property interest in said property of a financial interest in a business entity in said property, which family member and property interest or financial interest are as follows:

---

Note 1: Property interests – Direct ownership of real property, including and percentage of ownership less than total ownership.

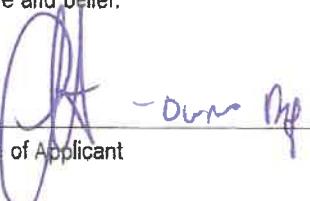
Note 2: Financial interest – All direct ownership interests of the total assets or capital stock of a business entity where such ownership interest is 10 percent (10%) or more.

Note 3: Business entity – Corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust.

Note 4: Member of family – Spouse, mother, father, brother, sister, son or daughter.

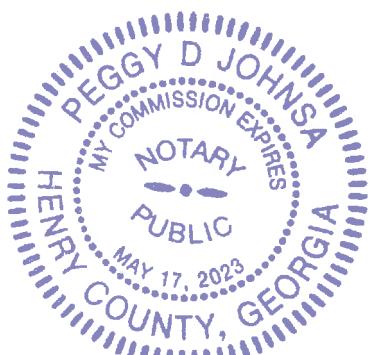
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I hereby depose and say that all statements herein are true, correct and complete to the best of my knowledge and belief.

  
Signature of Applicant

Sworn to and subscribed before me  
This 15<sup>th</sup> day of January, 2020.

Peggy D. Johnson  
Notary Public



# AUTHORIZATION OF PROPERTY OWNER

## Application for Comprehensive Plan Amendment

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

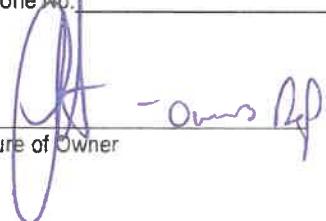
I authorize the person named below to act as Applicant in the pursuit of rezoning or a variance of this property.

Name of Applicant HP Henry LLC c/o Battle Law, P.C.

Address One West Court Square, Suite 750, Decatur, GA 30030

Telephone No. 404.601.7616

Signature of Owner



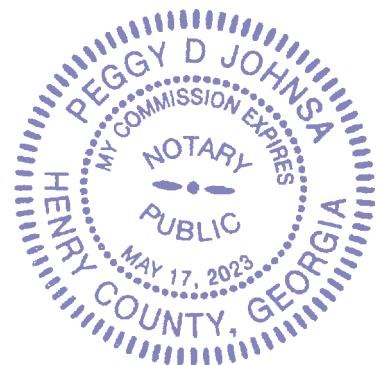
Personally, appeared before me

Doug Adams

Who swears the information contained in this authorization is true and correct to the best of his or her knowledge and belief.

Peggy D Johnson  
Notary Public

1-15-2020  
Date



# AUTHORIZATION OF ATTORNEY

## Application For Comprehensive Plan Amendment

I swear that as an attorney at law, I have been authorized by the owner to file the attached application.



Signature of Attorney

Michele L. Battle, Battle Law, PC.

Name

One West Court Square, Suite 750

Address

Decatur,	GA	30030
City	State	Zip Code
404.601.7616		

Telephone Number

LIST OF ADJACENT PROPERTY OWNERS

HENRY COUNTY WATER &  
SEWERAGE AUTHORITY  
1695 HIGHWAY 20 WEST  
MCDONOUGH, GA 30253

KELLER CAROL  
PO BOX 832  
HAMPTON, GA 30228

KELLER PAXTON & CAROL  
PO BOX 832  
HAMPTON, GA 30228

THE ASSOCIATION @ COBBLESTONE INC  
C/O SENTRY MGNT  
303 CORPORATE DRIVE, SUITE 300 A  
STOCKBRIDGE, GA 30281

ALMAND DONALD EE  
185 FLOYD LN  
HAMPTON, GA 30228

FLOYD LIVING TRUST  
FLOYD CAROLYN F AS TRUSTEE  
235 FLOYD RD  
HAMPTON, GA 30228

EUBANKS STUART  
114 FLOYD LN  
HAMPTON, GA 30228

ALLEN CHARLES F  
111 FLOYD RD  
HAMPTON, GA 30228

DOTSON STEVE G & LINDA L  
245 FLOYD RD  
HAMPTON, GA 30228

FLOYD LIVING TRUST & LEROY R FLOYD  
CAROLYN F FLOYD AS TRUSTEE  
235 FLOYD RD  
HAMPTON, GA 30228

EPPERSON KENNETH N  
273 FLOYD ROAD  
HAMPTON, GA 30228

CASTILLO GAYSHALAVON & HALL JONATHAN  
537 BETHELVIEW DR  
HAMPTON, GA 30228

DEHART JONATHAN D & MISHELL L  
541 BETHELVIEW DR  
HAMPTON, GA 30228

## FLOYD ROAD DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 142 AND 147, 3RD DISTRICT, HENRY COUNTY, GEORGIA, MORE PARTICULARLY DESCRBED AS FOLLOWS:

**BEGINNING** AT A 1/2 INCH REBAR FOUND AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF FLOYD ROAD (60 FOOT RIGHT-OF-WAY WIDTH) AND THE NORTHERLY LINE OF LAND LOT 142;

THENCE, WITH SAID NORTHERLY LINE OF LAND LOT 142, NORTH 89 DEGREES 38 MINUTES 55 SECONDS EAST A DISTANCE OF 1,139.78 FEET TO A 1/2 INCH REBAR AND CAP SET;

THENCE, NORTH 89 DEGREES 27 MINUTES 14 SECONDS EAST A DISTANCE OF 629.81 FEET TO A 1 INCH OPEN TOP PIPE;

THENCE, NORTH 89 DEGREES 20 MINUTES 40 SECONDS EAST A DISTANCE OF 642.42 FEET TO A NAIL;

THENCE, NORTH 89 DEGREES 31 MINUTES 37 SECONDS EAST A DISTANCE OF 1,538.88 FEET TO THE INTERSECTION OF SAID LAND LOT LINE AND THE CENTER OF A CREEK, SAID POINT LABELED "POINT A" ON A BOUNDARY SURVEY PREPARED FOR HP HENRY, LLC, BY FALCON DESIGN CONSULTANTS, LLC, DATED MAY 14, 2019;

THENCE, ALONG THE CENTER OF SAID CREEK, 1,679 FEET +/- TO A POINT LABELED "POINT B";

THENCE, LEAVING SAID CREEK AND WITH THE LINE OF HENRY COUNTY WATER & SEWERAGE AUTHORITY, SOUTH 22 DEGREES 49 MINUTES 14 SECONDS WEST A DISTANCE OF 298.52 FEET TO A POINT;

THENCE, SOUTH 39 DEGREES 51 MINUTES 20 SECONDS EAST A DISTANCE OF 258.06 FEET TO A 1 INCH REBAR;

THENCE, SOUTH 00 DEGREES 27 MINUTES 00 SECONDS WEST A DISTANCE OF 81.56 FEET TO A 1 INCH REBAR;

THENCE, SOUTH 23 DEGREES 51 MINUTES 13 SECONDS EAST A DISTANCE OF 121.22 FEET TO A 1 INCH REBAR;

THENCE, SOUTH 05 DEGREES 33 MINUTES 50 SECONDS EAST A DISTANCE OF 305.01 FEET TO A 1 INCH REBAR;

THENCE, SOUTH 36 DEGREES 34 MINUTES 00 SECONDS EAST A DISTANCE OF 327.17 FEET TO A 1 INCH REBAR;

THENCE, NORTH 89 DEGREES 33 MINUTES 23 SECONDS WEST A DISTANCE OF 241.49 FEET TO A 1 INCH REBAR;

THENCE, NORTH 38 DEGREES 18 MINUTES 48 SECONDS WEST A DISTANCE OF 131.19 FEET TO A 1 INCH REBAR;

THENCE, NORTH 56 DEGREES 19 MINUTES 58 SECONDS WEST A DISTANCE OF 145.78 FEET TO A 1 INCH REBAR;

THENCE, NORTH 72 DEGREES 26 MINUTES 29 SECONDS WEST A DISTANCE OF 153.46 FEET TO A 1 INCH REBAR;

THENCE, NORTH 84 DEGREES 05 MINUTES 04 SECONDS WEST A DISTANCE OF 224.93 FEET TO A 1 INCH REBAR;

THENCE, NORTH 72 DEGREES 54 MINUTES 19 SECONDS WEST A DISTANCE OF 232.02 FEET TO A POINT;

THENCE, NORTH 78 DEGREES 17 MINUTES 13 SECONDS WEST A DISTANCE OF 248.73 FEET TO A 1 INCH REBAR;

THENCE, NORTH 40 DEGREES 38 MINUTES 00 SECONDS WEST A DISTANCE OF 259.91 FEET TO A POINT IN THE EASTERLY LINE OF A 100 FOOT GEORGIA POWER EASEMENT;

THENCE, WITH SAID EASEMENT LINE, SOUTH 07 DEGREES 44 MINUTES 13 SECONDS EAST A DISTANCE OF 835.60 FEET TO A POINT IN THE SOUTHERLY LINE OF LAND LOT 142 AND THE SOUTHERLY LINE OF A 150 FOOT GEORGIA POWER EASEMENT;

THENCE, WITH SAID LAND LOT LINE, NORTH 89 DEGREES 58 MINUTES 53 SECONDS WEST A DISTANCE OF 50.27 FEET TO A 1/2 INCH REBAR;

THENCE, NORTH 89 DEGREES 59 MINUTES 02 SECONDS WEST A DISTANCE OF 739.19 FEET TO A 1/2 INCH REBAR;

THENCE, NORTH 45 DEGREES 36 MINUTES 01 SECONDS WEST A DISTANCE OF 2,220.85 FEET TO A 1/2 INCH REBAR;

THENCE, NORTH 45 DEGREES 35 MINUTES 12 SECONDS WEST A DISTANCE OF 350.23 FEET TO A 1/2 INCH REBAR;

THENCE, NORTH 00 DEGREES 31 MINUTES 35 SECONDS WEST A DISTANCE OF 613.03 FEET TO A 1/2 INCH ROD;

THENCE, NORTH 70 DEGREES 07 MINUTES 05 SECONDS WEST A DISTANCE OF 252.30 FEET TO A 1/2 INCH REBAR FOUND IN SAID EASTERLY RIGHT-OF-WAY LINE OF FLOYD ROAD;

THENCE, WITH SAID RIGHT-OF-WAY LINE, 89.85 FEET ALONG A CURVE TO THE RIGHT (SAID CURVE HAVING A RADIUS OF 6,331.84 FEET, WITH A CHORD BEARING NORTH 00 DEGREES 45 MINUTES 42 SECONDS EAST, 89.84 FEET) TO A POINT;

THENCE, NORTH 01 DEGREES 10 MINUTES 06 SECONDS EAST A DISTANCE OF 208.94 FEET TO A POINT;

THENCE, NORTH 00 DEGREES 42 MINUTES 51 SECONDS EAST A DISTANCE OF 125.82 FEET TO THE POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINING 201.43 ACRES (8,774,194 SQUARE FEET).

**UPDATED**  
**STATEMENT OF INTENT**

and

Other Material Required by  
City of Hampton Zoning Ordinance  
for the  
Application to Amend the Hampton Comprehensive Land Use Map

of

**HP Henry, LLC**

for

+/-201.43 Acres of Land  
located in  
Land Lots 141, 142 & 147, 3rd District, Henry County

**From Rural Residential to Low Density Residential**

Submitted for Applicant by:

Michèle L. Battle, Esq.  
Battle Law, P.C.  
One West Court Square, Suite 750  
Decatur, Georgia 30030  
(404)601-7616 Phone  
(404)745-0045 Facsimile  
[mlb@battlelawpc.com](mailto:mlb@battlelawpc.com)

## I. LETTER OF INTENT

HP Henry, LLC (the “Applicant”) is the owner of 201.43 acres of land having front on South Hampton Road and Floyd Road and being Tax Parcel No. 023-01082000 (the “Subject Property”). The Subject Property is currently unimproved and is zoned RA. The current Comprehensive Land Use Plan Designation for the Subject Property is Rural Residential. The Applicant is seeking to amend the land use designation from Rural Residential to Low-Density Residential, to allow the Applicant to seek a simultaneous rezoning of the Subject Property from RA to R-3 to allow for the development of a 307-unit single family detached subdivision at a density of 1.5 units per acre, with homes having a minimum heated floor area of 2,200 sq. ft. It appears that up until the adoption of the 2018 update to the Henry County Comprehensive Plan, the Subject Property had a land use designation of Low Density Residential. The change to Rural Residential appears to be inconsistent with the most recent developments in the area located within the City of Hampton, including the Cobblestone Ridge and South Hampton Subdivisions, both of which has a land use designation of Low Density Residential. In fact, the Subject Property is the only property which is bounded by Floyd Road to the West and South Hampton Road to the East that is located within the City of Hampton that has a land use designation other than Low Density Residential. The development of 1 acre plus lots in the area is simply not marketable and is inconsistent with the trends in the area. Furthermore, the Rural Residential Designation is stated as being appropriate for “farms, pastures, and forestry practices on large tracts of land; single-family residences associated with agricultural activities.” The Subject Property is undeveloped land which is not used for any type of agricultural activities. The Low-Density Residential Land Used Designation, however, is stated in the Comprehensive Plan as being the “largest land use in terms of acreage in Henry County.” This designation is designed to encourage the development

of “walkable neighborhoods” with sidewalks, crosswalks, parks and open space, which is exactly what the Applicant is proposing. Therefore, it is the Applicant’s contention that proposed project is consistent with the proposed land use designation for the Subject Property, as well as with the purpose and intent of the Low-Density Land Use Designation.

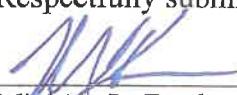
This document is submitted both as a Statement of Intent with regard to this Application, and a preservation of the Applicant’s constitutional rights. A surveyed plat and site plan of the Subject Property has been filed contemporaneously with the Application, along with other required materials.

## **II. CONCLUSION**

For the foregoing reasons, the Applicant respectfully requests that the Rezoning Application at issue be approved. The Applicant also invites and welcomes any comments from Staff or other officials of the City of Hampton so that such recommendations or input might be incorporated as conditions of approval of this Application.

This 15<sup>th</sup> of January, 2020.

Respectfully submitted,

  
\_\_\_\_\_  
Michele L. Battle  
Attorney For Applicant

## **NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONSTITUTIONAL RIGHTS**

The following is being submitted to the City of Hampton, Georgia City Council on behalf

of the Applicant to preserve their right to appeal any decision made by the City of Hampton City Council which denies the land use amendment request applied for by the Applicant:

The portions of the City of Hampton Zoning Ordinance, and the current Henry County Comprehensive Plan (the “Comprehensive Plan”) as adopted by the City of Hampton, facially and as applied to the Subject Property, which restrict or classify or may restrict or classify the Subject Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant’s property rights without first paying fair, adequate and just compensation for such rights, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The application of the City of Hampton Zoning Ordinance and Comprehensive Plan to the Subject Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant’s Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public

health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia.

A refusal by the City of Hampton City Council to amend the Comprehensive Plan and rezone the Subject Property to the classification as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

A refusal to allow the Comprehensive Plan amendment and rezoning in question would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

A refusal to allow the Comprehensive Plan amendment and rezoning in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law, O.C.G.A Section 36-66/1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

The existing Comprehensive Plan land use designation and zoning classification on the Subject Property is unconstitutional as it applies to the Subject Property. This notice is being given to comply with the provisions of O.C.G.A. Section 36-11-1 to afford the City an opportunity to revise the Property to a constitutional classification. If action is not taken by the City to rectify this unconstitutional land use designation and/or zoning classification within a reasonable time, the Applicant is hereby placing the City on notice that it may elect to file a claim in the Superior Court of Henry County demanding just and adequate compensation under Georgia law for the taking of the Subject Property, diminution of value of the Subject Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.

**ZONING  
NOTICE**

**(COMP. AMEND.)**

**CONCERNING THIS PROPERTY:  
FLOYD ROAD**

**REQUEST: RA**

**TO: R3**

**DATE: 2/11/2020**

**TIME: 6:00 PM**

**LOCATION: HAMPTON CITY HALL  
(17 E MAIN ST.)**

**QUESTIONS?  
CONTACT THE CITY OF HAMPTON COMMUNITY  
DEVELOPMENT DEPARTMENT @ (770) 946-4306**



BOUNDARY SURVEY FOR:  
**HP HENRY, LLC**  
AND LOTS 141, 143 & 147 3RD DISTRICT

HP HENRY, L.

## CITY HAMPTON

THIS SECTION RESERVED FOR  
EXPLANATION OF CHART

**BOUNDARY SURVEY  
FOR:  
HP HENRY, LLC**

LAND LOT 141, 142 & 147, 3RD DISTRICT  
HENRY COUNTY, GEORGIA

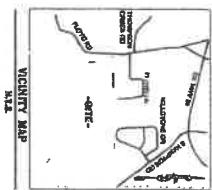
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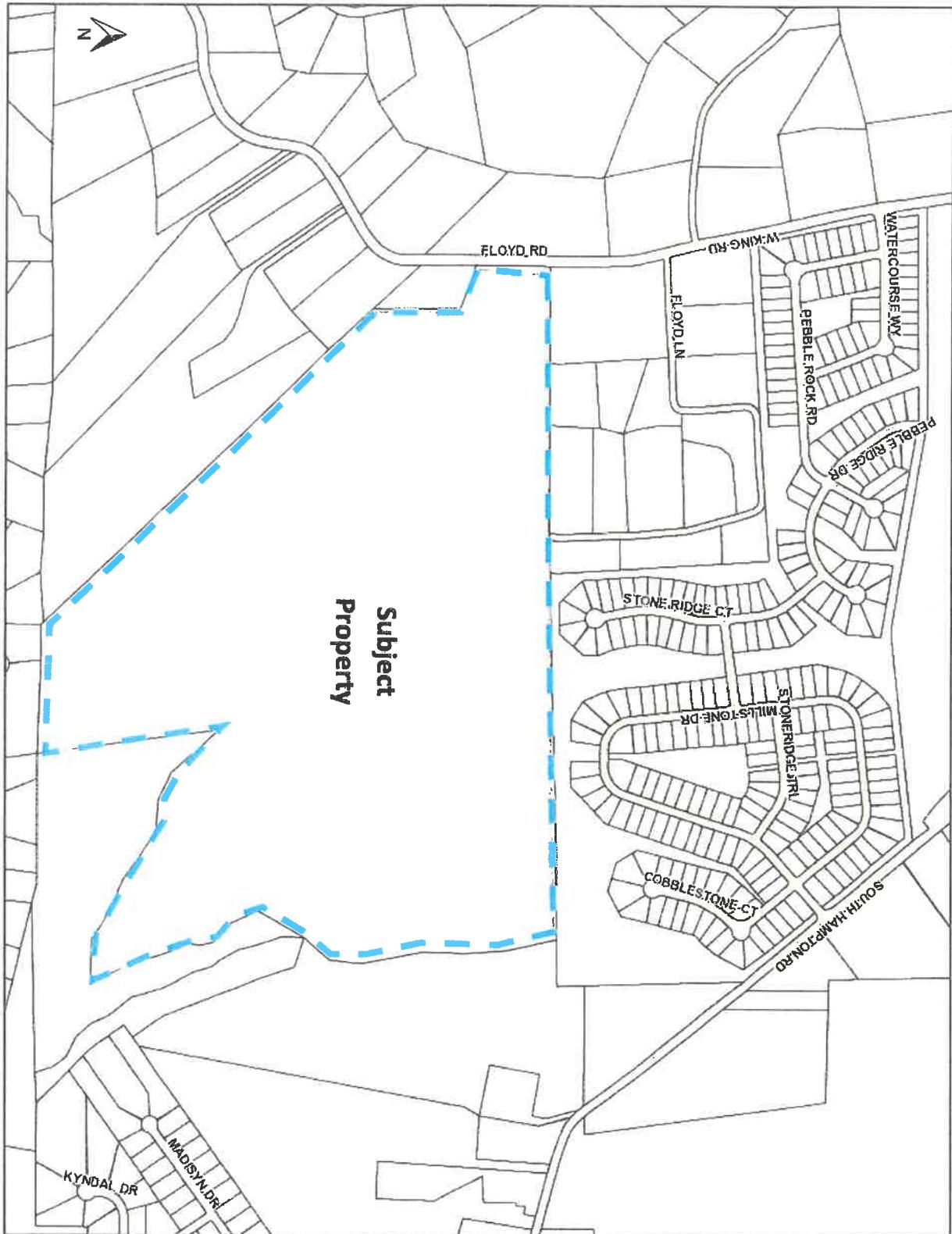


# Gates at South Hampton

Henry County, Georgia



## Current Tax Map



## Subject Property

This map is for illustration purposes only.  
It is not a legal document.

**Legend**  
Request  
 COMP-AM-20-02

## Legend

### Request

COMP-AM-20-02

RS

RMH

RM

RD

RA

R-4

R-3

R-2

R-1

PD

OI

MU

MR2

MR1

M-2

M-1

DTRC

DTMU

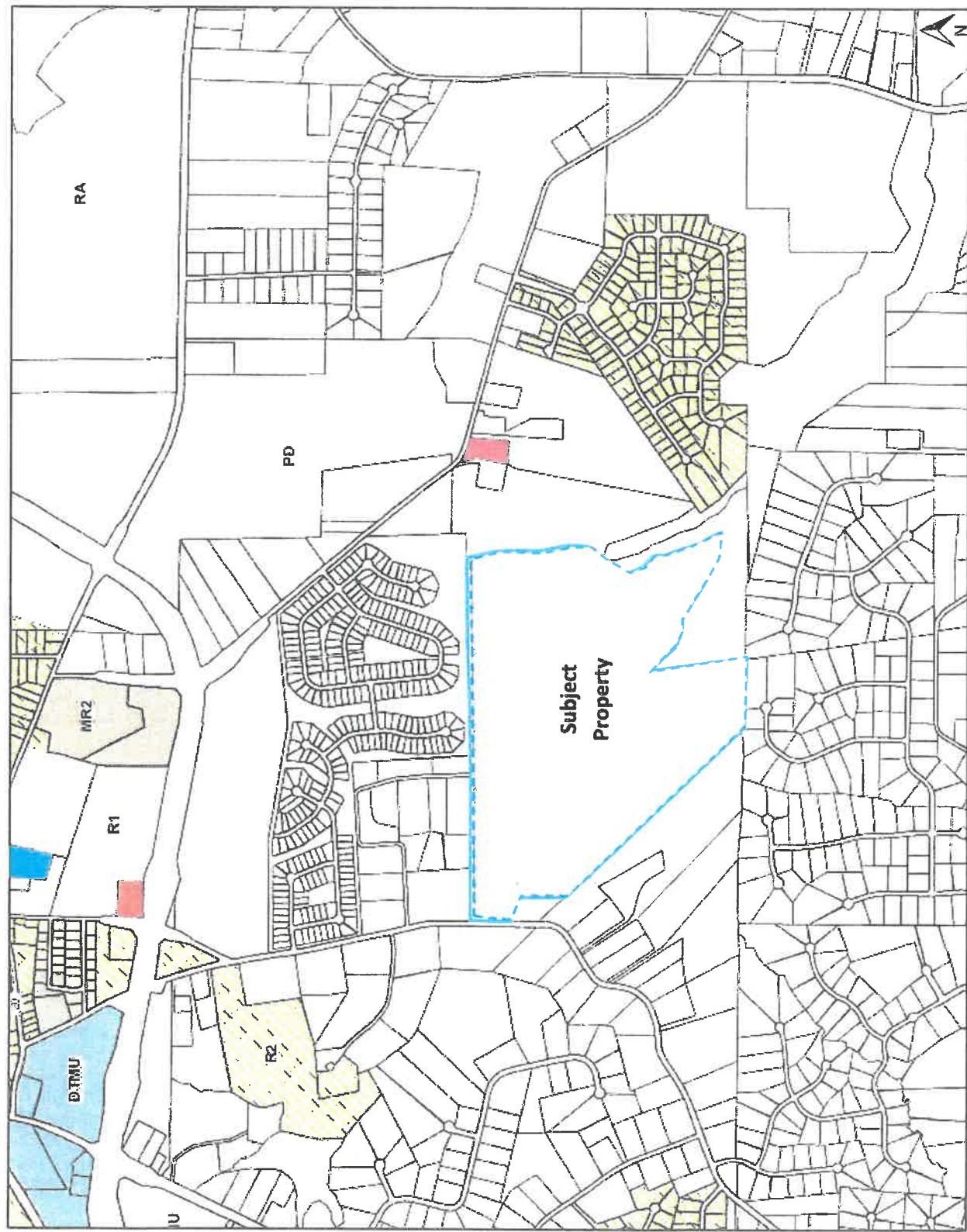
CITY

C-3

C-2

C-1

## Current Zoning Map



This map is for illustration purposes only.  
It is not a legal document.