



Where Community Connects

**STOCKBRIDGE
PLANNING COMMISSION**

BOARD MEMBERS

Askia Abdullah, Chair

Kathleen Nelson, Vice-Chair

Stanley Dumas

Harold Thibodeaux

David Planchon

Rodney Hornes

ADMINISTRATION

Brecca Carter

Community Development Director

Ryan Anderson

Chief Planner

Linda Logan,

Senior Planner, Secretary

Gordon Linton, Planner I

Quinton Washington, City Attorney

**Planning Commission
Meeting
Agenda
June 23, 2022 6:30 PM**



STOCKBRIDGE CITY HALL

4640 NORTH HENRY BLVD.

STOCKBRIDGE, GA 30281

Website: www.cityofstockbridge.com

Phone: 770-389-7900

Fax: 770-389-7912



AGENDA PLANNING COMMISSION MEETING CITY OF STOCKBRIDGE

THURSDAY, JUNE 23, 2022 6:30 PM

- I. CALL TO ORDER**
- II. INVOCATION**
- III. PLEDGE OF ALLEGIANCE**
- IV. ROLL CALL**
- V. ADOPTION OF THE AGENDA**
- VI. APPROVAL OF MINUTES -- MAY 26, 2022**
 - May 26, 2022 Summary Minutes**

PUBLIC HEARING

Item # 1 - To be presented by the Community Development Staff.

CONDITIONAL USE PERMIT CASE #CU-2022-01 -- MRM & Sons, Inc., the Applicant, represented by Hecht Walker Jordan, P.C., the Agent, requests that a Conditional Use Permit be granted to allow for automobile gasoline sales on Parcel #071-01025021 within the Stockbridge City Limits. The property fronts on the east side of Campground Road and represents Tract 2 of the adjacent parent tract at 108 Peach Drive (Parcel # 071-01025002). Zoned 'PUD' with a 'C-2' subzoning. Contains 0.84 +/- acres. Located in Land Lot 64 of District 7.
Presented by:

PROJECT UPDATES

STAFF COMMENTS

BOARD COMMENTS

ADJOURNMENT

City of Stockbridge

Mission: To provide visionary leadership and superior municipal services that enhance the quality of life for citizens while creating a welcoming business atmosphere focused on sustainability and expansion of tourism and cultural events.



SUMMARY MINUTES PLANNING COMMISSION

THURSDAY, May 26, 2022 at 6:30 p.m., via Zoom

BOARD MEMBERS (6):

Askia Abdullah, Chairman
Kathleen Nelson, Vice Chairman
Stanley Dumas
Harold Thibodeaux
David Planchon
Rodney Hornes

ADMINISTRATION:

Brecca Carter, Community Dev. Director
Quinton Washington, City Attorney
Vanessa Holiday, City Clerk
Ryan Anderson, Chief Planner
Linda Logan, Senior Planner / PC Sect'y
Gordon Linton, Planner I

I. CALL TO ORDER – Chairman Abdullah; 6:31 p.m.

II. INVOCATION – Led by Stanley Dumas.

III. PLEDGE OF ALLEGIANCE – Done in unison.

IV. ROLL CALL (6 members): (By Linda Logan)

	Present	Absent
~ Askia Abdullah	X	
~ Kathleen Nelson	X	
~ Stanley Dumas	X	
~ Harold Thibodeaux		X
~ David Planchon	X	
~ Rodney Hornes	X	

A quorum of Board members was achieved.

V. ADOPTION OF THE AGENDA

David Planchon made a motion to adopt the Agenda, and the motion was seconded by Kathleen Nelson. A vote was taken, and the Agenda was unanimously adopted.

VI. APPROVAL OF MINUTES – March 24, 2022 Summary Minutes

Kathleen Nelson made a motion to approve the March 24, 2022 Summary Minutes, and Stanley Dumas seconded the motion. A vote was taken, and the Summary Minutes were unanimously approved.

VII. PLAT SIGNATURE FOR WINDING CREEK TOWNHOMES, PHASE 2 (ENCLAVE AT WINDING CREEK) – Previously-approved plat needs the Chairman's signature.

To be presented by the Community Development Staff.

Brecca Carter, Community Development Director, made a brief presentation and explained the need for Chairman Abdullah's signature on the approved plat. Kathleen Nelson made a motion to allow the signature, and Rodney Hornes seconded the motion. A vote was taken and the motion to allow the signature was unanimously approved.

VIII. PUBLIC HEARING

To be presented by the Community Development Staff.

A. REZONING CASE #RZ-2022-01 -- Remi Rose Development, LLC, the Applicant, represented by Battle Law, P.C., the Agent, requests the rezoning of certain property from the C-1 (Neighborhood Commercial), C-2 (General Commercial), and PMU (Parkway Mixed-Use Overlay) districts to the PUD (Planned Unit Development) and PMU (Parkway Mixed-Use Overlay) districts to allow for a mixed-use development. The property contains two parcels, as are listed below, with 68.87 +/- total acres within the Stockbridge City Limits.

- Parcel #012-01003000 – The smaller parcel. Currently zoned 'C-1' and 'PMU'. Contains 3.131 +/- acres and comprises the property at 1036 Highway 138 West, across from Spivey Road. Located in Land Lot 55 of District 12.
- Parcel #012-01002000 – The larger parcel. Currently zoned 'C-2' and 'PMU'. Contains 65.743 +/- acres. Situated adjacent to the western side of the smaller parcel, with frontage on Highway 138 West, across from Tributary Parkway. Located in Land Lot 42 of District 12.

PRESENTATION--Linda Logan gave a PowerPoint presentation of RZ-2022-01, including the following key points:

1. The developer proposes to build 360 apartment units, 102 townhomes, and 48,000 square feet of commercial/retail space.
2. The main entrance would be via a driveway to be constructed across from Spivey Road, which would enable the usage of the existing traffic signal. A secondary access would also be provided.
3. To allow for the main entrance, the smaller parcel would need to be subdivided, and its western tract would need to be combined with the larger tract. The eastern

tract of the smaller parcel would not be included within the project, and it would remain zoned 'C-1'.

4. The subdivision of the smaller parcel, and its recombination with the larger parcel, may not occur unless and until the rezoning is approved so that the eastern tract of the smaller parcel would not be rezoned to 'PUD' as a remnant, which the UDC does not allow.
5. The applicant prepared a trip generation report, which estimates that the proposed project would generate about 7,390 per day.
6. A 50-foot-wide buffer would be provided along the property's western border, adjacent to the Glen Devon Subdivision.
7. Reeves Creek would be protected.
8. The Community Development Staff recommended the approval of RZ-2022-01, with five zoning conditions:
 - a. The developer must comply with all requirements of the UDC
 - b. The rezoning should occur simultaneously with the requested Comprehensive Plan Amendment (CP-2022-01).
 - c. The rezoning shall not be finalized until the smaller parcel is subdivided and its western tract is combined with the larger parcel; and that this would not be finalized until a new plat is recorded in the Henry County Superior Court.
 - d. The developer must protect Reeves Creek, submit a landscape plan, and protect the existing small cemetery on the property.
 - e. No permits may be issued by the City until a copy of the recorded new plat is provided to the Community Development Department.

BOARD COMMENTS:

1. Chairman Abdullah—He questioned whether the subdivision of the smaller parcel would result in a 3-acre remnant being left over. Ms. Logan provided a response.
2. David Planchon—He questioned whether water would be provided to the site by Clayton County. Ms. Logan stated that the applicant had provided a letter from the Clayton County water authority. He also asked about a secondary access. Ms. Logan responded that one would be provided across from Tributary Parkway.
3. Chairman Abdullah—He asked the applicant whether he had any comments. Kyle Brock of Crescent Communities stated that Ms. Logan did a "fantastic job" of presenting their site plan. Mr. Brock also stated that he's attracted to Stockbridge due to the following: a) the availability of existing infrastructure; b) the growth of the City with jobs and other developments; c) the fact that the large size of proposed site offers mixed-use potential; and d) the site offers sufficient greenspace for providing a walking trail.
4. David Planchon—He questioned whether it would be necessary to rezone a portion of the smaller parcel. Ms. Carter stated that the two parcels must have the same zoning, and that there could not be a split zoning of the smaller parcel. Ms. Logan stated that a suggestion was made to the applicant to possibly just obtain an easement across the smaller rather than subdividing and rezoning a portion of it.
5. Stanley Dumas—He asked about the price of the proposed townhomes. Mr. Brock responded that they would be in the high \$300s. Further, rental rates for the proposed apartments would be \$1,400 for a one-bedroom apartment, \$2,100 for a two-bedroom apartment; and \$2,700 for a three-bedroom apartment.

PUBLIC HEARING—Chairman Abdullah opened the public hearing.

1. Brecca Carter—She cited one citizen's question about proposed prices of the new residential units, and stated that Troy Findley, who did not speak, opposed the project due to his expected traffic volume increase on Lake Spivey Parkway due to the right-turn-only exit from the proposed project at the second access.
2. Kyle Brock—He stated that most of the traffic from the proposed project would head east, and that the secondary access would somewhat alleviate traffic congestion for westbound traffic.
3. David Planchon—He questioned whether a full traffic impact study or a DRI review was required.
4. Kyle Brock—He stated that no DRI study is required.
5. Brecca Carter—She stated that the developer would be required to coordinate with GDOT since the property is located along a State highway.
6. Troy Findley—He chatted that another traffic light might be needed, and he questioned whether an HOA would be established.
7. Kyle Brock—He stated that traffic calming devices would be installed, and that an HOA would be established.
8. Brecca Carter—She stated that the City of Stockbridge, Henry County, and Clayton County are working together to provide a beautification project on Highway 138 West/Lake Spivey Parkway. Further, the City has a new Police Department.
9. Ryan Oros—He stated that GDOT limits the ability to install another traffic light so close to the existing traffic light at Spivey Road.
10. David Planchon—He stated that the traffic light would stay green unless someone is turning left out of the project site.
11. Tyler McSwain—He chatted that deceleration and acceleration lanes would be provided along Lake Spivey Parkway.

BOARD ACTION —Chairman Abdullah closed the public hearing and asked for a motion on the proposed rezoning. David Planchon motioned to accept the proposed project as planned. Stanley Dumas seconded the motion, to include the zoning conditions which Ms. Logan identified. A vote was taken, and the motion was unanimously approved as a recommendation to City Council.

B. COMPREHENSIVE PLAN AMENDMENT CASE #CP-2022-01 -- Remi Rose Development, LLC, the Applicant, represented by Battle Law, P.C., the Agent, requests the changing of the Future Land Use Designation of certain property from 'Low-Density Vertical Mixed-Use' to 'High-Density Residential' to allow for a mixed-use development. The property contains two parcels, as are listed below, with 68.87 +/- total acres within the Stockbridge City Limits.

- Parcel #012-01003000 – The smaller parcel. Contains 3.131 +/- acres and comprises the property at 1036 Highway 138 West, across from Spivey Road. Located in Land Lot 55 of District 12.
- Parcel #012-01002000 – The larger parcel. Contains 65.743 +/- acres. Situated adjacent to the western side of the smaller parcel, with frontage on Highway 138 West, across from Tributary Parkway. Located in Land Lot 42 of District 12.

PRESENTATION--Linda Logan gave a PowerPoint presentation of CP-2022-01. She briefly mentioned a few of the points which she had made in her presentation of RZ-2022-01, and she showed the location of the subject property on the City's Future Land Use Map. She then added the following key points:

1. The applicant's requested rezoning is not consistent with the City's Comprehensive Plan, and the land use designation change is necessary because:
 - a. The current land use designation does not allow the applicant's proposed large multifamily uses and commercial uses in separate buildings; and
 - b. The proposed densities would not be allowed under the existing land use designation.
2. The larger parcel's existing C-2 zoning and its proposed PUD zoning are not allowed under the property's existing Low-Density Vertical Mixed-Use designation.
3. There is no need to change the property's land use designation unless the property is rezoned for a development proposal.
4. Any approval of CP-2022-01 must be contingent upon the simultaneous approval of RZ-2202-01.
5. No other properties in the vicinity have the requested High-Density Residential land use designation, but the subject property is nevertheless suitable for this designation due to the following:
 - a. Its large size, whereby the requested High-Density residential designation would not represent a "spot" designation in the surrounding area;
 - b. Its location along a State highway, making it suitable for high-density development;
 - c. Its proximity to a large C-3 zoning district on its eastern side, where major commercial uses could be developed; and
 - d. Its proximity to a low-density use (single-family detached residential) on only one of its sides.
6. Due to the location of the subject property along a State highway, as well as its large size, it is unlikely that the types of land uses that are intended for areas having the Low-Density Vertical Mixed-Use designation would actually be developed on this property.
7. The requested Comprehensive Plan Amendment would be necessary and desirable for the subject property in conjunction with the requested rezoning to allow for the proposed mixed-use development.
8. The Planning and Zoning Staff recommends the APPROVAL of CP-2022-01 to change the property's land use designation from 'Low-Density Vertical Mixed-Use' to 'High-Density Residential'.

PUBLIC HEARING—Chairman Abdullah opened the public hearing. Troy Findley chatted a procedural question, wondering if the case would be going to City Council; and stated his opposition to the project. No one spoke in favor of the project. Chairman Abdullah closed the public hearing.

BOARD ACTION—Kathleen Nelson motioned to approve CP-2022-01, and David Planchon seconded the motion. A vote was taken, and the motion was unanimously approved.

IX. PROJECT UPDATES

To be presented by the Community Development Staff. No action is required.

Brecca Carter, Community Development Director, stated that copies of the City's new Unified Development Code (UDC) have been made and distributed to Planning Commission members, and that a new Staff Directory has been prepared to reflect recent staffing changes within the Community Development Department.

X. STAFF COMMENTS

To be presented by the Community Development Staff. No action is required.

Brecca Carter, Community Development Director, provided the following information:

- 1) Community Improvement District (CID) --Some property owners, including Jay Kresses and Larry Wilensky, are considering the establishment of a Community Improvement District (CID) along Highway 138/Lake Spivey Road within the City, where business owners would tax themselves for various infrastructure improvements to be made within the District. This is a joint initiative between the City of Stockbridge, Henry County and Clayton County.
- 2) Major City Annexation--The City of Stockbridge has proposed a major annexation of unincorporated land into the City, whereby some 6,600 new residents would become citizens of the City. A referendum has been approved by the State Legislature and a vote will be made by those residents during the November 8, 2022 General Election. A Public Engagement Meeting was held on June 2, 2022 at the Merle Manders Conference Center, where presentations were made to citizens on the possible benefits of annexation to them.
- 3) Comprehensive Plan Update--The five-year update of the City's Comprehensive Plan is required to be completed next year by the Atlanta Regional Commission, and the City will begin working on the update soon. As part of that effort, an alignment with the specifications of the City's new Unified Development Plan (UDC)—specifically its new zoning districts—will need to occur.
- 4) Public Information--The Community Development Department is in the process of preparing a newsletter and reports.

XI. BOARD COMMENTS

Chairman Abdullah stated that having copies of the new Unified Development Code (UDC) has been helpful and engaging. Kathleen Nelson asked for prayers for the recent national tragedies involving shootings, as did Chairman Abdullah.

XII. ADJOURNMENT

Stanley Dumas made a motion to adjourn the meeting, and the motion was seconded by Kathleen Nelson. The meeting was adjourned at 7:34 p.m.



Overview



Legend

- Parcels
- Roads

Parcel ID	071-01025021	Class	R	Owner	MRM AND SONS INC	Land Value:	\$85,800				
Property Address	PEACH DR	Acreage	0.84	Address	2377 HUNT CREST WAY	Building Value:	\$0	Last 2 Sales			
District	City/Stockbridge				LAWRENCEVILLE GA	Misc Value:	\$0	8/6/2021	\$85,800	n/a	Q
					30043	Total Value:	\$85,800	n/a	\$	n/a	n/a

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

Date created: 5/24/2022

Last Data Uploaded: 5/24/2022 2:04:13 AM

Developed by  **Schneider**
GEOSPATIAL

CONDITIONAL USE



City of Stockbridge

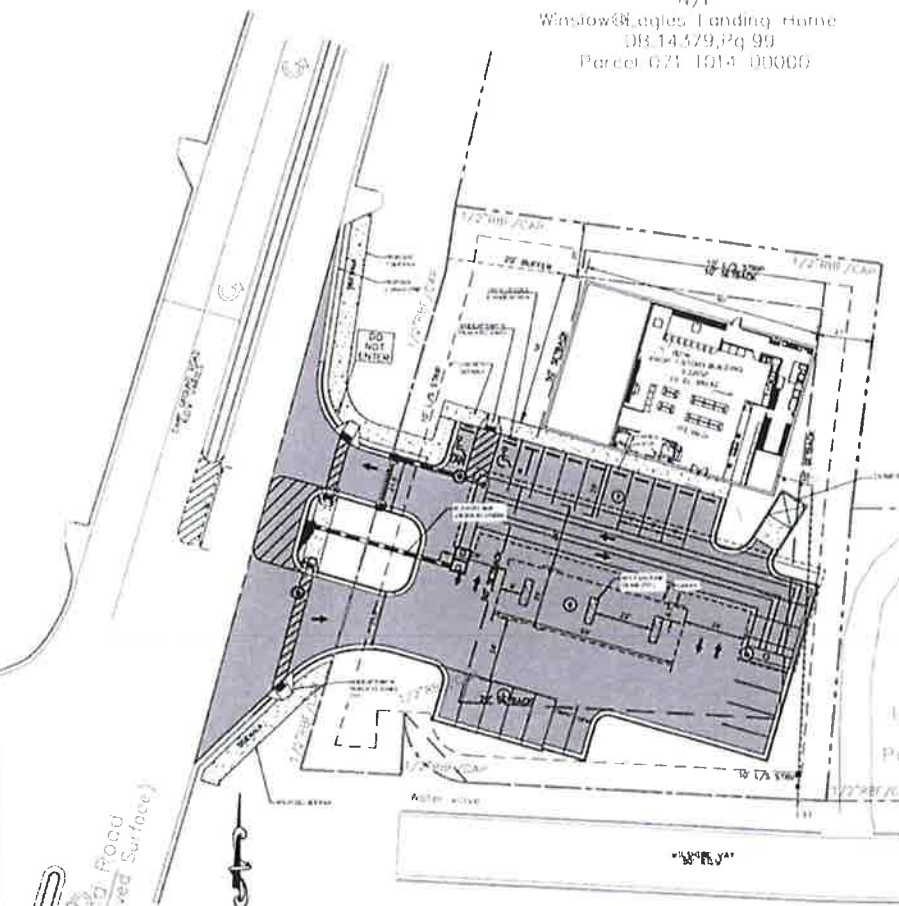
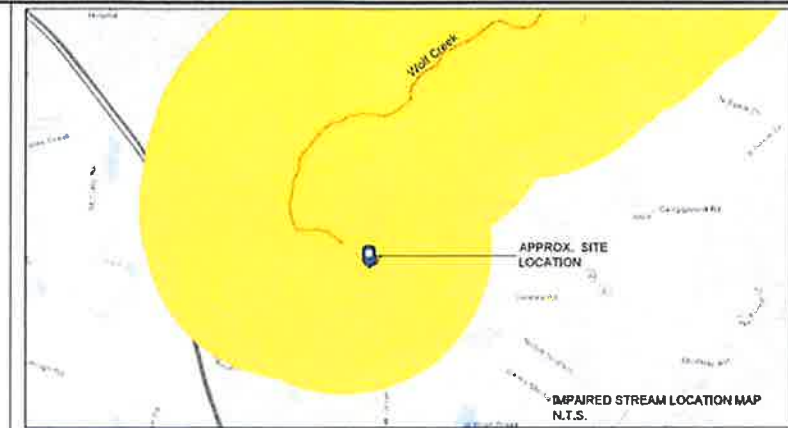
CONDITIONAL USE PERMIT FOR AUTOMOBILE
GASOLINE SALES IN A PUD / C-2 DISTRICT

**VIRTUAL PLANNING COMMISSION MEETING--
JUNE 23, 2022 AT 6:30 P.M.**

**IN-PERSON CITY COUNCIL MEETING--
JULY 11, 2022 AT 6:00 P.M.**

SEE CITY WEBSITE FOR ZOOM MEETING LINK.
FOR FURTHER INFO, CALL: (770) 389-7900.
REMOVAL OR DEFAACEMENT OF THIS SIGN IS UNLAWFUL.

N/I
Winstow, Eagles Landing Home
DB 14,579, Pg 99
Parcel 071 1014 00000



N/F
Luisa L. Ortiz-Davila
DB 13,760, Pg. 110
Parcel 071 10118 5000

N/F
Luisa L. Ortiz-Davila
DB 13,760, Pg. 110
Parcel 071 10118 5000

Wilshire Way (Paved Surface)
(50' R/W - PB.60, Pg. 231)

DEVELOPMENT STANDARDS FOR C-2 ZONING

MINIMUM LOT AREA	10,000 SF
STREET - FRONT	30 FT
STREET - SIDE	30 FT (NOT 91 FT CORNER LOTS)
STREET - REAR	20 FT
MINIMUM BUILDING HEIGHT	20 FT
YARDSTORY BUFFER	20 FT
MINIMUM PARKING SPACES	1 SPACE PER 100 SF (MAX 3 SPACES)
MINIMUM HANDICAP SPACES	1 SPACE PER 100 SF (25 SPACES)
MINIMUM GREEN SPACE	125 SQ FT INCLUDING BUFFER
SHADED LOT COVERAGE	10%

PARKING & DRIVEWAY STANDARDS

40'-0" WIDE	20 FT	100 FT
30'-0" WIDE	10 FT	50 FT
20'-0" WIDE	5 FT	25 FT
COMPACT DRIVE	10 FT	50 FT
DRIVEWAY TO SIDE	10 FT	50 FT
ONE-WAY DRIVE	10 FT	50 FT
DRIVEWAY TO SIDE	10 FT	50 FT

PERMIT DATA

ZONE	C-2
LOT AREA	5,000 SF
REQUIRED PARKING (50' R/W)	30 SPACES
PARKING - REQUIRED	21 SPACES
PARKING - COMPACT	2 SPACES
PARKING - HANDICAP	2 SPACES
TOTAL PARKING PROVIDED	25 SPACES
MINIMUM GREEN SPACE	125 SQ FT
SHADED LOT COVERAGE	10%
LOT COVERAGE (25,000/20,000) 50%	



OWNER/DEVELOPER

Company - MRM & Sons
Address - 2177 Huntswood Way
Lawrenceville, GA 30044
Contact - Syd McInish
Phone - (770) 363-5241
email - glennsonson@aol.com

24-HOUR CONTACT

Name - Syd McInish
Phone - (770) 363-5241

Site Design Engineer

Civitech Consulting, LLC
1221 Grant Forest Circle
Ellenwood, GA 30294
Contact - Sam McInish, P.E.
Ph 770-756-4699
email - smcintosh@civitechconsulting.com

IMPAIRED STREAM NOTE

This site is within a 100' of a POTENTIAL IMPAIRED STREAM (as shown on the attached waterbody map of the relevant stream section).

PLANNING STUDY NOTES

THE SITE PLAN INDICATES POTENTIAL WATER SERVICE LINES AND SANITARY SEWER LATERALS AT 10' DEPTH. THESE LINES MAY BE REQUIRED TO BE INSTALLED BY A QUALIFIED LICENSED WATER PLUMBER. THE PLUMBING INSTALLATION SHALL BE IN ACCORDANCE WITH ALL APPLICABLE PERMITS AND REGULATIONS. THE PLUMBING INSTALLATION SHALL BE IN ACCORDANCE WITH ALL APPLICABLE PERMITS AND REGULATIONS. THE PLUMBING INSTALLATION SHALL BE IN ACCORDANCE WITH ALL APPLICABLE PERMITS AND REGULATIONS.

SITE PLAN



DATE	10/14/2014
BY	SMC
CHECKED BY	SMC
APPROVED BY	SMC

CIVITECH CONSULTING, LLC
2221 CHERRY CREEK DRIVE
ELLENWOOD, GA 30294
TEL 770-756-4699

PEACH DRIVE SERVICE STATION
108 PEACH DRIVE
STOCKBRIDGE, GA



PROJECT NO.	10118-5000
DATE	10/14/2014
BY	SMC
CHECKED BY	SMC
APPROVED BY	SMC

NOT ISSUED FOR CONSTRUCTION



TO: Planning Commission

FROM: Gordon Linton, Planner I

CC: Brecca Carter, Community Development Director
R. Ryan Anderson, Chief Planner

DATE: June 23, 2022

Subject: #CU-2022-01 For 108 Peach Drive, Tract 2

I. PURPOSE

Consider a request for a conditional use permit to allow gasoline sales for property zoned PUD (Planned Unit Development District) with a 'C-2' (General Commercial District) sub-zoning. Application by MRM Sons, Inc.

II. BACKGROUND

Proposed Development	The applicant proposes to build a gasoline service station with a convenience store.
Site Address	The site has no assigned address.
Parcel Identification	The parcel number is #071-01025002. The subject property represents Tract 2 of a larger property of 108 Peach Drive, which was split due to construction of the Campground Road extension. The property lies on the east side of Campground Road, with the Winslow @ Eagles Landing to the rear.
Parcel Acreage	0.84 +/- acres
Applicant	MRM Sons 2377 Huntcrest Way Lawrenceville, GA, 30043 404-348-4881

Owner	MRM Sons, Inc. 2377 Huntcrest Way Lawrenceville, GA, 30043 404-348-4881
Historic District	N/A
Current Zoning	The property is zoned PUD (Planned Unit Development District) with a 'C-2' (General Commercial District) sub-zoning.
Zoning History	The property was part of a large tract that was annexed into the City on April 10, 2000, upon the request of David K. Williams of Killearn Properties. The property was assigned the zoning classification of PD (Planned Development District) with a C-2 (General Commercial District) designation. It maintained the classification upon its entry into the City.
Current Use	The property is vacant and is mostly wooded.

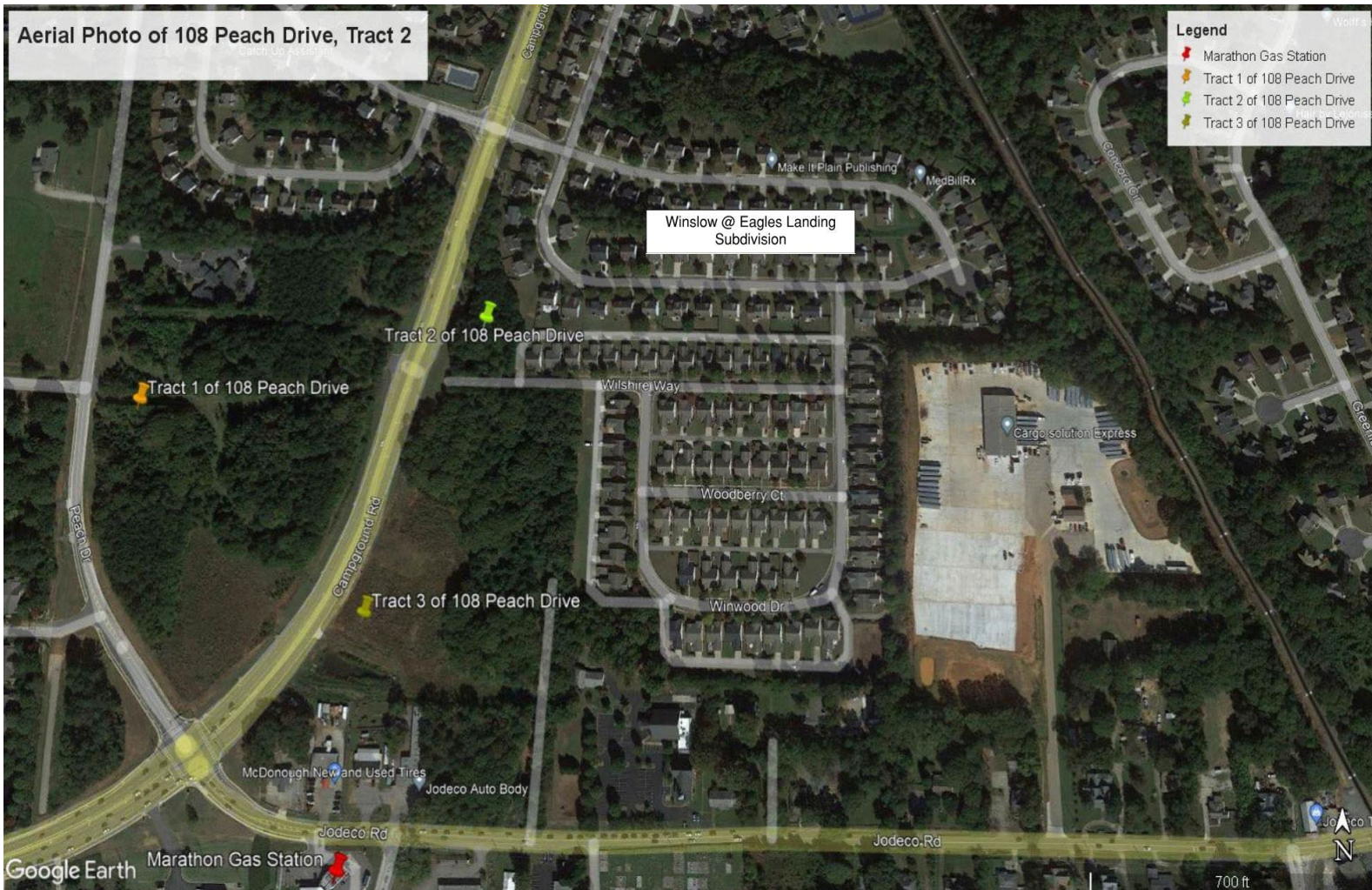
SURROUNDING LAND USE AND ZONING

Location	Existing Land Use	Existing Zoning
Property to the North	Winslow at Eagles Landing Subdivision	PUD (Planned Unit Development District)
Property to the South	Vacant Lot, representing Tract 3 of 108 Peach Drive	PUD (Planned Unit Development District)
Property to the East	Winslow at Eagles Landing Subdivision	PUD (Planned Unit Development District)
Property to the West	Vacant Lot representing Tract 1 of 108 Peach Drive	PUD (Planned Unit Development District)

III. FINDING OF FACTS

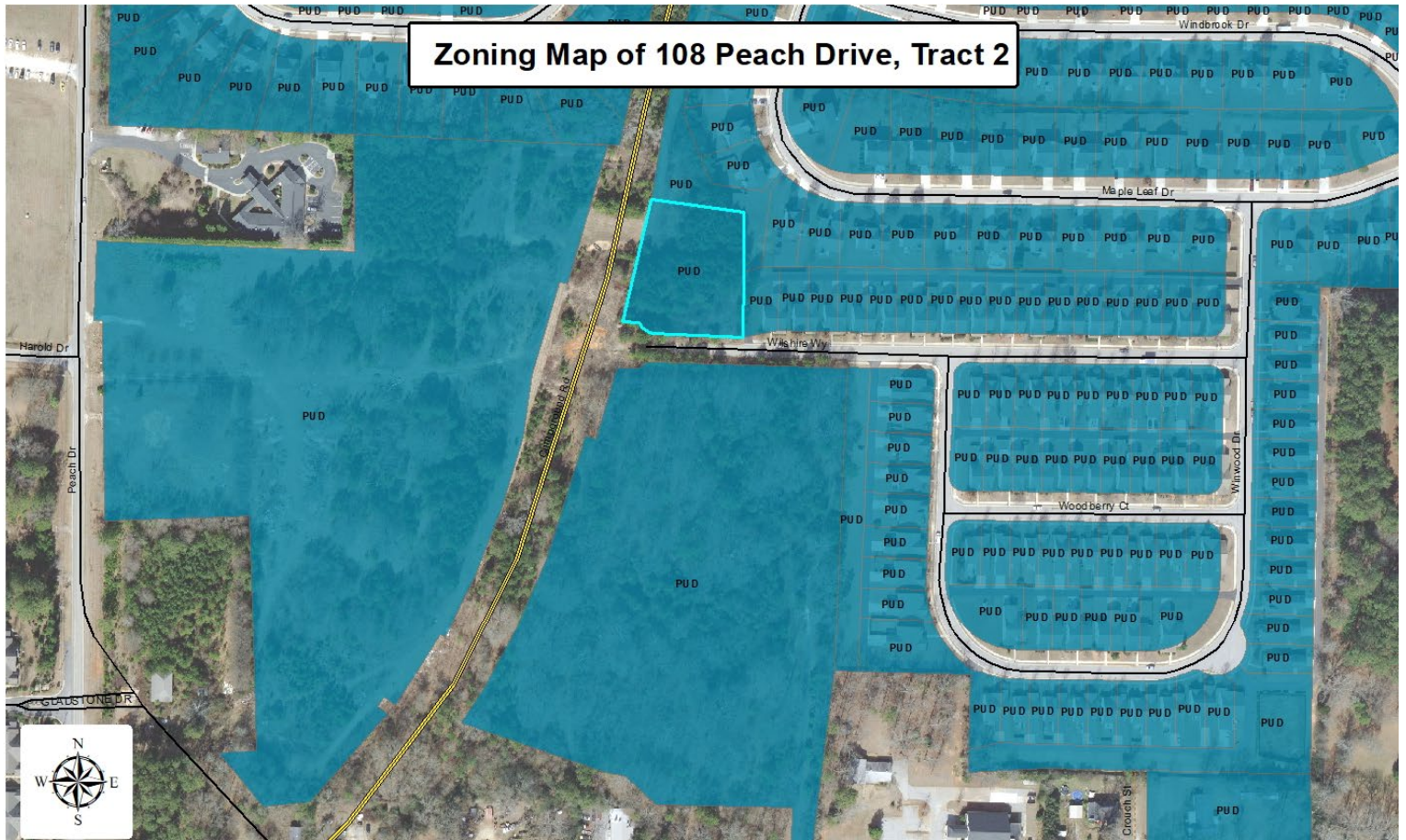
- The property has frontage on Campground Road and is located north of Wilshire Way, which is a dead-end street.
- The subject property is not part of the Parkway Mixed-Use Overlay District.
- The subject property is not a part of the adjacent Winslow at Eagles Landing Subdivision.
- The future land use designation of the subject property is Low-Density Residential since it is part of the 26.43 - acre tract that was rezoned to 'PD' on April 10, 2000.

IV. MAPS AND ILLUSTRATIONS

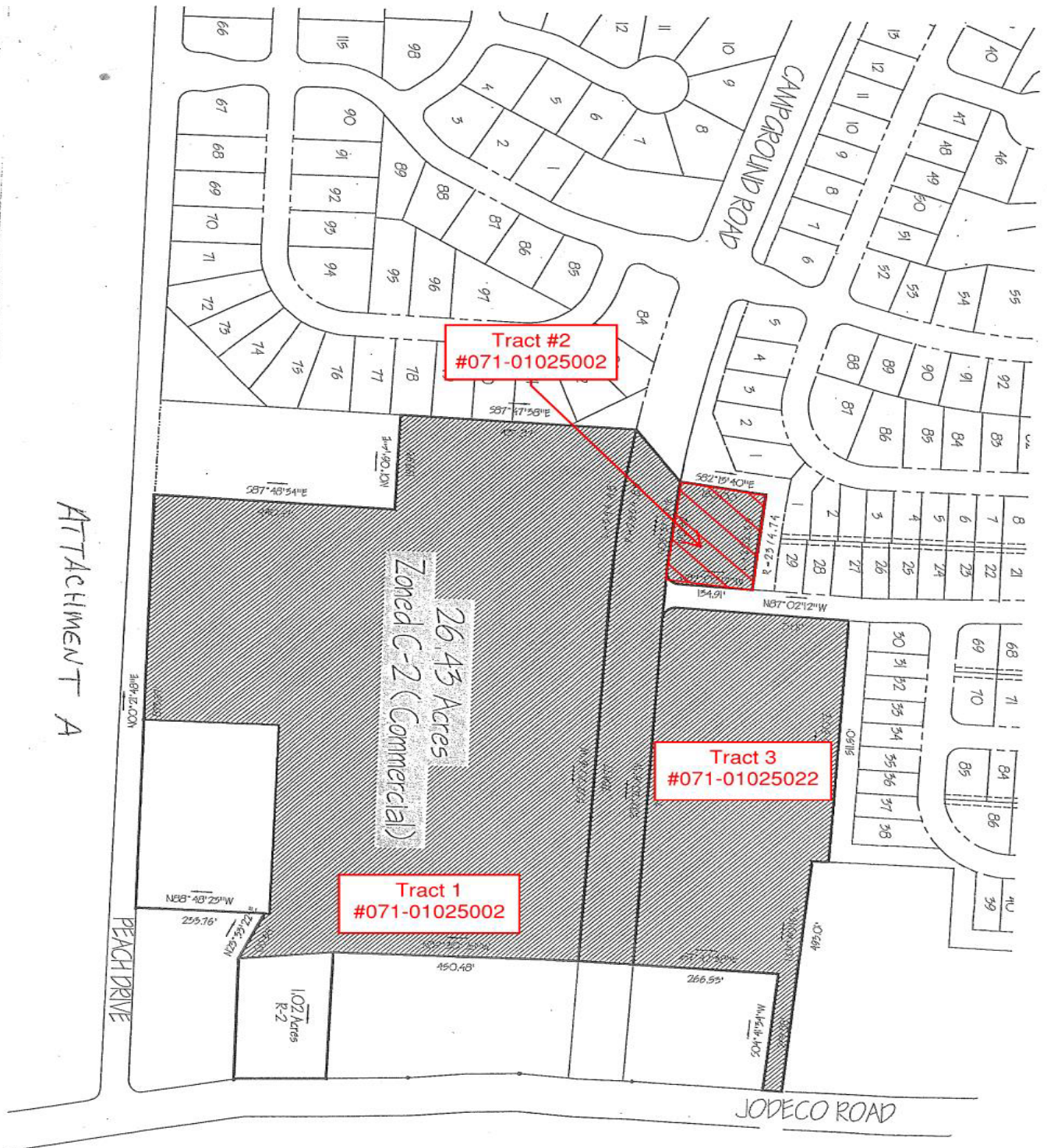


Aerial Photo of 108 Peach Drive, Tract 2

4



Zoning Map of 108 Peach Drive, Tract 2



Zoning Map of 108 Peach Drive with the C-2 Zoning when it was rezoned on April 10, 2000

V. ANALYSIS

Project Description

The applicant is proposing to build a gasoline service station with a convenience store. The subject property is zoned 'PUD' with a C-2 (General Commercial District) designation. The Stockbridge Unified Development Code allows gasoline service stations to be built within a C-2 zoning with the approval of a conditional use permit and several supplemental standards listed below.

UDC Development Regulations Relevant to Request:

- Section 3.2.14 – Gasoline Service Stations.
- Section 9.2.4 – Requirements for Conditional Use Permit
- Section 9.2.5 – Use Permit Considerations.

Staff Analysis

Section 3.2.14 – Gasoline Service Stations

- a. **Section 3.214 (C) of the Stockbridge Unified Development Code states that gas stations must maintain a separation distance of 4,500 linear feet. The proposed location of the applicant's proposed use for a gasoline service station with a convenience store is approximately 0.3 miles from an existing gas station, located at 3656 Jodeco Road.**

Section 9.2.4 Requirements for Conditional Use Permits provides the following criteria for granting a Conditional Use Permit from the City of Stockbridge Unified Development Code (UDC) requirements.

- a. **The proposed use shall not cause traffic congestion or conditions that will adversely affect nearby properties.**
- **The proposed use has the potential to generate an increase in traffic congestion in an area that may not currently experience much traffic.**
- b. **The physical conditions of the site, including topography, drainage and size and shape, are suitable for the proposed development.**
- **The property is currently vacant and would not be able to accommodate the proposed use without the need of variances. The property is small in size and width.**
- c. **Adequate public facilities are available to serve the proposed use.**
- **A letter from the Henry County Water and Sewerage Authority, dated June 10, 2022 states the County and water services are provided to the subject property.**
- d. **The applicant has made a binding agreement for any specific limitations or conditions necessary to protect the public interest and assure the continued beneficial use and enjoyment of nearby properties or that no special limitations are necessary to protect the public.**
- **Staff is not aware of any binding agreement for specific limitations or conditions.**
- e. **The conditional use with specific limitations and design features as may have been required will further the aims of the comprehensive plan and will not be unduly detrimental to nearby**

properties.

- The request is to allow a gas station with a convenience store to be built within the PUD zoning district with a C-2 zoning classification. The Stockbridge Unified Development Code allows gasoline service stations to be built within a C-2 zoning with the approval of a conditional use permit. The proposed use should have minimal impacts on the nearby properties.

Section 9.2.5. Use Permit Considerations provides the following criteria for granting a Use Permit from the City of Stockbridge Unified Development Code (UDC) requirements. In the event of the public health, safety and welfare, the city council may exercise limited discretion in evaluating the site proposed for a use which requires a use permit. In exercising such discretion pertaining to the subject use, the city council shall consider each of the criteria listed below. In exercising such discretion, the analysis of these factors is included below:

- 1) **Whether the proposed use is consistent with the comprehensive land use plan adopted by city council;**
 - The subject property's future land use designation is Low Density Residential since it was part of the 26.43 tract that was rezoned to PD.
- 2) **Compatibility with land uses and zoning districts in the vicinity of the property for which the use permit is proposed;**
 - The proposed use is compatible with the other land uses and zoning districts in the vicinity area. The other surrounding parcels are part of the 26.43 tract that was rezoned from 'PD' in Henry County to 'PD' in Stockbridge with a 'C-2' designation.
- 3) **Whether the proposed use may violate local, state and/or federal statutes, ordinances or regulations governing land development;**
 - The proposed use will violate the local, state, or federal statutes, ordinances or regulations governing land development. Section 3.214 (C) of the Stockbridge Unified Development Code states that gas stations must maintain a separation distance of 4,500 square feet. The proposed location of the use for a gasoline service station with a convenience store is approximately 0.3 miles from an existing gas station, located at 3656 Jodeco Road. Therefore, it is in violation.
- 4) **The effect of the proposed use on traffic flow, vehicular and pedestrian, along adjoining street.**
 - The proposed use has the potential to generate an increase in traffic congestion in an area that may not currently experience much traffic.
- 5) **The location and number of off-street parking spaces;**
 - According to the current site plan, the proposed building is 5,220 square feet with 26 parking spaces. Section 4.8.5 of the Stockbridge Unified Development Code states the number of parking spaces that the proposed use of a gasoline service is required to have 5 parking spaces per 1,000 square feet. Section 4.8.5 requires the building to have approximately 26 parking spaces. Therefore, there are enough proposed parking spaces.

6) The amount and location of open space;

- The size of the parcel is not sufficient to build the proposed gas station with the convenience store. Therefore, a variance is required.

7) Protective screening;

- A solid wall or solid fence not less than 6 feet in height will be required to be built as stated in Section 3.214 (D) of the Stockbridge Unified Development Code.

8) Hours and manner of operation;

- The gasoline service station will be operated on a 24-hour basis.

9) Outdoor Lighting; and

- There is sufficient lighting at the proposed location.

10) Ingress and egress to the property

- The applicant has both adequate ingress and egress since it is located on Campground Road.

Summary of Impacts/Concerns

Fire Marshal	The Fire Marshall requires two entrances into the property. He will need to determine whether it is acceptable to have two driveways so close together, and whether an emergency exit is needed off Wilshire Way.
Henry County Water and Sewer	A letter from the Henry County Water and Sewerage Authority, dated June 10, 2022 states the County and water services are provided to the subject property.

VI. STAFF RECOMMENDATION

Since gas stations must be separated by 4,500 linear feet, and since another gas station is approximately 1,000 linear feet from the subject property (located at 3656 Jodeco Road), gasoline service sales may not be allowed on the subject property.

Staff recommends **DENIAL** of the applicant's request to allow gasoline service sales at the subject property.

City of Stockbridge Planning and Zoning Division
Conditional Use Permit Application

Name of Applicant MRM & Sons, Inc. (c/o Jon W. Jordan) Phone: 404-348-4881 Date: May 2, 2022
Address Applicant: 2377 Huntcrest Way Fax _____ Cell # _____
City: Lawrenceville State: GA Zip: 30043 E-mail: jon@hnmhwlaw.com
Name of Agent Jon W. Jordan (Hecht Walker Jordan, P.C.) Phone: (404) 348-4881 Date: May 2, 2022
Address Agent: 205 Corporate Center Dr., Suite B Fax (678) 884-1257 Cell # (770) 990-3135
City: Stockbridge State: GA Zip: 30281 E-mail: jon@hnmhwlaw.com

THE APPLICANT NAMED ABOVE AFFIRMS THAT HE OR SHE IS THE OWNER, OR AGENT OF THE OWNER, OF THE PROPERTY DESCRIBED BELOW, AND IS REQUESTING A VARIANCE FOR THE PROPERTY.

Conditional Use Permit(s) being requested Gasoline Service Station
with Convenience Store

The property will be POSTED with a City of Stockbridge Planning and Zoning Sign. The sign must remain on the subject property for no less than fifteen days prior to either Planning Commission or City Council meeting(s). The applicant or property owner shall not remove or alter the sign for any reason.

Acknowledgement

Address of Property: 108 Peach Drive, Stockbridge, GA

Nearest intersection to the property: Camp Ground Rd. & Wilshire Way
(Street Address)

Size of Tract: 0.84 acres acre(s). Land Lot Number(s): 64 District(s): 7

Property Tax Parcel Number(s): 071-01025002 (Required)

Witness Signature _____

Signature of Applicant _____

Printed Name of Witness _____

MRM & Sons Inc. c/o Jon W. Jordan, Esq.

Printed Name of Applicant _____

Signature of Agent _____

Signature of Agent _____

NOTARY STAMP:



(For Office Use Only)

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

Application checked by: _____ Date: _____ Map Number(s): _____

Pre-application meeting: _____ Date: _____

Planning Commission Decision: _____

City Council Decision: _____

Community Development Director's Signature: _____ Date: _____

Applicant Campaign Disclosure Form

(Must be completed by the applicant, the property owner, and the agent. Use as many forms as needed.)

Has the applicant made, within two (2) years immediately preceding the filing of this application for a conditional use permit, campaign contributions aggregating \$250 or more, or made gifts having in the aggregate a value of \$250 or more to a member of the City of Stockbridge Planning Commission or Stockbridge City Council who will consider the application? Yes _____ No XXX

If **Yes**, the applicant and the attorney representing the applicant must file the following information with the City of Stockbridge Planning and Zoning Division within ten (10) days after this application is first filed:

Planning Commissioner and/or City Council Member Name	Dollar Amount of Campaign Contribution	Description of Gift \$250 or greater, which was given to Board Member

We certify that the foregoing information is true and correct, this 28th day of April, 2022

MARM'S Sons, Inc. (c/o JON W JORDAN)
Applicant's Name - Printed

[Signature]
Signature of Applicant/Property Owner/Agent

JON W JORDAN, ESQ.
Applicant's Attorney, if applicable - Printed

[Signature]
Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this 28th day of April, 2022



[Signature]
Notary Public

* Applicant means any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association, or trust) applying for a variance.



**CONDITIONAL
USE**

 **City of Stockbridge**

CONDITIONAL USE PERMIT FOR RESIDENTIAL DEVELOPMENT
COUNCIL DISTRICT 10A & 10B (C-1000000)

VIRTUAL PLANNING COMMISSION MEETING—
JUNE 23, 2022 AT 6:00 P.M.

IN-PERSON CITY COUNCIL MEETING—
JULY 11, 2022 AT 6:00 P.M.

ALL CITY RESIDENTS ARE INVITED TO ATTEND
AND PARTICIPATE IN THE MEETINGS.
MEETINGS WILL BE HELD AT THE STOCKBRIDGE
MUNICIPAL CENTER, 100 N. MAIN ST., STOCKBRIDGE, GA.







Henry County Water Authority
Engineering Division

June 10, 2022

Re: Water and Sewer Services - Availability

Proposed Development: **Gas Station/Convenience Store**

Property Information: **108 Peach Drive Parcel No. 071-01025021**

LL 64; District 7; 0.84+/- acres

Zoning: **C-2 with Conditional Use Permit**

Sewer Basin: **Walnut Creek**

Watershed Basin: **Big Cotton Indian**

TO WHOM IT MAY CONCERN:

You have requested that this Authority provide you with information concerning the present availability of water and sewer services to the above-described property. This letter is being provided for informational purposes only and will not act to reserve water capacity to you or the property and will not create any liability to the Authority. The information contained in this letter will remain in effect for a period of **365** days from the date of this letter unless subsequently notified in writing by the Authority. The information provided herein is based upon the above-stated zoning of the property. Any deviation in zoning that would increase density or usage above that evaluated by the Authority will automatically void the information provided herein and will require a separate re-evaluation by this Authority.

Water service is currently available to the property described above. A fire flow test conducted in the area revealed the following data:

Static:	89	psi
Residual:	49	psi
Flow	1060	gpm
Calculated Flow @ 20 psi:	1422	gpm

As shown, these results are above the minimum adopted standards of 20 psi residual pressure at 1000 gpm for said proposed conditional use as established by the Henry County Board of Commissioners.

Sewage treatment and sewer line capacity are available for the property.

The Authority provides water and sewer services where capacity is available on a first-come, first served basis. Each customer, developer, and property owner must also comply with the rules, regulations, and ordinances of the Authority.

The Authority will reevaluate the availability of water and sewer services to the property at the time that the development plans are submitted. If there are any additional requirements, or if water or sewer capacity is not available, you will be notified in writing.

This letter was prepared with information submitted to HCWA on a Utility Plan dated 06/03/2022 prepared by CIV Tech Consultant, LLC.

Scott Sage, P. E.
Engineering Division Manager
Henry County Water Authority